


UNITED NATIONS  
  
**General Assembly**  
FORTY-FOURTH SESSION  
*Official Records*

SIXTH COMMITTEE  
22nd meeting  
held on  
Thursday, 19 October 1989  
at 10 a.m.  
New York

---

SUMMARY RECORD OF THE 22nd MEETING

Chairman: Mr. TUERK (Austria)

CONTENTS

EXPRESSION OF SYMPATHY IN CONNECTION WITH THE RECENT EARTHQUAKES IN CHINA

AGENDA ITEM 139: 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  
(continued)

- (a) REPORT OF THE SECRETARY-GENERAL (continued)
- (b) CONVENING, UNDER THE AUSPICES OF THE UNITED NATIONS, OF AN INTERNATIONAL CONFERENCE TO DEFINE TERRORISM AND TO DIFFERENTIATE IT FROM THE STRUGGLE OF PEOPLES FOR NATIONAL LIBERATION (continued)

---

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

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

Distr. GENERAL  
A/C.6/44/SR.22  
23 October 1989

ORIGINAL: ENGLISH

The meeting was called to order at 10.05 a.m.

EXPRESSION OF SYMPATHY IN CONNECTION WITH THE RECENT EARTHQUAKES IN CHINA

1. The CHAIRMAN, on behalf of the Committee, expressed sympathy in connection with the recent earthquakes in China.

AGENDA ITEM 139: 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 (continued)

(a) REPORT OF THE SECRETARY-GENERAL (continued)

(b) CONVENING, UNDER THE AUSPICES OF THE UNITED NATIONS, OF AN INTERNATIONAL CONFERENCE TO DEFINE TERRORISM AND TO DIFFERENTIATE IT FROM THE STRUGGLE OF PEOPLES FOR NATIONAL LIBERATION (continued) (A/44/398, A/44/456 and Add.1, A/44/578; A/C.6/44/4; A/C.6/44/L.2)

2. Mr. AHMED (Iraq) said that his country accorded particular importance to the item under consideration because terrorist attacks had been made against its institutions, against expatriates working in its development programmes and against its diplomatic representatives overseas. Iraq had participated in measures taken by the international community to combat international terrorism, and it was on record as having condemned international terrorism unreservedly and in all its forms. That condemnation applied to terrorist activities whether committed by individuals, groups or States, and it extended to those who financed, incited and protected terrorist elements.

3. In order to prevent international terrorism, it would be necessary to investigate its underlying causes and to adopt the measures necessary to counter them. Iraq considered that active international co-operation in combating terrorism was vital for international peace and security, and it had therefore acceded to the existing international conventions relating to various aspects of the problem. Iraqi domestic legislation regarded acts of terrorism as political crimes, and the country's Penal Code characterized a number of crimes as crimes of terrorism.

4. A clear, precise and generally acceptable definition of terrorism must be sought in an atmosphere of calm and mature deliberation if the outcome was to lead to a revision of international positive law and the domestic penal legislation of States. An effective mechanism was also required for international co-operation in combating terrorism, punishing perpetrators and depriving them of opportunities to escape justice. Although a number of international instruments had been adopted on various aspects of the problem, there was still a need for a precise definition of terrorism because of the tendency to confuse terrorist acts with the activities of national liberation movements struggling against colonialist and racist régimes.

/...

(Mr. Ahmed, Iraq)

That confusion was not new and, during the Second World War, the Nazis had accused those fighting for freedom from occupation of terrorism and sabotage. In recent years, certain régimes had adopted terrorism as an official policy while continuing to characterize the activities of their opponents as terrorism. Examples of such State-sponsored terrorism were the Zionist attacks on Lebanon, on the Iraqi nuclear installations and on the city of Tunis.

5. Any attempt to adopt effective measures to prevent international terrorism must be based on study of its underlying causes and all of its aspects. The true character and dimensions of individual acts whose causes lay in misery, oppression and racist domination must be acknowledged. However, there could be no similarity between such acts and the struggle waged by national liberation movements, whose legitimacy was acknowledged by the international community and enshrined in contemporary international law. Peoples forcibly deprived of their right to self-determination and independence had a right to struggle for the restoration of that right, and any attempt to equate the struggle for national liberation with terrorism must be rejected.

6. The Committee should focus on terrorism practised by States and certain other entities in violation of the basic principles of international law. State terrorism was a fact that could not be ignored, and it was the most heinous and most dangerous of all forms of terrorism. Certain States and entities with a propensity for hegemony and a racist outlook were violating the sovereignty and independence of other States in disregard of the principles of international law and invading their territories in an endeavour to overthrow their legitimate Governments and interfere in their internal affairs. Such unlawful acts were frequently the direct cause of other acts of international terrorism, and the States that committed them could not be absolved on the basis of their claim that they were taking preventive measures against violence. Terrorism of that kind prevented the peaceful settlement of disputes and created a vicious circle of terrorism and acts of reprisal.

7. All States should refrain from participating in or sponsoring acts of international terrorism. Those that resorted to policies and measures of terrorism to achieve their purposes must be held fully responsible for their actions. Political problems of an international character must be solved through negotiations and not through resort to terrorism which, apart from provoking increased violence and bloodshed, usurped the most basic of all human rights, namely the right to life.

