Questions relating to international terrorism

5. Notes that the International Law Commission intends, in the discussion of its long-term programme of work, to decide upon the priority to be given to the topic of the law of the non-navigational uses of international watercourses, as requested by the General Assembly in resolution 2780(XXVI);

6. Requests the Secretary-General to submit, as soon as possible, the study on the legal problems relating to the non-navigational uses of international watercourses requested by the General Assembly in resolution 2669(XXV) of 8 December 1970, and to present to the International Law Commission at its twenty-fifth session an advance report on such study;

7. Expresses the wish that, in conjunction with future sessions of the International Law Commission, other seminars might be organized, which should continue to ensure the participation of an increasing number of jurists of developing countries;

8. Requests the Secretary-General to forward to the International Law Commission the records of the discussion on the report of the Commission at the twenty-seventh session of the General Assembly;

II

1. Invites States and also the specialized agencies and interested intergovernmental organizations to submit, as soon as possible, their written comments and observations on the draft articles prepared by the International Law Commission concerning the prevention and punishment of crimes against diplomatic agents and other internationally protected persons;

2. Requests the Secretary-General to circulate the comments and observations referred to in paragraph 1 above in order to facilitate consideration of the draft articles by the General Assembly at its twenty-eighth session in the light of those comments and observations;

3. Decides to include in the provisional agenda of its twenty-eighth session an item entitled "Draft convention on the prevention and punishment of crimes against diplomatic agents and other internationally protected persons" with a view to the final elaboration of such a convention by the General Assembly;

4. Requests the Secretary-General to transmit to the General Assembly at its twenty-eighth session all relevant documentation which may be required for the discussion of that item.

TWENTY-FIFTH ANNIVERSARY OF COMMISSION

A/65/L.859. Afghanistan, Czechoslovakia, Spain, Yugoslavia: draft resolution, approved unanimously by Sixth Committee on 20 October 1972, meeting 1339.

A/8892. Report of Sixth Committee, draft resolution II.

Resolution 2927(XXVII), as recommended by Sixth Committee, A/8892, adopted unanimously by Assembly on 28 November 1972, meeting 2091.

The General Assembly, Recalling that on 21 November 1947 the General Assembly adopted resolution 174(II) by which it established the International Law Commission and approved the statute of the Commission, Noting that the twenty-fifth anniversary of the opening of the first session of the International Law Commission will be marked on 12 April 1974,

1. Commends the International Law Commission and all the distinguished lawyers who have participated in its work for the outstanding contribution made to the codification and progressive development of international law;

2. Recommends that the twenty-fifth anniversary of the International Law Commission should be observed in an appropriate manner by the General Assembly during its twenty-eighth session;

3. Requests the Secretary-General to bring the present resolution to the attention of International organizations concerned with questions of international law.

Other documents


Chapter III

Questions relating to international terrorism

By a note dated 8 September 1972, accompanied by an explanatory memorandum, the Secretary-General requested that the General Assembly include in the agenda of its 1972 session an additional item of an important and urgent character entitled "Measures to prevent terrorism and other forms of violence which endanger or take innocent human lives or jeopardize fundamental freedoms."

On 20 September 1972, the Secretary-General made a statement in the General Committee of the General Assembly in support of his request. In proposing this item, the Secretary-General said, he had in mind the increasing incidence of acts of violence directed at national leaders, diplomatic envoys, international passengers and other innocent civilians, which had created throughout the world a climate of fear from which no one was immune. While fully aware that the problem of terrorism and violence was an immensely complex one to which there were no short cuts and no easy solutions and that a number of Governments would have difficulties in formulating their
approach to the problem, he had nevertheless proposed the item because there was a deep and general concern with the phenomenon of international terrorism, because the scope of terrorist activity as well as its underlying causes had become increasingly international and because modern technology had added a formidable new dimension to an ancient problem.

The Secretary-General further stated that he had the general problem in mind and not any specific incident or situation. A main reason which had impelled him to request the inscription of the item was his strong feeling that the United Nations should face up to the international aspects of this very difficult problem or else the climate of fear, which was already an ominous feature of the times, would inevitably become worse. There was also the risk of a steady erosion, through indiscriminate violence, of the already tenuous structure of international law, order and behaviour, in which innocent people, often completely unconnected with the issues involved, would increasingly fall victims. Such a development would inevitably also endanger international relations and make even more difficult the efforts of the United Nations and of Governments to achieve peaceful solutions of serious problems.

The Secretary-General drew attention to the observations made by the International Law Commission in the report on the work of its 1972 session, in connexion with the question of the inviolability and protection of diplomats and other persons entitled to special protection under international law. The Commission had observed among other things that crimes committed against diplomatic agents were but one aspect of the wider question of the commission of acts of terrorism (see above, pp. 635-36).

In the opinion of the Secretary-General, it was no good to consider the very complex phenomenon of terrorism without at the same time considering the underlying situations which gave rise to terrorism and violence in many parts of the world. It was these underlying causes which made the problem so appallingly difficult to tackle, owing to their variety and different natures, and which also made it so difficult for Governments to agree upon the kind of measures that could reverse the current trend to violence. The roots of terrorism and violence in many cases lay in misery, frustration, grievance and despair so deep that men were prepared to sacrifice human lives, including their own, in the attempt to effect radical changes.

The Secretary-General said that he wished to make it quite clear that it was not his intention, in proposing the inclusion of the item, to affect principles enunciated by the General Assembly regarding colonial and dependent peoples seeking independence and liberation.

While recognizing that it would be unrealistic to suppose that quick solutions to such a large and complex problem could be agreed upon, the Secretary-General suggested that the item first be referred to the Sixth (Legal) Committee for a measured and calm analysis and discussion, as nothing could be less productive in achieving the basic common objectives than an inconclusive and acrimonious debate.

