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Chairman: Mr. AL-QAYSI (Iraq)

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The meeting was called to order at 7.40 p.m.

AGENDA ITEM 129: 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: REPORT OF THE SECRETARY-GENERAL (continued) (A/40/445 and Add.1; A/40/269; A/40/399-S/17293; A/40/474, A/40/603-S/17438; A/40/620; A/C.6/40/3 and A/C.6/40/L.2 and L.3)

1. Mr. WANG HOULI (China) said that international terrorism not only affected people in their daily lives but also affected international peace and security. Since 1972, when the question of international terrorism was first placed on the agenda of the General Assembly, certain progress had been made in combating international terrorism as, for example, the elaboration of several conventions against terrorist activities. However, international terrorism had continued to increase and preventive and punitive measures had had little practical effect.
2. Efforts to eliminate the causes of international terrorism were far from satisfactory. Moreover terrorist activities were exploited by some as a means of discrediting the just struggles of peoples for national liberation.
3. All forms of terrorist activities should be condemned and stopped. That required the co-operation and joint action of all countries of the world and the strengthening of the effectiveness of international conventions on the subject. All States should strictly implement the treaty obligations that they had assumed, including those relating to the establishment of jurisdiction with regard to international terrorist activities, and should prosecute and extradite terrorists according to their respective legal procedures. Other effective measures for preventing and eliminating international terrorism should be studied, including the elaboration of new normative instruments to strengthen the international machinery to combat terrorism.
4. It was particularly important to ensure that all countries refrained from engaging in, or sponsoring, international terrorist activities. Those who resorted to terrorist policies and measures in order to achieve certain purposes should be held responsible for their actions.
5. The need to combat international terrorism should not lead people to overlook the importance of eliminating its causes. It was well known that the imperialist, colonialist, hegemonist and racist countries violated the sovereignty and independence of other States without regard for the norms of international law and invaded their territories by force of arms, in an effort to subvert their legitimate Governments and interfere in their internal affairs. They also slaughtered, expelled or persecuted innocent people, driving them from one place to another, plunging them into misery. In fact, those illegal acts constituted more serious international terrorist activities and were often the direct cause of other

(Mr. Wang Houli, China)

international terrorist activities. Apart from that, the ever-widening gap between the rich North and poor South had locked many developing countries into a situation which accentuated misery, frustration and despair prompting some people to commit terrorist acts at the risk of their own lives in an attempt to effect radical changes.

6. The international community should strengthen co-operation in an endeavour to eliminate the causes of international terrorism and to create conditions favourable for peace and development. China was ready to fulfil all its treaty obligations and to join in the common effort to prevent international terrorism.

7. Finally, he said that a clear distinction should be made between international terrorism and national liberation movements; the two were completely different in nature. The just struggle of the oppressed peoples for independence, freedom and the right to survival should have the support and assistance of all countries of the world. China, for its part, resolutely opposed any illegal act aimed at suppressing national liberation movements and at violating the sovereignty and territorial integrity of other States or interfering in their internal affairs.

8. Mr. DASTMALCHI (Islamic Republic of Iran) said that although the Islamic Republic of Iran had been the victim of terrorism supported by foreign Powers, it regretted that the political approach taken by certain States had prevented the Sixth Committee from undertaking a serious study of the question of international terrorism. According to one of the adversaries, Muslim Afghan combatants struggling for independence and freedom were terrorists and mercenaries, while the other called them freedom fighters; Moslems in southern Lebanon who were fighting to throw the Zionist occupier out of their homeland had been called terrorist fundamentalists by United States officials, while the Muslims of the regions hailed them as Mujahideen.

9. The Committee must study the underlying causes of acts of violence, namely, misery, frustration and despair, which caused some people to sacrifice their own lives in an attempt to effect radical changes. The signing of international conventions to eliminate terrorism would have no effect unless Member States fully and strictly observed their treaty obligations. It was ironic that some aggressive and terrorist Governments were sponsoring draft international conventions against terrorism. The Zionist terrorists had murdered thousands of innocent people to further usurp the Palestinian lands. The existence of hundreds of thousands of refugees in the region was the result of Zionist terrorism. The just struggle of the Palestinian people to regain their occupied homeland and to live in their own territory and the terrorist acts committed by the Zionist occupiers against Palestinian camps and Moslem people in southern Lebanon had nothing in common. Likewise the just struggle of the Afghan combatants who were sacrificing their own lives to liberate their country from foreign occupation had nothing in common with the aggressors who were seeking to subjugate the Afghan people so as to expand the dimensions of their hegemonist influence. The Islamic Republic of Iran strongly rejected all efforts to equate terrorism with the struggle of the oppressed peoples to liberate their homeland from foreign occupation and domination and to establish

(Mr. Dastmalchi, Islamic  
Republic of Iran)

justice and freedom. The aggressive acts of the Zionist occupiers in southern Lebanon, the air raids on the PLO headquarters in Tunis, the racial violence in South Africa and Namibia, the concerted acts of terrorism against the sovereignty and independence of Nicaragua, Angola and Mozambique and the acts of mass repression and murder against the Moslem people of Afghanistan deserved particular condemnation.

