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Chair: Mr. Salinas Burgos..... (Chile)

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The meeting was called to order at 10.20 a.m.

Organization of work (A/C.6/66/1; A/C.6/66/L.1)

1. **The Chair** drew attention to the allocation of agenda items to the Committee, as contained in document A/C.6/66/1, and to the note by the Secretariat entitled “Organization of work” (A/C.6/66/L.1), in particular paragraphs 7 to 10 concerning the establishment of working groups.

2. With regard to agenda item 143, “Administration of justice at the United Nations”, it was his understanding that the Committee wished, in accordance with the decision by the General Assembly, to establish a working group, the chair of which was as yet undetermined, with a view to continuing the consideration of the outstanding legal aspects of the administration of justice at the United Nations, taking into account the results of the deliberations of the Fifth and Sixth Committees on the item, previous decisions of the Assembly and any further decisions that the Assembly might have taken during its sixty-fifth session, and that the working group would be open to all States Members of the United Nations or members of specialized agencies or of the International Atomic Energy Agency (IAEA).

3. *It was so decided.*

4. **The Chair**, referring to agenda item 109, “Measures to eliminate international terrorism”, said it was his understanding that the Committee wished, in accordance with the recommendation of the Ad Hoc Committee established by General Assembly resolution 51/210 of 17 December 1996, to establish a working group, to be chaired by Mr. Perera (Sri Lanka), with a view to finalizing the draft comprehensive convention on international terrorism and continuing to discuss the item included in its agenda by General Assembly resolution 54/110 concerning the question of convening a high-level conference under the auspices of the United Nations, and that the working group would be open to all States Members of the United Nations or members of specialized agencies or of IAEA.

5. *It was so decided.*

6. **The Chair**, referring to agenda item 84, “The scope and application of the principle of universal jurisdiction”, said it was his understanding that the Committee wished to establish a working group, the

chair of which was as yet undetermined, to undertake a thorough discussion of the scope and application of universal jurisdiction, and that the working group would be open to all States Members of the United Nations or members of specialized agencies or of IAEA.

7. *It was so decided.*

8. **The Chair** drew attention to the proposed timetable for the Committee’s work, contained in paragraphs 3 to 6 of the note entitled “Organization of work” (A/C.6/66/L.1). In accordance with established practice, the proposed work programme would be applied with flexibility in light of the progress made by the Committee, which would take action on draft resolutions as soon as they were ready for adoption.

9. The Committee must allow sufficient time for preparation and consideration of the estimates of expenditure arising from draft resolutions. Since it was scheduled to conclude its work on 11 November 2011, all draft resolutions with financial implications must be submitted to the Fifth Committee by 28 October 2011, except for those relating to agenda items scheduled to be considered after that date. He took it that the Committee wished to proceed accordingly.

10. *It was so decided.*

11. **The Chair** stressed that the Committee was required to make full use of conference resources and facilities. Although over the past three sessions it had shown an improvement in that regard, during its most recent session it had lost some 14 hours because of meetings starting late and ending early.

12. He took it that the Committee wished, as in the past, to follow the practice of the General Assembly in giving precedence on the list of speakers to representatives of regional groups or other groups of States.

13. *It was so decided.*

14. **The Chair** drew attention to paragraph 13 of General Assembly resolution 59/313, which invited Member States that were aligned with statements already made by the chair of a group of Member States, where possible, to focus additional interventions made in their national capacity on points that had not already been adequately addressed in the statements of the groups in question, bearing in mind the sovereign right of each Member State to express its national position.

Agenda item 109: Measures to eliminate international terrorism (A/66/37 and A/66/96 and Add.1)

15. **Ms. Rodríguez-Pineda** (Guatemala), speaking on behalf of the Chair of the Ad Hoc Committee established by General Assembly resolution 52/210 and introducing the report of the Ad Hoc Committee (A/66/37), said that, at its fifteenth session, the Ad Hoc Committee had held two plenary meetings, on 11 and 15 April 2010, as well as a round of informal consultations and other informal contacts on the draft comprehensive convention on international terrorism. Informal consultations likewise had taken place on the question of convening a high-level conference under United Nations auspices to formulate a joint response by the international community to terrorism in all its forms and manifestations.