On 22 September 1972, the General Committee decided, by a vote of 15 to 7, with 2 abstentions, to recommend to the General Assembly that the item entitled "Measures to prevent terrorism and other forms of violence which endanger or take innocent human lives or jeopardize fundamental freedoms" be included in the Assembly's agenda and allocated to the Sixth Committee.

On 23 September, the General Assembly adopted the following amended title of the item: "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."

The title, as amended by Jamaica and by Saudi Arabia, was adopted by a vote of 81 to 18, with 27 abstentions. (The Jamaican amendment, adopted by a vote of 55 to 27, with 38 abstentions, rephrased the title to read: "Measures to prevent international terrorism which endangers or takes innocent human lives or jeopardizes fundamental freedoms." The Saudi Arabian amendment, adopted by a vote of 42 to 35, with 44 abstentions, added the words: "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.")

By a roll-call vote of 66 to 27, with 33 abstentions, the Assembly then adopted the recommendation of the General Committee that the item be included in the agenda and allocated to the Sixth Committee. The Assembly rejected, by a roll-call vote of 57 to 47, with 22 abstentions, an amendment by Democratic Yemen which would have included the item in the provisional agenda of the Assembly's 1973 session.

On 27 September, the Sixth Committee adopted (by a vote of 96 to 6, with 4 abstentions) a proposal by Canada, as amended by Mauritania, that the Chairman of the Sixth Committee carry out
Questions relating to International terrorism

preparatory consultations with Members on the course the Committee should follow in its consideration of the item, and that the Secretariat submit to the Committee a thorough study on the problem of terrorism, including its origins.

The Chairman of the Sixth Committee presented a report on the result of his consultations on 9 November 1972. He concluded that there was no objection among Committee Members to including the following three points in a possible resolution on terrorism: the inclusion of the item in the provisional agenda of the 1973 Assembly session; a request to States to adopt measures at the national level; and an appeal to States to become parties to the various existing treaties or conventions covering certain acts of international terrorism.

There was also no objection to the idea that the United Nations should continue to deal with the problem of international terrorism by pursuing, through an appropriate body, an investigation of its causes and of appropriate counter-measures. A difference of opinion existed, however, on the precise course to be followed and whether the two aspects of the problem—causes and measures—could be separated.

In the Chairman’s view, the most difficult question remained that of defining the concept of international terrorism: all Members were in principle prepared to condemn international terrorism, but it appeared impossible to do this without identifying the phenomenon more precisely.

The Secretariat submitted to the Sixth Committee the study it had been requested to prepare on the problem of terrorism, including its origins. The study noted that several international conventions aimed directly or indirectly at the suppression of certain acts of terrorism had been concluded.

Two conventions, it was pointed out, expressly dealt with terrorism: the Convention for the Prevention and Punishment of Terrorism (Geneva, 1937), drawn up under the League of Nations, and the Convention to Prevent and Punish the Acts of Terrorism Taking the Form of Crimes against Persons and Related Extortion that are of International Significance (Washington, D.C., 1971), prepared by the Organization of American States but open to participation by States outside the region. Two other conventions dealt with actions endangering civil aviation: the Convention for the Suppression of Unlawful Seizure of Aircraft (The Hague, 1970), and the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation (Montreal, 1971), both drawn up under the auspices of the International Civil Aviation Organization. The Convention on Offences and Certain Other Acts Committed on Board Aircraft (Tokyo, 1963) also contained provisions on the unlawful seizure of aircraft.

The study concluded that the origins and underlying causes of terrorism were complex and various but that many of them lay in international political or social situations which the United Nations was founded to improve. The effort to eliminate those causes should be intense and continuous. Yet terrorism threatened the lives and fundamental freedoms of the innocent, and it would not be just to leave them to wait for protection until the causes had been remedied and the purposes and principles of the Charter had been given full effect; there was a need for measures of international co-operation to protect the rights of the innocent as far as possible. Some means of force must not be used, even when the use of force was legally and morally justified and regardless of the status of the perpetrator, the report concluded.

In considering the item—at 23 meetings held between 9 November and 11 December 1972—the Sixth Committee also had before it a draft convention for the prevention and punishment of certain acts of international terrorism, submitted as a working paper by the United States. The draft provided that each State party would be required to establish severe penalties for the offences of international significance set forth in the convention.

During the debate in the Sixth Committee, a number of Members—including Australia, Austria, Bolivia, Brazil, Bulgaria, Canada, Israel, Iran, Italy, Japan, the Netherlands, New Zealand, Portugal, South Africa, Sweden, the USSR, the United Kingdom, the United States and Uruguay—held that international terrorism was becoming an increasingly urgent problem which demanded international action.

Recent instances of terrorist attacks, including the slaying of Israeli athletes participating in the Olympic Games at Munich (Federal Republic of Germany) and the attack at Lod (Israel) airport, were referred to by a number of speakers.

The United States said that violence knew no geographical parameters and was not confined to any one political cause. No one could be certain of remaining immune from its deadly spiral.

A number of Members held that terrorist acts not only inflicted injury or death on innocent persons but also affected the interests of States and undermined the foundations of international communications, diplomacy and order, which were essential for international peace and the welfare of people everywhere.

They generally agreed that, since the problem
was international in scope, it could not be combated by any one country alone, and that measures taken at the national level would have to be matched by international co-operation. Some Members held that an international convention on terrorism should be drawn up.

The United States, which took this position, said that the urgent convocation of a plenipotentiary conference would be the most expeditious way to proceed.

The USSR, which also favoured the conclusion of a convention, felt it would be premature to consider convening an international conference on the subject; the USSR suggested that the International Law Commission be invited to prepare a draft convention as quickly as possible.

Many States emphasized that terrorism should not be confused with the struggle of peoples for national liberation: the exercise of the right of self-determination was legitimate under the United Nations Charter, had been declared so by the Assembly in many resolutions and was not at stake in the current debate.

