

United Nations
**GENERAL
ASSEMBLY**

TWENTY-SEVENTH SESSION

Official Records



**SIXTH COMMITTEE, 1387th
MEETING**

Friday, 8 December 1972,
at 8.45 p.m.

NEW YORK

Chairman: Mr. Erik SUY (Belgium).

AGENDA ITEM 92

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/8791 and Add. 1 and Add.1/Corr.1, A/C.6/418 and Corr.1 and Add.1, A/C.6/L.850, A/C.6/L.851, A/C.6/L.866 and Corr.1, A/C.6/L.867 and Corr.2, A/C.6/L.869, A/C.6/L.872, A/C.6/L.876, A/C.6/L.879/Rev.1, A/C.6/L.880/Rev.1, A/C.6/L.888-890, A/C.6/L.895)

1. Mr. CASTILLO ARRIOLA (Guatemala) observed that the three draft resolutions before the Committee had a great deal in common, at least as far as principles were concerned. The draft resolution submitted by the United States (A/C.6/L.851) had provided a useful starting-point from which delegations had been able to develop their ideas. Its preamble was unexceptionable, but the practical measures it proposed were unrealistic: it seemed impossible to conclude a convention in 1973, since Governments' positions still differed too widely. Draft resolution A/C.6/L.880/Rev.1 was unquestionably the text with the most marked political overtones, since it was sponsored by delegations which were particularly sensitive to that aspect of the question. Yet perhaps it was not for the Sixth Committee to involve itself in political problems. Nevertheless, his delegation acknowledged that, if that draft resolution were put to the vote paragraph by paragraph, it would not be able to object to any of its provisions.

2. Guatemala was one of the sponsors of draft resolution A/C.6/L.879/Rev.1, which had the advantage of being based on the same fundamental principles as the other two draft resolutions. It allowed sufficient time for a study to be made of the causes of terrorism, while requesting the International Law Commission to draft legal measures that could be implemented swiftly. The Commission should accord the highest priority to that task, since it concerned an evil recognized by all, which had to be eliminated at the earliest. In order to combat terrorism, it was necessary for all countries to agree on a definition, and the Commission was certainly the organ best qualified to draw up a widely acceptable definition.

3. The three draft resolutions were based on similar principles. The only divergencies were in respect of the

procedure to be followed to deal with international terrorism. In that connexion, draft resolution A/C.6/L.879/Rev.1 outlined a middle way: it provided for a period of reflection without demeaning the urgency of the question. If the United Nations was to achieve positive results in that field, it was necessary for States, during the time of reflection allowed to them, to show their willingness to co-operate at the international level in the fight against terrorism.

4. Mr. ACRAMAN (Fiji) said that his delegation had not participated in the general debate on the item, but commended the Secretary-General for his initiative in placing the problem of international terrorism before the General Assembly. Fiji shared the concern expressed by the numerous delegations which had spoken on that subject. The Deputy Prime Minister of Fiji, in his statement to the General Assembly (2060th plenary meeting), had stressed that his Government was prepared to support any internationally agreed preventative measures designed to protect the lives of innocent persons.

5. His delegation understood the misgivings felt by many delegations about the inclusion of the item in the agenda. As the representative of Sri Lanka had said (1356th meeting), it would ill become the countries represented in the Sixth Committee, many of which had been born out of violence, to condemn outright, and without reference to their motives and causes, acts of violence which were the ultimate weapon of the oppressed.

6. His delegation acknowledged that it was extremely difficult to define those international situations in which recourse to violence was justified, but considered that nothing could ever justify the wanton killing of innocent people. It therefore welcomed draft resolution A/C.6/L.879/Rev.1. According to its terms, the Commission was requested to draft, with the highest priority, a convention on international terrorism for submission to the twenty-eighth session of the General Assembly. That provision reflected the sense of urgency expressed by most delegations during the debate. His delegation was convinced that the Commission was perfectly qualified to carry out the task entrusted to it.

7. Operative paragraph 7 of the draft resolution provided for the establishment of an *ad hoc* committee, which would have the task of studying the underlying causes of terrorism. His delegation would, of course, have preferred the drafting of measures and the study of causes to have been entrusted to the same organ, but it recognized the complexity of the problem of causes, the study of which would doubtless take some time, while it was urgently necessary to devise measures to halt terrorism and thus prevent needless suffering and distress.

