

GENERAL  
ASSEMBLY

THIRTY-EIGHTH SESSION

Official Records\*



UN LIBRARY

DEC 10 1983

SIXTH COMMITTEE

67th meeting

held on

Tuesday, 6 December 1983

at 3 p.m.

New York

SUMMARY RECORD OF THE 67TH MEETING  
~~UN/SA COLLECTION~~

Chairman: Mr. KNIPPING-VICTORIA (Dominican Republic)

CONTENTS

AGENDA ITEM 123: 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)

AGENDA ITEM 131: REPORT OF THE INTERNATIONAL LAW COMMISSION ON THE WORK OF ITS THIRTY-FIFTH SESSION (continued)

\*This record is subject to correction. Corrections should be sent under the signature of a member of the delegation concerned within one week of the date of publication to the Chief of the Official Records Editing Section, Room DC2-750, 2 United Nations Plaza, and incorporated in a copy of the record.

Corrections will be issued after the end of the session, in a separate fascicle for each Committee.

Distr. GENERAL  
A/C.6/38/SR.67  
9 December 1983

ORIGINAL: ENGLISH

The meeting was called to order at 3.35 p.m.

AGENDA ITEM 123: 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/38/327-S/15911, A/38/355 and Add.1-3, A/38/432-S/15992, A/38/507-S/16044, A/38/559-S/16118 and Corr.1; A/C.6/38/7; A/C.6/38/L.21)

1. The CHAIRMAN appealed to speakers to limit the length of their statements, to the extent possible.
2. Mr. JOSEPH (Australia) said that terrorism jeopardized freedoms, threatened innocent human lives and caused serious tensions in international relations. It was therefore to be condemned wherever it occurred and whatever its causes or motives. No country was immune from terrorist attacks, and all nations had a collective responsibility to stamp out terrorism. The first step was to condemn terrorism whether committed as a random, individual act or at the instigation of organizations or Governments. Pretending that acts of terrorism could be justified in some situations merely invited the spread of the disease. In recent years, the Committee had allowed itself to be diverted into shadowy abstractions, at the expense of seeking better means of preventing terrorism and bringing perpetrators to justice.
3. Among the most recent acts of terrorism had been the gross and irrational bombing incident that had taken place at Rangoon on 9 October 1983. The Burmese authorities had concluded that the attack had been the work of saboteurs acting under the instructions of the Democratic People's Republic of Korea, thus confirming suspicions that that country had made an attempt on the life of the President of a neighbouring State. Australia had condemned the bombing and commended the Government of Burma for its approach to its investigation of the attack and the decisive action it had taken.
4. His country admired the restraint exercised by the Republic of Korea in the face of an extreme provocation. The Australian Government had been looking forward to receiving the President of the Republic of Korea at Canberra, in the expectation that his visit would contribute greatly to the growth of an already substantial and positive relationship. Despite many difficulties and frustrations, the Republic of Korea was rapidly shaping itself into a modern, dynamic nation with a legitimate aspiration to play a constructive and creative part in world affairs. The bomb explosion at Rangoon had therefore been a cruel blow and had done nothing to contribute to a peaceful settlement of the problems of the Korean peninsula. No person or rational Government had anything to gain or could draw satisfaction from that wanton act of terrorism. His Government could only hope that the act would not irreversibly damage the cause of peace in an area where the balance of forces was otherwise so delicately poised.

(Mr. Joseph, Australia)

5. The Government of the Democratic People's Republic of Korea had recently approached the Government of Australia a number of times about the possibility of resuming normal relations, which had been "interrupted" in 1975 following a vote cast by Australia in the General Assembly that had evidently not been to the liking of Pyongyang. His Government had now decided that it could not at the present point entertain such proposals. It looked to the Democratic People's Republic of Korea to abide by internationally accepted norms of behaviour and to renounce its hostile activity directed against South Korea. There were two States and two Governments on the Korean peninsula, and regional tensions would be much reduced if the Democratic People's Republic of Korea were prepared to accept that reality. What was needed was for that State to enter into meaningful negotiations with the Republic of Korea.
6. Increasing acts of violence and terrorism emphasized the importance of the international community's uniting against those who would have recourse to such measures. The world sometimes seemed to be in danger of becoming inured to the most shocking cases of terrorism, such as acts of terrorism in the Middle East, recurring attacks on Turkish diplomatic personnel and the recent attack on a church congregation in Northern Ireland. Those who tried to justify such actions often maintained that they were men or women of principle and that the ends justified the means. His Government rejected that philosophy entirely. No civilized community could tolerate such extremism; in a progressive, open-minded society, moderation and compromise should be more important principles than principle itself. As for the obligation of States, both the States Members of the United Nations and non-member States, must recognize that they had the duty under international law to refrain from organizing, promoting or participating in terrorist acts directed against another State.
7. Mr. RODRIGUEZ (Guatemala) said that his Government's foreign policy was based on the principles of international law, including the principle of non-intervention in the internal affairs of other States, and Guatemala condemned all forms of terrorism. The growing number of terrorist acts throughout the world was a matter of concern to his Government, which fully supported all endeavours made within the United Nations to suppress and combat such activities.
8. The international community had given the problem close consideration and adopted criteria forming a basis for the conclusion of relevant bilateral and multilateral conventions. Considerable progress had also been made in classifying and determining the nature of terrorist offences. Although it was true that there were difficulties in establishing uniform machinery for the suppression and punishment of the activities in question and that there was little uniformity in the way in which terrorist acts were dealt with under national law, such problems were by no means insuperable and agreement would no doubt eventually be reached. However, account must be taken of the fact that in many countries, including Guatemala, terrorism was classified as a separate offence, without prejudice to the penalties for related offences.
9. Much progress had been made with regard to the prevention and punishment of crimes against internationally protected persons, including diplomatic agents, and the protection of official premises and facilities. Attention had also been given

