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49th plenary meeting

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Official Records

President: Mr. Han Seung-soo (Republic of Korea)

The meeting was called to order at 3.05 p.m.

Address by Mr. Rexhep Meidani, President of the Republic of Albania

The President: The Assembly will first hear an address by the President of the Republic of Albania.

Mr. Rexhep Meidani, President of the Republic of Albania, was escorted into the General Assembly Hall.

The President: On behalf of the General Assembly, I have the honour to welcome to the United Nations His Excellency Mr. Rexhep Meidani, President of the Republic of Albania, and to invite him to address the Assembly.

President Meidani (*spoke in French*): This year's session of the General Assembly is marked by profound sadness over the innocent victims of the macabre acts perpetrated by terrorists two months ago here in the United States of America, and now also by the events of this morning. On behalf of the Government and the people of Albania, I would like to express our utter indignation and our strongest and categorical condemnation of those acts, which were aimed not at a single country but, rather, were a serious attack on the values of democracy, freedom and world civilization. At the same time, I would like to convey our deepest sympathy to the American people and to all the families that lost loved ones in those tragic events.

International terrorism is today becoming one of the greatest challenges for the world in which we live.

It is essential that the international community tackle this phenomenon with the greatest seriousness, for it is replete with catastrophic consequences in many areas.

Albania considers the military actions of the anti-terrorism coalition led by the United States and Great Britain against the Taliban regime in Afghanistan and the Al Qaeda terrorist group, under the leadership of bin Laden, to be just and in full conformity with Chapter VII of the Charter and Security Council resolutions. Taking that into account, and as a country that defends the values of liberty and democracy, Albania expressed its determination to be part of that coalition from the outset.

The international action that has just begun against terrorism should not be seen as a clash between civilizations. On the contrary, we Albanians see it as a struggle between good and evil and as a confrontation in which the values of humanism and peace are set against obscurantism and the negation of values. The only way to win this war is for all of our countries to unite their forces to create a common front, to take increasingly Draconian preventive measures at the national level, and to deploy ways and means for cooperation at the bilateral and multilateral levels to block any individual terrorist or terrorist group that threatens international peace and security. For its part, with the mechanisms at its disposal, the United Nations could and should do more to coordinate those efforts.

Albania welcomes the measures taken by the United Nations to respond to acts of terrorism. We strongly support Security Council resolution 1373

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This calls for a new approach to international cooperation, for a new role on the part of multilateral institutions, and for the restoration of the primacy of courageous political decisions and intergovernmental accords. This also calls, on the one hand, for greater moderation on the part of the strong and the rich, and, on the other, for more determined endeavours on the part of the weak and the poor, who must be convinced that their consistent aspirations to improve their own lot will ultimately pay off. In my opinion, the promotion of democracy and good governance offers one of the most important paths towards such a goal. Poland's own experience in the past 12 years, since the historic transformations of 1989, testifies to the merits of that path.

It is my Government's firm view that, in the face of the threats which will forever be symbolized by the atrocities of 11 September, the interests of international security would be well served by the earliest possible signature and ratification of, or adherence to, the multilateral conventions against terrorism which have been elaborated under the auspices of the United Nations. In particular, the spreading anthrax scare, which represents but the tip of the iceberg when it comes to the potential danger of bioterrorism, and the spreading of fissile materials and chemical weapons are a powerful argument for the urgent need to strengthen and strictly enforce the Biological Weapons Convention of 1972 and other legal instruments in this field.

We should immediately move — to quote the Secretary-General — from a culture of reaction to a culture of prevention.

While imperative, the struggle against terrorism must not obscure the necessity for the United Nations to effectively discharge the mandate entrusted to it by the international community — a mandate whose scope is expanding over the years. This is not only true with respect to the international security problems which I have just referred to, but also concerns problems related to socio-economic cooperation, the protection of human rights and humanitarian issues, particularly those concerning refugees and the protection of the environment.

Also of major importance, in our view, is the elaboration and adoption of a package of regulations and commitments in respect of development aid, indebtedness and trade. Thus I wish to emphasize the

importance of the full implementation of the set of principles and practical measures embodied in the Millennium Declaration. We are mindful, of course, that the translation of that programme into practical steps cannot be the responsibility of the United Nations alone. It is essential for other institutions and organizations, including financial, trade and regional ones, to help in that effort. Above all, individual States must become directly involved, otherwise the smooth and timely implementation of the Millennium Declaration could be seriously jeopardized.