8. His delegation was able to support draft resolution A/C.6/L.879/Rev.1 because the third and fourth preambular paragraphs reaffirmed principles to which it was particularly attached. As a country which had experienced colonial domination, Fiji could not turn a blind eye to the fate of many peoples who were still under colonial rule in Africa and elsewhere. They could not be expected to stand idly by while their resources were systematically exploited by their colonial masters.

9. He pointed out that his Government had ratified the Conventions of Tokyo and The Hague, and the strict security measures it had taken had so far saved his country from aerial hijacking and other forms of international terrorism, even though it was situated at the crossroads of the South Pacific.

10. Mr. BEEBY (New Zealand) said that, contrary to those who had argued that consideration of the question of international terrorism veiled an attempt, intentionally or otherwise, to restrict the right of self-determination and to prevent recourse to arms by national liberation movements, he was convinced that the question under consideration had as little to do with the right of self-determination as it had to do with the right of self-defence or the right of revolution of peoples placed under the sway of a tyrannical government. Basically, what was at issue was the validity of the assertion in paragraph 66 of the Secretariat study (A/C.6/418 and Corr.1 and Add.1) that "There are some means of using force . . . which must not be used, even when the use of force is legally and morally justified, and regardless of the status of the perpetrator." The question was whether the international community was prepared to endorse that judgement and to take effective action against those who exported their conflict to countries and peoples who had absolutely nothing to do with it. The question was whether it was legitimate to maim a post office worker in a distant country in the name of the right to independence, to kidnap the children of a diplomat on the pretext that he represented a country which was considered to have committed aggression, to throw a bomb in the Netherlands because it was believed, rightly or wrongly, that an injustice had been done in New Zealand or Nicaragua. The question was whether whose forms of terrorism were to be condemned or whether a new, internationalized version of the holy war was to be allowed to develop. It was in the light of those considerations that the sponsors of draft resolution A/C.6/L.879/Rev.1 had drawn it up. The sponsors were convinced that the course of action they proposed was responsible and practical: it would permit both the causes of international terrorism and the measures to combat it to be studied at the same time; it would permit concrete action to be taken within a period of time commensurate with the gravity of the problem.

11. It was difficult to see how draft resolution A/C.6/L.880/Rev.1 would make it possible to take action against international terrorism. Nowhere in that draft resolution was international terrorism condemned. There was not a single indication of the nature of the international action that might be taken to deal with the phenomenon. The text contained no more than a polite invitation to States

to become parties to existing conventions and to take appropriate measures at the national level. The proposed *ad hoc* committee would have no mandate other than to consider the observations of Governments and to submit a report with recommendations to the General Assembly at its twenty-eighth session. His delegation considered that the draft resolution in no way reflected the grave concern aroused by international terrorism, or the pressing need for the United Nations to take some effective action. Therefore, it would vote against that draft resolution if it was put to the vote.

12. Mr. BRENNAN (Australia) regretted that the informal consultations undertaken with a view to producing a draft resolution which would be equally satisfactory to all the sponsors of the three draft resolutions before the Committee had not been successful. During the general debate, some attempts had been made to justify terrorism by arguments of a political nature. However, his delegation fully agreed with the passage from the Secretariat study just quoted by the representative of New Zealand. The passage went to the heart of the problem. Moreover, a large number of the delegations which had spoken on the subject had expressed support for such a position.

13. The first four operative paragraphs of draft resolution A/C.6/L.879/Rev.1 corresponded exactly to his delegation's views. Opinions differed on the procedure to be followed to ensure effective protection of innocent persons not connected with the conflicts from which acts of terrorism arose. Some delegations had expressed support for the convening of a conference of plenipotentiaries; others wished to call on the Commission to draw up a draft convention, others would prefer the establishment of two *ad hoc* committees, one to prepare measures and the other to study the causes, and yet others contemplated the establishment of a single committee, with or without two sub-committees. His delegation, which was one of the sponsors of draft resolution A/C.6/L.879/Rev.1, felt that the solution which it proposed in that respect was a balanced one. His delegation was convinced that the United Nations must play an active role both in the elaboration of measures to prevent terrorism and in the elimination of its causes. Progress made in one direction must not hinder progress made in the other. The draft resolution met that twofold requirement. The Commission was requested to prepare with the highest priority a draft convention to prevent international terrorism. It was certainly the organ most capable of dealing with that aspect of the problem: its members were highly qualified juridical experts who also possessed a sense of international realities and a certain understanding of the underlying causes of terrorism. The study of those causes would be entrusted to an *ad hoc* committee which—it was important to emphasize—would be composed of experts. His delegation hoped that their work would lead to effective action by the United Nations to eradicate the evils which were at the root of terrorism.

