



SUMMARY RECORD OF THE 31st MEETING

Chairman: Mr. AZZAROUK (Libyan Arab Jamahiriya)

CONTENTS

AGENDA ITEM 126: 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)

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The meeting was called to order at 3.15 p.m.

AGENDA ITEM 126: 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/42/564; A/C.6/42/L.2 (see also A/C.6/42/L.1, pp. 2-3))

(a) REPORT OF THE SECRETARY-GENERAL (continued) (A/42/519 and Corr.1 and Add.1)

(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/42/193 and Add.1-3)

1. Mr. KHAN (Bangladesh) said that international terrorism was of major concern to the international community because its intensification had caught the world by surprise. After years of inconclusive discussion in the Ad Hoc Committee on International Terrorism and in the Sixth Committee, which testified to the complexity of the problem, it had at last been realized that urgent action was needed, with due regard for the causes of the phenomenon. General Assembly resolution 40/61 provided the basis for that action. Without defining international terrorism, which left a serious gap in the legal framework of rights and obligations, it recognized the need to examine its underlying causes, and urged all States and the relevant United Nations organs to contribute to the progressive elimination of those causes.

2. The resolution aimed to protect human life, fundamental freedoms, and human dignity. Those objectives had been clarified by conventions that catalogued criminal offences in respect of which participating States were to take legal action in accordance with their domestic legislation. Under the resolution, States were obliged not to jeopardize friendly relations among States or their security by committing acts that might cause terror. They were also obliged to refrain from organizing, instigating, assisting or participating in terrorist acts in other States, or acquiescing in activities within their territory directed towards the commission of such acts. Any failure in those respects could give rise to an international delict.

3. Resolution 40/61 implicitly recognized that the perpetrators of acts of international terrorism could be individuals, groups of people or even States. To some extent, it was immaterial who perpetrated acts resulting in the loss of innocent lives and damage to friendly relations among States. The greater the loss of life, the greater the terror, and whoever was responsible must not be allowed to escape the consequences. Any attempt to set different standards for different entities would render the Sixth Committee's work meaningless. The more powerful the entity, the more serious should be its obligation. Disproportionate actions or reactions could not help the cause of combating terrorism. In the same way that the justness of a movement's cause did not entitle its followers to perpetrate any abominable act, notions of self-defence or revenge could not allow other entities

(Mr. Khan, Bangladesh)

to take action which caused similar or worse consequences. If the international community was to express outrage at the acts of individuals, it could not fail to express the same or greater outrage at similar or graver acts perpetrated by other entities.

4. Bangladesh had unequivocally condemned all actions giving rise to the loss of innocent human lives. Together with neighbouring countries, it was drawing up a regional convention to tackle the scourge of terrorism. It had already acceded to the Montreal and Hague Conventions against air piracy, and was considering ratifying the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents. His delegation hoped that, in future, the report of the Secretary-General would include statistics on the incidence of terrorism, so that the Committee would have an objective assessment of the situation. More information about the efforts of Member States to eliminate the causes of terrorism would also be welcome.

5. Bangladesh believed that an international conference was needed to define terrorism and differentiate it from the struggle of peoples for national liberation. The lack of a definition was a serious legal deficiency, which should be overcome in order to thwart the efforts being made in some quarters to portray heroic acts of resistance by liberation movements and occupied peoples as terrorist acts and to use that as an excuse to kill innocent people. As the number of terrorist acts committed by individuals waned, terrorist acts by States in the guise of self-defence and pre-emptive strikes were increasing. The international community had to keep a close eye on that phenomenon, as also on those mass media that lost no opportunity to attribute acts of terrorism in the Middle East to Islam, while never incriminating other religions when such acts took place elsewhere in the world. Bangladesh believed that a conference to define terrorism, held under the auspices of the United Nations, deserved every support from the international community.

6. Mr. AL-KAWARI (Qatar) said that the point of departure for the battle against terrorism must be the adoption of a clear definition of that phenomenon by the United Nations. Experience had shown the usefulness of such a step in the establishment of a clear distinction between aggression and the legitimate right of self-defence. His and other Arab delegations had called for the inclusion of a sub-item relating to an international conference on the subject, in the hope of eliminating any confusion over the real nature of terrorism. The right of resistance had already been recognized implicitly by the General Assembly in its reference to the underlying causes of terrorism which lay in misery, frustration, grievance and despair, in the same way that the continuation of repressive and terrorist acts by colonial, racist and alien régimes in denying peoples their legitimate right to self-determination and independence had been condemned in General Assembly resolution 34/145. Some of the brightest pages in the histories of Member States related to acts of resistance against occupying forces. European resistance to the Nazi invasion and the resistance of the peoples of Palestine, southern Lebanon, Namibia and South Africa could not but be viewed as legitimate. Only those who wished to confuse the issue for the sake of their own interests could deny the difference between such resistance and terrorism.

