



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, A/C.6/L.850, A/C.6/L.851, A/C.6/L.866 and Corr.1, A/C.6/L.867)

1. Mr. SETTE CÂMARA (Brazil) congratulated the Chairman on his report (A/C.6/L.866 and Corr.1) which provided a basis for concrete action. His delegation reserved the right to comment on the report on a suitable occasion and would confine itself for the time being to certain remarks of a general character.

2. His delegation welcomed the decision of the General Assembly to include the item under discussion in its agenda. It had supported the efforts of the Secretary-General to bring the problem of terrorism to the attention of the General Assembly, and was convinced that the decision of the General Committee to allocate the item to the Sixth Committee had been a wise one. In the first place, the Sixth Committee was in a position to consider the question from a technical point of view, setting aside its political and emotional features. In the second place, it had already dealt during the current session with the related problem of the protection of diplomatic agents, the subject of chapter III of the report of the International Law Commission on the work of its twenty-fourth session (A/8710 and Add.1 and 2).

3. In the last five or six years the world had witnessed an endless repetition of acts of violence committed against innocent people in the name of political and other causes, and the United Nations could no longer remain aloof. It was necessary, however, in dealing with terrorism to seek inspiration in the lessons of the past. Although it had never before attained such shocking proportions, terrorism had a long history, and a number of attempts had been made to eradicate it, notably in Belgium, which in 1856 had enacted a provision according to which the murder of a foreign head of State or of a member of his family was not to be considered a political crime. The League of Nations had concluded a convention on the subject in 1937, but it had never been ratified owing to the outbreak of the Second World War. The United Nations should not, however,

allow itself to be discouraged by those failures. It had already concluded conventions dealing with particular kinds of offences, such as the Montreal and The Hague Conventions on the unlawful seizure of aircraft and other unlawful acts against the safety of civil aviation. The International Law Commission had prepared a set of draft articles on the protection of diplomatic agents, and the preparation of a general convention against terrorism could no longer be postponed.

4. What made terrorism such a hideous crime and an offence against the whole of mankind was the absence of any link between the terrorist and his victim, who could be anyone who happened to cross his path. Terrorism could therefore hardly be justified as the instrument of a noble cause or as the offspring of social injustice and poverty.

5. His delegation felt particularly well qualified to discuss ways and means of coping with the problem of terrorism because Brazil had recently experienced an outburst of acts of violence contrary to all its traditions. Among a series of such events, there had been four notorious cases of kidnapping of diplomats, in dealing with which his Government had placed the lives and safety of the victims above every other consideration. On several occasions, Brazilians entrusted with the protection of foreign diplomats had lost their lives while the persons who were the object of the terrorist activity had emerged unharmed. No Government had gone so far in its efforts to safeguard the security of foreign representatives, although, in the light of the current practice of States, it was doubtful whether such a pattern of behaviour could continue to be followed in future.

6. Because of its own experience, Brazil had always fought for international action against terrorism as a whole, and had never thought that measures aimed solely at the protection of diplomats would be a satisfactory solution to the problem. Thus, during the third special session of the General Assembly of the Organization of American States, his delegation, while supporting a draft convention which embodied a general approach to the question, had refused, together with a number of other delegations from Latin American countries, to approve the restricted instrument which had finally been adopted in February 1971, and which had been signed by only 13 nations and so far ratified by none.

7. In his personal capacity as a member of the International Law Commission, he had repeatedly objected to the limited scope of the draft articles on the protection of diplomatic agents, and had agreed to participate in the Working Group established by the Commission to prepare

the first draft on the subject on the understanding that the draft would be only an initial step towards curbing terrorism in general.

