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Agenda item 156

Measures to eliminate international terrorism

Report of the Sixth Committee

Rapporteur: Mr. Metod Špaček (Slovakia)

I. Introduction

1. The item entitled “Measures to eliminate international terrorism” was included in the provisional agenda of the fifty-eighth session of the General Assembly pursuant to Assembly resolution 57/27 of 19 November 2002.

2. At its 2nd plenary meeting, on 19 September 2003, the General Assembly, on the recommendation of the General Committee, decided to include the item in its agenda and to allocate it to the Sixth Committee.

3. The Sixth Committee considered the item at its 2nd, 6th to 9th and 20th to 22nd meetings, on 2, 15, 17 and 20 October and from 3 to 5 November 2003. The views of the representatives who spoke during the Committee’s consideration of the item are reflected in the relevant summary records (A/C.6/58/SR.2, 6-9 and 20-22).

4. For its consideration of the item, the Committee had before it the following documents:

Report of the Ad Hoc Committee established by General Assembly resolution 51/210 of 17 December 1996¹

Report of the Secretary-General (A/58/116 and Add.1)

Letter dated 12 May 2003 from the Chargé d’affaires a.i. of the Permanent Mission of the Libyan Arab Jamahiriya to the United Nations addressed to the Secretary-General (A/58/78-S/2003/541)

¹ *Official Records of the General Assembly, Fifty-eighth Session, Supplement No. 37 (A/58/37).*

Letter dated 10 June 2003 from the Permanent Representative of the Russian Federation to the United Nations addressed to the Secretary-General, transmitting the declaration by the heads of State of the members of the Shanghai Cooperation Organization, signed in Moscow on 29 May 2003 (A/58/94-S/2003/642)

Letter dated 9 July 2003 from the Permanent Representative of Kazakhstan to the United Nations addressed to the Secretary-General, transmitting a joint statement issued at Almaty on 5 July 2003 by the heads of State of the members of the Central Asian Cooperation Organization (A/58/131-S/2003/703)

Identical letters dated 12 August 2003 from the Permanent Representative of the Syrian Arab Republic to the United Nations addressed to the Secretary-General and the President of the Security Council (A/58/271-S/2003/808)

Letter dated 20 August 2003 from the Permanent Representative of Malaysia to the United Nations addressed to the Secretary-General, transmitting a statement issued on 20 August 2003 by the Non-Aligned Movement on the bomb attack against the headquarters of the United Nations Assistance Mission for Iraq, in Baghdad on 19 August 2003 (A/58/302)

Note verbale dated 22 August 2003 from the Permanent Mission of Mali to the United Nations addressed to the Secretary-General (A/58/315-S/2003/845)

Letter dated 11 September 2003 from the Permanent Representative of the Russian Federation to the United Nations addressed to the Secretary-General (A/58/361-S/2003/877)

Letter dated 24 September 2003 from the Permanent Representative of Kazakhstan to the United Nations addressed to the Secretary-General, transmitting the declaration adopted by the participants of the First Congress of Leaders of World and Traditional Religions, held in Astana, on 23 and 24 September 2003 (A/58/390-S/2003/916)

Letter dated 3 October 2003 from the Islamic Republic of Iran to the United Nations addressed to the Secretary-General, transmitting the final communiqué of the annual coordination meeting of Ministers for Foreign Affairs of the Organization of the Islamic Conference, held at United Nations Headquarters on 30 September 2003 (A/58/415-S/2003/952)

Letter dated 2 October 2003 from the Permanent Representative of Malaysia to the United Nations addressed to the Secretary-General, transmitting the declaration and the statement on Palestine adopted at the meeting of the Ministers for Foreign Affairs of the Non-Aligned Movement, held at United Nations Headquarters on 26 September 2003 (A/58/420)

Identical letters dated 8 October 2003 from the Permanent Representative of Israel to the United Nations addressed to the Secretary-General and the President of the Security Council (A/58/424-S/2003/972)

