The life span of an epidemic such as international terrorism depends largely on the response of the international community. When terrorists come to realize that their actions harm only themselves and their cause, the epidemic will subside.¹

William P. Rogers, U.S. Secretary of State, 1973

Introduction

Discussions of the Cold War often focus on high-profile developments like the Berlin crises, the Cuban missile crisis, the proxy wars in Africa and Asia, the emergence and breakdown of East-West détente, and the Strategic Defense Initiative of the 1980s. But the Cold War also witnessed an intense spate of international terrorism. Although the September 2001 terrorist attacks in the United States were unique in claiming nearly 3,000 lives, international terrorism during the Cold War also caused extensive bloodshed and stoked widespread fear. The live broadcast of the deadly terrorist attack against Israeli athletes at the Munich Olympics in 1972 highlighted the importance of the issue, as did the terrorist hijacking of a French passenger aircraft to Uganda’s Entebbe airport in 1976. Terrorism long predated the Cold War, but there was something special about it during the prolonged U.S.-Soviet standoff. With a largely bipolar division of the international system, most terrorists in one way or another accommodated themselves to the Cold War. The infamous terrorist groups in Italy, West Germany, and Japan all sug-


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gested with their names—containing the word “red,” mostly in connection with “army”—a certain affiliation with Communism. Moreover, many of the terrorist organizations of the Third World were supported by one of the superpowers. Consequently, as terrorism was so closely intertwined with the Cold War, so was anti-terrorism. International anti-terrorism policies were subjected to considerations pertaining to the overall global environment, either in terms of East-West competition, or as a function of North-South relations. Therefore, the debates about terrorism and anti-terrorism marked another battleground of the Cold War. This was most obvious at the “parliament of man,” the one organization that assembled the overwhelming majority of states: the United Nations (UN).

This article assesses how the UN addressed the problem of international terrorism in the 1970s. I start by looking at initiatives discussed in the UN General Assembly, in which all member-states are equally represented, because this body provides a better sense than the UN Security Council does of the stances of the international community. I explain how international terrorism, with all its complexity, emerged as an issue of concern to the international community. I then discuss the steps the UN took to combat terrorism and the problems that arose with three major anti-terrorism projects: the Ad Hoc Committee on International Terrorism of 1972; the 1973 Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents (Diplomats Convention); and the 1979 International Convention against the Taking of Hostages (Hostages Convention). In probing the motivations and positions on terrorism of the three important groups at the UN—the West, the East, and the Third World—I highlight the impact of the Cold War and its triangle of complex East-West, West-South, and South-East relations. The article concludes by explaining why the UN, despite achieving some incremental progress, failed to produce comprehensive measures against terrorism.

The article shows that anti-terrorism policies at the UN were an extremely sensitive issue because of the different definitions of this phenomenon held by each bloc, a factor that precluded any consensus about how to deal with the problem. However, because of changes in the international environment in the late 1970s—the decline of East-West détente and new international tensions that relegated terrorism to the back burner—some minor suc-

2. In this article, the term “Third World” will be used loosely, as it was by many Western diplomats and observers at the time, especially by the West Germans whose documents this article draws on. The term basically refers to all countries outside North America, Europe, Japan, Australia, and New Zealand.

cesses became feasible. The West-East-South triangle was crucial in shaping debates about international terrorism. Achievements on this front were possible only when the interests of each bloc were carefully taken into consideration.

The article draws primarily on West German archival sources, especially documents from the West German Auswärtiges Amt (Foreign Office). The Federal Republic of Germany (FRG) was subjected many times to terrorism, both domestic and international. Hence, West German leaders were extremely interested in possible responses to terrorism and carefully monitored the international environment regarding terrorism. The FRG also became active in launching counterterrorism initiatives of its own, such as the Hostages Convention.4

The study of international anti-terrorism efforts in the 1970s has attracted little attention from historians to date.5 This is unfortunate because scrutiny of the issue not only allows us to understand the history of terrorism as such (a field that deserves more attention than it has so far received) and the evolution of legal instruments that are still in place today but also to improve our understanding of the Cold War and its sub-conflicts.

Background: The International Community and International Terrorism

Although the dimensions, goals, and methods of terrorism have been somewhat fluid over time, the phenomenon is hardly new. It is a recurrent feature of human political relations. The first recorded instances of terrorism date back to antiquity, and the phenomenon was present—in one way or another—during all phases of political history. From the zealots of the first cen-

4. For more information, see, for example, Bernhard Blumenau, “The United Nations and West Germany’s Efforts against International Terrorism in the 1970s,” in Jussi M. Hanhimäki and Bernhard Blumenau, eds., An International History of Terrorism: Western and Non-Western Experiences (London: Routledge, 2013), pp. 66–85.

tury AD to the assassins of the Middle Ages to the French Revolutionaries, acts that were considered “terrorism” have been committed time and again throughout history.\(^6\) The truly international character of terrorism, however, evolved only in the nineteenth century when technological progress also worked in favor of the perpetrators of acts of terrorism. News and ideas traveled quickly by telegraph, and so did people on trains and in boats. Moreover, the invention of dynamite ushered in an entirely new era of political violence. Terrorism could now be committed with much larger effects—and could generate far greater fear.\(^7\) The best example of the cross-border nature of terrorism was probably the assassination of the Austrian Empress Elizabeth in the Swiss city of Geneva by an Italian anarchist in 1898.