8. Mr. LUNA (Peru) said that the growing number of terrorist incidents around the world had aroused the concern of the international community. It was therefore important for the General Assembly and the Committee to take a decision by consensus on the subject.

9. Irrational violence was the essence of terrorism. There was no objective connection between a terrorist act and the specific political situation which it purportedly sought to change. The phenomenon of terrorism therefore constituted an

/...

(Mr. Luna, Peru)

attack on society as a whole. Moreover, when terrorist actions were directed against a democratic political community which was also an underdeveloped and poverty-stricken society, its cohesiveness was stretched to the breaking-point. Terrorist activities could also jeopardize friendly relations among States. Terrorism must therefore be combated on all fronts.

10. While remaining firmly opposed to the manifestations of terrorism, the countries of the world must pay special attention to its underlying causes. Efforts must continue to eradicate colonialism, apartheid and situations involving alien occupation, as well as to improve living conditions in the developing countries and the inequitable structure of the world economy. Although there was no causal relationship between poverty and terrorist acts, it was necessary to pay special attention to situations which lent themselves to the ideological distortion and psychological pressure exerted by terrorist groups.

11. In recent times, the phenomenon of terrorism had acquired dangerous new characteristics. The growing alliance between terrorists and drug traffickers was a crucial problem in his country. From 1980 to 1989, 264 democratically elected public officials had been assassinated and 159 farms and agricultural co-operatives and 1,235 high-tension towers worth \$30 million had been destroyed. In the face of such attacks, his country had fought back without abandoning its democratic principles. Legislative, judicial and administrative measures had been taken to prevent and suppress terrorism in accordance with constitutional and human rights standards.

12. At the international level, his country had acceded to a number of important conventions relating to various aspects of international terrorism and was considering acceding to others. The elaboration and entry into force of such agreements increased the effectiveness of international co-operation for the eradication of the terrorist scourge.

13. Mr. RIANOM (Indonesia) said that international terrorism continued to threaten the fundamental rights of individuals, to destabilize legitimately constituted Governments, to endanger the territorial integrity of States and to impair the development of friendly relations among States. It constituted a serious challenge to established norms and principles of civilized behaviour. In recent years, the problem had been further aggravated by the growing links between terrorist groups and drug traffickers and their paramilitary gangs. Both the General Assembly and the Security Council had rightly taken up consideration of the question in view of its political, economic and social ramifications.

14. Indonesia had always unequivocally condemned as criminal all forms and manifestations of terrorism and violence that undermined the basic freedoms of peoples and nations. It had endorsed various regional and multilateral measures to cope with that menace. It had ratified the Hague Convention of 1970, the Montreal Convention of 1971 and the Tokyo Convention of 1963. The International Convention against the Taking of Hostages of 1979 was still under consideration by the Indonesian Government. Indonesia welcomed the adoption of the Protocol for the

(Mr. Rianom, Indonesia)

Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation. In a joint declaration issued in 1986 the Association of South-East Asian Nations and the European Economic Community had agreed to resist the demands of terrorists and undertaken to co-operate closely in the field in question. The relevant conventions signalled the international community's determination to eliminate terrorism through legal means. Indonesia also welcomed Security Council resolutions 635 (1989) and 638 (1989). However, existing conventions, resolutions and declarations could be effective only if all States adhered to them and fulfilled their obligations. Additional measures to facilitate the prevention and punishment of all acts of terrorism needed to be developed and implemented.

15. The international community must recognize the yearnings of all oppressed peoples to regain their inalienable rights, and must not fail to condemn economic exploitation, political domination and racial discrimination. The quest for liberation and equality in fact constituted a repudiation of terrorism. Resistance to colonialism and occupation could not be equated with acts of terrorism. State terrorism to subjugate a people could therefore not be ignored, and no amount of self-serving interpretation could obliterate existing injustices and exploitation. Lastly, Indonesia believed that serious consideration should be given to the idea of convening a conference to define terrorism, to differentiate it from the struggle for national liberation and to adopt comprehensive and effective measures for dealing with terrorism.

16. Mr. RANA (Nepal), reiterating his Government's firm and unequivocal condemnation of all terrorist acts, methods and practices as criminal and unjustifiable, deplored the fact that despite the growing number of terrorist and narco-terrorist acts which were threatening the political stability and social order of many countries, the indiscriminate supply of sophisticated weapons continued unabated. Although the growing consensus on the need for international co-operation in combating all forms of terrorism was encouraging, there were no grounds for complacency. His Government was willing to co-operate in every way in building upon that consensus and in strengthening measures already in place to stop indiscriminate kidnappings, killings and offences relating to firearms. The observance and implementation by all States of their obligations under international law to refrain from aiding and abetting acts of terrorism were of the utmost importance in that context. The international exchange of information concerning terrorist acts would greatly help to forge a concerted international counter-terrorism effort. Measures consistent with international law were called for at the global, regional and bilateral levels.

