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SUMMARY RECORD OF THE 59th MEETING

Chairman: Mr. GAVIRIA (Colombia)

later: Mr. BOJILOV (Bulgaria)

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The meeting was called to order at 11.05 a.m.

AGENDA ITEM 117: REPORT OF THE COMMITTEE ON RELATIONS WITH THE HOST COUNTRY
(continued) (A/32/26; A/C.6/32/L.12)

1. Mr. ROSSIDES (Cyprus), speaking as Chairman of the Committee on Relations with the Host Country, introduced draft resolution A/C.6/32/L.12 and said that although Cyprus was shown as the only sponsor of the draft resolution, the document had been drawn up with the concurrence of the host country and other delegations concerned; he accordingly believed that the Committee would find it possible to approve it by consensus.
2. The CHAIRMAN said that, if he heard no objections, he would take it that the Committee approved draft resolution A/C.6/32/L.12 by consensus.
3. It was so decided.

AGENDA ITEM 119: DRAFTING OF AN INTERNATIONAL CONVENTION AGAINST THE TAKING OF HOSTAGES: REPORT OF THE AD HOC COMMITTEE ON THE DRAFTING OF AN INTERNATIONAL CONVENTION AGAINST THE TAKING OF HOSTAGES (A/32/39; A/C.6/32/L.10)

4. Mr. AL-KHASAWNEH (Jordan), Rapporteur, said that he was introducing the report of the Ad Hoc Committee on the Drafting of an International Convention against the Taking of Hostages (A/32/39) at the request of the Chairman of that Committee, who was unable to attend the meeting. In addition to the report proper, which was short and factual, the document contained the summary records of the 19 meetings held by the Committee and the working papers submitted to it. The third to the ninth meetings of the Ad Hoc Committee had been devoted to general debate and the tenth to the seventeenth meetings to considering the 13 working papers submitted (A/AC.188/L.3-L.14 and L.16). One of those documents (A/AC.118/L.3) contained a draft convention against the taking of hostages submitted by the Federal Republic of Germany and the others contained amendments to the preamble or some of the provisions of the draft convention.
5. He drew the attention of the Committee to paragraph 14 of the report in which the Ad Hoc Committee recommended, in a draft resolution adopted by consensus, that the General Assembly at its thirty-second session should invite the Ad Hoc Committee to continue its work in 1978.
6. Mr. VON WECHMAR (Federal Republic of Germany) said that at its thirty-first session the General Assembly had decided by consensus to draw up, under the auspices of the United Nations, a convention against the taking of hostages, thus establishing the conditions for world-wide co-operation in the struggle against one of the most odious and reprehensible forms of criminal violence. That convention would complement existing conventions on the safety of civil aviation and protection of diplomats.
7. The readiness to discuss substantive issues in a rational manner which had characterized the debates of the Ad Hoc Committee on the Drafting of an International

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(Mr. Von Wechmar, Federal
Republic of Germany)

Convention against the Taking of Hostages at its first session had confirmed the general desire to create international norms against the taking of hostages. The debates in that Committee had, however, also shown that the formulation of such norms touched upon complex legal and political issues and therefore required a particularly cautious and balanced approach. It was not surprising, therefore, that the Ad Hoc Committee had been unable at its first session fully to complete its mandate. The draft convention submitted by the Federal Republic of Germany and the proposals submitted by other States would have to be considered in greater detail at the following session of the Ad Hoc Committee. The purpose of draft resolution A/C.6/32/L.10 was to enable the Ad Hoc Committee to continue its work in 1978 and to have included in the provisional agenda for the thirty-third session of the General Assembly the item entitled "Drafting of an international convention against the taking of hostages". He thanked the countries that had sponsored the draft resolution for their support and announced that Fiji, Ghana, Mali and Surinam were to be added to the list of sponsors.

8. The large number of sponsors testified to the high measure of agreement of the urgency of effective action to end the recent proliferation of criminal seizures of hostages. The clear condemnation of acts of air piracy by the General Assembly at its thirty-second session in the resolution on the safety of international civil aviation had been a first spontaneous reaction. The resolve to complete the task of the Ad Hoc Committee by extending its mandate was a further necessary response. All States wishing to co-operate in that work should be given an opportunity to do so and paragraphs 2 and 3 were directed to that end.