8. It was now for the Sixth Committee to try to provide the international community with a useful and practical instrument for the eradication of terrorism. Its approach should be based on the experience of the International Law Commission when drafting the articles on the protection of diplomatic agents. The Commission, mainly owing to suggestions made by its Soviet member, who had taken an active part in the Working Group, had established a realistic method of treating the subject, avoiding entanglement with theoretical definitions and dealing only with actual facts. Some of the cardinal points of the Commission's draft could provide the Sixth Committee with useful guidance in its own work. First, it was necessary to establish in clear-cut terms, as was done in article 5 of the Commission's draft (see A/8710, chap. III, sect. B), the general obligation either to prosecute or to extradite. That obligation, couched in terms that excluded any exception whatsoever, would do away with the extension to terrorists of the right of territorial asylum. While the right of asylum should continue to be respected, as was traditionally the case in Latin America, it must not be extended to criminals whose punishment was called for by the conscience of the world so that its exercise became an encouragement for terrorism. The second point would be to abandon the exception for political crimes where the extradition of persons guilty of crimes of terrorism was concerned, as provided for in article 2 of the Commission's draft. That was not a novelty in international law, for earlier attempts to deal with the problem, such as the Belgian clause to which he had referred, had already discarded the traditional distinction between political and common crimes in specific situations. Several other points in the Commission's draft articles, such as the obligation of States to assist and co-operate in the punishment of criminals, the provisions prescribing severity in the degree of punishment and the provision according to which the statutory time-limit for instituting a prosecution would be that fixed for the most serious crimes, should guide the Sixth Committee in its deliberations. While it regarded the Commission's draft articles as an objective and realistic basis for dealing with the whole problem of terrorism, his delegation was nevertheless open to any suggestion that might be presented in the course of the discussion.

9. If the United Nations wished to avoid a fatal blow to its prestige, it must endeavour to put an end to the atrocious crime of terrorism.

10. Mr. LONCAR (Yugoslavia) said that international terrorism had become a problem of considerable urgency both in the relations between numerous countries and in international relations as a whole. It was therefore proper that the United Nations should have decided to examine the question of terrorism and its causes during the current session, despite the complexity of the problem.

11. Considerable attention had been paid to the question of international terrorism during the general debate in the General Assembly. Various opinions had been expressed as

to its character and causes, but the majority of delegations had agreed that the problem was connected with over-all international relations and that there was an imperative need to examine it in that context and to try to solve it by means of joint action on the part of the international community.

12. In order to be able to ensure co-operation in the taking of joint measures, it was necessary to achieve a closer identity of views regarding, primarily, the nature of those aspects of international terrorism that most directly impaired relations between sovereign and independent States that were not at war. It was necessary at the same time to emphasize the common position, expressed by the vast majority of Member States, concerning mass terror exercised against entire peoples: under colonial domination in Africa, under the occupation of Arab territories in the Middle East, and under the terror of aggression in Indo-China.

13. The hijacking of aircraft of non-belligerent States, the taking of innocent hostages, the kidnapping of diplomats, attacks on diplomatic missions and, generally speaking, the jeopardizing of the lives of innocent people, as well as the setting up of terrorist organizations in the territory of third countries with a view to undermining the internal peace and stability of States with which those countries were not at war undeniably constituted acts of terrorism and international banditry. It was essential that all countries should co-operate in combating such acts, in accordance with the elementary rules of behaviour which should govern relations among sovereign States as a fundamental prerequisite for the achievement of peaceful coexistence among all peoples.

14. The causes of the problem were obviously manifold, but it was desirable to draw attention to one of them which had been most evident throughout the post-war period, still persisted and encouraged certain specific forms of terrorist activity. Many defeated fascist elements had found refuge in various countries. The opposition of reactionary political circles—and not infrequently of those in power—to revolutionary changes and progressive aspirations had been a decisive factor in enabling the fascist remnants to organize terrorist activities against other countries, notably Yugoslavia, for the purpose of hampering co-operation among sovereign States and arresting the general process of *détente*.

15. It was necessary to underline the distinction between terrorism and other forms of violence. The progress of history was leading mankind to eliminate violence from relations between peoples. However, as long as violence, oppression and exploitation continued, violence would also persist as an expression of resistance to them. Resistance to terror, however, was not terrorism. The anti-colonial liberation struggle was legitimate because it was founded on the right of peoples to self-determination and was an integral part of the efforts for universal peace and progress.