(Mr. Rodriguez, Guatemala)

to actions which affected public services or caused environmental pollution or human, animal or plant disease. Attempts had also been made to classify perpetrators of terrorist acts, who, according to one scheme, could be placed in four categories: offenders or suspects fleeing justice; unbalanced or mentally disturbed persons; persons engaging in terrorist acts in order to escape from a given political or social system; and militants engaging in such acts in order to bring pressure to bear on government authorities. Those categories did not include persons carrying out superior orders, as was said to have occurred in the case of the recent attack in the capital city of a South-East Asian country on a group headed by the President of another country making an official visit. That act, reprehensible in itself, was a violation of the rules of international law and the principles governing the conduct of relations between States. The receiving Government had broken off diplomatic relations with the Government it held responsible for the attack and no longer recognized its régime; that showed the extent to which terrorist acts that were not the work of desperate individuals disrupted international relations. In their conduct, States must comply with the principles and rules of law and of friendship among nations and must fulfil their obligations under the international instruments to which they had become parties.

10. All aspects of the underlying causes of terrorism must be considered. Although discrimination, colonialism, violence and aggression were justifiable motives for revolt, consideration must also be given to other causes, such as constraints on the exercise of economic and social rights. In that connection, he drew attention to the last sentence of paragraph 2 of the communication received from the Organization of American States (A/38/355, p. 17). However, when the acts in question were aimed at destabilizing the Government of another State, as in the case to which he had referred earlier, it could not be claimed that their purpose was to liberate a people or to enhance the dignity of the individual.

11. What was needed was genuine political will on the part of States to make progress in drafting the necessary conventions to suppress terrorism and deal with its underlying causes. That end could be achieved through the implementation of the recommendations made by the Ad Hoc Committee on International Terrorism and endorsed by the General Assembly.

12. Guatemala was a party to all the conventions relating to aspects of the problem of terrorism referred to in the annex to the report of the Secretary-General (A/38/355) and was ready to co-operate actively in any endeavour to counter terrorism in the world.

13. Mr. AKDAG (Turkey) said that, in its statement on agenda item 128, his delegation had referred at length to Armenian terrorism, which concentrated its attacks on Turkish diplomatic and consular representatives and their families. Since that time, the Turkish Embassy in Beirut and the Consulate General in Stuttgart had been attacked by terrorists, on 29 and 30 October 1983 respectively. Responsibility for the Beirut attack had been claimed by an Armenian terrorist organization. It was already well known that Armenian terrorism had close links with arms and narcotics smuggling and that it collaborated with other clandestine organizations. It was also clearly a racist movement. The terrorists attacked without scruples in various parts of the world, particularly western Europe, in crowded places such as railway stations and airports.

/...

(Mr. Akdag, Turkey)

14. His Government had strongly condemned the outrage perpetrated against the South Korean delegation visiting Burma. That incident had shown once again how terrorism was growing and becoming a standing threat to all mankind. All countries must open their eyes to the problem and react effectively and in concert against the threat before it was too late.

15. The fact that terrorism was on the increase was clear evidence that the efforts undertaken against it, both nationally and internationally, were inadequate. It had reached its current proportions as a result of the tolerance, moral or material support and even impunity enjoyed in some countries by those committing acts of terrorism. If all countries acted with equal determination, it would be possible to prevent and suppress such terrible crimes. Whereas in the past terrorists had been able to escape easily after carrying out their attacks, recently, as a result of the resolve of several Governments, some terrorists had been killed while committing their crimes and others had been apprehended and brought to justice. The determination of the countries concerned proved once again that firmness was the only way of gaining protection against terrorism. The Government and people of Turkey had resolutely and successfully combated terrorism. However, national measures alone were not enough, and his country had therefore repeatedly appealed for joint action by the international community. It was encouraged by the condemnation of terrorism and the insistence on the need to co-operate in combating it in the Final Act of the Conference on Security and Co-operation in Europe, by the work carried out and the measures undertaken by the Council of Europe and other international and intergovernmental organizations, and by the firm attitude of several States against acts of terrorism.

16. The General Assembly should urge all States to take the necessary legislative and administrative measures to prevent, punish and suppress acts of terrorism. States which had not yet done so should be invited to become parties to the relevant international conventions, strict implementation of which would be a major contribution to the prevention and elimination of terrorism. International co-operation with a view to concluding a universal treaty on the exchange of information, preventive measures and the prosecution, punishment or extradition of those guilty of terrorist crimes was no doubt the most effective method of fighting terrorism. The United Nations should give urgent attention to the drafting of such an instrument. In seeking and elaborating effective measures to deal with terrorism, there could be no question of infringing the fundamental right of peoples to self-determination or their struggle for liberation from colonialism, as provided for by the Charter and reaffirmed in General Assembly resolutions.

