

(a) of para 1 be reformulated to refer to an international agreement and subpara (b) of paragraph 1 be amended to provide for transmission through diplomatic channels. In his view subpara (a) of the draft article as adopted in 1986 would then be redundant and may be deleted. The text of paragraph 2 was also proposed to be redrafted in light of the above. This suggestion made by the Special Rapporteur was a marked improvement on the text as adopted on first reading and the provision of paragraph 1(c) of the text of the draft article has been designed to indicate the normal ways in which service of process can be effected when a proceeding is instituted against a State. Three categories of means by which service of process is effected are provided: first, if an applicable international convention binding upon the State of the forum and the State concerned exists, service of process shall be effected in accordance with the procedures provided for in the convention. However, in the absence of such a Convention, service of process shall be effected either (i) by transmission through diplomatic channel or (ii) by any other means accepted by the States concerned. Since the time of service of process is decisive for practical purposes, it is further provided in paragraph 2 that, in the case of transmission through diplomatic channels or by registered mail, service of process is deemed to have been effected on the day of receipt of the documents by the Ministry of Foreign Affairs.

The provisions of paragraph 3 further require the documents to be accompanied, if necessary, by a translation into the official language or one of the official languages of the State concerned.

Paragraph 4 stipulates that a State which has entered an appearance on the merits, without contesting any question of jurisdiction or merits, is estopped from raising any objection based on non-compliance with the service of process provisions in paragraphs 1 to 3. The reason for the rule is self-evident i.e. the doctrine of estoppel.

Draft Article 21 (Default Judgment) is a supplementary corollary to the previous draft article. A proper service of process is a *sine-qua-non* for filing an application for a default judgment to be given against a State. Paragraph 1 stipulates that even where the defendant State does not appear before a Court, the judge still has to be satisfied that the service of process was fully effected in accordance with the provisions of Draft Article 20. It also affords an added protection to state by requiring the lapse of a minimum period of four months from the date of service of process. This minimum period may be extended, at the discretion of the judge, if the domestic

law so permits. Paragraph 2 is designed to ensure that a copy of any default is transmitted to a State in conformity with the procedure and means established under paragraph 1 of Article 20.

The provisions of paragraph 3 are designed to ensure effective communication with the State concerned and to allow adequate opportunities to the defendant State to apply to have a default judgment set aside by way of appeal or otherwise.

Draft Article 22 (Privileges and Immunities during Court proceedings) which is a merger of former articles 26 and 27 provisionally adopted on first reading, provides for immunity of State from measures of coercion and procedural immunities in a Court of another State.

It specifies that the consequences which might ordinarily result from such conduct in relation to the merits of the case would still obtain.

Courts are bound by their own domestic rules of procedure. In the domestic rules of procedure of many States, the refusal, for any reason, by a litigant to submit evidence would allow or even require the judge to draw certain inferences which might affect the merits of the case. Such inferences by a judge under the domestic rules of procedure of the State of the forum, when permitted, are not considered a penalty.

The procedural immunities provided for in paragraph 2 apply to both plaintiff States and defendant States. Some reservations were made regarding the application of those procedural immunities in the event of the State being plaintiff in a proceeding before a court of another State.

The set of draft articles on the 'Jurisdictional Immunities of States and Their Property' reflect the special attention and care that the International Law Commission is known to give to the progressive development and codification of international law. The draft articles while upholding the principle of *par in parem non habet imperium* i.e. the traditional doctrine of State immunity strikes a delicate and elegant balance between *acta jure imperii* and *acta jura questionis*. This is in consonance with the currently near universal state practice. Thus the draft Articles whilst maintaining the jurisdictional immunity of States provides for cases—in particular those relating to commercial transactions—where State Immunity may not be invoked.

It is true that the draft Articles can only be said to represent a compromise given that there were divergence of views expressed by the members of the Commission. But it is equally true that each and

every provision of the proposed convention has been thoroughly debated and the text of the draft Articles seek to strike a balance between the doctrine and current practice whilst bearing in mind likely developments in the future.

In the process of adopting the set of draft articles on Second Reading the Commission has pruned the set of draft articles as adopted on first reading. At the same time it has made substantial additions to the same and the draft Convention on the Jurisdictional Immunities of States and Their Property are not to be deemed to have merely been subjected to cosmetic drafting changes. For instance, draft Article 15, relating to Fiscal Matters, of the set of draft articles as adopted on first reading has been deleted, as have been the draft Articles 20 on Cases of Nationalization and 28 on Non-discrimination as adopted on first reading.