16. The session had been an opportunity for members to renew their commitment to reaching agreement on the outstanding issues concerning the draft comprehensive convention. While a number of delegations had expressed disappointment at the Committee's failure to resolve outstanding issues, it was important to acknowledge the progress made in recent years. Several delegations had recognized as a major step forward the consolidation, in the report of the Working Group on measures to eliminate international terrorism, of the draft articles of the convention and of the various proposals. That document, which reflected the current state of negotiations, was expected to facilitate the work of the Working Group at the current session.

17. It was important to provide the necessary momentum for the Working Group to complete its work, as highlighted by the President of the General Assembly at the sixty-fifth session during the commemoration ceremony marking the tenth anniversary of the terrorist attacks of 11 September 2001 and by the Secretary-General at the Symposium on International Counter-Terrorism Cooperation, held in New York on 19 September 2011. It was imperative to summon the necessary political will to conclude a draft comprehensive convention, thereby strengthening the existing multilateral legal framework for combating international terrorism.

18. **The Chair** said that it was important to take decisive action in respect of the draft comprehensive

convention and not to allow major commemorative milestones to pass without progress.

19. **Ms. Revell** (New Zealand), speaking on behalf of Canada, Australia and New Zealand (CANZ), said that while collective action by the international community had made it harder for terrorists to plan, finance and execute attacks, more must be done to address the threat of terrorism comprehensively. She urged all States to become parties to and implement the international counter-terrorism instruments and thus to ensure that terrorists were denied safe haven. The CANZ countries would continue to work towards the conclusion of a comprehensive convention on international terrorism.

20. She welcomed the adoption of Security Council resolutions 1988 (2011) and 1989 (2011), which had improved the transparency and effectiveness of the Council's listing and de-listing processes. The CANZ countries supported efforts to encourage greater sharing of information relevant to the de-listing process between States and the Ombudsperson of the Security Council Committee established pursuant to Security Council resolution 1267 (1999). The Council's sanctions regime must be independent and impartial and must take decisions on the basis of the rule of law.

21. The United Nations had a unique role in condemning and confronting terrorism in all its forms; in that connection, she welcomed the Secretary-General's recent Symposium on International Counter-Terrorism Cooperation, the renewed mandate of the Counter-Terrorism Committee Executive Directorate (CTED) and the full institutionalization of the Counter-Terrorism Implementation Task Force (CTITF). The CANZ countries supported the focus of General Assembly resolution 64/297 on the implementation of the Global Counter-Terrorism Strategy. They attached great value to the recent creation of the Global Counter-Terrorism Forum and to its role as a close partner of the Organization in promoting implementation of the United Nations Global Counter-Terrorism Strategy.

22. The CANZ countries were active in regional counter-terrorism cooperation and capacity-building. It was important to continue streamlining reporting obligations for small States; simplification of the system would encourage more regular feedback, which in turn would help the United Nations and other organizations to target assistance where it was most

needed. Prevention of the financing of terrorism was crucial in suppressing terrorist acts. The CANZ countries encouraged the strengthening of legislative, regulatory and other measures to prevent and combat terrorist financing. They continued to work within the Financial Action Task Force (FATF) and related regional bodies, and through their support for the work of United Nations agencies, including CTED and the United Nations Office on Drugs and Crime (UNODC).

23. **Mr. Khzaee** (Islamic Republic of Iran), speaking on behalf of the Movement of Non-Aligned Countries, said that the Movement unequivocally condemned the crime of terrorism and rejected it in all its forms and manifestations, including acts in which States were directly or indirectly implicated. Terrorism was a flagrant violation of international law, international humanitarian law and human rights, in particular the right to life. It should not be equated with the legitimate struggle of peoples to achieve self-determination and national liberation, nor should it be associated with any religion, nationality, civilization or ethnic group, and any such association should not be used to justify measures such as profiling and breaches of privacy. The brutalization of peoples under foreign occupation must be denounced as the worst form of terrorism, and the use of State power to prevent peoples struggling against such occupation from exercising their inalienable right to self-determination should be condemned.

24. All States should honour their obligations under international law and international humanitarian law to combat terrorism by prosecuting or extraditing the perpetrators thereof and by preventing them from organizing, instigating or financing terrorist acts against other States from within or outside their territory. States themselves should refrain from organizing, instigating, abetting, financing or participating in such acts in the territory of other States; encouraging activities within their territory directed towards the commission of such acts; allowing their territory to be used for planning, training or financing of such acts; and supplying weapons or arms which could be used for that purpose.

25. States should refuse to provide political, diplomatic, moral or material support for terrorism and ensure that the perpetrators, organizers or facilitators of terrorist acts did not abuse refugee or any other legal status. All States that had not yet done so should

consider becoming parties to the international instruments on combating terrorism.

