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Chairman: Mr. MÜTZELBURG (Federal Republic of Germany)

later: Mr. AL-QAYSI (Iraq)

CONTENTS

AGENDA ITEM 129: 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: REPORT OF THE SECRETARY-GENERAL (continued)

OTHER MATTERS

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

AGENDA ITEM 129: 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: REPORT OF THE SECRETARY-GENERAL (continued) (A/40/445 and Add.1 and 2, A/40/269; A/40/399-S/17293; A/40/474; A/40/603-S/17438; A/40/620; A/C.6/40/3, A/C.6/40/5, A/C.6/40/6; A/C.6/40/L.2, L.3, L.4)

1. Mr. CASTROVIEJO (Spain) said that his country had always condemned all forms of terrorist acts and supported efforts to eliminate them. While condemnation was necessary, terrorism could be eliminated only if juridical, political and social measures were adopted by the international community. It was important for all the international agreements, relating to terrorism to be ratified and implemented by the largest number of States. Spain had ratified a number of conventions in that area, including the 1963 Tokyo Convention on Offences and Certain Other Acts Committed on Board Aircraft, the 1970 Hague Convention for the Suppression of Unlawful Seizure of Aircraft, and the 1971 Montreal Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation. While the time might not yet be ripe for the elaboration of a general convention on international terrorism, his country was committed to making a constructive contribution to the efforts of the international community against terrorism, since international co-operation was the most effective means of eradicating that evil.
2. Political reasons were often advanced to explain and even to justify terrorist acts. It would, however, be a dangerous error for the international community to consider that the end always justified the means. Terrorism was an abomination which tainted the end pursued.
3. Spain was committed to the defence of the right of self-determination of peoples, as well as to the struggle against racism, apartheid, colonial domination and foreign occupation. It was concerned that those unjust situations had not been resolved.
4. Since the correct and practical implementation of the right of asylum could help to resolve a number of situations of injustice which might arise in international life, that right should be preserved. The State granting asylum, however, had certain obligations, among them the obligation to ensure that its territory was not used to carry out activities contrary to the fundamental rights of other countries or the rights or property of their nationals. Failure to fulfil such obligations would pervert the institution of asylum.
5. Mr. AL-DUWAIKH (Kuwait) said that his country condemned all forms of terrorism and had ratified the Conventions of Tokyo, The Hague and Montreal concerning the safety of international civil aviation. In addition, the competent Kuwaiti authorities were currently studying the 1973 Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents.

(Mr. Al-Duwaikh, Kuwait)

6. A satisfactory solution to the problem of terrorism would be achieved only by tackling its underlying causes. The international community should co-operate more closely to that end. Regrettably, however, as recent events had confirmed, States had actually been responsible for certain acts of terrorism, thereby creating international tension. Political considerations must be taken into account in the search for solutions because most acts of terrorism were political in nature.

7. Expressing agreement with the views contained in the Secretary-General's report on the work of the Organization (A/40/1), he attributed the failure of United Nations efforts in that area partly to the non-implementation of the resolutions of the General Assembly, particularly in respect of the underlying causes of terrorism.

8. Certain States, including major Powers, were not performing their obligations under the Charter. Pursuing their selfish political interests, they were attempting to solve the problem by resorting to terrorist methods themselves, to the detriment of a people struggling for its right to self-determination.

9. The measures adopted to combat terrorism must not prejudice the right of peoples to self-determination; rather such measures must be directed against the underlying causes of international terrorism. Although international terrorism was covered by national laws, the meaning of the expression varied from one country to another. It was therefore necessary to define it so as to protect fundamental freedoms and tackle its underlying causes. A declaration should be formulated during the current session to facilitate work in that area, particularly in view of recent events which had reinforced the need for a legal and political solution to the problem.

10. Mr. BRING (Sweden), speaking on behalf of the five Nordic countries, said that the upsurge in terrorism witnessed in recent years represented an alarming aspect of the current international situation and posed a menace to orderly and friendly relations among nations. The world-wide nature of the problem made action by the community of nations necessary, and a proper forum for dealing with those global problems was the United Nations. The people of the world had a right to expect the United Nations to seek ways and means of stemming the rising tide of terrorism. While the General Assembly had unequivocally condemned all acts of international terrorism which endangered or took human lives or jeopardized fundamental freedoms, it was a sad thing that the item under consideration had to be a recurrent item on the agenda of the Sixth Committee and that measures to prevent international terrorism were more needed than ever before. The statement on international terrorism made by the members of the Security Council on 9 October 1985 (S/17554) marked an important milestone in the struggle against international terrorism and held out a fair prospect that the international community would prove capable of finding appropriate means to defend itself against that threat to international order.

