

REPORT
OF THE
***AD HOC* COMMITTEE ON**
INTERNATIONAL TERRORISM

GENERAL ASSEMBLY

OFFICIAL RECORDS: THIRTY-FOURTH SESSION

SUPPLEMENT No. 37 (A/34/37)



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NOTE

Symbols of United Nations documents are composed of capital letters combined with figures. Mention of such a symbol indicates a reference to a United Nations document.

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I. INTRODUCTION

1. At its 105th plenary meeting, on 16 December 1977, the General Assembly, on the recommendation of the Sixth Committee, 1/ adopted resolution 32/147 entitled "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", which reads as follows:

"The General Assembly,

"Deeply perturbed over acts of international terrorism which are occurring with increasing frequency and which take a toll of innocent human lives,

"Recognizing the importance of international co-operation in devising measures effectively to prevent their occurrence and of studying their underlying causes with a view to finding just and peaceful solutions as quickly as possible,

"Recalling the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations, 2/

"Taking note of the report of the Ad Hoc Committee on International Terrorism, 3/

Deeply convinced of the importance to mankind of the continuation of the work of the Ad Hoc Committee,

"1. Expresses deep concern over increasing acts of international terrorism which endanger or take innocent human lives or jeopardize fundamental freedoms;

"2. Urges States to continue to seek just and peaceful solutions to the underlying causes which give rise to such acts of violence;

1/ Official Records of the General Assembly, Thirty-second Session, Annexes, agenda item 118, document A/32/453, para. 8.

2/ General Assembly resolution 2625 (XXV), annex.

3/ Official Records of the General Assembly, Thirty-second Session, Supplement No. 37 (A/32/37).

"3. Reaffirms the inalienable right to self-determination and independence of all peoples under colonial and racist régimes and other forms of alien domination, and upholds the legitimacy of their struggle, in particular the struggle of national liberation movements, in accordance with the purposes and principles of the Charter and the relevant resolutions of the organs of the United Nations;

"4. Condemns the continuation of repressive and terrorist acts by colonial, racist and alien régimes in denying peoples their legitimate right to self-determination and independence and other human rights and fundamental freedoms;

"5. Appeals to States which have not yet done so to examine the possibility of becoming parties to the existing international conventions which relate to various aspects of the problem of international terrorism;

"6. Invites States to take all appropriate measures at the national level with a view to the speedy and final elimination of the problem, bearing in mind the provisions of paragraph 3 above;

"7. Invites the Ad Hoc Committee on International Terrorism to continue its work in accordance with the mandate entrusted to it under General Assembly resolution 3034 (XXVII) of 18 December 1972, first by studying the underlying causes of terrorism and then by recommending practical measures to combat terrorism;

"8. Invites the States which have not yet done so to submit their observations and concrete proposals as soon as possible to the Secretary-General so as to enable the Ad Hoc Committee to carry out its mandate more efficiently;

"9. Requests the Secretary-General to transmit to the Ad Hoc Committee an analytical study of the observations of States submitted under paragraph 8 above;

"10. Requests the Ad Hoc Committee to consider the observations of States under paragraph 8 above and to submit its report with recommendations for possible co-operation for the speedy elimination of the problem, bearing in mind the provisions of paragraph 3, to the General Assembly at its thirty-fourth session;

"11. Requests the Secretary-General to provide the Ad Hoc Committee with the necessary facilities and services, including summary records of its meetings;

"12. Decides to include the item in the provisional agenda of its thirty-fourth session."

2. The Ad Hoc Committee on International Terrorism was composed of the following Member States appointed by the President of the General Assembly under the terms of paragraph 9 of Assembly resolution 3034 (XXVII) of 18 December 1972:

Algeria	Nigeria
Austria	Panama
Barbados	Sweden
Canada	Syrian Arab Republic
Congo	Tunisia
Czechoslovakia	Turkey
Democratic Yemen	Ukrainian Soviet Socialist Republic
France	Union of Soviet Socialist Republics
Greece	United Kingdom of Great Britain and Northern Ireland
Guinea	United Republic of Tanzania
Haiti	United States of America
Hungary	Uruguay
India	Venezuela
Iran	Yemen
Italy	Yugoslavia
Japan	Zaire
Mauritania	Zambia
Nicaragua	

3. The Ad Hoc Committee met at United Nations Headquarters from 19 March to 6 April 1979. 4/

4. At its 11th and 12th meetings, held on 19 and 20 March, the Ad Hoc Committee elected the following officers:

Chairman: Mr. Rikhi Jaipal (India)

Vice Chairmen: Mr. Imre Hollai (Hungary)
Mr. E. B. Maycock (Barbados)
Mr. Folke Persson (Sweden)

Rapporteur: Mrs. Katherine K. Oriyo (United Republic of Tanzania)

5. The session was opened by Mr. Erik Suy, Under-Secretary-General, the Legal Counsel, who represented the Secretary-General. Mr. Valentin A. Romanov, Director of the Codification Division of the Office of Legal Affairs, acted as Secretary of the Ad Hoc Committee. Mr. Gamal M. Badr, Deputy Director for Research and Studies, and Miss Jacqueline Dauchy, Senior Legal Officer (Codification Division, Office of Legal Affairs), acted, respectively, as Deputy Secretary to the Ad Hoc Committee and Secretary to its Working Group. Mr. Manuel Rama-Montaldo, Legal Officer, and Mr. Igor Fominov, Associate Legal Officer (Codification Division, Office of Legal Affairs), acted as Assistant Secretaries to the Ad Hoc Committee and its Working Group.

4/ For the membership list of the Ad Hoc Committee at its 1979 session, see A/AC.160/INF.3.

6. At its 11th meeting, on 19 March, the Ad Hoc Committee adopted the following agenda:

1. Opening of the session.
2. Election of officers.
3. Adoption of the agenda.
4. Organization of work.
5. Consideration of the observations of States and formulation of recommendations pursuant to General Assembly resolution 32/147.
6. Adoption of the report.

7. The Committee had before it the analytical study prepared by the Secretariat in accordance with General Assembly resolution 32/147 and the observations and proposals annexed to the analytical study, submitted by States pursuant to the same resolution (A/AC.160/4 and Corr.1). It also had before it the observations of States submitted in accordance with paragraph 8 of Assembly resolution 31/102 of 15 December 1976 (A/AC.160/3 and Add.1-2) as well as the working papers submitted during its 1973 session which are reproduced in the annex of the report of the Committee to the General Assembly at its twenty-eighth session. 5/

8. The Ad Hoc Committee devoted part of its 13th meeting and its 14th to 17th meetings, held between 21 and 26 March, to a general debate, in which the representatives of the following States took part: Austria, Barbados, Czechoslovakia, Democratic Yemen, France, Greece, Hungary, India, Italy, Japan, Nigeria, Sweden, Turkey, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela and Yugoslavia. The delegations of Argentina, Egypt, Iraq and Romania expressed their desire to participate in the work of the Committee as observers. The representative of Argentina, in her capacity as observer, made a statement with the consent of the Committee.

9. The proceedings of the Ad Hoc Committee are reflected in the summary records of its meetings (A/AC.160/SR.11-19).

10. At its 13th meeting, on 21 March, the Ad Hoc Committee decided to establish a Working Group of the Whole to deal with the questions related to the causes of international terrorism and the measures to be taken against it, in that order.

11. The Working Group was chaired by the Chairman of the Ad Hoc Committee, the other officers of the Ad Hoc Committee also performing their respective functions in the Working Group. It held 10 meetings between 26 March and 5 April.

5/ Official Records of the General Assembly, Twenty-eighth Session, Supplement No. 28 (A/9028).

12. At its 19th meeting, on 6 April, the Ad Hoc Committee considered and approved the report of the Working Group (see sect. III below). The report of the Ad Hoc Committee was adopted at the same meeting.

II. SUMMARY OF THE GENERAL DEBATE

A. General approach to the problem of international terrorism

13. Many delegations expressed concern at the continuance of international terrorist activities, which were referred to as one of the most tragic phenomena of this age, and drew attention to their destructive effects.

14. It was recalled that at least 300 people had been killed during terrorist incidents in 1978 alone and that hijackings, kidnappings, bombings and assassinations continued to take the lives of innocent victims. Acts of international terrorism, it was stated, affected the lives, the health, the property and the security of completely innocent people; they disrupted daily economic and social activity, sowed the seeds of distrust and fear among States and peoples and often provoked a violent response which escalated tension and hostility. Thus, they had an adverse effect in the sphere of mutual relations among States, frequently jeopardizing the results of many years of efforts for the development of bilateral and multilateral relations and making the peaceful settlement of disputes more difficult.

15. It was also said that, as they relied on the use of force for the purpose of perpetrating violence over whole peoples, over countries and individuals, terrorist activities threatened the international community. Being designed to negate fundamental social, political and economic rights, to endanger human lives and to destabilize internal social systems, they posed a serious threat to international peace and security and were at variance with the principles of peaceful coexistence, friendly relations among States, settlement of disputes by peaceful means, non-interference in internal affairs, non-intervention as well as other generally accepted principles of international law and of the Charter of the United Nations.