Identical letters dated 9 October 2003 from the Permanent Representative of Israel to the United Nations addressed to the Secretary-General and the President of the Security Council (A/58/425-S/2003/976)

Report of the Working Group on measures to eliminate international terrorism (A/C.6/58/L.10)

5. Pursuant to paragraph 18 of General Assembly resolution 57/27, the Committee, at its 2nd meeting, on 6 October, established a working group to continue the elaboration of a draft comprehensive convention on international terrorism, with appropriate time allocated to the continued consideration of outstanding issues relating to the elaboration of a draft international convention for the suppression of acts of nuclear terrorism, and to keep on its agenda the question of convening a high-level conference under the auspices of the United Nations to formulate a joint organized response of the international community to terrorism in all its forms and manifestations. At the same meeting, the Committee re-elected Rohan Perera (Sri Lanka) as Chairman of the Working Group, which held three meetings, on 6, 8 and 10 October.

6. At the 6th meeting, on 15 October, the Chairman of the Ad Hoc Committee and the Working Group introduced the report of the Ad Hoc Committee¹ and the report of the Working Group (A/C.6/58/L.10) (see A/C.6/58/SR.6).

II. Consideration of draft resolution A/C.6/58/L.19

7. At the 20th meeting, on 4 November, the representative of Australia, on behalf of the Bureau, introduced a draft resolution entitled "Measures to eliminate international terrorism" (A/C.6/58/L.19), and orally revised it by inserting in operative paragraph 16 the dates for the next session of the Ad Hoc Committee, namely, 28 June to 2 July 2004.

8. At the 22nd meeting, on 5 November, the Secretary of the Committee made a statement regarding the programme budget implications of the draft resolution.

9. At the same meeting, the Committee adopted draft resolution A/C.6/58/L.19, as orally revised, without a vote (see para. 10).

III. Recommendation of the Sixth Committee

10. The Sixth Committee recommends to the General Assembly the adoption of the following draft resolution:

Measures to eliminate international terrorism

The General Assembly,

Guided by the purposes and principles of the Charter of the United Nations,

Recalling the Declaration on the Occasion of the Fiftieth Anniversary of the United Nations,¹

Recalling also the United Nations Millennium Declaration,²

Recalling further all General Assembly and Security Council resolutions on measures to eliminate international terrorism,

Convinced of the importance of the consideration of measures to eliminate international terrorism by the General Assembly as the universal organ having competence to do so,

Deeply disturbed by the persistence of terrorist acts, which have been carried out worldwide,

Reaffirming its strong condemnation of the heinous acts of terrorism that have caused enormous loss of human life, destruction and damage, including those which prompted the adoption of General Assembly resolution 56/1 of 12 September 2001, as well as Security Council resolutions 1368 (2001) of 12 September 2001, 1373 (2001) of 28 September 2001 and 1377 (2001) of 12 November 2001, and those that have occurred since the adoption of General Assembly resolution 57/27 of 19 November 2002,

Recalling its strong condemnation of the atrocious and deliberate attack against the headquarters of the United Nations Assistance Mission for Iraq in Baghdad on 19 August 2003 in General Assembly resolution 57/338 of 15 September 2003 and Security Council resolution 1502 (2003) of 26 August 2003,

Stressing the need to strengthen further international cooperation among States and among international organizations and agencies, regional organizations and arrangements and the United Nations in order to prevent, combat and eliminate terrorism in all its forms and manifestations, wherever and by whomsoever committed, in accordance with the principles of the Charter, international law and the relevant international conventions,

Noting the role of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism in monitoring the implementation of that resolution, including the taking of the necessary financial, legal and technical measures by States and the ratification or acceptance of the relevant international conventions and protocols,

¹ See resolution 50/6.

² See resolution 55/2.

