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

GENERAL ASSEMBLY

OFFICIAL RECORDS: THIRTY-SECOND SESSION

SUPPLEMENT No. 37 (A/32/37)

UNITED NATIONS



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New York, 1977

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REPORT OF THE AD HOC COMMITTEE ON INTERNATIONAL TERRORISM

1. At its 99th plenary meeting, on 15 December 1976, the General Assembly, on the recommendation of the Sixth Committee, 1/ adopted resolution 31/102 entitled "Measures to prevent international terrorism which endangers or takes innocent human lives or jeopardizes fundamental freedoms, and study of the underlying causes of those forms of terrorism and acts of violence which lie in misery, frustration, grievance and despair and which cause some people to sacrifice human lives, including their own, in an attempt to effect radical changes", which reads as follows:

"The General Assembly,

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

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

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

"Noting that the Ad Hoc Committee on International Terrorism, established under General Assembly resolution 3034 (XXVII) of 18 December 1972, has been obliged to suspend its work,

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

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

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

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

1/ Official Records of the General Assembly, Thirty-first Session, Annexes, agenda item 113, document A/31/429, para. 10.

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

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

"5. Invites States to become parties to the existing international conventions which relate to various aspects of the problem of international terrorism;

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

"7. Invites the Ad Hoc Committee on International Terrorism to continue its work in accordance with the mandate entrusted to it under General Assembly resolution 3034 (XXVII);

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

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

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

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

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

2. In accordance with General Assembly resolution 3034 (XXVII) of 18 December 1972, the Ad Hoc Committee on International Terrorism was composed of the following Member States: Algeria, Austria, Barbados, Canada, Congo, Czechoslovakia, Democratic Yemen, France, Greece, Guinea, Haiti, Hungary, India, Iran, Italy, Japan, Mauritania, Nicaragua, Nigeria, Panama, Sweden, Syrian Arab Republic, Tunisia, Turkey, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Venezuela, Yemen, Yugoslavia, Zaire and Zambia.

3. The Ad Hoc Committee on International Terrorism met at United Nations Headquarters from 14 to 25 March 1977.

4. At its 3rd, 4th and 5th meetings, held between 16 and 21 March, the Ad Hoc Committee elected the following officers:

Chairman: Mr. M. Fereydoun Hoveyda (Iran)

Vice-Chairmen: Mr. Donald G. Blackman (Barbados)
Mr. Imre Hollai (Hungary)
Mr. Folke Persson (Sweden)

Rapporteur: Mr. James L. Kateka (United Republic of Tanzania)

5. The session was opened on behalf of the Secretary-General by Mr. Erik Suy, Under-Secretary-General, the Legal Counsel. Mr. Chafic Malek, Deputy Director for Research and Studies, Codification Division of the Office of Legal Affairs, acted as Secretary of the Ad Hoc Committee.

6. At its 5th meeting, on 21 March, the Ad Hoc Committee adopted the following agenda:

1. Opening of the session
2. Election of officers
3. Adoption of the agenda
4. Organization of work
5. Consideration of the observations of States and formulation of recommendations pursuant to General Assembly resolution 31/102
6. Adoption of the report

7. The Committee had before it the observations of States submitted in accordance with paragraph 8 of General Assembly resolution 31/102 (A/AC.160/3 and Add.1).

8. The Ad Hoc Committee devoted its 5th to 8th meetings, held between 21 and 24 March, to a general discussion on the substance as well as on the organization of work. The representatives of the following States took part in the general discussion: Algeria, Austria, Canada, Czechoslovakia, France, Greece, Haiti, Hungary, Italy, Japan, Sweden, Syrian Arab Republic, Tunisia, Turkey, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela and Yugoslavia. The general discussion is reflected in the summary records of the Committee (A/AC.160/SR.5-8).

9. At its 9th and 10th meetings, the Ad Hoc Committee considered and adopted its report and decided to annex thereto the summary records of its session.

10. At its 10th meeting, on 25 March, the Committee, on the proposal of its Chairman, adopted without a vote the following concluding statement on its work:

(1) The Ad Hoc Committee on International Terrorism held a general debate on the subjects outlined in its mandate. The views of the delegations, which are set out in the summary records, are included in an annex to the present document. The debate revealed that the members of the Ad Hoc Committee shared the concern of the international community at the development of international terrorism.

(2) In the Ad Hoc Committee there was general reaffirmation of the inalienable right to self-determination and independence of all peoples under colonial and racist régimes and other forms of alien domination, and the legitimacy of their struggle was upheld, in particular the struggle of national liberation movements, in accordance with the purposes and principles of the Charter and the relevant resolutions of the organs of the United Nations. In this regard, some members said that there could be no exception to the condemnation and suppression of international terrorist activities and they referred to the right to life, liberty and security of individuals enunciated in the Universal Declaration of Human Rights. Other members considered that the terrorist methods used by certain Governments and certain States should constitute one of the categories of acts which threaten the lives of innocent people and therefore came within the general condemnation of terrorism. Some members expressed the view that this matter, among others, had long been the concern of the instruments and mechanisms which had been adopted by the United Nations to protect fundamental human rights and freedoms. Some other members pointed out that human rights questions did not fall within the mandate of the Committee and emphasized, in that connexion, the relevant principles of the Charter of the United Nations.

(3) Although the need to condemn and repress acts of international terrorism falling within "the common law" (relevant du droit commun) was obvious, there was divergence of views as to what other acts should be included in the expression of "international terrorism". Some delegations reaffirmed the view that condemnation and repression of international terrorism should take place without any qualification.

(4) Some delegations, while recognizing that the causes of terrorism were already being studied and that further study could profitably be given to them, also emphasized that, if the United Nations were to make progress in the more immediate future in combating international terrorism, it was necessary to concentrate on specific categories of acts which threatened the lives or safety of innocent individuals and to evolve practical international, and concerted national, action to deal with these categories of acts. The other members, drawing attention to the Committee's mandate, expressed the view that only a precise definition of the acts to be condemned and in-depth study of the underlying causes of terrorism could remove the misunderstandings which had so far blocked any effective action by the international community. The delegations in question added that partial measures taken without regard to those prerequisites would merely aggravate existing divergences and prevent any progress from being made.

(5) Some members pointed out the importance of measures to be taken against acts of international terrorism at the national level. In this connexion, they stressed the special responsibility of States to ensure normal conditions for the functioning of diplomatic and other representations and to take effective measures to prevent terrorist acts against them. Those members also stressed that measures should be taken by the proper authorities of States to prohibit unlawful activities of the organizations or groups that incite, encourage and engage in the perpetration of terrorist acts against diplomatic and other foreign representations and their personnel.

(6) The importance of States becoming parties to the Conventions which have already been drafted for the protection of individuals, from whatever source they were threatened, was also stressed by some members.

(7) The members of the Committee held the view that the General Assembly must continue its efforts with a view to combating international terrorism. They also stressed the need for international co-operation to tackle this problem, on the one hand, by studying its underlying causes and, on the other hand, by putting into practice measures to combat terrorism.

ANNEX

Summary records of the 1st to 10th meetings of the
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1st meeting

Monday, 14 March 1977, at 3.35 p.m.

Temporary Chairman: Mr. SUY (Under-Secretary-General,
The Legal Counsel, representing the Secretary-General)

A/AC.160/SR.1

Opening of the session

1. The TEMPORARY CHAIRMAN, opening the session on behalf of the Secretary-General, recalled that the question of international terrorism had first been placed on the agenda of the General Assembly at its twenty-seventh session. In support of his request for the inclusion of the item, the Secretary-General had told the General Committee on 20 September 1972 that in proposing the item he had had the general problem in mind, and not any specific incident or situation. The Secretary-General had strongly urged that the United Nations should face up to the international aspects of that very difficult problem and said that, if it did not do so, the climate of fear, which was already an ominous feature of the times, would inevitably become worse. He had noted that there was also the risk of a steady erosion, through indiscriminate violence, of the already tenuous structure of international law, order and behaviour. 1/

2. The International Law Commission, in its report to the same session of the General Assembly, had also noted that the over-all problem of terrorism throughout the world was one of great complexity but that there could be no question as to the need to reduce the commission of terrorist acts even if they could never be completely eliminated. 2/

3. On 18 December 1972, the General Assembly had adopted resolution 3034 (XXVII) establishing the Ad Hoc Committee on International Terrorism. The Committee had met from 16 July to 11 August 1973 and had adopted its report to the General Assembly. 3/ Unfortunately, the General Assembly had been unable to consider the item until the thirty-first session, at which time it had decided, in resolution 31/102, to invite the Ad Hoc Committee to continue its work in accordance with the mandate originally entrusted to it under resolution 3034 (XXVII). The current session of the Committee had thus been convened for a period of two weeks, from 14 to 25 March, during which it would be possible to hold up to two meetings a day, Monday through Friday.

4. With regard to the organization of the Committee's work, it should be recalled that in paragraph 8 of resolution 31/102 the General Assembly had invited States to submit their observations as soon as possible to the Secretary-General so as to enable the Ad Hoc Committee to perform its mandate more efficiently and, in

1/ See Official Records of the General Assembly, Twenty-seventh Session, General Committee, 199th meeting, para. 95.

2/ Ibid., Twenty-seventh Session, Supplement No. 10, para. 65.

3/ Ibid., Twenty-eighth Session, Supplement No. 28.

paragraph 9, the Assembly had requested the Secretary-General to transmit to the Committee an analytical study of the observations of States so submitted. Observations had been received from only one Member State, namely, Democratic Yemen, and had been published in document A/AC.160/3. It had thus not been possible for the Secretary-General to comply with the request for an analytical study. He was nevertheless sure that the Committee would organize its work to the best possible advantage and offered the assurance that the Secretariat would spare no effort in assisting the Committee in its difficult task.

5. With regard to the election of officers, he understood that informal negotiations were under way. If there was no objection, he would adjourn the meeting in order to give delegations time to continue their negotiations.

6. It was so decided.

The meeting rose at 3.40 p.m.

2nd meeting

Tuesday, 15 March 1977, at 11.10 a.m.

Temporary Chairman: Mr. SUY (Under-Secretary-General,
The Legal Counsel)

A/AC.160/SR.2

Election of officers

1. The TEMPORARY CHAIRMAN announced that the various groups of States were actively continuing their consultations on the election of the officers of the Ad Hoc Committee but had not yet reached full agreement.

2. Mr. GIAMBRUNO (Uruguay) agreed that in the first stage of the Ad Hoc Committee's work there should be agreement among its members concerning its officers. In order to avoid any delay in the conduct of the Committee's work, the Latin American countries were prepared to support a candidate nominated by the other groups. The Latin American States which were members of the Ad Hoc Committee had chosen a "co-ordinator" to represent them in the consultations with the other geographical groups. The Latin American countries, which were determined to make every effort to enable the Ad Hoc Committee to perform the important task assigned to it by the General Assembly, hoped that the other groups would likewise appoint co-ordinators in the interest of saving time.

3. The TEMPORARY CHAIRMAN thanked the representative of Uruguay for his constructive proposal and expressed the hope that the other groups would follow that example so that the Ad Hoc Committee could begin its work without delay.

4. Mr. BOUAYAD-AGHA (Algeria) said that he believed, as undoubtedly did other representatives of African countries, that a committee as important as the Ad Hoc Committee could hardly consider the thorny problems on its agenda without having elected its officers. The idea of appointing one or more co-ordinators was certainly a tempting one but would not satisfy all delegations. It would therefore

be best for the Ad Hoc Committee to adjourn until the afternoon of the following day since, in all probability, it would be able at that time to elect a chairman who satisfied the wishes of all delegations. The Ad Hoc Committee could not begin its work if there was disagreement or discontent among delegations.

5. The TEMPORARY CHAIRMAN expressed the hope that the groups would reach full agreement regarding the election of officers and adjourned the meeting until the following day in the afternoon.

The meeting rose at 11.20 a.m.

3rd meeting

Wednesday, 16 March 1977, at 4.15 p.m.

Temporary Chairman: Mr. SUY (Under-Secretary-General,
The Legal Counsel)

Chairman: Mr. HOVEYDA (Iran)

A/AC.160/SR.3

Election of officers (continued)

1. Mr. Hoveyda (Iran) was elected Chairman by acclamation.
2. Mr. Hoveyda (Iran) took the Chair.
3. Mr. BOUAYAD-AGHA (Algeria) suggested that the meeting should be adjourned for further consultations, in view of the difficulty in agreeing on the remaining officers. He further suggested that, since the President of the United States of America was to visit the United Nations during the evening of Thursday, 17 March 1977, the Ad Hoc Committee should cancel its afternoon meeting on that day.
4. The CHAIRMAN said that, if he heard no objection, he would take it that the Ad Hoc Committee wished to adopt the suggestions made by the Algerian representative.
5. It was so decided.

The meeting rose at 4.30 p.m.

4th meeting

Thursday, 17 March 1977, at 11.25 a.m.

Chairman: Mr. HOVEYDA (Iran)

A/AC.160/SR.4

Election of officers (continued)

1. Mr. GIAMBRUNO (Uruguay) said he was concerned at the fact that the Ad Hoc

Committee had not yet been able to agree on its officers, and felt that the issue should be resolved as speedily as possible. He therefore urged the Chairman to spare no effort to expedite the election process, so that the Ad Hoc Committee might not lose valuable time. He also suggested that the Chairman should propose forthwith a programme of work which would enable some progress to be made.