The increasing number of such acts prompted states to meet and discuss the possibilities of improving intergovernmental cooperation to counter terrorism. However, as a result of unbridgeable differences among countries, the conferences of the late-nineteenth and early twentieth centuries produced no real results.\(^8\) The terrible impact that acts of terrorism could have on international relations became apparent when Austrian Archduke Franz Ferdinand was assassinated in Sarajevo in June 1914 by the Serbian nationalist Gavrilo Princip, an event that triggered the outbreak of the First World War.

A new wave of terrorism emerged in the interwar years, including the assassinations of Austrian Chancellor Engelbert Dollfuss, Serbia’s King Alexander I, and French Foreign Minister Louis Barthou. Consequently, the predecessor of the UN, the League of Nations, attempted to deal with terrorism and even drafted and adopted a convention that included a definition of terrorism.\(^9\) However, after changes in the international environment in the late 1930s shifted attention away from this topic, the convention never entered into force.\(^10\) The horrors of World War II and the terror committed by the

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6. For a good overview, see, for instance, Gérard Chaliand and Arnaud Blin, eds., *The History of Terrorism: From Antiquity to Al Qaeda* (Berkeley: University of California Press, 2007).


10. For a good assessment of the League of Nations’ efforts to combat international terrorism, see Ben Saul, “The Legal Response of the League of Nations to Terrorism,” *Journal of International Criminal
regimes of Iosif Stalin, Adolf Hitler, and—later—Mao Zedong were the background against which postwar politicians understood terrorism. The solutions offered against these atrocities were increased protection of human rights and civilian populations. Moreover, as decolonization gathered pace in the 1950s, terrorism was seen by some countries as a valid instrument of national liberation movements struggling for independence in Mandatory Palestine (and later, Israel), Algeria, and other parts of the Third World. At least from the point of view of the Western world, terrorism was not yet seen as a direct threat to Western security at home. Only when a new wave of social revolutionary terrorism hit the United States, Great Britain, Italy, Japan, and West Germany did the phenomenon of terrorism again attract major political attention in the West.

This new era started with the Palestine Liberation Organization (PLO) targeting not only Israeli citizens but also Western air passengers in the early 1970s. Terrorism was also carried to the West by groups such as the Weathermen Underground (in the United States), the Red Brigades (in Italy), the Japanese Red Army, and the Red Army Faction (in West Germany) to promote the “revolutionary struggle in the metropolises.” Most of the Western terrorist groups found their inspiration in campaigns by guerrilla movements in the Third World and even expressed an ideological affinity, as did many national liberation movements, with the Soviet Union. Consequently, the 1970s saw the attention of the world shift to what became acknowledged as a truly international phenomenon.

The 1970s, therefore, was when Western states developed a new interest...
in putting terrorism on the agenda of the UN. By then, however, the West faced an international community that had a very different view of how political violence should be dealt with and also—and more important—of the very definition of a "terrorist."

**Competing Depictions at the UN: Terrorists versus Freedom Fighters versus Dissidents**

The three decades following the end of the Second World War witnessed a remarkable change in the balance of power at the UN. The Security Council still reflected the power distribution of 1945, with a directorate of five permanent members endowed with the “primary responsibility for the maintenance of international peace and security.” However, a change had taken place in the General Assembly in favor of the Third World. Although the West and East had the absolute majority in 1945, the balance had shifted toward the South by the beginning of the 1970s. The Third World had a two-thirds majority by this time and focused the General Assembly’s attention on problems that were at the core of the Third World’s interests: namely, the ongoing struggle against colonialism and plans for a New International Economic Order. Third World issues increasingly dominated the agenda of the UN, and Western states were anything but happy with this development. U.S. President Richard Nixon privately complained about the “bunch of apes” that were in the UN, and the U.S. government noted a “stonewall front” of Third World states against the West. Other countries also shared this view, including the West Germans, who referred to the new political force of the Third World as a “Chaosmacht,” or “force of chaos.” For the most part, the East was somewhere in between these two sets of often opposing positions. The Soviet Union and its allies aspired to combine domestic interests with a policy of wooing the Third World, at least as far as the issue of anti-terrorism policies was concerned. Although positions on who was a terrorist and how to counter terrorism were sometimes diametrically opposed, it would be overly simplistic to suggest that there were homogenous “Western,” “Third World,” or “East-

ern” positions as such. However, some common, basic features emerged during the negotiations, and these give an idea of the differences between the blocs.

