

# THE UNITED NATIONS & TERRORISM

GERMANY,  
MULTILATERALISM,  
& ANTITERRORISM  
EFFORTS IN  
THE 1970s



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BERNHARD  
BLUMENAU



# The United Nations and Terrorism

*Also by Bernhard Blumenau*

AN INTERNATIONAL HISTORY OF TERRORISM: Western and Non-western Experiences (*co-edited with Jussi M. Hanhimäki*)

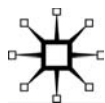
# The United Nations and Terrorism

Germany, Multilateralism, and  
Antiterrorism Efforts in the 1970s

Bernhard Blumenau

*Research Fellow, Graduate Institute of International and Development Studies,  
Geneva, Switzerland*

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*Für meine Eltern*

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# List of Abbreviations

AA	<i>Auswärtiges Amt</i> (West German Foreign Office)
AAPD	<i>Akten zur Auswärtigen Politik der Bundesrepublik Deutschland</i>
BKA	<i>Bundeskriminalamt</i> (Federal Criminal Police Office of Germany)
BMI	<i>Bundesministerium des Inneren</i> (Federal German Ministry of the Interior)
BMJ	<i>Bundesministerium der Justiz</i> (Federal German Ministry of Justice)
BPA	<i>Bundespresseamt</i> (Office of the Spokesman of the German Government)
CEO	Chief Executive Officer
CIA	Central Intelligence Agency
CoE	Council of Europe
COREU	<i>Correspondance Européenne</i> (EC communication network)
CSCE	Conference on Security and Cooperation in Europe
DC	McDonnell Douglas (aircraft)
DFLP	Democratic Front for the Liberation of Palestine
EC	European Communities
EPC	European Political Cooperation
ETA	<i>Euskadi Ta Askatasuna</i> ('Basque Homeland and Freedom')
FOIA	Freedom of Information Act
FRG	Federal Republic of Germany
G7	Group of 7
GA	General Assembly of the United Nations
GDR	German Democratic Republic
GSG 9	<i>Grenzschutzgruppe 9</i> (West Germany)
ICAO	International Civil Aviation Organization
ILC	International Law Commission
IR	International Relations
IRA	Irish Republican Army
JCL	Jimmy Carter Presidential Library
M2J	Movement Second of June
MP	Member of Parliament
NATO	North Atlantic Treaty Organization
NLM	National liberation movements
NPM	Nixon Presidential Materials

NSC	US National Security Council
OAS	Organization of American States
OAU	Organization of African Unity
OPEC	Organization of Petroleum Exporting Nations
PA	Politisches Archiv des Auswärtigen Amtes
PFLP	Popular Front for the Liberation of Palestine
PLO	Palestine Liberation Organization
PRC	People's Republic of China
RAF	Red Army Faction
RC	Revolutionary Cells
SAS	Special Air Service (UK)
SC	Security Council of the United Nations
SEK	<i>Sondereinsatzkommando</i> (Special Response Units of the German <i>Länder</i> polices)
SG	Secretary-General of the United Nations
StGB	<i>Strafgesetzbuch</i> (Penal Code of Germany)
TWA	Trans World Airlines (US)
UAE	United Arab Emirates
UKNA	National Archives of the United Kingdom at Kew
UN	United Nations Organization
US	United States of America
USSR	Union of Soviet Socialist Republics
USNA	United States National Archives at College Park, MD
WEOG	Western European and Others Group at the UN
ZA	Zwischenarchiv of the Politisches Archiv

# Introduction

On Monday, 17 December 1979, the United Nations' (UN) General Assembly (GA) unanimously adopted Resolution 34/146. Thus began the procedures whereby states could sign the International Convention against the Taking of Hostages (hereafter 'Hostages Convention'), which had been negotiated at the United Nations for the past three years. At the same time as the resolution was adopted and the signatures were made, 52 US diplomats were being held hostage at the American embassy in Tehran, which highlighted the particular and contemporary importance of the convention. A West German initiative to fight hostage-taking, a project that had seen many ups and downs (probably more downs than ups), had successfully been adopted by the international community. A few days later, an elated West German ambassador to the UN, Rüdiger von Wechmar, would put his signature under the convention. It was a project that had been sceptically viewed by the majority of states ever since the Federal Republic of Germany (FRG) introduced it to the UN in September 1976. Dealing with terrorism – hostage-taking being intimately linked to that practice – the critics had argued, would be too complicated for it ever to be possible to find the necessary majority of states to agree upon it. And indeed, prospects had been poor. Terrorism touched on a broad array of very sensitive matters: sovereignty and foreign interventions, national interests, different definitions, diverging legal traditions, the Cold War, the North-South divide, and last but certainly not least, national liberation movements, decolonisation, and the right to self-determination. Faced with such an explosive mixture of highly controversial concepts, how could any antiterrorism instrument ever be adopted? And yet they were.

The UN, over the course of the 1970s, passed two international anti-terrorism treaties: a convention for the better protection of diplomatic agents against acts of terrorism (in 1973, which shall be called the 'Diplomats Convention' henceforth) and the aforementioned Hostages Convention. That only two conventions were adopted might seem insignificant and discouraging, but in light of the tremendous difficulties that the negotiations faced, it is nevertheless a noteworthy success. What made this success possible? What other antiterrorism projects did the UN GA attend to in the 1970s? What triggered these negotiations, what difficulties did they run into, and who posed these problems? This is one set of questions that this book addresses.

Insofar as it is a history of UN antiterrorism efforts, it focuses on the GA, perhaps not the most important but certainly the most representative body of the organisation. This is only logical since, as Ben Saul has pointed out, the Security Council only started addressing terrorism sporadically in the 1980s and 1990s, and this only changed after 2001: 'The question of terrorism was largely consigned to the General Assembly ... reflecting the structural dichotomy between the Assembly as the "soft UN" and the Council as the "hard UN".'<sup>1</sup> This study is therefore also a contribution to the – still small – literature on international efforts, especially within international organisations, to fight the scourge of terrorism in the past.

But this story is also, and above all, an account of how West Germany participated in the global struggle against terrorism and how it came to influence and eventually lead it. This is all the more fascinating as Germany<sup>2</sup> was a country that still lacked absolute sovereignty, a nation that was divided, a state on the front line between East and West, a country with considerable global economic interests and yet only a marginal global political role. Germany was still blamed by many countries and people for the terrible war it had unleashed some 30 years before, and had only joined the UN in 1973. It was also a state that had its most fervent rival, the German Democratic Republic (GDR), sitting right next to it at the UN, separated not by an Iron Curtain but by a small aisle. Openly or discreetly, both were fighting a diplomatic war all around the world, and most certainly at the UN. How, then, did West Germany participate in the struggle against terrorism at the UN? What were its motives and strategies? What were the driving forces for the policies in Bonn and at the UN? How did Bonn manage to steer this struggle in the second half of the decade? This is the second group of research questions that shall serve as the framework for this book.



I argue that West German antiterrorism policies at the UN have, from the very start, always been an interplay between necessity and prestige. While at the beginning of the decade the necessity of creating a better legal framework to deal with terrorism certainly dominated other considerations, the desire to foster Germany's prestige was already looming in the background: in the 1970s, Germany had reassumed its place among the most influential countries in the world, at least economically. However, in political terms, the FRG still remained a dwarf. It was the desire to match its rising economic power with increased political weight or prestige that fuelled the antiterrorism policies at the UN for the better part of the decade.

What is meant by 'necessity' here is the practical need for better legal grounds for catching terrorists, for extraditing them if need be, and for making their crimes punishable under national law so that prosecution is indeed ensured. Moreover, it comprises the idea of establishing rules and modes for cooperation between states in order to close safe havens and to thereby – ideally – prevent terrorists from committing attacks. In that sense, 'necessity' alludes to the lack of legal provisions and *modi operandi* to deal with terrorism effectively. When acting out of necessity, Germany acknowledged this gap in legal instruments to foster state cooperation against terrorists and to ensure the prosecution of suspects. By contrast, 'prestige' refers to concepts of soft power and influence.<sup>3</sup> This consideration affected Germany's policy to the extent that the country wanted to gain more say and influence at the UN – and thus by extension on global affairs. When this consideration became dominant, German UN policy strategists were not primarily concerned with better antiterrorism instruments. Instead, they intended to use the issue of terrorism to demonstrate their country's active participation in international platforms and make Germany's contribution to the UN noticeable. This, they thought, would give the country a stronger international profile, visibility, influence, and therefore power. It was Bonn's attempt to play a more important role in world affairs.

While this is predominantly a historical study, one can try to account for Bonn's foreign policy – and in a larger context to assess the UN member states' efforts against terrorism – through the theoretical frameworks of the key International Relations (IR) schools, namely, realism, functionalism, and constructivism. Realism sees national interests, power projections, and influence as the driving factors of foreign policy. According to this school, Bonn pursued these antiterrorism policies in order to improve its power and international standing. In other words, Bonn's

power projections through an active antiterrorism policy, notably its ability to coerce other states into adopting policies that it devised, would help establish Germany as an important actor in international politics. This would give the Germans a competitive advantage over other states. Realism has some resemblance to the pursuit of 'prestige', but does not entirely explain Germany's pursuit of multilateral antiterrorism policies and search for international cooperation at the UN. Functionalism holds that states cooperate when the incentive is big enough, on issues of common concern, through the multilateral frameworks of international organisations. Therefore, Germany sought international cooperation when there was a necessity for norms and procedures that only the international community at large could establish and implement effectively. This resembles the idea of 'necessity' being behind Bonn's policies, but it does not fully explain Germany's motivation either. Lastly, one could take this further and assume that states have, through practice and slowly internalised conviction, constructed shared principles or norms. This identity would then lead them to seek international antiterrorism cooperation and instruments almost automatically. This would lead us to the theory of constructivism, which also shows similarity with the notion of 'necessity' as developed before. Germany could be seen as a convinced champion of a world, which is determined by a common understanding of the importance of slowly developed international legal norms. When dealing with terrorism, these norms would thus have to be either developed or further refined. But this would only explain to some extent why Bonn pursued these strategies. Consequently, this study reveals that none of these IR approaches can explain Bonn's motivations or the developments at the UN on their own. Germany, through its post-war history, highly valued the role of an international community built upon shared legal principles and certainly wanted to further this project. Bonn believed in the rule of international law not just out of conviction but also because it lacked any other instruments to look after its own interests. The federal government also realised that to achieve better prosecution of and protection from terrorism and to attend to the threat effectively, international cooperation was the best way to get there. Terrorism being indeed an international concern meant that only the enhanced cooperation of states could solve this problem satisfactorily. But lastly, Bonn pursued these efforts more out of self-interest than an internationalist normative conviction. Germany wanted to secure national interests namely to be rid of terrorism and to close safe havens that offered impunity from punishment and would therefore continue to encourage terrorists to commit attacks against German interests and

citizens. It also wanted to ensure a broad international consensus so that it would not be singled out by terrorists as the main enemy. To take this even further, Bonn chose antiterrorism efforts not only because this was an important international problem but because it was seen as a field of international politics in which the country could gain international influence and increase its demonstration of power. Consequently, as is mostly the case in history, there is no monocausal explanation. Aspects taken from all of these theories explain Bonn's motivation at different stages to some extent, but none of them exclusively grasps it in its entirety.

Yet this monograph is more than just a study of West German policy alone. Due to the forum<sup>4</sup> in which these policies were implemented – an international organisation, *the* international organisation – this book is also an account of how antiterrorism instruments were negotiated in one of the most diverse, complicated, and even antagonistic entities in the world and in world history: the UN. Terrorism in the 1970s had simply become too international, too interwoven with global politics, to be dealt with purely on a domestic and national level. Multilateralism<sup>5</sup>, so it seemed in the 1970s and still appears today, was the only way that promised some success in coping with the scourge of mankind that was terrorism. This is the first comprehensive archival study of the UN's antiterrorism efforts in the 1970s, a decade that was crucial in shaping responses to the threat. The 1970s set the basis from which future instruments against terrorism could be developed in the decades to follow. It was in this decade that the basic features found their way into UN anti-terrorism efforts, features that are still applied today: multilateralism, a legal approach, focusing on certain aspects of terrorism rather than the whole phenomenon as such, and the *aut dedere aut iudicare* principle of either trying or extraditing a suspect.<sup>6</sup> The detailed assessment of the negotiations on international terrorism will provide a wealth of information for scholars interested in the UN, international organisations, international law, and terrorism, as well as antiterrorism. But of course this monograph will also prove insightful to scholars of German history and foreign policy. The book will show how the 'piecemeal approach' to terrorism emerged not by accident but as a result of conscious and strategic decision-making in the West. It will also demonstrate how the global political environment – the Cold War and the North-South divide – affected and shaped antiterrorism efforts. Lastly, by looking at the example of intraministerial struggles in West Germany, the chapters will prove the impact of bureaucratic politics on antiterrorism negotiations at large.

To answer the questions raised above and to show the evolution of the policies and negotiations, Chapter 1 will first provide a background on the domestic struggle with terrorism in the FRG. It will outline the escalation of more or less peaceful student protests in the late 1960s into outright violence, and terrorism, in the early 1970s. In doing so it will provide a short historical assessment of the three most important leftist terrorist groups in Germany in the 1970s: the Red Army Faction (RAF), the Movement Second of June (M2J), and the Revolutionary Cells (RC). This chapter will thus present the challenge that terrorism posed to the German state, and its domestic responses, both in terms of legislation and policing. But the chapter will also work as a basis for Chapter 2 in sketching out the international dimension to domestic terrorism in Germany and thus the motivation for the German government not only to design domestic solutions but to turn to the international community.

Chapter 2 will then continue by looking at case studies of hostage-taking and hijackings that had a direct impact on the German government's determination to pursue multilateral efforts against terrorism at the UN. The first time that it occurred to Bonn that Germans – German diplomats, to be precise – could become victims of international terrorism was the abduction and assassination of West Germany's ambassador to Guatemala in 1970, Count Karl von Spreti. This incident urged the government to seek – unsuccessfully – international responses to an international phenomenon. The hostage-taking of the Israeli athletes by Palestinian terrorists at the Munich Olympics in 1972 certainly served to demonstrate to the world, and to Bonn, that international terrorism was there to stay.<sup>7</sup> It was also a crisis that brought Germany's international reputation as an important variable into the equation of multilateral antiterrorism efforts for the first time. Even after the Munich attacks, Bonn still estimated – or hoped – that the FRG could slip under the radar screen of global terrorism again. The attempted kidnapping of the West German ambassador to Sudan in 1973 in the course of the Khartoum embassy crisis, however, proved that these hopes were misplaced. German citizens, officials, and interests remained a target of choice of terrorists, not just in Germany but also abroad. Therefore, Chancellor Helmut Schmidt and his cabinet saw a window of opportunity for multilateral action against terrorism opening when the oil ministers of the Organization of Petroleum Exporting Countries (OPEC) were taken hostage by a group of Palestinian and German terrorists led by Carlos the Jackal in December 1975. All of a sudden it appeared that it was possible that even Arab states could unite behind a policy line

on terrorism at the UN, now that they had fallen victim to terrorism as well. It was after the OPEC events in late 1975 that the federal government's plans for a West German antiterrorism project at the UN took shape. To what extent the FRG was sucked into the maelstrom of international terrorism became even more evident during the Entebbe crisis in 1976. A French jetliner was hijacked and flown to Uganda by what seemed at first only Palestinian terrorists. However, this crisis was to become a nightmare for German decision-makers. While there were no Germans among the hostages, most of them were Israelis, and the hijackers demanded the release of RAF prisoners. The crisis, and Bonn's dilemma as to whether or not to give in to the demands, was solved in a surprise release operation by Israeli antiterrorism squads in Entebbe. The problem that such a situation could arise again anytime encouraged the federal government to go ahead with its antiterrorism initiative for the Hostages Convention at the UN. One year after Entebbe, in 1977, the necessity for better coordination among states to fight terrorism became apparent during the hijacking of the Lufthansa jet *Landshut* with roughly 90 people on board. The plane's odyssey through southern Europe and the Middle East, and the unwillingness of most governments in the region to cooperate with Germany in the resolution of the crisis, demonstrated once again how urgently a better legal anti-terrorism framework was needed. The successful commando operation of the counterterrorism unit *Grenzschutzgruppe 9* (GSG 9) on 18 October 1977 led to a great wave of sympathy for and acknowledgement of West Germany, one that Bonn and its diplomats at the UN tried to translate into success for its antiterrorism project, although they ultimately failed to exploit it properly. All of these case studies directly affected West Germany's multilateral antiterrorism policies.

Having demonstrated the need for better multilateral instruments for antiterrorism cooperation, Chapter 3 will then turn towards the early efforts of the UN to fight terrorism and West Germany's involvement in them. The main focus is on two UN projects: an ad hoc committee that was to negotiate a comprehensive convention against terrorism and the negotiations for the Diplomats Convention. West Germany joined the UN in 1973, and until then only had indirect influence on the negotiations of these two items. After their accession, the Germans became openly involved in negotiating the Diplomats Convention. Contrariwise, they only supported the Ad Hoc Committee insofar as it allowed states more hostile to antiterrorism cooperation to express their opinions in that forum without causing too much trouble elsewhere. This chapter will also look at some other antiterrorism initiatives, such

as a Belgian proposal for an anti-hostage-taking convention and German contemplations about a treaty against safe havens, which were discussed but never implemented.

Chapter 4 will then turn towards West Germany's most important multilateral antiterrorism project at the UN in the 1970s: the Convention against the Taking of Hostages. This chapter will explain why and how the negotiations for the Hostages Convention started in 1976 after the OPEC crisis and how the project was launched after the Entebbe hijacking. It will show Germany's interests in the matter as well as the negotiation strategy of pursuing the project at three places: at the UN, in Bonn, and by using German embassies all over the world to put pressure on governments that were sceptical of the plans. Chapter 4 will also demonstrate that by the time the convention project was launched it was already at least as much about prestige as it was about necessity.

Finally, Chapter 5 addresses the direct negotiation of the Hostages Convention and the issues that produced the biggest bones of contention. It will also turn towards the two rounds of negotiations in Geneva in 1978 and 1979 that finally led to important breakthroughs and the adoption of the convention. During these negotiations, it again becomes apparent that the German quest for prestige was a driving force behind the project.

The conclusions will sum up the major findings and provide an outlook of the further developments at the UN after the 1970s. It will also assess the relevance of these negotiations in the 1970s for international antiterrorism efforts today and the role that Germany could play in them.

\* \* \*

UN policy is foreign policy. This applied to the West Germans just as much as to most other countries. But foreign policy is also a function of domestic policy. The UN provides an excellent stage on which not just to impress foreign diplomats but also to communicate with a state's domestic audience. It also offers a forum in which one can address issues that one state feels it cannot cope with alone. The UN is a playground for multilateralism, and that concept has dominated German politics ever since the end of World War II.<sup>8</sup> With the foundation of the FRG in 1949, the country enjoyed only very limited sovereignty, and over the course of the next decades not only had to win back trust from its neighbours but also independence from the Occupying Powers of the Potsdam Agreement. The first chancellor (and foreign minister) of post-war Germany, Konrad Adenauer, thus pursued a foreign policy

that emphasised two important aspects: a firm integration of the FRG into the Western alliance – economically, politically, and militarily – and a strong reliance on multilateralism. Never again, he hoped, would Germany stand isolated and aggressive in the international community. These two concepts, being intimately intertwined, and the policies that flowed from them – European integration, UN membership, and the North Atlantic alliance for instance – were the pillars upon which West German foreign policy would stand until 1990 and arguably beyond. Another important aspect influenced Bonn's policy as well: the desire for reunification with the other half of the German nation, the GDR. While this aim – albeit the primary dictate of the German post-war constitution – was officially evoked by Adenauer occasionally, it took a backseat to Western and European integration. That changed in the 1970s. In many respects, this decade was a watershed for the country's foreign policy. Initiated by Chancellor Willy Brandt, *Ostpolitik* put the focus back on reunification, and while it was conducted in a way that ensured multilateralism – through intimate consultations with the allies – it also gave the country more room for manoeuvre. West Germany sought to conduct a more independent foreign policy within the overarching limitations of the bipolar Cold War system. Moreover, in terms of economic and financial politics, Germany assumed a leading position in global affairs. Emerging from the *Wirtschaftswunder* as one of the most important economies in the world and as one of the biggest export powers, the FRG played a major role in international economic affairs in the 1970s, for instance, in the newly created Group of Seven (G7). Then again, the country was an important member and indeed driving force in the European Communities (EC) and tried – at least in the early 1970s – to give some shape to the concept of a coordinated European foreign policy within the framework of the European Political Cooperation (EPC). This was indeed a difficult task – and largely unsuccessful, as this study will reveal as well.<sup>9</sup> Yet the 1970s were also the era of the Cold War: while the first half of the decade was marked by decreased tensions between the blocs in Europe, the latter half of the 1970s saw a re-intensification of the struggle between the United States (US) and the Soviet Union. Driven between alliance politics, global economic interests, the German-German struggle, the North-South divide, and the desire to keep European détente alive in the 'Second Cold War', Bonn was eager to leave a more visible West German mark on international politics. Antiterrorism policies at the UN were seen by Chancellor Schmidt, but especially by Foreign Minister Hans-Dietrich Genscher,<sup>10</sup> as the perfect opportunity to accomplish this task.

Domestically, the 1970s marked a shift in many ways as well. Emerging from the student protests of the 1960s, the young West German democracy faced the worst crisis since 1945: terrorism. While the actual number of casualties resulting from terrorist acts against Germany and Germans pales in comparison with the statistics for ordinary murders or traffic accidents, it was still perceived by a large part of the population and the government as a serious – *the* most serious – threat to democracy. However, not only was the challenge of terrorism allegedly a danger to the *Rechtsstaat*, or the rule of law, but so were the responses of the authorities, which were critically observed by both Germans and foreigners. These reactions were seen as the acid test of the West German Republic, and if it failed, so many people especially on the left end of the political spectrum assumed, it would lead to a return to totalitarianism and the re-emergence of the ‘evil German’. From the early 1970s on, terrorism was omnipresent in German society: the police publicly hunted suspects and attempted to enlist public support to that end. The intellectual elite critically engaged with terrorism and counterterrorism. Families debated the right way to deal with the crises, as armoured cars, police tanks, and heavily armed policemen guarded the streets of Bonn and elsewhere. A good snapshot of the situation, and hysteria, is provided in a contemporary movie: *The Lost Honour of Katharina Blum* directed by Volker Schlöndorff and Margarethe von Trotta and based on a novel by Heinrich Böll. But while the media tended to overdramatize the threat that terrorism posed, it was nevertheless a real problem, if not to the very pillars of the state, certainly to the lives of key actors and ordinary Germans alike. Terrorism reached its climax in the German Autumn of 1977, when the FRG was in a de facto state of emergency for two months. Such a perceived threat had many implications. As already mentioned, it was reflected in literature, art, and cinema. Domestic politics, the police, and the judiciary had to find ways to deal with it. German society as a whole debated what to make of the ‘terrorists’ or *Revoluzzer* and how seriously to take the unidentifiable group of sympathisers. And finally, terrorism also influenced West Germany’s foreign policies, as this book will demonstrate. The reason for this was that the FRG simply could not deal with it alone, even if it wanted to. Terrorists crossed borders easily, but the police could not. Terrorist crises involving German citizens abroad were even more delicate to deal with. There were constitutional obstacles to using the armed forces abroad to resolve these crises (aside from the fact that this would raise serious questions about sovereignty), so this was not an option. But even had the Basic Law, Germany’s constitution, allowed for the deployment of the army in such cases, the special



past of National Socialism and Germany's aggression towards other countries was still looming so large in the background that a military operation to free hostages, possibly even without the consent of the country concerned, was simply impossible. With this option removed, the only alternative left was to foster legal grounds for international cooperation in the fight against terrorism. The goal was to discourage perpetrators from committing acts of terrorism in the first place because of an expressed willingness of countries to eliminate safe havens and to close legal loopholes that would enable terrorists to escape prosecution. Moreover, as some of the case studies in this book demonstrate, especially the Entebbe incident in 1976, terrorist crises abroad could have potentially dangerous repercussions on diplomatic relations with important countries. Therefore, developing common procedures among states as to how to deal with terrorism and rallying countries behind the intention to fight terrorism would also reduce potential diplomatic fallout. The biggest shortcoming of this approach was its reliance on fighting the syndromes of terrorism rather than its roots. Domestically, it was difficult to address the basic motivator of social-revolutionary terrorism in Germany as it would have questioned the very political structure of German democracy. Giving in to the basic demand of a few German terrorists would have meant re-introducing dictatorship (in this case of the proletariat) to Germany, which was out of the question and therefore out of consideration. Internationally, Bonn was equally unmotivated to investigate root causes as they were typically extremely complex (one only has to look at the Palestine Question to understand that rationale) and would have taken a very long time to be resolved, if ever. In Germany's view it was simply impossible to wait that long to fight the very current and pressing excrescences of terrorism.

The complexity of terrorism is nowhere better depicted than in the discussions about the definition of the phenomenon. The term and notion of 'terror', 'terrorism', or indeed 'terrorist' is very vague, subject to political interpretations, and has changed over the centuries. At different stages in history it was (ab)used to label politically motivated groups, state practices, religious sects, or individuals. The term always bears a political connotation, and is subject to interpretation depending on who used it, when, where, and under what circumstances. That is certainly why it is so difficult to find consensus on an academic definition of 'terrorism'<sup>11</sup> among scholars.<sup>12</sup> So far, this endeavour has been unsuccessful, and Ben Golder and George Williams – quite aptly – compare it to the quest for the Holy Grail.<sup>13</sup> Alex P. Schmid has edited a major book on the problem, comparing many different definitions, and

has still failed to synthesise all of them into one practical and accepted definition.<sup>14</sup> Certainly, this present study does not have the ambition of finding the Holy Grail nor of elaborating a commonly acceptable definition of terrorism.<sup>15</sup> But evidently, one could ask how the federal government defined 'terrorism' in the 1970s. The answer is quite simple: it did not. While a special section of the Penal Code was introduced in 1976 – §129a of the West German *Strafgesetzbuch* – making the creation of and membership in a terrorist organisation a criminal offence, it nevertheless did not properly define what was meant by the term 'terrorist organisation'.<sup>16</sup> Based on extensive archival research, it is fair to say that 'anarchism' and – since the mid-1970s – progressively more often 'terrorism' were the umbrella terms loosely used by the AA (*Auswärtiges Amt*, West German Foreign Office) and other ministries to designate all acts of political violence. When using the term 'international terrorism', they specifically referred to all of those acts that had an international dimension to them. Thus far, the international community has also failed to find a broadly accepted definition of 'terrorism', and therefore this study will use the term in the loose meaning that it had for the German government in the 1970s.<sup>17</sup>

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While literature on terrorism is growing quickly, the historical evolution of both terrorism and antiterrorism is still understudied. As David C. Rapoport correctly pointed out, '[n]o good history of terrorism exists'.<sup>18</sup> The attempts by the UN to attend to terrorism in the 1970s – long before 11 September 2001 – and even more so the impact that West Germany had on international antiterrorism efforts, have not, to date, received sufficient attention.<sup>19</sup> This book aims to narrow this gap in the scholarship by drawing largely on formerly inaccessible documents from German archives (the Politisches Archiv of the Foreign Office [PA]), as well as American (the Jimmy Carter Presidential Library [JCL] and the National Archives at College Park [NARA]), and British ones (the National Archives at Kew [UKNA]). Given the nature of the UN negotiations – between states through their foreign ministries – the most important German archive is the PA, which has extensive documentation of the UN antiterrorism negotiations. They provide a very detailed account of the genesis of the UN conventions and the policies of the German government, as well as the background negotiations with other governments. The UN is mostly understood here as a forum where states meet to discuss and negotiate responses to terrorism. However, as this study

will reveal, occasionally the UN – through the Secretary-General Kurt Waldheim or his staff – acted as the agenda-setter. UN officials sporadically tried to give new impetus to stalled negotiations through public interventions or background talks with important actors involved, such as the Germans. Their intentions are not difficult to guess: to have the international community adopt more antiterrorism conventions within the UN framework and thus strengthen not only the international anti-terrorism structure but also the UN's own role. Predominantly, however, this is a study of how states – and one state in particular, namely, West Germany – through diplomacy bargained and negotiated antiterrorism treaties within the framework of an international organisation. Yet this book goes beyond classic diplomatic history by also contextualising the federal government's multilateral antiterrorism policies within the broader socio-cultural and socio-political situation in West Germany in the later 1960s and throughout the 1970s. Moreover, the extent to which domestic terrorism in Germany and the government's reactions to terror were intertwined with acts of terrorism committed against Germany abroad is revealed in the case study section. This chapter serves to show the international character of terrorism in the 1970s – and in fact ever since then – which simply required concerted international action. This justifies this book's focus on the UN as the biggest international organisation in the world, with a clear mandate to ensure peace and security, the rule of human rights, the primacy of international negotiations over international conflicts, and the right to self-determination, all of which were intimately linked to terrorism. This study focuses on the 1970s since archives are only currently releasing documentation for the 1980s – and these documents are essential in order to draw an accurate picture of what was negotiated and how. Another reason for the temporal delimitation of this book is that Germany's interest in elaborating further antiterrorism instruments at the UN dropped significantly after its big project, the International Convention against the Taking of Hostages, was adopted in 1979. The country had exhausted its resources and enthusiasm for the years to come.

In many ways, this book provides the groundwork, as it, for the first time, gives a detailed assessment not only of West Germany's multilateral policies against terrorism but also a thorough account of UN antiterrorism efforts in the 1970s. Therefore, it also intends to provide a basis on which future research on more precise aspects of the issues examined here can be conducted.

# 1

## Domestic Terrorism in Germany in the 1970s

### **'1968' and the student movement**

In the mid-1960s a spectre was haunting the West, the spectre of revolution. Almost all of the countries in Western Europe and North America experienced a previously unknown wave of civil protests – mostly by students – that attacked conventional societal norms and strove for reform.<sup>1</sup> Within a few years, domestic tensions caused by the global phenomenon of civic rebellion intensified in many countries of the world:

By 1968 rebellion produced revolution. Young men and women took to the streets, smashing symbols of government legitimacy. In Berkeley, Washington, D.C., and other American cities mobs blocked buildings, burned streets, and fought with the state's armed police and military forces. In West Berlin and Paris, students built barricades and engaged in street battles with police. In Prague, men and women demonstrated for freedom and independence from Soviet intervention. In Wuhan young Red Guards seized weapons from the army and used them against their elders. This was a truly 'global disruption' that threatened leaders everywhere.<sup>2</sup>

What started as a movement to enhance civil rights for African Americans in the United States (US) quickly transformed into a protest against the Vietnam War and soon spilled over to Western Europe.<sup>3</sup> In the Federal Republic of Germany (FRG), the protest against the German government's support for the – allegedly – imperialist policy of the US in Vietnam was one of the points of contention.<sup>4</sup> The US Department of State instructed the US embassy and consulates in West

Germany to set up special programmes in order to counter the spreading anti-Americanism. These projects were aimed at the hearts and minds of German students and the broader German public. However, all of these efforts did not prevent increasing anti-Americanism among West German students.<sup>5</sup>

But the protests in the FRG had a genuinely German dimension as well. First of all, they expressed opposition against the federal government, which was a Grand Coalition of Social Democrats and Christian Democrats that had been in power since 1966. As a consequence of this coalition, the opposition in parliament was marginalised and only consisted of the Liberal Party. To compensate for this lack of parliamentary opposition, an extra-parliamentary opposition was formed that took to the streets, the *Außerparlamentarische Opposition*.<sup>6</sup> The protesters claimed that parliament was no longer a forum for political exchange as it was dominated by the governing coalition. Moreover, the passing of the so-called *Notstandsgesetze*<sup>7</sup> (Emergency Laws) by the Grand Coalition in the absence of any serious opposition in parliament further solidified the impression among protestors that the political democratic process was in great distress. This resulted in an increased rift between the established political parties and institutions on one side and groups of students on the other.<sup>8</sup> The Grand Coalition led to a crisis regarding the legitimacy of the political system that found its expression in the student protests. The protestors' perceptions of a new authoritarianism or even totalitarianism in Germany made some factions of the student movement resort to violence in 1967 and 1968. This 'abolition of the distinction between legality and illegality was misused as an argument for violence, [and] offered a first taste of the terrorist excesses [of 1970], and their ideological justification'.<sup>9</sup> Another genuinely German reason for the protests was the country's Nazi past and the alleged lack of a thorough examination of this period. The generation of people that came of age during the 1960s wanted to know what their parents and grandparents had done – or had failed to do – during the Third Reich. Even 20 years after the end of the Second World War many people still kept silent about the Third Reich in general and the Holocaust in particular. It was certainly true that in many families, the issue of personal involvement in the Third Reich was still a taboo subject. Thus, *Vergangenheitsbewältigung*, while underway at the macro-societal level – with the Auschwitz Trials starting in 1963 – had not yet reached the micro-societal level: the family.<sup>10</sup> This lack of recognition of personal and individual guilt on the part of their parents upset many young people. A third factor for the protests was the conditions at Germany's universities. A common slogan at the

time was: 'Underneath the professors' robes is the dust of one thousand years'.<sup>11</sup> The universities were in urgent need of reform as they were still applying the rules and customs of the 19th century in a Germany that had significantly changed.<sup>12</sup> The majority of students peacefully involved in the protests had this change as their major objective. This mixture of domestic and international factors led to the student protests of the late 1960s.

The nonviolent demonstrations started off in West Berlin and quickly spilled over to West Germany. It is therefore interesting to briefly assess the special situation of West Berlin in order to understand its important role not only as the starting point of the student protests but also as the cradle of West German terrorism later on. Its special status also mattered in the 1970s when Bonn was negotiating antiterrorism treaties at the United Nations (UN). As a result of the Potsdam Agreement of 1945, West Berlin was divided into three sectors administered by the three Western Occupying Powers. While it was closely associated with the FRG, it was not an integral part of West Germany.<sup>13</sup> West Berlin was hence a special case, a *Sonderfall*. This resulted in several special regulations. For instance, the FRG had an interest in making West Berlin a 'show window' of the Free World, and hence it heavily subsidised public life there.<sup>14</sup> Moreover, due to its special status as not being part of the West German state, there was no military conscription in West Berlin, which motivated many left-wing young men to move to the city.<sup>15</sup> Consequently, the majority of students in the city were more left-wing than in most other university towns in Germany. This provided a good breeding ground for the protests of the mid-1960s.<sup>16</sup> For the same reason, in the 1970s, the German terrorist groups found many sympathisers in West Berlin.

The protests of the mid-1960s, while a nuisance to politicians, were still predominantly peaceful. However, they radicalised in the course of 1967 and especially in 1968. During a demonstration against Shah Mohammad Reza Pahlavi of Iran and his wife in Berlin on 2 June 1967, the situation escalated when the police decided to forcefully end the demonstrations. A policeman – who was also an agent of the East German *Staatssicherheitsdienst* (State Security), as was revealed in 2009 – shot Benno Ohnesorg, a student.<sup>17</sup> This date, 2 June, is seen as a catalyst that led to the radicalisation of the protest movement.<sup>18</sup> The attempted assassination in 1968 of Rudi Dutschke, the spokesman of the movement, further added to the violent momentum. This led to the so-called Easter Rising in 1968, which saw the first violent attacks against symbols of conservatism and alleged reactionary forces, such as the Springer

media group.<sup>19</sup> Springer, especially through its most widely read newspaper, *BILD*, had a right-wing leaning and led a campaign against the student movements and thus became one of the preferred targets of the protests.<sup>20</sup>

With the election of Willy Brandt as federal chancellor in 1969 and his promise to 'risk more democracy', the student movement and its protests lost momentum.<sup>21</sup> Brandt symbolised a new style: he was an enemy of the Nazis, the mayor of West Berlin, and a soon-to-be Nobel Peace Prize laureate whose famous visit to the Warsaw ghetto in 1970 became a signal not only to West Germany's neighbours but also to the Germans themselves that a new chapter in dealing with the Nazi past had begun.<sup>22</sup> Consequently, the protests ebbed, and many of the people involved in them decided that the best way to change German society was from within, so they started 'their long march through the institutions'.<sup>23</sup> However, a small group of protestors decided to go underground and carry the struggle to the next level in order to achieve not only reform of the political system but outright revolution: these were the groups from which the terrorists of the 1970s evolved.

The legacy of '1968' in Germany has several aspects. First, it led to liberal reforms of societal norms, traditions, and the understanding of authority as well as to a liberalisation of universities and academia in general.<sup>24</sup> It profoundly changed Germany in the long run. Second, the scepticism of the 1960s regarding US policy and motives, especially among the younger generation, produced a latent tendency of anti-Americanism. The German-American irritations surrounding the Iraq War of 2002–2003 can, to some extent, be attributed to the impact that '1968' had on the German political leadership of the early 2000s.<sup>25</sup> The German politicians involved in these decisions, such as Chancellor Gerhard Schröder, Foreign Minister Joschka Fischer, and Minister of the Interior Otto Schily were, after all, the children of the revolution.

The problems that Germany had in dealing with the student protests of the 1960s – and in a way also with terrorism in the 1970s – can also be understood as a clash of generations. It was, once again, a genuinely German characteristic of this global phenomenon of '1968'. On the one hand, there was the Weimar generation, now in its 50s and 60s. For the Germans who grew up during the unstable times of the Weimar Republic with its many political – and very violent – struggles, the protests of the 1960s resembled the street fights between the Left and the Right before 1933. After 20 years of social peace and prosperity, seeing violent mass protests again must have evoked memories and fears of a time long forgotten: a new Weimar. A natural reflex was to call

for a tough reaction by the state in order to avoid a repetition of the chaos that eventually led to National Socialism.<sup>26</sup> On the other hand, there was the post-World War II generation. They grew up after the fall of the Third Reich and during the cosy days of the *Wirtschaftswunder*, West Germany's economic miracle. For them, the Weimar Republic was only a distant memory of a former generation. However, the youth were very concerned about what excessive state violence could lead to. The example of the Third Reich still loomed large in the background. Their initial reflex was to resist tough state reactions as they were thought to be the first signs of the re-emergence of authoritarianism.

The late 1960s and the early 1970s were hence marked by a considerable difference in perceptions and reactions. The Weimar generation called for a strong state and the post-World War II generation was suspicious of exactly that: an overreaction of the state. This phenomenon can explain the ambiguous societal reaction to the student protests in the 1960s and to domestic terrorism in the following decade.

## **Terrorism in Germany: 'The war of 6 against 60,000,000'**

### **The Red Army Faction**

The most prominent protestors who decided to follow a radical track of violence in order to achieve political change were Horst Mahler, Andreas Baader, Gudrun Ensslin, and Ulrike Meinhof.<sup>27</sup> Mahler was a lawyer with strong socialist leanings. He lost his lawyer's license in 1969 and became more radical by committing arson and other criminal acts. Mahler was arrested in 1970 and turned his back on the Red Army Faction (RAF) in 1975. In the 20 years that followed he made a political U-turn and in the 1990s he was involved in right-wing extremist movements in Germany.<sup>28</sup> Baader, Ensslin, and Meinhof all had a bourgeois background. However, while Ensslin and Meinhof had very promising school and university careers – Ensslin received a scholarship for a stay in the US, and Meinhof became a journalist – Baader had significant problems in his adolescence and spent his youth changing schools before he finally moved to Berlin and found some wealthy bohemians to support him. Ensslin and Meinhof both had children and left them when they started their crusade against the German state. All three were influenced and radicalised by the student protests. Baader and Ensslin started their criminal careers by setting fire to shopping centres in Frankfurt in 1968 and continued attacking what they perceived as symbols of capitalism and imperialism. The latter, at least at the beginning, meant US Army installations in Germany.<sup>29</sup>



After they were arrested for the Frankfurt arson, Meinhof interviewed Baader and Ensslin and was attracted to their zeal to change political conditions at whatever price. She decided to join the group, and then took part in successfully freeing Baader from a prison in Berlin in 1970. That day, 14 May 1970, is considered the birthday of the 'Baader Meinhof Gang', or RAF. Later that year, Baader, Meinhof, and Ensslin, as well as some other followers, went to Lebanon – via East Berlin – in order to be trained in guerrilla warfare to prepare for their urban civil war in West Germany.<sup>30</sup> They called themselves the 'Red Army Faction' to show their involvement in an alleged global movement that was aimed at fighting Western imperialism and capitalism and to show solidarity with national liberation movements in the Third World.<sup>31</sup> This was the most obvious international aspect of German terrorism: the ideological claim to be related to the liberation struggles going on in the Third World. The RAF believed that global revolution was imminent.<sup>32</sup> Moreover, by choosing the name 'Army', the Baader Meinhof Gang also claimed the status of combatants in a struggle against the German state and wanted to be treated like prisoners of war once they were arrested.<sup>33</sup> In this context, it is interesting to note that in spite of the name, which suggested close affiliation with the Soviet Union, ideologically the RAF saw itself much more in line with Cuba.<sup>34</sup> This accounts for their admiration of the revolutionary groups in South America, and the Third World in general, but also for their rejection of the leading role of the (Soviet) Communist Party in bringing about revolution.<sup>35</sup>

Upon their return from the training camp in Lebanon in August 1970, the Baader Meinhof Gang began its more violent campaigns against the German state. Following the advice in Carlos Marighella's *Minimanual of the Urban Guerrilla*, they started by robbing banks and acquiring the arms and explosives necessary for the second – and more radical – stage of their struggle.<sup>36</sup> The so-called May Offensive of 1972 saw a series of violent terrorist acts. During the attack on the 5th US Army Corps committed by the RAF's 'Kommando Petra Schelm' in Frankfurt on 11 May 1972, one person was killed and 13 injured. The next day, an attack was launched on an Augsburg police station, injuring five policemen. At the same time, an office of the state police in Munich was bombed, leading to the destruction of 60 cars. Three days later, on 15 May, explosives detonated in the car of Federal Justice Wolfgang Buddenberg. His wife was driving the car that day, and she was severely injured. Four days later, the Springer media group's building in Hamburg became the object of a terrorist act by the RAF's 'Kommando 2. Juni'; 17 people were injured, two of them severely. On 24 May 1972, the headquarters of the

US forces in Europe were attacked in Heidelberg, leading to the death of three soldiers and five more were injured.<sup>37</sup> This 'May Offensive' clearly demonstrates the radicalisation of the RAF's strategy: 'Anti-imperialism, anti-Vietnam War and anti-capitalism combined to form an explosive mixture'.<sup>38</sup> The May Offensive was also a wake-up call for the German authorities as to the danger posed by the RAF. It led to insecurity among the police. A member of a special unit of the police summarised it well by saying 'The time has come! Who shoots first, survives. It is better to have a disciplinary procedure on your back than a bullet in your stomach'.<sup>39</sup> However, as a consequence of these blatant and indiscriminate acts of violence – which also claimed ordinary citizens as victims, albeit unintentionally – the RAF lost a lot of the tacit support it had formerly enjoyed among certain parts of the leftist scene in Germany.<sup>40</sup>

The gravity of the May Offensive resulted in intense police searches for the culprits, and thus the first generation of the RAF (Baader, Meinhof, and Ensslin) was arrested shortly after the attacks, in June 1972.<sup>41</sup> With the first generation in prison, a second generation emerged and was led from February 1977 on by Brigitte Mohnhaupt upon her release from prison.<sup>42</sup> This new generation recruited many members from a Heidelberg-based radical organisation called the Sozialistisches Patientenkollektiv.<sup>43</sup> The primary intention of the attacks committed by the RAF after 1972 was to exert sufficient pressure on the federal government, through acts of terrorism, to release the arrested leaders from prison. Ideology – as rudimentary as it was amongst the first generation – was almost completely gone.<sup>44</sup> As Audrey Kurth Cronin put it,

To say that they had an ideology would be an overstatement, as their guiding principles seemed to be a kind of cafeteria-style reference to ideas from Marxist-Leninism (especially anti-imperialism), anarchism, and the philosopher Frantz Fanon's theories about the beneficial, cleansing role of violence.<sup>45</sup>

The RAF also avoided formulating any specific political goals in order to get the support of as many sympathisers as possible.<sup>46</sup> As a consequence of the RAF's primary preoccupation of getting the first generation out of prison, the mid-1970s saw a continuation as well as an escalation of the violent strategy first implemented in May 1972.

The first generation of the RAF had a very hierarchical structure that culminated in Baader, whereas the second generation operated in rather independent cells in Hamburg and Karlsruhe. Nevertheless, leadership still rested with Baader and Ensslin despite their imprisonment.<sup>47</sup> The

RAF was supported by some of its lawyers who had joined the terrorist struggle or at least helped the RAF by carrying information and messages between the prisons and the terrorists who were underground. The second generation also increased cooperation with the Popular Front for the Liberation of Palestine (PFLP) and states such as South Yemen, where they received training in guerrilla warfare.<sup>48</sup>

While the second generation planned its operations to free the RAF leaders from prison, the trials against the core leadership started in the high security prison of Stuttgart-Stammheim in 1975. They provided the RAF with the perfect stage to show their contempt for the West German political system and to claim their status as legitimate resistance fighters. This idea appealed to many people in the leftist scene. But even prior to the trials, their lawyers had organised political committees to protest the conditions of their detention and the alleged use of torture against the RAF prisoners.<sup>49</sup> Moreover, the prisoners refused to eat until the – allegedly unacceptable – conditions of their detention were improved. These hunger strikes aimed to win popular support and attention by depicting Baader, Meinhof, and their fellow inmates as victims of injustice and state violence. However, when the actual situation is considered, the RAF terrorists had more liberties in prison than normal criminals – a fact they tried hard to conceal from the public.<sup>50</sup> Yet, due to their claim that they were being unfairly treated by the – reputedly – authoritarian German state, the RAF received new support. As Stefan Aust put it, ‘At no time during their “guerrilla warfare” had the RAF enjoyed such a magnetic attraction as during the days of their imprisonment. Only in prison did the group develop the political presence that it had never had before’.<sup>51</sup> They were even visited by famous intellectuals such as Jean-Paul Sartre, Heinrich Böll, and Paul Oesterreicher, which added to the legitimacy of the RAF.<sup>52</sup>

Moreover, during their imprisonment, two RAF prisoners died: Holger Meins in November 1974, as a consequence of his hunger strike, and Ulrike Meinhof, who committed suicide in May 1976. These deaths further fuelled the perception that the German state was treating the RAF prisoners particularly cruelly.<sup>53</sup> It was also because of all of the attention that the RAF and its treatment received that the group had 20 active members in 1977, more than at any point before or after.<sup>54</sup> The state – in its handling of the trials and detention – proved unable to reduce sympathy and support for the terrorists among the public. It was the RAF itself that eventually alienated most of its supporters through its more and more indiscriminate attacks that deliberately targeted ordinary citizens rather than state representatives.

In April 1975, the RAF raided the German embassy in Stockholm in another attempt to free Bader, Ensslin, and others from prison.<sup>55</sup> The year 1977 – in particular the kidnappings and murders committed in the course of the Offensive 1977<sup>56</sup> – marked the climax and ultimately the demise of the RAF and its second generation. On 7 April 1977, the prosecutor general of West Germany, Siegfried Buback, was killed by a ‘Kommando Ulrike Meinhof’ of the RAF. Another attack was committed on the chief executive officer (CEO) of Dresdner Bank, Jürgen Ponto, on 30 July 1977. Moreover, the RAF tried unsuccessfully to attack the office building of the German prosecutor general. However, the most infamous acts of terrorism were launched by the RAF in the course of what was to become known as the German Autumn of 1977. Starting on 5 September, the RAF group Kommando Sigfried Hausner kidnapped the chairman of the Confederation of German Employers’ Associations, Hanns-Martin Schleyer, and held him hostage for 44 days.<sup>57</sup> Since the federal government would not meet the terrorists’ demands and refused to release the RAF leaders, four Palestinian terrorists from the PFLP came to the aid of their comrades in the RAF. They hijacked the Lufthansa aircraft *Landshut*, which was en route from Majorca to Frankfurt on 13 October.<sup>58</sup> This double crisis put immense pressure on the German government, as there was intense public interest in these affairs both domestically and abroad. The stakes had been raised significantly, as the lives of almost 90 people depended on the decision taken by the federal government. Yet Chancellor Helmut Schmidt did not give in to the demands of the RAF or the PFLP. Federal Minister of Justice Hans-Jochen Vogel explained the reasoning of the federal government:

No, we must not give in. Because if we give in now, that means sending the following message to the terrorists: If you kidnap one, we will not meet your demands, but if you take 90 or 100 people hostage, then we will give in. That would have been a completely wrong message.<sup>59</sup>

When the *Landshut* finally landed in Mogadishu after a long odyssey through the Middle East, a special counterterrorism unit of the German Border Police – the *Grenzschutzgruppe 9* (GSG 9) – stormed the plane in the early hours of 18 October 1977 and freed the hostages by killing all but one of the terrorists. The successful release operation in Mogadishu marked the climax of terrorist attacks against West Germany. On the morning of 18 October, the original RAF leadership imprisoned in Stammheim was found dead in their cells: they had committed suicide.<sup>60</sup>

The next day, the dead body of Schleyer was found near Mulhouse in France. He had been killed in revenge for the Mogadishu release operation.<sup>61</sup>

The German Autumn was a turning point for the RAF terrorists as the 'tide of history ... [had] turned against them'.<sup>62</sup> By attacking ordinary citizens, they lost most of the support they had still enjoyed with people on the far left. From their perspective, the group had lost its appeal as a revolutionary movement and transformed into a purely criminal organisation.<sup>63</sup> The second generation now found itself in complete isolation, and no longer had a significant number of sympathisers to recruit from. Moreover, after the suicides at Stammheim, many members of the second generation decided to 'retire' from terrorism and sought refuge in places such as East Germany, Yugoslavia, or the Middle East.<sup>64</sup> The year 1977 marked a 'fundamental defeat',<sup>65</sup> and the autumn of 1977 was the beginning of the end of the RAF.<sup>66</sup>

Although the RAF had lost most of its support by 1980, it was not yet entirely dead. After an attempted attack on US General Alexander Haig, then the Supreme Allied Commander in Europe of the North Atlantic Treaty Organization (NATO) in June 1979, the leading figures of the second generation, Peter-Jürgen Boock, Brigitte Mohnhaupt, Christian Klar, and Adelheid Schulz were all arrested by 1983. This led to the founding of the Third Generation. The RAF's last generation attempted an ideological revival of the RAF with a new pamphlet highlighting the mission of the RAF, the May Paper of 1982. It also strove for better cooperation among European terrorist organisations. However, the unwillingness of other domestic and foreign groups to recognise the leadership of the RAF soon led to the end of this project.<sup>67</sup> Nevertheless, in the 1980s and early 1990s, the RAF still committed attacks against military bases and against industrialists, soldiers, and politicians.<sup>68</sup> The group found its last victim in the president of the Deutsche Treuhandanstalt (German Trust Agency for state-owned property in the ex-GDR), Detlev Karsten Rohwedder in 1991.<sup>69</sup>

The end of the Cold War, as well as the German Democratic Republic (GDR), also contributed to the demise of the RAF. On the one hand, it ended the safe haven project of the GDR, which had granted asylum to several West German ex-terrorists who were now all arrested. On the other hand, it discredited the little ideological credibility that the RAF had claimed: socialism. Moreover, the ex-terrorists arrested in East Germany revealed that the Stammheim prisoners had had a deliberate suicide plan and thus destroyed the credibility of the few remaining sympathisers, within Germany and abroad, alleging that the RAF leadership

had been assassinated by the German state. By confessing that this was indeed not a state murder, the RAF lost even more credibility and legitimacy. In 1992, they officially renounced the use of violence, probably due to a lack of motivation and (man)power. The following years were marked by conflicts between the imprisoned terrorists as to how to deal with their past, which were then further fuelled by Federal Minister of Justice Klaus Kinkel's 'reconciliation offensive' (*Versöhnungsoffensive*) offering shorter sentences to any ex-terrorists who renounced the RAF and its methods. It was only logical that the RAF officially dissolved on 20 April 1998. The age of social-revolutionary terrorism ended with Rosa Luxemburg's words: 'Revolution said: I was, I am, I will be'.<sup>70</sup> Three years later, however, on 11 September 2001, the menace of terrorism, this time, religious terrorism, experienced a revival.

### **The Movement Second of June**

Like the RAF, the Bewegung 2. Juni had its origins in the student protests of the late 1960s.<sup>71</sup> The link with the protests is even more apparent as this terrorist group was named after one of the crucial moments of the student protests. On 2 June 1967, Benno Ohnesorg, a student, was shot by a policeman in the course of the protests against the Shah's visit to Germany. The policeman was found not guilty of any wrongdoing, which upset the protest movement and radicalised parts of it. The Movement Second of June (M2J) was officially founded in 1972, although the predecessor organisations, the Zentralrat der umherschweifenden Haschrebellen and the Tupamaros Westberlins, had existed since 1969. The slogan of the Haschrebellen already hinted at their willingness to use violence: 'Be high, be free, and terror must be there, too'.<sup>72</sup> As opposed to the RAF, which had also started in West Berlin, but then moved to the FRG, the M2J always stayed focussed on West Berlin and rarely broadened the radius of its operations. This was due to the fact that the group was heavily rooted in West Berlin's special subculture of the *Gammler* (bums). Many people from this scene had joined the protests in the mid-1960s.<sup>73</sup>

Although there were loose contacts between the RAF and the M2J, there were considerable differences between the two groups. While the RAF saw itself as the German branch of an international movement for worldwide liberation, the M2J saw its more immediate goal as overcoming the class struggle in Germany.<sup>74</sup> The RAF was seen as an elitist organisation composed of students and children of the bourgeoisie. However, while the M2J had some young people who belonged to the 'proletariat' among its members, the majority of M2J members still came

from a better-educated stratum of German society. And much like the RAF, they also failed to create solid links with the people for whom they claimed to be fighting, the workers. In contrast to the heavily centralised and hierarchal RAF, the M2J was organised much more loosely. There was no leading figure such as Baader, and the Berlin terrorists intended to build up independently operating cells, much like the Revolutionary Cells (RC) did later on. This led to very lengthy decision-making processes in the M2J. Finally, the members of the M2J were more reluctant than their RAF counterparts to commit illegal acts. This was partly born out of necessity since the Berlin terrorists had fewer resources than the RAF to support members living underground. This reluctance on the part of the M2J to completely break with society would prove useful for the police. As many members of the M2J did not entirely cut ties with their 'normal' lives, it was easier to persuade them to break with terrorism.<sup>75</sup>

Yet, much like the RAF, the M2J was heavily influenced by the success of the Tupamaros movement in Uruguay and their strategy of urban guerrilla warfare. As a former member of the M2J recalls, 'Almost on a daily basis, one could read about the practical success of this theory. Why shouldn't it be possible to see the same success that materialised in Uruguay – after all a country with European structures – also here?'<sup>76</sup>

The M2J committed its first violent attacks against the British sailing club in Berlin on 2 February 1972 in response to Bloody Sunday in Northern Ireland, followed by an attack on the Turkish consulate, a police station, and several bank robberies.<sup>77</sup> This marked a new level of violence. Before that, the predecessor organisation of the M2J, the Haschrebellen, had only expressed their dissatisfaction with the political system in street fights with the police or in 'smoke-ins'.<sup>78</sup> In 1973, most leading members of the M2J were arrested, and the group had to reorganise itself. The next generation grew more brutal in its acts and killed the president of Berlin's Supreme Court of Justice, Günter von Drenkmann, on 10 November 1974.<sup>79</sup> Their most infamous act was the kidnapping of Berlin's leader of the Christian Democratic Party and mayoral candidate, Peter Lorenz. On the morning of 27 February 1975, three members of the M2J abducted Lorenz while he was on his way to a meeting with party members. As the elections were supposed to take place on 2 March, the other parties decided to suspend the election campaigns. Meanwhile, the police were eagerly searching for the 'people's prison' where Lorenz was being held captive. Early the next day, the demands of the M2J were made public and essentially consisted of the release of several prisoners who were then to be flown abroad and

receive 20,000 deutschmarks each. Quite quickly, the Berlin authorities, as well as the federal authorities, elaborated contingency plans for an exchange of prisoners for Lorenz. Several German embassies were instructed to prepare negotiations for landing rights and the host states' willingness to accept the prisoners. The AA also elaborated code names and plans for different situations after the terrorists had left Germany. The embassies in possible host countries were informed of three possible scenarios regarding how the host countries should handle the prisoners that were released. Scenario A, codenamed Anton, required the immediate arrest of the terrorists once they entered the country and their extradition back to Germany. Scenario B, or Berta, entailed temporary free movement for the terrorists in the host country with constant secret surveillance in order to arrest and extradite them at a later stage. The last scenario, C, or Caesar, encompassed the release of the prisoners without intending to extradite them to Germany.<sup>80</sup> On the morning of 3 March, five prisoners were flown to Aden in South Yemen, furnished with 120,000 deutschmarks. The federal government had given in to the terrorists' demands. On 5 March, the prisoners were granted asylum in Aden, and Lorenz was released. Scenario C applied. In contrast, the perpetrators of the Lorenz kidnapping in Germany were subsequently arrested and brought to trial between 1978 and 1980.<sup>81</sup>

In November 1977, the M2J kidnapped the Austrian industrialist Walter Palmers and succeeded in collecting a ransom of 4.3 million deutschmarks.<sup>82</sup> One million deutschmarks of this went to the Palestinians, and another one million deutschmarks to the RAF.<sup>83</sup> This was one of the very few out-of-Berlin operations of the M2J.

The decline of the M2J started in the mid-1970s when the general mood among leftist circles turned against terrorists, and it dissolved itself in 1980. Some of its members, such as Inge Viett and Juliane Plambeck, later joined the RAF.<sup>84</sup>

### **The Revolutionary Cells (RC)**

The Revolutionäre Zellen was founded in 1973.<sup>85</sup> Of the three big leftist terrorist organisations in West Germany, it is the least known despite the fact that it committed more terrorist acts than the RAF and the M2J combined, somewhere in the proximity of 200 acts.<sup>86</sup> As opposed to the RAF, which cut off all ties with 'normal' life and went underground, and the M2J, which at least partly descended into illegality, the members of the RC maintained their official identities and links to legality. Thus, they were sometimes referred to as *Feierabend-Terroristen*, or 'after-work terrorists'.<sup>87</sup> This had the advantage of their needing fewer resources to



support underground members, and they could stay in touch with their sympathisers more easily. It also meant that the attacks committed were normally of a less violent nature, as the members of the RC received direct feedback from supporting circles and would try not to alienate their followers, as opposed to the RAF and the M2J.<sup>88</sup>

The evolution of the RC is closely linked with the increased brutality of the RAF. With its first generation arrested and the second one focussed on getting them out of prison, the ideological attraction of the RAF vanished. Many leftists claimed that the indiscriminate use of violence by the RAF and its motivation were wrong. They wanted an alternative movement aimed at creating mass momentum, and finally came up with the idea of a network of independently operating terrorist cells. These cells were to be based on the principle of equality of the members, in contrast to the hierarchical structure of the RAF.<sup>89</sup> The idea behind the RC's strategy was to have independently operating, clandestine groups that organised constant guerrilla warfare in West Germany, thereby demoralising society at large and the state apparatus in particular.<sup>90</sup> Their buffet-style goals included the fight against imperialism, and especially the US, the struggle against Zionism and its supporters in Germany, and a commitment to better conditions for workers, women, and youth. While they also subscribed to Marighella's idea of urban guerrilla warfare, the RC focused on low-level violent acts such as squatting and theft. When they attacked their 'enemies', they mostly aimed to maim rather than kill them. This was called the strategy of *Knieschussaktionen* (operations focused on shooting into the knee rather than killing the targets). The RC often attacked symbols instead of actual human beings. Two exceptions have to be made. In December 1975, Hans-Joachim Klein of the RC helped Ilich Ramírez Sánchez, better known as Carlos the Jackal, take the Organization of the Petroleum Exporting Countries (OPEC) oil ministers gathered in Vienna hostage. The next year, the RC terrorists Wilfried Böse and Brigitte Kuhlmann helped Palestinian terrorists hijack an Air France plane and redirect it to Entebbe in Uganda. They were both killed during the rescue operation by the Israeli Defence Forces on 4 July 1976.<sup>91</sup> Both cases were not genuine RC operations, though, as RC members supported other terrorists on their own initiative and not as part of a bigger RC scheme. This was possible because of the decentralised nature of the RC.

Much like the M2J, the RC's relationship with the RAF was strained. This was due to the fact that the RC conceived of themselves as the representatives of the masses as opposed to the RAF, which they saw as an elitist group of spoiled bourgeois wannabe revolutionaries. The RC

also actively used propaganda and 'public relations' in order to justify their deeds. They published a quasi-regular newspaper, the *Revolutionärer Zorn* (Revolutionary wrath).<sup>92</sup> As they still had close contact with their sympathisers and were not totally isolated from the population, unlike the RAF, the RC still understood what the general public was thinking. This helps explain their reluctance to use lethal violence. It was the unrestrained use of violence against civilians, be it the attack on the Springer Press building in 1972 or during the *Landshut* plane hostage crisis in 1977, that made most sympathisers turn their back on the RAF. Through propaganda and the restrained use of violence the RC wanted to avoid this.<sup>93</sup> The RC – much like the RAF – operated in generations, with the second generation's being linked to the anti-nuclear power movement of the 1980s. As of the early 1990s, they went into decline, committing their last attack on 17 July 1991.<sup>94</sup> Yet, to this day, there has never been an official dissolution of the RC.

The Rote Zora (Red Zora) was a feminist terrorist organisation that split from the RC in 1984. It fought against sexism, racism, discriminatory asylum policies, and human genetics. Like the RC, the Red Zora also focussed on a strategy that embraced violence short of killing people.<sup>95</sup>

### Right-wing terrorism

Right-wing terrorism was not as urgent a problem as left-wing terrorism for the West German state in the 1970s, despite the fact that the extreme right also turned towards acts of violence in order to achieve their political goals.<sup>96</sup> In spite of these attacks, Germany's history prevented a blossoming of this sort of terrorism. Because of the Nazi past and in order to counter international criticism of any revival of radical right-wing elements, the authorities and society in general paid special attention to right-wing groups and kept them under close observation. There was never anywhere near the same number of people somewhat sympathising with leftist terrorism.<sup>97</sup> It is fair to assume that the Nazi past encouraged Germany's authorities to keep a close eye on rightist extremist projects and that they could more successfully extinguish the first signs of any organised mass terrorism by enlisting popular support for their efforts against these groups. Moreover, while left-wing terrorists groups were the offspring of the mass student movements of the 1960s, the right-wing groups had no such momentum.

As opposed to the well-organised leftist terrorist groups, 'right-wing terrorism in Germany seemed to be practised by individual lunatics or small, short-lived groups'.<sup>98</sup> However, in the 1980s, a more hierarchically organised group gained some prominence. The Wehrsportgruppe

Hoffmann (military sport group Hoffmann), led by Karlheinz Hoffmann, served as a reservoir for extremists that committed attacks on the Oktoberfest in Munich in 1980 and on a Jewish editor in Nuremberg in the same year.<sup>99</sup> But as the group was small and committed much fewer attacks than their leftist counterparts, the German authorities considered the danger from right-wing groups in the 1970s smaller than the menace of leftist terrorism.<sup>100</sup>

Interestingly enough, the right-wing groups also maintained excellent relations with the Palestinians, and some rightist extremists even sought refuge in Lebanon.<sup>101</sup> This can be explained by the shared anti-Jewish nature of their causes.

As a consequence of the less prominent appearance of rightist terrorism in the past, the German authorities in the late 1990s and early 2000s seem to have been preoccupied with leftist groups and religious fundamentalists so that the rightist extremist terrorist group Nationalsozialistischer Untergrund (NSU), for a decade, could commit attacks without being identified and noticed by the authorities. Only in the course of the current trials against members of the groups have the activities of the NSU become apparent.<sup>102</sup>

## **The international connections of German terrorists**

As the previous sections demonstrated, all German terrorist groups maintained links with other foreign terrorist organisations. However, apart from the short-lived projects of the mid-1980s and some cases of occasional cooperation, no long-lasting institutional networks were established. Yet, the international dimension was important, at least ideologically and for supplies. To the RAF, for example, the very word 'Faction' in the name suggested the group's belonging to a bigger, global movement. Insofar as it was a vital aspect of the RAF's *raison d'être*, 'the awareness to be a faction, a part of the global class movement, served as a justification for revolutionary violence "in the metropolises" and as an obligation to continue the armed struggle even after defeats'.<sup>103</sup>

The first attempts to approach groups outside Germany date back to the days of the student movement. Some of the protestors saw themselves as brothers-in-arms – also in ideological terms – with the Vietcong and its struggle against the American 'imperialists'.<sup>104</sup> In the 1970s, these contacts then became more frequent.

The group that was most important for all three terrorist organisations was the PFLP. Since the early 1970s, the RAF, the M2J, and the RC maintained contacts with them and several times went to the Middle

East, mostly Jordan and South Yemen, for training.<sup>105</sup> The PFLP and the Germans did not only cooperate on logistics and training but also committed attacks together. Members of the RC helped the PFLP in a – failed – attempt to shoot down an El Al aircraft taking off from Paris Orly airport on 13 January 1975.<sup>106</sup> Moreover, the hijacking of an Air France plane to Entebbe in 1976 was co-organised by the Palestinians and the RC. The RC was also the only German terrorist group that cooperated with a terrorist-for-hire, code-named ‘Carlos’, during the attack on the OPEC oil ministers in Vienna in December 1975.<sup>107</sup> As far as the RAF was concerned, there was continuous cooperation after the RAF members returned from the training camp in Jordan in 1970.<sup>108</sup> During the attack on the Munich Olympics in 1972 and during the raid on the Saudi embassy in Khartoum in 1973, the Palestinian perpetrators also demanded the release of RAF prisoners from German prisons. With the RAF leaders imprisoned, the second generation again turned towards the PFLP for logistical support and for cooperation on terrorist attacks. The most obvious example is the Palestinian operation to hijack the *Landshut* in October 1977. This was meant to increase pressure on the German government so as to make it comply with the demands of the Schleyer kidnappers.<sup>109</sup> The subtle tensions between both groups were, however, too big to allow for institutionalised and effective cooperation.<sup>110</sup> As the M2J committed most of its attacks on German soil, there was no direct cooperation between the M2J and the Palestinians in actual operations. However, members of the predecessor organisation, the Tupamaros Westberlins, were trained by the Palestine Liberation Organization, and it is because of these contacts that South Yemen was willing to grant asylum to M2J terrorists after the Lorenz kidnapping in 1975.<sup>111</sup>

The German terrorists also had contacts with the GDR. Yet, despite the antagonism between East and West Germany, these links were mostly superficial and did not translate into actual, stable, and direct cooperation. The RAF tried to establish links with East Berlin early on. But, in the beginning, the GDR was not interested. The East German government limited itself to allowing RAF terrorists to use the East German airport, Berlin-Schönefeld, to travel to the Middle East and probably also provided faked documents.<sup>112</sup> Officially, the GDR condemned terrorism, a position that was shared throughout the 1970s and 1980s by the Soviet Union.<sup>113</sup> In the 1970s, however, it was broadly believed in the West that the Eastern Bloc was active in supporting terrorists by training them and giving them arms in preparation for their attacks on NATO soldiers and facilities.<sup>114</sup> Proper collaboration, however, in terms of training or providing weapons, did not take place except for

a couple of years in the early 1980s, when the Stasi actively supported the RAF with training and equipment.<sup>115</sup> Yet, East Germany did support ex-RAF and M2J terrorists in providing new identities for them and refuge in the GDR after they retired from terrorism. Approximately ten ex-RAF members found a new home in the East German state.<sup>116</sup> The M2J had already developed better links with the East Germans in the 1970s. The proximity of West Berlin to the GDR was an important factor. Nevertheless, they also never actively cooperated with the Stasi in planning and executing attacks.<sup>117</sup> East Germany's State Security also provided faked identity documents for M2J members who wanted to leave West Germany and go to the Middle East, and East Berlin intervened diplomatically in Czechoslovakia in 1978 to make sure that the M2J terrorists Inge Viett and Ingrid Siepmann were released from prison and organised their flight to Iraq.<sup>118</sup> It was because of the East German connection of some of the ex-M2J members who joined the RAF in 1980 that the RAF was able to establish better contacts with East Berlin in the 1980s.<sup>119</sup> The RC also maintained some contacts with the East Germans, but these were limited by the decentralised network structure of the RC.<sup>120</sup> However, the increasing activism of terrorists in West Germany also posed a problem for the GDR. On the one hand, the Stasi had an interest in keeping loose contact with the terrorist groups to exert some means of control and to ensure that they did not extend their struggle to the GDR. On the other hand, the increased search for terrorists in West Germany led to more awareness in the population and a greater need for security sources. This risked having the identities of Stasi spies revealed, potentially endangering them and their espionage missions in the West.<sup>121</sup> Consequently, terrorism in West Germany was a mixed blessing for East Berlin: it hit the West German government, but at the same time increased the risk for East German spies and could potentially spill over to the GDR.

There were even short-lived attempts at cooperation among Western terrorist groups. In the mid-1980s, the third generation of the RAF tried to establish links with other European terrorist groups, such as the Belgian-French Action Directe and the Cellules Communistes Combattantes, as well as the Italian Red Brigades. However, this cooperation never really materialised. One of the basic problems was the RAF's claim to leadership, which was not recognised by the other groups, especially the Red Brigades.<sup>122</sup> Attempts made in the early 1990s to collaborate more closely with the Euskadi Ta Askatasuna (ETA) and the Irish Republican Army also failed because of the different motivations behind their struggles. There was a conflict between the social-revolutionary RAF and

the ethic-nationalist Spanish and Irish terrorists.<sup>123</sup> The RC also maintained some contact with the ETA, which never translated into common actions, however.<sup>124</sup> A European terror network never came into being.

It is interesting to note that the first generation of the RAF also tried to secure support from the North Korean regime. A letter sent to Pyongyang remained – apparently – unanswered. The RAF hoped that North Korea would grant it the same support that it provided to the Japanese Red Army.<sup>125</sup> Links did exist, however, between the RAF and the M2J on the one hand and South Yemen on the other hand. Terrorists from both groups went to Yemen either for training or for refuge.<sup>126</sup> Other important foreign bases, at least for the RAF, were Baghdad and Paris. Both served as strategic areas of retreat for the second generation.<sup>127</sup>

### The state's reactions

Faced with this new challenge of terrorism, the West German authorities had to respond. But those responses found their limits in the restraints imposed by the constitutional framework and by Germany's federal organisation, which split the responsibility for prosecution and policing between the *Länder* and the federal government.<sup>128</sup> In light of Germany's past of Nazi terror and excessive state violence, the German government paid special attention to not crossing the limits imposed by the constitution. This was also meant to dispel the fears of Germany's neighbours that the terrorist crisis could lead to a re-emergence of the 'evil German'.<sup>129</sup>

When looking at the reactions, it is possible to determine two different phases. The first phase is marked by the lack of a clear policy on terrorism. The federal government, led until 1974 by Chancellor Brandt, refrained from formulating a comprehensive and coherent counterterrorism strategy. This was to change under Chancellor Schmidt in the course of the year 1975, more specifically in April 1975. As a consequence of the soft stance taken by the federal government during the Lorenz kidnapping, Schmidt decided that the German government should no longer give in to terrorists' political demands. His new policy line was to be implemented at all costs: including, if need be, the lives of hostages.<sup>130</sup> This strategy experienced its first test during the hostage crisis at the German embassy in Stockholm in April 1975 and was maintained during the crisis year of 1977, although pressure on the federal government had risen significantly. During the double crisis of September-October 1977 – the kidnapping of Schleyer and the hijacking of the *Landshut* – Schmidt maintained the counterterrorism policy that the German state would

not give in to terrorism and that the demands would not be met. He risked the lives of approximately 90 people on board the aircraft when he ordered a rescue operation by the GSG 9, to show his firm stance on terrorism.<sup>131</sup> The state was not to be blackmailed and the rule of law was to be maintained. Four decades later, Schmidt summarised his policy: 'The *Rechtsstaat* [rule of law] does not have to win, nor does it have to lose; but it has to exist!'<sup>132</sup>

However, it took some time for the government to come to that position. The wake-up call for the German government and public that terrorism was indeed posing a threat of a new and different nature came in 1972. While the RAF was founded in 1970, only the violent and bloody May Offensive of 1972 underlined its serious intent to challenge the state. Moreover, the attack of Black September on the Munich Olympics in September 1972 once again highlighted that West Germany had appeared on the radar of international terrorists. How did the Germans react? Policing was mainly the *domaine réservé* of the *Länder*. While there was the Federal Criminal Police Office (*Bundeskriminalamt*, BKA), it only had a coordinating role in order to allow for cooperation between the *Länder* police forces. The domestic intelligence agency, the *Bundesamt für Verfassungsschutz*, was – likewise – coordinating the ten different *Landesämter für Verfassungsschutz*. Moreover, because of the experiences of the Third Reich, there was – and still is today – the principle that police and intelligence agencies must be separate, which can create problems and confusion in countering terrorism.<sup>133</sup> Fighting a criminal – or terrorist – threat that extended to the whole FRG and West Berlin was hence a difficult task.<sup>134</sup> Two different dimensions can be noted. On the one hand, the German government implemented new legislation that would make the prosecution and prevention of terrorism easier. On the other hand, they improved and increased the operational competences of the federal authorities. Both levels will now be assessed briefly and separately.<sup>135</sup>

### Reactions at the operational level: the police

The first concerted action taken by the police against the RAF was implemented on 15 July 1971 under the code name Operation Hecht (Operation Pickerel). This terrorist hunt – classified as 'top secret' and planned on a purely 'need to know' basis – involved 3,000 policemen searching for RAF terrorists under the aegis of the BKA. This operation was a response to the increasing number of bank robberies and car thefts committed by the Baader-Meinhof Gang. During one of the controls executed by the police, RAF member Petra Schelm resisted the police

and was shot. This incident led to increased brutality on the part of the RAF.<sup>136</sup>

In the autumn of 1971, a new president took over at the BKA, Horst Herold. He set out to reform the BKA and to introduce new measures and technologies. Herold was the mastermind behind the idea of a dragnet approach (*Rasterfahndung*),<sup>137</sup> the use of computers to find suspicious people who matched certain criteria. During the 1970s, he managed to increase the amount of funding allocated to the BKA, as well as the number of staff, and made it one of the most efficient and modern police offices in Europe. From 1970 to 1980, the staff almost tripled from 1,200 to 3,400 people. The police structure in West Germany became more centralised as information and hunts for terrorists were coordinated by the BKA.<sup>138</sup> As a consequence of the reforms, during the mid-1970s, the BKA succeeded in playing a more important role in fighting terrorism in Germany.<sup>139</sup>

In response to the May Offensive of the RAF in 1972, Herold launched Operation *Wasserschlag* (Operation Stirring the Water) on 31 May 1972. On that day, he had all of the *Länder* police and all helicopters put under his command to execute the biggest manhunt in German history. This was a unique situation as Herold had control over all of the police in Germany. The police carried out controls at street checkpoints to find RAF terrorists. The basic idea was, as the name of the operation suggests, to stir the water so that RAF members would feel insecure in their hide-outs and come out to look for new ones. As Herold said, 'Stirring the water will frighten the fish',<sup>140</sup> then they could be caught. This operation was successful as most top RAF terrorists were arrested in its immediate aftermath. Moreover, the majority of the German population understood the need for the inconveniences that came with the operation and was supportive. This shows how drastically the RAF misunderstood the support it allegedly enjoyed among the broader German population.<sup>141</sup>

The attack on the Munich Olympics in the autumn of 1972 and the blatant inability of the German police and authorities to deal with it led to a new array of measures against terrorism.<sup>142</sup> Most importantly, the day after the failed release operation in Munich, Federal Minister of the Interior Hans-Dietrich Genscher ordered the creation of a special unit of the German Federal Border Guards, the GSG 9, in order to deal with terrorist crises in the future. Over the following years, the *Länder* also established special commandos, the *Sondereinsatzkommandos* (SEK).<sup>143</sup> As far as the Federal Border Guards were concerned, since 1973, they had been used to secure airports and train stations to prevent terrorist attacks. In 1974, they were also put in charge of protecting federal institutions



and buildings, while the BKA was in charge of providing bodyguards for high-level politicians.<sup>144</sup>

Regarding the antiterrorist infrastructure, as it was correctly expected that the RAF would try to free its leading members, a special high security prison for terrorists was designated in Stuttgart-Stammheim in 1974. There were concerns among the police and the prosecution that normal courtrooms and prisons would not allow for the level of security necessary to conduct the trials against the RAF. Therefore, the trials against the RAF leaders took place in a special building in the new Stammheim facilities starting in May 1975. They became the most expensive trials in Germany's post-war history.<sup>145</sup> The infrastructure to detain and try terrorists was consequently improved to cope with this new threat to domestic security.

Concerning the political coordination of the responses to terrorism, at least for the case of special crises, the federal government resorted to a new instrument of crisis management, the *Krisenstab*, or crisis committee. It assembled ministers of different portfolios, minister presidents of the *Länder* concerned, experts, as well as – in some cases – members of the opposition. The institution of *Krisenstab* was not provided for in either the constitution or any other regulation of the executive. Yet, it proved extremely efficient in quickly responding to the crises as it circumvented the lengthy processes between the different horizontal and vertical levels of the German political system, especially between the *Länder* and the federal level. Nonetheless, despite its advantages, the lack of transparency and the short-cutting of procedures also raised criticisms about the democratic deficit of this institution.<sup>146</sup> The *Krisenstab* became the best-known symbol of Chancellor Schmidt's crisis management and a recurring feature of his attempts to solve all crises of international terrorism affecting Germany.

In sum, the two most important reforms at the operational level were the introduction of the dragnet approach and the establishment of the special counterterrorism units at the federal level (GSG 9) and the *Länder* level (SEK). The dragnet approach was once again used in 1977 during the German Autumn – albeit rather unsuccessfully as it was time consuming and thus not fit to respond to an immediate crisis. The GSG 9 had its first – and very successful – operation during the *Landshut* crisis of 1977 when they freed the German hostages on board the Lufthansa aircraft in Mogadishu. Moreover, both federal and *Länder* police and prosecutors improved the capabilities and infrastructure to attend to the new phenomenon of terrorism. Additionally, the newly employed instrument of the *Krisenstab* allowed for timely emergency responses to

crises and efficient coordination between the federal and *Länder* levels in this area of concurrent jurisdiction.<sup>147</sup>

### **Reactions at the legal level: new legislation**

While in the beginning the authorities intended to react to the emerging threat of terrorism primarily on the operational – or police – level, it soon transpired that legal reforms would be necessary as well. This was all the more important as the imprisoned RAF terrorists and their lawyers excelled at finding loopholes in the existing legislation in order to exploit both detention and trials for propaganda purposes.<sup>148</sup>

The 1960s had witnessed a liberalisation of the laws, reviewing many that dated back to the Third Reich, the Weimar Republic, and even the German Empire. The opposite can be said about the 1970s, which, due to terrorism, saw a toughening of the laws in the Code of Criminal Procedure (*Strafprozessordnung*) as well as in the German Criminal Code (*Strafgesetzbuch*, StGB).<sup>149</sup> The first reforms started in 1971. They did not directly tackle terrorism as such, but only dealt with the criminal aspects of it: hijacking of aircraft, hostage-taking, and coercion.<sup>150</sup> Moreover, the Brandt government issued the Guidelines on the Question of Anti-constitutional Forces in the Civil Service (*Grundsätze zur Frage der verfassungsfeindlichen Kräfte im öffentlichen Dienst*), also known as the Decree on Radicals (*Radikalenerlass*), in 1972. These measures were set up in cooperation with the *Länder* governments and aimed to prevent people who were accused of having anti-constitutional ideas or who belonged to anti-constitutional organisations from being hired for the civil service.<sup>151</sup> These guidelines were also established to counter claims by the opposition party that the social-liberal government was too soft on radicalism and could not uphold law and order.<sup>152</sup> The Decree was already heavily contested in the 1970s, but it is still used – and contested – today.<sup>153</sup> The most comprehensive legal response to the menace of domestic terrorism was a set of antiterrorism legislation that was commonly referred to as Lex RAF, which passed the Bundestag in late 1974. It aimed to close the loopholes in the Code of Criminal Procedure that the RAF members and their lawyers so readily exploited while preparing for the trials scheduled to start in May 1975. The Lex RAF included a clause for the exclusion of defence lawyers if they were suspected of having participated in a crime or misused their contacts with their clients in order to jeopardise the security of the state. It also provided for a limitation of the number of lawyers representing a client in court and the possibility of continuing the trials even when the accused was absent – in the event that the reason for their absence

was self-provoked, for example, through a hunger strike.<sup>154</sup> Indeed, the lawyers frequently used their contacts with the prisoners to smuggle messages to other RAF terrorists in prison so as to maintain communication lines between the ones in prison and the terrorists operating outside. Under the then-current legislation, the police had no possibility of controlling the lawyers' bags and hence stopping illegal communication.<sup>155</sup> The Lex RAF closed these loopholes.

