

## **Chapter IX**

### **DECISIONS IN THE EXERCISE OF OTHER FUNCTIONS AND POWERS**

## NOTE

Decisions of the Security Council relative to recommendations to the General Assembly regarding the admission of new Members and other questions of membership have been dealt with in chapter VII, and the decisions on the questions considered under the Council's responsibility for the maintenance of international peace and security in chapter VIII. During the period under review no further action was taken by the Council regarding the decisions taken in 1970<sup>1</sup> and 1972,<sup>2</sup> on the question of hijacking, in the exercise of other functions and powers under the Charter.<sup>3</sup>

The issue of hijacking did arise on one occasion, however, in connection with the complaint by the Prime Minister of Mauritius, current Chairman of the Organization of African Unity (OAU), of the "act of aggression" by Israel against Uganda, and in the course of its consideration of that item the Council voted upon a draft resolution dealing with the question of hijacking which referred to the Security Council consensus on that subject of 20 June 1972. As past practice has been to present decisions relating to the question of hijacking in this chapter, the case history is offered below.<sup>4</sup>

<sup>1</sup> Resolution 286 (1970). See *Repertoire of the Practice of the Security Council, Supplement 1969-1970*, chap. IX, for the case history.

<sup>2</sup> Consensus of 20 June 1972. See *Repertoire of the Practice of the Security Council, Supplement 1972-1974*, chap. IX, for the case history.

<sup>3</sup> Decisions concerning the relations of the Security Council with other organs of the United Nations, arising from Articles 12, 93, paragraph 2, and 97 of the Charter, are covered in chapter VI.

<sup>4</sup> The case history presented below focuses on the Council's consideration of this item as it relates to the question of hijacking; for a complete history see chapter VIII.

### COMPLAINT BY THE PRIME MINISTER OF MAURITIUS, CURRENT CHAIRMAN OF THE ORGANIZATION OF AFRICAN UNITY, OF THE "ACT OF AGGRESSION" BY ISRAEL AGAINST THE REPUBLIC OF UGANDA

**Decision of 14 July 1976 (1943rd meeting):** rejection of the two-Power draft resolution.

At its 1939th to 1943rd meetings, from 9 to 14 July 1976, the Council considered the complaint by the Prime Minister of Mauritius, current Chairman of the OAU, of the "act of aggression" by Israel against Uganda, which dealt with the Israeli raid on Entebbe Airport following the hijacking of a French aircraft.

In the course of the meetings on this item, virtually every member of the Council condemned hijacking and affirmed the need for further international action to combat international terrorism; however, a number of delegations objected to a discussion of the question in the current debate on the grounds that it represented a departure from the agreed agenda.<sup>5</sup> At the 1940th meeting, the representative of the Libyan Arab Republic, speaking on a point of order, stated that he opposed the attempts to distract the Council from its agreed agenda by debating the hijacking,<sup>6</sup> to which the President of the Council replied that any item had always been interpreted with some latitude and it was the duty of each participant to stick to the item, but not with such a restrictive interpretation.<sup>7</sup> At the 1941st meeting, the representative of the United Republic of Tanzania voiced objections similar to those of the Libyan Arab Republic, and stated that his delegation would have preferred the case of the violation of Uganda's sovereignty to be treated on its own

merits, and the question of hijacking, with all its implications, also to be treated on its own merits.<sup>8</sup>

Other delegations asserted that the Council could not consider the episode at Entebbe without also considering the events that had led to it, with a view to preventing future occurrences of a similar nature. At the 1940th meeting, the representative of the United Kingdom, recalling previous action by the international community in connection with hijacking, stated that what was needed now was: (a) to make the existing international action as effective as possible and to ensure the maximum compliance with it by all members of the international community; and (b) to consider whether there was any further action that the international community, and specifically the United Nations, could take so as to prevent further acts of hijacking and to punish those responsible.<sup>9</sup>

The representative of the United States, at the 1941st meeting, stated that his delegation believed strongly that the Council should address itself to the causes of incidents such as that which had occurred in Uganda, and once again take positive action to put an end to such senseless violence. The Council should reaffirm its opposition to hijacking, which was expressed in the Council's consensus decision on hijacking adopted on 20 June 1972, and take a firm stand against terrorist hijacking, which was one of the most dangerous threats to peace and security in the world today.<sup>10</sup>

<sup>5</sup> In addition to the statements cited below, see 1941st mtg.: Benin, paras. 4-26; USSR, paras. 144-171 and 1942nd mtg.: Mauritius, paras. 151-160.

<sup>6</sup> 1940th mtg., paras. 6-12.

<sup>7</sup> *Ibid.*, paras. 22 and 23.

<sup>8</sup> 1941st mtg., paras. 97-120.

<sup>9</sup> 1940th mtg., paras. 90-109.

<sup>10</sup> 1941st mtg., paras. 70-96. For other statements calling for international action against terrorism, see 1941st mtg.: Federal Republic of Germany, paras. 46-61; 1942nd mtg.: Japan, paras. 48-58; and 1943rd mtg.: Italy, paras. 54-67.

At the 1940th meeting, the representative of the United Kingdom, on behalf of the United Kingdom and the United States, introduced a draft resolution<sup>11</sup> that, in its second preambular paragraph, recalled the Council's decision on hijacking adopted by consensus on 20 June 1972, and other international instruments against hijacking, and in its operative part would have the Council: condemn hijacking and all other acts that threatened the lives of passengers and crews and the safety of international civil aviation and call upon all States to take every necessary measure to prevent and punish all such terrorist acts; deplore the tragic loss of human life that had resulted from the hijacking of the French aircraft; reaffirm the need to respect the sovereignty and territorial integrity of all States in accordance with the Charter of the United Nations and international law; and enjoin the international community to give the highest priority to the consideration of further means of assuring the safety and reliability of international civil aviation.<sup>12</sup>

At the 1943rd meeting, on 14 July 1976, the draft resolution received 6 votes to none, with 2 abstentions, and was not adopted having failed to receive the required majority. Seven members did not participate in the vote.

Prior to the voting, at the same meeting, the representative of Pakistan stated that, while his Government was opposed to and deplored hijacking and would be ready to contribute to a discussion of the question at the proper time and place, the draft resolution before the Council was not really related to the subject matter under discussion, and therefore his delegation would not be able to participate in the vote.<sup>13</sup> Other members gave similar reasons for not participating in the voting.<sup>14</sup>

After the vote, at the same meeting, the representative of the United Kingdom stated that his delegation's interest in sponsoring the draft resolution had been to promote an equitable and balanced resolution covering all aspects of the events at Entebbe in a way that they hoped would lay the groundwork for future international co-operation to deal with the scourge of terrorism. He added that although it had not been possible to agree on action at the current time, they hoped that the debate would serve as a stimulus to further international discussion, particularly on the subject of hijacking, and that some time in the near future they would be able to agree on action in the United Nations that would prevent future acts of terrorism.<sup>15</sup>

<sup>11</sup>S/12138, OR, 31st yr., Suppl. for July-Sept. 1976.

<sup>12</sup>1940th mtg., paras. 102-109.

<sup>13</sup>1943rd mtg., paras. 151-155.

<sup>14</sup>See 1943rd mtg.: Guyana, paras. 156-158; Benin, para. 159; and USSR, paras 160 and 161.

<sup>15</sup>*Ibid.*, paras. 164-177.