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President: Mr. Lazar MOJSOV (Yugoslavia).

AGENDA ITEM 129

Safety of international civil aviation

**REPORT OF THE SPECIAL POLITICAL COMMITTEE
(A/32/320)**

1. The PRESIDENT: I should like to invite the attention of the Assembly to paragraph 10 of the report of the Special Political Committee [A/32/320], which indicates that the representative of Saudi Arabia decided not to ask for consideration of his draft resolution, document A/SPC/32/L.4, on the understanding that it would be reproduced in the report of the Committee and presented to the General Assembly by the Rapporteur. In the absence of the Rapporteur, I should like to ask the Under-Secretary-General for Political and General Assembly Affairs to read the text of that draft resolution.

2. Mr. BUFFUM (Under-Secretary-General for Political and General Assembly Affairs): The text of the draft resolution submitted by Saudi Arabia reads as follows:

[The speaker then read out the text of draft resolution A/SPC/32/L.4.]

Pursuant to rule 66 of the rules of procedure, it was decided not to discuss the report of the Special Political Committee.

3. The PRESIDENT: The draft resolution recommended in paragraph 13 of the report of the Special Political Committee [A/32/320], was adopted by consensus in the Committee. May I take it that it is the wish of the General Assembly to adopt that draft resolution?

The draft resolution was adopted (resolution 32/8).

4. The PRESIDENT: I shall now call on those representatives wishing to explain their positions.

5. Mr. HERNDL (Austria): It is with a sense of satisfaction that I am speaking now on the resolution which the

1 See Official Records of the General Assembly, Thirty-second Session, Annexes, agenda item 129, document A/32/320, para. 7.

General Assembly has just adopted by consensus. Indeed, that resolution constitutes an important step on the road towards preventing acts of violence directed against the passengers and the crew of civil aircraft and eliminating air piracy in general, acts which by their very nature are contradictory to the principal aims of the United Nations. We should not forget that the United Nations Charter, the basic constitution of the world community, reaffirms faith in fundamental human rights and in the dignity and worth of the human person. The Charter also speaks of the necessity of practising tolerance and of living together with one another as good neighbours. In the system of world order which was created by the coming into existence of the United Nations, there is no room for air piracy, for hijacking, or for acts which endanger the lives of innocent people and which, in the past, have resulted in loss of life in many cases.

6. It is with this in mind that Austria, together with 41 other States, asked this Assembly less than two weeks ago, to include a new item in its agenda, namely, the issue of the safety of international civil aviation [A/32/245]. When we made that request—a request which was immediately granted by the membership, thus proving not only the importance of the issue as such, but also the solidarity of the membership in this respect—we were convinced of the urgent necessity of protecting international civil aviation from all acts of unlawful interference. Recent events had underlined the danger of a situation which, if it prevailed, would seriously hamper international air travel and thus jeopardize one of the vital links of communication in the world of today. Nobody will deny that international civil aviation is a most important link in the promotion and preservation of friendly relations among all peoples. Indeed, the General Assembly already recognized this elementary fact in 1970 [resolution 3645 (XXV)]. It has now again recognized that the orderly functioning of international civil air travel under conditions guaranteeing the safety of its operations is in the interest of all peoples. Unlawful interference, which has occurred more and more frequently and which has become a serious concern not only of Governments, but even more of the common people, of the passengers and all the others involved in the operations of air travel, and of all citizens concerned, must henceforth be prevented. This scourge has to be eliminated: it has affected too many countries, it has already cost too many lives, it has violated too many of the fundamental principles which we cherish.

7. Accordingly, we see in this resolution a first step, as I said. Other steps will have to follow, but we have no doubt that they will indeed do so. The reaction of the international community is clear and obvious: it condemns all the acts I have referred to and it is willing to proceed to adopt joint measures of such a nature as effectively to make

international civil air travel safe again. I wish in this context to pledge my Government's support of all effective measures which may still be drawn up by the international community in the future.

8. I said at the beginning that I feel a sense of satisfaction. It is a sense of satisfaction not only because we have adopted an important resolution, which will surely have a great impact, but also because that resolution constitutes an act of solidarity on the part of all the nations assembled here in the face of the threatening phenomenon which I have mentioned. The United Nations, as an Organization, the nations assembled here, have jointly reacted to a threat which was directed at each and every one of them. The United Nations has also reacted swiftly, with all the necessary speed, as we had expected. Austria is indeed satisfied that we were all able to take the same stand on this matter. This is perhaps even more important than the provisions of the resolution itself.

9. At this stage I feel it is proper for me to express our gratitude to all those delegations which went along with us during the many consultations and discussions that took place last week and this week. We are grateful for the support which came from all quarters. Forty-two States sponsored the request for the inclusion of the new item, which was deposited with the Secretary-General on Saturday, 22 October 1977. More than that number were ready to support this request. We are grateful to all of them. Fifty-one States later sponsored the draft resolution which became the basis for the resolution we have just adopted. And, finally, all the Members of the United Nations have now joined in the consensus. I need say no more. I believe the United Nations has given yet another example of its vitality and one further proof of its capacity to deal with an urgent and serious situation which might have affected the friendly relations among States.

