



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 and Corr.1, A/C.6/L.867)**

1. Mr. YASSEEN (Iraq) said that, although the importance and urgency of the problem of terrorism could not be denied, certain speakers in the debate had tended to exaggerate them. They had indeed maintained that the prestige of the United Nations depended on the solution of that problem; but there were many other questions on which that prestige depended, such as grave violations of the fundamental principles of the Charter, particularly of the prohibition of the use of force in international relations. Bombing in various parts of the world claimed as many victims in one day as terrorism did in a year. The Chairman of the Committee had urged it to conduct its debates on the question before it in an atmosphere of calm; but to be able to maintain that atmosphere the importance and urgency of the item must be placed in their proper perspective. Those who overstated them seemed rather to understate other questions which were much more important.

2. The Committee should not therefore allow itself to be rushed into hasty conclusions on a thorny and difficult question which clearly required mature reflection, since it entailed a revision of positive international law and national penal laws. Great patience and sober examination were the essential prerequisites of a viable solution.

3. Terrorism did not exist in positive international law. The first task, therefore, was to try to define it and to delimit its scope on the basis of the rather meagre background material. As was stated in the Secretariat's study (A/C.6/418 and Corr.1), the concept of terrorism had first clearly appeared on the international scene when the League of Nations had been requested to take action as the result of the assassination of a king and a prime minister in 1934. The League had appointed a committee of experts which had worked patiently for three years, its work culminating

in the adoption of the Convention for the Prevention and Punishment of Terrorism, concluded at Geneva in 1937 (*ibid.*, annex I), in which acts of terrorism were defined as "criminal acts directed against a State and intended or calculated to create a state of terror in the minds of particular persons, or a group of persons or the general public".

4. That definition had been criticized as both too broad and too narrow, and the concept of terrorism was still very imprecise and difficult to grasp. The act itself might embrace a very wide range of crimes: crimes against human life, liberty and safety, and also offences against private and public property.

5. But terrorism involved many other questions that were still unresolved; it was still not clear whether terrorism must be directed against a State. He asked whether acts directed against any idea of State organization or within a State against this or that ethnic group were to be considered terrorism. It was still not clear whether the perpetrator of an act of terrorism had to be an individual. He also wondered about acts of violence committed directly by a Government against a foreign population with a view to imposing its domination on it directly or indirectly, by incitement to commit certain acts of violence in another country in violation of the fundamental principles of international law, particularly the principle of non-interference. On the other hand, some writers held that the means employed distinguished terrorism from other criminal acts. Such means should be calculated to create a state of terror or a serious danger such as an explosion, a flood or a fire. However, others had attempted to define terrorism by the purpose at which it was directed; they had maintained that terrorism had to be committed for social and political reasons and not for any personal motive; but in many cases such acts as the seizure of aircraft were perpetrated for personal motives such as cupidity.

6. Earlier attempts to distinguish between international and national terrorism had been criticized by many writers on the ground that internationality was not intrinsic to them. Thus, if the perpetrator of a criminal act in one country took refuge in another, the internationality was an *ex post facto* element of the crime. All those problems therefore required extremely thoughtful and serious study which might consist in a review of the distribution of the national criminal jurisdictions throughout the world on different territorial and personal bases and instituting closer co-operation between States in the prosecution of crimes.

7. But before the measures to be taken to prevent terrorism could be determined it was necessary to consider

the underlying causes of terrorism. Some speakers had argued that immediate remedies could not wait upon a solution of such long-term problems as social injustices and wide differences in economic levels. In his own view, the reason why some of the direct causes of acts of terrorism and violence remained unresolved was not that they raised complex issues, but that certain great Powers did not wish them to be resolved. It was no secret that the difficult situations existing in some parts of the world could be remedied, given a sincere desire to preserve international security. The fact that a recent veto in the Security Council had prevented a cease-fire in a troubled region could only serve as a source of irritation and desperation for the local people and provoke acts of violence. Certain great Powers should approach the difficult situations in Africa, the Middle East and Asia from the point of view of their special responsibilities under the Charter and not from that of their own political interests. But in considering the underlying causes of acts of terrorism, it was impossible to ignore the political character of those acts, which were often complex political crimes, and he felt it would be very difficult to disregard political motives when measures to prevent terrorism were being discussed.

8. The concept of terrorism as a political crime had become somewhat restricted before and after the First World War. Much had been heard of what was called the "Belgian" clause in extradition treaties, which was a clause according to which attacks on chiefs of State were not to be considered political crimes. The resolution adopted by the Institute of International Law in 1892 went even further by omitting all serious crimes from the category of political crimes even if they had been committed for political motives. That trend had been justified in the homogeneous international community of the time, which had been composed mainly of European States which all had much the same attitude to the crimes that were committed; but the same attitude could not be expected from the international community of the present day, which was practically universal and consisted of so many different civilizations, torn by so many conflicts and divided by so many ideologies.