2. On behalf of the Latin American States members of the Committee, he nominated Mr. Donald G. Blackman (Barbados) for the office of Vice-Chairman.
3. Mr. Blackman (Barbados) was elected Vice-Chairman.
4. Mr. BOUAYAD-AGHA (Algeria), speaking on behalf of the African States, nominated Mr. James L. Kateka (United Republic of Tanzania) for the office of Rapporteur.
5. Mr. Kateka (United Republic of Tanzania) was elected Rapporteur.
6. Mr. KROUPA (Czechoslovakia), speaking on behalf of the Eastern European States, nominated Mr. Imre Hollai (Hungary) for the office of Vice-Chairman.
7. Mr. Hollai (Hungary) was elected Vice-Chairman.
8. Mr. FIFOOT (United Kingdom), speaking on behalf of the Group of Western European and other States, said he regretted that he was unable to make a nomination for the third post of Vice-Chairman, but hoped to be able to do so at the following meeting. Meanwhile, in order to enable discussions on the organization of work to begin as speedily as possible, the Group was quite willing, as a temporary measure, to have one of its members join in talks with the elected officers.
9. The CHAIRMAN felt that it would be difficult for him to propose a programme of work until all the officers had been duly elected. He suggested that the meeting should be adjourned and that, immediately afterwards, the elected officers and a representative of the group which had not yet made a nomination should meet informally with a view to obtaining their suggestions on how the work should proceed. He also suggested that the Committee should hold its next meeting on the morning of Monday, 21 March.
10. It was so decided.

The meeting rose at 11.50 a.m.

5th meeting

Monday, 21 March 1977, at 11 a.m.

Chairman: Mr. HOVEYDA (Iran)

A/AC.160/SR.5

Election of officers (concluded)

1. Mr. FIFOOT (United Kingdom), speaking on behalf of the Group of Western

European and other States, nominated Mr. Folke Persson (Sweden) for the office of Vice-Chairman.

2. Mr. Persson (Sweden) was elected Vice-Chairman.

Adoption of the agenda (A/AC.160/L.4)

3. The agenda was adopted.

Organization of work

4. The CHAIRMAN said that on the morning of Thursday, 17 March, the officers of the Committee had held an informal meeting, which the representative of Sweden had also attended. The officers had discussed the organization of work on the basis of General Assembly resolution 31/102, paragraph 10, which requested the Committee to consider the observations of States and to submit its report with recommendations for possible co-operation for the speedy elimination of the problem of terrorism to the General Assembly at its thirty-second session. To date, only Democratic Yemen, Luxembourg and the Syrian Arab Republic had submitted observations, and the consideration of observations should not, therefore, take up very much time. The officers had thought that it would be useful to devote one or two meetings to a general debate in order to hear the observations of members of the Committee and to obtain a better idea of the Committee's feelings with respect to possible recommendations to the General Assembly. Delegations wishing to make proposals on the organization of work could also, of course, use that occasion to do so. After two meetings, the officers would meet again to evaluate what had been said and, if necessary, to make further suggestions. If there was no objection, he would take it that the Committee agreed to proceed to a debate on substantive matters and on the organization of work.

5. It was so decided.

General debate

6. Mr. GOMEZ FYNS (Uruguay) said that after four years of inaction the Ad Hoc Committee on International Terrorism, which had begun its work in 1973, was meeting again in accordance with General Assembly resolution 31/102. That resolution reflected a growing awareness throughout the world of the odious danger facing humanity in the form of international terrorism, which was without a homeland, without honour and without morality. Uruguay, which from the time of the very first acts of terrorism had been trying to draw world attention to the danger, welcomed the fact that States had realized the urgent need to confront the problem of international terrorism, whatever its professed ideology, and thus to resume the course on which it had started in 1972, when the Secretary-General had brought the question before the Organization. The Ad Hoc Committee must therefore fulfil to the best of its ability the obligations finally placed on it by the international community. The Uruguayan Government had appointed a special delegation, which, in co-operation with the Permanent Mission to the United Nations, would be responsible for making as positive a contribution as possible to the work of the Committee. His delegation, realizing how grave were the responsibilities entrusted to the Committee, attached the greatest importance to the results which it would be able to submit to the General Assembly, but was concerned at the fact that a whole working week had been wasted.

7. International terrorism, whatever its political label, was constantly intensifying, strengthening its organization, ramifying and improving its information system and its techniques, in disregard of all moral standards and human values. Whatever the pretext, the acts perpetrated by international terrorism remained pathological manifestations and crimes against humanity. Despite its instinct for survival, the international community had not yet succeeded in stemming a phenomenon which threatened every one of its members. Divided by the economic, political and social crises which characterized the last quarter of the twentieth century, it had displayed weakness and had not yet succeeded in joining forces against the actions of international terrorist organizations; the latter, however, subsisted on such conflicts and were both a cause and an effect of the world's troubles. As the weapons used by international terrorism became increasingly sophisticated, there was cause to wonder what would happen if, one day, it gained access to nuclear weapons. The times were dramatic, calling for organized international action as the only effective remedy, and it was to be hoped that all delegations would reach agreement on how to carry out the task entrusted to the Committee.

8. His delegation recognized the political, economic and social backwardness which existed in various parts of the world and which retarded the development of many peoples, who had become the orphans of civilization. However, despite its understanding of the lot of communities living in subhuman conditions, it did not think that the terrorist mentality, criminal, immoral and destructive, could contribute to a people's progress.

9. Uruguay's position on the subject could be summarized under seven heads. First, it was urgent to adopt measures to combat terrorism, in collaboration with all nations. Second, the Uruguayan delegation associated itself with those who stressed the problems underlying terrorism; however, the United Nations had dealt with those problems from the beginning through standing bodies established specifically for the purpose, whereas the Ad Hoc Committee had been given the specific task of studying terrorism as such. Third, Uruguay recognized the legitimacy of independence movements, although it considered that terrorist methods were out of place in their type of strategy. Fourth, in the belief that, owing to the difficulty of finding a general definition for international terrorism, action against terrorism should take the form of legal instruments covering the different forms of international terrorism, his delegation welcomed the conventions which had already been signed under the auspices of the International Civil Aviation Organization, including the Tokyo Convention of 1963 on Offences and Certain other Acts Committed on Board Aircraft, the Hague Convention of 1970 for the Suppression of Unlawful Seizure of Aircraft and the Montreal Convention of 1971 for the Suppression of Unlawful Acts Against the Safety of Civil Aviation. Other relevant international instruments included the Convention to Prevent and Punish Acts of Terrorism Taking the Form of Crimes Against Persons and Related Extortion that are of International Significance, signed in 1971 by the Organization of American States, the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations and the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents (General Assembly resolution 3166 (XXVIII), annex). His delegation believed that the aim should be to create a network of international conventions covering all the different forms of terrorism. Fifth, every State should make provision for measures against terrorism in its own legislation. Sixth, action should be taken to ensure that terrorists

did not find refuge in some States and that diplomatic asylum was denied to anyone committing acts of terrorism, as had been recognized by the Conference on Territorial Asylum held at Geneva in February 1977. A convention which included a provision to that effect, as an expression of the collective will, would represent a big step towards the elimination of terrorism. Seventh, his delegation fully maintained the draft resolution which it had submitted at the previous session of the Ad Hoc Committee and which appeared in the report on that session. 1/

10. Mr. BOUAYAD-AGHA (Algeria) said that, before anything else, it was necessary to clarify the forms of terrorism on which the Ad Hoc Committee should concentrate in attempting to define the causes of international terrorism. First, a distinction should be made between "heinous" terrorism, which was a form of banditry subject to ordinary law, and terrorism that was political in origin and in purpose. Combating "heinous" terrorism was a matter for the internal legislation of States, which could, if necessary, ask for international co-operation in hunting down the offenders; however, it was terrorism of a political nature that was of special concern to the Ad Hoc Committee.

11. To discharge its responsibilities, it was necessary for the Committee to concentrate on defining the different categories of political terrorism. The first category was terrorism which had its origins in the political, economic and social conditions prevailing in independent countries; that was not international terrorism. The second category of political terrorism consisted of actions resorted to by peoples who were subjected to colonial domination or whose territory was occupied by a foreign Power; that was unquestionably international terrorism. In that context, it was essential to begin the study of acts attributable to liberation movements by seeking the deep-rooted causes, a long-term task which might be carried out in the Ad Hoc Committee. Lastly, not to be overlooked was the terrorism practised by certain States, which, because of the sophisticated means available to the States in question, was the cruelest and most pernicious form of international terrorism.

12. Mr. PERSSON (Sweden) observed that the States Members of the United Nations had had ample opportunity to express their views on all aspects of international terrorism in the General Assembly debate in 1972, which had led to the establishment of the Ad Hoc Committee; during the in-depth discussion of the question in the Ad Hoc Committee in 1973 on the basis of observations submitted by some 40 States and of two documents prepared by the Secretariat, 2/ and in the debate in the Sixth Committee at the thirty-first session of the General Assembly. Consequently, in view of the limited time available, the Ad Hoc Committee should have only a restricted general debate and should concentrate on specific questions. Obviously, the Committee was not in a position to elaborate an international instrument but it should adopt a practical approach with a view to submitting to the Assembly a report upon which the Assembly could act.

13. His delegation in no way minimized the importance of the study of the underlying causes of terrorism and acts of violence, a study which required thorough

1/ See Official Records of the General Assembly, Twenty-eighth Session, Supplement No. 28, p. 33.

2/ A/AC.160/1 and Corr.1 and Add.1-5; A/AC.160/2.

research and which should be the long-term goal of the Committee. However, that study, which was of a political, economic and social rather than a legal nature, should not be allowed to hamper the search for measures to combat and suppress acts of terrorism.

14. The Ad Hoc Committee should begin by trying to delimit the concept of "international terrorism" and to identify the different acts of violence which would constitute condemnable criminal acts within the meaning of that term. To that end, it should concentrate on clarifying what was meant by "international". His delegation and several others maintained that acts which should be characterized as acts of international terrorism were acts committed by individuals or by private groups or organizations in the territory of a third country or which in some other way affected the interests of a third country, for instance by being directed against a national of a third country or against property situated in, or belonging to, a third country. With respect to armed conflicts, one of the Geneva Conventions of 1949 ^{3/} laid down strict rules for the protection of civilian persons in time of war, and the humanitarian law applicable in armed conflicts expressly condemned acts of intimidation and terrorism, as well as attacks against the civilian population or individual civilians by way of reprisals; the International Committee of the Red Cross was endeavouring to expand protection of the civilian population. There were even stronger reasons for combating acts of terrorism which did not result from armed conflicts and which were directed at a third country or its nationals.

15. There was no cause for questioning the legitimate actions of those who struggled, in accordance with the purposes and principles of the Charter, for the inalienable right to self-determination and independence. Even if Sweden held the view that all terrorist acts, such as murder, the taking of hostages and hijacking, must be condemned, it did not express an opinion on the motives behind such acts.

16. In identifying acts of terrorism, the Committee might draw on texts adopted in other forums, such as the Convention on the Suppression of Terrorism recently adopted by the Council of Europe, which covered the taking of hostages, kidnapping and the use of a bomb, grenade, rocket, automatic fire-arm or letter or parcel bomb, as well as some other serious offences involving acts of violence against an individual person or even against property, if such acts created a public danger (e.g., destruction of public or private property and other acts causing fires, explosions, floods or railway accidents).

17. As a second step, the Ad Hoc Committee should formulate recommendations to the General Assembly regarding what specific criminal acts called for further examination within the United Nations, as had been done in the case of the taking of hostages, and what measures Member States should take at the national level. One recommendation should be that the General Assembly should invite States, as it had done in resolutions 3034 (XXVII) and 31/102, to become parties to the Hague Convention of 1970 for the Suppression of Unlawful Seizure of Aircraft, the Montreal Convention of 1971 for the Suppression of Unlawful Acts Against the Safety of Civil Aviation and the Convention of 1973 on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents. The Committee should also recommend that the Assembly should stress the importance of those conventions by addressing an urgent appeal to all Member States to become parties to them at an early date. In addition, the General Assembly might repeat the invitation to each Member State to take all appropriate measures - which the Ad Hoc Committee might be able to indicate in the light of its debate - at the

^{3/} United Nations, Treaty Series, vol. 75, No. 973, p. 287.

national level to combat and as far as possible eliminate the problem of international terrorism.

The meeting rose at 12.05 p.m.

6th meeting

Tuesday, 22 March 1977, at 11.10 a.m.

Chairman: Mr. HOVEYDA (Iran)

A/AC.160/SR.6

General debate (continued)

1. Mr. ORTNER (Austria) said that international terrorism was a subject of great concern to the Austrian Government, which was fully aware of the need for international co-operative efforts to combat it. He assured the Chairman that, in spite of the reservations it had expressed when the Sixth Committee 1/ had decided at the thirty-first session of the General Assembly to renew the mandate of the Committee - those reservations being due to the fact that the lack of clear guidance might prevent the Ad Hoc Committee from properly accomplishing the tasks entrusted to it - his delegation regarded the increasing use of violence as a constant threat to peace and international security and was therefore prepared to make an active and constructive contribution to the work of the Ad Hoc Committee.
2. He would like first to recall the fundamental premises on which the Austrian position was based. It was the Austrian Government's firm conviction that conflicts of all sorts should be resolved exclusively by peaceful means, and Austria was opposed to any use of force and therefore to acts of terrorism. It considered it a duty of the international community to effectively combat acts of individual violence, because if it failed to do so the resulting tendencies towards anarchy might lead to a situation similar to a state of war which would deprive innocent men all over the world of one of the basic human rights, namely, the right to be free from fear and to live in liberty and security. Acts of individual violence must therefore be condemned and if possible prevented, since by their very nature they infringed the right of self-determination of those peoples whose Governments became the object of terrorist acts. Such acts jeopardized peaceful relations between States.
3. However, it would be unfair and hypocritical to limit oneself to the condemnation of terrorism without giving consideration to the underlying causes. One would not be able to refute the accusation of being partial and of favouring the maintenance of the status quo, which in many cases constituted not only social injustice but also an unbearable situation for oppressed peoples, deprived of their basic rights and needs. Austria certainly did not contest the legitimacy, repeatedly recognized and confirmed by the United Nations, of certain aims and objectives, namely, equal rights for all, self-determination and independence, and

1/ Official Records of the General Assembly, Thirty-first Session, Sixth Committee, 70th meeting, para. 49 and ibid, Sixth Committee, Sessional fascicle, corrigendum.

it had never left any doubt about its abhorrence of all forms of racism and racial discrimination. It was convinced, however, that the end could not justify the means and that acts such as murder and the taking of hostages were punishable in every society, irrespective of its ideology. It believed that there were limits to the indiscriminate use of force in every form of conflict, and that individual acts of terrorism resulting in the loss of innocent human lives in countries which had nothing to do with the conflict were inadmissible in all circumstances. That being so, the primary task of the Committee should be to find means for the prevention of such acts. With a view to achieving that goal, his delegation would like to suggest a number of measures at both the international and the national levels, which would be along similar lines to the constructive proposals made by the representative of Sweden at the previous meeting and would take the same pragmatic approach.