10. Mr. ALARCON (Cuba) (*interpretation from Spanish*): When, several years ago, the General Assembly considered for the first time the question of so-called aerial hijacking, my Government explained why it was not in agreement with the attempts to solve the question through multilateral arrangements.²

11. Similarly, my Government rejected all attempts to confuse terrorism with revolutionary violence and to use this item as a tool against the legitimate struggle waged by the national liberation movements against imperialism, colonialism and racism. Also, we recorded our categorical opposition to giving separate treatment to the problems concerning air transport and disregarding the fact that piracy on the high seas continues to be a fact of present times. We said then, and we repeat today, that we are prepared to co-operate towards the solution of these problems through bilateral agreements which cover both air and sea traffic and which are based on and are in accordance with conditions of strict equality and reciprocity.

12. Furthermore, before this matter began to be considered in international forums, Cuba had already adopted

these relevant legislative measures to deal with the problem in an appropriate way.

13. In a sincere desire to assist in the solution of these problems, Cuba, on the basis of the foregoing principles, subscribed to bilateral agreements with Canada, Mexico, Colombia, and Venezuela. A similar agreement which we had concluded with the United States had to be denounced by Cuba and, therefore, ceased to exist because of the responsibility borne by those who were then in authority in Washington for criminal activities which, despite that agreement and in manifest violation of its letter and spirit, continued to be carried out against Cuban aircraft and vessels, culminating on 6 October 1976 in the destruction in flight of a Cuban civilian aircraft and the death of its 73 passengers. My Government has not the slightest doubt about the direct participation of the United States Central Intelligence Agency in that monstrous crime.

14. All 73 of the passengers on that Cuban aircraft destroyed by this criminal sabotage died: 57 Cubans, 11 Guyanese and 5 Koreans—73 victims of imperialism and its miserable assassins; 73 comrades whom we have not forgotten and will never forget.

15. These persons came from the working class; they were simple workers and students; their names never appeared in the headlines of the capitalist press. They were not idle millionaires; they were not travelling in luxury aircraft. They were men and women of the people; most of them were very young. They were assassinated in a cowardly way, in cold blood. We have never forgotten them; we will never forget a single one of them. The heroic crews of the Cuban airline Cubana de Aviación, at great sacrifice, facing imperialist hostility and blockade, carried the flag of their homeland through the skies of the world with dignity. We shall always remember the young members of our national fencing team, who were returning victorious from a noble and friendly competition; the medals they won, now at the bottom of the Caribbean Sea, will be an eternal reminder of the ignominious act which cut short their lives. We shall remember always the young Guyanese who were travelling to Cuba to study medicine, with the dream of helping their fellow man, of curing disease, of saving lives. Nor shall we forget the Korean officials who were travelling through the Caribbean to strengthen the ties of friendship among our peoples. We shall remember all those who lost their lives on that day; we shall respect and honour them, as we do all those who die for their fatherland.

16. The gravity of this act of sabotage against our aircraft near Barbados becomes even clearer if we remember that it was preceded by a number of other terrorist attacks against Cuban aircraft and vessels and against diplomatic offices and the offices of the Cuban airline, Cubana de Aviación.

17. I do not want to prolong this statement, and I shall therefore mention only some of the analogous events which took place before the Cuban aircraft exploded on 6 October 1976 as a result of sabotage.

18. On 6 April 1976, through an act of piracy, a Cuban fisherman was murdered and his boat was destroyed. On 10 July and on 18 August 1976, bombs exploded in the offices of Cubana de Aviación in Barbados and Panama, respectively.

² *Ibid.*, Twenty-fourth Session, Plenary Meetings, 1784th meeting, paras. 7-18.

19. On 9 July and on 2 October of that same year, an attempt was made to blow up two of our aircraft when they were leaving Jamaica and Barbados, respectively; and on 6 October, that is to say, four days after the preceding attempt, a Cuban civilian aircraft was blown up in flight with the criminal results to which I referred earlier.

20. All these criminal acts were given wide publicity in the United States. The authors of these crimes moved about and organized themselves freely in the territory of the United States and of some of the Caribbean countries. With shameless impunity, they revealed their participation in such acts and went so far as to announce publicly, several weeks before 6 October 1976, that they would soon attack Cuban aircraft in flight. No one stopped them. No one prevented the perpetration of the most barbarous, the most shameful, the most hateful attack in the history of civil aviation being carried out. After the event when our people were mourning their dead, most of whom were buried in the depths of the Caribbean, there were few voices raised to condemn that crime and call for the punishment of the guilty.

21. In that tragic month of October, the large capitalist newspapers remained silent, and the airline pilots' associations and the airlines themselves did nothing. Then, when the victims were modest Cuban, Korean and Guyanan workers and students, no one thought it appropriate to appeal urgently to the General Assembly; no one threatened to paralyse international air transport, nor did we witness the ceaseless propaganda that the world saw when other victims suffered.

22. Recently, the administration of the Cuban airline, Cubana de Aviación, received a telegram from the Director General of the International Air Transport Association [IATA], urging it to take strong measures as the result of the hijacking of an aircraft of the Federal Republic of Germany, and the death of Captain Schumann, who commanded the aircraft, was strongly condemned. That message was answered by the Director General of Cubana de Aviación as follows:

"With reference to your message 192120 addressed to all presidents and chief executives, Cubana de Aviación wishes to express its profound concern at the growing threats and actions against civil aviation, such as acts of terrorism, bomb threats, sabotage, diversions, etc. and points out that IATA has been especially active in the present case of the death of Captain Schumann and in some other cases. No similarly energetic action was taken when, in an act of sabotage on 6 October last year, Cubana de Aviación lost 25 crew members, including 2 captains, 4 co-pilots, 2 flight engineers, 2 navigators, and 48 passengers."