16. It was further stated that acts of international terrorism impaired the diplomatic activities of States, endangered their representatives and hampered the normal development of contacts and communications between them and the smooth conduct of international meetings, created major obstacles to co-operation and the further extension of the process of détente and, in the final analysis, threatened the peace and security of peoples. In addition, they threatened the achievement of the objectives set out in the Final Act of the Conference on Security and Co-operation in Europe. ^{6/} Thus, it was concluded, acts of international terrorism could be said to be directed against international co-operation among States. At the same time attention was drawn to the inacceptability of a broad interpretation of the concept of international terrorism which would include the national liberation struggle, acts of resistance against the aggressor in

^{6/} Final Act of the Conference on Security and Co-operation in Europe, Cmd. 6198 (London, H.M. Stationery Office, 1975).

territories occupied by the latter and demonstrations by workers who were opposed to exploitation. To draw a parallel between those phenomena and international terrorism would be an affront to national and social movements struggling for the implementation of principles upheld by the United Nations.

17. Several delegations stressed the need to enlist the active co-operation of the international community in tackling the problem of international terrorism. It was said that, inasmuch as it was now increasingly common for terrorist acts to transcend national boundaries and thereby assume a marked international character, it was apparent that while internal administrative, legislative, and other measures to combat terrorism within a given country were essential, such internal measures were not sufficient for dealing with the international aspects of terrorism. It was added that broad and responsible international co-operation in the struggle against international terrorism was all the more necessary as acts of terrorism not only affected the lives, the health, the property and the security of innocent people, but had an adverse effect also in the sphere of relations among States and frequently depreciated the results of many years of efforts for the development of international co-operation.

18. In this connexion the opinion was expressed that in view of its complex character, its bearing on international relations as a whole as well as its consequences for peace and security in the world in general, the problem had a universal significance which made it imperative to consider it within the framework of the Organization.

19. Referring to the achievements of the Organization in this area some representatives noted that in the seven years since the United Nations, acting upon the initiative of the Secretary-General, had officially embarked upon its consideration of the issue of international terrorism in 1972, significant progress had been made. Reference was made to the various international conventions which had been adopted on the topic (see para. 50 below). Those results had been achieved, it was maintained, because in each case the international community, after carefully limiting the objectives to be attained, had proceeded to discuss the matter from a practical viewpoint, in a step by step manner and in a mostly calm and dispassionate atmosphere.

20. Other representatives, however, maintained that in the six years which had gone by since the adoption of General Assembly resolution 3034 (XXVII), the United Nations had given no sign of sufficient will to deal practically with such a vital problem. At best, they said, there had been an indirect approach as in the various conventions referred to above. It was now high time to adopt comprehensive decisions spelling out concrete measures for condemning and eliminating all terrorist acts.

21. A number of representatives commented in a general way on the premises from which the international community should start in tackling the problem of international terrorism. Some of them held that international co-operation against international terrorism must proceed from the valid principles of international law and the generally recognized principles of national sovereignty, inviolability of State borders and non-interference in the internal affairs of States. As one of the complex problems of contemporary relations, it was added, international terrorism must be considered within the framework of broader actions aimed at building new democratic international relations as well as constant

efforts towards eliminating all forms of use or threat of force. The view was further expressed that the struggle against violence must be geared towards the guarantee of human dignity and that the guiding principle in any attempt to combat terrorism and its various manifestations should be the defence of human rights and justice.

22. While recognizing that, if the principles enshrined in the Charter of the United Nations, the Universal Declaration on Human Rights and other relevant United Nations decisions were properly observed, a great number - though not all - instances of international terrorism might be avoided, other representatives expressed the view that it was in the interest of the international community to take all appropriate measures in order to prevent responses to violations of the principles and spirit of the Charter from assuming extreme forms and resulting in the victimization of innocent people. It was also said that the wide international co-operation, which was a prerequisite for any constructive handling of the problem, could only be brought about through identification of the points on which there was the greatest possibility of reaching an international consensus and through the condemnation of acts of terrorism as contrary to the basic principles of human decency.

23. Attention was drawn in this connexion to the danger of applying double standards in this field, treating one and the same kind of terrorism in one case as a crime and in another case as a form of political opposition and struggle for human rights. Such an approach, it was stated, was based on ideological criteria and vestiges of the cold war concept. International terrorism could not be effectively suppressed if international commitments were unilaterally interpreted according to narrow and egotistic interests. Such an attitude furthermore inevitably cast doubt on the good faith and sincerity of declared positions against terrorism. The view was also expressed that legal formulations, no matter how perfect, would never suffice to solve the problem of terrorism unless action was taken to remove its underlying causes. The restoration of the legitimate rights of the Arab people of Palestine, the cessation of Israeli occupation of the Arab territories and the provision of support to the liberation struggle of peoples under the colonial yoke were some of the ways in which a real solution to that problem could be found.

B. Main elements relevant to the consideration
of the problem of international terrorism

24. Many States reiterated the categorical opposition of their Governments to acts of international terrorism. Some said that they condemned unequivocally all forms of international terrorism and that acts of violence which sought to undermine the basic freedoms of peoples had no place in a decent society, were barbaric, inhuman and antisocial and deserved the universal condemnation of all peace-loving peoples of the world. Nothing, it was added, could justify the wanton destruction of lives and property of innocent peoples. Those who sought to internationalize their grievances ought to find a more civilized and generally acceptable means of disseminating their views without recourse to violence. The view was further expressed that acts of international terrorism were abhorrent acts that must, regardless of the motives of their perpetrators, be condemned in the strongest possible terms. Motive in the commission of crime, it was observed,

was irrelevant, albeit a mitigating factor in the determination of the appropriate punishment. Furthermore, actions which were abhorrent to the moral conscience of humanity could only damage the very cause they sought to serve.

25. Some delegations, however, pointed out that the problem of international terrorism was a complex one with manifold psychological, political, economic and social origins and causes. While condemning international terrorist acts aimed at personal gain and which caused the loss of innocent lives, they expressed their concern regarding the propaganda campaigns which accompanied the raising of the subject of international terrorism and its inclusion in the agenda of the General Assembly. In their view, this concern was caused by the desire of certain States to exploit extraneous circumstances in order to divert world attention from the injustices inflicted upon peoples and national movements struggling for their independence and the restoration of their freedom with the support of the United Nations and the progressive peace-loving nations.

26. Several representatives stressed that in their condemnation of those who committed degrading acts of violence they included all Governments, non-governmental organizations, intelligence organizations, groups of persons and private persons that indulged in these heinous acts, deliberately using for the achievement of particular objectives innocent peoples who were tortured or collectively punished or even massacred for the action of other persons. The view was also expressed that the real and most dangerous form of terrorism was the one which emerged as an expression and instrument of the policy of force, aggression, hegemony, interference in internal affairs, of a policy aimed at imposing the will of the stronger through the use of the most sophisticated techniques, acts of so-called retaliation and killing of innocent inhabitants. The actions of States which disposed of the monopoly of power could, it was maintained, pose a much more serious threat to international peace than acts committed by individuals or terrorist groups. They took various forms such as threats to militarily weak States and to their independence and territorial integrity, the use of mercenaries and the undertaking of subversive actions. In this connexion reference was made to banditry organized by fascist criminals serving as the mercenaries of intelligence agencies for the benefit of foreign political interests and it was recalled that under the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations 7/ every State had "the duty to refrain from organizing or encouraging the organization of irregular forces or armed bands, including mercenaries, for incursion into the territory of another State" as well as the duty "to refrain from organizing, instigating, assisting or participating in acts of civil strife or terrorist acts in another State or acquiescing in organized activities within its territory directed towards the commission of such acts, when the acts referred to in the present paragraph involve a threat or use of force".

27. Other representatives stressed that if one were to expand the concept of terrorism to include every form of use or threat of force by States, one would be stepping outside the range of the Committee's terms of reference by engaging in the treatment of subjects or problems which clearly fell within the sphere of competence of other United Nations bodies and in particular the Security Council.

7/ Resolution 2625 (XXV), annex.

The problems posed by State terrorism, it was added, were varied and complex and could best be identified by a careful analytical study of the underlying causes. Some of those causes stemmed from inordinate ambition for political power, denial of basic freedoms hitherto enjoyed by the people and disrespect for the proper functioning of legal institutions which lead to denial of justice and fair play. Some of these problems had been adequately reported to the Commission on Human Rights, which was competent to handle such abuses of fundamental human rights. With regard to the organization or the encouragement of the organization by the authorities of a State, of armed bands within its territory or any other territory for incursions into the territory of another State, the view was expressed that these condemnable acts of interference in the internal or external affairs of States, committed under the pretext of correcting alleged defects in the structure or administration of a country, could not be the responsibility of the Committee but belonged to another forum if an when established. They were acts of aggression by definition and constituted offences against the peace and security of mankind. The problems posed by such acts could not be effectively dealt with by the Committee, which should not complicate its task by looking into the very complex and highly sensitive area of State terrorism.

28. Several delegations stressed that while condemning international terrorism they were aware that human beings, by their very nature, were prone to commit certain acts out of desperation, misery, frustration and provocation. The international community could not fail to recognize the yearning desires of all oppressed peoples of the world to regain their political, economic and social freedoms, nor fail to condemn all acts of economic exploitation, political serfdom, the obnoxious policies of apartheid and racial discrimination in all its forms and shapes. The view was also expressed that identifying resistance against such terror with terrorism could only be construed as an attempt to defend obsolete international and social relations and to discredit and impede the just and legitimate struggle of oppressed peoples for freedom and independence and against all forms of relations based on domination and the denial of rights. The genuine struggle of oppressed peoples for liberation and equal rights, it was stated, actually constituted a negation of terrorism, violence and subjugation; it was an attempt to gain respect for human rights and the establishment of a just legal order.