4. The asserted aim of most terrorist acts was to draw public attention to certain grievances. His delegation believed that the same objective could be better achieved if the United Nations and the mass media sought, by disseminating pertinent information, to mobilize public opinion all over the world regarding certain situations and thus help to remedy them. The mass media could also join together in a "code of honour", in which they would pledge themselves to support the principles of self-determination and equality. Such a code would also restrict the press coverage of acts of individual terrorism to a bare minimum, thus reducing one of the main incentives for such acts. Furthermore, the world community should constantly endeavour to design adequate methods for the elaboration of alternatives in the solution of conflicts. Those alternatives, if propagated accordingly by the mass media, might eventually effect a change in the basic outlook of human beings and thus reduce the attractiveness of the use of violence in seemingly desperate situations.

5. In recent years, the international community had elaborated a number of international instruments designed to combat different manifestations of individual terrorism. The conventions in question could be effective guarantees against acts of individual violence, if all States ratified them and honoured their provisions. The scope of their application could be gradually broadened by the addition of new instruments covering other forms of terrorism. An interesting example in that connexion was the Convention on the Suppression of Terrorism, recently adopted by the Council of Europe. Although it had certain features which stemmed from its restricted regional framework, it could serve as a model for a universal treaty. Its basic aim was to single out certain acts of terrorism with particularly severe consequences. Such acts were not to be regarded as political offences for the purpose of extradition between Contracting States; thus, it would be guaranteed that individuals committing them would be prosecuted without any exception. It was the opinion of his delegation that such measures would provide suitable remedies in order to combat and prevent international terrorism. To that end, international co-operation on the widest possible scale was indispensable.

6. He hoped that the Ad Hoc Committee, in the course of its deliberations, would be able to give guidelines to the General Assembly for future action in that respect.

7. Mr. PANCARCI (Turkey) said he hoped that the general debate would enable the Ad Hoc Committee to evaluate - keeping in mind the purposes and principles laid down in the United Nations Charter - the activities carried out by the international community since the 1973 session of the Ad Hoc Committee and help to reconcile the views and positions of the various members of the Committee so that the latter might fulfil its task.

8. The Turkish Government was deeply concerned at the alarming increase in acts of international terrorism that spared no country, region or community. In that connexion, he recalled that Turkey had on several occasions been the victim of such acts which were designed to force it to take decisions that were contrary to its legislation and sovereignty. It therefore seemed essential for the United Nations actively to consider that question and to act objectively, setting aside political considerations. As the Secretary-General had pointed out, violent acts resulting from international terrorism were contrary to international law and morality and ran counter to the Charter's fundamental purposes and principles. The perpetrators of certain acts of terrorism could not escape justice by claiming political motives. Accordingly, co-ordinated international legal action must be taken in order to secure the prosecution, extradition and punishment of the perpetrators of such acts.

9. To that end, all States should be urged to become party, without delay, to the international conventions relating to the various aspects of international terrorism that were already in force: the Tokyo Convention of 1963 on Offences and Certain Other Acts Committed on Board Aircraft; the Montreal Convention of 1971 for the Suppression of Unlawful Acts against the Safety of Civil Aviation; the Hague Convention of 1970 for the Suppression of Unlawful Seizure of Aircraft and the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents (General Assembly resolution 3166 (XXVII), annex). Secondly, the Committee should clarify the meaning and scope of the concept of international terrorism, without in any way jeopardizing the fundamental right of peoples to self-determination and to wage a liberation struggle against colonialism. Thirdly, the Committee should examine the underlying causes of terrorism, on the understanding that such a study should not delay the adoption of measures designed to prevent and punish terrorism. If they were to be practical and effective, such measures required international co-operation which was conceivable only within the framework of a multilateral convention. Finally, the Committee should find ways leading to pacification, détente and peaceful coexistence. Failure on its part would seriously discredit the United Nations in the eyes of international public opinion. It was therefore the Committee's duty to consider the problem as a whole, without any preconceived political ideas.

10. It was in that spirit that his delegation would support the search for a just and effective solution to the serious, important and very urgent problem of international terrorism.

11. Mr. SZELEI (Hungary) said that, in voting for General Assembly resolution 3034 (XXVII) of 18 December 1972, his delegation had indicated its recognition of the importance of international co-operation in devising measures to prevent the occurrence of terrorist acts and of studying the underlying causes of such acts with a view to finding just and acceptable solutions. In that spirit, his delegation had supported General Assembly resolution 31/102, which had invited the Ad Hoc Committee on International Terrorism to continue its work in accordance with the mandate entrusted to it under General Assembly resolution 3034 (XXVII).

12. His delegation had repeatedly condemned acts of international terrorism, pointing out that those acts not only endangered or caused the loss of innocent human lives but hampered normal relations among States and increased tensions in international affairs. Its position on the subject remained unchanged; it believed that the problems tackled by the sub-committees during the 1973 session

of the Ad Hoc Committee - the definition of international terrorism, its underlying causes and the adoption of measures to prevent terrorism - must be considered as interdependent.

13. His delegation was of the firm opinion that one of the fundamental issues involved in combating international terrorism was the elimination of its underlying causes, and it fully supported paragraph 4 of General Assembly resolution 31/102, which condemned the continuation of repressive and terrorist acts by colonial, racist and alien régimes in denying peoples their legitimate right to self-determination and independence and other human rights and fundamental freedoms.

14. Such acts had been committed recently in different areas of the world, particularly in the occupied territories in the Middle East and in southern Africa. Hungary vigorously opposed any attempt to infringe the legitimate right of peoples under colonial and racist régimes to self-determination, freedom and independence, as reflected in the relevant resolutions of the organs of the United Nations. It was unfortunate that some Member States continued to obstruct the study of those problems in that light.

15. His delegation welcomed the references that had been made to the existing international instruments relating to various aspects of international terrorism. The Hungarian Government had consistently expressed its strong belief that international conventions such as the 1963 Tokyo Convention on Offences and Certain Other Acts Committed on Board Aircraft, the Hague Convention of 1970 for the Suppression of Unlawful Seizure of Aircraft and the Montreal Convention of 1971 for the Suppression of Unlawful Acts against the Safety of Civil Aviation constituted an appropriate framework for States to take measures. Hungary was a party to all those international conventions and intended duly to implement them. It hoped that the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, which it had ratified, would enter into force without delay and that States which had not yet become parties to it would speedily do so.

16. The adoption of appropriate measures at the national level to prevent and eliminate international terrorism should be accompanied by international co-operation, to which Hungary fully intended to contribute.

The meeting rose at 12.05 p.m.

7th meeting

Wednesday, 23 March 1977, at 3.30 p.m.

Chairman: Mr. HOVEYDA (Iran)

A/AC.160/SR.7

Organization of work

1. The CHAIRMAN suggested that, in view of the short time remaining before the end of the session, the list of speakers should be closed at the end of the current meeting. If there were no objections, he would take it that the Committee agreed to that suggestion.

2. It was so decided.

General debate (continued)

3. Mrs. d'HAUSSY (France) emphasized that her Government had always deeply deplored all acts of terrorism and reprisal and, in that spirit, had supported the initiative taken by the Secretary-General at the twenty-seventh session of the General Assembly with a view to breaking the chain of blind violence by a study not only of its most tragic consequences but also of its deepest causes. As well as being a question of international criminal law, terrorism created a political problem, so that the causes of the problem had to be dealt with. That meant that it was necessary to take into account all the extremely complex facts surrounding international terrorism. It also meant that effective action in that sphere required very broad agreement among States.
4. In accordance with that view, although it supported the idea of a study on terrorism, France had abstained in the votes on General Assembly resolutions 3034 (XXVII) and 31/102, because the texts had not emerged from a consensus. It went without saying, however, that the French delegation was still prepared to contribute to the search for both procedural and substantive solutions which could command broad support among the members of the Committee. In that connexion, it would first be necessary to study in detail the definition of international terrorism, since a precise definition of the sphere of application of the studies undertaken was essential if the Committee's work was to bear fruit. She recalled that in 1973 France had proposed a definition applicable to heinous acts of barbarism; such acts were condemned by all peoples, however just the cause which inspired the acts. 1/
5. Her delegation wished to emphasize the role of each individual State in efforts to combat international terrorism and the need to adopt appropriate domestic measures. For its part, in 1970, France had promulgated a law on the prevention and punishment of hijacking of aircraft in flight and, so far as civil aviation was concerned, had ratified the Tokyo Convention and the Hague and Montreal Conventions. In addition, an act dated 9 July 1971 had increased the penalties for the taking of hostages and another act dated 5 July 1972 had extended the jurisdiction of French courts and had strengthened arrangements for the punishment of terrorism in the air.
6. France believed that it would be highly advisable for States to review their legislation and their bilateral and multilateral agreements in order to ascertain whether they were adequate to deal with current problems.
7. Mr. KAMOSHIDA (Japan) said that terrorist acts which endangered or took innocent human lives were abhorrent and should be condemned in the strongest terms, regardless of the political or other motives of the perpetrators. However, the efforts of one State within its territory were not sufficient to combat terrorist acts, which were not restricted by State frontiers but were international in character. Sometimes the terrorist fled from the State in which he had committed the terrorist act and escaped punishment by taking advantage of the principle of territoriality of criminal jurisdiction adopted by a number of States. In order to combat such acts, it was essential to secure the necessary international co-operation, and the international community should take urgent action to suppress those acts.

1/ See Official Records of the General Assembly, Twenty-eighth Session, Supplement No. 28, p. 21.

8. Among those measures, mention should be made of the Hague Convention of 1970 for the Suppression of Unlawful Seizure of Aircraft, the Montreal Convention of 1971 for the Suppression of Unlawful Acts against the Safety of Civil Aviation, the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents (General Assembly resolution 3166 (XXVII), annex), and the establishment of the Ad Hoc Committee on the Drafting of an International Convention against the Taking of Hostages (General Assembly resolution 31/103). Nevertheless, in view of the diverse manifestations of international terrorism, it was clear that additional efforts were required to obtain broader and deeper international co-operation in combating it. In the opinion of the Japanese delegation, the Committee could play a useful role in that regard. However, for that purpose, it would be necessary further to clarify the Committee's task and the approach to be adopted.

9. His delegation wished to refer in that connexion to two issues which had been raised in the Committee. In the first place, it had been argued that the Committee should first study the underlying causes of international terrorism and try to eliminate them. The Japanese delegation believed that the international community should not await the completion of the study of the underlying causes of international terrorism or their elimination before adopting measures to combat those acts. Secondly, some States had expressed concern that the condemnation of international terrorism and the adoption of measures to prevent it might prejudice the right of peoples to self-determination. Japan respected that right and recognized its exercise in accordance with the Charter of the United Nations, but it believed that a satisfactory formula could be evolved by further clarifying the issues involved.

10. The United Nations was committed under the Charter to encouraging respect for fundamental human rights and the dignity and worth of the human person and, as a universal organization, it was best suited to widen and deepen international co-operation aimed at eliminating acts of international terrorism from the world. Otherwise the Organization would betray the hopes which the world had placed in it.

11. Mr. PLAMONDON (Canada) said that his delegation had already stated its position on the question of terrorism in document A/AC.160/1/Add.1 and on various occasions in plenary meetings of the General Assembly and meetings of the Sixth Committee. He simply wished to state that, in view of the proliferation of acts of violence, it was essential to adopt effective measures to combat acts of international terrorism, which were destroying the lives of innocent human beings. That did not mean that one should ignore the situations causing such acts, which often had their origin in economic, social, cultural, religious or racial tensions. Canada had always supported the principle of the equality of all peoples and their right to self-determination, but it believed that nothing justified recourse to violence against innocent persons.

12. At the fifth meeting, the representative of Sweden had suggested one way in which the Committee could fulfil the mandate entrusted to it. That suggestion had involved two stages: first, identification of the different acts of violence which would constitute condemnable criminal acts; secondly, formulation of recommendations to the General Assembly regarding measures which Member States should take at the national level to condemn such specific criminal acts. In the opinion of the Canadian delegation, that suggestion represented a realistic approach which would make it possible rapidly to isolate some of those acts which engendered hatred,

poisoned international relations and endangered peace. It also opened the way for specific progress, since it encouraged every Member State to propose measures or legal recommendations designed effectively to prevent and punish terrorism. Canada was convinced that States could do more at the national level to combat the scourge of terrorism. For example, they could adopt measures to prevent their nationals from assisting in the commission of acts of terrorism, consolidate their preventive security arrangements and promote the exchange of information on terrorists and on ways of encouraging improved co-ordination for the purpose of punishing and eliminating terrorism. Similarly, the conclusion of bilateral agreements would provide considerable support for the multilateral conventions already concluded.

13. It was extremely important that more States should accede to the Conventions of Tokyo, The Hague and Montreal but it was also important that new conventions should be concluded to combat the taking of hostages and the sending of packages containing criminal objects or to promote mutual judicial assistance in criminal matters. Nevertheless, a proliferation of instruments of that type could not replace the adoption of a widely supported universal convention on the punishment of international terrorism. The draft convention adopted by the Ministers of Justice of the members of the Council of Europe could serve as an example in that regard.

14. Acts of terrorism constituted a permanent threat to peace and security. If the United Nations did not want to lose sight of the aspirations of the international community, it should encourage greater international co-operation with a view to combating terrorism more effectively.

15. Mr. BOUAYAD-AGHA (Algeria) submitted to the Committee a draft recommendation prepared by the delegations of Yugoslavia, Tunisia and Algeria and suggested that it should be included in the report. The draft would have the Committee emphasize the need for international co-operation in dealing with the phenomenon of terrorism in two ways: attacking its causes and taking measures to control it. The Committee would also stress that there was general agreement on the need to condemn and suppress criminal terrorism and would reaffirm the legitimacy of the liberation struggles of countries which were under colonial rule or had been deprived of their rights and their land. Finally, the Committee would point out that the terrorist methods employed by certain Governments and States also fell under the general condemnation of terrorism.