9. In conclusion, he quoted the words used by his country's Foreign Minister in the general debate about respect for human rights and the elimination of all forms of violence. The taking of hostages had become an urgent problem for all mankind, and the United Nations should therefore vigorously pursue the task it had set itself in that sphere.

10. Mr. Bojilov (Bulgaria) took the Chair.

11. Mr. OSMAN (Somalia) said that, in accordance with the recommendation of the Ad Hoc Committee on the Drafting of an International Convention against the Taking of Hostages, his country, as a member of that Committee, would become a sponsor of draft resolution A/C.6/32/L.10.

12. Mr. PASZKOWSKI (Poland) said that the General Assembly had unequivocally expressed the attitude of the international community by stating that the taking of hostages was an act which endangered innocent human lives and violated human dignity. One of the measures proposed in order to put an end to the taking of hostages was the drafting of an international convention to that effect. In response to that proposal, the General Assembly had established an Ad Hoc Committee on the Drafting of an International Convention against the Taking of Hostages and that Committee's first report (A/32/39) was before the Committee. Although the Ad Hoc Committee had been unable to complete its mandate within the time allotted, his delegation did not consider the first session to have been a failure, since it

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(Mr. Paszkowski, Poland)

had given its members and other States an opportunity to express their opinions. Given the complexity of the matter, which was part of the broader problem of international terrorism and accordingly created similar difficulties, the preliminary phase of general debate could not have been avoided.

13. The draft Convention should contain provisions properly defining its scope and specifying in precise terms the measures which States would be required to adopt. His delegation was of the opinion that an appropriate rule providing for extradition might be the most effective means of preventing and punishing the taking of hostages. A suitable formula would also have to be found to reconcile the object and purpose of the Convention with the exercise of the legitimate right to self-determination and independence of peoples struggling against colonialism, alien domination, racial discrimination and apartheid. Those were the fundamental questions that had to be settled if the Convention was to add something genuinely new to existing legal instruments.

14. His delegation believed that the Ad Hoc Committee could make more substantial progress at the following session and was prepared to make its contribution to the Committee's future work. The content of draft resolution A/C.6/32/L.10 was quite acceptable to his delegation, and it hoped that the Committee would find no difficulty in approving it by consensus.

15. Mr. CASTILLO (Guatemala) said that his country was gratified by the progress made by the Ad Hoc Committee on the Drafting of an International Convention on the Taking of Hostages and considered that its mandate should be renewed so that it could complete its work. The complexity of the issues arising in connexion with that subject and all matters concerning international terrorism meant that the task was not an easy one and necessarily aroused grave concern, since it was essential to do something practical and constructive to end that threat to world peace and security. His delegation accordingly viewed draft resolution A/C.6/32/L.10 very favourably and wanted to become a sponsor of that proposal.

16. Mr. LANG (Austria) expressed regret that the Ad Hoc Committee had been unable to submit a more substantive report indicating in an analytical manner the areas of agreement and disagreement that had emerged during its discussions. He recognized that the Committee's task was a very sensitive one. On the one hand, certain delegations had expressed concern with regard to the freedom of action of national liberation movements; the Mexican delegation's suggestion for overcoming that problem by applying the new Geneva Protocols to those movements might prove helpful. On the other hand, there was the suggestion by the Netherlands and Italian delegations that the possibility of negotiating the release of hostages in exchange for a promise of immunity should be kept open. That was a very important concern which should receive thorough consideration by the Ad Hoc Committee.

17. His delegation was in general agreement with the draft convention contained in annex II of the report (A/32/39). It would be helpful in article 1 to define more clearly the means by which the criminal act was committed. In article 2 (b), the co-operation and co-ordination provided for should apply to all information and

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measures which might serve to ease the situation of the hostages and contribute to their release, particularly in cases of prolonged detention. In article 3, paragraph 2, it should be made clear that that provision applied only in cases where hostages were transported by the offender to a foreign country. In article 6, paragraph 1 (d) and (e), it would be advisable to include the State in which the hostage had his habitual residence among the States which were to be notified in accordance with that article. It would also be appropriate for the States referred to in article 6 to be informed of the outcome of the proceedings instituted in accordance with article 7. Article 8, paragraph 4, should be reviewed with respect to the practical results to be achieved. The provisions of article 10 deserved particularly careful consideration by the Ad Hoc Committee.