The United States representative noted that his country, which 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, which embodied the right of self-determination, would not be a party to any action that would adversely affect that right.

The USSR said Marxism-Leninism rejected international terrorism as a method of revolutionary action because it weakened the revolutionary movement and deflected the workers from the mass revolutionary struggle. The entire experience of revolutionary and national liberation movements showed that the recognition of terrorism as the principal method of combat led to a division of forces and diverted active militants from their real task.

A number of Members held that, although the causes of terrorism should be studied, measures against terrorism should not be deferred pending solutions to the underlying problems. Finland said the primary question was how the international community could protect itself, not an analysis of motives. The USSR said tolerant attitudes must be abandoned before the evil of terrorism reached disastrous proportions.

In the view of the United Kingdom, the way in which the United Nations responded to the problem of terrorism would be taken as a touchstone of its willingness to come to grips with all international problems.

A number of other States, however, maintained that the importance of the problem of terrorism had been exaggerated. Senegal, for example, noted that the phenomenon of terrorism had suddenly been given such prominence because a world which had accepted violence and terror as the natural lot of the poor, the weak and the oppressed was scandalized to see the rich and powerful made victims of those evils; an attempt was being made to raise the spectre of international terrorism as a pretext for calling for severe measures and sanctions against all who were seeking to make radical changes in the order established by a minority of racist and colonialist opportunists. Cuba said there was a marked tendency to identify terrorism with revolutionary violence and to declare it unlawful while a brutalizing strategy was being carried on in Indo-China and elsewhere. Similar views were expressed by, among others, Algeria, Guinea, India, Iraq, Mauritania, Sri Lanka, Sudan and the United Republic of Tanzania.

Most of them agreed with Lebanon that the problem of international terrorism must be viewed as a whole, that its effects could not be separated from its underlying causes and that the two aspects of the problem should be studied together. Algeria said that by studying the origins of the various forms of terrorism, the Committee would be able to determine their legality or illegality. The circumstances in which the question had been included in the agenda confirmed that an attempt was being made to exploit the emotions aroused by the events in Munich in order to get the Assembly to take a hasty political decision, Algeria stated; it would not be party to such manoeuvres and urged the international community to examine the situation fairly and without discrimination.

Israel commented that the most vicious and persistent terror crimes were those originating with terrorist organizations in the Middle East. Defeated in their design to strike the death blow at Israel, the Arab States had turned once more to terrorist warfare. Thus, it was not surprising that the Arab Governments opposed United Nations discussion of international terrorism, Israel said. It was essential to persuade those Governments to abide by their international obligations and to prevent all activities and eliminate within their borders all bases of organizations engaged in international terrorism.

The Syrian Arab Republic said Israel was seeking to gain the sympathy of world public opinion against what it termed Arab terrorism. By distorting the true nature of the liberation movement that it was trying to suppress, Israel was seeking justification for its expansionist ambi-

Questions relating to international terrorism

643

tions. The terrorist means which Israel had used to impose itself in the Middle East had naturally engendered a resistance movement on the part of the Palestinian people. The Israelis were using the term "terrorist" to describe Palestinian resisters who were fighting for their freedom and justice; the oppressed peoples of southern Africa had likewise been termed terrorists by the white minority, the Syrian Arab Republic declared.

The USSR said it supported the legitimate struggle of the Arab people of Palestine for the restoration of their inalienable rights. While the USSR could not condone the acts of terrorism committed by certain elements in the Palestinian movement, which dealt a blow to the national aspirations of the Palestinians and were used by the Israelis to cover up and justify their brutal armed reprisals, the fact remained that the people of Israel were now paying with their blood for the criminal policy of their rulers.

China said it had always been opposed to assassination and to the hijacking of aircraft as a means of waging political struggles and also to terrorist acts by individuals or a handful of people divorced from the masses, because such acts were detrimental to the cause of national liberation and the people's revolution. Imperialism, colonialism, neo-colonialism, racism and Zionism should never be allowed to use the recent incidents provoked by a few people to vilify the national liberation movements and revolutionary struggles. Thus, from the outset, China had opposed inclusion of the matter of "so-called international terrorism" in the agenda of the General Assembly. Its position had been shown to be correct, China said, as at the current session Israel, Portugal and South Africa had all described as terrorist the struggles of Palestinian and African peoples to achieve their national independence. China was strongly opposed to any condemnation which, on the pretext of opposing terrorism, was actually directed against the Palestinians, the other Arab peoples and the African peoples.

The repression of individual acts of terrorism fell within the sovereign right of the country in which the incident occurred. China could not agree to the forcible imposition of measures detrimental to State sovereignty in the form of an international convention.

Three draft resolutions on terrorism were introduced in the Sixth Committee.

One text was sponsored by the United States, which said it was proposing specific but restricted steps inspired by its concern at the increasing frequency of acts of international terrorism.

By the preambular paragraphs of the United States draft, the Assembly would:

(a) express its grave concern at the increasing frequency of serious acts of international terrorism, which inflicted injury and death to innocent persons and inflamed relations between peoples and States;
(b) deplore the tragic, unwarranted and unnecessary loss of innocent human lives from acts of international terrorism;
(c) recognize that the continuation of international terrorism posed a grave threat to the safety and reliability of modern communications between States, including in particular international civil aviation and diplomatic intercourse;
(d) recognize that Governments had the responsibility to take appropriate steps to assure that all foreign diplomats engaged in normal pursuits and all foreign nationals travelling, visiting or residing abroad were afforded full legal protection against bodily harm or the threat thereof;
(e) note the constructive initiative of the Secretary-General in placing an item on international terrorism before the Assembly;
(f) recall the General Assembly's Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations, in particular its statement that every State had the duty to refrain from organizing, instigating, assisting or participating in acts of civil strife or terrorist acts in another State or acquiescing in organized activities within its territory directed towards the commission of such acts, when the acts involved a threat or use of force.

