

UNITED NATIONS

General Assembly

FORTY-SIXTH SESSION

Official Records

SIXTH COMMITTEE
14th meeting
held on
Tuesday, 15 October 1991
at 10 a.m.
New York

SUMMARY RECORD OF THE 14th MEETING

Chairman: Mr. AFONSO (Mozambique)

later: Mr. TETU (Canada)
(Vice-Chairman)

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Distr. GENERAL
A/C.6/46/SR.14
18 October 1991

ORIGINAL: ENGLISH

The meeting was called to order at 10.10 a.m.

AGENDA ITEM 125: 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) REPORT OF THE SECRETARY-GENERAL (continued)

(b) CONVENING, UNDER THE AUSPICES OF THE UNITED NATIONS, OF AN INTERNATIONAL CONFERENCE TO DEFINE TERRORISM AND TO DIFFERENTIATE IT FROM THE STRUGGLE OF PEOPLES FOR NATIONAL LIBERATION (continued) (A/46/346 and Add.1 and 2)

1. Mr. ELTCHENKO (Ukraine) said that his country regarded terrorism as an amoral phenomenon, contrary to law, which posed a lethal threat to the lives of innocent people, disrupted the diplomatic activity of States and their representatives, and destabilized international relations. His delegation believed that effective measures could be found to prevent terrorism, on the basis of active cooperation between States and respect for the generally recognized norms and principles of international law and compliance with the Charter of the United Nations.

2. The accession of the greatest possible number of States to the relevant international conventions was also an important factor in the struggle against terrorism. Ukraine, which was a party to most of the conventions in question, was currently preparing to ratify a number of the more recent instruments in that field. Their provisions would be duly reflected in the legislation to be promulgated in Ukraine following the country's declaration of independence on 24 August 1991, which stated that only the Constitution and the laws of the Republic would have effect in its territory.

3. As an active member of the Ad Hoc Committee on International Terrorism, Ukraine had participated in drafting recommendations aimed at the prevention and suppression of all forms of terrorism and the prosecution of persons committing such crimes. The recommendations of the Ad Hoc Committee had been incorporated in a number of General Assembly resolutions, most recently resolution 44/29, which was intended to promote cooperation between States in the struggle against terrorism.

4. One of the most dangerous forms of terrorism was hostage-taking, which could never be justified. His delegation called for the unconditional release of all hostages, whoever they might be and wherever they might be held. He could not fail to point out in that connection that a number of Ukrainians were still detained virtually as hostages by the armed opposition in Afghanistan, to be bartered in exchange for the settlement of political

(Mr. Eltchenko, Ukraine)

claims. On behalf of the families of the detainees, and on behalf of the Ukrainian Government, he appealed to all those who might have influence, or could help, to try to secure their release.

5. Welcoming the fact that international solidarity against terrorism had withstood the test of the Gulf war, and that recent years had seen a growing consensus on the unacceptability of terrorism, he none the less regretted that cooperation between States in the struggle to eliminate terrorism was still inadequate, and that the unique potential of the United Nations in that regard had yet to be fully exploited. His delegation believed that the Secretary-General, taking into account the views of Member States, should consider establishing a special unit within the Secretariat to study problems relating to international terrorism, and that the International Civil Aviation Organization (ICAO) could set up a permanent centre to organize inter-State cooperation to combat unlawful interference in civil aviation. A comparable centre could be established by the International Maritime Organization (IMO) for shipping.

6. The Sixth Committee should review the item on an annual basis, and consideration could be given to renewing the mandate of the Ad Hoc Committee on International Terrorism. He pledged his newly independent country's support for constructive international efforts to eradicate the problem.

7. Mr. KABIR (Bangladesh) noted that since terrorism had gained in strength and broadened its scope in recent years, effective international cooperation was essential in order to combat it. Bangladesh called on all States to observe their obligations under the relevant international conventions and urged the international community to work to eliminate the underlying causes of international terrorism, such as racism, alien domination and foreign occupation.