The United Nations is now facing enormous and unprecedented challenges. These challenges — arising as they do at the dawn of the new millennium — mean growing divisions and, indeed, pose a risk of fragmentation of the international community.

My country, Poland, is ready to be an active participant in the process of searching for a new role for the United Nations. We have been active throughout the entire history of the United Nations, and we want to be active in the immediate future as well.

The Acting President: I now give the floor to His Excellency Mr. Abdurrahman Mohamed Shalghem, Secretary of the General People's Committee for Foreign Liaison and International Cooperation of the Libyan Arab Jamahiriya.

Mr. Shalghem (Libyan Arab Jamahiriya): At the outset, I would like to congratulate the President on his unanimous election to the presidency of the General Assembly at its fifty-sixth session. His choice to assume this high post is a reflection of Member States' appreciation of him personally and their confidence in his ability to conduct the deliberations of this session in a manner that would enable it to reach conclusions that would contribute to the strengthening of stability and the promotion of development all over the world.

I would also like to seize this opportunity to express our gratitude and appreciation to his predecessor, Mr. Harri Holkeri, President of the previous session of the Assembly, which witnessed many activities that have gone a long way towards responding to the common concerns of the international community.

Our great appreciation also goes to Mr. Kofi Annan, Secretary-General of the United Nations, who continues to perform his duties with dedication and renewed vigour, even under very difficult

houses are demolished to be replaced by houses of settlers who came from various parts of the world in pursuit of unbelievable and illogical myths.

Old and new developments of the Palestinian question are sufficient proof that ending the suffering of the Palestinians under occupation cannot be achieved through plans that are never implemented. It has also been cogently proven that the problem will not be resolved by the resolutions that the United Nations has been reiterating for more than five decades.

In the light of those irrefutable facts, the solution that should be sought, and on which all efforts must focus, lies in what my country has said before and reaffirms now: the Palestinian people must return to their homeland, from which they were expelled, and a democratic, non-racist State must be established in which all citizens are equal irrespective of religion or ethnicity, a State similar to the one that has been established in the Republic of South Africa. Any other solution would be a fantasy that would serve only to perpetuate the Palestinian tragedy.

Speaking of the situation in the eastern Arab region, my country reaffirms its unlimited support for sisterly Syria and Lebanon in their steadfastness in the face of Israeli aggression. We condemn all attempts to provoke those countries, and we uphold their right to recover all their territories under occupation.

Turning to the current situation in Iraq, we condemn the daily violations of Iraqi sovereignty and the continuous aggression to which Iraq is subjected. We call on all peace-loving countries to work towards the lifting of the sanctions imposed on the Iraqi people and towards putting an end to all schemes aimed at destroying their capacities and at dividing their land.

Tireless efforts have been made in the field of disarmament. My country is a party to most international disarmament agreements and is in the process of acceding to the remaining ones, including the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction and the Comprehensive Nuclear-Test-Ban Treaty. But we firmly believe that general and complete disarmament cannot come about without a change in current norms and in the approach to disarmament issues. What we see today is a growing trend towards the control of small arms and light weapons rather than of the weapons of mass

destruction that pose a greater threat to international peace and security and to human life.

That is why we wonder about the sharp focus on the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-personnel Mines and on Their Destruction, even though it addresses only simple, limited weapons that small and weak countries need to defend their borders against powerful countries that possess aircraft carriers and aeroplanes that can be refueled in the air. Why should we not focus our efforts on the destruction of chemical and biological weapons and of ballistic missiles? Why are nuclear-weapon States not serious about practical measures to destroy their nuclear stockpiles? Why are certain countries falsely accused of acquiring weapons of mass destruction while there is silence about the Israelis, who, as everybody knows, possess hundreds of nuclear warheads and other weapons of mass destruction and conventional weapons? Moreover, Israel continues to defy the will of the international community, which has called on it to accede to the Treaty on the Non-Proliferation of Nuclear Weapons and to place its nuclear facilities under the safeguards of the International Atomic Energy Agency in order to help ensure that the region is free of nuclear weapons.