16. There also existed other acts of violence, as a product of certain historical circumstances, for which, within the context of progressive trends, there was neither rational nor ethical justification. That applied, in the first place, to

individual terror, except when it was the direct outcome of a state of war, for example, of a people fighting for its freedom against aggressors and occupiers. Such acts, which tended to be a substitute for the struggle of the masses, actually transformed themselves into the terrorization of the masses by individuals.

17. Because of its own experience and its position as a non-aligned country, it was not difficult for Yugoslavia to distinguish between terrorism and legitimate national liberation struggles, since it had had to fight for its national liberation and independence and the establishment of a socialist society based on self-management. In the more recent past, Yugoslavia had frequently been subjected to terrorist acts perpetrated by defeated fascist elements. Terrorist activity against Yugoslavia had assumed the most extreme forms, ranging from attacks against its missions abroad, including the murder of one of its ambassadors, the planting of bombs in public places in its own territory and the infiltration into Yugoslavia of trained terrorist groups armed with modern weapons. Such acts continued to be committed because of the assistance being provided to organizations and individuals whose activity was directed against the system and the territorial integrity of Yugoslavia, and because of the failure to take action against the perpetrators of terrorist acts against diplomatic missions. The Yugoslav Government had emphasized, to no effect, the incompatibility of such activity with the international obligations of the countries in which it took place and had drawn the attention of such countries to the growing danger which terrorist activity posed to the security of their citizens and institutions.

18. In order to put an end to that situation, it was necessary to adopt uniform criteria; the lack of such criteria could only undermine the credibility of the anti-terrorist stand. The lack of norms in international law to regulate terrorism in a concrete form, and the absence of a legal definition of international terrorism, were gaps which should be filled without further delay. However, the international community had already taken partial measures for the suppression of certain forms of terrorism—for instance, aerial hijacking, a question dealt with in the Tokyo, The Hague and Montreal Conventions, which Yugoslavia had already ratified. In that connexion, his delegation supported the idea that the General Assembly should appeal to all States to ratify those and all other relevant conventions so as to make them universally applicable.

19. With regard to further action, his delegation believed that the following considerations should be borne in mind. First, there was no doubt that the action required was of a long-term nature and that, accordingly, a decision should already be taken at the present stage to include the question of terrorism in the agenda of the twenty-eighth session of the General Assembly.

20. Second, the General Assembly should invite all States to submit, within a specified period of time, their ideas as to how the concept of terrorism should be defined, what international sanctions they wished to see imposed or considered essential, and what measures they themselves intended to take.

21. Third, with regard to the draft convention submitted by the United States (A/C.6/L.850), his delegation believed that at the present time consideration of the legal context of the question was still only in the initial phase; a thorough and detailed analysis was required in which all States should take part, with a view to elaborating a definition which would command wide acceptance and enable effective measures to be taken to prevent and suppress acts of international terrorism.

22. Fourth, there were divergences of opinion concerning the procedure to be followed in considering the question as a whole and, in particular, the possibility of establishing a special committee. While understanding the arguments of those who felt that the question of establishing such a body should be deferred until the twenty-eighth session of the General Assembly when Government replies would be available so that a clearer picture of the possibilities for further action could be obtained, his delegation believed that even at the present stage an attempt could be made to determine the procedure to be followed.

23. Fifth, his delegation believed that it was possible to define in the form of a widely acceptable resolution the position which the Sixth Committee intended to take in the immediate future, until the twenty-eighth session of the General Assembly met, so as to ensure continuity in the consideration of that question and, in particular, to enhance the importance of international measures aimed at combating acts of violence, intimidation and blackmail and, especially, acts endangering the peace and lives of civilian populations in various countries.

24. His delegation was convinced that there already existed all the conditions necessary to intensify international co-operation on the basis of the generally accepted norms governing friendly relations among sovereign and independent States.