(Mr. Al-Kawari, Qatar)

7. The call for an international conference was based on the sponsors' belief that every delegation was entitled to express its opinion on the definition of terrorism, with a view to eliminating that phenomenon and, at the same time, affirming the legitimacy of national liberation struggles. His delegation expected the conference to adopt a decision in conformity with the wishes of the international community.

8. Mr. HUANG Jiahua (China) said that the increase in international terrorism in recent years had taken a great toll in human lives, caused grave damage to property and poisoned international relations. The world community had made great efforts to curb such activities, but the big differences existing between States on the subject were hindering further progress.

9. Experience had shown that the co-ordinated efforts of the whole international community were required to curb terrorist activities. Measures taken by States could be truly effective only if based on a common understanding and international co-operation. General Assembly resolution 40/61 had been a welcome step in that direction. Since its adoption, international organizations had taken further legal measures to combat terrorism, and a number of regional conferences had been held to seek ways of co-ordinating action against the phenomenon.

10. On the basis of the experience acquired by States over more than a decade, his delegation believed that five particular points should be emphasized in the fight against terrorism. In the first place, all countries should unreservedly condemn all forms of terrorist acts as international crimes. Secondly, emphasis must be placed on international co-operation, particularly in the legal and information fields, to ensure that perpetrators of terrorist acts were brought to justice. Thirdly, actions against terrorism should remain strictly within the bounds of international law, because wrongful acts encroaching upon the sovereign rights of other States which were committed in retaliation would only exacerbate violence, do more harm to the innocent and create fresh international tensions. Fourthly, the struggle of peoples living under colonial domination, racist régimes or any form of foreign domination to assert their inalienable right to self-determination must be treated as entirely legitimate and must not be confused with acts of terrorism. Finally, the international community should study the root causes of terrorism and tackle them through increased bilateral and multilateral co-operation aimed at achieving its final elimination.

11. The proposal to define terrorism and differentiate it from the struggle of peoples for national liberation was of great importance because, in the absence of such definition and differentiation, just causes could be gravely jeopardized and terrorism left unpunished. That had already been borne out by a number of serious events. China had always condemned all forms of terrorism and supported international co-operation to combat it. In addition it had made appropriate amendments to its domestic criminal law in order to punish perpetrators of terrorist acts. Although the elimination of international terrorism was a difficult task, the co-operation of the international community would ensure further progress. China intended to make its contribution to that process.

12. Mr. WINKLER (Austria) said that the adoption of General Assembly resolution 40/61 had been a milestone on the way to achieving an efficient co-ordination of efforts to fight international terrorism. Austria regarded terrorism as a heinous crime for which there could be no justification and which struck at the very foundations of any society, irrespective of the political, economic or ideological organization of that society. No State was immune to terrorism. Terrorist acts must not be tolerated because they gravely violated social morality, infringed upon human dignity and threatened society.

13. Austria had never contested the legitimacy of certain political aims the pursuit of which often served as an excuse for terrorist acts. It was understandable that there might be impatience on the part of peoples being denied their right to self-determination. The only course of action, however, must be an intensification of the efforts of all States to enable all peoples and nations to enjoy freedom collectively and individually.

14. The complexity of the network of international terrorism warranted a co-ordinated effort by the international community to counter terrorist activities. At the national level, the Austrian judiciary and the executive branch had at their disposal all the appropriate means to combat terrorism and to apprehend and bring to justice perpetrators of such acts. All persons who had committed terrorist acts in Austria had been brought to trial, and in no instance had a terrorist sentenced by an Austrian court been released prematurely. At the international level, Austria had contributed to the fight against international terrorism by concluding a number of bilateral agreements with countries in its own region, with a view to intensifying co-operation between the law-enforcement agencies in Austria and in the other countries.

15. The Council of Europe had done immensely valuable work in combating terrorism at the regional level. Under the auspices of the Council, the European Convention on the Suppression of Terrorism had been elaborated in 1977; it had been ratified by Austria. In addition, in November 1986, the European Conference of Ministers responsible for combating terrorism had adopted a declaration and three resolutions aimed at strengthening co-operation between member States in their fight against terrorism.

