

## Chapter 27

# Combating International Terrorism: The United Nations Developments\*

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*The problem of international terrorism has not been ignored by the Security Council nor the General Assembly of the United Nations. It seems generally agreed that it is unlawful for States to support terrorist activities that adversely affect other States. Definitions flowing from this agreement and applying its sense to specific situations have surfaced many areas of disagreement, however.*

**Introduction.** Although reflected in one word, “terrorism” has become refracted, in the numerous U.N. bodies dealing with it, into a multicolored concept—and all its qualities tend to be given different emphases. Also, although that one word has been with us since the last decade of the 18th century, its connotations have changed as States mature and yesterday’s partisans become today’s establishment. Over and over again the model of Lord Wellington’s (as the Duke of Wellington then was) protest to Marshal Massena (the former general of the French Revolutionary Armies) against the latter’s order to his troops to shoot the Portuguese Ordenanza—ununiformed militia who were harassing the French lines of communications during the peninsular campaign of the Napoleonic Wars. Wellington wrote:

Ce que vous appelez “des paysans san uniforme,” “des assassins et des voleurs de grand chemin” sont l’Ordenanza du pays, qui comme j’ai déjà eu l’honneur de vous assurer sont des corps militaires commandés par des officiers, payés, et agissant sous les lois militaires. Il paraît que vous exigez que ceux qui jouiront des droits de la guerre soient revêtus d’un uniforme; mais vous devez vous souvenir que vous-même avez augmenté la gloire de l’armée française en commandant des soldats qui n’aient pas d’uniforme.<sup>1</sup>

To those who permit themselves to be struck by the paradox of that most conservative of beings, the Duke of Wellington, protesting against short shrift being given in 1810 to the guerrilleros and Ordenanza of the peninsula at the hands of a veteran of the French Revolution, it should be emphasized that such is the nature of this paradoxical subject, and that its underlying necessities

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continue to call for pragmatic responses independently of ideological commitments or perspectives.

**Refraction of "Terrorism" in the U.N.'s Many Prisms.** There appears to be abroad in the world, and reflected in many meetings, panels and symposia, an expectation, indeed a demand, that the United Nations "do something" to prevent the recurrence of transnational terroristic acts. The United Nations has done many things in this regard that are within its competence. Apart from the Security Council, especially when it contemplates action under Chapter VII of the Charter, the organs of the United Nations, and in particular the General Assembly, constitute forums of debate rather than the repositories of legislative or executive authority.<sup>2</sup> In the General Assembly, moreover, the 150 member States reflect almost every ideology now forming part of the political ideas and premises of policy (if such a word is applicable) at large in the world today. General Assembly Resolutions, in particular those resulting from a hard-won consensus, while not having the status of legislation, reflect compromise and accommodation regarding emerging common values and, possibly, an agreed view of future State practice. It may, furthermore, direct incipient development of national policies into cooperative channels. In short, the General Assembly tends to achieve, as its work product in any field, the highest common factor (low as this may appear to many) of the relevant values and perspectives of the multipolar world it reflects.

Specifically, the three Resolutions relating to terrorism<sup>3</sup> that the General Assembly agreed upon last fall at its 32nd Session, were inscribed as agenda items, intensely negotiated, amended and carried out with the purpose of both articulating and defining proscribed acts of terrorism and of bringing the pressure of world public opinion to bear on States often known as "sanctuary States." These are the States that provide training, weapons and safe havens to which terrorists can flee after a caper or be received after release from jail through hostage-taking, and, generally, make acts of terrorism safer for their perpetrators to commit. It is observable that, with the Mogadishu rescue of the Lufthansa passengers last year, Somalia has ceased to be a sanctuary State. Indeed, the expression of a widespread disgust with terrorists' excesses through General Assembly resolutions has assisted in the erosion of the number of safe haven States for terrorists. Thus, while not acting as a legislature, let alone as an effective one, the U.N. General Assembly tends to bring moral opinion to bear, making gratuitous acts of cruelty and the denial of human rights more embarrassing or more costly to perpetrate.