18. In conclusion, his delegation expressed the hope that the Ad Hoc Committee would submit a more concrete report to the General Assembly at its thirty-third session.

19. Mr. MUSEUX (France) said that the wide support received by the initiative of the Federal Republic of Germany attested to the increasing disapproval aroused in the world by the taking of hostages. The question had been described as important and urgent when the item had been included in the agenda of the General Assembly, and subsequent events had done nothing to make that description less valid. His country had been painfully affected by acts of that kind with the taking captive on two occasions, by a liberation movement, of French nationals who had been engaged in purely civilian activities in the employ of Mauritanian mining companies and had thus had nothing whatever to do with the present conflict in the western Maghreb. Those actions were absolutely unjustifiable, for there could be no question of extenuating circumstances in cases involving the taking of hostages. President Boumediene had described the problem as a humanitarian one. The French Government fully shared that view and hoped that the present case would find the humanitarian solution which should have been applied long ago.

20. Draft resolution A/C.6/32/L.10 was purely procedural in nature, and his delegation therefore did not intend to go into the substantive aspects of the matter. He had mentioned the case of the Zouerate hostages because some delegations had stated during the discussions in the Ad Hoc Committee that the members of certain movements could employ any means whatever in order to attain their goals. The convention ultimately adopted must therefore contain a total and unconditional condemnation of the taking of hostages, within the framework of the laws of both war and peace and in both internal and international conflicts. In that connexion, he was disturbed at the differences of views which, as was noted in paragraph 12 of the report, had arisen in the Ad Hoc Committee with regard to the proposals that had been submitted. He felt that fuller information, particularly concerning the general prohibitions of the taking of hostages contained in the Geneva Conventions and in Protocol 1, would produce understanding of his delegation's reasons for insisting that the future convention must apply to all situations.

21. The CHAIRMAN said that, if there was no objection, the list of speakers for agenda item 119 would be closed at 6 p.m. on that same day.

22. It was so decided.

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AGENDA ITEM 118: MEASURES TO PREVENT INTERNATIONAL TERRORISM WHICH ENDANGERS OR TAKES INNOCENT HUMAN LIVES OR JEOPARDIZES FUNDAMENTAL FREEDOMS, AND STUDY OF THE UNDERLYING CAUSES OF THOSE FORMS OF TERRORISM AND ACTS OF VIOLENCE WHICH LIE IN MISERY, FRUSTRATION, GRIEVANCE AND DESPAIR AND WHICH CAUSE SOME PEOPLE TO SACRIFICE HUMAN LIVES, INCLUDING THEIR OWN, IN AN ATTEMPT TO EFFECT RADICAL CHANGES: REPORT OF THE AD HOC COMMITTEE ON INTERNATIONAL TERRORISM (continued) (A/32/37)

23. Mr. OSMAN (Somalia) said it was clear from the report of the Ad Hoc Committee (A/32/37) that the latter had been unable to take a collective stand on the problem of international terrorism because of the fact that certain members insisted on adopting measures to combat terrorism without first considering the underlying causes of the problem. That was contrary to the mandate of the Committee, as set out in General Assembly resolution 31/102, which expressly instructed it, inter alia, to study the underlying causes of terrorism. A problem as complex as that of terrorism could not be dealt with by the mere application of preventive measures without realistic analysis of its deeper roots. It would be as if a doctor were to prescribe a medicine without diagnosing the disease. If the future work of the Ad Hoc Committee was to be more than an exercise in futility, all States must co-operate in giving full effect to General Assembly resolution 31/102, which covered all the elements of the problem.

24. The proliferation of acts of terrorist violence since the late 1960s made it imperative to adopt effective measures to combat acts which caused the loss of innocent human lives and the destruction of property. His delegation shared the serious concern expressed by many other delegations and felt that acts of terrorism should be punished as crimes against humanity under international law.

25. The problem of international terrorism could not be tackled effectively without first defining the scope of that term; that was apparent from the difficulties which had arisen in the Ad Hoc Committee as a result of the divergent positions held by States on the subject. As had been pointed out by a great many delegations, one of the fundamental elements of the effort to combat international terrorism was the elimination of its underlying causes. That was stated in General Assembly resolution 3034 (XXVII), which in paragraph 3 reaffirmed "the inalienable right to self-determination and independence of all peoples under colonial and racist régimes and other forms of alien domination" and upheld "the legitimacy of their struggle" and in paragraph 4 condemned "the continuation of repressive and terrorist acts by colonial, racist and alien régimes in denying peoples their legitimate right to self-determination and independence and other human rights and fundamental freedoms".

