NOTE
Symbols of United Nations documents are composed of capital letters combined with figures. Mention of such a symbol indicates a reference to a United Nations document.
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I. INTRODUCTION

1. At its 2114th plenary meeting, on 18 December 1972, the General Assembly on the recommendation of the Sixth Committee, 1/ adopted resolution 3034 (XXVII) entitled "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", which reads as follows:

"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 régimes 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 régimes 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 co-operation 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."

2. Under the terms of paragraph 9 of the above resolution, the President of the General Assembly, after appropriate consultations, appointed the following 35 Member States as members of the Ad Hoc Committee: Algeria, Austria, Barbados, Canada, Congo, Czechoslovakia, Democratic Yemen, France, Greece, Guinea, Haiti, Hungary, India, Iran, Italy, Japan, Mauritania, Nicaragua, Nigeria, Panama, Sweden, Syrian Arab Republic, Tunisia, Turkey, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Venezuela, Yemen, Yugoslavia, Zaire and Zambia. The list of representatives to the session is reproduced in document A/AC.160/INF.1.

3. The Ad Hoc Committee on International Terrorism met at United Nations Headquarters from 16 July to 11 August 1973. All the States members of the Ad Hoc Committee took part in its work.

4. At its 2nd and 4th meetings, held on 17 and 20 July, the Ad Hoc Committee elected the following officers:
Chairman: Mr. Aquilino Boyd (Panama)

Vice-Chairmen: Mr. Erik B. Wang (Canada)
Mr. Gyula Jelenik (Hungary)
Mr. N. P. Jain (India)

Rapporteur: Mr. Mukuna Kabongo (Zaire)

5. The session was opened on behalf of the Secretary-General by Mr. Blaine Sloan, Director of the General Legal Division in charge of the Office of Legal Affairs. Mr. Yuri M. Rybakov, Director of the Codification Division of the Office of Legal Affairs, represented the Secretary-General at the session and acted as Secretary of the Ad Hoc Committee. Mr. Chafic Malek acted as Deputy Secretary. Miss Jacqueline Dauchy and Mr. Eduardo Valencia-Ospina acted as Assistant Secretaries.

6. At its 4th meeting, on 20 July, the Ad Hoc Committee adopted the following agenda (A/AC.160/L.2):

1. Opening of the session.
2. Election of officers.
3. Adoption of the agenda.
4. General debate /Consideration of the observations of States and formulation of recommendations pursuant to paragraph 10 of General Assembly resolution 3034 (XXVII)/.
5. Organization of work.
6. Adoption of the report.

7. The Ad Hoc Committee devoted its 5th to 14th and a part of its 15th and 16th meetings, held between 23 and 31 July, to a general debate, during which each of the following 27 members made a statement: Algeria, Austria, Canada, Congo, Czechoslovakia, Democratic Yemen, France, Guinea, Greece, Haiti, Hungary, Italy, India, Iran, Japan, Nicaragua, Nigeria, Sweden, Turkey, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Yugoslavia, Zaire and Zambia. The Committee had before it the observations of States submitted in accordance with paragraph 7 of General Assembly resolution 3034 (XXVII) (A/AC.160/1 and Add.1-5) and the analytical study prepared by the Secretary-General pursuant to paragraph 10 of that resolution (A/AC.160/2).

8. The Ad Hoc Committee discussed the organization of its work at its 15th to 17th meetings, on 30 and 31 July. Following this discussion, the Chairman proposed the following arrangements: three sub-committees of the whole should be established to study, respectively, the definition of international terrorism, the underlying causes of international terrorism and the measures for the prevention of international terrorism. In view of the fact that eight working days remained at the present session, the Committee should allocate its meetings to the three Sub-Committees in the following order: the first two days (1 and 2 August) for the Sub-Committee on the definition of international
terrorism; the two subsequent days (3 and 6 August) for the Sub-Committee on the underlying causes of international terrorism; and the following two days (7 and 8 August) for the Sub-Committee on the measures for the prevention of international terrorism. The last two days of the session (9 and 10 August) would be devoted to the consideration and adoption by the Ad Hoc Committee of its report to the General Assembly. The Sub-committees would each be presided by the Bureau of the Ad Hoc Committee and their meetings would be held in private. The Chairman also said that he had been asked to state that it was the view of several delegations, with which he agreed, that these arrangements would be made on the understanding that they represented informal working arrangements for this session, that they would not constitute a precedent and would be without prejudice to the views of any delegation on the elements which require separate discussion or on the order in which questions should be discussed. The Committee decided to adopt the arrangements proposed on this basis.

9. In this connexion, the view was expressed, on behalf of several other delegations, that in examining the three aspects of the problems involved, the Ad Hoc Committee had to deal, in a certain order, with three elements which were intimately linked one to another and which could not logically be considered as three independent elements. It was further suggested that the procedural decision adopted represented a solution arrived at on the basis of consensus, a method which should be used in the future examination of the matters of substance as the only means of successfully fulfilling the Committee's task. Other representatives expressed the view that the decision of the Committee on organization of work had been taken without prejudice to differing views on those questions and in the light of the short time remaining in the session.
II. SUMMARY OF THE GENERAL DEBATE

A. General observations

10. Many representatives said that their governments were concerned about the increase in the number of acts of international terrorism. It was generally acknowledged that that was a serious, important and urgent problem. Some delegations pointed out that, although the Ad Hoc Committee on International Terrorism was new, international concern about indiscriminate acts of violence was not new, and that the work of the Committee should be viewed in that perspective.

11. Several representatives said they were gratified that a question which, in their view, concerned all the members of the international community had been brought before the United Nations. Some of them observed that the question offered the Organization an opportunity to prove that it was relevant to the aspirations and needs of the modern world and had the will, despite the differences between the various positions involved, to seek reasonable compromises. Others, however, stressed the magnitude of the divergences which had become apparent at the last session of the General Assembly and warned the Committee against the temptation to take superficial and hasty decisions which might discredit the Organization in the eyes of international public opinion.

12. Many representatives welcomed the establishment of the Ad Hoc Committee to study the question and said they were prepared to take an active part in the Committee's work. Some representatives said that in defining their position they in no way intended to close the door to other approaches and were on the contrary prepared to welcome any alternatives or additions that might be proposed by other delegations. In that connexion, it was stressed by some representatives that it was essential to reach a very broad consensus on the means to be used to eliminate international terrorism in order to avoid creating even greater divisions in the international community, bringing about new confrontations and finally failing to find a practical solution.

B. General approach to the work of the Ad Hoc Committee

13. A number of representatives considered that the first step should be to delimit the scope of the Ad Hoc Committee's task. In that connexion, stress was laid on the complexity and diversity of the elements to be taken into consideration. Reference was also made to the lack of precision of resolution 3034 (XXVII) as to the meaning of the term "international terrorism" and to the diverse acceptations of a term which could be interpreted as encompassing many forms of violence linked to war and political oppression and which, moreover, had a highly emotional content. Some representatives added that it was all the more necessary to delimit the scope of the Ad Hoc Committee's work because some aspects of the question of international terrorism were being considered by various United Nations organs, including the Security Council, or were already covered by international instruments such as the 1958 Convention on the High Seas, 2/


14. Some representatives felt that the Ad Hoc Committee should undertake a detailed study of the definition of international terrorism, in order to delimit accurately the notions involved. They noted that in the observations submitted in accordance with General Assembly resolution 3034 (XXVII), various States holding very different positions had stressed the need to define the notion in question, and that that common attitude seemed to indicate the possibility of reaching agreement on the way in which the work should be approached. They said they were opposed to any procedure which did not take all the aspects into account and led to a fragmentary or partial examination of the problem.

15. Other representatives, however, considered that an abstract definition of the notion of international terrorism was not necessary to the identification of the most alarming acts of international terrorism and that it would be better to adopt the pragmatic approach used in preparing the conventions concerning civil aviation and the International Law Commission's draft articles on the prevention and punishment of crimes against diplomatic agents and other internationally protected persons and to identify remaining gaps rather than to try to prepare a general definition, an approach which the experience of the United Nations showed might be time-consuming and unproductive.