14. Mr. OGUNLANA (Nigeria) said his delegation was convinced that the United Nations should demonstrate its concern at acts of terrorism. In so doing, however, it should not confine itself to those acts which made the newspaper

headlines, but must also refer to acts which were less well known because they were perpetrated by Governments in South Africa, Mozambique, Angola, Guinea (Bissau) and Zimbabwe.

15. His delegation's attitude towards the draft resolutions before the Committee would be guided by its awareness of the complexity of the problem. In order to deal with the question in a balanced manner, the Committee should attach equal importance to the elaboration of measures and the study of causes. To shed light on those two aspects of the problem, the best procedure would no doubt be to request Governments to submit their comments, which would then be examined by a small committee whose report would enable the General Assembly to decide what should be done. In that respect it should be emphasized that neither the Commission nor a conference of plenipotentiaries could achieve useful results until the pre-existing political questions had been resolved. His delegation believed that draft resolution A/C.6/L.880/Rev.1 was the closest to its own position. It would therefore vote for that text.

16. Mr. DABIRI (Iran) said that his delegation had become a sponsor of draft resolution A/C.6/L.879/Rev.1 because of its belief, on the one hand, that the General Assembly should clearly express its disapproval of acts of international terrorism and not content itself with simply mentioning its concern and, on the other hand, that the activities undertaken in the context of the right of peoples to self-determination did not come within the scope of international terrorism and that no decision in that respect could be interpreted as an action directed against the people of Palestine or against the peoples attempting to shake off the yoke of colonialism.

17. Mr. ROBINSON (Jamaica) recalled that Jamaica, while condemning the acts of violence to which innocent persons might fall victim, nevertheless believed that the rights of oppressed peoples must be protected. Draft resolution A/C.6/L.879/Rev.1 merely alluded to those rights in the third preambular paragraph, whereas in operative paragraph 1 it vigorously condemned international terrorism. Draft resolution A/C.6/L.880/Rev.1, on the other hand, would in operative paragraph 3 have the General Assembly fully recognize the rights of oppressed peoples, while expressing in paragraph 1 its deep concern at the growing number of acts of terrorism. For that reason, his delegation would vote for the latter draft.

18. Mr. SCHERMERS (Netherlands) said that effective measures should be urgently taken. For that reason, his delegation supported draft resolutions A/C.6/L.851 and A/C.6/L.879/Rev.1. The latter, which reflected the discussion in the Sixth Committee, was well balanced: on the one hand, it called upon States to take all appropriate measures to prevent international terrorism and, on the other hand, it dealt only with the effort to combat terrorism, and did not touch upon extraneous questions such as aggression or the violation of human rights. Finally, and most important, it proposed an effective and rapid procedure.

19. Mr. ARYUBI (Afghanistan) said that, even though acts which endangered the safety of innocent persons could

not be tolerated, no decision should be taken which might suggest that the struggle of peoples under foreign and colonial domination was not legitimate. That struggle should not be confused with international terrorism, and only draft resolution A/C.6/L.880/Rev.1, for which his delegation would vote, fully reflected that fundamental point.

20. Mr. FLEITAS (Uruguay) said that, as they stood, the various drafts seemed to him to be unacceptable. Document A/C.6/L.879/Rev.1 would be satisfactory were it not for the fact that the *ad hoc* committee which would be established under operative paragraph 7 would have every opportunity of intervening in the internal affairs of States, in violation of the provisions of Article 51 of the Charter. Moreover, paragraph 7 appeared to recognize that certain acts of terrorism could be condoned because of the motives of those responsible for them, a position which was morally untenable.

21. The sponsors of draft resolution A/C.6/L.880/Rev.1 rightly wish to protect the rights of oppressed peoples, but unfortunately they expressed nothing more than concern at the growing number of acts of terrorism.

22. His delegation believed the best draft to be that submitted by the United States (A/C.6/L.851) for which it would be able to vote, with the exception of the provisions of operative paragraph 8, which would allow interference in the internal affairs of States.

23. Mr. JAZIĆ (Yugoslavia) said that draft resolution A/C.6/L.880/Rev.1 was a synthesis of the various positions expressed both within the group of non-aligned countries and in the Committee. The differences of opinion related, above all, to procedures, but no procedure could be effective if there was disagreement as to the substance. The consultations must therefore be continued, and that was why the establishment of an *ad hoc* committee was proposed. The existence of that *ad hoc* committee would not prevent sub-committees or working groups from meeting; moreover, according to operative paragraph 10 the *ad hoc* committee would be required to submit recommendations which might perfectly well be submitted as a draft convention or in any other form.