16. Mr. DANOVI (Italy) said that, although at the Committee's previous session it had proved impossible to reach agreement on the question of terrorism, the discussions held in July and August 1973 had been useful in that they had clarified the various positions on the issues at stake and had thrown some light on the limits of the action that the Committee would be able to take under the terms of resolution 3034 (XXVII). At least one point had been made clear at that time: thorough study of the underlying causes of terrorism was a very difficult task. Those causes were to be found in political, economic and social tensions, but terrorism was not the main product of those factors but rather a marginal and very negative by-product. If the Committee really set out to investigate in depth the causes of the situations from which terrorism stemmed, it would probably have to analyse most of the problems which afflicted humanity at the present time and suggest remedies for each of them. His delegation understood some of the considerations which in 1973 had prompted a number of delegations to favour thorough study of the causes of terrorism. Although not prepared to condone activities of a terroristic nature,

however politically motivated they might be, his delegation agreed that the results of the Committee's work should not become an obstacle to the legitimate struggle of peoples to achieve the rights granted to them by the United Nations Charter. Although his delegation also understood why particular stress had been placed on the notion of "State terrorism", it felt that that phenomenon was closely connected with the obligations of Member States in the field of human rights and should therefore be considered by the competent organs of the United Nations system. In short, his delegation felt that study of the causes of international terrorism should remain a long-term goal of the Committee but that excessive emphasis on that point would, as in 1973, hamper progress towards the more urgent objective of recommending to the General Assembly effective measures for preventing international terrorism.

17. His delegation fully supported the extremely useful proposals made by the Swedish delegation. At its previous session, the Committee had tried to reach agreement on a widely acceptable definition of terrorism, but that had proved impossible. In the light of past experience, his delegation would suggest that the Committee should concentrate its attention on the measures needed in order to prevent and suppress not all terrorist activities but at least the most dangerous and disruptive among them. That was not a new approach, since it had been used in the drafting of a number of international conventions aimed at dealing with specific acts of terrorism; it had, in fact, led to the establishment, at the thirty-first session of the General Assembly, of the Ad Hoc Committee on the Drafting of an International Convention against the Taking of Hostages (resolution 31/103). The history of terrorism in recent years was unfortunately so varied that it should not be impossible for the Committee to identify areas of agreement on which to formulate recommendations to the General Assembly for concrete action.

18. Mr. Persson (Sweden), Vice-Chairman, took the Chair.

19. Mr. WILSON (United States of America) recalled that the Secretary-General, in requesting the inclusion in the agenda of the twenty-seventh session of the General Assembly of an item on measures to combat international terrorism, had predicted that if the United Nations failed to face up to the international aspects of the problem, the climate of fear throughout the world would worsen. 2/ Unfortunately, that prediction had been borne out. There had been more incidents of international terrorism in 1976 than in any previous year. At the same time, there was a growing realization that terrorism was a problem with which the international community must deal promptly. Every State had an interest in its elimination and, what was more important, all were already committed to the principles embodied in the Charter of the United Nations and the Universal Declaration of Human Rights which were violated by acts of terrorism. Everyone should therefore be anxious to deal with a problem that posed such a serious threat.

20. In his recent address at the United Nations, Mr. Carter, President of the United States of America, had held out the vision of a world dominated by increasing demands for basic freedoms and fundamental rights. If that assessment of the global climate was as accurate as Mr. Waldheim's had been in 1972, perhaps it would be possible to make progress on the issue under discussion. In order to do so, however, it would be necessary to dispose of three objections that had been raised repeatedly to prompt international action against terrorism. The first objection was that national liberation movements must not be restricted in their fight for

2/ Ibid., Twenty-seventh Session, General Committee, 199th meeting, para. 95.

self-determination. The second was that there could be no effective action against international terrorism until the causes of terrorism were identified and eliminated. The third was that there was an equally pressing need for the Committee to deal with governmental action. His delegation felt that none of those arguments justified procrastination in dealing with international terrorism.

21. His delegation did not believe that there was any contradiction in expressing support for the principle of self-determination and calling for measures to end international terrorism. The United States had repeatedly affirmed its commitment to the principle of self-determination and did not feel that its equally strong commitment to the right of individuals to life, liberty and security of person constituted disregard for that principle. By the same token, the right of nations to defend themselves was not in conflict with the humanitarian laws of war which States were bound to observe. If States were restricted by humanitarian concerns, the same should apply to groups and individuals. Could any member of the Committee condone the use of torture as a means to an end? The sooner it was agreed by all that there were limits on the permissible conduct of groups or individuals in promoting their objectives, the sooner it would be possible to discuss what those limits were or ought to be.

22. Some speakers had emphasized the need to study the causes of terrorism. While his delegation remained convinced that there were other United Nations organs which were better equipped to deal with those social, economic and political issues and were already doing so, it was prepared for discussion of that topic as well as measures to combat terrorism. However, it could not agree that work on measures to prevent terrorism must await identification and elimination of the causes of terrorism any more than it would agree that domestic laws against murder should await the identification and elimination of the causes of murder.

23. The third obstacle to progress on the elimination of international terrorism had been the argument that it was not possible to proceed against individuals who terrorized others without taking action against Governments which "terrorized" individuals through repressive policies. There were too many injustices in the world for it to be possible to condition the solution of one of them upon the solution of all of them. Moreover, an established body of rules governing the conduct of States already existed, e.g., the United Nations Charter, the Definition of Aggression and the Universal Declaration of Human Rights. It was necessary now to formulate rules applicable to individual action.

24. At its 1973 session, the Committee had been unable to respond to the problem of international terrorism because it had addressed itself to overly broad and complex questions with social, political and economic implications. His delegation believed that progress could be made if the Committee focused its attention on the elaboration of measures which the international community could take to combat terrorism. First of all, the Committee could give serious consideration to the concrete proposals which States had submitted for the purpose of dealing with the problem of international terrorism. In 1973, the United States had circulated a draft convention designed to inhibit the export of terrorism to countries which were not parties to a conflict. ^{3/} The draft convention had been worded in such a way as to avoid any interference with the right of self-determination. First, the

3/ Ibid., Twenty-eighth Session, Supplement No. 28, p. 28.

convention was limited to certain criminal acts, such as murder, kidnapping and the causing of serious bodily harm; secondly, the act in question must be intended to damage the interests of or obtain concessions from a State or an international organization; thirdly, the act must be committed or take effect outside the territory of the State of which the alleged offender was a national; fourthly, the act must be committed or take effect outside the territory of the State against which it was directed, and, finally, the act must not be committed either by or against a member of the armed forces of a State in the course of military hostilities. A convention with that focus would cover many of the recent acts of international terrorism and at the same time would not affect the right of self-determination; it would essentially follow the provisions of the Conventions of The Hague, Montreal and Tokyo for the protection of civil aviation. Adoption of the convention would be in the interests of all nations. His delegation would welcome reactions to it. It was also in favour of studying other proposals such as the one submitted by Uruguay in 1973. 4/

25. The Committee could recommend that the General Assembly encourage accession to and compliance with those conventions related to terrorism which were already in effect. The existence of those conventions confirmed that the international community could take effective action against terrorism. In that connexion, his delegation agreed with the related proposals made by the representatives of Sweden (5th meeting) and Hungary (6th meeting).

26. The Committee could suggest new areas in which the international community might agree on similar mechanisms. Accordingly, the United States firmly supported the Swedish proposal that the United Nations might single out fiendish acts of international terrorism, for example, use of the mails to deliver bombs, and prepare measures to prohibit them.

27. The Committee could also collect examples of regional co-operation in combating terrorism and encourage others to follow suit. For instance, it could learn from the Convention on the Suppression of Terrorism, recently adopted by the Council of Europe, and the Convention of the Organization of American States to Prevent and Punish the Acts of Terrorism Taking the Form of Crimes against Persons and Related Extortion that are of international significance.

28. Finally, States could present for the consideration of others the measures they had employed domestically to combat international terrorism. They could exchange examples of domestic legislation, regional and international co-operation, or utilization of existing extradition agreements that had proved effective. His delegation agreed with the representative of Sweden that that was a manageable task which could be undertaken with a chance of success.

29. The foregoing recommendations underlined ready opportunities to contribute to the preservation of human rights and also to the advancement of the fundamental principles of the United Nations Charter through action to prevent international terrorism.

30. Mr. POVZHIK (Ukrainian Soviet Socialist Republic) said that his delegation had repeated in various bodies and on various occasions its vigorous condemnation of terrorism, which impeded the diplomatic activities of States, paralysed communications,

4/ Ibid., p. 33.

obstructed co-operation and seriously interfered with the process of international détente. That position had been confirmed in the reply which the Government of the Ukrainian SSR had transmitted in document A/AC.160/1/Add.2, in accordance with the request of the Secretary-General.

31. According to the legislation of the Ukrainian SSR, terrorist acts, whether perpetrated against its own nationals or against the citizens of another State, were considered as serious crimes subject to very heavy penalties. Although it was true that it was the responsibility of States to take measures to guarantee the security of their citizens and foreign residents, it was no less true that, terrorism being an international phenomenon, the measures taken to combat it could be effective only if they were adopted at the international level, with the co-operation of all States.

32. It would be very difficult to draw up an exhaustive list of all the possible acts of terrorism. Obviously, among them the most obvious and direct cases would have to be included, such as the kidnapping of foreign citizens and the hijacking of aircraft in flight. However, it was necessary not only to consider direct acts of terrorism perpetrated by individuals but also those acts committed or encouraged by certain organizations and groups against the diplomatic agents of foreign Governments. The obligation of all States to guarantee the security of duly accredited members of foreign diplomatic staffs was derived from international law and all States were required to take the appropriate measures. Both the General Assembly and the Committee on Relations with the Host Country had re-emphasized those obligations. However, the competent authorities often did not show the necessary zeal and many crimes of terrorism remained unpunished as a result.

33. The fight against international terrorism required not only the elaboration of new international instruments but also the strict application of those already in existence. Unfortunately, it must be pointed out that, in spite of the Montreal and the Hague Conventions for the suppression of illicit acts against civil aviation, some Governments were refusing to conclude bilateral treaties designed to make such co-operation more effective, and some States were even welcoming terrorists and offering them immunity. To combat terrorism effectively, it was necessary to take into account the underlying causes of the situation - racism, apartheid and colonial exploitation - and to take steps to eradicate them. His delegation recognized the legitimate desires and aspirations of peoples fighting for their freedom by force of arms and was firmly opposed to any attempt to use a campaign against international terrorism as a pretext for suppressing such national liberation movements.

34. Mr. KAPETANOVIĆ (Yugoslavia) said that the position of his delegation on the question of international terrorism was included in the reply of the Yugoslav Government to the Secretary-General in document A/AC.160/1/Add.2 and in the statement which the Yugoslav representative had made in the Sixth Committee during the thirty-first session of the General Assembly. 5/

35. The causes of terrorism must be the subject of a subsequent study and specific proposals must be put forward and measures taken to eliminate both the causes and

5/ Ibid., Thirty-first Session, Sixth Committee, 62nd meeting and ibid., Sixth Committee, Sessional fascicle, corrigendum.

the specific manifestations of terrorism. Nevertheless, it must be stressed that the legitimate struggle of oppressed peoples and the battles of national liberation movements recognized by the United Nations must not be identified with terrorism which, in fact, was an act of banditry or of Fascist ideology in whose name so many horrible crimes had been committed and so much suffering had been inflicted on mankind.

36. The Yugoslav delegation wished to repeat that, in its opinion, the document submitted by the non-aligned group of countries in the Committee at its first session 6/ were of major importance and their conclusions were valid regarding a subsequent review of the problem of international terrorism.

37. Mr. CHARLES (Haiti) said that the position of his country on the question of international terrorism was well known; it had been described on various occasions both in the Sixth Committee and in the present Committee. Haiti condemned international terrorism under whatever form it appeared and the international community should spare no effort to combat it. Nevertheless, it was necessary to recognize the legitimacy of the struggle of peoples seeking to achieve their right to self-determination and independence and that legitimate struggle must in no way be assimilated to terrorism.

38. Obviously, no State acting on its own could effectively combat international terrorism and his delegation was glad to note that all members of the Committee were aware of the need to eradicate that scourge and that the only differences of opinion concerned questions of procedure.

39. His delegation did not think it necessary to wait until the causes of terrorism had been studied in order to adopt means of protecting innocent people. Moreover, there were no reasons to believe that the study of such causes would automatically bring about their elimination. The United Nations - and hence the Committee - had a responsibility in the matter. He hoped that the Committee would be responsive to the hopes that had been placed in it.

The meeting rose at 4.50 p.m.

6/ Ibid., Twenty-eighth Session, Supplement No. 28, pp. 21, 25.

8th meeting

Thursday, 24 March 1977, at 11.15 a.m.

Chairman: Mr. HOVEYDA (Iran)

A/AC.160/SR.8

In the absence of the Chairman, Mr. Persson (Sweden), Vice-Chairman took the Chair.