The West

In general, Western countries viewed a “terrorist” as a person who committed political violence against a government or citizens of a state in order to force the government to concede to specific political demands. The perpetrator could be either a foreigner (in the perception of the 1970s this usually meant a Palestinian) or a national of the home country. When looking at the sort of acts that Western states were concerned with, this definition is not surprising. West Germany, Italy, Japan, and the United States, as well as to some extent Belgium and France, were all hit by domestic terrorism committed by groups that at least claimed to have some leftist ideological affiliation. The Red Brigades in Italy, the Weathermen in the United States, the Japanese Red Army, and the Red Army Faction and the Movement Second of June in West Germany manifested this phenomenon of domestic social-revolutionary terrorism at this time. Later in the 1970s and then into the 1980s, France and Belgium faced terrorist threats from the Cellules Communistes Combattantes (CCC) and the Action Directe.\(^{19}\) Equally disturbing for Western governments were the acts of international terrorism committed against their citizens abroad. In most cases, these involved either the kidnapping and assassination of diplomats or the hijacking of aircraft.\(^{20}\) Add to this the abductions of Western citizens by so-called national liberation movements, especially in Africa, as well as attacks committed by Moluccan and Basque separatists and Irish Republican Army (IRA) members in Great Britain, and the Western perception of what “terrorism” means is complete.\(^{21}\) Hence, what Western governments


defined as terrorism and consequently wanted to fight at the UN was influenced by these experiences. This explained their strong emphasis on not including any exception whatsoever for national liberation movements and the avoidance of references to “innocent” (which implied the contrasting “guilty”) victims of terrorism. Western states in general had an interest in improving and fostering international cooperation and coordination against these forms of terrorism. In order to achieve this, legal instruments obliging states to grant each other assistance and introducing an obligation to try or extradite perpetrators (aut dedere aut iudicare) were deemed most useful.\(^\text{22}\) They were designed to discourage terrorists from committing attacks by depriving them of “safe havens” to which they could retire afterward.\(^\text{23}\) However, Third World countries had quite a different idea of “terrorism.”

**The Third World**

The position of Third World countries can be fully appreciated only by taking account of their particular experiences. Many members of this group of states had only recently become independent. In many cases, self-determination was not easily achieved and had to be gained through some form of armed struggle for liberation.\(^\text{24}\) Consequently, they were loath to consider acts of political violence committed in such circumstances as illegitimate. Indeed, they viewed “terrorist” tactics as inevitable when fighting a more powerful, stronger, and richer foreign force. This stance was reflected in the posi-

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\(^\text{22}\) This is not to say that anti-terrorism cooperation among Western states worked without problems. On the contrary, extradition in particular was a thorny issue. Traditionally, the key problem for cooperation had been the political offense exception and the extent to which “terrorism” could be depoliticized. Especially in a world that consisted of democracies and authoritarian regimes, someone who was considered a terrorist in a dictatorship might well qualify for political asylum in a more democratic state and thus not be subjected to extradition. This problem, which made anti-terrorism cooperation projects difficult in the nineteenth century, continued to exist in the 1970s. For the roots of this problem, see, for instance, Jensen, “The International Campaign against Anarchist Terrorism,” pp. 907–909; and Abraham D. Sofaer, “Terrorism and the Law,” *Foreign Affairs*, Vol. 64, No. 5 (1986), pp. 901–922. The political offense exception was also a problem for negotiations on the Council of Europe Convention on the Suppression of Terrorism of 1977 when France and the Nordic countries in particular insisted that acts that were political in nature should be excluded from the scope of the convention. See Schnellbrief Bundesministerium der Justiz an das Bundeskanzleramt, 2 March 1976, in Zwischenarchiv (ZA) 121074, Politisches Archiv des Auswärtigen Amtes (PA); and Geoffrey S. Gilbert, “Terrorism and the Political Offence Exemption Reappraised,” *The International and Comparative Law Quarterly*, Vol. 34, No. 4 (1985), p. 713.

\(^\text{23}\) Correspondance Européenne (COREU), 3 February 1976, in ZA 121074, PA.

\(^\text{24}\) The most prominent example is Algeria, but other countries such as Cyprus and even Israel were also founded partly through the use of a terrorist strategy in the struggle for independence. See Hoffman, *Inside Terrorism*, pp. 45–61. For another assessment, see Burleigh, *Blood and Rage*, ch. 4.
tion that the Third World took on terrorism throughout the 1970s. The decade saw a great deal of solidarity between established Third World countries and national liberation movements that were still actively engaged in the struggle for independence. Palestinians and Namibians were cited as primary examples of these still ongoing struggles, and solidarity with these peoples was seen as being dictated by reason and a matter of legitimacy for Third World governments. For most Third World countries, the perpetrators of acts of violence against an occupation regime were not the culprits; on the contrary, they were the victims. In their view, the real terrorists were the governments of states exerting control over the territories under dispute. The most prominent enemies of these movements and countries were the South Africans, because of apartheid and their rule in Namibia, and the Israelis, because of their occupation of Palestine. Thus, for the Third World, “terrorism” was not individual terrorism—as in the logic of the West—but state-executed or state-sponsored terrorism. Hence, Third World countries demanded that references to the legitimacy of the struggle for national liberation be included in all of the legal instruments that were debated at this time. The Third World could not countenance the adoption of conventions that in their view would justify the suppression of self-determination movements. Consequently, although terrorism was always to be condemned from the Western point of view, the Third World’s understanding of the issue allowed considerable latitude. According to this line of argumentation, the use of terrorist means might be “just” when pursuing self-determination by violent means as a last resort to fight foreign occupation. This would have to be differentiated from “unjust” terrorism—for instance, directly targeting civilians—perpetrated by the occupiers. Moreover, the Third World was committed to the removal of justifications of foreign intervention from the legal texts under consideration. Third World governments wanted to avoid a situations in which Western countries could abuse terrorism as a pretext for interventionism and thus to abrogate the principle of sovereignty.

