

INTERNATIONAL CONVENTION AGAINST THE TAKING OF HOSTAGES

The question of drafting and adopting an International Convention against the Taking of Hostages was initially proposed for inclusion in the agenda of the General Assembly's thirty-first session by the Federal Republic of Germany in a letter dated 28 September 1976 addressed to the Secretary-General (A/31/242). The explanatory memorandum attached to that letter stated that the act of taking hostages had become a global problem that not only endangered the lives of people directly involved, but also the security of many other persons, and repeatedly threatened international peace and transnational relations. For this reason, the Federal Republic of Germany proposed the drafting and adoption, as a matter of priority, of an international instrument dealing with the problem of hostage taking.

At the thirty-first session of the General Assembly, in 1976, the item entitled "Drafting of an International Convention against the Taking of Hostages" was allocated to the Sixth Committee of the General Assembly, which considered it between 26 November and 10 December 1976. On 10 December 1976, the Sixth Committee adopted a draft resolution recommending the establishment of an *Ad Hoc* Committee on the Drafting of an International Convention against the Taking of Hostages (Report of the Sixth Committee, A/31/430). Upon the recommendation of the Sixth Committee, the General Assembly adopted, on 15 December 1976, resolution 31/103, by which it established the *Ad Hoc* Committee, composed of thirty-five Member States, and requested it to draft at the earliest possible date an international convention against the taking of hostages and to make every effort to submit a draft convention to the General Assembly in good time for consideration at its thirty-second session.

The *Ad Hoc* Committee held its first session in New York from 1 to 19 August 1977. Thirteen working papers were submitted by the members of the Committee, including a fourteen-article draft convention by the Federal Republic of Germany (A/AC.188/L.3), which represented the basis of the work of the *Ad Hoc* Committee. The working papers were included in the report of the *Ad Hoc* Committee to the General Assembly (A/32/39). At the thirty-second session of the General Assembly, the Sixth Committee considered the item between 30 November and 12 December 1977. On its recommendation (A/32/467), the General Assembly adopted, on 16 December 1977, resolution 32/148, by which it took note of the report of the *Ad Hoc* Committee and asked it to continue its work, since it had been unable to complete the mandate given to it in the allocated time.

Pursuant to resolution 32/148, the *Ad Hoc* Committee held its second session in Geneva from 6 to 24 February 1978. The *Ad Hoc* Committee considered two additional working papers submitted by France and Yugoslavia, as well as the working papers considered at the first session of the Committee. The *Ad Hoc* Committee continued to use the draft convention proposed the previous year by the Federal Republic of Germany as the basis of its work. Two open-ended working groups were established during that session: the first working group was requested to examine the thornier questions connected with the drafting of the convention and to try to find some common ground by means of consultations; the second group was asked to deal with draft articles on which agreement had been reached, or which were not generally controversial. On 24 February 1978, the *Ad Hoc* Committee approved the reports of both working groups and, expressing the need for more time to work on the drafting of a convention, recommended that the General Assembly invite the *Ad Hoc* Committee to continue its work in the following year (Report of the *Ad Hoc* Committee to the General Assembly, A/33/39 and Corr.1).

At its thirty-third session, the General Assembly had before it the report of the *Ad Hoc* Committee, as well as a report of the Secretary-General containing suggestions on the proposed convention received from the Holy See, Indonesia and the Lao People's Democratic Republic (A/33/194). The item was considered by the Sixth Committee between 10 and 21 November 1978. On the recommendation of the Sixth Committee, the General Assembly adopted resolution 33/19 on 15 December 1978, by which it took note of the report of the *Ad Hoc* Committee and decided that the Committee should continue its work the following year.

Accordingly, the *Ad Hoc* Committee held its third session in Geneva from 29 January to 16 February 1979. It considered the various working papers submitted at its previous sessions and continued to base its work on the draft convention tabled in 1977 by the Federal Republic of Germany. The *Ad Hoc* Committee reestablished its two working groups, asking them to carry on the work started in 1978 under the same conditions. On 16 February 1979, the *Ad Hoc* Committee approved the reports of both working groups and submitted its own report to the General Assembly, recommending further consideration and adoption of the draft "International Convention against the Taking of Hostages", of which two provisions had not been agreed upon, namely article 9 on the extradition of alleged offenders, newly introduced by Jordan, and article 14 regarding the right of asylum (A/34/39).

At the thirty-fourth session of the General Assembly, in 1979, the Sixth Committee decided to refer consideration of the report of the *Ad Hoc* Committee to a working group which would review the draft convention article by article. The Working Group on the Drafting of an International Convention against the Taking of Hostages held ten meetings between 8 October and 13 November 1979. Its report (A/C.6/34/L.12) was taken into consideration on 27 November 1979 by the Sixth Committee. The draft convention presented by the working group was welcomed by the majority of delegations in the Sixth Committee. On 7 December 1979, the Sixth Committee adopted a draft resolution introduced two days earlier by the representative of the Federal Republic of Germany (A/C.6/34/L.23) and to which was annexed the final draft of the International Convention against the Taking of Hostages (Report of the Sixth Committee, A/34/819). The General Assembly considered the draft resolution, recommended by the Sixth Committee, on 17 December 1979. The Union of Soviet Socialist Republics requested a separate recorded vote on article 9 of the Convention, dealing with the extradition of alleged offenders, which was adopted by 125 votes to 10, with 3 abstentions. Subsequently, the General Assembly adopted by consensus resolution 34/146 on 17 December 1979, thereby adopting the International Convention against the Taking of Hostages. The Convention was opened for signature from 18 December 1979 until 31 December 1980. Pursuant to its article 18, paragraph 2, it entered into force on 3 June 1983, the thirtieth day following the day of deposit of the twenty-second instrument of ratification or accession.