17. In that connection he wished to inform the Committee that a convention on the suppression of terrorism had come into force in the countries members of the South Asian Association for Regional Co-operation (SAARC) as from August 1988. Under the convention, the 7 member countries of SAARC had undertaken to refrain from organizing, instigating, assisting or participating in acts of civil strife or terrorist acts in another State or acquiescing in organized activities within their territories directed towards the commission of such acts, and had resolved to take effective measures to ensure that perpetrators of terrorist acts did not escape

/...

(Mr. Rana, Nepal)

prosecution and punishment and to provide for their extradition or prosecution. Nepal had already completed the necessary legislative steps to give effect to the convention.

18. His delegation was fully aware of the difficulty of defining terrorism and providing a universally acceptable explanation of its underlying causes, as well as of differentiating it from legitimate national liberation struggles against colonialism and racism. Such difficulties did not, however, absolve the international community from the duty to take concrete preventive measures in a constructive spirit on the basis of universally respected principles and norms of law and in compliance with the Charter of the United Nations. His delegation would co-operate fully with the international community's efforts in that respect.

19. Mr. DE MELO CABRAL (Guinea-Bissau) said that the improvement in the international climate was overshadowed by the phenomenon of international terrorism, which was a violation of human rights and blurred the line between war and peace. Terrorism endangered innocent human lives and seriously compromised fundamental freedoms, in addition to directly affecting relations between States. Acts of terrorism were a threat to all States and should be regarded as international crimes. Terrorism, in all its forms and manifestations, was a destabilizing factor, which, apart from damaging international relations, compromised the territorial integrity of States and jeopardized their very security. In order to prevent acts of terrorism and to curb and punish the perpetrators of such acts, there must be greater co-ordination of the action taken by the members of the international community, which must develop legal means of co-operation among themselves.

20. International co-operation should be designed to achieve the following goals: co-ordination of the classification of crimes that endangered all or some States as crimes of an international nature; co-ordination of measures to prevent and curb crimes of an international nature; agreement on the jurisdiction over such crimes and their perpetrators; the establishment of measures to ensure that punitive measures would be irreversible; and the establishment of forms of legal aid on penal issues, including the handing over of criminals.

21. The prevention and suppression of terrorism could not, and should not, serve as a pretext for interference by any State in the internal affairs of another State, or adversely affect either the right to asylum or any other human rights. Furthermore, in endeavouring to prevent and suppress terrorism, States must observe the general ground rules of international law and comply with the Charter. The elimination of international terrorism called for effective international co-operation. In particular, it required that States should undertake not to adopt a terroristic stance and not to accept any compromise with terrorists. Although there was a consensus that terrorism was to be condemned, the international community was left with the task of finding a satisfactory legal definition of terrorism. Guinea-Bissau believed that the need to define terrorism and to identify its underlying causes did not in any way detract from the urgent need to adopt preventive measures. It therefore supported the proposal to convene an

(Mr. De Melo Cabral, Guinea-Bissau)

international conference to define terrorism and to differentiate it from the struggle waged by a people for their national liberation. In view of the use of terror by the apartheid régime of South Africa, all States had a duty to fight that régime with every means at their disposal and the international community must adopt more effective measures in that connection.

22. Mr. EL-HUNI (Libyan Arab Jamahiriya) said that a close examination of the history of terrorism showed that it had become increasingly serious over time. It was a complex and ill-defined phenomenon and had become a kind of warfare among various States and groups. Its seriousness lay in the fact that it acknowledged no rules, laws or restrictions.

23. His country was in the forefront of those which accorded great importance to the study and solution of the problem of terrorism and had constantly called for the issue to be given the attention it deserved because of its perception that terrorism threatened the interests of all countries. United Nations action on the question of terrorism and its causes must proceed on the basis of clearly defined concepts and objective principles and within a sound framework free of any confusion between acts of violence committed for personal or criminal purposes and the legitimate struggle of national liberation movements against attempts to impose hegemony and subjection.

24. The most dangerous and widely practised, form of political violence was planned and systematic State terrorism. It consisted of the pursuit of policies of military force in order to subject and dominate other peoples. It was saddening to note that some of the major Powers, which had a special responsibility under the Charter for the maintenance of international peace and security, had committed acts of State terrorism against small countries or had encouraged other States, which they armed and sponsored, in the pursuit of terrorist activities. The international community must close ranks before such acts of defiance and must spare no effort to put an end to State terrorism.

25. The world was currently witnessing the most heinous terrorist crimes being committed by the racist Zionist régime against the Arab people in Palestine and the occupied Arab territories. That entity failed to acknowledge the relevant international instruments and United Nations resolutions and persisted in its acts of murder and expulsion and the use of the most reprehensible forms of torture. Its repression of the valiant popular uprising in the occupied territories clearly showed its savage methods and its flagrant violation of all human values. The Zionist entity was a focal point for the organization, practice and exportation of terrorism, and it had also made a number of innovations in terrorist methods. Its most recent accomplishments had been in promoting the spread of drug addiction in the world and in the training of death squads in order to advance its hostile goals overseas. The racist régime in South Africa engaged in the same heinous practices against the African majority in South Africa and against its neighbours and, despite all the international pressures brought to bear, its inhuman practices had not been halted.