29. Some delegations, however, maintained that while it was one of the primary tasks of the international community to assist persons who were denied their fundamental rights and freedoms in regaining their rights, the use of force against innocent people was not an appropriate means for achieving this end and that oppression could be resisted by violent means without resorting to terrorism. It was also said that commitment to the principles embodied in the Charter, the Universal Declaration on Human Rights and other international instruments meant that acts of terrorism which were in direct contravention of those principles had to be condemned without exceptions. The view was further expressed that just as the use of freedom for the purpose of destroying freedom was unacceptable, the freedom to use inhuman means to achieve utopian humanism was to be repudiated. The brotherhood of survivors, it was added, could not serve as an ideal for a just and peaceful society.

30. A number of representatives dealt more specifically with the struggle of national liberation movements. It was recalled that the United Nations had repeatedly underscored the moral and political legitimacy of the liberation struggle waged by oppressed and dependent peoples, with all the means at their disposal, as well as the fact that this struggle was in full accordance with the principles of the Charter of the United Nations. National liberation struggle, it was added, should be strictly distinguished from terrorist acts which, in their essence, did not amount to resistance against the terror of colonialism and occupation; it should be placed in the same category as armed conflicts and come from the legal point of view, within the purview of the provisions of the Geneva Conventions of 1949 ^{8/} and their Additional Protocols. ^{9/} Struggle against international terrorism, it was added, should not result in any restriction of the legitimate rights of peoples, guaranteed by the Charter and United Nations resolutions, to lead a struggle against colonialism, racism and apartheid and against all forms of national and social oppression.

31. Other representatives said that they respected the right of all peoples to self-determination and fully recognized the just exercise of that right in accordance with the Charter of the United Nations and the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations. They added that certain acts, even if intended to further a good cause, were so heinous that they merited international condemnation. Reference was made in this connexion to a definition of acts of international terrorism which had been proposed at a previous session in terms of the odious barbarity of acts which all States condemned whatever their sympathies for the cause the perpetrators claimed to uphold. Several delegations expressed conviction that the adoption of measures to combat international terrorism could be reconciled with the legitimate struggle of national liberation movements acting in accordance with the purposes and principles of the United Nations. It was stressed that the liberation movements must adapt their conduct so that they could not be associated with criminal or terrorist groups which, to improve their image, tried to link themselves with such movements.

C. Observations regarding the tasks before the
Ad Hoc Committee

32. A number of representatives commented on the way in which the Ad Hoc Committee should approach its task as well as on the Committee's mandate as defined in General Assembly resolution 32/147.

33. Some delegations held that no genuinely effective and generally acceptable action could be initiated in this field without first undertaking a review of the basic positions of individual States which alone would provide a basis for

^{8/} United Nations, Treaty Series, vol 75, Nos. 970-973.

^{9/} See A/32/144, annexes I and II.

defining generally acceptable directions in which the efforts of the Committee should be channelled. Several delegations also insisted on the need to avoid what they termed a partial or fragmentary approach and maintained that the question of international terrorism should be dealt with in its totality. They advocated an in-depth study of the very notion of international terrorism, as, in their view, it was difficult to identify the causes and remedy them without taking a comprehensive look at the precise concepts involved. The view was also expressed that the Committee should simultaneously work out a definition of international terrorism, identify its causes and search for preventive means, three tasks which, it was stated, were closely dependent on one another.

34. While agreeing that a definition was desirable and perhaps even necessary other delegations stressed that no definition would be entirely adequate and comprehensive enough to accommodate all points of view. In their opinion, underlying the discussion there were political postures and perceptions that had no meeting points. Since there seemed however to be general agreement that the innocent should not suffer nor be made political pawns and that they deserved national and international protection, the Committee should now turn to specific proposals rather than reopen an interminable debate in which all that needed to be said had been virtually exhausted.

35. Comments were also made on the mandate assigned to the Committee by General Assembly resolution 32/147. Some delegations noted with satisfaction the order of priorities set forth in paragraph 7 of the resolution. They maintained that, if the work of the Committee was to bring results of lasting value and not just technical and operational suggestions of little effectiveness, attention should concentrate on the study of the causes of international terrorism and on the search for ways and means to eliminate them; to that effect an analysis of the social, political, economic and other societal conflicts in which international terrorism had its origins should be carried out. In the view of those delegations, therefore, the Committee, in accordance with the mandate given to it by the Assembly should first study the causes of international terrorism and then come up with practical recommendations to combat terrorism.

36. Other delegations expressed reservations as to the priority given in paragraph 7 of General Assembly resolution 32/147 to the study of the underlying causes of international terrorism over the formulation of practical measures to prevent it. They felt that the Committee should not delay its task of finding the means to put an end to acts of international terrorism pending a solution of the world's other problems; it should therefore concentrate on devising practical measures to combat those acts of terrorism which most flagrantly violated the commitment to human decency and should make practical recommendations to the General Assembly for action. Doubts were also expressed as to whether the Committee was the ideal body in which to consider the broader social and political ills that spawned terrorism. It was observed in this connexion that a number of other United Nations organs were currently attempting to solve those problems and that the Committee should realistically recognize that it was unlikely to remedy all the world's ills.

37. Still other delegations, while appreciating the argument that an investigation into the causes of terrorism was to a certain extent a prerequisite for elaborating countermeasures against it, stressed that the Committee would not have time to carry out such an investigation, which required thorough research and thus should be a long-term goal of the Committee. Before undertaking what was perhaps more a political, economic and social study than a legal one, the Committee should draw up a detailed programme for such a time-consuming and undoubtedly complex task, specifying in particular the various fields on which the study would focus. Consideration, it was added, should be given to enlisting the assistance of outside experts.

D. Question of the causes of international terrorism and their elimination

38. Several delegations commented on the causes of international terrorism and the ways to eliminate them. It was said in particular that the underlying causes of international terrorism were capitalism, neo-colonialism, racism, the policy of aggression, foreign occupation and their consequences. International terrorism, it was further said, was closely connected with, and an ineluctable corollary of, situations that generated and tolerated injustice, inequality, subjugation, oppression and exploitation. The elimination of such situations and, in particular, of colonialism, racial discrimination, direct or indirect aggression, occupation, interference in internal affairs, subversion, various forms of disruption of the independent development of countries and destabilizing their Governments, as well as other forms of domination and exploitation, was the task of the whole international community: it called for the implementation and further elaboration of the basic objectives and principles of the Charter and norms of contemporary international law. Only the removal of those causes would lead to the eradication of international terrorism.

39. The view was also expressed that the organized character of the cynical and deliberate use of innocent victims for achieving particular objectives was all part of the contemporary culture of terror which manifested itself, for instance, in the doctrine of the balance of terror, the terror bombing of cities and civilians and the ultimate use of nuclear weapons. It was added that while colonial situations and situations of racist or alien domination which were ab initio acts of oppression and had often resulted in innocent peoples being tortured, collectively punished or even massacred for the actions of other peoples must clearly be eliminated, no less serious a problem was posed by the modern structure of terror created as the result of scientific and technological development. Efforts to remove the causes of international terrorism, it was observed, must be continued in a sustained manner in all international forums, a task which called for leadership from all States in eschewing violence in inter-State relations and in creating a social order based on justice and equality.

40. The causes of international terrorism were further felt to be attributable to the policy of aggression and oppression pursued by some imperialist, colonialist and reactionary States. State terrorism of colonial, racist and other reactionary régimes had, it was maintained, an especially severe effect in this connexion, in as much as colonialist States continued to subject the peoples of colonized regions to various kinds of oppression, coercion, humiliation and forced emigration without respect for law or custom and pursued their policy of collective

expulsion of peaceable peoples from their homelands, scattering them over various parts of the world and leaving them prey to despair and frustration.

41. It was also said that such underlying causes of violence as misery, frustration and despair should be studied in the same way as the sociological problems connected with criminality in individual countries. The international community as a whole, recognizing that terrorism was an international crime, should devote attention to special preventive measures to be taken in order to eliminate the underlying causes which lay for example in colonialism, neo-colonialism, imperialism, military occupation of foreign territory, the mass expulsion of indigenous populations from their ancestral lands, lack of knowledge of the national aspirations of oppressed peoples, etc. The only way to eliminate that kind of terrorism was properly to apply the provisions of the pertinent resolutions of the United Nations and it was in that spirit that the Committee should pursue its efforts.

42. In the view of some delegations, the Committee should, now that a number of conventions dealing with various aspects of the same subject had been elaborated, focus its attention on the underlying causes of terrorism rather than on measures to combat it. Punishment, it was observed, could only be an effective deterrent if alleged offenders were caught and dealt with accordingly, but so long as the international community lacked effective and efficient enforcement machinery and had to rely on the goodwill of individual Member States to carry out faithfully the provisions of the Conventions effective and practical measures would elude the international community. To this end, it was recommended that the United Nations should set up a programme of action within a given number of years to eliminate all forms of colonialism, racial discrimination, and apartheid and to further re-emphasize the urgent need to bridge the gap between the rich and poor nations.

