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## Sixth Committee

### Summary record of the 7th meeting

Held at Headquarters, New York, on Wednesday, 2 October 2002, at 10 a.m.

*Chairman:* Mr. Prandler . . . . . (Hungary)

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*The meeting was called to order at 10.10 a.m.*

**Agenda item 152: Status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts (A/57/164 and Add.1)**

1. **Mr. Popkov** (Belarus) confirmed his delegation's adherence to the norms of international humanitarian law as embodied in the four Geneva Conventions of 1949 and their additional Protocols of 1977. Given the occurrence of armed conflicts in various parts of the world, it was especially important to ensure wider adherence to and strict observance of the provisions of those instruments. His delegation welcomed the almost universal acceptance of the Geneva Conventions and stressed the need for further measures to ensure even broader participation by States in the additional Protocols.

2. His Government was a party to the Geneva Conventions and the additional Protocols. It was taking steps to fulfil its obligations under the Plan of Action adopted at the Twenty-seventh International Conference of the Red Cross and Red Crescent. During the period 2000-2002, practical measures had been implemented at the national level, with the active participation of the Commission for the Implementation of International Humanitarian Law of the Council of Ministers, to ensure that Belarus fully met its obligations under international humanitarian law.

3. Following the adoption in 1999 of the new Criminal Code, which for the first time contemplated a series of offences constituting violations of international humanitarian law, steps had been taken to broaden the understanding of international humanitarian norms among judges, prosecutors and law enforcement agencies.

4. In 2000 Belarus had adopted an Act on the use and protection of the Red Cross and Red Crescent emblems which regulated the use and banned the misuse of those emblems both in peacetime and during armed conflicts.

5. In 2002 his Government had withdrawn the reservations to the four Geneva Conventions of 12 August 1949 formulated by its predecessor State in 1954. The reservations had been withdrawn following an analysis of their content in the light of historical

materials, bearing in mind contemporary trends in the development of international humanitarian law. His Government appealed to other States to consider withdrawing their reservations to the Geneva Conventions with a view to establishing a single standard of acceptance of those key instruments and strengthening the legal regime for the protection of victims of armed conflicts.

6. The Belarusian Government had also taken steps to accede to a number of new international agreements in the field of humanitarian law. In 2000 it had ratified the Second Protocol to the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict. His delegation called upon those States that had not yet done so to become parties to that Convention.

7. Lastly, his delegation wished to express its appreciation for the work done by the International Committee of the Red Cross (ICRC) in disseminating knowledge of international humanitarian law and assisting States in ensuring compliance with its norms.

8. **Mr. Zellweger** (Switzerland), speaking as the representative of the depositary State for the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts, said that there were currently 159 States parties to Protocol I, relating to international armed conflicts, 152 States parties to Protocol II, relating to non-international armed conflicts, and 60 States parties that had recognized the competence of the International Fact-Finding Commission provided for in article 90 of Protocol I. Switzerland urged other States parties to recognize the competence of the Commission and to do so for non-international as well as international armed conflicts.

9. To mark the twenty-fifth anniversary of the adoption of the Protocols, the Swiss Parliament had issued a solemn appeal to other States to ratify or accede to the Protocols, comply with them, withdraw reservations, recognize the competence of the Commission and consider national legislative and judicial means for ensuring the effective implementation of international humanitarian law.

10. Two other events of major importance for international humanitarian law had occurred in 2002 with the entry into force of both the Rome Statute of the International Criminal Court and the Optional Protocol to the Convention on the Rights of the Child

on the involvement of children in armed conflict. Switzerland had ratified both those instruments.

11. The original of the Convention of 1864, the first convention on humanitarian law, was currently on public display in the International Red Cross and Red Crescent Museum in Geneva and should inspire renewed efforts in the humanitarian sphere. Despite the adoption of the Protocols and other important legal instruments, the gap between commitment and practice with respect to international humanitarian law remained unacceptable. Civilians were increasingly the prime victims and at times the chief targets of armed conflicts, and conflicts were becoming less international and more ethnic or religious in nature. It must be recalled that international humanitarian law prescribed the minimum applicable in all circumstances. It was important to establish dialogue with armed groups involved in non-international conflicts in order to facilitate the distribution of humanitarian aid and to raise those groups' awareness of international humanitarian law and human rights.

12. Switzerland was convinced that international humanitarian law did not need to be reinvented. Existing instruments were adequate to address current problems; the most pressing task at hand was to implement them. His delegation hoped that by the time the next International Conference of the Red Cross and Red Crescent was held in 2003, there would be not only many more State parties to the Protocols but also real progress towards a world more respectful of human values, even in the midst of armed conflict.

13. **Ms. Miller** (Sweden), speaking on behalf of the Nordic countries, said that she was pleased, on the twenty-fifth anniversary of the 1977 Protocols Additional to the Geneva Conventions of 1949, which together with the parent Conventions formed the cornerstone of international humanitarian law, to note some important developments in that body of law in recent years, notably the success of the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction and the entry into force of the Rome Statute of the International Criminal Court. She also welcomed the work being done to develop the mechanisms of the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects.