16. Other representatives considered that an attempt to define international terrorism was worth the time and trouble, but that work could be carried forward concurrently on other aspects of the question.

17. Many representatives stressed that the Committee was called upon both to study the underlying causes of international terrorism and to recommend measures for the prevention and punishment of acts of international terrorism, and said they were ready to make a constructive contribution to both those tasks. Some representatives considered that since the acts of violence described as acts of terrorism were in fact merely the logical outcome of certain situations, it would be a serious mistake, and one fraught with consequences, to seek to eliminate such acts by means of punitive measures before having clearly identified the causes from which they sprang. Other representatives, while acknowledging that analysis of the causes should not be sacrificed to the devising of preventive and punitive measures, observed that the study of the political or socio-economic causes of international terrorism would necessarily take a long time and that the adoption of the necessary protective measures could not be postponed pending completion of that study. In this connexion, it was noted that in their domestic 

3/ Ibid., vol. 75, Nos. 970-973.
4/ General Assembly resolution 2625 (XXV).
legislation, States did not wait for the underlying causes of crime to be identified before enacting penal laws.

C. Elements to be taken into consideration in examining the problem

18. Several representatives remarked that resolution 3034 (XXVII) referred to international terrorism and stressed the need to define precisely the conditions in which a terrorist act could be described as international. Some expressed the view that terrorism which might originate in the political, economic and social conditions in an independent country and by means of which part of the population sought to change the structure of the régime or seize power was not international terrorism, for such a situation naturally fell within the purview of the sovereignty of the State concerned and should not give rise to foreign intervention. Some representatives, however, noted that a terrorist act which might at first sight seem to be purely national in scope sometimes had international consequences, in which case it should be covered by international measures.

19. Some representatives condemned terrorist acts inspired by the desire for material gain or personal satisfaction and stressed the need to combat such acts. Several representatives, however, considered that such acts were outside the scope of the Committee's work; in their view, that type of terrorism was merely a form of banditry falling within the purview of ordinary law which was covered by the internal legislation of States and fell within the jurisdiction of specialized international bodies. The same representatives considered that the terrorism with which the Committee had to deal was that having political origins or objectives.

20. Attention was drawn to the importance of taking into account subversive acts of violence organized, directed and financed from outside against third countries not involved in a conflict which could give rise to such acts.

21. Many representatives stressed that as expressly stated in General Assembly resolution 3034 (XXVII), the Committee should take care not to infringe the legitimate rights of peoples to self-determination, freedom and independence, as set out in the Charter of the United Nations, elaborated in the Declaration on Friendly Relations and reflected in various General Assembly resolutions.

22. In that connexion, several representatives said they were opposed to the attempts made to describe the nationalist movements struggling against foreign domination as subversive. It was stressed that the anti-colonial liberation struggles, the struggle of peoples combating aggressors and invaders in order to recover their freedom, were legitimate because they were based on the inalienable right of peoples to self-determination and that those waging such struggles were entitled to use every means at their disposal, including force. In that regard, mention was made of the need to avoid any contradiction between the work of the Ad Hoc Committee on International Terrorism and that of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples.

23. Some representatives, however, recalled the view expressed in paragraph 10 of the study prepared by the Secretariat (A/C.6/418 and Corr.1 and 2 and Add.1) to the effect that "even when the use of force is legally and morally justified, there are some means, as in every form of human conflict, which must not be used; the legitimacy of a cause does not in itself legitimize the use of certain forms"
of violence, especially against the innocent'. In that connexion, it was emphasized that the Committee should pay particular attention to the reprehensible nature of certain acts and to the revulsion which they evoked in the universal conscience, whatever might be the nobility of the cause for which they had been committed.

24. In the view of some representatives, the Ad Hoc Committee should concentrate on acts of violence committed by individuals or groups which did not involve directly or indirectly State action. In that connexion, it was emphasized that the United Nations Charter and the Declaration on Friendly Relations covered most aspects of inter-State violence and, in particular, proclaimed the fundamental principles of the prohibition of the threat or use of force and equal rights of peoples to self-determination, and the principle that States should fulfil their obligations in good faith; it was therefore unnecessary and inappropriate to revert to those questions. It was also stressed that acts committed by armed forces during military operations were already the subject of extensive treaty law and were being considered in the context of the protection of human rights in armed conflicts. In the opinion of other representatives, however, it was essential to take into consideration State terrorism, which they regarded as the most harmful and deadly form of terrorism. In that regard, reference was made to the terror inflicted on a large scale and with the most modern means on whole populations for purposes of domination or interference in their internal affairs, armed attacks perpetrated under the pretext of reprisals or of preventive action by States against the sovereignty and integrity of third States, and the infiltration of terrorist groups or agents into the territory of other States. It was also stated that, as long as Governments were free to inflict terror, the only retaliation available to their victims would be counter-terror.

25. Many representatives said that one of the Committee's primary concerns in its work should be to ensure the protection of the innocent. Some delegations stated that the Committee should seek ways of safeguarding the life and fundamental rights of persons, especially when the distance from the conflict concerned and their non-involvement in such a conflict should rule out any legitimacy of acts of violence against them. Other representatives, while recognizing the feeling generated by individual acts of terrorism causing the death of innocent persons, stated that international opinion should feel still more strongly about the manifestations of a State terrorism which left countless innocent victims.

D. The underlying causes of international terrorism

26. Many representatives emphasized that international terrorism could not be viewed out of context. Some noted in general terms that the principles of justice and international law on which the United Nations was based, as well as human rights and fundamental freedoms, were being flouted in many parts of the world. Others stated that international terrorism originated in the pursuit by certain countries of policies of colonialism, occupation of foreign territory, racism, apartheid, domination and exploitation; in their view, the attention of States should be drawn to the need strictly to respect the principles and decisions already adopted by the United Nations and to abandon such policy. Several representatives suggested that the Committee should try to identify in general terms the problems at issue and stressed the need to produce a satisfactory solution in each case. Reference was also made to the question whether it would be better to pursue the subject of the causes of international
terrorism within the Ad Hoc Committee itself or to recommend that it be entrusted
to existing United Nations organs dealing with certain specific problems such as

E. Measures to be taken for the prevention of international terrorism

27. Some representatives expressed the opinion that international terrorism
would disappear only if each State started by first taking the necessary measures
at the national level. They considered that to be the prerequisite for effective
international measures to resolve the problem. Several representatives referred
to relevant provisions recently introduced into their own criminal legislation.
It was suggested that the Assembly might recommend that all Member States review
their legislation, in order to take the necessary measures if the review were to
reveal any shortcomings. Several representatives also advocated the conclusion
of bilateral agreements, in particular on the subject of extradition, and
suggested that Governments should organize exchanges of information and mutual
judicial assistance concerning acts of international terrorism and their
perpetrators.

28. A number of representatives stressed the view that the international
community had a collective duty to condemn and take urgent measures to eliminate
organized state terrorism by certain colonial, racist and alien régimes who
resorted to it for denying peoples their legitimate right to self-determination
and independence and other human rights and fundamental freedoms. In this respect
the need was also stressed for the strictest implementation by Member States of
the already adopted principles and decisions of the United Nations.

29. A number of representatives expressed support for the preparation of
multilateral treaty provisions on the subject. In general, they felt that the
future instrument should be based on the principle that States parties were obliged
either to proceed to extradite the alleged offender or to bring him before their
competent authorities for the purpose of judicial proceedings. Some expressed the
opinion that it would be better to draw up several conventions each dealing with a
specific category of acts of terrorism (for example, the taking of hostages for
purposes of political extortion or the use of letter-bombs) rather than attempt to
draw up a general convention on the subject. In that connexion, attention was
drawn to the fact that certain categories of acts were already the subject of
international instruments and that the new treaty provisions proposed should cover
only those sectors which were not yet dealt with in international regulations.

