



Chairman: Mr. Erik SUY (Belgium).

AGENDA ITEM 87

Representation of States in their relations with international organizations (continued)* (A/8753 and Add.1 and 2, and A/C.6/L.873, A/C.6/L.877, A/C.6/L.878)

1. Mr. LUKYANOVICH (Byelorussian Soviet Socialist Republic) said that during previous debates on the topic under consideration, many delegations had suggested that the draft articles on the representation of States in their relations with international organizations, contained in the report of the International Law Commission on its twenty-third session (A/8410/Rev.1),¹ should be discussed and adopted in the Sixth Committee. It had also been pointed out that at the twenty-eighth session of the Assembly, the Sixth Committee would be occupied with the discussion of the draft articles on the prevention and punishment of crimes against diplomatic agents and other internationally protected persons and that it would therefore be more realistic to consider the draft articles on the representation of States at the twenty-ninth session.

2. Draft resolution A/C.6/L.873, which he was introducing on behalf of the delegation of Costa Rica and his own, joined by those of Czechoslovakia and Madagascar, reflected the view of many delegations that the Sixth Committee, the members of which were highly qualified legal experts, was the most appropriate forum for the consideration of the draft articles in question. The draft resolution, based on General Assembly resolutions 2634 (XXV) and 2780 (XXVI), which had been adopted unanimously, reflected the need for further codification and progressive development of the rules of international law governing the representation of States in their relations with international organizations. In proposing in operative paragraph 2 that the item be considered at the twenty-ninth session, his delegation had taken into consideration the heavy work-load the Sixth Committee would have at the twenty-eighth session and the crowded calendar of international conferences.

3. Broadly-based consultations had preceded the submission of the draft resolution, and the sponsors hoped that it would enjoy wide support among the members of the Committee. The draft reflected the prevailing trend of

opinion and did not adversely affect the interests of any State.

4. He announced that the observer for Switzerland had requested that the following text be inserted as a new operative paragraph 2, the present paragraph 2 being renumbered accordingly: "Invites Switzerland as a host State to take part in the preparation and consideration of the draft convention in the General Assembly." He had consulted the other sponsors of the draft resolution, and the modification was acceptable to all of them. He hoped that the Secretariat would issue a revised version of the draft resolution, incorporating that modification and listing all the sponsors.²

Mr. Shitta-Bey (Nigeria), Rapporteur, took the Chair.

5. Mr. VRANKEN (Belgium), introducing draft resolution A/C.6/L.877 also on behalf of the sponsors, said that further discussion of the topic of the representation of States in their relations with international organizations in the Sixth Committee was unnecessary; the Committee's precious time might be more profitably spent on a number of other important and delicate legal problems with which the United Nations was concerned. The work that remained to be done on the draft articles was of a purely legal and technical nature and could best be accomplished by an international conference of plenipotentiaries. In reaching that conclusion, the sponsors had been prompted by three considerations in particular. First, although the Sixth Committee had had experience in elaborating the final text of a draft convention, it had not on that occasion been able to deal with the subject exhaustively from a legal point of view. Secondly, the text of the draft articles on the representation of States in their relations with international organizations consisted of more than 100 articles, and the Sixth Committee would need virtually an entire session if it was to consider the draft thoroughly. Thirdly, the subject of the draft articles was very complex and would require careful legal analysis in a dispassionate and non-political atmosphere. That could best be achieved at an international conference. The sponsors would welcome any constructive proposals to amend the draft resolution.

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

*Resumed from the 1344th meeting.

¹See *Official Records of the General Assembly, Twenty-sixth Session, Supplement No. 10, chap. II, sect. D.*

²Subsequently circulated as document A/C.6/L.873/Rev.1.