General debate (concluded)

1. Mr. JACHEK (Czechoslovakia) recalled that his country had supported the adoption of resolution 31/102 by which the General Assembly had renewed the mandate of the Ad Hoc Committee, and emphasized that Czechoslovakia strictly condemned and did not tolerate in its territory acts of terrorism, particularly those which endangered innocent lives and represented an obstacle to friendly relations among States. Czechoslovakia endorsed the chosen method of studying three questions simultaneously: the definition of international terrorism, its underlying causes and the measures to be taken for its prevention.
2. It would be necessary to evolve a precise definition of international terrorism, so as not to undermine the struggle for national and social liberation and against colonialism, racism and apartheid on the pretext of eliminating terrorism.
3. Unlike some delegations which underestimated the importance of a detailed study of economic, social and other origins of terrorism, the Czechoslovak delegation considered that the best means of repressing a crime was to take effective preventive measures.
4. His delegation was in favour of strengthening the existing international legal instruments and of formulating, within the United Nations, new measures to combat terrorism, provided that international terrorist acts were defined precisely and in accordance with the purposes and principles of the Charter of the United Nations, so that the measures could not be applied in a manner contrary to the spirit of the Charter. It was necessary not only to prosecute and punish the perpetrators of terrorist acts but also to remove the social, economic and political causes of that problem. Bilateral and multilateral co-operation among States in that area should be encouraged, but individual States had an important responsibility, and the United Nations should encourage all States to become parties to the relevant international conventions and to observe them strictly.
5. As had frequently been emphasized, some States gave free rein to terrorist organizations of a Fascist, neo-Fascist and revanchist character which preached national, racial or religious hatred and to organizations which systematically and with impunity attacked the representatives of other countries or groups of countries. The adoption of effective measures against terrorism at the national level was therefore, in Czechoslovakia's view, one of the major prerequisites for an effective struggle against international terrorism.
6. Lastly, he drew the Committee's attention to the statement made by his delegation, in the Sixth Committee, at the thirty-first session of the General

Assembly 1/ on the subject of the drafting of an international convention against the taking of hostages. That statement had set out in detail the Czechoslovak position of principle concerning international terrorism.

7. Mr. SIAGE (Syrian Arab Republic) recalled that his country's position on the subject of international terrorism had been made known at the thirty-first session, during the general debate in the Sixth Committee, and in the two replies which it had sent to the Secretary-General (see A/AC.160/1 and A/AC.160/3/Add.1). General Assembly resolution 31/102 gave the Committee a clear mandate: to seek just and peaceful solutions to the underlying causes of international terrorism, to reaffirm the inalienable right to self-determination and independence of all peoples under alien or racial domination and to study repressive and terrorist acts committed by colonial and foreign régimes. That was the best way of solving the problem of international terrorism, which the Syrian Arab Republic very strongly condemned, irrespective of whether such terrorism was committed by individuals, groups or States.

8. In order to fulfil its mandate, the Committee therefore had to study, identify and analyse the underlying causes of international terrorism, and the principal causes were colonialist and racist practices and policies and foreign occupation.

9. He fully supported the final text introduced at the preceding meeting by the representative of Algeria, speaking also on behalf of the delegations of Tunisia and Yugoslavia. That text reflected the concern of the international community over the problem and recognized the importance of international co-operation in finding a solution.

10. Mrs. MARQUEZ de PEREYRA (Venezuela) said that the Ad Hoc Committee's mandate was defined in General Assembly resolution 3034 (XXVII), which also expressed very clear support for the legitimacy of the struggle for independence and self-determination. At its first session, held in the summer of 1973, the Ad Hoc Committee had not produced final solutions, because of the lack of time and the complexity of the problem, although specific proposals had been submitted towards the end of the session. While it acknowledged that work had been done by various United Nations organs, her delegation believed that few positive results had been achieved in the four years which had elapsed since that time. In the Sixth Committee, the question of terrorism had been postponed year after year, and it was not until the thirty-first session that some meetings had been devoted to that question during a discussion which had reflected the concern of the international community. The Committee's mandate had then been renewed and it currently had a considerable responsibility to the international community: the responsibility of finding ways of removing the growing threat of terrorism, which was endangering international peace and security.

11. Although very diverse opinions had been expressed in the Ad Hoc Committee, an open and honest dialogue should make it possible to reconcile the various viewpoints. There was a common element among delegations, since all condemned acts of terrorism which endangered innocent lives, and that should provide the basis for the report containing the Committee's recommendations to the General Assembly.

1/ See Official Records of the General Assembly, Thirty-first Session, Sixth Committee, 57th meeting and *ibid.*, Sixth Committee, Sessional fascicle, corrigendum.

12. Terrorist activities which had international repercussions should be subject to world-wide legal regulations. Since terrorism was a complex phenomenon, the regulations could not cover all its aspects, but it was possible to specify clear situations in which clearly defined laws could be applied. Any juridical standard should, by its very nature, be enforceable. In that connexion, it was obviously important for as many States as possible to ratify an instrument governing a subject which had numerous international ramifications. A firm but very cautious approach should be adopted. For example, specific problems and means of dealing with them could be identified. In recent years, there had been a constant increase in the taking of hostages and in hijacking, and a coherent international reaction was necessary. If States could agree on certain specific measures, it would be possible to face the peril in a rational manner. Indeed, various countries had already concluded agreements between themselves under their respective legislations; that had been done, for example, by Cuba and some Latin American countries in an effort to combat air piracy.

13. International terrorism was a heinous crime, which could not be justified by any cause and could not be confused with the struggle for independence waged by peoples to liberate themselves from foreign oppression and exploitation. Her delegation very much hoped that the Committee would be able to submit to the General Assembly recommendations which would effectively promote the elimination of international terrorism. There would be no true peace until the struggle against violence had been successfully waged, and that required both individual and collective action at the national and international levels.

14. Mr. FOKINE (Union of Soviet Socialist Republics) said that the problem of international terrorism deserved the closest attention, since it involved the interests of all countries. Acts of terrorism not only threatened human lives but also created in inter-State relations tensions which might threaten international peace and security. The USSR had made known its position on the subject in observations submitted in response to General Assembly resolution 3034 (XXVII) (see A/AC.160/1/Add.1). That position was essentially the following: the Soviet Union opposed acts of terrorism, which disrupted the diplomatic activity of States, the transport communications between them and the normal course of international contacts and meetings, and it condemned such acts as a matter of principle, whether they were perpetrated by States or by individuals. It had voted in favour of resolution 3034 (XXVII), considering that States would proceed without delay to defining the ways of eliminating the underlying causes of violence, a study which should be the basis for efforts to combat terrorism.

15. The Ad Hoc Committee, in devising measures effectively to prevent terrorism, should take account of the following principles: first, the texts adopted must be based on a consensus among the States wishing to put an end to acts of terrorism and should avoid any risk of harming the interests of various States. Secondly, the term "international terrorism" should not be given too broad an interpretation that could be applied to the national liberation movements, to acts committed for the purpose of resisting an aggressor in the territories it occupied, or to action by workers against the oppression of exploiters. In deciding what acts should be covered by the definition of "international terrorism", the Ad Hoc Committee should focus primarily on premeditated acts of violence and acts of violence committed against foreign nationals where the underlying motives were political. Any new measures aimed at eliminating terrorism, and any international legal instrument setting forth such measures, should deal with areas not yet covered by

international legislation, and special attention should be paid to any acts that could impair relations between States, and to acts committed for criminal motives - a category which would cover the activities of the Zionist extremists, national immigrant centres and other Fascist-type organizations, and armed provocation by Israel against the Arab States and Uganda.

16. When considering international terrorism it must be borne in mind that States themselves had the responsibility of taking effective measures to ensure the safety of foreign nationals in their territory. Unless that principle was recognized, any international instrument aimed at combating terrorism would be wholly ineffective. The host States of international organizations had a special responsibility in that regard. For example, the United States was required to ensure conditions conducive to the normal functioning of the missions accredited to the United Nations, and it was therefore extremely unfortunate that the United States authorities were far from fulfilling their obligation to defend foreign nationals in their territory against criminal attacks.

17. His delegation shared the view that the conclusion of bilateral or multilateral instruments between States, concerning the extradition of perpetrators of criminal acts, could also help to promote more effective action to prevent the hijacking of aircraft and other international terrorist activities. It must be borne in mind, however, that all aspects of international terrorism were closely interrelated and that the taking of hostages was only one aspect of the problem.

18. In view of those considerations, the Soviet delegation would, needless to say, give every attention to concrete proposals by Governments designed to put an end to international terrorist activities.

19. Mr. ABDALLAH (Tunisia) noted that the Ad Hoc Committee had been roused from its lethargy and felt that there was reason to hope that it would take a common stand on the unfortunate problem of international terrorism, thus arriving at a constructive conclusion to its proceedings that would benefit the international community as a whole. If international terrorism was to be completely curbed, efforts must be made to seek both the causes of the evil and the means of dealing with it. Tunisia had repeatedly condemned that scourge and had taken appropriate measures to counteract it. It had very strict laws for dealing with persons committing acts of air piracy, it maintained a close watch on airports and aircraft and applied special security measures to protect citizens and aliens. Unfortunately, however, a number of other countries were not contributing so effectively to the campaign.

20. After giving a brief account of the history of international terrorism, he said that it had made its appearance in Palestine when aliens, who had infiltrated with the complicity of the administering authority, had spread terror among the peaceful and hard-working people who had been living under the colonial yoke and who had also had to contend with the misdeeds of the Zionist terrorist organizations, whose horrible acts were still vividly remembered by all. At that time the United Nations had given those terrorists a State - a large portion of Palestine - which had become what could be called a "terrorist State". Subsequently the Palestinian people had rallied and organized themselves, and were resisting the enemy with its own weapons. A similar phenomenon could be seen in Rhodesia and South Africa, where the colonialist and racist minorities were ruling by terror, supported and armed by the very same sources that were supporting

and arming Israel. For the peoples subjected to the same State terrorism, the liberation struggle had become the most sacred of duties. Having been elevated to a State doctrine, it was hardly surprising that terrorism should spread and assume international proportions. It would be necessary to find a remedy equal to that scourge, which was to be encountered everywhere, and to the evil acts from which no one was safe. Even the United Nations buildings at New York had been threatened. That showed the urgent necessity of finding solutions, the first of which should be a thorough investigation of the problem in order to eliminate the cause of the evil. The peoples of Palestine and southern Africa must be helped in their legitimate struggle against terrorism, and peace and observance of the law must be required of Israel, Rhodesia and South Africa so that they might then become peaceful States which respected the Charter of the United Nations and human rights.

21. A start towards a solution had been made in paragraph 3 of General Assembly resolution 3034 (XXVII). That solution would have to be the outcome of an effort by the entire international community to confront the common danger. His delegation hoped that the Ad Hoc Committee would succeed in arriving at the fairest solution, settling pending conflicts in accordance with the principles of the Charter and the relevant resolutions adopted by United Nations bodies. Each Member State must contribute to that solution objectively, sincerely and without regard for its private interests, which were really only ephemeral in comparison with the long-term interest - namely, international peace and security.

22. Mr. THEODORACOPOULOS (Greece) wished to stress that Greece attached major importance to the problem of international terrorism, especially as it was one of the countries that had been a victim of numerous terrorist acts that had caused many deaths, particularly on board Greek aircraft or merchant vessels. The administrative, legislative and judicial measures taken by Greece had been successful in containing the problem.

23. However, terrorism could not be eliminated unless the international community took concerted action. A first step in that direction would be to establish machinery enabling the competent authorities of States to co-operate in the campaign. The co-operation established between the competent authorities of Greece and of other countries, in dealing with various cases of terrorism, had helped to save many lives. A second step would be to encourage as many States as possible to ratify the various conventions mentioned in the course of the discussion, which were designed to discourage acts of violence, such as the Montreal Convention of 1971, The Hague Convention of 1970 and the Tokyo Convention of 1963. It also seemed necessary to elaborate a definition of terrorism. In that connexion, his delegation referred the members of the Committee to the list it had submitted at the 1973 session outlining the acts of violence coming under the definition of terrorism which might serve as a basis for discussions on the question. 2/

24. Since terrorism was an international crime, special preventive measures should be taken to remove the underlying causes which derived, for example, from colonialism, neo-colonialism, imperialism, foreign domination, military occupation of foreign territories or the mass expulsion of indigenous people from their ancestral lands. The only means of eliminating the form of terrorism known as

2/ Ibid., Twenty-eighth Session, Supplement No. 28, p. 26.

State terrorism was the proper application of the provisions of the relevant United Nations resolutions, and the Committee's actions should proceed in that spirit.

25. Mr. FIFOOT (United Kingdom) said that the problem of international terrorism was of great concern to his Government. The United Kingdom shared the concern of many Governments at the appalling spread of the phenomenon in recent years. Since it was a world-wide problem, many countries were anxious to concert national action, and consider further international action, to deal with that scourge.

26. There was much that States could do on their own, such as applying the ICAO recommendations on security at airports. The States members of the Council of Europe had produced the Convention on the Suppression of Terrorism, which had been mentioned by a number of delegations. But the existing provisions were far from sufficient, and the recent hijacking of an aircraft from Spain demonstrated, if need be, that the problem was world-wide and called for world-wide measures. Because of the frequency of hijacking incidents, the attitude taken in certain regions towards terrorism was a matter of legitimate concern for all countries. There were areas in the world where the problem of terrorism was confused with other problems, and his delegation realized that some States might have real difficulties in identifying and isolating the essentially terrorist element. The United Kingdom thought, however, that it was only right to ask such States to recognize the core of the problem of international terrorism and, however difficult it might be, to separate the terrorist element and distinguish it from the problems particular to such an area, and to work with the generality of States which were outside such specific areas in devising measures to contain the scourge effectively. The particular problems of particular areas should not be extrapolated so as to obscure the more universal problem of terrorism.

27. The problem of terrorism was admittedly complex and many different views had been expressed in the Committee as to how it should be approached. The reference by a number of delegations to the concept of self-determination seemed to be out of place in the context of the Committee's work. Those delegations had implied that acts of violence committed in exercise of the right to self-determination should not be considered as acts of terrorism. However, his delegation could not see the reason for the differentiation they made between, on the one hand, acts of terrorism committed in the maintenance of a political position - acts which they called State terrorism - and, on the other hand, acts of terrorism committed to gain a particular political position.

28. The United Kingdom delegation believed that certain acts were heinous and had to be condemned, irrespective of the motive, whether private gain, revenge, the desire to deny to the inhabitants of a State those fundamental rights which had been proclaimed by the United Nations, or the pursuit of a policy which had the whole-hearted support of the General Assembly. There should be no exceptions in the case of acts which were by general consensus heinous. Moreover, he noted that a feature of recent acts of killing or hijackings was that certain liberation movements were not involved and had immediately denied responsibility; thus, for instance, in an interview with the magazine Tempo, published on 20 March, Mr. Robert Mugabe had stated, in connexion with the murder of missionaries in Southern Rhodesia, that the code of discipline of ZIPA (Zimbabwe People's Army) did not allow such murders.