24. His delegation requested that the Committee should vote first on that draft, which best expressed the view of the majority of its members.

25. Mr. DEBERGH (Belgium) reiterated that he was not very enthusiastic about draft resolution A/C.6/L.851. It was impossible to convene a plenipotentiary conference quickly. As to draft resolution A/C.6/L.880/Rev.1, it offered no solution. On the other hand, Saudi Arabia's fourth amendment (see A/C.6/L.895) was interesting and could be introduced into any of the three draft resolutions.

26. The Committee must adopt a completely unambiguous position: the most serious forms of violence in international relations, namely war and aggression, had

been outlawed but, as that condemnation had not always been heeded, it had been considered necessary to adopt rules and agree that certain methods of fighting were unlawful. On that question, the Committee had available the report of the Secretary-General on the question of human rights in armed conflicts (A/8781 and Corr.1), which reproduced the draft additional protocol relating to non-international armed conflicts (*ibid.*, chap. III) prepared by the Conference of Government Experts on the Reaffirmation and Development of International Humanitarian Law Applicable in Armed Conflicts convened by ICRC. Article 5 of the draft protocol offered an excellent definition of terrorism; what was more, that text could be regarded as having been adopted unanimously by the experts of Governments of Member States since the differences between them had related to other questions. It could thus be regarded as a codification of the existing law, and what went for war went *a fortiori* for international terrorism.

27. The point at issue was whether a person who, rightly or wrongly, considered himself entitled to fight against an injustice should be prohibited from using certain methods regarded as unlawful; and draft resolution A/C.6/L.879/Rev.1 provided the only possible answer: in the fourth preambular paragraph it recognized the legitimacy of the struggle of oppressed peoples while in operative paragraph 1 it expressly condemned international terrorism; that was the position which the General Assembly had taken two years earlier, when the situation had been less serious, in adopting resolution 2645 (XXV) concerning the hijacking of aircraft. Moreover, the two procedures proposed in the draft resolution—for developing legal and administrative measures and for studying the underlying causes of terrorism—would both conclude with consideration by the General Assembly, which would have to take the final decision. In that connexion, he stressed that as the Commission was the most competent body in the field of the development of international law, it was normal to look to it for a solution of current problems demanding attention in that area; operative paragraph 5 imposed no conditions on the Commission and it would continue to be the master of its procedure.

28. Draft resolution A/C.6/L.879/Rev.1 was thus the only draft which adopted a position of principle acceptable from both the legal and the moral point of view.

29. Mr. LEHMANN (Denmark) said that he would vote for draft resolution A/C.6/L.879/Rev.1, which took into account the various aspects of the problem and proposed a realistic solution. Its fifth preambular paragraph recognized the illegitimacy of certain means of struggle—which was in conformity with customary law—and that paragraph along with the third and fourth preambular paragraphs provided the necessary balance for operative paragraph 1. The same equilibrium was to be found in the two procedures proposed: the Commission would draft a convention, as it had done for the protection of diplomats, and an *ad hoc* committee would study the underlying causes of terrorism. In other words, the draft resolution was in full accord with the Sixth Committee's mandate.

30. Mr. VINCI (Italy) said that his delegation had consulted most of the other sponsors of draft resolution A/C.6/L.879/Rev.1 and they were prepared to incorporate in their text the substance of the fourth of the amendments submitted by Saudi Arabia in document A/C.6/L.895. That amendment might be slightly modified by inserting the words "the members of" before the words "the international community", the word "still" before the word "struggling" and the words "in accordance with the Charter of the United Nations" after the word "self determination". Concerning point (b) of the third of the Saudi Arabian amendments, the sponsors of draft resolution A/C.6/L.879/Rev.1 felt that their text was drafted in the same spirit but they were prepared to change it somewhat so as to make it clearer and reduce the differences in views.

31. Mr. KRISHNADASAN (Zambia) said that the sponsors of draft resolution A/C.6/L.880/Rev.1 were grateful to the representative of Saudi Arabia for having proposed amendments aimed at harmonizing the different positions. They would examine those amendments very seriously.

32. Mr. CASTILLO ARRIOLA (Guatemala) wished to make it clear that his delegation did not share the opinion of the representative of Uruguay; actually nothing had been added to the wording of item 92 of the agenda: operative paragraphs 2 and 3 of draft resolution A/C.6/L.879/Rev.1 entirely respected the sovereign rights of States, while operative paragraph 7 dealt exclusively with the study of underlying causes and its text was in no way prejudicial to the domestic jurisdiction of States.