23. Although we are not insensitive to the dramatic events experienced by those who have been the object of recent actions against civil aircraft, my delegation cannot agree or accept that this problem should be dealt with on the basis of a unilateral and selective criterion, as has been the case of the debate this year, and of the draft resolution recommended by the Special Political Committee. We cannot associate ourselves with unjust, discriminatory attitudes which disregard the principle of the equality of

States and the most sacred of all principles, that of the equality of all human beings.

24. For these reasons, my delegation did not associate itself with the consensus in the Special Political Committee. For the same reasons, we are not participating now in the decision taken by the Assembly.

25. Mr. DE PINIES (Spain) (*interpretation from Spanish*): Acts infringing the security of international civil aviation constitute, in my delegation's view, a serious threat to the global interests of the international community, since the orderly operation of civil aviation redounds to the benefit of all peoples and is vital for the promotion of relations of friendship among States. Any attack against the safety of a civil aircraft is a threat not only to the State of registration but also to all other States of the international community. Therefore, my delegation welcomed with interest the timely initiative of the Secretary-General in raising this question in the United Nations; it subscribed to the letter requesting the inclusion of this item on the agenda of our work [A/32/245]; and has participated actively in the negotiations which led to the adoption of the important resolution we have just adopted by consensus.

26. My country, a party to the Conventions of Tokyo,³ The Hague⁴ and Montreal,⁵ unreservedly condemns the hijacking of aircraft and any other act of violence that may be perpetrated against passengers and crews, regardless of the motivations or objectives of the perpetrators of such acts, be they individuals, groups or States.

27. Such acts are a serious infringement of the rights of individuals and cause innocent victims; consequently they cannot be justified. The unconditional condemnation of all acts which threaten the safety of international civil aviation has not made my delegation forget that the causes of terrorism and violence very often lie in frustration born of despair, as a result of which individuals are ready to sacrifice human lives, including their own, in an attempt to effect radical political changes. But this does not justify the commission of such acts of terrorism, since it is the international community's responsibility to seek just and lasting solutions to such problems through peaceful means.

28. Given the present state of the structure of international society, the primary responsibility for ensuring aerial safety devolves on Governments, which must take the measures they deem most appropriate in each instance to prevent the perpetration of such unlawful acts and to punish the guilty. It is for this reason that we regard as very apposite the reference in the resolution to the need to respect the sovereignty and territorial integrity of all States, something that is fully compatible with their international obligations to co-operate in order to put an end to such acts.

29. My delegation is happy to have participated in the adoption by consensus of the resolution on the safety of international civil aviation.

³ Convention on Offences and Certain Other Acts Committed on Board Aircraft, signed at Tokyo on 14 September 1963.

⁴ Convention for the Suppression of Unlawful Seizure of Aircraft, signed at The Hague on 16 December 1970.

⁵ Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, signed at Montreal on 23 September 1971.

30. Mr. MARTINEZ (Venezuela) (*interpretation from Spanish*): On 20 October last the Foreign Minister of Venezuela, acting on the instructions of the President of the Republic, addressed a message to the Secretary-General of the United Nations restating the firm repudiation by the Venezuelan Government and people of those acts of international violence directed against innocent victims, such as the hijacking of aircraft, the taking of hostages, threats and murder.

31. We said that those acts called for coherent, effective and immediate international response in the form of specific measures to put an end to such kinds of violence. Determination and international co-operation among all States of the international community are indispensable if we are to agree on measures that will provide effective instruments to put an end to such acts. We believe that the Organization has understood this imperative need.

32. The resolution we have just adopted by consensus in this General Assembly may well be the beginning of action based on that determination which will justify the hope that the United Nations will take essential action in the future to prevent such actions as I have referred to.

33. Mr. HERZOG (Israel): My delegation has participated in the consensus on this resolution because Israel, as a principal target of the forces of international terror, is only too aware of the urgency of this problem. However, let me say at the outset that the resolution is a disappointing one. It is weak, for it is a compromise with the forces that back and finance acts of terror. The result of this compromise is a bare minimum of what this urgent problem requires in the form of a resolution. If I can have recourse to the vernacular with all its bluntness, that is, to the language of the ordinary man in the street, it appears to me that the International Federation of Air Line Pilots Associations has been taken for a ride. After all, the pilots asked for an explicit call on States to provide for the prosecution and punishment of persons who perpetrate acts of international terror and aerial hijacking in a manner commensurate with the gravity of the crimes. They asked that Governments which allowed terrorists to train in their countries and which helped to finance criminal activities be recognized as accomplices in their crimes. They suggested that other States would then have been called upon to suspend air service to any country which gives sanctuary to hijackers and abets their activities. ICAO and the International Federation of Air Line Pilots Associations would have been urged to refuse to fly to any country acting in this way and failing to prosecute or extradite hijackers or which gives aid, protection and asylum to the hijackers. I should add that we share the sentiments and views of the pilots.

34. The weakness of this resolution is emphasized by the fact that, although it recalls the stronger resolutions of 1969 [*resolution 2551 (XXIV)*] and of 1970 [*Security Council resolution 286 (1970)*], it falls short of reincorporating their language or of calling for specific actions on the part of Governments. Nevertheless, the resolution is a step forward in the right direction.