26. State terrorism was, like international terrorism, a matter of serious concern to the international community. In South Africa, Zimbabwe, Namibia and Palestine, innocent people were suffering from the terror and oppression of colonialist, racist and Zionist régimes which were flagrantly violating the United Nations Charter, fundamental human rights and the accepted norms of civilized international behaviour. His Government strongly opposed the attempts of those régimes to deprive peoples of the right of self-determination, and it supported the just struggle of the peoples concerned.

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(Mr. Osman, Somalia)

27. That was why his Government had consistently and unequivocally denounced the Addis Ababa régime for its cruel and systematic policy of repression, mass murder, torture and tyranny directed against the innocent people of western Somalia, who were engaged in a legitimate liberation struggle for the achievement of their right to self-determination and freedom. When it had realized that it could not resist the triumphant onward march of the people, the Addis Ababa régime had resorted to Nazi-type terror in the form of indiscriminate torture and mass killings. In mid-July, the Ethiopian forces had opened fire on a crowd of innocent civilians in the town of Jijiga, killing more than 100 people, including town elders and defenceless women and children.

28. In an article in the London Daily Telegraph of 6 October 1977, an independent correspondent, Bruce Loudon, who had witnessed the attack on the main hospital in Jijiga, reported that seven civilians had been killed and more than 20 seriously wounded in a brutal and apparently premeditated bombing attack carried out by three aircraft of the Ethiopian air force, which had dropped bombs and fired rockets and heavy-calibre machine-guns. According to the article, the target of the attack had unquestionably been the hospital, which was clearly set off from the surrounding area since it was situated in a large, walled garden. The correspondent added that two of the three nurses killed in the air raid had been machine-gunned outside the hospital and that the hospital's Somali supervisor, the only doctor in Jijiga, had been seriously wounded as had a number of patients, nearly all of them civilians. That was a typical case of State terrorism directed against people engaged in a legitimate struggle for freedom.

29. Although the Ad Hoc Committee had been unable to carry out fully its difficult mandate, the important work it had accomplished would serve as a starting point for the crucial part of its task, which called for not only a commitment by the international community to combat international terrorism but also a precise definition of the acts to be condemned and an in-depth study of the underlying causes of terrorism. The Committee should therefore be authorized to continue its work in accordance with its original mandate.

30. Mr. JIT (India) said that international terrorism was a subject of deep concern to, and inspired abhorrence in, his country which, under the leadership of Mahatma Gandhi, had proved that right means were important for the attainment of right ends. India condemned all forms of terrorism, whether committed by individuals, groups or States, and had therefore supported General Assembly resolution 3034 (XXVII) and had agreed to become a member of the Ad Hoc Committee on International Terrorism established by that resolution. In the same spirit it had co-sponsored General Assembly resolution 31/102, inviting the Ad Hoc Committee to continue its work. His delegation had therefore been disappointed that so little progress had been achieved thus far in devising concrete measures of co-operation to prevent or deter international terrorism and that five years had been spent in sterile controversy and in trying to define the meaning, scope and concept of international terrorism. The requisite effort had not been made to adopt the necessary pragmatic approach by seeking a step-by-step solution.

31. His delegation considered that the wisest approach would be to devote attention first to certain specific and typical cases of international terrorism and to draw

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(Mr. Jit, India)

up a convention or code for dealing with them. At the same time, the Ad Hoc Committee could continue its in-depth study of the general causes of international terrorism and means of removing them, and thus evolve a more effective approach to the question. That was not a new method, since it had been adopted with a view to ensuring the safety of civil aviation and had led to the preparation of the 1963 Tokyo Convention, the 1970 Hague Convention and the 1971 Montreal Convention.

32. His delegation did not think it was necessary to set up a committee of experts to study the underlying causes of terrorism, since that was an essentially political problem which the Ad Hoc Committee was perfectly competent to analyse. The Convention on the Suppression of Terrorism adopted by the Council of Europe had been cited as an example, and other members of the Ad Hoc Committee had proposed that in the convention to be drawn up care should be taken not to affect the right of self-determination. In his delegation's view, both suggestions deserved serious consideration.