We want the important question of disarmament to be dealt with in a comprehensive and non-selective manner. Efforts should be concentrated first and foremost on the adoption of practical measures to destroy nuclear and other weapons of mass destruction. That should apply to all those that possess such weapons without exception; they should cease insisting on the development of new defensive systems that could threaten the world's strategic stability and trigger a new arms race. Unless the matter is addressed in that way, disarmament efforts will be meaningless; they will remain a great fraud perpetrated on all the peoples of the world.

During the past nine sessions of the General Assembly, we have reviewed developments in the dispute between my country and a number of Western countries over the United States aeroplane that crashed over Lockerbie. During the past two sessions, we have focused on the Libyan Arab Jamahiriya's cooperation with the Scottish court that has been meeting in the Netherlands since the two Libyan suspects decided voluntarily to appear before it. On each occasion, we have reiterated our request that the Security Council lift the sanctions it imposed on the Libyan people,

because Libya has fully responded to the requirements of Council resolutions 731 (1992), 748 (1992) and 1192 (1998). That was confirmed by the report of the Secretary-General to the Security Council, submitted in conformity with paragraph 16 of Security Council resolution 883 (1993).

We are obliged once again to broach this question, and for a valid reason: the developments of earlier this year. As members know, on 3 May 2000 the Scottish court began its trial of the two Libyans suspected of being linked to the Pan Am aircraft incident. During the trial it became very clear that the judges were not convinced of the truth of testimony from the three witnesses offered by the other party as witnesses for the prosecution. The court concluded that the principal witness in the case, Mr. Abdul Majid Giaka, was lying, as were Tony Gauci and Edwin Bollier. In paragraph 45 of its opinion, the court stated:

“We have assessed carefully the evidence of these three witnesses ... relating to the MST-13 timers All three, and notably Mr. Bollier, were shown to be unreliable witnesses. [Their various statements were] at times in conflict with each other ... On some occasions, particularly in the case of Mr. Bollier, their evidence was self-contradictory.”

It was thus fully expected that the Scottish court would acquit both suspects for lack of evidence. But the decision of 31 January 2001 ran counter to those expectations. The court convicted one of the suspects, Mr. Abdelbaset Ali Mohamed Al Megrahi, and acquitted the second, Mr. Al Amin Khalifa Fhimah. That judgement came as a surprise to all political analysts and jurists, for whom it raised many questions, including why one of the suspects was convicted when the two principal prosecution witnesses were proven to have lied and when the court found the third unreliable. How could the court's decision to convict one man and acquit the other be explained, since they were both suspected on the basis of the same assumptions?

The only answer to those questions is that, at the last moment, the court departed from applying the law and instead took a political decision. The first to indicate this was Robert Black, an architect of the Lockerbie court, who said that the elements of the case against Al Megrahi were very weak. And Hans Köchler, a university professor appointed by the Secretary-General as an international observer of the

trial, issued a report dated 3 February 2001, which included many comments, including the following.

“[The Opinion] is totally incomprehensible for any rational observer when one considers that the indictment in its very essence was based on the joint action of the two accused in Malta.

“The Opinion of the Court is exclusively based on circumstantial evidence and on a series of highly problematic inferences. As to the undersigned's knowledge, there is not one single piece of material evidence linking the two accused to the crime. In such a context, the guilty verdict in regard to the first accused appears to be arbitrary, even irrational.

“... ”

“This leads ... to the suspicion that political considerations may have been overriding a strictly judicial evaluation of the case.”

In placing these facts before the United Nations membership, we want to stress that the conviction handed down by the court on 31 January 2001 was a political decision that had nothing to do with the law. The Libyan citizen Mr. Al Megrahi was kidnapped for political reasons, as confirmed in resolutions and statements adopted by a number of regional organizations, including at the Lusaka summit of the Organization of African Unity, the twenty-eighth ministerial session of the Organization of the Islamic Conference held at Bamako, and the meeting of Foreign Ministers of the League of Arab States held at Cairo earlier this year.