14. The contributions to the Secretary-General's report (A/57/164 and Add.1) from States reporting the measures taken nationally to implement the Protocols were a welcome expression of States' commitment to international humanitarian law. She encouraged further such contributions.

15. The Nordic countries were among the States parties to the Rome Statute of the International Criminal Court. The entry into force of the Statute was a great step forward in the struggle against impunity for grave breaches of international humanitarian law. However, other areas of humanitarian law needed to be improved and strengthened. It was important for the international community to react to breaches of international humanitarian law before the situation became a threat to international peace and security. Under article 36 of Protocol I, States parties were obliged to determine whether a new weapon, means or method of warfare would be prohibited under international law; wider implementation of that article should be a matter of priority for the international community.

16. In the United Nations Millennium Declaration, Member States had resolved to spare no effort to ensure the protection of civilians. The Nordic countries warmly welcomed the recommendations contained in the 2001 report of the Secretary-General to the Security Council on the protection of civilians in armed conflict (S/2001/331) and the statement of the President of the Security Council containing the Aide Memoire adopted by the Council to facilitate its consideration of issues pertaining to the protection of civilians (S/PRST/2002/6). She wished to stress, however, that even though the ultimate responsibility rested with States, all parties to a conflict must respect humanitarian law.

17. The role of the International Committee of the Red Cross was of the utmost importance in the context of international humanitarian law, and the Committee's Advisory Service on International Humanitarian Law deserved full and active support.

18. **Ms. Álvarez Núñez** (Cuba) said that civilians were increasingly becoming the victims and even the direct targets of armed conflicts. It was imperative that the international legal system applicable to armed conflicts should be strengthened by universal adherence. Compliance with humanitarian norms for the protection of civilians in armed conflicts would

improve only if all States renounced war for expansionist purposes and committed themselves to multilateralism and to the United Nations and its Charter.

19. Cuba was proud of its status as a party to the 1949 Geneva Conventions and the additional Protocols of 1977. All guarantees needed to ensure strict compliance with their standards had been incorporated in Cuban law, including its Criminal Code. Cuba benefited from the presence of an International Humanitarian Law Study Centre which operated under the auspices of ICRC and the Cuban Red Cross. The Centre had contributed greatly to disseminating information and understanding of international humanitarian law among officers of the Cuban Revolutionary Armed Forces, officials of the Ministry of the Interior and other government officials and also in other Central American and Caribbean countries.

20. **Ms. Stancu** (Romania) reiterated her delegation's full commitment to international humanitarian law as codified by the 1949 Geneva Conventions and the Protocols Additional thereto of 1977. Romania had ratified both Protocols on 21 June 1990 and had made the declaration regarding acceptance of the International Fact-Finding Commission. In 2000 it had provided written information to the Secretary-General on the domestic measures it had adopted for the implementation of those instruments, and had subsequently ratified the Rome Statute of the International Criminal Court and the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflicts. She welcomed the Secretary-General's latest report on the status of the additional Protocols and noted the increase in the number of States bound by them. She also commended the efforts of ICRC to promote the ratification of the Protocols, and to assist States in implementing international humanitarian law at the national level.

21. **Mr. Aguilar Zinser** (Mexico) noted with pleasure that the additional Protocols had achieved nearly universal acceptance. On the twenty-fifth anniversary of their adoption, the Protocols were more important than ever, as evidenced by a wave of conflicts in which civilians had lacked effective protection and had often been made military targets, in defiance of international norms. In some recent conflicts rape had been used as a deliberate tactic. Those most affected by such conflicts were those most

vulnerable: women, children, the elderly and the infirm, and his delegation was especially concerned by the involvement of children in armed conflict as combatants. Such recurrent humanitarian crises had long-term repercussions for peace, security and development.

22. Another alarming aspect of civilian involvement in armed conflicts was the existence of large numbers of refugees and internally displaced persons, which posed an enormous challenge to the international community. While the Office of the United Nations High Commissioner for Refugees and ICRC played key roles, non-governmental organizations such as Amnesty International, Human Rights Watch and Doctors without Borders rendered invaluable service in documenting and publicizing serious violations of international humanitarian law.

23. Clearly, ratification of the Protocols was only a first step; it was the duty of States to implement them fully, to disseminate the standards of international humanitarian law and to establish an institutional mechanism for prosecuting those responsible for serious violations, or, failing that, to allow the International Criminal Court to perform its role. Compliance with humanitarian standards did not allow for double standards or equivocation. His delegation supported the declaration adopted by the Conference of High Contracting Parties to the Fourth Geneva Convention, convened on 5 December 2001, which had reaffirmed the applicability of the Convention to the occupied Palestinian territory.

24. At the national level, the Mexican authorities were carrying out dissemination, training and sensitization activities in collaboration with ICRC to promote awareness of international humanitarian law. Mexico had recently signed a headquarters agreement for the establishment of a regional Red Cross office in Mexico. The ninth Workshop on International Law organized by the Mexican Government in August 2002 had been devoted to the theme of human rights and international humanitarian law.