11. The subject of international terrorism had nothing to do with the question of when the use of force might exceptionally be legitimate in international life.

(Mr. Brinq, Sweden)

Even when the use of force was legally justified, there were some methods which simply must not be used. Acts such as the taking of hostages and the murder of innocent persons had never truly served any legitimate cause. The legitimacy of a cause such as the struggle for self-determination and independence did not in itself legitimize the use of certain forms of violence, especially violence against innocent persons. The primary concern of the international community, therefore, should be the protection of the innocent persons who were the first to suffer from acts of terrorism. Each Member State should respond to that challenge and apprehend, prosecute and punish the perpetrators of terrorist acts, or extradite them to a State where prosecution would take place. There must be no safe haven for terrorists.

12. Terrorism might spring from misery, frustration, grievance and despair, and the world community would be failing in its obligations if it did not at all times try to alleviate and, as far as possible, rectify those underlying wrongs. The causes of terrorism should be analysed in a number of fields. The effort to eliminate those causes should be intense and continuous, as mankind had not yet succeeded in creating a social order which would not provoke violence. To await a solution to the wrongs of the world before dealing with the problem of terrorism, however, would not seem justified.

13. The international community had responded to that problem by concluding a number of important international conventions in that field. Of particular relevance were the three Conventions adopted under the auspices of the International Civil Aviation Organization. Attention should also be drawn to those Conventions which had been elaborated by the General Assembly itself since 1972. He also wished to recall the initiative taken by the Nordic countries in 1980 to enhance the protection, security and safety of diplomatic and consular missions and representatives. The prevention and punishment of crimes against internationally protected persons was a way of strengthening the legal régime of the Vienna Conventions on diplomatic and consular relations and an important prerequisite for orderly international relations. The above-mentioned Conventions were all within the framework of the international law of peace. It should be recalled also that there was a body of international humanitarian law which took a stand against terrorist acts in situations of armed conflict. Under existing rules of international law, there were means which could not be justified by any ends. Even in time of war, acts of a terrorist nature were not a legitimate means of combat.

14. The Sixth Committee should focus its attention on practical measures which might be taken immediately to reverse the current trend of terrorism. At the national level, States should be urged to take all necessary precautionary measures to deter and prevent terrorist activities in their territories. States should also co-operate more effectively for the purpose of ensuring full protection of the public against acts of international terrorism. In conformity with their national legislation and through agreed international machinery, they should exchange the information necessary to strengthen their capability to prevent and suppress such acts and prosecute or extradite the perpetrators. At the international level, it was essential for the General Assembly to express, in its resolution on the current item, its strongest condemnation of acts of international terrorism.

(Mr. Brina, Sweden)

15. With regard to more detailed measures, a first practical step towards combating terrorism would be to urge States to become parties to the existing Conventions relating to such aspects of international terrorism as hijacking, hostage-taking and attacks on internationally protected persons. Equally important, the activities of terrorists would be greatly hampered if States lived up to their international obligations in that field. At the international level, further steps might include the preparation of an international convention on terrorism, singling out groups of international offences in addition to those already covered by the existing instruments. What was urgently needed was a confirmed willingness by States to act in accordance with their international obligations and to co-operate in good faith to stem the rising tide of international terrorism. The five Nordic countries were ready to take an active and constructive part in those endeavours.

16. Mr. Al-Qaysi (Iraq) took the chair.

17. Mr. MIMOUNI (Algeria) said that the item before the Sixth Committee was a topical one and its political exploitation tended to distort its significance and conceal its true dimensions. While all States recognized the urgent need to seek effective solutions to the problem of international terrorism and to the insecurity bred by violence which threatened the foundations of the international order, it must be admitted that the divergence of views on the matter were not conducive to the search for such solutions.

18. Since the item had first been included in the agenda in 1972, the action of the international community had taken two principal directions: the elaboration of a set of legal instruments that were international, regional or municipal in scope; and the identification of the underlying causes of terrorism and acts of violence in order to determine appropriate measures. Although the Ad Hoc Committee on International Terrorism had not been able to complete its study of the underlying causes of terrorism, it had recommended that the General Assembly should request all States, individually and collectively, as well as the appropriate organs of the United Nations, to make a contribution to the progressive elimination of the underlying causes of international terrorism. It would be useful to examine the status of the implementation of that recommendation. The report before the Sixth Committee (A/40/445 and Add.1 and 2) and the experience of recent years showed that nothing had been done to eliminate those causes. The fact that there was neither a definition of international terrorism nor a list of the various forms which that phenomenon could take continued to constitute an obstacle to the search for appropriate solutions.