On the other hand, it may be observed that the greater the number of resolutions passed condemning terrorism, and the greater the number of committees, subcommittees and working groups deliberating on the subject, the more innocuous and watered down the resolutions and reports tend to become. The

diffuseness of the institutional treatment of terrorism in the United Nations has tended to weaken the force of specific proposals to limit let alone eliminate it.

**The United Nations General Assembly.** In the General Assembly of the United Nations there is consensus that terrorism cuts against the ideals of justice and peace. There is also agreement that such a deplorable institution should have no place in the relations of nations and peoples. But there is no consensus on the cure. While some hold that terrorism is a crime, in the punishment of which States should cooperate, others insist that when a terrorist act is committed for political ends such cooperation is not due. Others, again, insist that terrorism can only be cured if its underlying causes of misery, frustration, grievance and despair are themselves eliminated. In addition, different bodies in the United Nations have offered different prescriptions. For example, the Special Committee on Principles of International Law Concerning Friendly Relations and Co-operation proposed, and the General Assembly adopted, the following clauses regarding terrorism in the Resolution on Friendly Relations:

Every State has the duty to refrain from organizing or encouraging the organization of irregular forces or armed bands, including mercenaries, for incursion into the territory of another State.

Every State has the duty to refrain from organizing, instigating, assisting or participating in acts of civil strife or terrorist acts in another State or acquiescing in organized activities within its territory directed towards the commission of such acts, when the acts referred to in the present paragraph involve a threat or use of force. . . .

No State may use or encourage the use of economic, political or any other type of measures to coerce another State in order to obtain from it the subordination of the exercise of its sovereign rights and to secure from it advantages of any kind. Also, no State shall organize, assist, foment, finance, incite or tolerate subversive, terrorist or armed activities directed towards the violent overthrow of the regime of another State, or interfere in civil strife in another State.<sup>4</sup>

Of course, in agreeing to the above paragraphs, members of the General Assembly implicitly excluded persons or organizations whose activities were, in those States' perceptions, more validly characterizable as national liberation fighters and movements than as terrorists. Indeed, the question who is a terrorist and who is a resistance fighter provides another basis of disagreement once the debate moves from the general to the concrete. Despite these reservations in terms of specific situations, it is clear that a widespread consensus exists, at the level of generality, that the United Nations stands for a norm asserting that it is unlawful for States to support terrorist activities that adversely affect other States.

By contrast, the General Assembly's Resolution on the Definition of Aggression,<sup>5</sup> which came up from the Special Committee on the Question of Defining Aggression—a different body from the General Assembly's Special Committee

on Friendly Relations, reflects its Committee's compromise on the inclusion of terroristic activities within the concept of aggression in terms of "sending" by or on behalf of a State of armed bands and other irregular groups usually included within the category of terrorists for carrying out acts of armed force. This prohibition is, one should stress, limited to "sending." Terms such as "organizing," "encouraging," "instigating," or "participating in" and, in addition, "foment," "finance," "incite" or "tolerate," all to be found in the Declaration of Friendly Relations, are missing from the Definition of Aggression. Also, a State becomes guilty of aggressive conduct when it puts its territory "at the disposal of" another State. But this latter conduct is narrowed by the limitation of the beneficiaries of such a disposal to States, not private individuals. Accordingly it would not be germane to many instances of terrorism.