30. Other representatives, however, expressed reservations about the advisability
of drafting treaty provisions on the subject. It was stated in that regard that
the process of bringing a convention into force was technically too long and
politically too complicated to produce the desired results.

31. The other observations and suggestions which were made by various delegations
included the following:

(1) The General Assembly should condemn all acts of violence which endanger
or take innocent human lives.
(2) The Assembly should invite Member States to take note of the decision of the Security Council on hijacking. 5/

(3) States should be encouraged to become parties to the conventions concerning the safety of international civil aviation. In that connexion, it was noted with satisfaction that the number of States parties to those conventions had increased considerably over the past few months.

(4) The General Assembly should be urged to adopt at its twenty-eighth session a convention on the protection of diplomats on the basis of the draft prepared by the International Law Commission.

(5) The Assembly should recall the duty of States, under the Declaration on Friendly Relations, "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 referred to in the present paragraph involve a threat or use of force". In that regard, however, some representatives took the view that the above-mentioned principle actually referred to activities which might result from the political, economic or social conditions in an independent country - a phenomenon which, it was stated, did not come under the heading of international terrorism.

III. WORK OF THE SUB-COMMITTEE OF THE WHOLE ON THE DEFINITION OF INTERNATIONAL TERRORISM

32. Pursuant to the decision adopted by the Ad Hoc Committee at its 17th meeting on 31 July 1973 (see para. 9 above), the Sub-Committee of the Whole on the definition of international terrorism met on 1 and 2 August 1973.

33. The Sub-Committee had before it draft proposals submitted, respectively, by the Non-Aligned Group in the Ad Hoc Committee (Algeria, Congo, Democratic Yemen, Guinea, India, Mauritania, Nigeria, Syrian Arab Republic, Tunisia, United Republic of Tanzania, Yemen, Yugoslavia, Zaire and Zambia), France, Greece, Haiti, Iran, Nigeria and Venezuela. The texts of these draft proposals are reproduced in annex to the present report.

34. During the discussion, various opinions were expressed on the question of the necessity and desirability of a definition of international terrorism, as well as on the type and the content of the definition to be adopted.

35. Some representatives stressed the urgent need to define international terrorism. They felt that it was imperative to arrive at an agreed definition in order to delimit accurately the notions involved. While recognizing the difficulties involved in defining international terrorism, they considered that every effort should be made to overcome these difficulties; a definition of this concept was of such importance that it should be given a high priority: it would be pointless to seek the causes of acts or the remedies thereto without having delimited accurately the notions involved. Other representatives pointed out that a definition of international terrorism was neither necessary nor useful and that an attempt to elaborate one was not desirable. In that connexion, it was observed that a definition was not necessary in terms of the causes to be identified and the measures to be adopted. It was also stated that the urgency of the problem of international terrorism made the postulate of a prior definition appear an unrealistic one because the area of disagreement and controversy was likely to be widened instead of being narrowed down. Reference was further made to the old Latins expression omnis definitor in legre periculosus which was said to be applicable to the definition of international terrorism. There were many efforts in the past, it was noted, that were made to come to a satisfactory solution in the matter; however, none of the proposed definitions had met with generalized support.

36. The concept of international terrorism was considered by some representatives as a concept which could not accurately be defined according to one of the three known types of definition: a general abstract definition, an enumerative or analytical definition and a mixed definition. It was thought, however, that the Ad Hoc Committee should envisage a formulation which would be somewhat similar to the third type of definition, that is, a definition which would start with a text conceived in very general terms describing the characteristics of the notion of international terrorism and would be accompanied by a non-limited enumeration of specific acts given as examples. A formulation based on the serious nature of the international act involved was also suggested. This formulation, which would retain only the "heinous" international act of "barbarism", was regarded by some
representatives as containing ambiguous terms susceptible of divergent interpretations. The opinion was also expressed that the Committee should envisage a definition of the "substance" and the "framework" of the phenomenon which could be considered to be international terrorism. The elaboration of such a definition would enable the Committee to prepare the basis for further work in studying the underlying causes of this phenomenon, and, on this basis, to achieve an agreement on measures for the prevention of international terrorism. Several representatives stated that, in spite of the considerable difficulties involved in arriving at an adequate and precise definition of the concept of international terrorism, the Committee should adhere to the idea of setting up a list of offences of a recognized terrorist nature. It was observed that various acts which were condemned by various shades of opinion as constituting international terrorism might be listed; these various acts could, thereafter, be categorized to indicate their common characteristics, which might help in determining the constitutive elements of international terrorism.

37. Some representatives were of the opinion that, in trying to define international terrorism, the Ad Hoc Committee should consider, among others, the following points: the issue of international terrorism should be seen in its proper perspective; acts committed by individuals against innocent persons for their own personal gain or emotional satisfaction should not be condoned; the exercise of the right to self-determination and independence recognized by the United Nations as an inalienable right of all peoples should not be affected; peoples struggling to liberate themselves from foreign oppression and exploitation had the right to use all methods at their disposal including force. It was stressed that the Committee should not include under the general concept of international terrorism all acts of violence on an international scale regardless of their purposes and motives; acts committed by the citizens of States which were in a state of war and who were resisting the aggressor in the occupied territory or who were fighting for their national liberation could not be considered as acts of international terrorism; however, those acts which were carried out by an individual State against a people for the purpose of extinguishing its national liberation movements and crushing the resistance to the occupants were true manifestations of international terrorism in its broadest meaning. The opinion was also expressed that in defining international terrorism, it was necessary first and foremost to consider acts of violence directed against foreign citizens, perpetrated because of their nationality of a given country, for the purpose of provoking war or international complications and also for ordinary criminal motives. It was also stressed that acts of violence and terrorism by a foreign State directed against persons fighting for the legitimate right to consolidate the sovereignty and territorial integrity of their countries were acts of international terrorism.

38. Particular stress was laid by several representatives on the importance of State terrorism, which they considered as the most dangerous form of international terrorism. Others were of the opinion that what these representatives described as State terrorism did not fall within the scope of the work of the Ad Hoc Committee. It was said that the forms of violence bearing an international element which had already been dealt with, or were being dealt with by the international community and for which measures of international law already existed, should be excluded from the discussions of the Committee. What the Committee was asked to direct its attention to and urgently find remedies for, it was stated, were acts of violence perpetrated by individuals or groups bearing an international element which did not involve State action. In that connexion, reference was made to General Assembly resolution 3034 (XXVII), which, it was said, seemed to point in the same direction.
IV. WORK OF THE SUB-COMMITTEE OF THE WHOLE ON THE UNDERLYING CAUSES OF INTERNATIONAL TERRORISM

39. In accordance with the decision taken by the Ad Hoc Committee at its 17th meeting, on 31 July 1973 (see para. 8 above), the Sub-Committee of the Whole on the underlying causes of international terrorism met on 3 and 6 August 1973. The Sub-Committee had before it suggestions submitted in writing by Algeria, which are reproduced in annex B to the present report.

40. During the discussion, diverse views were expressed on various aspects of the subject-matter entrusted to the Sub-Committee and, in particular, the importance of the study of the underlying causes of international terrorism and the relationship between such undertaking and the elaboration of measures for the prevention of acts of violence which endanger or take innocent human lives or jeopardize fundamental freedoms, the nature and scope of the Ad Hoc Committee’s task regarding that study and the different acts or situations which constitute the causes of international terrorism.

41. Several representatives emphasized the need for States to devote their immediate attention to finding just and peaceful solutions to the underlying causes of those acts of violence which endanger or take innocent human lives or jeopardize fundamental freedoms, as had been urged by the General Assembly in resolution 3034 (XXVII). The importance of the problem required an in-depth study of the underlying causes of international terrorism and effective action on the part of States to eliminate them at their roots. In the opinion of some representatives the study of the underlying causes was the most important of the aspects of international terrorism debated in the Ad Hoc Committee. Other representatives, while acknowledging the importance of that aspect, nevertheless stressed the urgency of elaborating measures for the prevention and suppression of international terrorism.

