

United Nations
**GENERAL
ASSEMBLY**

TWENTY-SEVENTH SESSION

Official Records



**SIXTH COMMITTEE, 1356th
MEETING**

Thursday, 9 November 1972,
at 3.20 p.m.

NEW YORK

Chairman: Mr. Erik SUY (Belgium).

AGENDA ITEM 92

Measures to prevent international terrorism which endangers or takes innocent human lives or jeopardizes fundamental freedoms, and study of the underlying causes of those forms of terrorism and acts of violence which lie in misery, frustration, grievance and despair and which cause some people to sacrifice human lives, including their own, in an attempt to effect radical changes (continued) (A/8791 and Add.1 and Add.1/Corr.1, A/C.6/418 and Corr.1, A/C.6/L.850, A/C.6/L.851, A/C.6/L.866)

1. Mr. PINTO (Sri Lanka) said that his Government was profoundly concerned at the current increase in violence throughout the world and would associate itself with any just measures to eradicate it and its causes. The Secretary-General had shown himself fully aware of the complex problems involved. There were no easy solutions; the first difficulty was that of terminology. The expression "international terrorism" lent itself to subjective interpretations and must be defined before such terrorism could be condemned. It was significant that the word "terrorism" had come to be used in English primarily as referring to government by intimidation. That did not appear to be the connotation covered by the item. Terrorism was primarily a tactical device and not simply the use of violence. It consisted in the systematic threat or use of violence to break the will to resist of those against whom it was used. The impact was both psychological and physical. Terror used for simple personal gain was punishable under the domestic laws of every State without exception.

2. What the Sixth Committee had to consider were acts of terrorism designed to achieve political objectives. An act of terrorism in that sense had been described as a symbolic act designed to influence political behaviour by extra-normal means entailing the use or threat of violence. A distinction could be made between agitational terror, used by those aspiring to power, and enforcement terror, used by those defending it. The item under consideration had to do with agitational terror. Terror in that sense was a remedy of last resort, those practising it having vainly invoked every legal and political remedy. There were two forms: first, direct action against the State power or ruling class in order to induce fear, despair or the granting of the concessions sought; and second, indirect action in the nature of symbolic acts designed to mobilize public opinion and to induce third parties with influence on those in power to exert sufficient pressure to bring about the changes desired.

Agitational terror as direct action would normally take place within the territory of the State against which it was directed. Indirect or symbolic acts of terrorism were frequently carried out on foreign soil. The Committee's primary concern was with the latter.

3. The only reason why the Committee was required to examine the problem was that if foreign elements were associated with an act of terrorism—whether through the perpetrator, the victim or the act itself—they gave it an international character. Such terrorism was always politically motivated. The political objective might itself be legitimate and even laudable, and the terrorist's motives of a noble order. For those reasons, the act of terrorism could not be viewed apart from the social and political context in which it arose, and it would be quite unrealistic even to attempt so to view it.

4. It would be a fundamental error to confuse terrorism and piracy. The essence of piracy was the total absence of State backing and therefore of political motivation, and its very sterility gave it a status approximating to an international crime which all States had the right and duty to prevent and punish. Yet it was not too difficult to attribute political motivation to an act of piracy and so protect it completely from the operation of normal rules. The Secretary-General had himself acknowledged, by implication, that terrorism and its motives must be viewed and judged together, by disclaiming any intention to encroach upon principles enunciated by the General Assembly regarding colonial and dependent peoples seeking independence.

5. The duty of a State not to permit its territory to be used for carrying out acts of terrorism directed at another State was but one aspect of the general duty of non-interference in the internal affairs of another State that found expression in the *Panchaseela*—the five precepts governing international affairs to which Sri Lanka and many other Asian countries subscribed. But the performance of that duty would be qualified by the view taken by the State concerned of all the circumstances of a particular act of terrorism. If a terrorist was working with State A for the destruction of the régime in State B, the attitude of State A to the terrorist would be determined in the light of several factors relating to that régime—for example, its popular support, its respect for human rights and the fairness of its judicial system. State A's attitude towards the terrorist's activities would be determined by highly subjective value judgements. That in turn would seem to exclude regular dependence on a system of reciprocity, except in cases where the values of a group of States were closely similar. Where the States concerned

had no common system of values, the efficacy of one of international law's most reliable resources, namely, reciprocity, was diminished, if not destroyed.