/...

(Mr. El-Huni, Libyan Arab Jamahiriya)

26. A number of international conventions had been elaborated in recent years with a view to combating various forms of international terrorism, thereby reflecting the widely felt international concern about the problem. Despite those conventions and the numerous resolutions and recommendations adopted, however, the international community had largely failed to put an end to terrorism. The basic reason for that failure was the attempts that had been made to confuse and distort the concepts on which any definition of international terrorism must be based. The forces opposed to national liberation and resistance movements had succeeded in expanding the concept of terrorism and in applying it to those movements, thereby exploiting the feelings of fear and revulsion to which the term gave rise. The legal definition of terrorism must be based on objective study of the causes that had led to its spread in recent years. The elimination of international terrorism was a moral duty before it was a legal commitment, since there was nothing more hateful than that innocent people should die.

27. His delegation supported the call for the convening, under the auspices of the United Nations, of an international conference to define terrorism and to differentiate it from the struggle of peoples for national liberation. It hoped that general agreement could be reached on the convening of the conference, and it called upon those States that objected to the conference to consider its positive aspects more carefully and to accept it as one means of addressing the problem of international terrorism.

28. Mr. ABADA (Algeria) said that, in the spirit of General Assembly resolution 42/159, which reflected the international community's desire to adopt a balanced and comprehensive approach to the problem of international terrorism, his delegation was strongly in favour of convening, under the auspices of the United Nations, an international conference to define terrorism and to differentiate it from the struggle of peoples for national liberation. A clear and precise definition was essential for a thorough and rational study of the problem of terrorism and the adoption of practical measures aimed at its complete eradication. While realizing the magnitude and difficulty of the task of defining so controversial a concept, his delegation felt convinced that the attempt was worth making.

29. To go on confusing the effects of terrorism with its causes would be to ignore the considerable advances achieved in international law through the recognition of the legitimacy of the armed struggle of peoples deprived by force of their right to self-determination and independence. The rights of national liberation movements recognized by the international community must on no account be put in doubt and measures intended to prevent acts of terrorism must not be allowed to be used against those movements. His delegation could not agree with the view that the legitimacy of a cause did not, in itself, justify recourse to certain forms of violence; those who served a legitimate cause were often not in a position to choose the means of waging their struggle. While welcoming the international legal instruments and measures adopted as part of the international effort to prevent and eliminate terrorism, and, while commending, in particular the work of ICAO and IMO aimed at increasing the safety of international transport, his delegation wished to

/...



(Mr. Abada, Algeria)

stress the importance of differentiating between different forms of terrorism. Pending the convening of the international conference referred to in subparagraph (b) of the title of the item under consideration, the Sixth Committee should, as his delegation had already suggested at the forty-second session, utilize the two-year interval between sessions at which the item was taken up by setting up a working group for the purpose of studying the underlying causes of international terrorism and identifying appropriate remedies.

30. Mr. PAWLAK (Poland) said he welcomed the initiative whereby the Secretary-General's report on the item under consideration would in future have an annex describing the status of ratifications of and accessions to international conventions relating to various aspects of the problem of international terrorism. His country unequivocally condemned international terrorism in all its forms, regardless of its origin, causes and purposes, and treated as criminal all acts of terrorism, wherever and by whomever committed. The phenomenon of international terrorism could not be expected to disappear in the near future, not only because it was connected with the existence of conflicting ideological and political systems but also because terrorists had access to large amounts of money, were well organized and used modern weapons and highly sophisticated electronic devices and means of transport and telecommunication. Thanks to the mass media, terrorist actions received immediate publicity, which was one of the terrorists' main objectives. A situation could readily be imagined where international terrorist groups might try to lay hands on chemical, biological or even nuclear weapons in order to pursue their criminal goals.

31. On the issue of convening an international conference to define terrorism, his delegation shared the view expressed by the representative of Japan and others that a new attempt to elaborate a definition of international terrorism might prove both difficult and unproductive. To describe terrorism was easier than to define it; a description of terrorism as the unlawful threat or use of force against persons or property to achieve political, economic, social or even criminal ends could serve as a basis for international co-operation, although, of course, it did not solve the problem.

32. It was disappointing to note that the international community had not so far produced an efficient and generally accepted legal instrument dealing with all aspects of the prevention and suppression of international terrorism. Only one State, India, had ratified the 1937 Convention for the Prevention and Punishment of Terrorism which addressed the problem as a whole. Contemporary international co-operation had focused on measures provided for in international legal instruments dealing with separate aspects of the problem. His country had ratified practically all existing multilateral conventions against terrorism, including all those concluded within the framework of ICAO and IMO, and was engaged in procedures connected with the ratification of the 1988 Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation. The main value of those agreements, and especially those of a universal character, consisted in providing an assurance that a suspected terrorist would be prosecuted. The fact that greater emphasis was generally placed on the suspect's

/...