42. Several representatives emphasized the complementary character of the studies on the underlying causes of international terrorism and on the measures to combat it. Those two aspects of the question were closely linked and were inseparable, as had been recognized by the General Assembly at its twenty-seventh session when it decided on the wording of the agenda item relating to international terrorism and when it adopted resolution 3034 (XXVII) establishing the Ad Hoc Committee. Furthermore, in the opinion of some representatives, the study on underlying causes was a pre-condition of the study on measures. How could measures be elaborated to combat a phenomenon without first trying to disclose its causes? The only way to proceed in order to effectively eliminate an evil was to concentrate the attention on the causes of that evil. And, in taking action to combat it, the measures to be elaborated should above all address themselves to its underlying causes. Neither the complexity of the study on causes nor the time that it might require could be regarded as valid reasons not to undertake such an indispensable task. If the need for measures was urgent, the greater was the need to begin studying the underlying causes of the problem.

43. In the opinion of other representatives, the study of the underlying causes of international terrorism was by nature a long-range undertaking, whose complexity
and difficulty required that it be tackled from a long-term point of view. Besides, it was quite unrealistic to expect that, upon completion of that study, the underlying causes could be so eradicated as to lead to the prompt elimination of acts of international terrorism. On the other hand, as the General Assembly had recognized in resolution 3034 (XXVII), there was an increase in the frequency with which acts of violence were occurring which took a toll of innocent human lives: in the face of such situation, the international community could not await the completion of the study on causes before adopting the preventive measures which were so urgently required. Furthermore, to consider causes did not require the identification and elimination of all causes before international legal measures could be taken. States took internal measures to protect their people against criminal acts such as murder even before the causes of those acts could be singled out and eradicated. There was no reason why a study in depth of the underlying causes of international terrorism should not be undertaken in parallel with the elaboration of measures to combat that phenomenon.

44. Some representatives, while acknowledging that the study of causes and the working out of measures were two intertwined aspects of the solution of one and the same problem, nevertheless considered that the elaboration of measures to combat international terrorism should not be postponed until all of the underlying causes had been studied. Work on measures could be carried forward in the context of the over-all task of the Ad Hoc Committee taking into consideration all the intermediate aspects of the problem. With such an approach, agreed recommendations could be worked out on the basis of a general knowledge of the problem and of a broad understanding of the causes and implications of the acts of international terrorism. In this connexion, the desirability of a parallel study of causes and of the elaboration of legal instruments was stressed as regards certain specific acts which, because they had no social, rational or ethical justification and undermined the foundation of generally recognized norms of international relations, could neither be accepted nor tolerated by the international community. Among those acts reference was made to attacks against diplomatic and consular agents and missions, attacks against aircraft and seizure of aircraft of non-belligerent States, acts of violence committed outside the areas of belligerence and the taking of innocent hostages.

45. In the opinion of some representatives, the examination of the question of causes of international violence could not imply seeing in those causes justification of any sort for the violence experienced. There were limits to what was permissible and acceptable to the international community. If the fundamental right of the State to self-defence could be limited by the laws of war in that there were acts so brutal that no State might undertake them even if its survival was at stake, so too there must be limits to any actions by individuals or groups. Other representatives, however, considered that the question of the legitimacy of the means employed by national liberation movements in furtherance of their legitimate right to national identity, to sovereignty and to the territorial integrity of their land had to be measured in the context of the choice of means at their disposal.

46. According to several representatives, in considering the underlying causes of international terrorism, the Ad Hoc Committee should not infringe on or duplicate the valuable work having a bearing on causes done in several other organs of the United Nations system. Many of those causes lay in political,
study, nation, frequency, human, await, require, people, parallel, the, and, to, underlying context, foundations of a national, causes and situations, long terms, gerent, transition of to what mental, that survival, groups, capacity of individuals, means, purposes, or, social or economic situations which the United Nations had been founded to improve and work to this end - and in particular towards removing oppression of every kind, wherever practised, in violation of accepted standards of international conduct - was being carried forward in organs such as the Security Council, the General Assembly, the Economic and Social Council, the Trusteeship Council, the Commission on Human Rights, the Special Committee on the Situation with Regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, the Special Committee on Apartheid and the United Nations Council on Namibia. In these circumstances, it was not clear what else the Ad Hoc Committee could accomplish other than to recognize the need for other organs of the United Nations to redouble their efforts in dealing with matters which led to violence.

47. On the other hand, several representatives considered that, having regard for the mandate of the Ad Hoc Committee, it could not be possibly argued that its work on causes might constitute an obstruction to work being done elsewhere in the Organization. The Ad Hoc Committee, as an organ, could define in a newer light the problem of international terrorism. This was the more necessary as the studies carried out for so long by other organs of the United Nations had not prevented acts of violence from becoming widespread. Recommendations to other organs of the United Nations in order to achieve the objectives of the United Nations as enshrined in the Charter were only one of the possible results of the study of the underlying causes of international terrorism.

48. Some representatives stressed that the study of the causes of international terrorism could not be validly conducted unless there was a definition of what constituted international terrorism. In the absence of identification of certain categories of acts of violence as acts of international terrorism, a distinction was made between acts committed by ordinary criminal motives and acts committed by political motives. It was also indicated that the origin of acts of violence involved both the personal circumstances of the perpetrator and the political, economic and social situations affecting him. Against this background, some representatives considered that the study of the causes of acts of terrorism committed for ordinary criminal motives fell outside the competence of the Ad Hoc Committee. Such study belonged more appropriately to the areas of psychology, psychiatry, genetics and other specialized scientific fields. The task entrusted to the Ad Hoc Committee was therefore the study of acts of political terrorism. Those acts could be committed by States or by individuals or groups against a State.

49. In the opinion of several representatives, it was the terrorism of State which constituted the principal causes of individual violence. The opposition between the oppressive policies of a State and the will of a people led the State to use violence and this reciprocally led the people to react by violent means. The terrorism against a State was provoked by a violent action on the part of a State or by a situation of political injustice, economic inequality or social trouble and by the failure of all other means of redress available to the victims. In this connexion, specific reference was made as causes of international terrorism of the repressive acts of colonial, racist and alien régimes against peoples struggling for their liberation and legitimate right to self-determination, independence and other fundamental freedoms. Mention was likewise made of the support given by certain States to fascist groups who had fled from their countries.
after the Second World War. Also, attention was drawn to the weaknesses of international organizations and their powerlessness to implement their decisions and apply international law.

50. Other representatives stressed their condemnation of action by States in violation of their obligations under the Charter, in violation of the principles elaborated in the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States - in particular, the principle of equal rights and self-determination of peoples - and in violation of human rights and fundamental freedoms, not only because of their intrinsic wrongness but also because of the ills which they gave rise to and the effects they had on innocent people. Mention was also made as causes of international terrorism of poverty, the denial of basic human rights such as the right to self-determination, the right of a people to have a voice in the government which governs them and to participate openly and freely in the political processes. It was also indicated that the failure of the United Nations to condemn in an unequivocal manner acts of violence which took innocent lives was in itself a cause of violence.
V. WORK OF THE SUB-COMMITTEE OF THE WHOLE ON THE MEASURES FOR THE PREVENTION OF INTERNATIONAL TERRORISM

51. In accordance with the decision taken by the Ad Hoc Committee at its 17th meeting on 31 July 1973 (see para. 8 above), the Sub-Committee of the Whole on the measures for the prevention of international terrorism met on 7 and 8 August 1973.

52. The Sub-Committee had before it draft proposals submitted by the Non-Aligned Group within the Ad Hoc Committee (Algeria, Congo, Democratic Yemen, Guinea, India, Mauritania, Nigeria, Syrian Arab Republic, Tunisia, United Republic of Tanzania, Yemen, Yugoslavia, Zaire and Zambia), Greece, Nigeria, the United Kingdom of Great Britain and Northern Ireland, the United States of America and Uruguay. The texts of these draft proposals are reproduced in the annex to this report.