8. His delegation supported the principles for the elimination of terrorism laid down by the General Assembly at its forty-fourth session. He welcomed the efforts of ICAO to achieve universal acceptance of, and strict compliance with, international air-security conventions, and also the work of IMO relating to terrorism on board or against ships or fixed platforms located on the continental shelf. He also welcomed the Convention on the Marking of Plastic Explosives for the Purpose of Detection, signed at Montreal on 1 March 1991. Those were all important contributions, and he hoped that the relevant specialized agencies would continue their efforts to develop principles that could lead to the progressive elimination of international terrorism.

9. Regional initiatives could be very helpful, such as that of the South Asian Association for Regional Cooperation (SAARC), which had concluded a convention on the suppression of terrorism that obliged States to extradite suspected perpetrators. It would be consistent with the role of the United Nations to coordinate the antiterrorist efforts of the various regional agencies.

(Mr. Kabir, Bangladesh)

10. Even while condemning terrorism, States could not ignore its underlying causes. Where poverty existed side by side with conspicuous consumption it was understandable that despair, frustration, and indignation should arise, especially among young people, and make them easy prey for the instigators of terrorism. There was a need to seek to solve such problems and to have compassion for the innocent tools of terrorism.

11. Mr. HALLAK (Syrian Arab Republic), having reviewed the relevant resolutions, said that the recommendation made by the Ad Hoc Committee on International Terrorism, in its report to the General Assembly at its thirty-fourth session (A/34/37), that the General Assembly and the Security Council should pay special attention to all situations that might give rise to international terrorism remained a precondition if the problem was to be tackled constructively. The failure to respect United Nations resolutions and international charters and the double standards applied by variously describing terrorism as a crime in some instances and in others as part of the struggle for human rights and self-determination, aroused suspicion as to the credibility of the positions declared on terrorism. Legal measures were inadequate unless coupled with action to eliminate the inherent causes of terrorism, which included recognizing the legitimate rights of the Palestinian people, ending the Israeli occupation of Arab territories and supporting the freedom struggles of those suffering under the imperialist yoke.

12. His delegation, which reaffirmed its support for General Assembly resolution 44/29, believed that the Ad Hoc Committee on International Terrorism should resume its work.

13. Mr. TOMKA (Czechoslovakia) said that his Government unequivocally condemned terrorism and believed that nothing could justify terrorist acts. Czechoslovakia's position, reflected in concrete measures it had taken both nationally and internationally, was that States should cooperate in their struggle against terrorism, which endangered the life, health, property and safety of innocent people.

14. Czechoslovakia was a party to all conventions on the safety of international civil aviation and, since the forty-fourth session of the General Assembly, had withdrawn its reservations relating to their provisions on the peaceful settlement of disputes and, in particular, the compulsory jurisdiction of the International Court of Justice.

15. His country, together with the United Kingdom, had been responsible for the initiative against the abuse of plastic explosives for terroristic ends, which had led to the adoption of the Convention on the Marking of Plastic Explosives for the Purpose of Detection. He was pleased to inform the Sixth Committee that all plastic explosives manufactured in Czechoslovakia were now marked as specified in the Convention, which Czechoslovakia had signed and which it would undoubtedly soon ratify.

(Mr. Tomka, Czechoslovakia)

16. His country had become a party to conventions aimed at combating international terrorism in other areas, such as crimes against internationally protected persons, the taking of hostages and the physical protection of nuclear materials.

17. The fact that Czechoslovakia had signed but not yet ratified the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation and the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms was simply the result of a very heavy workload in the Federal Parliament during the current period of profound social transformation.

18. On the issue of the convening of an international conference to define terrorism and to differentiate it from the struggle of peoples for national liberation, his delegation had serious doubts as to whether a generally acceptable definition of terrorism could be worked out at such a conference, as discussions on such a definition were likely to be highly politicized.