17. On the other hand, study of the underlying causes of terrorism was an extremely complex question, the nature of which was political, economic and social rather than legal. There was therefore no point in continuing or expanding on the study already made by the Ad Hoc Committee on International Terrorism. In any case, study of the problem should not delay or hamper the search for and adoption of practical measures to combat and eliminate terrorism. Those measures should include appropriate arrangements to control the sale of explosives, light firearms and ammunition. States should also act in concert to work out appropriate measures for protecting public areas such as railway stations, airports, ports and energy installations. His delegation welcomed the adoption by the Committee on

/...

(Mr. Akdag, Turkey)

Information of a recommendation urging the relevant United Nations bodies to provide world public opinion with information on United Nations activities with regard to terrorism.

18. Mr. ROMERO (Ecuador) said that his Government would continue to support the international community in any endeavour to deal with the problem of international terrorism. It condemned the recent massacre of United States and French troops in Lebanon and the brutal killing of citizens of the Republic of Korea at Rangoon. It would support any initiative aimed at moral condemnation of the perpetrators of those acts of terrorism, for which it appeared that other Governments were directly responsible. His delegation categorically rejected such offences as the recent abduction of Jaime Betancur, the brother of the President of Colombia.

19. Since it was clear that terrorism was a matter of great concern to all States, his delegation wished to appeal to all Member States unanimously to condemn terrorist activities.

20. Mr. ROSENSTOCK (United States of America) observed that the item under discussion had been on the agenda for over a decade, during which time the international community had acted to condemn terrorism generally and to deal with certain aspects of the scourge by adopting specific conventions, leaving no room for doubt about its rejection of terrorism as an acceptable means of achieving praiseworthy goals. It could hardly have done otherwise, for international terrorism struck at the very concept of an international community. United Nations actions had probably contributed to keeping terrorism from reaching even greater epidemic proportions, but the problem continued to plague the world. Episodes had occurred in all corners of the world, in rich countries and poor, in open and closed societies.

21. The focus of agenda item 123 was on terrorist action by individuals or groups. Other items on the agenda dealt with State conduct and the use of force by States. On 9 October 1983 the world had witnessed, in the Rangoon bombing that had killed Burmese citizens and South Korean government officials, what had appeared at first sight to be an appalling outrage of the type the Committee was meant to be concerned with under item 123. Incredibly enough, it had turned out that the vile deed had been not simply an act by deranged individuals or groups but rather, as discovered by the Burmese Government, whose reputation for the strictest neutrality was unquestioned, a shocking instance of State action by North Korea. The fact that the régime in North Korea could undertake such a barbarity in contravention of all rules guiding the conduct of States put in jeopardy the prospects for peace on the Korean peninsula. Acts of murder by a governing régime were even more threatening to peace than terrorist acts by individuals or groups. One wondered what the régime in North Korea could be seeking to accomplish: could any régime believe that such conduct was a route to recognition? In any case, the Rangoon bombing was a condemnable act of force by a State and, as such, was outside the scope of the agenda item under discussion.

22. States which had not yet become parties to the conventions relating to international terrorism should be urged to do so. States should also be urged to co-operate closely, especially by exchanging information concerning the prevention

(Mr. Rosenstock, United States)

and combating of international terrorism. Moreover, it would be useful for States to take all appropriate national measures to eliminate terrorism, including the harmonization of domestic legislation with international conventions.

23. Mr. LEHMANN (Denmark) appealed once again to States which had not yet done so to consider becoming parties to the existing international conventions relating to various aspects of the problem of international terrorism. The communication from the Universal Postal Union reproduced in the report of the Secretary-General (A/38/355), prompted the question whether the rise in terrorist booby-trapping of mail might not warrant yet another convention, and it would be interesting to have the views of UPU on that point.

24. Of course, unless conventions were broadly and effectively implemented, they had little value. The Sixth Committee's work on the protection of diplomatic and consular missions and representatives had been a valuable contribution to the strengthening, in practice, of State compliance with international obligations. The existing conventions concerning terrorism were based on the concept of an extended national jurisdiction and it was hardly realistic to expect that an international criminal jurisdiction with regard to individuals, including terrorists, could be established in the near future, even though the proposal to that effect made in connection with the draft Code of Offences against the Peace and Security of Mankind deserved further consideration. In any case, both of those concepts of jurisdiction were based on co-operation by States in good faith to combat international terrorism.

25. State obligations did not stem only from conventions, however: there were very basic rules of ordinary international law governing State conduct that forbade States, for instance, from organizing, instigating or assisting in terrorist acts in another State. Violation of that principle, mentioned specifically in General Assembly resolution 34/145, was obviously an even graver offence than allowing terrorist acts by individuals to go unpunished. In that connection, the outrageous act of terrorism that had recently occurred in Rangoon raised the very serious issue of direct State responsibility in the matter, which must be strongly condemned by the entire international community.

26. Mr. TADABE (Papua New Guinea) said that his country was totally opposed to terrorism in all its forms as a means of achieving political or social and economic objectives, and therefore fully supported the efforts of the international community to eradicate it. Terrorism interfered with the normal development of relations between States, disrupted diplomatic activity and, more important, innocent lives.

27. States had an obligation under the Charter to settle international disputes by peaceful means and to refrain from the threat or use of force against any other State, and under General Assembly resolutions to work together towards the speedy elimination of international terrorism. While most States fulfilled those obligations, some did not. It was disturbing that States which had engaged in terrorism had been allowed to remain Members of the United Nations, and incomprehensible that they had received the support of other States which still ostensibly upheld the cause of combating terrorism.