35. It was encouraging to see in the discussion in the Special Political Committee that the overwhelming majority of countries agree that hijacking is a crime in itself which

must be dealt with wholly independently of any ideological considerations. We cannot be selective about international terror and hijacking. If hijacking is bad it is bad everywhere. It is bad whatever the colour, race, creed, nationality or credo of the hijacker; it is bad whatever the colour, race, nationality or credo of the victim. That is precisely the problem before us. We must be resolute in our determination to deal with the crime separate from its motivations. We must not let ourselves be diverted and made to follow false trails by the insinuation of ideological considerations.

36. The difficulties in the path of translating this resolution into effective action to put an end to hijacking and aerial piracy arise because behind the present consensus there is still no unanimity of purpose on the part of the members of this Assembly. Nevertheless, despite the obvious difficulties and our reservations about the weakness of this resolution, I reiterate my delegation's belief that this is a step forward in the right direction and that it is still within the grasp of responsible States to organize effectively in order to fight the dangers and evils of international terror such as hijacking, the taking of hostages and so on.

37. To that end, Israel has requested an extraordinary session of the ICAO Assembly for the purpose of achieving the very definite goals which were spelled out in some detail by my delegation yesterday in the Special Political Committee. We trust that all States which made possible the consensus on this resolution will also share our view that an extraordinary session of the ICAO Assembly is necessary, and beyond that, will help that organization to take steps that will once and for all eradicate air piracy and hijacking.

38. Mr. WOLFF (United States of America): My Government holds the view, as it has for many years, that the entire world community, without exception, has an immediate and direct interest in taking effective collective action against hijacking and other unlawful acts which interfere with civil aviation.

39. It is appropriate, and most timely, that the United Nations has given serious attention to this issue, which, like all piracy, cuts across all frontiers and threatens the lives of citizens of every country, irrespective of its political structure or orientation.

40. To what extent does the resolution which we have adopted advance the international struggle against hijacking?

41. First, I would stress that my Government welcomes the resolution's clear and unequivocal denunciation of hijacking. The strong international consensus expressed in this resolution condemning all such lawless actions will have an important deterrent effect upon those who would resort to this particularly abhorrent form of violence against the innocent and the defenceless and also upon those who would support such actions. In addition, our action here should serve as further encouragement to States to take the sort of vigorous action against hijacking which unfortunately has been lacking in some cases.

42. Secondly, the resolution makes it clear that Member States and ICAO should move promptly to implement more

effectively the security standards, practices and procedures for airports which have been established through annex 17⁶ to the Convention on International Civil Aviation, signed at Chicago on 7 December 1944.⁷

43. Thirdly, the resolution calls upon all States which have not yet adhered to the three existing ICAO Conventions against hijacking promptly to adhere to and ratify those Conventions. There can be no reason for delay on this matter any longer. The mutual advantages from this form of co-operation are increasingly evident.

44. Finally, the resolution recognizes that the Members of this Organization, working within the framework of ICAO, should give the highest priority to the development of additional measures to enhance the security of civil aviation.

45. My Government is pleased with the resolution that we have adopted. To be sure, this resolution contains some phraseology which we believe unnecessary and irrelevant. Nevertheless, on balance this resolution represents a major step forward in the collective fight against hijacking because it embodies a unanimous and categorical determination by the international community to take further steps to prevent the use of terror, for whatever purpose, against those involved in international civil aviation. My Government concludes that the resolution represents an undertaking that no State will co-operate with hijackers.

46. One might ask whether the sort of actions which this resolution envisages will really have much impact on hijacking. In our view, the answer to any such question can only be an emphatic "Yes". I would cite in this connexion the experience of the United States in its successful effort against hijacking domestically. In 1969, prior to the establishment of security measures designed to prevent incidents of this type, there were 40 attempts to hijack United States civilian aircraft, 33 of which were successful. In 1973, the first full year after stringent security procedures were made mandatory for all United States airports, the number of such incidents fell to just two. In 1976 as well there were only two incidents. Those figures, I believe, speak for themselves.

47. Looking at the current situation on a world-wide basis, we find that the number of hijacking incidents is once again on the rise and that lax security procedures at airports have been responsible for most of them. The figures are striking. Of the 28 airline hijackings committed thus far this year, 20—as opposed to 16 during the whole of 1976—can be attributed to failures in passenger-screening procedures. Since 1973 there have been in the United States no hijackings which resulted from a failure to detect guns and other weapons during the screening process. I might point out that the United States has been and continues to be willing to share its experience in this area with other interested countries. For instance, the United States has offered to share its screening procedures, equipment and

testing measures with other countries, and thus far 36 countries have taken advantage of this offer.

48. In calling upon the competent United Nations specialized agency, ICAO, to develop additional measures to increase the security of international civil aviation, the resolution which we have adopted clears the way for new initiatives to be taken in that respected and impartial organization. Among the steps which we believe ICAO should take are the following: first, the strengthening of the current ICAO standard on passenger screening to require specifically the screening of all passengers and all carry-on baggage for all airline flights, both foreign and domestic; secondly, the elevation of certain ICAO recommended practices dealing with security to the status of standards, including the provision of law enforcement support for aviation security and provision for security for aircraft under hijacking or sabotage threat; and, thirdly, continuing emphasis by ICAO on universal adherence to and ratification of The Hague hijacking and Montreal sabotage Conventions. Such action would effectively eliminate safe havens for aviation criminals.

