

this provision was probably the subject of more discussion than any other article in the draft, the solution followed the standard treaty practice of giving one agreement, in this case the Protocol to the Geneva Conventions, priority. Thus in those situations in which the Protocol and Geneva conventions apply, the hostage-taking Convention will not.

Another controversial provision was that on territorial integrity which was introduced as a kind of "anti-Entebbe" provision and, in its earlier formulation as proposed by a number of non-aligned delegations, would have prohibited any kind of assistance to hostages which involved violations of territorial integrity. In the end, however, the provision simply served to reaffirm the principle of territorial integrity to the effect that this Convention could not be used to justify the violation of that principle.

Although the Ad Hoc Committee had nearly completed work on the draft by the end of its last session in 1979, a few unresolved issues were left for the Sixth Committee to address at UNGA 34. The most important of these were the provisions on territorial asylum and restrictions on states' right to extradite. The asylum provision was included at the insistence of the Latin American states, which have a long history regarding this practice and have formalized it in treaties amongst themselves. Western delegations were concerned, however, that inclusion of this kind of qualification would tend to derogate from the obligation to extradite or prosecute. In the end, it was agreed to use the language of the "saving clause" on asylum found in the New York Convention on the Protection of Diplomats, i.e. that the hostage-taking Convention "shall not affect the application of the treaties on asylum" as between states parties which are also parties to those treaties. Thus this derogation, if it can be so-called, would be limited to those countries bound by asylum treaties, primarily the Latin American states.

The provision on the limitation to extradition was originally a Jordanian proposal and amounts to a kind of non-refoulement obligation prohibiting the extradition if the extradition request has been made for "the purpose of prosecuting or punishing a person on account of his race...etc." This provision was reluctantly accepted by the WEO states although it is so drafted as to be sufficiently flexible to make it compatible with the internal law of most states. It was, however, opposed by the socialist delegations which voted against it in both the Sixth Committee and Plenary. Nevertheless, the provision was overwhelmingly supported.