In response to the General Assembly's resolution on its 1971 Report,<sup>6</sup> and especially the favorable reception given to paragraphs 133 and 134 thereof,<sup>7</sup> the International Law Commission produced in 1973 the draft articles that were more or less endorsed by the General Assembly through their adoption in a Resolution<sup>8</sup> and became the Convention on the Prevention and Punishment of Crimes against International Protected Persons, Including Diplomatic Agents. This Convention entered into force on 20 February 1977.<sup>9</sup> Its thrust is to ensure that persons who commit, or attempt or threaten to commit, or participate as accomplices in the commission of such crimes of violence as murder, kidnapping or other attack on the person or liberty of heads of States or governments, or diplomatic or other representatives, or attack official premises or private accommodation or means of transport of such persons, shall be either prosecuted or extradited "without exception whatsoever and without undue delay" (Article 7).<sup>10</sup>

The history of the General Assembly's adoption of this Convention and its recommendation that the member States ratify it is of interest. Despite the widespread feeling that such a convention was needed, a considerable number of developing countries was very disappointed by the failure of the drafters to include exculpatory provisions for those asserting "the legitimate right of self-determination" and might well have prevented the passage of the Resolution recommending that member States should adopt the Convention which the General Assembly had before it.<sup>11</sup> A compromise was reached when the accompanying draft Resolution, which included a paragraph condoning such acts, was amended by the addition of a paragraph instructing the Secretary General always to publish the Resolution together with the Convention.<sup>12</sup> The paragraph on the right of self-determination was as follows:

4. Recognizes also that the provisions of the annexed Convention could not in any way prejudice the exercise of the legitimate right to self-determination and independence, in accordance with the purposes and principles of the Charter of the United Nations and the Declaration on Principles of International Law

concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations, by peoples struggling against colonialism, alien domination, foreign occupation, racial discrimination and apartheid;<sup>13</sup>

In a note of 8 September 1972<sup>14</sup> the Secretary General took the initiative by requesting the inclusion in the agenda of the General Assembly's 27th session of an item entitled "measures to prevent terrorism and other forms of violence which endanger or take innocent human lives or jeopardize fundamental freedoms." At its 2037th meeting on 23 September 1972 the General Assembly decided to include the item in the agenda of its 27th session and to allocate it to the Sixth Committee in the following amended form:

Measures to prevent international terrorism which endangers or takes innocent human lives or jeopardizes fundamental freedoms, and study of the causes of those forms of terrorism and acts of violence which lie in misery, frustration, grievance and despair which causes some people to sacrifice human lives, including their own, in an attempt to effect radical change.

On 2 November 1972 the Secretariat produced its *Study Prepared in Accordance with the Decision taken by the Sixth Committee at its 1314th Meeting on 27 September 1972*.<sup>15</sup> This study concluded with the following paragraphs:

It is clear from the foregoing study that the origins and underlying causes of terrorism are complex and various, but that many of them lie in international political or social situations which the United Nations was founded to improve. The effort to eliminate those causes should be intense and continuous, as mankind, despite its intellectual powers, has not yet succeeded in creating a social order free from misery, frustration, grievance and despair—in short, an order which will not cause or provoke violence. Yet terrorism threatens, endangers, or destroys the lives and fundamental freedoms of the innocent, and it would not be just to leave them to wait for protection until the causes have been remedied and the purposes and principles of the Charter have been given full effect. There is a present need for measures of international cooperation to protect their rights as far as possible. At all times in history, mankind has recognized the unavoidable necessity of repressing some forms of violence, which otherwise would threaten the very existence of society as well as that of man himself. There are some means of using force, as in every form of human conflict, which must not be used, even when the use of force is legally and morally justified, and regardless of the status of the perpetrator.

Measures, more or less effective and appropriate, have been devised or attempted in the past by the international community to deal with parts of the problem of terrorism or with related problems. These measures afford some help in the work which should now be done in order to prevent new violence towards new innocent victims.<sup>16</sup>

The Sixth Committee debated the issues and considerable divergences of opinion came to light. While some States stressed the distinction between

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adventurist terrorism and the cause of national liberation and people's revolution, others stressed State terrorism, yet others again condemned colonialism as not only a form of terrorism, but also as causes of "individual terrorism." The United States submitted a Draft Convention<sup>17</sup> that stressed international cooperation in the apprehension of terrorists, their arraignment, trial and appropriate punishment (Article 2-"punishable by severe penalties"). Article 3 provides:

A State Party in whose territory an alleged offender is found shall, if it does not extradite him, submit, without exception whatsoever and without undue delay, the case to its competent authorities for the purpose of prosecution, through proceedings in accordance with the laws of that State.

