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SAFETY OF INTERNATIONAL CIVIL AVIATION

Report of the Special Political Committee

Rapporteur: Miss Ruth DOBSON (Australia)

I. INTRODUCTION

1. By a letter dated 22 October 1977 (A/32/245), the representatives of Argentina, Australia, Austria, Belgium, Canada, Chile, Colombia, Denmark, the Dominican Republic, Ecuador, Fiji, Finland, France, Germany, Federal Republic of, Greece, Guatemala, India, Iran, Ireland, Italy, Japan, Lesotho, Luxembourg, the Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Pakistan, Panama, Papua New Guinea, Peru, the Philippines, Portugal, Spain, Surinam, Sweden, Trinidad and Tobago, Turkey, the United Kingdom of Great Britain and Northern Ireland, the United States of America and Uruguay requested the inclusion in the agenda of the thirty-second session of the General Assembly of an item entitled "Safety of international civil aviation".
2. At its 45th plenary meeting, on 25 October, the General Assembly, on the recommendation of the General Committee (A/32/250/Add.2), decided that the item be included in the agenda and that it be allocated to the Special Political Committee and accorded due priority in that Committee.
3. At its 6th meeting, on 25 October, the Committee decided that it would begin its examination of the item on 26 October by hearing statements by the President of the Council of the International Civil Aviation Organization and by Mr. Derry F. Pearce (International Federation of Air Line Pilots Associations).
4. The Committee considered the item at its 7th, 12th, 13th, 14th and 15th meetings, held between 26 October and 2 November. At the 7th meeting, on 26 October, the Committee heard statements, in accordance with the decisions taken previously, by the President of the Council of the International Civil Aviation Organization and by Mr. Derry F. Pearce (International Federation of Air Line Pilots Associations).

II. PROPOSALS AND AMENDMENTS

5. On 25 October, a draft resolution (A/SPC/32/L.2) was submitted by Australia, Austria, Belgium, Bolivia, Canada, Chile, Colombia, Costa Rica, Denmark, the Dominican Republic, Ecuador, El Salvador, Fiji, Finland, France, Germany, Federal Republic of, Greece, Guatemala, Honduras, Iceland, India, Iran, Ireland, Italy, Japan, Liberia, Luxembourg, the Netherlands, New Zealand, Nicaragua, Norway, Papua New Guinea, Paraguay, Peru, Portugal, Samoa, Spain, Surinam, Sweden, Trinidad and Tobago, Turkey, the United Kingdom of Great Britain and Northern Ireland, the United States of America, Uruguay, Venezuela and Zaire, later joined by the Bahamas, Jordan, Nepal and Panama. The draft resolution read as follows:

"The General Assembly,

"Recognizing that the orderly functioning of international civil air travel under conditions guaranteeing the safety of its operations is in the interest of all peoples and promotes and preserves friendly relations among States,

"Recalling its resolution 2645 (XXV) of 25 November 1970, in which it recognized that acts of aerial hijacking or other wrongful interference with civil air travel jeopardize the life and safety of passengers and crew and constitute a violation of their human rights,

"Recalling also its earlier resolution 2551 (XXIV) of 12 December 1969 as well as Security Council resolution 286 (1970) of 9 September 1970 and the Security Council decision of 20 June 1972,

"1. Reiterates and reaffirms its condemnation of acts of aerial hijacking or other interference with civil air travel through the threat or use of force, and all acts of violence which may be directed against passengers, crew and aircraft;

"2. Calls upon all States to take all necessary steps, taking into account the relevant recommendations of the United Nations and the International Civil Aviation Organization, to prevent acts of the nature referred to in paragraph 1 above, including the improvement of security arrangements at airports or by airlines as well as the exchange of relevant information, and to this end to take joint and separate action, in accordance with the Charter, in co-operation with the United Nations and the International Civil Aviation Organization to ensure that passengers, crew and aircraft engaged in civil aviation are not used as a means of extorting advantage of any kind;

"3. Appeals to all States, which have not yet become parties, to give urgent consideration to ratifying or acceding to the Convention on Offences and Certain Other Acts Committed on Board Aircraft signed at Tokyo on 14 September 1963, the Convention for the Suppression of Unlawful Seizure of Aircraft signed at The Hague on 16 December 1970, and the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation signed at Montreal on 23 September 1971;

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"4. Calls upon the International Civil Aviation Organization to undertake urgently further efforts with a view to ensuring the security of air travel and preventing the recurrence of acts of the nature referred to in paragraph 1 above, including the reinforcement of Annex 17 to the Convention on International Civil Aviation."

6. At the 7th meeting, on 26 October, Saudi Arabia introduced an amendment (A/SPC/32/L.3), whereby the following operative paragraph 5 would be added to draft resolution A/SPC/32/L.2:

"5. Affirms that saving the lives of innocent hostages should remain the primary concern of the international community, notwithstanding the necessary drastic measures that may have to be taken to curb the international hijacking operations of civilians."