33. On the other hand, his delegation could not accept the contention of some delegations that in combating terrorism, as in alleviating the inhumanities of war, motives were of little relevance and that it was wiser to concentrate on acts and victims. Every act of international terrorism would have to be viewed independently and judged on the basis of motive. It was true that the Geneva Conventions applied equally to the attacker and the attacked, but the world had come a long way since that time. His delegation did not understand how there could be any confusion between international terrorism and the struggle for liberation. That had been the intention of the United Nations when it had reaffirmed, in paragraph 3 of resolution 31/102, the inalienable right of all peoples to self-determination and independence.

34. Although international co-operation was undoubtedly necessary to tackle terrorism, a great deal could be done at the national level. States had a special responsibility to ensure normal conditions for the functioning of diplomatic and other representatives, to take effective measures to prevent terrorist attacks against them, and to prohibit in their territories unlawful activities of organizations or groups that incited or engaged in terrorist acts against other States and their representatives. In that context the conclusion of bilateral or multilateral instruments concerning the extradition or punishment of terrorists could help to combat terrorist activities effectively.

35. There was no easy solution to the problem of international terrorism and action had to be initiated on several fronts. It was not possible to condemn terrorism on the one hand and on the other refuse to co-operate with others. An atmosphere must be created in which fewer and fewer people would feel compelled to resort to terrorism, and that could not be done until the underlying causes had been studied and the necessary remedies applied. However, it should be possible to find an honourable way out of the current impasse and make a purposeful beginning.

36. Mr. WOLDE-GIORGIS (Ethiopia), speaking in exercise of the right of reply, said that the representative of Somalia had spoken of State terrorism in reference to Ethiopia. But who had started the war? Who had destroyed the railway from Addis Ababa to Djibouti? Who had destroyed the infrastructure in the Gode region which, with United Nations assistance, had been in the process of development for the benefit of the inhabitants of that region? The representative of Somalia was trying to present the war of aggression waged by Somali regular troops since 24 July 1967 as a war of liberation. Unable to marshal international support for its expansionist policies, Somalia had changed its strategy and was trying to disguise its open war of aggression against Ethiopia as a liberation movement. That manoeuvre had deceived no one and at Libreville the competent OAU organ had roundly condemned Somalia's act of aggression and requested both combatant States to cease hostilities. Aware of its isolated position, Somalia had stepped up its State terrorism with a view to dismembering Ethiopia. The Ethiopian people were exercising their right of self-defence and would soon repel the enemy, whatever the sacrifice involved.

37. Mr. OSMAN (Somalia), speaking on a point of order, said that in his previous statement he had referred to State terrorism as a manifestation of international terrorism, but the subject raised by the representative of Ethiopia was a political question which lay outside the competence of the Sixth Committee and could therefore not be the subject of a right of reply.

38. Mr. WOLDE-GIORGIS (Ethiopia) said he had not digressed from the item on international terrorism, since the aggression committed by Somalia constituted State terrorism aimed at dismembering Ethiopia. The tendentious and exaggerated allegations made by certain information media and cited by the representative of Somalia should be supplemented by information on the situation in the latter country, where Somali religious leaders had not long ago been publicly executed.

39. Mr. OSMAN (Somalia), speaking in exercise of the right of reply, rejected the unfounded allegations made by the representative of Ethiopia. Somalia had not been condemned at the Libreville meeting, at which OAU had sought to act as mediator. In accordance with the rules of the OAU Commission of Mediation, Conciliation and Arbitration, the parties to a conflict must agree on the mediation procedure, and it had proved impossible to reach such an agreement. Moreover, the Ethiopian war was a true war of liberation against a State which seized territories from other countries and kept them as colonies.

40. Mr. WOLDE-GIORGIS (Ethiopia), speaking on a point of order, said that the Committee was not considering an item on the dismemberment of Ethiopia as a result of a reactionary plot by certain countries.

41. Mr. D'ALMEIDA (Togo) moved the adjournment of the meeting, in accordance with rule 118 of the rules of procedure.

42. The CHAIRMAN put the motion for adjournment of the meeting to the vote.

43. The motion for adjournment of the meeting was adopted by 55 votes to none.

The meeting rose at 12.35 p.m.