On the other hand the present draft article 21 addressed to 'State Immunity from Measures of Constraint' is in effect an amalgamation of the text of draft articles 21 and 22 addressed to '*State Immunity from Measures of Constraint*' and '*Consent to Measures of Constraint*' as adopted on first reading in 1986. The present draft article 23 on '*Privileges and Immunities during Court Proceedings*' is another instance of amalgamation and blend of two draft articles adopted on first reading.

Among the instances of new provisions are the provisions of draft Article 2 paragraph 1(b)(ii), draft Article 7 paragraph 2, the title of Part III of the set of draft Articles, draft Article 10 paragraph 3 and the titles of draft Articles 14 and 16.

While the set of draft Articles is not altogether rid of infirmities it would make, nonetheless a concise and elegant negotiating text for the conference of plenipotentiaries which the Commission has recommended, to the General Assembly, to be convened for the purpose of adopting a Convention. That proposed Conference could, *inter alia*, adopt the provisions relating to the settlement of disputes stemming from the application and interpretation of the proposed convention as well as the final clauses thereof.

VIII. Legal Criteria for the Distinction between Terrorism and People's Struggle for Liberation

(i) Introduction

The proposal to take up this subject was tabled for the first time at the Twenty-Seventh Session held in Singapore, by the Syrian Arab Republic. Following a short discussion, the Committee agreed that the Secretariat should prepare a study on the subject, taking into consideration the work of the Sixth Committee of the UN General Assembly on the matter. However, the Government of Turkey expressed its reservations on this matter.

The matter was introduced at the Twenty-eighth Session. Several questions were addressed such as the definitional problems of terrorism, evolution of people's right to self-determination into a principle of *jus cogens*, genesis of national liberation movements and their legal personality etc. It was stated that the fight against international terrorism should not interfere with the rights of States and peoples.

A comprehensive study was prepared for the Twenty-ninth Session of the AALCC entitled "Legal Criteria for the Distinction between Terrorism and the People's Struggle for Liberation" which was commended by the Delegates. The Committee reiterated its firm condemnation of international terrorism irrespective of the identity or motive of perpetrators. The Committee expressed its unequivocal support for People's struggle for liberation under recognised national liberation movements. At this Session the Committee recommended the discussion of the study in a meeting of legal advisers during the

45th Session of the UN General Assembly. The Secretariat's study prepared for the thirtieth session contained a draft definition of terrorism and a set of legal criteria that could be applied to distinguish the activities of the national liberation movements from international terrorism. The study, however, could not be discussed in the meeting of Legal Advisers during the 45th Session of the UN General Assembly since the item was not then on its agenda.

However, the item was discussed in detail at the Thirtieth Session of the AALCC. Three major points were outlined by one delegate: firstly the AALCC Secretariat in its study should reiterate international approval in condemning the acts of terrorism, secondly an operative paragraph in the UN General Assembly resolution 44/29 dated 4 December 1989 lays emphasis on the need for international and bilateral cooperation and this must be taken note of, thirdly his country supported international pressure exerted by the international community including several agreements signed in this regard. Most of the delegations supported the idea of convening an international conference under the auspices of the UN General Assembly. It was pointed out that the *Ad hoc* Committee constituted by the UN General Assembly to study international terrorism should shoulder the responsibility of convening this conference. It was suggested that a common position should be adopted on the need to hold the proposed conference.

International Terrorism was firmly condemned, irrespective of the identity or motive of perpetrators. The Committee expressed its unequivocal support for people's struggle for liberation under recognised national liberation movements. It was decided to update the study and recommend the convening of an inter-sessional meeting to finalize the study on the topic.

(ii) Decisions of the Thirtieth Session (1991)

Agenda Item : "Legal Criteria for Distinction between Terrorism and People's, Struggle for Liberation"

The Committee taking note of the study contained in the Doc. No. AALCC/XXX/Cairo/91/10, expresses its appreciation for the comprehensive study prepared by the Secretariat.

- Firmly condemns international terrorism irrespective of the identity or motive of perpetrators. The Committee also expresses its unequivocal support for people's struggle for liberation under recognized national liberation movements.
- Further, the Committee directs the Secretariat to update the study and recommends the convening of an inter-sessional meeting to finalize the study on the topic, if financial resources are available, or if invitation to host such a meeting is received or to discuss the study in a meeting of Legal Advisers during the 46th Annual Session of the UN General Assembly.