(Mr. Tadabe, Papua New Guinea)

28. During the current session of the General Assembly, several major terrorist acts, resulting in many deaths, had taken place with the full and active support of certain States Members of the United Nations. One the most brutal had been the bloody Rangoon bomb attack, and it must be singled out for condemnation by all peace-loving nations.

29. International terrorism would not be eradicated unless every Member State abided by the relevant Charter principles, took preventive measures both nationally and internationally and refrained from applying double standards to acts of terrorism and their perpetrators.

30. Mr. SAINT-MARTIN (Canada) said that his country had always condemned all acts of international terrorism, which too often caused the death of innocent people and could jeopardize international peace and security. It had actively supported international efforts to counter or prevent such acts. It had accepted the appeal of the General Assembly that all States should co-operate to eliminate the underlying causes of international terrorism. Of course, those causes, however complex or varied they might be, could not justify acts of international terrorism.

31. Canada had also ratified or acceded to the 1963 Tokyo Convention, the 1970 Hague Convention, the 1971 Montreal Convention and the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents. It had initiated the procedures for ratifying in the near future the International Convention against the Taking of Hostages. However, despite the adoption and entry into force of those instruments, acts of terrorism had not ceased.

32. His Government had unequivocally condemned the terrorist attack at Rangoon. The attitude of the Burmese Government was the correct one to adopt when such acts were committed. Since Canada categorically rejected all forms of terrorism, it could not but be concerned at the continuation of acts of international terrorism, whether involving the murder of the United States Naval Attaché at Athens, the attacks on Turkish or Jordanian diplomats or other equally intolerable incidents.

33. The use of terror, regardless of the underlying reasons, had no place in modern society. All States must realize that international law could not tolerate any sort of government involvement in inciting acts of terrorism against other States. His Government favoured a study of appropriate measures to prevent such crimes and was prepared to join with States pursuing the same goal.

34. Mr. YAKOVLEV (Union of Soviet Socialist Republics) said that international terrorism was linked to the policy of imperialism and arose out of plans and activities aimed at acts of international provocation, aggression and the overthrow of progressive independent régimes. Terrorists killed, bombed, carried out armed raids, and organized political terror and economic sabotage in order to topple Governments and enslave independent States. The nature of international terrorism was political because it was an instrument of the most reactionary and extreme right-wing forces. It was assuming massive proportions. Some Governments allocated official funds for it in their annual budgets and provided everything necessary for the performance of terrorist acts as part of the policy of



(Mr. Yakovlev, USSR)

imperialist enslavement of States and peoples. The financing and equipping of terrorist groups for activities directed against other States had been widely reported in the world press.

35. Consequently, no one could be deceived by the crocodile tears of some speakers, who attempted to use particular acts of terrorism as a pretext for an international campaign of provocation. Their aim was to aggravate the climate in a particular region and heighten tension there, followed, as recent events had shown, by an invasion or other military provocation. That scenario was repeated in various areas of the world as a legitimized means of carrying out a policy of force and coercion. Such a campaign of international provocation had nothing in common with the fight against international terrorism but was rather the logical continuation of it. Those behind the campaign borrowed from the Nazi method of progressing from a terrorist act to international provocation and from international provocation to armed conflict and invasion.

36. He was particularly concerned that some Governments openly proclaimed terrorism as an integral part of State policy. Their propaganda and other agencies organized large-scale subversive and terrorist activities against the USSR and other socialist States, many developing countries and national liberation and anti-war movements. Terrorist methods were becoming part of a militarist and expansionist foreign policy and were widely publicized by some advocates of so-called Western democracy. Such activities unceremoniously violated the fundamental principles of the Charter of the United Nations and contemporary international law.

37. A new aspect of international terrorism was the seizure and killing of technical experts assisting in the development of the independent national economies of developing countries. Specialists from Czechoslovakia, the Soviet Union and other socialist countries had recently fallen victim to UNITA terrorists, in the pay of the South African racists.

38. His delegation condemned international terrorism in all its forms and supported effective measures to combat it at both the international and the national levels. It also condemned any attempts to assimilate terrorism to the national liberation struggle of peoples and to discredit the support given to peoples fighting for their national, social and economic liberation. Such attempts had been condemned and rejected in General Assembly resolution 36/109. The Soviet Union had made a substantial contribution to the preparation and adoption of a number of international agreements to combat various forms of international terrorism and had ratified 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 the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents. Organized international co-operation against terrorism would be facilitated if as many States as possible became parties to those agreements. The effectiveness of the campaign against international terrorism also depended on the adoption of measures at the national level.

(Mr. Yakovlev, USSR)

39. His delegation supported the decisions of the United Nations against international terrorism, the recommendations of the Ad Hoc Committee on International Terrorism and the resolutions on the subject adopted at the thirty-fourth and thirty-sixth sessions of the General Assembly. It also supported draft resolution A/C.6/38/L.21, which was based on principles and recommendations previously approved by the General Assembly and responded to the important task of combating international terrorism.

40. Mr. BERMAN (United Kingdom of Great Britain and Northern Ireland) said that the United Kingdom condemned all acts of terrorism, and had shown its determination in practice to deal firmly with terrorist acts. As evidenced by its handling of the siege of the Iranian Embassy in London in 1980 and of the hijacking of an Air Tanzania aircraft in 1982, his Government's policy was to do everything possible to resolve such situations without the loss of innocent lives but at the same time without acceding to terrorist demands or blackmail, and subsequently to bring to justice those found guilty of terrorist acts.