25. Mr. BENNETT (United States of America) said that the problem of terrorism was immediate and urgent. Violence was growing apace and had almost assumed the character of a spectator sport. The item under consideration provided the Sixth Committee with the opportunity to take effective action to strengthen human rights against the depredations of international violence. That violence knew no geographical parameters and was not confined to any one political cause, as could be illustrated by an enumeration of the incidents which had occurred since the opening of the General Assembly: An Arab diplomat murdered in Rome; a postal employee in New York injured by a letter-bomb mailed from Malaysia; a plane hijacked from Mexico to Cuba; another plane hijacked from Turkey to Bulgaria; an attempted hijacking of a plane in Japan; a postman, a secretary and an office boy injured in Beirut by parcel-bombs; three persons injured in Libya by a parcel-bomb mailed from Belgrade; an airport security official injured in Cairo by a letter-bomb; letter-bombs posted in Amsterdam, New Delhi, Belgrade, Singapore, Bombay and Malaysia to addresses in a wide range of countries. That dismal list showed that no one could now be certain of remaining immune from that deadly spiral of violence. As Secretary of State Rogers had stated in the General Assembly (2038th

plenary meeting), the issue was whether the vulnerable lines of international communication—the airways and mails, diplomatic discourse and international meetings—could continue to function normally and to play their role of bringing nations and peoples together. All those who had a stake in that had a stake in decisive action to suppress those demented acts of terrorism.

26. Terrorism was not, therefore, an issue which should divide members of the Committee, since all were equally concerned by it. To those who feared that action on international terrorism might adversely affect the right of self-determination he wished to say that the United States, which itself had emerged from a struggle for independence and had contributed to the formulation of the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations, which embodied the right of self-determination, would not be a party to any action that would adversely affect that right.

27. It was therefore necessary to make reasonable distinctions which, while protecting the right of self-determination, would check the epidemic of violence which threatened the very fabric of international order and the most fundamental of rights. In that connexion, he wished to observe, in reply to the comments made by the representative of Saudi Arabia (1355th meeting), that while it was true that George Washington had been a rebel—and a brilliantly successful one—he had not hijacked the boat in which he had crossed the Delaware and had not endangered innocent lives. That was a not unimportant point as far as the item under consideration was concerned.

28. The United Nations and the International Civil Aviation Organization had taken important steps to deal with threats or attacks against civil aviation. It had been recognized that such attacks endangered the lives of a large number of innocent persons and the very fabric of society. In view of the extreme seriousness of such acts, the measures adopted thus far had not taken underlying motives into consideration. It was important to ensure the strict implementation of General Assembly resolutions 2551 (XXIV) and 2645 (XXV) and the Tokyo, The Hague and Montreal Conventions.

29. The United Nations had also recognized the unacceptability of threats or attacks against diplomats and other internationally protected persons. Its work in that field would be completed at the twenty-eighth session of the General Assembly by the conclusion of a convention on the subject.

30. The United States Government believed that it was necessary to tackle the urgent problems resulting from the growing trend of certain private groups to export their conflicts to countries which were not parties thereto. The United Nations should express the will of the international community by unequivocally condemning acts of terrorism and by taking the requisite preventive action. Action by individual States and the co-operation of States must be sought. His delegation also believed that an international

convention should be drawn up and that the urgent convocation of a plenipotentiary conference would be the most expeditious way to proceed. To that end, it had submitted a draft convention for the prevention and punishment of certain acts of international terrorism (A/C.6/L.850). That text did not purport to provide a final solution to the problem, but it sought to check the most serious manifestations of violence while at the same time meeting the aspirations of peoples seeking to emerge from colonial status. The draft convention did not seek to define terrorism in the abstract or to deal with all acts which might be called terrorism. It was a traditional function of international law to attempt to contain violence within the narrowest feasible territorial limits in cases where it seemed impossible to eliminate it completely. Consequently, the draft convention dealt only with the most serious criminal acts: murder, serious bodily harm or kidnapping. Such acts fell within the scope of the draft convention only to the extent that they met each of the four conditions set out in the draft.