By the operative paragraphs of the text, the Assembly would:

(1) call upon all States as a matter of urgency to become parties to and implement the following international conventions: (a) Convention on Offences and Certain Other Acts Committed on Board Aircraft, signed at Tokyo on 14 September 1963; (b) Convention for the Suppression of Unlawful Seizure of Aircraft, signed at The Hague on 16 December 1970; (c) Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, signed at Montreal on 23 September 1971;
(2) request the International Civil Aviation Organization (ICAO) to pursue as a matter of urgency the drafting of a convention on arrangements for enforcement of principles and obligations embodied in the Tokyo, Hague and Montreal Conventions with a view to the calling of a plenipotentiary conference without delay;

2 See footnote 1.
(3) urge all States to take immediate steps to prevent the use of their territory or resources to aid, encourage, or give sanctuary to those persons involved in directing, supporting or participating in acts of international terrorism;

(4) call upon all States urgently to take all necessary measures within their jurisdiction and in co-operation with other States to deter and prevent acts of international terrorism and to take effective measures to deal with those who perpetrated such acts;

(5) strongly recommend that Member Governments establish procedures for the exchange of information and data on the plans, activities and movements of terrorists, in order to strengthen the capability of Governments to prevent and suppress acts of international terrorism and to prosecute and punish those perpetrating such acts;

(6) call upon all States to become parties to a convention on the prevention and punishment of crimes against diplomatic agents and other internationally protected persons based on draft articles prepared by the International Law Commission;

(7) decide to convene a plenipotentiary conference in early 1973 to consider the adoption of a convention on the prevention and punishment of international terrorism and request the Secretary-General to transmit to Member States for their consideration the texts of proposed draft articles on this subject submitted to the General Assembly;

(8) recommend urgent efforts by all Members to address the political problems which might, in some instances, provide a pretext for acts of international terrorism.

A 14-power text was sponsored by Australia, Austria, Belgium, Canada, Costa Rica, Guatemala, Honduras, Iran, Italy, Japan, Luxembourg, New Zealand, Nicaragua and the United Kingdom. Italy, speaking for the sponsors, described the text as the product of a serious and intensive effort to devise a well-balanced resolution. The draft did not reflect the views of any one Member or group of Members but was rather an attempt to accommodate all opinions expressed during the debate, the Italian representative said. He noted that it called for two parallel courses of action: the drafting of a convention on measures to combat international terrorism, and the undertaking of a study of the causes of terrorism; the Assembly could then, at its 1973 session, reach conclusions on what action to take.

By the preambular paragraphs of the 14-power text, the Assembly would:

(a) reaffirm the faith of the peoples of the United Nations in fundamental rights and in the dignity and worth of the human person and their determination to practise tolerance and live together in peace with one another as good neighbours;

(b) express its deep concern at the continuous increase in acts of international terrorism which endangered or took innocent human lives or jeopardized fundamental freedoms as well as at the underlying causes of those forms of terrorism and acts of violence which lay in misery, frustration, grievance and despair and which caused some people to sacrifice human lives, including their own, in an attempt to effect radical changes;

(c) reaffirm the principle of equal rights and self-determination contained in the United Nations Charter and elaborated in the Declaration of Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter;

(d) affirm that nothing in the present text should be construed as enlarging or diminishing in any way the scope of the provisions of the Charter concerning cases in which the use of force was lawful;

(e) recognize that, at all times, a distinction must be drawn in every form of human conflict between, on the one hand, the right to resort to force and, on the other, the means used in pursuance of this right, certain means being illegitimate in all circumstances;

(f) consider as intolerable to the international community acts of international terrorism which often not only inflicted injury or death on innocent persons even beyond areas of tension, but also affected the interests of one or more States and undermined the very foundations of international communications, diplomacy and order, which were essential for international peace and the welfare of peoples everywhere;

(g) express its conviction of the need for urgent new measures to prevent the spread of international terrorism, especially to countries or individuals not parties to the conflict concerned, and also for an intensified search for solutions which would remove the underlying causes.

By the operative paragraphs of the 14-power draft, the Assembly would:

(1) condemn acts of international terrorism, particularly those resulting in the loss of innocent human lives;

(2) call upon all States urgently to take all appropriate measures at the national level for the fulfilment of their obligations to refrain from organizing, instigating, assisting or participating in such acts of international terrorism or acquiescing in organized activities within their terri-
Questions relating to international terrorism

tories directed towards the commission of such acts;
(3) urge Member States to co-operate more effectively with each other for the purpose of ensuring full protection of the public against acts of international terrorism, including, in conformity with their national legislation and through agreed international machinery, the exchange of information and data necessary to strengthen the capability of Governments to prevent and suppress such acts and prosecute or extradite those perpetrating them;
(4) call upon all States as a matter of urgency to become parties to and implement the relevant international conventions, particularly those concerning unlawful acts committed on board or against aircraft and the safety of civil aviation;
(5) request the International Law Commission to draft, with the highest priority, a convention on measures to prevent international terrorism, having particular regard to violence affecting countries or individuals not parties to the conflict concerned or directed against common means of international transportation and communications, for submission to the General Assembly in 1973, with a view to its adoption at a conference of plenipotentiaries to take place at the earliest practical date;
(6) request Member States to assist ICAO to pursue as a matter of urgency its endeavours to reach agreement among States on appropriate multilateral procedures within the framework of ICAO aimed at eliminating the threat to the safety and security of civil aviation;
(7) decide to establish an ad hoc committee consisting of 32 members, to be appointed by the President of the General Assembly, keeping in mind the principle of equitable geographical distribution, and to be represented by persons having the appropriate expert knowledge, with the task of studying the underlying causes of those forms of international 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, and of submitting a report, with suggestions as appropriate, to the 1973 session of the General Assembly;
(8) request the Secretary-General to seek views and comments of Member States and to provide such views and comments to the International Law Commission and to the ad hoc committee by 31 March 1973 with all documentation relating to the discussion of this item at the Assembly's 1972 session;
(9) decide to include the item in the provisional agenda of the Assembly's 1973 session.

