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Chairman: Mr. TIERK (Austria)

CONTENTS

EXPRESSION OF SYMPATHY IN CONNECTION WITH THE RECENT EARTHQUAKE IN NORTHERN CALIFORNIA

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)

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

EXPRESSION OF SYMPATHY IN CONNECTION WITH THE RECENT EARTHQUAKE IN NORTHERN CALIFORNIA

1. The CHAIRMAN, speaking on behalf of the Committee, expressed sympathy in connection with the recent earthquake in northern California.

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
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(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/L.2)

2. Mr. DROUSHIOTIS (Cyprus) said that his country was a party to the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, the Convention on Offences and Certain Other Acts Committed on Board Aircraft, the Convention for the Suppression of Unlawful Seizure of Aircraft and the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation. At present, Cyprus was in the process of ratifying the International Convention against the Taking of Hostages, and was giving active consideration to signing and ratifying the Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation. He noted with satisfaction that the Security Council, the International Civil Aviation Organization (ICAO), the International Maritime Organization (IMO) and other organizations such as the Council of Europe, the Conference on Security and Co-operation in Europe (CSCE) and the Non-Aligned Movement had taken actions which clearly reflected the resolve of the international community to combat and eliminate terrorism.

3. The total eradication of terrorism could only be achieved when its underlying causes were removed. The principal organs of the United Nations, and in particular the Security Council, must take action to bring about just solutions to the situations with which they were seized. Parallel to those efforts, the international community must continue to combat every manifestation of international terrorism, including its growing connection with drug trafficking. Cyprus supported international co-operation for the purpose of preventing and combating terrorist actions, consistent with the norms of international law and with the principles and provisions of the United Nations Charter.

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(Mr. Droushiotis, Cyprus)

4. The Heads of State and Government of Non-Aligned Countries, at their recent conference at Belgrade, had condemned all acts of terrorism and reiterated their support for General Assembly resolutions 40/61 and 42/159. In that context, they had expressed their support for an international conference under the auspices of the United Nations to define terrorism. The definition of terrorism would be a worthy achievement in the international community's efforts to prevent and combat that scourge, but there was clearly a need to distinguish terrorism from the legitimate struggle of peoples for national liberation and their right to self-determination. If the complex task of formulating such a definition could be accomplished in a constructive manner and in the traditional spirit of the Sixth Committee, that would benefit the world community and enhance the co-operation of States in preventing and combating terrorism.

5. Mr. MAKAREVICH (Ukrainian Soviet Socialist Republic) said that his delegation shared the international community's deep concern at the continuing acts of international terrorism, a phenomenon which his country unconditionally condemned. An effective struggle against international terrorism was predicated upon the active co-operation of all States conducted in a constructive spirit on the basis of respect for the generally accepted principles and norms of international law and of compliance with the Charter of the United Nations. His country was a party to all the major universal international instruments aimed at preventing international terrorism, and considered it essential that States which had not yet done so should accede to those instruments and abide strictly by their provisions. The elaboration of new international agreements in the field was also of the greatest importance; in that connection, he said that the Ukrainian SSR had signed the 1988 Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation and the Protocol thereto and was currently considering their ratification. Information on measures to prevent terrorism taken at the national level was to be found in his Government's reply appearing in the report of the Secretary-General (A/44/456).

6. His delegation called for the immediate release of all hostages and kidnapped persons wherever and by whomever they might be held, and welcomed Security Council resolution 638/89 on that issue. While constantly bearing in mind the need to combat international terrorism, the international community should not forget that a general improvement of the international situation and strict observance of the right of peoples to independent development would contribute decisively to the eradication of that scourge.

7. The United Nations had made an important contribution to the struggle against international terrorism. General Assembly resolutions 40/61 and 42/159 could serve as the basis for constructive co-operation among States in that field, and work on expanding and strengthening that basis should be continued. His delegation endorsed the proposals made during the discussion in the Committee, in particular, those for the setting up of a fact-finding body within the United Nations, the establishment of a United Nations centre on problems relating to terrorism which - together with the proposed ICAO centre and possibly a similar IMO centre - would eventually provide an international mechanism for co-operation and co-ordination in

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(Mr. Makarevich, Ukrainian SSR)

that field, and the elaboration by the International Law Commission of a new international instrument on the physical protection of chemical and bacteriological material. In conclusion, he welcomed the work on the marking of explosives for detectability undertaken by ICAO at the initiative of Czechoslovakia and the United Kingdom.

8. Mr. ALEXANDROV (Bulgaria) said that the struggle against international terrorism could be far more successful if all States directed their efforts against its specific manifestations and towards the elimination of its social and political roots. The basic requirement for the complete eradication of international terrorism was the removal of its causes and the improvement of the international climate. Co-operation among States in their struggle against international terrorism must be based on the general principles and norms of contemporary international law, in full compliance with the Charter of the United Nations. The struggle of the national liberation movements in defence of the inalienable right of peoples to self-determination and independence could not be treated as terrorist activity.

9. A good basis for strengthening international co-operation was commitment to existing multilateral conventions relating to international terrorism. In 1988, Bulgaria had acceded to the International Convention against the Taking of Hostages. On 27 July 1989, the National Assembly had adopted a decree on the accession of Bulgaria to the Tokyo Convention on Offences and Certain Other Acts Committed on Board Aircraft. Because of time limitations, that fact had not been reflected in document A/44/456. Thus, being a party to all basic international treaties concerning international terrorism, including the instruments adopted by ICAO and IMO, his country was convinced that commitment to those treaties by States that were not yet parties to them would contribute significantly to the removal of obstacles to effective international co-operation.