The positions of the West and the Third World were diametrically opposed. Reconciling them required some willingness to compromise on both sides, as well as a certain level of ambiguity that allowed for different interpretations in a conducive international environment.

27. See, for instance, the debates about the “Anti-Entebbe Clause” for the Hostages Convention in Memorandum Abt. 5 an den Herrn Minister: Unsere Initiative für eine VN-Geiselnahmekonvention, 20 June 1978, in ZA 121078, PA.
The Eastern position was not as clear-cut as those of the other two blocs, but in general it lay somewhere between the two. Once again, taking account of the experiences with political violence helps to explain this policy.

The Soviet Union had an ambiguous relationship with terrorism. In the early twentieth century, “revolutionary terror” was an instrument that the Bolsheviks had employed to seize and consolidate power. Still, the Soviet bloc had not witnessed the same intensity of international terrorist attacks against either its citizens or its agents as the West had. Hence, addressing this problem was not as urgent a matter and consequently left more room for other political considerations. Exploiting the issue of terrorism to approach the Third World and to woo it was certainly an important factor. Ideally, this would drive a wedge between the West and the Third World—and provide an opening for Moscow.

The one aspect of terrorism that was of direct relevance for the Soviet Union, and the East in general, was hijacking. On several occasions, Soviet-bloc citizens had hijacked planes in order to defect to the West. This experience influenced the Eastern definition of a terrorist: they were either disidents or people who wanted to escape the country illegally. Therefore, the Soviet Union started its own initiatives to rule out the possibility that Western states would keep these defectors on their territory. Moscow wanted to oblige foreign governments—by means of bilateral treaties—to repatriate hijackers to the East. This way, potential defectors would be discouraged from such
actions because they would open themselves to extradition and return to their countries of origin for trial if they did manage to escape. The Soviet position was hardly reconcilable with Western sympathies for East-bloc political refugees. Consequently, the responses given to the Soviet Union were of a noncommittal nature, alluding to the many International Civil Aviation Organization (ICAO) conventions already in place and to the fact that these hijackers would actually be tried in the West for the crime of hijacking, allowing justice to be served. The only common ground that existed between the West and the East—and even the Third World—was the protection of diplomats.

Other than hijacking, the Eastern bloc had no real interest in the matter. In general terms, its argumentation, by alluding to the right to self-determination, was more in line with the Third World’s position. In hindsight, this is not surprising for two reasons: first, the Soviet Union and its allies were engaged in the training of groups in the Middle East that committed acts of terrorism; second, this topic provided an excellent basis for a rapprochement with the Third World, one that came at no cost to the Soviet Union. Opposing the West on this issue served, on the one hand, to make the West lose prestige at the UN and, on the other hand, showed the Third World that its real friends could be found only in the East. Unfortunately for the Soviet

32. Runderlass an die Botschaft Moskau und die Ständige Vertretung New York, 25 July 1977, in B83 987, PA. This Western attitude was also a consequence of the exception for political offenses, as discussed above.


Union, however, its clumsy diplomacy and the all-too-obvious ulterior motives behind its anti-terrorism policies did not bring it any closer to these goals.35

The UN Ad Hoc Committee on International Terrorism

The early 1970s were troubled times: terrorism was on the rise.36 As a result of the grisly attack by Japanese Red Army terrorists at Israel’s Lod airport in May 1972 and the massacre of Israeli athletes perpetrated by Black September terrorists at the Munich Olympics in early September 1972, UN Secretary General Kurt Waldheim felt he had to react to the emerging security concern of international terrorism.37 On 8 September he urged the UN General Assembly to include on its agenda an item on “Measures to prevent terrorism and other forms of violence which endanger or take innocent human lives or jeopardize fundamental freedoms.”38

35. For an example of Moscow’s sloppy diplomacy, see the unsuccessful Soviet attempts to play the Third World off against the West or to stall the negotiations on the Hostages Convention.


Meanwhile, the United States also became more active and suggested that the UN elaborate a “Draft Convention on the Prevention and Punishment of Certain Acts of International Terrorism.” This proposal was triggered by the Munich events and an increased number of terrorist incidents that saw U.S. citizens among the victims. However, the U.S. initiative faced immediate and harsh criticism, and it quickly became clear that Third World countries would try to water down as well as change the direction of the U.S. resolution. To many countries of the South, the U.S. initiative looked like a Western attempt to legitimate interventionism and a new form of colonialism. Rather than condemning international terrorism as such, Third World countries sought exceptions for certain situations, particularly those in which terrorist means were used in struggles for national liberation. Because the Third World enjoyed a majority in the General Assembly, it succeeded in producing a draft resolution reiterating the right to self-determination and the legitimacy of armed struggles to achieve it. In addition, the Third World managed to have a clause inserted into the draft resolution that condemned state terrorism exercised by racist, colonial, and alien regimes. This was a direct attack on the policies of South Africa and Israel. Finally, the draft resolution called for an analysis of the “underlying causes” of terrorism. This, again, linked terrorism with apartheid and the Palestinian problem. The phrasing of the resolution was opposed by Western diplomats, who viewed it as a justification for certain terrorist acts. Moreover, contrary to Western intentions, no consensus on concrete measures against international terrorism could be reached.