16. At the global level, Austria strongly supported all efforts by the United Nations and its specialized agencies to combat terrorism. In particular, the International Civil Aviation Organization (ICAO) had been instrumental in elaborating a legal framework to cope with the various forms of terrorism directed against international civil aviation. His delegation welcomed the adoption of a draft additional protocol to the Montreal Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation. Moreover, within the International Maritime Organization (IMO), Austria, together with Egypt and Italy, had initiated the drafting of a new international legal instrument relating to the suppression of unlawful acts against the safety of maritime navigation, in order to fill the existing legal gap in that field. He expressed the hope that the draft would be studied and adopted by a diplomatic conference scheduled for early 1988.

(Mr. Winkler, Austria)

17. The existing network of legal instruments was an important and practical contribution to the common efforts to fight international terrorism. However, it was also important to give a clear and unequivocal political signal that all States were unanimous in their rejection of force as a means of settling disputes or alleviating grievances. The General Assembly had done so by adopting its resolution 40/61 and, in view of the continuation of terrorist attacks, must do so again. His delegation felt that draft resolution A/C.6/42/L.2, of which it was a sponsor would lay the foundation for yet another milestone in the work of the Sixth Committee and of the General Assembly.

18. After carefully considering the Syrian Arab Republic's proposal for the 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 (A/42/193), Austria had come to the conclusion that such a conference would be useful only if it was convened on the basis of a broad consensus. Otherwise, the conference would not add to the effectiveness of measures already adopted by the international community, and might even detract from the level of understanding achieved so far. With respect to the proposal to revive the Ad Hoc Committee on International Terrorism, his delegation was sceptical as to whether the situation had changed so fundamentally in five years that better results could be expected from that Committee. The General Assembly should concentrate instead on the adoption, at its current session, of a generally accepted document signalling to all groups and individuals engaged in acts of terrorism that the international community as a whole did not tolerate such acts.

19. Mr. CROCKETT (United States of America) said that people in every corner of the world had suffered from acts of terrorism committed by individuals and groups of various political persuasions and every conceivable ethnic background, there being no monopoly as to the victims or perpetrators of terrorism. The international community had responded with exceptional unity to the threat to its existence posed by terrorism, in condemning all acts, methods and practices of terrorism wherever and by whomsoever committed. The significant increase in the number of States parties to the existing Conventions relating to interference with civil aviation, and the efforts by ICAO to promote strict compliance with those Conventions, were examples of actions pursuant to the recommendations contained in General Assembly resolution 40/61.

20. That firm base of unequivocal condemnation and positive co-operation should be built upon; it should not be eroded by the pursuit of unnecessary conceptual problems on which agreement was not likely. Considerable progress had been made without a definition of terrorism. Since the quest for a definition was both unnecessary and highly unlikely to succeed, there was little reason to pursue it. Moreover, his delegation totally rejected the implicit suggestion that there was any inconsistency between combating terrorism and supporting self-determination. The issue was not whether non-peaceful means were ever appropriate, but whether there were certain means so heinous that they were never tolerable. His delegation did not believe that the proposed idea of a conference on terrorism was a useful way to deal with the problem, for it would inevitably maximize international

(Mr. Crockett, United States)

disagreement. His delegation also did not believe that the record of the Ad Hoc Committee on International Terrorism was such as to justify reviving it.

21. Suggestions to the effect that the International Convention against the Taking of Hostages exempted liberation movements from the prohibition against hostage-taking were simply wrong. Articles 8 and 12 of that Convention underlined the application of the prohibition, and the fourth preambular paragraph stated that "any person committing an act of hostage taking shall be either prosecuted or extradited". Furthermore, nothing was added to the meaning of Article 2, paragraph 4, of the Charter by those who sought to apply the term "terrorism" to State action. The very title of the item under consideration unmistakably showed that it was never intended to apply to acts of violence by States. Likewise, acts of violence committed within a given country against the nationals of that country were not of comparable international concern and were thus not usefully perceived as being within the proper scope of the item before the Sixth Committee. Acts of violence by individuals or groups which affected nationals of another State, however, were within that scope.

22. His delegation shared the view that there was a need to eliminate the underlying causes of terrorism. The overwhelming majority of the items on the General Assembly's agenda sought to do just that. It would be both illogical and contrary to United Nations practice to condition the taking of measures to combat terrorism on the elimination of its causes. The consensus achieved with the adoption of General Assembly resolution 40/61 should be maintained, and efforts should continue to strengthen co-operation among States to prevent and eliminate all acts of terrorism. To that end, all States should be called upon to become parties to the relevant conventions, to prosecute or extradite terrorists whom they apprehended, and to co-operate within the specialized agencies in the elaboration of measures to combat terrorism.