10. Co-operation among States could also be enhanced by appropriate steps to implement the provisions of the international treaties on terrorism in national legislation. Bulgaria had introduced the necessary amendments to its legislation, and had also entered into a number of bilateral treaties which created effective mechanisms for the punishment or extradition of persons who had committed terrorist acts.

11. New forms of co-operation should be sought in the struggle against international terrorism. There were good opportunities for the establishment of a solid legal basis in that field, and the United Nations could and should play a very important role in that respect. It would be useful to consider the establishment of appropriate organizational mechanisms in the framework of the United Nations which could be entrusted with fact-finding, gathering and analysis of information, consultative assistance and co-ordination in the struggle against international terrorism. His Government's position on that issue was reflected in the joint letter from the Permanent Representatives of six Eastern European countries, addressed to the Secretary-General (A/C.6/44/4).

(Mr. Alexandrov, Bulgaria)

12. His Government had on many occasions demonstrated in practice its readiness to co-operate with other States in the struggle against international terrorism. One of the most recent examples was the conference of the Balkan States in Belgrade, mentioned recently by the representative of Yugoslavia. Its active stance in the consideration of the item in the United Nations was another manifestation of that readiness.

13. Mr. BEN ABDALLAH (Tunisia), stressing the complexity of the item on terrorism, said that General Assembly resolutions 40/61 and 42/159, the relevant Security Council resolution, the declaration of the recent summit meeting of non-aligned countries at Belgrade and the conventions recently adopted by ICAO and IMO would all help strengthen the international community's efforts to eliminate international terrorism. His delegation supported all those efforts, and considered that more countries should adhere to the various instruments he had mentioned.

14. He noted with concern that some countries continued to defy the decisions of the Organization, and even practiced terrorism themselves. Tunisia had on two occasions been a victim of the most pernicious form of terrorism, and wished to reiterate its strong condemnation of such actions, whether perpetrated by individuals, States, or groups of States. His Government was prepared to co-operate in to implementing practical measures to combat terrorism.

15. The search for practical solutions to the problem of terrorism should concentrate on prevention. Coercion could produce only limited results, and selective measures dealing with certain aspects of terrorism would provide only partial solutions. A more comprehensive approach must be taken for terrorism should be viewed as a symptom which was often due to the perpetuation of situations that were unjust and intolerable from the standpoint of international law, and the struggle against it could therefore not succeed without an analysis of its underlying causes.

16. It was, accordingly, essential to give due consideration to the legitimate struggle of national liberation movements against colonialism and other forms of oppression and denial of the right of peoples to self-determination. Any effort which, under the guise of combative terrorism, sought to deprive peoples of their right to self-determination and impede the struggle of national liberation movements could not be considered valid. It was of the utmost importance that the national liberation movements that had been recognized by the United Nations should play a part in the struggle against terrorism. Hence 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 was worthy of careful consideration. The exercise of defining international terrorism, although difficult, could throw useful light on the question and make the struggle against terrorism more effective. The problem of terrorism was above all a political one, and it was at the political level that it must be addressed. A basic agreement, reached by consensus, could facilitate the adoption of more effective instruments and measures to combat terrorism.

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(Mr. Ben Abdallah, Tunisia)

17. It was in the interest of all to be more dispassionate in debating the question and to consider carefully any initiative that might give new impetus to the process, which had been so protracted, aimed at ending the plague of terrorism. The realistic and conciliatory spirit which had prevailed during the past two sessions of the General Assembly at which the question of international terrorism had been discussed would help the Committee to decide on concrete measures that could be applied by all.

18. Mr. ROSENSTOCK (United States of America) said that his delegation was taking the floor in the debate on terrorism with a tragic bond in common with the United Nations - the loss to terrorism of one of their own, United Nations peace-keeper William Richard Higgins. It was sad to think that the world was still plagued by terrorism, which had first been placed in the United Nations agenda nearly two decades before. Clearly, the problem concerned everyone, as terrorists did not confine their actions to a single country or region. Terrorism was in all respects a global phenomenon, and it required a global response. The international community had already responded in a number of ways, as evidenced by the pertinent resolutions of the General Assembly and the Security Council, as well as the conventions elaborated by ICAO and IMO. The Security Council's action on plastic explosives and the follow-up by ICAO offered a superb example of co-operation within the United Nations system. As a nation which had lost so many of its most promising young people in the tragic explosion of the Pan American aircraft in December 1988, his delegation applauded that development, and was especially appreciative of the role played throughout by Czechoslovakia and the United Kingdom. The international consensus rejecting terrorism was clearly deepening and broadening. Like the representative of Tunisia, he welcomed the increasingly constructive tone of the debate on the item in the Sixth Committee.

19. More needed to be done, however. Member States must continue to make clear, in both their actions and their statements, that they would never allow terrorism to become a tool for pursuing political objectives or effecting changes in relations among States. He urged them to use the deliberations in the Sixth Committee to form a consensus to make the strongest possible statement against terrorism. He also urged them to agree that it was not necessary for the Committee to address the use of force by States in order to deal with the terrorism item. The rules concerning such use of force were clear. They were set out in Article 2, paragraph 4, of the Charter of the United Nations, and nothing could be added to the meaning of that paragraph by seeking to apply the term "terrorism" to the use of force by States. The rules were also embodied in such instruments as the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations. Debating at the current stage, the long-standing issue of the use of force by States would not help to combat terrorism. Rather, it would dilute the Committee's efforts and change the whole focus of its deliberations. It was clear from the very title of the item that it concerned acts of violence by individuals or groups, informal or otherwise, which affected nationals of another State.