19. The question of international terrorism must be examined in all its aspects. The true nature and dimension of isolated acts of despair engendered by oppression, domination and racism must be recognized. There could be no parallel between terrorism, as such, and the struggles waged by liberation movements whose legitimacy was recognized by the international community and consecrated in contemporary international law. The Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the

(Mr. Mimouni, Algeria)

Charter of the United Nations recognized the legitimacy of the armed struggle of national liberation movements, while the Definition of Aggression and the Manila Declaration on the Peaceful Settlement of International Disputes recognized that peoples who were deprived by force of their right to self-determination and independence were entitled to struggle for the recovery of that right. Any attempt to equate the national liberation struggle with terrorism must be rejected.

20. The Sixth Committee should focus on the terrorism practised by certain States and entities in violation of the elementary norms of international law. State terrorism was a reality which could not be ignored. It was the most fearsome and the most dangerous form of terrorism, both because of the objectives which it pursued and the means which it employed, and because of its consequences for international peace and security. The Zionist acts of aggression and those of the racist South African régime, of which Tunisia and Angola respectively were the most recent victims, were examples of that form of terrorism.

21. The frequency and impunity with which such acts were perpetrated had led to an institutionalization of terrorism in international relations, to which the international community must respond. Neither the pretext of making reprisals nor distorted interpretations of self-defence could, in the eyes of international law, constitute a justification for the commission of acts in flagrant violation of the provisions of the Charter.

22. It would be a dangerous illusion to believe that international terrorism, as it was currently perceived by some, could be eliminated when States and entities themselves engaged in terrorist practices on an unprecedented scale. Although the need to put an end to that phenomenon had been recognized, certain countries refused to accept the solutions recommended by the majority. No formula would succeed in resolving the problem of terrorism unless its underlying causes were removed.

23. Combating terrorism required broadness of vision. The current debate demonstrated that efforts could not be limited merely to the adoption of legal instruments. While fully appreciating the extent of the work already accomplished, his delegation believed that it was time to think of adopting the only approach capable of putting an end to the phenomenon of terrorism. The recommendations of the Ad Hoc Committee on International Terrorism and the very wording of the agenda item pointed in the right direction.

24. Mr. RANA (Nepal) said recent developments had underlined the fact that no nation was completely immune to the virulent virus of international terrorism in its many manifestations. Precisely because it was international in scope, that disease could not be checked, much less eradicated, without the active co-operation of all nations.

25. The United Nations Charter and, in particular, the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States provided a broad framework for prescriptive action. However, although the item

(Mr. Rana, Nepal)

under discussion had been on the agenda of the Sixth Committee for over a decade and although certain aspects relating to civil aviation had been dealt with by specific conventions, the international community was still woefully far from its goal of making the world safe from terrorism. While those conventions constituted visible and encouraging legal milestones in the battle against international terrorism in the skies, they were not enough. Other forms of terrorism needed to be urgently addressed, including kidnappings, hostage-taking and offences relating to explosives and firearms. There was another obvious and serious drawback in the existing legal régime: terrorists committing criminal acts could escape extradition on the specious plea that their acts were political in character. The necessary political will was therefore urgently needed for the conclusion of a world treaty on the exchange of information, preventive measures and the prosecution, punishment and extradition of terrorists.

26. His delegation endorsed, in particular, the three specific measures recommended by the Ad Hoc Committee on International Terrorism and adopted by the General Assembly (resolution 34/145, paras. 7, 9 and 11).

27. Nepal had never been and would never be a safe haven for merchants of death, brokers of violence or advocates of terror. Its commitment to the cause of anti-terrorism had not been limited to rhetoric, but had been eloquently proven by deeds. In addition to enacting relevant anti-terrorism legislation, it had been taking appropriate legal and administrative measures to prosecute, deport or extradite convicted or suspected terrorists. Nepal had never allowed and would never turn a blind eye to any attempt to use its territory for the planning or execution of terrorist activities directed against other countries, and naturally expected reciprocity from others.

28. His delegation was convinced that political problems of an international nature must be solved through negotiations and not through recourse to terror tactics, which, apart from inviting more violence and bloodshed, trampled upon that most precious fundamental human right of all men, women and children - the right to life.

29. Mr. MANSFIELD (New Zealand) stressed the need for commitment and co-operation among the international community if international terrorism was to be curbed. As had been the case with piracy and the acceptance of the principle of universal jurisdiction over pirates, appropriate and even exceptional legal measures must be adopted and put into effect to combat terrorism on a global scale.