29. It went without saying that the United Nations should continue to deal with, what was called in the Committee, State terrorism but was more widely recognized under the rubric of human rights or fundamental freedoms and rights. The establishment of new norms or new mechanisms, if that was envisaged, would, he feared, entail a duplication of the limited resources of the Organization. The existence of State terrorism required the protection of the life, liberty and security of persons against servitude, torture, cruel and inhuman punishment or treatment, and arbitrary arrest. A number of institutions within the United Nations family were already concerned with those matters, including the Commission on Human Rights at Geneva and the Human Rights Committee, which was currently holding its first session at Headquarters. The 1949 Geneva Convention relative to the Protection of Civilian Persons in Time of War also provided machinery for the protection of war victims. Effective use should be made of existing instruments as a means of protecting the individual against the form of terrorism known as State terrorism.

30. If the United Nations was to make progress in dealing with terrorism, it should proceed as in the past, namely, by studying each particular manifestation in turn. That procedure had been used at The Hague, Tokyo and Montreal with regard to aerial hijacking, and the same approach had produced the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents. The most hopeful course was to concentrate on acts and victims, not on perpetrators or motives. That approach had proved successful in developing the Geneva Conventions on the laws of war; the rules of conduct defined in them were applicable to all victims, whether they belonged to the attackers or the attacked. As the representative of the United States had observed at the previous meeting, in combating terrorism, as in alleviating the inhumanities of war, motives were of little relevance. There was a need for making existing instruments more effective and for ensuring that as many States as possible became parties to them.

31. Before commenting on future work, he wished to note an encouraging development. A number of representatives of Governments had from time to time offered their services to negotiate with terrorist groups for the release of the latter's victims. Some of those negotiators, and his delegation paid tribute to the Ambassadors of a number of Islamic countries, had operated at considerable personal risk.

32. His delegation supported the suggestions made by the Swedish delegation at the fifth meeting, namely to seek to identify particular acts as acts of international terrorism and to consider appropriate measures to recommend to Governments for dealing with the problem at the national level. Governments had an obligation to protect their citizens from acts of indiscriminate violence, and the United Nations was the obvious Organization for devising measures to that end.

33. As the study of the underlying causes of terrorism was necessarily a long-term exercise, practical measures designed to alleviate the consequences of terrorism should be adopted without delay.

34. Mr. WILSON (United States of America), speaking in exercise of the right of reply, said that the authorities of the United States, as the country which was host to the Headquarters of the United Nations in New York, had taken vigorous measures to combat terrorist activities, as was evident from the security arrangements made and the arrest of terrorists and their conviction by United States courts. The importance attached by the United States to the preparation of measures in that area was underscored by the adoption of a series of security measures, which had resulted in a reduction of the number of acts of terrorism, particularly with respect to hijacking. He reaffirmed that his country was committed to protecting the right of every individual to life, liberty and security of person.

35. Mr. KATEKA (United Republic of Tanzania), speaking in exercise of the right of reply, said that, unlike the representative of the United Kingdom, who, without defining the concept of international terrorism, had arbitrarily excluded certain acts and included others, and who had even questioned whether self-determination was relevant to the discussion, the Tanzanian delegation categorically excluded from the concept any act committed in the context of the struggle for self-determination and independence. Those who, denied their fundamental rights, had no option but to resort to force for the liberation of their country could not be described as terrorists.

36. With regard to the code of discipline of ZIPA, it should be noted that, although Mr. Magube had stated that ZIPA forbade any acts of violence against innocent persons or children, he had not, in so stating, excluded recourse to armed struggle against the oppressor, for reactionary violence necessarily provoked revolutionary violence.

37. In his own view, a study of particular manifestations of terrorism or the mere ratification of international conventions would not solve the problem. The underlying causes of terrorism must be examined including State terrorism. Some of the countries which were opposed to consideration of that form of terrorism had practised it in the past or were still practising it in pursuing policies of colonialism, apartheid, and occupation of foreign territories. Their opposition was motivated by a sense of guilt.

38. His delegation would like to see a clear-cut demarcation between peoples struggling for their liberation and independence and individuals who engaged in senseless acts of wanton violence and it would like an assurance to that effect from the United Kingdom. It considered that any proposal for the study of particular acts of violence which disregarded their motives and aims distorted the mandate entrusted to the Ad Hoc Committee.

39. Mr. Hoveyda (Iran) took the Chair.

40. Mr. FOKINE (Union of Soviet Socialist Republics), speaking in exercise of the right of reply, said that his delegation was not satisfied with oral

statements; its conception of what was meant by "vigorous measures" was quite different. In that regard, he pointed out that the Soviet Mission, on 15 March, had addressed to the United Nations a two-page note enumerating the offences committed by criminal elements against the Mission in New York during the period from 1 to 14 March, including an incident in which shots were fired from a window into the apartment of a diplomat and hostile manifestations against Soviet organizations and even against a school bus. Such acts were aimed not only against the Missions of the Soviet Union and the Ukrainian Soviet Socialist Republic but also against the Missions of many other countries.

41. Mr. FIFOOT (United Kingdom), speaking in exercise of the right of reply, explained that what he had said was not that those who exercised their right to self-determination were terrorists but that a person should not be immune from conviction for some act of terrorism because of his motives and aims. In that connexion, he noted again that according to Mr. Magube, ZIPA's code of discipline did not tolerate acts which, generally speaking, were recognized as acts of terrorism.

42. The CHAIRMAN, noting the differences of opinion which had manifested themselves during the current meeting, urged the members of the Committee to show a spirit of compromise and to co-operate with the officers of the Committee with a view to facilitating the unanimous adoption of a more positive report than had resulted from the preceding session.

The meeting rose at 12.55 p.m.

9th meeting

Friday, 25 March 1977, at 12.10 p.m.

Chairman: Mr. HOVEYDA (Iran)

A/AC.160/SR.9

Adoption of the report (A/AC.160/L.5)

The CHAIRMAN said that consultations on a draft resolution were taking place among the different regional groups. In addition, the sponsors of that draft had drawn up a document entitled "Proposal by the Chairman" which would constitute the final part of the Committee's draft report. They had held a discussion on that matter with the representatives of the Group of Western European and other States and would be holding consultations with the other groups, so that the final report could be adopted at the following meeting, to be held that afternoon.

The meeting rose at 12.15 p.m.

10th meeting

Friday, 25 March 1977, at 3.35 p.m.

Chairman: Mr. HOVEYDA (Iran)

A/AC.160/SR.10

Adoption of the report (concluded) (A/AC.160/L.5)

1. The CHAIRMAN said that the Committee had before it two documents on which a decision was required. The first was the draft report of the Ad Hoc Committee prepared by the Rapporteur (A/AC.160/L.5) and the second was the "Proposal by the Chairman", which reflected the opinions expressed by the various delegations during the general discussion. Despite its title, that unofficial document was not his own exclusive creation, although he had participated in the work of drafting; it was the result of extensive consultations with the countries which had proposed recommendations and with the other geographical groups represented on the Committee.
2. Mr. KATEKA (United Republic of Tanzania), Rapporteur, introduced the two documents and said that the draft report itself was purely factual and simply related what had happened at the current session of the Committee. He therefore thought that its adoption should pose no problem. The proposal by the Chairman was much more important, since it reported the opinions expressed by delegations during the general debate. If that proposal was adopted, it would be incorporated in the report as the conclusions of the Committee.
3. The CHAIRMAN suggested that the Committee should start by considering the official document (A/AC.160/L.5) paragraph by paragraph. He announced that, following consultations between the various delegations, it had been proposed that the summary records for the entire session should form an integral part of the report and be annexed to it, so that the opinions of all the delegations which had participated in the discussion would be reflected quite clearly and accurately. It would then not be necessary to discuss the text of the report. If there were no objections, he would take it that the members of the Committee agreed to that suggestion.
4. It was so decided.
5. Paragraphs 1 to 8 of the draft report of the Ad Hoc Committee (A/AC.160/L.5) were adopted.
6. The CHAIRMAN said that a reference to the Committee's last two meetings of the current session - the ninth and tenth meetings - should be added to the existing text of the draft report. Since those new sentences would follow the pattern of the other paragraphs and would simply provide factual information, he did not think that they should pose any problem.
7. The draft report as a whole (A/AC.160/L.5) was adopted.
8. The CHAIRMAN, referring to the document entitled "Proposal by the Chairman", said that some delegations had requested that a new paragraph be added to the

existing text in order to reflect some of their opinions which were not mentioned in the original text of the Proposal. The new paragraph, which would be inserted either before or after the existing paragraph 4, would read as follows:

"Some members pointed out the importance of measures to be taken against acts of international terrorism at the national level. In this connexion they stressed the special responsibility of States to ensure normal conditions for the functioning of diplomatic and other representations and to take effective measures to prevent terrorist acts against them. Those members also stressed that measures should be taken by the proper authorities of States to prohibit unlawful activities of the organizations or groups that incite, encourage and engage in the perpetration of terrorist acts against diplomatic and other foreign representations and their personnel."

That new paragraph, which reflected exactly the statements made by various members of the Committee, would be considered last, in order to allow for the text to be circulated to all delegations. If there were no objections, the text of the proposal by the Chairman would be considered paragraph by paragraph.

9. It was so decided.

10. The CHAIRMAN invited the Committee to consider the unofficial document entitled "Proposal by the Chairman".

Paragraph 1

11. Mr. FIFOOT (United Kingdom) said that he had no objection to the paragraph but wished to point out that the second sentence was the same as the last sentence in paragraph 8 of document A/AC.160/L.5; that seemed to be an unnecessary repetition.

12. The CHAIRMAN said that, in order to eliminate the repetition, the sentence could perhaps be reworded to read: "The views of the delegations, which are set out in the summary records, are included in an annex to the present document." If there were no objections, he would take it that the Committee agreed to that change.

13. Paragraph 1, as amended, was adopted.

Paragraph 2

14. Mr. WILSON (United States of America) said that the wording of the first sentence was too broad and that the opinions expressed in the debate would be more accurately reflected if the sentence were to start with the words "Many of the members of the Ad Hoc Committee [...] reaffirmed ...".

15. Mr. SHIGETA (Japan) supported the proposal of the representative of the United States and said that his delegation would have difficulty in accepting paragraph 2 as it stood.

16. Mrs. d'HAUSSY (France) said that it was not appropriate for the Committee to reaffirm the inalienable right to self-determination and independence, however

valid that right might be (and it was endorsed by France). It would be better to use the wording proposed by the United States representative, which more faithfully reflected the opinions expressed during the discussion.

17. Mr. BOUAYAD-AGHA (Algeria) said that the text under consideration was a compromise achieved after laborious and patient consultations and that it generally reflected the opinion of the Committee. He had been very surprised to hear the comments by some delegations about the beginning of the first sentence, since paragraph 2 merely repeated the wording of paragraph 3 of General Assembly resolution 31/102, which gave guidance to the Ad Hoc Committee.

18. If doubts were voiced about part of the document, which was the result of careful and painstaking drafting and which took into account the opinions of all delegations, his delegation would be unable to accept the remainder of the text. The document was a faithful reflection of what had occurred in the Committee; it was not a resolution. If the delegations believed that it did not reflect their interests, their views and any reservations which they expressed would be contained in the summary records of the session.

19. Mr. KATEKA (United Republic of Tanzania) endorsed the Algerian representative's comments. There seemed to be some misunderstanding about the scope and meaning of the first sentence of paragraph 2. It was true that not all delegations represented on the Committee had spoken in favour of the inalienable right to self-determination and independence. Nevertheless, it could be assumed that there were certain topics about which there could be no argument and that it was not necessary actually to hear statements by delegations in order to deduce their support for certain principles, such as the principles of self-determination and independence, which in fact simply reiterated principles proclaimed in the Charter and endorsed by all the Members of the United Nations. Furthermore, if the objections of certain delegations were carried to their logical conclusion, it would have to be said also that not all delegations had explicitly stated that they shared the concern of the international community at the development of international terrorism, as was noted in paragraph 1 just adopted.

20. With regard to the comment of the French delegation that the reaffirmation of the principles of self-determination and independence went beyond the Ad Hoc Committee's mandate, he noted that paragraph 7 of General Assembly resolution 31/102 invited the Ad Hoc Committee on International Terrorism to continue its work in accordance with the mandate entrusted to it under General Assembly resolution 3034 (XXVII). Paragraph 10 of resolution 31/102 requested the Ad Hoc Committee to bear in mind the provisions of paragraph 3, in which the Assembly:

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

21. He therefore considered that the Committee was not departing from its mandate when it reaffirmed in paragraph 2 of the Proposal by the Chairman the inalienable right to self-determination and independence of all peoples under colonial and racist régimes and other forms of alien domination.

22. Mr. ABDALLAH (Tunisia) supported the statements of Algeria and the United Republic of Tanzania and reminded the Committee that it was essential at all times to respect and bear in mind the spirit of compromise which had led to the drafting of the document under discussion, for, otherwise, difficulties would be constantly arising and it would be impossible to reach agreement. His own delegation was not entirely satisfied with some aspects of the document but it had refrained from discussing them in order to facilitate an agreement. He repeated that General Assembly resolution 3034 (XXVII), especially paragraph 3, was basic to a correct understanding of the Committee's mandate. Actually the resolution simply reiterated the principles enshrined in the Charter, which were binding and obligatory for all States Members of the United Nations.

23. Mr. JACHEK (Czechoslovakia) said that he wished to make two observations. First, he could not understand why it was that in the second sentence of paragraph 2 reference was made only to the Universal Declaration of Human Rights, while other legal instruments such as the Charter and the International Covenant on Civil and Political Rights were not mentioned. Also, he thought that the last sentence did not reflect the opinion of any delegation and could therefore be deleted entirely.