(Mr. Rosenstock, United States)

20. By the same token, it was neither necessary nor helpful to debate the issue of national liberation movements. His delegation reiterated its opposition to terrorism and its support for the struggle for self-determination, which were in no way contradictory. Indeed, it was terrorism, with its lack of regard for human life, which was inconsistent with the basic principles and tenets of self-determination. He urged members to reiterate their common conviction that terrorism was so heinous that its use could never be tolerated or justified in any struggle. Certainly, they could all stand firmly together against, and condemn in the strongest way possible, such acts as aircraft hijackings, bombings, hostage-taking and assaults on diplomats.

21. In addition to condemning and prohibiting acts of terrorism, the Committee should make every effort to eliminate the conflicts and instabilities which had provided the medium in which terrorism had grown. But those solutions were being worked on and debated by other committees. They were the focus of many of the over 150 other items on the agenda of the General Assembly. The Sixth Committee, therefore, should concentrate on finding better ways to control and combat terrorism.

22. His delegation agreed with the Soviet Union that there was a need for action on the basis of common agreement. While the United States was not inclined to believe that there was a need to create new institutions or bodies, it was prepared to consider the Soviet suggestions in the positive spirit in which they had been made.

23. In conclusion, his delegation suggested that the Committee should reiterate the universal condemnation of terrorism as acts which no cause could ever justify; call upon all States to use their political influence to secure the immediate and safe release of all hostages; call upon all States to fulfil their obligations under international law and to take effective and resolute measures for the speedy and final elimination of international terrorism, taking to heart the statement of the Canadian delegation on the importance of applying existing conventions; and call upon all States which were not parties to the conventions elaborated within the United Nations system to consider becoming parties so that perpetrators of terrorist acts would have no safe haven.

24. Mr. BEN-RAFAEL (Israel) said that international terrorism was an issue of grave concern to his nation, which had been victimized for years by internationally linked terrorism. Yet Israel was by no means the only victim, for international terrorism knew no geographical bounds and showed no sign of diminishing. The mid-air bombing of a civilian United States aircraft in December 1988 and of a civilian French aircraft in September 1989 were recent and chilling reminders of that reality. Although on a different scale, the murder of the leader of the Belgian Jewish community in Brussels in October 1989 was no less disturbing.

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(Mr. Ben-Rafael, Israel)

25. Meaningful international co-operation in the fight against international terrorism should focus on three areas. First, preventive security measures should be strengthened and improved. Innovative technologies were urgently required to anticipate and counter new and sophisticated means of terror which were developing at a rapid rate. Second, the conventional law enforcement framework should be strengthened by closing the gaps which enabled terrorists to escape punishment. Neither extortion nor the fear of extortion against a State holding a terrorist, nor the sympathy of a State for the aims of a terrorist group, should permit such criminals to evade justice. Third, comprehensive action should be taken against States which employed terror, whether directly or through the sponsorship of terrorist groups. It was clear that without the financial and logistic support of certain States and the provision of safe haven for terrorists, the danger of international terrorism would be greatly reduced. Without State support it was unlikely that terrorist actions such as the bombing of Pan American flight 103 could have been perpetrated.

26. His delegation welcomed the adoption of the three important new instruments concluded in the aviation and maritime fields during the two years since the General Assembly had last taken up the item under consideration. Israel was a signatory to each of those instruments and was proceeding towards their ratification. Mention should also be made of two new and significant initiatives introduced in international forums during the previous year. The first was the joint initiative by Czechoslovakia and the United Kingdom, undertaken following the Pan American bombing, to promote a convention on the marking of explosives for detectability. His delegation welcomed that initiative, which had led to the Security Council's unanimous adoption of resolution 635 (1989) and was greatly encouraged by the work in progress in the appropriate ICAO committee and the decision of the ICAO Assembly to convene a diplomatic conference in 1990 with a view to concluding such a convention.

27. The second initiative, adopted as policy at the 44th Annual Conference of the International Federation of Air Line Pilots' Associations (IFALPA), held at Helsinki in April 1989, focused on situations in which a terrorist, convicted of aviation terrorism, was pardoned or otherwise released prior to completing his term of imprisonment as a consequence of further acts of terror. The IFALPA policy recommended to ICAO the inclusion of a provision in all international conventions dealing with aviation terrorism which would enable States to nullify the effect of the premature release or pardon if such had been obtained by a subsequent offence referred to in one of the conventions. A person so released or pardoned would not be entitled to plead double jeopardy should he again be brought to trial for the original offence, nor to rely on a pardon or amnesty to terminate the continuation of his prison sentence. The IFALPA recommendation was not intended to prejudice legitimate use of the plea of double jeopardy, which was universally recognized and vital to the rule of law, but rather to prevent misuse of the plea whereby convicted terrorists might evade justice, thus undermining the rule of law. Israel supported the IFALPA recommendation, which by resolution of the ICAO Assembly had been referred to the ICAO Council for consideration. The initiative was a meaningful step towards bridging the gaps in international law enforcement and

(Mr. Ben-Rafael, Israel)

deserved careful study with a view to potential application in the case of acts of terrorism outside the aviation field. The Sixth Committee could play an important role in connection with those and other initiatives, both in articulating norms and in offering guidance to international bodies best equipped to develop practical and lasting solutions to specific aspects of the problem.