30. In response to the outbreak of hijackings in the late 1960s and early 1970s, the 1970 Hague Convention and the 1971 Montreal Convention had been concluded on the basis of the principle of "no safe haven for terrorists" and the obligation of States to prosecute or extradite them. New Zealand, like most other countries, had acceded to those Conventions, and their effectiveness derived not only from the closer international co-operation and the improvement in anti-terrorist procedures which they had brought about, but also from the message of universal condemnation which they conveyed.

(Mr. Mansfield, New Zealand)

31. On the basis of the principles of those Conventions and in response to the assassination and kidnapping of diplomats, and the taking of innocent hostages, the international community had concluded the 1973 Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents and the 1979 International Convention against the Taking of Hostages. His Government had announced that it would accede to them and would deposit the necessary instruments with the Secretary-General within the next week or two.

32. There had recently been a disturbing outbreak of acts of terrorism against embassies, diplomats and other civilians, and civilian targets, particularly in the Middle East but also in Europe, North America, Asia and even New Zealand, where one such incident had taken place. What was even more worrying was the involvement of States or State agents in some of those incidents. Nothing could be more damaging to the international community's efforts to curb terrorism than such involvement on the part of States.

33. Terrorism was unjustifiable on moral grounds whatever the merits of its underlying causes or objectives. That moral judgement was embodied in both national and international law. Even in times of war, international law, proceeding from the same basic judgement, prohibited attacks against the civilian population in general and terrorist attacks in particular. Therefore the international community must do its utmost to protect innocent persons from acts of international terrorism in times of peace.

34. Recalling the proposal made in 1972 by a number of countries including New Zealand, he suggested that delegations might reconsider the prospects for a comprehensive convention providing for sanctions against all international terrorists. In the light of recent events, however, such a convention must provide for terrorist acts committed by nationals of one State in the territory of another and for the international responsibility of a State organizing, instigating, assisting or participating in such acts. Alternatively, more limited legal measures, dealing, for example, with terrorism against or aboard ships, should be envisaged to supplement the existing conventions on specific types of terrorism.

35. However, the underlying causes of terrorism must also be addressed, and the existing legal measures must be strengthened through broader accession to, and strict compliance with, the relevant conventions. The conventions must also be reinforced with an unequivocal collective condemnation of international terrorism along the lines of the recommendation made in 1972 by the Ad Hoc Committee. In that connection, he pointed out that New Zealand was co-sponsoring one of two draft resolutions on the item, both of which should serve as a basis for the elaboration of a strong final text enjoying universal support. He also stressed the importance of the statements made by the Secretary-General, the recent statement by the President of the Security Council (S/17554) and the communiqué issued at Nassau by the Commonwealth heads of Government, as well as the significance of condemnations by individual Governments.

(Mr. Mansfield, New Zealand)

36. States must respond to international terrorist acts with firmness, but without jeopardizing the fabric of international order by embracing the lawlessness of the terrorists. However, success in that area depended largely on co-operation in the prevention and punishment of acts of terrorism. Terrorists, like pirates, should not enjoy sanctuary. They must be prosecuted or extradited. His Government clearly accepted that principle, which was emerging as a binding norm of international law, and was willing to do whatever it could to hasten its acceptance as such. New Zealand called upon other States to support that principle and reaffirmed its commitment to co-operate in the ongoing fight against terrorism and actively support the work of the United Nations and other international bodies.

37. Mr. AL-KAWARI (Qatar) said that one of the basic problems in considering the matter before the Committee was that there was no generally agreed definition of terrorism. As his delegation understood it, terrorism could be characterized as the concentrated and unanticipated use of violence against persons not expecting to be the object of such violence. Any act having those attributes deserved condemnation, whether perpetrated by an individual, a group or a State using its armed forces or official agencies. State terrorism was, if anything, more deserving of condemnation than individual terrorism, since States, as members of the international community, were bound by international law.

38. The right of peoples to self-determination, freedom and independence was of overriding importance and had been clearly and forcefully enshrined in the Charter of the United Nations. The Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States had reaffirmed the principle of equal rights and self-determination of peoples. It had asserted that every State had the duty to refrain from any forcible action which deprived peoples of their right to self-determination, and that in their response to such forcible action and in pursuit of the exercise of their right to self-determination, such peoples were entitled to seek and to receive support. Any action by a people forcibly deprived of its right to self-determination which was undertaken in an attempt to secure that right was therefore a legitimate action. It could not be characterized as terrorism and those who carried it out could not be characterized as terrorists.

