

INTERNATIONAL LEGAL MEASURES AGAINST TERRORISM

The most important development in the field of international legal measures against terrorism within the last year was the adoption by the General Assembly of the International Convention against the Taking of Hostages. The Convention is the result of three years' work by an Ad Hoc Committee of the United Nations which reported to the Sixth Committee. The Ad Hoc Committee met each year from 1977 to 1979 and all but completed work on the draft text. A few outstanding issues had to be resolved in the sixth Committee, and the completed text was adopted at the 34th session of the General Assembly and opened for signature on the 18th of December 1979. Canada signed the agreement on the 18th of February 1980. To date the Convention has 30 signatories and 0 ratifications.

The text of the completed Convention essentially follows the structure and content of a draft which had been originally been proposed by the Federal Republic of Germany. As expected, it was necessary to accommodate some of the political concerns of the non-aligned delegations, although by current standards of law-making at the United Nations these have been kept to a reasonably acceptable minimum. The non-aligned concerns are reflected in the preamble and provisions relating to national liberation movements and territorial integrity.

As is the case with most international anti-terrorist agreements, the Convention relies on the "extradite or prosecute" principle for its effective implementation. It also 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 committed an offence; and
- d) the national of which is a hostage.

The issue of the national liberation movements arose because of the necessity to define the relationship between the new hostage-taking Convention and Protocol I to the Geneva Conventions of 1949 relating to the Protection of Victims of Armed Conflicts, which also characterize hostage-taking as an offence (or "grave breach" in the terminology of the Conventions). By including wars of national liberation as international armed conflicts, Protocol I thereby subjected liberation movements to the prohibitions in the Conventions and Protocol, including that against hostage-taking. Although