(Mr. Pawlak, Poland)

arrest than on his trial by a court was often the result of political or other subjective considerations. The United Nations and its specialized agencies could play an important role in that area by monitoring, documenting and reporting on the observance of international agreements in the field of terrorism prevention by the parties to those agreements. It went without saying that international efforts aimed at eliminating terrorism would be more effective if the international community succeeded in solving international problems which could cause terrorism, such as racism, colonialism, foreign occupation and interference in the internal affairs of States.

33. In compliance with its international obligations, and taking into account General Assembly resolutions 40/61 and 42/159, his country had taken all necessary steps to establish national legal and organizational mechanisms to eliminate and prevent acts of terrorism. His delegation welcomed Security Council resolutions 635 (1989) and 638 (1989) and hoped that general consensus would be reached at the current session for further action to prevent, combat and condemn terrorism and pave the way for its elimination. In that connection, he drew attention to the letter addressed to the Secretary-General by six States of Eastern Europe (A/C.6/44/4) containing a number of suggestions, *inter alia*, on methods of institutionalizing further work within the United Nations, ICAO and IMO in that field. The document's main elements could be incorporated in a General Assembly resolution which would serve to enhance the common struggle against terrorism.

34. Reiterating his Government's view that terrorist acts could not be justified by political considerations, he expressed the hope that new ways of combating international terrorism would be found at the current session. All efforts undertaken in multilateral forums to eliminate terrorism should be concentrated in and co-ordinated by the United Nations, which should become a centre for all research and law-making activities and should implement ideas put forward by individual countries. The United Nations should also initiate new legal instruments aimed at the suppression of terrorism, modify those already in existence and accelerate the codification of international law relating to the problem. In his delegation's view, an effective means of combating international terrorism would be provided by universal acceptance of the principle of compulsory extradition of terrorists to the State where their acts had been committed.

35. Mr. MIRZAEI (Islamic Republic of Iran) said that, apart from the tragic toll on human life and the disruption of social and economic development, terrorism imperilled the security, independence and territorial integrity of States, seriously jeopardized international peace and security, and adversely affected the ability of nations to live together in peace. The Sixth Committee's efforts over the past two decades on the topic under consideration had been overshadowed by political considerations, and it had consequently become impossible to achieve results. The Islamic Republic of Iran believed that the time had come to devote serious attention to the subject, since the international climate had become more favourable.

(Mr. Mirzaee, Islamic Republic of Iran)

36. The progress made by ICAO and IMO was gratifying. However, the relevant existing conventions dealt with specific acts. It was regrettable that, owing to political considerations, no serious institutional attempt had been made to study the general phenomenon of terrorism, as well as its underlying causes. Over the past two decades, international terrorism had emerged in different forms. Various invasions, pre-emptive strikes and acts of suppression had taken place under the pretext of combating terrorism. In short, State terrorism had become the most harmful and deadly form of terrorism. Certain States had committed acts of terrorism on a large scale and with modern means for the purpose of domination or interference in the internal affairs of other States. Greater attention must therefore be paid to the phenomenon of State terrorism. Furthermore, a distinction should be drawn between the punishment of the perpetrators of acts of terrorism and the eradication of international terrorism. Due attention must also be devoted to the social, economic and political conditions that caused terrorism.

37. The Islamic Republic of Iran, which had not been immune from the adverse effects of terrorism, shared the international community's increasing concern at the acts of terrorism perpetrated by individuals, groups and States. It condemned all such acts as kidnapping, abduction, hostage-taking, hijacking and other unlawful activities that might lead to the loss of innocent lives. Together with other peace-loving States, it had taken the necessary steps to curb and combat international terrorism. It was a party to the Tokyo Convention of 1963, the Hague Convention of 1970, the Montreal Convention of 1971 and the 1973 Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents.

38. It was to be hoped that the way could be paved for the rule of law in the 1990s, a decade that the Movement of Non-Aligned Countries had suggested should be declared a decade of international law. The legitimate right of peoples to struggle for liberation from the yoke of colonialism, racism or foreign occupation had deep roots in international law. International terrorism must be defined clearly and differentiated from the struggle of national liberation movements. The Islamic Republic of Iran therefore supported the idea of convening an international conference to undertake the task.

39. Mr. KUFUOR (Ghana) said that the indiscriminate loss of innocent lives and wanton destruction of property resulting from acts of terrorism aroused the concern and indignation of all. Ghana stood ready to join in realistic international efforts aimed at the prevention of terrorism and the apprehension, trial and punishment of offenders. As a practical demonstration of its genuine commitment to the eradication of terrorism, Ghana had ratified, inter alia, the conventions listed in the annex to the Secretary-General's report (A/44/456), and had signed the Protocol to the Montreal Convention of 1971.

40. It was reprehensible when individuals acting alone or in groups engaged in acts of terrorism, but it was abominable when States directly or indirectly through proxies engaged in the same reprehensible activities. The terror thus unleashed

/...

(Mr. Kufuor, Ghana)

was widespread, and the damage and destruction inflicted upon innocent people was devastating. Even more disturbing was the climate of international lawlessness and terror that State terrorism engendered. South Africa frequently perpetrated acts of terrorism against some African countries, particularly the front-line States, and also sponsored armed bandits whose nefarious activities were directed against Angola, Mozambique and Namibia. Similar State-sponsored armed bandits also operated in other regions of the world with impunity.