10. The Islamic Republic of Afghanistan was party to a number of important international conventions against terrorism; they had all been ratified and were applicable under its domestic legislation. In that connection he cited the Convention on Offences and Certain Other Acts Committed on Board Aircraft, signed at Tokyo in 1963, the Convention for the Suppression of Unlawful Seizure of Aircraft, signed at the Hague in 1970, the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, signed at Montreal in 1971, and the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, of 1973. He appealed to States which had not yet done so to become party to the existing international conventions to combat international terrorism.

11. Mr. AWAWDEH (Jordan) said that terrorism was a crime that affected innocent persons whether it was committed by an individual or by a State. On that point there could be no disagreement. God had created human beings and their rights included the safeguarding of their lives, liberty and dignity. All acts of terrorism, therefore, were crimes that should be punished.

12. It was the State's duty to do everything possible to safeguard human beings. Similarly, it had the right to protect its own sovereignty, independence and integrity. Nevertheless, his delegation considered that a distinction should be drawn between acts of terrorism against the legitimate rights of the human being and acts of resistance intended to recover rights that had been wrested away or human rights that had been flouted, for those who were subject to terrorism must struggle to defend themselves.

13. Jordan had always condemned all forms of terrorism. His Majesty King Hussein had reaffirmed before the General Assembly Jordan's opposition to all acts of terrorism, whoever the perpetrators might be.

14. The Jordanian delegation believed that the only way of combating the scourge of terrorism was for countries, particularly those which had not yet done so, to accede to the international conventions on the matter. It was also necessary for States to co-operate with each other in a humanitarian spirit, placing the greater interests of humanity above individual interests. Only in that way could terrorism be fought and its causes eliminated.

15. In conclusion, he said that his delegation was ready to co-operate in any joint effort to that end and would therefore support the proposal of Iraq and any declaration reflecting the fundamental principles of the struggle against terrorism.

16. Mr. LOULICHKI (Morocco) said that international terrorism was a complex phenomenon regarding which there was inevitable disagreement as to the causes and the steps that should be taken to prevent its manifestations. So far, such disagreement had been circumvented by the adoption of a series of conventions to suppress certain acts of terrorism, such as those directed against civil aviation or the taking of hostages, or the recommendations on practical measures of co-operation for the speedy elimination of the problem of international terrorism, adopted in 1979 by the Ad Hoc Committee on International Terrorism. Nevertheless, the proliferation of legal instruments had been unable to prevent persistent acts of terrorism.

17. Terrorism had various causes - political, economic, social and psychological. Undoubtedly individual or isolated acts could be explained by feelings of frustration and desire for revenge but terrorism had increasingly become a medium used to advance policies of expansion and hegemony. In that context, it was not possible to apply different criteria depending on the power of the perpetrators of such acts or of their allies, or to draw subtle distinctions on the basis of favourable relationships of strength. In no case could the concept of reprisal, which had no place in contemporary international law, justify recourse to international terrorism.

18. As long as the terrorist act was confined within a State's national territory, jurisdiction rested with that State which would punish the act according to its own legislation. Problems arose when a foreign element was introduced, whether it involved the victim, the place where the offence was committed or the existence of an accomplice. In both cases, the qualification of the act was the key element that determined both the penalty and the assignment of responsibility. That qualification, based on the domestic law of the State prosecuting the offender, should take into account the principles of the United Nations Charter and of general international law, as well as the obligations incumbent on that State in the case of acts that threatened the independence and territorial integrity of a State or the right of peoples to self-determination and their right to fight for respect for fundamental human rights.

19. The campaign against terrorism must take into account existing international obligations, particularly those deriving from article 1, paragraph 4, of Additional Protocol I to the Geneva Conventions, the provisions of which were reproduced in full in article 12 of the 1979 International Convention against the Taking of Hostages. That was the background to the international community's support for the Palestinian people, under the leadership of its sole legitimate representative, the Palestine Liberation Organization, and for the people of southern Africa struggling against South Africa's policy of apartheid and aggression.

20. It was significant that, at a time when terrorism was being practised on a large scale, the Arab world should have demonstrated its acute sense of responsibility, after the special summit meeting held at Casablanca in August, by denouncing all forms of international terrorism, particularly the terrorism practised by Israel within and outside the occupied Arab territories.

(Mr. Loulichki, Morocco)

21. Morocco, which condemned all forms of terrorism, had acceded to the principal conventions on the matter, in particular those relating to civil aviation, whose main provisions had been included in its revised Criminal Code. Morocco also reiterated its full support for the recommendations of the Ad Hoc Committee on International Terrorism and appealed for universal observance of those recommendations.