Mindful of the need to enhance the role of the United Nations and the relevant specialized agencies in combating international terrorism, and of the proposals of the Secretary-General to enhance the role of the Organization in this respect,

Mindful also of the essential need to strengthen international, regional and subregional cooperation aimed at enhancing the national capacity of States to prevent and suppress effectively international terrorism in all its forms and manifestations,

Recalling the Declaration on Measures to Eliminate International Terrorism, contained in the annex to General Assembly resolution 49/60 of 9 December 1994, wherein the Assembly encouraged States to review urgently the scope of the existing international legal provisions on the prevention, repression and elimination of terrorism in all its forms and manifestations, with the aim of ensuring that there was a comprehensive legal framework covering all aspects of the matter,

Taking note of the final document of the Thirteenth Conference of Heads of State or Government of Non-Aligned Countries, adopted in Kuala Lumpur on 25 February 2003,³ which reiterated the collective position of the Movement of Non-Aligned Countries on terrorism and reaffirmed the previous initiative of the Twelfth Conference of Heads of State or Government of Non-Aligned Countries, held at Durban, South Africa, from 29 August to 3 September 1998,⁴ calling for an international summit conference under the auspices of the United Nations to formulate a joint organized response of the international community to terrorism in all its forms and manifestations, as well as other relevant initiatives,

Bearing in mind the recent developments and initiatives at the international, regional and subregional levels to prevent and suppress international terrorism,

Recalling its decision in resolutions 54/110 of 9 December 1999, 55/158 of 12 December 2000, 56/88 of 12 December 2001 and 57/27 that the Ad Hoc Committee established by General Assembly resolution 51/210 of 17 December 1996 should address, and keep on its agenda, the question of convening a high-level conference under the auspices of the United Nations to formulate a joint organized response of the international community to terrorism in all its forms and manifestations,

Aware of General Assembly resolution 57/219 of 18 December 2002,

Noting regional efforts to prevent, combat and eliminate terrorism in all its forms and manifestations, wherever and by whomsoever committed, including through the elaboration of and adherence to regional conventions,

Having examined the report of the Secretary-General,⁵ the report of the Ad Hoc Committee established by General Assembly resolution 51/210 of 17 December 1996⁶ and the report of the Working Group of the Sixth Committee established pursuant to resolution 57/27,⁷

³ A/57/759-S/2003/332, annex I.

⁴ See A/53/667-S/1998/1071, annex I, paras. 149-162.

⁵ A/58/116 and Add.1.

⁶ *Official Records of the General Assembly, Fifty-eighth Session, Supplement No. 37 (A/58/37)*.

⁷ A/C.6/58/L.10.

1. *Strongly condemns* all acts, methods and practices of terrorism as criminal and unjustifiable, wherever and by whomsoever committed;

2. *Reiterates* that criminal acts intended or calculated to provoke a state of terror in the general public, a group of persons or particular persons for political purposes are in any circumstances unjustifiable, whatever the considerations of a political, philosophical, ideological, racial, ethnic, religious or other nature that may be invoked to justify them;

3. *Reiterates its call* upon all States to adopt further measures in accordance with the Charter of the United Nations and the relevant provisions of international law, including international standards of human rights, to prevent terrorism and to strengthen international cooperation in combating terrorism and, to that end, to consider in particular the implementation of the measures set out in paragraphs 3 (a) to (f) of resolution 51/210;

4. *Also reiterates its call* upon all States, with the aim of enhancing the efficient implementation of relevant legal instruments, to intensify, as and where appropriate, the exchange of information on facts related to terrorism and, in so doing, to avoid the dissemination of inaccurate or unverified information;

5. *Reiterates its call* upon States to refrain from financing, encouraging, providing training for or otherwise supporting terrorist activities;

6. *Reaffirms* that international cooperation as well as actions by States to combat terrorism should be conducted in conformity with the principles of the Charter, international law and relevant international conventions;