23. Ms. HIGGIE (New Zealand) said that private violence as a means of influencing issues between States must be condemned as strongly as State violence against States. World opinion was outraged because of the direct threat to innocent human lives presented by international terrorism. The consequence of that threat was a climate of fear from which no one was immune.

24. Her Government shared the view that no cause, however just, and no goal, however worthy, could justify terrorists in taking or endangering the lives of innocent people. As New Zealand's Deputy Prime Minister had said, even in wartime it was illegal and inhumane for combatants deliberately or recklessly to use force against a civilian population. What was regarded as unacceptable conduct in war was all the more outrageous if perpetrated against an innocent and unsuspecting civilian population in time of peace.

25. General Assembly resolution 40/61 was important for its condemnation of all acts, methods and practices of terrorism, wherever and by whomever committed. That condemnation sent a clear signal to anyone involved in the export of private violence. The right to life and security of person must have first place in the scale of priorities.

(Ms. Higgle, New Zealand)

26. In the fight to eliminate international terrorism, further steps could be taken that did not require the working out of a comprehensive definition. A definition in the context of a comprehensive convention to cover all cases where nationals of one State proceeded to another State and committed acts of terrorism was essential. Her Government had already put forward what it regarded as an appropriate definition in the Sixth Committee two years previously, when it had suggested that any act of force in peacetime for political ends which jeopardized innocent lives or property was terrorism. However, there were considerable differences of view on the legal confines of the concept of terrorism. It was far from clear whether the proposal contained in document A/42/193 was aimed at developing a comprehensive convention that would ensure that the international terrorist was indeed subject to sanctions irrespective of who his victim or his action was. New Zealand had supported the development of such a convention since 1972.

27. Her delegation welcomed the efforts undertaken within ICAO and IMO, and noted with interest the proposal put forward in paragraph 9 of draft resolution A/C.6/42/L.2 that the Universal Postal Union and the World Tourism Organization might consider what further measures might usefully be taken within their respective competences.

28. It was also necessary, however, to strengthen the application of existing legal measures by increasing the number of parties to instruments already adopted to combat terrorism. The request to the Secretary-General contained in paragraph 5 of the draft resolution was particularly useful in that regard. New Zealand, which was a party to all five Conventions referred to in the annex to the report of the Secretary-General (A/42/519 and Corr.1), joined in the appeal to all States that had not yet done so to consider becoming parties to those Conventions. As for action at the national level, her country was engaged in an extensive review of its extradition laws and, in particular, was considering ways of harmonizing New Zealand law with that of other countries in order to give further support to the "prosecute or extradite" rule.

29. Noting that regional action had shown itself very effective in the fight against terrorism, she referred to a recent decision of the South Pacific Forum to establish a working group to consider terrorism and hijacking and develop ways of enhancing the capacity of the Forum States to counter them. The working group was likely to consider a range of practical measures, including the exchange of intelligence, effective extradition arrangements and the applicability to the region of the Conventions mentioned earlier. It was perhaps at the regional level that further legal measures might most effectively be taken. The European Convention on the Suppression of Terrorism, which listed specific crimes of violence in respect of which offenders would be extradited and ruled out exceptions for political reasons, might well serve as a model for global application. Agreement on a definition of terrorism was not, however, an essential pre-condition for such action.

30. Mr. BADAWI (Egypt) said that the international community's categorical condemnation of all forms of terrorism and acts of violence provided convincing proof of its determination to eliminate that phenomenon. If such efforts were to be successful, it was essential that all States should abide by the principles of international law and the provisions of the Charter, refrain from the use or threat of force, settle their disputes by peaceful means, guarantee the legitimate rights of peoples to self-determination, refuse to provide terrorists with shelter, training or financing, and undertake to bring the perpetrators of such criminal acts to trial.

31. Terrorism was an international phenomenon which affected all States and their innocent citizens. Action to counter it therefore required the formulation of a comprehensive and integrated plan within the framework of the United Nations. The only practical basis for such a plan lay in the strengthening of co-operation among all States. Five international Conventions had been adopted between 1963 and 1979 ranging from the Convention on Offences and Certain Other Acts Committed on Board Aircraft to the International Convention against the Taking of Hostages. More recently, a draft Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation had been drawn up by IMO, and ICAO had drafted a Protocol supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation. However, international co-operation was not confined simply to the formulation and adoption of international conventions. The fundamental objective was that all States should bring their domestic legislation into line with those conventions and strictly fulfil all the obligations arising therefrom. It was also extremely important that they should continue their endeavours to close any loopholes in such legislation.