49. In adopting this resolution the United Nations has taken a major step not only in favour of human rights but also towards human responsibility. Nevertheless, we have serious work before us. It will be a disservice to the interests of every Member of this Organization if the opportunity to strengthen the safety of international civil aviation is not translated into practical terms, using the existing international and bilateral framework available for this purpose. My Government stands ready to support the spirit and the letter of this resolution. We look to others to join us in achieving, for the benefit of all international travellers on civil aircraft, a greater measure of security against terrorist hijackings.

50. That I did not wish to distract attention from these important procedures by replying to the statements of the Cubans, which they know to be false, does not mean that we accept any of their falsehoods. We share only their grief at the loss of life involved. Rather than being selective in our denunciations, we condemn all acts of hijacking and all acts of terror.

51. Mr. ERNEMANN (Belgium) (*interpretation from French*): Yesterday morning I spoke at length in the Special Political Committee's 14th meeting on behalf of the nine States members of the European Community, and I shall confine myself to adding a few words on their behalf today.

52. Our Governments welcome the quick action taken by the United Nations and the position which this Organization has adopted against the crime of aerial hijacking. The nine members of the Community are pleased that all Member States share this point of view and that the draft resolution which was submitted has been unanimously supported.

53. Our Governments would like to make clear that the resolutions alluded to in operative paragraph 2 in the words "respect for the purposes and principles of the Charter of the United Nations and for the relevant United Nations declarations, covenants and resolutions" are those which must guide States when they take steps to ensure the safety

⁶ See *International Standards and Recommended Practices: Security—Safeguarding international civil aviation against acts of unlawful interference*, adopted by the Council of the International Civil Aviation Organization on 22 March 1974 (International Civil Aviation Organization, Montreal, August 1974).

⁷ United Nations, *Treaty Series*, vol. 15, No. 102.

of air travel. They are the resolutions mentioned in the preambular paragraphs of the text which we have just adopted.

54. In conclusion, I wish to reaffirm that the States members of the European Community fully support the firm position adopted by the United Nations against the crime of aerial hijacking as well as the appeal made for the general ratification of the Conventions mentioned in the resolution.

55. Mr. VON WECHMAR (Federal Republic of Germany): Since I had the opportunity yesterday in the Special Political Committee's 14th meeting to explain my Government's position on the resolution just adopted, I shall now be brief.

56. When the General Assembly at its 45th plenary meeting on 25 October decided unanimously to include in the agenda of this session the item entitled "Safety of international civil aviation", and when it further decided to consider the item as a matter of priority, that decision was greeted with great relief by many people in my own and in other countries. There was a widespread feeling that the United Nations had responded to the challenge of violence and had acknowledged its world-wide responsibility. It is, in my view, both the most crucial and the most gratifying element of our joint action that the international community of States has shown solidarity. The United Nations has clearly demonstrated that aerial hijacking is not a problem or a task only of the States involved in any specific case. Terrorist acts which are directed against defenceless men, women and children, inflicting on them inexpressible sufferings and threatening their lives, not only constitute a violation of national legal order but are also an intolerable encroachment on the basic principles and values enshrined in the Charter of this world Organization. As the former Secretary-General, U Thant, stated in 1963, on the subject of violence:

"When unbridled use of force is accepted and intimidation and threats go unchallenged, the hopes of a world order such as the one outlined in the Charter become dim and hollow."

We must all do our best to prevent that from happening, and I am convinced that the unanimous and spontaneous response of the United Nations has strengthened the confidence of many people and Governments in this Organization.

57. Permit me to underline at this point the great services which the Secretary-General, Mr. Kurt Waldheim, has rendered to the cause of ensuring the safety of civil aviation by his firm stand and his untiring efforts in the matter. I am therefore anxious to express to the Secretary-General in this forum the sincere gratitude and appreciation of the Government of the Federal Republic of Germany.

58. The resolution which we have just adopted proves that it is possible, despite major differences of opinion, to come to an agreement where the protection of human dignity and of peace are at stake. Considering that the membership of the United Nations now comprises 149 sovereign States and that today's world is faced with many unresolved problems,

our consensus clearly testifies to the unbroken moral strength of this world Organization. We earnestly hope that the appeal embodied in the resolution will be heard and will be followed by action. The experience of the past few weeks should be a sufficient warning, which we must keep in mind. We shall also have to reflect on further steps to be taken within the United Nations. The Federal Government is determined to give serious consideration to any suitable suggestion in that respect.

59. We trust that the spirit of co-operation which has proved its worth during the past few days will persist in the future. The three Conventions for the protection of civil aviation signed at Tokyo, The Hague and Montreal are great examples of international co-operation. If all United Nations Members could decide to accede to those Conventions, it would mark a first major step on the road to peace and security for all.

60. Mr. SIBAHY (Syrian Arab Republic) (*interpretation from Arabic*): In associating itself with the consensus, my delegation supported the resolution adopted by the General Assembly a few moments ago in its final amended form. We should like to explain our action, which was based upon the following position.

61. The Syrian Arab Republic supports every international effort to put an end to acts which threaten the safety of international civil aviation. We condemn all acts of hijacking, whether perpetrated by individuals or by States. It is on that basis that we support measures likely to implement that noble humanitarian purpose.

62. Any action undertaken by the international community to achieve that aim should be based on the United Nations Charter as well as on the conventions and international declarations and the relevant resolutions of the United Nations, albeit without prejudice to the sovereignty or territorial integrity of any State.

63. In order to put an end once and for all to aerial hijacking, to ensure the safety of international civil aviation and to end all acts of terrorism, we must understand the underlying causes of most of these acts, which, in the opinion of my delegation, lie in all the various forms of oppression, the occupation of territory, racism, aggression, and colonialism that prevent people from exercising their right to independence, or enjoying self-determination, security and the liberation of their occupied territories, even by the use of force.