24. Mr. ALVARADO (Nicaragua), referring to the document entitled "Proposal by the Chairman", said that, after an objective analysis of all the statements made during the Committee's plenary meetings, it was possible to state that not all the members of the Ad Hoc Committee had expressed themselves with the exactitude reflected in the document. While he could perfectly well understand that in the view of Algeria and Czechoslovakia the sentence proposed by the United States of America was not sufficiently broad, his delegation would like to propose, as a more effective and conciliatory formulation, that the words "The Ad Hoc Committee" should be replaced by the words "The majority of members of the Ad Hoc Committee", enabling unanimous agreement to be reached so that the arduous negotiations which had taken place could be concluded.

25. It should be noted that no delegation had denied either tacitly or expressly the substantive principle reflected in that paragraph; their statements had simply referred to other aspects of the matter under consideration, although not all members of the Committee had expressed themselves in that specific form.

26. His delegation thanked the Chairman and all the delegations for their work in combating international terrorism, for it was an evil which endangered world peace and, consequently, hampered the development of peoples.

27. Mr. FIFOOT (United Kingdom) said, with reference to the statement of the representative of Czechoslovakia, that he would have no objection to adding a reference to the International Covenant on Civil and Political Rights. He considered that the last sentence of the paragraph was very necessary, having regard to the content of the preceding sentence.

28. Mr. SMIRNOV (Union of Soviet Socialist Republics) said he understood that the document entitled "Proposal by the Chairman" was the result of extensive consultations with a view to finding a solution which would take into account the various points of view expressed in the Committee. To achieve that purpose many efforts had been made and a compromise had been necessary. However, he felt that the compromise should not jeopardize a position of principle.

29. He asked how the points included in that document were to be incorporated into the report. Would they constitute a continuation of document A/AC.160/L.5, would they appear as recommendations or would they take some other form?

30. Mention had been made of acts of international terrorism but the last sentence of paragraph 2 referred to instruments and mechanisms adopted by the United Nations to protect fundamental human rights and freedoms. In his view, those two questions were not interrelated, for the former referred to a subject which had been considered in the Committee and the latter to something which was not the subject of those deliberations. He requested a clarification with regard to that matter.

31. The CHAIRMAN, replying to the representative of the Soviet Union, said that the document in question would appear as a continuation of document A/AC.160/L.5. With regard to the statements of the representatives of the United States of America, Japan, France, the United Republic of Tanzania, Tunisia, Nicaragua and Algeria, he reminded them that he had been aware of certain difficulties and had therefore taken the precaution of providing that the various points of view expressed, including the reservations which had just been formulated, would appear in the annex to the document, as part of the summary records of the Committee's meetings.

32. Consequently he had thought that, since the summary records would appear as an annex to the report, it would be possible for all delegations to accept the language of the document as it stood and that none would feel that in doing so they were exceeding their instructions. In addition, he requested the Secretariat to ensure that the statements made at the current meeting were reproduced in the most detailed form possible and to transmit the record to the delegations so that they could incorporate any corrections they might feel were necessary in order to reflect their positions accurately.

33. With reference to the comment of the representative of Czechoslovakia, he said it was not the Committee which assumed responsibility for the content of the sentence in question, for it was clearly stated that "some members expressed".

34. With regard to the explanation requested by the representative of the Soviet Union concerning the meaning of certain expressions used in the last sentence of paragraph 2, he said that he thought it was for the delegations concerned to offer an explanation. Moreover, he stressed that those sentences committed only the members who had formulated them.

35. If there were no objections, he would consider that it was possible to accept that compromise text, requesting the Secretariat to show the summary records as a whole to delegations before they were printed so that those delegations could correct them in order to set forth unequivocally the positions which they held.

36. Mr. FIFOOT (United Kingdom) agreed that a compromise solution had, in general, been reached but observed that this particular question had been impossible to solve and remained open; in this connexion, he drew attention to the fact that there was a blank between square brackets in the second paragraph of the Proposal by the Chairman. The members of the Committee who had not taken part in the informal deliberations would now have the opportunity to make their opinions known.

37. The representative of the United Republic of Tanzania had drawn attention to paragraph 10 of General Assembly resolution 31/102, in which the Committee was requested to bear in mind the provisions of paragraph 3. While it was true that the

Committee had not reaffirmed the inalienable right to which the resolution referred, it was also true that it had taken that right into account. Therefore, the text might read "The Committee took into account the affirmation of the inalienable right ...".

38. The CHAIRMAN said that he had been surprised to see the square brackets in the first sentence of paragraph 2, which had not been there when he left the negotiating meeting. For that reason, he had decided to withdraw his support of the document entirely. If after certain decisions had been taken and an agreement had been reached in full awareness of the facts, it was desired to reopen the discussion and go back to an earlier phase of the negotiations, the Committee could perfectly well do so and it was, accordingly, for the members to decide what they wished to do. He was aware of the difficulties which some delegations had with certain points, but felt that in the formulation of the Proposal everything possible had been done to reach a compromise. He also regretted that the Secretariat had not shown him the document before issuing it, for had it done so, he would have requested explanations concerning the presence of the square brackets and he would not have opened the meeting without ascertaining in what way the Secretariat had participated in the preparation of the text.

39. Mr. SMIRNOV (Union of Soviet Socialist Republics) said that, after what the Chairman had just said, his delegation was perplexed. In any case, he wished to endorse the proposal of the representative of Czechoslovakia with respect to the last sentence of paragraph 2.

40. Mr. BOUAYAD-AGHA (Algeria) said that he wished to corroborate what the Chairman had said, for he could bear witness to the fact that when he had left the negotiating meeting the text had been definitive and had been approved by the representatives of the United Kingdom, the United States of America and the Western group, without any square brackets.

41. The Proposal was a compromise text, the result of various negotiations and agreements. In that connexion, it should be recalled that it had been agreed that the members of the Ad Hoc Committee should give expression to the concern of the international community at the phenomenon of terrorism. However, if the mention of the Ad Hoc Committee in the first sentence of paragraph 2 was to be deleted, then, for the sake of consistency all mention of the Committee in the other paragraphs and chapters should be deleted.

42. Finally, if the Chairman withdrew his support of the Proposal, he himself would withdraw, in turn, the document which he had submitted, sponsored by the United Republic of Tanzania, the Syrian Arab Republic, Yemen, Tunisia and Algeria.

43. Mr. WILSON (United States of America) thanked the Chairman for the efforts which he had made to enable an agreement to be reached on the document under consideration. Nevertheless, he wished to state that, in his view, when the negotiations had been concluded, one or two points had remained undecided, for example, the matter of the use of the expression "common law" in paragraph 3 of the English text. It had also been his understanding that the beginning of the first sentence of paragraph 2 was open to discussion and that that was the reason for the square brackets.

44. Mr. FIFOOT (United Kingdom) said that it was well known that various delegations

had had special reservations concerning the way in which paragraph 2 should begin and the Rapporteur could be asked to confirm that point.

45. Mr. KAPETANOVIĆ (Yugoslavia) said that his delegation appreciated the efforts of the Chairman to make it possible to reach a consensus. In addition, he considered that the essential thing was to reaffirm the principle of the right of colonial peoples to self-determination. He did not think any member of the Committee would have reservations about reaffirming that principle but, if such was the case, his delegation would wish those reservations to be reflected in the summary records.

46. Mr. ABDALLAH (Tunisia) said his delegation, too, was surprised that, despite the agreement reached that morning, reservations were now being expressed on various points. It was also surprised to see the square brackets in the first sentence of paragraph 2; at first, it had believed they had been included by mistake, but in fact the question was quite serious. In that connexion, his delegation wished to raise officially the question of the responsibility of the Secretariat with regard to the preparation of the document. However, he requested the Chairman to reconsider his decision to withdraw his support from the proposal.

47. Mr. KATEKA (United Republic of Tanzania), Rapporteur, speaking as the representative of the United Republic of Tanzania, said that he would agree to the replacement of the words "expressed that this was a matter which had long been" by the words "expressed that this matter, among others had long been" only if the Ad Hoc Committee was expressly mentioned in the first sentence of the paragraph.

48. The question of whether all delegations had referred expressly to a given point in their statements should not be confused with the fact that there was real opposition to what was stated in the document. Otherwise, it would be impossible to prepare a satisfactory text.

49. Replying to the question put by the representative of the Soviet Union concerning the meaning of the last sentence of paragraph 2, he said it was his understanding that that sentence reflected the fact that some delegations considered that so-called "State terrorism" constituted a situation which infringed upon human rights and that it was therefore appropriate to mention in that context instruments and mechanisms concerning those rights.

50. Speaking as Rapporteur, he expressed the view that it was necessary to reach agreement on the text under consideration, since it would be a shame to submit to the General Assembly only document A/AC.160/L.5, which was merely an enumeration of facts. If the Committee could not formulate conclusions or recommendations, that would be tantamount to acknowledging that it had been unable to fulfil its mandate.

51. Mr. WILSON (United States of America) supported the views expressed by the representative of the United Kingdom and said that the square brackets had been inserted during the debate in the Committee.

52. The CHAIRMAN said that the Committee was now confronted with a new situation. There was a text and divergent opinions supporting three positions: some delegations wished to retain paragraph 2 in its existing form. Others wished to amend the first sentence, and a third group of delegations wished the last sentence

to be deleted. He reiterated that, although the document was entitled "Proposal by the Chairman", that did not necessarily mean that the Chairman was its author. The Committee was its own master and would decide as it saw fit.

53. Mr. BOUAYAD-AGHA (Algeria) said he had no doubts about the authenticity of the document, which had been approved by all parties participating in the debate in the Committee. The only point of disagreement had concerned the term droit commun for which the English-speaking countries had been unable to find a suitable translation.

54. He regretted that the negotiations had not succeeded, despite the tireless efforts of the Chairman, and formally proposed that, if the proposal by the Chairman was not adopted, the text sponsored by Algeria should be annexed to the Committee's report. However, if a consensus could not be reached on that point, the Committee would have to proceed to a vote.

55. The CHAIRMAN asked the Committee whether it wished to consider the Algerian text and requested the Secretariat to take all necessary steps to circulate that text. At the request of the representative of the United Kingdom, he read out the following text proposed by Algeria:

"The Ad Hoc Committee on International Terrorism shares the concern of the international community at the development of international terrorism. It stresses the need for international co-operation to tackle that problem:

- (1) First, by dealing with its causes,
- (2) Second, by putting into practice measures to combat terrorism.

The Committee also stresses the general agreement reached concerning the condemnation and repression of heinous terrorism.

It reaffirms the legitimacy of the liberation struggles of countries under colonial domination or countries deprived of their rights and their territory.

It points out that State terrorism comes within the condemnation of terrorism."

56. The CHAIRMAN reminded the members of the Committee that they had very little time in which to complete their work and urged them to seek agreement.

57. Mr. PLAMONDON (Canada), supported by Mr. ALVARADO (Nicaragua), proposed that the meeting should be suspended for a few minutes so that delegations could hold private consultations and reach agreement.

58. Mr. BOUAYAD-AGHA (Algeria) requested that the Secretariat be asked to arrange for the text proposed by his delegation to be translated and circulated while delegations were holding private consultations.

59. The meeting was suspended at 5.10 p.m. and resumed at 5.25 p.m.

60. The CHAIRMAN said that agreement seemed to have been reached regarding the beginning of the first sentence of paragraph 2: "In the Ad Hoc Committee there was general reaffirmation of the inalienable right ...". He inquired whether the Committee agreed with that wording.

61. Mr. SMIRNOV (Union of Soviet Socialist Republics) said that his delegation had not been consulted regarding many details of the text. Furthermore, he did not understand the exact meaning of the words "there was general reaffirmation", since it was not clear whether that meant that the principles had been reaffirmed by all delegations or reaffirmed in a general way. He re-emphasized the right of his country to participate actively in any consultations and to propose the amendments it deemed appropriate.
62. The CHAIRMAN, replying to the statement by the representative of the Soviet Union, said that it was incorrect to state that that representative had not been consulted since he himself, as Chairman, had consulted the representatives of all the geographical groups in the Committee. In his view, the grammatical aspects of the sentence should be left to the Secretariat, which would have them faithfully translated and edited in the various languages.
63. Mr. WILSON (United States of America) said that his delegation understood the words "there was general reaffirmation" to mean that the principles had been reaffirmed by many delegations but not by all.
64. Mrs. d'HAUSSY (France) said that in French those words would be taken to mean that those principles had been reaffirmed in a general manner.
65. Mr. SMIRNOV (Union of Soviet Socialist Republics) requested clarification concerning the reference to the consultations. In his view, consultations could be said to have been held only when all delegations had taken an active part in the discussion, and the Soviet Union had not participated in all the consultations.
66. With regard to the words "general reaffirmation", in Russian they would be interpreted as meaning "In the Ad Hoc Committee there was general or global reaffirmation", i.e. that all delegations had reaffirmed that right, and that was his interpretation.
67. The CHAIRMAN recalled that, when a number of delegations had submitted a formal proposal, some representatives had requested that consultations on that subject should be held with Algeria. It was not the Chairman who had initiated those consultations, and it was for the delegations concerned to express their views on the matter. When the delegation which had submitted the new proposal had requested the Chairman's assistance, the latter had agreed and had immediately transmitted the results of the consultations to the other members of the Committee.
68. The interpretation of the Union of Soviet Socialist Republics would be reflected in the summary record of the meeting. Each representative was entitled to his own interpretation. Consequently, the sentence could be accepted, taking into account the fact that the interpretations of the various delegations would be reflected in the summary record.
69. Mr. JACHEK (Czechoslovakia) said it was regrettable that a number of delegations had not found it possible to reaffirm the inalienable right of all peoples to self-determination and independence.
70. The CHAIRMAN said he took it that the first sentence was adopted.
71. Mr. BOUAYAD-AGHA (Algeria) requested that the document should be considered paragraph by paragraph, taking into account the change made in paragraph 1.

72. The CHAIRMAN recalled that paragraph 1 had been adopted.

73. Mr. SMIRNOV (Union of Soviet Socialist Republics) said that at the end of paragraph 2 there was a sentence whose deletion had been proposed by Czechoslovakia. If there were no objections, that sentence could perhaps be deleted.