53. Some delegations stated that the events which had occurred since the adoption of General Assembly resolution 3034 (XXVII) had only strengthened them in their conviction that effective measures must be taken, as a matter of urgency, to combat international terrorism. Other delegations considered, however, that the question of measures to be adopted was closely linked with the questions of definition and underlying causes and that effective measures could only be elaborated on the basis of a generally acceptable definition and after the causes of the phenomenon had been identified.

54. Two main trends emerged with respect to the orientation to be given to the measures the Ad Hoc Committee was required to elaborate. According to the first trend, the measures should essentially be directed against acts of international terrorism which were occurring with increasing frequency and taking a toll of innocent human lives. According to the second trend, the measures to be elaborated should be directed against the situations at the very root of acts of individual terrorism, in other words, their purpose should be to eliminate the causes of the phenomenon. Some delegations came to the conclusion that it was necessary to borrow from each of the two trends and to combine both types of measure.

55. With respect to the first trend, a certain number of delegations felt that it was necessary to elaborate preventive and punitive measures. It was suggested, in particular, that an international instrument should be prepared on the subject. It was emphasized that the new instrument which might be prepared should be so drafted as not to jeopardize the right of peoples to self-determination or the rights set forth in the Declaration concerning Friendly Relations, that it should aim at preventing the export of violence beyond areas of conflict and that it should be based on the principle aut punire aut dedere. In the opinion of some representatives, such an instrument would be likely to exert a considerable influence on the behaviour of all States, including those not parties to it.

56. Some delegations considered that a series of conventions should be prepared, each relating to a specific type of act. Among such acts, the taking of hostages for purposes of political extortion, the kidnapping of diplomats and the sending of letter-bombs were mentioned as being particularly serious.
57. Other delegations felt, however, that the process for the entry into force of a convention was technically too slow and politically too complicated to permit achievement of the anticipated result. It was further considered illogical and dangerous to try to draw up legal formulations before having resolved the political problem and reached agreement on the objectives to be achieved.

58. Several delegations noted that the Committee could not, for lack of time, prepare a draft convention. Some suggested that the Assembly should instruct the International Law Commission to undertake the task as a matter of priority. Others expressed the opinion that the General Assembly itself could do the work.

59. Some representatives felt that the Committee should recommend that the General Assembly should condemn acts of violence which endanger or take a toll of innocent human lives. In their opinion, such condemnation was likely to exert considerable moral influence. Several delegations expressed the opinion that such condemnation should cover all forms of terrorism, whether attributable to States or to individuals.

60. Other representatives stated, however, that the idea of a condemnation of international terrorism had given rise to very heated discussions during the twenty-seventh session of the General Assembly, and that it would be particularly inadvisable to revive the dispute since, under the provisions of paragraph 10 of resolution 3034 (XXVII), the Committee's recommendations should be directed towards possible co-operation. It was added that it was in any case very dangerous to formulate such a condemnation without having first determined its scope, for to do so would involve the risk of running counter to the judgement of history.

61. Several other suggestions were made. Emphasis was laid, for example, on the importance of legislative and administrative measures which could be taken at the national level to combat international terrorism and it was suggested that the Assembly should invite States to strengthen their provisions on the subject and render them more effective. It was recalled, however, that resolution 3034 (XXVII) already contained such an invitation. The same comment was made with respect to a proposal that States should be encouraged to accede to existing conventions, particularly the conventions on civil aviation. Several delegations advocated the strengthening of bilateral and regional co-operation and the development of exchanges of information on acts of international terrorism and their perpetrators. It was suggested further that the Assembly should remind States of their duty, under the provisions of the Declaration concerning Friendly Relations, 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. It was suggested, however, that the aforementioned principle related exclusively to terrorism of an internal nature. That, it was added, was the only interpretation compatible with the principles contained in other United Nations declarations and resolutions.

62. According to the second trend defined in paragraph 54 above, the Ad Hoc Committee should recommend measures to remedy the situations of which international terrorism was the logical consequence. In the opinion of those delegations, it was State terrorism that must be combated, not only because it was the most noxious form of terrorism but because it was the form of terrorism which led to the others.
63. Some representatives stressed the need to put an end to colonialism and interference in the internal affairs of States, to ensure that colonial countries and peoples achieved political and economic independence, to eliminate racial discrimination and apartheid and to ensure respect for the right of self-determination and fundamental human rights. Once those objectives had been achieved, they added, the other forms of international terrorism would disappear automatically.

64. Other representatives said that various texts, including the United Nations Charter, already contained provisions designed to prevent States from resorting to violence and that in the light of this existing framework of rules governing States conduct, it was unnecessary and undesirable to cover State action in the Ad Hoc Committee.

65. Several representatives acknowledged that various texts already contained provisions designed to prevent States from resorting to violence. They emphasized, however, that those provisions were obviously inadequate, since no State had yet been obliged to forgo the use of force. It was emphasized in that connexion that the Security Council should make more effective use of the means of action provided for in the Charter, particularly Chapter VII thereof.

66. Some representatives stated further that the efforts of progressive and peace-loving States to remedy violence-provoking situations were too often thwarted by other Member States, either by means of the right of veto in the Security Council or by negative votes or abstentions in other bodies. A change of attitude on the part of those States would on its own, they added, constitute a very appropriate measure for solution of the problem of international terrorism. It was emphasized, in that connexion, that States should strictly respect the principles contained in the Declaration on the Granting of Independence to Colonial Countries and Peoples, resolutions concerning the occupation of foreign territories, the Convention on the Elimination of All Forms of Racial Discrimination and the Declaration concerning Friendly Relations.

67. Some delegations advocated that peoples under colonial domination, or whose territory was under foreign occupation, should be represented, as full members, in international organizations.

68. Other delegations expressed the opinion which they had also expressed in the course of the general debate that the Ad Hoc Committee should concentrate upon acts of violence committed by individuals or groups and not upon State action.
VI. CONCLUDING STATEMENT

69. At the 21st meeting of the Ad Hoc Committee, held on 11 August 1973, the Chairman made the following concluding statement:

"The Ad Hoc Committee on International Terrorism, established by General Assembly resolution 3034 (XXVII), has reached the final stage of the work of its current session, after holding meetings for four weeks, beginning on 16 July 1973, with the participation of its 35 Member States. The Ad Hoc Committee held a total of 21 public meetings, 12 of which - from the 5th to the 16th inclusive, held between 23 and 31 July - were devoted to the general debate. At its 17th meeting, held on 31 July, the Ad Hoc Committee decided to establish three Sub-Committees of the Whole: one to study the definition of international terrorism, one to study the underlying causes of international terrorism and one to study measures for the prevention of international terrorism. Each of the three Sub-Committees met, in the order mentioned for two days, between 1 and 8 August.

"During the general debate, the Ad Hoc Committee heard statements by 27 delegations of Member States. A similarly large number of delegations participated in the discussions held in each of the three Sub-Committees. In taking up the study of the delicate and complex problem entrusted to it by the General Assembly, the Ad Hoc Committee was fully aware of the difficulties of its task. Representatives of the various geographical groups took part in the debates of the plenary Ad Hoc Committee and of each of the Sub-Committees. The resulting frank and extensive exchange of ideas brought out the diversity of existing views on the various aspects of the subject submitted for consideration to the Ad Hoc Committee. Those views are faithfully reflected in the summaries of the plenary and Sub-Committee debates contained in the report, the careful consideration of which the Ad Hoc Committee recommends to the General Assembly."
ANNEX

DRAFT PROPOSALS AND SUGGESTIONS SUBMITTED TO THE THREE SUB-COMMITTEES OF THE WHOLE

A. Sub-Committee of the Whole on the definition of international terrorism

1. Draft proposal submitted by the Non-Aligned Group in the Ad Hoc Committee (Algeria, Congo, Democratic Yemen, Guinea, India, Mauritania, Nigeria, Syrian Arab Republic, Tunisia, United Republic of Tanzania, Yemen, Yugoslavia, Zaire and Zambia)

The acts of international terrorism for the purposes of carrying out the mandate of the Ad Hoc Committee on International Terrorism entrusted to it by General Assembly resolution 3034 (XXVII), include:

(1) Acts of violence and other repressive acts by colonial, racist and alien regimes against peoples struggling for their liberation, for their legitimate right to self-determination, independence and other human rights and fundamental freedoms;

(2) Tolerating or assisting by a State the organizations of the remnants of fascists or mercenary groups whose terrorist activity is directed against other sovereign countries;

(3) Acts of violence committed by individuals or groups of individuals which endanger or take innocent human lives or jeopardize fundamental freedoms. This should not affect the inalienable right to self-determination and independence of all peoples under colonial and racist regimes and other forms of alien domination and 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) Acts of violence committed by individuals or groups of individuals for private gain, the effects of which are not confined to one State.