19. Mr. YENGEJEH (Islamic Republic of Iran) said that the fact that international terrorism had remained on the agenda of the General Assembly for so long demonstrated that the measures adopted so far had not been sufficient to eliminate it. The international community needed to take a fresh look at terrorism, which was one of the most complex issues that it faced and which continued to threaten international peace and security. The adoption of General Assembly resolution 44/29 without a vote had been an encouraging sign of the willingness of the international community to cooperate in the effort to eliminate terrorism. Such efforts, however, should maintain a balance between the adoption of enforcement measures against international terrorism and attention to its underlying causes. Over the previous two decades, the international community had concentrated on strengthening enforcement measures. A number of conventions had been adopted during that period to combat specific acts of a violent nature. The efforts of IMO and ICAO in that connection were commendable. The existing conventions, however, merely dealt with the outlawing of certain acts and, owing to political considerations, no serious, institutional attempt had so far been made by the United Nations to study international terrorism as a general phenomenon and its underlying causes.

20. Over the previous two decades, international terrorism had taken on a new dimension. Certain States had carried out large-scale terrorist activities, using modern means for purposes of domination or interference in the internal affairs of other States. The international community should now focus more attention on the phenomenon of State terrorism.

21. The Islamic Republic of Iran hoped that during the United Nations Decade of International Law the foundation would be laid for the rule of law in international relations. The rule of law could not prevail, however, unless clear rules governing the various aspects of international relations were

(Mr. Yengejeh, Islamic Republic of Iran)

prepared. It was therefore time for the Sixth Committee to embark on an effort to define international terrorism. Once agreement had been reached on a definition, the Committee would be in a position to decide how it should proceed with regard to the progressive development and codification of international law on the subject. In that connection, the proposal to convene an international conference to define terrorism deserved careful study. The right of peoples to struggle for liberation from colonialism, racism or foreign occupation had become firmly established in international law. In order to prevent any misunderstandings and misinterpretations, it was necessary to define international terrorism and to differentiate it from the struggles of national liberation movements.

22. The Islamic Republic of Iran had not been immune to the adverse effects of terrorist activities and shared the increasing concern of the international community at acts of terrorism perpetrated by individuals, groups, and States, which affected the lives of innocent civilians and caused irreparable material damage and moral anguish. Like other peace-loving members of the international community, his country had taken steps to combat international terrorism, including the ratification and domestic application of a number of the conventions referred to in the annex to the Secretary-General's report (A/46/346), and would spare no effort in cooperating with other peace-loving States for the final elimination of international terrorism.

23. Mr. KALPAGE (Sri Lanka) said that, while the specific threat posed by the phenomenon of international terrorism might vary from State to State and in nature, extent and severity, the common element was the toll exacted in terms of human lives by the systematic use of the tactics of shock, physical intimidation and terror by individuals or groups seeking to enforce objectives not acceptable to the generality of the society or nation on which their tactics were inflicted.

24. It was, of course, important to draw a clear distinction between the vicious efforts of terrorist groups and the legitimate struggle against colonial, racist or foreign rule waged by the national liberation movements recognized by the Movement of Non-Aligned Countries and the United Nations.

25. His delegation welcomed the proposals made at the forty-fourth session of the General Assembly on enhancing the role of the United Nations and the relevant specialized agencies in combating international terrorism, and in particular those contained in General Assembly resolution 44/29. Paragraph 4 of that resolution was of special importance.

26. He welcomed the inclusion in the Secretary-General's report (A/46/346) of the extensive and detailed annex on the status of the eight conventions and two protocols on the prevention of terrorism.

27. However important and beneficial a role the United Nations might play at the international level, the predominant responsibility for preventive measures lay with the institutions, both governmental and non-governmental, in

(Mr. Kalpage, Sri Lanka)

each country. National legislative, executive and judicial bodies, educational and religious institutions and the media all had an important role to play in achieving the desired goals. Sri Lanka was a party to the conventions on offences against aircraft, and had recently acceded to the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents. His Government was also considering the possibility of early accession to other conventions on specific aspects of terrorism. It had signed the Montreal Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, and the domestic legislation to enable Sri Lanka to ratify the Montreal Protocol was currently in preparation.