28. Turning to the question of convening an international conference to define terrorism and to differentiate it from the struggle of peoples for national liberation, he said that while General Assembly resolution 40/61 had marked a significant step forward in the international commitment to combat terrorism, resolution 42/159 had marked a regression, its unequivocal condemnation of terrorism being linked to a thinly-veiled attempt to legitimize acts of terror under the pretext of national liberation. Such an attempt was an affront to the universal right to self-determination and a disservice to those who sought to exercise that right legitimately. His delegation believed that an international conference along the lines envisaged in resolution 42/159 could serve no positive purpose and, in the absence of a common approach to a definition, could only lead to division, diverting the international community's attention and energy from the real task of substantive co-operation in the fight against terrorism.

29. Mr. ALI (Democratic Yemen) said that the problem of terrorism, which affected all States, must be addressed collectively if the underlying causes of terrorist acts were to be eliminated. Agreement on a definition of terrorism was fundamental to the achievement of a consensus on the phenomenon and would also help in the process of identifying more effective ways to fight it. In that context, the convening of an international conference to define terrorism and to differentiate it from the struggle of peoples for national liberation would be of great benefit.

30. The two elements of the agenda item under consideration were closely linked. The first (measures to prevent international terrorism), besides addressing activities which endangered or took innocent human lives, should also cover activities which infringed human rights, the right of peoples to self-determination and their right to choose the path of their future development. The second element (a study of the underlying causes) was essential if terrorism was to be stamped out.

31. His country strongly condemned acts of terrorism, whether carried out by individuals, groups or States, and supported collective international efforts in the framework of the United Nations and other intergovernmental organizations to eliminate terrorism. It had acceded to a number of pertinent conventions, including the Convention for the Suppression of Unlawful Seizure of Aircraft and the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, despite the omission of any reference to that effect in document A/44/456, and expected to accede to a number of other related conventions in the near future.

32. His delegations concern at the substantial increase in acts of terrorism was heightened by the continuing escalation of terrorism against the Palestinian people in the occupied territories, as well as by the repression of the majority of South

(Mr. Ali, Democratic Yemen)

Africa's population under that country's apartheid régime. Those and other aspects of terrorism required closer attention and decisive action on the part of the international community.

33. Mr. HAMPE (German Democratic Republic) said that growing agreement within the international community concerning the need to intensify efforts to combat terrorism was reflected in the international instruments drafted and adopted during the two years which had elapsed since the issue had last been considered in the Sixth Committee. His country supported those instruments, endorsed the relevant passages of the concluding document of the Vienna meeting of the Conference on Security and Co-operation in Europe and welcomed Security Council resolutions 635 (1989) and 638 (1989) dealing with different aspects of the same issue.

34. His country's views were reflected in the letter addressed to the Secretary-General by a number of socialist States (A/C.6/44/4) containing, inter alia, a number of suggestions aimed at making better use of the United Nations potential, including the idea of setting up a fact-finding body to deal with acts of international terrorism. The existence of such a body would help to prevent an escalation of friction between States which occurred whenever countries were unilaterally accused of participating in an act of international terrorism. The suggestion was in line with proposals for further developing the fact-finding capabilities of the United Nations. Another suggestion put forward in the letter was that of examining the possibility of setting up, within the United Nations Secretariat, a centre on problems of international terrorism. The letter also suggested that consideration should be given to the possibility of drafting a convention on the physical protection of chemical and biological materials - inter alia, against terrorist acts - along the lines of the Convention on the Physical Protection of Nuclear Material, prepared within the framework of the International Atomic Energy Agency (IAEA), which had entered into force in 1987. In that connection, he wished to stress that co-operation in combating acts of international terrorism should be encouraged above all by making full use of existing legal instruments, and, if necessary, through the elaboration of new ones. The joint proposal by Czechoslovakia and the United Kingdom for the preparation of a new legal instrument regarding the marking of explosives for detectability was a realistic one which could yield concrete results in a foreseeable future. It was to be hoped that ICAO would conduct its work on the subject in a result-oriented manner. The marking of plastic explosives did not, however, affect the security of civil aviation alone. The problem was an extremely complex one, and the drafting of a comprehensive convention on the matter might be a suitable task for the Sixth Committee.

35. After listing the international agreements pertaining to the fight against international terrorism to which his country was a party and describing recent amendments to his country's Penal Code designed to establish a closer relationship between national penal law and the protection of certain aspects of international life, he had said that the struggle against international terrorism could only be successful if the root causes of the phenomenon were eradicated. His delegation believed that conditions for improving co-operation among States to that end were favourable.

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36. Mr. RAZMI (Afghanistan) said that the adoption of General Assembly resolution 42/159 had not been the first occasion on which the world community had revealed its concern at international terrorism nor, the only time when it had urged all States to fulfil their obligations under international law and to prevent the preparation and organization in their territory, for commission within or outside their territory, of terrorist acts and subversive acts directed against other States and their citizens. In adopting the resolution, the General Assembly had been well aware that international terrorism was in some cases encouraged by States for political reasons. While condemning all acts and all forms of international terrorism, wherever and by whomever committed, his Government fully shared the General Assembly's justifiable concern, expressed in the same resolution, with the possibility of State involvement in terrorist acts, a concern with particular relevance to Afghanistan, where "organizing, instigating, assisting or participating in terrorist acts in other States, or acquiescing in activities within their territory directed towards the commission of such acts" had become the daily practice of some States. The international community should do its utmost to put an end to that form of international terrorism, as indeed to all other cruel acts of terrorism whether committed by individuals or by groups. That could be achieved if all States fulfilled their international obligations and gave overriding priority to combating terrorism.

37. His Government shared the view that the problem of international terrorism could be resolved by eradicating its underlying causes, and considered that 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 could represent an appropriate step in that direction.