As a consequence, the proposition underwent a significant change of scope. Instead of banning terrorism altogether, it was now seen in Western capitals as making exceptions for situations in which acts of terrorism might be justified. Therefore, the United States and most of the other Western countries voted against General Assembly Resolution 3034 (XXVII) “On Measures to Prevent International Terrorism” on 18 December 1972. Nevertheless, the resolution was adopted via the Third World majority in the General


40. “Reaffirms the inalienable right to self-determination and independence of all peoples under colonial and racist régimes... upholds the legitimacy of their struggle.” The draft resolution was adopted as General Assembly Resolution 3034 (XXVII).

41. “Condemns the continuation of repressive and terrorist acts by colonial, racist and alien regimes in denying peoples their legitimate right to self-determination.”

The Soviet Union and its allies had shown some initial interest in supporting the U.S. initiative but soon shifted to the opposing camp when they noticed that the project would face severe resistance from the Third World. Through this strategy, Moscow hoped to increase its influence in the Third World, especially in the Middle East.

The measure ultimately adopted, Resolution 3034, set up an Ad Hoc Committee of the Sixth—or legal—Committee of the General Assembly on international terrorism, which was to meet every other year. However, the United States, with its draft greatly “deformed,” considered the project “sidelined indefinitely” and practically “buried.” Because of the recent events at the UN and the way the Third World managed to move the focus of the debate away from discussing the precise measures to be adopted and toward terrorism’s root causes, the U.S. government became concerned about an increased cohesion among Third World countries with respect to the issues that touched on national liberation movements, such as terrorism. The West Germans shared this assessment and alluded to general pessimism in the West about the feasibility of any anti-terrorism initiatives at the UN.

The developments of late 1972 are characteristic of the proceedings in the Ad Hoc Committee during the entire decade. The gap between the perceptions of the Third World and the West on how terrorism could be defined and what measures should be adopted was so significant that it prevented any serious outcome. During its sessions, the committee basically agreed to disagree, and sometimes even this was not possible. It failed to reach any compromises or produce any recommendations to the General Assembly; its only suggestion was to keep the issue on the UN agenda.

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43. For an assessment of the resolution, see, for instance, Romaniuk, Multilateral Counter-Terrorism, p. 40.
44. Ibid., pp. 39–40.
46. Action Memorandum From the Special Assistant to the Secretary of State and Coordinator for Combating Terrorism (Hoffacker) and the Deputy Legal Adviser (Maw) to Secretary of State Kissinger, Washington, 29 December 1973, in FRUS, 1969–1976, Vol. E-3, Doc. 213; and Memorandum From the President's Assistant for National Security Affairs (Kissinger) and the Assistant to the President for Domestic Affairs (Ehrlichman) to President Nixon, 17 January 1973, in FRUS, 1969–1976, Vol. E-3, Doc. 204
47. Airgram A-128 (see fn 17 supra).
50. Sofaer, “Terrorism and the Law,” pp. 904–905. See also, for instance, Report of the Ad Hoc Com-
poses, the Ad Hoc Committee became obsolete. In the mid- and late 1970s, the United States, the United Kingdom, and most Western states wanted to end the work of the Ad Hoc Committee and contemplated voting against the renewal of its mandate. They considered the committee useless or even dangerous to Western interests. Only the West Germans saw some use in the committee as a stage for Third World countries. Bonn were concerned that Western opposition to a renewal of the mandate might lead to an even tougher and more obstructive policy by Third World countries on other terrorism-related issues, such as hostage-taking. Consequently, the West Germans lobbied their Western allies to keep the committee alive.

Finally, the Ad Hoc Committee adopted a resolution in 1979 that was somewhat of a compromise in that it did not merely allude to the necessity of studying the root causes of terrorism but also proposed that measures should be adopted to oppose it. This could be considered a minimum compromise, one that served as an example and basis for consecutive resolutions adopted by the General Assembly after 1979 that gradually increased the normative condemnation of terrorism over the years. In this sense, the 1979 resolution marked not only the endpoint of a process but also the basis for continuing UN efforts against terrorism in the 1980s. Despite this relatively remarkable result, by the end of the 1970s, other issues in international politics were receiving much more attention. The Cold War was about to enter a new phase of tensions, and the struggle against international terrorism became less important because of this.

The Ad Hoc Committee, despite all its failings, did play one important role for the West. As several reports of the West German Auswärtiges Amt suggest, Bonn felt that the committee served as a public stage on which Third World countries could woo their domestic audiences with harsh speeches in...
favor of national liberation and against the West. This in turn allowed them to make silent compromises on other, more concrete, issues. Keeping the committee in session was therefore in the interest of the West, according to the West Germans.