32. Another aspect of international co-operation which demanded particular attention was the study of the underlying causes of terrorism and acts of violence. An understanding of those causes was vital in the process of eliminating terrorism, and required intensive co-operation on the part of all States, with a view to enabling peoples suffering under colonial, racist and alien régimes to achieve self-determination and independence. The United Nations, and the Security Council in particular, had a responsibility to assist such peoples in their struggle and to impose appropriate sanctions against States and régimes which denied them their legitimate rights.

33. The finely balanced nature of General Assembly resolution 40/61 had made possible its adoption without a vote. Further international co-operation on the question of terrorism would not yield results unless it was based on a consensus among all participating States. Delegations should build on the consensus already achieved, with a view to adopting further practical measures by consensus in the course of the current session. To ensure such consensus, it was important that decisions should be preceded by a serious and candid exchange of views among all States. A consensus must also be achieved on the modalities of convening an international conference to define terrorism, as well as on the scope of its mandate.

34. Mr. TANASIE (Romania) said that his country was a party to the Tokyo, Hague and Montreal Conventions, as well as to the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents. It was preparing to ratify other legal instruments relating to various aspects of terrorism. His delegation had also supported United Nations resolutions unequivocally condemning all acts, methods and practices of terrorism. At the same time, it believed that the question of the underlying causes of the emergence and spread of terrorism could not be ignored. Only by finding convincing and exhaustive answers to that problem would the international community be able to eliminate the scourge of terrorism. A clear distinction had to be drawn between armed struggles for national liberation, on the one hand, and acts of terrorism on the other. Terrorist acts, irrespective of the pretexts under which they might be committed, were contrary to the causes of national liberation, progress and social justice, and could never constitute a valid form of political struggle. In condemning terrorist acts, it was particularly important to recognize and support the inalienable right of all peoples to self-determination and independence. The suppression of terrorism should never serve as an excuse for exerting pressure on sovereign States. International condemnation of acts of State terrorism and of the threat and use of force against States should be expressed in the strongest terms.

35. Romania was in favour of active co-operation among all States with a view to eliminating the scourge of terrorism. In that connection, it advocated the resumption of the activities of the Ad Hoc Committee on International Terrorism and the annual review of the question of international terrorism by the General Assembly. The proposals in document A/42/416, of which his delegation was a sponsor, were inspired not only by the recognition of the urgent need to strengthen international co-operation against terrorism, but also by the desire to ensure that the means employed in the struggle against terrorism were strictly in conformity with the principles and norms of international law.

36. All the other proposals already submitted, including the Syrian proposal (A/42/193) and draft resolution A/C.6/42/L.2, should be considered either by the Ad Hoc Committee or directly in the Sixth Committee, with a view to reaching consensus decisions on the basis of the active participation of all interested States. Such a result presupposed a considerable measure of mutual respect and understanding. His delegation, for its part, was ready to co-operate fully in collective efforts aimed at achieving a generally acceptable solution.

37. Mr. TANOH (Ghana) stressed the importance of distinguishing between the legitimate use of force against colonial oppressors in the exercise of the right of self-determination, on the one hand, and the arbitrary violence of anarchists on the other. It was, of course, not surprising that the backers of mercenary criminal bands should deliberately confuse freedom fighters with terrorists and conveniently forget all the instances in history when nations and peoples had taken up arms against their oppressors as a means of reclaiming their dignity. At the same time, history also showed that the conditions of oppression often produced marginal and sectarian groups which resorted to violent excesses. While such excesses could not be defended under any circumstances, that did not mean that they should not be placed in their appropriate context. Indeed, resolution 40/61, whose

(Mr. Tanoh, Ghana)

adoption by consensus had reflected the recognition of the need for international efforts to prevent international terrorism, contain specific ideas on ways in which Member States might contribute to the progressive elimination of the causes underlying international terrorism.

38. State terrorism, too, required the international community's close attention and condemnation. Events such as those of 15 April 1986 left no doubt that lawless actions by States should be treated under the general heading of international terrorism. Many developing countries had had their territories attacked by mercenaries and other armed bands, their political leaders assassinated and their Governments destabilized as part of the deliberate execution of the national policies of certain States. In that context, State terrorism also represented a distinct category which should be singled out as a new threat to international relations. It was all the more dangerous when such acts were said to be performed within the legitimate scope of Article 51 of the Charter. Those who invoked the provisions of that Article should be required to show that they had been subject to armed attack and had satisfied the conditions outlined in the Article. They should produce incontrovertible facts capable of convincing an impartial world body that the use of force in self-defence had been the only means available to them. Charges of terrorism levelled at any Member State should be based on equally stringent standards of evidence. That requirement had become particularly important in a context where it was not unusual for disinformation campaigns to be conducted in order to isolate certain States and create psychological conditions favouring unilateral and illegal acts. The international community's ability to contain and prevent terrorism was not advanced by singling out countries as scapegoats. Such witch-hunting merely deflected international attention from the true causes of events.