Our gratitude goes to the members of those organizations and to others that have shown solidarity with us from the outset for standing on the side of right. We call on all Members of the United Nations that support right and justice to take the necessary action to meet the demands of those organizations. The first is the immediate release of Mr. Al Megrahi, who was convicted for political reasons that have nothing to do with the law. His continued detention amounts to hostage-taking under all relevant laws and customs.

The second element of those demands is categorical rejection of the stubborn blockage of the lifting of the sanctions imposed on Libya, which ignores the provisions of paragraph 16 of Security Council 883 (1993) and the findings of the report of the Secretary-General in that regard. The Security Council

should immediately, totally and permanently lift the sanctions imposed on Libya, in view of the fact that Libya has met all the requirements of the relevant Security Council resolutions, including resolution 1192 (1998). The third element is support for the legitimate right of the Libyan Arab Jamahiriya to receive fair compensation for the material and human losses it has incurred as a result of the sanctions.

The Acting President: I now give the floor to The Honourable Phil Goff, the Minister for Foreign Affairs and Trade of New Zealand.

Mr. Goff (New Zealand): May I first express my condolences to the families and friends of those who died in this morning's air crash. This was a tragedy in a city that has already seen more than its share of tragedy in recent times.

We meet in New York at this session of the General Assembly under the shadow of terrorist attacks on this city just two months ago. We mourn the lives of nearly 5,000 people from 79 countries who, having done nothing to deserve that fate, died in the attack. The scale, premeditation, coordination and indifference to mass murder that characterize this attack represent a new age of terrorism. It is a terrorism that appears to set no limit to its consequences. Those responsible for it foreshadow a willingness to use biological, chemical and nuclear weapons of mass destruction. The potentially catastrophic effects if they are able to carry out that threat demand an urgent and comprehensive response to pre-empt any such action.

We cannot allow the rule of terror to replace the rule of law. We cannot tolerate the damage that terrorism has already done to the global economy. We cannot allow terror to threaten basic human rights to life and security.

New Zealand welcomes the lead by the United Nations in coordinating an effective and enduring response to terrorism. Security Council resolution 1373 (2001), adopted unanimously, sets out a blueprint for action which every Member State has an obligation to implement. Its emphasis is on measures to close off financial support and the provision of refuge for terrorist groups in every country of the world. International cooperation in imposing these measures and bringing the terrorists to justice will, in the longer term, lie at the heart of the campaign to defeat terrorism.

Removing the immediate threat posed by terrorists such as those in Al Qaeda and those who harbour them will, however, require more than resolutions. Time and again over the past three years, the Security Council has called on the Taliban to prevent the use of Afghanistan by terrorists to launch strikes against other countries. Those resolutions and the sanctions that accompanied them have been ignored by the Taliban. Where groups operate beyond the rule of law and countries put themselves outside of international codes of behaviour, the use of force becomes a necessary part of our response.

Multilateral action and cooperation on a wider front are also necessary if we are to be successful in removing the threat of terrorism on an ongoing and lasting basis. Comprehensive action is needed to minimize the threat of chemical, biological or nuclear weapons falling into the hands of extremist groups. No State should develop, test and hold weapons of this nature. Such weapons are a threat to humanity. Their use by States would destroy and otherwise harm innocent human beings as certainly as did the actions of the terrorist group that attacked New York.

Nations yet to sign and ratify the United Nations Conventions on Chemical and Biological Weapons and treaties to ban mines and inhumane weapons must do so. Nations must equally commit themselves to the elimination of nuclear weapons, the early entry into force of the Comprehensive Nuclear-Test-Ban Treaty, and an immediate start to negotiations on a fissile material cut-off treaty.

The attack of 11 September should also encourage all nations to ratify the Rome Statute to bring into effect the International Criminal Court as a forum for pursuing action against those responsible for crimes against humanity.

Suppression of terrorism must also involve action to deal with its causes. States must consider whether the suppression of dissident or minority groups rather than allowing legitimate channels to voice dissent leaves resort to force as the only option.

The events of 11 September should encourage all countries and organizations, particularly those directly involved, to renew efforts to find a just and peaceful solution to the Middle East crisis. To achieve a peaceful solution between Palestinians and Israelis requires good will and flexibility on both sides. There can be no double standards in how the principles of