The Diplomats’ Convention

In light of the “disheartening” results of the 1972 initiatives, the West was forced to change its policy at the UN. Instead of favoring the drafting of a comprehensive convention against terrorism, it shifted toward a piecemeal—or sectoral—approach in 1973. Despite the deadlock on terrorism at the UN, continuing terrorist attacks against diplomats in the late 1960s and early 1970s, especially in Latin America, posed an ongoing threat that urgently required a better international response. Diplomats had become primary targets for terrorists because they were highly symbolic victims. As Robert Friedlander writes, “Diplomats are not soldiers, but government functionaries—highly visible, thoroughly political, and frequently viewed as expendable. Therefore, . . . they make inviting targets.” However, as opposed to earlier hostage crises that mostly affected Western citizens, Soviet-bloc and even Third World diplomats had become targets of abductions and attacks in the 1970s. On this issue, the international community was truly united as victims. Therefore, unlike with the deliberations about several issues—the Ad Hoc Committee, the general nature of terrorism, and the appropriate means of responding to it—the majority of

56. This can be seen, for instance, in the U.S. and West German documents: Memorandum from Secretary of State Rogers to President Nixon, 8 January 1973, in FRUS, 1969–1976, Vol. E-3, Doc. 203; and Drahtbericht Beobachtermission bei den VN an das AA, 14 August 1973, B83 825, ZA.
UN members showed a great deal of overlapping interest in improving the protection of diplomats. In that respect the issue was the exception to the rule of anti-terrorism negotiations in the 1970s. The reasons for this unusual unity are not too difficult to understand: all countries had a shared interest in the orderly conduct of international relations by diplomatic means. Hence, not only the West but also the Soviet camp and even the overwhelming majority of Third World countries wanted to increase protection for diplomats. The right and recognition to engage in diplomatic relations is one of the most ancient expressions of sovereignty, and most Third World states in the 1970s were eager to uphold this principle because it was the ultimate expression of their independence. Moreover, the fact that this convention would principally benefit the very people who were negotiating it contributed to its speedy and successful adoption.

The first step was taken when, in light of the increasing number of assaults on diplomats, the International Law Commission (ILC) was entrusted with the elaboration of draft articles for a convention in 1971. Due to its heavy workload, however, the ILC did not submit its proposals to the General Assembly until 1972. The draft provided a basis for discussions among UN member-states. Yet old patterns resurfaced. Whereas the West sought a tough convention, Third World countries again wanted to include exceptions for acts of hostage-taking committed in struggles for national liberation. This time, though, the Soviet-bloc position was close to the Western one, and the Soviet Union even insisted on harsher measures against certain perpetrators because of Moscow’s interest in protecting its own diplomats. Eventually, spurred by the Khartoum embassy crisis of March 1973 (which also saw Arab diplomats among the victims), the negotiations for the text were finished in the autumn of 1973. The convention—together with an accompanying resolutionhighlighting the legitimacy of the struggle for national liberation—was

then adopted in December 1973. Adopting a resolution that would always be published together with the convention was a compromise reached between the positions of the Third World and the West on national liberation movements; it allowed countries room to maneuver on the issue. States in favor of a more rigid stance, such as Canada and West Germany, were well aware of this and issued separate statements underlining their convictions that the resolution would not allow for exceptions regarding the scope of the convention.

Despite the impressive success of the Diplomats Convention, which was adopted in record-breaking time, Western states were realistic enough to understand that the example of this convention could not be repeated. The speedy adoption of the instrument and the ideologically neutral atmosphere in the negotiations could not realistically serve as a blueprint for other conventions. The specific constellation that united the interests of the majority of UN member-states in normal diplomatic relations was an exception in an environment that was otherwise hostile to comprehensive anti-terrorism initiatives. The negotiations for the Hostages Convention proved that this assessment was correct.

The International Convention against the Taking of Hostages

For several years the West German government had contemplated introducing a draft to the UN that would focus on increasing cooperation among states in anti-terrorism matters. But both Germanys had only recently been admitted to the UN (in 1973), and therefore such a project would have to be

67. As early as 1975, the first plans to launch an initiative at the UN were sketched. However, the international environment for such a project was deemed hostile at the time: Memo Referat 230 an die Referate 500, 502, 511: Maßnahmen in den VN zur Bekämpfung des internationalen Terrorismus, 7 May 1975, in B83 983, PA; Memo Referat 230 an die Referate 500, 502, 511, 7 May 1975, in ZA 121069, PA; and Memo Referat 500 an das Referat 230, 1 July 1975, in ZA 121069, PA.
carefully prepared in order not to lead to a major diplomatic confrontation and embarrassment. The Federal Republic, with its exposure to acts of both domestic and international terrorism, found hostage crises to be an issue for which international cooperation still had to be improved. Therefore, triggered by the December 1975 hostage crisis at the Organization of Petroleum Exporting Countries (OPEC), the Auswärtiges Amt elaborated plans for a UN initiative that would eventually lead to the adoption of a convention against the taking of hostages.68