22. The effectiveness of the international instruments on terrorism depended on the adoption of appropriate measures by States for its prevention and suppression, particularly in its increasingly familiar guise of an instrument of international intrigue, subversion or covert aggression. Accordingly, the effectiveness of international measures to combat terrorism depended to a large extent on States' respect for the international obligations connected with the exclusive exercise of their sovereign prerogatives, and the establishment of a legal framework to promote and strengthen good-neighbourly and co-operative relations so as to improve the quality of international life.

23. Mr. BEN ABDALLAH (Tunisia) said that no region of the world had been able to rid itself of the violence of international terrorism. It was particularly disturbing that some régimes used violence and terrorism as policy instruments, contrary to all humanitarian principles and the rules of the United Nations Charter. While international terrorism was not a recent phenomenon, its recrudescence showed that the measures taken so far to halt it had had a very limited effect. Some progress had been made through the adoption of various conventions, but they were useless if there was no real will to apply them and if States themselves practised terrorism despite the successive condemnations directed against them.

24. Tunisia considered that the United Nations was an appropriate forum in which to take international measures, assuming that there was a genuine political will on the part of States to overcome the ambiguities that continued to surround consideration of the matter.

25. Terrorism was to be condemned because it sapped the foundations of peace and justice and friendly relations between States, and because it involved acts of violence affecting, in most cases, innocent human lives. However, some countries not only scoffed at the United Nations decisions in that respect but practised terrorism themselves and used it as an instrument of policy, as in the case of Israel's recent aggression against Tunisia, which on 1 October 1985 had killed 78 people and wounded more than 100 others, in addition to causing considerable material damage. That attack had been an act of aggression against the territorial integrity, sovereignty and independence of Tunisia, which had been almost unanimously condemned by the Security Council by 14 votes in favour and 1 abstention.

26. The problem was complicated by the fact that, in Israel, State terrorism was a mode of government. History taught that the Israeli leaders had always practised terrorism and, indeed, according to the periodical Kivounim, published by the World Zionist Organization in Jerusalem in February 1982 (No. 14), the destruction of the

(Mr. Ben Abdallah, Tunisia)

neighbouring Arab States was one of the priorities for the years ahead, along with the reconquest of the Sinai. Egypt, Lebanon, the Syrian Arab Republic, Iraq and other Arab countries were to be disrupted by ethnic and religious conflict, in which Israel would play a major role. Israel was clearly not a peaceful State and consideration should be given to the consequences if other States followed Israel's example and assumed the same powers.

27. Although General Assembly resolution 39/159 resolutely condemned policies and practices of terrorism in relations between States, a true struggle against that endemic phenomenon must involve sanctions against any State practising terrorism, because the perpetrators were not justified in claiming that they were taking preventive action against violence. His country considered that, in order to achieve real solutions, there existed more civilized methods more in keeping with international law. It appealed to all States to refrain from encouraging, condoning and excusing acts of terrorism, in particular those committed by States, and expressed its firm intention to co-operate in the formulation of practical measures to combat international terrorism.

28. In that regard, the problem of terrorism should be considered from two points of view. First, it should be seen as the symptom of a deep-rooted evil and of flagrant injustice; in order to combat it, the causes must be understood and the effects evaluated. It was curious that violence was not perceived as a response to unbearable injustice. The acts of common criminals could not be placed on an equal footing with those of combatants, just as it was impossible to attack the fundamental right of peoples to self-determination and the legitimacy of the struggle of liberation movements against colonialism and other forms of oppression, in particular the national liberation movements recognized by the United Nations.

29. Second, sustained and concerted measures must be taken against State terrorism, which was the most dangerous form of terrorism, since it prevented the use of peaceful means to solve conflicts and exacerbated situations by creating a vicious circle of terror and reprisals.

30. Although it had some legal aspects, international terrorism was primarily a political problem. There had been no lack of political will to approve punitive instruments, but the results had not always been up to expectations. His country considered that the best way to combat terrorism was to attack the evil at its roots from a global perspective; that could be achieved by means of a consensus between States and the various national liberation movements recognized by the United Nations. A framework agreement might make it easier to approve instruments and specific measures to combat international terrorism. Political, economic and other sanctions against States practising terrorism should also be devised and established. That presupposed respect by all Member States for the obligations imposed by the Charter and strengthening of the measures available to the Organization, in particular to give effect to the decisions of the Security Council. The fortieth anniversary of the United Nations provided an opportunity to prepare a document on that question.

31. Mr. HERRON (Australia) said that his country condemned terrorism in all its forms and manifestations and was therefore concerned that the Sixth Committee was not adequately fulfilling its mandate, among other reasons because the question was political rather than legal.