43. Another suggestion which was made was that emphasis be placed on the prevention of terrorism against innocent persons, and for that limited purpose it was proposed to define international terrorism simply as any act of violence endangering or taking innocent human lives or jeopardizing their fundamental freedoms and affecting more than one State, such an act being committed as a form of coercion in order to secure some specific end. It was also recommended that allegations against States pursuing policies of victimization of the innocent be the subject of international investigation and that international and national terrorism be condemned even though national terrorism fell within the purview of national jurisdiction.

44. A number of delegations which made statements in the general debate refrained from commenting in their statements on the question of the causes of international terrorism in view of the decision of the Committee referred to in paragraph 10 above under which the Working Group established by the Committee would devote its first meetings to an examination of that question.

E. Question of practical measures to combat terrorism

45. Views and suggestions in this connexion related to measures at the national and international levels.

46. It was stated that, however important the role of international organizations in combating international terrorism, it was primarily the responsibility of States to take all necessary measures to that effect and particularly for the protection of foreign nationals who were in their territory against acts of terrorism. Several representatives referred to legislative measures which had been enacted within their respective countries in such areas as acts of terror against the representatives of foreign States, hijacking, weapons and explosives and the suppression of terrorism. One representative further said that her country's national experience had shown that internal terrorism could be combated through the full exercise of democracy, freedom of expression and the guarantee of equal opportunity for all.

47. Emphasis was placed on the need for each country within its own sphere of competence to become actively involved in the struggle against international terrorism. The most important part of that struggle, it was stated, depended on individual countries and on their willingness fully to implement international conventions and take effective measures within their territories. In this connexion, it was noted that the operation of existing legal instruments could only be effective if all States strictly and conscientiously fulfilled the international objectives they had assumed. Regret was expressed at the attitude of certain States which, it was stated, refused, in spite of the unambiguous obligations laid down in the Hague Convention for the Suppression of Unlawful Seizure of Aircraft 10/ and the Montreal Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, 11/ to include in their bilateral agreements provisions on the handing over of air pirates because of their constitutional procedures. Attention was further drawn by a few delegations to the terrorist activities of various Zionist, émigré and nationalist subversive organizations and Fascist-Nazi groups in the host country against diplomatic missions and staff accredited to the United Nations. The authorities of the host country, it was maintained, were confining themselves to half-measures instead of active steps to prevent criminal acts of that type, thereby encouraging the further escalation of provocative actions against the diplomatic corps. It was further maintained that the mass media hushed up the crimes committed, notwithstanding their duty under the relevant decisions of the United Nations Educational, Scientific and Cultural Organization to contribute to the strengthening of friendly relations and co-operation among peoples and thereby work towards the reduction of acts of international terrorism. The view was further expressed that the effectiveness of the struggle against terrorism depended largely on the penalties provided for; the impunity or indulgence enjoyed by terrorists only served to encourage their criminal activities.

10/ United States Treaties and Other International Agreements,
vol. 22, part 2 (1971), p. 1644.

11/ Ibid., vol. 24, part 1 (1973), p. 568.

48. It was also noted that for the sake of further effective struggle against acts of international terrorism, it was necessary to put an end to the connivance and impunity characterizing the attitude towards criminals responsible for acts of international terrorism (hijacking, attacks on diplomatic missions and so on), as well as to the persistent tolerant attitude on the part of authorities in some States towards illegal activities of Fascist, revanchiste, Zionist organizations and groups inciting, promoting or directly participating in the acts of terrorism and other acts of violence against official representatives and the nationals of other States. It was pointed out in this connexion that the mass media of some countries, instead of unmasking and condemning the acts of terrorism and, contrary to their duty to promote friendship, mutual understanding, respect and co-operation among peoples, often incited the criminal activities of Fascist organizations and groups.

49. On the international plane, it was considered necessary to establish mechanisms for strengthening collaboration among Governments and competent national authorities and to promote exchange of information, in particular on the possible exploitation of modern technology for terrorist purposes. It was also recommended that due attention be paid to the high effectiveness of concluding bilateral and multilateral agreements in combating and preventing terrorist acts, with particular emphasis on the issue of extradition. Such agreements should stipulate the immediate extradition to the concerned State of criminals who were responsible for hijacking and other similar acts of international terrorism, should increase the responsibility of States for guaranteeing security of foreign missions as well as nationals and should expand the means of providing mutual legal assistance.

50. Many representatives referred to existing multilateral conventions dealing with specific aspects of international terrorism. Mention was made in particular of the 1963 Tokyo Convention on Offences and Certain Other Acts Committed on Board Aircraft, 12/ the 1970 Hague Convention for the Suppression of Unlawful Seizure of Aircraft, 10/ the 1971 Montreal Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation 11/ and the 1973 New York Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents. 13/ Effective implementation of the latter Convention was considered particularly important since diplomats were increasingly becoming the target of terrorist attacks. The view was expressed that there could be no question that if States acceded to those Conventions and implemented them, that would go a long way towards eliminating the manifestations of international terrorism. In order to make those Conventions fully effective, however, it was essential for States to take all the appropriate steps to bring terrorists to justice and to prevent such acts from happening. Many representatives felt that an appeal on behalf of the Committee to those States not yet parties to the above-mentioned Conventions to adhere to them would constitute a valuable contribution to the world-wide campaign against terrorism. In this connexion, the suggestion was made that even before States formally adhered to existing Conventions, they should undertake to comply with the provisions of those Conventions.

12/ United Nations, Treaty Series, vol 704, No. 10106, p. 219.

13/ Resolution 3166 (XXVIII), annex.

51. Other instruments which were mentioned by some representatives included the 1971 Organization of American States Convention to prevent and punish the acts of terrorism taking the form of crimes against persons and related extortion that are of international significance, 14/ as well as the 1977 European Convention on the Suppression of Terrorism, 15/ entered into force on 4 August 1978, which was claimed to be, subject to the adjustments to be made therein to meet the requirements of a broader community of States, a valuable basis for the work of the Committee.

52. Several representatives welcomed the results recently achieved in connexion with the question of hostage-taking which, it was stated, constituted encouraging evidence that it was not impossible to resolve issues of the kind now confronting the Ad Hoc Committee on International Terrorism. It was noted in particular that the draft adopted by the Ad Hoc Committee on the Drafting of an International Convention against the Taking of Hostages 16/ contained a provision reaffirming the legitimacy of the struggle of liberation movements fighting against colonialism, racism, apartheid, oppression and foreign domination, as well as a provision setting forth the obligation of countries to prohibit in their territories the activity of individual groups and organizations which prepared, instigated, organized or carried out acts of hostage-taking. The hope was expressed that all Member States would contribute towards making this draft a legally binding international instrument as soon as possible.

53. Against that background and encouraged by the progress made by the Ad Hoc Committee on the Drafting of an International Convention against the Taking of Hostages, a number of representatives expressed the hope that it might be possible to identify other acts of a similar nature which would lend themselves to similar sanctions by the international community, the study of the causes of international terrorism remaining a long-term goal of the Committee. It was stressed in this connexion that without identifying the specific acts of terrorism against which international co-operation could be effectively directed, the Committee might well fail to achieve orderly discussions on either causes or measures and that without a common understanding of the task to be accomplished each member of the Committee might embark upon discussions based upon completely different notions as to the acts of terrorism against which the practical co-operation of the international community was desirable and possible.

54. It was also suggested that the Committee should elaborate a model for future conventions setting forth principles that were generally accepted in the Conventions referred to above and should try to agree on which acts of violence should be dealt with in new international instruments.

14/ American Society of International Law, International Legal Materials, vol. X, No. 1, p. 255.

15/ Council of Europe, European Treaty Series, No. 70.

16/ See Official Records of the General Assembly, Thirty-fourth session, Supplement No. 39 (A/34/39), sect. IV.

55. Several delegations referred in this connexion to the draft submitted by the United States at the 1973 session of the Ad Hoc Committee. ^{17/} This draft was considered as deserving careful study and containing carefully thought out practical measures. While article I thereof was felt to offer a possible useful basis for the identification of the terrorist acts against which international co-operation could be directed, it was also considered as calling for some modifications in the interests of consensus. The suggestion was further made that the preamble should include a recognition of the role and legitimacy of the struggle of movements engaged in the liquidation of colonialism, racism and aggression, and emphasis was placed on the need duly to reflect, in any new international instrument which could be elaborated, the humanitarian institution of the right of asylum.

56. On the other hand, the view was expressed that the proliferation of treaties and conventions which were negotiated with all enthusiasm but never enforced could serve no useful purpose. The problem of international terrorism, it was said, required a long-term solution and nothing could produce the desired result without eliminating most if not all the root causes of the problem. While there might have been justification several years ago for considering an all embracing international convention against terrorism, such a course was not warranted any longer in view of the adoption, within the decade, of several conventions dealing with various aspects of the subject, and the time had come to concentrate on the underlying causes of these recurrent problems.

57. Another proposal of a normative nature related to the elaboration of a declaration or a convention on the prohibition of all forms of intervention in relations among States, i.e. the prohibition of all forms of State terrorism. This undertaking was felt to be particularly urgent in view of the emergence of various forms of foreign intervention that threatened international peace and security. The view was however expressed that the Ad Hoc Committee did not seem to be the most appropriate forum for the elaboration of such an instrument.