26. The Non-Aligned Movement called on the Security Council sanctions committees to streamline their listing and de-listing procedures in order to ensure due process and transparency. It would be useful to convene a high-level conference under the auspices of the United Nations to formulate an organized response to terrorism and to identify its root causes. The draft comprehensive convention on international terrorism should be finalized, and all States should cooperate in resolving the outstanding issues.

27. Lastly, the Movement reaffirmed its support for the United Nations Global Counter-Terrorism Strategy and the establishment of the United Nations Centre for Counter-Terrorism (UNCCT). It strongly condemned the practice of hostage-taking for the purpose of demanding ransom or gaining political concessions.

28. **Mr. Li Baodong** (China), speaking on behalf of the Shanghai Cooperation Organization (SCO) countries (China, Kazakhstan, Kyrgyzstan, the Russian Federation, Tajikistan and Uzbekistan), said that the SCO countries condemned terrorism in all its forms and manifestations, wherever and by whomsoever committed and regardless of motivation. Strengthening collective international cooperation mechanisms was the only means of effectively counteracting the global threat of terrorism. The SCO countries advocated strengthening the central coordinating role of the United Nations, which was uniquely suited for that purpose.

29. Full-scale implementation of the United Nations Global Counter-Terrorism Strategy, the relevant resolutions of the Security Council and the General Assembly and the international counter-terrorism conventions was the most crucial task in improving the international system for combating terrorism. The SCO countries would continue to cooperate with CTITF, the Security Council and its counter-terrorism committees, and looked forward to the establishment of UNCCT.

30. Given the presence of different religions and cultures on their territories, SCO countries were gravely concerned about the expansion of terrorist ideology. It was critical for the condemnation of terrorism to become an intrinsic part of the dialogue between religions and civilizations. The SCO countries actively supported all efforts to prevent terrorism and

attached great importance to cooperation among States, civil society, the media and the private sector in counter-terrorism efforts.

31. The SCO countries were striving to improve the operation of their Regional Counter-Terrorism Structure, which coordinated the work of the competent authorities of the member countries by sharing information and experiences with national counter-terrorism units, and favoured greater interaction between that entity and the corresponding United Nations agencies.

32. The SCO countries had contributed to the strengthening of the international legal basis for counter-terrorism cooperation in the form of the Shanghai Convention on Combating Terrorism, Separatism and Extremism and the Agreement on Cooperation in the Field of Ensuring International Information Security. They hoped that their experience would prove useful in finalizing the draft comprehensive convention on international terrorism.

33. The SCO member countries considered the dangerous nexus of terrorism and organized crime, in particular drug trafficking, that had formed in Afghanistan, to be the leading destabilizing factor in Central Asia. They therefore supported the vigorous revitalization of efforts to break the ties between terrorism and organized crime in the region, and called for an early agreement on the draft comprehensive convention.

34. **Mr. Laram** (Qatar), speaking on behalf of the Arab Group, said that the Arab States condemned terrorism in all its forms and manifestations, regardless of motive and justification and believed that it could only be addressed by collective action, as demonstrated by the 1998 Arab Convention on the Suppression of Terrorism. They coordinated their efforts at the regional level and through the mechanisms of the League of Arab States and at the subregional level through workshops. International efforts to combat terrorism must be conducted in accordance with the principles of international law, international legitimacy and respect for human rights and fundamental freedoms. It was important for States to exchange best practices and lessons learned and to provide technical assistance where needed.

35. The international community should address the root causes of terrorism and eliminate factors that nourished it by improving the living conditions of poor

and unemployed youth and people living under political and historical oppression and foreign occupation, and by preventing incitement to violence and hatred of ethnic minorities, religions and foreigners. Attempts to link terrorism to a particular ethnic group were provocative and contributed to its spread.

36. The United Nations Global Counter-Terrorism Strategy was an important step in the quest for a clear, realistic understanding of the concept of terrorism. It should, however, be complemented by a comprehensive convention on international terrorism that distinguished between terrorism and legitimate resistance against foreign occupation. The convention should include a legal definition of terrorism, avoid the unfair and false linkage often established between terrorism and Islam or Muslims and take into consideration cultural differences between peoples and the importance of constructive intercultural dialogue. Lastly, the Arab Group welcomed the establishment of UNCCT in Saudi Arabia under the auspices of the United Nations.

