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OBSERVATIONS OF STATES SUBMITTED IN ACCORDANCE WITH
GENERAL ASSEMBLY RESOLUTION 3034 (XXVII)

Addendum

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ROMANIA

/27 July 1973/

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I. The Government of the Socialist Republic of Romania considers that the analysis of the question of international terrorism must take as its starting point the clear and basic difference between the struggle for national liberation, on the one hand, and acts of international terrorism, on the other.

The struggle for national liberation and emancipation is a legitimate and lawful struggle which is in accordance with the profound aspirations of peoples and with the principles of modern international law enshrined in the United Nations Charter and in a large number of United Nations resolutions.

As is known, the Romanian people firmly supports the struggle of peoples for liberation, for their independence and their national sovereignty. Having itself been subjected to foreign domination and exploitation for centuries, Romania, which today, having won its freedom and independence after a long struggle and great sacrifices, is a socialist developing country, knows the price that must be paid to attain these fundamental political goals. It has a deep understanding of the aspirations towards freedom of peoples still under foreign domination, and shows its solidarity with their struggle by giving them political and material support in accordance with a whole series of General Assembly resolutions on decolonization. Romania believes that freedom and national sovereignty are the basis for all individual freedoms, and for a people's economic prosperity and spiritual emancipation.

Imperialism and colonialism, the essence of which is economic and political domination of other peoples, seek to suppress the struggle for liberation. Imperialism and colonialism arouse stubborn and desperate opposition in peoples, and breed adversity and discord in international relations by increasing distrust and suspicion among States.

II. The Romanian Government regards international terrorism itself as one of the disturbing phenomena which add to international tension. Terrorist acts cause conflicts in which innocent people, or even States, which have nothing to do with the conflicts are killed or harmed. Acts of terrorism and individual violence must be condemned and prevented, whatever form they take.

Neither does terrorism have anything in common with the struggle for national liberation or with revolutionary activity. The conscious struggle of the masses cannot be identified with individual terrorism and acts of individual adventurers or groups of adventurers.

Hijacking, kidnapping, shooting down aircraft with innocent persons on board, reprisals, abducting ordinary persons or diplomats, taking hostages, assassination, the use of explosives, destroying and deliberately setting fire to buildings, frequent military manoeuvres along the frontiers of certain States and threats of

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the use of force are the kind of acts which infuse public opinion with fear, panic and terror; consequently, they are inadmissible, and the firmest and most effective measures of every kind must be taken against them.

III. In the view of the Romanian Government, the following essential points should be taken into account in approaching the problem of international terrorism:

(1) An agreement must be reached on the definition of the concept of international terrorism, so as to preclude the use of the same expression to refer to different things. The question of the actual definition of the content and scope of the concept of an act of "international terrorism" has at the present stage not only a technical and legal side, but also a political side, and States must make a particular effort of good faith in order to arrive at an agreement, in the first place, on the concept.

From the positions taken by States, it appears that for an act of international terrorism to have occurred there must, first of all, have been an act of violence, either actual or potential, which, in turn, must necessarily involve elements of an international nature as regards the person committing the act, the victim, the place at which the act was committed and its consequences. If there is no international aspect to any of these elements, the acts in question are nothing more than offences covered by the national law of each State.

(2) As is clear from the title and the content of resolution 3034 (XXVII), the question of international terrorism cannot be approached without studying and seeking to eliminate the underlying and real causes of terrorism. This emerged very clearly from the debates at the twenty-seventh session of the General Assembly. To ignore this fact would render the efforts to take effective measures against such activities quite unrealistic.

Moreover, the General Assembly resolution on international terrorism places stress on "measures to prevent" acts of terrorism; this implies the adoption of preventive measures at least as much as, if not more than, punitive measures, which can be applied only after the act of terrorism has been committed.

International terrorism cannot be studied in the abstract; the real international, social and political context must be taken into account and the phenomenon as a whole, from its origin to its last repercussions, must be analysed if appropriate solutions are to be found. In this connexion, it is to be noted that there are in the modern world certain social and political phenomena such as misery, frustration, profound discontent and despair, in individuals and, above all, among groups, and that these are caused by the policy of imperialism and colonialism which aims at denying the sacred right of peoples to self-determination, brutally repressing the legitimate aspirations to freedom and independence of peoples still under foreign domination and maintaining certain sources of conflict and tension in relations among States. The international community must struggle resolutely to remove these underlying causes.

Consequently, the Government of Romania believes that to eliminate the underlying causes of international terrorism, we must:

(a) Step up international efforts to support the developing countries economically, with a view to ensuring that their peoples enjoy a proper standard of living;

(b) Take more effective action to condemn States which violate the right of peoples to freedom, sovereignty and independence and their right to self-determination;

(c) Take resolute measures to eliminate existing hot-beds of international conflict, in particular that in the Middle East, on the basis of Security Council resolution 242.

(3) Lastly, as to concrete measures which should be taken against international terrorism, the following may be considered:

(a) International terrorism should be made a crime in the national legislation of all States, so that whatever State may have been the scene of an act of terrorism or served as a refuge for a person committing such an act, he will be unable to escape legal action and punishment.

Romania has taken legislative and administrative measures to protect the life, physical person, freedom and dignity of representatives of States and all other persons in Romanian territory. According to the principle of territoriality of Romanian legislation, all offences committed within the frontiers of Romania are punishable under Romanian law, whatever the nationality of the person committing them or of the victim. Romanian penal legislation contains appropriate provisions for the punishment of various acts of terrorism such as murder (meutre and meutre qualifilée), attacks on a community, illegal deprivation of the liberation of certain persons, threats, blackmail, highway robbery and piracy.

Romanian penal law also provides for the punishment of certain offences committed outside Romanian territory, even if the person committing them is a foreign national, if he is found in Romanian territory and the acts of which he is accused are an offence under the legislation of the country in which the act was committed;

(b) As many States as possible should become parties to existing multilateral conventions designed to combat certain forms of international terrorism.

For its part, Romania has become a party to The Hague Convention for the Suppression of Unlawful Seizure of Aircraft, and has signed and is preparing to ratify the Montreal Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation;

(c) Consideration should also be given to the conclusion of regional or bilateral conventions, such as those concluded between Cuba and the United States

and Cuba and Canada, designed to combat certain acts of terrorism on the regional level or in the area of bilateral relations between States, particularly in the areas or the fields in which such acts are most frequent;

(d) The drafting and adoption of the draft multilateral convention on the protection of diplomats and punishment of offences committed against them must be speeded up;

(e) The conclusion of a multilateral international convention on the phenomenon of terrorism as a whole, from the standpoint both of acts and of persons, to which as many States as possible should become parties, could play an important role in the efforts to combat international terrorism. However, it must be borne in mind that a hastily drafted convention which did not take into account the positions of all States and was not generally acceptable might remain a dead letter and might not have the desired effectiveness in international life, as was the case with the Geneva Convention of 1937, which was ratified by only one State.

The Government of Romania believes that to eliminate international terrorism the role of the United Nations must be strengthened by compliance with and implementation of its resolutions concerning the elimination of colonial and foreign domination. Many of the tragic acts to which innocent persons have fallen victim could have been avoided if these United Nations resolutions had been implemented.

The Government of Romania is ready to make its contribution, in the spirit indicated in this reply, to the effort to combat international terrorism, by co-operating in the drafting of generally acceptable measures capable of leading ultimately to the elimination of this phenomenon from international life.