58. Other suggestions which were made related to a discussion of the ways and means of preventing attacks on targets such as highly sophisticated machinery and atomic power plants. Mention was made of the ongoing negotiations on an Agreement on the physical protection of nuclear material and transport facilities which had been initiated by the International Atomic Energy Agency, as well as of article 56 of Additional Protocol I to the Geneva Conventions of 1949 (A/32/144, annex I).

59. It was also suggested that the Committee should consider the problem of the punishment of terrorists and the strengthening of agreements and procedures to ensure that suspects were properly brought to trial. In this connexion, mention was made of the problem faced by small countries which had the will but lacked the capacity effectively to implement the safe-haven rule. A small State which apprehended terrorists receiving assistance from a well-armed and well-financed international network could become the target of reprisals on the part of the supporting criminal group and might find it very difficult to bring the offenders to trial without external help. In such cases, it was stated, more powerful States should be prepared to accept the responsibility of ensuring that international criminals were brought to justice.

^{17/} Ibid., Twenty-eighth Session, Supplement No. 28 (A/9028), p. 28.

III. REPORT OF THE WORKING GROUP OF THE WHOLE

60. As indicated in paragraph 10 above, the Ad Hoc Committee decided at its 13th meeting, on 21 March 1979, to set up a Working Group which would first consider the question of the underlying causes of international terrorism and would then turn to the question of the practical measures to combat terrorism, as provided in paragraph 7 of General Assembly resolution 32/147. It was agreed that the officers of the Ad Hoc Committee would serve in their respective capacities in the Working Group.

61. The Working Group held 10 meetings between 26 March and 5 April. In accordance with the decision referred to above, it examined the question of the underlying causes of international terrorism at its first four meetings held between 26 and 29 March.

62. At its first and second meetings the Working Group had an exchange of views on the orientation and aim of its work. A number of delegations emphasized the importance of identifying the causes of international terrorism before taking any practical action. They stressed that the eradication of terrorism and violence could be achieved only as part of a process designed to extirpate the roots of evil and wipe out its underlying causes. They found it difficult to follow the thread of an argument to the effect that it was important to take urgent measures against international terrorism without endeavouring to eliminate its causes, and added that, without wishing in any way to impede the efforts of the international community in its struggle against terrorism, they did not intend to associate themselves with hasty action which would only aggravate the manifestations of the phenomenon while maintaining the illusion that the necessary measures had been taken. The remark was also made that in undertaking a study of the underlying causes of international terrorism the Ad Hoc Committee was acting in full consonance with the mandate given to it in paragraph 7 of General Assembly resolution 32/147. It should not shirk its task, particularly since the most obvious causes of international terrorism referred to by a number of speakers in the general debate as well as in the written observations of many Governments, could at least be dealt with without any need for further academic study.

63. Other delegations noted that the search for the underlying causes of international terrorism was based on the assumption that understanding its causes was useful in striving for the complete elimination of terrorism, though not a pre-condition to taking significant steps to deal with aspects of the problem. They observed however that the logic of this proposition should not be allowed to obscure the immense practical difficulties in precisely identifying the causes of terrorism. Attention was drawn in particular to the complexity of the phenomenon and the even greater complexity of its causes. The question, it was observed, was multifaceted and involved a myriad of factors, not only of a political but also of a sociological, economic and psychological character. In this connexion it was asked whether those aspects of terrorism coming under the heading of the causes were not mostly national in character and as such outside the purview of the Ad Hoc Committee. It was also observed that the question of the causes of international terrorism was a scientific matter, and the question was asked whether a body composed of diplomats and lawyers who were concerned with policy

formulation was really qualified to handle the problem of the causes of international terrorism without being guided by scientific inquiry. The view was also expressed, however, that in a committee of this nature statements would necessarily reflect a political perception of the problem. The suggestion made in the course of the general debate to the effect that a group of experts, rather than a committee consisting of representatives of Governments, should study the underlying causes of international terrorism was reiterated in the Working Group. Doubts, however, were expressed as to the advisability of making a recommendation to set up such a group, since it was the Committee itself which was entrusted by the General Assembly with the task of studying those causes and it was said that experts could be included in the delegations of States members of the Committee.

64. Still other delegations stressed that, despite the difference of opinion which still persisted, it appeared to be agreed that an effective campaign against international terrorism presupposed two-fold action: in the first place, a study of the causes of the phenomenon so as to correct the situations which were a breeding ground for terrorism and, secondly, the formulation of effective measures to prevent and punish acts of international terrorism. They noted in this respect that the General Assembly had shown its wisdom by including the two tasks in the Committee's programme of work. The study of the underlying causes of international terrorism, it was added, could only throw more light on the whole question by drawing attention to certain situations which were likely to give rise to violent reactions and by helping to clarify the concept of international terrorism.

65. In the view of some delegations, the Ad Hoc Committee would have complied with the mandate given to it by paragraph 7 of General Assembly resolution 32/147 if it held an exchange of views on the underlying causes of international terrorism and reported the main trends existing in this regard to the Assembly. It would be unrealistic on its part to try to say the last word on such a complex question, and paragraph 10 of resolution 32/147 should be interpreted in a reasonable way in terms of the practical recommendations to combat terrorism which the international community could realistically be expected to agree upon.

66. Other representatives, while recognizing that under paragraph 7 of resolution 32/147 the Ad Hoc Committee was to conduct a study of the underlying causes of international terrorism and that such a study would undoubtedly serve a useful purpose in clarifying the various positions existing, felt that the Ad Hoc Committee should not limit itself to a mere analysis of the causes of the phenomenon but should also, in accordance with paragraph 10 of resolution 32/147, come up with recommendations for the elimination of those causes.

67. Although the discussion during the first two meetings focused on the orientation of the work in relation to the causes of international terrorism, one delegation made a general statement on the substance of the question. It observed that, while it was important to examine both the causes of terrorism and the means of putting an end to it, it was also important first of all to define the concept of a terrorist act. Emphasizing the diversity of targets of the acts in question and the complexity of their motivation, it added that three main groups of causes of the phenomenon could be distinguished: first, terrorism manifested itself when a claim could not be expressed through legal channels because the regulations in force made it impossible to state any claim; it also manifested itself when such a course was chosen on the basis of considerations of effectiveness

(publicity, anticipated result); lastly, it could be related to psychological causes when that course was chosen despite the existence of effective means for the legal expression of claims.

68. Some delegations said that dissent, even by violent means, should not be equated with terrorism. The acts on which the Ad Hoc Committee should concentrate were those acts of violence which were inadmissible in terms of a broad consensus of the international community.

69. At its 3rd and 4th meetings, the Working Group considered a working paper (A/AC.160/WG/R.1) submitted by Algeria, Barbados, India, Iran, Nigeria, Panama, the Syrian Arab Republic, Tunisia, Venezuela, Yugoslavia, Zaire and Zambia. This working paper read as follows:

"Working paper on underlying causes of international terrorism

I

"With a view to discharging the mandate entrusted to the Ad Hoc Committee on International Terrorism under General Assembly resolution 3034 (XXVII) of 18 December 1972 and implementing paragraph 7 of resolution 32/147 of 16 December 1977, the following list of the underlying causes of international terrorism is presented as a contribution to the work of the Ad Hoc Committee.

"This should not affect the inalienable right to self-determination and independence of all peoples under colonial and racist régimes and other forms of alien domination and the legitimacy of their struggle, in particular the struggle of national liberation movements, in accordance with the purposes and principles of the Charter and the relevant resolutions of the organs of the United Nations.

"The struggle of liberation movements comes within the purview of the Geneva Conventions of 1949 and the Additional Protocols thereto of 1977 and cannot be identified with terrorist acts.

II

DESIRE FOR DOMINATION, EXPLOITATION, EXPANSION, HEGEMONY, IMPERIALISM, ETC. WHICH RESULT IN:

"(A) Causes of a political character

- "1. Colonialism and maintenance of colonial domination,
- "2. Racism, racial discrimination, policy of apartheid and genocide,
- "3. Aggression, use of force contrary to the Charter of the United Nations and violation of the political independence, national sovereignty and territorial integrity of States,

- "4. Occupation of foreign territories and foreign domination over these territories and their peoples,
- "5. Interference in the internal affairs of other States,
- "6. Massive terror over peoples with a view to imposing domination and resulting in an exodus of populations,
- "7. Fascism and neo-fascism,
- "8. Policy of expansionism and hegemony.

"(B) Causes of an economic and social character

- "1. Persistence of an unjust and inequitable international economic order,
- "2. Foreign exploitation of the natural resources of a country,
- "3. Systematic destruction by a foreign Power of a country, its population, its flora and fauna, its means of transport, its economic structure, etc.,
- "4. Existing political, social and economic injustices and exploitation,
- "5. Massive violation of human rights, mass imprisonments, use of torture, reprisals, etc.,
- "6. Poverty, hunger, misery, frustrations, etc."

70. A number of delegations considered this paper interesting and useful in providing a framework for the discussion of the question. The view was expressed that it was of particular importance to have in the paper a distinction made between the two categories of the underlying causes: one being political causes and the other one being economic and social. It was suggested that one more cause should be added to the list contained in the working paper, namely the connivance of States with regard to acts of groups and organizations of a Fascist, neo-Fascist and Zionist character and the refusal to take effective measures against those acts.