25. Earlier in the year Mexico had ratified the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity and the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, and it was in the process of ratifying the Rome Statute of the International

Criminal Court. Although not a party to Protocol II, Mexico endorsed its goals and was undertaking the domestic procedures that would permit accession to that instrument.

26. **Mr. Manis** (Sudan) said that his delegation wished to affirm its commitment to the principles of international humanitarian law. The Sudanese Government had organized a round table on that subject in April 2002 in which ICRC, the Sudanese Red Crescent and officials from the Ministries of Defence and Interior had participated. As a result of the round table, the Ministry of Foreign Affairs had organized a workshop to consider the establishment of a national committee for implementation of international humanitarian law, to which it had invited representatives of similar committees from Egypt, Yemen and Jordan and Red Cross experts. That workshop had yielded plans for the incorporation of international humanitarian law in national legislation and the establishment of a steering committee. Sudan had also deposited the instruments of ratification of the Articles of Agreement of the Islamic Committee of the International Crescent with the Organization of the Islamic Conference.

27. **Mr. Lobatch** (Russian Federation) agreed that the additional Protocols of 1977 broadly reflected the current level of development of international humanitarian law. He noted with satisfaction the continual expansion in the number of parties to those instruments and expressed the hope that in the near future all States would become parties to them.

28. In the 25 years that had elapsed since the adoption of the Protocols the international community had undertaken significant efforts to combat the illegitimate use of armed force by States and political groups. One of the most significant events of recent years had been the adoption of the Statute of the International Criminal Court, which gave that Court the authority to punish those guilty of crimes against humanity and war crimes, bringing the international criminal justice system to a new level. It could be said with certainty that the signing of the Rome Statute might not have happened if the Protocols Additional to the Geneva Conventions on the protection of victims of armed conflicts had not been adopted 25 years earlier.

29. At the same time, it was naive to think that any court, however competent and effective, could deter war criminals. Primary responsibility in that area

remained with States, which must guarantee observance of the norms of international humanitarian law. Moreover, unwarranted emphasis must not be given to certain sections of the Protocols at the expense of others. Observance of all their provisions, including those relating to international armed conflicts and conflicts arising within a State, must be compulsory.

30. The Protocols' potential had not yet been fully tapped; for example, the International Fact-Finding Commission, provided for in article 90 of Protocol I, had not yet begun to function. Such a mechanism could be useful in a wide range of conflict situations.

31. **Mr. Špaček** (Slovakia) said that Slovakia was a party to all four Geneva Conventions and the two additional Protocols, the keystones of international humanitarian law. In 1995 it had recognized the competence of the International Fact-Finding Commission under article 90 of Protocol I, and in 2000 it had withdrawn all reservations to the Geneva Conventions. It was also a party to all other relevant international conventions and had ratified the Rome Statute of the International Criminal Court.

32. On 1 January 2002 the Slovak National Committee for International Humanitarian Law had been established as a governmental advisory body with the tasks of analysing the level of implementation of international humanitarian law in national legislation, disseminating the aims and principles of humanitarian law and promoting its universal recognition, in cooperation with similar bodies in other States, ICRC and other relevant international institutions. Slovakia had commemorated the twenty-fifth anniversary of the additional Protocols by organizing a conference under the auspices of the Slovak Red Cross.

33. The international community should focus its efforts in the area of international humanitarian law on two major issues. First, it should endeavour to achieve universal adherence to the relevant legal instruments, remembering that universality implied not just universal ratification but national implementation. Secondly, it should promote awareness of the principles and rules of international humanitarian law among the members of the armed forces and humanitarian and medical personnel, in schools and universities and among the general public.

34. **Mr. Al-Khasawneh** (Jordan) noted that Jordan had been among the first to ratify the 1949 Geneva Conventions and the 1977 Protocols Additional thereto.

Nevertheless, his delegation was mindful of the need to strengthen the body of international humanitarian law by disseminating knowledge about it and ensuring its full implementation at the national level. The new Military Penal Code of Jordan, which had entered into force in July 2002, contained a chapter dedicated to war crimes based on the definitions enunciated in the Geneva Conventions and the additional Protocols. Amendments to the law governing the Jordanian Committee of the Red Crescent were being considered with a view to ensuring wider dissemination and better understanding of the principles of international humanitarian law. The Jordanian Government, in collaboration with ICRC and the Jordanian Committee of the Red Crescent, had set up a national committee for the implementation of international humanitarian law. The Jordanian armed forces laid great stress on instilling an understanding of the principles of humanitarian law in officers and staff, and law faculties at Jordanian universities were introducing international humanitarian law as a subject of study.

35. His delegation wished to emphasize that the forms of protection afforded by the Geneva Conventions and the additional Protocols applied to the Occupied Palestinian Territory in the entirety of the West Bank and the Gaza Strip. Such protection was legally binding on all States, whether or not they were parties, since it reflected principles of customary international law.