(iii) Secretariat Study : Legal Criteria for the Distinction between Terrorism and People's Struggle for Liberation

Legal Criteria for the Distinction : A Preliminary Study

The problem of terrorism particularly political terrorism has always occurred in course of political and social upheavals throughout history. It appears to be inevitable, because, no point of history was without certain correlation of forces standing for or against progress and liberation. Hence it was natural that those who were contending against each other had the tendency to interpret any phenomenon to suit their interests. It would appear only logical that such a caveat of history is warranted in the immediate context while attempting to deal with and define the phenomena of international terrorism and people's struggle for liberation.

It is not only desirable, but also feasible to provide a set of legal and other criteria to distinguish these two diametrically opposite phenomena. However, it is a matter of concern that some states not only seek to blur such distinction, but also suppress the fact that they themselves use terrorism to achieve their foreign policy goals. This appears to be the main reason why several powerful states show interest in combating only the individual or group terrorism but evade the debate on state terrorism. On the other hand they equate national liberation movements with international terrorism with a view to denying the former its due rights. It may be pertinent in this context to point out here that the United States of America passed a legislation in 1987 which simply brands the Palestinian Liberation Organisation

(PLO) as a terrorist organisation.¹ It is such highly questionable and unilateral interpretations of facts of life and law which raise profound legal and policy questions in the broader context of international law and underscores the need to distinguish international terrorism and peoples struggling for liberation from one another.

Definition and Scope of International Terrorism

A. Definition

One of the main obstacles to the successful handling of the topic is the lack of agreement in the international community on the definition of "international terrorism".² Yet the problem of international terrorism goes as far back as the establishment of organized society. However, both as a concept and a term of art, terrorism dates from the era of French Revolution and the Jacobin reign of terror (1793-1794). The "*Reign of Terror in France*" during the French Revolution provided the modern prototype of what has come to be known as state or governmental terrorism under which an incumbent regime inflicts severe acts of arbitrary violence upon a defenceless population. The most glaring example of our time is the *Apartheid* regime in South Africa. While some would like to de-emphasize this type of terrorism, which they claim is adequately dealt with in other international conventions, this remains in many respects the most destructive and the most reprehensive form of terror in contemporary world, as it is backed by the State's might against a defenceless population.

The second aspect of terrorism which for some is the only relevant one, is that of individual or group terrorism which is defined by the U.S. Task Force on Terrorism as "...a tactic or technique by means of which a violent act or threat thereof is used for the prime purpose of creating overwhelming fear for coercive purposes".³ The 1973 Northern Ireland (Emergency Provisions) Act defined terrorism in the following language "Terrorism means the use of violence for

political or sectarian ends and includes any use of violence for the purpose of putting the public or any section of the public in fear".⁴

Yet these definitions, in so far as they don't distinguish the nature of terrorism, tend to concentrate only on the end result and have made little or no effort to distinguish between violent acts which are politically motivated and those which are criminally motivated or by individuals who are psychologically deranged. We are however, only concerned here with terrorism which is politically motivated and even that only if it has an international element. As one leading author has put it :⁵

"Political terrorism, whether selective or randomized, is basically a strategy for revolutionary ends. Though rebellion cannot be separated from conflict, when violence is directed against innocent third parties, if there is an international element contained in the illegal act, then it becomes an international crime".

The 1937 Convention on Prevention and Punishment of Terrorism negotiated under the League of Nations defined international terrorism as "...criminal acts directed against a State and intended or calculated to create a state of terror in the mind of a particular person or group of persons or general public".⁶ This Convention however, was only ratified by India, and as a result of the outbreak of a the Second World War it became a dead letter. The Convention had however, tended to emphasize the criminal nature of terrorism and had specified a number of prohibited acts which were punishable under the Convention, including attempts against the life and person of Heads of State or their families, in addition to other high government officials, injury to public property; and endangering human life, if done by citizens of one State against the citizens of another. In his third report on the Draft Code of Offences against Peace and Security of Mankind the Special Rapporteur of the I.L.C. has based his definition on the 1937 Convention updating it to include hijacking of aircrafts.⁷

1. See *infra*.

2. It has been estimated that there have been 109 different definitions on terrorism advanced between 1936 and 1981. The U.S. government alone has produced at least 81 different definitions. Laqueur, "Reflections on Terrorism" 65 *Foreign Affairs*, 86, 88 (1986) in *Remarks of Professor John Murphy* to the "Symposium: State sponsored international terrorism" *Vanderbilt Journal of Transnational Law* Vol 20, No. 2 March 1987, p. 330. Professor Murphy himself states: "In practice, 'terrorism' has been used as a label to pin on one's enemy." *ibid* p. 331. See also Y.K. Thyagi *IJIL* Vol. 27, 1987 pp. 160-182

3. U.S. Task Force on Disorders and Terrorism (1976).

4. See para 71, of the *Report of the Committee to consider in the context of civil liberties and human rights, measures to deal with Terrorism in Northern Ireland*.