28. Manifestations of terrorism which involved an external factor or the presence of a foreign element posed a grave threat to the security and stability of States, particularly small States. International cooperation should therefore specifically focus on preventing: the organization, instigation and assisting of terrorist acts from foreign territories directed at third States; the committing of terrorist acts within one State and the seeking of a safe haven within a foreign State; and the condoning of activities, including fundraising and the provision of arms and training, which had the effect of sustaining or encouraging terrorism in other States. Those aspects of international terrorism could be effectively countered if States adhered strictly to their obligations under international law, particularly by denying a safe haven in their territory to terrorists and ensuring the apprehension and prosecution or extradition of the perpetrators of terrorist acts.

29. His delegation looked forward to, and would wholeheartedly support, the adoption during the current session of the General Assembly of a comprehensive resolution on the item under consideration.

30. Mr. ADOUKI (Congo) said that his country was one of those which had experienced terrorism at first hand on a massive scale. In September 1989, for example, a passenger aircraft belonging to the airline Union de transports aériens had exploded on a flight from Brazzaville to Paris, killing 49 Congolese citizens. To commemorate the disaster, the Government had designated 19 May as a "Day of Struggle against Terrorism", and had introduced a series of measures to strengthen the country's antiterrorist legislation. The Congo had also acceded to a number of relevant conventions and had supported General Assembly resolution 44/29, which unequivocally condemned all acts, methods and practices of terrorism.

31. The Congo had not wavered in its endeavours to eliminate terrorism, and accordingly welcomed the progress achieved in the freeing of hostages recently and the positive role played by the Secretary-General in that connection. It fully endorsed appeals for the immediate and unconditional release of all the remaining hostages.

(Mr. Adouki, Congo)

32. Although terrorism was to be condemned in all its forms, it must be distinguished from the democratic and universally recognized principle of the self-determination of peoples. There was a danger, however, that the proposed international conference on terrorism would find itself brought to a standstill by the problem of defining what constituted the legitimate struggle of peoples for national liberation, despite the favourable climate engendered by the end of the cold war. At the same time, gradual progress was being made towards a more balanced assessment of the underlying causes of terrorism, and a number of important international conventions had been adopted with the aim of eradicating the problem. In his delegation's view, such instruments, painstakingly drafted and negotiated, represented a pragmatic and realistic approach in the collective struggle against terrorism and could provide the basis for a successful outcome to that struggle.

33. Mr. Têtu (Canada), Vice-Chairman, took the Chair.

34. Mr. FSADNI (Malta) said that his Government had repeatedly and unequivocally condemned all acts, methods and practices of terrorism. Terrorism was murder of innocent people and a cowardly act, and no civilized society could accept it or protect its perpetrators. There was no total protection against terrorism and all members of society should therefore be united in their implacable rejection of it.

35. The accession of Malta to several of the international conventions designed to combat terrorism and its intention to become a party to the Convention on the Marking of Plastic Explosives for the Purpose of Detection reflected its belief that international cooperation was essential in preventing terrorism.

36. In order for the proposed international conference to make a meaningful contribution to the evolution of international solidarity against terrorism, a consensus on its convening was essential. So far, a considerable number of delegations had expressed opposition to the conference, and the decision on its convening therefore required further deliberation.

37. His delegation believed that the international community needed to study in greater depth the underlying causes of terrorism. In view of the complex political, social and economic nature of those causes, however, the Sixth Committee might not be the most appropriate forum for their study. Nevertheless, the choice of a forum should not delay the study since an attempt to address the issues raised could significantly strengthen the fight against international terrorism.

38. His delegation wished to express its appreciation to the Secretary-General for facilitating the release of hostages, and also to encourage him to pursue his efforts. Lastly, Malta would welcome the unanimous adoption, at the current session of the General Assembly, of a resolution based on the principles set out in resolution 44/29.