36. His delegation welcomed the entry into force of the Statute of the International Criminal Court and believed that it would strengthen the edifice of international law, in particular of international humanitarian and human rights law, and eliminate impunity for violations of that law.

37. **Ms. Telalian** (Greece) said that universal adherence to and effective implementation of the four Geneva Conventions and the two additional Protocols, were central to the advancing of international humanitarian law. While it was encouraging to note the substantial number of States that had acceded to the additional Protocols, she hoped that more States would recognize the competence of the International Fact-Finding Commission provided for under article 90 of Protocol I.

38. She paid a tribute to ICRC for its crucial role in promoting humanitarian law and providing legal and technical assistance to Governments in the

implementation of that law. She also commended the role played by the Advisory Service on International Humanitarian Law and expressed satisfaction at the increase in the number of national implementation committees. Greece had established its own such committee in 1999. That body coordinated all activities related to the implementation and dissemination of international humanitarian law, promoted cooperation with the Hellenic Red Cross and ICRC, and also with the Red Crescent Societies, and advised the Government on the implementation of international humanitarian law instruments.

39. Earlier in the year, the Greek Parliament had ratified the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction. Greece and Turkey had decided to deposit their respective instruments of ratification with the Secretary-General simultaneously as soon as Turkey had completed the ratification procedure. Similarly, the ratification of the second Protocol Additional to the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict was a high priority for the Greek Government, which had recently set up a national advisory committee for the implementation of that Convention. Greece had also become a party to the Rome Statute of the International Criminal Court and was in the process of preparing comprehensive legislation for its implementation. Lastly, Greece had signed Protocol No. 13 to the European Convention on Human Rights and Fundamental Freedoms, concerning the abolition of the death penalty, and was considering its ratification.

40. **Mr. Ilnytskyi** (Ukraine) said that Ukraine fully supported the international community's efforts to ensure respect for the rules of international humanitarian law during armed conflicts. Ukraine had ratified the two additional Protocols to the 1949 Geneva Conventions in 1990, and it had also recognized the competence of the International Fact-Finding Commission. Full compliance with the Geneva Conventions and their additional Protocols by all parties to a conflict was imperative to ensure adequate protection of civilians, and grave breaches of the provisions of those instruments should be regarded as war crimes.

41. The Security Council had also made a valuable contribution to the question of the protection of civilians in armed conflicts, particularly through its

adoption of resolutions 1296 (2000) and 1373 (2001). He called upon the parties to conflicts to fully recognize and implement all relevant Security Council resolutions, and he drew attention to the need to ensure the universality of the 1949 Geneva Conventions and their additional Protocols. He reiterated his delegation's strong condemnation of the targeting and use of children in armed conflicts and welcomed the recent entry into force of the Rome Statute of the International Criminal Court as a further contribution to efforts to protect all civilians in armed conflicts.

42. **Mr. Samy** (Egypt) said that the 1949 Geneva Conventions and their additional Protocols constituted an effective means of applying international humanitarian law. Egypt had established a national commission on international humanitarian law, made up of all ministerial bodies in its Government, to strengthen awareness of international humanitarian law within the Government and among the public at large.

43. Universal application of the Conventions and the two Protocols were extremely important, particularly in the occupied Palestinian territories. He wished to point out, however, that those instruments were binding on all countries, whether or not they were parties to them. His delegation also welcomed the entry into force of the Rome Statute of the International Criminal Court as another means of consolidating international humanitarian law and the application of the Geneva Conventions and their Protocols.

44. **Mr. Kleber** (Venezuela) expressed his delegation's satisfaction with the Secretary-General's report (A/57/164 and Add.1) and said that his country attached great importance to the dissemination of international humanitarian law, particularly as grave violations of international humanitarian law continued to occur in various parts of the world, with the most vulnerable groups often being the victims. Venezuela's Constitution was grounded in the recognition and protection of human rights, and awareness of humanitarian law was broadly disseminated within the armed forces and schools. The Venezuelan Government had recently enacted a law to promote respect for the rights of persons seeking refuge in Venezuelan territory, in particular those fleeing conflict in neighbouring Colombia.

45. He welcomed the entry into force of the Rome Statute of the International Criminal Court and expressed confidence that the establishment of the

Court would contribute greatly to the practical implementation of international humanitarian law and limit or deter crimes against humanity.

46. **Mr. Helle** (International Committee of the Red Cross (ICRC)) expressed the hope that, in view of present trends, the 1977 Protocols Additional to the Geneva Conventions of 1949 would quickly attain the same level of universality as the Conventions themselves, and he called on those States that had yet to ratify or accede to the Protocols to do so as soon as possible. He welcomed recent advances that had contributed to the strengthening of international humanitarian law, in particular the entry into force of the Optional Protocol to the Convention on the Rights of the Child on involvement of children in armed conflicts, the Rome Statute of the International Criminal Court and the extension of the application of the 1980 Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects.

47. While international humanitarian law had thus demonstrated its dynamism, there was nevertheless a need to review that law on a regular basis, to examine ways of ensuring that it was better respected, to clarify its regulations and to study its possible further development. ICRC was ready to participate in such a review with a view to ensuring that any future normative development would not weaken existing protection standards.