32. Since the inclusion of international terrorism on the General Assembly's agenda, a number of conventions had been drawn up, which included the "no sanctuary" approach of obliging States to prosecute or extradite those committing terrorist acts. The efficacy of that approach depended on the political commitment made by parties to give full effect to it. His delegation believed that those conventions had proved effective because the risks of a terrorist being apprehended and brought to justice were greater than before. It was therefore of prime importance to accept and apply the existing conventions in good faith.

33. It was doubtful that the preparation of a comprehensive convention on the prevention of terrorism would be productive. However, there were many less ambitious but constructive areas which could be studied, for example, the question of the applicability of the law of piracy to those who had kidnapped the Achille Lauro, or terrorism in connection with armed conflicts in which peoples were fighting against colonial domination, alien occupation and racist régimes in the exercise of their right to self-determination. In that regard, interesting proposals had been made by the Legal Adviser of the International Committee of the Red Cross, Mr. Hans-Peter Gasser, at the Round Table of the International Institute of Humanitarian Law, held at San Remo in September 1985: terrorism in peacetime was not covered by international humanitarian law; to be licit, the use of violence in warfare must be within the restrictions stipulated by the law of war; members of the armed forces legitimately entitled to use violence could become terrorists if they disregarded those restrictions and violated the laws of war; terrorism was not an authorized method of warfare; in article 33 of the fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War, one of the provisions common to the territories of the parties to the conflict and to occupied territories stipulated that "all measures of intimidation or of terrorism" were prohibited; in internal armed conflicts, terrorist acts of any kind were absolutely prohibited; all members of armed groups must heed the ban on terrorism and commanders of insurgent forces were under the obligation to enforce the prohibition and to repress violations by members of their organization, for which they would be liable as a group; the elaborate set of prohibitions of terrorist acts established in the law of international armed conflicts also applied, in toto, to wars of national liberation; any act of terrorism forbidden to combatants by the law of armed conflicts should equally be prohibited in peacetime, whoever the perpetrator.

34. The Sixth Committee had thus far largely concerned itself with terrorism in "peacetime". Nevertheless, since assertions were increasingly made about so-called "State terrorism" in the context of armed conflicts, to which article 1, paragraph 4, of Additional Protocol I would apply, it would seem appropriate for the Committee to survey more systematically the relevant law with a view to eliminating confusion concerning its application.



(Mr. Herron, Australia)

35. Another area in which positive work could be done was the identification of crimes which, for purposes of international co-operation in bringing terrorists to justice, should not be considered offences of a political character.

36. With regard to the causes of terrorism, his country shared the objective of eliminating them wherever possible. In addition to the efforts being made in that connection in other forums of the United Nations concerned with economic and social matters and international peace and security, his delegation considered that, within the competence of the Sixth Committee, all delegations might take a fresh look at the fundamental aspirations expressed in the preamble to the Charter of the United Nations, practise tolerance and live together in peace as good neighbours.

37. Mrs. SILVERA NUÑEZ (Cuba) said that the first efforts made to establish international control of terrorism dated from the upsurge in terrorist activity after the First World War. A series of meetings conducted under the auspices of the International Conference for the Unification of Penal Law had helped to focus attention on that important topic. The culmination of that work was the 1937 Convention for the Prevention and Punishment of Terrorism. The Convention, which had only been ratified, had never entered into force.

38. Subsequently, daring attacks on air routes had led to the conclusion of three conventions dealing with problems of terrorism affecting civil aviation: the Tokyo Convention of 1963; The Hague Convention of 1970; and the Montreal Convention of 1971.

39. On 18 December 1972, the General Assembly, on the recommendation of the Sixth Committee, decided to establish an Ad Hoc Committee on International Terrorism. Through its three sub-committees, that Committee had endeavoured to address itself to international terrorism, examine its causes and consider possible solutions. Its work had been at a standstill since 1979 owing to the absence of a General Assembly decision. In that Committee, the non-aligned countries had become aware of the evolutionary nature of terrorism, i.e. that it was not limited to individuals and groups, but that it was clearly supported, by certain States, and they had drawn attention to the increase in official terrorism. The same countries had called attention to the efforts made to equate the actions of States with those of peoples fighting for independence and self-determination, and had also emphasized that support for indirect aggression constituted a form of violence.

40. Some examples of terror were the emergency measures to which a Government resorted in order to impose its policy of domination and servitude on entire populations, for example, the Pretoria Government's use of terror against the peoples of South Africa and Namibia; South Africa's aggression against the front-line States; and the Zionists' barbarous aggression against and indiscriminate bombings of Palestinian settlements, of which Tunis was the most recent victim.