5. Robert A Friedlander - *Terrorism: Documents of International and Local Control* Vol. 1, p. 5.

6. Article 1 para 2. see "*Proceedings of the International Conference on the Repression of Terrorism*", League of Nations Doc. 94.M47, 1938 V (1938V3) appendix 1 at p. 196.

7. See Vol. II para Two of the 1975 *Yearbook of International Law Commission* at p.17 (Doc. A/CN.4 Ser. A/1975/Add.1) Part 2.

Perhaps what makes it most difficult to arrive at a generally acceptable definition of terrorism is the insistence of some States to refuse to accept the possibility of exception of certain acts committed by Liberation Movements recognized by respective regional organizations and the United Nations itself from condemnation as terrorism, and it is in this context that one hears the oft-repeated aphorism that "one person's terrorist is another person's freedom fighter". One learned author has consequently come to the following conclusion:⁸

"It is not necessary to have an exact legal definition if terrorism is dealt with as a common crime. Concentration on the elements of the *actus reus* may be all that is needed by way of definition, for murder, arson kidnapping, serious bodily harm and the infliction of severe mental distress are criminal acts in themselves and need only be proved as such. Thus a precise legal definition need not be required in order to confront the terrorist menace for the preservation of social and world order."

Unfortunately this thesis cannot be accepted since the international community will never come to grips with the problem of terrorism if a significant and influential section thereof continues to equate liberation struggle for self-determination and independence with terrorism. This, despite the fact that many of the independent States today—such as Kenya, Algeria, Cyprus, Vietnam, Guinea-Bissau, Mozambique, Angola and Zimbabwe to mention just a few—gained their independence only after protracted and bitter liberation struggles. As one distinguished writer has pointed : "...Moreover the military and technological balance of power so favours the modern State that it is virtually certain that terrorists will seek out the most cost effective strategies that create the maximum havoc with minimum risk of confronting the superior power of State....".⁹ It is therefore clear that no liberation Movement would be in a position to obtain its goals if it were to eschew all of the methods considered by some as terroristic.

So with these reservations, and subject to the limitations placed by most States on extradition for "political offences", and the right of asylum one may venture to define international terrorism as :

8. Robert Friedlander-Terrorism—*Encyclopaedia of Public International Law* (1986) p. 373.

9. Thomas Franck "International Legal Action concerning Terrorism". *Terrorism - an International Journal* Vol.1 1977/78 pp. 197 at p. 198.

"Violent act or acts or attempts of such acts, perpetrated by States or individuals or groups of individuals, against innocent civilians or nationals of States not involved in an on-going conflict, calculated to cause fear and panic to the general public, and intended to coerce a State or an institution to conform to a course of conduct dictated by political considerations of the perpetrators".

In this connection it is relevant to consider whether *motive* or *intent* are relevant in determining whether or not a particular violent act is to be considered as terroristic. It would be generally acceptable that *intent* in the sense of *mens rea* would be relevant in determining criminality of a terroristic act as it would in determining guilt in the parallel ordinary crime. But of course, on most occasions the very act itself, so long as it is voluntary, would satisfy the requirement. Thus in a hostage taking case, it would be no defence to plead that the victim was taken by a mistake as to his nationality. Greater problem however arise as to *motive*.

In drafting the *Convention on the Protection of Diplomatic Agents* the International Law Commission was of the view that it would be appropriate to require the element of intent but improper to take into account motive. Thus its draft article 2 of the Convention uses the expression "regardless of motive", but this phrase was dropped in the negotiations on the final text by the General Assembly.¹⁰ Similarly the 1937 Convention mentioned above, include the element of motive to distinguish between violent acts that are committed for purposes of "terrorism" from those committed for other motives such as for private ends or economic gain.