37. **Mr. Shakenov** (Kazakhstan), speaking on behalf of the Organisation of Islamic Cooperation (OIC), said that the OIC condemned all acts and practices of terrorism, which were unjustifiable and should not be associated with any religion, race, faith, theology, value, culture, society or group. International counter-terrorism efforts would be effective only through mutual cooperation and coordinated action. In that connection, the OIC countries would support a comprehensive strategy that addressed the root causes of terrorism, including unlawful use of force, aggression, foreign occupation, festering international disputes, denial of the right of peoples living under foreign occupation to self-determination, political and economic injustices, and political marginalization and alienation.

38. The financing of terrorism, including through the payment of ransom to terrorist groups, was a matter of grave concern to the international community. The OIC countries would make every effort to ensure that consensus on the draft comprehensive convention on international terrorism was reached by resolving the outstanding issues, including those related to the legal definition of terrorism and the distinction between terrorism and the struggle for the right to self-determination of peoples under foreign occupation and colonial or alien domination.

39. The OIC countries supported the convening of a high-level conference under United Nations auspices in order to formulate a joint international response to terrorism, as well as the establishment of the UNCCT. They would continue to support implementation of the United Nations Global Counter-Terrorism Strategy through CTITF.

40. **Mr. Salem** (Egypt) reiterated his country's condemnation of terrorism in all its forms and manifestations, regardless of motivation or objective. That phenomenon could not be tackled by military action alone; it was essential to address the root causes of terrorism by eliminating double standards, politicization and selectivity, ending foreign occupation and State terrorism, and recognizing the right of peoples to self-determination. Poverty reduction, education and promotion of tolerance and understanding were other key factors in that endeavour. It was also important to ensure that measures taken to combat terrorism complied with international law, in particular international humanitarian law and human rights law.

41. His delegation strongly condemned any attempt to link the crime of terrorism to any religion, culture or ethnic group and considered the United Nations Global Counter-Terrorism Strategy as the guiding document for the collective counter-terrorism endeavour. Negotiations on the draft comprehensive convention on international terrorism should continue in order to strengthen the international legal framework, but the convention should distinguish clearly between acts of terrorism and the legitimate struggle for self-determination of peoples under foreign occupation or colonial or alien domination. A high-level conference should be convened under United Nations auspices in order to foster a joint international response to terrorism and promote conclusion of the draft comprehensive convention.

42. **Mr. Karanouh** (Lebanon) said that although all Member States had condemned terrorism, their efforts to eliminate it had not yet reached their objective. Terrorist tactics were evolving, leaving a trail of destruction in their wake. When terrorism appeared in its most vicious form, as in Norway and Nigeria, condemnation was not enough; moreover the international community could not fail to react to the daily attacks in such places as Iraq, India, Afghanistan and Pakistan. Lebanon had direct experience of terrorism, which had claimed the lives of politicians,

journalists and other citizens. Extremist groups sought to disrupt the country's stability. Like other Arab countries, it had also been subjected to Israel's war crimes and human rights violations, which could only be described as terrorism.

43. His Government, which was a party to most of the international counter-terrorism instruments, categorically rejected all forms of terrorism and the killing of innocent civilians. Terrorism had no religion, culture or nationality. Some had sought to associate it with the revealed religions and, in particular, Islam, yet many of its victims had been Muslims; the events of 11 September 2001 and the numerous attacks in Iraq, Afghanistan and Pakistan, often against mosques, were cases in point. Islam called for tolerance and acceptance, and its billion adherents rejected the faction that sought to exploit it for political ends. Although freedom of religion deserved the fullest respect, it did not extend to acts of provocation targeting religious symbols; such acts of incitement could only fuel terrorism. Only a culture of acceptance and inter-religious dialogue could foster counter-terrorism efforts.

44. In combating terrorism, United Nations entities, including the Security Council committees, must respect the human rights and fundamental freedoms enshrined in international instruments. He therefore welcomed the measures taken to ensure the sanctions against individuals associated with Al-Qaida were transparent, fair and in keeping with the original mandate of the Committees concerned.

45. His delegation was committed to the conclusion of a comprehensive convention on international terrorism, the final text of which should include a clear definition of terrorism, should condemn State terrorism and distinguish between terrorism and the legitimate right to resist foreign occupation. Terrorism could be defeated only by tackling its root causes, including double standards in the application of international law, foreign occupation, injustice, ignorance, rejection of the other and attacks on religious symbols, human rights and dignity. The adoption of the United Nations Global Counter-Terrorism Strategy was proof that Member States could reach consensus on a comprehensive convention.