41. The mass media were manipulated by means of propaganda campaigns on the subject of terrorism. Some States could not be considered opponents of terrorism because they were the very ones which generated economic, political, social and

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(Mrs. Silvera Nuñez, Cuba)

cultural instability in such convulsed regions as Central America, Asia, Africa and the Middle East. One example of official terrorism was the logistical, technical, diplomatic, financial and propaganda assistance which was being officially provided to the groups attacking Nicaragua. The States which advocated national and international co-operation to combat terrorism had not expressed any regret about the massacres of thousands of Salvadorans, Nicaraguans, Angolans and Vietnamese, nor had they made any disinterested contribution towards improving the economic structures of third-world countries with a view to helping them eliminate their hunger, poverty and external indebtedness. The main emphasis of those States' policies lay in multinational anti-terrorist co-operation between the police, military and intelligence experts aimed at combating the terrorism which they themselves had generated or had helped to generate. They had invented what had come to be known as "low-intensity conflict", a strategy which covered the whole third world. Low-intensity conflicts were essentially more political than military and therefore required political, economic and military responses, although the strategy was based fundamentally on military responses.

42. Terrorism was imperialism's ideological and political expression and justification for carrying out the low-intensity conflict strategy. To serve those ends special agencies such as the one for joint operations were created. The Special Operations Forces constituted approximately 25 to 35 per cent of all the military training groups that a certain country maintained abroad, and they specialized in training, weapons and intelligence activities. Those Special Forces were dependent on the Pentagon, and did not therefore have to report to Congress on their activities.

43. Cuba, which had been a victim of those acts, rejected terrorism; suffice it to mention the despicable sabotage in Barbados of an aircraft of the Cuban Aviation Company. A diplomat of the Mission of Cuba, Félix García, had been shot dead in New York. Cuba had maintained a position consonant with the international rules governing international civil aviation and had adopted a constructive and co-operative attitude towards the hijacking of aircraft. Her Government had promulgated Act No. 1226 of 16 September 1969 in an effort to deal with that problem on the basis of bilateral conventions concluded with the countries affected.

44. Cuba had signed multilateral treaties on the subject, and its competent authorities were examining other treaties to which Cuba was not a contracting party. Cuba's Criminal Code imposed specific penalties on the perpetrators of terrorist acts. Cuba reiterated its position regarding respect for the right of peoples to self-determination and freely to choose their political, economic and social system. Cuba was opposed to the trend in vogue in imperialist countries, namely that of equating the terrorist activities of groups of individuals with the legitimate struggle of national liberation movements. The United Nations should take specific steps and continue its work to eliminate terrorism in all its forms and manifestations in response to the serious concerns expressed by various speakers during the discussion on the subject.

45. Mr. NGUAYILA MBELA KALANDA (Zaire) said that the Ad Hoc Committee on International Terrorism had succeeded, after lengthy discussions, in formulating appropriate recommendations. In its resolution 34/145, the General Assembly had adopted the Ad Hoc Committee's recommendations and had requested States to comply with and implement them. Many conventions on the subject, to which many States had acceded, already existed. Nevertheless, six years after the adoption of resolution 34/145, acts of violence of all kinds continued to be committed.

46. Terrorism must be condemned because it endangered international peace and security and facilitated interference in the internal affairs of States. Zaire was party to various conventions on international terrorism, in particular the 1973 Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, the International Convention against the Taking of Hostages and the 1970 Convention for the Repression of the Unlawful Seizure of Aircraft. Zaire spared no effort to punish acts of terrorism, no matter what reason might be adduced to justify them.

47. The facts showed that it was impossible to eliminate terrorism by individual action. What was needed was a concerted international offensive. Zaire supported all practical measures aimed at eliminating terrorism in all its forms, including the suppression of crime and the elimination of the practices of colonial and racist régimes.

48. The international community should resolutely attack the problem of terrorism. Zaire suggested the sentencing without appeal and extradition of all terrorists, with the proviso that terrorism could not be equated with the struggles of peoples for their liberation. To that end, it was necessary to formulate and codify the law on international terrorism, including effective countermeasures. Zaire reiterated its opposition to any policy which sought to associate the struggle of peoples for national liberation with terrorism, and considered that those who supported colonial and racist régimes were protecting international terrorism.

49. Mr. GAUDREAU (Canada) said that, although it was apparent that States were increasingly concerned and willing to take action in the face of international terrorism, the international community was still not sufficiently mobilized. The Secretary-General, in his 1985 report on the work of the Organization (A/40/1) had recalled that there existed a legal framework for action in combating international terrorism, but the difficulties lay in the incapacity or unwillingness of Governments to implement the conventions in specific cases.