41. The United Kingdom attached great importance to the adoption by all countries of appropriate measures to combat international terrorism and the taking of hostages, including adherence to the relevant conventions. It had ratified all such conventions and had passed specific domestic legislation to implement them.

42. The United Kingdom had been working towards the elimination of international terrorism. It had participated actively in the European Community Forum, which allowed EEC countries to discuss their experience with regard to counter-terrorism, had supported and later implemented the Bonn Declaration of 1978 regarding the extradition or prosecution of hijackers, and had endorsed the two recommendations adopted by the Council of Europe that were reproduced in the report of the Secretary-General (A/38/355, pp. 12-16).

43. International terrorism was certainly not a new phenomenon, but the terrorism of the current enlightened age was particularly despicable in its shocking brutality. Acts of ruthlessness and cowardice masquerading as idealism were often prompted by hunger for publicity, sometimes in support of a minority cause and sometimes as forms of political blackmail. Terrorism posed a particular threat to democracies, for free countries had to meet the challenge entirely within the framework of the freedom and the principles they upheld. As had been perhaps unwittingly pointed out by one representative at the preceding meeting, in those countries where injustice was most striking and where the people participated least in the political process there was less scope for terrorist violence; indeed, some of those countries, intent on undermining the freedom of others, had provided terrorists with money, weapons and training.

44. The terrorist incident that had occurred in Rangoon on 9 October 1983 was a particularly monstrous case of political assassination, in which a depraved attempt had been made to wipe out, at a sacred shrine, the entire leadership of a State in the course of a goodwill visit to another State. His delegation commended the Government of Burma for its swift and decisive reaction to that crime. What it had done in tracking down the perpetrators and bringing them to open public trial was precisely in the spirit of the relevant international conventions and General

(Mr. Berman, United Kingdom)

Assembly resolutions. The case had broader ramifications, however: the Government of Burma had also resolutely drawn the inescapable conclusion that the perpetrators had acted with the official support of their own Government. International terrorism had thus been taken into a previously un contemplated realm. Those responsible would have every opportunity to exculpate themselves, if they could; but if they could give no response other than the crude insults contained in document A/38/355/Add.3, they stood condemned by their own words.

45. The only way to combat international terrorism effectively was through concerted action by all States. It was essential to preserve a similar unanimity of approach in the Sixth Committee, which at past sessions had adopted draft resolutions without a vote. Draft resolution A/C.6/38/L.21, which had been introduced rather prematurely at the preceding meeting, seemed to take another path with its obfuscation of the issues and its attempt to blunt a sense of tragedy and outrage. The United Kingdom assumed that the sponsors did not in fact wish to prevent unanimity within the Committee and that they therefore intended to hold genuinely wide consultations.

46. Mr. VAN LANSCHOT (Netherlands) said that the terms in which agenda item 123 had been drawn up made serious and constructive discussion extremely difficult. It had two distinct components: measures to prevent international terrorism, and study of the underlying causes of particular forms of terrorism.

47. There was no controversy as to the first component, since the problem of terrorism cried out for more concerted international action. The second component, however, was very controversial indeed. Although many contemporary situations gave rise to misery, frustration, grievance and despair, there were acts so barbarous that no cause could justify them. The way in which the second component was formulated was tendentious and seemed to claim that "just" and "good" terrorists might ignore the rules of international law. Its wording seemed to imply that one nation's "terrorist" was often another nation's "freedom fighter".

48. The Ad Hoc Committee on the subject had not been able to agree on a definition of international terrorism, an important element for the promotion of co-operative action to prevent and punish acts of terrorism. There was a need to identify an area of consensus, rather than to strive for complete agreement on an abstract definition and thereby give rise to the kind of sterile discussion that had characterized previous debates. As long as discussion focused on specific categories of terrorist acts it was possible to find common ground, as was clearly shown by the existence of a series of international legal instruments in the field.

49. A number of delegations had characterized certain aspects of State conduct, such as aggression, colonialism and interference in the internal affairs of other States, as "State terrorism". In doing so, they suggested that there was as yet no body of law governing those acts, which was obviously not the case, since they were flagrant violations of the principles of the Charter and were therefore clearly illegal and unacceptable. For that reason there was no need to bring them within the scope of the present agenda item. The introduction of such a concept could

(Mr. van Lanschot, Netherlands)

encourage terrorists to think that their heinous acts were a justifiable response to "State terrorism" and that they fell within the scope of the ancient lex talionis.

50. Rejection of the notion of "State terrorism" did not imply that certain acts inspired or instigated by States were not at the same time acts of terrorism. A State might sometimes, if very rarely, be tempted to consider terrorism a viable policy option. The Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations, adopted by the General Assembly in its resolution 2625 (XXV), had wisely included the principle that every State had the duty to refrain from organizing, instigating, assisting or participating in acts of civil strife or terrorist acts in another State. Few principles of international law commanded greater respect, not simply because it embodied a just and self-evident rule of international behaviour, but because all States were conscious of their vulnerability to terrorist acts. If a State chose not to adhere to that principle, it merited the scrutiny and condemnation of the international community.

51. The Government of Burma had announced that its commission of inquiry had concluded that the attack on a governmental delegation from the Republic of Korea that had taken place in Rangoon on 9 October 1983 had been the work of saboteurs acting on instructions from North Korea. The involvement of North Korea in that barbarous attack was in defiance of United Nations efforts to combat terrorism and all Member States should join in its condemnation and in the search for appropriate means to ensure that such acts would not be repeated.