71. Other members of the Working Group, while appreciating the effort made by the co-sponsors, considered that the approach reflected in the working paper constituted an a priori judgement and not only did not carry out the mandate of the Committee to study the causes of certain forms of international terrorism but also did not adequately respond to the complexities of the problem. According to this opinion, terrorism was dynamic and complex and its causes were even more so, and while the Committee might usefully identify certain conditions which were conducive to terrorism, the problem did not lend itself to the listing technique or, indeed, to an exclusively political perception; no list, it was added, could be comprehensive or definitely describe the complicated links between those conditions and the terrorist acts themselves, and a partial and subjective inventory of the causes of the phenomenon was likely to create more problems than it would solve.

72. The co-sponsors however pointed out that their working paper, as was clearly indicated in its first paragraph, was presented as a mere contribution to the work of the Ad Hoc Committee and was not intended to be exhaustive or limitative. They added that they were open to any suggestions which might improve their text or make it more comprehensive. At this stage, they had concentrated on what they considered to be the main causes of those forms of international terrorism which endangered peace and security and threatened innocent lives. The working paper admittedly reflected a political approach but that was only natural in dealing with a problem which was universally recognized as involving political elements and was being considered within a political body. It was also pointed out that the listing of the causes contained in the working paper was not in any way intended to justify acts of international terrorism.

73. The discussion concentrated on three main themes as indicated below.

74. With respect to the working paper as a statement of the causes of international terrorism, some delegations took the view that the paper rightly concentrated on acts of violence of public purpose and international significance, leaving aside isolated acts of terrorism committed for private gain or profit or by mentally ill individuals. They pointed out that the situations referred to in the paper had in common the fact that they were situations of intolerable curtailment of political, economic or social freedoms or of continued exploitation, subjugation or injustice resulting from such factors as oppression, occupation and racism. In their view, colonial, racial or apartheid policies or economic exploitation of the less developed peoples of the world necessarily resulted in the emergence of organized resistance movements determined to counter such policies; thus, it was observed, one act of terrorism begat another act of terrorism and organized resistance movements could not be expected to disappear as long as Governments did not desist from pursuing oppressive political and economic policies.

75. Other delegations maintained that whereas a number of the situations described in the list might in certain circumstances and combined with other factors constitute a breeding ground for terrorists, there were other situations not touched upon in the list which could equally provide a breeding ground for terrorists. They further observed that on the one hand the acts of oppression or situations of deprivation referred to in the paper did not automatically lead to terrorist acts and that on the other hand terrorism sometimes occurred even in the absence of any form of violence or oppression. Reference was made in this connexion to the emergence in highly developed countries of organized terrorist groups and to the results of a study conducted in 1977 on 350 identified terrorists from various parts of the world from which it appeared that the average terrorist was a young male aged 22 to 24 having at least some university education usually in the humanities and coming from a middle-class family. Attention was also drawn to the role played by the mass media in giving wide publicity to terrorist acts, thereby often meeting the very purpose of these acts.

76. Other delegations which disagreed with the general approach reflected in the working paper further noted the absence in the list of elements they felt to be important relating (1) to the granting by certain countries of a safe haven to perpetrators of acts of international terrorism and (2) to the lending by certain

Governments of material, political and financial support to agents of international terrorism. It was also noted that the term "neo-fascism" required definition.

77. The second theme of the discussion related to the problem of causation.

78. Some delegations stressed that the working paper did not take into account all the mechanisms or motives which could lead an individual placed in a given situation to commit an act of terrorism, and drew attention to the subtle relationship of cause and effect which existed in this whole area. The first element in that relationship must be a perceived grievance originating in a wrong or an abuse, although a grievance might be felt even in the absence of any identifiable underlying political, social or economic cause, in which case there was no identifiable cause to the act; the grievance led to a desire for redress and - where no institutional means of redress existed or where the aggrieved felt those means to be ineffective - resort to extra-legal means which could be peaceful (e.g. civil disobedience) or violent; even then resorting to violence could take forms other than terrorism (e.g. violent demonstrations). Thus, in the view of those delegations, new factors came into play at each step in the relationship of cause and effect, from the perception of a grievance to the decision to commit an act of terrorism. Those factors, it was observed, were crucial in determining whether or not a terrorist act occurred as a result of particular political, social and economic causes. In this connexion, some delegations said that they could not endorse the view that the desire for domination, exploitation, etc. referred to in the working paper had as its necessary consequence international terrorism. The causation link was also felt to be particularly loose in the case of points A 3, 5 and 8 or even non-existent in the case of point B 2.

79. Other delegations, while noting with satisfaction that it seemed widely agreed within the Working Group that the situations referred to in the working paper might be breeding grounds for international terrorism, maintained their view that these situations constituted the main causes of international terrorism. While admitting that there were two approaches to international terrorism, one focusing on the acts of individuals and the other on State terrorism, and while recognizing that the working paper reflected only the second approach, they emphasized that in their view State terrorism was a reality and could therefore not be ignored. In their opinion any Government that engaged in acts of violence or threats of violence in order to achieve its colonial, racial or apartheid policies was committing acts of terrorism, particularly if the act was carried out in such a way as to subjugate the will of a people against those policies. Among the causes which led States to pursue such policies the co-sponsors had highlighted the desire for domination, exploitation, expansion, hegemony and imperialism. In this connexion, it was pointed out that the working paper emanated from countries which had all, at one point or another and in varying degrees, been the victims of exploitation and that it would be irresponsible not to take duly into consideration the experience on which it was based.

80. In commenting on the causation aspect, some delegations referred to the question of the availability of institutional means of redress. The view was expressed that a difference should be made between terrorism directed at democratic régimes where institutional means of redress existed and popular upsurge against oppressive régimes and that although terrorism was never justified,

resort to violence was particularly inadmissible in democratic societies. The best way to combat terrorism, it was stated, was to strengthen democratic institutions and promote social justice.

81. Some delegations stressed that where institutional means of redress existed the individual with a grievance would usually express his opposition through them. This, it was pointed out, brought into the picture the factor of personal choice, i.e. what led a person - particularly if effective institutional means of redress were available - to take a terrorist path, while his equally wronged brother did not. Doubts were however expressed on the idea that desperate individuals actually made a deliberate choice in resorting to terrorism when other avenues of redress had been exhausted. Reference was made to the experience of countries which had been subjected to colonial rule and had resorted to non-violent means of protest. The question was asked whether, had those non-violent means not received a positive response from the colonial rulers, the ensuing violence could really have been ascribed to individual choice rather than to the option of the rulers for the path of self-righteousness and self-interest.

82. The third theme of the discussion related to paragraphs 2 and 3 of section I of the working paper. Many representatives reaffirmed their support for the struggle of all peoples under colonial and racist régimes and other forms of alien domination and in particular the struggle of national liberation movements for self-determination and independence and stressed that they could not endorse any condemnation of international terrorism which would cast doubt on the legitimacy of that struggle.

83. Other delegations said that while respecting the right to self-determination, they did not think there could be any exception implicit, explicit or even apparent to the condemnation of acts which, one representative recalled, it had been proposed to define as heinous acts of barbarism. The view was further expressed that the Committee's mandate was not directed to resistance to or to the struggle against oppression but was directed to the use of terrorism in whatever context it took place.

84. At its 5th to 10th meetings, held between 30 March and 5 April 1979, the Working Group considered the question of the practical measures to combat terrorism. It had before it working papers submitted respectively by the United Kingdom of Great Britain and Northern Ireland (A/AC.160/WG/R.2), the United States of America (A/AC.160/WG/R.3), Sweden (A/AC.160/WG/R.4) and Uruguay (A/AC.160/WG/R.5), as well as oral suggestions.

85. General comments were made on the orientation of the work of the Ad Hoc Committee in this area as well as on the general approach reflected in the above-mentioned working papers.

86. Several delegations referred to the mandate given to the Ad Hoc Committee by General Assembly resolutions 3034 (XXVII) and 32/147 under which the Committee should first study the underlying causes of international terrorism and then recommend practical measures to combat it. It was noted that many delegations had stressed that the elaboration of such practical measures should be carried out concurrently with a thorough study of the fundamental causes underlying the phenomenon and should first be aimed at removing the causes giving rise to

international terrorism, in particular, colonialism, foreign occupation and apartheid.

87. Some delegations while sharing the view that as long as the situations referred to in the working paper on underlying causes of international terrorism (A/AC.160/WG/R.1, reproduced in para. 69 above) persisted, the victims of those situations would resort to every means at their disposal, however illusory, in order to obtain at least a semblance of liberation and redress, expressed pessimism as to the likelihood of reaching agreement on practical solutions to a problem which was politically highly sensitive. Strenuous efforts had been made and many proposals had been submitted, some at the 1973 session of the Ad Hoc Committee, others at the current session. Yet no solution was in sight and it was clear that notwithstanding the invitation addressed to States in resolution 3034 (XXVII) "to consider the subject matter urgently", the vast majority of Member States did not consider the problem as urgent. Since terrorism, far from diminishing, became more dangerous as science progressed, some delegations considered that it would be useful to enlist the help of highly experienced experts to prepare a preliminary programme of measures on the basis of the various documents available.