And Article 4 calls upon States to establish effective jurisdiction over terroristic crime under national law. Some States argued that the U.S. Draft Convention could be the basis of a convention. Others, however, viewed it as a helpful contribution for further work. But no further steps were taken for the implementation of either its terms or the goals it prescribed.

By Resolution 3034 (XXVII)<sup>18</sup> the General Assembly established an *Ad Hoc* Committee to consider the subject and submit a "report with recommendations for possible co-operation for the speedy elimination of the problem."<sup>19</sup> This *Ad Hoc* Committee met from 16 July to 11 August 1973 and concluded its *Report*<sup>20</sup> with the following statement:

During the general debate, the *Ad Hoc* Committee heard statements by 27 delegations of Member States. A similarly large number of delegations participated in the discussion held in each of the three sub-Committees. In taking up the study of the delicate and complex problem entrusted to it by the General Assembly, the *Ad Hoc* Committee was fully aware of the difficulties of its task. Representatives of the various geographical groups took part in the debates of the plenary *Ad Hoc* Committee and of each of the Sub-Committees. The resulting frank and extensive exchange of ideas brought out the diversity of existing views on the various aspects of the subject submitted for consideration to the *Ad Hoc* Committee. Those views are faithfully reflected in the summaries of the plenary and Sub-Committee debates contained in the report, the careful consideration of which the *Ad Hoc* Committee recommends to the General Assembly.<sup>21</sup>

Subsequently, at its sessions in December 1973,<sup>22</sup> 1974,<sup>23</sup> and 1975,<sup>24</sup> the Sixth Committee reported that "because of the lack of time," it had been unable to deliberate on the subject and recommended that it be carried forward on the agenda to the next session of the General Assembly. On 15 December 1976, however, the Sixth Committee recommended, and the General Assembly adopted, Resolution 31/102<sup>25</sup> in which, *inter alia*, it noted that the *Ad Hoc* Committee had "been obliged to suspend its work"<sup>26</sup> and invited it "to continue

its work in accordance with the mandate entrusted to it<sup>27</sup> and decided to include the item in its next (32nd) session.

1977 proved to be a year of considerable activity. In March the *Ad Hoc* Committee met, but it did not produce a draft convention or any legal propositions adherence to which would bind States to specific legal obligations. Instead, its Report showed agreement only on the following generalizations:

- (1) An inalienable right of all peoples to self-determination and independence exists;
- (2) The need to condemn and repress acts of international terrorism is obvious;
- (3) The General Assembly should continue its efforts to combat international terrorism; and
- (4) There is a need for international cooperation in tackling international terrorism.

At its 32nd Session the General Assembly instructed the Committee to continue its work but imposed a new set of priorities. In the seventh operative paragraph the General Assembly stated that it;

*Invites the Ad Hoc Committee on International Terrorism to continue its work in accordance with the mandate entrusted to it under General Assembly resolution 3034 (XXVII), first by studying the underlying causes of terrorism and then by recommending practical measures to combat terrorism;*<sup>28</sup>

The United States voted against this Resolution.

In August another *Ad Hoc* Committee, this one on the taking of hostages, met. It had been created as the result of an initiative taken by the Federal Republic of Germany<sup>29</sup> in the Sixth Committee of the General Assembly's 31st Session.<sup>30</sup> The Committee was requested, in the same resolution, "to present its report and make every effort to submit a draft convention" in good time for its consideration at the 32nd session of the General Assembly.<sup>31</sup> Because of the greater specificity of its definition and subject matter, the proponents of this agenda item were sanguine that the new committee would focus on issues more closely related to the procedures and methods of combating acts of taking hostages rather than on the sociopsychological factors that have tended to render the work of the *Ad Hoc* Committee on International Terrorism rather more diffuse. This may, perhaps, have been premised on a faith in the power of words and definitions to control effectively the purposes and the perspectives of the various regional and ideological groups that constitute the General Assembly. Despite its mandate, the Hostage Committee, after many vicissitudes, failed to produce a draft convention in the 3 weeks available to it.<sup>32</sup>