A major change to the Criminal Code came in 1976 with the *Antiterrorismus-Gesetz* (Antiterrorism Law). After the Lorenz kidnapping and the hostage crisis at the German embassy in Stockholm, the federal government suggested that parliament include an article in the Criminal Code that defined membership in terrorist organisations and made it punishable. Consequently, §129a StGB became the basis for prosecuting and trying terrorists. Now, simply being a member of a terrorist organisation was sufficient for a person to be subjected to punishment. There was no need of proof of an actual act of violence committed by the accused. The *Antiterrorism Law* also allowed for pre-trial detention of suspects on the grounds of suspicion and with no imminent risk of escape, as well as for the surveillance of correspondence between the accused and the lawyers by judges not involved in the trials.<sup>156</sup>

During the German Autumn of 1977, another bill was adopted by both chambers of parliament at a remarkable speed, unmatched before or after. The *Kontaktsperregesetz* (Contact Ban Law) was passed by parliament upon a suggestion by the federal government to give legitimacy to a decision taken earlier by the federal minister of justice. He had decided that the RAF prisoners were no longer allowed to have any visitors, so as to stop the secret communication between the terrorists inside and outside the prison, and to save Schleyer, who was being held hostage by the RAF. As there was the risk that lawyers might appeal the decision, all parties in the Bundestag passed the quickly drafted bill and the Federal Constitutional Court later ruled that it was constitutional.<sup>157</sup> In response to the German Autumn, the Bundestag also passed another set of bills in 1978 to amend the Code of Criminal Procedure. They established the legal basis and procedures for setting up road checkpoints and controlling the identity of people passing through these checkpoint spots. Moreover, these bills provided for glass panes in reception cells to prevent an exchange of equipment between people suspected of terrorist activities and their lawyers.<sup>158</sup> Due to the lack of legal rules for dealing with terrorism, the government often referred to a case of 'distress' (*rechtfertigender Notstand*) in order to react to terrorism in the absence of appropriate procedures or institutions.<sup>159</sup> This was the legal justification

for the federal authorities to take action against terrorists, for instance during the BKA manhunts and for the establishment of crisis committees to unite the executive and legislative branches in order to quickly react to a crisis.

In sum, at the legal level, the 1970s witnessed new and tougher legislation to deal with political criminals and terrorists. The reforms were perceived to be needed as the Criminal Code and the Code of Criminal Procedures were not able to cope with the new challenges posed by terrorists who were different from normal criminals, because of their political motivation, organisation, and brutal, systematic ruthlessness. Moreover, the sympathisers, including the lawyers, made these changes necessary. As is often the case with the law, however, most of these changes were only made after a specific crisis and in response to it. This can be seen as further proof that the state was very careful and hesitant in its reactions to terrorism in order to avoid accusations of new authoritarianism or excessive state reactions. All the reactions of the authorities to domestic terrorism in the 1970s were heavily debated and contested. Some observers warned of a risk that the state might indeed overreact and abandon civil rights in order to fight the terrorists.<sup>160</sup> Moreover, the handling of the RAF prisoners before and during the trials was a delicate issue for the authorities. Criticism peaked when terrorists such as Meins and Meinhof died in prison, which many sympathisers were all too ready to see as political assassinations. The same held true for the coordinated suicide committed by the remaining leaders after the Mogadishu crisis in 1977. However, as an international expert commission subsequently confirmed, Baader, Ensslin, and the others did indeed kill themselves.<sup>161</sup> Nevertheless, their deaths led to protests and demonstrations against the German government in many foreign countries, although this was not so much the case in Germany itself. In Crete, a bomb attack was committed against the German consulate; in France, stones were thrown at German offices and citizens; in Athens, more than 300 people demonstrated against the alleged 'assassinations of Stammheim'; and in Turkey, prisoners went on strike to express their sympathy with the 'martyrs' of Stammheim.<sup>162</sup> While this was a temporary inconvenience for the federal government, it was also a clear sign of how little support the RAF enjoyed domestically, after its actions became more violent. Protests in Germany remained modest. The brutal and indiscriminate nature of later RAF attacks alienated its sympathisers and served to unite the entire political class behind the antiterrorism legislation passed by parliament in the 1970s.<sup>163</sup> The case of the RAF confirms Walter Laqueur's assessment that '[f]ar from weakening a society, terrorism has

quite frequently had the opposite, immunizing effect, bringing about greater internal cohesion'.<sup>164</sup>

However, the protests abroad, and the reluctance of the French authorities to cooperate with the Germans on the issue of the extradition of one of the RAF lawyers, Klaus Croissant,<sup>165</sup> clearly manifested the deeply rooted mistrust that the neighbouring states still harboured against the West German democracy. This – together with the international character of terrorism in the 1970s – caused the German government to seek international cooperation in the struggle against terrorism and led it to design and initiate multilateral projects of counterterrorism cooperation.

In conclusion, together with the intensive debates about *Ostpolitik*, the reactions to terrorism were probably the most heavily debated topics in West Germany in the early and mid-1970s. Eventually, however, the RAF lost on several fronts: it did not manage to overthrow the government, it failed to mobilise sufficient support, and – above all – it failed to show the 'ugly face of fascism' that they accused the state of having. As a matter of fact, in the 1970s, the state and the society of the FRG faced their first litmus test for democracy, and they passed. As *Der Spiegel* pointed out in 1977, 'The trauma of the "German Autumn" had a deep impact on the internal political landscape of the FRG and shaped the collective mindset and identity of the West Germans. In the end, democracy, the state and not least the federal government emerged strengthened out of the crisis'.<sup>166</sup> The German encounter with terrorism in the 1970s and the reactions to it are summed up well by the political scientist Eckhard Jesse: 'The history of the RAF is the history of the democratic constitutional state, regardless of overreactions and sloppiness. There were no violations of the principles of rule of law. At no time did the challenged state show the "ugly face of fascism"'.<sup>167</sup>

# 2

## Case Studies in International Terrorism: Hostage Crises and Hijackings

As the previous chapter has demonstrated, West Germany was highly exposed to domestic terrorism. But German terrorists were also eager to cooperate with foreign groups in order to increase pressure on the federal government to abide by their demands, which focussed on the release of other terrorists from prison. While the German government could respond to domestic terrorism by developing new laws or increasing the competences of the police, this was not possible for acts of terrorism committed against German citizens, officials, and interests abroad. Indeed, the 1970s were not only the decade of domestic terrorism, but Germany also had to cope with international terrorists.

The following case studies will illustrate this threat to the Federal Republic of German (FRG) and the difficulties that the German government had in responding to it. They will show that, when possible, Germany shied away from making difficult decisions, but it also lacked the competences and capabilities to greatly influence or resolve crises abroad. This changed with the establishment of the *Grenzschutzgruppe* 9 (GSG 9) counterterrorism unit after the Munich hostage crisis in 1972. This unit had its first successful operation in 1977 in Mogadishu. Still, in order to have the GSG 9 carry out its mission, the consent of the state upon whose territory the crisis was taking place was needed. As the case studies will show, this consent was often hard to achieve. The evolution of the desire to overcome negative diplomatic repercussions from some of the crises portrayed here, but especially the evolution of the need for better legal grounds for cooperation, makes these case studies vital in understanding German multilateral antiterrorism efforts in the 1970s.

## The warning: the kidnapping of Ambassador von Spreti in Guatemala in 1970

In the late 1960s and early 1970s, Guatemala became a dangerous place for Western diplomats. Kidnappings were the business of the day. Most of them were committed by rebel groups demanding the release of political prisoners, and the Guatemalan government normally gave in to the demands, thereby encouraging the continuation of this practice.<sup>1</sup> Victims included United States (US) attaché Sean Holly, who was kidnapped in mid-March 1970 and only released after the Guatemalan government set four political prisoners free.<sup>2</sup> Soon thereafter, on 26 March, US military personnel were abducted. The Guatemalan government released another 20 political prisoners in exchange for the liberation of the Americans.<sup>3</sup> Kidnappings of diplomats were, however, not restricted to Guatemala. In Brazil, US Ambassador C. Burke Elbrick was kidnapped in September 1969, and was only released after 15 political prisoners were set free by the government.<sup>4</sup> In other cases, the abductions ended tragically, as for instance in the case of US Ambassador to Guatemala John Gordon Mein, who was killed by his kidnapers in 1968.<sup>5</sup> It is against this context of continued violence against foreigners, combined with the soft policy of the Guatemalan government on kidnappings, that the von Spreti crisis has to be understood.

On 31 March 1970, at 12:30 pm, six guerrillas of the Rebel Armed Forces abducted the 62-year-old West German Ambassador, Karl Count von Spreti, from his car in the streets of Guatemala City and demanded the release of 16 – later 22 – prisoners as well as a ransom of 700,000 US dollars. If their demands were not met by the Guatemalan government, the terrorists threatened to kill their victim.<sup>6</sup> Immediately after word spread of von Spreti's kidnapping, diplomatic activities on the part of the West Germans started. The second-in-command at the German embassy in Guatemala, Gerhard Mikesch, called on the Guatemalan foreign minister and the president, who reassured him that the government would do everything possible to save von Spreti, and would also consider the release of the prisoners. Guatemala's Ambassador to Bonn made similar statements in his talks with German government officials.<sup>7</sup> Three days after von Spreti's kidnapping, the *Auswärtiges Amt* (AA) appointed its Latin America expert, Wilhelm Hoppe, as special envoy for the crisis. There were even suggestions that Chancellor Willy Brandt or Foreign Minister Walter Scheel should fly to Guatemala City in order to put pressure on the government or to enter into direct negotiations with the kidnapers, but the AA feared that this would

only serve to increase the kidnappers' demands. Instead, Hoppe was accorded full authority to negotiate and was specifically instructed that 'you can settle all money issues immediately'.<sup>8</sup> He met with several high-ranking officials, including President Julio César Mendéz Montenegro, to strongly urge the government to enter into negotiations and release the prisoners in exchange for von Spreti.<sup>9</sup> Moreover, during his trip to the US, Chancellor Brandt also publicly appealed to the Guatemalan government to do everything possible to save von Spreti's life.<sup>10</sup> Meanwhile, in Guatemala, the Papal Nuncio, Gerolamo Prigione, became involved as an intermediary between the kidnappers and the government. Because of his talks with Guatemalan officials, he was convinced that the government would be willing to make concessions to the rebels to ensure von Spreti's survival.<sup>11</sup> As proof of life, on 1 April, a handwritten note was sent to the German embassy in which von Spreti said that he was well; on 4 April, he sent another note, this time to his son.<sup>12</sup>

Based on these positive signs it seemed that the crisis would come to a happy ending, and the AA advised Mrs von Spreti to continue her trip to Europe.<sup>13</sup> Then, contrary to expectations, on 2 April 1970, the Guatemalan government announced to the press that it would not meet the kidnappers' demands, and it declared a state of emergency for 30 days, suspended civil rights, and put the military in control. In a talk with the Germans, Guatemalan officials stressed that some of the political prisoners demanded in exchange for von Spreti were convicted and sentenced criminals, and thus could not be released.<sup>14</sup> The German government protested against this decision and expressed its disappointment with the handling of the crisis by the Guatemalan government. The AA summoned the Guatemalan Ambassador several times to urge his government to negotiate with the kidnappers.<sup>15</sup> Other foreign ambassadors in Guatemala – probably also out of self-interest – joined Hoppe's protests to Guatemala's foreign minister, Alberto Fuentes Mohr, criticising the decision not to meet the kidnappers' demands.<sup>16</sup> Meanwhile, Bonn had its ambassador to the US, Rolf Pauls, call on the Department of State to ask the US to intervene in Guatemala. To the disappointment of the Germans, Washington was unwilling to get involved. The only support the Americans offered was to broadcast appeals by its ambassador to the kidnappers asking them to release von Spreti.<sup>17</sup> The degree to which this public statement further fuelled the crisis is difficult to assess. However, given the opposition of the rebels to the US presence in Guatemala, it is very likely that the US appeal was actually counterproductive to the efforts to save von Spreti.



In Guatemala, Monsignor Prigione met with the foreign minister again and appealed to him to give in to the demands in order to save von Spreti. But he was merely told that the Guatemalan government could not meet the kidnappers' demands as this had become a vital matter for the government, and its very existence was at stake. According to his own reports, Prigione had by now realised that the authorities wanted to end this crisis, one way or another.<sup>18</sup> He was told that he had to talk to the military, as they were now in control. Seldom did a government so willingly point out its own powerlessness. However, based on his previous experiences dealing with them, Prigione felt that the military would not be helpful in solving the crisis in a way that would spare von Spreti's life. As expected, they put obstacles in his way when he tried to appeal to the kidnappers through the radio: 'They [i.e. the military] wanted to prove their toughness and show that they would not be willing to negotiate.'<sup>19</sup> As a consequence of these developments, and the government's lack of flexibility on the matter, the dead body of von Spreti was found in a cottage near San Raimundo several days later, on 5 April 1970. He had been shot in the head.<sup>20</sup>

Upon learning of von Spreti's death, Brandt made a press statement heavily criticising the Guatemalan government and its failure to provide for von Spreti's security. He also pointed out publicly that Bonn would have been willing to pay the ransom, a decision which had indeed been taken but had been kept secret so as not to increase the terrorists' demands. Brandt added that '[the] Guatemalan Government has shown itself unable to give the accredited diplomatic representative the necessary security. Thereby, a problem has arisen which concerns the whole civilized world. The normal diplomatic conduct between states is seriously endangered if we do not put an end to acts of terrorism.'<sup>21</sup> Bonn was very upset and contemplated what measures to take in order to show its disapproval and disappointment to Guatemala. An idea floated by the AA suggested freezing diplomatic relations as the most effective measure short of breaking off diplomatic ties altogether. Consequently, on 6 April, Bonn reduced its relations with Guatemala to a minimum and withdrew its high-level diplomatic staff from the embassy. A special working group was also set up within the AA to devise alternative means of dealing with future crises, such as emergency plans for German diplomats.<sup>22</sup> As another sign of protest, the Guatemalan Ambassador to Bonn was declared *persona non grata* and was informed that the federal government wanted him to leave the country within 48 hours.<sup>23</sup> Several other high-ranking German officials and politicians also expressed their disappointment and 'disgust' with the Guatemalan government.<sup>24</sup> In

an interview with *Der Spiegel*, Nuncio Prigione hinted at the possibility that Guatemala would have done more had the US Ambassador been abducted instead of von Spreti.<sup>25</sup> To the Germans and others it looked as if the Guatemalan government had considered von Spreti an acceptable sacrifice to make a point and had not even seriously negotiated for his life.

Internationally, the events in Guatemala garnered a lot of attention, as Brandt had predicted. US Secretary of State William Rogers called it a 'terrible tragedy', and Chile's foreign minister said it was the 'most appalling and most cowardly crime in recent times'.<sup>26</sup> Scheel qualified the crime as terrorism and called for negotiations for an international agreement on how to deal with such crises in the future, as well as increased legal protection for diplomats – plans that would however not turn into anything specific.<sup>27</sup> Meanwhile, the government of Guatemala became uneasy with the ongoing international criticism and began measures to counter it: three days of state mourning were ordered, von Spreti's body was laid out for condolences at the National Palace, and an official state funeral was held for him. But this did not appease von Spreti's widow or the German community in Guatemala. Mrs von Spreti bitterly complained that the Guatemalan government had gambled with her late husband's life and left the ceremony before the Guatemalan president arrived. Foreign Minister Scheel flew to Guatemala to attend the ceremony and to escort von Spreti's body back to Germany. He also wanted to counter criticism that he had not done enough. On this occasion he protested in person to the Guatemalan president about his handling of the crisis and made it a point not to make it appear as if the federal government condoned the way in which Guatemala had handled the crisis. On several occasions the federal government also pointed out that Guatemala had done much more to save the US diplomat than von Spreti.<sup>28</sup> A few days later, the Guatemalan government started a harsh retaliation campaign against the people they claimed were linked to the von Spreti murder.<sup>29</sup>

On a side note, the crisis also provided a good basis for conspiracy theories. Speculations fuelled by US journalist William Gill mushroomed with his allegations that von Spreti had been assassinated by the Cubans. As von Spreti had been the one who had allegedly informed the Americans of the Soviet missiles on Cuba in 1962 – having been West German Ambassador to the island at the time – his assassination, so Gill claimed, was Fidel Castro's revenge.<sup>30</sup>

As the above speculation demonstrates, the kidnapping and abduction of von Spreti garnered a lot of media attention, not just in Germany

but also in the US and other parts of the world. It was considered an outrageous crime against diplomatic agents who were supposed to be under special protection. His assassination also increased calls for international measures to protect diplomats, and the German government developed a growing interest in that issue as well. In the same year, 1970, two other infamous kidnappings of West German diplomats made their way into the headlines, and again demonstrated the need for internationally concerted actions against such crimes, both to the German public and political leadership.<sup>31</sup> The crisis illustrated that German citizens and officials could indeed become targets of terrorists abroad. It also highlighted that the federal government had limited means at its disposal to cope with such a crisis. The biggest problem for the German government during the crisis was certainly the lack of information and cooperation on the part of the Guatemalan government. This explains why the Germans took a particular interest in the negotiations that took place at the United Nations (UN) for the better protection of diplomats, as Chapter 3 will show. While German officials certainly hoped that the von Spreti crisis would remain a singular event, the course of the 1970s showed that this was, indeed, not the case. Von Spreti's assassination was only the beginning and was a warning that international terrorism had reached the Federal Republic.

## **The embarrassment: the Munich hostage crisis of 1972**

### **The hostage-taking**

In September 1972, athletes from all over the world were gathering in Munich, West Germany, to celebrate the Olympic Games. For the Federal Republic, led by Chancellor Brandt, this event was supposed to show the new, democratic Germany to the world. This new Germany was eager to demonstrate that it had nothing in common with its militarist predecessor that had organised the Olympics in Berlin 1936, and which had been turned into a major propaganda event for the Nazis, for instance, through Leni Riefenstahl's films. The Olympics in 1972 were supposed to show a friendly Germany, and therefore security was very lax. Policemen were unarmed and dressed in civilian clothes. The Games were supposed to be 'carefree'.<sup>32</sup>

However, in the early morning of 5 September 1972, eight Palestinian terrorists climbed over the fence of the Olympic Village and stormed into the Israeli quarters, killing two Israeli athletes in the process.<sup>33</sup> They rounded up nine hostages and informed the German police that

they demanded the release of roughly 200 Palestinians from Israeli prisons. A crisis committee (*Krisenstab*) was set up in Munich that gathered local and Bavarian politicians, the president of the German Olympic Committee, and Federal Minister of the Interior Hans-Dietrich Genscher. The crisis committee offered the terrorists an undetermined amount of money for the hostages or offered to exchange Minister Genscher, Bavarian Interior Minister Bruno Merk, Munich Mayor Hans-Jochen Vogel, and Munich Police Commissioner Manfred Schreiber for the hostages. But, the Palestinians, who belonged to the organisation Black September, rejected these offers and insisted on the release of the prisoners in Israel. Meanwhile, the cabinet in Tel Aviv decided not to give in to the demands, and the German government was immediately informed of the decision. In the negotiations with the terrorists the Germans pretended, however, that no decision had yet been reached and therefore managed to have the Palestinians delay the ultimatum several times. At the same time, the police made plans to storm the building, but these ideas were later rejected as it was likely that this would lead to casualties. To make matters worse, several camera teams were filming and broadcasting live how the policemen were preparing to storm the Israeli building. Since the residences of the athletes were all equipped with televisions, it is likely that the terrorists hence knew about the imminent attack by the police. Instead, Minister Genscher promised the Palestinians that they would be allowed to leave Germany with the hostages on a Lufthansa plane from the military airbase Fürstenfeldbruck near Munich. At this point it still seemed possible that Egypt would be willing to accept the terrorists with their hostages, and the federal government preferred this solution as it might accomplish two tasks: first, it would end the crisis for Germany, as the events would then no longer be the responsibility of the FRG, and second, there would be no bloodshed. Contrary to Bonn's expectations, though, the Egyptians told Chancellor Brandt very clearly that they did not want to be dragged into the crisis. Consequently, with no other solution available, the new plan was to overwhelm the terrorists at the airport and free the hostages there. According to the quickly developed release operation plan, the terrorists would be overwhelmed by policemen disguised as crew members in the Lufthansa plane at Fürstenfeldbruck. However, just minutes before the helicopters transporting the terrorists and hostages from the Olympic Village arrived, the policemen in the plane voted to abort the mission as they did not consider themselves sufficiently trained to handle the situation. What then followed was major chaos and an incredible embarrassment for the Germans. With

no other options and no one to overwhelm the terrorists, the sharpshooters who were spread over the airbase opened fire on the terrorists, two of whom were still on board the helicopters. Lacking coordination and proper lighting on the runway, some of the terrorists could not be taken out, and they hid behind the helicopters and exchanged fire with the police for several hours. Coordination between the police broke down when bullets hit the tower and took out the radio unit. Moreover, reinforcement and armoured cars only reached Fürstenfeldbruck more than half an hour after the shooting began. Meanwhile, the hostages, handcuffed in the helicopters, were trapped in the lines of fire. Realising the hopelessness of the situation, one of the terrorists fired a gun and threw a hand grenade into the helicopter to kill the hostages. He wanted to create havoc and an opportunity to escape, but he was shot down by a sharpshooter. The last terrorist was taken out shortly thereafter. When the police eventually regained control of the air base, the results were devastating: all nine of the Israeli hostages had been killed, in addition to the two who had already been murdered in the Olympic Village. Moreover, five of the eight terrorists were dead, one policeman had been shot, and several others were severely wounded. To make matters worse, a government spokesman had already declared that all of the hostages could be saved, which increased international disbelief at the ineptitude of the Germans' handling of the crisis when it was later confirmed that in fact all of the hostages had been killed. The events in Munich were an embarrassment that could only be – partially – overcome with the successful release operation of German counterterrorism experts in Mogadishu five years later. As later enquiries confirmed, the authorities simply had no contingency plans for such a crisis, and warnings about a possible attack on the Olympics had been ignored.<sup>34</sup>

### **The aftermath and the Zagreb hijacking**

However, the crisis was not yet over for Bonn. First of all, it garnered major criticism from all around the world, most importantly of course from Israel, for the disastrous and fatal management of the crisis.<sup>35</sup> Second, there were now three terrorists in German custody, and chances were high that the Palestinians would try to free their comrades through new acts of terrorism, this time aimed at German victims. The federal government was so concerned about retaliation by the Palestinians against German aircraft that it instructed Lufthansa, the German airline, to deny all Arabs entry to the aircraft and to fire all staff with Arab backgrounds.<sup>36</sup> At the same time, in response to the blatant incapability of the German police to deal with the terrorist crisis, minister Genscher

set up an antiterrorism unit, the GSG 9, led by his aide-de-camp, Ulrich Wegener.<sup>37</sup>

The fears of the federal government that the Palestinians would try to free the prisoners were not unfounded. On the morning of 29 October 1972, a Lufthansa plane with 20 passengers plus crew en route from Beirut to Ankara was hijacked. The Palestinian terrorists demanded that the plane be flown to Zagreb – with a stopover to refuel in Nicosia – and then to Munich. On the way to Munich, in Austrian airspace, they changed their minds and returned to Zagreb, where they let the plane circle over the airport. The hijackers demanded the release of the three surviving Munich terrorists and threatened to let the plane crash once it was out of fuel. The Israelis immediately called upon the AA and demanded that the prisoners not be released. But in spite of Tel Aviv's démarche, the German government was quick to transport the three prisoners to a plane of the Lufthansa subsidiary Condor, which was waiting in Munich and which then took off with the prisoners, two plainclothes policemen, and the chief executive officer (CEO) of Lufthansa, Herbert Culmann. The Condor plane was supposed to circle Munich airspace until the hijackers agreed to certain German demands for the exchange of hostages against prisoners, but at some point, radio contact with the plane broke off. As it turned out later, Culmann had ordered the plane to fly to Zagreb as he was afraid that the Lufthansa plane was about to run out of fuel and would be crashed by the hijackers. The Condor plane landed, and the three terrorists were handed over to the hijackers of the Lufthansa plane, who directed the jet to Tripoli where the hostages were finally released.<sup>38</sup> The Zagreb crisis showed that there was no coordinated response on behalf of the federal government as decisions were taken on the spot and by people without direct authorisation. Moreover, the flow of information from Zagreb, through the German consul general to Bonn, was sparse, and the crisis committee hardly had a complete picture of the situation and was thus unable to make decisions.<sup>39</sup> This experience was taken into account for the next serious hijacking crisis, the abduction of the Lufthansa jet *Landshut* in 1977. In that case the federal government sent a special envoy with far-reaching competences who could negotiate on the ground.

The decision to release the three prisoners so eagerly was heavily criticised abroad, once again primarily in Israel.<sup>40</sup> There were even speculations that the federal government might have staged the hijacking of the plane so that it could get rid of the Palestinian prisoners and hence remove any reason to become a target of Palestinian terrorism again.<sup>41</sup> To counter this massive wave of complaints of the German handling

of the whole crisis, the federal government intensified its support for international antiterrorism efforts at the UN, specifically in the Ad Hoc Committee on international terrorism, as Chapter 3 will show. Yet the Brandt government hoped that with the Palestinian prisoners gone, Germany would no longer be a target of international terrorism and would not be dragged into the Middle East conflict again. International terrorism was still seen as related to the Palestine Question and not as a direct threat for Germany.<sup>42</sup> As future developments showed, however, Germany would remain on the radar screens of international terrorists. The federal government's optimism that the Munich events were the last encounter with international terrorism would not be borne out.

The Munich massacre had several direct implications. On the one hand, domestically, it led to the prohibition of Palestinian clubs and organisations in the FRG and to a significant number of deportations of Palestinians from German territory. It also became more difficult for Arabs to enter the FRG.<sup>43</sup> Moreover, the demonstrated incapability of the police to handle terrorist crises led to the establishment of the GSG 9. On the other hand, the German mismanagement of the Munich crisis and the all-too-willing release of the prisoners during the subsequent Zagreb hijacking garnered a lot of criticism in Israel and had a negative impact on German-Israeli relations. Middle Eastern countries were also upset about the campaign against Palestinians and Arabs in the FRG, and this also affected the already tense relations with several Arab countries.<sup>44</sup> At the multilateral level, the crisis impacted German foreign policy. Because of the international critique, and thus de facto out of a desire for redemption, Germany became a fervent supporter of the nascent multilateral efforts by the UN to attend to the problem of terrorism.

### **The reminder: the Khartoum embassy crisis of 1973**

Diplomats remained the preferred target for terrorists, in many parts of the world. On the evening of 1 March 1973, the Saudi Ambassador to Sudan – in his position as doyen of the diplomatic corps – gave a farewell reception for US chargé d'affaires George C. Moore, who was leaving Sudan. Many members of the diplomatic corps and also US Ambassador Cleo A. Noel Jr. attended the event to bid this popular diplomat adieu.<sup>45</sup> Suddenly, at 7 pm, a car drove into the court of the embassy and blocked the car of the US Ambassador, who was just about to leave. Six terrorists with submachine guns appeared, firing randomly, creating havoc, and, injuring the Belgian chargé d'affaires, Guy Eid. They then stormed into

the Saudi embassy to find specific ambassadors and singled them out. The terrorists scoured the entire residence to find diplomats who were hiding in the garden, on the roof, and even two Arab diplomats lying on top of each other in the bathtub.<sup>46</sup> Some diplomats managed to escape. French Ambassador Henri Costilhes, for instance, jumped over a wall and ran away, and Soviet Ambassador Feliks I. Sevastyanov hid in the garden until he could slip out of the compound.<sup>47</sup> The ambassadors who did not interest the terrorists were allowed to leave the embassy after several hours of detention.<sup>48</sup> However, five diplomats were retained as hostages: the US Ambassador and the *chargé d'affaires*, the Saudi Ambassador, as well as the Jordanian and Belgian *chargés d'affaires*.<sup>49</sup> It was later learned that the terrorists also wanted to take the German Ambassador to Sudan, Michael Ernst Jovy, hostage, but a high-ranking delegation of German politicians was visiting Sudan and he was hosting them at the German embassy at the same time, and therefore he was not attending the function at the Saudi embassy.<sup>50</sup>

The negotiations with the terrorists for the release of the hostages were led by the Sudanese minister of the interior. The hostage-takers demanded the release of all male and female Palestinian prisoners from Jordanian prisons, and that all female Palestinian prisoners in Israeli prisons be set free as well. Moreover, they demanded the release of prisoners in other countries (Abu Daoud, Al Hawili, Sirhan Bishara Sirhan – the murderer of Robert F. Kennedy who was imprisoned in the US), as well as the release of two German Black September supporters, Willi Pohl and Dieter Licht, from German prisons. However, as the terrorists failed to capture the German Ambassador, the demands regarding the German prisoners were soon dropped.<sup>51</sup> The governments concerned quickly agreed that the demands would not be met. Instead, the Sudanese army surrounded the embassy compound with hundreds of soldiers.<sup>52</sup> Once the terrorists realised that the governments would not give in to their demands, they decided to kill the three Western diplomats during a heavy sandstorm. When the corpses of the assassinated diplomats were found after the crisis was over, they were in a terrible state.<sup>53</sup> Apparently, they had been subjected to brutal violence before their assassination. This was confirmed by the reports of a Japanese diplomat, who said that the terrorists 'punched and kicked [them] unmercifully'.<sup>54</sup> Shortly after the murder of their Western victims, on 3 March, the terrorists finally gave up and surrendered to the Sudanese authorities, who took them into custody. The Saudi Ambassador and the Jordanian *chargé d'affaires* survived unharmed. Later on, rumours claimed that Sudan had granted the terrorists free passage to leave the country.<sup>55</sup> There is indeed evidence



to support this claim as the perpetrators were sentenced by a Sudanese court but were released soon thereafter and flown to Egypt, where all traces of them vanished.<sup>56</sup>

As was later confirmed, the attack was committed by six Palestinians belonging to Black September. There were also rumours that the local office of Al Fatah was involved in the preparation of the assault, but without any concrete evidence.<sup>57</sup> Nevertheless, the Sudanese government and the general public were appalled by the attack, which led to a presidential declaration announcing the termination of support for Palestinian organisations in Sudan.<sup>58</sup>

A few days after the end of the hostage drama, the bodies of the victims received a church service in Khartoum with full honours before they were flown to their home countries. The German Ambassador, who attended the service – fully aware that he too could have lain there had all gone according to the terrorists' plans – sent a very personal letter to Bonn reporting on the funeral for the US diplomats. In this report he also mentioned how deeply touched he was when the widow of US diplomat Moore told him 'We are glad that at least you have been saved.'<sup>59</sup>

In its assessment of the crisis, the German embassy in Sudan concluded that the attack by Black September was primarily aimed at renewing its reputation as a terror organisation. Germany and the US were attacked because they were important allies of the Israelis. In that sense, the Belgian casualty was an 'unfortunate random victim'. The freeing of prisoners was, according to this, only a secondary goal of the operation,<sup>60</sup> The Germans still refused to acknowledge that international terrorism had consciously chosen the country as a target.

The consequences of the Khartoum crisis were twofold. On the one hand, it coincided with the negotiation of the Diplomats Convention and reminded the international community that diplomats remained a priority target of international terrorism – and not only in Latin America. The crisis also demonstrated that diplomats from any country – not only Western ones – could become victims of terrorism. The Khartoum events thus contributed to enforcing the general consensus at the UN that better protection of diplomats from terrorist attacks was urgently needed. Moreover, the attack in Khartoum also alienated important Arab states from the Palestinian cause. As has been shown, support for the Palestinians was terminated in Sudan. Moreover, states that had formerly not been hit by Palestinian terrorism now became victims too, for instance, Belgium but also Saudi Arabia and Sudan, whose respective country or embassy compounds were the theatre of the attack. Therefore, the events in Khartoum can be seen in a line leading up to the attack

on the Organization of the Petroleum Exporting Countries (OPEC) oil ministers' meeting in Vienna in December 1975, which resulted in many Arab states changing their opinions on terrorism.

On the other hand, the Khartoum crisis also had direct relevance for the Germans. First, it was a reminder that West German diplomats would remain a priority target for international terrorists and that Bonn had a continued interest in increased international cooperation against terrorism as well as in the successful conclusion of the negotiations for the Diplomats Convention.<sup>61</sup> Second, the events also demonstrated that the line between domestic terrorism in Germany and international terrorism against Germany had become blurred. As the Black September terrorists had originally intended to demand the release of two German prisoners, Bonn could no longer ignore the fact that fighting terrorism at home and abroad were two sides of the same coin. Therefore, stronger German commitment to the international fight against terrorism became necessary. The Khartoum events certainly contributed to the growing conviction, both within the AA and the federal government, that terrorism had become international and that consequently the responses had to be multilateral as well. This hostage crisis solidified the perception that more had to be done to support the international fight against terrorism.

## **The window of opportunity: the OPEC siege of 1975**

### **The hostage crisis**

On 21 December 1975, the oil ministers of the OPEC countries were gathered at the organisation's headquarters in Vienna to discuss an Iranian proposal to raise the oil price to at least 15 US dollars per barrel. All of a sudden, at noon, a group of terrorists armed with submachine guns entered the OPEC building in Vienna. They took about 60 people hostage, including most of the oil ministers. The nationality of the terrorists was at first unclear, and only after the crisis did it become known that they were led by Ilich Ramírez Sánchez, aka Carlos the Jackal, and that two Germans were also involved, Hans-Joachim Klein and Gabriele Kröcher-Tiedemann of the Revolutionary Cells (RC).

As it was, at first, unclear whether German citizens were among the victims, Germans being among the OPEC staff, the AA immediately set up a crisis committee in Bonn, which was led by State Secretary Walter Gehlhoff, and at the embassy in Vienna. Bonn's interest in the matter was also fuelled by speculations – that were later confirmed – that

German terrorists were involved.<sup>62</sup> Later that night, more information became available: there were six terrorists, one of whom was a woman. They had entered the building pretending to be normal visitors. Two of the terrorists carried bags and passed security without being searched. They then went to the first floor and opened fire. In the course of the shooting, two members of the security staff, an Austrian and an Iraqi, were killed. One of the terrorists was also severely wounded by a shot through the stomach. He was taken to a hospital, where he underwent emergency surgery. Later that day the terrorists informed the Austrian authorities of their demands

1. that a declaration should be read on all Austrian radio stations every second hour;
2. that a bus and a DC-9 aircraft with crew should be made available by 22 December 1975 at 7:00 am;
3. that the injured terrorist should be returned to the OPEC building; and
4. that the Libyan Ambassador should be summoned to serve as mediator.

They threatened to blow up the building if their demands were not met. The Austrian government convened an emergency meeting and tried to locate the Libyan Ambassador, whom the terrorists had designated as negotiator and who did not seem to be in Vienna. As the Austrian authorities were unable to find him, the Iraqi chargé d'affaires volunteered to negotiate with the terrorists. He told the hostage-takers that the Austrian government was willing to accept the demands and that the statement would be read on the radio as requested. Moreover, the government agreed to provide a plane under the condition that all OPEC personnel be released and that only those diplomats volunteering to board the airplane be taken.<sup>63</sup>

In the course of the negotiations, confusion dominated as rumours spread that the Austrian government would allegedly only negotiate for the release of their own citizens. To counter such strategies, the German Ambassador delivered a note to the Austrians demanding that German citizens also be included in the negotiations. In this context, the Germans were told that this information was wrong and that Austrian Chancellor Bruno Kreisky himself would negotiate for the release of all of the OPEC personnel, independent of their nationality.<sup>64</sup> Meanwhile, reports suggested that the terrorists had apparently separated some of the hostages from the others and had singled out the ministers of Iran,

Saudi Arabia, and the United Arab Emirates (UAE).<sup>65</sup> This separation was certainly due to the pro-Western, and allegedly less pro-Palestinian, attitudes of these countries.

There was, however, another big problem for the Austrians. While they were considering how to fulfil the hostage-takers' demands, it was extremely difficult to find a crew that could fly the aircraft that the terrorists had requested. Moreover, the Austrians tried to convince the terrorists that their hospitalised comrade could not be transported as this would kill him. The Austrian authorities were even willing to grant free passage to one of the terrorists so that he could see for himself.<sup>66</sup> It was clear that Kreisky's government was willing to go out of its way to solve the crisis as soon as possible and to have the terrorists leave Austria. This strategy did indeed pay off. Later in the morning of 22 December, Bonn's Ambassador was informed by Kreisky personally that the terrorists had agreed to release the Austrian and German hostages. However, he asked the AA to keep this information strictly confidential for the time being.<sup>67</sup> Clearly, the Austrians were afraid that they would be accused of looking out for their own citizens first, which would confirm the rumours that had been circulating about such a policy.

It soon became evident why these hostages were released: the terrorists wanted to leave. A few hours after most of the hostages had left the OPEC building, the terrorists departed from Vienna on board an aircraft with the remaining 32 hostages, including 11 oil ministers.<sup>68</sup> Upon Kreisky's insistence, the remaining hostages were forced by the terrorists to sign agreements saying that they were accompanying Carlos the Jackal voluntarily.<sup>69</sup> This was obviously a farce as the hostages, being held at gunpoint, had no other option but to sign the documents. Yet, the Austrians insisted on this procedure in order to claim that they did not abandon the hostages as all of those that left with the terrorists did so of their own will. The wounded terrorist went with them, accompanied by an Austrian doctor.<sup>70</sup> The absurdity of the situation led the *New York Times* to declare the Vienna crisis 'one of the most bizarre terrorist attacks to date'.<sup>71</sup> Just before the situation was over – for the Austrians – there was one gesture that provoked a great deal of controversy, and symbolised the bad handling of the situation by the Austrian government, at least in terms of public relations. When the terrorists were about to board the plane with their hostages, the Austrian minister of the interior, Otto Roesch, shook hands with the leader of the terrorists and explained this later by saying he did so 'because we had finished our business'.<sup>72</sup> This gesture and the decision to give in to the demands and to let the remaining hostages leave with the terrorists also earned Vienna

a great deal of criticism. As Kreisky tried to explain later, 'You cannot rule out terrorism by retaliating, because terror has its own laws.... Human lives must be saved at all costs.'<sup>73</sup> Upon enquiry, he added, 'What would have been the alternative?... Should we have stormed the OPEC building without taking into account how many dead this would have cost? No; this you cannot expect from me.'<sup>74</sup>

At this point, the Germans did not know where the hostages would be taken. The embassy in Vienna expected the terrorists to have received landing permission for either Libya or Algeria.<sup>75</sup> The AA was particularly concerned that if the plane went to Algiers, this would further solidify fears that Algeria might be collaborating with the terrorists as there had already been indications of a closer cooperation with radical Palestinians.<sup>76</sup>

As the German hostages had been released, one would assume that the matter had thus been settled for Bonn. However, rumours that at least one of the terrorists was German fuelled West Germany's continuing interest in the crisis. Bonn hence continued to follow the events very closely. On 23 December the embassy in Vienna cabled that the 'speculations as to whether some of the terrorists had German nationality, and if yes who, are running wild'.<sup>77</sup> Allegedly, Austrian newspapers were preoccupied with this issue. As the embassy reported, 'as far as the press is concerned, at the moment, there are wild speculations, connections are engineered, and rumours spread without any concrete evidence.'<sup>78</sup> Later that day, the German embassy in Libya cabled that the plane had arrived in Tripoli, via Algiers, during the evening of 22 December. The Algerian and Libyan ministers as well as six other hostages were released, and the terrorists demanded that a new plane be provided for them by either Saudi Arabia or Iraq. This demand was not met, but the Libyan authorities agreed to publish the statement of the terrorists. In the early hours of 23 December, the plane left Tripoli. The plane then flew to Algiers, where the wounded terrorist was taken to a hospital, and the aircraft was refuelled. The terrorists subsequently flew to several countries in the Middle East and dropped off hostages before coming back to Algeria.<sup>79</sup> The hostage situation ended on 23 December after the last victims were released in Algiers and the terrorists left the aircraft without being taken into custody.<sup>80</sup>

### **The aftermath: to extradite or not to extradite?**

In a press conference after the OPEC incident, Kreisky defended the lax security provisions at OPEC and declared that at no time had there been any signs of a possible attack. However, he also concluded that this

event would have repercussions for the countries that had formerly been sympathetic to terrorists, especially of Palestinian provenance: 'The Arab countries have to realise now that terror cannot be controlled. If one accepts its methods, one has to accept that they can also be employed in an internal struggle.'<sup>81</sup>

As no confirmed information was available yet, more speculations popped up in the media as to the nationality of the terrorists. It now became clearer that it was indeed an international group composed of citizens of several countries. There were also speculations that Red Army Faction (RAF) terrorists may have been involved, as the pilot of the aircraft suspected that one of the terrorists was German or Austrian.<sup>82</sup> On 25 December, the Federal Criminal Police Office (*Bundeskriminalamt*, BKA) finally identified one of the hostage-takers through fingerprints of the hospitalised terrorist taken secretly. He was confirmed as Hans-Joachim Klein, a German national and a member of the RC. Consequently, Bonn became extremely alert, and the embassy in Algiers was immediately instructed to find out where the terrorists were and to obtain a confirmation of their nationalities to see if there were other Germans among them. Moreover, the embassy was to enquire as to what the Algerian security authorities intended to do about the terrorists.<sup>83</sup> Therefore, the next day German Ambassador Hans Heuseler called on the Algerian foreign ministry. The Algerians were upset because of the negative media coverage in many Western countries criticising the fact that the government had granted the terrorists free passage. Algiers claimed that while Western governments regularly gave in to terrorist demands, the Algerians were criticised for doing precisely that. Consequently, one Algerian official declared that, 'during similar events in the future the Algerian government will no longer provide any help and will leave it to the countries concerned to find solutions.'<sup>84</sup> The Algerian side countered rumours about its being in league with the terrorists and highlighted that they had given the terrorists free passage only to save the lives of the hostages. When the conversation turned towards the German terrorist, the Algerian counterpart stated that he would require more details on Klein before being able to give any further information. Heuseler concluded that the Algerians were not willing to share any knowledge they might have at this stage about the current location of the terrorists. He speculated that Algiers feared that it would be faced with ever more requests for extradition if it provided information on the whereabouts of the terrorists. This would put the country in a difficult situation as it had promised to give free passage to the terrorists.<sup>85</sup> It is also possible to assume that Algeria did not want any more attention

for this issue because it had already garnered enough bad press. In his correspondence with the AA in Bonn, Heuseler thus emphasised that it would only burden German-Algerian relations to insist on further cooperation on the terrorist issue, especially as he assumed that Klein and his comrades had already gone to Libya.<sup>86</sup> It was quite clear that Bonn's embassy in Algiers gave no priority to the location of the terrorists and was more concerned about the consequences of the crisis on the bilateral relationship. Clearly this topic had become a nuisance. Likewise, the ministries concerned with the issue in Bonn also became more cautious so as not to strain the relations with Algeria over the extradition issue.<sup>87</sup>

However, the Austrians were not ready to give up on the extradition matter yet, and the Austrian diplomats in Algiers informed their German counterparts that they were planning to ask for the return of the terrorists.<sup>88</sup> Indeed, already on 24 December, Vienna had issued an arrest warrant for Klein, which was sent to Algeria. Yet, the Austrian authorities seemed to be ill-coordinated as no one was able to tell German diplomats what the current state of affairs was. As a matter of fact, it was even suggested to the German embassy that Bonn should enquire directly with the Algerian authorities to see what their decision on the arrest warrant was as the foreign ministry in Vienna could not provide this information.<sup>89</sup> Algerian officials then indicated that an extradition request would not be answered. The official justification for this decision was that Algeria did not have an official extradition agreement with Austria. Moreover, Vienna was warned that it should not pursue this request any further, for it would cause serious tensions in the bilateral relationship and that Algeria had already 'done a lot for Austria and its interests'.<sup>90</sup> Given the seriousness of the situation, Kreisky was uncertain how to react. At the same time, rumours were afloat that the terrorists had left Algeria and that there might no longer be a need for an extradition from the country.<sup>91</sup> Despite this news, on 8 January 1976, an arrest warrant against Klein was issued by the German Federal Court of Justice. The Chancellor's Office was well aware of the risks this warrant could pose for German-Algerian relations, and the AA was consulted on whether it had any objections to transmitting it to Algeria. Given the sensitive nature of this matter, it was decided that the warrant would not be submitted through official diplomatic channels, but rather through Interpol to give it a less formal character. It was also agreed – in coordination with the Chancellor's Office – that the public should not be informed of the arrest warrant.<sup>92</sup> Obviously, a decision had been taken that the arrest and extradition of Klein should not become a public issue

in German-Algerian relations. Later, in January 1976, Algeria officially confirmed that the terrorists had left its territory. Consequently, the Austrian authorities decided not to pursue their extradition request any further.<sup>93</sup> The same fate befell the German warrant.

However, this only applied to Algeria. Upon the insistence of the Federal Ministry of Justice, in mid-January 1976 the AA instructed the embassy in Tripoli to enquire as to whether Klein had entered the country.<sup>94</sup> Ambassador Schilling dutifully replied that no information could be obtained as to Klein's whereabouts. Pre-emptively, the embassy advised against launching an official extradition request to the Libyan authorities. It highlighted that no proof existed that Klein had in fact ever entered Libya. This issue would be highly explosive: submitting an extradition request on the sheer basis of hearsay would be seen in Tripoli as a political statement pushing Libya into the proximity of those countries supporting international terrorism. This could lead to 'emotions that could provoke unpredictable reactions'.<sup>95</sup> The embassy also pointed out that this would certainly have negative repercussions for German economic interests in Libya. Moreover, Schilling underlined that Austria – which had a more direct interest in pursuing the matter – had not submitted any formal requests to date and apparently had no intention of doing so. Consequently, Bonn would be well advised to do the same.<sup>96</sup> Much like in the case with Algeria, German diplomats in the host country were very cautious about the extradition issue as it could put serious strains on the bilateral relationship. Moreover, in the case of Libya, this was even more sensitive due to the allegations that Mu'ammer Gaddafi indeed supported terrorists, or at least the OPEC raid. Suggesting that Klein was in Libya would imply that Libya was a safe haven for terrorists and could provoke unpredictable reactions from Gaddafi. Bonn followed this assessment, and the extradition request was not submitted. According to later information provided by the Austrian and American embassies in Libya, Klein had, in fact, been in Libya, but he left the country shortly thereafter.<sup>97</sup> Klein escaped to France, where he broke with terrorism and was in hiding until he was arrested in 1998. He was extradited to Germany and sentenced to nine years' imprisonment. In 2003, he was released. The other German terrorist, Gabriele Kröcher-Tiedemann, escaped and was arrested and imprisoned in Switzerland in 1977. Carlos the Jackal, after hiding for almost two decades, was arrested in 1994 and imprisoned in France thereafter.<sup>98</sup>

The reactions of Arab states to the crisis were mostly negative and condemned the actions of the terrorists. Several countries, such as Egypt and even the Palestine Liberation Organization (PLO), openly criticised



the raid.<sup>99</sup> This led to speculations that now that the Arabs had become victims of terrorism, they might be more prone to cooperating against terrorists in the future.<sup>100</sup> As the *New York Times* noted, 'Arab terrorism, having begun to turn against Arab leaders, now should prove to the Arab states themselves the danger of condoning such atrocities.'<sup>101</sup>

As a consequence of the OPEC crisis and the involvement of German terrorists, the federal government once again acknowledged the need for better international cooperation against terrorism. The German public demanded that decisive measures be taken to ensure the extradition of terrorists, instead of the 'lukewarm way' in which Kreisky had managed the issue, which was heavily criticised in Germany.<sup>102</sup> Consequently, the federal government set out to find better ways of dealing with future crises. An obvious problem in the OPEC crisis was the lack of coordination and cooperation between the governments concerned – especially Algeria and Libya – as well as the continued existence of safe havens for terrorists. Moreover, unified procedures for governments to deal with extradition requests for perpetrators of acts of terrorism were needed, as demonstrated by the OPEC events. Chancellor Helmut Schmidt considered the OPEC crisis as a window of opportunity to start a new round of antiterrorism negotiations at the UN. Therefore, the crisis was the official birth date for the plans for the German initiative towards a UN convention against the taking of hostages, which had at its core the idea of preventing terrorists from escaping from justice.

Furthermore, like the events in Khartoum in 1973, the OPEC situation once again demonstrated to the world that terrorism was no longer only a problem for Western countries. The crisis made it clear that even states that had thus far taken a rather benevolent stance on terrorism – at least when committed by national liberation movements – could also become victims. Certainly, at least in the long run, the events at OPEC contributed to a delegitimisation of all acts of terrorism, whoever committed them, on a global scale.

## **'The German silence': the Entebbe hijacking of 1976**

### **The hijacking crisis**

On 27 June 1976, an Air France jet with 248 passengers, flying from Tel Aviv to Paris with a layover in Athens, was hijacked by terrorists who were allegedly members of the Popular Front for the Liberation of Palestine (PFLP) and some European terror groups. After they took control of the plane, the hijackers forced it to land in Benghazi, Libya.

As this occurred only half a year after the OPEC crisis, when rumours about Libyan complicity with international terrorism were afloat, Libyan authorities were quick to state that Tripoli was not informed in advance of the terrorists' decision to stop over in Benghazi and that the plane was only permitted to land spontaneously and for 'humanitarian reasons'. One pregnant British woman was allowed to stay in Libya due to the intervention of Libyan negotiators.<sup>103</sup> The plane then took off again for the Entebbe airport, near Kampala, Uganda.<sup>104</sup>

A few hours after the hijacking was noticed, on the evening of 27 June, the Federal Chancellor's Office informed the AA and other ministries that Flight 139 had been hijacked, but that it was unlikely that there were any German citizens on board. However, the ministries were instructed to verify that indeed no Germans were among the hostages.<sup>105</sup> Yet this took time, and only on 29 June did the German embassy in Tel Aviv cable Bonn that Israeli intelligence thought it highly unlikely that German citizens were among the hostages.<sup>106</sup> Apparently, even this late into the crisis, the nationalities of the hostages were not entirely clear. Whether this was a deliberate attempt by the Israelis to make sure that the Germans would pursue a tough line in case demands were raised against the federal government is unclear. What this lack of information did, however, was keep Bonn extremely anxious and interested in any further developments. Moreover, the nationalities of the hijackers had not been confirmed either. It was assumed that the group consisted of four Palestinians who were affiliated with George Habash, but there were also speculations that European, or indeed German, citizens might be among the terrorists.<sup>107</sup>

There was, however, more uncertainty regarding the hijacking. Speculations abounded that the Ugandan leader, Idi Amin, could be involved in the hijacking. This assumption was further supported by what happened in Uganda once the jet landed there. Upon its arrival in Entebbe, early in the morning of 28 June 1976, Ugandan security forces surrounded the plane, and President Amin began negotiating with the terrorists and quickly thereafter withdrew the army from the immediate vicinity of the plane.<sup>108</sup> This was indeed not a positive sign. It remained doubtful whether Amin could be counted upon to help with the solution of the crisis.

Yet the uncertainty about whether Germans were among the hostages or the perpetrators was not the only concern of the AA. The FRG was also serving as a protective power for US interests and its citizens in Uganda, after Washington had severed relations with Amin's regime before the crisis.<sup>109</sup> Therefore, the US embassy in Bonn approached the

AA to enquire how many US citizens were aboard the aircraft. After some phone calls to Kampala, the AA informed the US that there were nine Americans among the hostages and that this made it necessary for Germany as a protective power to keep a close eye on the events.<sup>110</sup>

Being the only source of information for the decisions-makers in Bonn, the German diplomats in Kampala informed the AA that Amin had agreed to the terrorists' demand to have a statement broadcast on Ugandan radio. In the broadcast, among other messages, Egyptian President Anwar Sadat and Syrian President Hafez al-Assad were accused of taking an anti-Palestinian stance in the Lebanon conflict, and West Germany was criticised for its pro-Israeli policies and its treatment of the Baader-Meinhof gang.<sup>111</sup> As was becoming apparent to German diplomats, the FRG might become directly involved in the crisis, despite the absence of any potential German victims.

Indeed, the very next day the terrorists' list of demands was made public in another statement read out on Radio Uganda. The hijackers demanded the release of prisoners in exchange for the hostages. Among the prisoners were six terrorists in German prisons: Werner Hoppe, Jan-Carl Raspe, Ingrid Schubert, Ralf Reinders, Inge Viett, and Fritz Teufel. Most of them were members of the Movement Second of June (M2J), and were referred to in the radio message as 'fighters for the Palestinian cause'.<sup>112</sup> The M2J maintained close ties with several Middle Eastern groups, which explains the demand for their release.<sup>113</sup> Most other prisoners to be exchanged were in Israeli prisons, with some others serving sentences in Kenya, Switzerland, and France. All of these prisoners were to be set free immediately and flown to Entebbe by noon on 1 July. To make things more complicated, the German Ambassador to Uganda, Richard Ellerkmann, was on home leave in Germany at the time and would only return late in the afternoon on 30 June on a special Lufthansa flight.<sup>114</sup> Consequently, the German chargé d'affaires, Gerhard Nourney, in command for the time being, asked the AA for instructions as to what position the embassy should take in the negotiations. As demands were made to Germany and as several US citizens were among the hostages, he urgently sought directives from the AA.<sup>115</sup> Meanwhile, the hostages were allowed to leave the aircraft and go into the airport, where they had lunch.<sup>116</sup> There they were guarded by the Ugandan army, which further solidified concerns that Amin was indirectly complicit in the hijacking.<sup>117</sup> This indeed raised the stakes even higher as it decreased the chances for Ugandan cooperation in solving the hostage crisis and could have easily turned the situation into an explosive international crisis. It was no longer only about terrorists. This

had become a matter of international politics as well. Finally, on 29 June there was confirmation that no Germans were among the hostages, but there were ten Americans.<sup>118</sup> Moreover, news reached Bonn that the terrorists claimed to speak on behalf of the PLO – or as later transpired – the PFLP.<sup>119</sup> The nationality of the terrorists was still unclear; however, there were rumours that there were Europeans among the hostage-takers.<sup>120</sup> This was later confirmed, and the Germans were identified as Wilfried Böse and Brigitte Kuhlmann of the RC.

Given the fact that Germany had to make a decision about whether or not it would release the prisoners, discussions started among the members of the federal government and with other nations concerned. In the course of Franco-German consultations, the French stated that they were not willing to release the imprisoned criminals in exchange for the 104 French hostages. German Minister Werner Maihofer agreed with the French position and told his counterpart that the federal government would not release the requested prisoners either.<sup>121</sup> This decision was officially confirmed by a meeting of the German cabinet.<sup>122</sup> However, while the French and Germans were already discussing the issue, by the late afternoon of 29 June, no contacts had yet been established by the AA with the other major governments involved, that is, the Israelis or the Americans, concerning the strategy these states would adopt with respect to the terrorist demands.<sup>123</sup>

Despite this, there was some positive news from Uganda on the morning of 30 June. The French embassy, which was officially in charge of the negotiations, as it was a French jet that had been hijacked, informed their German counterparts that they expected the release shortly of women and children who were among the hostages.<sup>124</sup> And indeed, in the afternoon of the same day, the terrorists allowed 47 non-Jewish women and children to leave.<sup>125</sup> Meanwhile, upon his arrival, Ambassador Ellerkmann immediately talked to the Somali Ambassador, who had been chosen by the terrorists to act as the negotiator. He informed Ellerkmann that the Israeli hostages had been separated from the others and that the terrorists had installed explosives all over the airport. The Somali urged the German government to release the prisoners in order to avoid a bloodbath. However, Ellerkmann also talked to the PLO representative to Uganda – who expressed some sympathy for the PFLP terrorists – and who mentioned that the release of the German prisoners was probably not the primary objective of the terrorists, but that they mainly wanted to secure the release of Palestinian terrorists from Israeli prisons. This was good news to Bonn as it might mean that the terrorists were not very serious about their demands regarding the

German prisoners. It was also learned that the terrorists were not led by a Palestinian, and Ellerkmann speculated – falsely as it turned out – that the foreign female terrorist apparently in control was potentially the German RAF terrorist Astrid Proll.<sup>126</sup> More news on the identity of the terrorists became available soon afterwards when Chargé d’Affaires Nourney questioned several of the released hostages, including an American woman, who confirmed that two of the four terrorists were German, a woman and a man. The German terrorists even seemed to be the leaders of the terrorist commando. Moreover, she confirmed that upon the jet’s arrival in Entebbe, three other Arabs had entered the plane and joined the hijackers.<sup>127</sup> This was a crucial piece of information and a very bad one for the federal government as the fact that the terrorists were led by two Germans changed the situation for Bonn. First, it meant that it was less likely that the terrorists could be persuaded to drop the demands regarding the release of the German terrorists from prison. Second, it increased the pressure on Bonn to play a more prominent role in the negotiations. Moreover, the uncertainty as to Amin’s stance on the hijacking continued. The fact that the three Arabs had been allowed to join the hijackers in Entebbe seemed to suggest a premeditated plan that also pointed to some involvement by Ugandan authorities. It was consequently very difficult for the Germans and other Western governments to get a clear picture of the situation and to know what side Amin was on and whether or not he could be counted on for a solution of the crisis.

Germany’s diplomats in Uganda were not the only ones eagerly trying to find out more about the hijackers. When Ambassador Ellerkmann flew back to Uganda, he was accompanied by two Federal Border Guard antiterrorism experts, including Wegener, the commander of the GSG 9, which was to become famous in the following year for its commando operation in Mogadishu. These GSG 9 experts started making their own investigations in Entebbe, albeit with extreme caution. The AA also urged France to agree to let officers from the German police question the 47 hostages who had been released and were currently en route to Paris. The German policemen were supposed to make enquiries about the non-Palestinian terrorists in order to determine the names of the German hijackers.<sup>128</sup> When they were questioned in Paris, many hostages suggested that the Ugandan authorities were at least supportive of the terrorists and that the landing in Entebbe must have been a plot planned beforehand. Moreover, Amin had urged the hostages personally to put pressure on their governments to meet the terrorists’ demands. Some hostages also seemed to identify Böse as one of the terrorists. They all

confirmed that they had been guarded by Ugandan soldiers in Entebbe Airport.<sup>129</sup> Amin's involvement was of particular importance to the AA as it further fuelled suspicions about the possible support that Uganda was granting the terrorists.

### **West Germany's tactical ambiguity**

This situation had gone beyond a simple hostage crisis. The alleged complicity of Amin meant that the crisis took place in a country where the government had sympathies for the hijackers and would thus not cooperate with the other countries in solving the hostage-taking. Furthermore, at least one German had been identified as one of the terrorists and was even likely to be their leader. This not being enough, demands were made of Bonn to release sentenced terrorists. Lastly, the hostages included Americans, for whom Bonn was responsible in Uganda, and – even more importantly – Jews. Because of the Holocaust, this last point added an extreme level of complexity and difficulty to the situation. In light of this complex circumstance, an internal memo of the AA assessed the situation and the options at hand. Of the countries concerned, only the positions of Israel, the US, and France were important to the Germans as ‘the attitude of other friendly Western countries, which have citizens among the hostages, will be influenced by the policies of France and the US.’<sup>130</sup> As no demands were made of the Americans, the focus would, however, lie on France and Israel. Given the likely collaboration of Amin with the terrorists, the memo went on to note that ‘the position of Uganda is of no importance for our own decision.’ The memo advised that, it was crucial to reach and maintain a common policy line between France, Germany, and the US, preferably to have Washington put pressure on Israel not to release the prisoners. Yet it was also underlined that if Israel and France decided to give in to the demands, Germany could hardly oppose them and would also have to do the same, even though this would be in conflict with the policy established in 1975 that terrorists’ demands would not be met. This would be a great dilemma for Bonn. It could even become worse if Israel maintained a hard-line position, but France was willing to give in to the terrorists’ demands. In this case Germany would have to take sides – which might come at considerable diplomatic costs as well as higher security risks as the country might be more exposed to new terrorist attacks. Especially problematic was the very sensitive historical relationship Germany had with Israel. The AA came to the conclusion that ‘it is vital for the Federal Republic of Germany that there is no dissent between Israel and France.’<sup>131</sup> It was also suggested that close contact was maintained with the US so as to make certain

that Washington was fully committed to any action taken.<sup>132</sup> Bonn wanted to build up a common front and avoid being put in a position in which it had to make unilateral decisions – or in which other countries dictated the German policy. Against Bonn's fear of being left out of the decision-making process, on 1 July the Israeli embassy in Bonn informed the Germans of a message from Israeli foreign minister Yigal Allon to his French counterpart, Jean Sauvagnargues, that further fuelled Bonn's concerns. The letter had not been communicated to the federal government beforehand, and it contained a message informing Sauvagnargues that Tel Aviv would consider an exchange of prisoners under the condition that all hostages were released by the terrorists.<sup>133</sup> This obviously meant that Germany would have to give in to the demands as well, and seemed to indicate that Bonn's worst-case scenario would occur. After the Holocaust, it was simply impossible for the FRG to be responsible for the death of Israeli hostages. Moreover, because the Germans were not part of the Franco-Israeli consultations, their situation was particularly uncomfortable as they would have to concede to a decision they could not even influence.

In the meantime, international negotiations on the crisis were getting under way when US Secretary of State Henry Kissinger appealed to President Mobutu Sese Seko of Zaire, Egyptian Foreign Minister Ismail Fahmi, and UN Secretary-General Kurt Waldheim to intervene and prevent bloodshed in Entebbe.<sup>134</sup> To fine-tune the positions of the countries concerned, the Germans and Swiss were also in contact at the level of the ministers of justice in order to coordinate their reactions.<sup>135</sup> The Swiss told the French that they would follow whatever policy Israel took on the issue.<sup>136</sup> This demonstrated once again to the Germans that their room for manoeuvring was very limited and basically depended on Tel Aviv's decisions. Bonn was no longer at the helm.

In Uganda, due to Amin's negotiations and to Israel's indication that they might be willing to make concessions, on 1 July 1976 Radio Uganda announced that the terrorists had extended the deadline from 11:00 am on 1 July to 4 July 1976, and that they were willing to release all non-Israeli hostages.<sup>137</sup> This gave the countries more time to solve the crisis. Searching for a way to deal with the terrorists' demands, the Germans made enquiries in Kenya to learn their position on the possible release of the prisoners requested by the hijackers. In response, Nairobi simply denied having any Palestinian or pro-Palestinian terrorists in custody and said that it did not consider itself involved. The Kenyans hinted at the fact that the whole Entebbe crisis might be a ruse by Amin in order to provoke Kenya and provide a reason for a conflict.<sup>138</sup>

Meanwhile, German diplomats in Tel Aviv were trying to coordinate better with the Israelis. They cabled Bonn that Israeli foreign ministry officials highlighted that Israel would not consider a military solution. Tel Aviv, so the officials continued, would have a preference not to release prisoners, but rather to focus on having other governments exert pressure on Amin to solve the crisis peacefully.<sup>139</sup> Clearly, Israel suspected the complicity of Amin in the hijacking and highlighted its interest in a diplomatic solution. No one would expect a military intervention under these circumstances. Rather, it was assumed that given the high number of hostages and the location of the plane in a country sympathetic to the hijackers, Israel would eventually give in and release the prisoners. This speculation contributed to Bonn's concerns that it would have to follow suit. Still, for the time being, governments officially maintained a strong position, and France declared that it would have a 'policy of firmness' on the crisis. Much like the Israelis, the French stressed that they would not consider giving in to the demands and expected the Germans to do the same.<sup>140</sup> Yet, this statement notwithstanding, the German embassy in Paris was doubtful that the French would maintain their hard-line stance should the terrorists start killing American or French citizens.<sup>141</sup>

To demonstrate their unity in handling the crisis, during a meeting between Valéry Giscard d'Estaing and Schmidt, both men publicly confirmed their uncompromising stance towards the demands of the hijackers. At the same time, however, the German side was surprised by the French handling of the crisis. Unlike in Bonn, where a crisis committee was in session around the clock, no institutionalised crisis management mechanism existed in Paris. The AA was consequently worried whether this alleged lack of coordination on the part of the French government might get in the way of any sort of coordinated response to the crisis and might lead Paris to give in to the demands after all.<sup>142</sup>

At the same time in Entebbe, things seemed a little brighter when on 1 July another 101 non-Israeli hostages were released by the hijackers. From questioning some of the hostages, GSG 9 commander Wegener was certain, although as it turned out he was mistaken, that the non-Palestinian female terrorist was Proll, but he was uncertain as to the identity of the male terrorist who spoke German.<sup>143</sup> By now, Bonn was convinced that two of the hijackers were German, which obviously increased the pressure on the federal government and raised Bonn's stakes in the events. Moreover, the Germans were also concerned about reports that the PFLP terrorists were actively supported by the PLO in Entebbe.<sup>144</sup> Should this be true, it indicated a new radicalisation of the



PLO and a departure from their former policy that avoided targeting Westerners. It also raised questions as to the possible fragmentation of the PLO, with the local group in Entebbe acting against the directives from Arafat.<sup>145</sup> These developments once again pointed to the fact that the Entebbe incident had become a full-blown international crisis. It was a hostage situation involving international air passengers, but there was reason to believe that it might actually be an act of state-sponsored terrorism. It could also indicate a new wave of terror committed by the PLO, possibly even in cooperation with German terrorists.

Against this background, sudden public speculations in the media that Israel would indeed negotiate with the terrorists and release prisoners stirred things up.<sup>146</sup> Bonn's strategists had formerly tended to think that Tel Aviv would not consider negotiating, thus supporting Germany's tough stance. Now this cornerstone of Bonn's antiterrorism policy was at stake. With indications growing that Israel might abide by the hijackers' demands, the pressure on Germany increased. On 2 July, Israel's foreign minister, Allon, sent a personal letter to Genscher in which he informed him that Israel had only agreed to negotiate the release of some prisoners to win time.<sup>147</sup> This served to calm German fears a little as it seemed that the public contemplations about a possible release of prisoners were only tactical manoeuvres. Simultaneously, Bonn's embassy in Tel Aviv informed the AA of new suspicions in Israel that the hostage crisis was meant to force Israel into direct negotiations with the PFLP or PLO and hence to tacitly recognise the organisations.<sup>148</sup> This assessment also helps explain Israel's insistence that the French lead the negotiations in Entebbe.<sup>149</sup> Being somewhat reassured by Allon's explanations, Bonn continued its policy of ambiguity on what it intended to do, which the French coined 'the German silence'. But as France was under pressure to offer some sort of bargain to the hijackers, it became increasingly more impatient with West Germany's policy.<sup>150</sup> Equally disturbing to Paris was the news that the hijackers refused to release their hostages in exchange for only some prisoners.<sup>151</sup> Indeed, if a negotiated solution could be found to this problem, Bonn and Israel would have to compromise and abandon their former antiterrorism policies. The federal government was obviously playing for time in a situation that was very unclear and was trying to keep its options open – a position that increasingly upset the French and risked the hostages' lives.

French pressure notwithstanding, Ambassador Ellerkmann suggested to the AA to continue the low-profile policy and not to be proactive. He hoped that by not exposing itself, Germany might drop off the terrorists' radar screen and that the demand for the release of the German

prisoners, which the terrorists had so far not greatly emphasised, might not be raised again. To this end, he suggested that the main negotiations on the part of the West should continue to be led by the French Ambassador.<sup>152</sup> Ellerkmann wanted to create a situation in which Bonn might not have to make a decision at all if the Germans allowed the terrorists to forget them. This would have been a welcome way to avoid tackling the difficult issue of whether or not the prisoners in German cells should be released in exchange for the hostages. Despite the pressure from Paris, which was in a different situation as it had to negotiate with the hijackers and offer them something, for the German embassy in Kampala, maintaining a low profile seemed the better option.

What Ellerkmann proposed was – at least in moral terms – quite outrageous: rather than building up a solid and united front of governments blackmailed by the terrorists, he hoped that Germany could simply escape the hijackers' attention. This would certainly not have sent a strong signal to the world that Germany would resist terrorism no matter when and where. It was a policy that favoured convenience over principle. But in light of the fact, by then known to the Germans, that two German terrorists were among the hijackers, it is questionable how successful this strategy could ever have been. Certainly Böse and Kuhlmann would not have forgotten their German comrades. To the AA, however, Ellerkmann's proposal was intriguing and he received instructions that he should avoid getting involved 'at any price'.<sup>153</sup>

However, it began to dawn on the federal government that the policy of tactical ambiguity could not be maintained much longer. For one, Amin was increasing the pressure on the German government to make a decision as to whether or not they would release the prisoners, and the French were equally insistent that the Germans state their position.<sup>154</sup> Moreover, Bonn's hopes that the terrorists would not be very interested in the German prisoners soon vanished when the hijackers issued a new statement in which they explicitly stressed that they wanted to have all prisoners – including the ones in West German prisons – released in exchange for all of the hostages.<sup>155</sup> The clock was ticking and soon a decision would have to be made. The policy of tactical ambiguity was about to collapse.

This was the situation when, on the night of 3 to 4 July 1976, three Israeli Hercules planes carrying commando units landed without authorisation in Entebbe, overwhelmed the Ugandan forces and terrorists, and freed the hostages.<sup>156</sup> The disguised Israeli troops killed 7 terrorists, 20 Ugandan soldiers, and rescued almost all of the hostages.<sup>157</sup> In the hours after the raid, only the fate of one woman was unclear, the British-Israeli

citizen Dora Bloch. She had been taken to a hospital prior to the Israeli operation, and her whereabouts were unknown.<sup>158</sup> As subsequent investigations confirmed, she was murdered by Ugandan forces, probably upon direct orders from Amin, in revenge for the Israeli operation.<sup>159</sup>

After midnight on 4 July, the Israeli Ambassador to Germany, Yohanan Meroz, met with the state secretary of the Federal Chancellor's Office, Manfred Schüler, and informed him that at this moment Israel was executing a military rescue mission in Entebbe. Later that day, the Israeli embassy transmitted a message from Israeli Prime Minister Yitzhak Rabin to Chancellor Schmidt in which he also informed him of the operation and asked for Schmidt's political and moral support.<sup>160</sup> As this shows, the Israelis had planned and carried out the operation in complete secrecy. No prior consultation had taken place with Bonn. Schmidt confirmed as much during a cabinet meeting.<sup>161</sup> In general, however, the rescue operation came at the right moment and did not only save most of the hostages but also the German government's face. Bonn could have hardly maintained its tactical ambiguity much longer. It was later learned that Rabin only made his decision for the release operation in the early hours of 2 July. At this point, the Israelis were convinced that Amin was in league with the terrorists and that a military solution would be the only way to save the hostages.<sup>162</sup> This was also the time when the Israelis spread rumours that they would be willing to release prisoners in order to lull the hijackers into a feeling of having won. Interestingly, the same strategy was chosen by the Germans a year later at Mogadishu, just before the release operation by the GSG 9 under the same Colonel Wegener, who was present in Entebbe during this crisis.

### **The aftermath: Entebbe at the UN**

Upon learning of the rescue operation, the AA was very concerned about Amin's revenge and the possible implications for the safety of German diplomats in Kampala. As decisions might have to be taken very quickly, Bonn authorised Ambassador Ellerkmann to take any measures he judged necessary to ensure the safety of all German officials in Uganda, including their evacuation to Kenya. GSG 9 commander Wegener, who was still in Entebbe, was instructed to stay in the ambassador's residence to assure his safety and to allow him to leave the country incognito as soon as possible.<sup>163</sup> Due to the very unpredictable nature of Amin, the AA feared that Uganda might accuse Germany of complicity in the Israeli raid and could retaliate against German diplomats. Moreover, the presence of the commander of the German antiterrorism unit was certainly something that could have been misinterpreted by Uganda as West German support

for Israel's raid. For all these reasons, the federal government was eager to get Wegener out of Uganda; he reached Germany safely on 7 July.<sup>164</sup> As it turned out, these concerns were justified. After the Israeli operation, Amin was furious and was looking for a scapegoat, so he accused the West German government and especially Ambassador Ellerkmann of conspiring with the Israelis. He advised Ellerkmann that the West Germans in Uganda should 'pull up their socks' and that the PFLP would get hold of the ambassador, be it in Uganda or Germany, and punish him for his alleged complicity with Israel. Meanwhile Uganda's foreign minister, Mativa Lubega, tried to ease tensions and told Ellerkmann not to take Amin's accusations too seriously as he had been extremely agitated recently and even threatened his close advisers with all kinds of punishments. He concluded the conversation with the remark 'Please, don't worry.'<sup>165</sup> The ambassador seemed to trust his judgment and thus advised the AA not to overreact and to take a 'wait-and-see' approach. He was also concerned that any precipitous action by Germany might result in Uganda's being lost to either the Soviets or the Chinese.<sup>166</sup> Yet the attacks of the Ugandan media on France, West Germany, and the US, implying their cooperation with Israel in the attack, continued.<sup>167</sup> The AA denied these accusations in *démarches* to Organisation of African Unity (OAU) members.<sup>168</sup> Nor were these the only consequences of the Israeli raid. Operation Entebbe was to become an issue for the international community as well, since on 6 July 1976 the representative of the OAU asked the president of the UN Security Council (SC) for an immediate session on the Israeli attack on Entebbe Airport.<sup>169</sup>

Nevertheless – and despite the possible repercussions – West Germany and the other Western countries publicly congratulated Tel Aviv on the successful rescue of the hostages.<sup>170</sup> Certainly, the federal government was relieved since Bonn no longer had to make a decision about what to do with the imprisoned terrorists. As the chairman of the ruling Social Democrats and former chancellor – during the Munich Olympics crisis – Brandt put it, 'This day will go down as an important date in the history of the struggle against international terrorism.'<sup>171</sup> At the same time, France and Great Britain were against a European Communities (EC) statement before the SC, which was to condemn the Entebbe hijacking as well as the possible complicity of Amin. Great Britain in particular was worried about its citizens in Uganda and did not want to provoke Amin any further.<sup>172</sup> The Germans were of a different opinion: the AA realised that it might be beneficial to exploit the Entebbe incident at the UN in order to foster international antiterrorism cooperation, and especially its nascent anti-hostage-taking project.<sup>173</sup> Moreover,

Bonn was convinced that Uganda would use the SC session to attack West Germany for its alleged support of the Israeli intervention. The AA thus suggested a proactive and offensive policy at the UN.<sup>174</sup> As the Entebbe crisis had finally reached the UN and had direct implications for Bonn's antiterrorism initiatives in New York, the AA did not want to remain silent and just endure whatever attacks Uganda planned. And indeed, Amin continued his accusations against Bonn and sent a message to the UN and other African states in which he suggested that West Germany had prior knowledge of the raid and that it supported the Israelis. Making a U-turn, the Germans now departed from the policy of shying away from making decisions to an offensive strategy at the UN.<sup>175</sup> Against this backdrop, the German mission in New York asked the AA for authorisation to make a public statement on the Entebbe incident – the first ever such statement in the SC since the country had joined the UN in 1973. Bonn could use this opportunity to publicly deny Amin's accusations and condemn international terrorism as well as call for efforts against it. The AA shared this conviction since Germany could not afford to remain silent on the issue for two reasons: first, German citizens were among the terrorists, and second, the terrorists had made demands upon the German government. Moreover, as Amin openly accused West Germany of conspiring with Israel against Uganda, Germany had to respond so as not to lose face.<sup>176</sup> After all, UN policies on terrorism were a matter of prestige to Bonn. To minimise the negative diplomatic fallout from this offensive for Germany, the mission in New York was instructed to urge other Western governments to also take part in the discussions.<sup>177</sup> Bonn hoped that if it was just one voice in a concerted Western diplomatic campaign, the consequences for German citizens and officials in Uganda could be significantly reduced. However, this strategy depended heavily on the cooperation of the FRG's other EC and Western partners, and a united Western front against terrorism simply did not exist despite all the rhetoric. As Bonn was well aware of this, the AA drafted a very diplomatic statement for the SC, one that would not imply that Amin was complicit in the hostage-taking. But it would nonetheless allow Germany to show its colours in this debate.<sup>178</sup> Obviously, Bonn was eager to remain very cautious and not to expose itself too much in order not to provoke Amin any further.

This concern was shared by Ellerkmann in Kampala. He was extremely worried that Amin might retaliate against his staff or other Germans in the country. The Ugandan leader now tried to fabricate proof for his claims that Bonn was involved in 'Operation Entebbe'. Therefore, the cancellation of a Lufthansa flight to Kampala was quickly instrumentalised

by Amin and interpreted as proof of German involvement. He claimed that his soldiers did not notice the approaching Israeli planes as they were under the impression that it was the scheduled Lufthansa flight. Ellerkmann's statement that the flight had already been cancelled prior to the Israeli operation and that the Ugandans were aware of that, was simply ignored.<sup>179</sup> Against this explosive backdrop, the ambassador braced for possible retaliatory action against himself or the German embassy. He strongly advised the AA against an escalation of the situation, such as a harsh condemnation of Amin at the SC. Ellerkmann reminded the AA that he was responsible not only for the German citizens in Uganda but also for the Americans.<sup>180</sup> Ellerkmann was worried by not only Amin's choleric nature but also what he could do to retaliate. As an internal AA assessment of Amin – written in the zeitgeist of earlier decades – pointed out: 'Amin does not think in logical Western concepts but in irrational and unpredictable African categories.'<sup>181</sup>

Given this delicate situation, Rüdiger von Wechmar's speech at the SC was deemed so important that not only did Foreign Minister Genscher have to approve it but it was even forwarded to Chancellor Schmidt, who personally made some changes to it before finally giving the green light to go ahead.<sup>182</sup> With this highest blessing, von Wechmar addressed the SC on 12 July 1976.<sup>183</sup> By making reference to the events in Entebbe, he introduced the proposal for the speedy elaboration of an international convention against the taking of hostages for the first time.<sup>184</sup> It attracted a great deal of attention and applause not only from Western states but also from African countries, and was deemed by von Wechmar as a perfect first appearance of the FRG at the SC.<sup>185</sup> When the Entebbe debates came to an end, the SC did not pass a resolution on Entebbe. Both the anti-Israeli draft by the African countries as well as a more balanced one submitted by Great Britain failed to achieve a majority.<sup>186</sup> Yet while the debates centred on the question of whether or not Israel had violated Ugandan sovereignty, the debates demonstrated to Bonn that there was a subtle unanimous condemnation of hijackings.<sup>187</sup> This was an important development and would be exploited for Bonn's anti-terrorism plans at the UN, as Chapter 4 will show.

Meanwhile, the German embassy in Kampala reported that the French managed to make amends through a very conciliatory personal note by Giscard to Amin. This made it appear that Paris was trying to put the blame on the FRG and the British.<sup>188</sup> It was quite a remarkable development. Whether deliberately or not, the French were now employing the policy that Bonn had adopted during the hostage crisis: rather than producing a common front with the other governments concerned,

Paris tried to sneak away and have the other countries become the focus of Ugandan retaliation and wrath. Bonn received a taste of its own medicine. The Germans kept on struggling with the aftermath of the crisis for a while until Amin finally turned his attention towards other issues again.