31. First, the act must be committed or take effect outside the territory of a State of which the alleged offender was a national. That first condition left to each State full responsibility for the maintenance of civil order within its territory. It had been suggested that the purpose of that condition was to avoid imposing restrictions on Governments. Concern on that point could be allayed by recalling the provisions of the Universal Declaration of Human Rights and the Geneva Conventions of 1949 and by bearing in mind the positive contribution which that condition implied.

32. The second condition was that the act must be committed or take effect outside the territory of the State against which the act was directed. The draft convention was not aimed at conflicts taking place within a particular State and directed against that State even if non-nationals were participants in the conflict, that problem having been dealt with in the provisions of the Declaration on Friendly Relations among States. However, that requirement was subject to one exception, namely, cases where the act was knowingly directed against nationals of another State, for instance, the case of an armed attack in the passenger lounge of an international airport.

33. The third condition was that the act must not be committed either by or against military personnel, whose conduct was regulated by the Geneva Conventions of 1949. The purpose of that requirement was to limit application of the proposed convention to acts committed by irregular groups or individuals against innocent persons.

34. The fourth condition was that the act must be intended to damage the interests of or obtain concessions from a State or an international organization; it was that element which distinguished international terrorism from ordinary crimes dealt with by national criminal codes.

35. It should be emphasized that all four conditions must be met for the convention to apply. Despite its precisely limited focus, it would cover most of the recent acts of

international terrorism. Its text was consistent with the Declaration on Friendly Relations: it did not apply to acts taken in response to the use of force to deny rights articulated in the Declaration. It should also be noted that the draft convention would yield to other more specialized conventions covering attacks against diplomats or civil aviation. The draft had sought to concentrate on acts of terrorism which presented the greatest current threat and which ironically had received the least attention. Obviously, the limited scope of the draft did not imply that acts not covered were permissible.

36. The preventive and punitive measures provided for in the draft were substantially the same as those laid down in the Montreal and The Hague Conventions. States parties would be required to establish severe penalties for the acts covered and either to prosecute or extradite offenders. The fundamental principle of *non-refoulement* was in no way impaired.

37. The United States recognized the necessity of studying the underlying causes which led men and nations to resort to desperate acts of violence. The best means of bringing international terrorism to an end would be to resolve all international conflicts peacefully and to eliminate poverty and other social ills. States Members of the United Nations must intensify their efforts in that regard, in accordance with their obligations under the Charter. The identification and elimination of the causes of terrorism, however, could only proceed slowly, and it was impossible to sit idly by pending a solution to the underlying problems. No one refused medical treatment on the ground that the causes of his illness had not yet been fully determined. Similarly, no State hesitated to prohibit murder even though all the causes of injustice had not been eliminated or all the causes of violence identified.

38. The Convention for the Prevention and Punishment of Terrorism drafted in 1937 by the League of Nations had defined acts of terrorism in the broadest of terms, making no distinction between civil and international conflict or between such conflicts and their spread to the third countries; it had not been ratified by a single State. In contrast, in its draft convention the United States, paralleling earlier efforts aimed at the protection of civil aviation and diplomats, had sought to isolate a specific threat common to the international community as a whole, which all could agree on, regardless of ideology or alignment. The United States draft would not, by itself, make the world safe from violence, but a failure by the General Assembly to move in that direction could only encourage anarchy, violence and terror. World opinion was outraged by the increasingly frequent attacks on communication and transportation links and by the increasing number of victims. International action would be taken, one way or the other. For example, airline pilot associations and labour organizations spoke of acting in their own self-defence. However, measures taken by groups of States or by private organizations might do more harm than good to the delicate structure of modern communications and transportation and even to the long efforts to build an orderly structure of international law. It was therefore incumbent on the

international community as a whole, acting within the framework of the United Nations, to assume a role of leadership on a matter of such importance as the protection of innocent lives against the effects of international violence, a matter sufficiently important to have merited discussion in the statements of the representatives of 92 sovereign States before the General Assembly. In one of the most admired statements of the general debate at the current session, the Minister for Foreign Affairs of Singapore (2060th plenary meeting) had deplored the fact that both large and small Powers, instead of seeking practical solutions to the difficult problems facing the United Nations, gave themselves over to polemics and rhetoric, thereby running the risk of turning the United Nations into a meaningless organization.