39. Mr. RODRIGUEZ (Colombia) said that the international community had made considerable progress in dealing with terrorism, one of the most serious problems faced by the world as it approached the end of the twentieth century. Many international instruments had been elaborated to combat specific aspects of terrorism. Moreover, the view that terrorism must be countered with concrete measures designed to prevent and punish some of its specific aspects that were relatively easy to identify had, rightly, prevailed over the view that a legal definition of terrorism must be drawn up, so as to set general standards for combating it. Other aspects of terrorist activities would need to be dealt with in the future, as terrorism was still a serious threat both to the internal stability of States and to the international order.

40. His delegation welcomed the change that had taken place in the past few years in the international community's perception and treatment of the problem. That change was reflected, in particular, in two important developments.

41. The first development was the growing acceptance of the idea that there was normally no such thing as terrorist activities that were confined within the borders of a single State; one or more factors - the objective causes, the motivations, the human and economic resources employed or the political and social implications - invariably extended beyond the State directly affected. In some instances arms or explosives were imported, mercenaries were hired, terrorists were trained abroad, or perpetrators tried through the protection or complicity of foreign authorities to avoid being brought to justice. Furthermore, in some cases, of course, terrorist acts in one country were planned, encouraged and organized from outside that country.

42. As long as the international community had not come to see terrorist acts as crimes against humanity, as one day it must, and since defining terrorism presented such difficulties, clear and explicit recognition of the international nature of terrorist activities was essential if terrorism was to be combated effectively. Such recognition would enable the international community to make gradual progress in dealing with specific manifestations and the various aspects of terrorism.

43. The second important development was that terrorist acts were coming to be seen as human rights violations. He would not claim to be able to settle the issue of whether only States could have rights and obligations under international law. It was indisputable, however, that actions by the citizens of a State could, and must, be regarded as human rights violations when they involved cruelty, indiscriminateness and harm to innocent people or, possibly, when they were directed against collectively used property and services. There was a grey area between the rules of humanitarian law, whose scope was expanding, and the more traditional concept of human rights, which had so far tended to exclude the conduct of individuals from regimes for the promotion and protection of human rights.

(Mr. Rodriguez, Colombia)

44. In two recent resolutions, the Commission on Human Rights deemed terrorist acts to be human rights violations and recommended that the competent United Nations organs, as well as rapporteurs and independent experts, should take into account terrorist acts by individuals against the State and against collective interests in evaluating the responsibility of States.

45. Unequivocal condemnation of terrorist activities was particularly important for democratic countries, which were committed to defending the rule of law, and human rights and fundamental freedoms. That was true of Colombia, for instance, which was besieged by clearly terrorist phenomena, consisting in a combination of subversive groups, drug traffickers and common criminals. Like other countries at a similar stage of development whose institutions were threatened by forces that were able to defy the authorities with impunity, Colombia would like to see the international community strengthen its mechanisms for combating terrorism and increase its cooperation with a view to preventing and punishing it.

46. His delegation therefore welcomed the General Assembly's various resolutions on international terrorism, particularly resolution 44/29. He stressed as well the importance of the various instruments dealing with specific aspects of international terrorism, to which more and more States were acceding. He wished to place special emphasis on the international air-security conventions, in that connection.

47. His delegation would like to single out four issues that deserved priority attention from the international community and should be placed on the agenda of the United Nations as a matter of urgency.

48. Firstly, it was indispensable to strengthen agreements on international cooperation in the exchange of information concerning terrorist acts and their perpetrators, as well as cooperation between judicial and intelligence authorities. There must be no safe haven either for terrorists or for their economic resources. There had been some progress in international cooperation but more was needed to fight moneylaundering, for instance, which was continuing on a large scale and was met with unconcern by many countries.

49. Secondly, the global strategy for the suppression of illicit trafficking in drugs left much to be desired. The promise of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances had not been fully kept, the necessary resources were still lacking and many countries' political will to combat drug abuse was still not proportionate to the magnitude of the problem.

50. Thirdly, there was an urgent need for decisive action by the international community against the arms trade, which gave drug traffickers and terrorists easy and cheap access to the tools they needed for their activities. The Convention on the Marking of Plastic Explosives for the

(Mr. Rodriguez, Colombia)

Purpose of Detection did constitute progress, but for many years his delegation had stressed the need to rein in the arms trade and had met with a lukewarm response. He trusted that meaningful agreements could be reached in that regard in the future.