6. In the search for measures to retard the current upsurge of terrorist acts, the Sri Lanka delegation would prefer to begin by seeking principles in relation to which the operation of reciprocity was unlikely to be inhibited. It might be practical to concentrate on the duty of a State to protect aliens within its territory by all means appropriate to the circumstances, and on its responsibility in the event of injury done to aliens, rather than on more delicate issues connected with the trial and punishment of the offender. On that basis, it might be recognized that a State had a special duty to protect foreign nationals likely to be targets for terrorist attack while within its territory or on board its ships or aircraft. That would involve the whole apparatus of physical protection. It was the Sri Lanka delegation's belief that such an approach, entailing in certain circumstances the obligation to indemnify the victim, could achieve far better results than international agreements regarding the punishment of terrorists.

7. The measures currently canvassed most vigorously, however, dealt mainly with the apprehension and punishment of the offender. Their essence was the principle of "extradite or punish", the efficacy of which would depend on the degree to which it acted as a deterrent. His delegation's view was that its deterrent effect would be minimal, because it would depend on the certainty of the performance of obligations and on the universality of its application. Since acts of terrorism would inevitably be assessed subjectively in the light of their motives, the operation of the extradite or punish principle would preclude an acceptable standard of efficiency; and given the controversial nature of the commitment involved, and the attitude of States generally to the acceptance of international commitments, it would be quite unrealistic to expect anything approaching universality.

8. In the search for solutions, therefore, it would be more profitable to study the physical protective measures that a State might be required to take, as well as other permissible enforcement measures and the question of indemnification; rather than elaborate legal mechanisms, which however well-intentioned might be doomed to failure.

9. The complexity of the issues was compounded by the fact that international law had evolved little by way of principles specifically related to the aspects of terrorism under consideration. That made it imperative not to embark on any serious study until States had had an opportunity to express their views. Accordingly, a necessary first step would be to obtain those views. The Sri Lanka Government would have no objection in principle to the establishment in due time of an *ad hoc* committee to study the problem of terrorism and its causes in depth, provided the idea was acceptable to the majority and the committee's terms of reference were satisfactory.

10. It would ill become the countries represented in the Sixth Committee—many of them born of violence that international society at the time might have characterized as terrorism—to condemn outright, and without reference to their motives and causes, acts of violence which were the ultimate weapon of the oppressed. On the other hand, Sri Lanka, dedicated to the Buddhist path of non-violence and love, could not remain aloof as international violence increased. It was categorically opposed to violence and terrorism in the national or international sphere carried on by groups or individuals out of touch with the needs and aspirations of the mass of the people and directed to destroying orderly, humane and democratic government.

11. His delegation did not share the view that the strength of the United Nations would be tested by the way in which it dealt with the subject of terrorism. There were far more critical issues on which to judge the Organization. One was compliance with decisions of the Security Council relating to the maintenance of peace and security in areas plagued by continuing colonialism, racism and aggression. Another was negative voting in the Security Council that stultified the will of the overwhelming majority of States. Yet another was the narrowing of the gap between the living standards of the Organization's poorer and more affluent Members. Those were the real causes of violence and the cancerous roots of terrorism. The United Nations should dedicate itself to the removal of those causes rather than to the suppression of their physical manifestations. The most it could do in dealing with the subject of terrorism was to proceed slowly through the maze of national interests and aspirations. As with other problems, it could not move forward faster than the change in the outlook of its Members.

Letter dated 23 September 1972 (A/C.6/413) from the President of the General Assembly to the Chairman of the Sixth Committee, concerning agenda item 80* (continued)**

12. The CHAIRMAN announced that the Working Group on Legal Publications would resume its work on 13 November 1972. He recalled that several paragraphs of document A/C.6/L.862 had been the subject of comment by the USSR and Spanish delegations. If there was no objection, he would take it that, in accordance with its usual practice, the Committee decided to invite the representatives of Spain and the Soviet Union to join the Working Group during its review of the paragraphs in question.

It was so decided.

The meeting rose at 4 p.m.

*Publications and documentation of the United Nations:

(a) Report of the Secretary-General;

(b) Report of the Advisory Committee on Administrative and Budgetary Questions.

**Resumed from the 1343rd meeting.