9. To take only one example, if black militants committed so-called criminal acts in their struggle for their fundamental rights, their treatment in a progressive African State would be very different from that in South Africa itself.

10. In any event, action taken to combat terrorism must not directly or indirectly prejudice the cause of peoples fighting for self-determination and national liberation. The solutions that the General Assembly would adopt must be generally acceptable to a large majority of States if they were to be useful. Accordingly, they must be based on a study of the observation of Governments, which alone were competent to decide whether or not they would be bound by an international instrument on the matter.

11. An *ad hoc* committee or the International Law Commission might be asked to consider the problem of terrorism. The Commission could certainly carry out that task but it would have to be given the necessary time and its

established procedures must not be interfered with. It was a subsidiary organ of the General Assembly, working closely with the international community. It sought solutions which took due account of the positions of States. Nevertheless, the General Assembly might invite States to take whatever measures they deemed appropriate or to conclude bilateral or regional treaties on the subject. In that connexion, note should be taken of Cuba's generous offer the preceding day to conclude an agreement on hijacking with the United States. The General Assembly might also invite States to ratify existing instruments on the subject. It should be borne in mind, however, that in the last resort it was the sovereign right of every State to decide whether or not it wished to ratify or to accede to any international instrument.

12. He wished to sound a note of caution. The United Nations should take into account all the information that emerged from the past history of the problem. When the League of Nations had been requested to take action as the result of a sensational crime, it had not acted with undue haste; and yet the convention it had drafted had been ratified by only one State, with the result that it had never entered into force.

13. If the aim was to reach solutions that were acceptable to the present international community, which was so much less homogeneous than that of the League of Nations, a deeper study of all aspects of the problem would have to be made.

14. Mr. TEKOAH (Israel) recalled that, in requesting the General Assembly to discuss measures for the prevention of terrorism, the Secretary-General had observed that acts of violence had created throughout the world a climate of fear from which no one was immune (see A/8791/Add.1 and Corr.1). It was clear what those acts were and what crimes of senseless violence the United Nations was called upon to prevent. Munich and Lod were still fresh in the memories of all, as was the blowing up of civil aircraft in flight. To the enlightened world, the criminality of such acts was obvious. They were contrary to fundamental precepts of international and domestic law and had been condemned by Governments throughout the world. While the United Nations must remain alert to all manifestations of terrorism, the most vicious and persistent terror crimes were those originating with terrorist organizations in the Middle East.

15. Israel could not approach the problem of international terrorism with academic equanimity. Jewish blood was being shed again in brutal outrages in the Middle East, Europe and elsewhere. All too frequently through the ages Jews had been subjected to terrorism and bestiality while the world had stood by, and it was Israel's duty to raise its voice in the current debate against the campaign of indiscriminate murder directed against the Jewish people. In a way reminiscent of the Nazi atrocities, Jews in various parts of the globe had been earmarked for physical destruction, and non-Jews had frequently fallen victim to such assaults; at times the terrorist groups directed their murderous attacks even against Arabs.

16. The characteristics of the campaign of atrocities made

it a heinous onslaught on humanity, requiring effective countermeasures. Its barbarism was heightened by its openly declared objective of destroying a State Member of the United Nations and wresting from the Jewish people its right to self-determination. Men, women and children were being slaughtered in the name of that savage goal. Mankind was confronted with a design to deprive the entire Jewish people of the rights enjoyed by other nations. The Arab nation had secured those rights for itself in 18 sovereign Arab States Members of the United Nations, and the Arabs of Palestine had attained them within Jordan. Yet the Arab Governments had unleashed a campaign to shatter the Jewish people's national existence and destroy its sovereign State, restored in part of the ancient Jewish homeland. Not since Hitler had Governments praised the planned murder of Jews or had organizations acting with governmental blessing gloated over innocent Jewish blood. The historical and ideological affinity between the Nazi atrocities and Arab terrorism was well known. At the outbreak of the Second World War, the Grand Mufti of Jerusalem, who had initiated a campaign of terror against the Jews of Palestine in the 1920s and 1930s, had gone to Berlin, where he had acted as Hitler's adviser in the extermination of European Jewry. Such was the true face of Arab terrorism. Since Israel's attainment of independence, terrorist warfare had been used during those periods in the continuing Arab war against Israel when attacks by Arab regular military forces appeared too hazardous. In the early 1950s, the Egyptian Government had organized in Gaza and Sinai murder squads—the *fedayeen*—which had launched a campaign of incursions into Israel. The then head of the United Nations Truce Supervision Organization had described those incursions as a war crime essentially of the same character as the offences for which the Nazi leaders had been tried at Nürnberg. After Israel had destroyed the *fedayeen* bases, the terror had moved to Israel's eastern and northern frontiers, where in 1965 El-Fatah had begun its armed attacks, on the initiative of the Syrian Government. The 1960s had been years of growing armed forays by terrorist gangs from Jordan, and particularly from Syria, directed against Israeli civilians—a campaign of cruel violence that had been a factor in the outbreak of the 1967 hostilities.