39. His delegation believed that draft resolution A/C.6/L.851, which it had submitted in support of the Secretary-General's initiative, provided a useful framework and suggested an effective procedure for responding to the urgent problem of international violence. It would not be easy to reach agreement on a resolution which would reconcile the wide range of divergent opinions. However, it was to be hoped that the manner in which the Sixth Committee would deal with the question would make it possible for the United Nations to prove that it was able to deal effectively with a demanding problem which threatened all peoples everywhere. He expressed his wish that the love of rhetoric would not prevail over simple humanity and the right of the individual to security of his person.

40. Mr. CASTILLO ARRIOLA (Guatemala) said that his delegation had voted in favour of including the question of international terrorism in the agenda of the twenty-seventh session of the General Assembly because it was convinced that the United Nations should concern itself with solving that serious and complicated problem, which represented a threat to international peace and security. One should approach the study of terrorism and the search for solutions with an open mind and at the same time study the underlying causes. In view of the complexity and seriousness of the problem, great care must be exercised in selecting a procedure that would permit optimum progress. In that connexion, his delegation paid tribute to the efforts of the Chairman of the Committee, who as a result of his broadly based consultations had managed to identify the key points which should be considered in an atmosphere which was objective and as non-political as possible. The United Nations should seek effective and immediate measures meeting with general approval and should avoid drafting ineffectual declarations or international instruments which would never enter into force because they did not meet the interests and concerns of Member States.

41. The League of Nations had once had occasion to deal with the topic of terrorism and had drafted a Convention on the subject. That Convention was outmoded today since terrorism had evolved considerably since 1937.

42. Acts directed against heads of State and Government and persons entitled to international protection, which constituted the first category of acts of terrorism made

punishable by the Geneva Convention of 1937, were to be the subject of a special convention. As to the other forms of international terrorism, it was likewise clearly necessary to bring matters up to date in relation to the present-day situation in order to ensure effective international co-operation for the prevention and punishment of such crimes.

43. It was true that in one sense terrorism was not a new phenomenon. What was new, however, was that organizations had been established to prepare and carry out criminal acts with the express purpose of causing panic, disorder and terror in society and thereby to destroy its cohesiveness. Another new element was the increasing danger posed by international terrorism because of the inhuman means it used. The civilized world noted with distress that acts of terrorism were not longer isolated events, but the work of an international organization carrying out its activities in a co-ordinated way in large geographical areas, mounting attacks without distinction on individuals, societies, States and the international community.

44. Of course, the State had always had the fundamental obligation to maintain order in its territory, but there were acts which, while regarded as common crimes under municipal law, adversely affected juridical property belonging to other States or the international community and which therefore required the establishment of international co-operation to ensure their prevention and punishment.

45. Certain offences, notably those which affected the safety of civil aviation, had been the subject of special conventions. In addition, the International Law Commission had begun preparing a draft Code of Offenses against the Peace and Security of Mankind,¹ which condemned terrorism and prescribed punishment for incitement, encouragement or toleration of activities intended to create a state of terror in the territory of another State. But that draft Code had been laid aside, and it was unlikely that it would furnish a solution to the problem of terrorism in the near future. The Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations provided a foundation on which States could base their conduct. His delegation considered, however, that the prevention and punishment of the criminal activities of terrorism also required the active co-operation of States and the establishment of an international jurisdiction. In the Americas, Guatemala was one of the countries which had suffered most from the consequences of the current wave of violence; it thus could speak with some authority about the procedures best suited to enable mankind to overcome the current severe crisis.