52. Mr. MANSFIELD (New Zealand) said that the distinguishing mark of international terrorism was the indiscriminate use of violence against innocent people to influence political events in a country outside the place where the act itself was committed. Acts of international terrorism in the early 1970s had prompted the General Assembly to take up the item for the first time. Then, many delegations had agreed that there were some forms of force that must not be used even when the use of force was legally or morally justified.

53. The only way to deal effectively with the problem was to draw up an international convention against terrorism that would impose sanctions on terrorists, regardless of their methods or the identity of their victims. Although the Ad Hoc Committee on International Terrorism had not been given a clear mandate to negotiate a convention, the International Law Commission and the Ad Hoc Committee on the Drafting of an International Convention against the Taking of Hostages had been able to develop important measures against international terrorism. The Tokyo, Hague and Montreal Conventions concerning civil aviation, to which New Zealand was a party, the 1977 Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents and the 1974 International Convention against the Taking of Hostages made it clear that the international community could take effective action against those who used violence for political ends. New Zealand had enacted the legislation necessary to give effect to the 1973 and 1979 Conventions and expected to become a party to them in the near future.

(Mr. Mansfield, New Zealand)

54. The Ad Hoc Committee on International Terrorism had recommended that the General Assembly should unequivocally condemn all acts of international terrorism which endangered or took human lives or jeopardized fundamental freedoms, and the universal agreement on that recommendation at the thirty-fourth session had represented a considerable advance. In spite of its reservations, New Zealand had voted in favour of the resolutions on the item at the thirty-fourth and thirty-sixth sessions because they had endorsed the Ad Hoc Committee's recommendation.

55. Although the frequency of terrorist acts had declined since 1972, there were still those who indulged in indiscriminate violence. New Zealand had made plain its feelings concerning the recent bomb outrage in Rangoon, which had been carried out at the instigation of the Government of North Korea. It congratulated the Government and people of the Republic of Korea for dealing so steadfastly with a second shock following so closely on the destruction of the Korean airliner. It could not fail to condemn, as it hoped all Governments would, the callousness of the North Korean authorities for resorting to crude terror in pursuit of their aims. Their actions were clearly contrary to international law and were also inconsistent with paragraph 7 of General Assembly resolution 34/145.

56. The development through international treaties and conventions, of a collective response to acts of international terrorism was an important means of discouraging such acts. Of no less importance was the firmness with which Governments in whose territories such acts took place responded to them. In that regard, the Government of Burma should be commended for the particularly prompt and effective manner in which it had dealt with the Rangoon incident. All other Governments confronted by international terrorism should show similar resolve.

57. Mr. YANG Hushan (China) said that international terrorism was a complex problem that threatened the stability of States and their mutual relations and endangered life and property. While its solution called for international co-operation and the adoption of corresponding measures at the national level, there was a prior need for a correct perception of the nature of international terrorism.

58. His delegation had always opposed such terrorist acts as the taking of hostages, hijacking, kidnapping, assassination, the setting of bombs and arson. It also opposed terrorist acts in the context of political struggles because they harmed the innocent and, lacking popular support, could be exploited to undermine and tarnish a just struggle. Those who engaged in terrorism on personal grounds should be severely punished by all States.

59. It was also necessary to condemn State terrorism, a kind of large-scale international terrorism under direct State control. The imperialists and hegemonists were practising a blatant form of international terrorism in carrying out armed aggression against sovereign States, interfering in their internal affairs and wilfully slaughtering innocent citizens and forcing them to leave their homes. Imperialism, hegemonism, colonialism and racism were the source of large-scale international terrorism which was a grave threat to world peace and security and which had aroused the indignation of the peoples of the world.

(Mr. Yang Hushan, China)

60. Oppressed peoples who were victims of aggression were fully justified in waging a struggle for independence, freedom and the fundamental right to exist, and it was gratifying that General Assembly resolution 36/109 had reaffirmed the legitimacy of that struggle, in particular the struggle of national liberation movements, in accordance with the purposes and principles of the Charter of the United Nations.

61. Some delegations had mentioned the bombing which had taken place in Rangoon. Since the various parties involved held different views of that question, his delegation did not agree that it should be discussed in the present context. A debate on the question would not help to relax tensions in the region.

62. The Chinese Government and people were firmly against any form of international terrorism. China had acceded to the Tokyo, Hague and Montreal Conventions and had participated in the discussion of questions relating to the elimination of international terrorism. Domestically, China had adopted effective measures to strengthen public security so as to ensure the safety of its people, of foreigners and of diplomatic missions. It was ready to contribute to the common effort for the total eradication of international terrorism and the safeguarding of world peace and security.

63. Mr. MJAALAND (Norway) said that his Government welcomed the fact that General Assembly resolution 36/109 had been adopted by consensus and shared the widespread concern at continuing acts of international terrorism.

64. While his Government was fully aware that terrorism was often connected with social injustice and despair, it could not condone such terrorist acts as murder and the taking of hostages. Regardless of the character of the conflict and the claim that terrorist acts could be justified on grounds of legitimate struggle, they could not be accepted by the international community, which had the right and the obligation to protect itself and to maintain orderly diplomatic communications. The claim that the end justified the means was extremely dangerous and would inevitably lead to anarchy.