The third draft was sponsored by the following 16 States: Afghanistan, Algeria, Cameroon, Chad, the Congo, Equatorial Guinea, Guinea, Guyana, India, Kenya, Madagascar, Mali, Mauritania, Sudan, Yugoslavia and Zambia. Zambia, introducing the draft, said it represented a genuine effort by the non-aligned group of countries to devise a solution acceptable to all. Zambia noted that the first operative paragraph of the draft referred to "increasing acts of violence" rather than to "international terrorism," an imprecise concept with emotional connotations, and that the draft sought to meet the concern voiced by many Members that colonial régimes should be given no excuse for suppressing the legitimate struggle of national liberation movements.

By the 16-power text, the General Assembly—
(a) deeply perturbed over acts of international terrorism which were occurring with increasing frequency and taking a toll of innocent human lives; (b) recognizing the importance of international co-operation in devising measures to effectively prevent their occurrence and of studying their underlying causes with a view to finding just and peaceful solutions as quickly as possible; and (c) recalling the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the United Nations Charter—would take the following steps. The Assembly would:
(1) express deep concern over increasing acts of violence which endangered or took innocent human lives or jeopardized fundamental freedoms;
(2) urge States to devote their immediate attention to finding just and peaceful solutions to the underlying causes which gave rise to such acts of violence;
(3) reaffirm the inalienable right to self-determination and independence of all peoples under colonial and racist régimes and other forms of alien domination and uphold the legitimacy of their struggle, in particular the struggle of national liberation movements, in accordance with the purposes and principles of the Charter and the relevant resolutions of the organs of the United Nations;
(4) condemn the continuation of repressive and terrorist acts by colonial, racist and alien régimes in denying peoples their legitimate right to self-determination and independence and other human rights and fundamental freedoms;
(5) invite States to become parties to the existing international conventions which related to various aspects of the problem of international terrorism;
(6) invite States to take all appropriate measures at the national level with a view to the
speedy and final elimination of the problem, bearing in mind the provisions of the paragraph reaffirming the right to self-determination and the legitimacy of the struggle of national liberation movements;

(7) invite States to consider the subject-matter urgently and submit observations to the Secretary-General by 1 June 1973, including concrete proposals for finding an effective solution to the problem;

(8) request the Secretary-General to transmit an analytical study of the observations of States submitted to the ad hoc committee to be established by the resolution;

(9) decide to establish an ad hoc committee consisting of 40 members to be appointed by the President of the General Assembly bearing in mind the principle of equitable geographical representation;

(10) request the ad hoc committee to consider the observations of States and submit its report to the Assembly in 1973 with recommendations for possible co-operation for the speedy elimination of the problem, bearing in mind the provision on the right to self-determination and independence and the legitimacy of the struggle of the national liberation movements;

(11) request the Secretary-General to provide the ad hoc committee with the necessary facilities and services;

(12) decide to include the item in the provisional agenda of the Assembly's 1973 session.

Amendments to the 16-power text were submitted by Saudi Arabia. By these, the Assembly would deeply deplore (rather than express deep concern over) increasing acts of violence which endangered or took innocent human lives or jeopardized fundamental freedoms, and deeply deplore (rather than condemn) the continuation of repressive and terrorist acts by colonial, racist and alien régimes in denying peoples their legitimate right to self-determination and independence and other human rights and fundamental freedoms. The ad hoc committee to be established under the resolution would be requested to make recommendations with regard to the international legal measures which could be taken in respect to those acts of terrorism motivated by personal lucrative gain or for usurping power for strictly personal ends (rather than recommendations for possible co-operation for the speedy elimination of the problem); with regard to acts of terrorism emanating from repressed national aspirations, the committee's report should include the exploration of special measures calculated to avoid the sacrifice of innocent human lives. The Saudi Arabian amendments would also have added a new provision whereby the Assembly would urge the international community to exert special efforts within and outside the United Nations to render justice to frustrated peoples struggling for self-determination and to extricate themselves from oppression.

The Saudi Arabian representative said his amendments were designed to clarify the 16-power text. He would not press his amendments to a vote on the understanding that their text should be submitted, as a working paper, to whatever body would eventually be entrusted with the task of considering the question.

Another series of amendments to the 16-power proposal was submitted by Lesotho, which held that the 16-power text was too vague since it did not precisely define international terrorism and failed to recommend immediate measures for dealing with it. By a vote of 70 to 27, with 23 abstentions, the Sixth Committee decided that the Lesotho amendments to the 16-power draft constituted a separate draft resolution.

The Lesotho text included four new preambular paragraphs by which the Assembly would:

(i) recognize the right of all peoples to self-determination and freedom from foreign domination in the spirit of the General Assembly declarations and resolutions concerning colonialism, racism and foreign domination;

(ii) recognize the solemn duty of all States to protect the lives and property of their citizens everywhere and every time in accordance with the principles of international law and justice;

(iii) express its conviction that organized terror against the citizens or persons of other States, or their lawful property, by the individuals, organizations in or organs of another State was a hostile act which could lead to a serious deterioration of relations between that State and the other States concerned, to the detriment of the principles of friendly relations among States;

(iv) express its belief that organized terror against the innocent citizens or persons of other States, or their lawful property, by the individuals, organizations in or organs of one State were either politically motivated and stemmed from the internal political situation in that State or were motivated by the desire for unlawful self-enrichment.