50. His delegation regretted the frequency and, indeed, the recrudescence of acts of terrorism, from which his country had not been immune, and which took various forms, hostage taking being perhaps the most distressing of all given its serious long-term repercussions. His Government firmly believed that all States, without exception, should transcend their ideological differences, reaffirm their revulsion at international terrorism and proclaim their determination to suppress it wherever it occurred and whatever its aim. Canada, far from ignoring the causes of terrorism, sought to remedy the social and economic conditions which on occasion

(Mr. Gaudreau, Canada)

led individuals to commit criminal acts of that nature. But such acts were still crimes and unjustifiable and should, accordingly, be suppressed, whatever the motives of the perpetrators.

51. International organizations and conferences had, on various occasions, expressed their great concern over acts of terrorism. For example, at the Seventh United Nations Congress for the Prevention of Crime and the Treatment of Offenders, held recently at Milan, the Government of Canada had joined 13 other Governments of all political persuasions in presenting a resolution condemning criminal terrorist acts and essentially calling upon States to adopt all necessary national and international measures to combat international terrorism effectively. Similarly, on 9 October 1985, all members of the Security Council had condemned terrorism in all its forms, wherever and by whomever committed (S/17554).

52. It was important to reconsider how the United Nations dealt with instances of international terrorism and to what extent it took the necessary measures to ensure compliance with existing provisions of international law. In that connection, reference should be made to the work done by the International Civil Aviation Organization (ICAO), under whose auspices the 1964 Tokyo Convention, the 1970 Hague Convention and the 1971 Montreal Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation had been drafted. The ICAO Council received, at various times during the year, detailed reports on all cases of unlawful interference with civil aviation, and its President provided his good offices and communicated with all States involved in an incident in order to secure guarantees of respect for the international legal obligations arising from the relevant conventions. Unfortunately, the United Nations was still not equipped to undertake such thorough work on the subject as was ICAO, and it was incumbent upon the Sixth Committee to do its utmost to provide the Organization with the requisite means. Although a first step in that direction had been taken in the context of the protection of diplomatic agents, it was only a passive approach.

53. In introducing the report of the Secretary-General (A/40/445 and Add.1-3) the Legal Counsel had informed the Committee that 121 States were parties to the Tokyo Convention, 119 to The Hague Convention, 119 to the Montreal Convention, and, unfortunately, only 65 to the 1973 New York Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents. The 1979 Convention against the Taking of Hostages had so far been ratified by 27 States. His delegation was pleased to state that Canada, which was a party to the first four instruments, would also ratify the Convention against the Taking of Hostages before the end of the year. All Governments should make an effort to take the action required to enable them formally to accede to the relevant international conventions and agreements. States which did not feel able to accede should at least pledge to support the underlying principles.

54. There were instruments in existence, but that did not mean that the limits of positive law had been reached. Perhaps the time had come for a general review of the applicable legal instruments so as to identify any possible lacunae and to consider the problems which States might encounter in discharging their obligations. One of the most important problems in that respect was the fact that

(Mr. Gaudreau, Canada)

terrorists could still find sanctuary in the territory of some States. Any State providing such sanctuary was in violation of international law or an accomplice. In his statement to the General Assembly on 23 October, the Prime Minister of Canada, the Right Honourable Brian Mulroney, had stressed the importance of denying refuge to perpetrators of acts of international terrorism. All States, including those which had decided not to accede to the relevant conventions, bore responsibility for taking steps against perpetrators of such acts. It was intolerable that some States did not discharge their obligation to ensure that those who committed acts of terrorism were brought to justice.

55. As for possible lacunae in positive law, his delegation noted with interest the proposal to study shipboard terrorism and the International Maritime Organization to consider the possibility of examining measures which might be adopted to counter such acts more effectively. His delegation was sure that the spirit of co-operation which had prevailed at the Milan Congress would also inspire the Sixth Committee which was clearly responsible for reaffirming the relevant legal principles, considering measures whereby the United Nations might play a more active role in cases of terrorism and studying the possibility of supplementing existing instruments.

56. Mr. ZEDAN (Saudi Arabia) said that his country was keenly interested in the item before the Committee, because it reflected the principles of the Charter and the norms of international law. It was also necessary to attack the underlying causes of terrorism. Upholding the legitimate right of peoples to self-determination was one of the main objectives of the Charter, as were improving the economic, social and cultural conditions of all peoples and promoting stability and justice. He wondered how effective measures to prevent terrorism could be adopted if similar measures were not adopted to eliminate exploitation and social injustice. His delegation appealed to Governments to study measures for eliminating the underlying causes of terrorism but without ignoring the terrorism of certain States which did not respect United Nations resolutions. The Ad Hoc Committee should resume its consideration of the item, particularly of the underlying causes of terrorism, in all its humanitarian and legal aspects. Finally, he supported the proposal made by the Iraqi delegation to formulate a declaration on international terrorism.