Although the West Germans wanted to avoid a direct link between this issue and the general debate about terrorism and national liberation, it was obvious from the outset that this would be impossible. Nonetheless, in early 1976, Bonn started talks with its European Communities (EC) partners and with key Third World countries to prepare the ground for the initiative.69

These high-flying plans soon experienced a reality check. They were at risk of being torn apart in internal European Political Cooperation talks, as well as in the ongoing political struggle between the West and the Third World. West Germany’s EC partners were especially reluctant to support the project. Most of them feared that the fate of the hostage initiative would be similar to that of the 1972 Ad Hoc Committee or, even worse, would be exploited by the Third World to legitimize certain acts of terrorism. Still, the West Germans wanted to pursue their initiative and had some official backing, at least from the United States, the Netherlands, Ireland, and Italy.70 France, however, which was one of Bonn’s most important partners, remained skeptical of the initiative during the entire negotiating process.71

To decrease the diplomatic risks involved in such a project, the Auswärtiges Amt eagerly looked for other countries to cosponsor the initiative. Because the EC partners could not reach a common position on the project,

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69. Runderlass, 13 January 1976, in ZA 121070, PA.


the West Germans had to turn toward states outside the Western bloc. Thus, when the initiative was finally presented to the UN in the autumn of 1976, the cosponsors consisted mainly of smaller countries from all over the world. This was part of West Germany’s strategy to avoid the impression that it was a neocolonial project of the big Western states.72

In spite of these preparations, the negotiations were still lengthy and cumbersome, and the bone of contention was again the question of whether exceptions for national liberation movements should be included. Western states maintained their position that such a clause would not be acceptable and that the initiative should be withdrawn rather than be “deformed” to such an extent. Meanwhile, the Third World insisted on a reference to the legitimacy of the struggle for national liberation and insisted that the convention would apply only to incidents of hostage-taking of “innocent” victims.73

This proposal suggested that citizens of certain countries, such as Israel and South Africa, that were allegedly practicing state terrorism against national liberation movements were not innocent victims and, hence, that the convention would not extend to such cases. The controversy was over whether acts of violence committed by national liberation movements against these civilians should qualify as terrorism. Libya went even further and suggested that people being subjected to colonialism or racism should be considered hostages. The state or government responsible would hence be a hostage taker.74

A solution to the problem of “innocent” versus “guilty” victims was not reached until early 1979, after more than two years of negotiation. A compromise was struck that referred to the principle of self-determination in the preamble, and Article 12 of the convention excluded acts committed in armed conflicts—including struggles for self-determination—from the scope of the convention.75 This compromise was made possible by the adoption in 1977 of the First Additional Protocol to the Geneva Conventions of 1949.76 Conse-
quently, acts of hostage-taking committed by national liberation movements no longer had to be covered by the Hostages Convention, because international humanitarian law would now apply to them.77

A successful resolution of the major political problems related to the convention was made possible at two sessions of the Ad Hoc Committee on the Hostage Taking Convention that took place in small groups in Geneva. This allowed for an informal atmosphere conducive to compromises. The negotiations that finally led to the breakthrough were held in 1978 by a core group comprising West Germany, the United States, Algeria, and Mexico and in 1979 by West Germany, Great Britain, Iraq, Jordan, and Yugoslavia.78 The convention was finally adopted in December 1979. The decade of UN anti-terrorism endeavors that had started so badly nonetheless ended on a successful note.

Although the more radical Third World countries, such as Algeria and Libya, displayed public hostility to anti-terrorism projects during the four years of negotiations leading to the adoption of the Hostage Taking Convention, it is interesting to note that they still exercised a degree of restraint. They demanded that the legitimacy of the struggle against colonialism and foreign occupation be recognized, but they always maintained a level of flexibility that allowed negotiations to continue.79 No Third World country had a serious interest in causing the negotiations to fail. The double strategy of the West Germans—to have the general debates carried out in the Ad Hoc Committee on International Terrorism while the serious negotiations were con-

Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations.”

77. Sofaer, “Terrorism and the Law,” p. 916; and Verwey, “The International Hostages Convention and National Liberation Movements,” pp. 71–78, 84–89. For example, the West German government, which initiated the Hostages Convention project, always wanted to exclude the issue of hostage-taking committed by national liberation movements from the negotiations. As the West German representative to the UN, Rüdiger von Wechmar, pointed out in 1976, “My Government’s initiative . . . was never directed against the liberation movements. We always felt and still feel that our initiative is dealing with a field of international law quite different from the one that rules liberation struggles.” He went on to explain that from the point of view of the federal government, struggles of national liberation would fall within the field of a non-international armed conflict as covered by the Geneva Conventions and the Additional Protocols. Those cases would thus already be regulated, and the West Germans “do not want to touch this field of international law. In comparison international law of peace appears to us unsatisfactory with regard to the said phenomenon of hostage-taking. . . . [Hence, the convention] intends to fill gaps which exist only in international law of peace.” See Statement Made by the Delegation of the Federal Republic of Germany on August 15, 1977, n.d., in B83 988, PA. For a more general overview of how international humanitarian law deals with terrorism, see Andrea Bianchi and Yasmin Naqvi, International Humanitarian Law and Terrorism (Portland, OR: Hart Publishing, 2011), esp. chs. 2–3.