B. The International Efforts to Deal with International Terrorism

A cursory glance at the efforts made by the United Nations to deal with the problem of terrorism reveals that such efforts have been reactive to dramatic events with no long-term programme designed to cope with the menace. Even the 1937 *Convention on the Prevention and Punishment of Terrorism* negotiated under the League of Nations was motivated by the assassination in Marseilles of King Alexander of Yugoslavia and Mr. Louis Barthou, the French Foreign Minister in 1934. The spate of aerial hijacking which reached their apex in

10. See Art. 2 of the *Convention on the Prevention and Punishment of Crimes against International Protected Persons including Diplomatic Agents* adopted in 1973. See GA Resolution 3166 (XXIII).

the 1960's gave rise to three multilateral Conventions,¹¹ all of which have entered into force, and make it international criminal offence the unlawful seizure of aircraft and physical attack upon them. The 1963 *Tokyo Convention on Offences and Certain Other Acts Committed on Board Aircrafts*¹² dealt with on-board offences during flights. The Convention imposes upon States parties certain obligations concerning the return of hijacked aircraft and its cargo and the release of passengers and crew. The 1970 *Hague Convention for the Suppression of Unlawful Seizure of Aircraft*,¹³ obliges States parties to make hijacking offences punishable by severe penalties (Article 2), and obliges the State Party in the territory of which the alleged offender is found, if it does not extradite him, to submit the case "without exception whatsoever" to its competent authorities for the purpose of prosecution.¹⁴ The *Montreal Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation of*¹⁵ 1971 is a supplementary Convention and covers a series of acts, mostly committed on the ground, which are likely to cause the destruction of the aircraft or otherwise endanger the safety of the aircraft in flight. It includes a special provision requiring that ".....contracting States shall, in accordance with international and national law, endeavour to take all practical measures for the purpose of preventing the offences mentioned".¹⁶ These three Conventions were adopted under the auspices of International Civil Aviation Organization (ICAO).

The efforts to draft a Convention on protection of diplomats which was initiated by the International Law Commission, were spurred in part by the murder of the Yugoslavia Ambassador in Stockholm on April 7, 1971 though the item had in fact been referred to the Commission by the President of the General Assembly in 1970 at the initiative of the representative of the Netherlands. *The Convention on the Prevention and Punishment of Crimes against International Protected Persons, including Diplomatic Agents*¹⁷ was adopted unanimously by the General Assembly in 1973 and entered into force in 1977, though it seems to have had little effect and attacks on diplomats which

11. *Tokyo Convention on Offences and certain other Acts committed on Board Aircrafts* 1963. "Tokyo Convention"; *The Hague Convention for the Suppression of Unlawful Seizure of Aircraft* 1970. (Hague Convention) and the *Montreal Convention for the Suppression of Unlawful Acts Against The Safety of Civil Aviation* 1971 (The Montreal Convention).

12. For the text of the Convention see UNTS Vol. 704 p. 219.

13. For the text of the Convention see UNTS Vol. 860 p. 105.

14. Article 7.

15. For the text see *International Legal Materials* Vol. 10, 1971

16. Article 10.

17. See UNGA Resolution 3166 (XXVIII)

have almost become a daily event. This Convention prohibits, in Article 2 and enjoins all Contracting Parties to make a crime:

"The international Commission of —

- (a) a murder, kidnapping or other attack upon the person or liberty of an internationally protected person;
- (b) a violent attack upon the official premises, the private accommodation or the means of transport of an internationally protected person likely to endanger his person or liberty;
- (c) a threat to commit any such attack; and
- (d) any act constituting participation as an accomplice in any such attack...."

It should be mentioned in this connection that the Organization of American States concluded a Convention on the same subject in 1971¹⁸ which entered into force in 1976.

On 8 September 1972, the UN Secretary-General Kurt Waldheim, deeply shocked by the attack on Israeli athletic team at the Munich Olympic the previous summer, requested the UN General Assembly to consider ".....measures to prevent terrorist and other forms of violence which endanger or take innocent lives or jeopardize fundamental freedoms".¹⁹ There was a very heated debate on this item, many delegations insisting, and quite rightly so, that it is unrealistic to consider the issue of terrorism without studying its underlying causes and taking measures to deal with them. In the General Assembly the item was amended to reflect this concern and the title of the item became:

"Measures to prevent international terrorism which endangers or takes innocent human lives or jeopardizes fundamental freedoms and study of the underlying causes which lie in misery, frustration, grievance and despair and which causes some people to sacrifice human lives, including their own, in an attempt to affect radical changes."²⁰

At the conclusion of the debate the General Assembly set up an *ad hoc* Committee²¹ on Terrorism composed of 35 members. This

18. For the text of the Convention see *International Legal Materials* Vol. 10, 1971.

19. UN Doc. A/8791 (1972).

20. UN Doc. A/c. 6/418 at p. 5 (1972).

21. UNGA Resolution 3034 (XXVIII). The member states of the *Ad hoc* Committee were: Algeria, Austria, Barbados, Canada, Congo, Czechoslovakia, France, Great Britain, Greece, Guinea, Haiti, Hungary, India, Iran, Italy, Japan, Mauritania, Nicaragua, Nigeria, Panama, People's

was in fact the first attempt to evolve a comprehensive Convention dealing with all aspects of international terrorism, but given the enormity of such effort, few were optimistic about the outcome.