88. Several delegations insisted on the need to distinguish in dealing with practical measures between national and international terrorism. It was said in this connexion that the working paper submitted by the United Kingdom referred in some of its points to "terrorism" and that such an all-embracing approach would not be helpful. Attention was also drawn to the fact that the term "terrorism" was liable to diverse interpretations, depending on varying philosophical, political and psychological perceptions. "Terrorism", it was added, was a loaded term which had been used not only by the agents of racism, colonialism and oppression to qualify resistance to their policies but also by dictatorial régimes to cast aspersion on their opponents. Care should therefore be taken that efforts intended to protect innocent lives should not result in curtailment or negation of the fundamental freedoms of other individuals. It was also observed that any practical measures in this area should be without prejudice to Article 2, paragraph 7 of the Charter.

89. Reference was further made to the need to distinguish between acts of international terrorism falling within "the common law" (relevant du droit commun) and the alleged terrorism of national liberation movements. Objection was raised in this connexion to the approach reflected in the working papers before the Committee which tended to equate both types of acts. Liberation movements, it was maintained, were legitimate, although legitimizing them was not tantamount to approving individual acts of international terrorism that might be laid at the door of those movements. It was, however, pointed out that an effort had been made throughout the debate to avoid confusion between a struggle - even an armed struggle - against oppression and heinous acts which, whoever committed them, were utterly impermissible. It was at those acts that practical measures to combat terrorism should be directed.

90. Some delegations said that the various working papers before the Working Group obviously referred only to acts of terrorism committed by individuals either in isolation or as members of a group. In their view, the practical measures to be worked out by the Ad Hoc Committee should cover state as well as individual terrorism. Other delegations held that it was not desirable to deal in this context with state terrorism. It was said in particular that that concept was

extremely difficult to define, that the situations referred to as state terrorism were being dealt with in other United Nations bodies and that it was beyond the mandate of the Committee to deal with state terrorism in any meaningful manner. It was for each State to eliminate terrorism practised within its own jurisdiction and the General Assembly could only urge States to make every effort to eliminate the underlying causes of international terrorism.

91. The view was also expressed that individual terrorism and state terrorism might appear to be very different concepts in any discussion on terrorism or in any attempt at defining this term. The difference, however, might not be so great when one came to the concrete question of the measures to be taken. When an individual acting on behalf of a State committed an act of terrorism, he was ultimately to bear responsibility for this act and the principle of prosecution or extradition could apply to him.

92. Specific comments were also made on the various working papers and oral suggestions before the Working Group.

93. The working paper submitted by the United Kingdom (A/AC.160/WG/R.2) read as follows:

**"ELEMENTS OF POSSIBLE RECOMMENDATIONS FOR CO-OPERATION
TO COMBAT INTERNATIONAL TERRORISM**

"1. To recommend to States which have not yet done so to become parties to the existing international conventions which relate to various aspects of the problem of international terrorism, namely the Convention for the Suppression of Unlawful Seizure of Aircraft, signed at The Hague on 16 December 1970; the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, signed at Montreal on 23 September 1971; and the Convention for the Prevention and Punishment of Crimes against Internationally Protected Persons, adopted at New York on 14 December 1973.

"2. To recommend to regional organizations that they consider measures to combat terrorism within their own regions, such as those adopted by the Organization of American States in the Convention to prevent and punish the acts of terrorism taking the form of crimes against persons and related extortion that are of international significance and by the Council of Europe in the European Convention on the Suppression of Terrorism.

"3. To urge States to strengthen and make more effective their existing national measures to combat international terrorism.

"4. To urge States to co-operate more closely in the exchange of relevant information on terrorist activities.

"5. To request the Secretary-General to prepare a compilation of national legislation dealing with the combating of domestic and international terrorism, and request Member States to provide the Secretary-General with the relevant information.

"6. To urge States and international organizations to co-operate in devising more effective security measures to protect facilities and installations vital to public health, safety, welfare and commerce.

"7. To emphasize the duty of States to refrain from organizing, instigating, assisting or participating in acts of civil strife or terrorist acts in another State or acquiescing in organized activities within its territory directed towards the commission of such acts."

94. This working paper generally met with favourable response. It was considered as constructive and as offering a good basis for future work.

95. Point 1 met with general approval. In this connexion it was observed that while it was true that the Conventions referred to had a relatively large number of parties, there was still merit in stressing their significance and calling for even wider participation. The broader the network of obligations requiring States to extradite or to prosecute, the more difficult it would be for terrorists to escape the consequences of their acts.

96. Some delegations pointed out that efforts should be aimed not only at increasing the number of parties to the instruments in question but also at ensuring strict compliance with their provisions. Some States parties to the International Civil Aviation Organization Conventions, it was stated, had failed to comply with their obligation under those Conventions to extradite hijackers, thus hampering efforts to combat international terrorism and condoning, for political and other reasons, acts which resulted in the sacrifice of human lives.

97. Attention was, however, drawn to the fact that under none of the Conventions mentioned in point 1 was a State party under the obligation to extradite an offender. If a State party chose to prosecute rather than extradite, it had fulfilled its obligation under the Conventions.

98. Some delegations considered it important to encourage the conclusion of bilateral and multilateral agreements providing for the immediate surrender of criminals to those States of which they were nationals.

99. Point 2 was supported by some delegations which stressed that both the Council of Europe and the Organization of American States had established good precedents for dealing with terrorism on a regional basis and that regional action could make an important contribution towards combating terrorism. Reservations were however expressed on this point. It was observed in particular that the European Convention on the Suppression of Terrorism had met with mixed reactions in the Council of Europe and that it would be better to stress in general terms the need for co-operation between States on a regional basis.

100. In connexion with point 3, the view was expressed that individual States had a major role to play in fighting international terrorism and that the suggested review by States of their legislation and administrative practices would therefore be extremely useful. It was also stated that since States were primarily responsible for the security of their citizens, it was first and foremost within the framework of national legislations that effective measures should be taken. It was indispensable that all national legislations should establish the criminal responsibility of perpetrators of acts of international terrorism and provide for

severe penalties for such acts and that measures be taken at the national level to prevent the activities of Zionist and nationalist subversive centres and Fascist and Nazi groups which were still finding protection and refuge in certain States, as well as to protect the representatives of foreign States.

101. With respect to points 4 and 5, some representatives said that the Ad Hoc Committee should only deal with international terrorism, as indicated in paragraph 88 above and it was suggested to replace in point 4 "terrorist activities" by "international terrorism" and to delete in point 5 the word "domestic".

102. Regarding point 6, it was suggested that it be made more precise and clearer through the addition of examples. Reference was made in this connexion to article 56 of Protocol I to the Geneva Conventions of 1949 which gave special protection to "works or installations" such as nuclear power plants and dams (A/32/144, annex I, p. 40). It was further suggested that point 6 might also refer to material that might fall into the wrong hands and be misused by terrorists.

103. As to point 7, it was recognized that the principle contained therein, which was a variation of the principle of non-interference in the internal affairs of States and contained an idea also to be found in the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations, was one to which the international community attached great importance and that there was therefore merit in reaffirming it. The observation was however made that the proposed text did not faithfully follow the wording of the above-mentioned Declaration and that either the exact wording should be used or a general reference to the duty of States to comply with the Declaration should be substituted.

104. The working paper submitted by the United States (A/AC.160/WG/R.3) read as follows:

**"PROPOSED RECOMMENDATION FOR CO-OPERATION TO COMBAT
INTERNATIONAL TERRORISM**

To draft an additional international convention, based on the principle of prosecution or extradition, to prohibit acts of international terrorism involving acts against the life, physical integrity, or liberty of another person and other acts which result in the violent destruction of property, or in interference with facilities and installations vital to public health, safety, welfare and commerce."

105. Several delegations expressed support for this proposal. Some of them insisted on the need to delimit clearly the scope of the envisaged convention and to confine it to particularly serious and heinous acts. Others said that the proposed instrument, which would evidently deal with acts of individuals or groups of individuals, ought to include in its preamble or in the accompanying resolution a condemnation of state terrorism as well as an appeal to the Security Council to apply the provisions of Chapter VII of the Charter to terrorist régimes which endangered international peace and security; it should also, it was added, contain a provision concerning the peoples fighting against colonial domination and

alien occupation and against racist régimes, modelled on the parallel clause appearing in the draft convention against the taking of hostages.

106. Other delegations however considered the proposal contained in the United States working paper as far too vague and excessively broad in scope. In their opinion, there should be some clarification as to area of activity any new convention would be intended to cover. An instrument of general application would run the risk of overlapping with existing conventions and thus create some confusion. The alternative was to draft an instrument dealing with specific types of terrorism not yet covered by existing conventions, but there might then be difficulty in agreeing on what those types of terrorism were.

107. The sponsor of the proposal explained that in his delegation's intention the proposed new instrument was to deal with acts not yet covered by existing conventions and that his delegation would at a later stage attempt to identify specific acts which required international action.

108. The working paper submitted by Sweden (A/AC.160/WG/R.4) read as follows:

"PROPOSED RECOMMENDATION FOR CO-OPERATION TO COMBAT TERRORISM

"To call attention to the fact that the United Nations organs which are responsible for the protection of human rights can effectively contribute to eliminating those causes of terrorism which consist in oppression of groups and individuals or in other serious violations of human rights and fundamental freedoms."