46. As a result of the wave of terrorism to which they had been subjected for several years, the majority of American countries meeting at the first special session of the General Assembly of the Organization of American States, in 1970, had strongly condemned acts of terrorism, declared them to be common crimes and had instructed the Inter-American

Juridical Committee to prepare a draft convention on acts of terrorism which might have repercussions on international relations. That instrument established co-operation between the contracting States with a view to preventing acts of terrorism, especially kidnapping, murder and other assaults against the life or physical integrity of persons to whom the State had the duty to give special protection according to international law. Although the Convention had been signed by 13 States, it had not yet been ratified. Admittedly, it was designed to meet the needs of a regional organization having special characteristics and it would no doubt be better for the General Assembly to consider preparing a separate instrument of more universal application, rather than recommending that States accede to the OAS convention.

47. His delegation would like to make a few brief comments on the "key points" enumerated by the Chairman of the Committee in his report (A/C.6/L.866 and Corr.1). It would support any draft resolution in which the General Assembly condemned acts of terrorism because they jeopardized international relations and the internal or external security of States and violated fundamental rights, decided to include the item in the agenda of its twenty-eighth session, invited Member States to take measures against terrorism at the national level, instructed a committee of experts to identify accurately the underlying causes of terrorist activities and recommend appropriate measures for their removal; and instructed the International Law Commission to prepare, in the light of existing conventions on the subject, a draft convention, capable of winning unanimous acceptance, designed primarily to establish international co-operation with a view to destroying the germ of destruction threatening world civilization.

48. There was no question of the legitimacy of the struggle of the peoples of southern Africa for their independence, but the situation in those territories was not relevant to States whose populations normally controlled their own destiny in accordance with their constitutional arrangements. In democratic countries such as Guatemala, the people exercised their free choice at elections, and it was inconceivable that the right to self-determination should be used as a pretext for bringing about a change of government by violent means.

49. Mr. ZOTIADIS (Greece) observed that acts of terrorism were becoming increasingly frequent, with ever more serious consequences—the suffering of innocent victims and the impairment of air communications and diplomatic relations. The growth of international terrorism also gave rise to situations constituting a threat to international peace. It was gratifying that the Secretary-General had taken the initiative of drawing attention to the question and that the General Assembly had included it in its agenda, for the United Nations could not ignore a situation which threatened the very fabric of international legal order. The consultations undertaken by the Chairman of the Committee and the study prepared by the Secretariat (A/C.6/418 and Corr.1) constituted a useful basis for the Committee's work.

¹See *Official Records of the General Assembly, Ninth Session, Supplement No. 9, chap. III.*

50. The prevention and punishment of international terrorism was a delicate problem from both the political and legal point of view. The underlying causes of terrorism deserved detailed study, for otherwise it would not be possible to overcome that scourge. It was true that misery, frustration, grievance and despair caused some people to sacrifice human lives, including their own, in an attempt to effect radical changes, but it was equally true that many acts of violence were not of a political or ideological nature. Whatever their cause, acts of terrorism were irreconcilable with the very nature of international legal order. At the same time, the series of acts of that kind did not constitute an isolated phenomenon and should be viewed within the framework of several serious international problems for which, unfortunately, no solution had yet been found. Clearly, it was not easy to eliminate the causes of acts of terrorism, but the urgent need to prevent the use of terror against innocent people must be considered in conjunction with the need to find solutions to some, at least, of the political problems which caused terrorism.

51. In the first place, it was necessary to prepare a generally accepted definition of acts of terrorism declared to be crimes punishable at an international level. In the light of the work of the International Conferences for the Unification of Penal Law, his delegation proposed that acts of terrorism such as murder, kidnapping and other serious offences committed against innocent civilians or property in a foreign State for the purpose of harming or forcing concessions from a State should be declared international crimes. There was no doubt that the agenda item excluded the consideration of activities falling within the domestic jurisdiction of States.