39. States were not morally superior to individual perpetrators of acts of violence if their motives, like those of individuals, were merely based on blind vengeance. Responding to a wrong with an act of violence against the source of that wrong placed States and individuals in the same category. It made no difference whether acts of reprisal were conceived of as a legitimate defence against the alleged source of terrorism or as a simple desire to see justice done. Such acts were all the same, if motivated by vengeance and directed against civilian targets. Israel's attacks against Tunis, the Iraqi nuclear reactor and similar targets were acts of State terrorism of a kind practised by the Zionist entity as part of a continuing chain of violence.

40. International terrorism was a pathological phenomenon; it could not be remedied by treatment of its symptoms, but only by the elimination of its root

(Mr. Al-Kawari, Qatar)

causes. The General Assembly had decided to consider the problem under the heading of agenda item 129 as worded. It was astounding that so many of those who had spoken on the item had concentrated on the measures to prevent international terrorism and the loss of innocent human lives, rather than on the study of its underlying causes. Everybody knew that the most important underlying cause of acts of violence characterized as terrorism was the denial of the right of peoples to self-determination, freedom and independence. As long as the United Nations remained unable to ensure those rights for all peoples, it would be unable to put an end to those acts of violence.

41. His delegation supported the recent proposal by the delegation of Iraq that a declaration on principles of international law concerning terrorism should be drafted within a political framework acceptable to all parties. Such a modest goal might prove relatively easy to achieve, and progress could then be made on an item discussed for many years. That would be more fruitful than continuing a sterile debate in the hope of achieving more ambitious results.

42. Mr. AL-SHAALI (United Arab Emirates) said that, before acts of terrorism were condemned, a clear distinction should be drawn between acts of terrorism proper and acts of heroism undertaken in defence of the right to life, dignity and freedom. If that distinction was ignored, then the armies of all States would be considered terrorist organizations. Agreement must be reached on a definition of terrorism in order to avoid the equation, encouraged in certain quarters, of terrorist actions with actions undertaken by national liberation movements. The underlying reason for promoting such an equation was to neutralize the effect of concepts of national liberation and self-determination so as to impose foreign hegemony over small peoples.

43. A number of different forms of terrorism could be distinguished at the international level. The most significant and most dangerous to human society was that perpetrated by certain States in order to undermine the political and social systems of other States, thereby advancing their own political and strategic interests. That kind of terrorism included, within the framework of neo-colonialism, the establishment of military bases in the territory of foreign States, the training and dispatch of mercenaries and acts of terrorism carried out by intelligence services.

44. Terrorism had been brought into the Middle East by the migration to Palestine of Zionist groups formed in Europe. It was the Zionist movement that had first used organized terrorism as a means to achieve its political and ideological goals, not only against the Palestinian inhabitants but also against Jews who had disagreed with its racist approach, the representatives of Great Britain in Palestine at that time and even the United Nations Mediator for Palestine. Terrorism had become an official policy that Israel still used to further its expansionist ambitions and in its attempt to exterminate the Palestinian people both physically and spiritually. Tackling the results of such acts of terrorism without considering their causes would be futile.

(Mr. Al-Shaali, United Arab Emirates)

45. While zionism, as a racist movement, was the primary source of world terrorism, another was the apartheid régime in South Africa, whose crimes were known to all.
46. It might be that, on the fringes of the national liberation movements and arising out of the oppression of individuals and peoples, terrorist counter-actions took place. His delegation condemned both action and counter-action, but such condemnation was not sufficient without further qualification. Terrorist action must first be prevented before counter-action could be eliminated. The children who had seen their mothers slaughtered by Sharon and his troops in Sabra and Shatila could not be expected to abide by international law and to practise tolerance towards the murderers.
47. That the nature of a terrorist act did not alter with the nature of its source was a principle that must be stressed. A crime was a crime whether committed by an individual or a State. An individual, however, could be brought to justice and punished, while the same was not true of a State engaging in terrorist actions. Responding to acts of terrorism with acts of counter-terrorism only helped the spread of terrorism. Acts of terrorism perpetrated by States created serious legal precedents in the field of international relations and transformed the world into a jungle governed by military force.
48. Mr. WIJewardane (Sri Lanka), welcoming the report of the Secretary-General (A/40/445 and Add.1 and 2), said that terrorism had assumed international proportions in recent years and had become more difficult to deal with. International and regional co-operation was therefore required if it was to be prevented, and carefully elaborated regional agreements would constitute a major achievement in that respect. However, it was important to draw a distinction between the activities of terrorist groups and the legitimate struggle for self-determination waged by the national liberation movements recognized by the United Nations.
49. The existing conventions on the subject were of limited effectiveness because of shortcomings in their provisions for extradition. His delegation therefore called for the adoption of an international convention that would provide for extradition and place States under an obligation to co-operate in the elimination of terrorism.
50. He recalled the recent commitment entered into by the Commonwealth heads of State to counter terrorist activities by every possible means. He also recalled the recommendations adopted by the Ad Hoc Committee on International Terrorism in 1977. Strict observance of those recommendations would contribute to the elimination of terrorism.
51. States should introduce domestic legislation to combat terrorism. Sri Lanka was currently drafting such legislation, including a provision for the punishment of acts committed in Sri Lanka against other States. Given the close link between terrorism and arms smuggling and drug trafficking, measures directed against international terrorism must take into account the need for concerted action against such offences.