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 and Add.1, A/C.6/L.850, A/C.6/L.851, A/C.6/L.866 and Corr.1, A/C.6/L.867 and Corr.2, A/C.6/L.869, A/C.6/L.872, A/C.6/L.876)

6. Mr. DENG (Sudan) noted that the Committee had on the whole responded to the appeal of the Chairman of the Committee that the debate should take place in a calm atmosphere and should be as sober and non-political as possible. Delegations held divergent views on terrorism, some placing greater emphasis on the suppression of its symptoms and others on the diagnosis of the underlying causes in the hope of prescribing an effective cure. Most delegations, however, agreed that a distinction should be made between various forms of terrorism. As the excellent Secretariat study (A/C.6/418 and Corr.1 and Add.1) pointed out, some acts of terrorism were committed for ordinary criminal motives while others were political, often being intended to focus public attention and to coerce a State into a particular action. Others again were automatic outbursts in reaction to intolerable political, social, economic and other conditions. The first category posed no particular problems, since there was general agreement that such acts were criminal whatever social and economic conditions might be adduced to explain them. The other categories were more complex.

7. From the point of view of those in control of the established system, actions which tended to disturb the social equilibrium were essentially threatening and dangerous. When the means used was one which the system did not condone, such actions were regarded as criminal. In the view of those oppressed by the established system, however, any action against their oppressors was legitimate.

8. Most delegations which had spoken thus far in the debate had expressly recognized the right of oppressed peoples to liberate themselves. But the Sudanese delegation could scarcely fail to note that despite their often declared policy of support for the right of self-determination, the actual role played by the major Western Powers was that of committed support for colonialism and racism. The United Nations had failed to be fully effective in dealing with problems of decolonization precisely because those Powers were unwilling to enforce the decisions of the Organization. That being the case, those whose expectations had been frustrated could not in all conscience be blamed when they resorted to unconventional means of achieving their goal. People living in subjugation and lacking adequate means of fighting their adversaries usually felt compelled to use terrorist methods. The form of terrorism to which the Committee's attention had been particularly directed was politically motivated and was undertaken by people who felt themselves abandoned to the forces of oppression and were too weak to fight a conventional war against their oppressors.

*Resumed from the 1370th meeting.

9. His delegation did not entirely share the conclusion of the Secretariat study that international terrorism had a different character from revolutionary mass movements and that terrorist acts usually lacked any immediate possibility of achieving their proclaimed ultimate purpose. It was true that the long-term objectives of a terrorist movement were often ill-conceived or even obscure. Nevertheless, acts of terrorism were symptoms of social problems which urgently needed to be solved. Furthermore, terrorists quite often achieved some of their objectives even though they provoked a negative reaction. In reacting violently to unjust conditions, the oppressed usually opened the eyes of the oppressor. Thus terrorism was one means whereby the oppressed could communicate their grievances effectively to their oppressors.

10. Notwithstanding the tendency to differentiate between the national and international dimensions of the problem, there was an intrinsic similarity in the political, social and economic dynamics operating on both levels. An example was the domestic experience of the United States with respect to civil violence, which he mentioned merely to throw additional light on the nature of terrorism and its dynamics as an instrument for social change. In 1967, when the black communities of the United States had reacted violently to their conditions, there had certainly been a white back-lash, but a great deal of money had also poured into the ghettos to support programmes aimed at improving living conditions, with a view to preventing further violent outbursts.

11. The whole international community was responsible for the ills of the present-day world, and the terrorist, who made all Governments and all peoples potential targets of violent acts designed to redress his particular grievances, made the burden of that responsibility universally felt. By the same token, everyone had a vested interest in the prevention of terrorism. In that connexion, the former President of the United States, Mr. Johnson, referring to domestic violence in his country, had pertinently said that the only long-range solution lay in the wholesale attack on the conditions that bred despair and violence: ignorance, discrimination, slums, poverty, disease, not enough jobs; and those conditions should be attacked not out of fear of conflict but because there was no other way to achieve a decent and orderly society in America. Indeed, that seemed to be what the United States had been trying to do at the domestic level. Concerned by the increasing resort of citizens to violence, and aware of the complexities of the problem, two successive Presidents had, within the last few years, established three major commissions to investigate domestic violence. The establishment of those commissions had demonstrated a serious desire to gain a full understanding of the problem so as to be able to tackle it at the roots.