After the hijack on 12 October 1977 of the Lufthansa Boeing 737 aircraft, its 6,000-mile odyssey, the murder of its captain, and finally the rescue of the passengers and crew at Mogadishu on 18 October by a special unit of German

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forces, the International Federation of Airline Pilots Associations called a 2-day strike of mainly Western airlines. After the General Assembly agreed to debate within the Special Political Committee the issues of the pilots' concern, especially airport security measures, international cooperation in the apprehension, trial and punishment of the perpetrators of aerial piracy, and the problem of hijackers' "safe havens," the Federation agreed to postpone its threatened strike. Rather than discuss this emergency-inspired topic under one of the existing agenda items, a new agenda item "Safety of International Civil Aviation"<sup>33</sup> was inscribed and the Special Political Committee proceeded to debate the problem. This body drafted a Resolution that apparently satisfied the International Federation of Airline Pilots' Associations. On the other hand, a comparison of its operative paragraph 3 with the equivalent provision of the 1972 Terrorism Resolution,<sup>34</sup> namely paragraph 5, and paragraphs 1, 2, 3 and 4 of the General Assembly's 1970 Resolution on Aerial Hijacking or Interference with Civil Air Travel<sup>35</sup> illustrates a decline in the definitiveness and positivism of the language employed:

### 1977

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 1968, 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;

### 1972

*Invites* States to become parties to the existing international conventions which relate to various aspects of the problem of international terrorism;

### 1970

1. *Condemns*, without exception whatsoever, all acts of aerial hijacking or other interference with civil air travel, whether originally national or international, through the threat or use of force, and all acts of violence which may be directed against passengers, crew and aircraft engaged in, and air navigation facilities and aeronautical communications used by, civil air transport;

2. *Calls upon* State to take all appropriate measures to deter, prevent or suppress such acts within their jurisdiction, at every stage of the execution of those acts, and to provide for the prosecution and punishment of persons who perpetrate such acts, in a manner commensurate with the gravity of those crimes, or without prejudice to the rights and obligations of States under existing international instruments relating to the matter, for the extradition of such persons for the purpose of their prosecution and punishment;

3. *Declares* that the exploitation of unlawful seizure of aircraft for the purpose of taking hostages is to be condemned;
4. *Declares further* that the unlawful detention of passengers and crew in transit or otherwise engaged in civil air travel is to be condemned as another form of wrongful interference with free and uninterrupted air travel; . . .

Furthermore, the above formula used in the 1970 Resolution may be contrasted with that in the General Assembly's 1977 Terrorism Resolution. This reflection of the contemporary international consensus on the subject ordained that the *Ad Hoc* Committee on International Terrorism should merely study the "underlying causes of terrorism" before "recommending practical measures"<sup>36</sup> for combating it. Of the three resolutions agreed upon in 1977, that on International Terrorism was the most general and the mildest. On the other hand, that on interference with international civil aviation, while perhaps lacking the unequivocal force of the relevant paragraphs of the 1970 statement, was more strongly expressed than its two contemporaries; and the question of hostage-taking is the subject of continuing investigation, study and negotiation.

During February 1978, the General Assembly's *Ad Hoc* Committee on Hostages met in Geneva with a view, pursuant to a General Assembly Resolution<sup>37</sup> prescribing its mandate, to drafting an international convention against the taking of hostages. This committee would appear to have agreed that the taking of hostages is prohibited by international law. A number of States have asserted that safeguards to be assured to national liberation movements should in no way entail the granting of a license to take hostages. Certain participants have also pointed out that in drafting the Convention no confusion should be permitted between the status of prisoners of war (captive military personnel participating in hostilities) and hostages (human beings held in order to extract an advantage or concession, including money, from a third person). Some States have shown concern for safeguarding the right of asylum. Emphasis was placed on the obligation not to derogate from the duty to respect the territorial integrity and sovereign independence of States in connection with the release of hostages. Although certain technical and administrative articles were agreed upon, a convention could not be drafted owing to fundamental political differences over safeguarding the rights of movements of national liberation. The next meeting of the *Ad Hoc* Committee on International Terrorism will be held in 1979.