39. Draft resolution A/C.6/42/L.2, whilst generally acceptable, had nothing to say about the crucial concerns of a segment of the international community. It contained neither a clear affirmation of the legitimacy of the struggles of colonial peoples and those under the yoke of occupation, nor a distinct reference to State terrorism as an emerging reality. To that extent, the draft resolution remained incomplete. However, its general thrust, and especially its recognition of the efforts of certain specialized agencies and its emphasis on international co-operation, deserved support.

40. With regard to the proposed resumption of the work of the Ad Hoc Committee on International Terrorism, he remarked that while the Ad Hoc Committee's work in the past had certainly been overshadowed by difficulties, there was nothing to indicate that constructive dialogue within that forum was impossible, given sufficient will on the part of Member States. As for the proposed international conference to define terrorism and to differentiate it from the struggle of peoples for national liberation, it was not the understanding of his delegation that the object of such a conference would be to draft a convention or another legal instrument; rather, the proposal was designed to affirm the solidarity and unity of the international community and to provide an opportunity for discussing recent developments and new approaches. His delegation therefore remained open to the possibility of holding

(Mr. Tanoh, Ghana)

such a conference under United Nations auspices. In conclusion, he expressed the hope that future discussion of the item under consideration would focus on the underlying causes of certain forms of terrorism and acts of violence, an aspect of the issue which had so far received too little attention.

41. Mr. RAZMI (Afghanistan) said that the root causes of those forms of terrorism and acts of violence which not only endangered innocent human lives or jeopardized fundamental freedoms but also threatened the security and sovereignty of States could be found in the behaviour of certain States. Those States violated accepted norms of international law by acquiescing in subversive activities within their territories, organizing, instigating and assisting terrorist acts in other States, and financing and arming opposition groups which eventually infiltrated into the territories of other countries. Such acts constituted the basic elements of an undeclared war and should be condemned as acts of State terrorism against the legitimate Governments and leaders of countries whose people had, independently and without foreign interference, determined their own destiny.

42. His Government, for its part, condemned as a crime international terrorism in all its forms, wherever and by whomever committed. States which claimed to be enforcing the concept of combating terrorism in order to exert military, political or economic pressure on other States should be regarded as in violation of the principle of State sovereignty and should accept international responsibility for their acts. The only effective and realistic approach to preventing, combating and eliminating international terrorism was strict compliance with internationally assumed obligations by all States, respect for the principles of the Charter, recognition of the right of peoples to self-determination, peaceful settlement of international disputes and regional conflicts, the establishment of an atmosphere of confidence between States and the adoption of concrete measures in a spirit of co-operation.

43. Afghanistan was a party to the Tokyo and Hague Conventions and was considering becoming a party to other conventions relevant to international terrorism. It had repeatedly proclaimed its readiness to work towards bilateral or multilateral agreements with any country of goodwill in order to promote regional and international co-operation and to create a basis for further joint efforts for the prevention of terrorism.

44. Afghanistan had a long tradition of supporting and assisting national liberation movements all over the world. It was accordingly alive to the need to avoid equating the just struggle of national liberation movements with terrorist activities and, to that end, to produce a clear-cut definition of international terrorism. For that reason, his delegation supported the Syria proposal contained in document A/42/193. The task of defining terrorism was undoubtedly a highly complex one, but the United Nations, which in 1974 had succeeded in defining the political category of aggression, would surely prove equal to it. The dismissal of so-called "definitional problems" as irrelevant was not valid because undefined categories should not be tolerated in any sphere of the social sciences, of which international law was one.

45. Mr. AL-SABEEH (Kuwait) said that the problem of terrorism was gnawing at the fabric of international relations and spreading suspicion, bitterness and hostility among States and peoples. The Fifth Islamic Summit Conference had categorically condemned all acts and forms of criminal international terrorism as a violation of Islamic teachings, international conventions and human values. It had also rejected and condemned the use, by any country, of terrorism as an instrument of foreign policy. In his address to the current session of the General Assembly, his country's Deputy Prime Minister and Minister for Foreign Affairs had announced the rejection by Islamic leaders of the tendentious attempts of anti-Islam forces to link terrorism to Islam. He had also declared the willingness of the Islamic community to co-operate in eradicating international terrorism and differentiating it from the sacred right of peoples to wage a legitimate liberation struggle.