41. In accordance with the inalienable right to self-determination and independence of all peoples under colonial and racist régimes and other forms of alien domination, whenever any State or group of individuals sought to deny others those rights, the latter had a duty, using all appropriate means at their disposal, to rise against their oppressors. Such individuals were truly freedom fighters, and it would be wrong to equate them with terrorists. Freedom fighters or liberation movements sought to uphold international law; terrorists sought to undermine it. It was important to draw that distinction. The Sixth Committee had the mandate and responsibility to consider that question, and it was noteworthy that various General Assembly resolutions drew that distinction in no uncertain terms. It was there that Ghana took issue with draft resolution A/C.6/44/L.2, particularly paragraph 1. Until the international community was able to agree on a definition of who was a terrorist, Ghana could not accept such sweeping condemnatory expressions as "unjustifiable under any circumstances". However, if the draft resolution's sponsors regarded terrorism as excluding the legitimate struggle of persons for self-determination and independence, then that should have been clearly spelled out to avoid any ambiguity. Furthermore, General Assembly resolutions 40/61 and 42/159 contained elements that Ghana would like to see reflected in draft resolution A/C.6/44/L.2. A cognate question that should be squarely addressed was the feeling of grievance that motivated many a terrorist to resort to desperate acts. International co-operation with a view to eliminating terrorism must devote some attention to how such grievances could be removed. Moreover, there was clearly a divergence of views on the question of definition. For that and other reasons, Ghana supported the convening of an international conference to define terrorism and to differentiate it from the struggle of peoples for national liberation.

42. Mr. KOLOMA (Mozambique) said that, 17 years after the Ad Hoc Committee on International Terrorism had been established to study and report on the problem with a view to its speedy eradication, international terrorism continued to afflict the world. His delegation deeply deplored the loss of human lives which resulted from such acts of terrorism and their pernicious impact on relations of co-operation among States, including co-operation for development. Therefore, in accordance with General Assembly resolutions 40/61 and 42/159, his delegation unequivocally condemned, as criminal, all acts, methods and practices of terrorism wherever and by whomever committed. At the same time, however, his country fully recognized the right to self-determination, freedom and independence of peoples under colonial and racist régimes and alien domination, a right enshrined in the Charter of the United Nations.

(Mr. Kuloma, Mozambique)

43. International terrorism had evolved into a truly global problem which called for concerted efforts by all States and international organizations. Accordingly, his country supported all measures taken in accordance with the principles of international law and all legal instruments adopted by the United Nations and its specialized agencies or other international bodies to combat terrorism. He particularly welcomed the conventions elaborated by IMO and ICAO; Security Council resolution 638 (1989) on hostage-taking and abduction; the Consultative Council for Postal Studies decision in 1988 charging the International Bureau with finding the appropriate security measures to protect services and users against terrorism; the World Tourism Organization tourist security and protection programme; and the efforts undertaken by the International Atomic Energy Agency to protect nuclear installations devoted to peaceful purposes against armed attacks.

44. The accession of all States to the existing international instruments and the drafting of new ones would strengthen the legal basis for the struggle against terrorism. In that connection, he urged the conclusion, at the earliest possible date, of an international convention against the recruitment, use, financing and training of mercenaries. States should also, in accordance with General Assembly resolutions 40/61 and 42/159, harmonize their domestic legislation with the existing international conventions on the subject to which they were parties and ensure the apprehension and prosecution or extradition of perpetrators of terrorist acts.

45. His country believed that the key to the elimination of international terrorism lay in the identification and removal of its underlying causes. Regrettably, the study of those causes did not keep pace with the measures undertaken to combat or prevent international terrorism. Such measures must be taken in accordance with the principles of international law. Under no circumstances should the fight against terrorism be used by any State as a pretext for launching military aggression against other sovereign States. Such behaviour would necessarily violate the principle of refraining from the threat or use of force in international relations and the principle of peaceful settlement of disputes between States.

46. His delegation was very concerned about State terrorism, which represented a more serious threat to international peace and security than acts of terrorism committed by individuals or groups. His country had constantly been a victim of State terrorism, carried out first by the racist régime of the former Southern Rhodesia, and recently by the racist régime of South Africa, which was using a terrorist group to stage armed attacks in Mozambique for the purpose of destabilization. His Government had put forward a set of 12 principles which must be accepted by the ringleaders of the armed bandits as a pre-condition for the opening of a dialogue. His Government had requested the Presidents of Zimbabwe and Kenya to serve as mediators, and two exploratory meetings had already taken place at Nairobi between leaders of some Mozambican religious denominations and the armed bandits.

47. While the international community was working out measures to combat and prevent international terrorism, the concept of terrorism remained undefined. The

(Mr. Koloma, Mozambique)

urgent need for a definition was closely related to the need for study of the underlying causes of international terrorism, which would provide a sound theoretical basis for the formulation of an acceptable definition. While acknowledging the difficulty inherent in that task, he believed that it was feasible given the necessary political will. Accordingly, he supported the convening of an international conference as referred to in General Assembly resolution 42/159.