74. Mr. BOUAYAD-AGHA (Algeria) said he wished to clarify his delegation's view of the third sentence of paragraph 2. Algeria considered that "State terrorism" included the acts of countries following a policy of expansionism and hegemony, of those maintaining colonial domination, of those occupying territories whose population was condemned to abandon them, of those practising a policy of racial discrimination and apartheid, of those exploiting the natural resources of a country, of those resorting to the systematic destruction of a country, its population, its vegetation, its means of transport and its economic structures and of those using armed intervention against another State, under conditions that did not conform to the definition of a state of war in international law. He therefore supported the proposal of the Soviet Union to delete the last sentence of paragraph 2. He had accepted that sentence provided that the first sentence of the paragraph was maintained. As it had been eliminated, he considered that the paragraph now lacked balance.

75. Mr. FIFOOT (United Kingdom) said he regretted that his objection to the elimination of the last sentence of paragraph 2 had been ignored. Furthermore, he pointed out that the first sentence of the paragraph had not been eliminated but had been amended and the amendment had been adopted.

76. With regard to the definition of State terrorism given by Algeria, he said that it was a term very difficult to define, but it was interesting to note the universal significance which the term had for Algeria. The United Kingdom considered that the acts of States seeking to deprive citizens of their fundamental rights and freedoms were a source of concern and, consequently, he felt it essential to include the last sentence, which reflected the fact that for many years the United Nations had adopted provisions to protect individuals against arbitrary acts of States, whether they took the form which Algeria called State terrorism or whether they took any other form.

77. Mr. SIAGE (Syrian Arab Republic) endorsed the interpretation of "State terrorism" given by Algeria.

78. The CHAIRMAN said that there were two positions: one in favour of the elimination of the last sentence of paragraph 2 and the other in favour of its retention.

79. Mr. KAPETANOVIC (Yugoslavia) said that perhaps the best procedure would be to eliminate the words "in this respect" and begin the sentence with "Some members expressed ...".

80. Mr. ABDALLAH (Tunisia) agreed with the Soviet Union and Algerian proposal that the last sentence of paragraph 2 should be deleted.

81. Mr. SMIRNOV (Union of Soviet Socialist Republics) said that the contents of the last sentence of paragraph 2 exceeded the Special Committee's mandate. If it were a question of the Commission on Human Rights, it would be different. Once again he supported the proposal that the sentence should be eliminated.

82. The CHAIRMAN pointed out that in paragraph 2 the Committee was merely reflecting the view of certain members. He did not think it was possible therefore to invoke the Committee's mandate in order to eliminate that sentence because those members who wanted to retain it were entitled to do so.

83. Mr. SMIRNOV (Union of Soviet Socialist Republics) noted the clarification made by the Chairman but considered that the proposal in paragraph 2 exceeded the Committee's mandate and hence he insisted that the last sentence should be deleted.

84. The CHAIRMAN said that paragraph 2 did not contain any proposal but was merely a reflection of the opinion of one delegation. He suggested that the question should be examined, since the Committee's mandate did not entitle it to prevent delegations from referring to subjects they wished to raise.

85. Mr. KAPETANOVIĆ (Yugoslavia) said that, in order to achieve a certain balance in the report, and since many delegations had mentioned the protection and sovereignty of States in relation to State terrorism, he proposed that the words "in that respect" should be eliminated and that the last sentence of paragraph 2 should state: "Some members expressed that this matter among others had long been the concern of the instruments and mechanisms which had been adopted by the United Nations to protect fundamental human rights and freedoms and the sovereignty and independence of States."

86. Mr. ABDALLAH (Tunisia) said he supported the proposal made by the Yugoslav representative, but felt that it would be better to place the sentence he wished to introduce in a separate paragraph. Possibly that would satisfy the representative of Czechoslovakia.

87. Mr. FIFOOT (United Kingdom) considered that the last sentence of paragraph 2 reflected a view stated by a number of delegations and hence should be retained in the report. If other delegations wished to refer to matters concerning the sovereignty and independence of States, the Committee could introduce a new sentence with the words "Some other delegations considered", followed by the idea considered appropriate by the Yugoslav representative, but it was not acceptable to add a completely different view and merely tack it on to the first part of the sentence.

88. Mr. JACHEK (Czechoslovakia) asked the Chairman if he could allow the delegations concerned a few minutes to hold consultations and reach agreement on the text of the new sentence.

89. The CHAIRMAN said that he was not going to suspend the meeting but he asked the delegations concerned to consult and propose a solution. He thought that all the opinions expressed in the Committee were respectable and should be respected. He was therefore embarrassed that some delegations had requested him to put to the vote a proposal to eliminate the opinion of one delegation, whoever that delegation might be. Thus, instead of proposing deletions, the delegations concerned should submit a new sentence, bearing in mind in any case that it was always possible to refer to paragraph 1 of the Proposal, where it was stated that the views of delegations were set out in the summary records of the session.

90. Mr. BOUAYAD-AGHA (Algeria) said that in a few minutes the representative of the Soviet Union would draw up a new paragraph putting forward its opinion that the Special Committee was not the proper forum for dealing with matters of human rights.

91. Mr. WILSON (United States of America) said that his delegation supported the view that the report should reflect as accurately as possible the opinions expressed by the various delegations during the general debate.

92. The CHAIRMAN said he believed that all were in agreement on the proposal of the Algerian representative; hence, the Committee would return to the consideration of paragraph 2, once it had the text to be submitted by the representative of the Soviet Union.

Paragraph 3

93. The CHAIRMAN pointed out that in the English text of paragraph 3 the expression "the common law" had been followed by the corresponding term in French (relevant du droit commun) in the hope that the Legal Counsel of the United Nations would establish the exact English equivalent of the term mentioned.

94. Mr. FIFOOT (United Kingdom) said he did not think that that was a problem, although there had been certain conceptual difficulties, because the common law had a precise meaning in the Anglo-Saxon legal system. He asked the various delegations whether they would agree to translate droit commun by domestic law or municipal law; if so, the problem would be solved. With all due respect to the Legal Counsel, he was not certain that the Committee should entrust the Secretariat with the study of that question.

95. The CHAIRMAN said that in French law the term droit commun had a very precise significance and he felt that the Legal Counsel was the best person to find an exact equivalent in the Anglo-Saxon legal system.

96. Mr. ABDALLAH (Tunisia) said that the translation proposed by the United Kingdom representative was not acceptable because it completely changed the meaning of the expression. In French droit commun had an exact meaning which did not at all correspond to national law or domestic law.

97. Mrs. d'HAUSSY (France) confirmed what the Chairman had said about the meaning of droit commun and pointed out that in the Convention of The Hague the French term was translated by "ordinary law".

98. Mr. FIFOOT (United Kingdom) considered that there was no difference of opinion in that respect; if the representative of Tunisia maintained that droit commun meant "national law", then the exact term in English would be "domestic law".

99. The CHAIRMAN pointed out to the representative of the United Kingdom that the Tunisian representative had stated precisely that domestic law was not the same as droit commun. He suggested that, instead of continuing the discussion on that point, the English text should be retained with the French term in parentheses, until a better solution could be found. If it was impossible to find the exact equivalent in English, it would always be possible to leave the French term in parentheses so as to clarify the idea.

100. Mr. FIFOOT (United Kingdom) said he accepted the explanation given on the meaning of droit commun and accepted the term "common law" as the equivalent of the expression relevant du droit commun, in the sense used by the representative of France.

101. Mr. KATEKA (United Republic of Tanzania) said that, if the interpretation given by the United Kingdom representative was to be included in the text, his delegation would have reservations, because it did not agree that "common law" was the equivalent of droit commun. Hence, he hoped that in the final English text the term "common law" would be replaced by another suitable English term.

102. The CHAIRMAN said that, for the moment, the Committee would keep the present English text with the French term in parentheses and later the Committee would try to find the exact English equivalent.

103. Mr. WILSON (United States of America) asked whether in the last resort it would be for the Committee to decide upon or approve of the final English term.

104. The CHAIRMAN said that the Secretariat would consult all members of the Committee concerning the expression to be adopted as the equivalent of droit commun in the Anglo-Saxon legal system.

105. Mr. WILSON (United States of America) said that his delegation considered that in the present case it would be appropriate to use the term "domestic law".

106. The CHAIRMAN said that he and the representative of Tunisia had already explained that droit commun did not mean "domestic law" and, consequently, such a translation could not be used. He urged that, if an equivalent term in English was not found, whatever term used would be placed in quotes, followed by the original French term in parentheses. In that way, all the necessary precautions would have been taken to ensure against any error or tendentious interpretation.

107. The CHAIRMAN said that, if he heard no objection, he would take it that the Committee wished to adopt paragraph 3 of the Proposal.

108. Paragraph 3 was adopted.

Paragraph 4

109. Mrs. d'HAUSSY (France) said that she would like the phrase "the other members" at the beginning of the penultimate sentence in paragraph 4 to read "other members".

110. The CHAIRMAN said that the wording in the present text had been chosen for very specific reasons which had been explained during the negotiations. Accordingly, he was sure that the sponsors of the proposal would oppose any change in the wording.

111. Mrs. d'HAUSSY (France) said that, in view of the fact that all the statements were to be faithfully reflected in the summary records, her delegation could accept the paragraph as it stood.

112. Paragraph 4 was adopted.

Paragraph 5

113. Mr. SMIRNOV (Union of Soviet Socialist Republics) said that the text of the paragraph under consideration did not agree with the contents of paragraph 5 of

General Assembly resolution 3034 (XXVII) nor with paragraph 5 of General Assembly resolution 31/102. In those resolutions, the General Assembly invited States to become parties to the existing international conventions which relate to various aspects of the problem of international terrorism, whereas paragraph 5 of the Proposal by the Chairman referred to "the Conventions which have already been drafted for the protection of individuals, from whatever source they are threatened". It would therefore appear that two different things were in question. Accordingly, his delegation would prefer to keep the wording used in the above-mentioned resolutions.

114. The CHAIRMAN said that the difference in wording stemmed from the fact that some delegations had not wished to use the actual text of the earlier resolutions and had preferred the new formula; however, there was no doubt that the Conventions referred to in paragraph 5 of the Proposal by the Chairman were the same as those referred to in the earlier resolutions.

115. Mr. SMIRNOV (Union of Soviet Socialist Republics) said that his delegation would have liked the text under consideration to mention the importance of the accession by States to the Conventions on international terrorism. In any event, he proposed that paragraph 5 should begin with the words "was also stressed by some members" instead of "it was also stressed".

116. The CHAIRMAN said that, if he heard no objection to that proposal or to paragraph 5 as a whole, he would take it that the Committee wished to adopt it.

117. Paragraph 5 was adopted.

118. Paragraph 6 was adopted.

Paragraph 2

119. The CHAIRMAN gave the floor to the representative of Algeria to propose an addition to paragraph 2 intended to reflect the view of some delegations.

120. Mr. BOUAYAD-AGHA (Algeria) proposed the following: the phrase "in that respect" of the last sentence of paragraph 2 should be deleted and the following text: "some other members pointed out that human rights questions did not fall within the mandate of the Committee and emphasized, in that connexion, the relevant principles of the United Nations Charter" should be added at the end of the paragraph.

121. Mr. DANОВI (Italy) said that he had no objection whatever to the proposed addition but would prefer to see the phrase "in that respect" kept.

122. After an exchange of views in which Mr. BOUAYAD-AGHA (Algeria) and Mr. ABDALLAH (Tunisia) participated, both of whom indicated that the deletion of the words "in that respect" did not change the meaning of the sentence and avoided repetition, and after interventions by Mr. FIFOOT (United Kingdom), Mr. SMIRNOV (Union of Soviet Socialist Republics) and the CHAIRMAN, Mr. DANОВI (Italy), acting in a spirit of compromise, agreed to the deletion of the phrase "in that respect" although he wished to state for the record that, in his view, that phrase more closely reflected the opinion of his delegation.

123. The CHAIRMAN said that, if there was no objection, he would take it that the Committee wished to adopt paragraph 2, as amended, and with the addition proposed by the representative of Algeria.

124. Paragraph 2, as amended, was adopted.

New paragraph 5

125. The CHAIRMAN presented to the Committee the proposed additional paragraph which would follow paragraph 4 and be numbered paragraph 5. The subsequent paragraphs would have to be renumbered accordingly. The new paragraph read as follows:

"5. Some members pointed out the importance of measures to be taken against acts of international terrorism at the national level. In this connexion, they stressed the special responsibility of States to ensure normal conditions for the functioning of diplomatic and other representations and to take effective measures to prevent terrorist acts against them. Those members also stressed that measures should be taken by the proper authorities of States to prohibit unlawful activities of the organizations or groups that incite, encourage and engage in the perpetration of terrorist acts against diplomatic and other foreign representations and their personnel."

126. The new paragraph 5 was adopted.

127. The CHAIRMAN asked the Committee whether it agreed to the report as a whole, and recalled that the report would consist of document A/AC.160/L.5, to which would be added a new paragraph referring to the last two meetings and the informal document entitled "Proposal by the Chairman", with the additions and amendments that had just been adopted.

128. Mr. BOUAYAD-AGHA (Algeria) asked whether the summary records would be issued at the same time as the report.

129. The CHAIRMAN replied that the summary records would be attached to the report so that all the views and reservations that delegations had seen fit to express would be on record.

130. Mr. WILSON (United States of America) asked for a clarification concerning paragraph 3 of the Proposal by the Chairman. It was his understanding that the first sentence of that paragraph covered terrorism of individuals and groups and he wished to state, for the record, that his delegation did not believe that it included the activities of States.

131. Mrs. d'HAUSSY (France) said that the concern of the United States representative reflected the difficulty he had in finding an equivalent for the term droit commun. It was hard to conceive how a State could commit an act of droit commun.

132. Mr. BOUAYAD-AGHA (Algeria) said that his delegation's sole concern during the debate had been to protect some liberation movements. He believed that terrorism would be halted only when the countries under colonial domination had achieved freedom.

Closure of the session

133. After an exchange of courtesies, the CHAIRMAN declared the session closed.

The meeting rose at 6.50 p.m.

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