46. His country's own bitter and continuing experience of terrorism and its adverse effects on international peace and security strengthened its determination to reject that phenomenon in all its forms. In accordance with a resolution adopted at the Fifth Islamic Summit Conference, it supported the convening of an international conference as called for in sub-item (b). There could be no doubt that the majority of Governments and peoples would support the differentiation of terrorism from struggles for national liberation. However, his delegation did not believe that action to combat terrorism should be delayed until such time as agreement was reached on a clear definition. Examples of legitimate struggle condoned by religious law, human values and international instruments could be seen in the struggle of the Palestinian people under the leadership of the Palestine Liberation Organization and that of the Namibian people under SWAPO.

47. Kuwait, which supported the efforts of the United Nations to combat terrorism through the work of the Ad Hoc Committee on International Terrorism, had ratified the Convention on Offences and Certain Other Acts Committed on Board Aircraft, the Convention for the Suppression of Unlawful Seizure of Aircraft and the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation. In addition, the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons was currently being considered by the competent authorities.

48. International co-operation against terrorism was being hampered by the inability or unwillingness of certain Governments to put such conventions into practice, the lack of progress in eliminating the causes underlying international terrorism and the provision by certain States of protection and funds to terrorists. An objective and comprehensive approach to the problem was required on the part of all concerned.

49. Mr. MAPANGO ma KEMISHANGA (Zaire) said that international terrorism was one of the greatest challenges to society because it was an obstacle to international understanding and co-operation and took a large number of innocent lives.

50. General Assembly resolution 40/61, paragraph 1, unequivocally condemned, as criminal, all acts, methods and practices of terrorism wherever and by whomever committed. Moreover, over the years the international community had taken action

(Mr. Mapango ma Kemishanga, Zaire)

in the form of the adoption of a number of international legal instruments to deal with a wide variety of forms of terrorism. Zaire was a party to all the relevant conventions and had supported the adoption of the relevant General Assembly resolutions and declarations. In that connection, his delegation wished to appeal once again to the States that had not yet done so to consider becoming parties to the international conventions in question.

51. Although there was general agreement on the absolute need to make every effort to control and put an end to international terrorism, there was disagreement on the application of the term "terrorist" to recognized national liberation movements. There were two schools of thought: according to the maximalist position, all perpetrators of terrorist acts were to be prosecuted without distinction; according to the minimalist position, a distinction must be made between true terrorists and the combatants of recognized national liberation movements. In the former category, the perpetrators were seen as genuine criminals whose "exploits" were directed against innocent people, beyond the limits of a just and legitimate national liberation struggle. In the latter category, combatants were by no means regarded as terrorists, since they were engaged in a struggle that was recognized as legitimate by the international community. The minimalist aim was thus to restrict the scope of application of the term "terrorist" to individuals whose conduct was contrary to the norms of international law, and to exclude those who - while waging a struggle on their own territory in order to liberate that territory - were undisciplined and attacked civilian and other targets that had no connection with national liberation. The minimalists regarded such persons as being guilty of irregular or unlawful acts, and not of acts of terrorism.

52. The maximalist position was not sufficiently developed from the legal standpoint, and Zaire therefore favoured the minimalist position. While opposing international terrorism, Zaire remained aware that it had supported such instruments as General Assembly resolution 1514 (XV), the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations, the Definition of Aggression and the Manila Declaration. Furthermore, State practice had in fact upheld the minimalist position, as, for example, in the Achille-Lauré affair. In any event, it must be recognized that the best way of definitively eliminating international terrorism would be to deal with its underlying causes.

53. Unfortunately, the international community devoted little attention to consideration of the issue of State terrorism, a much more dangerous type of terrorism which was very difficult to deal with. Since the State could not be imprisoned, the most that could be required of it was to make reparations in kind, in other words, to remove the underlying causes of terrorism and, where appropriate, to pay the victims damages.

54. Mr. ARMALI (Observer, Palestine Liberation Organization) said that the peoples which were still being deprived of their right to self-determination experienced the destructive effects of terrorism at first hand, since they continued to be the victims of State terrorism. For example, the Palestinian people were the victims

(Mr. Armali, Observer, PLO)

of a systematic institutionalized policy of terror implemented by the Zionist State of Israel. One had but to recall, in that connection, the massacres committed by the Irgun and Stern Zionist terrorist groups in Arab villages, as a result of which the civilian population had been forced to live in exile and in refugee camps. In the past 20 years the refugee camps had been a preferred target of Israel's State terrorism, and thousands of Palestinian civilians had lost their lives as a result of Israeli attacks.