52. The examination of recent acts of violence showed that international terrorism could take various forms. From the territorial point of view, an act of international terrorism occurred when an act caused by the situation in one State was committed in the territory, on a vessel or in an aircraft of another State. From the point of view of nationality, an act of international terrorism occurred when either the perpetrator or the victim was not a national of the State in which the act was committed or when the perpetrator fled to another State. Regardless of those two criteria, an act of terrorism, in order to be regarded as international, must also constitute a violation of international legal norms. Nevertheless, if an act was judged on the basis of the values generally recognized by the international community as worthy of protection, an act of terrorism became international when it jeopardized the right to security of person as proclaimed in the Universal Declaration of Human Rights. Finally, an act of terrorism was of international concern in so far as the need for concerted action by the international community was recognized.

53. It was a principle of international criminal law that an act of political terrorism constituted a common crime, whatever the motives for which it was committed. In that connexion, he drew attention to the work of the International Conferences for the Unification of Penal Law and the Convention on the same subject, signed at Washington in 1971. Recent international practice, as

described in the Secretariat study, also demonstrated the tendency to exclude acts of terrorism and other serious crimes from the category of political non-extraditable offences.

54. There was no connexion between international terrorism and the application of the principle of self-determination. The indiscriminate violence employed by terrorists against innocent victims had nothing in common with the honourable striving of peoples for liberation. However, those efforts must in no way jeopardize the equally fundamental principles proclaimed in the Charter and in other international declarations governing friendly relations among States and in the humanitarian laws applicable to armed conflicts. Those were principles of international law which should be implemented to prevent terrorism.

55. States could take preventive measures at both the national and international levels. At the national level, States were already obliged under current international law to take all necessary measures within their domestic jurisdiction to prevent acts of international terrorism and to refrain from encouraging such acts in another State. At the international level, co-operation could be strengthened by various means. Firstly, all States should be urged to accede to the Tokyo, The Hague and Montreal Conventions concerning the security of international civil aviation. Those Conventions, although representing a great step forward, had certain weaknesses. Instead of giving States the choice of extraditing the offender or of punishing him themselves, the Conventions should establish the mandatory punishment of the offender by any State into whose jurisdiction he might come. Nor did the Conventions provide for legal sanctions in the event of non-compliance with their provisions. That weakness could be remedied by linking bilateral air agreements directly to the Conventions of the International Civil Aviation Organization on the hijacking of aircraft. A new treaty might provide for suspension of all air services to countries which failed to punish or extradite hijackers. The draft articles prepared by the International Law Commission on the protection of diplomats provided a good basis for a draft convention on the subject. However, all the Conventions were of a specialized nature and it would probably be desirable for the Committee to consider the preparation of a single convention on the prevention and punishment of international terrorism in general. That task might be entrusted to an *ad hoc* committee which would study measures to be taken against terrorism and study its underlying causes. Such a convention could be effective only if, with respect to the punishment of acts of terrorism affecting innocent people and third States, it established the responsibility of individuals on the basis of an international jurisdiction recognized by all States. Furthermore, States should establish through Interpol procedures for the exchange of information about international terrorism; that organization had recently adopted by a unanimous vote a resolution condemning acts of international terrorism and calling for the reorganization of the machinery to combat them. His delegation would support any draft resolution whose purpose was to develop international co-operation with a view to protecting the international community against acts

of international terrorism which threatened basic values and the very fabric of international legal order.

56. Mr. ARITA QUIÑONEZ (Honduras) said that in the compilation prepared by the Secretariat (A/C.6/L.867) pages 120 to 123 of the Spanish text contained a statement which had not been made by the Minister for Foreign

Affairs of Honduras. The Minister had made only the statement which appeared at the bottom of page 119.

57. The CHAIRMAN said that the Secretariat would correct that mistake.

The meeting rose at 5.40 p.m.