(Mr. Wijewardane, Sri Lanka)

52. Sri Lanka was committed to the elimination of international terrorism and believed that the problem could be solved through immediate co-operation among States. It favoured a comprehensive codification of measures to combat all forms of terrorism and the establishment of machinery to implement them. In addition, it supported the establishment of an ad hoc committee or expert group to promote international co-operation against terrorism.

53. Mr. PAWLAK (Poland) said that his Government was alarmed at the growth of international terrorism. It strongly condemned terrorism, all forms of which violated the fundamental principles of international law.

54. Although international terrorism was partly defined in the relevant international instruments, Governments were unfortunately either unable or unwilling to implement them. Furthermore, with regard to the safety of air transport, a large number of States had not acceded to the Convention for the Suppression of Unlawful Seizure of Aircraft, the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation and the Convention on Offences and Certain Other Acts Committed on Board Aircraft. The protection afforded to diplomatic and consular missions and to diplomatic and consular representatives and other internationally protected persons was also far from satisfactory. Moreover, in certain countries, Fascist, Nazi and neo-Nazi organizations that had adopted violent and criminal methods to achieve their goals constituted a serious threat. Unfortunately, such terrorist associations were sometimes tolerated and even protected by the State authorities in question.

55. State terrorism, which was a particularly dangerous form of terrorism, was increasing dramatically, particularly in southern Africa, the Middle East and Latin America. Colonialism and neo-colonialism, armed aggression, racism and apartheid were among the manifestations of State terrorism. Sovereign States were being subjected to diktat, political threats, economic boycotts and coercion, illegal sanctions and restrictions. Some States were engaging in demonstrations of force and military provocation, bombing civilian targets, recruiting and using mercenaries, and supporting terrorist and other subversive activities. The situation was aggravated by defamatory campaigns and hostile propaganda on the part of the mass media and even the Governments of some States.

56. The policy of State terrorism was clearly incompatible with the Charter of the United Nations, particularly Article 2, and with the International Covenants on Human Rights. It was also a flagrant violation of the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States, particularly the paragraphs concerning: 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; the duty to refrain from organizing, instigating, assisting or participating in acts of civil strife or terrorist acts in another State; and the use or encouragement of the use of economic, political or any other type of measures to coerce another State in order to obtain from it the subordination of the exercise of its sovereign rights and to secure from it advantages of any kind. In connection with the question of State

(Mr. Pawlak, Poland)

terrorism, he wished to refer to resolution 39/159, in which the General Assembly had condemned policies and practices of terrorism in relations between States as a method of dealing with other States and peoples. His delegation strongly opposed any attempt on the part of Governments or the mass media to equate terrorism with the just struggles being waged by national liberation movements.

57. The main prerequisite for eradicating international terrorism was the progressive elimination of its underlying causes. Full compliance with the Charter of the United Nations and other relevant instruments was called for. Moreover, further elaboration of the basic principles laid down in the Charter and the progressive development of international law would also be beneficial. His delegation therefore fully supported the recommendations of the Ad Hoc Committee on International Terrorism that had been adopted by the General Assembly at its thirty-fourth session, even though they did not cover all the current aspects of international terrorism. There was an urgent need to: step up the work on measures designed to enhance the principle of non-use of force in international relations; complete the drafting of an international convention against the recruitment, use, financing and training of mercenaries; intensify international co-operation with a view to enhancing the protection, security and safety of diplomatic and consular missions and representatives; and ensure universal implementation of the relevant conventions.

58. His delegation noted with great interest the ideas and suggestions put forward by the representatives of Brazil, Viet Nam, the Soviet Union, Austria and Iraq. His Government believed that States bore full international responsibility for the consequences of the policy of State terrorism, as well as for their action or inaction in respect of terrorist activities. Poland was willing to participate in further international efforts to eliminate terrorism and its causes and therefore supported draft resolution A/C.6/40/L.2.