**"Host Country" Problems.** The United Nations seems to be confronted by the problem of terrorism in a number of additional contexts. For example, one is said to have arisen in the United States as the proceedings of the "Committee on Relations with the Host Country" reflected (this is a committee set up by the General Assembly to take care of such housekeeping problems as the complaints and conditions of life of diplomats and, generally, relations between the United States and the United Nations) at its 60th meeting:

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*Strongly condemns* the terrorist and other unlawful acts perpetrated against the Permanent Mission of the Union of Soviet Socialist Republics to the United Nations and its personnel as well as those committed against any other missions to the United Nations as fundamentally incompatible with the status of missions and their personnel under international law.<sup>38</sup>

It recommended at its 65th meeting on 9 November 1976, that:

Considering that the security of the missions accredited to the United Nations and the safety of their personnel are indispensable for their effective functioning, the Committee noted with satisfaction the assurances given by the competent authorities of the host country and recognizes the usefulness of the various measures taken to this end.

The Committee considered with deep concern the serious acts of terrorism and other criminal acts which had nevertheless been committed against several missions to the United Nations, their personnel and property, including demonstrations and picketing accompanied by violence, threats, malicious harassment, attacks and insults against personnel of those missions.

The Committee condemns terrorist and other criminal acts in relation to any mission, its personnel and property as being totally incompatible with the status of missions and their personnel under the norms of international law, especially those of the Vienna Convention on Diplomatic Relations of 1961.<sup>39</sup>

In this committee the inhibitions and hesitations so apparent in other committees were not so evident. Condemnations of "terrorism" in the United States was clearly felt not to need to wait upon the elucidation of causes as was, for example, the felt need for proceeding further with the far more generally formulated General Assembly Resolution 32/147 of 16 December 1977.<sup>40</sup>

**The Security Council and Entebbe—Invasion or Rescue?** The aerial hijack that led to Israeli action and that action itself at Entebbe Airport on 4 July 1976 precipitated a meeting of the Security Council. The Security Council held its first session on 9 July 1976<sup>41</sup> on the complaint dated 6 July 1976<sup>42</sup> of the Prime Minister of Mauritius on behalf of the Organization of African Unity, Heads of State and Government who were then present at the Organization's meeting then being held in Mauritius. The African complaint stemmed from the unpermitted use of force on Ugandan soil—President Amin never having agreed to the landing of Israeli forces. The subsequent meetings of the Security Council were inconclusive. Whereas one group of States, including the United States and the United Kingdom, stressed the need to condemn aerial hijacking, both in general and specifically with regard to the case before the Council, the Arab and African States stressed the need to condemn the action of the Israeli forces as contrary to Article 2 (4) of the United Nations Charter. Each side presented a draft resolution<sup>43</sup> that reflected the aspect of the debate it was stressing. Neither draft resolution was adopted. No permanent member of the Security Council used its

veto power. The somewhat analogous Mogadishu air rescue of the passengers of a Lufthansa aircraft by special forces of the Federal Republic of Germany over a year later did not stimulate the calling of a meeting of the Security Council because the Government of Somalia permitted the landing of the rescue team.

**Conclusion.** While the United Nations has tackled the problem of international terrorism through a plurality of organs and in terms of approaches to the subject in general and of specific topics, it becomes clear that the more general the topic undertaken the less effective the resultant action adopted. In addition, the greater the number of bodies deliberating on the topic, the less positive the resultant outcome appears to be. Again, the longer a formulation satisfactory to all points of view takes to emerge, the more insipid it becomes. On the other hand, when the issue is attached to a specific subject matter, for example acts of violence against representatives of States and diplomatic persons, or aerial hijacking, or a specific grievance, for the symbolic acts by various U.S. groups towards members of certain Missions to the United Nations and their families, the more definitive and effective the formulations of the organ's point of view becomes.