By the operative paragraphs of the Lesotho text, the General Assembly would:

(1) declare that the use or threat of violence by individuals, organizations in or organs of the State against the innocent citizens or persons of other States or their property, either for securing political objectives or for purposes of extortion, constituted international terrorism;
(2) warn that international terrorism constituted a serious threat to world peace and was a fundamental danger against friendly relations between States and peoples of the world and a scourge to international society;

(3) urge all States and peoples of the whole world to take immediate measures to prevent international terrorism from spreading to greater proportions and to eliminate it completely from the human society;

(4) reaffirm the inalienable right to self-determination and independence of all peoples under colonial and racist régimes and other forms of alien domination and uphold the legitimacy of their struggle, in particular the struggle of national liberation movements, in accordance with the purposes and principles of the Charter and the relevant resolutions of the organs of the United Nations;

(5) deplore racism, colonialism and foreign domination as the fundamental causes of international terrorism which created turbulent political situations by suppressing the legitimate and inalienable rights of peoples by systematic oppression and protracted intimidation to which the oppressed peoples were forced to respond by resorting to violence and retaliatory use of terror which escalated progressively to encompass all nations;

(6) urge all States to become parties to the existing international conventions designed to combat international crime in all its forms, and to apply universally the modern concepts of extradition treaty law;

(7) declare that the problem of international terrorism was essentially political in nature and that its criminal aspects fell within the scope of existing principles of international law, municipal law and world-wide conventions drawn up to secure and promote the course of international peace among all nations;

(8) invite States to take all appropriate measures at the national level with a view to the speedy and final elimination of the problem, bearing in mind the provisions reaffirming the right to self-determination and the legitimacy of the struggle of national liberation movements;

(9) invite all States and peoples to unite in a common concerted effort to eliminate the vestiges of racism, colonialism and foreign domination by creating the channels of communication between political victims of all descriptions on the one hand and their State authorities on the other with a view to curbing the incidence of international terrorism;

(10) call upon all powers of the world, big or small, to refrain from intervening in situations of political turmoil of any magnitude for purposes of assisting, supporting or aiding the suppression of the legitimate rights of any section of society by direct or indirect means;

(11) invite particularly the big powers to exert positive influence upon the racist, colonial and foreign régimes that exercised oppression to suppress the legitimate rights of certain sections of the societies over which they ruled and to get those régimes to comply with the legitimate demands of the people;

(12) call upon all States in which political situations imbued with potential or active international terrorism prevailed to take immediate measures to comply with General Assembly resolutions seeking to terminate racism, colonialism and foreign domination and to mitigate the legitimate rights of oppressed people everywhere;

(13) recommend to all States that renewed diplomatic initiatives should be undertaken at all levels, bilateral or multilateral, to secure the cooperation of Governments and peoples whose political situations might lead to international terrorism to settle their problems by direct negotiations;

(14) request the Secretary-General of the United Nations to ensure that all States concerned complied with the measures recommended in the resolution.

On 11 December 1972, the Sixth Committee decided, by a recorded vote of 76 to 43, with 7 abstentions, to give priority in the voting to the 16-power draft. The Committee approved the 16-power draft by a recorded vote of 76 to 34, with 16 abstentions. It took no action on the other draft resolutions.

When the text was considered at a plenary meeting of the General Assembly, two amendments were made. The first was to have States submit observations on the question of terrorism to the Secretary-General by 10 April 1973 (rather than 1 June); this was adopted by a recorded vote of 64 to 0, with 62 abstentions. The second amendment was to establish an ad hoc committee composed of 35 members (rather than 40); this was adopted by a recorded vote of 56 to 1, with 69 abstentions. The amendments were sponsored by Afghanistan, Algeria, Cameroon, Chad, Guinea, Guyana, India, Kenya, Madagascar, Mali, Mauritania, Sudan, Yugoslavia and Zambia.

On 18 December 1972, the Assembly adopted the draft resolution as a whole, as amended, as its resolution 3034(XXVII). The roll-call vote was 76 in favour to 35 against, with 17 abstentions.
increasing frequency and which took a toll of innocent human lives, recognized the importance of international co-operation in devising measures effectively to prevent their occurrence and of studying their underlying causes with a view to finding just and peaceful solutions as quickly as possible. The Assembly also recalled the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations.3

By the operative paragraphs of the text, the Assembly:

(1) expressed deep concern over increasing acts of violence which endangered or took innocent human lives or jeopardized fundamental freedoms;

(2) urged States to devote their immediate attention to finding just and peaceful solutions to the underlying causes which gave rise to such acts of violence;

(3) reaffirmed the inalienable right to self-determination and independence of all peoples under colonial and racist régimes and other forms of alien domination and upheld the legitimacy of their struggle, in particular the struggle of national liberation movements, in accordance with the purposes and principles of the United Nations Charter and the relevant resolutions of the organs of the United Nations;

(4) condemned the continuation of repressive and terrorist acts by colonial, racist and alien régimes in denying peoples their legitimate right to self-determination and independence and other human rights and fundamental freedoms;

(5) invited States to become parties to the existing international conventions which related to various aspects of the problem of international terrorism;

(6) invited States to take all appropriate measures at the national level with a view to the speedy and final elimination of the problem, bearing in mind the provisions reaffirming the right to self-determination and the legitimacy of the struggle of national liberation movements;

(7) invited States to consider the subject-matter urgently and submit observations to the Secretary-General by 10 April 1973, including concrete proposals for finding an effective solution to the problem;

(8) requested the Secretary-General to transmit an analytical study of the observations of States to the ad hoc committee;

(9) decided to establish an Ad Hoc Committee on International Terrorism consisting of 35 members to be appointed by the President of the General Assembly bearing in mind the principle of equitable geographical representation;

(10) requested the Ad Hoc Committee to consider the observations of States and submit its report to the Assembly in 1973 with recommendations for possible co-operation for the speedy elimination of the problem, bearing in mind the provisions on the right to self-determination and independence and the legitimacy of the struggle of the national liberation movements;

(11) requested the Secretary-General to provide the Ad Hoc Committee with the necessary facilities and services;

(12) decided to include the item in the provisional agenda of its 1973 session.