38. Mr. HUNJA (Kenya) reaffirmed his country's unreserved condemnation of all forms of terrorism. Terrorists, wherever they existed, must be hunted down and offered no safe haven. However, most acts of terrorism resulted from the frustration of certain political aspirations. Attempts to stamp out international terrorism would therefore never be fully successful if there was no concomitant attempt to remove the underlying causes. The adoption of a large number of international conventions against various forms of terrorism and the general acceptance of such conventions were highly commendable. That notwithstanding, most of the conventions in question dealt with specific acts of terrorism and constituted reactions to a certain terrorist act. Furthermore, despite the existence of the relevant conventions, international terrorism did not appear to be on the wane.

39. Kenya had been one of the first countries in Africa to take up arms in order to achieve independence and self-determination, and its freedom fighters had been labelled terrorists and punished as common criminals. Kenya had never believed that they were terrorists. A parallel situation currently existed in South Africa, where the illegal racist régime practised State terrorism against its neighbours with impunity, and where freedom fighters were labelled terrorists. Since such a definition was unacceptable, Kenya believed that an international conference to consider such contradictions would be useful.

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40. Mr. ALZATE (Colombia) said that consideration of the issue of terrorism must reveal the merciless reality in many countries. In considering the acts and situations in question, the members of the Committee must appreciate the anguish and violence to which terrorism gave rise, while reaffirming their rejection of terrorism, which must be translated into appropriate concerted action. The necessary political will on the part of States was therefore an element of prime importance.

41. International developments over the past few years had shown that, in addition to adopting legal measures to prevent terrorism in their own territories, the members of the international community must endeavour to develop practical forms of co-operation, beginning with a conference to harmonize principles, to stress the international responsibility of States, and to place emphasis on domestic control of factors that promoted violence in the territories of other States, including the means of transport by air, land or sea used for that purpose. Terrorism must be condemned in all its forms, and those who promoted terrorism and provided leadership or instruction in that connection must also be condemned.

42. Colombia was being taken by assault by terrorism, and innocent individuals were dying day after day. In a struggle unprecedented in Colombia's history, the Colombian authorities were stepping up their efforts to track down those responsible. However, weapons and those who trained the terrorists came from a number of countries where insufficient action was being taken to contribute to world peace. The struggle against narco-terrorism being waged by Colombia had become more intense; in the mean time, mercenaries from countries that were benefiting from Colombia's struggle against drugs were furthering their acquaintance with violence, and shipments of weapons and ammunition were being made.

43. Colombia had ratified a whole range of multilateral and bilateral instruments to prevent and punish acts of terrorism, and was also a party to a number of bilateral agreements on extradition that covered the acts of terrorism dealt with in the Colombian Criminal Code and in Colombian laws. Furthermore, Colombia was considering becoming a party to the Protocol for the Suppression of Unlawful Acts of Violence at Airports serving International Civil Aviation in the near future.

44. There was no place for terrorism in a civilized world, even in cases where its underlying causes were political. The right of peoples to fight oppression must be realized by means that did not indiscriminately endanger the population of any given country. Similarly, it was irresponsible to attribute responsibility to liberation movements for acts not carried out by them. The international community must take a cautious approach in defining international terrorism, and must delimit clearly each individual activity. Furthermore, acts of terrorism perpetrated by organized criminals to achieve their ends must be rejected.

45. As a member of the Security Council, Colombia had supported Security Council resolution 635 (1989), which, inter alia, urged ICAO to intensify its work on devising an international régime for the marking of plastic or sheet explosives for the purpose of detection. It had also condemned all acts of terrorism at the

(Mr. Alsate, Colombia)

recent Summit Meeting of Heads of State or Government of Non-Aligned Countries. At that summit meeting, it had been agreed that particular attention should be devoted to the links between terrorist groups and drug traffickers and their paramilitary gangs. Colombia's policy on such matters took a practical form, and the entire country had risen up against terrorism. However, its resistance to terrorism would be insufficient, because there were external factors that must be taken into account; those who sold weapons to narco-terrorists were even more responsible than drug addicts themselves for the violence engendered by drugs. The international community must therefore ensure that that deadly trade was ended.

46. Mr. MATAIRA (New Zealand) said that his delegation supported the suggestion made by the Legal Counsel that the Secretary-General's report should continue to contain an annex on the state of signatures of, and ratifications of or accessions to international conventions relating to various aspects of the problem of international terrorism.

47. The illegal use of force by one State against another had been outlawed by the United Nations Charter. International terrorism could be just as disruptive of inter-State relations as State violence and must be just as strongly condemned. It presented a direct threat to innocent human lives, and the consequence of that threat was a climate of fear from which no one was immune. New Zealand wished to reaffirm its Deputy Prime Minister's denunciation of terrorism in 1985. Terrorism in all its forms must be eliminated. No cause, however just, and no goal, however worthy, could justify the terrorist in taking or risking the lives of innocent people. International law established a clear rule that even in time of war it was illegal and inhuman for combatants deliberately or recklessly to use force against a civilian population. It was obvious that what was regarded as unacceptable conduct in time of war was all the more outrageous if perpetrated against the civilian population in time of peace. International terrorism had become a many-headed monster, and both commitment and co-operation were needed if it was to be curbed.

48. The consensus attained on General Assembly resolution 40/61 had been a major endorsement of the judgement that international terrorism could not be justified. The condemnation of terrorism in that resolution had sent a clear signal to anyone involved in the export of such violence, and was another important step taken by the United Nations to reaffirm faith in the dignity and worth of the human person. General Assembly resolution 42/159 had again reaffirmed that faith.