#### **Agenda item 160: Measures to eliminate international terrorism (A/57/37 and 183 and Add.1)**

48. **Mr. Perera** (Sri Lanka), Chairman of the Ad Hoc Committee established by General Assembly resolution 51/210 of 17 December 1996, introduced the report of the Ad Hoc Committee contained in document A/57/37. The Ad Hoc Committee had been mandated by the General Assembly in its resolution 56/88 to continue the elaboration of a draft comprehensive convention on international terrorism, with the appropriate time allocated to the continued consideration of outstanding issues relating to the elaboration of a draft international convention for the suppression of acts of nuclear terrorism, and to keep on its agenda the question of convening a high-level conference under the auspices of the United Nations to formulate a joint organized response of the international community to terrorism in all its forms

and manifestations. The report before the Sixth Committee reflected the progress achieved by the Ad Hoc Committee in all three areas.

49. Informal consultations had been held in two stages. The first stage had focused on the draft comprehensive convention, specifically on its article 18. Those discussions had been followed by consideration of the preamble and article 1, containing definitions. The second stage had focused on outstanding issues pertaining to the draft international convention for the suppression of acts of nuclear terrorism. The coordinator of the informal consultations had presented an oral report on the results of those discussions, which had been reproduced for reference purposes only in annex VI of document A/57/37.

50. In the light of the results of the informal consultations, the Bureau had prepared a discussion paper, contained in annex I of the report, on the preamble and article 1 of the draft comprehensive convention. Annex II of the report reproduced the informal texts of articles 2 and 2 bis of the draft comprehensive convention prepared by the coordinator. Annex III reproduced the texts of articles 3 to 17 bis and 20 to 27 prepared by the Friends of the Chairman. Annex IV contained two texts relating to article 18, one circulated by the coordinator and the other proposed by States members of the Organization of the Islamic Conference.

51. Annex V consisted of two sections. Section A reproduced a list of written amendments and proposals submitted by delegations to the Working Group of the Sixth Committee at the previous session of the General Assembly in connection with the elaboration of a draft comprehensive convention on international terrorism. Section B set out a list of written amendments and proposals submitted to the Working Group at the previous session in connection with the elaboration of a draft international convention for the suppression of acts of nuclear terrorism.

52. All the texts contained in annexes I to V represented the stage of consideration reached at the most recent session of the Ad Hoc Committee. They were annexed to the report on the understanding that they would receive further consideration, as would all written and oral proposals on them and on outstanding issues.

53. He drew attention to chapter III of the report, containing the Ad Hoc Committee's recommendation that the Sixth Committee, at the current session, should consider establishing a working group, preferably to be convened from 14 to 18 October 2002, to continue, as a matter of urgency, deliberations on the three issues outlined above. The issues that remained outstanding involved matters both legally complex and politically sensitive. Article 18 was at the core of the efforts to resolve those issues. It was encouraging to note that delegations had made every attempt to understand and appreciate each other's positions. Now the time had come for delegations to explore possible new approaches that might lead to an acceptable compromise.

54. **Mr. Ibrahim** (Syrian Arab Republic) said that his country condemned terrorism in all its forms and manifestations, whether perpetrated by individuals, groups or States; terrorism was a criminal act which took the lives of innocent individuals and was a violation of the sovereignty and territorial integrity of States. There was a need for international cooperation within the framework of the United Nations to prevent and combat terrorism and to eliminate its causes. His delegation therefore fully supported the work of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism (Counter-Terrorism Committee).

55. The most outstanding achievement of the United Nations since its inception had been its contribution to the liberation of numerous States that had been subjected to foreign occupation and colonial domination. A few States were currently questioning those achievements, disregarding the provisions of the Charter and describing as terrorism the legitimate struggle against foreign occupation, which was the most heinous form of State terrorism.

56. The crimes perpetrated by Israel on a daily basis against the Arab population of the occupied territories and the occupied Syrian Golan were war crimes and acts of terrorism. Israel was putting its own interpretation on the question of combating terrorism and on the resolutions of the United Nations: its systematic perpetration of State terrorism against the Palestinian people, its policy of assassination, the destruction of homes, the confiscation of Palestinian land, the blockading of towns and villages, the killing and wounding of numerous Palestinian civilians, large-scale arrests, including of children, and the use of the



most modern aircraft, tanks and heavy weapons and other means of destruction were all legitimate, according to Israel, on the grounds of self-defence and in order to combat what it termed Palestinian terrorism. Self-defence, however, did not legitimize Israel's continuing occupation or its acts of destruction and killing.

57. The Ad Hoc Committee established by General Assembly resolution 51/210 of 17 December 1996 constituted a major step forward in the effort to eliminate terrorism. The draft comprehensive convention would rectify the omissions of earlier conventions, particularly by giving a clear and specific definition of terrorism that differentiated it from the legitimate struggle against foreign occupation. He drew attention in that connection to the text of article 18 proposed by the Organization of the Islamic Conference, on which his delegation awaited comments. Further consultations should be held before the Ad Hoc Committee and the Working Group of the Sixth Committee were convened. It was also essential not to exclude actions committed by the military forces of States from the scope of the Convention if such actions were unlawful under the Charter of the United Nations and international law.