The Entebbe crisis is a very interesting case study as it demonstrated – both to Bonn and to the world – several important developments in international terrorism. First of all, to the federal government, it unveiled the intimate and continuing cooperation between German and foreign terrorists. In that sense it reinforced the perceptions in the government that the fight against international terrorism was an important cornerstone of a general antiterrorism policy. Terrorism could not only be fought at home, but it had to be battled internationally. Second, the crisis was very delicate in that it implied that a state, in this case Uganda, might be in league with terrorists. This was an alarming development as it could have easily propelled the terrorist crisis into an international one. It also complicated dealing with the terrorists as one could not rely on Uganda's support for a release operation. State-sponsored terrorism emerged as a new issue that would continue to be of importance into the 1980s and beyond. Third, this crisis was a very delicate challenge to West Germany's antiterrorism policy. It created a remarkable dilemma for Bonn, and could have easily altered the course of history had the situation led to West Germany's having to give in to the demands. Bonn's policy of tactical ambiguity could not have been maintained for much longer. But abiding by the terrorists' demands would have been the end of the domestic hard-line policy on terrorism and might have encouraged terrorists to commit more attacks against the FRG. Fourth, the Entebbe situation saw Bonn choose a policy of tactical ambiguity that was morally questionable and irritated its neighbours. Bonn tried to play for time, hoping that things would settle in a way that would not necessitate its having to make a decision. This policy upset its allies, and West Germany failed to portray itself as a fervent proponent of coordinated antiterrorism policies. As is often the case, the notion that inspired antiterrorism strategies was 'each country for itself'. West Germany was no exception. Lastly, the hijacking crisis had the potential of seriously damaging Bonn's international standing. Had the federal government been forced to make a decision about whether or not to release terrorists from prison, Germany's prestige would have suffered no matter what the decision would have been: either because Bonn would have willingly sacrificed Israeli citizens as a result of its policy not to abide by terrorist demands or because Bonn would have lost the initiative and have had to

follow whatever decision a foreign country – Israel or France – made. For the West German state, this would have been an unwelcome reminder of the days when other countries, the Occupying Powers for instance, determined West German policies

But the Entebbe crisis also showed why it was so important for Bonn to elaborate better legal instruments to deal with hostage situations. While a binding convention obliging Uganda to cooperate in the release of the hostages and to try or extradite the perpetrators might not have worked on a character such as Amin, it would have improved the arguments and increased the pressure that Bonn and the other Western countries could have applied. It would have portrayed Amin as a violator of international law. The ‘shaming and blaming’ that this could have provoked might have forced Amin into a more cooperative policy. The bringing to light of the lack of international mechanisms to deal with such crises was one of the most obvious results of the Entebbe hijacking. At the same time, the focus of the SC debates on the military nature of the Israeli release operation demonstrated that a subtle consensus among countries was emerging that hostage crises as such were deemed unacceptable. That was an important observation for the AA and one that further fuelled West Germany’s plans for an anti-hostage-taking initiative at the UN.

## **The rehabilitation: the *Landshut* hijacking of 1977**

### **The crisis**

Since 5 September 1977, West Germany had been in ‘a state of full crisis’.<sup>189</sup> On that day, the president of the German Industrialists Association, Hanns Martin Schleyer, was kidnapped by the RAF to force the federal government to release imprisoned terrorists. Chancellor Schmidt set up several crisis committees to deal with the situation, and one of them – the *großer Krisenstab* (big crisis committee) – also included members of the opposition parties and officials from the *Länder*. The committees decided to play for time and not give in to the demands of the terrorists. The hope was that with the new dragnet methods of the BKA, the police would soon locate the terrorists and their victim, and would be able to free him.<sup>190</sup> However, the crisis had already lasted for six weeks when, on 13 October 1977, a Lufthansa jet en route from Palma de Mallorca to Frankfurt was hijacked by four Palestinians (two men and two women), belonging to the PFLP. The German Autumn was reaching its climax and, according to State Minister Hans-Jürgen Wischniewski, ‘it



was the biggest challenge for the Federal Republic of Germany since its foundation.<sup>191</sup> The hijackers belonged to a Commando Matyr Halimeh led by a so-called Captain Mahmud, whose real name was Zohair Youssif Akache. There were not only German hostages but also two American and two Austrian citizens on board the aircraft.<sup>192</sup>

The German authorities learned about the hijacking at 2:38 pm, after the first indications from air control that the Boeing 737 had been rerouted. However, one hour later it was not entirely clear whether the *Landshut* had indeed been hijacked or whether there were other reasons for the change in the flight route, for instance, technical problems. At this point, Interior Minister Maihofer informed the chancellor about the possibility of a terrorist incident. An hour later, the *Landshut* arrived in Rome.<sup>193</sup> By 5:00 pm there was finally confirmation that this was indeed a terrorist act as the hijackers informed the tower in Rome of their demands against the German government: the release of 11 RAF terrorists, among them the leaders of the group, Ensslin and Baader, as well as 100,000 deutschmarks per terrorist. They also demanded the release of two Palestinians from Turkish prisons.<sup>194</sup> Soon after this news reached Bonn, the cabinet, in an emergency meeting, decided that the federal government would not give in to the terrorists' demands and thus confirmed the line set up by Schmidt in early 1975. A solution using either negotiations or a rescue operation by the GSG 9 was envisioned.<sup>195</sup>

Once the cabinet decision was taken, Minister Maihofer, who was in charge since Foreign Minister Genscher was in the People's Republic of China at the time, called his Italian counterpart, Francesco Cossiga, and asked him not to allow the plane to leave Italy. He urged Cossiga to shoot the tires of the plane if necessary to prevent it from taking off. The federal government wanted to keep the plane in the North Atlantic Treaty Organization area as it was believed that it would be much easier to get consent for a GSG 9 release operation from an allied government rather than from a government outside of the Western bloc. However, the Italian government did not want the crisis to escalate in Rome, so they refused to intervene in order not to provoke the Palestinians. Thus, at 5:42 pm the *Landshut* took off and left Rome for Larnaca, Cyprus.<sup>196</sup>

Upon the plane's arrival, Maihofer immediately called the Cypriot ad interim foreign minister, Andreas Patsalides, and asked him for his government's support. At the same time, it became clear that the PLO did not support the hijacking, as their local representative in Cyprus tried to negotiate with 'Captain Mahmud' in an attempt to convince him to give up, but to no avail.<sup>197</sup> Yasser Arafat also distanced himself

from the hijackers. He said that he would do everything he could to save the hostages.<sup>198</sup> Yet much like Italy, Cyprus did not want to get involved in the crisis and wanted to get rid of the plane as soon as possible. Therefore they allowed the jet to be refuelled and gave it permission to take off.<sup>199</sup> The German embassy in Nicosia complained to the AA afterwards that the Cypriote authorities had no intention of blocking the press' access to the tower during the *Landshut's* stay there. Since no provisions were made to secure the compound, journalists could even overhear the telephone conversations between the AA and the German diplomats on the ground and the discussions between the Cypriote officials in charge.<sup>200</sup> Clearly, Cyprus had no intention of helping the Germans in any way in this delicate affair. Late at night on 13 October, at about 11:00 pm, the *Landshut* left the island and then tried to land in Beirut, Damascus, Amman, and Kuwait, but all of these cities blocked their airports. Consequently, after refuelling in Bahrain, the jet flew to Dubai, where it was allowed to land.<sup>201</sup>

Meanwhile, in Bonn, the small crisis committee that had been set up to deal with the kidnapping of Schleyer in early September 1977 now also had to cope with the *Landshut* crisis.<sup>202</sup> At no point was there ever serious consideration of giving in to the terrorists' demands. The mood prevalent in the committee was best described by State Minister Wischnewski: 'A government that can be blackmailed is not a real government.'<sup>203</sup> The crisis committee authorised Wischnewski to fly to Dubai and negotiate with the terrorists on behalf of the federal government. This was a lesson learnt from earlier crises in which Bonn's diplomats at the embassies who were negotiating with the terrorists always had to double check everything with Bonn, thereby losing precious time, especially under poor communication conditions. Wischnewski was chosen because he had good contacts in the Arab world and enjoyed Schmidt's complete confidence. He took a briefcase with 10 million deutschmarks with him in case he could arrange an ad hoc deal, and he also had far-reaching authority to negotiate a solution. As Schmidt put it, 'Never before has someone had such far reaching competences for a mission.'<sup>204</sup> And as the chancellor confirmed in his telephone conversations with Arab leaders, Wischnewski had 'unlimited competences'.<sup>205</sup>

At the same time, Schmidt called British Prime Minister James Callaghan and French President Giscard to ask for their support.<sup>206</sup> Giscard encouraged him not to give in as it was not only the *raison d'état* of Germany that was under attack but that of all European countries. He told Schmidt that if he were faced with such a decision, he would not give in but would order a rescue operation: 'In such a case there

would possibly be some casualties but certainly not all of the passengers would lose their lives.<sup>207</sup> At the same time, London set up a crisis committee of its own to coordinate support for the Germans. The British sent *démarches* to several Arab countries and provided modern Special Air Service (SAS) equipment for the GSG 9. Schmidt asked the British for diplomatic support in Dubai so that the GSG 9 could launch its rescue operation there.<sup>208</sup> US national security advisor Zbigniew Brzezinski was also constantly kept up to date on developments regarding the crisis, but in general the US stayed in the background.<sup>209</sup> Obviously, the federal government, and in particular Chancellor Schmidt, who personally led the crisis committee, wanted to get a broad international front against the hijackers and to assemble as much support as possible.

In Dubai, Wischneswki and Wegener, the leader of the GSG 9, who accompanied the special envoy, tried to convince the authorities that they should allow the GSG 9 to carry out the rescue operation, but the president of the UAE, Sheick Zayed bin Sultan al Nahayan, was very hesitant. Even a long private phone call from Schmidt did not convince him. Consequently, when the hijackers threatened to assassinate one passenger for every five minutes that the plane was not refuelled, Sheik Zayed allowed the plane to leave the airport. Wischneswki suggested that it was domestic reasons that led to this decision in that 'a rather conservative Arab president, in whose country many Palestinians live, could not allow German security forces to shoot at Arabs'.<sup>210</sup> Schmidt was very disappointed about this as he believed that Dubai would have been the best airport in the Middle East for a rescue operation. As he expressed to the UAE minister of defence, who was in charge of the negotiations at the airport, 'I would rather strongly recommend that the plane by no means will be allowed to take off...so my prayer is that you please do not let the plane take off.'<sup>211</sup> Even more alienating was the diplomatically maladroit coincidence that Schmidt learned from the German crisis committee that the aircraft was taking off just while he was on the phone with the president of the UAE, who was informing him that his government would do everything possible to solve the crisis even though he had already decided to let the plane go.<sup>212</sup> This more than unfortunate situation certainly explains Schmidt's fury. Consequently, against the wishes of the German government but under direct orders from the president of the UAE, the plane left Dubai at noon on 16 October. It was headed to Oman, but the runway was closed so the *Landshut* flew on to Aden. The South Yemeni authorities had also blocked the runway, but as the plane was out of fuel, the pilots and 'Captain Mahmud' decided to try an emergency landing on the

sand road next to the runway. Against all odds they succeeded, with only minor damage to the plane.<sup>213</sup>

But this new situation proved difficult for the West Germans on a diplomatic level. As Bonn did not yet have a diplomat in South Yemen – ambassadors were to be exchanged shortly – there was no representative to negotiate with the kidnappers. Therefore, the federal government asked the Soviet Union and the German Democratic Republic (GDR) to use their influence on Yemen to find a solution to the crisis and for landing rights for Wischnewski. Schmidt also called King Khalid of Saudi Arabia, asking him to put pressure on Aden. The West German opposition leader, Franz-Joseph Strauß, who was currently in Saudi Arabia, also urged the Saudi government to pressure Yemen into a cooperative stance. Still, the airspace over South Yemen remained closed, and Wischnewski was not allowed to enter the country to negotiate with the terrorists.<sup>214</sup> Bonn then tried other diplomatic channels to urge Yemen to cooperate, and thus, upon Schmidt's request, the British and US delivered a *démarche* to the foreign ministry. Moreover, the US also asked the Saudis to intervene diplomatically in Aden.<sup>215</sup> Apparently, the West German government was willing to offer South Yemen 'major development plans and funds' if they were willing to cooperate with Wischnewski.<sup>216</sup> Yet Aden did not want to get involved, and it maintained an uncooperative stance towards both the West Germans and the terrorists. During this hectic diplomatic activity, the *Landshut*, with unsanitary conditions, was standing next to the runway at Aden airport in the burning heat. After the terrorists learned that the authorities in Yemen would not support them and in fact wanted them to leave as soon as possible, the captain of the plane, Jürgen Schumann, inspected the engines and secretly tried to speak to Yemeni officials. When he returned to the plane, 'Captain Mahmud' accused him of treason and murdered him in front of the passengers. A few hours later, the plane was refuelled, pulled onto the runway, and received permission to take off. It left Aden, and it was soon learned that it would fly to Mogadishu, where it arrived early in the morning of 17 October 1977.<sup>217</sup>

Immediately after confirmation had been received that the plane was in Somalia, Schmidt and Genscher talked to the Somali Ambassador in Bonn, and the chancellor had a long phone conversation with Somali president Mohamed Siad Barre. At the same time, the small crisis committee decided that the crisis should definitely be ended in Mogadishu – by means of a GSG 9 commando operation if need be.<sup>218</sup> In their talks with Somali officials, both Genscher and Schmidt emphasised that there were Germans among the terrorists. This was a lie, as

the German authorities knew that the hijackers were Palestinians, but it served to ensure Somalia's consent for a German-led rescue operation. As a matter of fact, in a message that Wischnewski passed on to Siad Barre, he said that the hijackers were led by three German terrorists who had only used one Arab terrorist as a ruse to pretend to be fighting for the Palestinian cause.<sup>219</sup> That was not the truth, and Wischnewski knew that. Moreover, Schmidt promised that 'if the Somali government acted according to our wishes, this would have far-reaching effects on our future policy towards Somalia. Somalia could then count on *all support* from Germany.'<sup>220</sup> In the context of the war between Somalia and Ethiopia,<sup>221</sup> it would have been difficult for the Somalis not to understand this as an offer of diplomatic and military aid. It is likely that Schmidt deliberately used this ambiguity to ensure full Somali cooperation.

At the same time, Schmidt conducted active telephone diplomacy with leaders both in European countries and in the Middle East, asking them for either diplomatic support in Mogadishu or cooperation with the Germans to solve the hostage crisis.<sup>222</sup> Bonn also urged the US to intervene with the Somali government so that President Siad Barre would use his alleged 'special influence' on the hijackers to find a peaceful solution.<sup>223</sup> This request is a glimpse at the German government's suspicion, mirrored in US documents,<sup>224</sup> that Siad Barre – much like Amin one year before in Entebbe – might be supporting the terrorists and be somewhat involved in the hijacking. As a consequence of Bonn's wish for support, US president Jimmy Carter sent a message to Siad Barre asking him to intervene in order to rescue the hostages and informing Siad Barre that the US Ambassador was instructed to 'provide all possible support and assistance' to the Somali authorities.<sup>225</sup>

When Wischnewski arrived in Mogadishu a few hours after the *Landshut*, he was greeted with suspicion and mistrust by Somali officials, but was immediately taken to meet President Siad Barre.<sup>226</sup> During this meeting the German special envoy promised significant support to Somalia, but made no mention of arms deals. Yet – in very diplomatic language – Wischnewski ensured Siad Barre that he would receive money that could be used to purchase weapons elsewhere.<sup>227</sup> Meanwhile, the GSG 9 was circling in the airspace of Djibouti, waiting for Somalia's consent to land in Mogadishu.<sup>228</sup> After difficult negotiations between Wischnewski and Siad Barre and promises of indirect support to Somalia, the president finally consented to a GSG 9-led operation to free the hostages in Mogadishu.<sup>229</sup> In stark contrast to the Israelis in Entebbe, the Germans never intended to use the GSG 9 without the permission of the host government. As Colonel Wegener summarised it later, given

Germany's history, a solution such as the one in Entebbe was impossible.<sup>230</sup> Once Siad Barre's agreement was given, the basic task was to buy time so that the GSG 9 could properly prepare its commando operation. Thus, Wischnewski pretended to give in to the terrorists' demands, much like the Israelis had done one year before in Entebbe. Consequently, the hijackers set up a new deadline.<sup>231</sup> During the negotiations in Mogadishu, the comprehensive powers granted to Wischnewski and GSG 9 Colonel Wegener by Schmidt, were very useful because the telephone connection with Bonn was extremely poor, as the call had to be routed through a relay station in Rome and then through the Lufthansa headquarters in Frankfurt before finally reaching the Federal Chancellor's Office in Bonn. Therefore, Wegener and Wischnewski had to make decisions on the spot without double-checking everything with Bonn.<sup>232</sup>

At 2:05 am on 18 October, the GSG 9 release operation, codenamed Operation Magic Fire, started when the British SAS specialists detonated two new types of stun grenades in front of the cockpit of the *Landshut* to distract the terrorists. At the same time, the GSG 9 approached the plane from the rear and entered it. The operation took seven minutes. Three of the four hijackers were killed instantly, and the fourth, Souhaila Andrawes,<sup>233</sup> was injured. All of the hostages were freed, and only one GSG 9 member was wounded.<sup>234</sup> Operation Magic Fire was a stunning success, and founded the reputation of the GSG 9 as one of the best counterterrorism units in the world.

### **The aftermath of the crisis**

The Somalis, however, wanted the Germans to leave as soon as possible, so only two hours after the end of the operation, another Lufthansa jet carrying the former hostages, and a second one with Wischnewski and the GSG 9 on board, left for Frankfurt. They all arrived in Germany on the afternoon of 18 October 1977 and were greeted as heroes.<sup>235</sup> On the same day, a special honour was bestowed upon the Somali Ambassador to Bonn when he was welcomed by the whole cabinet, which gave him a standing ovation. Later that day, British Prime Minister Callaghan, on a regular visit to Bonn, joined a debriefing meeting of the big crisis committee, in which Schmidt thanked him for all of his support.<sup>236</sup>

Upon learning of the successful rescue operation of the GSG 9 in Mogadishu, the imprisoned leadership of the RAF that was to be released in exchange for the hostages in the *Landshut*, gathered around Andreas Baader and Ulrike Ensslin, committed suicide. A few days later, the dead body of Schleyer was found in Mulhouse; he had been killed

by his kidnappers after they learnt of the end of the hostage crisis in Mogadishu.<sup>237</sup>

As the world learned about the successful results of the GSG 9 operation, reactions were mainly positive. The French press, otherwise rather critical of German antiterrorism measures, drew a mostly 'admiring and positive' picture of the release operation and congratulated the Germans on their firmness in dealing with the crisis.<sup>238</sup> The Danish were also positive about the GSG 9 operation, and Foreign Minister Knud Børge Andersen euphorically declared that

this is an admirable victory in the fight against terrorism, it is a victory for humanity and democracy, it is an important victory for the democratic Germany. It is a victory of the Federal Republic of Germany in the fight for humanity and democracy.<sup>239</sup>

Other European media gave equally positive coverage.<sup>240</sup> The Japanese had an ambiguous reaction, though. On the one hand, Minister of Justice Mitsuo Setoyama expressed appreciation for the German release operation. On the other hand, Prime Minister Takeo Fukuda implied subtle criticism and reiterated that for his government, such a solution would be unacceptable as the Japanese constitution forbids the deployment of Japanese troops abroad.<sup>241</sup> While this was certainly true, it appears that the Japanese were determined to find excuses in order to keep all of their options open in dealing with terrorists – including giving in to their demands, as they had a few weeks before the *Landshut* incident when a Japanese jet was hijacked and redirected to Algeria.<sup>242</sup> This policy also inspired Japan's stance on UN antiterrorism efforts. Moreover, the GSG 9 was not technically a military unit, but a paramilitary unit of the Federal Border Guards, with the members of the GSG 9 having combatant status. So in legal terms this was not a military operation.<sup>243</sup>

Seizing on the Mogadishu momentum, on 19 October 1977, the AA sent a decree to all German missions instructing the diplomats to call on high foreign government officials to thank them for the support that Bonn had experienced during the crisis. The help of Somalia was to be especially highlighted and the fact that the operation happened while respecting the sovereignty of both states. Moreover, it was to be emphasised that citizens of several states – not just Germans – were at imminent risk of becoming the victims of the terrorists. The threat this posed to international security was also stressed.<sup>244</sup> Clearly, the intention was to avoid the diplomatic fallout that the Israelis had experienced after Entebbe by making it obvious to the world that the Germans acted with

the consent of the foreign government and that this was not only a crisis that concerned Bonn but many other countries. Moreover, it was meant to generate support for Bonn's UN initiative. This message was received loud and clear. Even the Soviet Union gave favourable coverage of the GSG 9 operation in its press.<sup>245</sup> As a consequence of the supportive stance that Moscow took during the crisis and afterwards, the West Germans and Americans saw the possibility of more cooperation with Moscow on international antiterrorism efforts – including joint action at the UN.<sup>246</sup> At the same time, Soviet diplomats floated rumours that Leonid Brezhnev had contemplated making an ad hoc visit to Bonn had the Lufthansa incident gone wrong in order to back up Schmidt and avoid his resignation as chancellor.<sup>247</sup> For the Soviet Union this was not just about the hijacking, but it was clearly and rightly perceived as a crisis that, if it had ended in disaster, could have meant the end of the Social Democratic government in West Germany. This change in government was not in Moscow's interest, as the Conservatives were likely to take a less cooperative stance towards the Soviet Union. This, as well as the fact that the Soviet Union had its own experiences with hijacking, explains Moscow's supportive stance during and after the crisis. As soon transpired, however, the Soviets' behaviour did not herald a new era of cooperation with Western governments in the fight against terrorism.

UN Secretary-General Waldheim also took an important interest in the *Landshut* crisis and congratulated Schmidt afterwards on the successful resolution of the hijacking. Pope Paul VI even offered to exchange himself for the hostages on board the *Landshut*.<sup>248</sup>

Assessing the consequences of the Mogadishu operation in a talk with US Ambassador Walter John Stoessel Jr., Genscher pointed out that it was important now to back up Somalia against possible criticism from the Arab world, because 'if Somalia is facing disadvantages because of its decisions, then soon there will be no other country willing to take a firm stance on terrorists in a similar situation.'<sup>249</sup> Yet there were also indications of disappointment with Washington's attitude during the crisis. As the head of Schmidt's small crisis committee, Heinz Ruhnau, told the head of the political division at the US embassy in Bonn, William Richard Smyser, the federal government was disappointed with the allegedly marginal support it had received from Washington. There were three reasons for this disappointment, according to Ruhnau. First, the US allegedly passed on information to Schmidt that the terrorists were not very determined and would give up soon. This caused a great deal of uncertainty in the crisis committee and in the assessment of the situation. Second, Britain was much faster in offering both counsel and



practical support, with the US restricting itself to general public support but not specifics. Third, the Germans were under the impression that the US wanted Bonn to give in to the demands to save the lives of the two US citizens on board even if that meant compromising the policy of not abiding by terrorist demands. This multitude of impressions apparently 'caused [the Germans] some concern'. Smyser countered that the Americans did indeed 'help in a variety of ways', and advised the State Department not to take this comment too seriously and that, for the sake of continuously good German-American relations, it would be 'better to simply read it as an expression of the frustration among the crisis staff after days of long and initially fruitless labor'.<sup>250</sup> In his memoirs, Jimmy Carter indicated that the US offered a 'great deal of intelligence information during the long ordeal',<sup>251</sup> a perception that was obviously not shared by the Germans. Yet the Ruhnau-Smyser conversation indeed underlined the dissatisfaction on the part of Bonn with the US stance on the crisis and with the lack of antiterrorism cooperation. At the same time, Friedrich Zimmermann, a German member of Parliament of the opposition party the Christian Social Union, also spoke with US counterparts about the crisis. Rather than criticising the US, however, he intimated some details of the German government's handling of the crisis. He implied, and quite rightly so, that in exchange for the Somali agreement to have the GSG 9 carry out the rescue operation, 'Bonn agreed to a program of expanded financial and technical aid, excluding arms. Bonn, however, will not object to Somalia purchasing weapons with financial assistance received from the FRG.'<sup>252</sup> Joining in the generally positive reactions to Bonn's handling of the crisis, at a meeting of EC foreign ministers, Luxembourg, as president of the EC, made a declaration in which they assured the German government of the full support and solidarity of the other EC members in its decisions to combat the hostage-takers.<sup>253</sup>

Yet, as more time passed, and especially in response to the suicides of Baader, Ensslin, and other RAF prisoners, there were also negative reactions abroad. In Italy, France, and Greece, for instance, people protested violently against Germany and the alleged assassinations at Stammheim prison.<sup>254</sup>

The *Landshut* crisis also had further diplomatic and political consequences. During the Conference for Security and Cooperation in Europe (CSCE) meeting in Belgrade, the German representative thanked the international community for its support during the dramatic days of the *Landshut* hijacking and called upon the delegates to further international cooperation against the taking of hostages within the CSCE

framework.<sup>255</sup> Moreover, the Germans agreed to offer antiterrorism training to other countries' special forces.<sup>256</sup> The Americans, for instance, sent several delegations to Bonn to learn about not only the work of the crisis committee but also about the actual operation in Mogadishu.<sup>257</sup> But at the same time, the Germans also wanted to improve their capabilities, and they invited the British counterterrorism specialists to come to Germany and share their assessment of the events in Mogadishu. The British were very happy to follow up on the invitation.<sup>258</sup>

After the crisis, the Germans began an energetic investigation to find those who had assisted or who were associated with the *Landshut* hijackers. Members of the BKA flew to Warsaw to investigate the whereabouts of Rolf Clemens Wagner, a RAF member who was reported to have been in Poland and whom the Germans suspected of being involved in the hijacking crisis. It was learned that he had flown to Poland and then continued to Baghdad. The Poles were superficially cooperative, but did not allow the Germans to conduct any investigations themselves. One of the terrorists was also assumed to be in India.<sup>259</sup> German investigators were also sent to Romania, where the authorities were very helpful.<sup>260</sup> Yet in most of these cases, the cooperation of the host government was of a more symbolic nature. Obviously, they had no interest in confirming the impression that their countries had been transit or retirement areas for West German terrorists.

As more time passed after the *Landshut* events, the reactions of West Germany's allies became less enthusiastic. The Americans raised more cautious voices and warned of the implications of the rescue operations in Mogadishu and Entebbe: 'Public expectations are a growing problem. Entebbe and now Mogadicio [sic!] have raised expectations excessively. The political price of failing in such a raid will be large, and the odds of failure have increased as the terrorists learn from experience.'<sup>261</sup> As Brzezinski reported to President Carter, 'One of the unfortunate aspects of the GSG-9 success is the expectation it has created in Germany and perhaps in the U.S. for future terrorist incidents. German officials judge the operation was as much due to luck as to skill, and they know the next one will not go as well.'<sup>262</sup> It was expected that the RAF would soon launch another spectacular attack to restore their image and overcome the government's victory at Mogadishu.<sup>263</sup> The Americans advised against glorifying the events and thought that it would be more prudent not to provoke the terrorists and to keep expectations low about a similarly successful operation in the future. Contrary to the expectations – and fears – at the time, though, the *Landshut* crisis was, to date, the last big hijacking crisis in German history, and it marked the beginning of the end of the RAF.

As for Somalia, its cooperation certainly did not play out the way that Siad Barre had anticipated. After the hostage crisis was over and as the Somali-Ethiopian conflict intensified, Bonn was unwilling to support Siad Barre with arms, but still concluded significant financial support agreements, giving him 25 million deutschmarks that could basically be used with no strings attached. Schmidt also intervened to facilitate arms negotiations between Egypt's president Sadat and Siad Barre.<sup>264</sup> Indirectly, the Germans provided Somalia with the means and contacts to purchase new weapons, and thus went to the very limits of what was legally possible for the federal government. However, the direct help that Siad Barre had hoped for, with weapons or political support from West Germany in the war against Ethiopia, never materialised.

As far as the GSG 9 was concerned, the successful Magic Fire operation in Mogadishu contributed to a massive increase in its prestige – and established its international reputation as an élite counterterrorism unit. When in 1978 a TWA plane was hijacked in Geneva, Swiss and US authorities invited ten disguised GSG 9 members to join the Swiss commando that was preparing to release the aircraft. However, before the GSG 9 members were actually needed, the crisis ended.<sup>265</sup> For Schmidt, the success in Mogadishu brought him popularity ratings that were unmatched by his predecessors and that are still hardly matched by his successors to date.<sup>266</sup>

The Mogadishu crisis once again demonstrated the need for international standards as to how to cooperate in times of terrorist attacks. The behaviour of Italy and Cyprus, not to mention Yemen, made it plain to the Germans that without any legal basis for cooperation, they were at the mercy of the other governments concerned to deal with the crisis. In so far it confirmed the federal government's determination to have the international community adopt further international instruments against terrorism. At the same time, the crisis showed once again how intimately linked German domestic terrorism was to international terrorism. One could not be fought efficiently without attending to the other one as well. Lastly, the successful resolution of the Mogadishu crisis, without Germany's resorting to military means or against the will of the country concerned, provided political capital that, as the subsequent chapters will show, Bonn was eager to cash at the UN.

Looking back at the *Landshut* crisis, in public opinion, Mogadishu made up for the terrible disaster that took place in Munich five years before. It was the rehabilitation for Munich. Certainly, in its aftermath, enthusiasm was high. As Schmidt, for whom the double crisis of the Schleyer kidnapping and the *Landshut* hijacking was the most difficult time in his

political life,<sup>267</sup> put it, 'Mogadishu was a sign both for the cooperation between peoples and countries of the world and for common efforts to overcome the scourge of terrorism that is profoundly international in nature, has no respect for human lives and destroys communities.'<sup>268</sup> In his conversation with Schmidt, British Prime Minister Callaghan congratulated the chancellor:

Your firm resolution and moral courage during the recent crisis saved not only the lives of the hostages at Mogadishu but also the many more lives which are put at risk whenever there is a surrender to terrorism.... The victory in which you led your people was not a nine-day wonder but an achievement for which, I am convinced, we shall be thankful in months and years to come.<sup>269</sup>

Given the further development of and decline in terrorist attacks against and within Germany, Callaghan's prediction turned out to be true.

# 3

## The Ad Hoc Committee on International Terrorism, the Diplomats Convention, and Other Early UN Efforts against Terrorism

Against the backdrop of the German domestic experience with terrorism that was explored previously, this chapter assesses how Bonn dealt with terrorism on the international level, particularly at the United Nations (UN). It begins by addressing German policy on UN antiterrorism efforts before 1976, a period when Bonn took a more passive stance on antiterrorism negotiations: it did not initiate projects itself because it lacked UN membership. The chapter explores the development towards a progressively more proactive West German policy on terrorism over the course of the first five years of the decade. The debates that took place in the UN Ad Hoc Committee on international terrorism and the negotiations that led to the adoption of the UN Diplomats Convention were important steps in this shift in Bonn's policy. These developments culminated in the West German proposal for a Convention against the Taking of Hostages, introduced in the UN General Assembly by the Federal Republic of Germany (FRG) in 1976 and adopted in 1979.<sup>1</sup> This present chapter explores the path that led to the submission of the hostages project to the UN in 1976 by surveying Bonn's strategies on several antiterrorism initiatives in the first half of the 1970s: the UN Ad Hoc Committee on international terrorism, the Convention for the Protection of Diplomatic Agents, a Belgian proposal for a convention against hostage-taking, and unsuccessful short-lived plans for a West German initiative in 1975.

### Germany and the United Nations

Ever since its creation in 1945, the UN was closely linked to Germany. As a matter of fact, the very existence of this organisation was a consequence

of the Second World War and the anti-Hitler coalition, the 'United Nations' military alliance.<sup>2</sup> After the end of the World War, Germany remained one of the major preoccupations of the UN, especially for the UN Relief and Rehabilitation Administration, the UN Children's Fund, and the International Refugee Organisation, which attended to parentless children, refugees, and displaced people on German soil as of 1946.<sup>3</sup> After the founding of the two German states, there were also plans to involve the UN directly in the 'German Question'. Yet, Western attempts to have the UN organise and execute general elections in both Germanys were to no avail because of the Cold War environment.<sup>4</sup>

Despite the UN's role as a global forum, until 1973 neither Germany was a member of the organisation. This again had its roots in the East-West conflict and the insistence by West Germany that it was the only legitimate representative of all Germans. Consequently, Bonn and its Western allies did not recognise East Germany diplomatically and would veto any attempt it made to join the UN. Likewise, in spite of its diplomatic recognition of the Federal Republic, Moscow would have vetoed the inclusion of only West Germany in this organisation.<sup>5</sup> Nonetheless, as opposed to the German Democratic Republic (GDR), West Germany did manage to join most of the specialised UN organisations by the early 1950s.<sup>6</sup> But only when both Germanys settled their status with one another by means of the *Grundlagenvertrag* (Basic Treaty) of 1972, allowing for mutual recognition, did they accede to the UN in September 1973.<sup>7</sup> As can be seen from the voting records, however, as well as from the annual statements made by the foreign ministers of both states, the German-German war of words continued in the UN throughout the 1970s.<sup>8</sup>

West Germany saw its UN policy as a pillar of its general foreign policy built on a firm integration of the country into the Western alliance, *Westintegration*, and *Ostpolitik*.<sup>9</sup> Moreover, 'Bonn had always been highly effective in multilateral settings...and the Federal Republic had frequently succeeded in turning international cooperation to national advantage...'<sup>10</sup> It was understandable that the Germans would continue this policy that had served them well and would look for cooperation in the UN. The key areas of interest for Bonn's diplomats in New York mirrored the topics that were deemed most important in the 1970s: a New International Economic Order, decolonisation and conflicts in Southern Africa and Palestine, and disarmament and issues related to the South African apartheid regime, as well as human rights and humanitarian law.<sup>11</sup> These focal points of UN policy were developed in reaction to the changing majorities and the rise of the Third World at the UN, which

forced Germany to take a more active policy towards developing countries and their concerns.<sup>12</sup> In the 1970s particularly, Third World countries were considered by many political observers and practitioners, not only in Germany, as *Chaosmacht* – upsetting the established rules and procedures of the world organisation and paralysing it.<sup>13</sup> The increasing importance of the Third World led to a gap at the UN between the West and developing countries. West Germany as a member of the UN now had to cope with this situation, and implemented an ambiguous policy that attempted to avoid open confrontation and yet set special German marks on matters that were very important to Bonn. This led to a UN policy that, to use Ernst-Otto Czempiel's words, '...look[ed] for compromises and hope[d] for the best'.<sup>14</sup> The considerable influence that the Third World now had on the agenda of the organisation manifested itself in the establishment of the North-South Commission, or the Independent Commission for International Questions of Development, in 1977, which was headed by former German Chancellor Willy Brandt. Brandt's chairmanship was not only a reflection of his personal good reputation but also of the successful policy that Bonn had pursued at the UN. It testified to the new international prestige that the FRG had earned.<sup>15</sup> Now, as a member of the UN, West Germany was garnering more international attention. As the fourth biggest contributor to the UN budget, a re-emerging global economic power with a very stable currency, and a promoter of the process of further European integration – while simultaneously being the manifestation of the Cold War as a divided country – Germany was certainly an important global player.<sup>16</sup> Nevertheless, its division was also one of the major limitations of Germany's international influence. As long as the German Question remained open and the country divided, West Germany enjoyed only partial sovereignty and was very susceptible and vulnerable to changes in the international environment. West Germany was a player in the global chess game, but it also remained a pawn, at least occasionally.<sup>17</sup> The federal government was well aware of this limitation, one that also affected another emphasis of Germany's UN policy: the struggle against international terrorism. As a major target of terrorists, Bonn increasingly perceived the UN as a suitable forum to promote international cooperation against terrorism by means of conventions. Having had a long history of multilateralism after 1945 and not being able to intervene abroad militarily to solve terrorist crises, Germany needed the cooperation and support of other countries. Add to this Bonn's hunger for prestige and readiness to be a more proactive international player, one that matched its economic power with its growing political influence, and

the eagerness with which Germany pursued UN antiterrorism policies becomes apparent.

### **Setting the stage: Germany, international terrorism, and the UN**

International organisations had been dealing with terrorism for some time. As a consequence of a host of terrorist crises in the 1920s and 1930s, the predecessor of the UN, the League of Nations, had attempted to elaborate a convention against terrorism in the late 1930s. However, due to the deteriorating international situation, this issue lost significance for the international community, and the convention never entered into force.<sup>18</sup> Some 35 years later, terrorism was on the rise again. In the early 1970s, the world was shaken by an increasing number of terrorist attacks against diplomats, aircraft, and – especially Western – citizens. This also had an impact on the UN, which became a very important theatre for the diplomatic struggle against international terrorism, not just for the FRG but also for other Western states.<sup>19</sup> Clearly, as the only forum to assemble the vast majority of states, the UN was a very pertinent institution in which to address the issue. At the same time, the divergence of interests among the member states made it a difficult and partially futile endeavour. Moreover, as Peter Romaniuk put it, ‘... the structure of international relations exerted a broad constraint on counterterrorism cooperation’.<sup>20</sup> To address an issue as controversial as terrorism, the international environment was certainly everything but ideal.

There were several problems in particular that the Germans faced in the 1970s when they set out to improve international cooperation and coordination against terrorism. First of all, there was the rise of the Third World, which was becoming a major political force in the UN. While in the early 1950s, the United States (US) and its allies dominated the UN by a two-thirds majority, this changed in the 1960s. Consequently neither superpower had a sufficient majority in either the Security Council (SC) or the General Assembly (GA), but together they were still more influential than the nonaligned countries.<sup>21</sup> That changed in the subsequent decade. By 1973, 96 out of 132 UN member states belonged to the Third World, and thus the dominant role of the Third World in all UN institutions did not go unnoticed by German diplomats.<sup>22</sup> Accusations multiplied in the West that the newly independent countries would create chaotic heterogeneity and that they would want to dictate the agenda of the UN with unrealistic ideas.<sup>23</sup> This, in turn, led to a perceived loss of influence and thus disengagement of the superpowers and notably the



US from the UN.<sup>24</sup> The Americans in particular were quite concerned about the new alliance of African and Arab states that, so they thought, would become increasingly opposed to Western positions and policies.<sup>25</sup> Obviously, Third World countries pushed for the topics that they deemed most important, which were not always the matters that the West preferred to discuss. The items that were of the biggest concern to the UN General Assembly in the 1970s were decolonisation, racial discrimination and apartheid, the Middle East conflict, and Namibia, in addition to the New International Economic Order and questions related to development.<sup>26</sup> On many of these issues, the Western stance was diametric to that of many developing countries. Consequently, the prestige of the US within the UN during the 1970s experienced a dramatic drop.<sup>27</sup> This led President Richard Nixon to conclude that the UN was merely 'a bunch of apes'.<sup>28</sup> In the early and mid-1970s, the US was therefore considered – and considered itself – isolated in the UN. Washington was pessimistic about pursuing any new initiatives, since they would be immediately opposed by the Third World.<sup>29</sup> Against this backdrop, it was unlikely that the US would manage to initiate successful antiterrorism efforts. If the West wanted to remain an agenda setter at the UN, then other Western countries, such as West Germany, had to assume leadership. But the emergence of the Third World as a significant political force with its own experiences of terrorism in the course of their struggles for independence, in combination with the relative decline of the power of the West, notably the US, was certainly not conducive to success for any German initiative within the UN. The second significant problem for Bonn's prospects for its antiterrorism initiatives was West Germany's own Cold War with the GDR. This was still ongoing, in spite of certain achievements of *Ostpolitik*. To political observers at the time, the coexistence of both Germanys would lead to a 'situation of competition and comparisons' at the UN.<sup>30</sup> The antagonism of the East German government to any initiative that could increase West Germany's prestige and success was hence another factor that would make any West German project at the UN more difficult. Third, West Germany's membership no longer allowed it to be just an observer of debates about international issues. Now, as a member of the UN with a vote at the GA, Bonn could directly influence debates, but it also had to take a stance on sensitive issues such as the Middle East conflict, apartheid, and others. Before Bonn's accession, ambiguity was still possible.<sup>31</sup> This situation was now over, and Germany was more likely to expose itself to criticism in the future. Hence, there were several reasons why it would be difficult for the Federal Republic to launch successful projects at the UN. This was

especially true with respect to initiatives against terrorism, which was a particularly thorny subject.

Still, terrorism was certainly an important problem in the early 1970s and one that urgently needed attending to. The figures speak for themselves: from 1968 to 1978, the number of groups engaged in cross-border terrorism had risen exponentially from 11 to 55.<sup>32</sup> Twelve heads of state were murdered in the 1970s, more than in any other decade in modern history. Thus, as Niall Ferguson observed, '[t]errorism, a negligible phenomenon before 1968, became a recurrent problem from the Falls Road to Entebbe Airport' – and arguably beyond 1976.<sup>33</sup> Moreover, aerial hijackings became a scourge of the increasingly more mobile international community. In 1970 alone, there were 64 international hijackings and, as one historian noted, '[t]he international hijacker became an emblematic figure'.<sup>34</sup> Many states, especially in the Third World, had sympathies for groups engaged in terrorism. The most obvious example is probably the support that many Arab states granted the Palestine Liberation Organization (PLO) in its fight for an independent Palestine. Therefore, it was extremely difficult for the international community, as represented in the UN, to compromise on a common position against terrorism, or even on its definition: 'As United Nations efforts to define and address international terrorism wore on in the 1970s, it quickly became evident that the conceptual and political gulf between different segments of the international community on this issue was vast'.<sup>35</sup> As the proceedings of the Ad Hoc Committee on international terrorism will show, there was the constant danger that the states that were favourable to legitimising some acts of terrorism would manage to write justifications for the use of terrorist means in case of national liberation into the documents. This led to a situation in which, as Walter Laqueur put it, '... terrorism became almost respectable, and there was a substantial majority in the United Nations opposing effective international action directed against it'.<sup>36</sup> It is against this backdrop that West German policies against terrorism in the UN must be understood.

### **The 1972 UN Ad Hoc Committee on international terrorism**

As the case studies section of this book has already revealed, the early 1970s were troubled times indeed. International terrorism was on the rise. The international community was not only shaken by the increased number of assaults on diplomats but also by numerous attacks on aircraft. The Dawson's Field crisis of 1970 raised public awareness of a matter that had become a concern not only for Israelis but for other Western

states as well.<sup>37</sup> The year 1972 experienced the first climax in incidents of international terrorism. As a result of the attack by Japanese terrorists on the Israeli airport of Lod in May 1972 and the hostage crisis at the Munich Olympics in early September 1972,<sup>38</sup> UN Secretary-General Kurt Waldheim urged the international community to react to the rising threat of international terrorism. He therefore suggested to the GA on 8 September that the item 'Measures to prevent terrorism and other forms of violence which endanger or take innocent human lives or jeopardise fundamental freedoms' should be included on the agenda.<sup>39</sup>

On 6 September, one day after the events in Munich, and even before Waldheim called on the UN to take action against terrorism, the German embassy in Washington was informed by US Assistant Secretary of State Walter John Stoessel Jr. that Nixon, William Rogers, and Henry Kissinger had decided to bring the issue of international terrorism before the UN. Yet at the same time, Stoessel also pointed out to the Germans that his government was pessimistic that the UN would actually adopt any measures.<sup>40</sup> The initiative was obviously designed as a test to see how far UN member states were willing to go in combating terrorism. It was also aimed at the American public to show that the Nixon administration had reacted to the outrageous events in Munich.

Stoessel's prediction soon proved true. The US proposal faced severe resistance from Third World countries from the very beginning.<sup>41</sup> Despite the unlikelihood of success, Germany supported the two initiatives and agreed that the UN should indeed attend to this issue.<sup>42</sup> Certainly, the direct risk of negative implications for Germany's foreign policy was minimal. Not being a member in 1972, West Germany could not vote and take part in official discussions. That means that whatever positions Bonn took on issues debated in New York would have no direct repercussions on German relations with other countries. Bonn's support for the projects was more based on a feeling of being morally obliged to do something against terrorism after the tragic events in Munich and the negative international reaction to the German management of the crisis. Consequently, on 12 September 1972, during a meeting of the European Communities (EC) foreign ministers, Federal Minister Walter Scheel suggested to his colleagues that they support Secretary-General Waldheim's initiative for a UN convention against terrorism. This found the approval of his EC colleagues.<sup>43</sup> West Germany thus indirectly helped the initiative through its EC partners and the European Political Cooperation (EPC) channels.

But the US initiative was also pursued further. Following up on the initial talks at the German embassy in Washington, on 27 September,

the US embassy in Bonn transmitted a draft convention for the prevention and punishment of certain acts of international terrorism to the *Auswärtiges Amt* (AA). The draft aimed to make terrorist acts committed abroad punishable and to provide for the extradition of the culprits. Moreover, it called on states to cooperate in the punishment of terrorist acts and to prevent the export of terrorism. A convention to this effect was to be drafted in early 1973 according to US plans.<sup>44</sup> Although the AA officially welcomed the idea, internally it took a more sceptical view. The legal experts saw several difficulties with Washington's proposal. One such problem was the creation of a new international crime, 'offences of international significance'. This offence had not formerly existed in international criminal law and would require the convention, once adopted, to undergo lengthy parliamentary debates before implementation was possible.<sup>45</sup> So while the AA publicly supported the initiative, it maintained serious internal doubts about its feasibility. Another factor clouded the prospects for the adoption of the US draft convention, or for any Western initiative aimed at condemning terrorism: the Third World and its growing political power at the UN. It quickly became clear that Third World countries would try to water down and change the direction of the US resolution.<sup>46</sup> Rather than condemning international terrorism as such, their goal was to allow exceptions for certain situations, in which terrorist means were used for a 'just cause' – such as a struggle for national liberation. Due to its majority in the GA, the Third World succeeded in drafting a resolution<sup>47</sup> that reiterated the right to self-determination and the legitimacy of the struggle for it.<sup>48</sup> Given the context this could only be read as a justification for certain terrorist acts.<sup>49</sup> In addition, the Third World countries succeeded in inserting a clause that condemned state terrorism exercised by racist, colonial, and alien regimes.<sup>50</sup> This was directly aimed at South Africa and Israel, both partners of the West. Finally, the resolution called for an examination of the 'underlying causes' of terrorism and thereby linking 'terrorism' with the Palestine problem or apartheid. These clauses, so it was feared in the West, could provide possible justifications for acts of terrorism. Worst of all, however, from the viewpoint of the West, was that no consensus on concrete measures against international terrorism had emerged. The scope of the project had thus significantly changed. Instead of condemning terrorism altogether, it now made exceptions for which acts of terrorism might be legitimate. Therefore, the US and most of the Western countries, on 18 December 1972, rejected GA Resolution 3034 (XXVII) on Measures to Prevent International Terrorism, which was nevertheless adopted due to the majority held by the Third World

in the GA.<sup>51</sup> As for the Eastern camp, the Soviets and their allies had shown some initial willingness to support the US initiative, but soon saw that the idea would face severe resistance from the Third World and thus they decided to oppose it. With this tactic they hoped to gain the upper hand over the West and thereby gain sympathy in the Middle East.<sup>52</sup> Once adopted, Resolution 3034 established an ad Hoc Committee on international terrorism of the Sixth Committee of the GA (the legal committee), which was to convene every two years.<sup>53</sup> With the US draft greatly deformed and, given this new emphasis on analysing the underlying causes rather than on measures against terrorism, the US considered the project practically 'buried'.<sup>54</sup> Because of these events at the UN, the US government also came to the conclusion that the Third World constituted a 'stonewall front' on terrorism issues. By this, the US alluded to the increased cohesion among Third World countries with respect to the issues that touched on national liberation movements (NLM).<sup>55</sup> The AA agreed with the American assessment. As German diplomats concluded, rather matter-of-factly, the Western states had not succeeded in winning support for their 'tough positions' among Eastern and Third World states.<sup>56</sup> The AA, much like other Western foreign ministries, put the plans for a comprehensive antiterrorism convention on the back burner now, as no major achievements were expected.<sup>57</sup> The first Western initiative to have the UN take action against international terrorism had failed. The US and its allies shifted towards a piecemeal approach on terrorism.<sup>58</sup> This strategy formed the basis of all further antiterrorism projects, which all focussed on specific aspects rather than a comprehensive take on the matter. The root of this piecemeal approach that is prevalent in antiterrorism even today can thus be traced back to the negotiations for a comprehensive convention against international terrorism in 1972–73. However, the resistance of the Third World to any antiterrorism project remained a concern to Western, and especially German, diplomats during the entire decade.

Nevertheless, and despite Washington's unwillingness to deal with terrorism in a comprehensive manner, as the Ad Hoc Committee had been established, the West now had to decide how to deal with it. Basically, there were two possibilities: the Western states could either take part in the committee even if that meant engaging in long discussions that they could not always steer, or they could simply refuse to have anything to do with the committee's work. The second option would mean that the West would have no influence on the outcome of the committee – something they might come to regret. This reasoning certainly influenced the decisions AA officials made in early 1973. For the upcoming debates on

this issue within the framework of the EPC, the AA informed the Nine that Bonn would 'consider it acceptable' to have the West be represented in the sessions of the Ad Hoc Committee on terrorism.<sup>59</sup> In particular, Department 511 of the AA (responsible for the issue of terrorism) recommended closer coordination within the EC on the strategy for the Ad Hoc Committee and advised that all Western countries should participate in the committee's work.<sup>60</sup> Although hidden in diplomatic language, Bonn was concerned that the committee might become increasingly radical if the West completely withdrew from it, and thus lobbied for the continuing Western presence and participation in the committee.

In mid-January 1973, Secretary-General Waldheim asked states for specific proposals as to what the Ad Hoc Committee should address in its sessions. In anticipation of its accession to the UN, West Germany was also asked to submit a response.<sup>61</sup> The official response expressed Bonn's willingness to cooperate with this committee and to help it develop a convention.<sup>62</sup> The Germans stressed the necessity of drafting a convention strengthening international cooperation against terrorism.<sup>63</sup> By highlighting this practical approach, Bonn officially announced its stance on the issue: rather than focussing on debates on the multiple reasons for terrorism, or on a definition, the West Germans wanted to elaborate practical proposals on ways to fight it. This brought Bonn in direct opposition to the Third World. Yet, in spite of its public commitment to the committee, internal discussions in the AA suggested that Germany did not give it much practical importance. It was quite clear to German diplomats that no comprehensive convention against terrorism could be elaborated. The only feasible approach would be to focus on the aspects of terrorism where agreement could be reached, which could lead to a further codification of international antiterrorism law.<sup>64</sup> However, this piecemeal approach was not in line with the mandate of the Ad Hoc Committee, which had to deal with the whole phenomenon in a comprehensive manner. Still, this is a first hint at the sectoral approach that was to become the German policy on terrorism within the UN. It is important to remember, though, that at the time of these discussions, Germany could only exercise indirect influence on the work of the Ad Hoc Committee or UN discussions about terrorism. Bonn did so mostly through the EPC consultations in Brussels, hence through its EC partners. The Europeans met regularly in New York to coordinate their UN policy, and this gave Bonn the opportunity to bring up its own ideas and have them adopted as common European policy. It was a very suitable instrument through which West Germany could at least indirectly influence the UN debates. The EPC process ensured a certain level

of influence on UN matters, but it also kept Germany out of the line of fire.<sup>65</sup> At the same time, there was no immediate pressure on Bonn to come up with a concise strategy on the issue of terrorism at the UN. Reflections on antiterrorism policy at the UN were of a more spontaneous nature and did not have the systematic character that developed after West Germany became a UN member. In short, terrorism was still a minor issue for Germany and its foreign policy, and the AA only reacted to other countries' proposals without being proactive itself.

As for the Ad Hoc Committee, the spring of 1973 was primarily dedicated to clarifying its mandate as well as deciding on its composition. At a meeting of officials from different German ministries, the participants made the fundamental decision that Germany should, prior to its formal accession to the UN in the autumn of 1973, develop its policy on the Ad Hoc Committee.<sup>66</sup> In the official German letter to the Secretary-General on Resolution 3034 (XXVII), the German government emphasised that it would support all measures contributing to the fight against terrorism. Moreover, it stated that

[the Federal Government] attaches importance to a study of the causes underlying terrorism and of ways and means of removing them. [In addition, the work of the committee] should not affect the right of every nation to fight for self-determination and independence. At the same time, however, nobody should be given the right to use violence indiscriminately and endanger innocent human lives.<sup>67</sup>

The letter then continues by stressing that

A study to that end [i.e. the causes underlying international terrorism] should not, however, obstruct the speedy implementation of urgent concrete measures to check the alarming spread of international violence. The work on the draft convention should not, therefore, be left in abeyance until the study of the causes of terrorism has been concluded.

This statement clearly outlined Bonn's position by highlighting that measures against terrorism were of the utmost urgency for West Germany. Yet, at the same time, the letter also took a conciliatory tone on the Third World as it paid lip service to the underlying causes of terrorism and the right to self-determination. In a certain way, Germany faced a moral dilemma. Bonn simply could not ignore the reference to self-determination in the Resolution, as it had been one of the pillars of

its *Deutschlandpolitik* (Germany Policy) for the past 20 years.<sup>68</sup> The letter therefore clarified the German view that self-determination – which they supported without hesitation – was not a justification for terrorism. At the same time, it also pointed out that Bonn considered the speedy elaboration and adoption of a convention on measures against terrorism to be a priority

On 20 April 1973, progress was finally made at the UN on the composition of the Ad Hoc Committee. It was decided that it would consist of 35 countries, 8 of which belonged to the Western European and Others Group (WEOG).<sup>69</sup> Nevertheless, in spite of these few positive signs, the AA maintained a very critical opinion about the committee. In the summer of 1973, an internal memo once again hinted at the unlikelihood of any meaningful outcome of UN efforts to address the issue of terrorism. It stressed that the European institutions and the North Atlantic Treaty Organization (NATO) would be more important forums in which to improve antiterrorism cooperation. It was also in the course of these internal debates at the AA that the idea was brought up to focus on some specific aspects of terrorism, ‘such as the fight against the taking of hostages’ as this might be more successful.<sup>70</sup> The basic idea to concentrate on the issue of hostage-taking surfaced here for the first time and would gain prominence a few years later.

The negotiations in the Ad Hoc Committee confirmed the perception that not much would be achieved anytime soon given the big differences between the Western and Eastern camps, as well as the particular position of the nonaligned countries.<sup>71</sup> On the contrary, the different stances of many countries soon led to a hardening of positions. The most pronounced spokesman of the Western camp was Britain, which wanted to focus on measures to counter terrorism. France, however, disgruntled its Western partners by proposing a discussion on the definition of terrorism, which would have opened the door to another round of debates on the root causes of terrorism favoured by the nonaligned countries and the East. The US had by then given up hope that the committee would come up with anything useful, and focussed on preventing any spillover effects from this committee onto the elaboration of the Diplomats Convention. Meanwhile, the Eastern bloc used this committee to show their solidarity with the Third World.<sup>72</sup> The positions had been cemented, and the committee was in a *de facto* deadlock. The German mission noted that the committee had become an instrument of the Third World to justify terrorism when committed in situations of national liberation: ‘The fight against international terrorism will consequently be converted into the struggle against Portugal, Rhodesia, South



Africa and Israel'.<sup>73</sup> It is no surprise, therefore, that the West started questioning the desirability of the committee altogether. As a report from the German mission highlighted, the Western states were realising

that the Ad Hoc Committee and the agenda item of 'terrorism' in general were becoming an obstacle to any progress on this matter. They were contemplating whether it would not be best to finish the debates about this issue at the next General Assembly and to focus on a clearly-defined problem such as politically motivated hostage-takings instead of the vast topic of international terrorism.<sup>74</sup>

It appears that the project started by the US in September 1972 had now turned against its master, in an almost Goethian manner: 'Spirits that I've called, my commands ignore'.

By the autumn of 1973, the Ad Hoc Committee was completely paralysed by the contrast between the positions of the West and the Third World. This led the AA to come to a very pessimistic conclusion: 'In light of the insurmountable differences, which do not even allow for a compromise solution at the United Nations, we should refrain from continuing the struggle against international terrorism within the framework of the UN any further'.<sup>75</sup> Fighting terrorism in the UN was considered futile, and instead it was thought that attention should be focused on other international organisations where decisions could be reached more easily. The Council of Europe in particular, as well as the EC were considered more promising candidates for antiterrorism cooperation.<sup>76</sup> And once again, emphasis was put on pursuing a piecemeal approach.<sup>77</sup> When looking at the composition of the EC or the Council of Europe, it is evident why the AA considered success here more likely. While the UN assembled almost all states on Earth, the Western organisations were precisely that: Western. Their membership consisted of states that shared more or less equal political institutions built on the same ideas, and all held a common interest in countering terrorism independently of the factors that motivated it. Hence, it seemed plausible that concrete measures could be achieved more easily in these groups of like-minded states, as opposed to the UN with its great number of Third World countries.<sup>78</sup> Still, a decision had to be reached on how to proceed with the Ad Hoc Committee, and things were not getting easier. With its admittance to the UN in September 1973, West Germany was now in the spotlight of international attention and could no longer easily shy away from making difficult decisions. For Bonn, there were two sides to the committee. On the one hand, discussions on terrorism within

the Ad Hoc Committee proved extremely futile, which was why the WEOG countries contemplated not renewing its mandate. Yet, on the other hand, the Germans wanted the issue of terrorism to remain on the agenda of the GA so as to emphasise the importance the West attached to it. How to square that circle? The German mission to the UN advised the AA to take an ambiguous stance on the committee. The Germans should officially express support for 'terrorism' to remain an item at the GA; however, they should not actively push for a renewal of the mandate of the Ad Hoc Committee. The mission highlighted one aspect in particular that justified leaving the issue of terrorism on the agenda:

The advantage of keeping 'terrorism' on the agenda of the 29th GA is that it provides a stage for those states opposed to a comprehensive fight against terrorism and would allow them to explain their reasons with public appeal (especially for the domestic audience). Therefore, it would be easier for them to make silent concessions on certain aspects such as the fight against hostage-takings.<sup>79</sup>

The AA agreed with its diplomats in New York. Moreover, a subsequent cable to New York expressed what was to become the leitmotif of German UN policy on terrorism for the entire decade:

We see the role of the UN anti-terrorism policies primarily in the field of individual terrorism. This can be defined, for the most part, in terms of criminal law while the so-called state terrorism also involves many important aspects of international law. We therefore recommend a progressive approach which focuses at first on individual terrorism and might later move on to state terrorism. It is unacceptable for us to agree to any antiterrorism instrument that allows for exceptions for terrorist acts committed by national liberation movements.<sup>80</sup>

By now it had become official German policy that antiterrorism negotiations should focus on specific aspects of terrorism rather than on the whole complex phenomenon as such. Following this logic, the Ad Hoc Committee had lost its practical relevance, while it still had a certain general use as a stage for radical Third World countries to make noise without causing too much damage. This would allow these countries to impress their domestic audiences while also enabling them to make silent concessions on specific aspects of terrorism, such as sectoral anti-terrorism initiatives.<sup>81</sup> Therefore, throughout the 1970s, the Germans kept a low profile in the committee and did not take an active part in

the debates.<sup>82</sup> It is quite clear that the policy pursued by Bonn regarding the Ad Hoc Committee was one of not taking any provocative stances that could hamper the success of other, more promising initiatives such as the anti-hostage-taking project, which will be assessed subsequently. This policy, which started to take shape in late 1973, was maintained during the entire 1970s. For instance, in 1974, as preparations for the new GA advanced, the AA instructed its delegation in New York that in light of the many problems encountered during the previous sessions of the committee, 'no efforts should be made to continue the fight against international terrorism at the UN'.<sup>83</sup> The same held true for 1975, when the AA also pointed out that as Germany had recently become a primary target of terrorists, it should not lament the lack of international cooperation at the UN, but should rather display optimism.<sup>84</sup> Thus, in December, the German representative to the UN made a statement in the Sixth Committee underlining Germany's intention to work towards a general agreement against terrorism, and for a convention forbidding asylum for terrorists. Ambassador Rüdiger von Wechmar also emphasised that, while studying the underlying causes of terrorism would be useful, attention should rather be put on how to fight terrorism as such.<sup>85</sup>

For a short period of time, in early 1976, it even appeared that there might be new momentum for a general condemnation of terrorism and a convention against it. In late December 1975, Venezuela and Colombia considered calling for an Extraordinary GA to address the issue of terrorism. This was clearly a consequence of the Organization of the Petroleum Exporting Countries (OPEC) attack in Vienna, which had taken place in December 1975.<sup>86</sup> However, by early January 1976, there was still no official request to Secretary-General Waldheim. The Latin American plans appeared more as a result of spontaneous activism rather than thought-through policies. The Venezuelan representative to the UN had not even been briefed on what his government intended to do. In a private meeting with Waldheim he hinted at the possibility that the statement by the two presidents might have only been a spontaneous reaction to the events at OPEC in December 1975 without any follow-up.<sup>87</sup> Minister Hans-Dietrich Genscher was supportive of the South American ideas as they could create a more cooperative atmosphere for initiatives against terrorism within the UN. Should the project be officially introduced, the AA advised the federal government to support it, for instance, through global *démarches*. But Bonn should only offer public support when it was clear that considerable backing for such a convention existed in the Third World as it would be too risky otherwise. The AA estimated that should the Venezuelan initiative not be

introduced, the chances for any project against international terrorism in the UN during the 31st GA were rather low. In that case, Germany should contact the other EC members in order to discuss possible steps that could be taken to bring 'terrorism' back on the agenda and not to let this window of opportunity – opened by the Vienna incident – slip by.<sup>88</sup> However, by mid-January 1976 it was clear to the AA that there would neither be a follow-up on the South American initiative nor an Extraordinary GA.<sup>89</sup> Therefore, the AA started developing more concrete plans for its own project against terrorism – or more specifically the aspect of hostage-taking – which shall be examined subsequently.<sup>90</sup>

At the UN, the discussions in the Ad Hoc Committee went on throughout the 1970s, with Germany maintaining the low-profile policy it developed in 1973. Beginning in 1976, when tensions increased within the UN, especially within the Western camp, as to whether or not the mandate of the committee should be renewed, Germany took a neutral stance and abstained from voting.<sup>91</sup> In early 1977, however, when Bonn's own initiative against hostage-takings was already well underway, the German mission in New York sent an alarming cable to the AA warning Bonn that the Ad Hoc Committee showed a new level of activity after several very quiet years. The mission saw this as a potential threat to the Hostages Convention project, and as an attempt by some Third World countries to connect both issues.<sup>92</sup> This would put at risk Bonn's plan of keeping the Ad Hoc Committee separate from other antiterrorism initiatives. Yet the danger was exaggerated. During the GA in 1977, the Germans noted with some relief the usual lack of results in the Ad Hoc Committee. Still, von Wechmar reiterated his warning that one had to be prepared in case some states were trying to construct a link between the terrorism item and the hostage-taking convention, for instance, by placing them directly after each other on the agenda of the GA.<sup>93</sup>

Meanwhile, new problems occurred amongst the Western allies: the German mission saw signs that the united position of the West on the Ad Hoc Committee was coming apart. The French in particular were paying very close attention to their strained relations with the Third World. They had a more compromising stance on the Third World demands for exceptions for NLM than the US and UK.<sup>94</sup> As the British and Americans did not want to renew the mandate of the Ad Hoc Committee, some radical African states, such as Tanzania, threatened to reciprocate by preventing the renewal of the mandate of the anti-hostage-taking committee.<sup>95</sup> This threat now alerted Bonn, and the AA instructed its mission in New York to do nothing that could jeopardise

the anti-hostage-taking project.<sup>96</sup> Subsequently, the Germans disassociated themselves to a small, but noticeable, extent from the hard-line position taken by London and Washington, and in doing so signalled to the Third World their general willingness to compromise and negotiate. In spite of the fierce opposition of the US and the UK to a renewal of the mandate of the committee, a resolution was passed in 1977 that allowed for the continuation of the work of the committee. Germany, following the policy established in 1976, abstained from the vote, but continued to discreetly stress its reluctance to support anything that could legitimise terrorist acts.<sup>97</sup> Given the determination with which the Third World countries pushed for the special treatment of NLM, Germany, thus, did not even reply to Waldheim's demand for proposals for the agenda of the Ad Hoc Committee in 1978.<sup>98</sup> The policy on the Ad Hoc Committee for Germany had turned into a walk through a minefield.

The deadlock in the committee softened towards the very end of the 1970s. In its 1979 session, the committee decided to abandon the idea of a comprehensive assessment of terrorism and to focus on different aspects of the phenomenon instead, a shift that Bonn welcomed.<sup>99</sup> Meanwhile, the international environment had also changed, and détente was coming to an end. Confrontation between the blocs intensified and left less room – and time – to deal with terrorism.

The story of the Ad Hoc Committee on international terrorism ends in December 1979. The GA adopted a resolution upon the recommendation of the Sixth Committee that still contained a justification of the struggle of NLM, but at the same time condemned terrorism as such: it passed almost unnoticed.<sup>100</sup> Times had changed, and in the interval, two sectoral conventions that addressed the major concern of interested states had been adopted by the UN: one on the protection of diplomats in 1973 and another one on measures to prevent and deal with hostage-taking in 1979. The latter's adoption was a shining success for Germany's first initiative in the UN, which managed to break the deadlock on terrorism that had been all too obvious in the Ad Hoc Committee's sessions. The adoption of these conventions also points to the success of Bonn's policy on the Ad Hoc Committee. By keeping it alive as a public stage for radical Third World countries, compromises could be reached elsewhere.

In conclusion, West Germany – although not yet a member of the UN – had already influenced the discussions on terrorism at the UN in early 1973. This took place indirectly through EPC consultations. After its accession to the UN, Bonn's stance on the Ad Hoc Committee throughout the 1970s was one of deliberate ambiguity. Although the

FRG did not appreciate the intention of the Third World to use this committee to justify certain acts of terrorism, it was evident that the committee would not produce any tangible results anytime soon given the insurmountable differences between the countries. Thus, the Germans did not actively seek to abolish its mandate – although this might have seemed a logical tactic in light of the lack of fruitful negotiations and an everlasting danger of granting legitimacy to terrorist acts committed by NLM. But the AA was convinced that as long as the big debates on definitions, underlying causes, and state terrorism were going on publicly in this committee, the Third World states could more easily make silent compromises on other, more pertinent and sectoral aspects of terrorism – such as hostage-taking. Keeping the Ad Hoc Committee in session hence made sense to Bonn. The committee, in the German view, was a public stage on which these states could make harmless noise and impress their domestic audiences. Consequently, in the early years of German UN membership, Bonn's policy on multilateral antiterrorism efforts had already taken shape. The FRG developed a strategy that would focus on individual terrorism as opposed to state-sponsored terrorism, and on a criminal law approach making punishable concrete acts of terrorism. The Germans were interested in tangible results and concrete measures against terrorism rather than philosophical or moral debates. Moreover, it was Bonn's intention not to have these legal instruments watered down by any exceptions for NLM. These were the premises upon which Germany would base its antiterrorism policy within the UN during the 1970s. For Bonn, the Ad Hoc Committee on international terrorism was a bargaining chip for its most ambitious UN project in the 1970s: a convention against the taking of hostages. But before this convention was adopted, a different project demonstrated that indeed limited success was possible for antiterrorism efforts at the UN.

## **The 1973 Diplomats Convention**

### **The UN negotiations for an international convention for the protection of diplomats**

The Ad Hoc Committee was not the only attempt of the UN to attend to the virulent problem of terrorism. The late 1960s and early 1970s witnessed an unprecedented wave of attacks on diplomats, especially in Latin America but also in other parts of the world.<sup>101</sup> West German diplomats, also, became victims of such attacks. The most prominent such incident involving a West German diplomat was the kidnapping

and consequent assassination of Bonn's ambassador to Guatemala, Karl Count von Spreti.<sup>102</sup>

Although they were certainly the targets of choice, attacks were not restricted to Western diplomats, as representatives of the Soviet Union were also potential victims of terrorism.<sup>103</sup> Why diplomats became a target of terrorists at all is well explained by Robert Friedlander: 'Diplomats are not soldiers, but government functionaries – highly visible, thoroughly political, and frequently viewed as expendable. Therefore, ... they make inviting targets'.<sup>104</sup> In light of the importance of diplomatic agents and because of the increased number of acts committed against them, more and more members of the international community realised that legal instruments had to be elaborated to better protect them.<sup>105</sup> On the regional level, initiatives had already been taken, for instance, by the Organization of American States (OAS), which adopted a convention for the protection of diplomats in 1971.<sup>106</sup>

Within the UN, however, developments took more time. The International Law Commission (ILC) was entrusted with the elaboration of a draft convention for the protection of diplomatic agents by GA Resolution 2780 (XXVI) of 3 December 1971, after several unsuccessful suggestions had already been made in 1970. However, due to the heavy workload of the Commission, it could only start working on this issue in 1972. The first discussions in the ILC were held in May 1972, and a working group was set up to draft articles for the convention.<sup>107</sup> On 3 July 1972, the ILC provisionally adopted 12 draft articles and submitted them to the GA. The reasoning behind drafting such a specific convention was given by the ILC itself: 'By making the person of diplomatic agents inviolable, international law has long since acknowledged the fact that certain immunities and privileges for such agents are essential to the conduct of relations among sovereign and independent states'.<sup>108</sup> Yet, the ILC also alluded to its conviction that this draft should only be the first step in a comprehensive legal endeavour to foster international antiterrorism legislation and cooperation:

The Commission, however, recognizes that the question of crimes committed against such persons [diplomatic agents], is but one of the aspects of a wider question, the commission of acts of terrorism. The elaboration of a legal instrument with the limited coverage of the present draft is an essential step in the process of formulation of legal rules to effectuate international co-operation in the prevention, suppression and punishment of terrorism. The overall problem of terrorism throughout the world is one of great complexity but

there can be no question as to the need to reduce the commission of terrorist acts even if they can never be completely eliminated.<sup>109</sup>

The draft convention that the ILC finally adopted followed the example of the International Civil Aviation Organization's (ICAO) Hague and Montreal Conventions of 1970 and 1971 respectively. In particular, their basic principle of *aut dedere aut iudicare* (extradite or prosecute) reappeared in the ILC's draft convention.<sup>110</sup> When it was submitted to the Draft Committee of the GA's Sixth Committee, the points that were most contested were the denial of asylum and the obligation to extradite, the definition of the crime itself, and the issue of arbitration.<sup>111</sup> Not surprisingly, given the experiences in the Ad Hoc Committee on terrorism, the possible justification for certain crimes against diplomats when committed in the course of the struggle for self-determination and national liberation was debated in the committee.<sup>112</sup> Several of these issues, especially those relating to NLM, were also important to Germany.

Despite some differences amongst the member states, a consensus on a draft convention was reached. The draft text was indeed quite similar to the conventions adopted by the ICAO,<sup>113</sup> which showed that the most feasible way for the international community to address the issue of terrorism at the time was to strive for a compromise that would allow for a substantial enough convention and yet leave enough leeway to states.<sup>114</sup> This draft was subsequently adopted by the Draft Committee, the Sixth Committee, and finally by the GA on 14 December 1973 by consensus and in connection with Res. 3166 (XVIII).<sup>115</sup>

However, prior to the adoption of the Diplomats Convention, another crisis involving diplomats – and indirectly the West German ambassador – broke out in Khartoum, Sudan.<sup>116</sup> It demonstrated once again how terrorists were deliberately attacking diplomats as their targets of choice, and how badly concerted international action was needed. The Khartoum crisis also showed the German government that better protection of German diplomats was still needed and thus explains Bonn's strong interest in the convention.

### **West Germany and the Diplomats Convention**

In response to the kidnapping and assassination of von Spreiti in Guatemala in 1970 and just a few months later of Ambassador Ehrenfried von Holleben in Brazil,<sup>117</sup> Foreign Minister Scheel instructed the German mission at the UN to start background talks with interested countries and Waldheim in order to get the UN to develop a convention for the



better protection of diplomats: 'It is the goal of our initiative at the UN to ensure that the world organisation attends to the problem as soon as possible and allows for better protection for diplomats than is currently the case'.<sup>118</sup> The AA consequently looked for a suitable UN member country to approach and ask to officially sponsor the negotiations. Bonn was especially interested in having a South American country as sponsor since these countries were particularly exposed to terrorism.<sup>119</sup> Moreover, their participation would dispel fears that the initiative was a Western scheme to intervene in Third World affairs. Consequently, prior to their accession to the UN in 1973, the West Germans were already heavily involved in setting the UN's agenda and pushed for antiterrorism negotiations. At this stage, this was predominantly due to the fact that German diplomats were among the targets of choice and better protection was necessary.

Western states and especially the US were very interested in the initiative, but cautioned Bonn as it became clear that the Latin American countries did not want to take a firm stand on the issue as long as deliberations about a diplomats' convention at the Organization of American States (OAS) were still going on.<sup>120</sup> The French were particularly concerned that debates about this issue at the UN might in fact encourage terrorists to commit further attacks on diplomats. Paris joined the US in pressing Bonn to wait at least until the end of OAS negotiations. The British also issued words of caution on the German initiative.<sup>121</sup> Consequently, Bonn decided to postpone the initiative and wait until the Latin American countries had finished their OAS negotiations, and for prospects at the UN to improve.<sup>122</sup> The AA subsequently decided to focus its attention on the Council of Europe.<sup>123</sup> A few months later, Canada was also considering an initiative at the UN for better protection of diplomats. But after consultations with the Germans, the Canadians also came to the conclusion that the international environment was not favourable and that they might unnecessarily expose themselves. Canada consequently decided to pause pursuing the project until the OAS negotiations would come to an end.<sup>124</sup>

Since this first German initiative was not promising enough to be pursued, Bonn fell back to a more passive stance on the issue at the UN. The fact that Germany was not yet a member and could only indirectly influence the negotiations also contributed to the decision. The major obstacle, however, was the unfavourable environment at the time. Germany's plans were only on the back burner, however, and the AA still had a serious interest in an international convention for the better protection of diplomats. Unsurprisingly, therefore, Bonn welcomed

the new initiative at the UN to elaborate a Diplomat's Convention. In the summer of 1973, when the ILC had finished drafting the articles for the convention, Bonn submitted a report to the UN Secretary-General explaining its position on the ILC draft, even though West Germany was not yet a member of the UN.<sup>125</sup> This is good evidence of West Germany's strong interest in this project and the support and importance it accorded it; it also demonstrated the ongoing interest Germany had in the matter after the Khartoum events. After its accession to the UN a few months later, the statements made by the German delegation on this issue emphasised that Germany had been hard hit by terrorism against diplomats, as shown by the assassination of Count Spreti and the kidnappings of Ambassador von Holleben in Brazil and Consul Eugen Beihl in Spain.<sup>126</sup> Germany thus strongly supported the drafting and adoption of an international convention for the protection of diplomats.<sup>127</sup> As a matter of fact, the convention was a priority for Germany in the international fight against terrorism, and was not to be put at risk by other topics such as the Belgian proposal for a convention against the taking of hostages,<sup>128</sup> which was seen as a possible obstacle to the adoption of the Diplomats Convention.<sup>129</sup> The same caution was taken when the Germans stated their view on the work of the Ad Hoc Committee on terrorism: the German delegation was instructed to exercise extreme caution when making its statements.<sup>130</sup> But the Germans were not the only ones with this policy. The US also saw the Diplomats Convention as a clear priority.<sup>131</sup> Bonn therefore carefully tried to keep the two issues separate: on the one hand, there were the debates in the Ad Hoc Committee on general measures against terrorism, which were basically deadlocked and became a stage for lengthy – and partly philosophical – contemplations on the legitimacy of certain acts of terrorism; on the other hand, there were concrete suggestions for a legal instrument relating to terrorist acts against diplomats. Success in the latter was not to be jeopardised by what was going on in the former.

From October until December 1973, the draft convention elaborated by the ILC was discussed in the Sixth Committee and in the Drafting Committee. While all members of the UN were part of the Sixth Committee, only 15 joined the Drafting Committee. Due to the special importance of the issue for Germany, which was recognised by the Western Europeans and Others Group, Germany was elected onto the committee instead of Belgium – only a few days after joining the UN.<sup>132</sup> Bonn played a very active role in the committee and was the only member that was able to introduce a whole new clause into the text. It obliges states upon whose territory a terrorist act had occurred to

provide all available information to those states whose diplomats were victims (Art. 5 Para. 2). This was especially important for the FRG in light of the events surrounding Count von Spreti's kidnapping. Yet, this amendment faced heavy resistance at first, especially from Guatemala, which was especially upsetting as von Spreti had been murdered there. Overall, the AA considered the German contribution to the negotiations a success as all major German suggestions were incorporated into the text.<sup>133</sup>

However, old familiar problems recurred as well. Just before the adoption of the draft convention by the GA, some states – such as Mali and Morocco – suggested adding a clause that excluded from the scope of the convention acts committed by NLM or committed in the struggle against apartheid. They wanted to include such a clause to prevent regimes from persecuting NLM on the basis of the convention.<sup>134</sup> The US considered it 'a particularly mischievous amendment'.<sup>135</sup> This became the most difficult and controversial issue of the negotiations. Such an amendment was unacceptable to the German and other Western delegations as it would water down the convention significantly; it led to long and very difficult discussions before a compromise was reached.<sup>136</sup> A solution was finally found in the form of a GA resolution which would be adopted at the same time as the Diplomats Convention and which stated (in Clause 4) that the GA

[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 Cooperation 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>137</sup>

Hence, this clause on NLM would not become an integral part of the convention itself, but would be taken into account when interpreting the convention. Moreover, Clause 6 of the resolution also ruled that the resolution 'shall always be published together with [the convention]'. It is important to note, however, that the resolution itself is not binding, whereas the convention is binding for the signatory states. Insofar as the resolution is only a means of interpreting the convention, it does not create legal obligations for states, which explains the willingness of the

West to accept it. Upon the adoption of the convention and the accompanying resolution, on 14 December 1973 the German delegation made an 'explanation of vote' statement in which it stressed the 'peaceful interpretation of the right to self-determination...', as well as that '[the] prohibition of the use of force also applies as far as the implementation of the right to self-determination is concerned'.<sup>138</sup> The declaration clarified Bonn's position, namely, that they did not consider the struggle for self-determination a justification for committing acts condemned by the convention.

But the chapter was not yet closed for the AA. In early 1974, the resolution and the issue of NLM were still the subject of lengthy discussions between the Federal Ministry of the Interior, the Federal Ministry of Justice, and the AA as to whether the German delegation should make another declaration of interpretation on this resolution in addition to the 'explanation of vote' it had already given on 14 December. The AA advised against it, as this could be interpreted as a shift in German policy particularly aimed against the Third World. This would open a Pandora's box and trigger a wave of new declarations from Third World countries, jeopardising the whole intention of the convention itself as well as its speedy ratification and entry into force. Moreover, the AA warned that any further statement and its negative consequences would burden the relations between Germany and many other UN member states. The 'explanation of vote' made on 14 December would suffice in pointing out the German stance. The AA took a very pragmatic approach on the issue of NLM:

There will always be diverging interpretations of treaties. As far as the Diplomats Convention is concerned, it is not important whether members of national liberation movements can legitimately invoke the Charter or the Resolution or not. What matters is if member states refuse to cooperate despite their obligation under the Convention. Because of the prohibition of the use of violence which is enshrined in the Charter and the Resolution it will be difficult for any government that wants to be taken seriously to claim that attacks committed against diplomats on its territory would be compatible with the Charter or the Resolution.<sup>139</sup>

Other states held the same view and supported the AA's position. The Canadian delegate, for instance, declared that

[no] exception can be justified which would legitimize the perpetration of any crime against diplomats.... Seen in this light, it must be

understood that the resolution... cannot, in any way, affect the legal obligations set out in the Convention itself.<sup>140</sup>

Nevertheless, the dispute between the German Federal Ministry of the Interior and the AA intensified. The former found that it was not enough to rely solely on the 14 December declaration. It stressed that Clause 4 of the resolution could be interpreted by NLM as a legitimisation of violence against diplomats, thereby creating a situation which would be even worse than before the Diplomats Convention existed. The basic point was that NLM would not be bound by the principles of the UN Charter as they were not states. Hence, there would be no restraints on their actions, and the German delegation would have to make a special declaration upon signing the convention to make sure that a situation in which NLM could use the convention to justify acts of terrorism would not occur.<sup>141</sup> Finally, a compromise was reached between both ministries that saw Germany make a reservation upon signing the convention that it would examine every reservation or declaration given by other states with respect to the convention.<sup>142</sup> By means of this statement, Germany could always object to interpretations that would grant legitimacy to terrorist acts committed by NLM. By this declaration, however, Germany did not make any explicit reference to NLM movements, which indicates that the AA's soft stance had won over the Interior's more rigid one.

Another heavily debated point was the final clause of the convention. Germany favoured a clause that would make the accession of an entity that was not a member of the UN subject to approval by the GA so as to prevent the *de facto* recognition of a contested entity.<sup>143</sup> This policy was a relic of the era before Bonn officially recognised the GDR as a state, and served to ensure that no diplomatic legitimacy be accorded to East Berlin. Still, old habits are hard to kill, and like other states, Bonn wanted to have a clause in the convention that would allow the members to prevent entities from joining it. A compromise was finally reached which marked a departure from the 'Vienna Formula'. According to this old formula, only certain states were allowed to become party to a convention. This basically meant that contested states – those that were not recognised by the overwhelming majority of UN members – could be rejected. However, the Diplomats Convention stipulated that it would be '...opened for signature by all States...'.<sup>144</sup> This has to be seen in the context of an understanding in the GA that

the Secretary-General, in discharging his functions as depositary of a convention with an 'all States' clause, will follow the practice of the

General Assembly and, whenever advisable, will request the opinion of the Assembly before receiving a signature or an instrument of ratification or accession.<sup>145</sup>

Hence, while it would now officially be the Secretary-General who decided whether or not an entity could join the convention, in critical cases he would still submit the matter to the GA again. For West Germany, this issue was now of lesser importance anyway. While Bonn certainly still had an interest in having a say in who would become party to the convention, this was no longer as vital as it was four years earlier, before the *de facto* recognition of the GDR through the Basic Treaty, which became effective in 1973.