(For text of resolution, see DOCUMENTARY REFERENCES below.)

Explanations of vote were made by a number of States which voted against the resolution or abstained. Among them were Australia, Belgium, Canada, France, Italy, Japan, the United States and Zaire.


Documentary references

General Assembly—27th session
General Committee, meetings 199, 201, 202.
Sixth Committee, meetings 1311-1314, 1355-1370, 1372, 1374, 1377, 1386-1390.
Fifth Committee, meeting 1554.
Plenary meetings 2037, 2114.

A/8791 and Add.1 and Add.1/Corr.1. Note of 8 September 1972 by Secretary-General (request for Inclusion In agenda of item entitled: “Measures to prevent terrorism and other forms of violence which endanger or take innocent human lives or jeopardize fundamental freedoms”).

A/8800/Rev.1 and Rev.1/Corr.2. Organization of 27th regular session of General Assembly, adoption of agenda and allocation of items. First report of General Committee, paras. 18 and 22 (c).

[Provisional agenda item 99: “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” (title as amended by Jamaica, A/L.672, and Saudi Arabia, A/L.673), allocated by Assembly for consideration to Sixth Committee on 23 September 1972, meeting 2037, by 81 votes to 18, with 27 abstentions; approved for inclusion In agenda by Assembly at same meeting by roll-call vote of 66 to 27, with 33 abstentions, as follows:]

In favour: Afghanistan, Argentina, Australia, Austria, Barbados, Belgium, Bhutan, Bolivia, Brazil, Canada, Chad, Colombia, Costa Rica, Cyprus, Denmark, Domi-
Questions relating to international terrorism

nican Republic, Ecuador, El Salvador, Fiji, Finland, France, Greece, Guatemala, Guyana, Haiti, Honduras, Iceland, India, Iran, Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kenya, Khmer Republic, Liberia, Luxembourg, Maldives, Mexico, Nepal, Netherlands, New Zealand, Nicaragua, Norway, Panama, Paraguay, Peru, Philippines, Portugal, Rwanda, Singapore, South Africa, Spain, Swaziland, Sweden, Thailand, Togo, Trinidad and Tobago, Turkey, United Kingdom, United States, Uruguay, Venezuela, Yugoslavia.

Against: Albania, Algeria, Burundi, China, Cuba, Democratic Yemen, Egypt, Ethiopia, Guinea, Iraq, Kuwait, Libyan Arab Republic, Madagascar, Mauritania, Mauritius, Morocco, Oman, Senegal, Sierra Leone, Sudan, Syrian Arab Republic, Tunisia, Uganda, United Arab Emirates, United Republic of Tanzania, Yemen, Zambia.


A/C.6/413. Letter of 23 September 1972 from President of General Assembly to Chairman of Sixth Committee.
A/C.6/414. Adoption by Sixth Committee on 27 September 1972, meeting 1314.
A/C.6/L.876. Letter of 22 November 1972 from Democratic Yemen (transmitting letter from Chairman of Executive Committee of Palestine Liberation Organization to Secretary-General).
A/C.6/L.879/Rev.1. Australia, Austria, Belgium, Canada, Costa Rica, Guatemala, Honduras, Iran, Italy, Japan, Luxembourg, New Zealand, Nicaragua, United Kingdom: revised draft resolution.
A/C.6/L.880/Rev.1. Afghanistan, Algeria, Cameroon, Chad, Congo, Equatorial Guinea, Greece, Guyana, India, Kenya, Madagascar, Mali, Mauritania, Sudan, Yugoslavia, Zambia: revised draft resolution, approved by Sixth Committee on 11 December 1972, meeting 1390, by recorded vote of 76 to 34, with 16 abstentions, as follows:

In favour: Afghanistan, Albania, Algeria, Bahrain, Botswana, Bulgaria, Burma, Burundi, Byelorussian SSR, Cameroon, Central African Republic, Chad, Chile, China, Congo, Cyprus, Czechoslovakia, Dahomey, Democratic Yemen, Ecuador, Egypt, Equatorial Guinea, Ethiopia, Gabon, Gambia, Ghana, Guinea, Guyana, Hungary, India, Indonesia, Iraq, Jamaica, Jordan, Kenya, Kuwait, Lebanon, Liberia, Libyan Arab Republic, Madagascar, Malaysia, Mali, Mauritania, Mexico, Mongolia, Morocco, Niger, Nigeria, Oman, Pakistan, Panama, Peru, Poland, Qatar, Romania, Rwanda, Saudi Arabia, Senegal, Sierra Leone, Somalia, Sri Lanka, Sudan, Syrian Arab Republic, Togo, Trinidad and Tobago, Tunisia, Uganda, Ukrainian SSR, USSR, United Arab Emirates, United Republic of Tanzania, Upper Volta, Venezuela, Yemen, Yugoslavia, Zambia.

Against: Australia, Austria, Belgium, Bolivia, Brazil, Canada, Colombia, Costa Rica, Cuba, Denmark, Dominican Republic, Fiji, Guatemala, Haiti, Honduras, Iceland, Iran, Israel, Italy, Japan, Laos, Lesotho, Luxembourg, Netherlands, New Zealand, Nicaragua, Paraguay, Philippines, Portugal, South Africa, Turkey, United Kingdom, United States, Uruguay.

Abstaining: Argentina, Barbados, El Salvador, Finland, France, Greece, Ireland, Ivory Coast, Malawi, Nepal, Norway, Singapore, Spain, Sweden, Thailand, Zaïre.