58. His delegation welcomed the efforts made by the coordinator with regard to a draft convention for the suppression of acts of nuclear terrorism and was ready to cooperate with him in order to overcome any problems that might arise as a result of the lack of political will in certain quarters. It also believed that an international conference should be convened under United Nations auspices to define terrorism and draw a distinction between terrorism and the legitimate struggle of peoples for national liberation, an initiative that his country had proposed many years previously and which was now more necessary than ever before.

59. **Mr. Baali** (Algeria) said that the tragic events of 11 September 2001 had made the international community aware of the urgent need for a global response to the threat of terrorism. The resolutions adopted by the General Assembly and the Security Council reflected the international community's determination to deal with that threat. The fact that a global strategy for combating terrorism was being implemented under the auspices of the United Nations could only strengthen the legitimacy of that effort. It was clear, however, that the goal of eradicating

terrorism could only be achieved by addressing the underlying causes of the problem.

60. Reductionist approaches that singled out one religion, culture or civilization as the origin of extremist ideologies should be avoided in favour of calm and objective analysis. Moreover, the global strategy for combating terrorism should not adversely affect the right of peoples to self-determination or their legitimate struggle against colonial and foreign occupation.

61. Because of its close links to arms trafficking, drug trafficking, money-laundering and other forms of organized crime, terrorism was becoming the greatest threat of the early twenty-first century. International cooperation must therefore be bolstered in such areas as judicial assistance. His Government supported the strengthening of the Terrorism Prevention Branch, an arm of the United Nations Office for Drug Control and Crime Prevention, whose support for counter-terrorism efforts, particularly in the form of direct technical assistance, was well established.

62. Combating international terrorism required the adoption and implementation of measures to cut off sources of financing and dismantle logistical support networks. Major progress in that regard had been made at the African Union high-level intergovernmental meeting on terrorism, held in Algiers in September 2002. At that meeting a Plan of Action had been adopted to concretize African commitments at the regional and international levels, particularly in the context of Security Council resolution 1373 (2001), and to establish a framework for counter-terrorism cooperation in Africa. Among the measures contemplated were the strengthening of border security and control, the review and harmonization of counter-terrorism legislation, the suppression of terrorist financing and the exchange of information and cooperation at all levels.

63. The international legal framework would be enhanced by the adoption of an international convention covering various aspects of the fight against terrorism. To that end, greater efforts should be made to bring the negotiations on the draft text of a comprehensive convention submitted by India to a successful conclusion. The draft was based on the "prosecute or extradite" principle, and its aim was to encompass new forms of terrorism not covered in existing conventions. He called on all States to display

a spirit of cooperation so that the draft convention could be adopted as soon as possible. His delegation also hoped that the work on a draft international convention for the suppression of acts of nuclear terrorism would be successfully completed at the current session.

64. States had recognized the limitations of unilateral and bilateral approaches when it came to countering a global threat. Accordingly, his delegation fully supported the proposal to convene a high-level conference under the auspices of the United Nations to formulate a joint response by the international community to terrorism.

65. **Mr. Nguyen Thanh Chau** (Viet Nam), speaking on behalf of the Association of South-East Asian Nations (ASEAN), said that once adopted, a comprehensive convention on international terrorism would close the gaps in the 12 existing anti-terrorism conventions while building upon their achievements. ASEAN called on Member States to redouble their efforts to conclude the negotiations on a draft international convention for the suppression of acts of nuclear terrorism. ASEAN members believed that the question of convening a high-level conference under the auspices of the United Nations to formulate a joint response by the international community to terrorism in all its forms and manifestations should remain high on the agenda.

66. The adoption of Security Council resolution 1373 (2001) had been a historic event. That resolution had been the first to impose obligations on all States to respond to the threat of terrorism. The ASEAN countries were fully committed to contributing to the work of the Counter-Terrorism Committee. All had submitted their first reports to that Committee and were fulfilling the Committee's further requirements. The Counter-Terrorism Committee was to be commended for its efforts to build the capacities of Member States to enable them to comply with the resolution.

67. The States members of ASEAN wished to reaffirm their view that any counter-terrorism measures must comply with the Charter of the United Nations and respect the fundamental principles of international law and the sovereignty of States. The commitment of ASEAN to fighting international terrorism had been manifested in the Association's Declaration on Joint Action to Counter Terrorism, adopted at the seventh ASEAN Summit in November 2001. The measures

outlined in the Declaration had subsequently been incorporated into the Work Programme on Terrorism, adopted at the Special ASEAN Ministerial Meeting on Terrorism held in Malaysia in May 2002. Among the actions proposed were the development of multilateral or bilateral legal arrangements to facilitate arrest, investigation, prosecution, extradition and seizure and the enhancement of cooperation and coordination in law enforcement and intelligence-sharing.

