

INTERNATIONAL LEGAL MEASURES AGAINST TERRORISM

International efforts, particularly at the United Nations, to deal with the problem of terrorism, are beset by difficulties, not the least of which are the political considerations which lead some governments, primarily from third world and socialist states, to support the objectives of terrorist groups which purport to act in the name of national liberation and self-determination. The governments, adopting a position that would except such groups from any international legal prohibition or penalty, prefer to focus on what they call state or institutionalized terrorism directed toward peoples under occupation or in a colonial situation. The Western states have rejected this introduction of what are essentially questions of state conduct into a context dealing with individual acts, as they have rejected references to the motives or objectives of the terrorist as grounds for different treatment.

This fundamental and seemingly intractable divergence of viewpoint has brought about the virtual paralysis of the U.N.'s Ad Hoc Committee on Terrorism which, although established in 1972, has met only twice: in 1973 and again in 1977. The Committee has made no progress and although Canada is a member of the Committee, in the General Assembly, the Canadian Government along with other Western states, has voted against the renewal of the Committee's mandate which has always been broad and ill-defined, but now, as a result of recent General Assembly decisions, puts priority on the examination of the causes of terrorism rather than on consideration of measures to combat terrorism. Although this item does not appear on the agenda of UNGA 33, as a result of a decision taken at UNGA 32, the Committee is scheduled to meet again in 1979. There are no indications that the next session will be any more productive than the last two.

The prospects are somewhat more promising with respect to the second U.N. Committee dealing with terrorism, the Ad Hoc Committee on the Drafting of an International Convention Against the Taking of Hostages. The second session of the Committee (February 1978) was considerably more productive than had been anticipated. Progress was achieved on two fronts. First, the parameters of the discussion concerning the relationship between the hostage-taking convention and the rules of international law applicable in armed conflicts have been considerably reduced. The discussion is now focussed on two articles: one on the scope of application of the Convention and another on definition of the offence. The non-aligned nations wish to except from the definition