78. Drahtbericht Ständige Vertretung bei den VN (Genf) an das AA, 14 February 1978, in ZA 121078, PA; Drahtbericht Ständige Vertretung bei den VN (Genf) an das AA, 18 February 1978, in ZA 121078, PA; and Drahtbericht Ständige Vertretung bei den VN (Genf) an das AA, 15 February 1979, in ZA 121080, PA.

79. Runderlass, 27 December 1979, in ZA 121080, PA.
ducted discreetly in the anti-hostage-taking committee—proved to the right one.

Although Third World countries were willing to cooperate, the Soviet bloc was much more obstructive. Despite reassurances from Soviet diplomats that they had an interest in the prevention of further hostage crises, the actual policy practiced by the USSR and its allies suggests that their most important goal was to prevent a Western success on this front. On several occasions, Soviet representatives tried to halt or stall negotiations by raising last-minute objections after compromises had been achieved. This was all the more surprising to the other participants because the Soviet bloc had kept a low profile during most of the negotiation stages, raising its voice only when all seemed to have been settled and done. The strategy backfired, however. On the issue of terrorism the Soviet Union and its allies at the UN found themselves isolated. Developing countries had a real interest in ensuring the survival of the compromises that had been reached, and they were determined not to open Pandora’s Box again. The Soviet Union’s goal of appealing to the Third World by taking an obstructive stance thus came to naught, and its last-minute objections were little more than an attempt to prevent the successful adoption of a convention that was largely based on a West German—and, hence, Western—draft. This was Cold War politics par excellence.

Conclusions

Dealing with the issue of international terrorism at the UN, including how to define terrorism and what measures to take against it, proved to be challenging. As a consequence of the different positions among—and even within—the various political blocs, it was extremely difficult to reach a consensus on common action. Even today, despite the end of the Cold War, the different stances taken on the issue by different groups of states have prevented a comprehensive solution. In the 1970s, the different regional experiences, interests, and ideologies, and especially the hostile Cold War environment, did not allow for a major breakthrough on the issue. Terrorism debates at the UN became a diplomatic battleground of the Cold War. Moreover, within the UN the increased antagonism between the newly politically powerful Third World and the West manifested itself in the debates about terrorism. The

80. Drahtbericht Ständige Vertretung bei den VN an das AA, 5 December 1977, in ZA 121078, PA; and Drahtbericht Ständige Vertretung bei den VN (Genf) an das AA nr. 339, 16 February 1979, in ZA 121080, PA.

vague, ambiguous, and sensitive issue of “terrorism” became entangled with other considerations, including the struggles for a New International Economic Order, against apartheid, for the independence of Palestine and Namibia, and for more “justice” between North and South in general. The term and concept of “terrorism” is highly political—and politicized—and the Cold War global order further magnified and cemented existing differences in defining and dealing with terrorism.

Even though the 1970s was the era of détente, a comprehensive solution for international terrorism could not be found. As public attention became less preoccupied with major Cold War crises, negotiations about anti-terrorism instruments at the UN came into the spotlight, attracting global attention. Paradoxically, this made the process of reaching compromise all the more difficult.

Similarly, as Cold War tensions surged in the late 1970s and as national liberation became less of a dominant issue for the Third World, some success—albeit limited—was possible. The moderate final suggestions of the Ad Hoc Committee on International Terrorism in 1979 and the adoption of the rigid Hostages Convention testify to this. The most successful strategy to deal with terrorism at the time was to focus on specific aspects, such as attacks against diplomats or the taking of hostages. On these issues, a common ground among the blocs developed that was significant enough to serve as a basis for the elaboration of legal instruments. Moreover, the reservations of some states about extraditing perpetrators of terrorist acts to other countries were eased by inserting an aut dedere aut iudicare clause into the conventions: a state could extradite a perpetrator or try that person itself.

The changes that appeared in the international environment toward the end of the 1970s also influenced anti-terrorism negotiations at the UN. Public interest in this matter decreased as Cold War tensions again mounted. Consequently, the 1980s witnessed another round of anti-terrorism negotiations that led to conventions such as the 1980 Convention on the Physical Protection of Nuclear Material, the 1988 Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, the 1988 Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, and the 1988 Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf. Further conventions followed in the 1990s and 2000s. The groundwork for this development was laid at the UN in the 1970s: all of the later

82. An up-to-date list of existing conventions against terrorism within the framework of the UN can be found at the website of the UN Action to Counter Terrorism: “International Legal Instruments to Counter Terrorism,” http://www.un.org/terrorism/instruments.shtml.
conventions followed the sectoral approach that had been developed in the preceding decade.

The 1970s at the UN resembled the 1930s at the League of Nations in that anti-terrorism policies during both periods and at both institutions could not be separated from the overarching logic of the international system. The debates about international terrorism at the UN were another diplomatic battleground of the Cold War.