68. ASEAN had also led efforts to promote counter-terrorism cooperation between countries within and outside the region. In August 2002 ASEAN and the United States of America had issued a Joint Declaration for Cooperation to Combat International Terrorism. In March an ASEAN Regional Forum (ARF) Workshop on Financial Measures against Terrorism had been organized jointly by the United States and Malaysia in Honolulu, and in April, an ARF Workshop on the Prevention of Terrorism had been organized jointly by the Governments of Thailand and Australia and hosted by Thailand. That workshop had concluded that greater exchange of information and intelligence and further cooperation among law enforcement and other relevant security agencies were essential tools in combating terrorism.

69. **Mr. Scott** (Australia) said that, given the insidious and transboundary reach of modern terrorist movements and tactics, his country was convinced that the international community needed to take a comprehensive approach to the problem; it was therefore strongly committed to working within the United Nations framework to combat both terrorism and the financing thereof. Australia viewed the requirements that Security Council resolution 1373 (2001) placed on Member States with extreme seriousness and had given priority to the full implementation of that resolution at the national and international levels.

70. Australia was a party to 11 of the 12 anti-terrorism conventions and was considering its position with regard to the Convention on the Marking of Plastic Explosives for the Purpose of Detection. As coordinator of outstanding issues on the draft comprehensive convention on international terrorism, his delegation was also helping to finalize that text. He was pleased to note that deliberations had reached the point where those issues had been clearly identified, and his delegation hoped that further progress would be

achieved during the forthcoming consultations on the draft text.

71. As part of the global coalition, Australia was making a substantive military commitment to the war against terrorism and was encouraging greater cooperation to combat terrorism. To that end, it was actively engaged in counter-terrorism activities in several major regional forums. Together with Indonesia it would be co-hosting a regional conference on combating money-laundering and terrorist financing in December 2003, which would augment and contribute to existing initiatives being undertaken by the United Nations Counter-Terrorism Committee. Australia also considered that strong cooperation between Governments at the regional level was critical in combating terrorism and was seeking closer bilateral law enforcement cooperation with key countries in the South-East Asian region.

72. At the national level, Australia had provided extra resources to enable its intelligence agencies to deal with terrorism-related issues, and it had introduced tough new legislation giving domestic security agencies greater investigative powers and making terrorism a specific offence with a maximum penalty of life imprisonment. Australia's aviation security had been upgraded, and the national and state Governments had agreed earlier in the year on 20 initiatives to enhance the framework for dealing with terrorism and transnational crimes under the Australian federal system. Legislation had been enacted to implement Security Council resolution 1373 (2001) by means of measures such as the freezing of assets of identified terrorist entities. He welcomed the role played by the United Nations in galvanizing international action to combat the ongoing threat of international terrorism and said that Australia would continue to work vigorously within the Organization and elsewhere to that end and to encourage other States to do likewise.

73. **Mr. Maiga** (Mali) reaffirmed his Government's strong condemnation of the attacks of 11 September 2001 against the United States, which underscored the vulnerability of the international system to threats to peace and security resulting from terrorist acts. For that reason, it was more than ever necessary for all States to cooperate in a decisive manner to counteract those threats, inter alia, by agreeing on a precise definition of international terrorism in all its forms and manifestations. He therefore welcomed the substantial progress made by the Ad Hoc Committee in

elaborating a draft comprehensive convention on international terrorism designed to fill the gaps in existing treaties. At the same time, any effort to combat terrorism must address everything that served as a breeding ground for that scourge, including poverty and regional conflicts.

74. The Malian Government had submitted its initial report to the Counter-Terrorism Committee and was in the process of finalizing its supplementary report. The new Malian Criminal Code provided harsh penalties for certain offences linked to terrorist organizations, including criminal association and illegal weapons possession or trafficking.

75. At the regional level, he welcomed the high-level intergovernmental meeting of the African Union on the prevention and combating of terrorism, held in Algiers in September 2002, which had culminated in the adoption of a protocol to the Algiers Convention on the Prevention and Combating of Terrorism. At that meeting, African leaders had expressed their determination to make Africa a continent free of terrorist acts and support for terrorism.

76. In a similar vein, his Government reaffirmed its support for the convening, at the earliest opportunity and under United Nations auspices, of an international conference to define a common approach by the international community to combating terrorism. Lastly, he wished to note that Mali, which was a party to the 12 United Nations anti-terrorism conventions and the instruments elaborated by the Organization of the Islamic Conference, rejected all simplistic attempts to equate terrorism with Islam.

77. **Mr. Adamou** (Niger) welcomed the efforts made by the United Nations Commission on Crime Prevention and Criminal Justice to deter international terrorism. The international community must spare no efforts to prevent a recurrence of the tragic events of 11 September 2001, which continued to haunt the consciousness of all peace-loving peoples.