The *Ad hoc* Committee did in fact meet from July 16 to August 10, 1973 and from 14 to 25 March 1977 but views on its agenda, i.e. problems of defining international terrorism, to examine its causes, and to consider the remedies, were so divergent that it could not arrive at any concrete recommendations. Apart from disagreeing about the definition of terrorism and the applicability of the concept in the wars of national liberation, the *Ad hoc* Committee was divided on whether it should first establish the causes of terrorism or measures to combat terrorism. A resolution adopted in 1977 invited the *Ad hoc* Committee on Terrorism to study first the underlying causes of terrorism during its second session. It held its final Session in 1979.²²

In 1979 the General Assembly condemned acts of terror but at the same time referred to the 1977 Protocols to the 1949 Geneva Conventions granting national liberation movements the protection of the laws of war.²³ A similar resolution was adopted by the General Assembly in 1985²⁴ after a further spate of terroristic acts, that "unequivocally condemns as criminal, all acts, methods and practices of terrorism" and calls for international cooperation against terrorism but at the same time reaffirms each people's inalienable right to self-determination and the legitimacy of the struggle against colonial and racist regimes, and other forms of alien domination. The forty-second session, logically has decided that there should be an international conference to define international terrorism and to differentiate it from the struggles of people for national liberation.²⁵

There are some effective and comprehensive regional conventions which have come into force enumerating several instances of terroristic acts as extraditable offences. Such conventions include: The European Convention on the Suppression of Terrorism, 1977²⁶ and the SAARC Regional Convention for Suppression of Terrorism 1987.²⁷

Democratic Republic of Yemen, Sweden, Syria, Tanzania, Tunisia, Turkey, Ukraine, Uruguay, USA, USSR, Venezuela, Yemen Arab Republic, Yugoslavia, Zaire, and Zambia.

22. See the *Final Report of the Secretary General*, UN Doc. A/36/425,

See also GA Resolution 32/14/December 10, 1977.

23. See Article 1(4) Protocol I and Article 44, Also GA Resolution 34/145 of December, 17, 1977.

24. GA Resolution 40/61 40 UNOR Supp. (No. 53) at 301 reprinted in ILM Vol. 25 1986 p. 239.

25. GA Resolution 42/159.

26. For the text of the Convention see European Treaty Series No. 90, p. 2.

27. For the text see Indian Journal of International Law Vol. 27, 1987.

C. State Terrorism

One of the most important problems of contemporary terrorism is the fact that some states use terrorism as a tactic in conducting their foreign policy affairs. Practice of terrorism by a state becomes international when it applies terrorism in conducting its foreign policy or when a state uses terrorism against a whole population by various means such as occupation, colonial domination etc. The latter type of state terrorism is practiced in situations such as Israel's occupation of Palestine and South Africa's occupation of Namibia and its *apartheid* policy against the people of South Africa. The other form of state terrorism is its use against independent sovereign states under one guise or other.

There has been a trend in international relations to use unilateral force against states under the plea that the targeted state sponsors terrorism.²⁸ The fact that terrorism has become the policy of several states has been recognised by the General Assembly. In 1984 the General Assembly adopted a resolution, "*Inadmissibility of the Policy of State Terrorism and other actions by states aimed at undermining the socio-political system in other sovereign states*".²⁹ The General Assembly stated:

1. Resolutely condemns policies and practices of terrorism in relation between states as a method of dealing with other states and peoples.
2. Demands that all states take no actions aimed at military intervention and occupation, forcible change in or undermining the socio-political system of states, the destabilization and overthrow of their governments and, in particular, initiate military action to that end under any pretext whatsoever, and cease forthwith any such action already in progress.
3. Urges all states to respect and strictly observe, in accordance with the Charter of the United Nations, the sovereignty and political independence of states, the right of peoples to self determination as well as their right freely without outside interference and intervention to choose their socio-political system and to pursue their political, economic, social and cultural development."

28. See *infra*.

29. GA Resolution 39/159 of December 17, 1984.