One more important problem in the eyes of the Germans was the issue of the applicability of the convention in West Berlin. Bonn wanted West Berlin to be included in the scope of the convention. It was anticipated that this inclusion would be opposed by Eastern bloc countries in the ratification process.<sup>146</sup> And, as expected, it did result in an exchange of declarations between Germany and the Western powers on the one hand and the Soviet Union on the other hand. This dispute only ended in a stalemate, with a declaration in 1978 in which the

Government of the Federal Republic of Germany, on the basis of the legal situation set out in the Note of the Three Powers, wishes to confirm that, subject to the rights and responsibilities of the Three Powers, the application in Berlin (West) of the above-mentioned instrument extended by it under the established procedures continues in full force and effect.<sup>147</sup>

The declaration went on to stress that the 'Government of the Federal Republic of Germany wishes to point out that the absence of a response to further communications of a similar nature should not be taken to imply any change of its position in this matter'. Both sides agreed to disagree.

When reviewing the negotiations for the convention, the AA was quite satisfied with its work. In its view, Bonn's membership in the Drafting Committee and the leading role played by the West Germans in the course of the debates put the newcomers into a prominent position at the UN.<sup>148</sup> In his assessment of the stances taken by several other countries during the negotiations, the German delegate in the Draft Committee, Carl-Hans Bütow, had harsh words for France: 'France was one of the few countries that has displayed a fundamentally negative position on the

Convention'. Their reservations about the text were mostly 'grotesque'. London's policy, in Bütow's view, was in stark contrast to that of Paris, as it was felt that cooperation with Great Britain had been very constructive and smooth. The same applied to the collaboration with the Americans. However, Bütow complained that Washington was very pushy in order to ensure that the convention was quickly adopted, which was 'tactically speaking not always smart'. In contrast to most other debates at the UN, the Soviets and the GDR were both interested in the speedy adoption of the convention and did not pose a major obstacle to it. And finally, the recently admitted People's Republic of China played only a marginal role as an observer during the negotiations.<sup>149</sup> All in all, it went rather smoothly. Although the AA had hoped that states would have a stronger obligation to grant each other assistance in times of crisis – and not only exchange information – the fact that there was a convention at all on an aspect of terrorism was already a success for Bonn.<sup>150</sup> Moreover, the obligation for state either to extradite or try an offender (the *aut dedere aut iudicare* principle enshrined in Article 7) was seen as another step towards strengthening the international regime against terrorism since safe havens for terrorists would be abolished. Another important aspect for the West Germans was the inclusion of an obligation for the state upon whose territory a crisis takes place to provide the state to which the diplomats belong with all information available. This was certainly important in light of the von Sprei crisis, when Guatemala kept the federal government more or less out of the loop on what it intended to do. Moreover, the events in Khartoum certainly also served as a catalyst for this clause, as well as for the 'extradite or try' principle – not only for the Germans.

Nevertheless, the AA was realistic enough to understand that the smooth negotiations and speedy adoption of the Diplomats Convention could not easily be repeated for other aspects of international terrorism. According to the AA's assessment of the situation, the success of this convention was mostly due to the fact that attacking diplomats infringed a basic and common interest of all states in the West, East, and the Third World, but the convention did not provide a model for other projects.<sup>151</sup> This point of view was also shared by the US Department of State, which was one of the AA's major allies in the endeavour to combat international terrorism. To the Americans, the success of the convention was only possible because the Third World was convinced that the protection of diplomats was also in their own interest.<sup>152</sup> The lesson to be learnt from this project was the vital role that the Third World played at the UN, and that a consensus on any initiative could only be reached when the Third

World countries were convinced of their interest in the matter. Another lesson was that there was a chance for multilateral antiterrorism efforts so long as they focused on practical aspects. Lastly, Bonn could expose itself as a major player in the international fight against terror and earn some recognition at the UN.

Sir Michael Wood criticised the convention for its lack of practical relevance: 'Like most of the anti-terrorism conventions, it has been of more symbolic than practical importance'.<sup>153</sup> While it is difficult to assess its direct impact, there is nevertheless a positive symbolic dimension to the treaty: it demonstrated that the international community could successfully collaborate if their common interest was sufficiently important – even if that involved the controversial subject of terrorism.

### **The 1973 Belgian proposal for a convention against the taking of hostages**

At the time of the negotiations on the Diplomats Convention, another antiterrorism project emerged. During NATO consultations in the spring of 1973, the Belgian representative informed his colleagues of his government's intention to introduce a proposal for a convention against the taking of hostages to the UN GA.<sup>154</sup> The justification for this proposal was the deadlocked negotiations in the Ad Hoc Committee on terrorism. Belgium intended to achieve tangible results by putting the spotlight on a particular aspect of terrorism: hostage-taking. The Belgians, however, insisted that they would only pursue the project if they obtained the support of the eight other EC member states.<sup>155</sup> Brussels' official objective was for the proposed convention to apply to all cases of hostage-taking that had an international dimension, even if they were not political in nature. Such cases would hence not be considered terrorism, which would make it easier, so the Belgians hoped, to enlist Third World support for their project. German diplomats suspected, however, that the true motivation for this initiative was primarily based on domestic Belgian considerations, in that the Belgian government was afraid of public criticism if the UN adopted a convention for the protection of diplomats but did nothing to provide for the safety of ordinary citizens. Although open to the suggestion in principle, most of the EC partners were very reluctant to support the Belgian initiative as they feared it would reduce the prospects for the Diplomats Convention, which was being negotiated at the same time.<sup>156</sup> Most of the desks concerned with the issue at the AA expressed cautious sympathy for the Belgian suggestion, but also highlighted that it involved 'a number of difficult legal



questions'.<sup>157</sup> Yet, soon thereafter, they had serious second thoughts about this Belgian initiative. Political analysts at the AA pointed out that the Belgian proposal could jeopardise the Diplomats Convention.<sup>158</sup> The initiative would once again touch upon highly controversial issues such as self-determination and the legitimacy of terrorist acts conducted in the course of struggles for liberation. For these reasons, the chance of success for the proposal was deemed very unlikely.<sup>159</sup> In addition to these substantial points, the biggest problem for the AA, however, was one of a procedural nature, namely that it coincided with the final negotiations for the Diplomats Convention:

If the Belgian proposal was implemented, a number of states who have objections to the Diplomats Convention could gain tactical advantages by waiting to see how the negotiations for the [Belgian] Hostages Convention come along. This could make it more difficult to reach a compromise on the Diplomats Convention.<sup>160</sup>

Consequently, the legal experts advised that 'the Belgian proposal should only be supported if it were discussed at the UN *after* the adoption of the Diplomats Convention'.<sup>161</sup> The senior levels of the AA agreed with this assessment.<sup>162</sup>

However, this view was not shared by other German ministries that were involved, and bureaucratic rivalries surfaced again. While the AA had reservations about the project, or at least its timing, the Ministries of the Interior and Justice were more open to the initiative. In a letter from September 1973, the Ministry of the Interior underlined that it considered the Belgian idea a useful instrument for dealing with terrorism. The issue of its overlapping with the Diplomats Convention was less of a concern for the Ministry of the Interior.<sup>163</sup> The Ministry of Justice also shared this opinion, but expressed concern with the reference in the Belgian draft convention to a 'droit pénal international,' which from the German point of view did not exist due to a lack of a codified body of laws.<sup>164</sup> The premises of the ministries concerned were hence different: the AA focussed a lot on the timing and the fallout the new initiative might have on the almost finished negotiations for the Diplomats Convention, while the Ministries of the Interior and of Justice favoured the possibility of having more codified norms on terrorism. This was partly due to the different interests of the ministries, but to some extent also to the diverging expectations concerning the feasibility of the initiative. The AA, with its preoccupation with foreign policy and long-time experience in UN negotiations, was more sceptical

of the positive outcome of the project within the given environment at the UN than the other ministries. The AA prevailed in its position on the Belgian proposal. In October 1973, it instructed the German delegation in New York that it should express general sympathy for the Belgian project; however, the cable stressed that the initiative must not conflict with the drafting of the Diplomats Convention – as the latter had a clear priority for Bonn. Moreover, the AA was opposed to the Belgian proposal to exclude acts committed in a situation of national liberation from the scope of its draft hostage-taking convention. Bonn reiterated its conviction that the Belgian idea had no chance of success.<sup>165</sup> Later that month, the Belgian proposal was delegated to the Ad Hoc Committee on terrorism for further discussions. At the same time, plans were made public by Arab states also to discuss the Middle East Question at the same forum. Against this backdrop, the Belgians were afraid that their initiative might become hopelessly entangled with the Israeli-Palestinian struggle and therefore decided to withdraw their proposal for a hostage-taking convention.<sup>166</sup>

However, the Belgian initiative was not dead yet, as it experienced a short-lived revival in the spring of 1974. On 13 March, the Belgian representative to the UN met with his EC colleagues to inform them that his government planned to relaunch the initiative. He pointed out that his government had only dropped the idea the previous year so as not to jeopardise the successful conclusion of the negotiations for the Diplomats Convention. Germany's UN Ambassador Walter Gehlhoff expressed his critical opinion of the resurrected Belgian initiative. In his report to the AA, he pointed out that success was highly unlikely since few Third World countries had any further incentive to work on yet another antiterrorism convention. Moreover, support from the East also seemed to be less likely than in the case of the Diplomats Convention. Gehlhoff also emphasised that the definition of the term 'hostage-taking' was at risk of being drawn into the highly politicised discussions about the definition of terrorism, which would postpone an adoption of any text ad infinitum. He therefore suggested that Germany keep a low profile on the terrorism and hostage-taking issue during the next GA. Moreover, he pointed out that the French ambassador was very silent during the EPC discussions. After the talks he confided to Gehlhoff that he severely doubted that the French government would support the Belgian initiative.<sup>167</sup> Yet, with the Diplomats Convention finally adopted, the AA took a more positive stance on the revived Belgian initiative than did its representative in New York.<sup>168</sup> In its cable to the mission at the UN, the AA highlighted its general scepticism of the initiative, but instructed

Gehlhoff to take a supportive stance on it. Still, Bonn was sure that the best outcome possible at this stage was to have the issue delegated to the International Law Commission or the Sixth Committee.<sup>169</sup>

Consequently, it came as a surprise when the Belgians suddenly dropped the proposal. This about-face was officially explained by the general growing reluctance of states to grant asylum to hostage-takers, thus making such a project redundant.<sup>170</sup> It is, however, more likely that Belgium was aware of the considerable opposition it would face from most of the Third World countries, in addition to the reluctance of the Western states to actively support such a proposal, and subsequently decided not to pursue the initiative any further.

### **West German initiatives in 1975**

The year 1975 was critical for the German government as far as terrorism was concerned. In late February 1975, a West Berlin mayoral candidate, the Christian Democrat Peter Lorenz, was kidnapped by members of the Movement Second of June and only set free after the federal government released several terrorists from prison and flew them to Aden in South Yemen. Just under two months later, a commando of the Red Army Faction (RAF) seized the German embassy in Stockholm. The terrorists demanded the release of their comrades from German prisons, but Chancellor Helmut Schmidt did not give in to the demands. Consequently, the terrorists killed two German diplomats. Just as the Swedish police prepared to storm the building after Schmidt had lifted extraterritoriality, the explosives that had been installed by the terrorists went off and injured several hostages and the terrorists. The police then intervened and arrested the perpetrators and extradited them back to Germany.<sup>171</sup> The acts that were committed were only surpassed in their magnitude and drama by the German Autumn of 1977.

Four days after the end of the Stockholm embassy crisis, on 28 April 1975, the director of the influential West German think tank Institut für Politik und Wirtschaft, Gerhard Merzyn, sent a letter to Chancellor Schmidt in which he suggested that the federal government launch an initiative for improved international cooperation against terrorism. Schmidt found this interesting and asked the Ministries of the Interior and Justice, as well as the AA to examine possible steps to be taken.<sup>172</sup> The federal government was no longer focusing solely on domestic responses to terrorism, but now also included international measures against terrorism as part of its antiterrorism policies. In fact, already prior to Schmidt's demand, the AA had taken action. Just after the Stockholm

crisis, Minister Genscher commissioned an internal study on the feasibility of an initiative aimed at prohibiting the granting of asylum to terrorists.<sup>173</sup> This should include 'an obligation for all countries not to accept on their territory perpetrators of terrorist acts and people released from prison because of such acts'. The internal memorandum already alluded to the fact that the major effects of this policy would be of a psychological nature: 'because it would demonstrate to the terrorists how isolated they are from the rest of mankind'. Moreover, this provision would also increase the firmness of states against terrorists as they could invoke this policy in justifying their position of nonnegotiation: the government 'could refer to the lack of countries willing to accept the released prisoners'.<sup>174</sup> In that sense the governments would impose upon themselves limitations that could later be cited as externally given obstacles that would not allow them to give in to terrorist demands. The governments would tie their own hands. Internally, the AA study stressed two main aspects. On the one hand, it was expected that this sectoral project would have a greater chance of success than a more comprehensive initiative against terrorism. This was due to the fact that it focussed on a very narrow topic that even the Third World and Arab states could agree on, as the AA noticed that these states had recently developed a more reluctant policy towards granting asylum to terrorists. On the other hand, however, this initiative would still provoke a discussion about who would be entitled to asylum and who would not. This of course would link it to the overall debates on the definition of terrorism and terrorists, which would be a dangerous development for the project. Moreover, the internal assessment highlighted that if that initiative were actually adopted and the granting of asylum were denied, it would significantly reduce the room for manoeuvre that governments enjoyed – including the German government. A solution, as in the case of the Lorenz crisis, in which the prisoners were released and flown abroad in exchange for the hostage, would no longer be possible.<sup>175</sup> The AA's analysts seemed to be unaware of the new policy line of not giving in to terrorists' political demands – or doubted whether it would exist for long. In addition, the willingness of Third World and Eastern countries to implement such a prohibition was considered very unlikely. The memo concluded that such an initiative would not be an advisable endeavour. The risks at the UN as well as for the German government were judged to be too high, in spite of the fact that such a suggestion might give a new impetus to the deadlocked debate on terrorism within the UN.<sup>176</sup> In general, the legal department of the AA (Referat 500) suggested encouraging other states to adhere to existing

conventions of the IACO and the Diplomats Convention rather than elaborating a whole new convention. Minister Genscher subsequently decided that this issue could be included in his address to the GA in the autumn of 1975, but that no further steps should be taken for the time being.<sup>177</sup> This was hence a second attempt at developing a genuinely German initiative directed against terrorism after Scheel's plans for a convention for better protection of diplomats that were developed in 1970. However, asylum was not seen as an ideal field for a German project, mainly because the AA was not certain whether a situation could arise again in which Bonn might have to give in to terrorist demands in the future, despite Schmidt's recently developed tough line on terrorists. If this happened again, the Germans needed a country that was willing to accept the terrorists and their freed comrades – a possibility that this initiative would eliminate. Therefore, the issue of asylum was no longer considered an immediate field of German antiterrorism policies at the UN, but remained a long-term project. The AA was concerned that as long as the process of decolonisation continued, and as long as the Palestine Question remained open, no major breakthrough on the issue of condemning terrorism within the UN could be achieved. When preparing Genscher's trip to the GA in 1975, his advisers thought that not even sectoral approaches would be successful at the UN at the moment. The Diplomats Convention was seen as the exception that proved the rule, as all major groups within the UN – the Third World, the East, and the West – had a combined interest in the orderly conduct of diplomatic affairs. Therefore, Genscher made no concrete proposal for a convention in his address to the UN. Rather, his speech was meant to show a general German interest in the issue and to keep the debate open. Moreover, it was also supposed to explore the willingness of other states to take further steps in the fight against terrorism.<sup>178</sup> In that sense, Genscher's 1975 address to the UN should be seen as a trial balloon, rather than a concrete political project.

During the following discussions in the Sixth Committee – officially in charge of issues pertaining to international terrorism – Ambassador von Wechmar suggested to the AA that he should be authorised to issue a harsh statement criticising the ongoing deadlock at the UN on the terrorism question. By doing so, he wanted to give the debates a new impetus so that more actions would be taken; von Wechmar also wanted to bring up the proposal to prohibit the granting of asylum to terrorists again.<sup>179</sup> At the same time, however, he wanted to pay lip service to German support for self-determination and the legitimacy of the struggle for national liberation so as not to alienate the Third World. To

avoid allowing these notions to be used as an excuse for the commission of certain acts of terrorism, his speech would then refer to the principle of a prohibition of the use of force as enshrined in the UN Charter and emphasise that 'the legitimacy of a cause does not in itself legitimize the use of certain forms of violence, especially against the innocent'. Von Wechmar wanted the international community to focus on the humanitarian aspects of the struggle against terrorism: 'The government of the Federal Republic of Germany continues to consider the UN an appropriate forum to deal with these issues that are of concern to all mankind: ... the respect for the dignity of man and his inviolability'.<sup>180</sup> The AA agreed with most of the speech drafted in New York, but instructed the mission to avoid all verbal attacks against the Third World.<sup>181</sup> The speech that was delivered was hence more conciliatory than the draft by the German delegation and also included some positive remarks on how more and more states were joining the fight against terrorism by signing the relevant conventions. This clearly shows the importance the AA attached to a constructive relationship with the Third World, one that was needed for any attempt at improving antiterrorism instruments. A nonconfrontational atmosphere with the Third World was considered crucial for any successful initiative. This principle became the leitmotif for all the German antiterrorism policies that followed at the UN. At the same time, however, despite the ambitious plans during the spring of 1975, no German antiterrorism initiative was launched during the following GA. The time, so it seems, was not yet ripe. So far, Germany had only been a willing supporter of and contributor to plans that were already underway and had been developed by others. After the OPEC crisis in December 1975, this was to change, however. As the subsequent chapter will demonstrate, the crisis became the turning point in German antiterrorism policies at the UN. Bonn turned from a supporter into an active promoter as well as instigator of antiterrorism projects, and initiated one of the most successful multilateral antiterrorism endeavours of the decade: the convention against the taking of hostages.

By late 1975, Germany was a major international actor in the multilateral struggle against terrorism but, so far, had remained in the back-seat and had not yet assumed the driver's seat. Until 1973, the Federal Republic had not been a member of the UN, and was only able to influence relevant debates indirectly, through the EPC process. After its accession to the UN, Germany had to take a more active stance on the various instruments against terrorism that were discussed and negotiated. Germany left its mark on the Diplomats Convention and was one of the strongest supporters of the continued existence of the Ad Hoc

Committee. Yet, up to this point, Bonn had avoided the ultimate step, that of proposing its own antiterrorism instrument for consideration by the UN. It had done so for fear of backlash against other negotiations in progress, or, more important, its reputation. And prestige at the UN mattered to Bonn. Given the reluctance of the Third World to engage with Western initiatives, this was understandable. It also meant, however, that issues of concern to West Germany – improving cooperation during terrorist crises, a strong international front against terrorism, and the closing of safe havens for terrorists – could not be achieved. So far, Bonn had been an active participant in the discussions about international antiterrorism efforts, but not an agenda setter. This changed in 1976, as the next chapter will show.

# 4

## The UN Hostages Convention: Drafting and Launch

As the previous chapter has demonstrated, the first half of the 1970s produced mixed results in terms of antiterrorism efforts at the United Nations (UN). While the Diplomats Convention was successfully adopted in almost record-breaking time, the other projects appeared less promising. The Ad Hoc Committee on international terrorism not only failed to produce a convention that met the expectations of Germany and the other Western countries but it also continued to linger on the verge of adopting a text that could potentially legitimise certain acts of terrorism. Moreover, the Belgian initiative on hostage-taking was very short-lived, and Germany's plans in 1975 to propose a project against terrorism never went further than the early planning stage. Yet the UN, as the most global organisation, was the most suitable for developing efficient antiterrorism instruments, while at the same time being the entity that was most prone to complicated and potentially dangerous negotiations. By the mid-1970s, Bonn became more eager to be recognised as a global player and to increase its international prestige, as these chapters will show. This idea was particularly dear to Foreign Minister Hans-Dietrich Genscher but also to Chancellor Helmut Schmidt. The UN was the perfect stage for implementing these goals. Despite Bonn's decision to back out of the plans to submit an initiative on asylum, the idea that Germany should submit a project to the UN continued to be fostered in the *Auswärtiges Amt* (AA) and also in the Federal Chancellor's Office. The following two chapters will address the initiative that finally came into being, the project for a convention against the taking of hostages.

In the 1970s, hostage-taking crises were a significant part of terrorist actions, a fact that did not escape the attention of top policymakers.<sup>1</sup> American Secretary of State William P. Rogers, for instance, pointed out in 1973 that 'kidnapping in an international context became more



virulent'.<sup>2</sup> The taking of hostages was already outlawed in many aspects of international law, such as the law of war.<sup>3</sup> Moreover, provisions as to how to deal with hostage-taking in the case of diplomats were also provided for by the Diplomats Convention.<sup>4</sup> However, there were still legal gaps when it came to the protection of ordinary citizens during peacetime. As Ved Nanda explained, this put the diplomats and policy-makers in a difficult situation, as '[t]he U.N. delegates have been criticized for taking measures to protect themselves from terrorist attacks, while doing nothing to protect mankind in general'.<sup>5</sup> The fact that there were no mechanisms for cooperation in cases of hostage crises involving civilians (aside from kidnappings resulting from the hijacking of an aircraft) drew heavy criticism of the UN and various governments.<sup>6</sup>

However, as is often the case, a decisive development was required in order for these desires for further action against terrorism to come to the fore and turn into an actual initiative. The West, especially the Americans, believed there were 'hopeful signs' in 1975 indicating a new and more cooperative stance against terrorism to be found in the policies of states such as Mexico, Algeria, and the Dominican Republic, as well as the Palestine Liberation Organization (PLO), which had formerly been hostile to antiterrorism efforts.<sup>7</sup> For the Germans, the hostage crisis involving key Organization of Petroleum Exporting Countries (OPEC) ministers in Vienna in December 1975 marked a crucial moment that raised hopes that there was a now more promising environment internationally in which to fight terrorism.

## **The West German initiative takes shape**

Chancellor Schmidt was greatly interested in the events in Vienna, and especially in their aftermath. From his holiday resort in Porto Rafti, in Greece, he sent a cable to Bonn and enquired with the AA whether it had already initiated contacts with other governments to see how the Vienna momentum could be seized to improve cooperation against terrorism.<sup>8</sup>

Schmidt's suggestions found fertile ground not only with Interior Minister Werner Maihofer but also with Germany's Vice Chancellor and Foreign Minister Genscher. Pursuant to Schmidt's enquiry, on 8 January 1976, a high-level meeting of senior officials took place with Genscher, in which he decided to make the promotion of international antiterrorism cooperation a major component of German foreign policy. He also instructed the AA to design a UN initiative to that effect. The goal of this initiative was to pass 'a global international convention against

terrorism and to abolish safe havens for terrorists'. Genscher wanted this initiative to be dealt with at that year's General Assembly (GA), which made preparations a very urgent matter. A roadmap for further proceedings was also decided upon at that meeting. German missions abroad – especially in the Third World – were instructed to enquire with their host governments about their positions on a new multilateral antiterrorism agreement. At that point, Germany did not want to launch this initiative alone, but rather as a European initiative coordinated within the European Political Cooperation (EPC) framework. Minister Genscher was well aware of the potential difficulties of this project and instructed his staff 'to avoid everything that could enforce existing objections in the Third World to the fight against terrorism (issue of national liberation movements, decolonisation and the Israel/PLO problem)'. Genscher's goal was to have the 31st GA of the autumn of 1976 adopt a resolution establishing an ad hoc committee to draft a convention.<sup>9</sup> This was the start of Germany's most important initiative at the UN in the 1970s.

With this new foreign policy objective now set, the AA immediately started establishing contacts with Venezuela and Colombia to investigate whether they would still be interested in an Extraordinary Session of the GA dedicated to measures opposing terrorism, and what the initial responses from Third World countries had been to their suggestion.<sup>10</sup> Moreover, the AA had to find the particular aspect of terrorism that the project should address. A convinced champion of the piecemeal approach by now, Bonn did not want to suggest a comprehensive convention against terrorism, but only focus on one aspect that would provoke as little controversy as possible. The 1973 Belgian proposal for a convention against the taking of hostages, which had only been symbolically supported by Germany at the time because of its coincidence with the negotiations for the Diplomats Convention, was dusted off and became the basis of the German project. Hostage-taking was seen as a promising theme as it was technical rather than political, had a humanitarian underpinning, and was meant to protect ordinary people. All this, it was hoped, would encourage Third World nations to support this initiative – or at least accord it benevolent neutrality.<sup>11</sup> To this end, hostage-taking seemed to be the least difficult and most promising aspect, one that would – if properly managed – win a great deal of prestige for the West German UN newcomer. A meeting of the directors-general of the different departments at the AA confirmed the

project, and the minutes listed possible pros and cons of focusing on hostage-taking:

Advantages:

- the most important aspect of terrorism
- builds upon existing international law
- the legal-humanitarian character is particularly evident
- offers a good possibility to deal with problems from a criminalistic point of view (political hostage-taking only one aspect)

Possible disadvantages:

- current importance of the topic might lead some states to politicise the issue
- hostage-taking is the most important means of choice of radical liberation movements in the Middle East as it attracts massive attention and is particularly useful to apply pressure for political demands (also to free perpetrators of former attacks from prison and so on)
- there is already a fully developed Belgian initiative on this aspect that was already discussed within the framework of the Nine [i.e. the EC members ], it will be difficult to highlight the genuinely German contribution.<sup>12</sup>

The minutes of the meeting already point to an important problem for the Germans: how could this initiative be set apart from the previous Belgian project so as to emphasise its new – and German – character? As far as the procedure was concerned, the officials advised against departing from the Belgian blueprint. Consequently, the strategy was to develop a draft resolution that would establish certain principles to be included in a convention, then, to mandate the International Law Commission to draft a convention that would be submitted to the 32nd GA for adoption. However, as for the content of the German initiative, three issues were highlighted to visibly differentiate it from the former Belgian idea. First of all, the question of prohibiting the granting of asylum to hijackers was more strongly emphasised, as was the abolition of safe havens. Second, special attention was paid to the human rights aspect. Third, the initiative included provisions for a special arbitration procedure. These three points were alterations of the Belgian

proposal. Concerning the sponsorship of the initiative, AA officials favoured a genuinely German initiative rather than a common European Communities (EC) one. EC co-sponsorship seemed problematic as

objections are likely to be raised by the French (and others). When they developed it, the Belgians had *no intention* of turning it into an EC initiative. The reasons against an EC initiative centre around the risk of a politicisation, and that it would be easier for radical states to argue *against* the initiative. It would therefore be wise to coordinate with the Third World from the very beginning.<sup>13</sup>

Rather than looking for co-sponsors among its EC partners, AA officials wanted to reach out to Third World states to improve the odds for the project at the UN. This assessment already points to another major problem: the impossibility of reaching a common EC position on the initiative. While Genscher insisted that this be accomplished, the directors-general were more sceptical and – as will be seen – more realistic in assessing the feasibility of such a project. In particular, they highlighted one point that was to remain a constant problem for the next three years: the need to avoid the image of a project that purely served Western interests so as to assemble enough support from Third World countries to have it adopted. As subsequent sections will show, these two problems – the lack of EC support and the ambiguous position of the Third World – would influence the negotiations until their conclusion and would bring it to the brink of failure several times.

The AA was careful not to launch the initiative into the blue and made sure to test the waters first. Therefore, on 13 January 1976, a cable was sent to all German embassies abroad instructing them to carefully find out what their host governments' stance was on a new sectoral anti-terrorism convention. The embassies were urged to proceed extremely cautiously. The AA highlighted that in the German diplomats' discussion with foreign officials it would be imperative to 'keep the discussion objective and to avoid confrontation'. Bonn's diplomats were also instructed to convey to their counterparts that Germany would be very open concerning the content of the convention. Obviously, the AA wanted to keep the enquiries as casual as possible so as not to risk any negative political fallout at this stage. The missions were also instructed to send suggestions to the AA as to how the support of the host governments more critical of the plans could be won.<sup>14</sup> This decree once again points to the sensitive nature of the initiative and the extreme caution Bonn exercised in beginning the initiative. As no concrete details were

given at this stage, the AA could still have backed out of the project without losing face if the enquiries abroad did not indicate that there would be sufficient support.

The following day, a separate cable was sent to all German embassies in EC member states. The ambassadors were instructed to inform the governments that Bonn was contemplating an antiterrorist initiative at the UN, and to underline how much importance Minister Genscher personally attached to this project. By means of this cable, Germany also officially submitted this issue as an item for the next EPC and foreign ministers meeting in February 1976.<sup>15</sup> At the same time, by emphasising Genscher's personal interest in the matter, Bonn signalled to its partners that this was an issue to which West German attached significant importance. This cable also demonstrates that Genscher discarded the recommendation of the senior-level advisers, which clearly favoured a genuinely German project rather than an EC one. It seems likely that Genscher did not want to expose Germany too openly at the UN on such a sensitive topic and therefore preferred to submit the initiative as an EC project in order to disperse criticism from the Third World amongst the EC members instead of Bonn alone. The German newcomer to the UN was not yet ready to take large risks.

In response to the instructions of 13 January, reports arrived from the embassies abroad that showed diverse responses to the new antiterrorism initiative. It was not surprising that among the most avid supporters were the United States (US) and Israel, the two states particularly exposed to terrorism. The embassy in Washington cabled that the US had a great interest in fostering international cooperation against terrorism and that the administration was 'delighted' by the German or potential EC initiative. However, at the same time, the Department of State warned the German ambassador that the timing was not ideal as even Western countries – such as Italy and Austria – were against a new UN convention. The general impression was that the US was in principle interested, but sceptical as to the outcome.<sup>16</sup> As was expected, the German embassy in Tel Aviv reported that the proposal was met with great euphoria in Israel and that the Israeli government was completely supportive of any initiative against terrorism. Israel was 'positive and willing to cooperate wherever this would be expedient and beneficial for the initiative. For it to succeed, the initiative should be kept out of the Middle East conflict. Therefore, Israel would only discreetly support it'.<sup>17</sup> Yet, there were also more reserved voices among the Western allies. Japan – also a victim of terrorism – was pessimistic about the possible success of the German initiative. Tokyo did not share the optimism prevalent in Bonn

that recent events had supposedly led to a changed stance among the Arab states or the Third World on terrorism. Japan pointed out that a convention against hostage-taking that established a principle forbidding asylum to hostage-takers would create problems for a state that had to give in to terrorist demands as an *ultima ratio*. The Japanese government had to do this several times, and consequently it saw huge problems in a convention that would tie its hands and make it impossible to find countries willing to grant asylum to terrorists. However, according to the assessment of the German embassy, Japan might eventually be persuaded to support an EC or a German initiative.<sup>18</sup> The initial reactions from Western allies outside of the EC thus, while not universally supportive, still painted a rather favourable picture.

The first reactions from the East – while in general very cautious – still indicated that there was the potential for cooperation. Ambassador Ulrich Sahn in Moscow conveyed the ambiguous stance of the Soviet Union:

On the one hand, Moscow would support general measures to contain terrorism in principle. On the other hand, it would take into account the positions of Arab countries and of the Third World and would oppose every draft convention that the Soviets consider to have an anti-Arab direction or would be directed against 'national liberation movements'.<sup>19</sup>

Signals from the satellite states of the Soviet Union – unsurprisingly – mirrored Moscow's stance.<sup>20</sup>

Reports from the Third World, which was a crucial factor in Bonn's calculations, were more ambiguous, but not entirely negative. Algeria – an important interlocutor in the Third World for these policies – was sceptical but not completely dismissive of the German plans. The same held true for Egypt, another important variable in the equation, as well as for other Arab countries.<sup>21</sup> The German embassy in Tripoli warned of Libya's unpredictability and reluctance to support initiatives against terrorism. Nevertheless, there was the possibility that it would at least not oppose this measure. Forecasts as to the eventual attitude of Mu'ammer Gaddafi were difficult to make, however: 'because of Gaddafi's mood swings and unpredictability it is difficult to make any predictions on future Libyan policy. We should be prepared that the topic will evoke emotions and sensibilities in Libya'.<sup>22</sup> Similar scepticism was mirrored in many reports from Africa.<sup>23</sup> The People's Republic of China (PRC), which had assumed the Chinese seat on the Security Council (SC) a

few years before, refused to give a clear indication as to its position. The embassy in Beijing cabled that the PRC condemned international terrorism as such, but would probably not actively cooperate in taking steps against it. This was supposedly due to the fact that the PRC had not been hit by terrorism. However, the embassy was confident that the PRC would not oppose a sectoral approach.<sup>24</sup> Still, there remained some question marks behind the Chinese position as the PRC had occasionally expressed understanding for certain terrorist acts committed in situations of 'revolutionary struggle' for independence.<sup>25</sup> Yet when it came to individual terrorism, as committed for instance by the Red Army Faction (RAF) or the Red Brigades, the PRC had a clear and dismissive stance: 'revolutionary progress is only possible through actions of the masses. Individual terrorism is isolated from the masses'.<sup>26</sup> It seemed that the PRC would not pose a serious problem – and throughout the negotiations it never actually did.

One of the biggest sceptics of the initiative, however, was to be found at the German mission to the UN in New York itself. Ambassador Rüdiger von Wechmar did not see any hope for success and strongly advised against using a controversial topic such as terrorism for Germany's first major initiative at the UN. He doubted that the OPEC events in Vienna had led to a significant change of opinion among the Arab states, rather the contrary: as Arab politicians became victims of terrorist attacks, the Arab states had even less incentive to establish international obligations but preferred to deal with these acts themselves without being limited by international law. Moreover, certain Western countries (read: France) would be reluctant to support an initiative because of oil interests and their relations with the Third World.<sup>27</sup> Lastly, politicisation of the issue would also be inevitable, which would see Germany caught in the cross-fire between its allies and the radical Third World states – a situation that was certainly not ideal for winning political ground at the UN. The mission thus suggested that if Bonn really wanted to pursue this project, it was imperative to ensure a broad basis of support, including EC members and sponsors from the Third World. Von Wechmar warned that a unilateral approach on the issue of terrorism would bring Germany into perceived proximity with the US and Israel, and might backfire by hurting its relations with the Middle East. Thus, it would be vital for any initiative to emphasise 'humanitarian' aspects rather than touching on the politically sensitive features related to terrorism.<sup>28</sup> Von Wechmar supported his assessment by referring to a talk between himself and Kurt Waldheim's chief of staff, Ferdinand Mayrhofer-Grünbühel, who warned him that the Arabs had not changed their minds – for them, the terrorist

attack on OPEC was an intra-Arab problem. He doubted that the Arabs would fight their 'fratricidal war' in public, in front of the UN.<sup>29</sup>

Against this backdrop, Minister Genscher was briefed on the outcome of the enquiries. He was informed that while many states showed general interest in the initiative, important resistance was to be expected from certain Third World countries – such as Algeria, Iraq, and Libya – and possibly also from the East: 'As the USSR has been mainly untroubled by the problem of terrorism it has no interest in international, coordinated measures (that would disburden the West and limit the room of manoeuvre for liberation movements)'.<sup>30</sup> Moreover, many Western partners also displayed a high level of scepticism. A policy of wooing the Third World would hence be the key to a successful initiative. Genscher was advised to coordinate the project within the EPC and to make it a European, rather than a German, initiative, an idea which he favoured anyway.<sup>31</sup> This meeting showed that in spite of important obstacles that were totally clear to the AA, Genscher's ministry was still willing to pursue the hostage-taking project. But the ministry officials had made one important modification to their proposal from early January: in light of the enquiries, they now agreed with Genscher's earlier assessment that this should indeed be a European initiative, and no longer a unilateral German project. These suggestions were also an indication of the importance the political leadership attached to the question of terrorism after the crisis year of 1975, but also of Bonn's desire to make its mark at the UN. Remarkably, even before all of the reports from abroad had reached Bonn, Genscher and other high-ranking officials were already informing their EC counterparts of the project. This is evidence that the AA was determined to proceed with this initiative and to seize the Vienna momentum. During a meeting of the French and German political directors on 12 January 1976, Günther van Well made an announcement about the project on which Bonn was about to embark. He explained that the success of any general initiative against terrorism was unlikely, and thus, he highlighted the need for a project that only concentrated on one aspect of terrorism, such as hostage-taking. Van Well further elaborated that Germany would fight terrorism on both the domestic – or intra-EC – as well as the global level. On the one hand, van Well explained to his counterpart, Bonn was striving for increased cooperation on the matter of domestic terrorism among EC states. In order to do so efficiently, Sweden, Switzerland, and Austria should also be involved, although they were not members of the EC. On the other hand, Germany wanted to launch a global EC initiative at the UN. The French political director, François Lefebvre de Laboulaye, was



sceptical and suggested devising a Franco-German core initiative, which would then be presented to the other EC members. This approach would avoid lengthy debates.<sup>32</sup> Packed nicely in diplomatic language, what de Laboulaye was actually suggesting was a Franco-German *fait accompli*: once the project had been designed by Bonn and Paris, the other EC members could only accept or reject it, but not demand modifications. This would have meant that the EC partners would be blackmailed into agreeing to the project in order not to damage political cooperation. Also, unless countries wanted to present themselves as opponents to better antiterrorism cooperation, they had no choice but to agree to the plan. But this dictate would not have produced a cooperative mood amongst the other EC members. Likely for that reason, van Well did not immediately react to this proposal, but instead stated that Germany wanted to inform the Nine at the next EPC meeting on 19 February.<sup>33</sup> He also stressed that a successful antiterrorism initiative would have to go beyond the boundaries of the EC as most terrorists sought refuge and operated outside of the EC area. The UN was seen as a more important field for action against terrorism since the Council of Europe (CoE) – another entity concerned with the matter – had suspended dealing with this issue pending the conclusion of the UN debates.<sup>34</sup> The Germans were not too eager to provoke any further debates about new EC measures against terrorism. Meanwhile, Genscher and his French counterpart, Jean Sauvagnargues, also discussed the new German plan. Sauvagnargues displayed a high level of scepticism as to the feasibility of the initiative and voiced his concerns that some states could easily transform it in order to legitimise, rather than ban, acts of terrorism – for instance, actions committed by liberation movements.<sup>35</sup> As the upcoming pages will show, this was a concern that heavily influenced Paris' stance on the convention throughout the following years.

A few days after his meeting with Sauvagnargues, Genscher informed Luxembourg's Prime Minister Gaston Thorn of the German plans since Luxembourg was holding the EC presidency in the first term of 1976. He thereby laid the ground for an official introduction of the project to the EC in February.<sup>36</sup> Furthermore, to prepare for a speedy adoption of the German initiative at the EC foreign ministers meeting at the end of February, a *Correspondance Européenne* (COREU) was sent to the other EC capitals explaining the reasoning behind the German project in detail and justifying its timing:

In our view, the time is ripe to start a new attempt to win back the initiative in the terrorism question and to start a movement against

terrorism at the UN. For this, the European states have an unquestionable legitimacy. They also have a special responsibility to end the conspiracy of silence regarding terror and violence at the UN.<sup>37</sup>

The cable continued in quite frank language so as to make it very difficult for the partners to deny the urgency and necessity of the project:

The spread of international terrorism endangers the life and safety of innocent people all over the world. Because of the brutality of the perpetrators, their unpredictability, their choice of means, the international cooperation of the groups, terrorism has become a threat for international relations and to the security of member states. It can no longer be efficiently fought by national means alone. Therefore it appears as an anomaly that the UN has not yet taken a firm and decisive stance against this threat and has not yet implemented comprehensive measures against it. It is our conviction that the time has come to attend to this problem anew and to win back the initiative to start a broad movement at the UN against terrorism. The European countries, being the main victims of criminal, anarchist and politically-motivated attacks, have undoubtedly an unquestionable legitimacy to tackle this issue. Moreover, they have the special obligation towards their citizens to end the conspiracy of silence vis-à-vis terrorism and violence at the UN.

This was a rather blunt tone, but the AA did not deny that there were many obstacles ahead. In the COREU it alluded to the failure of the Waldheim and the US initiatives in 1972 and the inherent pitfalls of the project as any antiterrorism initiative could – and probably would – be linked to issues such as the Middle East conflict, the underlying causes of terrorism, state terrorism, and the South Africa Question by malevolent countries. However, the Germans expressed their optimism that a change of opinion and the general willingness of states to combat terrorism were evident. The problems that the initiative might face were thus manageable. Many countries had recently become victims of terrorism, and the OPEC incident pointed to the fact that fewer and fewer states were safe from being attacked: ‘Today, terrorism is broadly regarded as a problem that concerns every country’.<sup>38</sup> Moreover, the AA noted a decline in the importance of liberation movements due to the almost accomplished process of decolonisation. Therefore, Bonn suggested a special strategy to its European partners: to take a very careful approach that avoided tackling the problem of terrorism in its entirety, and instead focus on

a sectoral approach in order to prevent the politicisation of the debate. Two goals were established. First of all, to have the UN adopt a moral-political condemnation of acts of violence against innocent people that stressed the especially inhumane character of such acts. This condemnation did not even have to explicitly refer to terrorism. Second, and to accomplish goal number one, the EC should lobby for a convention against 'the most common and at the same time the most inhumane aspect of terrorism: the taking of hostages'.<sup>39</sup> Hostage-taking was seen as a menace that could be well defined as a criminal act, thus keeping it separate from the blurry and politicised field of 'terrorism'. The proposed convention should abolish safe havens for hostage-takers as the best way to deter terrorists. In order to avoid the politicisation of the debate and to minimise the risk of linkages to liberation movements, bilateral contacts should be established early on with important countries worldwide to explain the project and to win support. As such, it was hoped, the way could be paved for a smooth introduction of the topic to the UN.<sup>40</sup> It is interesting to note that the German assessment of the feasibility of the project submitted to the EC partners painted a much brighter picture of the international antiterrorism environment than what the reports that the AA had received from its diplomats suggested. It would appear that the AA deliberately presented a much more favourable atmosphere so as to ensure the support of its EC partners.

However, the Germans were to soon learn that the Nine did not share Bonn's optimism. At the EPC meeting, German officials faced a wall of hesitation, scepticism, and reservation on the anti-hostage-taking project. While the meeting agreed that 'the German document constitutes an excellent basis for discussions',<sup>41</sup> most partners expressed concern that there was a considerable risk that any initiative in the UN might be exploited by radical states to attack Israel or to support liberation movements. Thus, the Germans only managed to achieve a minimum consensus that if this project were to be pursued, early consultations with key players would be essential to its success.<sup>42</sup> This was a lowest common denominator solution and not the full endorsement of the project that Bonn had hoped for.

Despite these discouraging signs, Germany submitted a draft convention to the other EC countries on 9 March 1976 to serve as a basis for further discussions.<sup>43</sup> Yet all signs pointed to difficult EC negotiations on the issue. This was confirmed two weeks later when the foreign ministers met and discussed the German proposal. Genscher faced a very hesitant atmosphere when he officially introduced and explained the hostage-taking project. Nevertheless, he managed to secure the general

support of the Netherlands, Belgium, Ireland, Italy, and Denmark, but not France and the United Kingdom (UK), the great powers at the UN.<sup>44</sup> A subsequent meeting of the EPC experts in mid-March showed that the attitude of the EC partners had not changed. They continued to see the 'deformation' of the initiative as a big risk. Germany compromised by submitting another modified draft, but the AA realised that changing the attitudes of other states could only be achieved by the direct intervention of Genscher himself.<sup>45</sup> The same scepticism was mirrored in talks between Germany's representative to the UN, von Wechmar, and his EC colleagues in New York.<sup>46</sup> The initiative either had to be lifted to the highest echelons of policymakers in the EC or it would have to be buried. Consequently, the AA once again urged Genscher to intervene personally with his European counterparts in order to finally secure full support from the other EC members, as only a strong political impetus could overcome the stalled negotiations.<sup>47</sup> Genscher did as advised, but despite this, reluctance prevailed in the European capitals. The Nine only agreed that a declaration by the EC presidency should be made during the GA, expressing in general terms the EC's concern about terrorism and calling upon the UN to react to it, but this was hardly the support Bonn sought. No consensus on a concrete draft convention could be reached.<sup>48</sup> Three months into the negotiations with the EC partners, this was a very minimal outcome, and certainly much less than what the Germans had expected from their partners. And time was pressing.

Consequently, towards the end of April, with no real decision yet made at the EC level, Bonn was becoming weary of its European partners. Given the fact that the dates for the GA were approaching, it was clear that a European project would not be ready for submission.<sup>49</sup> The signs of any positive development anytime soon on that front seemed rather grim. The British Foreign Office, for instance, was very frank about its negative stance. London let it be known to the Germans that Britain was sceptical of the initiative and would prefer a simple EC statement against terrorism rather than an actual convention project. The German project, so London argued, faced the danger of being deformed and redirected against the interests of the West, and it would also poison the atmosphere at the GA. As a glimpse of hope, however, the British also implied that if the other EC countries were indeed willing to take the risk, Great Britain would follow suit, as, of course, terrorism was a very important issue for Her Majesty's government.<sup>50</sup> But as all previous negotiations in the EPC framework implied, the odds for such a change in attitude were not good.

After further fruitless EPC meetings in early May 1976, the Germans lost all patience. The AA had finally come to the conclusion that it would be futile to expect European sponsorship of the initiative.<sup>51</sup> Bonn informed its embassies of the deadlocked EC negotiations and underlined that it did not share the pessimism of the other EC members. Thus, the Germans decided to introduce the initiative themselves and go on with the project alone despite the prevalent scepticism in other EC capitals. Bonn's diplomats were instructed to call on high-ranking foreign officials and inform them of Germany's intentions to submit a proposal for a convention against the taking of hostages to the UN. The embassies were furthermore asked to underline the inhumane and criminal aspect of terrorism, which Germany wanted to fight, and to marginalise the political questions attached to the issue. However, it should be made evident to the host governments that Bonn was not yet completely focussed on fighting hostage-taking. If the host governments wished and a majority was reached for a different aspect, it would be possible to change the project accordingly. With this *démarche*, the AA wanted to receive an up-to-date survey of the international environment concerning terrorism, although it also served as a first official launch of the project.<sup>52</sup> More importantly, these instructions once again underlined that the AA was not yet completely fixated on fighting hostage-taking. What mattered for Bonn was producing an antiterrorism convention; hostage-taking simply seemed like the best issue to be dealt with in this context and at this time. The project was at least as much about prestige for the Federal Republic as it was about fighting terrorism.

However, the global situation remained vague with no indication of clear support for Bonn's plans.<sup>53</sup> The importance the topic had reached by now for the federal government can be seen in the fact that Chancellor Schmidt was also involved in sounding out the interest of possible allies at the UN. During his visit to Saudi Arabia in late May 1976, for instance, he had a private talk with Prime Minister Fahd. The latter told him that his government was very worried about the proliferation of international terrorism by states such as Uganda and Libya. While Fahd did not go into a detailed assessment of Idi Amin, whom he simply considered of unsound mind, he was more concerned about Gaddafi's 'conspiracy', which aimed not only at Arab states but at all nations. Schmidt promised to keep him informed of any further steps Germany would take on the matter of terrorism.<sup>54</sup> Given all of this information, an internal assessment by the AA saw little hope of winning any significant and active support from Third World states for

the anti-hostage-taking initiative. The number of important states with a positive position was very small.<sup>55</sup>

In light of the results of this survey, and despite the very discouraging signs from other EC capitals, Germany reintensified its efforts to win over its European partners to co-sponsor the initiative. However, this was no longer considered a *condicio sine qua non*; lacking clear EC support, Bonn would still pursue the project itself. Obviously, the AA had an interest in ensuring that the initiative had the broadest support possible, and it wanted to make sure that any negative fallout could be disseminated among the Europeans, thereby reducing the potential damage to Germany's prestige. But the Germans had to face the reality that there was no common European interest in the matter. All efforts by Bonn to have preparatory talks on the text of a convention by the legal experts of the Nine were to no avail as it became clear that the other EC members wanted to postpone the issue.<sup>56</sup> Probably, some of the Nine hoped that if an EC consensus was reached too late – or not at all – the Germans would refrain from their initiative, which most of the other European governments still considered dangerous and counter-productive. This would have been the easy way out for the EC partners. Yet, this strategy led to further German frustration. On 23 June, another meeting with European states was held, this time within the framework of the Council of Europe. The German report of the meeting showed open disappointment: in the 90 minutes that the meeting lasted, half an hour was dedicated to simply discussing whether or not minutes should be taken. Bonn could not miss the point that the Nine had no interest in a new Western initiative at the UN.<sup>57</sup> An internal AA memo on the anti-hostage-taking project from June 1976 pointed out further possible problems, already well familiar to German UN veterans, which would be difficult to resolve. First of all, there was the difficulty of determining the difference between a 'criminal act' as opposed to a 'politically legitimate one'. As one African diplomat put it, 'should white civilians in South Africa seriously also be considered innocent?'<sup>58</sup> Second, concrete measures against terrorism were deemed inopportune due to the situation in the Middle East and in southern Africa. Third, once the debate in the UN had started, the more radical Third World countries would exert pressure upon the more moderate ones to fall back on a unitary – and most likely uncompromising – position. It would be difficult for many states to resist this pressure. Due to these reasons, the memo contained a negative assessment: 'the result of our enquiries can, in sum, not be considered an encouragement for a Western initiative. The different positions will lead to dissent with the majority of Third World countries on the

details of the initiative and on the further proceedings'.<sup>59</sup> Subsequent policy recommendations no longer mentioned a German initiative. Rather, it was simply proposed that the EC presidency make a general declaration on the need for antiterrorism cooperation during the GA, with consequent unilateral declarations by EC members to back it up.<sup>60</sup> Obviously, the desk level of the AA did not want to continue with the initiative, but preferred to let it silently wither away. The assessment on the possibility for a joint EC initiative was also shattering: the Nine were not willing to devote any energy to this issue and did not even authorise joint EC inquiries with Third World countries. They obliged Germany to proceed unilaterally. The memo concluded: 'should our impressions be confirmed during the Political Committee, then we should focus our future UN efforts on unilateral actions which our partners can join later'.<sup>61</sup> What the memo basically suggested to the leadership of the AA was abandoning the anti-hostage-taking project as no support from either the EC or the Third World was likely to materialise. The only possible policy option would be for Germany to do it alone. However, the memo proposed falling back on prior policy lines and only paying lip service to antiterrorism cooperation, without any concrete initiatives. At least for the working level of the AA, realistically, the project should be buried. All signs seemed to indicate that the hostage-taking project could be implemented only at great political costs.

Still, in light of the personal commitment that Genscher had already shown publically for the initiative, the final policy recommendations to the minister nevertheless contained the possibility that a unilateral project could be successful. A major reason for the advice to continue the project was the Federal Republic's prestige: the AA felt obliged to follow up on the enquiries Bonn's diplomats had made in the Third World, which had brought the issue of hostage-taking and Germany's interest in cooperation against it to the attention of many governments.<sup>62</sup> It appears that by mid-1976 the AA already saw itself on a path that would force it to continue pursuing the initiative against all odds. The stakes were already too high. Too much political capital had been invested, and consequently it was impossible to abandon the project now since Germany was already intimately linked to the initiative. Thus, following Genscher's wishes, the issue remained on the AA's policy agenda and further suggestions were made on how to implement it. In the course of designing a coherent strategy, rivalries among the desks also directly translated into policy recommendations. The Latin American desk of the AA, for instance, purported that it would be difficult to find support from Third World countries for the initiative.

Consequently, it advised focusing on Latin American countries, as they conceived themselves as part of the Western world and their struggles for decolonisation had ended 150 years ago, leaving them less prone to rhetoric about self-determination in the 1970s: 'There is, consequently, no more evidence of colonial trauma in the Latin American countries'.<sup>63</sup> Support for the initiative would be even easier to secure because of the good relations that Germany had with Latin America and because these countries had been trying to fight terrorism through multilateral cooperation since the 1960s.<sup>64</sup> In direct response to this, the Middle East desk claimed that winning the support of the Arab-African bloc would be more important due to its intimate links with liberation movements.<sup>65</sup> In the end, there was no clear geographical focus of the AA's courting efforts, as the subsequent negotiations will show. As long as countries were supportive of the efforts, belonged to the Third World, and were not overly controversial (because of their reputation or methods), they were welcome as sponsors of the project.

In the summer of 1976, all hopes that the project might still be submitted to the UN as a joint EC initiative had to be buried. Germany would have to do it alone, and any negative outcome would be an embarrassment for the Federal Republic. Even more discouraging, the support of other non-Western states was also limited. The countries most openly in favour of the initiative, Venezuela, Iran, and some African countries, hardly accounted for a significant majority of the Third World. In June 1976, it appeared that this project – not even officially launched yet – already had the potential of turning into a major foreign policy disaster for the Federal Republic of Germany (FRG). Following the logic that too much political capital had already been consumed by the project already, the AA decided to continue lobbying for the project and made preparations to introduce it at the GA. The AA now saw no way back, and thus decided to push forward. Just at this moment, however, Bonn saw a window of opportunity when the Air France plane was hijacked by Palestinian terrorists and redirected to Entebbe, Uganda. For Bonn, the Entebbe crisis provided the occasion that would allow antiterrorism cooperation among states to occur regardless of ideological trenches.<sup>66</sup>

### **The Entebbe crisis and the launch of the German project**

In the aftermath of the hijacking of a French plane to Entebbe, Uganda, which was executed by PFLP terrorists to demand the release of prisoners in several countries, the debate at the Security Council was heated and centred on attacks against the violent nature of the Israeli response.



At the same time, though, it demonstrated to the Germans that a silent consensus existed that hostage-taking as such was condemned by the vast majority of states. That was indeed an important point that further encouraged the Germans to go ahead with their plans for the anti-hostage-taking initiative.<sup>67</sup> This came at just the right time as hopes had seemed to fade for the project, and this recent development gave the initiative a new impetus. Consequently, on 12 July 1976, the German ambassador to the UN, von Wechmar, in relation to the Entebbe events, made his first address ever to the UN SC. In his speech he laid the grounds for the German initiative against hostage-taking: 'We strongly request the preparation of a convention on international measures against the taking of hostages which will ensure in particular that those perpetrating such acts are either extradited or prosecuted in the country where they were apprehended'.<sup>68</sup> The US was very supportive of Bonn's initiative. As US ambassador William Tapley Bennet, Jr<sup>69</sup> declared in the session: 'We applaud the statement made by the representative of the Federal Republic of Germany, who announced that his government will urge action...to prevent the taking of hostages. My government will strongly support the efforts of the Federal Republic of Germany and we shall work closely with them...'.<sup>70</sup> Throughout the summer, the US maintained its supportive stance.<sup>71</sup> But Washington warned Bonn that the way to the convention would not be easy. In a talk between von Wechmar and his US counterpart, William Scranton,<sup>72</sup> the latter highlighted the possible opposition that the German proposal might provoke from both the Arabs and the Israelis. Scranton offered good offices to restrain the Israelis, but he could not help pointing to the lack of coordination between the EC members on the issue. Despite the apparent EC disinterest in the matter, he emphasised how grateful the US was that Germany took up the issue of hostage-taking at the UN and had decided to become proactive on antiterrorism issues.<sup>73</sup> Hence, Germany had at least one ally that it could count upon.

From von Wechmar's speech at the SC it was clear that the hostage-taking convention was now a genuinely German project and no longer an EC initiative as had originally been planned. The response by Bennet, who spoke of the 'efforts of the Federal Republic of Germany', confirms this perception. The EC members remained reluctant. Although the European Council issued a declaration after its summit meeting on 13 and 14 July 1976, which condemned terrorism and especially the taking of hostages, this was all the support Germany could muster. The declaration expressed in very broad terms support for the struggle against hostage-taking, but no direct reference to the German initiative was made.<sup>74</sup> Any

further support was impossible. When the Dutch presidency wanted to circulate the EC statement at the UN, an idea that the Germans strongly encouraged, the French raised strong objections so that The Hague was forced to withdraw the proposal.<sup>75</sup> Not even this very minimal backing for the anti-hostage-taking project was possible, interestingly because of the insistence of Bonn's most important European ally, France.

Unsurprisingly, in their attempts to find other co-sponsors, the AA continued to look beyond the EC. This was how Yugoslavia and Venezuela came into the spotlight. Both were considered promising allies: the Yugoslavians due to their important role in the Third World and as a mediator between the different groups, and the Venezuelans because of their former suggestion for a special UN meeting on terrorism in early 1976.<sup>76</sup> Yet, these talks did not lead to any serious results either.

Nevertheless, the AA was optimistic that this was the right time to officially launch the initiative. While many obstacles would still need to be overcome, a 'neutral' convention aimed at the fight against hostage-taking would be feasible. Bonn was all too aware, however, that recent trends in French diplomacy to break out of the – already hardly existing – common Western position on terrorism would continue to be an element of uncertainty that might harm the initiative.<sup>77</sup> France remained an unknown variable in the Germans' equation, but for Genscher, French reluctance was not a major obstacle to the German plan. In a conversation with von Wechmar, he downplayed the problems. Genscher lectured his diplomat that France had taken a very critical stance on the European antiterrorism project for structural reasons, mainly because of a lack of coordination between the president and the prime minister, on the one hand, and among the French ministries, on the other hand. He exuded optimism that the French reluctance could be overcome. Moreover, Genscher pointed to the importance of the UN project. It was the UN that was the crucial forum for the fight against terrorism.<sup>78</sup> The minister wanted to depoliticise the German initiative by moving it away from the general debate about terrorism and strongly emphasising the aspect of hostage-taking. Von Wechmar replied to his minister by suggesting that 'three-track diplomacy' should be employed in order to ensure the maximum amount of success at the UN. To this end, Bonn's diplomats at the UN would have to enter into extensive contacts with other UN missions to gain support for the initiative. Meanwhile, the AA would have to intensify discussions with foreign embassies in Bonn and at the same time have Germany's diplomats abroad call on their host governments and explain the initiative there.<sup>79</sup> This three-track approach was intended to ensure that all entities

involved in the decision-making processes in foreign capitals had access to the maximum amount of information on the German initiative, but it also underlined the Germans' determination. Genscher agreed and reiterated his willingness to implement the plan alone, without the EC partners: 'As much as we would welcome the participation of the other eight European countries in our project, we will no longer be stopped in pursuing our initiative by resistance within the EC. If necessary, we will do it all alone'.<sup>80</sup> Towards the end of the meeting, Genscher told von Wechmar that he and the chancellor would contact foreign governments in order to alert them to the importance Germany attached to the project and to seek their support.<sup>81</sup> To back up von Wechmar's statement at the SC and to complement personal talks by Genscher and Schmidt, on 30 July the AA also asked all of its embassies to deliver a *démarche* to high-ranking members of their host governments. They were to be informed of the German intention to initiate a project against hostage-taking, and their support was requested.<sup>82</sup> Three-track diplomacy had started, and the diplomatic mill started to grind.

When, in early August, with the upcoming GA, the project entered its active phase, the German mission in New York urged the AA that if the initiative was really pursued, it had to be carried out carefully but determinedly if it was to succeed:

As much as we try to focus our project on the criminal aspects of hostage-taking and to separate it from 'international terrorism' it will not be possible to hide the fact that it is directed mostly – if not exclusively – against the special tactics of politically-motivated terrorists and the 'liberation movements' operating in all parts of the world. Nevertheless, we must not compromise on this point. [Genscher's handwritten comment on this: 'correct']. If necessary it would be better to withdraw our initiative than to recognise any case of justified hostage-taking. We also have to be prepared to condemn hostage-taking determinedly even if it was committed by people from the Soviet Bloc trying to escape into the West.<sup>83</sup>

This statement gives remarkable insight into the dangers attached to the initiative and the AA's unwillingness to compromise. Von Wechmar and his diplomats were well aware of the pitfalls of the initiative, especially vis-à-vis the East. West Germany's role as a sponsor of the project would bring it into a very difficult situation if, say, an East German used hostages, for instance, by hijacking a plane, to escape to the West. That would pose a tremendous moral and also political dilemma for the West

German government.<sup>84</sup> It was crucial for the success of the initiative that no exit clauses be included, particularly for national liberation movements (NLM). The mission in New York was willing to call off the initiative rather than have it instrumentalised for anything legitimising certain forms of terrorism. As the further evolution of the project will show, on several occasions the Germans were close to withdrawing the initiative as a consequence of this policy of 'all or nothing'. Insisting on this very principle, on another occasion, von Wechmar again wondered 'whether it would not be better to lose at the General Assembly with a *succès d'estime*, rather than having a politically watered-down anti-hostage-taking-convention adopted'.<sup>85</sup> Furthermore, as far as liberation movements were concerned, the mission recommended that the AA stress that the legitimacy of a cause would not in itself justify the use of violence. This notion was already enshrined in several UN resolutions, for instance in GA Res. 2645 of 1970, which '...condemns, *without exceptions whatsoever*, all acts of aerial hijacking'.<sup>86</sup> Obviously, by now, von Wechmar and his staff were fully committed to the project despite their former scepticism, and were looking for ways to ensure a maximum outcome. Moreover, while at first glance it might seem counterproductive for West Germany's emphasis on prestige that Bonn should withdraw the initiative in the case of its serious 'deformation', this is not necessarily the case. At least among the Western allies, and most likely also among Third World states, Bonn would still have won esteem for being tough on the very principle of its project that dealt with the politically loaded issue of terrorism. For Bonn's political global reputation, it would certainly have been better to stop the project before it led to a convention that provided justifications for terrorists – and would have thus damaged German interests.

Against this backdrop, in early August 1976, the AA started drafting a resolution that would be used as a basis for UN discussions on the further procedure of the anti-hostage-taking project. The draft was also forwarded to the federal chancellor, showing the high level of political importance the project had reached. The AA wanted to build on the previous examples of the Diplomats Convention and the International Civil Aviation Organization (ICAO) conventions in order to circumvent the problems that might arise concerning NLM. It was suggested that the struggle for national liberation be excluded entirely from the text of the convention, but that the GA could adopt an accompanying resolution, much like with the Diplomats Convention in 1973, paying lip service to the notion of self-determination. The AA was resolved to reject any clause legitimising the use of hostage-taking by NLM as it would set

an 'alarming precedent'.<sup>87</sup> As a fallback, the AA would try to have the convention only address acts of international hostage-taking as opposed to all instances of hostage-taking, as was originally intended. This would mean that only acts of an international significance would fall within its scope. Once this was achieved, the AA would then work towards other conventions addressing other aspects of hostage-taking.<sup>88</sup> The strategy was finally taking form.

To pave the way for the initiative, von Wechmar also enlisted the services, or at least advice, of the UN Legal Advisor, Belgian jurist Eric Suy. Suy was sympathetic to the German plans and suggested that the most promising way forward would be to mandate the Sixth Committee with the elaboration of a convention, as the legal expert in this committee might be the least prone to purely political considerations.<sup>89</sup>

In mid-August, that is, a little more than a month before the beginning of the GA, there was a meeting of all the desks involved in the project at the AA to find out the current state of affairs. It was reported that the sceptical positions of countries around France had hardened, making any common EC endeavour impossible, despite signs of – half-hearted – support from other EC partners such as Luxembourg, Belgium, and the UK. Other Western states such as Canada, the US, and Australia seemed to be more useful allies, and expressed their support for the project. Many countries in Latin America also took a positive stand on the issue. The Eastern bloc and the African as well as Asian states were more reluctant, especially the Arab states, and their eventual position on the project remained questionable. Moreover, the Entebbe incident – once seen by Bonn as a great opportunity to push for better antiterrorism legislation at the UN – now proved counterproductive. Although it highlighted the risk emanating from terrorism, the Israeli military's reaction to it provoked criticism on a broad and global scale. African states in particular were concerned that it would set a precedent for Western interventionism and hence a violation of their sovereignty. The German project could be seen as another form of disguised interventionism. In addition, the Entebbe crisis led to statements of solidarity among Arab states. Therefore, rather than softening the fronts against new antiterrorism instruments, Entebbe had served to harden them. But it was too late now to back out. In an almost naïve outburst of *Zweckoptimismus*, or calculated optimism, the AA experts told Genscher, 'But we do have a chance!' They had no new ideas, however, as to how to turn the unfavourable situation into one more fertile for the German initiative. Rather, they revived old recommendations of garnering more support for the initiative from the Nine so as to have a signal for the

Third World that Europe would stand united behind the project. To that end, Genscher would send a personal letter to the EC foreign ministers asking them to openly back the initiative. Moreover, opinion leaders in the Third World should be more actively approached and won over to show politically exploitable signs of support for the initiative. It was suggested that efforts should focus on Colombia and Venezuela as well as the moderate Arab states.<sup>90</sup> The AA still did not want to entirely bid farewell to the idea of a common EC project, in spite of all the disappointment and reluctance it had faced. Now, the strategy was that if the EC members did not want to co-sponsor the initiative, at least they could endorse it. What is also apparent, however, is that the AA had no clear master plan to deal with the situation.

Nevertheless, words of caution again reached the AA from New York. Several states – members of the EC and moderate Arabs – were concerned that the German initiative would provoke another round of heated debates about international terrorism. Therefore, von Wechmar asked for further German *démarches* in foreign capitals to explain the project again and to downplay the dangers in it.<sup>91</sup> These produced some urgently needed signals: Ireland became very interested in the German proposal and in co-sponsorship of the resolution. Italy also dropped its reservations about the project and expressed interest in co-sponsorship. Von Wechmar's Italian counterpart even informed him that the Libyan representative to the UN had told him that Libya would not object to an initiative against hostage-taking as long as it was not anti-Arab.<sup>92</sup> The general environment seemed to be improving slightly.<sup>93</sup>

### **The first background negotiations for the International Convention against the Taking of Hostages**

Against this backdrop, von Wechmar officially announced to the UN Secretariat Germany's intention to introduce another item to the agenda according to rule 15 of the General Assembly's Rules of Procedure: the elaboration of a convention against the taking of hostages.<sup>94</sup> To back up von Wechmar in New York, Genscher personally appealed to his EC counterparts to support the initiative and to improve coordination at the UN.<sup>95</sup> Moreover, in September 1976, a few weeks prior to the opening of the GA, Germany started a major diplomatic offensive in New York and through its embassies worldwide. Bonn's diplomats were instructed to officially call on their host governments and explain the anti-hostage-taking initiative and to underline its humanitarian character: 'Acts of blackmail involving the taking of hostages directly affect

a government's sovereign freedom of decision. Human dignity and the unalienable rights of each person are among the basic values to which the UN is committed'.<sup>96</sup> The diplomats were also instructed to stress that this was an initiative that would benefit the international community at large, and was not directed against any specific state or group of states: 'we are particularly interested in the support of countries from the Third World. This is not a specific German or Western issue but a common problem for all countries'.<sup>97</sup>

This global initiative was reinforced with busy diplomatic activity at the UN. Bonn's man in New York, Ambassador von Wechmar, led various background talks to convince foreign diplomats of the benefits of the German initiative. His impression after the talks, as reported to Bonn, was one of guarded optimism. The Israeli representative was extremely supportive of the draft. Much to von Wechmar's relief, however, he mentioned that Israel would keep a 'low profile' on the issue so as not to provoke any hostilities towards the draft from the Arab camp and hence render his support 'contra producentem'.<sup>98</sup> The representative of Nicaragua was also very euphoric. However, von Wechmar did not ask him for co-sponsorship, 'as this country has the reputation, at the UN, of voting according to US instructions'.<sup>99</sup> The US representative informed von Wechmar that he had orders to support the German initiative in any way that the Germans deemed useful.<sup>100</sup> Among the strongest supporters in the Third World, von Wechmar pinpointed the Latin American states of Uruguay, Costa Rica, and Bolivia. All three emphasised that their governments authorised them to support the draft resolution in any possible way and would not object to sponsoring it.<sup>101</sup> Another South American country, Argentina, also delighted the Germans by promising that their foreign minister would endorse Bonn's initiative in his address to the GA.<sup>102</sup> Among those that were less supportive, the Soviet ambassador very ostentatiously showed no interest in the matter, and the German Democratic Republic (GDR) representative, Bernhard Neugebauer, only promised to request instructions from East Berlin without hinting as to what the East German position would be, although it was not very difficult to guess.<sup>103</sup> When von Wechmar called on the Chinese Ambassador to the UN, Nuang Hua, to explain the convention initiative, he found him in tears due to the recent death of Mao Zedong. He was unable to talk, but his deputy made it understood that no noteworthy support should be expected from Beijing.<sup>104</sup> Some Sub-Saharan African states such as Togo and Nigeria signalled their general willingness to support the German initiative, too. However, they also pointed out that this would eventually depend on the Arab position on the issue.

As the Togolese chargé d'affaires put it, alluding to the possible rejection of the project if the Arab states demanded it: 'The Black Africans had often done the Arabs a favour only to please them and without putting their hearts into these actions'.<sup>105</sup>

As the enquiries in New York had shown, the Arabs held the key to successful negotiations, and they remained sceptical of the initiative. Therefore, one Egyptian diplomat at the UN advised von Wechmar to increase contacts with leading Arab countries so as to win them over. Moreover, he suggested that the Germans enter into direct negotiations with the PLO in order to dispel fears that the project was directed against the Palestinians. After some discussion, the AA did indeed authorise informal contacts between officials of the German mission and the PLO.<sup>106</sup> This was a remarkable development: in order to ensure that its initiative was successfully passed, the Germans even discussed it with an organisation that had until recently sponsored terrorism, including against Germans. Informal contacts between German officials and PLO representatives even increased towards the end of the 1970s. Both sides were about to develop a new *modus operandi*.<sup>107</sup> Nevertheless, the attitude of the Arab group on the initiative, important as it was, continued to remain a puzzle to the Germans. Although there were positive signs, it was difficult to determine what stand its most prominent members would take.<sup>108</sup> According to von Wechmar, the biggest potential troublemaker was Algeria, as its representative was very reluctant to support the German initiative but softened his stance a little after an extensive talk with German diplomats. Still, von Wechmar maintained doubts about Algeria's benign intentions on the project: 'Algeria is among the most sceptical observers of our initiative and we have to expect it to be hostile to it'.<sup>109</sup> Despite the problems this posed for the AA, the fact that the Arabs continued to debate the project could be read as a positive sign. Since they discussed the matter heavily, this implied that they did not reject the German proposal out of hand and that there might be common ground that could serve as a basis for further negotiations. From this perspective, the ongoing internal Arab discussions were not as discouraging as it might seem, and this explains why Bonn continued its policy.

This optimism was shattered, however, when the AA learned through its mission in New York of the intentions of Arab states to blockade the German initiative in the upcoming GA debates. Alarm bells were ringing in Bonn: 'unitary resistance of the influential Arab group would vitally affect the opinion of the Third World and would direct it against us (out of a solidarity effect) and thus against our initiative'. Consequently, the AA decided on a dual-track approach both in New York and the capitals



of the Arab world. German ambassadors there were instructed to make *démarches* to their host government and explain the initiative, emphasizing that it was not directed against any one state in particular. Moreover, they were to highlight that 'we would regret it if Arab countries obstructed our initiative through their attitudes and would hence make it an issue in the German-Arab relationship'. This was an implicit warning to the Arabs not to let the negotiations in New York fail. Moreover, the ambassadors were instructed to convey the personal greetings of Genscher to his Arab counterparts and ask them on his behalf to personally attend to the matter.<sup>110</sup> The controversy was caused by the notion of merging the anti-hostage-taking issue with the general discussions about terrorism in the Ad Hoc Committee, a development that Bonn wanted to prevent at all costs. It was only due to the heavy pressure exerted by Egypt and other moderate Arab states that led the Arab group not to resist a separate German anti-hostage-taking initiative and not to vote for a merger with the terrorism item. According to Egyptian diplomats, the intense dual-track diplomacy by Bonn's diplomats in the Arab capitals and in New York convinced most countries to support a separation of the items 'terrorism' and 'hostages convention'. Bonn's contacts with the Palestinians also paid off: the PLO adopted a more benign stance after German diplomats discussed the initiative with the PLO representative in New York.<sup>111</sup> Yet, Algeria remained the constant source of trouble and insecurity. Much like von Wechmar in New York, in Algiers, Bonn's Deputy Ambassador Hans Heuseler saw little chance of any Algerian support, especially since terrorism was a practice used by the Algerians to oust the French during their war for independence.<sup>112</sup> Algeria, it was clear, would continue to be a problematic variable in the equation. The situation thus remained very puzzling. The day before Genscher addressed the GA in order to formally introduce the agenda item of a convention against the taking of hostages on 27 September 1976, the AA knew of only five states that were certain to co-sponsor the project: Uruguay, Paraguay, Argentina, Chile, and the US. However, it was not yet decided whether Germany would actually ask Chile as there were concerns in the AA that this could be counterproductive.<sup>113</sup> The AA did not seem to have any problems with Argentina, however, even though it was a dictatorship, too.<sup>114</sup>

### **The hostages initiative as a General Assembly agenda item**

West Germany's foreign minister, Genscher, addressed the GA on 28 September and officially introduced the initiative to elaborate an

international convention against the taking of hostages to the GA's agenda. Genscher gave an extensive explanation of why the UN should address this issue and of the implications that hostage-taking had on human rights and diplomatic relations. He also abstained from any references to terrorism:

The most common and most brutal form of this new [non-state] violence is hostage-taking.... No one... can be certain that he will not become the next victim. Hostage-taking is not a problem of specific countries or groups of countries – it concerns us all.... What is at stake is the protection of people, the sovereignty of states, the safety of international traffic, and an international order free of violence. Hostage-taking is a particularly inhumane act of violence.... The Geneva Conventions of 1949 prohibited hostage-taking even as a means of warfare. Hostage-taking violates the dignity, safety, and fundamental rights of the individual.... Hostage-takers try to blackmail sovereign countries and force them to make an unbearable choice between giving in to their demands or risking the lives of the hostages. Hostage-taking is a threat to international relations. The efforts of all countries for a peaceful resolution of international conflicts, even the efforts of this Organisation, are threatened by these criminal acts of violence of a few people.... Our peoples expect that we exhaust all possibilities to put an end to this tactic of brutal violence. We have to face this threat and we have to start a rational discussion about possible steps to take.... [We have to] condemn hostage-taking as a particularly abhorrent crime.... The federal government considers it necessary that the United Nations elaborate a convention which ostracises hostage-taking on the international level and ensures that perpetrators are either extradited or stand trial in the country where they were apprehended.... The federal government will therefore request that an item on 'international measures against hostage-taking' be added to the agenda as an important and urgent matter.<sup>115</sup>

In an Explanatory Memorandum, Germany provided further explanation of its motivation and the scope of the initiative. The convention to be elaborated should focus on 'cases in which persons were taken hostage, deprived of their personal liberty and threatened with death with a view to impelling others to do certain acts against their will...'.<sup>116</sup> In the Memorandum, the Germans stressed two points in particular as to why action should be taken. On the one hand, the humanitarian aspect was underscored, as 'not only the hostages but also their relatives

and friends are subject to great suffering'.<sup>117</sup> This put the aspect of human suffering a step further than in Genscher's official speech. On the other hand, hostage-taking was disruptive to the orderly conduct of international relations, and the threat it posed to peace was once again highlighted:

[These acts] may at any time set off an uncontrollable chain of events, threatening not only the lives of those directly involved but the security of many other people as well and frequently also endangering international peace and transnational relations. ... nobody is immune from being taken hostage. Each individual, each group and even each member state of the United Nations may suddenly become the target of blackmail through the seizure of hostages. Under the new dimensions of these acts, the evil of hostagetaking [sic!] can affect equally women, children, members of Governments, businessmen and delegations to International Conferences.<sup>118</sup>

The German proposal also ruled out any exception for NLM:

The Government of the Federal Republic of Germany trusts that in compliance with these principles states recognize that certain acts are too abhorrent and inhuman to be undertaken by anyone and that the taking of innocent hostages for whatever purpose constitutes an act which is absolutely intolerable and incompatible with universally accepted standards of human conduct.<sup>119</sup>

The 'exceptionally reprehensible nature' of acts of hostage-taking, so the text of the memorandum ran, and the 'increasing number of cases [of hostage-taking]...' would make it 'a problem of international dimension and of the utmost importance and urgency'. Thus, '[t]his phenomenon cannot be longer accepted by the states members of the United Nations without reaction, the International Community owes it to its own self-respect to fight this evil...'.<sup>120</sup>

The intentions behind the initiative were highlighted in an internal AA memo and pointed to motives that were not purely humanitarian or altruistic: 'we must not leave the floor to the majority at the UN anymore but influence the discussions through our own initiatives. That is the only way to overcome the defensive position of the West and to bring our own weight to bear'.<sup>121</sup> Indeed, the initiative was also about regaining some of the power and influence of the West at the UN, as well as an attempt to increase West Germany's political influence at

the organisation. This stance was also mirrored in press statements in a more diplomatic way:

After our accession in 1973 there was first a learning phase. It is the intention of our policy at the UN to play the role in the world organisation that befits the position of the Federal Republic of Germany in Europe, in the East-West relationship and towards the Third World. It also reflects Germany's standing in international relations in general. We want to be recognised as an interlocutor with the Third World on a permanent basis.<sup>122</sup>

Germany was ready and willing to play a bigger role on the global stage and to be more active at the UN. The anti-hostage-taking project was considered a good opportunity to achieve these goals. At the same time, however, with all these announcements made, there was no longer any turning back. Bonn now had to pursue this project to the end: be it success or failure.

Following Genscher's demand that the issue be included on the GA agenda, on 4 October the GA voted unanimously in favour of the motion and referred it to the Sixth Committee.<sup>123</sup> The 'German initiative' had seen its first success. Yet, the support certain states expressed for this initiative was not always welcomed by the AA. The Germans would have preferred that two states in particular had adopted a low profile on the issue. Chile's foreign minister announced that his country would co-sponsor and support the initiative. This became a delicate issue for the German delegation. On the one hand, they were looking for support, so the Chilean statement had to be officially acknowledged, especially since the German government had initially asked the Chileans to endorse it. On the other hand, though, von Wechmar expected many Third World countries to refrain from co-sponsoring the initiative if they had to put their country's name next to that of Chile. Von Wechmar hence urged the AA to approach the Chileans and ask them not to co-sponsor the initiative. The official explanation was that Bonn was striving for a broad geographical distribution of sponsors. It was stressed that, for the same reason, many EC member states and the US would not figure as sponsors either. Chile could join sponsorship at a later stage when more Third World countries had committed to it.<sup>124</sup> Von Wechmar clearly wanted to get rid of an unwanted ally.

The other problem was Israel. In spite of earlier reassurances by the Israeli representative to the UN that his minister would only briefly touch on the German initiative, Foreign Minister Yigal Allon, however,

not only mentioned it in his speech but even linked it to the Entebbe incident.<sup>125</sup> This outraged the Egyptians, who told von Wechmar that this link would doom the initiative to fail as the Arab camp would oppose it unanimously. He also asked that Genscher be informed of Cairo's 'serious objections'.<sup>126</sup> Von Wechmar tried to calm Egypt by stressing that Germany did not intend to connect it in any way with Entebbe and that the initiative had been developed well before Entebbe.<sup>127</sup> The AA was extremely irritated by the Israeli speech.<sup>128</sup> Allon's comments, together with verbal attacks against the PLO made by the Israeli representative to the UN, worsened the situation for the initiative and led to a 'deterioration of the climate'. Von Wechmar tried to distance the initiative from Israeli comments by continuously stressing that the German project was not directed against anybody. He also urged the Israelis not to comment on the hostage-taking project anymore, which they promised to do.<sup>129</sup> Due to von Wechmar's lobbying and explanations, the complications caused by Israel would ultimately be overcome, but the Allon speech added fuel to a fire that was passionately burning at the UN. It certainly did not help German endeavours to keep the debate rational and technical and avoid linking it to Palestine or terrorism.

Once official approval for the new agenda item was secured from the GA, administrative issues had to be addressed. Thus, in mid-October, von Wechmar initiated informal meetings with the initiative's supporters in order to coordinate the subsequent proceedings.<sup>130</sup> This core group would continue to meet regularly until the convention was adopted in 1979. This group – and the attempt to harmonise strategies within the group of strongest supporters – was an essential feature of the negotiations and an important factor that explains the successful outcome of the project.