2. Draft proposal submitted by France

A heinous act of barbarism committed in the territory of a third State by a foreigner against a person possessing a nationality other than that of the offender for the purpose of exerting pressure in a conflict not strictly internal in nature.

3. Contribution of Greece to the search for a description of the so-called "international terrorism" problem

1. This is a serious and dangerous problem, manifested in reprehensible and particularly inadmissible acts which evoke revulsion in the conscience of mankind.
(however noble may be, in the case in question, the cause in furtherance of which the said acts were attempted or committed).

2. The fact that this problem is tending to become more widespread has, in the final analysis, a detrimental effect on the normal and friendly development of international relations. It must therefore be prevented and, where possible, eliminated by the application at the international level of appropriate judicial measures approved by the international community, and of the general principle of law aut dedere aut judicare.

3. The (constant, continuing, recognized and legitimate) struggle of a people in its own territory aimed at:

   (a) The achievement of its self-determination and independence;

   (b) Its liberation from a foreign occupation which exploits it, oppresses it and deprives it of its sovereignty;

   (c) Its liberation from the colonial yoke;

   (d) The elimination of all forms of social, racial or other discrimination of which it is the principal victim;

   (e) Defence against any form of aggression or attack (whether direct or indirect) against its territory, by violent means, and the prevention of any foreign instigated subversive activity directed against the integrity and sovereignty of its country

   is not included in this context and can never be interpreted or considered as forming part of it.

4. Any other violent act of a criminal nature by an individual or group of individuals against any innocent person or group of persons, irrespective of the nationality of the author or authors, which is committed in the territory of a third State with the aim of exercising pressure in any dispute, or with the aim of obtaining personal gain or emotional satisfaction, shall be deemed to be an "act of international terrorism" and condemned as such by the conscience of mankind.

4. Draft proposal submitted by Haiti

Any threat or act of violence committed by a person or group of persons on foreign territory or in any other place under international jurisdiction against any person with a view to achieving a political objective.

5. Draft proposal submitted by Iran

Possible list of acts of terrorism to be considered:

(1) Acts of violence and of terrorism directed against peoples struggling for their right to self-determination or for national identity;

(2) Acts of mercenary groups whose terrorist activities are directed against other sovereign countries;
(3) Acts of violence committed by individuals or groups of individuals which endanger or take innocent human lives or endanger fundamental freedoms;

(4) Acts of violence directed against persons who ought to enjoy special protection from the States in which they are performing their functions.

5. Submission of Nigeria

The Nigerian delegation is of the opinion that acts such as the recent Portuguese massacre, the kidnapping of diplomats attending a cocktail party and their subsequent murder, hijacking of aircrafts or even the holding at bay innocent tourists in a hotel lobby with the muzzles of sub-machine guns pointing at them—all constitute some forms of international terrorism. These acts do not include the activities, within their own countries, of those peoples struggling to liberate themselves from foreign oppression and exploitation.

7. Draft proposal submitted by Venezuela

Any threat or act of violence which endangers or takes innocent human lives, or jeopardizes fundamental freedoms, committed by an individual or group of individuals on foreign territory, on the high seas or on board an aircraft in flight in the air space superjacent to the open or free seas for the purpose of instilling terror and designed to achieve a political goal.

Inhuman repressive measures carried out by colonial or racist régimes, and all measures conducive to the exercise of alien domination, in denying peoples their legitimate right to self-determination and independence and other human rights and fundamental freedoms, shall also be deemed to be acts of international terrorism.

Serious bodily harm, murder, the taking of hostages, kidnapping, the sending of letter-bombs and damage to objects and property, when committed in foreign territory, or by or against foreigners, for the purpose of instilling terror with a view to achieving a political objective, shall also be deemed to be acts of international terrorism, since they constitute offences against social morality and violations of the dignity of the human person.

B. Sub-Committee of the Whole on the underlying causes of international terrorism

Suggestion submitted by Algeria

Since terrorism is an extreme form of violence, its causes are those which provoke the use of violence. Violence becomes terrorism when situations which lead to violence are exacerbated.

I. INDIVIDUAL TERRORISM

The motivation of "individual terrorism" is a subject for study in sociology, psychology, genetics and other contemporary human sciences.
Its study is not within the terms of reference of the Ad Hoc Committee.

II. POLITICAL TERRORISM

A. State terrorism

1. It takes the form of mass imprisonments, the use of torture, the massacre of whole groups, widespread reprisals, the bombing of a civilian population, the use of defoliants, the destruction of the economic structures of a country, etc.

2. States resort to violence and terrorism:
   (a) When they want to break the will of a people in order to impose direct rule, to subject them to a policy or to use their territory and resources for purposes contrary to that people's interests;
   (b) When they practise a policy of expansionism and hegemony.

3. These factors are present in many situations affecting the international community, including:
   (a) The maintenance of colonial domination;
   (b) Foreign occupation of a territory whose population is forced to leave it;
   (c) Application of a policy of racial discrimination and apartheid;
   (d) "Punitive" aggression of a State against another country;
   (e) Foreign intervention in the policy of a country;
   (f) Foreign exploitation of the natural resources of a country;
   (g) Systematic destruction by a foreign Power of a country, its population, its flora and fauna, its means of transport, its economic structures, etc.;
   (h) Use of armed force by a State against another State in circumstances other than those laid down in international law defining a state of war.

B. Terrorism directed against States

1. A social group (or a population) resorts to terrorism and violence against a State:
   (a) When their rights are flouted;
   (b) When they are victims of political, social or economic injustice;
   (c) When all legal remedies for obtaining justice are of no avail.

2. The violence is then used against the State in question:
   (a) On the territory occupied by the social group (or population);
On the territory of the State against which the violence is directed;

Against any other country which provides assistance to the State in question in its harmful action against the social group (or population).

3. The situations which give rise to violent action against a State include:

(a) Subjecting a people to colonial domination;
(b) Expelling a population from its own territory;
(c) Applying a policy of racial discrimination and apartheid;
(d) Foreign intervention in the policy of a country;
(e) Foreign exploitation of the resources of a country;
(f) Foreign aggression against a country;
(g) Indifference of the foreign community towards the injustice being visited upon a population;
(h) Powerlessness of international organizations to restore the legitimate rights of a population.