57. Mr. DJOKIC (Yugoslavia) said that the evil of international terrorism, which no socio-political system or region of the world was spared, was becoming an ever-greater threat to peace and the security of peoples and individuals. The United Nations had both the obligation and the responsibility to consider the problem seriously. It had adopted a whole range of international conventions, agreements and other instruments which, together with the resolutions, declarations, recommendations and other instruments adopted, provided an initial legal framework for combating terrorism. The topic had also been considered at various regional organizations and conferences. For example, the Helsinki Final Act contained provisions on terrorism, which had been further elaborated at the Madrid Conference. Under that Act the States participating in the European Conference on Security and Co-operation had undertaken to combat international

(Mr. Djokic, Yugoslavia)

terrorism jointly. Mention should also be made of the efforts of scientific and expert forums, such as the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held at Milan.

58. However, the problem persisted and was becoming ever more serious. One of the main reasons was that the approach taken was one of political opportunism and that adequate preventive measures were lacking. Yugoslavia had always, and without exception, condemned terrorist acts and had never found any justification for the killing of innocent men, women and children. Together with other non-aligned countries, it had repeatedly pointed out the need for the international community to come to grips with the underlying causes of terrorism. It was important to stress the danger of terrorist acts committed by colonial, racist and foreign régimes which denied peoples their legitimate right to self-determination and independence, as well as other human rights and freedoms. The struggle of peoples for independence and organized resistance to the policy of force were legitimate, and equating them with terrorism was an attempt to protect outdated relations and discredit the just struggle of peoples against all relations of domination and lawlessness. In its essence that struggle constituted a negation of terrorism, violence and enslavement, and should never be allowed to serve as a pretext for the forces of domination to prolong and intensify oppression.

59. There was no doubt that it would be useful if existing legal instruments were supplemented and new ones adopted, but that would not suffice to deter terrorists if, at the same time, there was no substantial change in the conduct by some States. There could be no effective struggle against international terrorism in one part of the world if, in another part, terrorist groups were encouraged and financed. A country could not expect its own diplomatic and consular missions in other countries to remain safe while allowing the diplomatic and consular missions of other countries in its own territory to be repeatedly molested and attacked. The international community could not treat one kind of terrorism as a crime on one occasion and as an aspect of political opposition and of the struggle for human rights on another.

60. His delegation believed that the international community had both the desire and the will to put an end to that evil. Appropriate measures must therefore be adopted at the fortieth session of the General Assembly with a view to achieving tangible results in the struggle against international terrorism. A first step would be to condemn all forms of international terrorism and terrorists. Another important element would be to call upon all States to fulfil their obligations under international agreements and conventions, as well as on States that had not yet ratified those instruments to do so as soon as possible. When the question of terrorism was considered at the following session of the General Assembly, it would be desirable for the Secretary-General to inform the Assembly of the measures adopted by Member States in that area.

61. It was extremely important for all States to adopt measures in their own territories with a view to preventing the preparation and commission of acts of terrorism and also for States to co-operate among themselves. The important role

(Mr. Djokic, Yugoslavia)

played in that area by the Ad Hoc Committee on International Terrorism must not be forgotten. It still had a function to fulfil and could resume its work, if agreement was reached on issues of common interest. The international community must launch an even more energetic campaign against international terrorism. Those who wished to live in peace and security must recognize that others also had the right to do so. It must be understood once and for all that peace and security were universal and that no islands of peace could survive for long, if the rest of the world was in turmoil.

62. Mrs. SIMBRAO (Angola) said that since 1972, the year in which the item on terrorism had been included in the agenda of the Sixth Committee, the incidence of acts of terrorism had increased so alarmingly that it had become necessary to draw a distinction between internal terrorism and State terrorism, which was the most dangerous form of terrorism and the instrument used by some States in order to dominate other States and impose on them their political terms. Terrorist activities were being promoted on pretexts such as "the safeguarding of vital Western interests", "restoring public order and democratic institutions", "self-defence" and even "constructive engagement".

63. There had been a recrudescence of terrorist activities throughout the world; in many regions, individuals and bands of criminals who were deliberately being referred to as freedom fighters were being recruited, armed and trained. However, acts of terrorism could not be equated, under any pretext, with the acts of those who were fighting colonial and racist oppression and for their freedom and independence. The People's Republic of Angola, Mozambique, Botswana, Lesotho and Zimbabwe were the victims of terrorist activities directed by South Africa, which was assisting armed bands in order to bring about the socio-economic and political destabilization of those countries and also carrying out direct military operations against the countries of southern Africa.

64. It was essential that a collective decision should be adopted with a view to preventing or eliminating the acts of terrorism perpetrated by some States in flagrant violation of the Charter of the United Nations. The initiatives that had been taken and the conventions relating to specific aspects of international terrorism would remain a dead letter, if States did not scrupulously comply with their provisions.