17. Defeated in their design to strike the death blow at Israel, the Arab States had turned once more to terrorist warfare, in an attempt to earn international attention at least. They had succeeded; savage outrages had become their trademark and their crimes a plague threatening to destroy the fabric of international life. The instigators of the campaign of terror had tried to conceal its true nature, presenting the objective of destroying Jewish sovereignty as a struggle against aggression and a war of liberation in the name of self-determination. The murder of innocent Jewish civilians was hailed as heroism. The Nazis, too, had shed Jewish blood on the pretext of liberating Germany and Europe from the Jews, awarding laurels to the slaughterers of Jewish women and children.

18. It was not surprising that the Arab delegations had opposed the discussion of international terrorism by the United Nations or were trying to sabotage the debate. By distorting and confusing the meaning of international

terrorism, as the representative of Iraq had done, and pressing for delay, they were endeavouring to stultify the current discussion. The international community must beware of procedures and terminology that could be used as excuses for continuing outrages such as those at Lod and Munich. The reply to those who sought to undermine international action against terrorism was that, while terrorism might be working in their favour for the time being, it might be turned against them in the future.

19. The key to combating international terrorism was action by Governments, individually and in co-operation with others. There would have been no Arab terrorism had it not been for the assistance given by the Arab Governments. It was essential, therefore, to persuade those Governments to abide by their international obligations and to prevent all activities and eliminate within their borders all bases of organizations engaged in international terrorism. Action must also be taken by States affected by the campaign of murder. An attitude of permissiveness in a particular State encouraged further terrorism and endangered all States.

20. In Israel's view, the General Assembly should: (a) unequivocally condemn international terrorism; (b) call on all States to refrain from giving assistance, shelter or protection to perpetrators of terrorist acts; (c) call on all States to extradite such criminals or bring them to trial; (d) convene a conference to prepare an international convention for submission to the General Assembly at its twenty-eighth session; and (e) call on all States to become parties to existing conventions on the prevention and the punishment of international terrorism.

21. Arab sabotage effort might render the outcome of the current debate meaningless but it could not prevent or delay action against international terrorism. The only question was whether the United Nations would play a role in rooting out the scourge of terror, wanton murder and atrocities. Israel would draw appropriate conclusions in respect of the measures it was in duty bound to take against terrorism. So, undoubtedly, would other responsible Governments.

22. Mr. ZEMANEK (Austria) said that international terrorism was one aspect of a much wider social phenomenon of the present time: the increase in individual acts of violence for ends which could and should be pursued through institutions that were the very essence of world civilization. Many such acts were perpetrated for personal gain, but very often the aim was to put pressure on governmental agencies in the exercise of their official functions. It was intolerable that Governments should be unable to carry out their mandate because they were at the mercy of terrorists. The extortions of terrorists violated the right to self-determination of the peoples whose Governments were terrorized. The world community must not allow representative government to be replaced by the dictatorship of terrorists.

23. The countries of central Europe were particularly sensitive to that problem, and it had been hoped that with the coming of the United Nations the anarchy which had

very nearly destroyed the area was finally over. If it was now admitted that everyone might indiscriminately use force to achieve his ends, the same attitude might one day be adopted by States, and the Organization would be doomed. For those reasons, the Austrian Government would always condemn acts of individual international terrorism and expected the General Assembly to do likewise. Otherwise the world would soon be faced with a situation which would inflict upon innocent people the very scourge of war which the United Nations wanted to eliminate for ever.

24. However, some States feared that any action the General Assembly might take on the problem would work against the cause of decolonization and self-determination. His delegation was convinced that there was no such risk. The exercise of the right to self-determination under the Charter was legitimate and had been declared so by the General Assembly in many resolutions, and it was not at stake in the current debate.