12. His delegation was not blind to the immediate concern of the world to protect itself from the dangers of terrorism. It was, however, worried about the attempts to exploit the item by those whose convictions were suspect. Fortunately the discussion had shown support for the point of view both of the innocent victims of terrorism and those oppressed

beyond toleration. Before any remedial steps were taken, a serious study must be carried out and a deeper understanding of the problem achieved. The adoption of criminal measures might amount to meeting terrorism with terrorism, the only difference being that one would be institutionalized and the other would be a reaction to the established order. The concern must be more with prevention than with punishment, particularly since threats of punishment were unlikely to deter a desperate terrorist. Acts of political terrorism were usually in the nature of suicide missions. To punish a man who was in such despair as to be prepared to sacrifice not only the lives of others but his own as well, was like punishing a man for attempted suicide.

13. Sudan had had experience with a kindred problem, where the differences between two regions of the Sudan had been exaggerated and common identity overshadowed by a colonial Power with a vested interest in the policy of divide and rule. After 17 years of bloodshed and accusations of terrorism on both sides, his Government had concluded an agreement with the so-called rebels recognizing their regional aspirations and mobilizing them in solidarity with their compatriots in the rest of the country. In that connexion, his country was profoundly grateful for the co-operation and assistance it had received from the United Nations, individual Governments and non-governmental organizations in its efforts to reintegrate the country.

14. Speaking from its national experience, his delegation's advice was to recognize the rights of the oppressed, to deal with them as equals, to respect their humanity, and to give them an adequate share in the established system. If that was done, there would be no more terrorism. Above all, there must be no reacting to the situation with passion. Any rules adopted must be based on established community expectations. A law that was ill-conceived could defeat its own purpose or become a dead letter. The Sudan would be pleased to contribute whatever it could and offer the benefits of its own experience. His delegation agreed that it would be a good idea for the Sixth Committee to focus its discussions during the present session on the problem of defining international terrorism and on the question of the procedure and organ which the United Nations should select to take the study of the phenomenon a stage further. As to the procedure to be followed, a thorough study was needed before it would be possible to devise constructive measures of prevention. In view of the political undertones of the problem, the study should reflect the viewpoints of Governments which were more in touch with the factual situations and on whose co-operation the implementation of any preventive measures would ultimately depend. Furthermore, the study of causes should precede the adoption of preventive measures. The problem of international terrorism should be faced in all its forms and the victims should be helped wherever they might be.

15. Mr. ESPEJO (Philippines) said that the decision to allocate the item to the Sixth Committee had indeed been wise, since that body was well equipped to deal with the legal and technical aspects, keeping the political and ideological aspects in perspective, and had already dealt

with two facets of the over-all problem, namely, the protection of diplomats and the safety of civil aviation. The Secretariat's background study (A/C.6/418 and Corr.1 and Add.1) and the six points in the Chairman's report (A/C.6/L.866 and Corr.1) had provided a constructive basis for the debate.

16. He recalled that the initiative taken by the Philippine delegation at the twenty-fifth session had resulted in the adoption of General Assembly resolution 2645 (XXV) on aerial hijacking with no dissenting votes, and that operative paragraph 1 of that resolution condemned without any exception whatsoever all acts of aerial hijacking or other interference with civil air travel. Hijacking was, of course, only one aspect of international terrorism; given the extension of the means of committing acts of violence and terrorism and the wider range of innocent targets and victims, including diplomats and other protected persons, it would be inconsistent not to condemn also all acts which could victimize innocent countries and persons. Indeed, the Philippine Minister for Foreign Affairs had expressed such a condemnation in his statement at the 2058th plenary meeting of the General Assembly, adding that the international community must accept at the same time the responsibility for renewing its efforts to settle the underlying disputes.

17. His delegation was glad that a convention on the protection of diplomats and other persons specially protected under international law would be considered at the twenty-eighth session of the General Assembly and welcomed the efforts of the United Nations system to deal with threats and attacks against international civil aviation. Yet all the conventions and resolutions adopted on the latter subject did not seem to have deterred the hijacking of civil aircraft: during 1972 alone, 140 air passengers and crew had been killed and 99 wounded in terrorist acts affecting 30 airlines of 14 countries, clearly indicating the need for further action.