59. Mr. AL-HAJRI (Oman) said that the concept of terrorism had yet to be defined despite the fact that it had come to represent a source of concern to all the peoples of the world. His country attached great importance to United Nations efforts to find adequate means to combat all forms of terrorism and, ultimately, to eradicate it. Although that task was extremely difficult and would require greater dedication and effort, the political will of all would undoubtedly help to prevent terrorism and eliminate its causes. The observance of the fortieth anniversary of the United Nations provided an appropriate occasion for all States to assist in identifying the causes of terrorism. When those causes were known, then it would be possible to find an effective treatment for the disease.

60. Oman would support all international or regional efforts to combat terrorism and called upon other States to co-operate closely to that end. It had acceded to a number of international instruments relating to various aspects of the terrorism problem, and was currently studying other relevant instruments in a sincere desire to see justice, security, peace and prosperity prevail in the international community.

61. Mr. ELARABY (Egypt) said that the item before the Committee should be considered in the light of Article 2, paragraph 4, of the Charter of the United Nations, and of the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States. The title of the item had been drafted in such a way as to maintain a balance between the need to prohibit and combat acts of violence and the need for a thorough study of the underlying causes of acts of violence, and that balance must always be kept in mind. His delegation recognized the distinction between acts of terrorism against innocent civilians, which were punishable both nationally and internationally, and the activities of guerrillas and freedom fighters, whose legal rights and obligations had been endorsed and confirmed in the relevant international legal instruments.

62. An effort must be made to enhance co-operation in implementing existing obligations and to take steps to close loopholes in the relevant legal norms. His delegation therefore whole-heartedly supported the Austrian proposal concerning consideration of the question of the illegal seizure of ships, since the 1982 United Nations Convention on the Law of the Sea was not adequate in that regard. His delegation condemned all acts of violence and terrorism and all acts of reprisal, whether by individuals or by States. The Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons was in the process of being ratified by Egypt, which would support any measures designed to enhance the effectiveness of the existing legal instruments. On the occasion of the fortieth anniversary of the United Nations, all Governments should ratify the relevant conventions and continue to explore ways and means of combating all forms of violence. An appropriate step would be, as proposed by the representative of Iraq, to draft a declaration with a view to developing the relevant legal principles in the proper framework.

63. Mr. RASUL (Pakistan) said that the international community was still outraged at the kidnapping of four Soviet citizens in Beirut and the seizure of an Italian vessel. The current climate was conducive to the adoption of measures to eliminate terrorism. That endeavour should be based on the principle of universal recognition of the sanctity of human life, without any distinction whatsoever. Nobody wished to die an unnatural death, unless the goal was considered more precious than life itself.

64. The phenomenon of terrorism must be given dispassionate consideration. Terrorism was a means to achieve certain ends. His delegation approved certain goals, while unreservedly condemning others. Where the first category of goals was concerned, it was imperative to remove the underlying causes of the acts of violence in question, which forced the peoples concerned to use a detestable tool in order to achieve laudable objectives, such as the right to self-determination and the elimination of apartheid.

65. So far the international community had been concentrating on so-called terrorists, who were in fact counter-terrorists, it had therefore been experiencing frustrating set-backs. It would be comparatively easy to deal with the original perpetrators of acts of terrorism, who were neither strongly motivated nor desperate and who merely wished to engage in banditry and vandalism.

(Mr. Rasul, Pakistan)

66. Pakistan, which was itself a victim of terrorism, was a party to the relevant conventions and had enacted appropriate domestic legislation. It was therefore shocked that, despite its declared abhorrence of terrorism and its adoption of measures to prevent the occurrence of terrorism on its soil, Afghanistan had accused it of involvement in terrorist activities (A/40/445, p. 5, para. 7). Since his delegation did not wish to engage in unproductive polemics, it would merely point out that the accusations levelled against Pakistan were more applicable to Afghanistan itself.

67. The crisis in Afghanistan had resulted from the introduction of foreign troops into that country and from the installation of a terroristic régime that had been perpetrating acts of unprecedented savagery in Afghanistan. A war of ideological persecution had been unleashed in that country. Millions of Afghans, who had vowed to resist the forcible transformation of their society, had been driven out of their homeland. The international community had repeatedly condemned the introduction of foreign troops into Afghanistan and had called for their early withdrawal, so that the refugees could return to their homes. His delegation strongly condemned the attempt made by Afghanistan to place the humanitarian relief provided by Pakistan to 3 million refugees in the category of terrorism. The involvement of Pakistan in the Afghan crisis was confined to providing humanitarian assistance. Pakistan was in no way involved in the acts attributed to it by the Kabul régime. It would continue to provide humanitarian assistance to the refugees until they could return to their homeland and were given an opportunity to choose their own system of government. Moreover, the mujahidin, who had been referred to as terrorists and mercenaries, were locked in a struggle to free their occupied country.