33. In addition, he would like to say that his delegation was one of the few among the sponsors of draft resolution A/C.6/L.879/Rev.1 which had not been consulted by the representative of Italy concerning the Saudi Arabian amendments and he wished to emphasize that it did not entirely accept the fourth amendment, which was too broadly worded and could justify any action. In the opinion of his delegation, it would be better to refer to "oppressed peoples under the colonial yoke" rather than "frustrated peoples".

34. Mr. FLEITAS (Uruguay) said that he still believed that operative paragraph 7 of draft resolution A/C.6/L.879/Rev.1 would authorize any kind of investigation. In his view, the terms of reference of the *ad hoc* committee should be limited by stating that it was international terrorism which was to be studied and by expressly restricting the study to the causes of that type of terrorism.

35. Mr. VINCI (Italy) said that, in line with the observations of the representative of Uruguay, his delegation would propose to its sponsors to insert the word "international" before the words "terrorism and acts of violence" in operative paragraph 7 of draft resolution A/C.6/L.879/Rev.1.

36. With reference to the remarks of the representative of Guatemala, he explained that he had proposed incorporating the substance of the fourth Saudi Arabian amendment in

draft resolution A/C.6/L.879/Rev.1 in a somewhat modified form.

37. Mr. MONTENEGRO (Nicaragua) said that, as one of the sponsors of draft resolution A/C.6/L.879/Rev.1, he shared the view of the representative of Guatemala and did not think that operative paragraph 7 implied any encroachment on the sovereignty of States. His delegation could accept the fourth Saudi Arabian amendment in principle, but believed that fuller consultations were necessary among the sponsors.

38. Mr. NJENGA (Kenya) said that, as he had understood it, the representative of Saudi Arabia had submitted his amendments to make draft resolution A/C.6/L.880/Rev.1 more generally acceptable. If that were so, he asked why the sponsors of draft resolution A/C.6/L.879/Rev.1 were using what suited them in those amendments to promote the adoption of their own text.

39. Mr. BAROODY (Saudi Arabia) observed that the disagreement in the Committee was essentially over whether to instruct the Commission to draft a convention or whether to establish an *ad hoc* committee. Actually, what was most important was to entrust the study of the question to real specialists of international law, otherwise whatever was done would be pointless. He therefore suggested as a compromise the establishment of a committee composed of some members of the Commission and additional specialized jurists. That Committee could divide itself into two sub-committees, one responsible for drafting international legal measures to prevent terrorism and the other for studying the underlying causes of terrorism. The one body would study simultaneously both the measures and the causes. Such a solution would represent a kind of amalgamation of draft resolutions A/C.6/L.879/Rev.1 and A/C.6/L.880/Rev.1.

40. Concerning his own fourth amendment, he explained that although it was an amendment to draft resolution A/C.6/L.880/Rev.1, there was no reason why the sponsors

of draft resolution A/C.6/L.879/Rev.1 could not incorporate it in their own text.

41. Mr. LEROTHOLI (Lesotho) said that the draft resolutions which had been submitted resembled one another in their inadequacy and limited relevance. Draft resolution A/C.6/L.879/Rev.1 did not make a distinction between international and other acts of terrorism. The second preambular paragraph was not entirely clear, while operative paragraph 2 was ambiguous and could be interpreted in a way that would make it impossible for liberation movements to exist outside of their own territories or to operate from other countries. It was regrettable that the concept of international terrorism was not defined. Regarding operative paragraph 5, there was a question whether a convention would be really effective in the case of political problems which could scarcely be solved in terms of international law, and the fact was that, when terrorism took the form of criminal acts, such acts were covered by municipal law and existing extradition treaties. A new convention was unnecessary, and that was why his delegation could not support operative paragraph 5. It also shared the doubts expressed by the representative of Uruguay regarding operative paragraph 7.

42. His delegation considered draft resolution A/C.6/L.880/Rev.1 closest to its own position but still far below the minimum desired by his Government. While it endorsed operative paragraph 3, it felt that the subject-matter of operative paragraph 4 was really within the competence of other United Nations bodies, dealing with decolonization. On the whole, the latter draft resolution was too vague since it did not precisely define international terrorism and failed to recommend immediate measures for dealing with it. He then read out a number of amendments to draft resolution A/C.6/L.880/Rev.1¹ which were being proposed by his delegation.

The meeting rose at 11.35 p.m.

¹Subsequently circulated as document A/C.6/L.896.