55. The international community must give priority to consideration of the issue of State terrorism, which was the form of terrorism that represented the greatest threat to international peace and security. A certain amount of progress had been made, particularly with the adoption of General Assembly resolution 40/61, and his delegation welcomed the decisions of the International Civil Aviation Organization (ICAO) and the International Maritime Organization (IMO) to convene a diplomatic conference on the issue of terrorism in 1988. However, such efforts dealt only with the manifestations of the problem of terrorism and not with the underlying causes of the phenomenon, and there was still considerable confusion as to the definition of State terrorism, which was terrorism par excellence. Unless the problem of definition and causes was resolved, the international community's achievements so far were likely to be called into question. Bold action must be taken to deal with the problem of State terrorism, despite the lack of consensus on the matter. Otherwise, certain States, such as Israel and South Africa, would be free to continue their institutionalized policy of terrorism.

56. Invoking the principle of "self-defence", Israel had arrogated to itself the right to perpetrate deadly attacks on any Palestinian anywhere in the world. Under Israeli law, the PLO was "a terrorist organization", and all Palestinians were therefore to be regarded as potential terrorists. All Israel's recent attacks on Palestinians were to be seen in that light. It was interesting to note that the racist régime of Pretoria used similar arguments in order to justify its acts of State terrorism directed against the African National Congress and the South African and Namibian peoples and had gone so far as to draw a comparison between such acts of aggression and the Israeli bombing of the PLO in Tunisia and the United States acts of aggression against the Libyan Arab Jamahiriya. Furthermore, the United States did not shrink from committing acts of State terrorism against Nicaragua, for example, in order to assist "freedom fighters".

57. Despite the international community's consistent reaffirmation of the legitimacy of the struggles waged by national liberation movements, the United States continued to regard the PLO as a terrorist organization, which, in its eyes, justified closing the Palestine Information Bureau at Washington and the constant threat to the PLO Office at the United Nations in New York in flagrant violation of the norms of international law and the provisions of the Headquarters Agreement.

58. It was clear that some States would continue to use terrorism as a pretext for preventing the implementation of the fundamental rights of peoples and that the international community would continue to concentrate on the effects of terrorism rather than on its underlying causes on the pretext that there was a schism within

(Mr. Armali, Observer, PLO)

the community on the definition of international terrorism. However, that approach amounted to putting the cart before the horse, since persistent failure to deal with the problem could only exacerbate the "misery, frustration, grievance and despair" referred to in the title of the item under discussion. Steps must therefore be taken to convene an international conference on the question under the aegis of the United Nations, and to establish a definition of terrorism. The Ad Hoc Committee on International Terrorism would be responsible for making preparations for such a conference on the basis of existing instruments and instruments under preparation, such as those resulting from the two diplomatic conferences to be convened by ICAO and IMO. Particular account should be taken of the Charter of the United Nations, the relevant General Assembly resolutions, the Definition of Aggression and Additional Protocol I to the Geneva Conventions of 1949, particularly articles 1 and 44. A combatant of a national liberation movement who attacked innocent civilians and was captured must be treated as a prisoner of war and should also be tried for war crimes by an impartial international tribunal.

59. Ms. WILLSON (United States of America), speaking in exercise of the right of reply, said that the representative of Ghana had been confusing the item under discussion with the question of the scope and binding nature of Article 2, paragraph 4, of the Charter. The rules concerning the use of force by States were relatively clear. Nothing could be added to the meaning of Article 2, paragraph 4, or Article 39 of the Charter by endeavouring, within the ambit of the item before the Committee, to apply the term "terrorism" to State action. The very title of the item under consideration, with its recitation of causes, left no doubt that the item had never been intended to apply to acts by States.

60. With regard to Ghana's comments concerning Article 51, if the inherent right of self-defence did not include the right to protect a country's nationals, she wondered what it did protect. The idea that a State should be criticized for seeking to protect the lives of its nationals who were subject to armed attack did not warrant further comment.

61. Mr. TANOH (Ghana), speaking in exercise of the right of reply, said that his delegation did not agree with the views held by the United States delegation and other delegations on Article 2, paragraph 4, of the Charter. He hoped that there would be an opportunity for discussion of some of the legal points in question. Where Article 51 of the Charter was concerned, his statement had been perfectly clear.

The meeting rose at 6.15 p.m.