C. Sub-Committee of the Whole on the measures for the prevention of international terrorism

1. Draft proposal submitted by the Non-Aligned Group in the Ad Hoc Committee (Algeria, Congo, Democratic Yemen, Guinea, India, Mauritania, Nigeria, Syrian Arab Republic, Tunisia, United Republic of Tanzania, Yemen, Yugoslavia, Zaire and Zambia)

The following measures against international terrorism could be recommended:

(a) The definitive elimination of situations of colonial domination;
(b) Intensification of the campaign against racial discrimination and apartheid;
(c) The settlement of situations of foreign occupation and restoration of their territory to populations who have been expelled from them;
(d) Prohibition of all material, military, financial, economic, diplomatic and other aid to any State which practises a policy of colonialism, racial discrimination or territorial usurpation;
(e) Application of the provisions of Chapter VII of the United Nations Charter to those colonialist, racist and alien regimes which contravene international law or which refuse to implement the resolutions of international organizations and of the Security Council in particular;
(f) The strengthening of international organizations and of their efforts to secure effective application of the principles of the Charter in international relations;

(g) Representation in international organizations, as full members, of peoples under colonial domination or whose territory is under foreign occupation;

(h) Condemnation of 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, and of all acts of violence which endanger or take innocent human lives;

(i) Taking all appropriate measures by States at the national level for the speedy and final elimination of international terrorism;

(j) Close co-operation between States in order to prevent acts of international terrorism;

(k) Strict implementation of provisions 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;

(l) Co-operation in elaboration of the new international legal instruments relating to certain aspects of international terrorism not covered by the existing international conventions;

(m) When people engage in violent action against colonialist, racist and alien régimes as part of a struggle to regain its legitimate rights or to redress an injustice of which it is the victim, the international community, when it has recognized the validity of these objectives, cannot take repressive measures against any action which it ought, on the contrary, to encourage, support and defend;

(n) When individuals engage in violent action but their motivation is not of the nature described above, such action should be considered by the international community as coming under the ordinary law of each State concerned.

2. Contribution submitted by Greece a/

Indicative and non-exhaustive list of acts of violence which endanger or take innocent human lives and other reprehensible acts perpetrated in the territory of a third State, in the air space or on the high seas with the object of exerting pressure in a foreign political conflict or for personal profit or emotional satisfaction

1. The hijacking of a civil aircraft or a commercial vessel of any kind.

2. Any act or attempted act endangering the security of a civil aircraft or commercial vessel, the crew thereof and any passengers who may be on board.

a/ This contribution should be considered in the light of the contribution submitted by Greece to the Sub-Committee of the Whole on the definition of international terrorism (see p. 11).
3. The damaging or premeditated destruction of foreign property in the air, on the sea or on the ground.

4. The use or threat of force, which engenders fear, terror and panic, thus jeopardizing human dignity and the fundamental freedoms of innocent persons.

5. The taking of innocent hostages.

6. The kidnapping and unlawful restraint of persons entitled to international protection and of serving diplomats.

7. The infliction of serious bodily harm on, and the murder of, all categories of the aforementioned persons.

8. The premeditated use of explosives and letter-bombs.

9. The premeditated setting on fire of cultural centres, industrial installations, commercial and professional buildings and of official or private residences.

10. Any act of sabotage directed against public installations.

3. Submission of Nigeria

1. The draft convention submitted by the United States b/ should be further elaborated to take into consideration:

   (a) State terrorism;

   (b) The adequacy of municipal laws to deal with such crimes enumerated in article 1 of the draft convention;

   (c) Criminal acts the purposes of which do not lie in frustration, injustice, racism, occupation and foreign domination;

   (d) The draft should contain an exemption clause to cover liberation movements within their territories.

2. The Nigerian delegation, for the time being, thinks that the proposals put forward by the United Kingdom c/ , with some amendments, would meet its views, as embodied in its submissions to the Secretary-General. The Nigerian delegation would find it difficult to accept items 1 and 2 of the United Kingdom proposals without some modifications which would exclude all activities done in aid of or by liberation movements within their territories. It also notices the word "suppression" in item 7 of the United Kingdom proposal. The Nigerian delegation would prefer the word "prevention".

b/ Reproduced on pp. 28-33.
c/ Reproduced on p. 28.
4. Draft proposal submitted by the United Kingdom of Great Britain and Northern Ireland

The Ad Hoc Committee on International Terrorism recommends to the General Assembly that the General Assembly should:

1. Condemn all acts of violence which endanger or take innocent human lives;

2. Recall the duty of States 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;

3. Urge States to strengthen and make more effective their existing national measures to combat international terrorism;

4. Encourage States to co-operate more closely with one another in order to strengthen and make more effective their existing national measures to combat international terrorism;

5. Encourage other organs of the United Nations system concerned with aspects of the problem of international terrorism to intensify their efforts towards a solution of that problem;

6. Invite States to become parties to the existing international conventions which relate to various aspects of the problem of international terrorism;

7. Elaborate and adopt as a matter of priority an international convention for the suppression of certain acts of international terrorism, based, inter alia, on the principle that a State should either extradite the offender or submit his case for prosecution and on relevant conventions and draft conventions already adopted or in the course of elaboration within the United Nations system.

5. Working paper submitted by the United States of America

DRAFT CONVENTION FOR THE PREVENTION AND PUNISHMENT OF CERTAIN ACTS OF INTERNATIONAL TERRORISM

The States Parties to this Convention,

Recalling General Assembly resolution 2625 (XXV) of 24 October 1970, proclaiming principles of international law concerning friendly relations and co-operation among States in accordance with the Charter of the United Nations,

Considering that this resolution provides that every State has the duty to refrain from organizing, instigating, assisting or participating in terrorist acts in another State or acquiescing in organized activities within its territory directed towards the commission of such acts,

Considering the common danger posed by the spread of terrorist acts across national boundaries,

Considering that civilians must be protected from terrorist acts,
Affirming that effective measures to control international terrorism are urgently needed and require international as well as national action,

Have agreed as follows:

Article 1

1. Any person who unlawfully kills, causes serious bodily harm or kidnaps another person, attempts to commit any such act, or participates as an accomplice of a person who commits or attempts to commit any such act, commits an offence of international significance if the act

(a) Is committed or takes effect outside the territory of a State of which the alleged offender is a national;

(b) Is committed or takes effect

(i) Outside the territory of the State against which the act is directed, or

(ii) Within the territory of the State against which the act is directed and the alleged offender knows or has reason to know that a person against whom the act is directed is not a national of that State;

(c) Is committed neither by nor against a member of the armed forces of a State in the course of military hostilities;

(d) Is intended to damage the interests of or obtain concessions from a State or an international organization.

2. For the purposes of this Convention:

(a) An "international organization" means an international intergovernmental organization;

(b) An "alleged offender" means a person as to whom there are grounds to believe that he has committed one or more of the offences of international significance set forth in this article;

(c) The "territory" of a State includes all territory under the jurisdiction or administration of the State.

Article 2

Each State Party undertakes to make the offences set forth in article 1 punishable by severe penalties.

Article 3

A State Party in whose territory an alleged offender is found shall, if it does not extradite him, submit, without exception whatsoever and without undue delay, the case to its competent authorities for the purpose of prosecution, through proceedings in accordance with the laws of that State.
Article 4

1. Each State Party shall take such measures as may be necessary to establish its jurisdiction over the offences set forth in article 1:

(a) When the offence is committed in its territory; or
(b) When the offence is committed by its national.

2. Each State Party shall likewise take such measures as may be necessary to establish its jurisdiction over the offences set forth in article 1 in the case where an alleged offender is present in its territory and the State does not extradite him to any of the States mentioned in paragraph 1 of this article.

3. This Convention does not exclude any criminal jurisdiction exercised in accordance with national law.

Article 5

A State Party in which one or more of the offences set forth in article 1 have been committed shall, if it has reason to believe an alleged offender has fled from its territory, communicate to all other States Parties all the pertinent facts regarding the offence committed and all available information regarding the identity of the alleged offender.

Article 6

1. The State Party in whose territory an alleged offender is found shall take appropriate measures under its internal law so as to ensure his presence for prosecution or extradition. Such measures shall be immediately notified to the States mentioned in article 4, paragraph 1, and all other interested States.

2. Any person regarding whom the measures referred to in paragraph 1 of this article are being taken shall be entitled to communicate immediately with the nearest appropriate representative of the State of which he is a national and to be visited by a representative of that State.

Article 7

1. To the extent that the offences set forth in article 1 are not listed as extraditable offences in any extradition treaty existing between States Parties they shall be deemed to have been included as such therein. States Parties undertake to include those offences as extraditable offences in every future extradition treaty to be concluded between them.