46. **Mr. Diallo** (Senegal) said that terrorism was one of the most serious threats to international peace and security. It should not be associated with any religion, culture, race or ethnic group and could only be

addressed effectively through coordinated and concerted action at the national, regional and global levels. The adoption of the United Nations Global Counter-Terrorism Strategy was a historic event that demonstrated the international community's will to combat terrorism collectively.

47. Measures aimed at promoting intercultural and interfaith dialogue and fostering tolerance were also important in the effort to combat prejudice and stereotypes, which provided fertile ground for hatred and violence and created conditions favourable for radicalization and the propagation of terrorism. His country was a party to 13 international counter-terrorism conventions and was pleased that with more States acceding to those instruments, the international legal framework had grown stronger and would be further enhanced by the eventual adoption of the draft comprehensive convention on international terrorism.

48. **Mr. Stuerchler** (Switzerland) said that the successful conclusion of negotiations on the draft comprehensive convention on international terrorism would underscore the General Assembly's role as an organ with universally recognized legitimacy and unique authority to set standards, including in the area of combating terrorism. His delegation believed that the compromise proposal put forward in 2007 by the Coordinator of the Working Group on measures to eliminate international terrorism, which established individual criminal responsibility for terrorist acts, provided for a detailed definition of terrorism and explained the relationship between the draft convention and other branches of international law, represented the only way forward. He urged the international community to enter into substantive discussions on the draft convention and on the high-level conference to be held under United Nations auspices.

49. **Mr. Al-Ateeqi** (Kuwait) said that his Government condemned terrorism in all its forms and manifestations as an unjustifiable criminal act that must not be associated with any religion, nationality or cultural or ethnic group. It opposed the application of double standards in combating terrorism and urged States to form a united front by applying measures that upheld human rights law, the rule of law and the values of tolerance, good governance and peaceful coexistence while rejecting extremism and violence.

50. It was important to complete the process of adopting a comprehensive convention on international

terrorism, which should clearly distinguish that phenomenon from the inalienable right of individuals or groups to defend themselves and resist aggression in accordance with Article 51 of the Charter of the United Nations. His Government supported the peaceful settlement of disputes in accordance with the Charter and the principle of non-interference in the internal affairs of States. State actions that deliberately targeted civilian populations were a violation of international conventions and human rights and should be condemned. Such was the case with Israel's crimes against the Palestinian people, its unlawful occupation of their land, its continued construction of illegal settlements and the ongoing blockade of Gaza.

51. His delegation called on the Security Council to adopt a resolution requesting the International Criminal Court to investigate those crimes of genocide and crimes against humanity in order to strengthen the rule of law and maintain international peace and security. He reaffirmed the innocence and impartiality of all Kuwaiti charitable institutions, which should not be suspected of supporting terrorism, and called on the Security Council sanctions committees to be transparent in their listing and de-listing of individuals and entities.

52. Lastly, his Government welcomed the Saudi initiative to establish the UNCCT and the idea of convening a high-level conference on terrorism, both under United Nations auspices.

53. **Ms. Rodríguez-Pineda** (Guatemala) said that while the international community had made some progress in combating terrorism, that phenomenon continued to wreak havoc around the world with the United Nations itself increasingly targeted. Experience had shown that terrorism could not be tackled by military force alone. In that connection, the United Nations Global Counter-Terrorism Strategy and the Security Council Committee established pursuant to resolution 1373 (2001) ("Counter-Terrorism Committee") were noteworthy supplements to the multidimensional and operational tools created to combat terrorism. Although terrorism was an unjustifiable criminal act, any measures taken to combat it must be in full compliance with international law, including international humanitarian law and human rights law.

54. She welcomed the progress made by the Ad Hoc Committee established by General Assembly resolution

51/210 of 17 December 1996 in finalizing the draft comprehensive convention on international terrorism. The convention should provide for the punishment of perpetrators, facilitate cooperation and mutual assistance in bringing them to justice, provide a clear definition and criminalization of terrorism and fill any gaps in the work of the Security Council and the Counter-Terrorism Committee. Her delegation was convinced that the 2007 proposal by the Coordinator of the Working Group on measures to eliminate international terrorism was the appropriate approach for reaching a compromise on the issue.

The meeting rose at 1 p.m.