49. The international community had shown itself capable in the past of responding appropriately to threats to international order. For example, the great majority of countries had moved swiftly to become parties to the 1970 Hague Convention and the 1971 Montreal Convention (and the earlier Tokyo Convention) in order to help to ensure that hijackers were brought to justice. When international terrorism had re-emerged in other forms, the international community had again responded with co-operation at the practical level, in the form of the 1973 Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, and the International Convention of 1979 against the

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(Mr. Mataira, New Zealand)

Taking of Hostages. Full compliance with those conventions was essential to discourage terrorist acts.

50. New Zealand was a party to all five of the conventions listed in the annex to the Secretary-General's report. It was pleased to note the large number of recent ratifications of the conventions, and hoped that other Governments that had not yet become party to the conventions would do so in the near future. Although work remained to be done to fill the gaps left by the existing conventions, New Zealand was pleased to note the recent progress by ICAO, IMO and other organisations, as indicated in the Secretary-General's report, and wholeheartedly supported the initiatives in question. The measures formulated to date to combat terrorism demonstrated that there were steps that could be taken that did not require a precise and comprehensive definition of terrorism. But that was not to say that such a definition, in the context of a comprehensive convention, would not be an important step.

51. New Zealand continued to support the development of a comprehensive approach to international terrorism. Until such time as an international consensus on wider concerted action developed, the members of the international community must increase their efforts domestically, and also through co-operation at the global and regional levels, to strengthen their adherence to the conventions and measures already in place and to develop them. The ongoing work to fill the gaps left by the existing conventions on particular types of terrorist action would also need to continue. No area of the world could afford to consider itself excluded from the threat of terrorism. Increased co-operation on anti-terrorist measures had taken place in recent years amongst States members of the South Pacific Forum. New Zealand strongly urged all countries to pursue similar regional initiatives.

52. Mr. ROJANAPHRUK (Thailand) said that the fight to eliminate international terrorism required effective co-operation by the international community. His Government firmly supported international efforts to combat terrorism in accordance with established principles of international law. It welcomed the efforts undertaken by ICAO to promote universal compliance with international air-security conventions, to which it was a party. His country was also considering becoming a party to other relevant multilateral agreements. Thailand took seriously its obligation to combat international terrorism: those responsible for the recent hijacking of a Myanmar domestic aircraft, which had been forced to land in Thailand, were being tried under Thai domestic law enacted in accordance with the provisions of the aforementioned international civil aviation conventions.

53. In order to combat international terrorism effectively, it was necessary to ensure that existing enforcement measures were utilized to the fullest extent and that the principle of prosecuting or extraditing international terrorists was strictly observed. States must co-operate in the apprehension and prosecution or extradition of perpetrators of terrorist acts and exchange relevant information concerning the prevention of terrorism.

54. Mr. BADAWI (Egypt) said that the efforts of the United Nations and its specialized agencies to combat terrorism deserved the full support of the international community. His Government had acceded to all the pertinent international conventions and had taken the initiative, together with Austria and Italy, in ratifying the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation. It had also welcomed Security Council resolution 635 (1989), which urged ICAO to devise a legal instrument regarding the marking of plastic or sheet explosives. Other Member States could contribute significantly to action against terrorists and their supporters by acceding to such conventions and fully complying with their related obligations.

55. At a time when the concept of interdependence was winning ever greater recognition, there was a need for extended international co-operation against terrorism. Paragraph 5 of General Assembly resolution 42/159 outlined the obligations of States in that respect, while paragraph 8 of the same resolution urged them to contribute to the progressive elimination of the causes underlying international terrorism. Special attention to the situations described in that paragraph was essential if violence and counter-violence were to be eradicated. Some might interpret paragraph 14 of the resolution as a means of condoning terrorism as a struggle for a specific cause. However, the legitimate struggle of peoples - as recognised in international law - for self-determination or against foreign occupation should not be confused with deliberate criminal action against innocent civilians. On the other hand, if it was true that innocent civilians had fundamental rights and freedoms which must be respected, the international community must recognize that peoples living under foreign occupation, colonial domination and racist régimes had similar rights.

56. His Government was continuing to urge that international co-operation against terrorism be intensified. However, such co-operation would be of no avail in the absence of a consensus and a readiness on the part of all Member States to engage in collective action. A serious and frank dialogue between all States and geographical groups was required, with a view to achieving consensus in both the legal and the political senses. While in agreement with much of draft resolution A/C.6/44/L.2, his delegation felt that the omission of a number of paragraphs which had been included in previous General Assembly resolutions on that subject might affect it adversely. The non-aligned countries would be addressing those shortcomings, and it was to be hoped that prompt negotiations among all geographical groups would result in the consensus adoption of a universally acceptable text.

57. Mr. BLANC (France), speaking on behalf of the 12 States members of the European Community, said that terrorism was a universal scourge from which no State was safe, as the Twelve knew from bitter experience. The Twelve solemnly reaffirmed their condemnation of terrorism in all its forms. No cause, however legitimate, could justify the use of violence and terror. Terrorism not only threatened the safety of individuals, but also jeopardized friendly relations among States and therefore endangered international stability. Recent terrorist attacks, especially those involving airliners, were a reminder of the urgent need for States to unite and stand firm against the danger.

(Mr. Blanc, France)

58. The States members of the European Community reaffirmed their support for General Assembly resolutions 40/61 and 42/159 and Security Council resolution 579 (1989), which had marked an important stage in the international response to terrorism and paved the way for constructive and practical co-operation between States in fighting terrorism. Each State must refuse to support or provide refuge for factions or movements likely to resort to terror and adapt its domestic legal arsenal to the requirements of a struggle which usually extended beyond national boundaries and legal systems. A stricter application of the "extradition or prosecution" principle, combined with improved procedures for international judicial co-operation, would make it easier to hunt down criminals involved in terrorist acts. In the area of prevention, effective airport controls were essential for the safety of civil aviation.