65. His Government condemned all the recent acts of terrorism in various parts of the world, particularly the bomb attack in Rangoon. The Norwegian Minister for Foreign Affairs had strongly condemned that violation of the fundamental principles governing international relations. It was unacceptable that members of the armed forces of a State should commit crimes against the citizens of another State in the territory of a third State.

66. The time had come for the international community to take effective measures to combat terrorism. Although some progress had been made, such as the adoption and entry into force of the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, and the International Convention against the Taking of Hostages, much remained to be done. Those instruments and other relevant agreements of a global or regional character should have wider participation of States and their effective implementation should be enhanced.

(Mr. Mjaaland, Norway)

67. In examining ways and means of combating terrorism, it should be stressed that obligations also flowed from generally accepted principles of international law. One such principle was embodied in paragraph 7 of General Assembly resolution 34/145, which called upon all States to fulfil their obligations under international law to refrain from organizing, instigating, assisting or participating in terrorist acts in another State. Another fundamental principle was that international obligations, whether of a contractual or a customary nature, should be complied with in good faith. In the view of his Government, all States were obliged to combat terrorism and to pass on relevant information concerning possible terrorist activities.

68. Mr. FERRARI BRAVO (Italy) said that his delegation remained committed to the adoption of effective international measures in the struggle against terrorism. The people of Italy had been the target of terrorist attacks for many years and the authorities were proud of their success in curbing the activities of terrorist groups while remaining faithful to the principles of democracy and respect for human rights.

69. Although his delegation had been in favour of the establishment of the Ad Hoc Committee on International Terrorism, the distortion of its mandate had prevented it from reaching conclusions of the kind expected. Italy had nevertheless endorsed the conclusions contained in General Assembly resolutions 34/145 and 36/109. It had also signed all the five conventions referred to in the annex to document A/38/355, had ratified three of them and was in the process of completing the ratification of the others.

70. His delegation wished to reiterate its firm commitment to the struggle against terrorism. While terrorism might have causes that Governments should seek to remove, it had no justification. It took innocent human lives and was therefore contrary to human dignity whatever its motivation might be.

71. His delegation noted with deep regret and concern the increasing tendency to have recourse to terrorism, a striking example of which had been mentioned by several delegations. His delegation condemned the attack on the Korean presidential party during its State visit to Rangoon and reiterated its condolences to the Republic of Korea and to Burma for the loss of human life. It also commended the Burmese authorities for having been able to apprehend and put on trial some of the terrorist attackers. The outcome of the judicial proceedings in Burma, as known thus far, increased the deep concern of his delegation. The involvement of a foreign Government in the terrorist attack rendered the act even more grave and was tantamount to an act of indirect aggression against a foreign State. Such an act should not be condoned by the international community, and it had already been condemned by the 10 members of the European Community.

72. Mr. GOMEZ (Colombia) said that his Government had consistently condemned international terrorism, which was aimed at changing the political structure of States, including activities carried out by States with a view to promoting terrorist acts directed against another State. An effort must be made, within the context of the maintenance of friendly relations and co-operation among States, to combat international terrorism. Unfortunately, for many reasons terrorism was



(Mr. Gomez, Colombia)

spreading. Previous speakers had referred to a number of cases that must be strongly condemned by the international community. Terrorism was a violation of all the principles of international law, including the principle of self-determination and independence of peoples.

73. Emphasis must be placed not only on the consideration of measures to prevent international terrorism but also on the underlying causes. The international community must condemn terrorism in all its forms and seek to solve the problems it posed through gradual change, rather than recourse to harsh and destructive methods. He wished to stress that violence must not be regarded as a legitimate means for carrying on political struggles.

74. Mr. SANGSOMSACK (Lao People's Democratic Republic) said that his delegation fully shared the increasing concern of the international community at the alarming spread and growth of international terrorism, which not only violated the national frontiers of States and resulted in the death of innocent people, but also incited hatred, chaos and destruction that in most cases seriously affected understanding and trust among nations. Such acts had therefore been rightly condemned wherever they occurred. It was the joint responsibility of all States to combat terrorism by attacking its roots while at the same time taking measures to prevent and suppress it.

75. The underlying causes of terrorism should be sought in the political, economic and social systems of countries. Terrorism was the direct consequence of the general crisis in capitalist societies. Acts of terrorism were committed by people plunged into despair at having been denied social and economic justice and at being forsaken by a selfish and exploitative society. The purpose of their actions was to draw attention to their situation, which they considered unbearable and unacceptable, or to satisfy their desire for vengeance. Although such acts of violence could not be justified on any grounds, it would be useful to consider their roots seriously in order to find effective remedies that would lead to a harmonious and coherent society for the benefit of all social classes.

76. At the same time, some Western countries, in a final effort to perpetuate colonialism, racism and apartheid, had deliberately elevated terrorism to the level of State policy. Despite their efforts, their colonial empires and spheres of influence and exploitation were growing smaller every day. It was in that light that the use by some countries of brutal and illegal methods of terrorism to salvage what they still believed to be salvageable should be seen. That also explained the attempts to assimilate acts of terrorism to the struggle of oppressed people to exercise their right to self-determination, a legitimate right recognized by the international community. The purpose of treating two such diametrically opposed ideas as the same was simply to invalidate the legitimacy of the struggle of peoples for national liberation and the legitimacy of the moral and material support granted them by the international community. In doing so, those countries hoped to be given a free hand to crush national liberation movements. Such intrigues could not be accepted, since they ran counter to the purposes and principles of the United Nations Charter and of the Movement of Non-Aligned Countries. To avoid malicious interpretations, a clear and precise definition of the term should be worked out so as to distinguish terrorism from acts aimed at promoting the struggle for national liberation.