64. In this connexion, my delegation would like to have seen mention of the need not to jeopardize or encroach upon the rights of people fighting for their national sovereignty, independence, freedom or self-determination in speaking about the safety of international civil aviation, so long as certain nations have not achieved independence and sovereignty. We see this question in the light of the development of the international community's awareness of and sympathy for the struggles of the people in Africa, Asia and Latin America and other parts of the world.

65. Paragraph 2 of the resolution just adopted by consensus mentions the need to respect "the purposes and principles of the Charter of the United Nations and . . . the

relevant United Nations declarations, covenants and resolutions . . . without prejudice to the sovereignty or territorial integrity of any State". That reference will bring us nearer to attaining our goal in any action we may take to bridge any gaps in this field.

66. In conclusion, my delegation supports all resolutions attempting to put an end to all illegal terrorist acts. We hope that the resolution which has just been adopted will be respected, thus ensuring the safety of international civil aviation.

67. Mr. BARREIRO MAFFIODO (Paraguay) (*interpretation from Spanish*): Paraguay is gratified that consensus has been reached in this Assembly on the resolution entitled "Safety of international civil aviation".

68. My delegation believes the step that has been taken is merely the first step, but it is an indispensable one in attacking the roots of one of the saddest and most degraded activities witnessed today, that of terrorism. Whatever the means or the occasion, violence, contempt for the sacredness of human life, terrorism and cruelty constitute crimes against humanity that violate all ethical values and destroy civilized coexistence and human rights. Either terrorism will triumph, and with it hatred and the repudiation of all moral values, or culture and civilization will prevail. That is the alternative facing the United Nations. The use of terror or violence cannot be justified in terms of the ends pursued. That is Machiavellianism aimed at destroying every moral value, whether national or international.

69. My delegation applauds this step forward in the fight against this flagrantly antisocial, odious, uncivilized and pernicious scourge which affects the dignity of mankind throughout the world.

70. Mr. MEERZA (India): The delegation of India is very happy and satisfied over the positive response which the United Nations has given to a matter of urgent and humanitarian interest to the world community as a whole, namely, the promotion and assurance of the safety of international civil aviation. My delegation also made a statement at the 15th meeting of the Special Political Committee, where the consensus resolution on the subject was worked out by means of contributions from all sections of the world community represented at the United Nations, namely, those of a large number of sponsors of the basic draft resolution, the suggestions made by the Arab and African groups of States and by Ambassador Baroody of Saudi Arabia. Thanks to his tactful handling of this subject, it was possible for the Chairman of the Special Political Committee to propose an agreed resolution which was adopted in that Committee by consensus. The General Assembly has adopted that resolution upon the recommendation of that Committee, and we heartily endorse that decision.

71. The views of my Government are very clear on this subject. We should like the communications between the various areas and countries of the world to grow with speed, efficiency and safety. Those communications promote the mixing of peoples and cultures, which itself develops understanding and co-operation. Any perturbation of these communications through acts of violence and

intimidation not only affects them adversely but places the lives of innocent travellers, and among them women and babies in arms, in peril. Such acts of violence cannot be justified for any reason whatsoever. Political questions, questions concerning the elimination of racial discrimination or the struggle for national liberation and other similar questions which arouse human beings to desperation are separate matters and must be resolved separately. The views of my Government on all those issues and our support for them have been a matter of record at the United Nations. We should not, however, like civil aviation to be used for terrorism, intimidation, the extraction of ransom money or even as a means for the achievement of political aims. My Prime Minister, Morarji Desai, did not hesitate, but stated emphatically on 27 October at New Delhi that there was urgent need to end the hijacking menace. India has no moral reservations on using violence against hijackers. He said: "In fact it would be immoral not to do so".

72. As I also stated in the Special Political Committee, my Government has already taken steps to become a party to the Conventions for the elimination of hijacking and the promotion of the safety of civil aviation. India acceded to the Tokyo Convention of 1963 and gave effect to it in 1975. India also signed The Hague Convention of 1970 on 14 July 1971 and the Montreal Convention of 1971 on 11 December 1972. My Government is taking steps to ratify those Conventions.

73. I therefore commend the appeal made in the consensus resolution to all States to become parties to those Conventions. In my statement in the Special Political Committee yesterday I emphasized the need to take stringent security measures and even suggested one such measure for consideration.

74. In conclusion, I should also like once more to thank the Arab group, the African States and Ambassador Baroody of Saudi Arabia for giving a positive response in regard to this essentially humanitarian question. My delegation and Government would also like to express the hope that the adoption of this resolution will become the watershed separating the past history of hijacking and other offences on board aircraft from an era of safe air travel throughout the world.

75. Mr. LIN Chao-nan (China) (*translation from Chinese*): At the 14th meeting of the Special Political Committee held on 2 November, the Chinese delegation expressed its approval of and support for the draft resolution concerning safety of international civil aviation. At the same time, we stated our reservations on the three Conventions, those of Tokyo, The Hague and Montreal, mentioned in operative paragraph 3 of the draft resolution. The Chinese delegation wishes to reiterate here that the Chiang Kai-shek clique's signature and ratification of the above Conventions by usurping the name of "China" are completely illegal and null and void, and the Chinese Government undertakes no obligation whatsoever in regard to them.