59. The Twelve appealed to all States which had not yet done so to consider becoming party to the international conventions relating to various aspects of international terrorism referred to in General Assembly resolution 42/159. Furthermore all States, once they became parties to those conventions, must take the necessary measures to apply them within their territories.

60. The Twelve were convinced that the best way to combat terrorism was to take an approach which avoided generalities and focused on specific terrorist acts. Such a pragmatic approach had proved effective in the past. In the past two years, three new legal instruments elaborated by ICAO and IMO had provided States with specific means of fighting terrorism. The work undertaken by ICAO on devising an international régime for the marking of plastic or sheet explosives for the purpose of detection also deserved attention.

61. On the other hand, any approach likely to result in protracted, abstract discussions should be avoided. In that connection, the Twelve reaffirmed their opposition to the convening of the international conference referred to in paragraph 12 of General Assembly resolution 42/159, which could undo the progress already achieved with regard to international co-operation against terrorism. Such an exercise would only perpetuate the false idea that there was a link between terrorism and the exercise of the right to self-determination. The views of the Twelve were reflected to a large extent in draft resolution A/C.6/44/L.2, of which all the States members of the European Community were sponsors.

62. Mr. GILL (India) said that his country viewed the continuing incidence of terrorism around the world, including assassinations, kidnappings and hijackings, with a deep concern reflected in the number of initiatives which it had undertaken at the regional and international levels. It was at his country's initiative that a chapter on terrorism had been included in the declaration adopted by the Meeting of the Co-ordinating Bureau of the Movement of Non-Aligned Countries held at New Delhi in 1986. India had also played an important role in the drafting of General Assembly resolution 42/159, which had been adopted by consensus. His country was a party to the international conventions relating to various aspects of international terrorism and had participated in the negotiations on the draft convention relating to maritime safety under the auspices of IMO. It had also been among the member

(Mr. Gill, India)

States of the South-Asian Association of Regional Co-operation which had signed a Convention on the Suppression of Terrorism. At the bilateral level, India had entered into extradition agreements with a number of countries to facilitate the extradition and prosecution of fugitive offenders alleged to have committed acts of terrorism. Domestically, it had enacted legislation outlawing terrorist acts.

63. His Government firmly believed that if terrorism was to be completely eradicated, it was essential to address its underlying causes. If violence was to be curtailed or eliminated, the aspirations of peoples struggling for freedom must be fulfilled, as it was precisely against such people that violence was frequently directed. Accordingly, he supported the establishment of a definition of terrorism as referred to in General Assembly resolution 42/159.

64. Acts carried out with a view to undermining the political or territorial sovereignty of States were also terrorist acts from which all States had a responsibility to refrain. The activities of mercenaries and those acts which came under the rubric of State terrorism were no less serious than terrorist acts against individuals. His country was participating in the negotiations on the drafting of an international convention against the recruitment, use, financing and training of mercenaries.

65. His country believed that co-operation among the member States of the United Nations was a key element in combating the growth of international terrorism. Such co-operation could take the following forms: States which had not yet done so should become parties to the international conventions relating to various aspects of international terrorism and should implement them through appropriate domestic legislation; terrorists should be subject to severe penalties; States should take note of the growing menace of "narco-terrorism" and consider appropriate measures to combat it; States should refrain from acts of terrorism and should not sponsor or support such acts; acts of terrorism should not be treated as political offences; and judicial co-operation between States should be strengthened so that terrorists could be brought to account as soon as possible. The principles of peaceful coexistence, non-intervention and non-interference by States in the affairs of other States must be recognized and upheld in practice as part of the effort to eradicate terrorism.

66. Mr. THEUAMBOUNMY (Lao People's Democratic Republic) said that his country shared the concerns of the international community with regard to the criminal phenomenon of international terrorism. Senseless acts of terrorism not only endangered innocent human lives but also destabilized international relations and were likely to create new hotbeds of tension at the regional and global levels.

67. His delegation welcomed General Assembly resolutions 40/61 and 42/159 and firmly supported the efforts made to date by the United Nations and the specialized agencies in the co-ordination of measures to prevent and combat international terrorism. In the same spirit, it welcomed the recent adoption of new legal instruments by ICAO and IMO. It also supported the proposal made by the group of socialist countries for the creation of a fact-finding body within the United Nations Secretariat to deal with acts of international terrorism.

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

68. His country favoured the proposal for the convening of an international conference under the terms of General Assembly resolution 42/159. Such a conference could have positive results only if all Members of the Organization participated in it and reached a consensus. That would be difficult, however, for certain countries were openly attempting to equate national liberation movements with terrorism.

69. His Government, like the rest of the international community, recognized and respected the legitimacy of the struggle of peoples for the exercise of their inalienable rights to self-determination and independence. It unwaveringly condemned all those who, under the pretext of fighting international terrorism, resorted to violent and illegal means which jeopardized the sovereignty and territorial integrity of other States. Measures to prevent and eliminate international terrorism must be taken in accordance with the principles of international law and the Charter of the United Nations.