However, after a first wave of enthusiasm when many countries made references to the initiative in their UN addresses and openly endorsed it, the mood grew sober again in Bonn. The AA's political director, Günther van Well, warned Genscher of the emerging tendency of 'radical' states such as Benin, Algeria, Guinea, and Mali to link the hostage project with the general discussion on terrorism and the legitimacy of the struggle for national liberation in order to halt the convention project. Van Well echoed von Wechmar's assessment of a 'general deterioration of the climate' and noted a 'turnaround to our disadvantage'.<sup>131</sup> With the exception of Kenya and Tunisia – both interested in the project but unwilling to co-sponsor it – all Arab and African states had withdrawn from the group of sponsors by late October 1976. The number of states in this group dropped from 20 to 12. It was suggested to Genscher that

the best way to proceed would be to avoid any substantial debate on the issue and to push for a resolution with a procedural character, which would establish a working group that could then attend to the technical aspects. In order to achieve this, some concessions were necessary: 'some parts of the draft have to be more linguistically balanced and we have to take out certain politically ambiguous terms in order to make it more acceptable to still undecided Third World countries'.<sup>132</sup> Van Well suggested continuing the three-track negotiations – in Bonn, in foreign capitals, and through contacts between the missions in New York – to smooth the way for negotiations at the UN.<sup>133</sup> What van Well was implying was that once the Germans managed to take the convention project out of the spotlight at the GA and delegate it to a technical working group, the tricky issues could be addressed by the group more efficiently as it would not be under such close public scrutiny. Meanwhile, other developments in Africa and at the UN added to the difficulties that the German initiative faced.

### **The South African connection: Bonn's condemnation in the Fourth Committee**

As if the situation at the UN were not already difficult enough, in October 1976 the Special Political and Decolonisation Committee (or Fourth Committee) of the GA adopted a resolution condemning Western states – explicitly the FRG – of allegedly granting military and nuclear support to South Africa.<sup>134</sup> This seemed to be part of a bigger anti-German ploy as the AA had previously received confidential information that Benin, together with Guinea and Algeria, had strongly criticised the German anti-hostage-taking initiative within the African group. This set off alarm bells in Bonn as the AA feared that other Third World countries would change their position if these three states continued their hostile policies, and this could have devastating repercussions on the anti-hostage-taking initiative. Consequently, pre-emptive diplomacy was initiated as German ambassadors in African countries were instructed to deliver a *démarche* to the host governments in order to reiterate that the German proposal did not aim at any particular state or liberation movement, but had a purely humanitarian motive. They were also to underline that the anti-hostage-taking initiative was a central project of German foreign policy and that any problems caused by other states for the initiative were likely to have direct consequences on bilateral relations with Germany. This was a hardly concealed threat.<sup>135</sup> After the South Africa resolution was passed in the Fourth Committee, the director

of the regional department at the AA, Lothar Lahn, increased political pressure by sending a letter to the African embassies in Bonn expressing his disappointment with recent developments at the UN in general and the hostilities shown to Bonn in the Fourth Committee in particular. He furthermore expressed the federal government's concern about the attempts to connect the issue of hostage-taking with the general debates on terrorism, thus leading to a difficult and politically charged atmosphere that would not be conducive to passing the hostages convention. Lahn reminded the embassies that Bonn's project had purely humanitarian intentions to protect innocent people. He concluded by highlighting the special importance that the federal government attached to this initiative as well as the strong personal interest of Genscher and that the Germans would closely watch the behaviour of the Africans.<sup>136</sup> Once again the Germans issued a threat, which only proved how important this matter had become for the AA, not only because of the hostage-taking project but also because of the damage the condemnation did to Germany's international prestige. Clearly, however, the timing of the resolution was very bad for the anti-hostage-taking initiative. Bonn was willing to use considerable diplomatic pressure to avoid any further interference with its project at the UN.

But Bonn did not stop there. Further steps were taken to deal with Algeria, one of the countries that the AA saw as a main instigator of the resolution. The Algerian ambassador, Mohamed Sahoun, was summoned to the AA, where Lahn told him that the Germans were disappointed with Algeria's critical position in New York. Sahoun was warned that the federal government would be disappointed if 'disagreement emerged between both states on this question, which is a central issue for the federal government'.<sup>137</sup> A few days later, Sahoun met with Lahn again and tried to ease the tensions. He explained his government's surprise at the allegations being raised by the Germans and that he was instructed to reassure Lahn that Algiers did indeed have a favourable stance on the anti-hostage-taking project. His government suspected a third state of spreading false information in New York in order to upset German-Algerian relations and had instructed the Algerian ambassador in New York to immediately get in contact with von Wechmar to find a solution to the crisis.<sup>138</sup> Sahoun, however, did not say which state he suspected of being behind this alleged conspiracy. Meanwhile, in Algeria, German ambassador Gerhard Moltmann received confidential information about the reasons for Algiers' ambiguous position. According to his sources, Algiers' ambassador in New York, Ranal, had a very independent and 'autocratic' style, which repeatedly led to conflicts not only with other

states but also with his own foreign ministry. The UN representative had a tendency to pursue his own foreign policy, and for this reason he was nicknamed 'l'empereur'.<sup>139</sup> Obviously, Algeria tried to convince the Germans that its stance in New York was not so much an expression of official Algerian foreign policy, but rather the private views of its representative. Yet in light of the problems Algiers posed for the German project during the four years of the negotiations, it is doubtful to what extent this explanation really reflected the truth. Given the further developments, this seemed simply to be an excuse to reduce the tensions in the very strained German-Algerian relations of the time. Consequently, as there was no attempt made to replace Ranal with someone more loyal to Algiers, it would appear that the policy conducted in New York did actually have the blessing of the Algerian government.

At the same time, Mali, another state that the AA saw as a culprit for the confrontation in New York, was also quick to express its willingness to cooperate with the Germans in the future after Bonn's diplomats made a *démarche* in the capital.<sup>140</sup> Most German embassies in Africa reported similar positive developments with their host governments promising not to stand in the way of the convention project.<sup>141</sup> Bonn's threats and massive wave of diplomatic reactions seemed to have prevented the worst: a breakdown of the negotiations for the convention. Three-track diplomacy had worked – or so it seemed at least.

### **Where do we go from here? The convention project in the Sixth Committee in 1976**

After being added to the UN agenda, the German project was now delegated to the Legal Committee of the GA (Sixth Committee), which had to decide on how to proceed. This was not yet the time to draft the actual convention, but rather a period in which it would be determined whether there was enough common ground among the states to recommend the establishment of an ad hoc committee to write the actual convention text.

The workload of the Committee was already high. To allow for a smooth start and to break through the wall of resistance, Germany was willing to make concessions to the bloc that had no substantive objections to the project: the East. Romania, for instance, wanted the Committee first to debate a reform of the UN, and the Soviet Union pushed for timely discussions of its proposal for a general treaty renouncing the use of violence. Germany agreed to debate these issues first as long as there was one session between the hostage-taking item and the subsequent



debates on terrorism in general so as to keep these issues separate.<sup>142</sup> At the core of the German strategy was the desire to assure that the debate on terrorism did not negatively influence their hostage-taking convention.

Against this background, the core group met again and drafted a resolution that basically followed the German text. The draft resolution was submitted to the Sixth Committee, which began discussions on 26 November 1976. The states willing to co-sponsor the resolution came from all over the world, and smaller nations were especially represented, which was the intention of the AA.<sup>143</sup> The real problems began when the draft was introduced. Algeria, together with Tanzania and Libya, suggested amendments addressing the 'underlying causes' of terrorism, state terrorism, and the legitimacy of acts of terrorism when committed by NLM. Moreover, they wanted to include the word 'innocent' before hostages in order to differentiate between hostages taken in the course of a 'just' struggle for liberation – who were not innocent – and other cases of terrorism.<sup>144</sup> These developments signalled that Algeria was indeed not as supportive as it had promised and that the proceedings would face serious obstacles. As the same points had been raised in previous negotiations for antiterrorism instruments, they indicated the possibility that the German project might have the same fate as the failed 1972 initiatives. During the consecutive discussions about the amendments, Yugoslavia stood out positively by playing an important role as mediator between the radical states and the core group, and Belgrade's intermediary role was instrumental in bringing about a compromise. By doing so – the Germans suspected – Yugoslavia wanted to increase its prestige as a leader of the nonaligned movement and do Germany a favour on a matter that was very dear to Bonn, a favour that certainly would have to be returned at some point.<sup>145</sup> As far as the East was concerned, in spite of the concessions made by Bonn on the agenda, their position remained ambiguous. As von Wechmar noticed, the Eastern countries made statements 'from which it was not clear what the states would do'.<sup>146</sup> They remained an unknown variable. Libya, however, surprised the Germans. Von Wechmar expected a more confrontational and radical policy, and was astonished at the 'mild and moderate tone. He [the Libyan representative] welcomed the initiative explicitly and underlined that his country would be against aerial hijackings and hostage-taking'.<sup>147</sup> Nevertheless, the Libyan representative also stressed the importance of sovereignty and the struggle against colonial oppression and highlighted that not every hostage was innocent.<sup>148</sup> The front line for the negotiations was clear now, and camps had been formed. Despite all that, there did not

appear to be insurmountable differences between the Germans and the most fervent objectors to Bonn's project. Although the situation was more difficult than had been anticipated by the AA, there was still a reasonable chance of success for the convention.

Von Wechmar wanted to exploit this imperfect but still manageable situation as soon as possible, before the prospects for the convention could darken further. He pushed Bonn to agree to a speedy adoption of the draft resolution for several reasons. First, he warned, any delays would result in more states proposing amendments with the potential of watering down the text even further. For him, the draft was acceptable and should be adopted as soon as possible. Second, von Wechmar stressed, delaying the discussions would also bring the debates on hostage-taking into close proximity with those on terrorism. There were more and more voices calling for a merger of both items, which the Germans wanted to avoid at all costs. Therefore, von Wechmar suggested accepting all remaining amendments as they would not affect the general nature of the convention as such. The only alternative, he said, would be to withdraw the resolution altogether. In that context, he warned of the negative repercussions that withdrawing the resolution would have on Germany's reputation. Not many states, he predicted, would understand a withdrawal based on German stubbornness when the other sides appeared to be willing to compromise. The co-sponsors would feel that they had been 'left high and dry', and this would harm Germany's credibility.<sup>149</sup> As this issue was of great political importance, Genscher himself had to make an executive decision. Against von Wechmar's advice, he instructed the mission to accept only a draft resolution that did not have the word 'innocent' in it, even if that meant withdrawing the resolution. Von Wechmar's warnings that time was running short were dismissed by Genscher's biting remark that 'one should not put pressure on oneself'.<sup>150</sup> Genscher's decision suggests that for him it was more important to have a tough resolution, in line with Anglo-American positions, than a watered-down one, even if it meant that Germany had to suffer a diplomatic defeat and was forced to withdraw the initiative. This stance was certainly a consequence of the continuous warnings from all sides that the Third World would try to instrumentalise the German project. As Genscher was faced with this every time he addressed this issue with his EC counterparts, he certainly did not want to give them the satisfaction of being right in the end. In Genscher's view, a diplomatic failure through withdrawal was still preferable to Germany's being responsible for paving the way for radical states to submit a resolution that legitimised terrorism in any way. For

Germany's prestige, so it seems, it was more important to be tough on terrorism even if that meant suffering a defeat at the UN, an experience most countries had shared anyway, than the other way around.

Genscher's decision to maintain a tough position made the upcoming negotiations difficult. The adoption of the draft text that von Wechmar had hoped for seemed distant again, and at some point the AA even prepared a statement justifying a withdrawal of the initiative as it appeared possible that such a statement would be needed soon. For the time being, the negotiations were still ongoing, but the statement still gives interesting insights into Bonn's motivations. The text placed the blame on the opposition of the Arab and Eastern European states, especially the GDR.<sup>151</sup> But this was not the actual reason. It was more an attempt at damage control. Given the Cold War context and the hesitant – and occasionally openly hostile – stance of the East, the Socialist countries were always a useful scapegoat. Rather, the Germans did not want to have a resolution adopted that could justify certain acts of terrorism:

We consider it better to publicly withdraw our project than to accept a largely deformed initiative which will do harm to our reputation in the Third World and will expose us to public criticism.... We will not be looking for a showdown. However, it would be a regrettable setback to our efforts to fight this common threat [of hostage-taking] if it is impossible to even make our first common move.<sup>152</sup>

Another reason for Genscher's tough position was the fact that domestic public awareness of the hostage project had risen in Germany. Against the backdrop of domestic terrorism, the population expected a hard negotiation line, mirroring the policy that Chancellor Schmidt took on terrorism in Germany, and that the government would not make significant concessions about NLM.<sup>153</sup> This attitude was certainly a consequence of Palestinian terrorism directed against Germany and Germans, as demonstrated in the case studies. Exceptions for NLM could be exploited by radical Palestinians to continue terror against Western citizens, so it was feared.

Genscher's instructions obviously complicated the negotiations in New York. To turn the tide and to prevent a diplomatic disaster at the UN, Bonn had no choice but to seize the initiative. On 1 December 1976, Genscher sent a letter to all governments worldwide to ask them for their support in New York and explain yet again why the Germans could not allow the draft resolution to be watered down through the

amendments suggested by Algeria, Libya, and Tanzania.<sup>154</sup> Rather than slowly letting the project vanish into the mist of UN negotiations, a policy the Belgians, for instance, had taken three years before, the Germans increased the stakes – and the risk of public failure – by having Genscher personally intervene. During a time of heated and difficult negotiations at the UN, this was indeed a dangerous step to take as any failure in New York would now have even more direct repercussions for Bonn's international reputation and prestige, as well as Genscher's own political weight. Although Genscher's appeal did not necessarily change the attitude of all states concerned, it certainly had some impact as it showed the world that the Germans were serious about the project and that they meant business. Libya provides an interesting case where the strategy succeeded. The *démarche* with the personal message by Genscher was delivered to the Libyan authorities and 'did not fail to create the proper impression'.<sup>155</sup> Deputy Ambassador Michael Umlauff reported that the Libyans were very pleased to see that Germany would be willing to make (minor) concessions on the phrasing, and the Libyan foreign ministry promised to issue new instructions to their mission in New York. During the talk with Umlauff, the Libyans had a very cooperative and conciliatory tone.<sup>156</sup> At about the same time, intelligence reports also suggested that Libya was trying to rid itself of the reputation of being a safe haven for terrorists, a development which certainly helped the Germans.<sup>157</sup> It was also significant in light of the important role that Libya played in the negotiations. Nevertheless, the cooperative tone of the Libyan government would only slowly trickle down to the UN and inform policies there. For the time being, the wearisome negotiations continued. Now, East Germany – having shown considerable restraint thus far – broke cover and took a hostile stance on the West German initiative, linking it directly to the Entebbe crisis in order to build up more resistance against it.<sup>158</sup> The GDR saw a chance to cause diplomatic trouble for Bonn and readily seized it. A new front was building up. Still, when the issue was brought before Genscher, he decided to maintain a firm stand in spite of the increasing chances for failure.<sup>159</sup>

To understand why the negotiations did not end in disaster, one has to look at the discussions outside of the official conference rooms: in the corridors and lobbies of the UN, as is often the case with international negotiations. The talks here were less formal and hence provided an easier environment in which to openly address the core issues and solutions. Von Wechmar made good use of this to broker deals and achieve compromises. Moreover, the Germans were actively engaged in keeping the group of co-sponsors together and having them meet regularly in

order to coordinate their positions. In this way, they spoke with one voice and increased their bargaining power vis-à-vis other countries, especially the highly divided and volatile Third World. It was largely due to these informal negotiations that a compromise was reached on 7 December in which the sponsors agreed to a few small changes in the wording of the resolution text in return for the Libyans' withdrawing an amendment they had made to insert the word 'innocent'.<sup>160</sup> Being aware that Genscher might not approve of the modifications, von Wechmar strongly urged the AA to accept it. In order to underline the need for a compromising attitude in Bonn, he emphasised that key allies were putting pressure on the German delegation to give in and agree to the text. Von Wechmar pointed out that withdrawing the initiative now would lead to a big loss of face for Germany with serious consequences for the country's position at the UN.<sup>161</sup> The political directors in the AA also urged Genscher to accept the compromise: 'When taking into account our interests in the situation as it is now, it leads us to conclude that the risks and disadvantages of rejecting the compromise will be so disastrous that it would be better to accept the resolution in its current form despite certain objections to it'.<sup>162</sup> Against this backdrop, Genscher finally agreed with von Wechmar, but he instructed the ambassador that 'you have to ensure that we can make a new decision on the matter if certain countries (e.g. France and Belgium) withdraw their co-sponsorship'.<sup>163</sup> Consequently, von Wechmar received instructions to approach the Belgians and French, who were still hesitating, to keep them on board in order to be able to strike a deal at the UN.<sup>164</sup> For a moment, though, tensions were on the rise again when Zaire announced that it would introduce a resolution at the UN targeting terrorism at large that would make references to the German project. Zaire probably even designed this as a manoeuvre to woo the West and the West Germans given its recent economic problems.<sup>165</sup> But to Bonn this seemed extremely dangerous as the idea would have once again dragged the hostages convention negotiations into the vortex of the debates about terrorism as a whole, a situation Germany had been trying hard to avoid. This development would have inevitably compromised the anti-hostage-taking negotiations. A solution was found when the Zairians promised not to link their initiative in any way to the anti-hostage-taking project. In return, the West promised not to vote against the Zairian resolution, but to abstain.<sup>166</sup>

By the time this compromise was reached, the number of co-sponsors had risen to 38, which was more than a quarter of the 147 UN members.<sup>167</sup> Now everyone involved expected a speedy adoption of the

resolution in the committee as all obstacles seemed to be out of the way. This is when the Soviet Union appeared on the scene with the intention of stalling the adoption. Its representative complained that there were 'procedural problems'. The draft could only be adopted 24 hours after its circulation, which he claimed, had not been the case here. The Germans suspected that the Soviet motivation lay in a 'certain unease with the fact that the compromise about the draft resolution was achieved despite the lack of any contribution from the Soviet mission'. Perhaps the Soviet Union also wanted just to point out that 'they cannot simply be ignored'. Von Wechmar assumed that the Soviets had hoped that the project would eventually fail because of the opposition of Third World states and that they were now trying everything possible to prevent its successful adoption.<sup>168</sup> State Secretary Gelhoff immediately summoned the Soviet ambassador in Bonn to the AA, while Bonn's embassy in Moscow sent a protest note to the Soviet foreign ministry.<sup>169</sup> This pressure – and Moscow's realisation that it stood very isolated with its tactic – made the Kremlin give up its policy. On 10 December 1976, the Sixth Committee unanimously adopted the draft resolution, and on 15 December, the GA adopted Resolution A/31/103 establishing a Special Committee to elaborate a convention against the taking of hostages, which was to start working in August 1977.<sup>170</sup> The resolution already contained a general delimitation of the scope of the future convention. The German project had cleared another hurdle.

Von Wechmar was so enthusiastic about this success that he suggested writing a manual for future initiatives based on the experiences of this project.<sup>171</sup> He made some noteworthy observations. First, 'by now all states have become so weary of hostage-taking as a means of political struggle that no insurmountable political resistance to our project emerged'. There was a more optimistic tone in this than is supported by the facts as there was indeed considerable political resistance during the negotiations, and this did not promise a bright future. Second, as for the behaviour of the Third World, he noticed that 'the fact that the Third World did not form a united front against us but was benevolently looking at a "Western" initiative was a situation that irritated many at the UN, especially the Soviet Bloc'. He concluded by stressing the importance of the project for the UN itself: 'The successful conclusion of the initiative has not only improved our own standing at the UN but also – and press comments confirm that – it increased the prestige of the UN as a whole'.<sup>172</sup> For von Wechmar, the secret to success was the fact that 'contrary to common practice at the UN, we have not only introduced a more or less utopian project to the UN simply for propaganda reasons to

then let it quickly wither away. Rather we have shown constant engagement at all stages of the negotiations'.<sup>173</sup> That was certainly a valid point. In addition, he was convinced that it had been wise to approach the smaller states to be co-sponsors, while asking the bigger Western states with stakes in the issue to keep a low profile, which is also an accurate assessment. In that respect the US was very helpful as they exerted pressure upon Israel not to endanger the project. The support of neutral states, such as Sweden and Austria, was also important: 'Their explicit endorsement of our initiative was instrumental in presenting the matter to the Third World in a favourable light'.<sup>174</sup> Yet, in his conclusions, von Wechmar also hinted at the difficulty of the negotiations and the considerable efforts exerted by himself and his staff. He suggested that no other big German initiative be launched within the next few years as this would overextend the capacities of the mission and would risk abusing the goodwill of other countries.<sup>175</sup>

Enthusiasm also prevailed at the AA in Bonn. The internal evaluation of the AA regarding the initiative at the UN was positive: the main goals had been realised, which were to maintain the substance of the draft resolution and highlight the humanitarian aspect of the project, as well as avoid the politicisation of the debates. The Germans were proud that their anti-hostage-taking project was an important Western initiative touching upon vital interests of the Third World (i.e. NLM and sovereignty) that was nevertheless adopted without deforming modifications. It was the first time in four years that an aspect related to terrorism was successfully dealt with at the UN, and in a surprisingly nonideological and matter-of-fact way. According to the AA, this success would boost Germany's profile within the UN.<sup>176</sup> Moreover, the AA did not only congratulate itself for the successful conduct of affairs but also looked at the lessons that could be learned from the negotiations so far.<sup>177</sup> The convention initiative was not only an important political project but was also a test case for Germany's future policies at the UN. Being a newcomer, Bonn did not have a great deal of experience in active UN policies, and thus the know-how acquired during these negotiations was extremely useful.

Reading these enthusiastic reports, one could almost be led to think that the convention had already been adopted. That was not the case. Difficult and lengthy negotiations were still ahead, and there were many issues that could still result in failure once the tricky and technical drafting phase for the convention text started. However, at this juncture, several points can be made about Bonn's conduct in the initial phase of launching the project. Thus far, the AA's handling of the

project had been successful, and the key to this success was to a significant extent the leadership exerted by Germany during the negotiations. Von Wechmar, remaining in the driver's seat the whole time, managed to present the co-sponsoring countries as a united front, which offered fewer opportunities for the countries that were hostile to the project – primarily Algeria and to some extent Libya – to attack the project. Obviously, certain compromises had to be struck. Still, Germany, at Genscher's insistence, managed to prevent the inclusion of the word 'innocent' in relation to 'hostages', as demanded by Libya. In Bonn's view, the inclusion of this word would have dramatically decreased the use of the future convention as it would have offered loopholes. Citizens of Israel and South Africa could have been considered 'guilty' hostages, and it was not too difficult to imagine situations in which Germans might become 'guilty' hostages as well. The convention would have been severely and negatively modified. To compensate for Libya's withdrawal of the amendment, Bonn had to concede to some modifications in the resolution text, but they were considered minor.<sup>178</sup> Germany's proactive efforts also extended beyond New York to a great number of German diplomatic posts all over the world that were at several stages directly involved in Bonn's negotiation strategy. On numerous occasions, the AA had its diplomats call on host governments to speed up stalled negotiations in New York and to dispel fears.<sup>179</sup> Especially during the final hours of the debates in the Sixth Committee, this seemed very useful. It certainly demonstrated to other countries the seriousness of the German project as well as the importance that Bonn attached to the initiative. In addition, when managing the co-sponsorship of the project, the Germans proved skilful. They avoided problems by keeping controversial countries out of the direct core group of sponsors, such as Chile and Israel.<sup>180</sup> In terms of negotiation strategies, direct appeals by Genscher to his foreign colleagues also helped promote the project. This certainly applied more to the non-European countries than to the EC members, as the latter were generally not very supportive. It was a risky strategy, as Genscher exposed himself personally on the project, but one that had paid off – thus far at least. Lastly, the fact that Germany managed to assemble a geographically broadly distributed co-sponsorship from predominantly smaller countries also contributed to the successful adoption of the resolution as it decreased tensions with countries that were worried about a disguised initiative by Western great powers to legitimise foreign interventions in Third World countries.

The AA was not the only one to draw a positive assessment of the negotiations. Politically less influential but morally and historically



important were the congratulations that Genscher received from several sides. Nahum Goldman, for instance, the president of the World Jewish Congress applauded Bonn on the successful adoption of the resolution.<sup>181</sup> Expressions of appreciation also came from the US, for which the adoption of the resolution was a success for the Western camp as it marked a shift in the UN towards a more pragmatic stand on terrorism.<sup>182</sup> However, as the AA was soon to learn, adopting the resolution was only a very small step. After all, the resolution only established the working group to elaborate the convention text and provide the general framework. The real challenge of negotiating a text for a convention against the taking of hostages had yet to be faced.

# 5

## The UN Hostages Convention: Negotiations and Adoption

### **The Ad Hoc Committee for a convention against the taking of hostages**

The United Nations General Assembly (UN GA) had decided to set up a committee to draft a text for the Hostages Convention. An important hurdle had been overcome, and the negotiations could now turn to more technical questions of how to phrase the convention text and its main stipulations. Yet many questions on the scope of the treaty had not yet been answered. What exactly would the convention entail? Even though the Germans wanted a airtight convention, it was likely that compromise would be needed and exceptions might be made. Would there be enough common ground among the countries for a common denominator? Would Bonn be willing to accept the compromises, or would the convention end up being hijacked by the Third World, much like the Ad Hoc Committee on international terrorism in 1972? Would there be a broad enough majority for the final text to be adopted? Would the German initiative be successful in the end, or would it turn out to be counterproductive for Germany's quest for prestige? These are only a fraction of the questions that warranted answers in early 1977, but these open issues show that despite the euphoria in the German mission to the UN and at the *Auswärtiges Amt* (AA), the problems did not end with the adoption of the resolution. Rather, they had only just begun.

To begin, the establishment of the Ad Hoc Committee that was to draft the text for the convention raised important organisational questions. The internal discussions about whether or not Germany should seek the chairmanship of the committee reflected the doubts that still persisted within the AA as to the feasibility of the whole project. Several desks voiced scepticism as to whether a convention based on German

ideas had a real chance of success. Therefore, the AA was opposed to a German chairman for the committee as this would increase Germany's political exposure in case of failure and could damage the country's prestige. Moreover, a German president would have to be neutral and hence could not influence the discussions in a way that was conducive to German plans.<sup>1</sup> Hans-Dietrich Genscher agreed and decided that Germany would instead seek the position of rapporteur or deputy chairman in order to retain some influence on the procedural aspects of the committee, while at the same time not being constrained to a position of neutrality.<sup>2</sup>

Yet there were more worrisome organisational troubles. Israel's UN ambassador, Chaim Herzog, approached Rüdiger von Wechmar and expressed his country's interest in becoming a member of the Ad Hoc Committee through the Western European and Others Group (WEOG). Von Wechmar diplomatically avoided directly rejecting this idea, but told Herzog that this fell within the discretion of the president of the GA: Sri Lankan diplomat Hamilton Shirley Amerasinghe. In his cable to the AA, however, von Wechmar left no doubt about his unconditional rejection of Herzog's demand. Israel's membership, von Wechmar explained, would further complicate the work of the committee, and he was highly sceptical as to whether Israel's request would be successful. In order to make sure it was not, von Wechmar wanted to approach the GA president unofficially and ask him to dismiss Israel's demand in light of the sensitive nature of the topic.<sup>3</sup> Behind the scenes, von Wechmar thus actively worked against the Israeli demand.

Aside from Israel's request, the WEOG already had enough problems determining who the members of the committee would be. Normally, the WEOG was entitled to eight seats on the body, but too many member states wanted to participate. As no country was willing to withdraw its application, the WEOG had to find another solution. The group finally agreed to suggest to the GA that the number of seats for the WEOG be increased from eight to ten. The main reason given was that the group would be underrepresented compared to Eastern Europe. Moreover, Western Europeans were allegedly more exposed to hostage-taking, which underlined the group's greater interest in the matter.<sup>4</sup> Yet, in background talks with GA President Amerasinghe, it became clear that he had strong objections to increasing the number of WEOG seats on the Ad Hoc Committee as in his opinion it was Africa and Asia that were underrepresented, not the WEOG. Thus, no solution was found, and the WEOG had to continue looking for countries that might withdraw their interest in membership on the committee.<sup>5</sup> With no compromise in sight,

the Germans were concerned that the internal WEOG quarrels and the bad light they shed on the group might have a negative impact on the Ad Hoc Committee and might even prevent it from being constituted.<sup>6</sup> Pressure was increased on the GA president again, and after another round of lengthy negotiations, in mid-March 1977, Amerasinghe finally accorded the WEOG another seat on the committee at the expense of the Asian group.<sup>7</sup> The Western group now had nine seats to fill, and Belgium and Austria eventually decided to withdraw their candidatures, which left nine countries interested in the membership.<sup>8</sup> However, the internal difficulties within the WEOG already alluded to the complexity and lengthiness of the debates ahead in the committee.

Meanwhile, things were not working smoothly in Bonn either. As the convention project attracted more attention now that the Ad Hoc Committee was about to convene, a dispute over competences erupted between the AA and the Federal Ministry of Justice. While in July 1976 the Justice Ministry was happy to leave the issue to the AA, it now wanted to be in charge of the negotiations.<sup>9</sup> The convention project was no longer only about the legal instrument and diplomatic prestige, but it had also become a matter of jealousy and influence in an intraministerial struggle. While the AA remained the ministry in charge, problems persisted throughout the summer of 1977, when other ministers complained that they were not being regularly updated by the AA, which dominated the negotiations in New York even though they also touched upon the competences of other federal ministries.<sup>10</sup> Yet the fact that regular meetings were held between the AA and the other ministries involved seems to contradict this assessment, and makes it seem like a matter of envy and bureaucratic politics rather than justified grievances.

Early in 1977, the negotiations in New York entered the first hot phase. As had been the case with the draft resolution in autumn 1976, the Germans wanted to maintain the upper hand in the negotiations by taking a proactive role. Although the Ad Hoc Committee was not supposed to convene until August 1977, the Germans submitted a draft convention with the intention of steering the discussions towards Bonn's goals. The convention text was sent to a select group of interested Western states in April 1977 so as to include their comments before it was officially submitted to the committee. In this way, maximum consensus was to be ensured before the text was even made public. What is more, quarrels among Western states, which were likely to appear, as the experiences of 1976 had shown, could be dealt with before they were dragged into the limelight.

Once the comments of the first round of consultations were incorporated, the text was forwarded to other interested states and even to the Soviet Union. It was then officially submitted to all members of the Ad Hoc Committee in July 1977.<sup>11</sup> However, this text already faced a great deal of resistance. The responses of the European partners were once again disappointing. The Nine showed only 'half-hearted' reactions, so the AA complained. This changed a little towards late June, when the EC partners seemed to take more interest in the matter, as the sessions of the committee were approaching.<sup>12</sup> Yet, as had been the case in the previous year, the European partners could not reach a common position and delayed matters, so the Germans decided to start consultations in New York without waiting for the results of the European Political Cooperation (EPC) debates.<sup>13</sup> When the crucial EC meeting finally took place, Germany's partners once again displayed their usual pessimism, highlighting with a sarcastic undertone that 'the adoption of the resolution was only a fortunate exception in the history of the UN in recent years'.<sup>14</sup> Still, at least the United Kingdom (UK), the United States (US), and Canada expressed significant interest in the matter and took the consultations with the Germans seriously, much to Bonn's satisfaction.<sup>15</sup> But the Western camp was far from demonstrating a solid front on the convention, and the EPC became further marginalised. At the same time as the draft text was being circulated in New York, Bonn's embassies in countries that were part of the Ad Hoc Committee were instructed to hand over the text to their host governments and to explain Germany's reasoning behind it.<sup>16</sup> Obviously, the AA was continuing its three-track policy of parallel negotiations in different places that had proved successful the year before.

Beyond Bonn's Western allies, the positions of other states had not significantly changed either. East Berlin, for instance, made it clear that its sympathies lay with the Third World and that it would support those countries in their endeavours to secure a special status for national liberation movements (NLM). Consequently, Bonn's mission concluded, 'They [officials of the East German ministry of foreign affairs] indirectly implied that the GDR would not look upon the project favourably and would oppose a successful conclusion of it'.<sup>17</sup> When Bonn's diplomats in East Germany wanted to talk about the draft convention with the responsible German Democratic Republic (GDR) authorities, they were advised that East Berlin did not consider it to be an issue for bilateral negotiation, but that all relevant discussions should take place at the UN.<sup>18</sup> Clearly, these were not positive

signs of support. The signals from the Soviet Union were not much better. The Soviet chargé d'affaires in Bonn, expressed Moscow's conviction that terrorism should be addressed in its entirety and not just certain aspects of it. Off the record, however, he showed some interest and enquired as to what the federal government's position would be on aircraft hijacking committed by East Germans fleeing the GDR. His West German counterpart denied the relevance of these scenarios for the present discussions about terrorism, and could not refrain from having a dig at the East Germans: 'and by the way, when looking at the incidents at the German-German border, one might well ask the question who is using terror there'.<sup>19</sup> Not surprisingly, the Soviets were not pleased with this response.<sup>20</sup> As expected, the Eastern bloc would not be an ally at the UN. Still, the Germans continued their consultations with Moscow on the issue. The questions related to terrorism also became part of a group of issues on which both governments agreed to coordinate their UN policies more closely.<sup>21</sup> The Soviet Union was too important a country to be excluded from further background discussions. During the talks it appeared that the Soviets were not as completely opposed to a sectoral approach as they had made it appear. Yet, unsurprisingly given their track record with such cases, they were more interested in a bilateral agreement against aerial hijacking that would oblige countries to return hijackers to their country of origin rather than try them in the country of refuge. The Germans, however, realised immediately that this proposal was aimed at Eastern Europeans who hijacked planes to flee their home countries and did not express real interest in such an agreement.<sup>22</sup>

As with the Soviets, and to the dismay of the Germans, Tokyo's attitudes on the project had not changed either. The Japanese continued their policy from 1976 of looking for stipulations in the convention that would allow them to give in to terrorist demands.<sup>23</sup> As Bonn wanted to have an airtight convention, one without loopholes, the Japanese stance was counterproductive and detrimental to building a strong, common Western position. As for the Third World, Algeria remained a trouble-maker. Algiers maintained that the convention had to ensure a special status for NLM. Bonn's ambassador Ernst Michael Jovy advised the AA to make some concessions to that end. He pointed out that Germany's Nazi legacy gave it a special obligation to respect the cause of NLM.<sup>24</sup> His suggestion, however, was in blatant contradiction with the line established by Genscher that no exceptions for NLM should be made. Consequently, it had no chance of being seriously considered, and Jovy was arguing a lost cause.

## **The Ad Hoc Committee and the convention text**

After a busy summer of preparing the convention text, the Ad Hoc Committee<sup>25</sup> met in New York from 1 to 19 August 1977.<sup>26</sup> Yet by the time its sessions started, procedural and organisational matters still dominated the agenda. No agreement had been reached on the officers of the committee, especially concerning the chairman.<sup>27</sup> The Germans were opposed to the candidate who was supported by many non-Western countries: Nigerian diplomat Leslie Harriman. Bonn was concerned that he would fall under the influence of the more radical African states and thus rejected him.<sup>28</sup> Moreover, the German mission was worried because Harriman was also chairman of the anti-apartheid committee in which West Germany had been criticised several times for its alleged support for South Africa. Certainly von Wechmar wanted to avoid a linkage between apartheid and the anti-hostage-taking convention. Finally, Bonn had denied Harriman a visa to visit West Germany two years before, which von Wechmar expected had left an impact on Harriman's position regarding the Federal Republic of Germany (FRG). However, as the US and the UK did not have any major objections to Harriman, and as Germany did not want to poison the atmosphere of the Ad Hoc Committee before it started its actual work, the AA decided not to object to Harriman. Upon further reflection, von Wechmar wondered whether Harriman's chairmanship of the anti-apartheid committee might even play to Germany's advantage, as he might be less prone to upset the West in the anti-hostage-taking committee so as not to jeopardise Western support on the South African issue. Von Wechmar thought that a quid pro quo deal with Harriman might work.<sup>29</sup> Eventually, on 3 August 1977, all of the officers – except for the rapporteur – were elected. Harriman became chairman, and the Germans had one member of their delegation become vice chairman.<sup>30</sup> In the upcoming weeks, much to the surprise of the AA and von Wechmar, Harriman managed the affairs of the committee in a more objective way than anticipated.<sup>31</sup> Yet, he also had a tendency to depart from the traditionally neutral position of the presidency and to intervene directly in the discussions, much to the occasional dismay of the Germans.<sup>32</sup>

From the very beginning of the sessions, it was clear that the UN secretariat, and especially Kurt Waldheim, had a particular interest in the committee. That was understandable as he had been the first one to bring the issue of terrorism before the UN in the early 1970s.<sup>33</sup> Hence, at the opening session on 1 August 1977, the representative and legal adviser of the Secretary-General (SG), Eric Suy, read a message by Waldheim,

which the Germans saw as an 'unexpectedly open endorsement of our project'.<sup>34</sup> In spite of this high-level support, however, administrative questions continued to dominate the agenda during the first few days, and a lot of precious time was lost. The Eastern European group ostentatiously refused to nominate a sufficient number of members to the committee, so it was only complete and fully operational on 9 August. The Soviets and Africans also attempted to delay the negotiations by introducing motions to deal with definitions first, while at the same time, trying to link the project with the committee on international terrorism. The Germans tried to solve this through bilateral talks, but only had limited success.<sup>35</sup> In order to overcome the problems in New York, the German mission urged the AA to hold high-level bilateral consultations with Algeria, Tanzania, and the Soviet Union.<sup>36</sup> To this end, Soviet Ambassador Valentin Falin was summoned to the AA to receive a note of protest: Bonn was disappointed by Moscow's stance on the convention. As he was informed, while the Germans could see the reasons for African states to stress the issue of NLM in the negotiations, they failed to understand the Soviet motivation for doing so. The AA complained that 'the Soviet delegation created even more trouble for us than the "hardliners" from the Third World'.<sup>37</sup> Falin did not give a direct response, but only promised that Moscow would look into the matter.<sup>38</sup> The problem was also addressed at the Soviet-West German consultations on the level of the foreign ministers.<sup>39</sup> Obviously, Soviet-West German UN consultations did not work very smoothly on that issue, and Moscow's opposition to the West German project was hardly concealed.

Other 'disruptive actions' were organised by Algeria and Egypt, which tried to broaden the debates on hostage-taking by once again placing it into the broader background of terrorism and its causes.<sup>40</sup> In their opening statement, the Algerians left no doubt about their unwillingness to cooperate. As opposed to the other delegations, who expressed their general appreciation of the German draft, Algiers' representative said that 'it was significant that no other State had chosen to become a sponsor of the document. Given that fact his delegation did not feel that the Committee could devote serious attention to the document'.<sup>41</sup> Algeria also intended to delay procedures by suggesting that all aspects related to hostage-taking would have to be thoroughly studied.<sup>42</sup> If accepted, this proposal would lead to the – probably endless – discussion of a plethora of topics related to terrorism and hostage-takings. It would thus also – in all likelihood – mean the end of the German initiative. Obviously, Algiers was still showing no more interest in cooperation



than in previous years despite earlier promises made by its diplomats. It was at this point that the AA again contemplated withdrawing the initiative should it not meet the criteria established by Genscher, such as rejecting exceptions for NLM.<sup>43</sup> In response to the Algerian proposal, von Wechmar took the floor in the committee and reiterated, in a very conciliatory tone, Germany's intention not to attack anybody in particular with this project: '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'.<sup>44</sup> He went on to explain that from the point of view of the federal government, struggles for national liberation would fall within the field of noninternational armed conflict as covered by the Geneva Conventions and the Additional Protocols that were just adopted. Cases of hostage-taking in circumstances of national liberation would hence be already regulated in *ius in bello* and the 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. My delegation is worried that an adoption of the [Algerian] proposal... may be misinterpreted as releasing liberation movements from the obligations of the Geneva Conventions and of the Additional Protocols as far as hostage taking is concerned.<sup>45</sup>

At the end of its session, no concrete results were achieved, and the committee could only suggest that the GA renew its mandate. However, to von Wechmar this very small outcome, together with the still largely objective and promising atmosphere in the committee, was already a success for Germany.<sup>46</sup> Many countries did indeed seem to have a basic interest in keeping the committee in session, as the example of another unsuccessful last-minute Soviet manoeuvre showed: Moscow was the only country opposed to the renewal of the mandate and wanted to assemble enough support for its suggestion to abolish the committee. However, it did not manage to find any allies, and therefore, eventually, the Soviet Union – isolated once again – did not vote against the renewal of the mandate.<sup>47</sup> As Moscow did not give any substantial reasons for rejecting the renewal, it can likely be assumed that for the Soviet Union, the German project had become a Cold War issue. The Kremlin saw Bonn's initiative as one that could earn West Germany – and by

extension the West – a great deal of prestige, and thus tried to oppose its renewal.

As the session of the Ad Hoc Committee ended without significant progress on the convention text, it was now up to the Sixth Committee to decide whether or not it should issue a recommendation to the GA to keep the Ad Hoc Committee in session. The mission in New York estimated that chances were good for such a resolution. Nevertheless, Bonn's diplomats all around the globe were again involved in the endeavour and received instructions to lobby for a renewal with their host governments.<sup>48</sup> Multiveneue diplomacy was again employed to back up negotiations at the UN. Most of the usual suspects, however, maintained their former positions. The East Germans did not make any concrete promises, but at least assured the West German representative that East Berlin would not object to a renewal of the mandate.<sup>49</sup> That was already a positive result. The French, while supportive of a renewal in principal, reiterated their old concern that the West Germans had to make sure that the convention would not entail a justification – even indirectly – for NLM.<sup>50</sup> The embassy in Tokyo cabled that Japan would support the renewal, but still wanted certain exception clauses to be included in the convention text.<sup>51</sup>

While the West Germans were busy lobbying for support, another perceived threat to the resolution emerged from the Iranians. In mid-October 1977, von Wechmar cabled to Bonn that Iran was about to propose talks on a multilateral convention against terrorism. He strongly urged the AA not to support it as the Iranian convention was supposed to be elaborated outside of the UN framework and would only arouse suspicions. Germany should continue its policy of seeking cooperation within the UN so as not to lose its credibility.<sup>52</sup> The AA supported von Wechmar's view.<sup>53</sup> Indeed, another antiterrorism project would have undone Bonn's efforts to depoliticise the anti-hostage-taking issue. The two projects would have inevitably been linked, especially since Iran was one of the supporters of Germany's project. Hence, the German embassy in Tehran informed the Iranian government that, while the Germans were interested in the proposal in principle, Bonn considered it essential that it focus its attention on the hostage project at the UN.<sup>54</sup> This was certainly a disguised way to discourage the Iranians from continuing their project. In later talks it also became clearer that the Iranian initiative was launched because of a misperception. Thinking that the negotiations for the Hostages Convention were a dead-end street, Tehran suggested its multilateral convention as a substitute project outside of the UN framework to allow the Germans to save face. Bonn, however,

considered this 'rather harmful' for its negotiations in New York, and the Iranians did not pursue this project any further.<sup>55</sup>

As the negotiations in New York were fully underway, they were suddenly interrupted by the hijacking of the Lufthansa aircraft *Landshut* in mid-October 1977 – a crisis that had substantial implications for the negotiations and gave the German efforts new momentum.

### **The *Landshut* hijacking and the Hostages Convention negotiations**

The successful rescue operation by the *Grenzschutzgruppe 9* (GSG 9) and the determination with which the federal government managed the crisis garnered a lot of attention in New York and earned Bonn a great deal of respect. Many representatives, including the spokesman of the Palestine Liberation Organization in New York, congratulated von Wechmar on the successful resolution of the crisis.<sup>56</sup> Secretary-General Waldheim had taken a personal interest in the matter as well. He had offered his good offices and any support that his representative in Somalia could provide the German and the Somali government. Moreover, he had addressed the hijackers directly and appealed to them.<sup>57</sup> On 19 October, Waldheim gave a press conference on the occasion of the Mogadishu events and the assassination of Hanns Martin Schleyer in Germany in order to stress the necessity that the international community attend more quickly and successfully to the issues of international terrorism, hijacking, and hostage-taking. At this conference, he also urged the Sixth Committee to give priority to the renewal of the mandate of the Ad Hoc Committee.<sup>58</sup> This gave the German initiative some much-needed support, albeit only symbolically. Yet, the other regional groups were not in favour of this direct intervention by the Secretary-General into the affairs of the GA, and hence the AA decided not to comment on Waldheim's speech in public.<sup>59</sup> Once again, Waldheim took an active stance on the issue, but he was unable to overcome the limitations imposed by his role as Secretary-General. He could hardly assume the position of an agenda setter and promoter of stalled negotiations because of the neutral position he was supposed to take on a topic as politically charged as terrorism.

Still, the Germans were as willing as Waldheim to seize the moment and to use the *Landshut* crisis to their advantage at the negotiations in New York for a mandate renewal of the committee on the hostage-taking convention.<sup>60</sup> Von Wechmar estimated that the odds were getting better.<sup>61</sup> The AA instructed its embassies to make *démarches* to their host governments to explain the events in Mogadishu and to seek support

for the Hostages Convention. In their talks, German diplomats were to highlight the exceptional danger that terrorist acts such as the *Landshut* incident posed for the international order. By means of a personal letter, Foreign Minister Genscher explicitly appealed to foreign governments to provide all support possible for a timely and successful conclusion of negotiations at the UN.<sup>62</sup> In a talk with US ambassador Walter John Stoessel Jr., Genscher reiterated that the Germans were willing to seize this window of opportunity offered by the *Landshut* crisis to work towards the fast and smooth renewal of the mandate of the Ad Hoc Committee.<sup>63</sup> In addition to the US, this time, he received more straightforward support from London, which had been very supportive during the hijacking crisis. Britain considered the time ripe for more progress on the terrorism front at the UN. The British Foreign Office therefore suggested a 'two-front attack' at the UN combined with parallel negotiations about the German hostage-taking convention and an Austro-Japanese initiative on security in civil aviation.<sup>64</sup>

### **The side story: the Austro-Japanese initiative for the safety of international civil aviation in 1977**

As another consequence of the Mogadishu crisis, the Austrian and Japanese delegations asked the Special Political Committee (Fourth Committee) of the UN to add another item on the safety of international civil aviation to its agenda. The chairman of the committee, the East German ambassador, Bernhard Neugebauer, took a favourable stance on it. West Germany supported the project, but did not want to play a major role or become an initiator due to the ongoing Hostages Convention negotiations.<sup>65</sup> Bonn tried to avoid being entangled in another project at a time when the hostage project alone was already using up a great deal of the mission's resources.

The UN was willing to attend to this issue because of the threat by the International Federation of Air Line Pilots that its members would go on strike. The pilots wanted to protest the lack of effective measures being taken against air terrorism, especially after the murder of the *Landshut* pilot, Jürgen Schumann, in Aden in October 1977.<sup>66</sup> Consequently, on 25 October the GA decided to include an item concerning the 'safety of international civil aviation' on the agenda and delegated it to the Special Political Committee. While not entirely convinced of the initiative's potential for success, and despite its earlier intentions of keeping a low profile, Germany supported it by means of *démarches* in the UN member countries. Surprisingly for the West Germans, the East German president

of the Special Political Committee showed a high level of objectivity in handling the negotiations.<sup>67</sup> The resolution was negotiated at the Austrian mission between Western delegations, including the Germans on the one side, and Egypt, India, Pakistan, and Lesotho on the other. The Germans were, quite obviously, playing a major role in the negotiations. According to von Wechmar, Egypt and India acted as 'moderate brokers' of the Afro-Asian camp. In exchange for the concession made by the Third World not to add a clause emphasising the special status of the struggle for national liberation, the West dropped any reference to international terrorism or the hostage-taking project. There was only a reference in operational clause 2, which put the resolution in the context of other 'relevant recommendations of the United Nations', which was the maximum that the German delegation could achieve to translate the Austro-Japanese project into political capital for Bonn's initiative.<sup>68</sup> On 3 November, the GA unanimously adopted the draft resolution, which condemned aerial hijackings and called upon states to improve the security of air travel and to become party to the International Civil Aviation Organization (ICAO) conventions.<sup>69</sup> However, in light of the events in Entebbe in July 1976, the resolution obliged states to show 'respect for the purposes and principles of the Charter of the United Nations and for the relevant United Nations declarations, covenants and resolutions and without prejudice to the sovereignty or territorial integrity of a state...'.<sup>70</sup> The second in line at West Germany's mission to the UN, Wolf Ulrich von Hassel, saw the adoption of the resolution as a clear success in the struggle against international terrorism. He observed that even a few years before it would have been impossible to reach a majority for such a resolution, and now it had even achieved unanimity. The reason for this change was seen as being a result of the danger that terrorists now also posed to many Arab and African states.<sup>71</sup>

The actual significance of the resolution was marginal as it did not constitute binding international law, but was rather an expression of the will of the international community to prevent violent acts against and on board aircraft. Still, as von Hassel explained, the resolution did point to a shift at the UN towards more cooperation against terrorism, and it might be useful for the anti-hostage-taking negotiations. It also demonstrated that negotiations among only a few representatives of the different camps at the UN proved extremely useful for reaching compromises. This was a strategy that was soon to be applied for the Hostages Convention negotiations as well. However, whether the rather positive and conducive atmosphere for adopting the resolution could also be exploited for the anti-hostage-taking negotiations remained to be seen.

## The renewal of the mandate of the Hostages Convention committee in 1977

Against this encouraging backdrop and in light of the *Landshut* events, the Germans were willing to take the offensive. They found a useful ally in the press in many Western countries, such as the US and Israel, which called for increased international cooperation against terrorism.<sup>72</sup> Yet it is questionable whether that provided any significant help for the initiative as the US and Israel were on the supporting side of the convention anyway.

Genscher also increased pressure – at least upon his own diplomats. In an interview, he formally made the successful adoption of the convention a primary objective for the federal government.<sup>73</sup> This statement, probably born out of enthusiasm about the fortunate ending of the Mogadishu crisis and the positive signals in New York, certainly caused him some headaches over the next two years. As he so openly underlined the importance of the convention, he now had to succeed or otherwise endure a major loss of face. Consequently, as internal reports of the AA show, Germany wanted the convention to be adopted in 1978 so as to be perceived publicly as a direct result of German antiterrorism policies.<sup>74</sup> This was self-induced pressure that would very likely come into conflict with the typically lengthy nature of negotiations at the UN.

It is therefore not surprising that the convention project led to frustrations once again. The Germans were to soon learn that the mills of the UN grind slowly. As the dust settled on the *Landshut* crisis, old problems resurfaced. In November 1977, in spite of the Mogadishu events, the negotiations in the Sixth Committee about the renewal of the mandate still had not seen a major breakthrough. The East was showing even less inclination to support the convention. Some Eastern European countries, including the GDR, publicly accused Bonn of hypocrisy, as it was suggesting a convention against hostage-taking but was itself not cooperating when Eastern Europeans hijacked planes to West Germany.<sup>75</sup> Moreover, neither the African nor the Asian states showed any eagerness to speed up procedures.<sup>76</sup> Despite this discouragement, some positive signs were noticed in the nonaligned world. Surprisingly, the more radical members of the Third World showed some restraint in their attacks on the project, and it became clear that the renewal of the mandate for the Ad Hoc Committee would be feasible.<sup>77</sup> Egypt in particular had undergone a change of heart. While it was among the more fervent objectors of the project in 1976 and early 1977, the conducive role that Cairo played during the negotiations for the Austro-Japanese civil aviation

initiative pointed to the more supportive stance of Egypt. And indeed, from late 1977 on, Egypt showed more interest in the matter of antiterrorism cooperation as it was gradually more concerned about becoming a victim of terrorism itself.<sup>78</sup>

The East continued to be the bigger problem. Much to the dismay of the Germans, the Soviet, Ukrainian, and other Eastern delegates proposed merging the hostage-taking and terrorism items. Fortunately, this suggestion did not find the support of any other countries.<sup>79</sup> This was certainly a surprise to the Soviets, as countries such as Algeria had formerly proposed time and time again to merge both issues. The fact that they did not back the Eastern proposal now pointed to two interesting developments. The first of these was that the Eastern camp was isolated within the UN, at least as far as the issue of antiterrorism policies was concerned. In spite of their efforts to woo the Third World by being very complacent on the issue of NLM, scepticism in the non-aligned world as to the ulterior motives of the East prevailed. The second development was that the Third World, despite hostile rhetoric, was willing to continue with the German project and not to break with the West over it. This hints at an important moment in antiterrorism cooperation as it was here that the change of heart of the Third World in the struggle against international terrorism manifested itself subtly – not just in 1979 with the adoption of the convention. Since the East could not get the Third World on board regarding the merger of the convention project with the terrorism debates, it emphasised the East's intentions of fighting aerial hijacking again. The Soviets began pushing for a timely implementation of the ICAO conventions and for bilateral agreements against aerial hijackings, which was the cornerstone of Soviet antiterrorism policies.<sup>80</sup> This also served as a face-saving measure as the louder the Soviets called for better implementation of the ICAO conventions, the less attention would be paid to their diplomatic failure with the German project.

But even within the Western camp, differences persisted. France, in particular, was causing the Germans some headaches. While background negotiations about the renewal of the mandate for the Ad Hoc Committee continued, parallel talks about the convention text went on in order to save time. The French representative reiterated his government's condition that the convention had to rule out all possible cases of hostage-taking under all circumstances, be it in war or peace. The Germans considered this to be an overly aggressive negotiations stance, which would only provoke negative reactions from the Third World. According to von Wechmar, the French statement was formulated in Paris, and the

delegate had no authorisation to alter it or to make concessions. The French position on the Hostages Convention was thus very rigid and a matter of such importance that all decisions were made in Paris directly, thus leaving no leeway to the diplomats at the UN. The Germans considered it to be heavily influenced by French domestic pressure resulting from the Polisario hostage crisis.<sup>81</sup> However, France was not the only ally causing problems. Enthusiasm in London and Washington had faded too. While both countries were generally supportive of ongoing negotiations, the US and the UK had severe doubts that the anti-hostage-taking convention would ever be adopted, contrary to their predictions after the *Landshut* events.<sup>82</sup> The Germans thus found themselves again in a rather isolated position within the Western camp. By late 1977, the mission in New York had no other choice but to acknowledge the bitter truth that the events in Mogadishu had not led to the expected breakthrough at the UN. Von Wechmar thus suggested no longer linking the hostage initiative with the *Landshut* events.<sup>83</sup> The Mogadishu crisis did not translate into the political capital that Bonn had hoped for, and the convention was still far from ever being adopted.

Nonetheless, the German diplomatic efforts and continuing background negotiations ended on a positive note. On 12 December 1977, the Sixth Committee adopted a German draft resolution by consensus. The resolution had 54 co-sponsors and suggested to the GA that the mandate of the Ad Hoc Committee be renewed.<sup>84</sup> This was a diplomatic success for Bonn. Yet despite this, von Wechmar was worried that the GA might not unanimously adopt the resolution. This might seem a marginal concern but – as is often the case in diplomacy – it was a matter of the highest symbolic importance. Countries such as Tanzania had started disruptive actions by again suggesting linking the issue of hostage-taking to terrorism. At the time of these debates, most of the Western states were contemplating not supporting a renewal of the mandate of the Ad Hoc Committee on international terrorism, which still existed at the time. Now, Tanzania threatened that if the mandate for the Ad Hoc Committee on international terrorism were not renewed, the same fate would befall the hostage-taking initiative. The German mission warned the AA that Third World countries could use the hostage-taking issue as ‘retaliation’ for the behaviour of the West in other committees. Moreover, the Eastern bloc also discovered that it could possibly use the hostage-taking committee as a bargaining chip for a Soviet initiative on a worldwide renunciation of the use of force. This quid pro quo approach was very troubling for Bonn.<sup>85</sup> The most worrisome aspect for the AA was that the link between the terrorism and hostage-taking items



that the Germans had been so keen on avoiding was now materialising. Bonn's whole strategy of using the Ad Hoc Committee on international terrorism as a forum in which Third World countries could make harmless noise to ensure progress for the hostage-taking project was on the brink of breaking down.

However, through talks with Tanzania and Western countries, the German mission managed to counter the attempts to link both issues again. Both committees were left on the UN agenda as separate items, and on 16 December 1977 the GA approved the resolution calling for a renewal of the anti-hostage-taking committee.<sup>86</sup> Another busy and difficult year of UN negotiations ended somewhat successfully for Bonn. But the actual text of the convention still had to be negotiated.

### **The Geneva talks in 1978**

Once the mandate was renewed, the Ad Hoc Committee intended to replicate the successful negotiations at the Austrian mission about the aerial hijacking resolution in 1977, and met for a session in Geneva from 6 to 24 February 1978.<sup>87</sup> During the preparatory phase for these negotiations, as draft texts for the convention were circulated and discussed, the tensions between France and Germany increased. France made several *démarches* in Bonn and insisted that no exception whatsoever be allowed for national liberation.<sup>88</sup> The major bone of contention was a clause stipulating that cases covered by the Geneva Conventions and Additional Protocols – that is, acts committed in an armed conflict – would not fall within the scope of the Hostages Convention. The Germans thought that this was a good solution to the dilemma of NLM and supported it. The French, however, felt the opposite and claimed that this would actually encourage these movements to take hostages. Although it was a minority position in the committee, this isolation did not seem to impress the Quai d'Orsay, which became progressively even less cooperative on this point. As this issue put the whole convention at risk, it was also raised in bilateral Franco-German consultations, but no solution could be found.<sup>89</sup> The German side insisted that the convention would never be adopted if it also included acts committed in situations of armed conflict, while the French stressed that they would no longer be able to support the convention if their demands were not met.<sup>90</sup> The German mission to the UN drew a dark picture of the future if France maintained its harsh position. Von Wechmar predicted that in such a case the Third World countries might decide either not to renew the mandate of the committee or to draft a convention with

a very radical position, excluding acts committed by NLM from the convention. Since the Third World held the majority in the GA, this alternative convention would certainly pass. Such a development would render all German efforts futile. Von Wechmar therefore urged the AA to maintain direct talks about the issue with France and to exert more pressure on the Quai d'Orsay.<sup>91</sup> To make things worse, the AA was simultaneously concerned that the UK and the Netherlands might support France's rigid stance, as they were also victims of terrorist acts committed by groups struggling for national liberation in Northern Ireland and in the southern Moluccas.<sup>92</sup> However, these fears did not materialise. France remained the biggest – but isolated – troublemaker. During several high-level Franco-German meetings, Paris claimed that it had only supported the German initiative for the sake of Franco-German cooperation – not because it considered it particularly wise. France's policy would in fact not be a departure from former strategies, but only a consequence of the dangerous developments at the Ad Hoc Committee that could pave the way for legitimised terrorist acts if committed by NLM.<sup>93</sup> The quarrel persisted, and no compromise could be reached.<sup>94</sup> Maintaining its pragmatic optimism – and grasping every last straw it could – the AA considered the ongoing talks to be a sign that a solution might still be possible with the French and that the convention could still be a success.<sup>95</sup>

Meanwhile, to overcome problems with other states regarding the convention text and to give the initiative new momentum, Bonn also contemplated sending legal experts to important Third World capitals. They were supposed to explain the convention project again in preparation for the session in Geneva. However, these plans were eventually abandoned for lack of time as the date of the meeting drew closer.<sup>96</sup> It was against this background of uncertainty that the session in Geneva started.

The negotiations in the Palais des Nations took place mostly within the framework of informal working groups. It was soon realised that this was conducive to compromise, as no minutes were kept and sensitive issues could be discussed more openly.<sup>97</sup> Most sensitive negotiations were thus done by German, American, Algerian, and Mexican diplomats. During the talks, the latter two countries showed a surprising level of flexibility and conciliation, which was unusual in light of their behaviour during prior negotiations.<sup>98</sup> As a consequence of all of this, a compromise on a convention text that all sides could live with seemed possible all of a sudden. Algeria even became proactive and proposed a text that was

welcomed by most delegations but faced heavy resistance, once again, from France, which was a source of irritation for the Germans:

The French delegation is increasingly causing difficulties and nuisances....The delegations, not just of the WEOG, get the impression that the French actually want to prevent the adoption of the convention's text or a solution of critical issues during this session of the Ad Hoc Committee.<sup>99</sup>

The German delegation thus urged the AA to intervene directly in Paris again. Indeed, the French position was very important, not only for maintaining the impression of Franco-German friendship but also because open French resistance might again encourage other hesitant states such as the US, the UK, and Canada also to oppose the compromise reached on the NLM issue with the Third World.<sup>100</sup> Furthermore, Bonn's diplomats argued, the image of disunity among the Western camp would encourage Third World countries that were critical of the convention to double their efforts to bring it down. Yet all the German lobbying and pressure did not produce results, and France continued to oppose the Algerian compromise. Then, the AA's worst-case scenario materialised, and the Algerian proposal was rejected by the WEOG because of French, British, Canadian, and, to a lesser extent, American reservations about it. This led to a situation in which the West all of a sudden appeared to be the one slowing down and obstructing the negotiations. The Germans were now concerned that the Third World might be discouraged from accepting compromises in the future because of the experiences in Geneva.<sup>101</sup> The successful conclusion of the negotiations that had seemed to be within reach for a moment slipped away once again. But the ultimate nightmare of the AA did not come true. The Nigerian delegate, the designated spokesman of the Third World, continued to maintain a rather conciliatory tone and delivered a balanced final statement. He underlined that the Third World states did have an interest in banning hostage-taking and did not want to issue a blank cheque to NLM. He also stressed that terrorism must not be used as an excuse for states to act against NLM either.<sup>102</sup> Indeed, one can note a change of constellations: the Third World – formerly opposed to the negotiations – now took a position that allowed for their continuation, while the West now adopted an uncompromising stance. Against this backdrop of Third World cooperation, the Geneva session ended with the Ad Hoc Committee adopting a recommendation for the GA to renew

its mandate. Despite the troubles that France had created with its policy, the German mission still maintained a positive tone in its reports:

It has been proved that the severe scepticisms of the non-aligned countries towards any Western project to fight terrorism can be reduced through cautious approaches. It has also become evident that, within the Third World, a certain self-interest for international cooperation on this matter is emerging.<sup>103</sup>

Moreover, the delegation also observed that the East had been much more cooperative than in previous sessions.<sup>104</sup> This was indeed a remarkable development, and left room for hope that the anti-hostage-taking project might still lead to success.

The Germans left Geneva with the impression that there might yet be a chance for their draft convention to be adopted, albeit in slightly modified form. The three-week session showed the willingness of the broad majority of states assembled in Geneva, save France, to agree to moderate proposals. It also pointed to a change in the attitude of many Third World countries that were now much more conciliatory and cooperative. As the AA summarised it, 'as time is working against hostage-taking and against a too favourable stance on liberation movements it is indeed justified to hope that considerable progress will be possible next year'.<sup>105</sup> Lacking anything better to report about France, the AA noted that while the French were the main culprits for the failure to reach a compromise, they at least maintained a friendly tone in their talks with the Germans.<sup>106</sup> As for Algeria, it was noted that Algiers had gradually become more inclined to some sort of tacit cooperation. Just as its comments on the Israeli intervention in the Entebbe crisis were restrained, Algeria went out of its way to cooperate with the Germans during the Schleyer crisis.<sup>107</sup> This tendency continued at the Geneva talks and led to the remarkable and conducive role that Algiers would play during the negotiations.

### **The General Assembly in 1978**

In light of the developments in Geneva, the fate of the Hostages Convention did not look that grim. In order to continue the friendly 'spirit of Geneva' of early 1978 and to allow for the smooth adoption of a resolution renewing the mandate for the Ad Hoc Committee by the GA, the Germans continued their background negotiations in New York. By the summer of 1978, the most sceptical of the Western partners, France,

had not yet changed its opinion on the compromise proposal on NLM. At the same time, the Algerians also showed less willingness to compromise and reverted to their more critical stance of earlier years.<sup>108</sup>

In the meantime, the possible inclusion of an 'anti-Entebbe clause' emerged as a second issue of contention, in addition to special provisions for NLM. Third World countries wanted to include an obligation for states to refrain from using unauthorised violence on the territory of a different state to free hostages. The Dutch and British had reservations about such a clause, as it would limit the options of states in dealing with these crises. In addition to the 'anti-Entebbe clause', the issues of the extradition of perpetrators of political crimes and questions related to asylum remained problematic.<sup>109</sup> Despite their scepticism, the Dutch, French, and British agreed with the Germans that the West should seek to renew the mandate of the Ad Hoc Committee so as not make it look as if the West would 'capitulate'.<sup>110</sup> However, the shallow support expressed by Amsterdam, Paris, and London also meant that these countries did not share Germany's enthusiasm about the possibility of the successful conclusion of the negotiations. Instead, they supported the renewal of the mandate purely to avoid a loss of face for the Western camp. As for the main headache, France, during the entire summer, intensive debates continued between Paris and Bonn about France's obstructive stance on the convention. Even though this issue was addressed during a meeting between Genscher and his counterpart, Louis de Guiringaud, no resolution of the dispute could be reached. Even worse, the Quai d'Orsay made it quite explicit that it did not foresee a change in its position in the future.<sup>111</sup> Paris' rigid stance had not softened.

Consequently, although the situation was not as dire as in the previous two years, the German mission in New York was once again concerned that unanimity for the renewal of the Ad Hoc Committee's mandate might not be reached in the GA.<sup>112</sup> Further trouble occurred when a letter by the Holy See was circulated. It referred to the Hostages Convention and emphasised that the causes for hostage-taking had to be taken into account when addressing the phenomenon as such. The Germans were very unhappy with this note and accused the Holy See of adding fuel to the fire by supporting the Third World countries in pushing for exceptions for NLM.<sup>113</sup> Yet after extensive German lobbying and contrary to German fears, the negotiations in the Sixth Committee went smoothly, and no serious objections were raised against a renewal.<sup>114</sup> On 21 November 1978, the Committee submitted a resolution to the GA, which was adopted eight days later. It renewed the mandate for the elaboration of a convention against hostage-taking and called for

another session of the Ad Hoc Committee in Geneva.<sup>115</sup> Another year of negotiations had ended, but this time there seemed to be a silver lining on the horizon for Bonn: the Geneva meeting had indicated that success was at least theoretically possible.

### **Breakthrough: the Geneva session in 1979**

The AA had great expectations for the new round of talks to be held in Geneva in early 1979 to solve the remaining problems with the text – the status of NLM being the most difficult one. This time, the German delegation was led by the legal adviser of the federal government and head of the legal department at the AA, Carl-August Fleischhauer, and not by the representative to the UN. This points to the high importance the federal government attached to the negotiations. Fleischhauer's presence in Geneva allowed for faster decisions since not all compromises had to go through the lengthy double-checking procedures with the AA in Bonn; consequently, decisions could be made right away. When he arrived in Geneva, Fleischhauer's intention was to bridge the gap between the Third World and the West by suggesting that

[n]ational liberation movements do not claim the right to take hostages in order to pursue their aims....One might ask, therefore, why we have to deal at all with a particular clause concerning national liberation movements...my delegation thinks it important that we do not loose [sic!] sight of our task. We are not here in order to draft a convention on national liberation movements. [Therefore] our tasks seem to be...to strike a very delicate balance of finding a solution which does not give 'carte blanche' for anybody to take hostages and leaves the prohibition of hostage taking intact.<sup>116</sup>

However, he did not entirely dismiss the need to talk about NLM. Rather than mentioning them explicitly in the text, though, he alluded to the necessity of taking into account the duties and rights of NLM as already established by the legal instruments and practice of the UN.<sup>117</sup> The Germans wanted to downplay the importance of the NLM issue for the convention by showing that their status was already regulated by international law and that further codification was not necessary. In the German view, even if no clause was inserted into the convention to this end, certain rights of these movements that were already enshrined in UN practices and instruments did have implications for the convention, as would certain duties, for instance under *ius in bello*. As a result,

there would be no *carte blanche* issued for NLM even in the absence of a special clause in the convention. This interpretation was supposed to get the French on board for the convention text.

But the French maintained their rejection of any compromise on the heavily contested issue, much like in 1978. They stated that they would not be able to support any convention that mentioned NLM at all, and thus went further than what the Germans suggested by referring these cases to general international law. While the French were isolated with their rigid stand, other countries also had problems with this issue, such as the Netherlands and the Canadians, and they urged the rest of the WEOG not to ignore Paris' objections. This led to a stalemate in the Western group and weakened its negotiating position.<sup>118</sup>

Interestingly, it was now the Third World camp that again gave a new impetus to the stalled negotiations and came forward with another compromise that would enable the negotiations to continue – or so it was hoped in Bonn.<sup>119</sup> For Germany, the discussions about NLM were not really a big issue for the scope of the convention anyway. The success of the convention as such was more important. However, the French rejected this new Third World proposal as well.<sup>120</sup> Consequently, the negotiations continued until finally, on the penultimate day of the session, a compromise was reached on which all could agree, including Paris.<sup>121</sup> The compromise was translated into Article 12 of the convention. It removed hostage crises in situations of armed conflict from the scope of the convention, if the Geneva Agreements or Additional Protocols applied to these conflicts.<sup>122</sup> This was a compromise to circumvent the issue of national liberation without explicitly mentioning their status in the convention text. At the same time, though, it did not leave any loopholes, as hostage crises in situations where the Geneva Law was not applicable would still be covered by the Hostages Convention. Under humanitarian law, the taking of civilian hostages was forbidden under all circumstances so that there were no longer any justifications for this act.<sup>123</sup>

In his report to Bonn, Fleischhauer expressed his admiration for the chief French negotiator, who urged the Quai d'Orsay to be more conciliatory and made the adoption of the compromise possible in the end. The French delegation 'went to the very limits of their instructions to not let the adoption of a compromise fail because of France while formally maintaining the policy of non-participation'.<sup>124</sup> The positive and cooperative stance that the French delegation finally took was hence more on its own initiative than an instruction from Paris. Rather than representing a fundamental policy change in Paris, it was the result of the

skills of the French negotiator, who was well aware of the political costs of Paris rejecting every compromise, while the rest of the group was basically agreed. However, with the French *oui* secured and a majority for the compromise established, the Soviet Union, like in earlier situations, tried to stop the agreement at the very last minute. The Soviet delegates once again challenged the consensus by demanding that references be included in the preamble that connected hostage-taking to international terrorism.<sup>125</sup> Obviously this was an attempt to reopen old wounds and re-enter into the negotiations about NLM and terrorism as such. But the compromise that had been reached proved strong enough to withstand the Soviet efforts, and the committee only agreed to insert a phrase describing hostage-taking as a 'manifestation of international terrorism', but nothing more.<sup>126</sup> Yet Moscow's actions alarmed the AA, and State Secretary Walter Gehlhoff once again intervened personally with the Soviet embassy in Bonn. He complained to Soviet Ambassador Falin that the federal government was extremely concerned by Moscow's destructive manoeuvres in Geneva. This intervention, or the Soviet Union's realisation that they were completely isolated with their policy, made the Soviet delegates at the UN become more cooperative, and the text could finally be adopted.<sup>127</sup>

The Geneva session led to important compromises on the issue of NLM and the anti-Entebbe clause.<sup>128</sup> The meeting managed to remove most of the highly sensitive issues that stood in the way of a convention, and it drafted the corpus of the text of the final instrument. In this respect, this session was the breakthrough for the convention project. However, the Geneva group did not manage to finish drafting the preamble, which was left for the negotiations in the Sixth Committee in New York in August 1979.<sup>129</sup> Some minor issues still needed to be resolved.

As far as the negotiations in Geneva were concerned, much like the year before, in 1979 the major issues were solved in small groups, with Germany and the US representing the West.<sup>130</sup> This approach seemed to be the most successful one as it once again allowed for in-depth discussions outside of the spotlight of public attention.

In his final report to the AA, Fleischhauer highlighted the special role that Yugoslavia played in the negotiations as a mediator between the West and the Third World. According to him, the eventual success of the Geneva talks was due to the fact that

The Third World did not want the convention to fail in the end because of the unanimous condemnation of hostage-taking in the Sixth Committee and the General Assembly in November 1978.



The Yugoslavian delegation played a particularly important role in Geneva. They were the mediator between the interests of the non-aligned states and the West and promoted feasible solutions among the non-aligned countries. It is important to highlight the coherent and consolidated position of the West. It could even be maintained in spite of France's rigid and uncompromising stance which was mostly caused by domestic political considerations.<sup>131</sup>

Much like in the case of Algeria, the position of Libya had also undergone significant changes. Tripoli had softened its position considerably over the past year. Not only did it offer support to Hans-Jürgen Wischnewski during the Schleyer crisis but its policies on the anti-hostage-taking initiative were also much more restrained. Mu'ammer Gaddafi was trying hard to lose the image of a sponsor of terrorism.<sup>132</sup>

The successful negotiations also paid off for Fleischhauer personally. He later became Under-Secretary and Legal Advisor of the UN and ended his career as a judge at the International Court of Justice.<sup>133</sup>

### **The adoption of the Hostages Convention in 1979**

With the major parts of a draft text adopted in Geneva, the AA now wanted to seize the momentum of the Geneva session and push for an adoption of the convention as soon as possible.<sup>134</sup> Therefore, at the UN in New York, the Germans again assembled a core group of like-minded Western states so as to prepare for the GA in the autumn of 1979 and to allow for a smooth adoption. The core group consisted of the G7 members plus the Netherlands, which also had a big interest in the issue.<sup>135</sup> Interestingly enough, this was no longer an EPC group as the Germans had finally given up hope on accomplishing anything within this framework. By mid-1979 even the façade of a common EPC stance on the issue had been dropped; disappointment with the behaviour of the Nine during the previous years was too high.

The core group worked quite efficiently. The Germans and Americans made successful joint *démarches* in Mexico City in order to have the Mexicans drop their demands for a stronger emphasis on asylum. British and German diplomats also worked together in Jordan to persuade the government to overcome some reservations regarding the draft convention.<sup>136</sup> In general, and in stark contrast to earlier General Assemblies, both the mission in New York and the AA were quite confident that there would not be a great number of obstacles to the adoption of the convention in the autumn. This assessment was also influenced by the improved

atmosphere in the Ad Hoc Committee on international terrorism, which seemed to indicate a greater willingness of countries to compromise and to finally achieve results.<sup>137</sup> Moreover, at least for the Western states, a lot of domestic pressure to adopt the convention had built up because of the recent and ongoing Iranian hostage crisis, thus making resistance from the WEOG less likely.<sup>138</sup> In addition, the international environment was undergoing changes too.<sup>139</sup> *Détente* was in decline, and other international issues took attention away from the negotiations about terrorism and hence made it easier to reach compromises. Lastly, one could argue that the almost concluded process of decolonisation and the threat that acts of terrorism – and hostage-taking – progressively posed also to Third World countries improved their willingness to cooperate more than in the early 1970s.

Based on the previous success of this strategy, the final negotiations in New York were once again conducted in a small group uniting Germany, Great Britain, Iraq, Jordan, and Yugoslavia. They found a compromise on the preamble and finalised the text of the draft convention.<sup>140</sup> Although there were still some minor issues of contention, the unusually constructive role played by states such as Iraq, Libya, and Jordan – ‘who are not normally our partners at the UN’ – paved the way for the adoption.<sup>141</sup> Moreover, states that still had some scepticism about the whole project, such as Cuba, and the Eastern European countries ultimately did not vote against the adoption of the convention. Likewise, France – which for most of the negotiation of the convention was in a position of hesitation or even opposition – finally stated that the draft convention had its full support.<sup>142</sup> The most problematic state was once again the Soviet Union. Playing their old game again, the Soviets tried to sabotage the compromise at the last minute by demanding a roll-call vote on the very sensitive Article 9 of the convention, which was a modified version of the political offence exception.<sup>143</sup> However, they did not find any other supporters for their demand, and, as the German mission noted with satisfaction, ‘this embarrassing rebuff certainly contributed to the decision of the Soviet delegation to agree to the convention as a whole...’.<sup>144</sup> Von Wechmar believed that Moscow’s stance was caused by the fact that ‘the Soviet Union never managed to overcome its trauma of foreign interference in its domestic affairs’, which was supposedly rooted in the days of the Russian Civil War.<sup>145</sup> Whether this explanation is accurate or not, the convention was adopted on 17 December 1979 and opened for signatures on the next day.<sup>146</sup> It came into force on 3 June 1983; West Germany was the fourth country to ratify it.<sup>147</sup>

## Looking back at the negotiations for the Hostages Convention

A day after the convention was passed, the *New York Times* acknowledged the leading role West Germany played in the negotiations and called the treaty 'the only concrete accomplishment of the three-month-long Assembly'.<sup>148</sup> This positive reception confirmed that the West German initiative was indeed a success. The AA saw the adoption of the convention, much like the unanimous condemnation of the Iranian hostage crisis, as proof that there had been a change in the international community regarding terrorism.<sup>149</sup>

For von Wechmar, the adoption of the convention marked an important moment for the UN as a whole since states such as Algeria, Syria, Libya, and Tanzania had abandoned their rigid stance on exceptions for NLM and joined forces with the West to develop instruments to overcome the scourge of terrorism.<sup>150</sup> Reporting back to Bonn and looking at the reasons for the success of the German initiative, von Wechmar highlighted West Germany's special role as a state with a comparatively short and distant colonial past. Because of this, it was not considered an 'archenemy of the right to self-determination'. This fact was important in securing the support of Third World countries. It also helped explain the adoption of the project, which started off so poorly in 1976 and faced a wall of resistance and scepticism from most countries – including Germany's closest allies. However, von Wechmar also mentioned several external factors that contributed to the adoption of the convention, in addition to German 'popularity'. The shift of the policy of the PLO away from committing terrorist attacks against Westerners outside of Israel/Palestine was one factor.<sup>151</sup> This contributed to a certain level of formal recognition of the PLO and to a downgrading of the importance of the issue of NLM for the Palestinians and their Arab allies. Moreover, the negotiations for the Additional Protocols to the Geneva Conventions were another aspect that was conducive to the successful conclusion of negotiations for the Hostages Convention. They established a legal framework for struggles for national liberation that consequently did not have to be covered by the Hostages Convention. The Additional Protocols also highlighted how seriously the international community took struggles for self-determination, and thus reduced the necessity of making that explicit in the Hostages Convention. Furthermore, the death of Algerian President Houari Boumedienne, so von Wechmar speculated, led to a softening of the position of Algeria, much like the criticism Tanzania received for its invasion of Uganda, which also made

it take a less confrontational stance at the UN.<sup>152</sup> Lastly, Yugoslavia, with its resurfacing conflict in Croatia, developed an interest in putting restrictions on the usage of terrorist means by NLM, and therefore played the role of mediator between the camps. As von Wechmar noted paternalistically,

there is a general trend in the Third World towards maturity and emancipation. The strong anti-Western, anti-imperialist emotions that have marked the stances of African and Asian countries during the terrorism debate have weakened. The Third World is getting ready to overcome its complexes and to assume more responsibility.<sup>153</sup>

Indeed, it seems that favourable external factors, in conjunction with the successful three-track negotiations led by Bonn, explain the success of the project. Moreover, the persistence with which the Germans pursued this initiative in spite of heavy criticism from close European allies was part of the story. This allowed for the initiative to remain on the agenda long enough for the Germans to take advantage of the international changes described above. Finally, the special strategy of building up a united negotiation position of the sponsors in the core group and of negotiating the convention text in small groups proved extremely useful in overcoming obstacles.

In its own assessment of the anti-hostage-taking project, the AA came to a euphoric conclusion, especially regarding the political prestige that the Hostages Convention bore for Germany: 'all the negotiations have certainly increased the profile of the FRG at the UN. The fact that our efforts were finally successful has solidified our role at the UN'.<sup>154</sup> The project, so the AA assumed, had increased Germany's prestige and standing at the UN. It was hence a total success. Von Wechmar, however, was well aware that wherever there is success, there is also jealousy. His final comment on the project was a word of warning:

We have proved – against all odds – that a Western delegation, without giving up on principles, can win over the Third World and oblige it to cooperate on issues of a highly sensitive political nature. This has improved our profile and led to tokens of recognition from all blocs at the UN. This, however, is an outcome which even friends do not only see with pure delight.<sup>155</sup>

# Conclusions: Germany and UN Antiterrorism Efforts in the 1970s and Beyond

The adoption of GA Resolution 34/146 marked an important accomplishment after almost a decade of antiterrorism negotiations at the United Nations (UN). However, it was not just a significant event for the UN but also a special moment for the Federal Republic of Germany (FRG). By passing the International Convention against the Taking of Hostages, Germany saw the result of an initiative it had introduced three years before. Given the lengthiness of the multilateral negotiations, this was still a remarkably short period for a subject as controversial as antiterrorism. Yet, the project was not guaranteed success from the very beginning. On several occasions, the initiative was on the brink of being aborted. This was because at times the differences seemed too large to overcome, while at other times, there simply did not seem to be enough support for the project, especially among Germany's allies. That the convention was nevertheless adopted, despite the obstacles, is due to a combination of different factors.