25. The question was whether a legitimate goal justified the use of all and any means to achieve it. There was not a single State represented in the General Assembly whose national legislation did not make homicide, blackmail, extortion, kidnapping or similar acts crimes if they were committed on its territory. Surely then, individual acts of violence of the same kind, mostly affecting innocent third parties, should be condemned in international relations, where they endangered communications and friendly relations among States, as well as the human rights of individuals.

26. Nothing should deter the General Assembly from condemning international terrorism. It might be argued that even in internal criminal law, homicide, though in principle a criminal act, was sometimes deemed to be either done in self-defence, or justifiable, or to be judged in the light of attenuating circumstances. His delegation could not endorse the conclusions to be drawn from that analogy. The General Assembly, in condemning international terrorism, was acting in the same way as a national legislative body that made homicide a crime: it was stating a rule. It condemned the act, not every individual who had allegedly perpetrated such an act. The Assembly was not a court of law. How the rule should be implemented would depend on the measures decided upon. The duty of States could not exceed the obligation to bring to justice a person accused of acts of international terrorism, and it should be left to the courts to decide whether there was any justification for the act or whether attenuating circumstances came into play.

27. With regard to the question of future measures to give practical effect to the condemnation in principle of acts of international terrorism, his Government was convinced that the fullest international co-operation was required, and was therefore in favour of drawing up international instruments as soon as possible. Some might feel that it was necessary to study all the causes of international terrorism before prescribing remedies. But while his delegation attached the greatest importance to the study of those causes, it could not endorse that view. Just as many diseases whose causes were

not fully known were being combated by doctors to the best of their ability, so that attitude should be adopted towards social ills. Moreover, cures and measures were not sacrosanct; with increasing knowledge of the causes, measures might be subject to revision.

28. The major aim of the study of the causes of international terrorism was primarily to enable the world community to take preventive action by focusing attention on obvious injustices before the situation could deteriorate into violence and terrorism, and secondly to devise a dynamic procedure for the systematic elaboration of alternatives to violent solutions. Properly publicized with the aid of the mass media, that might influence the state of human minds and reduce the psychological probability of terrorism, which was rooted in the belief that violence was the only means of effecting changes. The study should also provide guidelines for action and the assessment of results. His delegation could only accept a solution which was effective and ensured that the General Assembly had before it at its next session substantive reports enabling it to take action at that session.

29. Mr. YASSEEN (Iraq), in exercise of the right of reply, said that it had been his firm intention to consider the question of international terrorism in a calm and objective manner. He had no wish to indulge in polemics. However, the Israeli representative had launched an attack on the whole Arab world. His allegations of "Arab terrorism" had deliberately marred the atmosphere of serenity desired for consideration of an item of such a delicate nature.

30. The Israeli representative's ill-founded allegations had been reiterated time and time again in the hope that repetition would make them convincing. Everyone knew who was committing acts of terrorism and who was engaging in a struggle for liberation.

31. Since he had come to the debate to participate in a serious legal study of the item, he had not re-examined before hand the bulky file of acts of terrorism perpetrated by Israel and its armed gangs. Uganda had reopened that file at the previous meeting, but he himself had resisted the temptation to do likewise. He reserved the right to speak further concerning Israel's criminal acts. Meanwhile he would remind the Committee that Israel, which liked to pose as the advocate of the right to human life and liberty, had invaded Palestine with the assistance of certain great Powers and was now occupying usurped territory. All States Members of the United Nations recognized the right of a people to recover its homeland and its independence. That was clear from many General Assembly resolutions, some of them clearly directed against Israel. The Israeli representative had called the Arabs Fascists and Nazis. Perhaps he had forgotten that after the assassination of Lord Moyne in Cairo and other crimes, the authoritative voice of Sir Winston Churchill had qualified the crimes perpetrated by the Zionists as Nazi acts.

32. Mr. NALL (Israel), in exercise of the right of reply, said that the Iraqi statement was merely a distortion of the facts repeated and repeated in the hope that it would be

accepted in part at least. He had no intention of becoming involved in polemics. The device of "thief crying thief" was well known. All knew the role Arab Governments were playing in supporting, financing and sheltering terrorist organizations that were perpetrating terrorist acts in the Middle East and elsewhere. President Qaddafi of Libya in his speech of 7 October 1972 on the Lod massacre had epitomized the Arab attitude on the subject when he had said that Arab *fedayeen* action must be of the same type as that of the Japanese *fedayeen*.

33. The CHAIRMAN noted with regret that the atmosphere of serene debate had not prevailed at the current meeting, and he appealed to the Committee not to abuse the exercise of the right of reply. Several representatives had asked to speak in reply to the Israeli statement and would be permitted to do so following the statements made in the general debate at forthcoming meetings.

*The meeting rose at 12.30 p.m.*