Resolution 3034(XXVII), as recommended by Sixth Committee, A/8969, and as amended by 14 powers, A/L.696, adopted by Assembly on 18 December 1972, meeting 2114, by roll-call vote of 76 to 35, with 17 abstentions, as follows:

In favour: Afghanistan, Albania, Algeria, Bahrain, Botswana, Bulgaria, Burma, Burundi, Byelorussian SSR, Cameroon, Central African Republic, Chad, Chile, China, Congo, Cyprus, Czechoslovakia, Dahomey, Democratic Yemen, Ecuador, Egypt, Equatorial Guinea, Ethiopia, Gabon, Gambia, Ghana, Guinea, Guyana, Hungary, India, Indonesia, Iraq, Jamaica, Jordan, Kenya, Kuwait, Lebanon, Liberia, Libyan Arab Republic, Madagascar, Malaysia, Mali, Mauritania, Mexico, Mongolia, Morocco, Niger, Nigeria, Oman, Pakistan, Panama, Peru, Poland, Qatar, Romania, Rwanda, Saudi Arabia, Senegal, Sierra Leone, Somalia, Sri Lanka, Sudan, Syrian Arab Republic, Togo, Trinidad and Tobago, Tunisia, Uganda, Ukrainian SSR, USSR, United Arab Emirates, United Republic of Tanzania, Upper Volta, Venezuela, Yemen, Yugoslavia, Zambia.

Abstaining: Australia, Austria, Belgium, Bolivia, Brazil, Canada, Colombia, Costa Rica, Cuba, Denmark, Dominican Republic, Fiji, Guatemala, Haiti, Honduras, Iceland, Iran, Israel, Italy, Japan, Laos, Lesotho, Luxembourg, Netherlands, New Zealand, Nicaragua, Paraguay, Philippines, Portugal, South Africa, Turkey, United Kingdom, United States, Uruguay.

Against: Afghanistan, Albania, Algeria, Bahrain, Botswana, Bulgaria, Burma, Burundi, Byelorussian SSR, Cameroon, Central African Republic, Chad, Chile, China, Congo, Cyprus, Czechoslovakia, Dahomey, Democratic Yemen, Ecuador, Egypt, Equatorial Guinea, Ethiopia, Gabon, Gambia, Ghana, Guinea, Guyana, Hungary, India, Indonesia, Iraq, Jamaica, Jordan, Kenya, Kuwait, Lebanon, Liberia, Libyan Arab Republic, Madagascar, Malaysia, Mali, Mauritania, Mexico, Mongolia, Morocco, Niger, Nigeria, Oman, Pakistan, Panama, Peru, Poland, Qatar, Romania, Rwanda, Saudi Arabia, Senegal, Sierra Leone, Somalia, Sri Lanka, Sudan, Syrian Arab Republic, Togo, Trinidad and Tobago, Tunisia, Uganda, Ukrainian SSR, USSR, United Arab Emirates, United Republic of Tanzania, Upper Volta, Venezuela, Yemen, Yugoslavia, Zambia.
The General Assembly,

Deeply perturbed over acts of international terrorism which are occurring with increasing frequency and which take a toll of innocent human lives,

Recognizing the importance of international co-operation in devising measures effectively to prevent their occurrence and of studying their underlying causes with a view to finding just and peaceful solutions as quickly as possible,

Recalling the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations,

1. Expresses deep concern over increasing acts of violence which endanger or take innocent human lives or jeopardize fundamental freedoms;
2. Urges States to devote their Immediate attention to finding just and peaceful solutions to the underlying causes which give rise to such acts of violence;
3. Reaffirms the Inalienable right to self-determination and independence of all peoples under colonial and racist regimes and other forms of alien domination and upholds the legitimacy of their struggle, in particular the struggle of national liberation movements, in accordance with the purposes and principles of the Charter and the relevant resolutions of the organs of the United Nations;
4. Condemns the continuation of repressive and terrorist acts by colonial, racist and alien regimes in denying peoples their legitimate right to self-determination and independence and other human rights and fundamental freedoms;
5. Invites States to become parties to the existing international conventions which relate to various aspects of the problem of international terrorism;
6. Invites States to take all appropriate measures at the national level with a view to the speedy and final elimination of the problem, bearing in mind the provisions of paragraph 3 above;
7. Invites States to consider the subject-matter urgently and submit observations to the Secretary-General by 10 April 1973, including concrete proposals for finding an effective solution to the problem;
8. Requests the Secretary-General to transmit an analytical study of the observations of States submitted under paragraph 7 above to the ad hoc committee to be established under paragraph 9;
9. Decides to establish an Ad Hoc Committee on International Terrorism consisting of thirty-five members to be appointed by the President of the General Assembly bearing in mind the principle of equitable geographical representation;
10. Requests the Ad Hoc Committee to consider the observations of States under paragraph 7 above and submit its report with recommendations for possible cooperation for the speedy elimination of the problem, bearing in mind the provisions of paragraph 3, to the General Assembly at its twenty-eighth session;
11. Requests the Secretary-General to provide the Ad Hoc Committee with the necessary facilities and services;
12. Decides to include the item in the provisional agenda of its twenty-eighth session.

A/8993. Letter of 20 April 1973 from President of General Assembly to Secretary-General.

Chapter IV
The question of defining aggression

Consideration by Special Committee

The Special Committee on the Question of Defining Aggression met at United Nations Headquarters, New York, from 31 January to 3 March 1972, pursuant to a General Assembly decision of 3 December 1971.1

The Special Committee re-established a Working Group which was instructed to formulate a definition of aggression; in case it was unable to reach such a definition, it was to report to the Special Committee its assessment of the progress made during the session, indicating the points of agreement and of disagreement. The Working Group was composed of the following Member States: Cyprus, Czechoslovakia, Ecuador, France, Ghana, Italy, Mexico, Spain, the Syrian Arab Republic, the USSR, the United Kingdom and the United States.

1 See Y.U.N., 1971, p. 60, text of resolution 2781(XXVI).