78. His delegation endorsed the Secretary-General's view that the United Nations should endeavour to forge closer links among nations, cultures and civilizations through dialogue and cooperation. His Government, which had always condemned violence, had associated itself with all regional and international initiatives to combat international terrorism. It had, for instance, signed and ratified the Organization of African Unity (OAU) Convention on the Prevention and Combating

of Terrorism, the Convention of the Organization of the Islamic Conference on Combating International Terrorism and the International Convention for the Suppression of Terrorist Bombings. Pursuant to Security Council resolution 1373 (2001), the Government of the Niger had established a national counter-terrorism committee which had taken a number of steps, such as tightening security around diplomatic and consular missions and strengthening airport monitoring systems.

79. Terrorism was driven and sustained by a number of factors, including the deterioration of living conditions, ignorance and illiteracy. The most disadvantaged societies were the most likely to descend into violence. For that reason, the international community's efforts to combat terrorism should not overlook such issues as poverty eradication, AIDS, globalization or the search for lasting solutions to the numerous conflicts around the globe.

80. **Mr. Lobatch** (Russian Federation) recalled that just over a year had passed since the most heinous terrorist act in history had taken the lives of thousands of people from many different countries. On 11 September 2001 it had become clear that international terrorism, which brought death and destruction to all corners of the globe without regard for the nationality, race or religion of its victims, was the most important problem of the new century. His delegation wished to pay a tribute to the memory of all those who had died at the hands of the extremists.

81. The only protection against terrorism was for countries to work together and deny terrorists a haven anywhere in the world. The international community had already taken the most important steps towards that goal. An anti-terrorist coalition of unprecedented breadth had destroyed the hornet's nest of terrorism in Afghanistan. It was the duty of the international community to preserve the potential for joint action thus acquired and to avoid unilateral action, which could threaten the unity of the coalition. What was most important was that the alliance which had formed against terrorism could provide the basis for a broader global system to counteract the threats and challenges of the new millennium. The United Nations would no doubt play a central role in establishing such a system.

82. The Security Council had demonstrated its readiness to protect international peace and security from the threat of terrorism. The adoption by the

Council of its historic resolution 1373 (2001) had immediately conferred a universally binding character on a broad set of measures aimed at sapping the financial, material and human resources of terrorist organizations. The Security Council Committee established pursuant to that resolution had played a key role in the system that was being established to put an end to terrorism. His delegation was convinced that that Committee, which maintained a constructive and non-confrontational approach to its work, would see its successes multiply.

83. One of the most important tasks of the United Nations was to provide a reliable international legal basis for the joint anti-terrorism efforts of States. The steady increase noted since the previous year in the number of States parties to the 12 United Nations anti-terrorist conventions was to be commended. His Government had ratified the 1999 International Convention for the Suppression of the Financing of Terrorism and was completing the procedures required under its domestic law to become a party to the other agreements.

84. At the same time, there were a number of unresolved issues in the fight against terrorism. The standstill reached in the elaboration of a draft international convention for the suppression of acts of nuclear terrorism and a draft comprehensive convention on international terrorism was cause for concern, especially as the latter instrument was at an advanced stage of preparation. In his view, the differences of opinion with regard to those instruments were fully surmountable, and his delegation would continue to work towards their completion.

85. Universal cooperation in the fight against terrorism must be accompanied by corresponding efforts at the regional and subregional levels. His delegation therefore attached paramount importance to the work being done within the framework of the Commonwealth of Independent States (CIS) Anti-terrorist Centre and to implementation of the Programme of CIS member States to Combat International Terrorism and Other Forms of Extremism up to the Year 2003. There was also growing cooperation among States within the regional anti-terrorist structures of the Shanghai Cooperation Organization, and the President of the Russian Federation had recently introduced in Parliament a proposal for ratification of the Shanghai Convention on Combating Terrorism, Separatism and Extremism.

86. **Mr. Mangueira** (Angola) said that his Government had always been committed to combating terrorism in all its forms and manifestations. It had taken measures to implement Security Council resolution 1373 (2001) and was participating in the mechanisms adopted by the Southern African Development Community (SADC) and the African Union to fight international organized crime, including terrorism.

87. With regard to the draft comprehensive convention, his delegation believed that with the necessary flexibility on all sides, it would be possible to reach consensus on articles 2 and 18.

88. Since its adoption of resolution 30/34, the General Assembly had been careful to make it clear that the right to self-determination of peoples was separate from the terrorist acts that States condemned. That clarification had made it possible for his country and others to become independent. That principle was also highlighted in the 1999 OAU Convention on the Prevention and Combating of Terrorism, while the Plan of Action for the implementation of that Convention and other relevant international instruments adopted by the African Union in September sought to enhance counter-terrorism cooperation among African States.

89. Efforts to combat terrorism were not isolated from the responsibilities of States under international law, including humanitarian and human rights law. All States must ensure that their officials respected the rights of persons under suspicion, taking into account the presumption of innocence even after conviction, as referred to in international human rights instruments.

90. While his delegation continued to have concerns regarding the determination of damage to property, places, facilities or systems in article 2 of the draft comprehensive convention (A/57/37, annex II), it was prepared to reach consensus on the text.

*The meeting rose at 12.55 p.m.*