18. Accordingly, his delegation was in favour of the earliest possible preparation of a convention on legal measures to combat terrorism. It believed, however, that convening a plenipotentiary conference to that end was premature and would support the proposal which had been made that the International Law Commission should be asked to consider the draft articles as a topic of the highest priority. Governments and specialized agencies concerned with the subject should be invited to submit their views in time for them to be considered by the Commission, and a plenipotentiary conference could be convened soon after the Commission had submitted its draft. At the same time, a parallel study of the underlying causes of terrorism should be conducted; although the subject was indeed complex, it should be possible to have at least a preliminary report ready for the twenty-eighth session.

19. With regard to measures at the national level, in June 1971 the Congress of the Philippines had approved Republic Act No. 6235 prohibiting certain acts inimical to civil aviation. Under the Act it was unlawful for any person to compel a change in the course or destination of an aircraft

of Philippine registry or to seize or usurp the control thereof and for any person to compel an aircraft of foreign registry to land in Philippine territory or to seize or usurp the control thereof while it was in that territory. Violators of those provisions were liable to imprisonment up to 20 years or to a fine of up to 40,000 Philippine pesos. Those penalties were increased when firearms or explosives were used or when the crime was accompanied by murder, homicide, serious physical injury or rape, the death penalty being applicable in extreme cases.

20. The Philippine Government had ratified the Convention on Offences and Certain Other Acts Committed on board Aircraft signed at Tokyo in 1963 and the constitutional processes of ratification were under way in respect of the Montreal Convention of 1971 and The Hague Convention of 1970. His delegation considered such instruments to be necessary and useful and hoped that other States could ratify or accede to them as soon as possible.

21. Mr. LUKYANOVICH (Byelorussian Soviet Socialist Republic) said that his country was opposed to international terrorism as a matter of principle. Lenin, the founder of the Communist Party had criticized the Social Revolutionary Party for its policy of "leftism" and individual terrorism, which was decisively rejected by Marxists. His country condemned such acts also because they hampered normal international relations and disrupted diplomatic activities, transport and communications; by threatening the lives and well-being of individuals, they were directed towards influencing the policy of a given State. His delegation condemned such acts, irrespective of whether they were directed against Soviet citizens or the nationals of other States. Furthermore, they complicated international relations and were liable to create a threat to peace.

22. It would be seen from the Secretariat study and from many statements in the debate that international terrorism covered attacks against diplomats and other representatives of States, the kidnapping of foreigners for purposes of extortion and blackmail and the hijacking of aircraft and seagoing vessels. Flagrant examples of such acts were the sniping at the Mission of the USSR in New York, the recent assassination of an Arab diplomat in Rome, attacks against Soviet establishments in the United States and criminal attacks by Zionist elements against Soviet artists touring that country. An analysis of hijacking, the most frequent form of terrorism, affecting the largest number of people, showed that most of the perpetrators were mentally unstable, adventurers or criminals, and sometimes acted for political reasons. Some offences in that category did not constitute international terrorism and were liable to prosecution and punishment in accordance with national legislation.

23. In the opinion of the delegation of the Byelorussian SSR international terrorism should be combated in two ways: by strengthening national legislation and by combining the efforts of as many States as possible. Terrorism should be declared a serious crime. The penal legislation of the Byelorussian SSR distinguished between domestic and international terrorist acts; the former were deemed to

mean the killing of or causing serious physical injury to a State or public official or a representative of authority in connexion with his activity and with a view to subverting or weakening Soviet rule; and the latter comprised killing or seriously injuring the representative of a foreign State—a head of State, member of the Government or parliament, representative of a State or public institution, foreign correspondent, member of a delegation or diplomatic agent—with a view to provoking war or international complications. Such offences carried a penalty of up to 15 years' imprisonment and could lead to the death penalty in the case of killing. It should be stressed that measures to combat terrorism at the national level could not be effective if an atmosphere of oppression and the cult of force and sadism prevailed in the country concerned.

24. International measures might consist in co-operation between States, the co-ordination of their activities and the adoption of instruments of international law, such as the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity, the Convention on the Prevention and Punishment of the Crime of Genocide, the Convention for the Suppression of Unlawful Seizure of Aircraft signed at The Hague, which his country had ratified, and the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation signed at Montreal, which his country had signed. The adoption of a convention on the protection of diplomatic agents and other internationally protected persons and its early entry into force would help to eliminate another important aspect of international terrorism.