First of all, Bonn had made this project a matter of prestige from the very beginning. By having it introduced as a German project with significant support from the highest echelons of the government, the political capital invested in it quickly made it a project too big to fail. Had it been abandoned, Bonn would have suffered a serious loss of face within a few years of joining the UN, and with an East German ambassador sitting across the aisle who would have been only too ready to exploit this. Consequently, the FRG invested a lot of effort into trying to turn it into a success, and thus the initiative was not left simply to wither away after the first serious difficulties. The downside to launching a project primarily out of a desire to strengthen one's political profile is that it can easily

backfire. Struggling for prestige and power is often also a matter of (more or less) calculated political brinkmanship. If one variable in the equation changes, a whole plan can quickly fall apart. This was certainly also the case for this initiative. The Germans were overly optimistic and overestimated the change in the international system that presumably had come about after the Organization of Petroleum Exporting Countries (OPEC) crisis and the Entebbe hijacking. These were not the watershed events that Bonn had hoped for. They were not the windows of opportunity that would change the hostile position of many Third World countries on antiterrorism efforts at the UN. Therefore, the negotiations for the Hostages Convention were considerably more difficult than had been anticipated by *Auswärtiges Amt* (AA) analysts. Having the advantage of hindsight, the challenges that the Hostages Convention project faced – the special status for national liberation movements being the most important one – were not as much of a surprise as they seemed to have been for political analysts at the AA and Minister Hans-Dietrich Genscher in the 1970s. There was a certain dose of naïvety in the high-flying plans of early 1976 to have the UN adopt a convention against terrorism – soon specified as dealing with hostage-taking – that would not only close all legal loopholes but also bring the West back into the offensive at the UN and have the European Communities (EC) appear as a united actor under German leadership. Most of these goals did not materialise, as they were too ambitious given the realities of the early to mid-1970s. Yet, by making the Hostages Convention Bonn's project of prestige, it meant that the potential fallout from failure was large enough to mobilize significant political capital and time for successfully seeing through the project.

A second reason why the German plan bore fruit in the end was the fact that indeed there was a certain need for a better legal framework to deal with aspects of terrorism, such as hostage-taking. The continuation of the practice of taking hostages, kidnapping, and airplane hijacking demonstrated to the public and politicians that more needed to be done to stop the proliferation of these acts. This was all the more true as the UN had adopted the Diplomats Convention in 1973, but no legal instrument had yet been elaborated that dealt with hostage crises involving 'ordinary people' in peacetime. This deficit contributed to the eventual successful outcome of the negotiations.

Third, personalities – often questioned in historiography for their actual impact – certainly mattered here. Helmut Schmidt's, but especially Genscher's, backing of the project helped ensure the investment of a large amount of political capital. This did not always go smoothly.

Intraministerial struggles, or bureaucratic politics, as one might call it, were a source of jealousy, and therefore conflict, during the antiterrorism efforts. A dispute over competencies between the Ministry of the Interior, Justice, and the AA erupted on several occasions during the negotiations at the UN. The AA managed to prevail and implement its policies as it saw fit, but the struggles certainly drained energies and further complicated the policies. The fact that the AA succeeded in keeping the upper hand allowed for not only a level of consistency in Germany's international negotiation positions but also made it possible to contribute decades of institutional experience in negotiating international treaties to Bonn's policy. Moreover, the successful conclusion of the Federal Republic's antiterrorism efforts was made possible due to a skilful negotiation strategy and the talent of Bonn's man in New York, Ambassador Rüdiger von Wechmar. He was good at persuading his foreign interlocutors of the advantages of the project and at dispelling fears about possible negative implications on sovereignty or conflicts of national liberation. Von Wechmar managed to convince his counterparts that doing something was better than doing nothing at all.

Fourth, Bonn did not leave the negotiations to just the UN. At crucial steps on the way towards the adoption of the instrument, the AA did not only become involved itself and intervened with foreign embassies in Bonn to have their governments support – or at least not obstruct – the negotiations. The AA also integrated its missions abroad in the efforts and had diplomats all around the world call on their host governments to explain over and over again Bonn's allegedly altruistic intentions behind the convention and its positive implications. This three-track diplomacy – at the UN, in Bonn, and in capitals all around the globe – contributed to the eventual success.

Lastly, the success was just as much due to a certain level of stubbornness on the part of the Germans – and occasionally even the ability to make reality look brighter than it actually was – as it was due to sheer good luck. The Germans managed to keep the issue on the international agenda long enough for global changes to produce a more conducive environment. Arab states had become victims of terrorism themselves, and the Palestine Liberation Organization (PLO) had bid goodbye to terrorism (at least against non-Israelis). Decolonisation had almost come to an end, and the longer that states in the Third World existed, the more they became concerned with challenges to their security – especially that of terrorism, whatever they meant by this term – themselves. A certain 'privatisation' of terrorism in the second half of the 1970s, as symbolised by Carlos the Jackal's offering his services to whoever paid

him well enough, also contributed to the insight that terrorism had lost the remaining remnants of political justification (especially in Western Europe). It had become clear now that terrorists could eventually turn against anybody, friend or foe. Moreover, with the establishment of the Independent Commission on International Development Issues headed by former German Chancellor Willy Brandt, the Third World was somewhat assured that the West did take its concerns seriously. This allowed for a greater willingness of Third World states to make concessions on issues at the UN. Similarly, the re-intensification of the Cold War that started in the late 1970s drew attention away from antiterrorism negotiations, and thus compromises were achieved more easily. This combination of external factors also explains the adoption of the Hostages Convention on 17 December 1979.

However, the Hostages Convention was not the only instrument at the UN. There was an evolution that spanned most of the decade. The first efforts in the 1970s were both a sign of possible compromises and of hardening fronts. The International Civil Aviation Organisation (ICAO) conventions of the 1960s and early 1970s had demonstrated that a certain willingness existed among states to attend to problems deriving from international terrorism. But tackling the phenomenon as a whole was considerably more difficult.<sup>1</sup> The United States (US) and UN Secretary-General Kurt Waldheim learned that lesson when they launched plans for a comprehensive convention against terrorism in late 1972, and it quickly transpired that there was not a significant chance for success. The interpretations of what terrorism was and how it should be dealt with varied too much between states for them to be able to find a compromise. Consequently, while the Ad Hoc Committee on international terrorism was established, it never produced any serious results over the course of the 1970s, and it took until 1985 for it to actually manage to agree on a somewhat common understanding of the issue.<sup>2</sup> The fact that to date there is no comprehensive convention on terrorism – although negotiations are still underway – shows just how different positions among states are still today.<sup>3</sup> Nevertheless, as far as the clearly defined, narrow aspects of terrorism were concerned, there was considerable room for compromise.

The Diplomats Convention testified to that: when an issue of common interest was substantial enough, the international community could unite to face that common threat. The orderly conduct of diplomatic relations was such a huge common denominator to the vast majority of states that a convention to that effect – and against terrorist practices – could be adopted in record-breaking time. Yet even then qualifications



were made to ensure that the convention would not impair concepts such as the right to self-determination and national liberation or sovereignty. Building on this experience, the Hostages Convention of 1979 also proved that when a certain well-delimited topic was under discussion, a majority for a compromise treaty was possible. This history of antiterrorism negotiations of the 1970s demonstrates well the shortcomings of a too general attack on terrorism, and the benefits of the piecemeal approach. It is, therefore, not surprising that as the 1980s and 1990s went on, more and more sectoral conventions were added to the international legal framework against terrorism.<sup>4</sup>

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Bonn's interest in this policy has already been described as being driven by prestige and – to some extent – necessity. The case study section demonstrated that there was indeed a need for a better international antiterrorism system.

The abduction and assassination of Ambassador Karl Count von Spreti in Guatemala in 1970 showed Bonn that it was not immune from falling victim to politically inspired violence abroad, and it led to the first attempts at fostering better international cooperation against terrorism, although these were not given too much commitment. Germany's lack of membership at the UN further contributed to the problem of introducing projects at the organisation, and thus no follow-up on these plans was implemented. Moreover, von Spreti was a victim of the intra-Guatemalan struggle for power, and therefore it was still possible for decision-makers at the time to see this as a unique event. However, the kidnapping of German representatives in Brazil and Spain further proved that the von Spreti incident was not a singular event.

The final wake-up call arrived with the Munich crisis of 1972 and the Khartoum embassy massacre in 1973. Both events demonstrated that Bonn remained on the target list of international terrorism – domestically and abroad. The attack on the Israeli team in Munich and the disastrous and sloppy response of the German authorities to this crisis put Bonn in the spotlight internationally and fuelled its desire to redeem the country's lost prestige. To that extent, it contributed to the active policy on terrorism that Bonn then pursued at the UN. But both crises also highlighted another worrying development. Both in Munich and in Khartoum demands were raised – or were supposed to be raised – against the federal government for the release of terrorists from German prisons. These two events marked the moment when international

terrorism and domestic terrorism became intertwined. As a consequence, the necessity for a better international response to the threat was only logical.

While the attack on the oil ministers meeting in Vienna in December 1975 was not committed to free German terrorists, this crisis, together with the hijacking of the Air France jet to Entebbe marked another escalation – from the German point of view – in terrorism. Now German terrorists were actively involved in committing attacks abroad – often against German interests – and this once again increased the pressure on Germany to take a more pronounced stance on terrorism. This development also made Bonn more involved in the resolution of these crises than it would have liked. The German nationality of the terrorists also compelled Bonn to take a clear stance on the situation. The federal government's attempts to play for time and employ a policy of tactical ambiguity during the Entebbe crisis was political brinkmanship at best and a policy that could have easily backfired with detrimental effects on Germany's prestige, foreign relations with key countries, and anti-terrorism policy. Only the intervention of the Israeli counterterrorism squad saved Bonn. There was no guarantee it would be saved again. To redeem itself for its policy during the Entebbe incident, Germany had to take a more pronounced stance on terrorism, a policy that was implemented with the official introduction of the Hostages Convention project to the General Assembly (GA) later that year. However, both crises were also signs of hope for Bonn that more unity was possible among the international community on terrorism. The Vienna events were seen as a window of opportunity for better antiterrorism cooperation, and the Entebbe incident was a good opportunity to launch the German initiative officially. It also had the pleasant side effect of taking attention away from Bonn's policy during the hijacking crisis.

The virulence of international terrorism against Germany culminated in the hijacking of the *Landshut* in October 1977. This crisis demonstrated to Bonn that better legal grounds were needed to enlist other countries' help in dealing with terrorist crises. The Middle Eastern states, Cyprus, and even its North Atlantic Treaty Organization partner Italy all shied away from supporting Bonn in resolving the crisis, and Mogadishu only agreed to the *Grenzschutzgruppe 9* (GSG 9) release operation by being bribed. Yet, more importantly, the successful conduct of the GSG 9 operation and the strictness with which the Schmidt government reacted to the German Autumn earned the country a great deal of respect. Bonn tried to cash in on this respect at the UN in its negotiations for the Hostages Convention, but failed to translate

it into concrete outcomes. Nevertheless, Mogadishu in 1977 was the rehabilitation after Munich 1972, and to some extent Bonn had washed itself of the shame of the events five years earlier. Not only had it become a proactive antiterrorism player but also a serious player in counterterrorism.<sup>5</sup>

The crises dealt with in the case study section thus pinpointed the evolution of necessity and prestige for the antiterrorism policies at the UN. These crises were the catalysts for the policies introduced at the UN and an essential part of understanding these policies and the adoption of the UN Diplomats and Hostages Conventions.

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But were the conventions indeed a success for Germany or the international community? Both conventions, despite the unquestionable benefit of establishing a tighter legal framework against terrorism, certainly did not do away with all of the ambiguities in antiterrorism prosecution. Adopting an international treaty, signing it, and even ratifying it is one thing; implementing it is another. International law depends at least as much on the existence of legal norms as on the willingness of states to apply them. The *aut dedere aut iudicare* principle enshrined in these treaties as in most international antiterrorism instruments always leaves a great deal of leeway to states. While states are legally obliged to try a suspect if they do not want to extradite that person, there is no mechanism to enforce it. And while governments are under the treaty obligation to make the crimes dealt with in the conventions punishable under domestic law, there is no guarantee that the penalty will fit the crime. Even though the implementation of these conventions is not the subject of this book, one has to be aware that adopting a treaty does not necessarily translate into its being efficiently and effectively applied. Assessing how and whether the conventions were applied was beyond the scope of this book, since the archives for the 1980s are still hardly accessible. The same reason makes it impossible to draw a holistic picture of antiterrorism efforts in the 1980s. Likewise, it is very difficult, perhaps impossible, to examine whether terrorists were actually discouraged from committing attacks because of these legal frameworks. Yet these questions would make for challenging and much needed research projects, once the archival documentation is sufficiently available. Nevertheless, agreeing on a convention text and thereby providing the basis on which more concerted action against terrorism was possible is indeed a sign of success. It enabled the international community to

more clearly condemn terrorist practices and do away with the impression that certain acts of terrorism could be morally – or even legally – justified. The conventions signalled the willingness of states to take on the struggle against terrorism, and despite their legal shortcomings, they certainly had symbolic importance.

For Germany, they were successful simply because they were adopted. Negotiating the Hostages Convention was certainly not an easy endeavour, and it came at considerable risk for Bonn's reputation and relations with other countries. It was a risk, not only for foreign relations but also legally, for example if the convention text had made exceptions for cases when the use of terror could be justified. Both could be prevented and the fact that – as von Wechmar pointed out – the international community at large recognised this achievement certainly supports the assessment that the adoption of the convention was a success for Bonn. By having its initiative come to a successful conclusion, Germany had indeed improved its standing.

What, then, was Germany's contribution to the antiterrorism efforts? At the beginning of the decade, at the UN, Germany was not so much a small, middle, or great power; it was a background power. During the early negotiations of the Ad Hoc Committee as well as for the Diplomats Convention, Bonn influenced the agenda by means of the consultation processes of the European Political Cooperation (EPC). That was both a comfortable approach as well as a slightly inconvenient one. On the one hand, Germany did not have to expose itself openly on controversial topics, and there were many of those intertwined with the negotiations for antiterrorism efforts. The FRG elaborated on its positions within the EPC, and then left it to the other Europeans to bring them up at the GA. Publicly, Bonn did not have to take a stance on the Israel-Palestine question, self-determination, or national liberation. Obviously this was pleasant as it meant that there were no negative repercussions on Germany's foreign relations. On the other hand, though, being only indirectly influential on matters that greatly touched on German interests also meant that this was greatly dissatisfactory. Every time that the federal government wanted to have developments take a shift towards a position more beneficial to Bonn, it had to secure the consent of its European partners so that they could introduce a corresponding motion at the UN. The aftermaths of the von Sprei assassination testified to that, for instance, when Germany would have needed a UN member state to introduce Bonn's plans for a diplomats convention as the country itself was not even a UN member. This was not only awkward as West Germany had to behave like a third-rank power, one that needed

others to speak for it, but it was also quite cumbersome as reaching a compromise among European states was often more complicated than squaring a circle. It was also not a good way to secure German interests. In addition, it was an unpleasant reminder of the fact that Bonn was not a completely sovereign equal among equals.

Nevertheless, the FRG still managed to at least partly influence certain positions of the European member states on the different commissions and committees. Undoubtedly, though, this status was disconcerting for a country that was eager for more visibility and political influence at the global level. Consequently, with this in mind and against the backdrop of West Germany's remaining on the target list of international terrorism, it was an understandable decision on the part of Bonn to seek a great deal of influence on antiterrorism negotiations after its accession to the UN in September 1973. This claim, and its recognition by other countries, led Germany to assume a seat on the committee on negotiating the Diplomats Convention, and playing a major part in its elaboration and adoption.

The Germans were, however, well aware that the successful conclusion of these negotiations was not necessarily something that could easily be replicated. Consequently, Bonn took a more cautious stance on the Belgian proposal for a convention against hostage-taking in 1973. This realisation also led to the reluctance with which Bonn pursued the ideas for a West German initiative against asylum for terrorists two years later. Nonetheless, the basic conviction that more had to be done against terrorists and that Germany should play a major role in these global endeavours continued to be hatched in the Chancellor's Office and AA. This explains the speediness and readiness with which plans for the Hostages Convention surfaced once the alleged window of opportunity opened in the wake of the OPEC hostage crisis. The AA was eager to dust off the old Belgian plans for an anti-hostage-taking convention, change a few things to give it a 'German touch', and then suggest it as a new project for the UN. The fact that the subject of this convention was a secondary consideration to Bonn, a point often made especially in negotiations with Third World countries, shows just how much this was a project of prestige and not primarily a matter of necessity. Clearly, there was need for better legal instruments on any aspect of terrorism. However, hostage-taking as the subject of the convention was chosen primarily because it was the least controversial, with a big signalling effect to ordinary people that their interests were taken seriously, and therefore with the highest potential of being adopted. Otherwise, the AA could have reconsidered introducing the plans for a convention against

granting asylum to terrorists and thus to close safe havens, a plan that had been developed in 1975. Yet this was deemed too risky as it touched upon too many highly contentious issues – sovereignty, asylum policies, and definitions of terrorists, to mention only a few – and therefore it was quickly dismissed. Focussing on hostage-taking was safer, as it was supposedly less controversial. One did not even have to link it to terrorism, which was an idea that inspired Bonn's policy on the matter. It was only because of a Soviet amendment that the reference to 'international terrorism' was included at all in the convention text. Internal reports of the AA made it very clear that this was more about introducing a German project to the UN, preferably on a topic important enough to earn the country a great deal of global recognition, a better standing, and hence prestige. The fact that it would close legal loopholes, 'bring the West back' at the UN, and overcome the paralysis of the organisation were positive side effects, but not the driving motivation.

This assessment is only confirmed when looking at the further negotiation proceedings. When highly contentious topics were debated for the scope of the convention, Genscher and his ministry preferred withdrawing the convention rather than accepting a watered down text. The rationale behind that – at first glance somewhat contradictory – policy was that Bonn would accept a *succès d'estime* by being firm on terrorism on principle, and thus gain recognition from its Western allies and several Third World countries, rather than supporting a project that in the end might legitimise certain acts of terrorism. Yet, despite the primary motivation being prestige rather than necessity, West Germany still became the agenda-setter on the issue in the UN during the 1970s.

Its unique position made it a credible and seemingly honest broker for these endeavours: the FRG was not a great power; rather, it was a country with limited sovereignty (until reunification in 1990), and – at least for certain matters – still under the tutelage of the Occupying Powers. Germany was an economic power, but not a military one. Moreover, while Germany had had a colonial history, it was a less memorable coloniser than Great Britain, France, or even Italy and Spain. Consequently, the FRG was perceived as not having global geopolitical interests, and that perception, paired with the constitutional difficulties of deploying the army abroad, reduced fears among Third World countries that Germany's initiatives against terrorism were a cloak for Western interventionism. Moreover, West Germany did evoke the right to self-determination itself – whenever the issue of unification came up, and Bonn claimed this right for the East German population. Thus, Bonn was less threatened by this notion than other countries with

bigger global geopolitical interests in areas where invoking the right to self-determination could be detrimental to their own interests, such as France or the US. Lastly, West Germany's reliance on multilateralism and legalistic approaches to international relations made the country an honest broker and an ideal candidate to become the agenda setter for antiterrorism efforts at the UN. All UN efforts against terrorism were either designed or heavily influenced by West Germany in the 1970s, and without its contribution to these negotiations, the results would probably have been less significant.

How did these antiterrorism efforts at the UN fit within Germany's broader foreign policy in the 1970s? In many ways, these initiatives were part and parcel of bigger trends.<sup>6</sup> The reluctance to show leadership on antiterrorism efforts at the UN in the early 1970s and the reliance on the EPC rather than a genuinely German unilateral approach were just a reflection of general foreign policy. *Ostpolitik* was just beginning to be implemented, and Germany and its European partners were involved in their ambitious attempts of the late 1960s and early 1970s to foster European political coordination to 'establish [the EC's] position in world affairs as a distinct entity determined to promote a better international equilibrium'.<sup>7</sup> This could be seen in the example of UN antiterrorism policies as well. Bonn was interested in strengthening states in their fight against terrorism, but it did so through the EPC vehicle and did not take the driver's seat in these efforts. While Germany was a prominent member of the committee to design the Diplomats Convention, it was one among several nations involved in these endeavours. Likewise, as far as the Ad Hoc Committee against international terrorism was concerned, Bonn certainly wanted to avoid being in the spotlight too much. Germany was eagerly trying to assume a place among the nations interested in these affairs, but showed no ambition to lead these countries. Yet when *Ostpolitik* was well underway and internal and external sceptics were silenced, Bonn attempted to raise its profile through anti-terrorism efforts at the UN. This coincided with the chancellorship of Schmidt, and this leitmotif of a more ambitious foreign policy could also be found in other fields, such as the Group of 7 (G7) – a Franco-German initiative. By using the G7, Schmidt tried to increase Germany's say in international global economic policies and, progressively, security and foreign policy as well. The Federal Republic teamed up as part of the seven most important economic powers of the globe to coordinate policies. But in other fields too, such as security policies and East-West relations, the German voice became louder.<sup>8</sup> The ambitious UN policies thus perfectly matched the general foreign policy programme.

Another thread in the Federal Republic's foreign policy was also mirrored in its antiterrorism efforts at the UN: the idea of keeping (European) détente alive and easing the difficult relationship with the Third World. In a time of increasing tensions among the superpowers towards the late 1970s, the federal government had a vital interest in not letting these strained relations affect the détente process among European countries and in particular between Bonn and East Berlin, as well as Bonn and Moscow. The attempts made at the UN to secure the involvement of Eastern countries in official and background negotiations, and the fact that the antiterrorism efforts were a part of bilateral UN consultations between Moscow and Bonn confirm this. As far as possible, according to Germany, the Cold War should be kept out of diplomatic relations. However, this statement needs a qualification. As far as the German-German struggle for recognition and prestige was concerned – which was basically a constant in German foreign relations since 1949 – it definitely affected antiterrorism policies. At the UN, just like everywhere else, the Federal Republic wanted to present itself not only as the reformed Germany that was rid of its Nazi past but also as the 'better Germany'.<sup>9</sup> By addressing hostage-taking as a human rights concern, as a challenge to humanitarianism that needed to be dealt with, as well as by stressing the multilateral and legalistic approach, Bonn attempted to win over the 'hearts and minds' of the global public by depicting itself as the 'good German'. Likewise, the Federal Republic's attempts at firmly integrating the Third World into the negotiations was not just a dictate of reason – every resolution needed Third World votes to pass – but also a contribution to Bonn's bigger plan of being perceived as a serious interlocutor for the Third World in other fields. Obviously, good relations with the Third World were important in foreign policy but also important for business, and Germany was after all one of the biggest economies in the world and among the top exporting nations.

Certainly, independent from the German-German struggle, Bonn was a champion of multilateralism and legalistic approaches in general. A country that needed other states' cooperation in many fields, from foreign policies to economics to security, and that did not have a large selection of other instruments to use to implement its interests globally simply had to endorse multilateralism. In the same vein, since Germany lacked an international power position – militarily and politically – it had no choice but to rely on a legalistic approach regarding international relations. These were further constants in the general post-war West German foreign policy and also featured prominently at the UN antiterrorism negotiations.



When it comes to European cooperation, interesting observations can be made. On the one hand, Bonn – especially in the early and mid-1970s – relied on the EPC to implement its antiterrorism policies. The Hostages Convention was even supposed to be introduced as an EPC initiative rather than a unilateral West German one. Yet the EPC reached its climax in 1973, and it became progressively more frustrating and inefficient. In the end, Bonn gave up on the EPC. On the other hand, curiously, Franco-German cooperation, which was promoted by Schmidt and Valéry Giscard d’Estaing, did not extend to antiterrorism policies at the UN. Among the constant and most annoying trouble-makers for Bonn at the UN, Paris certainly had a very prominent and uncompromising position. Then again, London became a more reliable and supportive ally of Germany in its negotiations towards the late 1970s – and in resolving the *Landshut* crisis.

Lastly, the ambitious antiterrorism policies at the UN also reflect the division of labour between Chancellor Schmidt and Foreign Minister Genscher. With Schmidt setting many of the priorities in German foreign and security policy, it was very difficult for the foreign minister to define a field of foreign policy that was predominantly his on which to leave a mark. Consequently, Genscher willingly accepted Schmidt’s suggestion in early 1976 to start a German antiterrorism initiative at the UN, knowing that within Schmidt’s general guidelines, it was here that he could influence the policies to a considerable extent. This explains why he was constantly involved in the decision-making and apprised of the progress of the negotiations, and to some extent it also explains why the AA jealously defended its driving position in the negotiations vis-à-vis other ministries. Had there been no reunification under his watch as foreign minister – and had he not been able to portray himself as one of the engineers of German unification beside Helmut Kohl – the antiterrorism success at the UN could arguably have been one of Genscher’s greatest legacies as foreign minister. In sum, antiterrorism policies were a good reflection of general trends in West German foreign policy in the 1970s. They represented Bonn’s goal of risking more in order to achieve higher global esteem. They were a symbol of, and instrument in, the country’s quest for influence and prestige.

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How do all of these aspects fit within the further antiterrorism efforts at the UN after the 1970s? Certainly, the 1970s were only the point of departure for the UN and its agencies when it came to attempts to

develop more and better instruments against terrorism. Several sectoral conventions followed in the decades up until today. The trend which started in the 1970s of focusing on certain particular aspects of terrorism rather than on the whole, blurry phenomenon itself continued. Since 1979, the UN has adopted treaties on terrorist bombings, the financing of terrorism, and other aspects.<sup>10</sup> UN agencies have developed other instruments that deal with more particular technical aspects such as nuclear material, explosives, and airport security.<sup>11</sup> Another trend that was perpetuated from the 1970s onwards was that the UN often reacted to specific crises and then negotiated treaties that would prevent – to the best extent possible given the political realities – a repetition of such a crisis. One obvious example is the *Achille Lauro* hijacking of 7 October 1985, which preceded the adoption of the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation that was adopted in 1988 within the framework of the International Maritime Organization (IMO), a specialised agency of the UN.<sup>12</sup> Another is the Lockerbie bombing of 1988 that was followed by the adoption of several instruments, including the Convention on the Marking of Plastic Explosives for the Purpose of Detection, which was adopted by the ICAO in 1991.<sup>13</sup> Similar developments could be spotted in the early 1970s when several attacks on diplomats led to the adoption of the Diplomats Convention. But later decades also increased the trend away from a reactive approach and towards a more proactive one. The UN adopted conventions that dealt with incidents that had not yet materialised, such as nuclear terrorism.<sup>14</sup>

While the UN followed the piecemeal approach, it did not, however, entirely dismiss the general objective of one day adopting a general, comprehensive convention against terrorism. Obviously, these initiatives led to no avail in the 1970s and were dormant for a decade and a half, but after the end of the Cold War, plans for such a convention were resurrected. Yet, just like in the 1970s, the devil is in the details, and despite a changed global environment, the problem of agreeing on one single definition within an organisation that comprises roughly 200 countries is not an easy endeavour. If the 1970s are any indication of the general problems with negotiating antiterrorism instruments, there will not be a truly comprehensive convention anytime soon.<sup>15</sup>

This raises the question of whether such a convention is actually desirable and really useful. One could of course argue that it would have a strong symbolic value as it would set a clear sign that the international community at large is united to fight terrorism. But very obviously it is not. Once again the usefulness of such a convention would not only

depend on its being adopted, on the reservations made, but also on the individual state's willingness to apply it. Terrorism is political, and political considerations will dictate states' reactions to it. An advantage of the convention would be that – due to its general scope – it might pre-empt new trends in terrorism and indeed make them punishable before they were even designed. To judge this beneficial or not would depend on the actual convention text, but given the diverging interests and intentions of states, it would probably be a very broad one with a lot of room for interpretation – another development seen already in the 1970s efforts at negotiating such a convention.

Consequently, the time and resources of the UN members might be better invested in continuing to negotiate sectoral conventions with more direct and applicable provisions. As the list of conventions presented above indicates, the international community had indeed shown some success in adopting instruments on incidents that have not yet occurred. So far history has taught us that the piecemeal approach is the more feasible one, and arguably the more efficient one as well.

Although this is a book on antiterrorism efforts within the UN, it should be asked whether this is the only international organisation that has dealt with terrorism, and if it is indeed the one that is best suited to address this issue. It is not a big surprise that other organisations were involved in the multilateral struggle against terrorism as well. The Organisation of American States was the first regional organisation to attend to terrorism, and it adopted the Convention to Prevent and Punish the Acts of Terrorism in 1971.<sup>16</sup> Likewise, when the negotiations at the UN became unsatisfactory and frustrating in the early 1970s, the Germans and others turned to the Council of Europe and the EC to attend to the issue.<sup>17</sup> In the late 1990s, the African, Arab, and Islamic states adopted their own treaties.<sup>18</sup> This goes to show that the UN is certainly not the only organisation and that for certain aspects, regional organisations might even be better suited as their instruments can be tailor-fit to the problems to be resolved. But certainly if one is to deal with general problems with terrorism, especially in a highly interconnected world and faced with a new wave of terrorism that is removed from any regional or ideological limitations, the UN still seems to be the organisation of choice.

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What was the contribution of the Federal Republic to the struggle against terrorism after the 1970s? Without access to the archival

documentation, it is difficult to answer this question in a satisfactory manner. Certainly, by the end of the 1970s and with the German signature under the Hostages Convention, the period of immediate German activism towards more antiterrorism projects faded. The reports from the mission at the UN as well as the AA show very clearly that Bonn was drained of the energy, enthusiasm, and resources to continue the policy of leadership on antiterrorism efforts at the UN. As the country was not only involved in the UN negotiations but also in the tedious efforts of the Council of Europe and the EC, this is hardly surprising.<sup>19</sup> Bonn was aware that new projects would have an unclear future and only limited chances for success in an environment that was satiated with antiterrorism efforts – at least among Germany's allies – and had other global issues with which to be concerned. Moreover, Bonn had achieved its primary goal. The Hostages Convention was adopted and entered into force in 1983. Germany had successfully implemented its first UN project and had most obviously improved its standing and soft power. Mission accomplished.

But at the end of the 1970s, the AA was probably much more aware of the pitfalls of such antiterrorism negotiations than five years earlier. The attempts of countries to link the negotiations to issues such as the Palestine conflict, apartheid in South Africa, and German economic interests certainly demonstrated the traps that one could easily fall into. Moreover, the negotiations also strained German relations with key allies and significant regional players in areas that were important for German economic and other foreign policy interests. Algeria is one example where the UN efforts had an impact on the bilateral relationship; France is another. With the looming danger of the negotiations taking a too pronounced stance on the Israel-Palestine conflict, Bonn was also always at risk that its relations with Arab countries or indeed Israel might be affected. For these reasons, the country took a less proactive policy on UN antiterrorism efforts after 1979. Likewise, publicly, antiterrorism disappeared as an aspect of foreign policy again until 9/11.

This certainly also has to do with the developments in domestic terrorism in Germany. Although the Red Army Faction (RAF) was far from beaten after the German Autumn, the intensity of acts committed in the 1980s never matched the mid-1970s again. Attacks in the 1980s still caused destruction and death, but never to the same extent as before. Moreover, after the *Landshut* crisis, the RAF had no more sympathies among the population, and thus domestic terror also became less of a bone of contention within society and domestic politics at large. The

rule of law had prevailed in Germany, and the threat of a resurrection of authoritarianism in the country was insignificant. Other concerns now determined social and political debates, such as the NATO Double-Track Decision, peace movements, or the Green movement.<sup>20</sup> This probably translated into a lower German profile – even behind closed doors – at the UN regarding antiterrorism, but future research will show whether this truly was the case.

With the late 1980s and the changes underway in Eastern Europe, a more pressing issue entered the political agenda: reunification. In its wake, terrorism withered away in Germany and so did the need for anymore leadership in multilateral antiterrorism efforts. Similarly, just by the act of uniting, Germany had overnight assumed a much stronger international power position and thus prestige. It was a fully sovereign country no longer hampered by the Iron Curtain. Contrary to the 1970s, the country now had more influence and power, but less intention of exerting it. While necessity had decreased as a motivator for an active multilateral antiterrorism policy, prestige now followed suit. This explains the probable decline in Germany's emphasis on UN antiterrorism efforts. Even after 9/11, Germany did not reassume the lead position it had had in the 1970s – unless carried out with a lot of discretion and in the background as Bonn had done in the early 1970s. Only future archival research will be able to give a definite verdict on this. At the current state of knowledge, however, it appears that Berlin does not play the same proactive role in present-day antiterrorism negotiations that the FRG had assumed in the 1970s. But it is worth recalling that the current situation is different from the 1970s for several reasons, and these differences might explain the German policy. For one, as has been elaborated above already, Germany is in a different geopolitical position, no longer being a divided country on the frontlines of the Cold War. Nowadays, Berlin is even called upon by its allies to play a bigger role in international politics, but mostly lacks the willingness to do so.<sup>21</sup>

Moreover, Germany today is not as hard hit by international terrorism as it used to be in the 1970s. While the Hamburg cell of Al Qaeda was instrumental in planning and executing the 9/11 attacks, which also claimed German victims, the Federal Republic has not yet experienced a devastating terrorist attack on its territory, unlike Spain or the United Kingdom, for instance. There is a general threat from Islamist terrorists against the West, including Germany, but it has not yet manifested itself violently in Germany. There is, however, still the risk of domestic terrorism in Germany as the recent examinations of the activities of the Nationalsozialistischer Untergrund (NSU) terror group – mostly

unspotted over the course of a decade – reveal. But Germany can fight this kind of terrorism by itself. The international links of the NSU – if they existed at all – are not nearly as important as those of the terror groups of the 1970s. Therefore, there is less urgency and need for Germany to attend to terrorism internationally today.

The way in which the UN deals with terrorism has changed, too. While in the 1970s it was mostly the GA that attended to terrorism, since the late 1990s the Security Council has become much more active in designing antiterrorism measures.<sup>22</sup> As Germany is not one of the permanent members of the Council, it thus has fewer means of influencing these efforts directly. Consequently, using the concepts of analysis from the 1970s, nowadays, neither necessity nor prestige provides a sufficient incentive for the country to venture back into the still highly politicised and thereby dangerous field of terrorism at the UN.

But not only has the orientation of German multilateral antiterrorism policy transformed as well as the global environment but the very nature of terrorism underwent changes too. While 40 years ago terrorism was either social-revolutionary or ethnic in nature, nowadays, religiously inspired violence accounts for most acts of terrorism. This evolution to what David C. Rapoport calls the ‘fourth wave’ of modern terrorism has implications for antiterrorism as well.<sup>23</sup> In the 1970s, someone who committed an act of terrorism normally wanted to survive it. Discouraging him or her by threatening punishment and closing legal loopholes as well as safe havens was a promising approach – although it is difficult to know how many terrorists were persuaded not to commit attacks because of the evolution of a tougher antiterrorism framework. The *aut dedere aut iudicare* approach was the right policy to use for the 1970s form of terrorism. Nowadays, faced with suicide terrorists who have no intention of surviving their bombings, it is more difficult to find responses to the threat. The deterrence character of extraditing or trying the terrorist after their crimes does not work. Still, the piece-meal approach seems promising. In the 1970s, the focus lay on discouraging the terrorist. In the 2010s, the emphasis should lie on preventing attacks – and indeed recent conventions emphasise this – by making it more difficult to acquire, for instance, nuclear materials or funding for committing attacks. Prevention rather than punishment should be at the centre of new antiterrorism instruments to be negotiated. New sectorial conventions that address factors contributing to or encouraging terrorism should be the focus of international efforts against the phenomenon. It is the logic of these instruments that they will normally

be in response to the new challenges that terrorism poses. A look at the history of antiterrorism demonstrates that this has usually been the case. Still, it is a struggle worth waging.

What institution is more suitable for that endeavour – has more legitimacy for that struggle – than the UN? Just like in the 1970s, the same is true today. The UN is the biggest world organisation and the closest entity we have to an international government. In order to achieve maximum support for antiterrorism efforts in the future, it should be the world organisation that serves as a forum for elaborating them. Since the 1970s, the UN has made progress in building an ever tighter net of legal obligations to fight terrorism, as the conventions adopted since 1970 reveal.<sup>24</sup>

But every new development in terrorism will bring new challenges, and thus fighting terrorism will continue to be a work in progress. This does not only refer to the dangers arising from terrorism but also to the dangers of reacting to it. Antiterrorism always has to walk a fine line between necessity and legality. Governments have to be careful not to resort to terror themselves in an attempt – well-meaning as it might be – to counter terrorism. Overall, the Germans could serve as an example of how to do it – more or less – right. Yet antiterrorism legislation and efforts are a litmus test for the rule of law and democracy, and it is a test that has to be passed over and over again. As long as people resort to terrorist violence to further political goals, there will have to be efforts to restrict terrorism. If history is any indication of the future, then terrorism is likely here to stay. The response to terrorism will be difficult to agree upon as the national interests, jealousies, and policies of countries will never be aligned completely. But this study of past antiterrorism efforts shows that limited success is possible. In the words of Helmut Schmidt: ‘Terrorism does not stand a chance in the long run. There is not just the will of the authorities against terrorism, but against terrorism stands the will of the whole people’.<sup>25</sup> If that is the case and if the international community also manages to demonstrate a strong will against terrorism, then this scourge of mankind can be controlled, although it will probably never be completely eradicated.

Although there is no clear indication of such a policy today, the Germans could, once again, use their special global situation – as a global middle power without intimidating geopolitical aspirations, as an established democracy, and as a champion of multilateralism and the global rule of law – to act as a broker and give a new impetus to international antiterrorism negotiations. Berlin could provide the alternative to an

approach on terrorism that relies solely on military solutions. Germany could use its experience of the past to strengthen global antiterrorism efforts in the future. The international struggle against terrorism will continue, and Germany could play a major part in it again, for the benefit of the country itself but also for the benefit of the international community at large.



# Notes

## Introduction

1. Ben Saul, *Defining Terrorism in International Law* (Oxford: Oxford University Press, 2006), 213.
2. For the purposes of this book, the terms 'Germany' or 'West Germany' shall refer to the Federal Republic of Germany (FRG).
3. Given the lack of military power, this term, broadly understood and borrowed from Joseph Nye, probably defines the concept of German influence. See, for instance, J. S. Joseph Nye, *Soft Power. The Means to Success in World Politics* (New York: PublicAffairs, 2004).
4. For the idea of international organisations, notably the UN, as a forum for antiterrorism policies and the role of great powers and less influential countries, see, for instance, Peter Romaniuk, 'Institutions as Swords and Shields: Multilateral Counter-Terrorism since 9/11', *Review of International Studies* 36, no. 03 (2010), 591–613: esp. 594.
5. A good discussion of the term is provided in Peter Romaniuk, *Multilateral Counter-Terrorism. The Global Politics of Cooperation and Contestation* (Oxon: Routledge, 2010), 7–12.
6. This principle first appeared in a terrorism-related treaty in the 1960s and early 1970s when it was incorporated into the conventions developed by the International Civil Aviation Organisation (ICAO). The International Law Commission (ILC) picked it up and wrote it into the draft Diplomats Convention, and from there it found its way into most of the antiterrorism treaties that have been negotiated until today, at least within the UN.
7. The Munich crisis, being the only case study in this book that has already been sufficiently examined by scholars, will also be the only one for which most of the information for the assessment comes from secondary literature, due to the existence and reliability of that scholarship, which allows for a thorough reconstruction of the events. All other case studies, lacking such a solid scholarly basis of information, are reconstructed from primary documents. A good account of the Munich events is given in Matthias Dahlke, *Der Anschlag auf Olympia '72. Die politischen Reaktionen auf den internationalen Terrorismus in Deutschland* (Munich: Martin Meidenbauer Verlag, 2006); Matthias Dahlke, *Demokratischer Staat und transnationaler Terrorismus. Drei Wege zur Unnachgiebigkeit in Westeuropa 1972–1975* (Oldenbourg: Oldenbourg Wissenschaftsverlag, 2011); Eva Oberloskamp, 'Das Olympia-Attentat 1972: Politische Lernprozesse im Umgang mit dem transnationalen Terrorismus', *Vierteljahrshefte für Zeitgeschichte* 60, no. 3 (2012), 321–52.
8. For accounts of West German foreign policy since the end of the Second World War, see, for instance, Gregor Schöllgen, *Die Außenpolitik der Bundesrepublik Deutschland. Von den Anfängen bis zur Gegenwart* (Munich: Beck, 1999); Gregor Schöllgen, *Jenseits von Hitler. Die Deutschen in der Weltpolitik von Bismarck*

- bis Heute* (Berlin: Propyläen, 2005); Christian Hacke, *Die Außenpolitik der Bundesrepublik Deutschland. Weltmacht wider Willen?* (Berlin: Ullstein, 1997); Helga Haftendorn, *Coming of Age. German Foreign Policy since 1945* (Lanham: Rowman and Littlefields Publishers, 2006). See also Eckart Conze, *Die Suche nach Sicherheit. Eine Geschichte der Bundesrepublik Deutschland von 1949 bis zur Gegenwart* (Munich: Siedler, 2009).
9. For more information on the EPC, see, for instance, Daniel Möckli, *European Foreign Policy during the Cold War. Heath, Brandt, Pompidou and the Dream of Political Unity* (London, New York: I. B. Tauris, 2009); Aurélie Elisa Gfeller, *Building a European Identity. France, the United States, and the Oil Shock, 1973–1974* (New York, Oxford: Berghahn Books, 2012).
  10. Genscher was not only foreign minister from 1974 until 1992, but he was also federal minister of the interior from 1969 until 1974. His period of political activity thus basically spans the whole duration of social-revolutionary terrorism in Germany, in which he was, because of his ministerial duties, very interested.
  11. For the purposes of this book, the words ‘terrorism’ and ‘terror’ will be used synonymously. However, in academic literature, there is broad discussion about how these terms can and should be distinguished from each other, see, for instance, Charles Townshend, *Terrorism. A Very Short Introduction* (Oxford: Oxford University Press, 2002), 5. See also the article by Charles Tilly, ‘Terror, Terrorism, Terrorists’, *Sociological Theory* 22, no. 1 (2004), 5–13.
  12. See, for instance, Townshend, *Terrorism. A Very Short Introduction*, 3; Bruce Hoffman, *Inside Terrorism*, Revised and Expanded ed. (New York: Columbia University Press, 2006), 33; Rudolf Walther, ‘Terror und Terrorismus. Eine Begriffs- und Sozialgeschichtliche Skizze’, in *Die RAF. Entmythologisierung einer terroristischen Organisation*, (ed.) Wolfgang Kraushaar (Bonn: Bundeszentrale für politische Bildung, 2008), 50–70: 50; John Dugard, ‘International Terrorism: Problems of Definition’, *International Affairs (Royal Institute of International Affairs 1944-)* 50, no. 1 (1974), 67–81: 67.
  13. Ben Golder and George Williams, ‘What Is “Terrorism”? Problems of Legal Definition’, *University of New South Wales Law Journal* 27, no. 2 (2004), 270–95: 270.
  14. Alex P. Schmid, ‘The Definition of Terrorism’, in *The Routledge Handbook of Terrorism Research*, (ed.) Alex P. Schmid (London, New York: Routledge, 2011), 39–98. Several useful impetuses can also be found in Walther, ‘Terror und Terrorismus’, 51. Louise Richardson, *What Terrorists Want. Understanding the Enemy. Containing the Threat* (New York: Random House, 2006), 20; Townshend, *Terrorism. A Very Short Introduction*, 5–8; Hoffman, *Inside Terrorism*, 40–41; Martha Crenshaw, ‘The Causes of Terrorism’, *Comparative Politics* 13, no. 4 (1981), 379–99: 379.
  15. One can assemble aspects discussed in previously indicated literature and amalgamate them into a working definition, which, however, given the context and era would certainly have shortcomings, too. But that is obviously a current definition that had not been established at the time and is retrospectively applied to the 1970s. It is more of a summary of events that occurred in this decade and that were explicitly or implicitly deemed terrorism by the federal government. ‘International terrorism’ would then refer to violent acts deliberately committed against civilians. These acts are

- intended to have psychological effects beyond the immediate targets and on a broader audience. They are committed in order to further a political agenda. They are perpetrated by a substate actor operating in one state with the ultimate intention of making a foreign government comply with its demands, or by foreign actors operating in a country in which they are not citizens. Specifically, for this book, that would mean acts that – predominantly – attack German citizens or interests abroad (or are carried out by foreign nationals in Germany) in order to force the federal government (or friendly governments) to abide by specific political demands.
16. See, for instance, Mario Petri, *Terrorismus und Staat. Versuch einer Definition des Terrorismusphänomens und Analyse zur Existenz einer strategischen Konzeption staatlicher Gegenmaßnahmen am Beispiel der Roten Armee Fraktion in der Bundesrepublik Deutschland* (Munich: Meidenbauer, 2007), 36–37.
  17. Legal scholar Antonio Cassese holds that there is a customary legal definition of terrorism, but thus far none has been written in treaty law. See Antonio Cassese, 'The Multifaceted Criminal Notion of Terrorism in International Law', *Journal of International Criminal Justice* 4, no. 5 (2006), 933–58. See also the other contributions in the same issue of the journal: Thomas Weigend, 'The Universal Terrorist: The International Community Grappling with a Definition', *Journal of International Criminal Justice* 4, no. 5 (2006), 912–32; George P. Fletcher, 'The Indefinable Concept of Terrorism', *Journal of International Criminal Justice* 4, no. 5 (2006), 894–911.
  18. David C. Rapoport, 'The Four Waves of Modern Terrorism', in *Attacking Terrorism. Elements of A Grand Strategy*, (ed.) Audrey Kurth Cronin and James M. Ludes (Washington, D. C.: Georgetown University Press, 2004), 46–73: 68 footnote 3.
  19. There are some books that address them in passing, but they do not draw on a broad array of archival documents nor do they provide details on the complicated negotiation process that was taking place in the 1970s. See, for instance, Guiseppe Nesi, (ed.) *International Cooperation in Counter-terrorism. The United Nations and Regional Organizations in the Fight against Terrorism* (Aldershot: Ashgate Publishing, 2006); Romaniuk, *Multilateral Counter-terrorism*. Others stress the legal aspects and interpretations of the instruments adopted in the 1970s, but neglect the historical background and evolution. Saul, *Defining Terrorism in International Law*; Kerstin Wolny, *Die völkerrechtliche Kriminalisierung von modernen Akten des internationalen Terrorismus*, Schriften zum Völkerrecht, vol. 175 (Berlin: Duncker & Humblot, 2008); Peter J. van Krieken, *Terrorism and the Legal Order. With Special References to the UN, the EU and Cross-border aspects* (The Hague: T.M.C. Asser Press, 2002). Joseph Lambert's book serves as a good point of departure as it gives some insights on the negotiations, but it does not rely on archival documents and focuses, once again, on a discussion of legal matters, Joseph J. Lambert, *Terrorism and Hostages in International law. A Commentary on the Hostage Convention of 1979* (Cambridge: Grotius Publications Limited, 1990).

## 1 Domestic Terrorism in Germany in the 1970s

1. On the global character of the 1968 movement, see, for instance, Jeremi Suri, *Power and Protest. Global Revolution and the Rise of Détente* (Cambridge,

- Mass., London: Harvard University Press, 2003), 164–212; Martin Klimke, *The Other Alliance. Student Protest in West Germany and the United States in the Global Sixties* (Princeton, Oxford: Princeton University Press, 2010). See also Timothy Brown, ‘“1968”. East and West: Divided Germany as a Case Study in Transnational History’, *The American Historical Review* 114, no. 1 (2009), 69–96; Jeremy Varon, *Bringing the War Home. The Weather Underground, the Red Army Faction, and the Revolutionary Violence in the Sixties and Seventies* (Berkeley, Los Angeles, London: University of California Press, 2004). For an assessment of ‘1968’ in different European states, see Martin Klimke and Joachim Scharloth, eds, *1968 in Europe. A History of Protest and Activism, 1956–1977* (New York, Houndmills: Palgrave Macmillan, 2008).
2. Suri, *Power and Protest*, 261.
  3. See, for instance, the recent book by Timothy Scott Brown, *West Germany and the Global Sixties. The Antiauthoritarian Revolt, 1962–1978* (Cambridge: Cambridge University Press, 2013). See also Eckart Conze, *Die Suche nach Sicherheit. Eine Geschichte der Bundesrepublik Deutschland von 1949 bis zur Gegenwart* (Munich: Siedler, 2009), 333–34. For more information on the civil rights movement in the United States, see, for instance, Varon, *Bringing the War Home*, 6–7, 113–14. For a long-term assessment of the civil rights movement and its national and international implications, see D. Morris Aldon, ‘A Retrospective on the Civil Rights Movement: Political and Intellectual Landmarks’, *Annual Review of Sociology* 25, (1999), 517–39.
  4. Conze, *Die Suche nach Sicherheit*, 335.
  5. Klimke, *The Other Alliance*, 213–15, 221–22, 224.
  6. Brown, ‘“1968”. East and West: Divided Germany as a Case Study in Transnational History’, 72–73. Moreover, the fact that the chancellor, Kurt Georg Kiesinger, had been a member of the Nazi party during the Third Reich further complicated matters. See Michael A. Schmidtke, ‘Cultural Revolution or Cultural Shock? Student Radicalism and 1968 in Germany’, *South Central Review* 16, no. 4, (1999), 77–89: 78–79.
  7. The *Emergency Laws* were a constitutional amendment to compensate for the lack of any regulations in case of emergencies, such as war. The Grand Coalition was able to change the German constitution because of its large majority in parliament. It thereby also replaced allied reservation rights to intervene in case of emergency so long as the German state did not have legal regulations for these cases. These reservation rights existed in spite of the 1954 Germany Treaty. The *Emergency Laws* caused a big extra-parliamentary debate. For more information on the contemporary argument, see, for instance, the article by C. C. Schweitzer, ‘Emergency Powers in the Federal Republic of Germany’, *The Western Political Quarterly* 22, no. 1 (1969), 112–21.
  8. Schmidtke, ‘Cultural Revolution or Cultural Shock? Student Radicalism and 1968 in Germany’, 85–86. Mario Petri, *Terrorismus und Staat. Versuch einer Definition des Terrorismusphänomens und Analyse zur Existenz einer strategischen Konzeption staatlicher Gegenmaßnahmen am Beispiel der Roten Armee Fraktion in der Bundesrepublik Deutschland* (Munich: Meidenbauer, 2007), 91–92.
  9. Alexander Straßner, ‘Perzipierter Weltbürgerkrieg: Rote Armee Fraktion in Deutschland’, in *Sozialrevolutionärer Terrorismus. Theorie, Ideologie, Fallbeispiele, Zukunftsszenarien*, (ed.) Alexander Straßner (Wiesbaden: VS Verlag für Sozialwissenschaften, 2008), 209–36: 212. Original quote in German. The

- quotations from German sources have been translated by the author. When the original quotation was in English, this is indicated in the footnote.
10. For this conclusion, see also Götz Aly, *Unser Kampf: 1968—ein irritierter Blick zurück* (Frankfurt: Fischer, 2008), 151.
  11. Original phrase: 'Unter den Talaren der Muff von Tausend Jahren'.
  12. Schmidtke, 'Cultural Revolution or Cultural Shock? Student Radicalism and 1968 in Germany', 79, 84–85; Wolff-Dietrich Webler, 'The Sixties and the Seventies: Aspects of Student Activism in West Germany', *Higher Education* 9, no. 2 (1980), 155–68: 156, 160–63.
  13. Ryszard W. Piotrowicz, 'The Status of Germany in International Law: Deutschland Über Deutschland?', *International & Comparative Law Quarterly* 38, no. 3 (1989), 609–35: 624–25; C. D. Lush, 'The Relationship between Berlin and the Federal Republic of Germany', *The International and Comparative Law Quarterly* 14, no. 3 (1965), 742–87: 744–45, 752–56, 775, 779, 787. The status of Berlin as not being a constituent part of the FRG was also confirmed in the Quadripartite Agreement of 1971, part II (B.), [http://www.ena.lu/quadripartite\\_agreement\\_berlin\\_berlin\\_september\\_1971-020302502.html](http://www.ena.lu/quadripartite_agreement_berlin_berlin_september_1971-020302502.html) [last accessed 27.04.2010].
  14. On the heavy financial support, see Lush, 'The Relationship between Berlin and the Federal Republic of Germany', 780–81.
  15. For a contemporary discussion of the problems this posed when West Germans moved to West Berlin in order to avoid military service, see 'Berlin: Wehrflucht. Großer Topf', *Der Spiegel*, no. 30 (21.07.1969), 38–39; Butz Peters, *RAF. Terrorismus in Deutschland* (Munich: Knauer, 1993), 41–43.
  16. Aly, *Unser Kampf*, 74. A good assessment of the particular situation of West Berlin can also be found in Suri, *Power and Protest*, 172–81.
  17. Mechthild Küpper, 'Aktenfund in der BIRTHLER-Behörde: Stasi-Mitarbeiter erschoss Benno Ohnesorg', *Frankfurter Allgemeine Zeitung* (21.05.2009). <http://www.faz.net/s/RubFC06D389EE76479E9E76425072B196C3/Doc-E254C1C CAF2444DE9909C2BA756B19170-ATpl-Ecommon-Scontent.html> (accessed 12.11.2009); 'Studentenbewegung 1967: Benno Ohnesorgs Todesschütze war IM', *Die Zeit* (02.06.2009). <http://www.zeit.de/online/2009/22/ohnesorg-kurras-stasi-spitzel>.
  18. Conze, *Die Suche nach Sicherheit*, 349–50. For the radicalisation of the protest movements, see Straßner, 'Perzipierter Weltbürgerkrieg', 211–13.
  19. Aly, *Unser Kampf*, 58.
  20. See, for instance, Wolfgang Kraushaar, 'Kleinkrieg gegen eine Großverleger. Von der Anti-Springer Kampagne der APO zu den Brand- und Bombenanschlägen der RAF', in *Die RAF. Entmythologisierung einer terroristischen Organisation*, (ed.) Wolfgang Kraushaar (Bonn: Bundeszentrale für politische Bildung, 2008), 292–355: 297–98, 301–17; see also Schmidtke, 'Cultural Revolution or Cultural Shock? Student Radicalism and 1968 in Germany', 86–87.
  21. Andreas Rödter, *Die Bundesrepublik Deutschland, 1969–1990* (Munich: Oldenbourg, 2004), 33–34; Conze, *Die Suche nach Sicherheit*, 353, 355; Webler, 'The Sixties and the Seventies', 157–58.
  22. The act itself was also highly contested in the FRG. For a contemporary report, see, for instance, 'Kniefall angemessen oder übertrieben?', *Der Spiegel*, no. 51 (1970), 27: 27.

23. Wilhelm Dietl, Kai Hirschmann, and Rolf Tophoven, *Das Terrorismus-Lexikon. Täter, Opfer, Hintergründe* (Frankfurt: Eichborn, 2006), 71–72; Kai Lemler, *Die Entwicklung der RAF im Kontext des internationalen Terrorismus* (Bonn: Bouvier, 2008), 48.
24. Whether or not these changes went too far is still a matter of debate, but is not the subject of this book. For an example of the current debate, see, for instance, Bernhard Bueb, *Lob der Disziplin: Eine Streitschrift* (Munich: List, 2006); and Bettina Röhl, 'Die RAF und die Bundesrepublik', *Aus Politik und Zeitgeschichte*, no. 40–41 (2007), 6–8.
25. Klimke, *The Other Alliance*, 235, 43.
26. Klaus Weinhauer, 'Terrorismus in der Bundesrepublik der Siebzigerjahre. Aspekte einer Sozial- und Kulturgeschichte der Inneren Sicherheit', *Archiv für Sozialgeschichte* 44, (2004), 219–42: 232.
27. The quotation in the title is taken from Heinrich Böll, 'Will Ulrike Gnade oder freies Geleit?', *Der Spiegel*, no. 3 (1972), 54–57: 55. For a more detailed account of the origins of the RAF, see Eckhard Jesse, 'Die Ursachen des RAF-Terrorismus und sein Scheitern', *Aus Politik und Zeitgeschichte*, no. 40–41 (2007), 15–23: 16–19. The direct link between the student movements of 1965–1968 and the development of the RAF is still debated. However, there is a consensus that the RAF would not have existed without the student movement of the 1960s. Yet, it was not a linear evolution, which is obvious from the fact that only a small group of people actually became terrorists. See Straßner, 'Perzipierter Weltbürgerkrieg', 211.
28. Stefan Aust, *Der Baader-Meinhof Komplex* (Hamburg: Hoffmann und Campe, 2008), 118–19, 59, 245–50, 326–29. See also the book by Birgit Schulz and Martin Block, *Die Anwälte: Ströbele, Mahler, Schily – Eine deutsche Geschichte* (Köln: Fackelträger-Verlag, 2010).
29. Aust, *Der Baader-Meinhof Komplex*, 24–33, 35–38, 41–60, 61–65, 93–96, 148–51.
30. See *Ibid.*, pp. 173–83.
31. Peters, *RAF. Terrorismus in Deutschland*, 83; Lemler, *Die Entwicklung der RAF im Kontext des internationalen Terrorismus*, 18–19. See also the RAF pamphlet 'Konzept Stadguerilla' of April 1971, printed in ID-Verlag, *Rote Armee Fraktion. Texte und Materialien zur Geschichte der RAF* (Berlin, 1997), 48.
32. Jesse, 'Die Ursachen des RAF-Terrorismus und sein Scheitern', 15.
33. Christopher Daase, 'Die RAF und der internationale Terrorismus. Zur transnationalen Kooperation klandestiner Organisationen', in *Die RAF : Entmythologisierung einer terroristischen Organisation*, (ed.) Wolfgang Kraushaar (Bonn: Bundeszentrale für politische Bildung, 2008), 233–69: 247.
34. Tobias Wunschik, 'Baader-Meinhof international?', *Aus Politik und Zeitgeschichte*, no. 40–41 (2007), 23–29: 25.
35. *Ibid.*, p. 27; Jan-Hendrik Schulz, 'Die Beziehungen zwischen der Roten Armee Fraktion (RAF) und dem Ministerium für Staatssicherheit (MfS) in der DDR', *Zeitgeschichte-Online* (May 2007). <http://www.zeitgeschichte-online.de/themen/die-beziehungen-zwischen-der-roten-armee-fraktion-raf-und-dem-ministerium-fuer> (accessed 22.08.2013); Daase, 'Die RAF und der internationale Terrorismus', 246; Robert Moss, *Urban Guerrilla Warfare. With an Appendix: Minimanual of the Urban Guerrilla by Carlos Marighella*,

- Adelphi Papers, vol. 79 (London: International Institute for Strategic Studies, 1971), 25.
36. The RAF largely designed their actions after the advice given in the *Minimanual of the Urban Guerrilla* by Carlos Marighella, which was published in 1968. The first actions of the RAF closely followed the chapter entitled 'The Logistics of the Urban Guerrilla': 'For the urban guerrilla, who starts from nothing and has no support at the beginning, logistics are expressed by the formula MDAME, which is: M – mechanization, D – money (*dinheiro*), A – arms, M – ammunition (*munições*), E – explosives.... Money, arms, ammunition and explosives, and automobiles as well, must be expropriated. And the urban guerrilla must rob banks and armories and seize explosives and ammunition wherever he finds them'. See the attached manual in Straßner, 'Perzipierter Weltbürgerkrieg', 219.
  37. 'Attentate. Fruchtbare Zeit', *Der Spiegel*, no. 22 (22.05.1972), 77–79: 77–79; Aust, *Der Baader-Meinhof Komplex*, 335–40.
  38. Straßner, 'Perzipierter Weltbürgerkrieg', 218. For more information on the ideological background of the RAF, see pp. 225–27.
  39. As quoted in Aust, *Der Baader-Meinhof Komplex*, 329.
  40. Martin Jander, 'Zieht den Trennungsstrich, jede Minute'. Die erste Generation der RAF', in *Die RAF: Entmythologisierung einer terroristischen Organisation*, (ed.) Wolfgang Kraushaar (Bonn: Bundeszentrale für politische Bildung, 2008), 140–73: 151–52.
  41. Aust, *Der Baader-Meinhof Komplex*, 202–206, 344–49. Horst Mahler had already been arrested in 1970. See Wolfgang Kraushaar, 'Vermächtnis der RAF. Die Untoten der Bonner Republik', *Spiegel Online* (05.09.2007). <http://www.spiegel.de/panorama/zeitgeschichte/0,1518,503966,00.html> (accessed 14.02.2009). Interestingly, he is now a fervent supporter of right-wing parties and a 'hypernationalist', Straßner, 'Perzipierter Weltbürgerkrieg', 219.
  42. Mohnhaupt belonged to the first generation and was arrested in June 1972. She was imprisoned and joined Baader, Meinhof, and Ensslin in Stammheim where she received instructions on what to do in the future. When she was released from prison in February 1977, she took command of the second generation. See Aust, *Der Baader-Meinhof Komplex*, 359, 537, 581.
  43. Stefan Schweizer, *Rote Armee Fraktion. Ideologie und Strategie im Wandel: Eine Analyse der RAF von 1970 bis 1992* (Bremen: Europäischer Hochschulverlag, 2009), esp. 3.
  44. For a discussion of the ideology influencing the RAF, see the book by Schweizer, *Rote Armee Fraktion*, 10–11. Schweizer argues that during the first generation, the RAF had a Marxist-Leninist basis and then leaned towards Maoism. He sees traces of ideas during the second generation that were based on the writings of the Frankfurt School as formulated by Theodor Adorno, Max Horkheimer, and Herbert Marcuse. However, he emphasises the strong hostility towards everything ideological (*Theoriefeindlichkeit*). See also Lemler, *Die Entwicklung der RAF im Kontext des internationalen Terrorismus*, 66–67. ID-Verlag, *Rote Armee Fraktion. Texte und Materialien zur Geschichte der RAF*. Note that the overwhelming majority of public statements issued by the RAF were made by the first generation even after they were arrested. See Straßner, 'Perzipierter Weltbürgerkrieg', 214–16.



45. Audrey Kurth Cronin, *How Terrorism Ends. Understanding the Decline and Demise of Terrorist Campaigns* (Princeton, Oxford: Princeton University Press, 2009), 97. Original in English.
46. Lemler, *Die Entwicklung der RAF im Kontext des internationalen Terrorismus*, 58.
47. According to Alexander Straßner, the RAF could draw from a pool of about 20–50 radicals who were willing to fill the ranks of the RAF in the event that members were arrested or killed. In addition, there was another group of approximately 200 people who were willing to commit small, low-risk attacks. They were important in gathering intelligence about the objects to be attacked. This latter group maintained its legal appearance and did not go underground. See Weinbauer, 'Terrorismus in der Bundesrepublik der Siebzigerjahre', 227–28.
48. Aust, *Der Baader-Meinhof Komplex*, 389–90, 444–46, 555–56, 561–62.
49. Tobias Wunschik, 'Aufstieg und Zerfall. Die zweite Generation der RAF', in *Die RAF: Entmythologisierung einer terroristischen Organisation*, (ed.) Wolfgang Kraushaar (Bonn: Bundeszentrale für politische Bildung, 2008), 174–99: 175.
50. 'Schreckliche Situation. Interview mit Sartre über seinen Besuch bei Baader', *Der Spiegel*, no. 49 (02.12.1974), 166–69: 166–69.
51. Aust, *Der Baader-Meinhof Komplex*, 426.
52. Wunschik, 'Aufstieg und Zerfall', 174. For Heinrich Böll's visit to Ulrike Meinhof, see Besucherlaubnis für Heinrich Böll, 11.11.1974, Bundesarchiv B362/3387, [http://www.bundesarchiv.de/oeffentlichkeitsarbeit/bilder\\_dokumente/00933/index-27.html](http://www.bundesarchiv.de/oeffentlichkeitsarbeit/bilder_dokumente/00933/index-27.html). For Oesterreicher's visit to Stammheim, see Bericht über den Besuch von Paul Oesterreicher, no date (probably 12.11.1974), BArch B362/3387, [http://www.bundesarchiv.de/oeffentlichkeitsarbeit/bilder\\_dokumente/00933/index-28.html](http://www.bundesarchiv.de/oeffentlichkeitsarbeit/bilder_dokumente/00933/index-28.html) [last accessed 23.11.2013].
53. Wunschik, 176; Aust, *Der Baader-Meinhof Komplex*, 415–17, 427, 526–29.
54. Wunschik, 'Aufstieg und Zerfall', 177.
55. See, for instance, Michael März, *Die Machtprobe 1975: wie RAF und Bewegung 2. Juni den Staat erpressten* (Leipzig: Forum Verlag, 2007).
56. Jilian Becker, *Terrorism in West Germany. The Struggle for What?* (London: Institute for the Study of Terrorism, 1988), 9.
57. *Dokumentation der Bundesregierung zur Entführung von Hanns Martin Schleyer: Ereignisse und Entscheidungen im Zusammenhang mit der Entführung von Hanns Martin Schleyer und der Lufthansa-Maschine 'Landshut' nach Mogadishu*, (ed.) Bundespresseamt (Augsburg: Goldmann, 1977), 133–80.
58. See the case studies section for more information on the hijacking.
59. Vogel as quoted in Aust, *Der Baader-Meinhof Komplex*, 772.
60. Although sympathisers spread rumours about the alleged execution of the Stammheim prisoners by the state, research nowadays suggests that Baader, Ensslin, etc. indeed committed suicide. See, for instance, Peters, *RAF. Terrorismus in Deutschland*, 273.
61. Weinbauer, 'Terrorismus in der Bundesrepublik der Siebzigerjahre', 229.
62. Kurth Cronin, *How Terrorism Ends*, 98.
63. Wunschik, 'Aufstieg und Zerfall', 178, 188; Straßner, 'Perzipierter Weltbürgerkrieg', 220.



64. Straßner, 'Perzipierter Weltbürgerkrieg', 220.
65. Jesse, 'Die Ursachen des RAF-Terrorismus und sein Scheitern', 22.
66. For this argument, see, for instance, Straßner, 'Perzipierter Weltbürgerkrieg', 220–21.
67. Stefan Aust, 'Terrorism in Germany: The Baader-Meinhof Phenomenon', *German Historical Institute Bulletin*, no. 43 (2008), 45–57: 56–57.
68. For details on the attacks committed, see Straßner, 'Perzipierter Weltbürgerkrieg', 221–22.
69. *Ibid.*, pp. 222–24.
70. As quoted in Wolfgang Kraushaar, 'Das Ende der RAF', (20.08.2007). <http://www.bpb.de/geschichte/deutsche-geschichte-nach-1945/geschichte-der-raf/49302/das-ende-der-raf?p=all> (accessed 2.05.2011). See also David C. Rapoport, 'The Four Waves of Modern Terrorism', in *Attacking Terrorism: Elements of a Grand Strategy*, (ed.) Audrey Kurth Cronin and James M. Ludes (Washington, DC: Georgetown University Press, 2004), 46–73.
71. Lutz Korndörfer, 'Terroristische Alternative in der BRD: Die Bewegung 2. Juni', in *Sozialrevolutionärer Terrorismus. Theorie, Ideologie, Fallbeispiele, Zukunftsszenarien*, (ed.) Alexander Straßner (Wiesbaden: VS Verlag für Sozialwissenschaften, 2008), 237–56: 240–41, 246–47. Granted, the phrase sounds better in the original German: 'High sein, frei sein, Terror muss dabei sein'.
72. Korndörfer, 'Terroristische Alternative in der BRD', 238–39.
73. *Ibid.*, pp. 242–45.
74. Petri, *Terrorismus und Staat*, 189–90; Aust, *Der Baader-Meinhof Komplex*, 270–70, 288–89.
75. Varon, *Bringing the War Home*, 233; Dietl, Hirschmann, and Tophoven, *Das Terrorismus-Lexikon*, 80–81; Korndörfer, 'Terroristische Alternative in der BRD', 248.
76. Till Meyer as quoted in Lemler, *Die Entwicklung der RAF im Kontext des internationalen Terrorismus*, 35.
77. Korndörfer, 'Terroristische Alternative in der BRD', 241.
78. Varon, *Bringing the War Home*, 233; Dietl, Hirschmann, and Tophoven, *Das Terrorismus-Lexikon*, 80–81; Korndörfer, 'Terroristische Alternative in der BRD', 249.
79. Matthias Dahlke, 'Nur eingeschränkte Krisenbereitschaft. Die staatliche Reaktion auf die Entführung des CDU-Politikers Peter Lorenz 1975', *Vierteljahrshefte für Zeitgeschichte* 55, no. 4 (2007), 641–78.
80. See Drahterlass an die Botschaften Abu Dhabi etc., 02.03.1975, Zwischenarchiv (ZA) 104932, Politisches Archiv des AA (PA). The AA was also very worried about the diplomatic consequences that might occur if the federal government was forced to ask foreign governments to accept the released terrorists or request political asylum for them. According to an internal assessment by the AA, no government would voluntarily do this and some would only agree to it upon the formal request of the federal government. This was obviously a problem for German prestige if the German government was forced to ask foreign governments to accept German terrorists on their territory. Yet, when it became clear that the terrorists wanted their freed comrades to be flown to South Yemen, the federal government had no choice but to ask Aden, through the British Foreign Office, to allow the five M2J members to stay in the country. See Memo: Vermutliches Ziel

- der Terroristenaktion und Konsequenz für dessen Verhinderung, 01.03.1975, ZA 104932, PA; Drahtbericht Botschaft London an das AA, 04.03.1975, ZA 104932, PA. Germany did not have an ambassador in South Yemen as Bonn had frozen its relations with the country in 1969 after Aden had recognised the GDR.
81. For a detailed account of the Lorenz crisis, see Matthias Dahlke, *Demokratischer Staat und transnationaler Terrorismus: Drei Wege zur Unnachgiebigkeit in Westeuropa 1972–1975* (Oldenbourg: Oldenbourg Wissenschaftsverlag, 2011), 129–60. Aust, 'Terrorism in Germany', 56.
  82. Korndörfer, 'Terroristische Alternative in der BRD', 252.
  83. Dietl, Hirschmann, and Tophoven, *Das Terrorismus-Lexikon*, 81; Korndörfer, 'Terroristische Alternative in der BRD', 252, 255.
  84. Weinbauer, 'Terrorismus in der Bundesrepublik der Siebzigerjahre', 225.
  85. Johannes Wörle, 'Erdung durch Netzwerkstruktur? Revolutionäre Zellen in Deutschland', in *Sozialrevolutionärer Terrorismus. Theorie, Ideologie, Fallbeispiele, Zukunftsszenarien*, (ed.) Alexander Straßner (Wiesbaden: VS Verlag für Sozialwissenschaften, 2008), 257–73: 257, 273.
  86. *Ibid.*, pp. 257, 259, 261, 264–65.
  87. See, for instance, 'Findelkind vor der Tür', *Der Spiegel*, no. 38 (1982), 82–87: 83.
  88. Wörle, 'Erdung durch Netzwerkstruktur?', 258, 260–62.
  89. *Ibid.*, p. 262.
  90. Dietl, Hirschmann, and Tophoven, *Das Terrorismus-Lexikon*, 81–82.
  91. See the case studies in Chapter 2.
  92. Wörle, 'Erdung durch Netzwerkstruktur?', 268.
  93. *Ibid.*, pp. 267–68.
  94. Dietl, Hirschmann, and Tophoven, *Das Terrorismus-Lexikon*, 83; Wörle, 'Erdung durch Netzwerkstruktur?', 263, 272.
  95. Christoph Rojahn, *Extreme Right-wing Violence in Germany: The Political and Social Context* (London: Research Institute for the Study of Conflict and Terrorism, 1996), 5, 6.
  96. Klaus von Beyme, 'Right-wing Extremism in Post-war Europe', *West European Politics* 11, no. 2 (1988), 1 – 18: 14.
  97. *Ibid.*
  98. Dietl, Hirschmann, and Tophoven, *Das Terrorismus-Lexikon*, 394–96.
  99. For more information on the Wehrsportgruppe Hoffmann and the attacks, see von Beyme, 'Right-wing Extremism in Post-war Europe', 12; Rojahn, *Extreme Right-wing Violence in Germany*, 5–6.
  100. Dietl, Hirschmann, and Tophoven, *Das Terrorismus-Lexikon*, 395.
  101. Daase, 'Die RAF und der internationale Terrorismus', 263.
  102. On the history of right-wing terrorism in Germany, and particularly for more information on the NSU, see Andrea Röpke and Andreas Speit, eds., *Blut und Ehre. Geschichte und Gegenwart rechter Gewalt in Deutschland* (Berlin: Ch. Links Verlag, 2013).
  103. Straßner, 'Perzipierter Weltbürgerkrieg', 212.
  104. *Ibid.*, p. 218.
  105. For more information on the RAF and the links with the PFLP, see, for instance, Korndörfer, 'Terroristische Alternative in der BRD', 242. See also the more detailed account in Aust, *Der Baader-Meinhof Komplex*, 35–40,

- 171–83; Peters, *RAF. Terrorismus in Deutschland*, 84–86. For the Movement Second June, see, for instance, Wörle, 'Erdung durch Netzwerkstruktur?', 265. The RC also had close contacts with the PFLP. See *ibid.*
106. "Gibt man jemandem eine Waffe, den man umbringen will?", *Die Tageszeitung* (23.10.2010). <http://www.taz.de/1/archiv/digitaz/artikel/?ressort=ku&dig=2010%2F10%2F23%2Fa0039&cHash=7d48657550/> (accessed 10.08.2012).
107. See also the case studies section.
108. For that, see Aust, *Der Baader-Meinhof Komplex*, 175–78, 180–83.
109. See the relevant case studies in Chapter 2.
110. Lemler, *Die Entwicklung der RAF im Kontext des internationalen Terrorismus*, 62.
111. *Ibid.*
112. *Ibid.*, pp. 63–64.
113. Wunschik, 'Baader-Meinhof international?', 24. See, for instance, Claire Sterling's book that elaborates on speculations, which had already been developed in the US in the late 1970s, Claire Sterling, *The Terror Network: The Secret War of International Terrorism* (London: Weidenfeld and Nicolson, 1981).
114. Petri, *Terrorismus und Staat*, 195; Daase, 'Die RAF und der internationale Terrorismus', 253. US intelligence officials, for instance, suspected the Kremlin of supporting the terrorists in Germany in an attempt to disrupt the West German government and reduce the population's trust in democracy. See Daase, 'Die RAF und der internationale Terrorismus', 240–41.
115. 'Terrorists: War without Boundaries', *Time*, (31.10.1977).
116. Tobias Wunschik, 'Die Hauptabteilung XXII: "Terrorabwehr"', in (ed.) Klaus-Dietmar Henke et al., *Anatomie der Staatssicherheit. Geschichte, Strukturen und Methoden. MfS-Handbuch* (Berlin: Der Bundesbeauftragte für die Unterlagen des Staatssicherheitsdienstes der ehemaligen Deutschen Demokratischen Republik, 1996), 41–48; Aust, 'Terrorism in Germany', 56.
117. Peters, *RAF. Terrorismus in Deutschland*, 12–14, 30.
118. Korndörfer, 'Terroristische Alternative in der BRD', 254; Wunschik, 'Baader-Meinhof international?', 27–28.
119. Tobias Wunschik, 'Das Ministerium für Staatssicherheit und der Terrorismus in Deutschland', *Extremismus.com* (2002). <http://www.extremismus.com/texte/rafmfs> (accessed 28.09.2009).
120. Daase, 'Die RAF und der internationale Terrorismus', 258–59.
121. Wörle, 'Erdung durch Netzwerkstruktur?', 266.
122. Wunschik, 'Das Ministerium für Staatssicherheit und der Terrorismus in Deutschland'.
123. Straßner, 'Perzipierter Weltbürgerkrieg', 231–32.
124. *Ibid.*, p. 233.
125. Wörle, 'Erdung durch Netzwerkstruktur?', 266.
126. Daase, 'Die RAF und der internationale Terrorismus', 251–52.
127. Lemler, *Die Entwicklung der RAF im Kontext des internationalen Terrorismus*, 72–73.
128. Daase, 'Die RAF und der internationale Terrorismus', 258.
129. Petri, *Terrorismus und Staat*, 2.

130. 'Terrorists: War without Boundaries'.
131. Helmut Schmidt, "'Ich bin in Schuld verstrickt'", *Die Zeit* (30.08.2007). <http://www.zeit.de/2007/36/Interview-Helmut-Schmidt> (accessed 10.08.2012).
132. Ibid.
133. Ibid.
134. This is a basic feature of the German security system that still exists today. See Victor Mauer, 'Germany's Counterterrorism Policy', in *How States Fight Terrorism. Policy Dynamics in the West*, (ed.) Doron Zimmermann and Andreas Wenger (London: Boulder 2007), 59–78: 68.
135. A more detailed account of the evolution of antiterrorism instruments and policies within West Germany can be found in Karrin Hanshew, *Terror and Democracy in West Germany* (Cambridge: Cambridge University Press, 2012); Petri, *Terrorismus und Staat*.
136. Aust, *Der Baader-Meinhof Komplex*, 269.
137. See Ulrich Schneckener, 'Germany', in *Counterterrorism Strategies. Successes and Failures of Six Nations*, (ed.) Yonah Alexander (Washington, DC: Potomac Books, 2006), 72–98: 80; Dietl, Hirschmann, and Tophoven, *Das Terrorismus-Lexikon*, 305.
138. Mauer, 'Germany's Counterterrorism Policy', 68.
139. Weinbauer, 'Terrorismus in der Bundesrepublik der Siebzigerjahre', 236.
140. Herold, as quoted in Petri, *Terrorismus und Staat*, 199; Dietl, Hirschmann, and Tophoven, *Das Terrorismus-Lexikon*, 305–306; Matthias Dahlke, *Der Anschlag auf Olympia '72: Die politischen Reaktionen auf den internationalen Terrorismus in Deutschland* (Munich: Martin Meidenbauer Verlag, 2006), 55–57.
141. Alfred Klaus, *Sie nannten mich Familienbulle. Meine Jahre als Sonderermittler gegen die RAF* (Hamburg: Hoffmann und Campe, 2008), 141.
142. For more information about the attack on the Olympics, see Chapter 2.
143. Klaus, *Sie nannten mich Familienbulle*, 138.
144. Petri, *Terrorismus und Staat*, 199; Dietl, Hirschmann, and Tophoven, *Das Terrorismus-Lexikon*, 305–306; Dahlke, *Der Anschlag auf Olympia '72*, 55–57.
145. Aust, *Der Baader-Meinhof Komplex*, 466–71; Klaus, *Sie nannten mich Familienbulle*, 187, 217.
146. The role of the *Kristenstab* will also be assessed in the case study section. For some general information, see, for instance, Petri, *Terrorismus und Staat*, 205–206.
147. A solid and critical discussion of antiterrorism polices and their perception and reception in the West German society is provided in Hanshew, *Terror and Democracy in West Germany*.
148. Weinbauer, 'Terrorismus in der Bundesrepublik der Siebzigerjahre', 236–37.
149. Dietl, Hirschmann, and Tophoven, *Das Terrorismus-Lexikon*, 306; Petri, *Terrorismus und Staat*, 201.
150. Petri, *Terrorismus und Staat*, 213.
151. Mark B. Baker, 'The Western European Legal Response to Terrorism', *Brooklyn Journal of International Law* 13, no. 1 (1987), 1–24: 20.
152. See 'Grundsätze zur Frage der verfassungsfeindlichen Kräfte im öffentlichen Dienst ("Radikalerlass")', (ed.) Ministerialblatt Nordrhein-Westfalen (1972). Moreover, it also aimed at making it easier for sceptical members of the opposition to agree to the *Ostpolitik* treaties with Eastern countries due for ratification in the Bundestag.