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Professor Goldie was serving as the Senior Legal Officer of the United Nations Secretariat at the time this article was first published.

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### Notes

The views expressed in this study are the *personal views* of the author and do not necessarily reflect those of the U.N. Secretariat.

1. (What you call "peasants without uniforms" and "murderers and highwaymen" are l'Ordenanza (militia) of the land who, as I have already had the honor of assuring you, are paid military bodies, commanded by officers, and operating under military law. It would appear that you require those who enjoy the rights of war to be uniformed but you should remember that you yourself have added to the glory of the French Army while commanding non-uniformed soldiers.) Reproduced in HALL, *A TREATISE ON INTERNATIONAL LAW*, 619, note 1 (8th ed. 1924).

2. For a study that discusses the limited areas of the specific competences of the General Assembly under the Charter of the United Nations and the scope and limits of its "recommendations" apart from specific topics it may regulate, see Sloan, *The Binding Force of a Recommendation of the General Assembly of the United Nations*, 25 Brit. Y.B. Int'l L. (1948); Cheng, *United Nations Resolutions on Outer Space: "Instant" International Customary Law*, 5 Indian J. Int'l L. 23 (1965). For the relevance of voting support for the United Nations General Assembly resolutions to the formation of international law, see Goldie, *The North Sea Continental Shelf Cases—A Ray of Hope for the International Court?*, 16 N.Y.L. Forum 325, 342-49 (1970), and the authors cited therein as participants in the debate.

3. a. Resolution on Safety of International Civil Aviation, Resolution No. 32/8;

b. 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, Resolution No. 32/147;

c. Drafting of an International Convention Against the Taking of Hostages, Resolution No. 32/148.

4. Resolution 2625 (XXV), United Nations, General Assembly, *Official Records*, Supplement No. 28, 25th Session, U.N. Document A/8023 (New York: 1971), p. 123.

5. Resolution 3314 (XXXIX), United Nations, General Assembly, *Official Records*, Supplement No. 31, 29th Session, U.N. Document A/9631 (New York: 1975), p. 143. Article 3, paragraphs (f) and (g) where the words referred to in the text are to be found, state the following to be acts of aggression (*inter alia*):

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(f) The action of a State in allowing its territory, which it has placed at the disposal of another State, to be used by the other State for-perpetrating an act of aggression against a third State;

(g) The sending by or on behalf of a State of armed bands, groups, irregulars or mercenaries, which carry out acts of armed force against another State of such gravity as to amount to the acts listed above, or its substantial involvement therein.

6. Resolution 2780 (XXVI), United Nations, General Assembly, *Official Records*, Supplement No. 29, 26th Session, U.N. Document A/8429 136 (1972).

7. *Id.*

8. Resolution 3166 (XXVIII), United Nations, General Assembly, *Official Records*, Supplement 30, 28th Session, U.N. Document A/9030 (New York: 1974), p. 146.

9. *Department of State Bulletin* 155 (21 February 1977).

10. Resolution 3166 (XXVIII) at 148.

11. *Id.*, at 145-146.

12. *Id.*, para. 6, at 147.

13. *Id.*, para. 4.

14. U.N. Document A/8791.

15. U.N. Document A/C.6/418.

16. *Id.*, at 40-41.

17. See Report of the *Ad Hoc* Committee on Terrorism, United Nations, General Assembly, *Official Records*, Supplement No. 28, 28th Session, U.N. Document A/9028 at 48 (1974).

18. United Nations, General Assembly, *Official Records*, Supplement No. 30, 27th Session, U.N. Document A/8730 119 (1973).

19. *Id.*, para. 10.