25. With regard to the procedure to be followed, his delegation was convinced that the over-all problem should be entrusted to the International Law Commission, which should prepare a draft convention as a matter of priority and made a study of the underlying causes of international terrorism as set out in the title of the agenda item. The necessity for such a study had rightly been stressed by many speakers during the debate. The Commission's members, who represented the main civilizations and legal systems of the world, were highly qualified experts in international public law. Moreover, it was the Commission's task under its Statute to prepare draft conventions on questions not yet governed by international law; and the procedure would incidentally mean considerable saving for the United Nations budget.

26. His delegation considered that the study of measures to combat international terrorism should be based on three fundamental principles. In the first place, international terrorist acts should be declared to be serious crimes, carrying heavy penalties. Secondly, the principle *nullum crimen sine poena* should be applied in the strictest possible manner. Thirdly, the State in whose territory the criminal found himself must either punish him in accordance with its national legislation or extradite him to another State.

27. His delegation in principle supported the view that international terrorism should be defined, especially in view of the frequent attempts of imperialists and colonialists to

brand members of national liberation movements as terrorists. Such attempts would be frustrated by a clear definition which made an unequivocal distinction between terrorists and national liberation movements—recognized as legitimate in international law. No genuine revolutionary movement would resort to individual terror, since that would only weaken and discredit its cause. The Byelorussian SSR resolutely opposed the attempts made to confuse the issues and to strike a blow against the legitimate struggle of peoples for their freedom. It also condemned the policy of those States which censured international terrorism in the United Nations while themselves perpetrating mass armed terrorism in the Middle East and Indo-China and supporting the terrorist policies of Portugal, Southern Rhodesia and South Africa. The policy of intimidating the populations of occupied territories and of brutal armed oppression could only be regarded as international terrorism.

28. His delegation unequivocally condemned Israel's policy of aggression, expansionism and terror and supported the legitimate struggle of the Arab States for the elimination of the consequences of Israeli aggression and that of the Palestine Arabs for the restoration of their inalienable rights, recognized by the United Nations. The Israeli delegation's statement at the 1361st meeting and its letter to the Secretary-General (A/C.6/L.872) gave many delegations the impression that that delegation was concerned not with seeking measures to combat international terrorism but with whitewashing its own criminal acts against Arab Peoples and blackening the images of the Arab States. Those falsifications and slanderous attacks had been duly refuted by many speakers, and his delegation fully shared their indignation. On the other hand, it could not approve of the terrorist acts of certain elements of the Palestine movement, such as those which had led to the recent tragic events at Munich. Such criminal acts were detrimental to the national interests and aspirations of the Palestinians and were used by the Israeli criminals as a cover for their nefarious policy against the Arab peoples.

29. Mr. NALL (Israel), in exercise of the right of reply, wished to refer to the remarks made by the representative of Lebanon at the 1369th meeting. Although a sovereign State, Lebanon was to all intents and purposes a free zone for the activities of terrorist organizations. Lebanon was the only Arab State which had allowed other Arab Governments to formulate the conditions under which terrorists could operate in its territory. By signing the Cairo Agreement of 3 November 1969 with the head of the Palestine Liberation Organization, the Lebanese Government had in effect agreed to share its sovereignty with terrorist organizations in Lebanon. Under the Cairo Agreement, the principal guarantors of which were Egypt, the Syrian Arab Republic, Iraq and the Libyan Arab Republic, those organizations were allowed to maintain bases on Lebanese soil from which they conducted terrorist operations in Israeli territory and in foreign countries. Not only was the Agreement still in force, but it had been supplemented by additional agreements between the Lebanese Government and the terrorist organizations, enlarging the authority of the latter in Lebanon.

30. There were about 5,000 terrorists in Lebanon, distributed throughout the country but mostly in the southern part adjoining the Israeli border. They had their headquarters in Beirut but there were centres in most Lebanese towns and in all the refugee camps, which they virtually controlled. The terrorist organizations issued a number of daily and weekly publications in Lebanon and were granted the use of the Lebanese radio. Their main officials enjoyed diplomatic immunity, and the Lebanese Government had granted concessions and diplomatic protection to the terrorists' technical office and planning bureau.