76. The Chinese delegation requests that the above statement be incorporated in the records of this meeting.

77. Mr. MENDOZA (El Salvador) (*interpretation from Spanish*): The delegation of El Salvador was one of the

sponsors of the draft resolution adopted by consensus at yesterday morning's meeting of the Special Political Committee relating to the item entitled "Safety of international civil aviation".

78. Despite the fact that the hijacking of aircraft and other acts perpetrated in various parts of the world against civil aviation are obvious manifestations of international terrorism, consideration of which is included in the agenda of this Assembly's Sixth Committee [item 118], we felt it desirable to include in the Assembly's agenda this new special item under the heading I have mentioned and to allocate it to the Special Political Committee.

79. The inclusion of the new item and the swiftness with which we have proceeded in this case are fully justified by the dramatic appeal addressed to the United Nations by the International Federation of Airline Pilots Associations, which is justifiably indignant at the latest episodes that horrified the world.

80. Terrorism in all its forms, including the hijacking of aircraft and related acts, is an abominable crime, and in our view it cannot be justified in any circumstances—not even when more or less well-founded motivations of dissatisfaction, frustration or struggle for the liberation of oppressed peoples are invoked. It is always a crime, and a common crime, and under no circumstances can it be qualified as a political crime, because the characteristic features of political crime are not present in terrorist acts.

81. Although we realize that this resolution is the political response of the international community to these acts, which have provoked indignation throughout the world, we none the less believe it is necessary to continue to consider the subject in terms of the need to seek effective and specific measures to guarantee the safety of international civil aviation and to protect it from hijacking, murder and extortion.

82. We know this is not easy in a world where the divergencies of view, ideology, philosophies and interests which divide the peoples represented here are so enormous.

83. Despite all this, the human values at stake are of such a magnitude that it is vital to continue to study these problems in detail.

84. The consensus procedure so much in vogue in international forums is in our view desirable for purely political matters but might not be so for other questions.

85. At the outset I observed that we were one of the sponsors of the draft resolution that was adopted by consensus in the Special Political Committee. We sponsored it in full awareness of the obstacles that hamper the adoption of any other kind of resolution, and we accepted the amendments proposed in the Committee because we understood that they did not substantially change the original draft submitted by a large number of Member States.

86. We could not have voted for any resolution or amendment that would have nullified the aim of the sponsors of the draft resolution—namely, to promote the safety of individuals in international civil flights.

87. In short, my delegation considers that, in adopting the resolution in question, an important step forward has been taken in the joint efforts of States to put an end to this heinous practice of hijacking aircraft.

88. Mr. DIEZ (Chile) (*interpretation from Spanish*): My delegation wishes once again to place on record in this General Assembly its views on the question of the safety of international civil aviation.

89. To us one of the fundamental purposes of the United Nations is international co-operation. Communications, knowledge, trade and exchanges between States and individuals are both the means and the ends of that co-operation.

90. Today, one of the most effective means of achieving those aims and serving those ends is international civil aviation.

91. That is why, when States do not comply with their duty to co-operate with another State or other States in the prevention and punishment of crimes affecting communications and international exchanges, as is the case with the hijacking of aircraft, they are infringing, apart from other rights, the fundamental purposes of international co-operation.

92. By its very nature, hijacking is an international crime. It affects international rights such as those relating to transport and safety in communications. Last, and more important still, it affects the duty of the States of the organized international community to guarantee personal safety and enjoyment of the essential rights of all individuals.

93. Similarly, such crimes generally affect various States, both because they are carried out in a number of countries and because many countries are usually affected in terms of the ownership of the aircraft, the nationality of the passengers, or the unlawful pressure exerted against a particular Government through threats to the lives of the hostages. This indicates the many legal, political and police problems raised by the prevention or punishment of this kind of crime. We can therefore conclude that this is not a crime that can be dealt with solely through the internal legislative measures of each country, since such measures are not applicable outside the territory of the State concerned.

94. This international co-operation is indispensable, so that the State which receives the hijacked aircraft can co-operate with the State or States concerned and not condemn them to impotence by invoking its sovereignty as a means of preventing the ending of the hijacking and the punishing of the guilty.

95. We wish to say, however, that all States must have the political will to co-operate in all situations involving international civil aviation, regardless of political or other distinctions.

96. But if some State does not have that political will it is possible that the hijackers may try to take an aircraft to that State. We wish to go on record as saying that the actions we are dealing with are objective crimes. The alleged

motives behind the actions of hijackers, or of their accomplices or harbourers, should not cloud our vision or the understanding of this Organization. It is and always will be a crime regardless of the motives adduced.

97. What have the innocent victims to do with the grievances a hijacker may have against a particular Government or a particular political system? What have the victims to do with the hijackers' ideological preoccupations or whatever solutions the hijackers may seek to promote or preserve?

98. Our obligations as representatives of civilized nations are quite clear: to commit the lasting determination of all States represented in this international forum to condemning all hijacking of aircraft without any discrimination, to co-operate to prevent hijacking or bring them to an end, and to punish or extradite the guilty.

99. Anything else would confuse the aim our resolution seeks to achieve.

100. A text such as this should not be made use of to promote other aims, to analyse political rights and aspirations, however legitimate they may be, to uphold ideological principles or to pursue any other purposes.

101. Any attempt to cloud over a clear and precise condemnation of this type of crime, and the universal repudiation it deserves, with disquisitions on or assessments of other objectives merely serves to obstruct the adoption by the United Nations of a sufficiently clear and explicit resolution.