153. Frank Fischer, 'Von der "Regierung der inneren Reformen" zum "Krisenmanagement". Das Verhältnis zwischen Innen- und Außenpolitik in der sozial-liberalen Ära 1969–1982', *Archiv für Sozialgeschichte* 44, (2004), 395–414: 402.
154. BVerfGE 39, 334 – Extremistenbeschluß, (Bundesverfassungsgericht 1975); 'AbgelehnteNPD-Kandidaten.SchützenhilfevomCDU-Professor', *SpiegelOnline* (22.05.2008). <http://www.spiegel.de/politik/deutschland/0,1518,554750,00.html> (accessed 26.05.2010).
155. Jürgen Meyer, 'German Criminal Law Relating to International Terrorism', *University of Colorado Law Review* 60, no. 3 (1989), 571–82: 576; Petri, *Terrorismus und Staat*, 214–15; Varon, *Bringing the War Home*, 265–67. See Klaus, *Sie nannten mich Familienbulle*, 153, 167–69, 178–79, 183; Nico W. Tak, 'Hobbes vs. Locke. Redefining the War on Terror', *Strategy Research Project of the United States Army War College* (2008). <http://www.dtic.mil/cgi-bin/GetTRDoc?Location=U2&doc=GetTRDoc.pdf&AD=ADA482252> (accessed 02.05.2011).
156. Jander, "'Zieht den Trennungsstrich, jede Minute'", 156.
157. Meyer, 'German Criminal Law Relating to International Terrorism', 576–77. Schneckener, 'Germany', 83.
158. BVerfGE 49, 24 – Kontaktsperre-Gesetz, (Bundesverfassungsgericht 1978); 'Kontaktsperre. Nur Objekt', *Der Spiegel*, no. 33 (14.08.1978), 24–26.
159. Meyer, 'German Criminal Law Relating to International Terrorism', 577.
160. Petri, *Terrorismus und Staat*, 201, 213. Baker, 'The Western European Legal Response to Terrorism', 19–20, 22.
161. Gary L. Geipel, 'Urban Terrorists in Continental Europe after 1970: Implications for Deterrence and Defeat of Violent Nonstate Actors', *Comparative Strategy* 26, no. 5 (2007), 439–67: 444–45; Andrew Silke, 'The Role of Suicide in Politics, Conflict, and Terrorism', *Terrorism and Political Violence* 18, no. 1 (2006), 35–46: 39; Aust, *Der Baader-Meinhof Komplex*, 844–45.
162. Meyer, 'German Criminal Law Relating to International Terrorism', 576.
163. "'Mord beginnt beim bösen Wort". Terrorismus: Sympathisanten und sogenannte Sympathisanten: Spontis, Anarchos, Buchläden', *Der Spiegel*, no. 45 (1977), 36–52: 36, 38.
164. Walter Laqueur, 'Reflections on Terrorism', *Foreign Affairs* 65, no. 1 (1986–1987), 86–100: 96.
165. Klaus Croissant was a lawyer who was accused of illegal cooperation with the terrorists and fled to France. After lengthy negotiations between the German and French authorities, he was finally extradited to the FRG in 1977. See, for instance, some contemporary articles on the matter: Geipel, 'Urban Terrorists in Continental Europe after 1970', 444. See also the relevant documents in *Akten zur Auswärtigen Politik der Bundesrepublik Deutschland* (AAPD) 1977 II: Gespräch des Bundeskanzlers Schmidt mit Staatspräsident Giscard d'Estaing, 19.07.1977, doc. 198; Botschafter Herbst, Paris, an das Auswärtige Amt, 26.07.1977, doc. 205; Aufzeichnung des Ministerialdirigenten Fleischhauer, 30.08.1977, doc. 230; Telefongespräch des Bundeskanzlers Schmidt mit Staatspräsident Giscard d'Estaing, 13.09.1977, doc. 242; Gespräch des Bundeskanzlers Schmidt mit Ministerpräsident Barre, 20.10.1977, doc. 298, esp. footnote 29 on p. 1433.

166. 'Paris: Wir jagen Croissant', *Der Spiegel*, no. 39 (1977), 127–29, 132: 127, 129, 131; "'Die Sache geht an die Eingeweide'", *Der Spiegel*, no. 41 (1977), 19–21: 21; "'Mord beginnt beim bösen Wort". Terrorismus: Sympathisanten und sogenannte Sympathisanten: Die Anwälte', *Der Spiegel*, no. 42 (1977), 28–57: 44, 47.
167. Fischer, 'Von der "Regierung der inneren Reformen" zum "Krisenmanagement"', 409.

## 2 Case Studies in International Terrorism: Hostage Crises and Hijackings

1. 'Guatemala. Terror. Der Polyp.', *Der Spiegel*, no. 16 (13.04.1970), 121–25: 126; 'Guatemala Terrorists Kidnap West German Envoy on Street', *The New York Times*, (01.04.1970), 1, 14.
2. "'Hätten wir denn anders gekonnt?'"', *Der Spiegel*, no. 16 (13.04.1970), 133–34: 133.
3. 'Guatemala Terrorists Kidnap West German Envoy on Street', 14.
4. Ibid.
5. 'U.S. Envoy Slain in Guatemala', *The New York Times*, (29.08.1968), 1, 16: 1, 16; "'Sie haben noch 20 Minuten". SPIEGEL-Gespräch mit dem Apostolischen Nuntius in Guatemala Gerolamo Prigione', *Der Spiegel*, no. 16 (13.04.1970), 126–27: 126; 'Guatemala. Terror. Der Polyp.', 124.
6. Dokumentation der Bundesregierung über die Bemühungen zur Freilassung des entführten deutschen Botschafters Karl Graf von Spreti, Deutscher Bundestag – 6. Wahlperiode, Drucksache VI/622, pp. 2–3, 5, B33 557, PA; 'Guatemala Rebuffs Leftists on Envoy', *The New York Times*, (03.04.1970), 12.
7. Dokumentation der Bundesregierung, pp. 2–4, B33 557, PA; 'Bonn. Graf Spreti. Right or Wrong', *Der Spiegel*, no. 16 (13.04.1970), 27, 28: 27; 'Kidnapped Envoy in Guatemala Writes He Is Feeling Well', *The New York Times*, (02.04.1970), 12; Dokumentation der Bundesregierung, p. 7, B33 557, PA; Protokoll Deutscher Bundestag, 6. Wahlperiode, 47. Sitzung, 24.04.1970, p. 2388, B33 557, PA.
8. 'Bonn. Graf Spreti. Right or Wrong', 29.
9. 'Guatemala Says a Captive Is Dead', *The New York Times*, (05.04.1970), 25.
10. Drahtbericht Botschaft Washington an das AA, no. 747, 5.04.1970, B110 755, PA.
11. 'Kidnapped Envoy in Guatemala Writes He Is Feeling Well'.
12. 'Guatemala Says a Captive Is Dead'; 'Kidnapped Envoy in Guatemala Writes He Is Feeling Well'.
13. Drahtbericht Botschaft Guatemala an das AA, no. 44, 04.04.1970, B110 755, PA.
14. 'Guatemala Rebuffs Leftists on Envoy'. Shortly before making the public announcement, the Guatemalan government informed Special Envoy Hoppe of their decision, he then strongly protested. See Dokumentation der Bundesregierung, p. 5, B33 557, PA.
15. 'Kidnappers Raise Price in Guatemala', *The New York Times*, (04.04.1970), 1, 6: 1, 6.
16. Ibid., p. 6.

17. Drahtbericht Botschaft Guatemala an das AA, no. 46, 4.04.1970, B110 755, PA; 'Bonn. Graf Spreti. Right or Wrong', 29.
18. "'Sie haben noch 20 Minuten'", 126.
19. Ibid.
20. Fernschreiben BPA Bonn an das AA, 6.04.1970, B110 755, PA; 'Guatemala. Terror. Der Polyp.', 121; 'Kidnapped German Envoy Found Slain in Guatemala', *The New York Times*, (06.04.1970), 1, 3: 1.
21. Drahtbericht Fort Bliss an das AA, 6.04.1970, B110 755, PA.
22. Erklärung des Bundesministers des Auswärtigen vor der Bundespressekonferenz am 6. April 1970, no date, B110 755, PA; Runderlass an alle diplomatischen Auslandsvertretungen ausser Europa, 22.04.1970, B81 695, PA.
23. 'Bonn Reduces Ties with Guatemala', *The New York Times*, (07.04.1970), 1, 14.
24. Ibid.
25. "'Sie haben noch 20 Minuten'", 127.
26. Both as quoted in 'Guatemala. Terror. Der Polyp.', 121.
27. Erklärung des Bundesministers des Auswärtigen vor der Bundespressekonferenz am 6. April 1970, no date, B110 755, PA; 'Nachher ist jeder natürlich klüger. SPIEGEL-Interview mit Bundesaußenminister Walter Scheel', *Der Spiegel*, no. 16 (13.04.1970), 28–29: 29.
28. Drahtbericht Botschaft Guatemala an das AA, no. 67, 10.04.1970, B110 755, PA; Botschaft Washington an das AA, 10.4.1970, B110 755, PA; Aufzeichnung über das Gespräch des Herrn Bundesministers des Auswärtigen mit Staatspräsident Montenegro in Guatemala am 11. April 1970, no date, B110 755, PA; 'Nachher ist jeder natürlich klüger: SPIEGEL-Interview mit Bundesaußenminister Walter Scheel', *Der Spiegel*, no. 16 (13.04.1970), 28–29: 28–29; 'Guatemala Gets Scheel's Protest', *The New York Times*, (11.04.1970), 37.
29. 'Guatemala. Terror. Der Polyp.', 125. For the excessive government reactions after Spreti's assassination, see also 'Guatemala. Terroristen. Fünf für Einen', *Der Spiegel*, no. 27 (29.06.1970).
30. 'Kuba. Spreti-Mord. Dramatische Meldung', *Der Spiegel*, no. 18 (27.04.1970), 138–40.
31. On 11 June 1970, the German ambassador to Brazil, Ehrenfried von Holleben, was kidnapped by guerrillas who demanded the release of 28, later 40, political prisoners in Brazil. With the von Spreti affair still fresh in his mind, Scheel immediately began a large diplomatic offensive with Brazil, pressuring the government to give in to the demands. The problem was to find a state that would be willing to grant asylum to the prisoners about to be released. Finally, because of his excellent personal relations with key Algerian officials, State Minister Hans-Jürgen Wischniewski managed to convince the government in Algiers to accept the 40 prisoners. Briefly after the arrival of the Brazilians in Algeria, the German ambassador was released on 16 June. For more information, see 'Botschafter-Entführung. Nach Plan', *Der Spiegel*, no. 25 (15.06.1970), 25–26; 'Brazil to Free 40 to Obtain Release of German Envoy', *The New York Times*, (14.06.1970), 1, 26; 'Note by Envoy's Kidnappers Reported Found in Rio', *The New York Times*, (13.06.1970), 8; Hans-Jürgen Wischniewski, *Mit Leidenschaft und Augenmaß: In Mogadischu und anderswo. Politische Memoiren* (Munich: Goldmann, 1991), 119. In December 1970, the



- German honorary consul in San Sebastian, Spain, was kidnapped in order to exert pressure on the Spanish government not to sentence to death *Euskadi Ta Askatasuna* (ETA) members who were on trial. After 25 days in captivity, Eugen Beihl was finally released by the kidnappers. Whether the Spanish government made any special deal with the kidnappers is unclear. See, for instance, 'West German Freed by Basques, Tells of Captivity', *The New York Times*, (26.12.1970), 1, 3.
32. For more information on the Munich Olympics, see, for instance, Kay Schiller and Christopher Young, *The 1972 Munich Olympics and the Making of Modern Germany* (Weimar and Now: German Cultural Criticism) (Berkeley: University of California Press, 2010).
  33. If not otherwise indicated, the information on the course of events is taken from Matthias Dahlke, *Demokratischer Staat und transnationaler Terrorismus. Drei Wege zur Unmachgiebigkeit in Westeuropa 1972–1975* (Oldenbourg: Oldenbourg Wissenschaftsverlag, 2011), 62–70.
  34. Felix Bohr et al., 'Die angekündigte Katastrophe', *Der Spiegel*, no. 30 (23.07.2012), 34–44.
  35. Matthias Dahlke, *Der Anschlag auf Olympia '72. Die politischen Reaktionen auf den internationalen Terrorismus in Deutschland* (Munich: Martin Meidenbauer Verlag, 2006), 64–67.
  36. *Ibid.*, 20.
  37. Eva Oberloskamp, 'Das Olympia-Attentat 1972: Politische Lernprozesse im Umgang mit dem transnationalen Terrorismus', *Vierteljahrshefte für Zeitgeschichte* 60, no. 3 (2012), 321–52: 336.
  38. Dahlke, *Der Anschlag auf Olympia '72*, 20–24.
  39. Dahlke, *Demokratischer Staat und transnationaler Terrorismus*, 73–75.
  40. 'Arabs Hijack German Airliner and Gain Release of 3 Seized in Munich Killings', *New York Times*, (30.10.1972), 1, 10: 1; Oberloskamp, 'Das Olympia-Attentat 1972', 334.
  41. Henryk M. Broder, 'Olympia-Massaker 1972. Die schwierige Erinnerung', *Spiegel Online* (06.09.2007). <http://www.spiegel.de/panorama/zeitgeschichte/0,1518,504272,00.html> (accessed 15.02.2009). See also the statements suggesting a staged hijacking, which were made by Ulrich Wegener and Hans-Jochen Vogel in the final minutes of the documentary by Kevin Macdonald, 'One Day in September', (Sony Picture Classics, 1999).
  42. Oberloskamp, 'Das Olympia-Attentat 1972', 329–30, 33–35.
  43. Dahlke, *Demokratischer Staat und transnationaler Terrorismus*, 92–97.
  44. Oberloskamp, 'Das Olympia-Attentat 1972', 330–32.
  45. Drahtbericht Botschaft Karthoum an das AA, 01.03.1973, B83 824, PA; Drahtbericht Botschaft Karthoum an das AA, 02.03.1973, B83 824, PA; Richard D. Lyons, 'U.S. Ambassador to Sudan and His Aide Reported Seized by Guerrillas at Party', *The New York Times*, (02.03.1973), 1, 12: 1.
  46. Brief der Botschaft Khartoum an das AA, 08.03.1973 (Ber. Nr. 197), B83 824, PA.
  47. 'Guerrilla's Bravado Breaks at the End', *The New York Times*, (05.03.1973), 1, 4: 4.
  48. Brief der Botschaft Khartoum an das AA, 08.03.1973 (Ber. Nr. 197), B83 824, PA.



49. Drahtbericht Botschaft Karthoum an das AA, 01.03.1973, B83 824, PA; Drahtbericht Botschaft Karthoum an das AA, 02.03.1973, B83 824, PA; Lyons, 'U.S. Ambassador to Sudan and His Aide Reported Seized by Guerrillas at Party', 1.
50. Drahtbericht Botschaft Karthoum an das AA, 02.03.1973, B83 824, PA.
51. Ibid., Lyons, 'U.S. Ambassador to Sudan and His Aide Reported Seized by Guerrillas at Party', 12; Eric Pace, 'Again the Men in Masks, Again the Death of Hostages', *The New York Times*, (04.03.1973), 195: 195; Brief der Botschaft Khartoum an das AA, 08.03.1973, B83 824, PA.
52. 'Guerrilla's Bravado Breaks at the End', 4.
53. Brief der Botschaft Khartoum an das AA, 08.03.1973 (Ber. Nr. 197), B83 824, PA; 'Arab Terrorists Give Up in Sudan: Free 2 Hostages', *The New York Times*, (04.03.1973), 1, 30: 1.
54. 'Japanese Says the Commando Punched and Kicked 2 Envoys', *The New York Times*, (04.03.1973), 30: 30; Brief der Botschaft Khartoum an das AA, 08.03.1973 (Ber. Nr. 197), B83 824, PA.
55. 'Arab Terrorists Give Up in Sudan: Free 2 Hostages', 1; 'Eight in Custody of Khartoum's Army', *The New York Times*, (05.03.1973), 1, 5; Brief der Botschaft Khartoum an das AA, 08.03.1973, B83 824, PA.
56. David Carlton, *The West's Road to 9/11. Resisting, Appeasing and Encouraging Terrorism since 1970* (Basingstoke: Palgrave Macmillan, 2005), 53.
57. Brief der Botschaft Khartoum an das AA, 08.03.1973, B83 824, PA.
58. Brief der Botschaft Khartoum an das AA, 08.03.1973 (Ber. Nr. 197), B83 824, PA.
59. Ibid.
60. Brief der Botschaft Khartoum an das AA, 08.03.1973, B83 824, PA.
61. Yet there were also words of caution. Germany's permanent mission to the UN advised against instrumentalising the events in Khartoum for the UN debates against terrorism as this could lead to more opposition from Arab and African states. See Drahtbericht Beobachtermission bei den VN an das AA, no date, probably early March 1973, ZA 121069, PA.
62. Drahtbericht Botschaft Wien an das AA, nr. 782, 22.12.1975, B83 1006, PA.
63. Ibid.
64. Ibid.
65. Drahtbericht Botschaft Wien an das AA, nr. 783, 22.12.1975, B83 1006, PA.
66. Ibid.
67. Drahtbericht Botschaft Wien an das AA, nr. 784, 22.12.1975, B83 1006, PA.
68. Among them were ministers and high officials from Saudi Arabia, Iran, Algeria, Venezuela, Indonesia, Libya, Iraq, Ecuador, Gabon, and Nigeria.
69. Clyde H. Farnsworth, 'Terrorists Raid Vienna Oil Talk; 2 Killed, 60 Held', *The New York Times*, (22.12.1975), 1, 11.
70. Drahtbericht Botschaft Wien an das AA, nr. 785, 22.12.1975, B83 1006, PA; Robert D. McFadden, 'Terrorist Group and Oil Officials Flown to Mideast', *The New York Times*, (23.12.1975), 1, 10.
71. Clyde H. Farnsworth, 'Vienna Raiders, Violence at End, Seemed "Friendly"', *The New York Times*, (23.12.1975), 10: 10.
72. Roesch as quoted in Farnsworth, 'Vienna Raiders, Violence at End, Seemed "Friendly"'.

73. Kreisky as cited in Farnsworth, 'Terrorists Raid Vienna Oil Tank; 2 Killed, 60 Held'. 1.
74. McFadden, 'Terrorist Group and Oil Officials Flown to Mideast'.
75. Drahtbericht Botschaft Wien an das AA, nr. 785, 22.12.1975, B83 1006, PA.
76. Just a couple of days before, on 19 December 1975, Algerian officials and President Houari Boumediène received a Democratic Front for the Liberation of Palestine (DFLP) delegation. Apparently the DFLP also alluded to the possibility of more operations, which the embassy in Algiers put into the context of the Vienna events. See Letter Botschaft Algiers an das AA: Beziehungen zwischen Algerien und palästinensischen Freiheitsbewegungen, 22.12.1975, B83 1006, PA.
77. Drahtbericht Botschaft Wien an das AA, nr. 791, 23.12.1975, B83 1006, PA.
78. Ibid.
79. McFadden, 'Terrorist Group and Oil Officials Flown to Mideast'.
80. 'Curtain Descends in Algiers on OPEC Terrorists' Fate', *The New York Times*, (24.12.1975), 1.
81. Drahtbericht Botschaft Wien an das AA, nr. 790, 23.12.1975, B83 1006, PA.
82. Memo Bereitschaftsdienst für Ref. 511: Geiselung der OPEC-Minister – Identität der Geiselnnehmer – Zusammenarbeit mit den algerischen Behörden, 25.12.1975, B83 1006, PA; Drahtbericht Botschaft Wien an das AA, nr. 790, 23.12.1975, B83 1006, PA.
83. Drahterlass an die Botschaft Algier, 25.12.1975, B83 1006, PA.
84. Drahtbericht Botschaft Algier an das AA, 26.12.1975, B83 1006, PA.
85. Ibid.
86. Drahterlass an die Botschaft Algier, 30.12.1975, B83 1006, PA; Drahtbericht Botschaft Algier an das AA, 02.01.1976, B83 1006, PA..
87. Memo Bereitschaftsdienst für Ref. 511: Geiselung der OPEC-Minister – Identität der Geiselnnehmer – Zusammenarbeit mit den algerischen Behörden, 25.12.1975, B83 1006, PA.
88. Ibid.
89. Memo Ref. 511: Geiselnahme der OPEC-Minister in Wien, 08.01.1976, B83 1006, PA.
90. Drahtbericht Botschaft Wien an das AA, 08.01.1976, B83 1006, PA.
91. Ibid.
92. Memo Staatssekretär Gehlhöf an Herrn Dg 51: Internationaler Terroranschlag auf die OPEC-Konferenz in Wien, 09.01.1976, B83 1006, PA.
93. Drahtbericht Botschaft Wien an das AA, 16.01.1976, B83 1006, PA.
94. Schnellbrief BMJ an das AA: Ermittlungsverfahren des Generalbundesanwalts beim Bundesgerichtshof gegen Hans-Joachim Klein wegen gemeinschaftlichen Mordes und Geiselnahme, 13.01.1976, B83 1006, PA. This led to some exchanges between both ministries regarding whether or not this was an official request for administrative assistance, pointing once again to the sensitivity of the issue of asking Algeria or Libya for extradition. See Schnellbrief BMJ an das AA: Ermittlungsverfahren des Generalbundesanwalts beim Bundesgerichtshof gegen Hans-Joachim Klein wegen gemeinschaftlichen Mordes und Geiselnahme, 22.01.1976, B83 1006, PA; Drahterlass an die Botschaft Tripolis, 15.01.1976, B83 1006, PA.
95. Drahtbericht Botschaft Tripolis an das AA, 19.01.1976, B83 1006, PA.
96. Ibid.

97. Letter Botschaft Wien an das AA: Geiselnahme der OPEC-Minister in Wien, 26.01.1976, B83 1006, PA.
98. 'Hessen begnadigt Hans-Joachim Klein', *Spiegel Online* (07.03.2009). <http://www.spiegel.de/politik/deutschland/ex-terrorist-hessen-begnadigt-hans-joachim-klein-a-611948.html> (accessed 03.05.2012). See also Klein's autobiography: Hans Joachim Klein, *Rückkehr in die Menschlichkeit. Appell eines ausgestiegenen Terroristen* (Reinbek: Rowohlt, 1986). For Kröcher-Tiedemann and Carlos, see 'Swiss Say They Hold a Terrorist Who Raided Vienna OPEC Parley', *The New York Times*, (22.12.1977), 5; 'Anschlag auf Opec-Tagung', *Spiegel Online* (21.05.1999). <http://www.spiegel.de/politik/deutschland/stichwort-anschlag-auf-opec-tagung-a-23842.html> (accessed 10.05.2012).
99. McFadden, 'Terrorist Group and Oil Officials Flown to Mideast'.
100. 'Arab Terrorism', *The New York Times*, (23.12.1975), 24.
101. 'Return the Terrorists', *The New York Times*, (24.12.1975), 20: 20.
102. Attachment to memo Büro StS Dr. Hermes an Dg 51: Sitzung der beamteten Staatssekretäre am 12.1.1976, 12.01.1976, B83 1006, PA.
103. Letter Botschaft Tripolis an das AA: Flugzeugentführung Entebbe, 21.07.1976, ZA 116866, PA.
104. 'Airliner with 257 Hijacked from Athens', *The New York Times*, (28.06.1976), 1; 'Hijackers Hold 256 Near Plane', *The New York Times*, (29.06.1976), 1; 'Hijackers Demand Israelis and Others Free Captives', *The New York Times*, (30.06.1976), 1. The West German authorities later wondered whether Libya was involved in the hijacking due to the four-hour stopover in Benghazi. See Memo: Übersetzung. Information, die von den befreiten Geiseln von Kampala am 1. Juli 1976 erhalten wurden, no date, probably 01.07.1976, ZA 116865, PA.
105. Telegramm Bundeskanzleramt an das AA, 27.06.1976, ZA 116865, PA.
106. Drahtbericht Botschaft Tel Aviv an das AA, 29.06.1976, ZA 116865, PA.
107. Drahtbericht Botschaft Kampala an das AA, no. 159, 28.06.1976, ZA 116865, PA.
108. Ibid.
109. Telegramm Bundeskanzleramt an das AA, 27.06.1976, ZA 116865, PA.
110. Ibid.
111. Drahtbericht Botschaft Kampala an das AA, no. 160, 28.06.1976, ZA 116865, PA.
112. Drahtbericht Botschaft Kampala an das AA, no. 161, 29.06.1976, ZA 116865, PA.
113. The two West German terrorists who were among the hijackers, Wilfried Böse and Brigitte Kuhlmann, belonged to a different organisation, the Revolutionary Cells.
114. Drahtbericht Botschaft Kampala an das AA, no. 165, 30.06.1976, ZA 116865, PA.
115. Drahtbericht Botschaft Kampala an das AA, no. 161, 29.06.1976, ZA 116865, PA.
116. Drahtbericht Botschaft Kampala an das AA, no. 160, 28.06.1976, ZA 116865, PA.
117. Vermerk: über Anruf von BfV – Herrn Bessel-Lork – am 1. Juli 1976, 8.45 Uhr, 01.07.1976, ZA 116865, PA.

118. Memo Ref. 312 an Ref. 011: Entführung des Air-France Air-Bus nach Entebbe/Uganda, 29.06.1976, ZA 116865, PA; Drahterlass an die Botschaft Kampala, 29.06.1976, no. 57, ZA 116865, PA.
119. Memo Ref. 312 an Ref. 011: Entführung des Air-France Air-Bus nach Entebbe/Uganda, 29.06.1976, ZA 116865, PA; Drahtbericht Botschaft Kampala an das AA, no. 164, 30.06.1976, ZA 116865, PA.
120. 'Hijackers Demand Israelis and Others Free Captives', 6.
121. Vermerk: Airbus Entführung, 29.06.1976, ZA 116865, PA.
122. Memo: Presseerklärung, 30.06.1976, ZA 116865, PA.
123. Memo Ref. 312 an Ref. 011: Entführung des Air-France Air-Bus nach Entebbe/Uganda, 29.06.1976, ZA 116865, PA.
124. Drahtbericht Botschaft Kampala an das AA, no. 163, 30.06.1976, ZA 116865, PA.
125. Drahtbericht Botschaft Kampala an das AA, no. 164, 30.06.1976, ZA 116865, PA.
126. Drahtbericht Botschaft Kampala an das AA, no. 165, 30.06.1976, ZA 116865, PA.
127. Vermerk: über Mitteilung aus Kampala durch Kanzler Klotz, 30.06.1976, ZA 116865, PA.
128. Drahtbericht Botschaft Kampala an das AA, no. 166, 30.06.1976, ZA 116865, PA. For the release of the hostages, see also 'French Jet's Hijackers Free 47 in Uganda', *The New York Times*, (01.07.1976), 1, 5. Originally, the release of the first bunch of hostages was to be kept secret, but due to the high media interest this was not possible. See Drahtbericht Botschaft Paris an das AA, no. 1900, 01.07.1976, ZA 116865, PA.
129. Memo: Übersetzung. Informationen, die von den befreiten Geiseln von Kampala über die terroristische Operation, deren Opfer sie gewesen sind, erhalten werden konnten, 01.07.1976, ZA 116865, PA. Highlights in original.
130. Memo: Entscheidungsalternativen, no date, probably 30 June, ZA 116865, PA.
131. Ibid.
132. Ibid.
133. Memo: Mitteilung Botschafter Meroz an Staatssekretär Hermes, 01.07.1976, ZA 116865, PA.
134. Drahtbericht Botschaft Washington an das AA, no. 2146, 30.06.1976, ZA 116865, PA.
135. Drahtbericht Botschaft Bern an das AA, 30.06.1976, ZA 116865, PA.
136. Drahtbericht Botschaft Paris an das AA, no. 1901, 01.07.1976, ZA 116865, PA.
137. Memo: Communiqué verlesen von Radio Uganda am 1. Juli 1976, ca. 12.30 MEZ, 01.07.1976, ZA 116865, PA.
138. Drahtbericht Botschaft Nairobi an das AA, 01.07.1976, ZA 116865, PA.
139. Drahtbericht Botschaft Tel Aviv an das AA, 01.07.1976, ZA 116865, PA.
140. Drahtbericht Botschaft Paris an das AA, no. 1899, 01.07.1976, ZA 116865, PA.
141. Ibid.
142. Ibid.
143. Drahtbericht Botschaft Kampala an das AA, no. 170, 01.07.1976, ZA 116865, PA.
144. Drahtbericht Botschaft Kampala an das AA, no. 168, 01.07.1976, ZA 116865, PA.

145. For more information on the PLO and its stance on terror, see, for instance, P. T. Paul Chamberlin, *Global Offensive. The United States, the Palestine Liberation Organization, and the Making of the Post-Cold War Order*, Oxford Studies in International History (Oxford, New York: Oxford University Press, 2012), 192.
146. Terence Smith, 'Israel, Yielding, Tells Hijackers It Will Negotiate', *The New York Times*, (02.07.1976), A1, A3.
147. Letter Ambassade d'Israel, Bonn, an Bundesminister Genscher, 02.07.1976, ZA 116865, PA.
148. Drahtbericht Botschaft Tel Aviv an das AA, no. 437, 02.07.1976, ZA 116865, PA.
149. Drahtbericht Botschaft Paris an das AA, no. 1917, 02.07.1976, ZA 116865, PA.
150. Drahtbericht Botschaft Paris an das AA, no. 1929, 02.07.1976, ZA 116865, PA.
151. Ibid.
152. Drahtbericht Botschaft Kampala an das AA, no. 182, 02.07.1976, ZA 116865, PA.
153. Memo: Besprechung im Lagezentrum BMI 02.07.1976, 17.00 bis 19.00 Uhr, no date, probably 02.07.1976, ZA 116865, PA; Drahterlass an die Botschaft Kampala, 02.07.1976, ZA 116865, PA.
154. Vermerk: Anruf von Botschafter Ellerkmann an Dg31, 3.7., 19.00 Uhr, no date, probably 03.07.1976, ZA 116865, PA. Vermerk: Sitzung im Lagezentrum des BMI am 3.7.1976 von 12.00 Uhr bis 12.33 Uhr, 03.07.1976, ZA 116865, PA. The Swiss were also playing for time, and they informed the French that they did not see the imprisoned terrorist as a Palestinian freedom fighter and that she was not in any way related to the Palestinian struggle. See Vermerk: Telefonanruf von Botschaftsrat Rieser, Schweizerische Botschaft, 3.7.1976, 12.30 Uhr, 03.07.1976, ZA 116865, PA.
155. Memo: Reaktion der Terroristen auf israelischen Vorschlag, no date, probably 03.07.1976, ZA 116865, PA.
156. Terence Smith, 'Hostages Freed as Israelis Raid Uganda Airport', *The New York Times*, (04.07.1976), 1, 10.
157. Carlton, *The West's Road to 9/11*, 59–60.
158. Drahtbericht Botschaft Paris an das AA, 06.07.1976, ZA 116865, PA.
159. Cable embassy Tel Aviv to the Foreign and Commonwealth Office, 22.05.1979, FCO93/ 2110, UKNA. See also Robert Verkaik, 'Revealed: the Fate of Idi Amin's Hijack Victim', *The Independent* (13.02.2007). <http://www.independent.co.uk/news/uk/crime/revealed-the-fate-of-idi-amins-hijack-victim-436181.html#> (accessed 08.11.2011). The fate of Dora Bloch had further implications. Her alleged assassination strained British-Ugandan relations. Bloch, a 73-year-old, had British-Israeli dual citizenship. The Israelis unofficially asked the Germans if they could intervene in Uganda to help Bloch. However, the AA told Israeli Chargé d'Affaires Ruppin that this would be counterproductive in light of the current severe problems between Germany and Uganda and that this would not help Israel at all, but would actually harm Germany and its 126 citizens in Uganda. See Drahtbericht Botschaft London an das AA, 07.07.1976, ZA 116866, PA; Vermerk Dg31, 09.07.1976, ZA 116866, PA.
160. Letter: Ambassade d'Israel an den Herrn Bundeskanzler Helmut Schmidt, 04.07.1976, ZA 116866, PA.

161. Auszug aus dem Protokoll über die 170. Kabinettsitzung der Bundesregierung am 7. Juli 1976, 15.06.1976, B83 676, PA.
162. Drahtbericht Botschaft Tel Aviv an das AA, 06.07.1976, ZA 113986, PA.
163. Drahterlass an die Botschaft Kampala, no. 72, 04.07.1976, ZA 116865, PA.
164. Memo D3 an den Herrn Staatssekretär: Zusammenarbeit mit Kenia auf dem Gebiet der Terroristenbekämpfung, 07.07.1976, ZA 116865, PA.
165. Drahtbericht Botschaft Kampala an das AA, no. 213, 06.07.1976, ZA 116865, PA; Drahtbericht Botschaft Kampala an das AA, no. 215, 06.07.1976, ZA 113986, PA. Original quotes in English.
166. Ibid.
167. Drahtbericht Botschaft Paris an das AA, 06.07.1976, ZA 116865, PA.
168. Memo Ref. 110 an den Herrn Minister: Schutz der Deutschen in Kampala/Uganda, 08.07.1976, ZA 116866, PA.
169. Drahtbericht Ständige Vertretung bei den VN an das AA, 06.07.1976, ZA 116865, PA.
170. Bulletin, 06.07.1976, Nr. 80, S. 754, ZA 111264, PA.
171. 'Rescue by Israel Hailed in Europe', *The New York Times*, (05.07.1976), A1.
172. Drahterlass an die Ständige Vertretung bei den VN, no. 2495, 15.07.1976, ZA 121074, PA; Vermerk Ref. 530: Terrorismuserklärung der Neun, 13.07.1976, ZA 113986, PA.
173. Memo: Möglichkeiten der Bundesregierung, aus der Mißbilligung des Verhaltens der ugandischen Regierung im Zusammenhang mit der Airbus-Entführung operative Folgen zu ziehen, no date, probably 08.07.1976, ZA 116866, PA. On the anti-hostage-taking project, see Chapters 4 and 5.
174. Memo Unterabteilung 23 an den Herrn Minister: Sondersitzung des Sicherheitsrats zur Geiselbefreiung in Entebbe, 08.07.1976, ZA 116866, PA.
175. Drahterlass an die Botschaften Kigali, Lusaka etc, 08.07.1976, ZA 116866, PA.
176. Drahtbericht Ständige Vertretung New York an das AA, no. 1424, 07.07.1976, ZA 113986, PA; Memo Unterabteilung 23 an den Herrn Minister: Sondersitzung des Sicherheitsrats zur Geiselbefreiung von Entebbe, 08.07.1976, ZA 113986, PA; Drahtbericht Ständige Vertretung New York an das AA, no. 1425, 08.07.1976, ZA 113986, PA.
177. Drahterlass an die Ständige Vertretung New York, 09.07.1976, ZA 113986, PA.
178. Vermerk Leiter des Ministerbüros: Besprechung im AA, 09.07.1976, ZA 113986, PA.
179. As the AA enquired, the flight had been cancelled by Lufthansa headquarters due to the hostage situation at Entebbe Airport, and the cancellation was communicated to the Ugandan authorities in due course. All allegations by Amin that his soldiers were confused by the arriving Israeli jets as they expected it to be the Lufthansa plane were hence groundless, especially as the plane was supposed to arrive at a later time. See Memo Ref. 312 an das Ref. 230: Lufthansaflug Nr. 534 nach Entebbe am 3./4.7.1976, 09.07.1976, ZA 113986, PA.
180. Drahtbericht Botschaft Kampala an das AA, 08.07.1976, ZA 113986, PA; Drahtbericht Botschaft Kampala an das AA, 09.07.1976, ZA 116866, PA; Drahtbericht Botschaft Kampala an das AA, 09.07.1976, ZA 113986, PA.
181. Memo: Abt. 3 an den Herrn Minister: Gespräch zwischen ugandischer Botschafterin und Herrn D 3 am 15.7.1976, ZA 116866, PA.

182. Vermerk Leiter des Ministerbüros: Deutsche Erklärung im Sicherheitsrat der VN zur Geiselnbefreiung von Entebbe, 12.07.1976, ZA 113986, PA.
183. In his very skilled speech, using the opportunity to address the SC for the first time in history, Ambassador von Wechmar even managed to slip in a reference to the 'German Nation', a term that normally provoked heavy reactions by the GDR. He managed to evoke it by applauding the president of the SC, an Italian diplomat, on his role and emphasising the strong German-Italian ties dating back to the days of the Holy Roman Empire of the German Nation. This is an example of the subtleties of the continuing German-German diplomatic war at the UN.
184. Drahterlass an die Ständige Vertretung New York, no. 146012.07.1976, ZA 113986, PA. See also Chapter 4.
185. Drahtbericht Ständige Vertretung New York an das AA, no. 1480, 14.07.1976, ZA 113986, PA.
186. Carlton, *The West's Road to 9/11*, 60. Drahtbericht Ständige Vertretung New York an das AA, no. 1482, 14.07.1976, ZA 113986, PA.
187. Letter Ständige Vertretung bei den VN an das AA: Allgemeine Berichterstattung über die 31. Generalversammlung, 26.01.1977, B83 986, PA.
188. Memo Ambassador Ellerkmann: Gegenwärtige Lage, no date, probably 23.07.1976, ZA 116866, PA.
189. Memo Situation Room to Brzezinski, 07.09.1977, NLC-10-5-1-11-2, CIA FOIA, JCL.
190. *Dokumentation der Bundesregierung zur Entführung von Hanns Martin Schleyer. Ereignisse und Entscheidungen im Zusammenhang mit der Entführung von Hanns Martin Schleyer und der Lufthansa-Maschine "Landshut"*, (ed.) Bundespresseamt (Augsburg: Goldmann, 1977); Tim Geiger, 'Die "Landshut" in Mogadischu: Das außenpolitische Krisenmanagement der Bundesregierung angesichts der terroristischen Herausforderung 1977', *Vierteljahreshefte für Zeitgeschichte* 57, no. 3 (2009), 413–56.
191. Wischnewski, *Mit Leidenschaft und Augenmaß*, 214.
192. Late item: Hijackers kill Lufthansa pilot, no date, probably 17.10.1977, NLC-SAFE 17 B-524-7-6, CIA FOIA, JCL. *Dokumentation der Bundesregierung zur Entführung von Hanns Martin Schleyer*, 178, 80.
193. Wischnewski, *Mit Leidenschaft und Augenmaß*, 214; *Dokumentation der Bundesregierung zur Entführung von Hanns Martin Schleyer*, 133.
194. Wischnewski, *Mit Leidenschaft und Augenmaß*, 215–16; *Dokumentation der Bundesregierung zur Entführung von Hanns Martin Schleyer*, 134, 37–44.
195. *Dokumentation der Bundesregierung zur Entführung von Hanns Martin Schleyer*, 149.
196. *Ibid.*, 135; Geiger, 'Die "Landshut" in Mogadischu', 429.
197. *Dokumentation der Bundesregierung zur Entführung von Hanns Martin Schleyer*, 135; Geiger, 'Die "Landshut" in Mogadischu', 430. Wischnewski, *Mit Leidenschaft und Augenmaß*, 217.
198. 'Regierungserklärung des Bundeskanzlers und Erklärungen des Bundestagspräsidenten sowie der Vorsitzenden der drei Bundestagsfraktionen vom 20. Oktober 1977', in *Dokumentation der Bundesregierung zur Entführung von Hanns Martin Schleyer. Ereignisse und Entscheidungen im Zusammenhang mit der Entführung von Hanns Martin Schleyer und der Lufthansa-Maschine "Landshut"*, (ed.) Bundespresseamt (Augsburg: Goldmann, 1977), 349–75: 357; Geiger, 'Die "Landshut" in Mogadischu', 431.

199. Situation Message Listing, p. 316, 13.10.1977, 16:30, NLC-7-59-1-1-8, CIA FOIA, JCL.
200. Letter Botschaft Nikosia an das AA, 29.11.1977, ZA B83 1004, PA.
201. *Dokumentation der Bundesregierung zur Entführung von Hanns Martin Schleyer*, 136, 144.
202. Wischnewski, *Mit Leidenschaft und Augenmaß*, 204. It consisted of Chancellor Schmidt, Foreign Minister Genscher (after his return from China), Interior Minister Maihofer, Justice Minister Hans-Jochen Vogel, State Secretaries Günther van Well, Siegfried Fröhlich, Heinz Ruhnau, the federal prosecutor general, Kurt Rebmann, the president of the BKA, Horst Herold, state secretaries Manfred Schüler and Klaus Bölling, and State Minister Hans Jürgen Wischnewski.
203. Martin Rupps, *Helmut Schmidt. Eine politische Biographie* (Stuttgart: Hohenheim, 2002), 242.
204. Wischnewski, *Mit Leidenschaft und Augenmaß*, 218.
205. Telefongespräch des Bundeskanzlers Schmidt mit Präsident Scheich Zayed Bin Sultan al-Nahayan, 16.10.1977, doc. 291, AAPD 1977, 1400.
206. *Dokumentation der Bundesregierung zur Entführung von Hanns Martin Schleyer*, 150-51. Memo from the Situation Room to Brzezinski, 17.10.1977, NLC-1-4-2-2-2, JCL-CIA.
207. Telefongespräch des Bundeskanzlers Schmidt mit Staatspräsident Giscard d'Estaing, 14.10.1977, doc. 284, AAPD 1977, p. 1378.
208. Vortragender Legationsrat I. Klasse Lewalter an Bundesminister Genscher, z.Z. Teheran, 15.10.1977, doc. 288, AAPD 1977; Telefongespräch des Bundeskanzlers Schmidt mit Premierminister Callaghan, 16.10.1977, doc. 289, AAPD 1977.
209. See, for instance, Situation Message Listing, p. 322, 16.10.1977, 10:03, NLC-7-59-1-1-8, CIA FOIA, JCL.
210. Wischnewski, *Mit Leidenschaft und Augenmaß*, 221.
211. Telefongespräch des Bundeskanzlers Schmidt mit dem Verteidigungsminister der Vereinigten Arabischen Emirate, Scheich Mohammed Bin Rashid al-Maktum, 16.10.1977, doc. 290, AAPD 1977, p. 1398. Original quotation in English; see also Telefongespräch des Bundeskanzlers Schmidt mit Präsident Scheich Zayed Bin Sultan al-Nahayan, 16.10.1977, doc. 291, AAPD 1977.
212. Telefongespräch des Bundeskanzlers Schmidt mit Präsident Scheich Zayed Bin Sultan al-Nahayan, 16.10.1977, doc. 291, AAPD 1977.
213. Geiger, 'Die "Landshut" in Mogadischu', 437.
214. Wischnewski, *Mit Leidenschaft und Augenmaß*, 222. Aufzeichnung des Ministerialdirigenten Bräutigam, Bundeskanzleramt, 17.10.1977, doc. 294, AAPD 1977; Botschafter Schlagintweit, Djidda, an das Auswärtige Amt, 23.10.1977, doc. 300, AAPD 1977, footnote 3. Indeed, Saudi Arabia had a strong financial presence in South Yemen and hence was politically very influential. See Geiger, 'Die "Landshut" in Mogadischu', 437.
215. Situation Message Listing, p.323, 16.10.1977, 19:40, NLC-7-59-1-1-8, CIA FOIA, JCL.
216. 'The World: Terror and Triumph at Mogadishu', *Time*, (31.10.1977).
217. Wischnewski, *Mit Leidenschaft und Augenmaß*, 223.



218. *Dokumentation der Bundesregierung zur Entführung von Hanns Martin Schleyer*, 170–71. Wischnewski, *Mit Leidenschaft und Augenmaß*, 223.
219. Geiger, 'Die "Landshut" in Mogadischu', 443–44. Telefongespräch des Bundeskanzlers Schmidt mit Staatsminister Wischnewski, z.Z. Mogadischu, 17.10.1977, doc. 293, AAPD 1977.
220. Gespräch des Bundeskanzlers Schmidt mit dem somalischen Botschafter Bokah, 17.10.1977, doc. 292, AAPD 1977, 1403, emphasis added
221. For more information on the Ogaden War, see, for instance, Gebru Tareke, 'The Ethiopia-Somalia War of 1977 Revisited', *The International Journal of African Historical Studies* 33, no. 3 (2000), 635–67.
222. *Dokumentation der Bundesregierung zur Entführung von Hanns Martin Schleyer*, 166–68.
223. Memo Odom to Brzezinski, 17.10.1977, NLC-12R-4-6-1-8, CIA FOIA, JCL.
224. Memorandum Vance to Carter, 2502.1980, NLC-12-48-11-23-9, CIA FOIA, JCL.
225. Letter from President Carter to President Said, no date, probably 17.10.1977, NLC-12R-4-6-1-8, CIA FOIA, JCL.
226. Wischnewski, *Mit Leidenschaft und Augenmaß*, 223.
227. Geiger, 'Die "Landshut" in Mogadischu', 444–45.
228. Wischnewski, *Mit Leidenschaft und Augenmaß*, 224.
229. *Ibid.*
230. Michael Schwelien, *Helmut Schmidt. Ein Leben für den Frieden* (Hamburg: Hoffmann und Campe, 2003), 305; "Kopf runter, wo sind die Schweine?" Wie die Geiseln in Mogadischu befreit wurden', *Der Spiegel*, no. 44 (1977), 20–27: 20.
231. Geiger, 'Die "Landshut" in Mogadischu', 445.
232. Wischnewski, *Mit Leidenschaft und Augenmaß*, 225–29. In the course of the operation, there was also a lot of confusion. US sources, for instance, informed their government that the *Landshut* had actually left Mogadishu and was headed for Djibouti. See Late item: Hijackers kill Lufthansa pilot, no date, probably 17.10.1977, NLC-SAFE 17 B-524-7-6, CIA FOIA, JCL.
233. On 7 December 1977, Schmidt consulted with the ministers of the interior and justice, the president of the Federal Criminal Police Office, and the prosecutor general about the fate of the remaining surviving terrorist, Souhaila Andrawes, aka Suheila Syaeh, who was still hospitalised in Mogadishu. Schmidt decided that Bonn would not seek her extradition as 'serious problems exist to provide evidence for her crimes as we would have to disclose the tactics and staff of the GSG 9. Moreover, an imprisonment of the terrorist in the FRG would create further security problems. In addition to this a legal prosecution in Germany would offer an unwelcomed possibility for international terrorism to demonstrate its capabilities'. In March 1978, the Somalis told Bonn's ambassador that they would want to try Ansari themselves to show their sovereignty and to dispel rumours that they acted under German orders. Being the only surviving terrorist, Souhaila Andrawes was sentenced to 20 years in prison by a Somali court, but was put on a plane to Iraq, and hence freedom, only less than a year later, in 1978. She then moved to Czechoslovakia and Norway with her husband and daughter where she was arrested upon a request by the German police in 1994. One year later, she was extradited to Germany and

- stood trial, which led to a sentence of 12 years imprisonment. However, because her daughter lived in Norway, the German authorities agreed that she could serve her sentence in a Norwegian prison, where she was sent in 1997. On 30 November 1999, the Norwegian government granted her a pardon for alleged humanitarian reasons and released her from prison after having served less than half of the sentence. See Letter BMI an das BMJ, etc, 23.02.1978, B83 1233, PA; DB Mogadischu an das AA, 15.03.1978, B83 1233, PA. See also "Landshut"-Entführung: Andrawes kommt vorzeitig frei', *Spiegel Online* (12.11.1999). <http://www.spiegel.de/politik/deutschland/0,1518,51891,00.html> (accessed 23.08.2011); "Ich war noch ein Kind": SPIEGEL-Interview mit der "Landshut"-Entführerin Souhaila Andrawes Sayeh', *Der Spiegel*, no. 3 (1995), 78–79; 'After Court Fight, Norway to Extradite Woman in '77 Hijacking', *The New York Times*, (18.10.1995), A8; 'Woman Tied to 1977 Hijacking Fights Extradition to Germany', *The New York Times*, (09.01.1995), A2; Margrit Gerste, 'RAF-Prozess. Die Schatten der Vergangenheit', *Zeit Online* (22.11.1996). [http://www.zeit.de/1996/48/Die\\_Schatten\\_der\\_Vergangenheit](http://www.zeit.de/1996/48/Die_Schatten_der_Vergangenheit) (accessed 23.08.2011); Margrit Gerste, 'RAF. Wer weint, ist tot', *Zeit Online* (05.06.1996). [http://www.zeit.de/1996/28/Wer\\_weint\\_ist\\_tot](http://www.zeit.de/1996/28/Wer_weint_ist_tot) (accessed 23.08.2011).
234. Wischniewski, *Mit Leidenschaft und Augenmaß*, 229–30; *Dokumentation der Bundesregierung zur Entführung von Hanns Martin Schleyer*, 179.
  235. Wischniewski, *Mit Leidenschaft und Augenmaß*, 231–33.
  236. *Dokumentation der Bundesregierung zur Entführung von Hanns Martin Schleyer*, 183–84.
  237. Butz Peters, *RAF. Terrorismus in Deutschland* (Munich: Knaur, 1993), 273.
  238. Drahtbericht Botschaft Paris an das AA, 18.10.1977, ZA 121081, PA.
  239. Drahtbericht Botschaft Kopenhagen an das AA, 18.10.1977, ZA 121081, PA; Drahtbericht Botschaft Kopenhagen an das AA, 19.10.1977, ZA 121081, PA.
  240. Drahtbericht Botschaft Den Haag an das AA, 19.10.1977, ZA 121081, PA. In Norway there was outright enthusiasm about the German commando operation and troops. See Drahtbericht Botschaft Oslo an das AA, 19.10.1977, ZA 121081, PA. The Swedish newspapers were rather cautious, warning that antiterrorism actions might pose potential risks to democracy. See Drahtbericht Botschaft Stockholm an das AA, 19.10.1977, ZA 121081, PA.
  241. *Nachrichtenspiegel II*, 18.10.1977, p. 1, ZA 121081, PA.
  242. On 28 September 1977, Japan Airlines Flight 472, en route from Paris to Tokyo, was hijacked by terrorists belonging to the Japanese Red Army and redirected to Bangladesh, Kuwait, Damascus, and Algeria. The hijackers demanded a ransom and the release of nine comrades from Japanese prisons. The Japanese government agreed to the demands, asked the Algerians to allow the hijackers to land there for 'humanitarian reasons', and all hostages were released. Most of the terrorists disappeared after they arrived in Algeria. See 'J.A.L. Jet with 156 Aboard Hijacked', *The New York Times*, (28.09.1977), 2; 'Japanese Willing to Meet Terms of Air Hijackers', *The New York Times*, (29.09.1977), 1, 7; 'Hijackers in Dacca Release 5 More', *The New York Times*, (01.10.1977), 6; 'Japanese Hijackers Free Hostages and Give Themselves Up in Algiers', *The New York Times*, (04.10.1977), 1, 12. West Germany's ambassador Jovy asked the AA not to criticise Algeria for not trying the terrorists

- and to underline as well the humanitarian reasons that had influenced the Japanese and Algerian decision even though that was in contradiction to the German policy. He was criticised in Bonn for apparently not being aware of the efforts Germany was currently pursuing at the UN: 'Jovy has apparently heard nothing about our Hostages Convention'. See Drahtbericht Botschaft Algiers an das AA, 04.10.1977, ZA B83 1004, PA. See also the handwritten comments on it.
243. Bundespolizei, 'Historie der Bundespolizei'. [http://www.bundespolizei.de/DE/06Die-Bundespolizei/Historie/historie\\_node.html](http://www.bundespolizei.de/DE/06Die-Bundespolizei/Historie/historie_node.html) (accessed 02.02.2012).
  244. Runderlass, 19.10.1977, ZA 121075, PA.
  245. 'Terrorists: War without Boundaries', *Time*, (31.10.1977). Most Eastern European states were more hesitant in their media assessments of the commando, though. See Drahtbericht Botschaft Prag an das AA, 19.10.1977, ZA 121081, PA.
  246. Memo Brzezinski to the President, 27.10.1977, NLC-1-4-2-51-8, CIA FOIA, JCL.
  247. Memo Situation Room to Brzezinski, 19.01.1978, NLC-1-5-2-18-4, CIA FOIA, JCL. It was also suggested that the Soviet Union directly withdrew support, including diplomatically, from the PFLP and thus made a successful end of the crisis – from the point of view of the hijackers – less likely. See the documentary by Roland Suso Richter, 'Mogadischu', (Warner Home Studio, 2008).
  248. Drahtbereich Botschaft Belgrad an das AA, 18.10.1977, ZA 121072, PA ; Drahtbericht Ständige Vertretung New York an das AA, 18.10.1977, B83 989, PA; Drahtbericht Ständige Vertretung bei den VN an das AA, 19.10.1977, ZA 121081, PA.
  249. Memo Ref. 204: Auszug aus dem Gespräch des Herrn Bundesministers mit Botschafter Stoessel am 20.10.1977, no date, probably 20.10.1977, ZA 121081, PA.
  250. Letter Smyser to Goodby, 13.02.1978, NLC-12-52-7-13-0, CIA FOIA, JCL.
  251. Jimmy Carter, *White House Diary* (New York: Farrar, Straus and Giroux, 2010), 121. Carter at least seemed to have been very happy with the support that he gave Schmidt during the German Autumn, as he mentioned in his memoirs that he called the chancellor during the Schleyer hostage crisis and offered his moral support: 'I think he appreciated my calling him.' See Carter, *White House Diary*, 99.
  252. Memo Situation Room to Brzezinski, 24.10.1977, NLC-1-4-2-35-6, CIA FOIA, JCL. While Zimmermann was not a member of the German government at the time, he had good contacts with Franz-Joseph Strauss, who was heading the CSU at the time and was a member of the big crisis committee during the Schleyer and *Landshut* double crisis. His information to the US officials also testifies to his being aware of the German-Somali negotiations.
  253. Drahtbericht Botschaft Luxemburg an das AA, 17.10.1977, B83 1234, PA.
  254. Nachrichtenspiegel II, 20.10.1977, ZA 121081, PA.
  255. Drahtbereich Botschaft Belgrad an das AA, 18.10.1977, ZA 121072, PA. See also the section on the CSCE in Chapter 6.
  256. Memo Dg1: Zuständigkeit für die Auslandshilfe für Terrorismus-Bekämpfung, 14.02.1978, B83 1249, PA.

257. Memo Brzezinski to the President, 28.10.1977, NLC-1-4-2-58-1, CIA FOIA, JCL.
258. Drahtbericht Botschaft London an das AA, 21.10.1977, B83 989, PA.
259. Memo Dg5: Besprechung beim Herrn Bundeskanzler am 19.04.1978, 18.04.1978, B83 1249, PA.
260. Fernschreiben BKA-Bonn an das AA, 19.06.1978, B83 1249, PA; Drahtbericht Botschaft Bukarest an das AA, 22.06.1978, B83 1249, PA.
261. Memo Odom to Brzezinski, Aaron, 14.12.1977, NLC-11-4-8-5-2, CIA FOIA, JCL.
262. Memo Brzezinski to the President, 16.12.1977, NLC-1-4-7-33-3, CIA FOIA, JCL.
263. Memo Vance to the President, 19.10.1977, NLC-128-13-1-12-1, CIA FOIA, JCL.
264. Geiger, 'Die "Landshut" in Mogadischu', 450-51, 53-55. Deutsch-Somalisches Regierungsgespräch, 30.11.1977, doc. 341, AAPD 1977.
265. Memo: Summary of Conclusions of the Special Coordination Committee Meeting, 25.08.1978, NLC-15-120-8-32-9, CIA FOIA, JCL.
266. Rupps, *Helmut Schmidt. Eine politische Biographie*, 248.
267. *Ibid.*, 241.
268. Helmut Schmidt in the Bundestag, 20.10.1977, as quoted in: Dokumentation der Bundesregierung zur Entführung von Hanns Martin Schleyer, 355-6.
269. Letter Prime Minister Callaghan to Chancellor Schmidt, 20.10.1977, PREM16/1278, UKNA. See also Gespräch des Bundeskanzlers Schmidt mit Premierminister Callaghan, 18.10.1977, doc. 295, AAPD 1977, 1411.

### 3 The Ad Hoc Committee on International Terrorism, the Diplomats Convention, and Other Early UN Efforts against Terrorism

1. The Hostages Convention will be explored in detail in subsequent chapters.
2. 'Declaration by the United Nations', [http://avalon.law.yale.edu/20th\\_century/decade03.asp](http://avalon.law.yale.edu/20th_century/decade03.asp) (01.01.1942) (accessed 25.01.2011). For a detailed account of the origins of the United Nations, see Stephen Schlesinger, *Act of Creation. The Founding of the United Nations. A Story of Superpowers, Secret Agents, Wartime Allies and Enemies, and Their Quest for a Peaceful World* (Boulder, Colo.: Westview, 2003); Paul Kennedy, *The Parliament of Man. the United Nations and the Quest for World Government* (London: Allen Lane, 2006).
3. Günther van Well, 'Deutschland und die UN', in *Handbuch Vereinte Nationen*, (ed.) Rüdiger Wolfrum (Munich: C. H. Beck, 1991), 71-77: 71.
4. Günther van Well, 'Deutschland und die UN', in *Handbuch Vereinte Nationen*, ed. Rüdiger Wolfrum (Munich: C. H. Beck, 1991), 71-77: 71-72.
5. van Well, 'Deutschland und die UN', 72. For a good account of the policy of sole representation, or the 'Hallstein Doctrine', see William Glenn Gray, *Germany's Cold War. The Global Campaign to Isolate East Germany, 1949-1969* (Chapel Hill: University of North Carolina Press, 2003). See also Bernhard Blumenau, 'The Map of Africa Lies in Germany: The Two Germanys and Their Struggles for Recognition in Africa, 1955-1966', *Working Papers*

- in *International History*, no. 10 (2011). [http://www.graduateinstitute.ch/webdav/site/international\\_history\\_politics/shared/working\\_papers/WPIH\\_10\\_Blumenau.pdf](http://www.graduateinstitute.ch/webdav/site/international_history_politics/shared/working_papers/WPIH_10_Blumenau.pdf).
6. Wilhelm Bruns, *Die Uneinigen in den Vereinten Nationen. Bundesrepublik Deutschland und DDR in der UNO* (Gütersloh: Verlag Wissenschaft und Politik, 1980), 19.
  7. Gregor Schöllgen, *Die Außenpolitik der Bundesrepublik Deutschland: Von den Anfängen bis zur Gegenwart* (Munich: Beck, 1999), 121, 123.
  8. Bruns, *Die Uneinigen in den Vereinten Nationen*, 50–51.
  9. van Well, 'Deutschland und die UN', 76. Memo Referat 230 an die Referate 231, 232, 200 etc: Große Anfrage der Fraktion der SPD und FDP zur Mitwirkung der Bundesrepublik Deutschland in den Vereinten Nationen, 05.07.1977, B83 987, PA.
  10. Wolfram F. Hanrieder, 'West German Foreign Policy, 1949–1979: Necessities and Choices', in *West German Foreign Policy: 1949–1979*, (ed.) Wolfgang F. Hanrieder (Boulder, Colo.: Westview Press, 1980), 15–36: 32. Original quote in English.
  11. Bruns, *Die Uneinigen in den Vereinten Nationen*, 32–33, 38, 43; van Well, 'Deutschland und die UN', 74–75.
  12. Ernst-Otto Czempiel, 'Germany and the Third World. The Politics of Free Trade and the Free Hand', in *West German Foreign Policy: 1949–1979*, (ed.) Wolfgang F. Hanrieder (Boulder, Colo.: Praeger, 1980), 181–96: 191–94.
  13. Konrad Seitz, 'Die Dritte Welt als neuer Machtfaktor der Weltpolitik', *Europa-Archiv* 30, no. 7 (1975), 213–26.
  14. Czempiel, 'Germany and the Third World', 194. Original quote in English.
  15. Yet the report produced by the Commission in 1980 failed to gain major political attention because of its – perceived – anti-Western direction and also as a consequence of more pressing international crises surrounding Afghanistan and the hostages in Tehran. See, for instance, Eckart Conze, *Die Suche nach Sicherheit. Eine Geschichte der Bundesrepublik Deutschland von 1949 bis zur Gegenwart* (Munich: Siedler, 2009), 644.
  16. *Ibid.*, pp. 642–43. For the importance the AA attached to UN membership and to raising Germany once again into the ranks of a global player, see Memo Referat 230 an die Referate 231, 232, 200 etc: Große Anfrage der Fraktion der SPD und FDP zur Mitwirkung der Bundesrepublik Deutschland in den Vereinten Nationen, 05.07.1977, B83 987, PA. On Germany's new economic power and the competition this created, for instance, with the US, see also Giovanna Arrighi, 'The World Economy and the Cold War, 1970–1990', in *The Cambridge History of the Cold War*, (ed.) Melvyn P. Leffler and Odd Arne Westad (Cambridge: Cambridge University Press, 2010), 23–44: 26.
  17. For a contemporary crisis in which Bonn was reminded of its special status under international law and within the international system by its most important ally, the US, see, for instance, Bernhard Blumenau, 'West Germany and the United States during the Middle East Crisis of 1973. "Nothing but a semi-colony"?'', in *The Routledge Handbook of Transatlantic Security*, (ed.) Jussi Hanhimäki, Georges-Henri Soutou, and Basil Germond (Milton Park, New York: Routledge, 2010), 126–41.
  18. See, for instance, Charles Townshend, "Methods Which All Civilized Opinion Must Condemn". *The League of Nations and International Action*

- against Terrorism', in *An International History of Terrorism. Western and Non-Western Experiences*, (ed.) Jussi M. Hanhimäki and Bernhard Blumenau (Oxon: Routledge, 2013), 34–50; Ben Saul, 'Attempts to Define Terrorism in International Law', *Netherlands International Law Review* 52, no. 01 (2005), 57–83: 26–29; Ben Saul, 'The Legal Response of the League of Nations to Terrorism', *Journal of International Criminal Justice* 4, no. 1 (2006), 78–102; Peter Romaniuk, *Multilateral Counter-Terrorism. The Global Politics of Cooperation and Contestation* (Oxon: Routledge, 2010).
19. Doris König, 'Terrorismus', in *Handbuch Vereinte Nationen*, (ed.) Rüdiger Wolfrum (Munich: C. H. Beck, 1991), 847–54: 848.
  20. Romaniuk, *Multilateral Counter-Terrorism*, 33.
  21. Konrad Seitz, 'Die Dominanz der Dritten Welt in den Vereinten Nationen', *Europa-Archiv* 28, no. 12 (1973), 403–12: 403–04.
  22. Konrad Seitz, 'Die Dominanz der Dritten Welt in den Vereinten Nationen', 403–12: 404.
  23. Seitz, 'Die Dritte Welt als neuer Machtfaktor der Weltpolitik'.
  24. Seitz, 'Die Dominanz der Dritten Welt in den Vereinten Nationen', 411.
  25. For an example of this assessment, see, for instance, Telegram 4973 From the Mission to the United Nations to the Department of State, November 21, 1973, RG 59, Central Foreign Policy Files, Confidential, US National Archives (USNA). On the general relations between the US and the Third World in the 1970s, see, for instance, Mark Atwood Lawrence, 'Containing Globalism. The United States and the Developing World in the 1970s', in *The Shock of the Global. The 1970s in Perspective*, (ed.) Niall Ferguson et al. (Cambridge, Mass., London, UK: Harvard University Press, 2010), 205–19.
  26. Jost Delbrück, 'Deutschland in den Vereinten Nationen', *Europa-Archiv* 28, no. 16 (1973), 564–72; Richard N. Gardner, 'The Hard Road to World Order', *Foreign Affairs* 52, no. 3 (1973–1974), 556–76; Charles William Maynes, 'A U.N. Policy for the Next Administration', *Foreign Affairs* 54, no. 4 (1975–1976), 804–19.
  27. Maynes, 'A U.N. Policy for the Next Administration', 804; Tom J. Farer, 'The United States and the Third World: A Basis for Accommodation', *Foreign Affairs* 54, no. 1 (1975–1976), 79–97: 79.
  28. Conversation Between President Nixon and the President's Assistant for National Security Affairs (Kissinger), Washington, February 3, 1973, Nixon Presidential Materials, White House Tapes, Oval Office, Conversation No. 840–12, USNA.
  29. Telegram 4973 From the Mission to the United Nations to the Department of State, November 21, 1973, RG 59, Central Foreign Policy Files, Confidential, USNA; Telegram 250151; From the Department of State to All Diplomatic Posts, December 26, 1973, RG 59, Central Foreign Policy Files, Confidential, USNA.
  30. Delbrück, 'Deutschland in den Vereinten Nationen', 566.
  31. *Ibid.*, 565.
  32. Matthew Connelly, 'Future Shock. The End of the World as They Knew It', in *The Shock of the Global. The 1970s in Perspective*, (ed.) Niall Ferguson et al. (Cambridge, Mass.: Harvard University Press, 2010), 337–50: 345.
  33. Niall Ferguson, 'Introduction: Crisis, What Crisis?', in *The Shock of the Global. The 1970s in Perspective*, (ed.) Niall Ferguson et al. (Cambridge, Mass.: Harvard University Press, 2010), 1–21: 3.

34. Connelly, 'Future Shock', 346.
35. Geoffrey M. Levitt, 'The International Legal Response to Terrorism: A Reevaluation', *University of Colorado Law Review* 60, no. 3 (1989), 533–52: 536. For the problems related to the fine lines between terrorism and NLM, see also, for instance, Shaloma Gauthier, 'SWAPO, the United Nations, and the Struggle for National Liberation', in *An International History of Terrorism. Western and Non-western Experiences*, (ed.) Jussi Hanhimäki and Bernhard Blumenau (London: Routledge, 2013), 169–88.
36. Walter Laqueur, *The Age of Terrorism* (Boston, Toronto: Little, Brown and Company, 1987), 269.
37. The Dawson's Field crisis was also a concern for West Germany. Beginning on 6 September 1970, four planes were simultaneously hijacked by terrorists of the Popular Front for the Liberation of Palestine (PFLP). Although German planes were not attacked, 38 German citizens were among the passengers on the four planes. Bonn dispatched Minister Hans-Jürgen Wischnewski to Jordan to represent it on the ground and to support the Red Cross in its negotiations with the PFLP. Meanwhile, in Berne, an international crisis committee was created, composed of diplomats from Germany, the US, the UK, Israel, and Switzerland, to coordinate with the Red Cross, which was officially leading the negotiations. According to Wischnewski, the crisis committee in Berne was poorly coordinated and cumbersome: 'I can't pretend to claim that international cooperation against international terrorism was particularly successful back then'. When the Red Cross left without achieving success, the individual states had to resume direct negotiations with the terrorists. Wischnewski – who was nicknamed Ben Wish – had established good links with many Arab leaders in the 1950s and 1960s, and he could use these to contribute to the release of all of the German hostages. Arafat had already distanced himself from the hijacking and had excluded the PFLP from the umbrella organisation of the PLO. Therefore, the crisis was less directly linked to the Israel-Palestine problem, which also made it easier for Wischnewski. While he was still negotiating with the PFLP for the release of the hostages, the war between the Jordanian army and the Palestinians broke out in Jordan, and Wischnewski as well as the recently released German hostages were trapped for several days. They finally managed to leave the country through an adventurous road trip. See Hans-Jürgen Wischnewski, *Mit Leidenschaft und Augenmaß: in Mogadischu und anderswo. Politische Memoiren* (Munich: Goldmann, 1991), 127–30, 32–38.
38. The Munich crisis is covered in the case studies section of this book. For the Lod incident and its consequences for the UN, see, for instance, Yoshihiro Kuriyama, 'Terrorism at Tel Aviv Airport and a "New Left" Group in Japan', *Asian Survey* 13, no. 3 (1973), 336–46: 336; Patricia G. Steinhoff, 'Portrait of a Terrorist: An Interview with Kozo Okamoto', *Asian Survey* 16, no. 9 (1976), 830–45: 830, 37–42; William A. Farrell, *Blood and Rage. The Story of the Japanese Red Army* (Washington, DC: Lexington Books, 1990), 129, 38–47. And more recently, Romaniuk, *Multilateral Counter-Terrorism*, 37.
39. Levitt, 'The International Legal Response to Terrorism', 536–37; Abraham D. Sofaer, 'Terrorism and the Law', *Foreign Affairs* 64, no. 5 (1986), 901–22: 903.
40. Drahtbericht Botschaft Washington an das AA, 06.09.1972, B83 824, PA.
41. Sofaer, 'Terrorism and the Law', 903.



42. Protokoll: Bekämpfung des internationalen Terrorismus, 21.03.1973, ZA 121069, PA.
43. Ibid.
44. Airgram A-128 From the Department of State to All Diplomatic Posts, Washington, January 5, 1973; RG 59, Central Files 1970-73, UN 8 GA, USNA.
45. Referat V 4, Sachverhalt: US-Entwurf für eine Konvention zur Verhinderung und Bestrafung bestimmter Akte des internationalen Terrorismus, 29.09.1972, B83 824, PA. For the draft and its scope, see also Edward Mickolus, 'Multilateral Legal Efforts to Combat Terrorism: Diagnosis and Prognosis', *Ohio Northern University Law Review* 6, no. 1 (1979), 13-51: 16.
46. Romaniuk, *Multilateral Counter-Terrorism*, 39.
47. Then adopted as General Assembly Resolution 3034 (XXVII). See 'General Assembly Resolution 3034 (XXVII). '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', (18.12.1972). [http://www.un.org/documents/ga/docs/27/ares3034\(xxvii\).pdf](http://www.un.org/documents/ga/docs/27/ares3034(xxvii).pdf) (accessed 22.11.2010).
48. 'Reaffirms the inalienable right to self-determination and independence of all peoples under colonial and racist régimes ... upholds the legitimacy of their struggle ...'.
49. Sofaer, 'Terrorism and the Law', 904.
50. 'Condemns the continuation of repressive and terrorist acts by colonial, racist and alien regimes in denying peoples their legitimate right to self-determination ...'.
51. For an assessment of the Resolution, see, for instance, Romaniuk, *Multilateral Counter-Terrorism*, 40.
52. Ibid., pp. 39-40.
53. Levitt, 'The International Legal Response to Terrorism', 537. Draft Report of the ad hoc committee on international terrorism, UN GA document A/AC.160/L.3, 08.08.1973, B83 825, PA; Airgram A-128 From the Department of State to All Diplomatic Posts, Washington, January 5, 1973; RG 59, Central Files 1970-73, UN 8 GA, USNA. For the text of the resolution, see also 'General Assembly Resolution 3034 (XXVII). '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'.
54. 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, December 29, 1973; RG 59, Central Files 1970-73, POL 23-8. USNA; Memorandum From the President's Assistant for National Security Affairs (Kissinger) and the Assistant to the President for Domestic Affairs (Ehrlichman) to President Nixon, Washington, January 17, 1973; Nixon Presidential Materials, NSC



- Files, Box 310, Subject Files, Cabinet Committee on Terrorism, September 72–July 73, USNA.
55. Airgram A-128 From the Department of State to All Diplomatic Posts, Washington, January 5, 1973; RG 59, Central Files 1970–73, UN 8 GA, USNA.
  56. Protokoll: Bekämpfung des internationalen Terrorismus, 21.03.1973, ZA 121069, PA.
  57. Telegram 184584 From the Department of State to All Diplomatic Posts, August 22, 1974, RG 59, INR/SEE/FP Files: Lot 92 D 403, 29th UNGA, USNA.
  58. Memorandum From Secretary of State Rogers to President Nixon, Washington, January 8, 1973; Nixon Presidential Materials, NSC Files, Box 310, Subject Files, Cabinet Committee on Terrorism, September 72–July 73, USNA.
  59. The term 'Nine' was used by the German government as a synonym for the EC member states. Drahterlass Strothman, no date, ZA 121069, PA. This instruction was preceded by negotiations between the Federal Ministry of the Interior (BMI) and the AA as to whether or not to support the committee on terrorism. The BMI saw no obstacles to Western collaboration within the committee. See Drahtbericht des BMI an das AA, 06.02.1973, ZA 121069, PA. The Federal Ministry for Justice (BMJ) was more hesitant as it saw a great potential for problems, especially in subparagraphs 3 and 4 of the resolution, which would face severe resistance from Western states. Collaboration within this committee, so it was argued, could also avoid the possibility of a broad interpretation of subparagraphs 3 and 4. See Schnellbrief des BMJ an das AA, 06.02.1973, ZA 121069, PA.
  60. Referat 511 an das Referat 230, 13.03.1973, ZA 121069, PA.
  61. Memo: Sachstand attached to Memo Ref. 511 an das Ref. 230: XVIII. Generalversammlung der Vereinten Nationen, 27.08.1973, B83 825, ZA.
  62. Brief Referat 511, AA, an den Bundesminister der Justiz, an den Bundesminister des Inneren: Vorbereitung der 30. Generalversammlung der VN, 13.08.1975, B83 983, PA.
  63. Memo: Sachstand attached to Memo Ref. 511 an das Ref. 230: XVIII. Generalversammlung der Vereinten Nationen, 27.08.1973, B83 825, PA.
  64. Referat 310 an das Referat 230, 06.02.1973, ZA 121069, PA.
  65. See, for instance, Beobachtermission bei den VN an das AA, 16.03.1973, ZA 121069, PA.
  66. Protokoll: Bekämpfung des internationalen Terrorismus, 21.03.1973, ZA 121069, PA.
  67. Draft: Entwurf einer Antwortnote an den UN-Generalsekretär zur Resolution 3034 (27) betreffend Terrorismus, Übersetzung, 30.03.1973, ZA 121069, PA. This draft then became the official response of the German government. Original in English.
  68. The FRG claimed the right to self-determination for the people in the GDR. The basic idea was that if the East Germans could choose freely, they would reunite with West Germany – which is what happened in 1990. For the invocation of the principle of self-determination in the context of *Deutschlandpolitik*, see Walther Leisler Kiep, 'The New Deutschlandpolitik', *Foreign Affairs* 63, no. 2 (1984–1985), 316–29: 317; E. H. Albert, 'The Brandt Doctrine of Two States in Germany', *International Affairs (Royal Institute of International Affairs 1944–)* 46, no. 2 (1970), 293–303: 297.

69. Drahtbericht Beobachtermission bei den VN an das AA, 25.04.1973, ZA 121069, PA.
70. Memo Referat 511 an die Gruppe 23: VN-Politik nach dem Beitritt, 05.06.1973, B83 824, PA; Memo Referat 511 an das Referat 230, 29.06.1973, ZA 121069, PA.
71. Sofaer, 'Terrorism and the Law', 904–05.
72. Drahtbericht Beobachtermission bei den VN an das AA, 31.07.1973, B83 825, ZA.
73. Drahtbericht Beobachtermission bei den VN an das AA, 14.08.1973, B83 825, ZA.
74. Ibid.
75. Memo: Haltung der Bundesrepublik Deutschland, attached to Memo Ref. 511 an das Ref. 230: XVIII. Generalversammlung der Vereinten Nationen, 27.08.1973, B83 825, ZA.
76. For West Germany's policy in these fora, see, for instance, Bernhard Blumenau, 'The European Communities' Pyrrhic Victory: European Integration, Terrorism, and the Dublin Agreement of 1979', *Studies in Conflict & Terrorism* 37, no. 5 (2014), 405–421; Bernhard Blumenau, 'Taming the Beast: West Germany, the Political Offence Exception and the Council of Europe Convention on the Suppression of Terrorism', *Terrorism and Political Violence*, (forthcoming).
77. Memo: Haltung der Bundesrepublik Deutschland, attached to Memo Ref. 511 an das Ref. 230: XVIII. Generalversammlung der Vereinten Nationen, 27.08.1973, B83 825, ZA.
78. As research suggests, this was not the case either, though. See the preceding note on these two institutions.
79. Drahtbericht Ständige Vertretung bei den VN an das AA, 11.10.1973, ZA 121069, PA.
80. Drahterlass AA an die Ständige Vertretung bei den VN, 20.11.1973, B83 825, PA.
81. Memo: Haltung der Bundesrepublik Deutschland, attached to Memo Ref. 511 an das Ref. 230: Vorbereitung der 29. Generalversammlung der Vereinten Nationen, 15.08.1974, B83 825, PA.
82. Drahtbericht Ständige Vertretung bei den VN an das AA, 25.01.1977, ZA 121077, PA.
83. Memo: Haltung der Bundesrepublik Deutschland, attached to Memo Ref. 511 an das Ref. 230: Vorbereitung der 29. Generalversammlung der Vereinten Nationen, 15.08.1974, B83 825, PA.
84. Brief Referat 511, AA, an den Bundesminister der Justiz, an dem Bundesminister des Inneren: Vorbereitung der 30. Generalversammlung der VN, 13.08.1975, B83 983, PA.
85. Drahterlass an die Ständige Vertretung New York, 04.12.1975, B83 983, PA.
86. For a more detailed assessment of the OPEC crisis, see the case study section of this book.
87. Ständige Vertretung bei den VN an das AA, 02.01.1976, ZA 121070, PA.
88. Memo Abteilung 2 an den Herrn Bundesminister, 02.01.1976, ZA 121070, PA.
89. Runderlass, 13.01.1976, ZA 121070, PA.
90. In 1976, West Germany introduced an initiative to the UN which demanded the negotiation of a convention against hostage-taking. The drafting of the

- convention lasted from 1976 until 1979, and this project became the centre-piece of Bonn's antiterrorism policies at the UN. It will be the subject of the subsequent two chapters.
91. Drahtbericht Ständige Vertretung bei den VN an das AA, 25.01.1977, ZA 121077, PA.
  92. Letter Ständige Vertretung bei den VN an das AA: Internationaler Terrorismus (i. T.), 31.03.1977, ZA 121077, PA.
  93. Drahtbericht Ständige Vertretung bei den VN an das AA, 30.11.1977, ZA 121078, PA.
  94. Letter Ständige Vertretung bei den VN an das AA: Internationaler Terrorismus (i. T.), 31.03.1977, ZA 121077, PA.
  95. Drahtbericht Ständige Vertretung bei den VN an das AA nr 3470, 06.12.1977, ZA 121078, PA.
  96. Drahterlass an die Ständige Vertretung bei den VN, 06.12.1977, ZA 121078, PA.
  97. Drahtbericht Ständige Vertretung bei den VN an das AA, 13.12.1977, ZA 121078, PA.
  98. Letter Ständige Vertretung bei den VN an das AA: Internationaler Terrorismus, 18.04.1978, ZA 121078, PA.
  99. Letter Ständige Vertretung bei den Vereinten Nationen an das AA: Internationale Konvention gegen Geiselnahme, 17.01.1980, ZA 121080, PA. These were indeed much more conciliatory and less confrontational words. See Drahtbericht der Ständigen Vertretung bei den VN an das AA, 09.04.1979, ZA 121080, PA.
  100. Levitt, 'The International Legal Response to Terrorism', 538; Robert A. Friedlander, 'Terrorism and International Law: Recent Developments', *Rutgers Law Journal* 13, (1981–1982), 493–511: 509–10.
  101. For an – incomplete – overview, see Allen B. Green, 'Convention on the Prevention and Punishment of Crimes against Diplomatic Agents and Other Internationally Protected Persons: An Analysis', *Virginia Journal of International Law* 14, (1973–1974), 703–28: 704 footnote 5; For a list of all major assaults on embassies and diplomats, see also Brian M. Jenkins, *Embassies under Siege. A Review of 48 Embassy Takeovers, 1971–1980* (Santa Monica: RAND, 1981). See also Romaniuk, *Multilateral Counter-Terrorism*, 41.
  102. See the case study section.
  103. See, for instance, Saul, 'Attempts to Define Terrorism in International Law', 68, ft.83. See also 'Two Soviet Diplomats Injured in Foiled Argentine Kidnapping', *The New York Times*, (30.03.1970), 18; 'Shots at Soviet Mission Stir Bitter Debate in the U.N.', *The New York Times*, (22.10.1971), 1, 45. As a matter of fact, the Soviets thought their diplomatic missions in the US were in danger and constantly asked for better protection. See, for instance, Memorandum From Secretary of State Rogers to President Nixon, Washington, June 17, 1973; Nixon Presidential Materials, NSC Files, Box 310, Subject Files, Cabinet Committee on Terrorism, September 72–July 73, USNA.
  104. Friedlander, 'Terrorism and International Law', 505.
  105. Wood, 'Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents'. In the 1970s, the Romanians and other Eastern governments were increasingly

- concerned that their diplomats would also be kidnapped, Vermerk Ref. IB 1: Massnahmen zur Vermeidung von Diplomatenentführungen, 17.07.1970, B20 499, PA.
106. The OAS convention was established in response to the assassination of von Spreti in Guatemala and entered into force in 1973. See Vermerk attached to Memo Ref. 501 an das Referat 011: Fragestunde des Deutschen Bundestages am 15. Sept. 1977, 15.09.1977, B83 988, PA. For an assessment of the Convention, see Nicholas M. Poulantzas, 'Some Problems of International Law Connected with Urban Guerrilla Warfare: The Kidnapping of Members of Diplomatic Missions, Consular Offices and other Foreign Personnel', *Annales d'études internationales* 3, (1972), 137–67; Mickolus, 'Multilateral Legal Efforts to Combat Terrorism', 27–28.
  107. Green, 'Convention on the Prevention and Punishment of Crimes against Diplomatic Agents and Other Internationally Protected Persons', 704–06.
  108. Report of the ILC, A/CN.4/L.191, no date (probably 1973), B83 824, PA.
  109. Ibid.
  110. Wood, 'Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, Including Diplomatic Agents'.
  111. Green, 'Convention on the Prevention and Punishment of Crimes against Diplomatic Agents and Other Internationally Protected Persons', 708–11.
  112. In its earlier version, the draft contained a condemnation of crimes 'regardless of the motives'. This phrase was deleted from the draft text and did not figure in the final convention as a compromise between the West and some Third World countries. Green, 'Convention on the Prevention and Punishment of Crimes against Diplomatic Agents and Other Internationally Protected Persons', 714.
  113. For more information on the ICAO conventions, see, for instance, Omar Malik, 'Aviation Security before and after Lockerbie', *Terrorism and Political Violence* 10, no. 3 (1998), 112 – 33; Sami Shubber, 'Aircraft Hijacking under the Hague Convention 1970: A New Regime?', *The International and Comparative Law Quarterly* 22, no. 4 (1973), 687–726; C. S. Thomas and M. J. Kirby, 'The Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation', *The International and Comparative Law Quarterly* 22, no. 1 (1973), 163–72; Rodney Wallis, 'The Role of the International Aviation Organisations in Enhancing Security', *Terrorism and Political Violence* 10, no. 3 (1998), 83–100.
  114. Michael C. Wood, 'The Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents', *The International and Comparative Law Quarterly* 23, no. 4 (1974), 791–817: 792.
  115. For more information on the procedural history of the Convention as well as a discussion of its major points, see 'Procedural History of the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents', *United Nations Audiovisual Library of International Law* (2008). [http://untreaty.un.org/cod/avl/pdf/ha/cppcipp/cppcipp\\_ph\\_E.pdf](http://untreaty.un.org/cod/avl/pdf/ha/cppcipp/cppcipp_ph_E.pdf) (accessed 12.11.2010); Green, 'Convention on the Prevention and Punishment of Crimes against Diplomatic Agents and Other Internationally Protected Persons', 712–28; Wood, 'The Convention

- on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents', 799–817.
116. See the case study in Chapter 2.
  117. See the section on the von Spreti kidnapping in Chapter 2.
  118. Memo IB 1 an das Ref. V2: Schutz der Angehörigen der Auslandsvertretungen und ihrer Familien, 12.06.1970, B30 499, PA.
  119. Memo IB 1 an das Ref. V2: Schutz der Angehörigen der Auslandsvertretungen und ihrer Familien, 09.07.1970, B30 499, PA; Drahterlass an die Beobachtermission bei den VN, 27.07.1970, B30 499, PA.
  120. Drahtbericht Beobachtermission bei den VN an das AA, 17.08.1970, B30 499, PA; Drahtbericht Beobachtermission bei den VN an das AA, 21.08.1970, B30 499, PA.
  121. Drahtbericht Beobachtermission bei den VN an das AA, 02.09.1970, B30 499, PA.
  122. Vermerk Ref IB 1: Schutz der Diplomaten und ihrer Familien vor rechtswidrigen Angriffen und Entführungen, 09.09.1970, B30 499, PA.
  123. Drahterlass an die Beobachtermission bei den VN, 14.09.1970, B30 499, PA. See also Blumenau, 'Taming the Beast'.
  124. Drahtbericht Beobachtermission bei den VN an das AA, 11.12.1970, B30 499, PA; Drahtbericht Beobachtermission bei den VN an das AA, 16.12.1970, B30 499, PA.
  125. Memo: TOP Konventionsentwurf zur Verhütung und Ahndung von Verbrechen gegen Diplomaten und andere unter Schutz stehende Personen, attached to Memo Ref 502 an das Ref. 230: XXVIII. Generalversammlung der Vereinten Nationen, 27.08.1973, ZA 113974, PA.
  126. See the aftermaths of the Spreti crisis in Chapter 2.
  127. *Ibid.*
  128. It will be assessed subsequently.
  129. Drahterlass an die Ständige Vertretung bei den VN, 04.10.1973, ZA 121069, PA.
  130. Memo Referat 502 an das Referat 511: Terrorismus, 20.03.1973, ZA 121069, PA.
  131. Briefing Memorandum From the Special Assistant to the Secretary of State and Coordinator for Combating Terrorism (Hoffacker) to Secretary of State Kissinger, Washington, October 4, 1973, RG 59, M/CT Files: Lot 77 D 30, Secretary—Correspondence and Reports 1972–73, USNA.
  132. For the other members of the Drafting Committee, see Wood, 'The Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents', 794, ft. 18.
  133. Memo Abteilung 5 dem Herrn Staatssekretär: Konvention zur Verhinderung und Bestrafung von Verbrechen gegen international geschützte Personen einschließlich diplomatischer Vertreter (Diplomatenschutzkonvention), 28.12.1973, ZA 113974, PA.
  134. Levitt, 'The International Legal Response to Terrorism', 544; Sofaer, 'Terrorism and the Law', 917–18.
  135. Telegram 4973 From the Mission to the United Nations to the Department of State, November 21, 1973, RG 59, Central Foreign Policy Files, USNA.