65. The underlying political character of acts of terrorism must not be an impediment to the endeavour to prevent their perpetration, which endangered innocent human lives, as well as international peace and security. Such acts were an obstacle to the development of harmonious co-operation among States, and the conventional concept of extradition should therefore be revised so that it also covered acts of terrorism. If the Sixth Committee could bring its work on terrorism to a successful conclusion, it would have made a contribution to the cause of peace and freedom in the world.

66. Mr. TAEB (Afghanistan), speaking in exercise of the right of reply, said that he had been amazed to hear the statement made by the representative of the Islamic Republic of Iran; he reserved the right to make a reply at a future meeting of the Committee.

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67. The CHAIRMAN announced that the Committee would complete consideration of agenda item 129 at the current meeting; it would therefore not be possible to reserve the right of reply or to speak in exercise of the right of reply on a subsequent occasion, since that course of action was prohibited by the rules of procedure.

68. Miss CHOKRON (Israel), speaking in exercise of the right of reply, said that, although she had no intention of becoming involved in a political discussion, she wished to point out that Israel had not been responsible for the Sabra and Shatila massacres. An independent and impartial commission of enquiry had investigated that case and had concluded that the massacres were attributable to Lebanese rivalries and internal struggles and that there had been only indirect responsibility on the part of some Israeli officials for not having prevented them from occurring. On the other hand, there had been no commission of enquiry in the case of the Tripoli, Hebron and Munich massacres and other massacres that it would take a very long time to list.

69. The Sixth Committee had already considered the question of the principle of non-use of force in international relations, and the reintroduction of that topic was an unnecessary hindrance to the current debate.

70. With regard to the right of peoples to self-determination, the Palestinian problem should not be confused with what was happening in South Africa. It was contradictory to say that zionism was racist, since Israel was an immigration country that had taken in people of all races and cultures. Israel condemned the apartheid régime and the acts perpetrated by that régime. In contrast, in the Third and Fourth Committees, it had been noted that some Arab countries maintained important but clandestine relations with South Africa, particularly in connection with oil supplies.

71. Lastly, it should be stressed that Israel had accepted the Camp David accords and that it had been the Arab countries that had rejected that solution, thus denying Israel the right to self-determination.

72. Some countries rejected any possibility of peace with Israel and were promoting terrorism against Israel. Nevertheless, since there was no justification for international terrorism, Israel would not give up its peace efforts.

73. Mr. ARMALI (Observer, Palestine Liberation Organization), speaking in exercise of the right of reply, said that the audacity with which Israel had put forward a special version of the Palestinians' problems was remarkable. With regard to events at Sabra and Shatila, the commission of enquiry set up by Israel had given rise to serious doubts owing to its composition and methods, since many pages of the report that had been prepared had never been published and the commission had merely attempted to exonerate Mr. Sharon and his helpers. Under international law, Israel was the occupier and was responsible for the crime committed, since it had encouraged its perpetration and taken an active part in it.



(Mr. Armali, Observer, PLO)

74. He was also surprised that Israel had condemned the apartheid régime of South Africa, since the special economic, military and political links between those two countries were only too well known; proof of those links had been provided in a number of reports by experts recognized by the United Nations, as well as through the formal visits made by politicians and officials of each of the two States to the other State and through collusion in connection with nuclear-weapon tests. The condemnation of apartheid was nothing but a façade designed to conceal those links.

75. With regard to the problems of the Palestinian people and the recent peace initiatives, it should be borne in mind that those initiatives excluded the Palestinians living under occupation and in exile, as well as the elected representatives of that people. A just and lasting peace could not be achieved in the Middle East without the participation of the Palestine Liberation Organization.

76. The Palestine Liberation Organization believed that the proposals put forward by the Legal Adviser of the International Committee of the Red Cross at the San Remo seminar, which had been referred to by the representative of Australia, should be considered in detail; it was willing to participate in any action that might be taken, whether at the international level or under the auspices of the Red Cross, with a view to considering both those proposals and other proposals.

77. Lastly, he wished to draw attention to the fact that Israel had been the only country that had stood in the way of a consensus at the time of the adoption, in 1977, of the Additional Protocols to the Geneva Conventions of 1949 and that, although Israel had been one of the first countries to ratify those conventions, it was not implementing them in the occupied Arab territories.

78. Mr. KAHALEH (Syrian Arab Republic), speaking in exercise of the right of reply, said that Israel had distorted certain facts, which were, moreover, not related to the question under consideration, as the United States had the previous day. Since those two countries did not wish to face up to incontrovertible truths and were, furthermore, violating international law, they devoted their time to the discussion of topics that were unrelated to the issue under consideration.

79. The PRESIDENT said that a number of constructive statements had been made on agenda item 129 and that, as a real demonstration of representatives' convictions, a uniform position could be achieved on issues that were regarded as important. He therefore appealed to the sponsors of the three draft resolutions to try to agree on a single solution. The Bureau would provide all the necessary assistance in that connection.

The meeting rose at 10 p.m.