2. If a State Party which makes extradition conditional on the existence of a treaty receives a request for extradition from another State Party with which it has no extradition treaty, it may, if it decides to extradite, consider the present articles as the legal basis for extradition in respect of the offences. Extradition shall be subject to the provisions of the law of the requested State.

3. States Parties which do not make extradition conditional upon the existence of a treaty shall recognize the offences as extraditable offences between themselves subject to the provisions of the law of the requested State.
4. Each of the offences shall be treated, for the purpose of extradition between States Parties as if it has been committed not only in the place in which it occurred but also in the territories of the States required to establish their jurisdiction in accordance with article 4, paragraph 1 (b).

5. An extradition request from the State in which the offences were committed shall have priority over other such requests if received by the State Party in whose territory the alleged offender has been found within 30 days after the communication required under paragraph 1 of article 6 has been made.

Article 8

Any person regarding whom proceedings are being carried out in connexion with any of the offences set forth in article 1 shall be guaranteed fair treatment at all stages of the proceedings.

Article 9

The statutory limitation as to the time within which prosecution may be instituted for the offences set forth in article 1 shall be, in each State Party, that fixed for the most serious crimes under its internal law.

Article 10

1. States Parties shall, in accordance with international and national law, endeavour to take all practicable measures for the purpose of preventing the offences set forth in article 1.

2. Any State Party having reason to believe that one of the offences set forth in article 1 may be committed shall, in accordance with its national law, furnish any relevant information in its possession to those States which it believes would be the States mentioned in article 4, paragraph 1, if any such offence were committed.

Article 11

1. States Parties shall afford one another the greatest measure of assistance in connexion with criminal proceedings brought in respect of the offences set forth in article 1, including the supply of all evidence at their disposal necessary for the proceedings.

2. The provisions of paragraph 1 of this article shall not affect obligations concerning mutual assistance embodied in any other treaty.

Article 12

States Parties shall consult together for the purpose of considering and implementing such other co-operative measures as may seem useful for carrying out the purposes of this Convention.

Article 13

In any case in which one or more of the Geneva Conventions of 12 August 1949, or any other convention concerning the law of armed conflicts is applicable, such
conventions shall, if in conflict with any provision of this Convention, take precedence. In particular:

(a) Nothing in this Convention shall make an offence of any act which is permissible under the Geneva Convention Relative to the Protection of Civilian Persons in Time of War or any other international law applicable in armed conflicts;

(b) Nothing in this Convention shall deprive any person of prisoner of war status if entitled to such status under the Geneva Convention Relative to the Treatment of Prisoners of War or any other applicable convention concerning respect for human rights in armed conflicts.

Article 14

In any case in which the Convention on Offences and Certain Other Acts Committed on Board Aircraft, the Convention for the Suppression of Unlawful Seizure of Aircraft, the Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation, 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, or any other convention which has or may be concluded concerning the protection of civil aviation, diplomatic agents and other internationally protected persons, is applicable, such convention shall, if in conflict with any provision of this Convention, take precedence.

Article 15

Nothing in this Convention shall derogate from any obligations of the Parties under the United Nations Charter.

Article 16

1. Any dispute between the Parties arising out of the application or interpretation of the present articles that is not settled through negotiation may be brought by any State Party to the dispute before a Conciliation Commission to be constituted in accordance with the provisions of this article by the giving of written notice to the other State or States Party to the dispute and to the Secretary-General of the United Nations.

2. A Conciliation Commission will be composed of three members. One member shall be appointed by each party to the dispute. If there is more than one party on either side of the dispute they shall jointly appoint a member of the Conciliation Commission. These two appointments shall be made within two months of the written notice referred to in paragraph 1. The third member, the Chairman, shall be chosen by the other two members.

3. If either side has failed to appoint its members within the time-limit referred to in paragraph 2, the Secretary-General of the United Nations shall appoint such member within a further period of two months. If no agreement is reached on the choice of the Chairman within five months of the written notice referred to in paragraph 1, the Secretary-General shall within the further period of one month appoint as the Chairman a qualified jurist who is not a national of any State Party to the dispute.
4. Any vacancy shall be filled in the same manner as the original appointment was made.

5. The Commission shall establish its own rules of procedure and shall reach its decisions and recommendations by a majority vote. It shall be competent to ask any organ that is authorized by or in accordance with the Charter of the United Nations to request an advisory opinion from the International Court of Justice to make such a request regarding the interpretation or application of the present articles.

6. If the Commission is unable to obtain an agreement among the parties on a settlement of the dispute within six months of its initial meeting, it shall prepare as soon as possible a report of its proceedings and transmit it to the parties and to the depositary. The report shall include the Commission's conclusions upon the facts and questions of law and the recommendations it has submitted to the parties in order to facilitate a settlement of the dispute. The six-months time limit may be extended by decision of the Commission.

7. This article is without prejudice to provisions concerning the settlement of disputes contained in international agreements in force between States.

6. Draft proposals submitted by Uruguay

(a) Draft resolution
The General Assembly,

Considering the increase in terrorist acts, the seriousness of which is a source of concern to the international community, since they generate a climate of violence which may affect security and peace,

Bearing in mind especially international terrorist activity aimed at the kidnapping and assassination of persons, the taking of hostages, and the extortion connected with such acts,

Recognizing the disapproval expressed by States Members of the United Nations of resort to such ruthless acts which take a toll of innocent lives and violate the essential rights of the human person,

Convinced that the political and ideological pretexts involved to justify these crimes in no way diminish their cruelty or irrationality or the infamous means employed,

Bearing in mind the acts of terrorism which are committed to repress the legitimate struggle of liberation movements in defence of their inalienable rights,

Recognizing that the co-operation of States is essential in order to prevent and eliminate international terrorism and its causes, through both the adoption of internal legal measures and the fulfilment of obligations under the Charter of the United Nations and the relevant resolutions of the Organization and its organs,
Convinced that the proliferation of acts of international terrorism calls for prompt and effective measures to counteract this scourge,

Recalling resolutions 380 (V) of 17 November 1950, 2131 (XX) of 21 December 1965, 2225 (XXI) of 19 December 1966 and 2625 (XXV) of 24 October 1970, all of which concern friendly relations and co-operation among States in accordance with the Charter of the United Nations and international law,

1. **Strongly condemns** acts of terrorism which take a toll of innocent lives and in particular the assassination and kidnapping of persons, the taking of hostages and the extortion connected with such crimes, as crimes against humanity;

2. **Condemns** the use of terrorist methods employed by States to combat peoples under colonial and alien domination and their liberation movements;

3. **Reaffirms** the principle of international law that every State has the duty to refrain from acts designed to encourage terrorist activities directed against another State, and to prevent acts by which they may be manifested, by undertaking, in the conditions set forth below, to prevent and punish activities of this kind and to lend each other mutual assistance;

4. **Reaffirms** the principle of non-intervention, according to which no State shall organize, assist, foment, finance, incite or tolerate subversive, terrorist or armed activities directed towards the violent overthrow of the régime of another State, or interfere in civil strife in another State;

5. **Invites** Member States to sign and ratify international instruments relevant to this problem;

6. **Recommends** that the International Law Commission should continue its work in the light of the concrete recommendations received from the Ad Hoc Committee on International Terrorism by preparing new international norms capable of combating international terrorism, and submit them to the General Assembly for consideration at its twenty-ninth session.

(b) **Draft decision**

The Ad Hoc Committee on International Terrorism

Decides

1. To submit the above draft resolution to the General Assembly for consideration at its next session.

2. To recommend the General Assembly, in accordance with resolution 2926 (XXVII) of 28 November 1972, to prepare and approve, at its next session, the convention on the prevention and punishment of crimes against diplomatic agents and other internationally protected persons.

3. Further to recommend the General Assembly, in the light of the reports of this Committee, to request the International Law Commission to continue its work by preparing new international norms capable of combating international terrorism and submit them to it for consideration at its twenty-ninth session.
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16702 - September 1973 - 3,200