20. United Nations, General Assembly, *Official Records*, Supplement No. 28, 28th Session, U.N. Document A/9028 (New York: (1973).

21. *Id.*, at 20.

22. See Sixth Committee, Report, U.N. Document A/9410 (10 December 1973).

23. See Sixth Committee, Report, U.N. Document A/9947 (11 December 1974).

24. See Sixth Committee, Report, U.N. Document A/10465 (10 December 1975).

25. U.N. Document A/RES/31/102 (mimeo 19 January 1977).

26. *Id.*, Preamble.

27. *Id.*, para. 7.

28. Resolution 32/147, para. 7.

29. Agenda item 123. The Federal Republic of Germany introduced its draft resolution on 26 November 1966, A/C.6/L/10. It became U.N. General Assembly Resolution 31/103 (15 December 1976).

30. Resolution No. 31/105 (15 December 1976). See Report of the Sixth Committee, Drafting of an International Convention Against the Taking of Hostages, U.N. Document A/32/467 (15 December 1977).

31. Resolution adopted by the General Assembly, Drafting of an International Convention Against the Taking of Hostages. This was reflected in Resolution 32/148 of (19 December 1977).

32. See Report of the *Ad Hoc* Committee on the Drafting of an International Convention Against the Taking of Hostages, U.N. General Assembly, *Official Records*, Supplement No. 39, 32nd Session, U.N. Document A/32/39 (1977).

33. This became agenda item 129.

34. U.N. General Assembly Resolution No. 3034 (XXVII), U.N. General Assembly, *Official Records*, Supplement No. 30, 27th Session, U.N. Document A/8730 at 119 (1973). See also General Assembly Resolution on Aerial Hijacking or Interference with Civil Air Travel, Resolution No. 2645 (XXV), U.N. General Assembly, *Official Records*, Supplement No. 28, 25th Session, U.N. Document A/8208 at 126-127 (1971).

35. Resolution 2645 (XXV), U.N. General Assembly, *Official Records*, Supplement No. 28, 25th Session, U.N. Document A/8028 at 126 (1971).

36. See para. 7, Measures to Prevent International Terrorism Which Endangers or Takes Innocent Human Lives or Jeopardizes Fundamental Freedoms, and Study the Underlying Causes of Those Forms of Terrorism and Acts of Violence Which Lie in Misery, Frustration, Grievance and Despair Which Cause Some People to Sacrifice Human Lives, Including Their Own, in an Attempt to Effect Radical Changes. U.N. General Assembly Resolution 32/147. U.N. Document A/RES/32/147 (mimeo 8 March 1978). See also text accompanying n. 28.

37. U.N. General Assembly Resolution 32/148, U.N. Document A/RES/32/148 (mimeo 2 February 1978).

38. Committee on Relations with the Host Country, Report, U.N. General Assembly, *Official Records*, Supplement No. 26, p. 12, U.N. Document A/31/26 (New York: 1976).

39. *Id.*, at 22.

40. See nn. 28 and 36 and the text accompanying them.
41. See U.N. Document S/12126 (mimeo, 6 July 1976). See also:
  - a. Letter dated 6 July 1976 from the Assistant Executive Secretary of the Organization of Africa Unity to the United Nations addressed to the President of the Security Council (S/12126).
  - b. Letter dated 6 July 1976 from the Permanent Representative of Mauritania to the United Nations address to the President of the Security Council (S/12128).
  - c. Letter dated 4 July 1976 from the Permanent Representative of Israel to the United Nations addressed to the Secretary-General (S/12123).
  - d. Letter dated 5 July 1976 from the Charge d'Affaires, a.i., of the Permanent Mission of Uganda to the United Nations addressed to the President of the Security Council (S/12124) S/Agenda/1942 (12 July 1976).
43. Draft Resolution submitted by the United Kingdom and the United States, U.N. Document S/12138 (12 July 1976). Draft Resolution submitted by Benin, Libyan Arab Republic and the United Republic of Tanzania, U.N. Document S/12139 (12 July 1976).