(Mr. Sangsomsack, Lao People's  
Democratic Republic)

77. Terrorism continued to threaten the security of the entire world because some countries persisted in promoting relations with racist régimes and anti-popular dictatorships, which were its true underlying causes. Terrorism would not be completely eliminated until those causes had been eradicated once for all. States must ensure that the many conventions on the subject which constituted an adequate legal foundation for combating terrorism, did not become a dead letter. Importance should also be attached to the role of States which harboured terrorists in their territory, thus enabling them to carry out their extremist activities, and sometimes even took part in such activities.

78. It was for those reasons that his country was a sponsor of draft resolution A/C.6/38/L.21, which he hoped would be supported by all members of the Committee.

79. Mr. KAHALEH (Syrian Arab Republic) said there could be no doubt that acts of sheer terrorism were heinous crimes against humanity and a flagrant violation of the principles of human rights, the Charter of the United Nations and international law. Accordingly, his delegation condemned acts of terrorism and supported all attempts to restrict their spread and their escalation.

80. However, in dealing with the subject, it was necessary to differentiate between terrorism and the struggle of peoples for liberation and resistance to invasion and occupation, particularly in the light of recent attempts to distort the struggle of peoples against colonialism, racism and zionism and to characterize it as mere terrorism. One of the absurdities of recent times had been Israel's attempt to characterize the legitimate resistance operation carried out by the national Lebanese forces against the headquarters of the occupying Israeli army in Sidon as a terrorist operation. There could be no more abominable distortion than the misrepresentation of the sacred struggle of peoples against foreign occupation. Not content with that, Israel had attributed that heroic national act to Syria with the intention of concealing the truth, justifying condemnation of the act and damaging the reputation of a State which had shed its blood in defence of the rights and sovereignty of the Lebanese people.

81. Attempts to distort the truth had not been restricted to the legitimate resistance operations carried out by the national Lebanese forces against foreign occupation of their territory; certain States had resorted to such distortion in order to gain propagandistic political ends and justify their interference in the internal affairs of other States. There was abundant evidence of such practices like the attempt to attribute the act of terrorism which had occurred in Burma to a State that had had nothing to do with it and the attempt to exploit the incident of the Korean airliner and characterize it as an act of terrorism.

82. In the context of the overall subject of terrorism, State terrorism was more serious than individual terrorism because States could make use of the latest technological innovations such as indiscriminate weapons of mass destruction. Evidence of such acts of State terrorism was also abundant and included the invasions of Lebanon and Grenada, the ongoing aggression against Nicaragua, Angola and Mozambique and the concentration of large fleets in the Middle East and the Caribbean in order to threaten the freedom of small countries.

(Mr. Kahaleh, Syrian Arab Republic)

83. His delegation therefore appealed to the conscience of all peoples not to be deceived by tendentious political allegations, particularly in view of the fact that those States which were distorting the facts possessed the mass media necessary to achieve their objectives. The only obstacle to the achievement of those objectives was the awareness and vigilance of the peoples of the world and their ability to evaluate such matters at their true worth.

84. Mr. SATELER (Chile) said that international terrorism was a cowardly and shameful crime against humanity. The Chilean Constitution stated that terrorism in any form was fundamentally contrary to human rights, and Chilean criminal law established a number of categories of terrorist acts, which were strictly punished according to the seriousness of the offence. At the international level, his Government supported measures adopted in the United Nations with a view to promoting international co-operation in preventing and punishing all forms of terrorist acts. It had therefore become a party to the five conventions referred to in the annex to the Secretary-General's report (A/38/355).

85. The General Assembly, having strongly condemned all terrorist activities, must adopt measures to strengthen the international community's capacity to prevent the commission of terrorist offences. Unfortunately, the necessary political will was often lacking. Certain Governments not only violated the relevant norms of international law but had gone so far as to make terrorism an instrument for the conduct of foreign policy, as in the case of the recent terrorist attack at Rangoon. The Burmese authorities had concluded that the attack had been planned by the authorities of North Korea and carried out by members of that country's armed forces. In that connection, his delegation wished to draw attention to the note verbale dated 1 December 1983 from the Permanent Mission of Chile reproduced in document A/C.6/38/7.

86. Mr. ROSENSTOCK (United States of America), speaking in exercise of the right of reply, said his delegation would like to believe that the Syrian Arab Republic had nothing to do with acts of terrorism referred to by its representative. It would also like to believe that that country would soon end its occupation of Lebanon without the consent of the Lebanese Government.

87. Mr. KAHALEH (Syrian Arab Republic), speaking in exercise of the right of reply, said it was common knowledge that his country's forces, as part of the Arab deterrent force organized by the League of Arab States, had entered Lebanon at the request of the legitimate Government of that country. They had not left Lebanon because, as a pre-condition for doing so, his country sought the unconditional withdrawal of the Israeli invasion forces.

AGENDA ITEM 131: REPORT OF THE INTERNATIONAL LAW COMMISSION ON THE WORK OF ITS THIRTY-FIFTH SESSION (continued) (A/C.6/38/L.22)

88. Miss DAUCHY (Assistant Secretary of the Committee) announced that Greece had become a sponsor of draft resolution A/C.6/38/L.22.

The meeting rose at 6.05 p.m.