109. The sponsor of this working paper indicated that, in his opinion, state terrorism was more of a national than of an international character inasmuch as it related to cases where a minority, a specific group or class of individuals or sometimes an entire population was oppressed by those in power and had its fundamental rights and freedoms curtailed or negated. He therefore suggested that the Committee could perhaps agree to refer to state terrorism in an indirect way and bring it to the attention of the Assembly by way of a recommendation stressing the importance of the ongoing work of United Nations bodies responsible for the protection of human rights.

110. Some delegations found the idea behind this working paper interesting. Other delegations however expressed surprise at this proposal which, in their view, served the interests of mythical groups and certain individuals instead of the interests of peoples carrying out national liberation struggles.

111. The working paper submitted by Uruguay (A/AC.160/WG/R.5) read as follows:

"(1) To ask the Secretary-General to provide, in addition to the proposed compilation of national legislation dealing with the combating of domestic and international terrorism, statistics on the victims (injured and killed) of terrorist attacks and on losses of property and money (in United States dollars) occasioned by robbery, kidnapping, extortion and other illicit means;

"(2) To urge the Secretariat to strengthen and make more effective existing measures to control access by terrorists to all United Nations premises, particularly to those meetings at which matters directly related to the consequences of acts perpetrated by them in countries where they have operated are discussed."

112. The sponsor of this working paper explained that point (1) thereof elaborated on point 5 of the United Kingdom working paper and that the envisaged compilation, if it were accompanied with statistical data, would not only be of help to the countries which lacked the necessary facilities to undertake widespread research into national legislations but would also give an accurate idea of the magnitude of the problem. Point (2) of the working paper aimed at exerting stricter control on the access of terrorist elements to United Nations premises. It was important to ensure that United Nations bodies dealing with questions related to international terrorism should not be disturbed in the carrying out of their tasks.

113. Several delegations expressed doubts on point (1) of this proposal. In their view, it was not advisable to disseminate information on acts of international terrorism and give them undue publicity; neither did it seem appropriate to adopt a quantitative approach to a problem which should essentially evoke moral condemnation. As a compromise formula the sponsor suggested to replace in his original text the words "To ask the Secretary-General to provide, in addition to the proposed compilation of national legislation dealing with the combating of domestic and international terrorism, statistics ..." by the words "To ask the Secretary-General that in addition to providing the proposed compilation of national legislation dealing with the combating of domestic and international terrorism, he request from Member States the necessary official information to establish statistics ..." It was agreed that the idea behind point (1) of the working paper would be reflected in an appropriate manner in the recommendations of the Committee. On point (2), it was agreed that its content would be brought to the attention of the Secretary-General by the Chairman in a letter which would reproduce its terms.

114. Finally, the following measures were proposed orally to prevent and combat international terrorism:

1. Co-operation on the multilateral plane - co-ordination of action within the United Nations, drafting of international conventions, etc.

2. Co-operation on the regional level - drafting of regional conventions, regional agreements to prevent and to combat terrorism, etc.

3. Bilateral co-operation - exchange of information, incorporation of special clauses into appropriate bilateral treaties, conclusion of special treaties, co-ordination of actions, etc.

4. Ratification and implementation of existing conventions relating to the struggle against terrorism.

5. Undertaking of appropriate measures on the national plane - harmonization of domestic legislation with international conventions, implementation of assumed international obligations, prevention of the preparation and organization in one's own territory of facts directed against other States.

115. Those proposed measures were considered as deserving serious attention and as a possible basis for the adoption of practical measures to combat international terrorism.

116. At the concluding stage of the work of the Working Group, there was a general feeling that within the existing limitations and despite them, some steps must be taken within the Ad Hoc Committee in an effort to save innocent lives. To that effect the Working Group considered, together with various informal proposals, the following draft resolution submitted by India (A/AC.160/WG/R.6):

"The General Assembly,

"Recalling its resolutions 3034 (XXVII) of 18 December 1972, 31/102 of 15 December 1976 and 32/147 of 16 December 1977,

"Recalling also the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations,

"Deeply concerned over continuing acts of international terrorism involving unwarranted sacrifice of innocent human lives,

"Convinced of the importance of international co-operation for dealing with acts of international terrorism,

"Having examined the report of the Ad Hoc Committee on International Terrorism,

"1. Draws the attention of all States to the underlying causes of acts of international terrorism referred to in the report of the Ad Hoc Committee;

"2. Urges all States, unilaterally and in co-operation with other States to contribute to the progressive elimination of the underlying causes and to seek just solutions to situations that give rise to acts of international terrorism;

"3. Commends the practical measures of international co-operation recommended in the report of the Ad Hoc Committee for dealing with acts of international terrorism;

"4. Requests all States and regional organizations to examine ways and means of implementing the recommended practical measures, and to take appropriate action to introduce suitable measures, nationally and regionally, for combating international terrorism and to report to the Secretary-General of the United Nations on the actions taken by them, including national legislation.;

"5. Considers that the question of an additional International Convention to prohibit acts of international terrorism deserves further study."

117. On the basis of the above-mentioned draft resolution and informal proposals and after intensive informal consultations in which the Chairman, in co-operation with the representative of Yugoslavia, acted as co-ordinators, the Working Group agreed on the recommendations reproduced in section IV below.

IV. RECOMMENDATIONS OF THE AD HOC COMMITTEE

118. The Ad Hoc Committee on International Terrorism, expressing its deep concern over continuing acts of international terrorism involving sacrifice of innocent human lives, recognizing the importance of international co-operation in preventing their occurrence and recalling General Assembly resolutions 3034 (XXVII) of 18 December 1972, 31/102 of 15 December 1976 and 32/147 of 16 December 1977, submits to the Assembly, in the light of its report, the following recommendations relating to practical measures of co-operation for the speedy elimination of the problem of international terrorism:

1. The General Assembly should unequivocally condemn all acts of international terrorism which endanger or take human lives or jeopardize fundamental freedoms.
2. The General Assembly should take note of the study of the underlying causes of international terrorism as contained in the report of the Ad Hoc Committee.
3. The General Assembly should urge all States, unilaterally and in co-operation with other States, as well as relevant United Nations organs, to contribute to the progressive elimination of the causes underlying international terrorism.
4. The General Assembly should call upon all States to fulfil their obligations under international law to refrain from organizing, instigating, assisting or participating in acts of civil strife or terrorist acts in another State, or acquiescing in organized activities within its territory directed towards the commission of such acts.
5. The General Assembly should appeal to States which have not yet done so to become parties to the existing international conventions relating to various aspects of the problem of international terrorism, specifically the Convention on Offences and Certain Other Acts Committed on Board Aircraft, 18/ signed at Tokyo on 14 September 1963, the Convention for the Suppression of Unlawful Seizure of Aircraft, 19/ signed at The Hague on 16 December 1970, the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, 20/ signed at Montreal on

18/ United Nations, Treaty Series, vol. 704, No. 10106, p. 219.

19/ United States Treaties and Other International Agreements, vol. 22, part 2 (1971), p. 1644.

20/ Ibid., vol. 24, part 1 (1973), p. 568.

23 September 1971, and the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, 21/ adopted at New York on 14 December 1973.

6. The General Assembly should invite all States to take all appropriate measures at the national level with a view to the speedy and final elimination of the problem of international terrorism such as the harmonization of domestic legislation with international conventions, the implementation of assumed international obligations, and the prevention of the preparation and organization in one's own territory of acts directed against other States.
7. The General Assembly should recommend to appropriate specialized agencies and regional organizations that they consider measures to prevent and combat international terrorism within their respective spheres of responsibility and regions.
8. The General Assembly should urge all States to co-operate with one another more closely, especially through the exchange of relevant information concerning prevention and combating of international terrorism, the conclusion of special treaties and/or the incorporation into appropriate bilateral treaties of special clauses, in particular as to the extradition or prosecution of international terrorists.
9. The General Assembly should request the Secretary-General to prepare a compilation on the basis of material provided by Member States of relevant provisions of national legislation dealing with the combating of international terrorism.
10. The General Assembly should consider the need for an additional international convention or conventions based, inter alia, on the principle of extradition or prosecution to combat acts of international terrorism not yet covered by other similar international conventions. In that connexion, the inclusion, mutatis mutandis, of similar provisions in comparable conventions and current drafts in related fields might be considered, including the provision in the draft convention on the taking of hostages, which refers to Additional Protocol I to the Geneva Conventions of 12 August 1949 22/ concerning peoples fighting against colonial domination, alien occupation and racist régimes.
11. In order to contribute to the elimination of the causes and problem of international terrorism, the General Assembly and the Security Council should pay special attention to all situations, including, inter alia, colonialism, racism and situations involving alien occupation, that may give rise to international terrorism and may endanger international

21/ Resolution 3166 (XXVIII), annex.

22/ See A/32/144, annex I.

peace and security, with a view to the application, where feasible and necessary, of the relevant provisions of the Charter of the United Nations, including Chapter VII thereof.

119. The Ad Hoc Committee did not have before it statistics concerning victims, injured and killed in terrorist attacks and the monetary value of property losses occasioned by various acts of international terrorism. Such statistics would be of general interest but because of the difficulties involved in compiling this information by the Secretary-General, a suggestion to this effect has not been made. However such information, where available to Member States and non-governmental organizations, might be furnished by them directly to the Secretary-General for purposes of record.

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