102. Considerations that may in fact either extenuate or aggravate the criminal responsibility of the offenders are not elements that we can consider in our debates; rather they are matters to be considered and passed on by the courts that try the hijackers.

103. The foregoing considerations led the Chilean delegation to become a sponsor, together with 50 other nations, of the draft resolution we now have adopted and which to us represents a first step in the search for rules that may be elaborated in the future by this Organization for the definitive achievement of safety in international civil aviation.

104. Mr. ZACHMANN (German Democratic Republic): My delegation would like to underline what has been expressed by a number of representatives here and in the Special Political Committee: that it is necessary in the interest of peaceful relations between States to guarantee safety in international civil aviation without any risks.

105. The German Democratic Republic for humanitarian and political reasons condemns air piracy and the taking of hostages, particularly because of the resulting serious danger to the sovereignty of States and the menace to their security.

106. In accordance with this position, the German Democratic Republic is a party to 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. These Conventions as well as the 1973 Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents [*resolution 3166 (XXVIII)*], describe criminal attacks against civil aviation as most serious offences. In a special law on criminal responsibility for the hijacking of aircraft of 12 July 1973, the German Democratic Republic provides for the most serious punishments for air piracy.

107. In the view of my delegation, special importance should now be attached to increasing the effectiveness of those Conventions by which the States parties have undertaken, for instance, to extradite or punish criminals who commit such crimes, and to transforming the provisions of the Conventions into domestic legislation, including their observance in the practice of States.

108. My delegation would like to stress this aspect particularly because it cannot but note that the provisions of those Conventions are being applied in quite different ways by some of the States which have supported with special emphasis the inclusion of this agenda item. Some examples have been mentioned. The formula "extradition or punishment" was often used by certain States which are parties to the Conventions, on the pretext of political motives, so as not to punish such crimes or to punish them only symbolically. There is no doubt that an inadequately light punishment promotes such crimes. My delegation believes that the extradition of such criminals would be the best guarantee of their just punishment.

109. My delegation is against the selective consideration of this question which finds its expression in the fact that certain States, in so far as aircraft of socialist countries are the object of hijacking, stick to measures which are determined by particular political aims.

110. For this reason, my delegation supports in particular those of the speakers preceding me who in their statements called for increasing the effectiveness of the existing Conventions and for creating such legal domestic prerequisites as would include the extradition of such criminals.

111. The PRESIDENT: I call on the representative of Cuba who has asked to speak in exercise of his right of reply.

112. Mr. ALARCON (Cuba) (*interpretation from Spanish*): I regret to have to take more of the time of the Assembly but I feel compelled to make some remarks concerning the latter part of the statement of the representative of the United States, Congressman Wolff.

113. First of all, I shall say that my country neither encourages nor promotes the hijacking of aircraft or vessels, and that we have demonstrated this not by rhetoric from a rostrum but with facts. Our national legislation punishes those crimes and it has been applied consistently, even in the case of persons committing such crimes who came from countries whose Governments not only maintained a policy of hostility towards Cuba but encouraged, favoured and tolerated those very activities against us, as was the case with the United States of America for more than a decade.

114. Even when our country was compelled to denounce the bilateral agreement concluded with the United States, as a result of the fact that after the signing of that agreement terrorist and piratical activities against our aircraft and vessels were not only not stopped but were even increased, culminating in the barbarous act of 6 October last year, it solemnly declared that, despite the fact that the agreement would no longer be in force, my Government would by no means change its policy of neither encouraging nor condoning in any way whatsoever aerial piracy in this area of the world.

115. However, as a United States Congressman, Mr. Wolff will have no great difficulty in verifying that from 1959 throughout the entire decade of the 1960s dozens of Cuban aircraft and vessels were hijacked and brought to United States territory. Indeed, as a member of the United States House of Representatives, Mr. Wolff—if he has been exercising that function long enough—was probably among the joyful Congressmen who received those criminals as heroes and even offered them the rostrums of the United States Senate and House of Representatives to boast about the crimes they had committed.

116. On the other hand, I honestly think there is no reason to detain the members of the General Assembly any longer—some of them are stationed in New York and others come to New York frequently—by explaining to them that the United States authorities have for more than a decade tolerated and permitted activities by terrorist groups against Cuba from United States territory.

117. Congressman Wolff, in his statement today, said some very interesting things about the possibilities offered by modern technology for exercising control in airports. We see that he is very interested in the subject of electronics and the advances made in certain branches of modern science. We must therefore assume that he has in his home a good colour television set and that, like millions of other persons in this country, he saw a certain documentary produced by Mr. Bill Moyers; it was shown from coast to coast on television in colour. In that documentary Mr. Moyers personally interviewed terrorists residing in this country who stated, without hiding their faces—and, I repeat, on television, in colour, from coast to coast—that they had committed certain terrorist actions against Cuba; they said how they had done so and when they had done so. So far as I know—if I am wrong, the United States representative will have an opportunity to say so—the United States authorities have not yet taken any action against those persons.

118. I believe that there are so many Congressional documents, that there have been so many television reports, that there has been so much proof scandalously divulged in the United States media, that I need not take the Assembly's time in proving the obvious: that for over a decade the Government of the United States has allowed and tolerated a whole series of terrorist and criminal activities against my country to be carried out from United States territory. And yet we hear hypocritical, rhetorical regrets expressed from this rostrum.

The meeting rose at 5.35 p.m.