51. All States must fully respect the legitimate concern of countries that were a prey to terrorist activities that they should avoid any complicity with terrorists, whether in the form of training, funding or protection for perpetrators of terrorist acts. Moreover, mercenarism must be controlled effectively, and all States must also find and punish the perpetrators of terrorist acts promptly and effectively.

52. The Secretary-General must continue to solicit the views of Governments and intergovernmental organizations on international terrorism so as to be able to continue to review new options and possibilities for combating it. Furthermore the condemnation contained in resolution 44/29 must be reaffirmed, and the appeals made in that resolution should be renewed, taking into account the need to pursue vigorously matters dealt with inadequately so far. Thus, the groundwork could be laid for the proposed international conference. The preparatory process leading up to such a conference remained uncompleted, however.

53. Mrs. FLORES (Uruguay) said that her country strongly condemned terrorism in all its forms. Terrorism was closely linked to drug trafficking, mercenary activities and the arms trade, thereby constituting a threat to international peace and security and to the internal constitutional order of States. International cooperation between agencies responsible for coordinating the struggle against terrorism should be intensified, particularly in the area of the exchange of information through the establishment of data banks. Her delegation welcomed the suggestion to establish a body for the investigation of terrorist acts or a United Nations centre to work in that area.

54. The effective application of universally recognized principles and norms required not only that States should accede to the relevant international instruments but also that they should standardize their domestic laws.

55. Uruguay had no objection to the convening of an international conference to define terrorism and to study its underlying causes. However, until a consensus on such a conference was achieved, specific measures should be adopted to consolidate those areas on which agreement already existed, thereby contributing to the gradual elaboration of an instrument that would be acceptable to all members of the international community.

56. Mr. RODRIGUEZ (Venezuela) said that his country had always condemned terrorism in all its forms and had participated in the elaboration of a number of international instruments on the subject. Terrorism, whatever its underlying causes, violated not only positive law but also natural law, which protected the right to life. Despite all the efforts made by States and

(Mr. Rodriguez, Venezuela)

international organizations to combat terrorism, which endangered the stability and integrity of States, it continued to ravage society. It was therefore essential to strengthen cooperation between States and to adopt additional measures as a matter of urgency, including a halt to both legal and illegal arms sales and to the training and use of mercenaries. Venezuela supported efforts to elaborate legal norms and principles to combat terrorism and, in that connection, believed that the reactivation of the Ad Hoc Committee on International Terrorism would contribute to those efforts.

57. Venezuela reaffirmed the inalienable right of peoples to self-determination and defended the legitimacy of the struggle of all peoples under colonial rule for independence, in conformity with the United Nations Charter, and the norms of international law. Despite the efforts made, agreement had not yet been reached on fundamental aspects of a definition of terrorism, which was vital in order to draw a distinction between terrorist acts and the legitimate struggle of peoples under colonial rule for independence. A postponement of the proposed international conference might therefore contribute eventually to its ultimate objective, which was to define terrorism and to differentiate it from the struggle of peoples for national liberation.

58. Mr. SECHELE (Botswana) said that his country unequivocally condemned all terrorist acts whether committed by individuals or States. While terrorism endangered innocent human lives and could not be justified, it had often been interpreted subjectively, particularly by colonial regimes, as including wars of liberation. Several legitimate organizations had thus been labelled terrorist organizations. It would be impossible to eradicate terrorism until the international community as a whole agreed on a definition that was devoid of subjective interests. In that connection, Botswana welcomed proposals for the convening of an international conference to define terrorism and to differentiate it from the struggle of peoples for national liberation. Terrorists took advantage of the failure of certain States to comply with the instruments designed to thwart terrorism and of the absence of an objective and comprehensive definition of terrorism. His delegation was convinced that only the full cooperation of all concerned and a redoubling of international efforts could ensure success in the war against terrorism.

The meeting rose at 12 noon