70. Mr. SALLAM (Yemen) said that the world must, while dealing decisively with international terrorism, respect the right of peoples to self-determination and their right to resist occupation, tyranny and racial discrimination by all means, including armed struggle. Examples of Israel's official terrorism - including its continued occupation of Arab territories, repeated acts of aggression against Arab States, arbitrary action against the heroes of the Palestinian uprising, further development of its military and nuclear capabilities, continued refusal to adhere to the Treaty on the Non-Proliferation of Nuclear Weapons and persistence in testing intermediate-range missiles - constituted the most dangerous and disgraceful manifestations of terrorism not only in the Middle East but in the world as a whole.

71. His country's participation in the work of the Ad Hoc Committee on International Terrorism and accession to the pertinent international conventions were proof of its vigorous interest in the subject. It considered acts of terrorism to be immoral and could not subscribe to the theory whereby the ends justified the means.

72. Mr. TOLENTINO (Philippines) said that terrorism was a potential threat to all countries, either directly or indirectly. Victims of terrorist activities were not limited to individuals, but extended to the international community as a whole, particularly when relations between States were severed as a result of such activities. The Philippines shared the growing concern at the alarming increase in international terrorism and at the results achieved thus far in combating that scourge. No cause or objective could ever justify terrorism, which was an assault on the most fundamental of human rights - the right to live. Perpetrators claimed responsibility for acts of terrorism which were often tolerated, supported or even induced by States, which, as subjects of international law, were as guilty as the principals. Terrorism was a threat to the foundation laid for a whole series of generally accepted principles of international law. A climate of security must therefore be created in the world in order to restore faith in the ability of Governments to give effect to the principles of international law in question.

(Mr. Tolentino, Philippines)

73. The Philippine Government periodically considered the implementation of a number of relevant international instruments in order to ensure that they were enforced in the Philippines. States must fulfil their obligations under the instruments in question by taking appropriate preventive and punitive measures at the national level. States that had not yet done so were repeatedly called upon to become party to the existing international instruments. However, the moral commitment and determination of each State to honour the principles of peace and security were perhaps equally important. In that connection, he wished to refer to General Assembly resolution 40/61 and to the relevant Security Council resolutions. The trend for combating international terrorism was set, and the members of the international community had agreed in substance. They must now agree on effective methodology. One important measure that called for a concerted effort on the part of the international community was the denial of a safe haven for terrorists. The Philippines valued the fundamental obligation set forth in most international instruments to extradite or prosecute terrorists, and it was willing to co-operate in every way to hasten the acceptance of that concept as a norm of international law.

74. The Philippines saw no contradiction between combating terrorism, on the one hand, and supporting a people's right to self-determination, freedom and independence, on the other. It had not forgotten its own struggle for independence and recognized the inalienable right of all peoples under colonial domination, a racist régime, or any other form of foreign domination to self-determination and independence. With regard to the proposal that an international conference to define terrorism should be convened, the Philippines shared the view that general agreement should be reached on the basis on which such a conference should be held.

75. Mr. KOZUBEK (Czechoslovakia) said that international terrorism was inadmissible in all forms and manifestations, no matter where, by whom and under what pretexts terrorist acts were committed. Czechoslovakia was in favour of broad international co-operation with a view to elaborating effective ways of combating terrorism. A prerequisite for such co-operation was that as many States as possible should support the relevant international conventions. Czechoslovakia was a party to a whole series of relevant international conventions, and internal steps were being taken with a view to ratifying the Protocol for the Suppression of Unlawful Acts of violence at Airports Serving International Civil Aviation, the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, and the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms located on the Continental Shelf. Czechoslovakia's newly assumed international obligations would be duly reflected in its domestic legislation.

76. Even the best provisions of international treaties were ineffective unless they were accompanied by a sincere political will to implement them. A selective approach to the suppression of terrorist acts was unacceptable. Quite recently Czechoslovakia had witnessed such an approach on the part of one of its neighbours, which had shown leniency towards the hijackers of a civil aircraft and refused Czechoslovakia's request for their extradition.

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(Mr. Kozubek, Czechoslovakia)

77. As indicated in the letter dated 15 June 1989 from the Permanent Representatives of Czechoslovakia and the United Kingdom addressed to the Secretary-General (A/44/328), one of the ways of preventing terrorist acts was to limit the possibilities for terrorist groups and individual terrorists to obtain instruments for their dangerous activities. A contribution in that direction had been the joint proposal of Czechoslovakia and the United Kingdom to work out an international convention on the marking of plastic and sheet explosives for detection purposes. It was urgent to come to grips with that issue. The idea in question had won the support of the Security Council, as expressed in resolution 635 (1989), and many States had made positive comments in that connection. Czechoslovakia appreciated the work carried out by ICAO, which had created optimal conditions for the elaboration and adoption of a convention on the subject in the near future. In addition to marking, such a convention should ban exports and imports of unmarked explosives and make it a duty of States to seize any unmarked explosives found. If such a convention was to be effective, all States producing plastic and sheet explosives must become a party to it. Moreover, the General Assembly and the Sixth Committee should play a role in the conclusion and speedy implementation of the convention, and Member States should therefore consider what that role might be.

78. Specific proposals concerning the potential of the United Nations regarding efforts to eliminate international terrorism were set forth in the letter from the Permanent Representatives of six Eastern European countries addressed to the Secretary-General (A/C.6/44/4). Furthermore, in accordance with General Assembly resolution 42/159, paragraph 8, Czechoslovakia supported efforts to remove the causes of international terrorism. Lastly, with regard to the proposal that an international conference should be convened, Czechoslovakia believed that there should be an exchange of views on how useful such a forum might be, provided that all proposals concerning specific measures against international terrorism put forward at the current session were considered, and provided that consensus was reached on the agenda for such a conference.

The meeting rose at 1 p.m.