48. Mr. KURUKULASURIYA (Sri Lanka) said that his country had experienced a devastating ethnic and social conflict in which it had, for the first time, confronted the phenomenon of international terrorism. It had survived those tribulations with its democratic traditions and values intact, and would do everything in its power to create the conditions needed for a fair and just social system within a plural society. The only way to prevent terrorism was to encourage the parties to a dispute to enter into negotiations, however painful. At the same time, force must be met with force.

49. The new international political order evidenced by the decline in rivalry between the great Powers provided an opportunity to put an end to the scourge of terrorism. It was in that context that he wished to commend the work of the Asian-African Legal Consultative Committee, whose studies in the field of conflict resolution merited careful consideration by the Committee.

50. He drew attention to the adoption by the South Asian Association for Regional Co-operation of a regional convention on the suppression of terrorism, to which his country had already given effect through domestic legislation. The convention incorporated the principle that murder, kidnapping, hostage-taking and related offences were to be regarded as terrorist acts rather than as political offences for the purposes of the application of the extradition laws of the member States of the Association. In that connection, he wished to observe that the annexes to the Secretary-General's report (A/44/456) served as a reminder of the measures Member States could take in their collective efforts to rid the world of terrorism.

51. Mr. VOICU (Romania) said that his country supported the proposal to convene, under the auspices of the United Nations, an international conference to define terrorism and to differentiate it from the struggle of peoples for national liberation. Romania had consistently supported the General Assembly resolutions condemning terrorism, was a party to the three conventions on terrorism adopted under the auspices of ICAO and to the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, and had completed the necessary formalities for ratifying other international legal instruments relating to various aspects of terrorism.

52. His delegation supported the efforts being made at the current session of the General Assembly to finalize a draft convention against the recruitment, use, financing and training of mercenaries, and hoped that the new instrument would contribute to the elimination of mercenarism. There was no doubt that mercenarism and international terrorism were closely related and that both had played a part in

(Mr. Voicu, Romania)

undermining the peace, stability and sovereignty of a number of African countries. All States should comply with their obligation under international law to refrain from organizing, instigating, assisting or participating in terrorist acts in other States, or acquiescing in activities within their own territory directed towards the perpetration of such acts. At the same time, it endorsed the view that special attention should be devoted to the growing and pernicious link between terrorist groups and drug trafficking, and also to attempts to destabilize legitimately constituted Government by violence. In that context, it reiterated its conviction that a clear distinction must be drawn between armed struggle for national liberation on the one hand, and acts of terrorism on the other. Whatever their motive, terrorist acts were contrary to the cause of national liberation, progress and social justice, and could never constitute a valid form of political struggle.

53. It was common knowledge that the struggle of peoples under colonial and racist régimes and all other forms of foreign domination and occupation could not be equated with terrorism. Accordingly, the suppression of terrorism should never serve as an excuse for the exertion of military, political or other forms of pressure on sovereign States. That basic requirement should be seen in its proper legal context. Accordingly, international condemnation of acts of State terrorism and of the threat or use of force against sovereign States should be expressed in the strongest possible terms.

54. It was also generally recognized that States must co-operate in the endeavour to prevent and combat international terrorism in the interests of strengthening international peace and security. His country favoured active co-operation between all States with a view to eliminating international terrorism, and it was in that spirit that it had been prepared to sponsor the proposals contained in document A/42/416. Those proposals were based on the urgent need to strengthen international co-operation against terrorism and on the concern to ensure that the means employed in that endeavour were strictly in conformity with the principles and norms of international law.

55. It was in that framework that his delegation saw the need for greater United Nations involvement in the common struggle against terrorism. It was vitally important for the United Nations to arrive at a generally acceptable definition of terrorism, and that the Organization should play its part in promoting an international climate free from mistrust and discord.

56. His delegation had carefully studied the opinions and proposals contained in the Secretary-General's report (A/44/456) and in draft resolution A/C.6/44/L.2. Other proposals had been made in the course of the discussions in the Sixth Committee. He agreed with those delegations which believed that, in order to achieve meaningful results on a topic as complex as that of terrorism, decisions must be taken on the basis of consensus. His delegation was more than willing to participate in the collective efforts aimed at achieving generally acceptable solutions to a problem which had been rightly described as one of the most deplorable aspects of contemporary international life.

/...

57. Mr. ABOU-HADID (Syrian Arab Republic) said that the issue of international terrorism was one of the most complex of those before the Committee in view of the great controversy that surrounded it, the wide differences in views on the matter and the disparate objectives that underlay the manner in which it was addressed. Certain States had sought to use the issue in order to achieve policy goals hostile to the aspirations of oppressed peoples for liberation and independence. Discussion of international terrorism had been marked by the absence of precise and internationally agreed criteria that would enable the international community to distinguish clearly between terrorism, which must be condemned, countered and eliminated, and the struggle for national liberation which, being fully in keeping with the Charter of the United Nations and the right of peoples to use all available means of resistance in order to secure their legitimate rights, must be protected and supported. In its report to the General Assembly at its thirty-fourth session (A/34/37), the Ad Hoc Committee on International Terrorism had recommended that the General Assembly and the Security Council should pay special attention to all situations, including colonialism, racism and situations involving alien occupation that might give rise to international terrorism, with a view to the application, where feasible and necessary, of the relevant provisions of the Charter, including Chapter VII thereof.