68. Mr. ROMPANI (Uruguay) said that the social and political phenomenon of terrorism had been examined in great detail. Nevertheless, he would like to reiterate the following points: firstly, the Committee needed a definition of the crime of terrorism, a definition of the scope of the concept of terrorism, particularly international terrorism; secondly, it was being asked to examine the underlying causes of terrorism; and thirdly, terrorism should not be equated with the struggle for national independence. To illustrate the latter point, he recalled that the peoples of South America who in the early nineteenth century had risen up against the Spanish Empire had been termed insurgents or bandits, for that was how the revolutionaries had appeared to those in power.

69. He was not in favour of adopting a new general declaration that would not provide for specific practical measures. What was needed now was not a general declaration, but goodwill and a commitment by the Committee to set to work to find clear, concrete definitions. A number of previous speakers had referred to a possible international convention, but he felt that there already existed sufficient material on the basis of which to fulfil commitments.

70. He agreed with the representative of Brazil, that everything depended on what decisions were taken by Governments on the basis of the information provided to them by the Sixth Committee. Extradition, however, presented a stumbling-block

(Mr. Rompani, Uruguay)

because the basic legislation of a Government might not coincide with what was agreed on in the Committee. According to the legislation of Uruguay, there could be no extradition for political and related crimes, or other forms of conduct that were not criminal under Uruguayan law.

71. Furthermore, a distinction had to be made between an act of terrorism and an act of war - a very difficult task. The motivation most often invoked was a political one. In that context, he had been very impressed by Austria's comments with reference to article 14 of the Federal Act of 4 December 1979 (A/40/445, p. 9, para. 2). He cited the last two sentences of the paragraph in question, drawing particular attention to the words "the criminal nature of the act overrides its political nature".

72. Mr. GÖRÖG (Hungary) said that Hungary had always categorically condemned all forms of terrorism, regardless of motivation or whether it was committed by an individual, a group or a State. Terrorism could not be justified as a means to any end whatsoever. However, his delegation strongly condemned attempts to draw a parallel between international terrorism and the legitimate struggle of peoples for their national, economic and social liberation.

73. As the 1979 report of the Ad Hoc Committee on International Terrorism had stated, acts of international terrorism escalated tension and hostility and threatened the international community. They posed a serious threat to international peace and security and impaired the diplomatic activities of States. As the report had stressed, the underlying causes of terrorism were capitalism, racism, aggression and foreign occupation. It was the task of the international community to eliminate such causes.

74. The recommendations made by the Ad Hoc Committee in 1979 were still completely valid, and he urged every country to implement them. No new measures had been taken to bring about an essential change in the situation. However, his delegation had noted with satisfaction the communications submitted by numerous Governments clearly condemning terrorism and giving an account of measures taken to combat it.

75. Hungary had done its utmost to prevent international terrorism and had played an active part in the work of the Ad Hoc Committee. It had participated in the elaboration of and was a party to the 1973 Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, the 1963 Convention on Offences and Certain Other Acts Committed on Board Aircraft, the 1971 Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation and the 1970 Convention for the Suppression of Unlawful Seizure of Aircraft. In addition, it had concluded several bilateral agreements containing provisions which could also be used to combat terrorism, for example the agreements on extradition and judicial co-operation in criminal cases concluded with neighbouring and other European countries, including countries with a different social system.

(Mr. Görög, Hungary)

76. In certain cases, Hungary's accession to such instruments had entailed amendments to its domestic law. For instance, the Criminal Code of Hungary had declared terrorism to be a grave crime, while other legislation provided for the prosecution and punishment of all forms of terrorism.

77. His delegation was ready to join in any efforts to step up the struggle against international terrorism. That goal would be served by the adoption of a resolution by consensus.

OTHER MATTERS

78. The CHAIRMAN recalled that at its 3rd meeting, on 25 September, the Sixth Committee had decided to set up a sub-committee to consider the item "Development and strengthening of good-neighbourliness between States" and to place it under the chairmanship of one of the Vice-Chairmen. He understood that there was general agreement to entrust the chairmanship of the sub-committee to Mr. Herrera Cáceres of Honduras, Vice-Chairman of the Sixth Committee.

79. It was so decided.

The meeting rose at 1.20 p.m.