7. *Urges* all States that have not yet done so to consider, as a matter of priority, and in accordance with Security Council resolution 1373 (2001), becoming parties to the relevant conventions and protocols as referred to in paragraph 6 of General Assembly resolution 51/210, as well as the International Convention for the Suppression of Terrorist Bombings⁸ and the International Convention for the Suppression of the Financing of Terrorism,⁹ and calls upon all States to enact, as appropriate, the domestic legislation necessary to implement the provisions of those conventions and protocols, to ensure that the jurisdiction of their courts enables them to bring to trial the perpetrators of terrorist acts, and to cooperate with and provide support and assistance to other States and relevant international and regional organizations to that end;

8. *Urges* States to cooperate with the Secretary-General and with one another, as well as with interested intergovernmental organizations, with a view to ensuring, where appropriate within existing mandates, that technical and other expert advice is provided to those States requiring and requesting assistance in becoming parties to the conventions and protocols referred to in paragraph 7 above;

9. *Notes with appreciation and satisfaction* that, consistent with the call contained in paragraph 7 of resolution 57/27, a number of States became parties to the relevant conventions and protocols referred to therein, thereby realizing the objective of wider acceptance and implementation of those conventions;

⁸ Resolution 52/164, annex.

⁹ Resolution 54/109, annex.

10. *Reaffirms* the Declaration on Measures to Eliminate International Terrorism, contained in the annex to resolution 49/60, and the Declaration to Supplement the 1994 Declaration on Measures to Eliminate International Terrorism, contained in the annex to resolution 51/210, and calls upon all States to implement them;

11. *Urges* all States and the Secretary-General, in their efforts to prevent international terrorism, to make the best use of the existing institutions of the United Nations;

12. *Welcomes* the efforts of the Terrorism Prevention Branch of the United Nations Office on Drugs and Crime in Vienna, after reviewing existing possibilities within the United Nations system, to enhance, through its mandate, the capabilities of the United Nations in the prevention of terrorism, and recognizes, in the context of Security Council resolution 1373 (2001), its role in assisting States in becoming parties to, and implementing, the relevant international conventions and protocols relating to terrorism;

13. *Invites* regional intergovernmental organizations to submit to the Secretary-General information on the measures they have adopted at the regional level to eliminate international terrorism;

14. *Welcomes* the important progress attained in the elaboration of the draft comprehensive convention on international terrorism during the meetings of the Ad Hoc Committee established by General Assembly resolution 51/210 of 17 December 1996 and the Working Group of the Sixth Committee established pursuant to General Assembly resolution 57/27;

15. *Decides* that the Ad Hoc Committee shall continue to elaborate a draft comprehensive convention on international terrorism, shall continue its efforts to resolve the outstanding issues relating to the elaboration of a draft international convention for the suppression of acts of nuclear terrorism as a means of further developing a comprehensive legal framework of conventions dealing with international terrorism, and shall keep on its agenda the question of convening a high-level conference under the auspices of the United Nations to formulate a joint organized response of the international community to terrorism in all its forms and manifestations;

16. *Decides also* that the Ad Hoc Committee shall meet from 28 June to 2 July 2004 to continue the elaboration of a draft comprehensive convention on international terrorism, with appropriate time allocated to the continued consideration of outstanding issues relating to the elaboration of a draft international convention for the suppression of acts of nuclear terrorism, that it shall keep on its agenda the question of convening a high-level conference under the auspices of the United Nations to formulate a joint organized response of the international community to terrorism in all its forms and manifestations, and that the work shall continue, if necessary, during the fifty-ninth session of the General Assembly, within the framework of a working group of the Sixth Committee;

17. *Requests* the Secretary-General to continue to provide the Ad Hoc Committee with the necessary facilities for the performance of its work;

18. *Requests* the Ad Hoc Committee to report to the General Assembly at its fifty-eighth session in the event of the completion of the draft comprehensive

convention on international terrorism or the draft international convention for the suppression of acts of nuclear terrorism;

19. *Also requests* the Ad Hoc Committee to report to the General Assembly at its fifty-ninth session on progress made in the implementation of its mandate;

20. *Decides* to include in the provisional agenda of its fifty-ninth session the item entitled "Measures to eliminate international terrorism".