7. On 28 October 1977, Saudi Arabia submitted a draft resolution (A/SPC/32/L.4) which read as follows:

"The General Assembly,

"Whereas the right to life of the individual is a primordial right enshrined in the United Nations Charter and clearly enunciated in the Universal Declaration of Human Rights and the two International Covenants of Human Rights,

"Taking into account that freedom and security of the person are adjunct to the life of the individual as spelled out in article 3 of the Universal Declaration of Human Rights which states: 'Everyone has the right to life, freedom and security of person',

"Noting that the life of the individual, his freedom and security are endangered not only in war but in peace time due to certain forces in society in many countries, which forces are driving many people to take the law in their own hands without regard for article 3 of the Universal Declaration of Human Rights,

"Inasmuch as those who take the law into their own hands are endangering the safety of individuals by resorting to hijacking airplanes and other means of transportation,

"1. Affirms that saving the lives of hostages should remain the primary concern of the international community, notwithstanding the necessary drastic measures that may have to be taken to curb the international hijacking operations against civilians;

"2. Calls upon Governments to make serious studies of the abnormal situation related to hijacking and take measures to work out possible solutions."

In the course of the introduction of the draft resolution on 31 October, Saudi Arabia withdrew the amendment (A/SPC/32/L.3) mentioned in paragraph 5.

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8. At the 13th meeting, on 1 November, the Chairman announced that consultations between the sponsors and the various regional groups with a view to arriving at a generally agreed consensus had led to the impression that adoption by consensus of a draft resolution based largely on the text contained in document A/SPC/32/L.2 might be possible with the following changes:

(a) The insertion, at the end of operative paragraph 1, of the words "whether committed by individuals or States";

(b) The replacement of the words "in accordance with the Charter" in operative paragraph 2 by the following:

"subject to respect for the Purposes and Principles of the Charter and the relevant United Nations resolutions and without prejudice to the sovereignty or territorial integrity of any State,".

9. At the same meeting, Saudi Arabia proposed two amendments to the text read out by the Chairman which would incorporate the following changes:

(a) The addition of the words "declarations, covenants and" between the words "United Nations" and "resolutions" in the amendment to paragraph 2 read out by the Chairman;

(b) The addition of a new operative paragraph 5 reading as follows:

"5. Appeals to all Governments to make serious studies of the abnormal situation related to hijacking."

10. The representative of Saudi Arabia further indicated that, should these amendments prove acceptable, he would not ask for the consideration of draft resolution A/SPC/32/L.4, but would be satisfied with the reproduction of its text in the Rapporteur's report and its presentation to the General Assembly by the Rapporteur.

11. As there was no objection to its adoption by consensus, the Chairman declared adopted draft resolution A/SPC/32/L.2, as orally amended and with the changes proposed by Saudi Arabia.

12. The representative of Cuba expressed his delegation's reservations with regard to the consensus.

III. RECOMMENDATION OF THE SPECIAL POLITICAL COMMITTEE

13. The Special Political Committee recommends to the General Assembly the adoption of the following draft resolution:

Safety of international civil aviation

The General Assembly,

Recognizing that the orderly functioning of international civil air travel under conditions guaranteeing the safety of its operations is in the interest of all peoples and promotes and preserves friendly relations among States,

Recalling its resolution 2645 (XXV) of 25 November 1970, in which it recognized that acts of aerial hijacking or other wrongful interference with civil air travel jeopardize the lives and safety of passengers and crew and constitute a violation of their human rights,

Recalling also its resolution 2551 (XXIV) of 12 December 1969 as well as Security Council resolution 286 (1970) of 9 September 1970 and the Council's decision of 20 June 1972,

1. Reiterates and reaffirms its condemnation of acts of aerial hijacking or other interference with civil air travel through the threat or use of force, and all acts of violence which may be directed against passengers, crew and aircraft, whether committed by individuals or States;
2. Calls upon all States to take all necessary steps, taking into account the relevant recommendations of the United Nations and the International Civil Aviation Organization, to prevent acts of the nature referred to in paragraph 1 above, including the improvement of security arrangements at airports or by airlines as well as the exchange of relevant information, and to this end to take joint and separate action, subject to respect for the purposes and principles of the Charter of the United Nations and for the relevant United Nations declarations, covenants and resolutions and without prejudice to the sovereignty or territorial integrity of any State, in co-operation with the United Nations and the International Civil Aviation Organization to ensure that passengers, crew and aircraft engaged in civil aviation are not used as a means of extorting advantage of any kind;
3. Appeals to all States which have not yet become parties to the Convention on Offences and Certain Other Acts Committed on Board Aircraft, signed at Tokyo on 14 September 1963, the Convention for the Suppression of Unlawful Seizure of Aircraft, signed at The Hague on 16 December 1970, and the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, signed at Montreal on 23 September 1971, to give urgent consideration to ratifying or acceding to those conventions;
4. Calls upon the International Civil Aviation Organization to undertake urgently further efforts with a view to ensuring the security of air travel and preventing the recurrence of acts of the nature referred to in paragraph 1 above, including the reinforcement of annex 17 to the Convention on International Civil Aviation;
5. Appeals to all Governments to make serious studies of the abnormal situation related to hijacking.