

of hijacking, protection of diplomats, and relevant parts of the law of armed conflict) or with current efforts taking place elsewhere in the UN, specifically with respect to the draft convention against the taking of hostages. Because of the ambiguous way in which the mandate of the Terrorism Committee is worded, however, it is doubtful that any steps can be taken in the development of international law in this area without being accompanied by an equal consideration of what invariably becomes a highly politicized discussion of the causes of terrorism. Thus, as presently constituted, the Terrorism Committee does not seem to hold out much promise for any significant legal developments.

By contrast, the Hostage-Taking Committee has made considerable progress, probably because its focus is much narrower and more specific and because, from the beginning (in 1977) it has been working on the basis of a text of a draft Convention, submitted by the FRG. At its latest session, it all but completed work on a draft text which has been forwarded to the Sixth Committee for completion and approval.

At the last session the most serious difficulty facing the Committee was the question as to how the proposed Convention was to apply to national liberation movements, particularly in the context of the 1977 Protocol I to the Geneva Conventions of 1949. The Protocol extends the applicability of the law of war to struggles for national liberation by designating these struggles as international armed conflicts. This issue was resolved in a provision which basically states that the new hostage-taking Convention will not apply in situations in which the Geneva Conventions and Protocol (with their own prohibitions against hostage-taking) apply.

The main element in the draft Convention is the application of the "extradite or prosecute" formulation to the crime of hostage-taking. In addition, the draft extends jurisdiction over the offence to states: (a) on the territory of which the offence is committed, (b) which are compelled to do or abstain from doing anything, (c) the nationals of which commit an offence, (d) the national of which is a hostage. The outstanding issues to be resolved at UNGA 34 are a proposal on asylum and another seeking to limit the scope of states' ability to extradite. It is hoped that these issues will be resolved without in any way weakening the "extradite" or "prosecute" obligation, so that the text of the new Convention can be adopted by the General Assembly at its 34th session and opened for signature shortly thereafter.