58. Careful study of the manner in which the problem had been addressed in the United Nations showed that the thinking of certain States had not changed and that they continued to try to persuade the victims to accept the loss of their freedom and their rights. Those who did not do so were regarded as terrorists who undermined international relations and jeopardized the lives of individuals and the security of nations. According to that view, which had been advanced in an organized and well considered campaign of intellectual terrorism, the expulsion of the Palestinian Arab people from its homeland and its continued persecution with a view to thwarting its just struggle for liberation had not been a case of terrorism. Israel's invasion of Lebanon in 1982 and its savage repression of the children of the uprising in occupied Palestine and the Syrian Arab Golan did not, in that view, constitute terrorism, and the case was the same with the campaigns of extermination and expulsion waged by the apartheid régime against the peoples of South Africa, Namibia and the neighbouring States.

59. While condemning acts of terrorism, his country saw a need to differentiate between such acts and acts carried out in exercise of the right of peoples to fight for just causes and for the liberation of their countries. It had often expressed its unreserved condemnation of international terrorism, had supported all the efforts made by the United Nations and other intergovernmental organizations for its elimination and had, accordingly, acceded to a number of the international conventions on the matter. It was self-evident that no phenomenon could be eliminated if its causes and motives remained unexamined. The international community must therefore co-operate in defining terrorism and elaborating principles and criteria to differentiate terrorism from the legitimate struggle of peoples for liberation. For their part, the Arab States condemned all forms and sources of terrorism and considered it a violation of international law and a threat to mankind. That position had been strongly reiterated by successive meetings of the Arab Summit Conference and the Islamic Summit Conference.



(Mr. Abou-Hadid, Syrian Arab Republic)

60. Certain representatives in the Committee had expressed doubts as to the possibility of an international conference to define terrorism reaching a satisfactory outcome. Some had considered it a retreat from the achievements made thus far within the United Nations. In marshalling his arguments against the utility of convening such a conference, one representative had spoken of its financial implications. The explosion of an aircraft, however, or the killing of innocent people in a terrorist operation represented several times the anticipated expenditure on the conference. In its careful study of the report of the Secretary-General (A/44/456) his delegation had found nothing to indicate a lack of interest in the conference and had formed the conviction that the elaboration of a definition of terrorism would not affect the need to adopt immediate measures for its elimination. Although those who opposed the convening of an international conference might be well intentioned, it should not be forgotten that their position that it would serve no useful purpose represented in reality a rejection of international co-operation in combating terrorism and a desire on their part to impose their own erroneous definition.

61. It would be easy to address the problem of terrorism in a purely legal or academic framework. The issue was not, however, a purely legal one, but was, in all its major aspects, a political matter. In law, the terrorist was a criminal and a mercenary who had his own personal motivation or was pledged to advance interests alien to those of his people. The freedom-fighter, to whom the Charter and the principles of international law had accorded the inalienable right to struggle for the restitution of his rights and the liberation of his country from domination, occupation and racism, was not a terrorist. If he was, the great liberators of history would have to be characterized as terrorists.

62. Mr. BELLOUKI (Morocco) said there could be no doubt that terrorism was a problem as complex as it was serious, and that the international community must intensify its efforts to eradicate it. With that aim in view, his delegation welcomed the pertinent resolutions adopted by the General Assembly and the Security Council, as well as the condemnation of terrorism in all its forms by the Arab States at their summit meeting held in Morocco in May 1989. At that meeting the Arab States had reaffirmed the need to adhere to the norms prescribed by international law in defending national interests. In a similar spirit the non-aligned countries, at their summit conference at Belgrade in September 1989, had condemned all terrorist acts, whether committed by individuals or by States, drawing particular attention to the link between terrorism and drug trafficking.

63. At the same time there was a conceptual difference of opinion surrounding the issue of terrorism which was liable to undermine the international community's endeavours to contain it. Every effort must be made to achieve consensus on the underlying causes of terrorism and the solutions required in order to eradicate it. However, terrorism must be differentiated from the struggle of national liberation movements recognized by regional intergovernmental organizations, whose legitimacy had been acknowledged by the Charter of the United Nations and numerous General Assembly resolutions. It might therefore be useful to convene an

(Mr. Bellouki, Morocco)

international conference under United Nations auspices in order to arrive at a generally acceptable definition of terrorism, even if such a definition would not in itself provide a panacea for the injustice, deprivation and frustration to which terrorism was often a response. His country, which condemned terrorism in all its forms, had long associated itself with the international community's efforts to find a solution to the problem. He hoped that the Sixth Committee would adopt a balanced resolution which would serve as a further stimulus to those efforts.

The meeting rose at 1.05 p.m.