

# ISRAEL

Statement by

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Statement of Israel to the Sixth Committee,  
Agenda Item 108: Measures to Eliminate International Terrorism

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Mr. Chairman,

As this is the first time my delegation takes the floor in the Sixth Committee, allow me to congratulate you on your election to the Chair. We are confident that your experience and wise stewardship will help the Committee reach a successful conclusion, and we wish to assure you of our full cooperation.

Mr. Chairman,

This last year marked an important landmark in the fight against terrorism by the global community. The conclusion of the International Convention for the Suppression of Acts on Nuclear Terrorism, the Secretary General's Report entitled "In Larger Freedom" and his global strategy for fighting terrorism [which was addressed to the Madrid Summit], the Report of the High Level Panel, the Millennium plus five outcome document, as well as the adoption of significant Security Council Resolutions, including 1566 and 1624, have all combined to create a unique momentum for the sixtieth session of the Sixth Committee and to reinforce the principle that no cause or grievance, however noble, can justify the resort to terrorism.

Israel supports the goal of concluding a comprehensive convention on terrorism during the sixtieth session of the General Assembly. However, one should not confuse paper with progress. Reaching an international convention should not come at the cost of diluting the principles, which make it an effective tool in the fight against terrorism. Such a convention should reflect universal support of the basic legal - indeed, moral - principle: The murder of the innocent can never be justified by the furtherance of political or ideological goals.

Self-evident as this principle sounds, there are many terrorist groups, and states which support them, for whom this is far from clear. In particular, there are still voices which insist that there are situations which give rise to a so called "right" to "struggle" or to "resist", as if in some way the murder of innocents in such cases could be excused. The past year has seen considerable progress in advancing the widespread recognition that this is not the case. The report of the Secretary General's High Level Panel, for example, clearly emphasized that

"The right to resistance is contested by some. But this is not the central point: the central point is that there is nothing in the fact of occupation that justifies the targeting and killing of civilians."

As we approach what we hope will be the final negotiations on the text of a comprehensive convention on terrorism, we must ensure that we do not lose our

clarity of focus, and that we continue to recognize the deliberate targeting and murder of innocents for the atrocity that it is – in all circumstances.

In this context, we wish to recall that the text of Article 18 of the draft convention proposed by the coordinator, itself reflected a significant compromise by states who did not consider it appropriate to include a reference to the general right of self determination in a text designed to outlaw the resort to terrorism in all circumstances.

Israel urges all states to oppose any proposal that has the effect of creating a pretext for justifying or excusing terrorist activity, or providing terrorist groups with an outlet for casting their atrocities in a positive or acceptable light.

Mr. Chairman,

While terrorism poses difficult questions for every country, it presents democracies with almost insurmountable challenges. Liberal societies are converted by terrorism into "defensive democracies", while countries that respect both life and law, are forced to confront an enemy that shows nothing but contempt for both. The desire to conduct the fight against terror within the limits of international law and not in a normative vacuum can create excruciating dilemmas. The epigram "when the cannons speak, the Muses are silent" does not apply to democracies. They must fight terrorism with one arm tied behind their backs, with the faith that they will ultimately prevail.

Chief Justice of the Supreme Court of Israel, Mr. Aharon Barak, has described the importance of applying the rule of law while fighting terrorism:

"Indeed, the struggle against terrorism is not conducted outside the law, but within the law, using tools that the law makes available to a democratic state... This is how we distinguish ourselves from the terrorists themselves. They act against the law, by violating and trampling it, while in its war against terrorism, a democratic state acts within the framework of the law and according to the law...Indeed, the war against terrorism is the war of a law-abiding nation and its law-abiding citizens against lawbreakers. It is, therefore, not merely a war of the state against its enemies; it is also a war of the Law against its enemies."

In applying the rule of law democratic states must strike a difficult and sensitive balance between two conflicting principles. On the one hand, the right to human security and the right to life, and on the other hand, the freedom of the individual. The law itself must rise to the challenge of providing practical answers to real life challenges, and not remain on the level of theoretical principle alone.

Mr. Chairman,

Freedom of speech constitutes a vital principle of democracy. However, freedom of expression is not the freedom to incite. Israel attaches great importance to Security Council Resolution 1624, adopted only 3 weeks ago, which acknowledges the role played by incitement in fostering the kind of culture in which terrorism can flourish. The problems of incitement, intolerance, extremism, glorification of martyrdom and the lack of democracy are the true underlying factors which any genuine discussion of terrorism must address.

Mr. Chairman,

For years, terrorist organizations have flouted humanitarian principles by hiding behind civilians. In the perverse logic of the terrorists, this creates a "no-lose" situation: Either they will be permitted to carry on their terrorist activity unimpeded, or else innocent civilians will be killed, affording the terrorists a cynical public relations advantage. Today we witness an increasing number of terrorist groups adopting a similar tactic on the political level – hiding not behind civilians, but behind civil society and democratic institutions.

But civil liberties and democratic rights are not a prescription for national suicide. No society should allow terrorist organizations to exploit cynically its democratic institutions. No terrorist can claim legitimacy or recognition simply by claiming to be democratically elected. For the innocent victim of a terrorist attack it makes no difference whether those who perpetrated the attack held elected office, or a seat in a parliament. It makes no difference to the victim, and so it makes no difference to the international community, which must muster the same firm resolve to confront terrorism, whatever the mask – democratic or other – that it seeks to hide behind.

Mr. Chairman,

In confronting terrorism, it is important to remember not only what we are fighting against, but also what we are fighting for. In the fight against terrorism we are defending the most fundamental principle that we cherish - as individuals and as members of society. The right to life, our most basic freedoms and the rule of law. These are the values that the terrorists seek to destroy. And they are the values which, in confronting the terrorists, we commit ourselves to defend.

Thank you.