136. Wood, 'The Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents', 795–97.
137. 'General Assembly Resolution 3166 (XXVIII)', (14.12.1973). [http://untreaty.un.org/ilc/texts/instruments/english/conventions/9\\_4\\_1973\\_resolution.pdf](http://untreaty.un.org/ilc/texts/instruments/english/conventions/9_4_1973_resolution.pdf) (accessed 12.11.2010).
138. Anlage 1 attached to Memo Abteilung 5: Die Verhandlungen in den VN über eine Konvention zur Verhinderung und Bestrafung von Verbrechen gegen international geschützte Personen einschließlich diplomatischer Vertreter (Diplomatenschutzkonvention), attached to Memo Abteilung 5 dem Herrn Staatssekretär: Konvention zur Verhinderung und Bestrafung von Verbrechen gegen international geschützte Personen einschließlich diplomatischer Vertreter (Diplomatenschutzkonvention), 28.12.1973, ZA 113974, PA.
139. Memo Ref. 502 an die Referate 230, 302, 500, 501: Konvention zur Verhinderung und Bestrafung von Verbrechen gegen international geschützte Personen einschließlich diplomatischer Vertreter, 29.01.1974, B83 825, PA.
140. The representative of Canada, as quoted in Wood, 'The Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents', 798.
141. Letter BMI an das AA: Diplomatenschutzkonvention, 16.01.1974, B83 825, PA.
142. Declaration by the Federal Republic of Germany, in 'Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents. Including Reservations and Declarations made upon signature', *United Nations Treaty Series* 1035, I-15410(20.02.1977). <http://treaties.un.org/doc/Publication/UNTS/Volume%201035/volume-1035-I-15410-English.pdf> (accessed 12.11.2010).
143. Memo Abteilung 5 dem Herrn Staatssekretär: Konvention zur Verhinderung und Bestrafung von Verbrechen gegen international geschützte Personen einschließlich diplomatischer Vertreter (Diplomatenschutzkonvention), 28.12.1973, ZA 113974, PA.
144. Article 14, 'Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents', (1973). [http://untreaty.un.org/ilc/texts/instruments/english/conventions/9\\_4\\_1973.pdf](http://untreaty.un.org/ilc/texts/instruments/english/conventions/9_4_1973.pdf) (accessed 12.11.2010).
145. As quoted in Wood, 'Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents'.
146. Memo Abteilung 5 dem Herrn Staatssekretär: Konvention zur Verhinderung und Bestrafung von Verbrechen gegen international geschützte Personen einschließlich diplomatischer Vertreter (Diplomatenschutzkonvention), 28.12.1973, ZA 113974, PA.
147. 'Declaration concerning the declaration made by France, the United Kingdom of Great Britain and Northern Ireland and the United States of American with regard to the declaration made by the Federal Republic of Germany upon ratification. Received on: 13 February 1978. Federal Republic of Germany', *United Nations Treaty Series* 1076, A-15410(1978). <http://>

- [treaties.un.org/doc/Publication/UNTS/Volume%201076/volume-1076-A-15410-English\\_French.pdf](http://treaties.un.org/doc/Publication/UNTS/Volume%201076/volume-1076-A-15410-English_French.pdf) (accessed 12.11.2010).
148. Memo Abteilung 5 dem Herrn Staatssekretär: Konvention zur Verhinderung und Bestrafung von Verbrechen gegen international geschützte Personen einschließlich diplomatischer Vertreter (Diplomatenschutzkonvention), 28.12.1973, ZA 113974, PA.
  149. Memo Abteilung 5: Die Verhandlungen in den VN über eine Konvention zur Verhinderung und Bestrafung von Verbrechen gegen international geschützte Personen einschließlich diplomatischer Vertreter (Diplomatenschutzkonvention), attached to Memo Abteilung 5 dem Herrn Staatssekretär: Konvention zur Verhinderung und Bestrafung von Verbrechen gegen international geschützte Personen einschließlich diplomatischer Vertreter (Diplomatenschutzkonvention), 28.12.1973, ZA 113974, PA.
  150. Memo Ref. 511 an das Ref. 230: Konvention gegen Geiselnahme, B83 984, PA.
  151. Brief Referat 511, AA, an den Bundesminister der Justiz, an den Bundesminister des Inneren: Vorbereitung der 30. Generalversammlung der VN, 13.08.1975, B83 983, PA.
  152. Telegram 250151 From the Department of State to All Diplomatic Posts, December 26, 1973, RG 59, Central Foreign Policy Files, USNA.
  153. Sir Michael Wood, 'Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents', *United Nations Audiovisual Library of International Law* (2008). <http://untreaty.un.org/cod/avl/ha/cppcipp/cppcipp.html> (accessed 12.11.2010).
  154. Letter Armin H. Meyer, Special Assistant to the Secretary to Dr. Strothmann, Ministry of Foreign Affairs, Bonn, 16.04.1973, B83 1006, PA.
  155. Drahtbericht Beobachtermission bei den VN an das AA, 07.08.1973, B83 825, PA.
  156. Ibid.
  157. Referat 230 an die Referate 511, 500, 502, 09.08.1973, ZA 121069, PA.
  158. Memo Referat 502 an das Referat 230: Vorbereitung der XXVIII. Generalversammlung der VN, 17.08.1973, ZA 121069, PA.
  159. Memo Referat 500 an das Referat 230: XVIII: VN-Vollversammlung; TOP 94 – Terrorismus, 21.08.1973, B83 825, ZA.; see also Drahterlass an die Ständige Vertretung bei den VN, 03.09.1973, ZA 121069, PA.
  160. Memo Referat 502 an das Referat 230: Vorbereitung der XXVIII. Generalversammlung der VN, 17.08.1973, ZA 121069, PA.
  161. Ibid. Emphasis in the original document.
  162. Drahterlass an die Beobachtermission bei den VN, 03.09.1973, B83 825, ZA.
  163. Schnellbrief des BMI an das AA, 26.09.1973, ZA 121069, PA. See also Telegramm des BMI an das AA, 05.09.1973, B83 825, PA.
  164. Schnellbrief des BMJ an das AA: Vorbereitung der XVIII. Generalversammlung der Vereinten Nationen, 03.09.1973, B83 825, PA.
  165. Drahterlass an die Ständige Vertretung bei den VN, 04.10.1973, ZA 121069, PA.
  166. Ständige Vertretung bei den VN an das AA, 11.10.1973, B83 825, ZA.
  167. Ständige Vertretung bei den VN an das AA, 15.03.1974, ZA 121069, PA.

168. Referat 511 an das Referat 230, 26.03.1974, ZA 121069, PA; Referat 502 an das Referat 230, 27.03.1974, B83 825, PA.; Referat 500 an das Referat 230, 29.04.1974, ZA 121069, PA.
169. Drahterlass an die Ständige Vertretung bei den VN, 19.04.1974, ZA 121069, PA.
170. Brief Referat 511, AA, an den Bundesminister der Justiz, an dem Bundesminister des Inneren: Vorbereitung der 30. Generalversammlung der VN, 13.08.1975, B83 983, PA.
171. There is a comprehensive study based on German and Swedish documents on the Stockholm crisis in Michael März, *Die Machtprobe 1975. Wie RAF und Bewegung 2. Juni den Staat erpressten* (Leipzig: Forum Verlag, 2007); see also Michael Schwelien, *Helmut Schmidt. Ein Leben für den Frieden* (Hamburg: Hoffmann und Campe, 2003), 290–91. For an account of the Lorenz crisis, see Matthias Dahlke, 'Nur eingeschränkte Krisenbereitschaft: Die staatliche Reaktion auf die Entführung des CDU-Politikers Peter Lorenz 1975', *Vierteljahrshefte für Zeitgeschichte* 55, no. 4 (2007), 641–78.
172. Brief von Gerhard Merzyn an den Bundeskanzler, 28.04.1975, ZA 121069, PA and letter Bundeskanzleramt an den Bundesminister des Inneren, Mai 1975, ZA 121069, PA.
173. Memo Referat 230 an die Referate 500, 502, 511: Maßnahmen in den VN zur Bekämpfung de sinternationalen Terrorismus, 07.05.1975, B83 983, PA.
174. Memo Referat 511 an Referat 230: Maßnahmen in den VN zur Bekämpfung des internationalen Terrorismus, 30.05.1975, B83 983, PA.
175. Abteilung 2 (van Well) an den Herrn Bundesminister, 29.04.1975, ZA 121069, PA.
176. Ibid.
177. Memo Referat 500 an das Referat 230, 01.07.1975, ZA 121069, PA; Memo Referat 230 an die Referate 500, 502, 511, 07.05.1975, ZA 121069, PA.
178. Referat 230: Top 117, Sachstand, no date, ZA 121069, PA.
179. Drahtbericht Ständige Vertretung bei den VN an das AA, 03.12.1975, ZA 121069, PA.
180. Ibid. Original quote in English.
181. Drahterlass an die Ständige Vertretung bei den VN, no legible date, probably 04.12.1975, ZA 121069, PA.

#### 4 The UN Hostages Convention: Drafting and Launch

1. Ved P. Nanda, 'Progress Report on the United Nations' Attempt to Draft an International Convention against the Taking of Hostages', *Ohio Northern University Law Review* 6, no. 1 (1979), 89–108: 91.
2. Memorandum From Secretary of State Rogers to President Nixon, Washington, June 17, 1973; Nixon Presidential Materials, NSC Files, Box 310, Subject Files, Cabinet Committee on Terrorism, September 72–July 73, USNA.
3. Nanda, 'Progress Report on the United Nations' Attempt to Draft an International Convention against the Taking of Hostages', 91.
4. See for instance Art. 2 (1) a of the Convention.



5. Nanda, 'Progress Report on the United Nations' Attempt to Draft an International Convention against the Taking of Hostages', 94.
6. Edward Mickolus, 'Multilateral Legal Efforts to Combat Terrorism: Diagnosis and Prognosis', *Ohio Northern University Law Review* 6, no. 1 (1979), 13–51: 28–29.
7. Memorandum From the Acting Secretary of State (Ingersoll) to President Ford, Washington, February 18, 1975; RG 59, Central Foreign Policy Files, P750037–0744; USNA.
8. Schreiben des Bundeskanzleramts an Staatssekretär Gehlhoff, 06.01.1976, ZA 121070, PA.
9. Vermerk: Initiative der Bundesrepublik Deutschland auf dem Gebiet der Bekämpfung des Terrorismus, 08.01.1976, ZA 121070, PA. The two quotes are from the same document. Letter BMI an das Bundeskanzleramt, 12.01.1976, ZA 121070, PA.
10. Drahterlass des AA an die Botschaften in Caracas und Bogota, 08.01.1976, ZA 121070, PA.
11. Referat 230, Vermerk: Maßnahmen gegen den internationalen Terrorismus, 09.01.1976, ZA 121070, PA.
12. Handwritten Vermerk: Verfahren, probably a 'Direktorenbesprechung', no date (probably 08.01.1976), ZA 121070, PA.
13. Ibid.
14. Drahterlass/Runderlass an die deutschen Auslandsvertretungen, 12.01.1976, ZA 121070, PA. The two quotations are taken from the same document.
15. Runderlass, 13.01.1976, ZA 121070, PA.
16. Drahtbericht Botschaft Washington an das AA, 15.01.1976, ZA 121071, PA.
17. Drahtbericht Botschaft Tel Aviv an das AA, 16.01.1976, ZA 121071, PA.
18. Drahtbericht Botschaft Tokio an das AA, 22.01.1976, ZA 121071, PA.
19. Drahtbericht Botschaft Moskau an das AA, 21.01.1976, ZA 121071, PA.
20. Drahtbericht Botschaft Prag an das AA, 16.01.1976, ZA 121071, PA; Drahtbericht Botschaft Warschau an das AA, 26.01.1976, ZA 121071, PA; Brief Botschaft Prag an das AA, 03.03.1976, ZA 121071, PA.
21. Drahtbericht Botschaft Algiers an das AA, 19.01.1976, ZA 121071, PA; Drahtbericht Botschaft Kairo an das AA, 19.01.1976, ZA 121071, PA; Drahtbericht Botschaft Doha an das AA, 20.01.1976, ZA 121071, PA; Drahtbericht Botschaft Bagdad an das AA, 18.01.1976, ZA 121071, PA.
22. Drahtbericht Botschaft Tripolis an das AA, 19.01.1976, ZA 121071, PA.
23. The embassy in Kampala cabled that the ambassador did not even raise the issue with the Ugandan authorities, as this would have been counterproductive in light of the close ties between Uganda and the PLO and because of Idi Amin's personal unpredictability. A very paternalistic tone underpinned the report from Benin. The embassy cabled that despite being a nonpermanent member of the SC, Benin's military dictatorship had not yet reached the 'level of maturity' that would allow it to address the issue of terrorism objectively. Benin's use of 'diplomatic gangsterism' and the fact that it was one of the least developed countries would hinder its cooperation at the UN. Somalia was an interesting case because it was to play a major role in a German counterterrorism operation a year later, during the hijacking of the Lufthansa jet *Landshut*. In 1976, the embassy in Mogadishu informed the AA that it was very unlikely that Somalia would support even a sectoral

- initiative. It maintained good and close relations with radical states such as Iraq and Libya, as well as with the PLO, and would not jeopardise these links by cooperating with the West. See Drahtbericht Botschaft Kambala an das AA, 15.01.1976, ZA 121071, PA; Brief Botschaft Cotonou an das AA: Internationale Zusammenarbeit bei der Bekämpfung von Terrorakten, 05.02.1976, B83 983, PA; Drahtbericht Botschaft Mogadischu an das AA, 17.01.1976, ZA 121071, PA.
24. Drahtbericht Botschaft Peking an das AA, 15.01.1976, ZA 121071, PA.
  25. Report: China and Global Issues, April 1978, NLC-26-49-7-2-1, CIA FOIA, JCL.
  26. Drahtbericht Ständige Vertretung bei den VN an das AA, 30.11.1976, no. 3364, B83 1236, PA.
  27. After the 1973 oil crisis, the French were indeed very cautious about not straining their relations with Arab countries, especially because of oil interests. See, for instance, Daniel Möckli, *European Foreign Policy during the Cold War. Heath, Brandt, Pompidou and the Dream of Political Unity* (London, New York: I. B. Tauris, 2009), 257, 266–69.
  28. Drahtbericht ständige Vertretung bei den VN an das AA, 16.01.1976, ZA 121071, PA. For Germany's problematic relationship with many Arab states at the time, see Bernhard Blumenau, 'West Germany and the United States during the Middle East Crisis of 1973. "Nothing but a Semi-Colony"?', in *The Routledge Handbook of Transatlantic Security*, (ed.) Jussi Hanhimäki, Georges-Henri Soutou, and Basil Germond (London: Routledge, 2010), 26–41.
  29. Ständige Vertretung bei den VN an das AA, 02.01.1976, ZA 121070, PA.
  30. Memo Unterabteilung 23 an den Herrn Bundesminister: Maßnahmen zur Bekämpfung von Terrorakten, 29.01.1976, ZA 121074, PA.
  31. Ibid.
  32. Aufzeichnung: Deutsch-französische Direktorenkonsultationen am 12.1.1976 in Paris, 13.01.1976, ZA 121070, PA.
  33. Ibid.
  34. Referat 200 an das Referat 202: Weltweite Bekämpfung des Terrorismus, 09.01.1976, ZA 121070, PA. See also Bernhard Blumenau, 'Taming the Beast: West Germany, the Political Offence Exception and the Council of Europe Convention on the Suppression of Terrorism', *Terrorism and Political Violence*, (forthcoming).
  35. Letter Deutsche Botschaft Paris an das AA, 17.02.1976, ZA 121071, PA.
  36. Abteilung 2 an das Ministerbüro, 09.01.1976, ZA 121070, PA.
  37. Correspondance Européenne (COREU), 03.02.1976, ZA 121074, PA.
  38. Ibid.
  39. Ibid.
  40. Ibid.
  41. Note: Réunion du Groupe d'expert Nations Unies le 11 février à Luxembourg. Note d'appui sur le terrorisme international, no date, probably 11. or 12.02.1976, ZA 121074, PA.
  42. Ibid. Note also that the German memo on the meeting has a much more optimistic tone than the one prepared in French (the official minutes): Vermerk Referat 230: Tagung der VN-Arbeitsgruppe am 10.2.1976 in Luxemburg, ZA 121074, PA.
  43. Drahterlass/ COREU, 09.03.1976, ZA 121074, PA.

44. Drahterlass: Zum 22. EPZ-Ministertreffen am 23.2.1976 in Luxemburg, 24.02.1976, ZA 121071, PA.
45. Memo Referat 230: Terrorismus-Initiative, 16.03.1976, ZA 121074, PA.
46. Drahtbericht Ständige Vertretung bei den VN an das AA, 06.04.1976, ZA 121074, PA.
47. Memo Unterabteilung 23 an den Herrn Bundesminister: Terrorismus-Initiative in den VN, 25.03.1976, ZA 121074, PA.
48. Memo: Übersetzung: PK-Bericht vom 23. April 1976, no date, probably 26. or 27.04.1976, ZA 121074, PA.
49. Memo Referat 200: Zum Stand der internationalen Zusammenarbeit zur Bekämpfung des Terrorismus, 28.04.1976, ZA 121071, PA.
50. Drahtbericht Botschaft London an das AA, 29.04.1976, ZA 121074, PA.
51. Memo Referat 230: Terrorismusinitiative in den VN, 18.05.1976, ZA 121071, PA.
52. Teilerlass, 12.05.1977, ZA 121075, PA.
53. Drahtbericht Botschaft Neu Delhi an das AA, 31.05.1976, ZA 121075, PA; Drahtbericht Botschaft Algier an das AA, 10.06.1976, ZA 121075, PA; Vermerk: Zusammenarbeit in der Verbrechensbekämpfung mit Jugoslawien, 15.07.1976, ZA 121071, PA.
54. Vermerk Direktor Lahn (D3): Gespräch des Bundeskanzlers mit Ministerpräsident Prinz Fahd am 31.5.1976 in Riad, 02.06.1976, ZA 121072, PA.
55. Venezuela, Nigeria, Zambia, and Iran, with Yugoslavia taking a neutral stance. See Untitled document listing the stances of Third World countries in Latin America, on the Arabian Peninsula, in Asia and Africa, no date, probably July 1976, ZA 121075, PA.
56. COREU, 18.05.1976, ZA 121074, PA.
57. Vermerk Referat 230: Außenpolitischer Meinungsaustausch über Themen 31. GV der VN in der 259. Sitzung des KMB vom 23.6.1976, 25.06.1976, B83 676, PA.
58. Unknown African diplomat quoted in: Memo Referat 230: Terrorismusinitiative in den VN, 28.06.1976, ZA 121071, PA; Memo Politische Abteilung 2 an den Herrn Minister: Terrorismusinitiative in den VN, 28.06.1976, ZA 121075, PA.
59. Memo Referat 230: Terrorismusinitiative in den VN, 28.06.1976, ZA 121071, PA; Memo Politische Abteilung 2 an den Herrn Minister: Terrorismusinitiative in den VN, 28.06.1976, ZA 121075, PA.
60. Ibid.; Memo Referat 230: Terrorismusinitiative in den VN, 28.06.1976, ZA 121071, PA.
61. Ibid.; Memo Politische Abteilung 2 an den Herrn Minister: Terrorismusinitiative in den VN, 28.06.1976, ZA 121075, PA.
62. Vermerk Unterabteilung 23 an den Herrn Minister: Übersicht über unsere Anstrengungen zur Stärkung der internationalen Zusammenarbeit gegen den Terrorismus, 06.07.1976, B83 676, PA.
63. Memo Referat 300 an das Referat 230: Internationale Zusammenarbeit bei der Bekämpfung des Terrorismus, 12.07.1976, B83 676, PA.
64. Ibid.
65. Memo Referat 230 an das Referat 300: Internationale Zusammenarbeit bei der Bekämpfung des Terrorismus, 15.07.1976, B83 676, PA.

66. Memo Referat 230: Terrorismusinitiative in den VN, 22.07.1976, B83 676, PA.
67. On the Entebbe crisis, see also the case study in Chapter 2.
68. Cable US Permanent Mission to the UN to the State Department, July 15, 1976, RG 59, Central Foreign Policy Files, USNA.
69. Bennet was US ambassador to the UN Security Council and Deputy US Representative to the UN.
70. Cable US Permanent Mission to the UN to the State Department, July 15, 1976, RG59, Central Foreign Policy Files, USNA.
71. Telegram 220772 From the Department of State to All Diplomatic Posts, September 6, 1976, RG 59, Central Foreign Policy Files, USNA.
72. Scranton was the US Representative to the UN.
73. Drahtbericht Ständige Vertretung bei den VN an das AA (no. 1589), 03.08.1976, B83 676, PA. The US embassy in Bonn also expressed its support for the project, see Drahterlass des AA an die Ständige Vertretung bei den VN, 12.08.1976, B83 676, PA.
74. Letter Referat 200 an das Bundeskanzleramt etc: Bekämpfung des internationalen Terrorismus, no date, probably 15 July 1976, ZA 121074, PA.
75. Drahtbericht Ständige Vertretung bei den VN an das AA, 22.07.1976, ZA 121074, PA.
76. Memo Referat 230: Vorschau auf wichtige Themen der 31. GV, 28.07.1976, ZA 121071, PA; Drahterlass an die Botschaft Bogota, 19.07.1976, ZA 121075, PA.
77. Vermerk Ref. 230: 3. Ressortbesprechung zur Terrorismus-Initiative in den VN am 16.7.76, 19.07.1976, B83 984, PA.
78. As a matter of fact, even among the European members a consensus about proper policies against terrorism, or simply a general obligation to extradite perpetrators of political crimes, was difficult to reach. See, for instance, Blumenau, 'Taming the Beast'.
79. Ministerbüro: Niederschrift über das Gespräch des Herrn Ministers in der VN-Vertretung in New York am 16. Juli 1976 um 15h, 19.07.1976, ZA 121071, PA.
80. Ibid.; COREU: Terrorismus-Initiative in den VN, 27.07.1976, B83 676, PA.
81. Ministerbüro: Niederschrift über das Gespräch des Herrn Ministers in der VN-Vertretung in New York am 16. Juli 1976 um 15h, 19.07.1976, ZA 121071, PA.
82. Memo: Unterabteilung 23 an den Bundesminister: Gespräch des BM in der VN-Vertretung New York am 16.7.1976, 05.08.1976, B83 676, PA.
83. Drahtbericht Ständige Vertretung bei den VN an das AA, no. 1585 (second part), 03.08.1976, B83 676, PA.
84. In this case, however, it would have been possible for the FRG to refer to the *aut dedere aut iudicare* clause as a justification to try East Germans in West Germany rather than extraditing them to the GDR.
85. Drahtbericht Ständige Vertretung bei den VN an das AA, 06.08.1976, ZA 121072, PA.
86. Drahtbericht Ständige Vertretung bei den VN an das AA, no. 1585 (second part), 03.08.1976, B83 676, PA. Emphasis added. Original quote in English.
87. Brief des AA an das Bundeskanzleramt etc, 05.08.1976, ZA 121072, PA.

88. Ibid.
89. Drahtbericht Ständige Vertretung bei den VN an das AA, 11.08.1976, B83 676, PA. The permanent mission itself agreed with Suy's assessment. See Drahtbericht Ständige Vertretung bei den VN an das AA (no. 1696), 12.08.1976, B83 676, PA.
90. Memo Unterabteilung 23 an den Bundesminister: Vorbereitung unserer VN-Initiative zur Bekämpfung der Geiselnahme, 13.08.1976, B83 676, PA.
91. Drahtbericht Ständige Vertretung bei den VN an das AA, 18.08.1976, B83 676, PA.
92. Drahtbericht Ständige Vertretung bei den VN an das AA, 19.08.1976, B83 676, PA.
93. Drahtbericht Ständige Vertretung bei den VN an das AA, 26.08.1976, B83 676, PA. Now, however, Denmark was becoming reluctant about the project.
94. The letter is attached to Memo Unterabteilung 23 an den Bundesminister: Unsere Initiative zur Geiselnahme, 19.08.1976, B83 676, PA.
95. Drahterlass an die Botschaften in London, Paris, Luxemburg, Brüssel, Dublin, Rom, Den Haag, Kopenhagen, 23.08.1976, B83 676, PA.
96. Runderlass: Deutsche Initiative gegen die Geiselnahme auf der 31. GV, 09.09.1976, ZA 121072, PA.
97. Ibid.
98. Drahtbericht Ständige Vertretung New York an das AA, 09.09.1976, ZA 121072, PA.
99. Drahtbericht Ständige Vertretung bei den VN an das AA, 14.09.1976, ZA 121072, PA.
100. Ibid.
101. Drahtbericht Ständige Vertretung bei den VN an das AA, 16.09.1976, ZA 121072, PA.
102. Drahterlass an die Botschaft Buenos Aires, 13.09.1976, ZA 121072, PA.
103. Drahtbericht Ständige Vertretung bei den VN an das AA, 10.09.1976, ZA 121072, PA.
104. Ibid.
105. Drahtbericht Ständige Vertretung bei den VN an das AA, 20.09.1976, ZA 121072, PA.
106. Drahtbericht Ständige Vertretung bei den VN an das AA, 15.09.1976, ZA 121072, PA. Note also the handwritten comments on the cable.
107. See, for instance: Matthias Dahlke, 'Das Wischnewski-Protokoll: Zur Zusammenarbeit zwischen westeuropäischen Regierungen und transnationalen Terroristen 1977', *Vierteljahreshefte für Zeitgeschichte* 57, no. 2 (2009), 201–15.
108. Drahtbericht Ständige Vertretung bei den VN an das AA, no. 2134, 22.09.1976, ZA 121072, PA; Drahtbericht Ständige Vertretung bei den VN an das AA, no. 2153, 22.09.1976, ZA 121072, PA; Drahterlass an die Botschaft Aden, 24.09.1976, ZA 121072, PA.
109. Drahtbericht Ständige Vertretung bei den VN an das AA, 10.09.1976, ZA 121072, PA.
110. Drahterlass an die Botschaften Rabat, Algiers etc, 22.09.1976, B83 1236, PA. Both quotations are taken from this document.

111. Drahtbericht Ständige Vertretung bei den VN an das AA, 25.09.1976, B83 1236, PA; Drahtbericht Ständige Vertretung bei den VN an das AA, 28.09.1976, B83 1236, PA.
112. Drahtbericht Botschaft Algier an das AA, 15.09.1976, ZA 121072, PA.
113. Drahterlass an die Botschaft Caracas, 27.09.1976, ZA 121072, PA.
114. For more information on the Chilean 9/11, see, for instance, Tanya Harmer, *Allende's Chile and the Inter-American Cold War* (Chapel Hill: University of North Carolina Press, 2011), chapter 7.
115. Hans-Dietrich Genscher, 'Geiselnahme, Friedenssicherung, weltwirtschaftliche Zusammenarbeit: Rede des deutschen Aussenministers vor der 31. UN-Generalversammlung (28 September 1976)', *Vereinte Nationen: Zeitschrift für die Vereinten Nationen und ihre Sonderorganisationen* 24, no. 5 (1976), 129–34: 131–32.
116. Explanatory Memorandum, attached to the letter of Genscher to Waldheim, 28.09.1976, B83 984, PA. Original in English.
117. Ibid.
118. Ibid.
119. Ibid.
120. Ibid.
121. Sprechzettel Ref. 230: Rede vor der 31. GV der VN, 21.09.1976, B83 1236, PA. P. 1.
122. At the same time, West Germany was applying for a nonpermanent seat on the Security Council, and the justification for this goal once again underlined Bonn's intention to become a serious factor at the UN: 'Our candidature for the Security Council is an expression of the responsibility we have assumed as a UN member and which reflects our political and economic power. The membership in the Security Council allows us to participate in global political events and a higher level of responsibility', Memo Ref 230: Sprechzettel für Presse-Hintergrundgespräch am 22.9, 21.09.1976, B83 1236, PA.
123. Drahtbericht Ständige Vertretung bei den VN an das AA, 04.10.1976, B83 985, PA.
124. Drahtbericht Ständige Vertretung bei den VN an das AA, no. 2393, 05.10.1976, B83 985, PA.
125. Memo Ref. 202: Deutsch-französische Konsultationen der Politischen Direktoren am 25. Oktober 1976 in Paris, 29.10.1976, B83 1236, PA.
126. Drahtbericht Ständige Vertretung bei den VN an das AA, 08.10.1976, B83 985, PA.
127. Ibid.
128. Memo Ref. 202: Deutsch-französische Konsultationen der Politischen Direktoren am 25. Oktober 1976 in Paris, 29.10.1976, B83 1236, PA.
129. Letter Ständige Vertretung bei den VN an das AA: Allgemeine Berichterstattung über die 31. Generalversammlung, 26.01.1977, B83 986, PA.
130. Drahtbericht Ständige Vertretung bei den VN an das AA, 05.10.1976, ZA 121074, PA.
131. Memo Abteilung 2 an den Bundesminister: Weiterbehandlung unserer Geiselnahmeinitiative, 28.10.1976, B83 983, PA.
132. Ibid.
133. Ibid.

134. 'A/Res/31-6 D. Policies of *apartheid* of the Government of South Africa', (25.10.1976). <http://daccess-ods.un.org/TMP/3061569.03505325.html> (accessed 10.10.2011). The resolution noted that 'the racist régime of South Africa has used weapons received from its traditional allies, particularly ... the Federal Republic of Germany ... for repression in South Africa and aggression against other States'. The resolution goes on by 'noting with concern ... the continued violations of the arms embargo against South Africa by its traditional allies, particularly ... the Federal Republic of Germany ...'.
135. Drahterlass (no. 3878), 14.10.1976, ZA 121073, PA.
136. Runderlass (no. 5009), 30.10.1976, ZA 121073, PA.
137. Referat 230: Sprechzettel: Deutsche VN-Initiative gegen Geiselnahme, 13.10.1976, ZA 121073, PA.
138. Vermerk Unterabteilung 31 (Jesser): Initiative Geiselnahme, 18.10.1976, ZA 121073, PA.
139. Drahtbericht Botschaft Algier an das AA, 11.11.1976, ZA 121073, PA.
140. Drahtbericht Botschaft Bamako an das AA, 07.12.1976, ZA 121073, PA
141. Drahtbericht Botschaft Bangui an das AA, 08.11.1976, ZA 121073, PA; Drahtbericht Ständige Vertretung bei den VN an das AA, 15.11.1976, ZA 121073, PA; Letter Botschaft Niamey an das AA, 12.11.1976, ZA 121073, PA; Memo Staatssekretär Gehlhoff an Herrn D 2, 19.11.1976, ZA 121073, PA; Vermerk (Dg 31), 27.10.1976, ZA 121073, PA. However, the embassy in Gabon, for instance, reported that the host state would probably not change its position as Gabon was not afraid of a deterioration of relations with the FRG. Apparently, there was not a big stick that Bonn could swing. See Drahtbericht Botschaft Libreville an das AA, 09.11.1976, ZA 121073, PA.
142. Letter Ständige Vertretung bei den VN an das AA: Allgemeine Berichterstattung über die 31. Generalversammlung, 26.01.1977, B83 986, PA.
143. Memo Abteilung 2 (van Well) an den Herrn Bundesminister: Stand unserer Geiselnahme-Initiative, 23.11.1976, B83 985, PA; Runderlass, 12.01.1976, ZA 121072, PA. The co-sponsor group consisted of Denmark, Italy, the Netherlands, Austria, Luxemburg, Sweden, Turkey, Iran, Nepal, Surinam, Costa Rica, Colombia, Ecuador, Venezuela, the Central African Republic, Liberia, and – even the formerly opposed – Mali was willing to introduce the text together with West Germany.
144. Runderlass, 12.01.1976, ZA 121072, PA; Letter Ständige Vertretung bei den VN an das AA: Allgemeine Berichterstattung über die 31. Generalversammlung, 26.01.1977, B83 986, PA.
145. Letter Ständige Vertretung bei den VN an das AA: Allgemeine Berichterstattung über die 31. Generalversammlung, 26.01.1977, B83 986, PA.
146. Ibid.
147. Ibid.
148. Ibid.
149. Drahtbericht Ständige Vertretung bei den VN an das AA, 01.12.1976, B83 985, PA.
150. Memo Abteilung 2 (van Well) an den Herrn Minister: Weiteres Vorgehen in der Geiselnahme-Initiative, 02.12.1976, B83 985, PA.
151. Vermerk: Einige Element für eine Erklärung im 6. Ausschuss für den Fall, dass wir unseren Res.E. zurückziehen, 03.12.1976, ZA 121077, PA.

152. Drahterlass an die Ständige Vertretung bei den VN, 01.12.1976, B83 985, PA.
153. Memo Referat 013 an den Herrn Minister: Präsentation der Geiselnahme-Resolution, 02.12.1976, B83 985, PA; Drahterlass an die Ständige Vertretung bei den VN, 01.12.1976, ZA 121077, PA.
154. Runderlass, 01.12.1976, ZA 121072, PA.
155. Drahtbericht Botschaft Tripolis an das AA, 05.12.1976, B83 985, PA.
156. Ibid. For cases of countries that still maintained a sceptical position, see, for instance, Drahtbericht Botschaft Warschau an das AA, 06.12.1976, ZA 121072, PA; Drahtbericht Botschaft Peking an das AA, 07.12.1976, ZA 121072, PA; Drahtbericht Botschaft Peking an das AA, 03.12.1976, ZA 121072, PA; Drahtbericht Botschaft Mogadischu an das AA, 06.12.1976, ZA 121072, PA; Drahtbericht Botschaft Kairo an das AA, 07.12.1976, ZA 121072, PA.
157. Drahtbericht Botschaft Tripolis an das AA, 07.02.1977, ZA 121077, PA.
158. Drahtbericht Ständige Vertretung bei den VN, no. 3382, 01.12.1976, ZA 121077, PA.
159. Memo Abt. 2 an den Herrn Bundesminister: Geiselnahme-Initiative, 06.12.1976, ZA 121077, PA.
160. Memo Unterabteilung 23 an den Herrn Bundesminister: Geiselnahme-Initiative, 03.12.1976, B83 985, PA.
161. Drahtbericht Ständige Vertretung New York an das AA, 07.12.1976, ZA 121077, PA.
162. Memo by Gorenflos on Direktorenkonferenz, no date (probably around 08.12.1976), B83 985, PA.
163. Memo Unterabteilung 23 an den Herrn Bundesminister: Unsere Haltung in der Geiselnahme-Initiative, 08.12.1976, B83 985, PA.
164. Drahterlass an die Ständige Vertretung bei den VN, 08.12.1976, B83 985, PA; Drahtbericht Ständige Vertretung bei den VN, no. 3536, 08.12.1976, ZA 121077, PA; Drahtbericht Ständige Vertretung bei den VN, 08.12.1976, B83 985, PA.
165. At the time, Zaire tried to secure an important International Monetary Fund loan, and Western support for this was essential. For Zaire's desolate economic situation, West Germany's economic presence in Zaire, and the relations between Western countries and Zaire, see, for instance, Nathaniel Powell, 'La France, les États-Unis et la Force interafricaine au Zaïre (1978–1979)', *Relations internationales*, no. 2 (2012), 71–83.
166. Drahtbericht Ständige Vertretung bei den VN, 08.12.1976, B83 985, PA.
167. Letter Ständige Vertretung bei den VN an das AA: Allgemeine Berichterstattung über die 31. Generalversammlung, 26.01.1977, B83 986, PA.
168. Ibid. The two quotations were taken from the same document.
169. Memo Staatssekretär Gehlhoff an Herrn D2: 31. GV, 10.12.1976, ZA 121077, PA.
170. Drahtbericht Ständige Vertretung bei den VN, 12.12.1976, B83 985, PA; Memo Referat 511 an die Referate 230, 500, 502: Konvention gegen Geiselnahme, 01.02.1977, ZA 121072, PA; Drahtbericht Ständige Vertretung bei den VN, 15.12.1976, B83 985, PA.
171. Vermerk: Geiselnahme-Initiative, 09.12.1976, ZA 121077, PA.
172. Letter Ständige Vertretung bei den VN an das AA: Allgemeine Berichterstattung über die 31. Generalversammlung, 26.01.1977, B83 986, PA. The two quotations were taken from the same document.



173. Ibid.
174. Ibid.
175. Ibid.
176. Aufzeichnung Abteilung 2: VN-Initiative gegen Geiselnahme, no date (probably 15.12.1976), B83 985, PA.
177. Ibid.
178. Anlage 2 to Memo Referat 230 an das Referat 240: Blauer Dienst, 15.12.1976, ZA 121074, PA.
179. Aufzeichnung Abteilung 2: VN-Initiative gegen Geiselnahme, no date (probably 15.12.1976), B83 985, PA.
180. Venezuela and Colombia – both courted co-sponsors – had reservations against co-sponsorship with Chile and Uruguay. In order to ensure smooth operations, the Germans did not approach the latter two states to join the core group and only ambiguously replied to the wishes of both governments to co-sponsor the initiative. However, Germany kept them up to date on the core group's internal contemplations. As such, potentially controversial states were not entirely shut out of the internal discussions, and their support for the project was ensured. The same applied to Israel, whose overly exhibited enthusiasm for the project would have further complicated negotiations with Arab states which were already concerned that the project might be instrumentalised by Israel against the Palestinians. See Drahtbericht Ständige Vertretung bei den VN an das AA, 06.01.1977, ZA 121077, PA; Anlage 2 to Memo Referat 230 an das Referat 240: Blauer Dienst, 15.12.1976, ZA 121074, PA.
181. Letter Nahum Goldman an Genscher, 20.11.1976, ZA 121077, PA.
182. Telegram 313877 From the Department of State to All Diplomatic Posts, December 30, 1976, RG 59, Central Foreign Policy Files, USNA.

## 5 The UN Hostages Convention: Negotiations and Adoption

1. Memo D5 an Herrn D2: Konvention gegen Geiselnahme, 15.12.1976, ZA 121077, PA; Memo Ref. 500 an das Ref. 230: Unsere Geiselnahme-Initiative, 23.12.1976, ZA 121077, PA.
2. Drahterlass an die Ständige Vertretung New York, 28.02.1977, B83 986, PA.
3. Drahtbericht Ständige Vertretung bei den VN, 21.12.1976, ZA 121077, PA.
4. Drahtbericht Ständige Vertretung bei den VN an das AA, 10.01.1977, ZA 121077, PA; Letter Permanent Mission of the Federal Republic of Germany to the UN to Mr. Bjarne Lindström, 14.01.1977, ZA 121077, PA.
5. Drahtbericht Ständige Vertretung bei den VN an das AA, 18.01.1977, ZA 121077, PA; Drahtbericht Ständige Vertretung bei den VN an das AA, 27.01.1977, ZA 121077, PA.
6. Drahtbericht Ständige Vertretung bei den VN an das AA, 18.02.1977, ZA 121077, PA.
7. Drahtbericht Ständige Vertretung bei den VN an das AA, 18.03.1977, ZA 121077, PA.

8. Drahtbericht Ständige Vertretung bei den VN an das AA, 21.03.1977, ZA 121077, PA.
9. Memo Abteilung 5 an den Herrn Minister: Konvention gegen Geiselnahme, 07.04.1977, B83 986, PA.
10. Protokoll Referat 511: Ressortbesprechung im Auswärtigen Amt am 21. Juni 1977 um 9 Uhr, Saal 139; Konvention gegen Geiselnahme, 12.07.1977, B83 987, PA.
11. Memo Referat 500 and das Referat 511: Konvention gegen Geiselnahme, 03.03.1977, ZA 121072, PA; Memo Abteilung 5 an den Herrn Minister: Konvention gegen Geiselnahme, 07.04.1977, B83 986, PA; Memo Abteilung 5 an Bundesminister Genscher: Konvention gegen Geiselnahme, 02.06.1977, ZA 121072, PA.
12. Memo Abteilung 5 an den Herrn Staatssekretär: Konvention gegen Geiselnahme, 10.06.1977, B83 986, PA.
13. Drahterlass an die Ständige Vertretung bei den VN, 27.05.1977, ZA 121079, PA.
14. Memo Abteilung 5 an den Herrn Minister: Konvention gegen Geiselnahme, 30.06.1977, B83 987, PA.
15. Drahtbericht Ständige Vertretung bei den VN an das AA, 08.06.1977, ZA 121079, PA.
16. Teilerlass, 04.07.1977, ZA 121075, PA.
17. Letter Ständige Vertretung Berlin an das AA etc.: Deutsche Initiative zur Ausarbeitung einer Geiselnahme-Konvention, 16.05.1977, ZA 121079, PA; Vermerk Ref. 230: Gespräch StS van Well mit dem Leiter der DDR-Vertretung, Kohl, am 21.6.1977, 22.06.1977, B83 986, PA; Letter Ref. 511 an das Bundeskanzleramt: Konvention gegen Geiselnahme, 12.07.1977, B83 987, PA.
18. Letter Ständige Vertretung in der DDR an das Bundeskanzleramt: Konvention gegen Geiselnahme, 02.08.1977, B83 988, PA.
19. Drahterlass an die Ständige Vertretung New York, Botschaft Moskau, 22.06.1977, B83 986, PA.
20. Ibid.
21. Memo Abteilung 5 an den Herrn Minister: Konvention gegen Geiselnahme, 30.06.1977, B83 987, PA.
22. According to the German line of argumentation, it would be sufficient if the hijackers were tried in the country in which they were arrested, which was provided for under German law. An obligation to return them to the country of origin was not considered necessary. See Runderlass an die Botschaft Moskau und die Ständige Vertretung New York, 25.07.1977, B83 987, PA.
23. Protokoll Referat 511: Ressortbesprechung im Auswärtigen Amt am 14. Juni 1977 um 9 Uhr, Saal 139; Konvention gegen Geiselnahme, 30.06.1977, B83 987, PA; Drahtbericht Botschaft Tokio, 28.07.1977, B83 987, PA.
24. Drahtbericht Botschaft Algiers, 26.07.1977, B83 987, PA.
25. Members of the committee, in addition to West Germany, included Algeria, Barbados, Canada, Chile, North Yemen, Denmark, Egypt, France, Guinea, Iran, Italy, Japan, Jordan, Kenya, Lesotho, Libya, Mexico, the Netherlands, Nicaragua, Nigeria, the Philippines, Poland, Somalia, Surinam, Sweden, Syria, the USSR, the UK, Tanzania, the US, Venezuela, Belorussia, and Yugoslavia. See Blauer Dienst, no. IX/ 14, 15.09.1977, B83 988, PA.

26. Memo Referat 230: Konvention gegen die Geiselnahme, 11.07.1976, ZA 121074, PA.
27. Drahtbericht Ständige Vertretung bei den VN an das AA, 28.07.1977, ZA 121079, PA.
28. The AA was also upset by Nigeria's aggressive behaviour towards West Germany in previous GAS, see Drahtbericht Ständige Vertretung bei den VN an das AA, 01.08.1977, ZA 121079, PA.
29. Drahtbericht Ständige Vertretung bei den VN an das AA, 02.08.1977, ZA 121079, PA; see also Vermerk Ref. 511: Geiselnahme-Konvention, 02.08.1977, ZA 121079, PA.
30. Drahtbericht Ständige Vertretung bei den VN an das AA, 03.08.1977, ZA 121079, PA.
31. Ibid.; Drahtbericht Ständige Vertretung bei den VN an das AA, no. 1722, 04.08.1977, ZA 121079, PA; Memo Abt. 5 an den Herrn Bundesminister: Konvention gegen Geiselnahme, 25.08.1977, ZA 121079, PA.
32. Drahtbericht Ständige Vertretung bei den VN an das AA, no. 1740, 05.08.1977, ZA 121079, PA.
33. Moreover, Waldheim was Austrian, and his country had its own problems with terrorism. See, for instance, Thomas Riegler, *Im Fadenkreuz. Österreich und der Nahostterrorismus 1973 bis 1985*, (ed.) Oliver Rathkolb, *Zeitgeschichte im Kontext* (Vienna: V&R Unipress, Vienna University Press, 2011).
34. Drahtbericht Ständige Vertretung bei den VN an das AA, 01.08.1977, ZA 121079, PA.
35. Memo Abteilung 5 an den Herrn Bundesminister: Konvention gegen Geiselnahme, 25.08.1977, B83 988, PA.
36. Ibid.
37. Memo Ref. 230: Auszug aus Aufzeichnung Dg23 vom 5.9.1977, probably 05.09.1977, B83 988, PA.
38. Ibid.
39. Drahtbericht Ständige Vertretung bei den VN an das AA, no. 1765, 09.08.1977, ZA 121079, PA; Memo Abt. 5 an den Herrn Bundesminister: Konvention gegen Geiselnahme, 25.08.1977, ZA 121079, PA.
40. Drahtbericht Ständige Vertretung bei den VN an das AA, no. 1780, 10.08.1977, B83 988, PA.
41. UN GA document A/AC.188/SR.3, 05.08.1977, ZA 121079, PA, p. 3. Original quote in English.
42. Drahtbericht Ständige Vertretung bei den VN an das AA, no. 1779, 10.08.1977, B83 988, PA.
43. Memo Ref. 511 an Büro Staatsminister von Dohnanyi: Geiselnahme-Konvention, 15.08.1977, B83 988, PA.
44. Statement made by the delegation of the Federal Republic of Germany on August 15, 1977, B83 988, PA. Original quotation in English.
45. Ibid.
46. Memo Abteilung 5 an den Herrn Bundesminister: Konvention gegen Geiselnahme, 25.08.1977, B83 988, PA.
47. Memo Ref. 511: Gesprächsvorschlag, 29.08.1977, B83 988, PA.
48. Drahtbericht Ständige Vertretung Ständige Vertretung bei den VN an das AA, 17.08.1977, B83 988, PA; Blauer Dienst, no. IX/ 14, 15.09.1977, B83 988, PA.

49. Drahtbericht Ständige Vertretung in der DDR an das AA, 06.10.1977, ZA 121075, PA.
50. Drahtbericht Botschaft Paris an das AA, 13.10.1977, ZA 121075, PA.
51. Drahtbericht Botschaft Tokio an das AA, 18.10.1977, ZA 121075, PA.
52. Drahtbericht Ständige Vertretung bei den VN an das AA, 12.10.1977, B83 989, PA.
53. Drahterlass an die Botschaft Peking, 16.10.1977, B83 989, PA.
54. Drahterlass an die Botschaft Teheran, 02.11.1977, B83 989, PA
55. Memo Abteilung 5 an den Herrn Minister: Konvention gegen Geiselnahme, 03.11.1977, B83 989, PA.
56. Drahtbericht Ständige Vertretung bei den VN an das AA, 18.10.1977, B83 989, PA.
57. Ibid.
58. Drahtbericht Ständige Vertretung bei den VN an das AA, 19.10.1977, B83 989, PA; Runderlass, 19.10.1977, ZA 121075, PA.
59. Drahterlass an die Ständige Vertretung bei den VN, 21.10.1977, B83 989, PA.
60. Ibid.
61. Drahtbericht Ständige Vertretung bei den VN an das AA, 18.10.1977, B83 989, PA.
62. Runderlass, 19.10.1977, ZA 121075, PA.
63. Memo Ref. 204: Auszug aus dem Gespräch des Herrn Bundesministers mit Botschafter Stoessel am 20.10.1977, no date, probably 20.10.1977, ZA 121081, PA.
64. Drahtbericht Botschaft London an das AA, 21.10.1977, B83 989, PA.
65. Ibid.
66. Edward Mickolus, 'Multilateral Legal Efforts to Combat Terrorism: Diagnosis and Prognosis', *Ohio Northern University Law Review* 6, no. 1 (1979), 13–51: 24.
67. Letter Ständige Vertretung bei den VN an das AA: Einzelberichterstattung über die 32. Generalversammlung, 03.01.1978, ZA 121078, PA.
68. Drahtbericht Ständige Vertretung bei den VN an das AA, 24.10.1977, B83 989, PA.
69. 'General Assembly Resolution 32/8 (XXXII)', (03.11.1977). <http://daccess-dds-ny.un.org/doc/RESOLUTION/GEN/NR0/312/43/IMG/NR031243.pdf?OpenElement> (accessed 26.11.2010); Mickolus, 'Multilateral Legal Efforts to Combat Terrorism: Diagnosis and Prognosis', 24.
70. 'General Assembly Resolution 32/8 (XXXII)'.
71. Letter Ständige Vertretung bei den VN an das AA: Einzelberichterstattung über die 32. Generalversammlung, 03.01.1978, ZA 121078, PA.
72. Nachrichtenspiegel II, 19.10.1977, ZA 121081, PA; Drahtbericht Botschaft Tel Aviv an das AA, 20.10.1977, ZA 121081, PA.
73. Memo D5 an Herrn D1: Unsere Initiative in den VN zum Abschluß einer Konvention gegen Geiselnahme, 02.11.1977, B83 989, PA.
74. Ibid.
75. Drahtbericht Ständige Vertretung bei der DDR an das AA, 08.11.1977, B83 989, PA.
76. Drahterlass an die Botschaft Belgrad, 02.11.1977, B83 989, PA.
77. Drahtbericht Ständige Vertretung bei den VN an das AA, 05.12.1977, ZA 121078, PA.

78. Fernschreiben BKA-Bonn an das AA, 05.05.1978, B83 1249, PA.
79. Drahtbericht Ständige Vertretung bei den VN an das AA, 05.12.1977, ZA 121078, PA.
80. Drahtbericht Ständige Vertretung bei den VN an das AA, 01.12.1977, ZA 121078, PA; Memo Dg5 an den Herrn Minister: Sowjetischer Wunsch informeller Gespräche über ein bilaterales Abkommen zur Behandlung von Flugzeugentführungen, 08.09.1977, ZA 121079, PA; Drahtbericht Botschaft Moskau an das AA, 02.02.1978, ZA 121078, PA
81. Memo Referat 230 an das Referat 212: KSZE-Folgetreffen, 08.11.1977, ZA 121072, PA; Drahtbericht Ständige Vertretung bei den VN an das AA nr 3377, 30.11.1977, ZA 121078, PA. In May 1977, six French mining technicians were abducted from the mines of Zouerate in Western Sahara by the Polisario Front – a movement for the independence of Western Sahara from Morocco and Mauritania – and held hostage. According to the Polisario Front, they were considered ‘mercenaries’ as they supported the foreign rule through their work. They wanted to detain the hostages until a solution for Western Sahara was found. According to news reports at the time, the Polisario Front was supported by Algeria. Domestically, pressure was building for the French government to free the hostages the longer the crisis lasted. In October 1977, two more French were kidnapped. In the aftermath of the successful GSG 9 operation in Mogadishu, public calls increased for the French government to act. Because of the crisis and the alleged Algerian support for the Polisario Front, relations between Paris and Algiers were also deteriorating. Meanwhile, UN Secretary-General Waldheim tried to negotiate the release of the hostages, but without success. In December 1977, the French finally launched air raids against Polisario Front bases. The hostages were released in late December, after the leader of the French Communist party, Georges Marchais, negotiated with Algiers. Waldheim also claimed to be responsible for the release of the hostages. He accompanied the eight released French back to France. See ‘France Reinforces Garrison in Senegal’, *The New York Times*, (03.11.1977), 11; ‘France Protests Detention of Six by Polisario Rebels in the Sahara’, *The New York Times*, (24.05.1977), 4; ‘France Is under Public Pressure to Free 8 Kidnapped in the Sahara’, *The New York Times*, (01.11.1977), 3; Kathleen Teltsch, ‘Waldheim Acting on Sahara Issue’, *The New York Times*, (13.11.1977), 3; Jonathan Kandell, ‘French Jets Have Apparently Joined Sahara Fighting’, *The New York Times*, (23.12.1977), 3; *ibid.* See also Drahtbericht Ständige Vertretung bei den VN an das AA, 16.12.1977, ZA 121078, PA.
82. Drahtbericht Ständige Vertretung bei den VN an das AA, no. 3448, 05.12.1977, ZA 121078, PA.
83. Letter Ständige Vertretung bei den VN an das AA: Einzelberichterstattung über die 32. Generalversammlung, 03.01.1978, ZA 121078, PA.
84. UN GA Document A/32/467, 15.12.1977, ZA 121078, PA.
85. Drahtbericht Ständige Vertretung bei den VN an das AA, 12.12.1977, ZA 121078, PA; Drahtbericht Ständige Vertretung bei den VN an das AA, 13.12.1977, ZA 121078, PA.
86. *Ibid.*; Pressemitteilung der Ständigen Vertretung der Bundesrepublik Deutschland bei den Vereinten Nationen, 16.12.1977, ZA 121078, PA; Drahtbericht Ständige Vertretung bei den VN an das AA, 16.12.1977, ZA 121078, PA.

87. Drahtbericht Ständige Vertretung bei den VN an das AA, 12.12.1977, ZA 121078, PA; Pressemitteilung der Ständigen Vertretung der Bundesrepublik Deutschland bei den Vereinten Nationen, 16.12.1977, ZA 121078, PA.
88. MemoRef.230:VN-InitiativezurAusarbeitungeinerGeiselnahmekonvention, 16.12.1977, B83 989, PA.
89. Memo Ref. 510: Sachstand: Konvention gegen Geiselnahme, 16.12.1977, B83 989, PA; Drahterlass an die Botschaft Paris, 29.12.1977, ZA 121078, PA.
90. Drahtbericht Botschaft Paris an das AA, 19.12.1977, B83 989, PA; Drahtbericht Ständige Vertretung New York an das AA, 23.12.1977, B83 989, PA. A reason for the rigid French position on this issue was the fact that they were facing hostage crises committed by African groups involving French citizens at the time. See Nathaniel K. Powell, 'The "Claustre Affair": A Hostage Crisis, France and Civil War in Chad, 1974–1977', in *An International History of Terrorism. Western and Non-Western Experiences*, (ed.) Jussi M. Hanhimäki and Bernhard Blumenau (London, New York: Routledge, 2013), 189–209.
91. Drahtbericht Ständige Vertretung bei den VN an das AA, 23.12.1977, ZA 121078, PA.
92. Memo Ref. 202 an das Ref. 511: VN-Geiselnahme-Konvention, 03.01.1978, ZA 121078, PA. For the Dutch case, see, for instance, the section in Matthias Dahlke, *Demokratischer Staat und transnationaler Terrorismus. Drei Wege zur Unnachgiebigkeit in Westeuropa 1972–1975* (Oldenbourg: Oldenbourg Wissenschaftsverlag, 2011).
93. Drahtbericht Botschaft Paris an das AA, 04.01.1978, ZA 121078, PA.
94. Vermerk Ref. 511: Konvention gegen Geiselnahme, 09.01.1978, ZA 121078, PA.
95. Memo D 5 an den Herrn Minister: Unsere Geiselnahmeinitiative, 10.01.1978, ZA 121078, PA.
96. Drahterlass an die Botschaft Algier, 23.01.1978, ZA 121078, PA.
97. Drahtbericht Ständige Vertretung bei den VN (Genf) an das AA, 14.02.1978, ZA 121078, PA.
98. Drahtbericht Ständige Vertretung bei den VN (Genf) an das AA, 18.02.1978, ZA 121078, PA.
99. Drahtbericht Ständige Vertretung bei den VN (Genf) an das AA, 16.02.1978, ZA 121078, PA.
100. Drahtbericht Ständige Vertretung bei den VN (Genf) an das AA, 14.02.1978, ZA 121078, PA; Drahtbericht Ständige Vertretung bei den VN (Genf) an das AA, 18.02.1978, ZA 121078, PA.
101. Drahtbericht Ständige Vertretung bei den VN (Genf) an das AA, 23.02.1978, ZA 121078, PA.
102. Drahtbericht Ständige Vertretung bei den VN (Genf) an das AA, 24.02.1978, ZA 121078, PA.
103. Ibid.
104. Ibid.
105. Ortex nr. 18, 03.03.1978, ZA 121078, PA.
106. Drahterlass an die Botschaft Paris, 06.03.1978, ZA 121078, PA.
107. Drahtbericht Botschaft Algier an das AA, 06.07.1976, ZA 113986, PA; Hans-Jürgen Wischniewski, *Mit Leidenschaft und Augenmaß: in Mogadischu und anderswo. Politische Memoiren* (Munich: Goldmann, 1991), 208.

108. Memo Abt. 5 an den Herrn Minister: Unsere Initiative für eine VN-Geiselnahmekonvention, 20.06.1978, ZA 121078, PA.
109. Ibid.
110. Ibid.
111. Ibid.; Drahtbericht Botschaft Paris an das AA, 25.08.1978, ZA 121078, PA.
112. Drahtbericht Ständige Vertretung bei den VN an das AA, 21.09.1978, ZA 121078, PA; Memo Ref. 511 an den Herrn Minister: Behandlung unsere Initiative zum Abschluss einer VN-Konvention gegen Geiselnahme, 27.09.1978, ZA 121078, PA; Memo Ref. 511 an Herrn D 2 i.V.: Initiative zum Abschluss einer VN-Konvention gegen Geiselnahme, 11.10.1978, ZA 121080, PA.
113. Drahtbericht Ständige Vertretung bei den VN an das AA, 28.09.1978, ZA 121078, PA.
114. Drahtbericht Ständige Vertretung bei den VN an das AA, 14.11.1978, ZA 121080, PA.
115. Drahtbericht Ständige Vertretung bei den VN an das AA, 21.11.1978, ZA 121080, PA; Drahtbericht Ständige Vertretung bei den VN an das AA, 29.11.1978, ZA 121080, PA.
116. Drahtbericht Ständige Vertretung bei den VN (Genf) an das AA, 01.02.1979, ZA 121080, PA. Original quote in English.
117. Ibid.
118. Drahtbericht Ständige Vertretung bei den VN (Genf) an das AA, 05.02.1979, ZA 121080, PA.
119. Drahterlass an die Ständige Vertretung bei den VN (Genf), 09.02.1979, ZA 121080, PA.
120. Drahtbericht Ständige Vertretung bei den VN (Genf) an das AA, 10.02.1979, ZA 121080, PA.
121. Drahtbericht Ständige Vertretung bei den VN (Genf) an das AA, 15.02.1979, ZA 121080, PA.
122. 'In so far as the Geneva Conventions of 1949 for the protection of war victims or the Additional Protocols to those Conventions are applicable to a particular act of hostage-taking, and in so far as States Parties to this Convention are bound under those conventions to prosecute or hand over the hostage-taker, *the present Convention shall not apply to an act of hostage-taking committed in the course of armed conflicts* as defined in the Geneva Conventions of 1949 and the Protocols thereto, *including armed conflicts mentioned in article 1, paragraph 4, of Additional Protocol I of 1977, in which peoples are fighting against colonial domination and alien occupation and against racist regimes in the exercise of their right of self-determination*'. Emphasis added.
123. See Article 34, Fourth Convention; Article 3 common to the Geneva Conventions; Article 75(2c), Additional Protocol I; and Article 4(2c), Additional Protocol II.
124. Drahtbericht Ständige Vertretung bei den VN (Genf) an das AA, no. 339, 16.02.1979, ZA 121080, PA.
125. Ibid.
126. Ibid.
127. Memo D 5 an das Ref. 511: 3. Sitzung des ad hoc-Ausschusses Geiselnahme der VN-Generalversammlung in Genf vom 29.01. bis 16.02.1979, 20.02.1979, ZA 121080, PA.

128. Concerning the 'Entebbe clause', Article 14 of the Convention stipulated the following: 'Nothing in this Convention shall be construed as justifying the violation of the territorial integrity or political independence of a State in contravention of the Charter of the United Nations'.
129. Drahtbericht Ständige Vertretung bei den VN (Genf) an das AA, no. 339, 16.02.1979, ZA 121080, PA.
130. Drahtbericht Ständige Vertretung bei den VN (Genf) an das AA, 15.02.1979, ZA 121080, PA.
131. Memo D 5 an das Referat 012-2: VN-Konvention gegen Geiselnahme, 22.02.1979, ZA 121080, PA.
132. Cable US Embassy Tripoli to DOS, January 1979, NLC-12R-52-1-1-0, CIA FOIA, JCL; Wischniewski, *Mit Leidenschaft und Augenmaß*, 208.
133. Günther van Well, 'Deutschland und die UN', in *Handbuch Vereinte Nationen*, (ed.) Rüdiger Wolfrum (Munich: C. H. Beck, 1991), 71-77: 76.
134. Drahterlass an die Ständige Vertretung bei den VN, 28.03.1979, ZA 121080, PA.
135. Drahterlass an die Botschaften London, Washington, Paris etc, 18.04.1979, ZA 121080, PA.
136. Memo Ref. 511: VN-Konvention gegen Geiselnahme, 15.07.1979, ZA 121080, PA.
137. Drahtbericht der Ständigen Vertretung bei den VN an das AA, 09.04.1979, ZA 121080, PA.
138. Robert A. Friedlander, 'Terrorism and International Law: Recent Developments', *Rutgers Law Journal* 13, (1981-1982), 493-511: 506.
139. On the end of détente, see, for instance, Olav Njølstad, 'The Collapse of Superpower Détente, 1975-1980', in *The Cambridge History of the Cold War. Endings*, (ed.) Melvyn P. Leffler and Odd Arne Westad (Cambridge: Cambridge University Press, 2010), 135-55.
140. Letter Ständige Vertretung der Bundesrepublik Deutschland bei den Vereinten Nationen an das AA: Internationale Konvention gegen Geiselnahme, 17.01.1980, ZA 121080, PA.
141. Runderlass, 27.12.1979, ZA 121080, PA.
142. Runderlass, 27.12.1979, ZA 121080, PA; Letter Ständige Vertretung der Bundesrepublik Deutschland bei den Vereinten Nationen an das AA: Internationale Konvention gegen Geiselnahme, 17.01.1980, ZA 121080, PA.
143. Article 9:
  - '1.) A request for the extradition of an alleged offender, pursuant to this Convention, shall not be granted if the requested State Party has substantial grounds for believing:
    - a.) that the request for extradition for an offence set forth in article 1 has been made for the purpose of prosecuting or punishing a person on account of his race, religion, nationality, ethnic origin or political opinion; or
    - b.) that the person's position may be prejudiced:
      - i.) for any of the reasons mentioned in subparagraph (a) of this paragraph, or
      - ii.) for the reason that communication with him by the appropriate authorities of the State entitled to exercise rights of protection cannot be effected.



- 2.) With respect to the offences as defined in this Convention, the provisions of all extradition treaties and arrangements applicable between States Parties are modified as between States Parties to the extent that they are incompatible with this Convention’.
144. Letter Ständige Vertretung der Bundesrepublik Deutschland bei den Vereinten Nationen an das AA: Internationale Konvention gegen Geiselnahme, 17.01.1980, ZA 121080, PA.
  145. Ibid.
  146. Klaus-Wilhelm Platz, ‘Internationale Konvention gegen Geiselnahme’, *Zeitschrift für ausländisches öffentliches Recht und Völkerrecht* 40, (1980), 276–311: 276.
  147. ‘International Convention against the Taking of Hostages’, *United Nations Treaties Series* 1316, no. 21931 (1983), 206–11: 206, footnote 1.
  148. Bernard D. Nossiter, ‘U.N. Code Outlaws Taking of Hostages’, *The New York Times*, (18.12.1979), A1, A8: A8.
  149. Runderlass, 27.12.1979, ZA 121080, PA. The hostage crisis did not, however, influence the negotiation of the convention to a considerable extent as most of the compromises had been struck before the crisis started on 4 November 1979.
  150. Letter Ständige Vertretung der Bundesrepublik Deutschland bei den Vereinten Nationen an das AA: Internationale Konvention gegen Geiselnahme, 17.01.1980, ZA 121080, PA.
  151. Memo Ref. 202: Deutsch-französische Konsultationen der Politischen Direktoren am 25. Oktober 1976 in Paris, 29.10.1976, B83 1236, PA. For more information on Yasser Arafat’s PLO moving away from violence, see P. T. Paul Chamberlin, *Global Offensive. The United States, the Palestine Liberation Organization, and the Making of the Post-Cold War Order*, Oxford Studies in International History (Oxford, New York: Oxford University Press, 2012), 192.
  152. Letter Ständige Vertretung der Bundesrepublik Deutschland bei den Vereinten Nationen an das AA: Internationale Konvention gegen Geiselnahme, 17.01.1980, ZA 121080, PA.
  153. Ibid.
  154. Runderlass, 27.12.1979, ZA 121080, PA.
  155. Letter Ständige Vertretung der Bundesrepublik Deutschland bei den Vereinten Nationen an das AA: Internationale Konvention gegen Geiselnahme, 17.01.1980, ZA 121080, PA.

## Conclusions: Germany and UN Antiterrorism Efforts in the 1970s and Beyond

1. For more information on the conventions, see, for instance, C. S. Thomas and M. J. Kirby, ‘The Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation’, *The International and Comparative Law Quarterly* 22, no. 1 (1973), 163–72.
2. See GA Res. 40/61 of 9 December 1985, which ‘unequivocally condemns, as criminal, all acts, methods and practices of terrorism wherever and by whoever committed’.

3. On the current negotiations, see, for instance, Mahmoud Hmoud, 'Negotiating the Draft Comprehensive Convention on International Terrorism: Major Bones of Contention', *Journal of International Criminal Justice* 4, no. 5 (2006), 1031–43; Ben Saul, 'Attempts to Define Terrorism in International Law', *Netherlands International Law Review* 52, no. 01 (2005), 57–83; esp. 76–82. For context, see also Peter Romaniuk, *Multilateral Counter-Terrorism. The Global Politics of Cooperation and Contestation* (Oxon: Routledge, 2010), 55–108.
4. For an up-to-date list of antiterrorism conventions, see the 'Text and Status of the United Nations Conventions on Terrorism', to be found at < [http://treaties.un.org/Pages/DB.aspx?path=DB/studies/page2\\_En.xml](http://treaties.un.org/Pages/DB.aspx?path=DB/studies/page2_En.xml)>.
5. In this book, 'antiterrorism' refers to legal approaches on terrorism, while 'counterterrorism' comprises actual operational capacities, for instance, through special commandos such as the GSG 9.
6. On general German foreign policy, see, for instance, Helga Haftendorn, *Coming of Age. German Foreign Policy since 1945* (Lanham: Rowman and Littlefield Publishers, 2006); Gregor Schöllgen, *Die Außenpolitik der Bundesrepublik Deutschland. Von den Anfängen bis zur Gegenwart* (Munich: Beck, 1999).
7. Statement from the Paris European Summit (19 to 21 October 1972), p. 3, accessible at [http://www.cvce.eu/obj/statement\\_from\\_the\\_paris\\_summit\\_19\\_to\\_21\\_october\\_1972-en-b1dd3d57-5f31-4796-85c3-cfd2210d6901.html](http://www.cvce.eu/obj/statement_from_the_paris_summit_19_to_21_october_1972-en-b1dd3d57-5f31-4796-85c3-cfd2210d6901.html) [last accessed 10.17.2013].
8. See, for instance, Haftendorn, *Coming of Age*, 404–05.
9. This global struggle found its expression in the Hallstein Doctrine and the West German policy of sole representation, but even after the abolishment of the Doctrine, in the course of *Ostpolitik*, both countries were ideologically antagonists and continued their diplomatic struggle for prestige. See, for instance, Wilhelm Bruns, *Die Uneinigen in den Vereinten Nationen. Bundesrepublik Deutschland und DDR in der UNO* (Gütersloh: Verlag Wissenschaft und Politik, 1980); William Glenn Gray, *Germany's Cold War. The Global Campaign to Isolate East Germany, 1949–1969* (Chapel Hill: Univ. of North Carolina Press, 2003); Rüdiger Marco Booz, "*Hallsteinzeit*": *Deutsche Außenpolitik 1955–1972* (Bonn: Bouvier, 1995); Ulf Engel and Hans-Georg Schleicher, *Die beiden deutschen Staaten in Afrika. Zwischen Konkurrenz und Koexistenz. 1949–1990* (Hamburg: Institut für Afrika-Kunde, 1998); Werner Kilian, *Die Hallstein-Doktrin. Der Diplomatische Krieg zwischen der BRD und der DDR 1955–1973. Aus den Akten der beiden deutschen Außenministerien* (Berlin: Duncker & Humblot, 2001); Brigitte H. Schulz, *Development Policy in the Cold War Era. The Two Germanies and Sub-Saharan Africa, 1960–1985*, vol. 3 (Münster: LIT, 1995); Hans-Joachim Spanger and Lothar Brock, *Die beiden deutschen Staaten in der Dritten Welt. Die Entwicklungspolitik der DDR – eine Herausforderung für die Bundesrepublik Deutschland?* (Opladen: Westdt. Verl., 1987).
10. In particular the following conventions were adopted under the aegis of the UN in addition to the Diplomats and Hostages Conventions: the International Convention for the Suppression of Terrorist Bombings (1977), the International Convention for the Suppression of the Financing of Terrorism (1999), and the International Convention for the Suppression of Acts of Nuclear Terrorism (2005). For an overview, see, for instance, Saul, 'Attempts to Define Terrorism in International Law'; Ben Saul, *Defining Terrorism in International Law* (Oxford: Oxford University Press, 2006).

11. In addition to the ICAO convention of the 1960s and early 1970s, these conventions include the Convention on the Physical Protection of Nuclear Material (1980, within the International Atomic Energy Agency), the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (1988, within IMO), and the Convention on the Marking of Plastic Explosives for the Purpose of Detection (1991, within the ICAO). Moreover several additional protocols to some of these conventions were adopted. For up-to-date information, see, for instance, the 'Text and Status of the United Nations Conventions on Terrorism' to be found at <[http://treaties.un.org/Pages/DB.aspx?path=DB/studies/page2\\_En.xml](http://treaties.un.org/Pages/DB.aspx?path=DB/studies/page2_En.xml)>.
12. See, for instance, Malvina Halberstam, 'Terrorism on the High Seas: The Achille Lauro, Piracy and the IMO Convention on Maritime Safety', *The American Journal of International Law* 82, no. 2 (1988), 269–310; Glen Plant, 'The Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation', *The International and Comparative Law Quarterly* 39, no. 1 (1990), 27–56; Helmut Tuerk, 'Combating Terrorism at Sea: The Suppression of Unlawful Acts against the Safety of Maritime Navigation', *Miami International & Comparative Law Review* 15, no. 3 (2008), 337–68.
13. On the Lockerbie bombing, see, for instance, Omar Malik, 'Aviation Security before and after Lockerbie', *Terrorism and Political Violence* 10, no. 3 (1998), 112–33; 116–18; Robert Black, 'The Lockerbie Disaster', *Archiv des Völkerrechts* 37, no. 2 (1999), 214–25.
14. For the context, see, for instance, Stanley S. Jacobs, 'The Nuclear Threat as a Terrorist Option', *Terrorism and Political Violence* 10, no. 4 (1998), 149–63; George Bunn, 'Raising International Standards for Protecting Nuclear Materials from Theft and Sabotage', *The Nonproliferation Review* 7, no. 2 (2000), 146–56.
15. To go back even further in history, the League of Nations also attempted to adopt a comprehensive convention, and also failed. See, for instance, Ben Saul, 'The Legal Response of the League of Nations to Terrorism', *Journal of International Criminal Justice* 4, no. 1 (2006), 78–102; Charles Townshend, "'Methods Which all Civilized Opinion must Condemn". The League of Nations and International Action against Terrorism', in *An International History of Terrorism. Western and Non-Western Experiences*, (ed.) Jussi M. Hanhimäki and Bernhard Blumenau (Oxon: Routledge, 2013), 34–50.
16. For more information on regional organisations and their efforts against terrorism, see, for instance, the chapters in part II: 'Prevention and Suppression of International Terrorism in the Regional Framework', in Guiseppe Nesi, (ed.) *International Cooperation in Counter-terrorism. the United Nations and Regional Organizations in the Fight against Terrorism* (Aldershot: Ashgate Publishing, 2006).
17. Bernhard Blumenau, 'The European Communities' Pyrrhic Victory: European Integration, Terrorism, and the Dublin Agreement of 1979', *Studies in Conflict & Terrorism* 37, no. 5 (2014), 405–21; Bernhard Blumenau, 'Taming the Beast: West Germany, the Political Offence Exception and the Council of Europe Convention on the Suppression of Terrorism', *Terrorism and Political Violence*, (forthcoming).

18. See part II 'Prevention and Suppression of International Terrorism in the Regional Framework', in Nesi, (ed.) *International Cooperation in Counter-terrorism*.
19. See, for instance: Blumenau, 'The European Communities' Pyrrhic Victory: European Integration, Terrorism, and the Dublin Agreement of 1979'; Blumenau, 'Taming the Beast: West Germany, the Political Offence Exception and the Council of Europe Convention on the Suppression of Terrorism'.
20. There are several chapters in two edited books that provide a good background to the role of the peace movements in German politics and society: Philipp Gassert, Tim Geiger, and Hermann Wentker, eds., *Zweiter Kalter Krieg und Friedensbewegung. Der NATO-Doppelbeschluss in deutsch-deutscher und internationaler Perspektive* (München: Oldenbourg Wissenschaftsverlag, 2011); Christoph Becker-Schaum and others, eds., "Enrüstet Euch!". *Nuklearkrise, NATO-Doppelbeschluss und Friedensbewegung* (Paderborn: Schöningh, 2012). Kristina Spohr points out the domestic problems that the neutron bomb debate caused in West Germany, before the 'double-track' decision was even made. See Kristina Spohr Readman, 'Germany and the Politics of the Neutron Bomb, 1975–1979', *Diplomacy & Statecraft* 21, no. 2 (2010), 259–85. For the general context, see also Kristina Spohr Readman, 'Conflict and Cooperation in Intra-Alliance Nuclear Politics: Western Europe, the United States, and the Genesis of NATO's Dual-Track Decision, 1977–1979', *Journal of Cold War Studies* 13, no. 2 (2011), 39–89. For the environmental groups and the genesis of the Green Party, see, for instance, Russel J. Dalton, 'Strategies of Partisan Influence. West European Environmental Groups', in *The Politics of Social Protest. Comparative Perspectives on States and Social Movements*, (ed.) Craig J. Jenkins and Bert Klendermans (Minneapolis: University of Minnesota Press, 1995), 296–323; Markus Klein and Jürgen W. Falter, *Der lange Weg der Grünen. Eine Partei zwischen Protest und Regierung* (Munich: C. H. Beck, 2003).
21. For a good summary of the post-Cold War challenges and responsibilities for the united Germany in terms of foreign policy, see, for instance, Constanze Stelzenmueller, 'New Power, New Responsibility: Elements of a German Foreign and Security Policy for a Changing World', (17.10.2013). [http://www.gmfus.org/wp-content/blogs.dir/1/files\\_mf/1382017951GMFSWPRepoNewPowerNewResponsibility.pdf](http://www.gmfus.org/wp-content/blogs.dir/1/files_mf/1382017951GMFSWPRepoNewPowerNewResponsibility.pdf) (accessed 10.02.2014).
22. See, for instance, Saul, *Defining Terrorism in International Law*, 213–50.
23. David C. Rappoport, 'The Four Waves of Modern Terrorism', in *Attacking Terrorism. Elements of A Grand Strategy*, (ed.) Audrey Kurth Cronin and James M. Ludes (Washington, D.C.: Georgetown University Press, 2004), 46–73.
24. See the 'Text and Status of the United Nations Conventions on Terrorism' to be found at <[http://treaties.un.org/Pages/DB.aspx?path=DB/studies/page2\\_En.xml](http://treaties.un.org/Pages/DB.aspx?path=DB/studies/page2_En.xml)>.
25. 'Erklärung des Bundeskanzlers am 5. September 1977 nach der Entführung Schleyers', in *Dokumentation der Bundesregierung zur Entführung von Hanns Martin Schleyer. Ereignisse und Entscheidungen im Zusammenhang mit der Entführung von Hanns Martin Schleyer und der Lufthansa-Maschine "Landshut"*, (ed.) Bundespresseamt (Augsburg: Goldmann, 1977), 229–30: 230.

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