31. Criminal acts by terrorists who crossed the border into Israel were an almost daily occurrence. Using hit-and-run tactics, the terrorists killed innocent people and caused damage to property; they had recently attacked a school bus and killed and wounded many of its occupants. Lebanon could hardly disclaim its direct responsibility for terrorist acts. The universal demand for ending Arab terrorism, wanton murder and air piracy should above all be directed to the Lebanese Government, which afforded every assistance to the terrorists in carrying out those activities.

32. The statement made by the representative of Mauritania at the 1370th meeting had been full of distortion, venom and pro-terrorist prejudice. Not a single word could be construed as encouraging Israel's Arab neighbours to open peace negotiations, nor had a single reference been made to Israel's repeated offer to open discussions on all outstanding matters. Israel, which had shown its objectivity in voting for Mauritania's admission to the United Nations, did not believe that world public opinion could be so easily deluded.

33. Mr. AKL (Lebanon), in exercise of the right of reply, said that the representative of Israel, in making his slanderous allegations against Lebanon, had been trying to throw up a smoke-screen to conceal the injustices and atrocities for which Israel was responsible. The attempt to depict the Palestinians as terrorists and murderers, and to accuse the Arab Governments, which daily witnessed the suffering of the Palestinian people and supported their legitimate struggle for the restoration of their inalienable rights, of disturbing international relations was a transparent effort by Israel to evade its own responsibility. The 300,000 Palestinians in Lebanon were there because the Zionists had deprived them of their land and refused to allow them to return, despite innumerable United Nations resolutions. Israel had expelled them by terrorist methods, atrocities, and was now using terrorism in the occupied territories to destroy the identity of the Palestinian people for all time, as was clear from the reports and resolutions of various United Nations bodies. Hundreds of Palestinians had been killed in the murderous raids carried out by Israeli aircraft against the Palestinian refugee camps. Israel made vile accusations against all who refused to be accomplices to its calculated policy of genocide. He challenged the representative of Israel to quote a single text of any United Nations organ which criticized Lebanon in any way. Israel had been the subject of repeated condemnations; yet it believed itself to be above all law and morality, invading Lebanese territory,

devastating Lebanese towns and villages and massacring innocent citizens. On the occasion of its most recent armed attack, in October 1972, it had not even troubled to devise a pretext for its action.

34. His delegation deplored all acts of violence which took innocent lives, and wished to denounce strenuously the calculated policy of official terrorism practised by Israel, which was seeking nothing less than the destruction of Lebanon and the satisfaction of expansionist desires. Lebanon, a country of freedom and tolerance and an example of harmonious co-existence between different communities, was the very negation of the principles on which Israel was based, namely, racism and discrimination.

35. Mr. NALL (Israel), in exercise of his right of reply, said that the Sixth Committee was not the proper forum for a discussion on the Middle East question and that he would therefore confine himself to denying all the allegations made by the representative of Lebanon. They would be refuted in greater detail in the appropriate committee at the appropriate time.

36. Mr. ARITA QUIÑÓNEZ (Honduras) appealed to all members to approach the question of international terrorism objectively without injecting emotional elements into the discussion. Honduras would unreservedly support all measures designed to eliminate terrorism, which was making its impact felt on many countries in the world and

was the subject of indignation and concern. The United Nations should take action against terrorism as a matter of urgency.

Organization of work

37. Mr. VELASCO ARBOLEDA (Colombia) asked what working method it was proposed to follow during the next two weeks in order to complete the Committee's agenda. The Committee had still to complete its consideration of the items on terrorism and representation of States and had not yet taken up the two very important questions of the review of the Charter and human rights in armed conflicts. He wondered whether consideration was being given to the possibility of holding night meetings.

38. Mr. SANDBERG (Sweden) emphasized the need to hold night meetings in order to ensure that the Committee completed its agenda. Failure to finish its work would harm the reputation of the Committee.

39. The CHAIRMAN said that he would accept full responsibility if the Committee failed to complete its agenda. At the following meeting, the Committee would consider the draft resolutions relating to representation of States and would thereafter take up the question of the review of the Charter.

The meeting rose at 5.10 p.m.