REPORT
OF THE *AD HOC* COMMITTEE
ON THE DRAFTING
OF AN INTERNATIONAL CONVENTION
AGAINST THE TAKING OF HOSTAGES

GENERAL ASSEMBLY

OFFICIAL RECORDS: THIRTY-FOURTH SESSION

SUPPLEMENT No. 39 (A/34/39)

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NOTE

Symbols of United Nations documents are composed of capital letters combined with figures. Mention of such a symbol indicates a reference to a United Nations document.

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I. INTRODUCTION

1. At its 63rd plenary meeting, on 29 November 1978, the General Assembly, on the recommendation of the Sixth Committee, 1/ adopted resolution 33/19 which reads as follows:

"The General Assembly,

"Recalling its resolutions 31/103 of 15 December 1976 and 32/148 of 16 December 1977,

"Having considered the report of the Ad Hoc Committee on the Drafting of an International Convention against the Taking of Hostages, 2/

"Considering that the Ad Hoc Committee has been unable to complete the mandate given to it within the allocated time,

"Mindful of the need to conclude, under the auspices of the United Nations, an international convention against the taking of hostages, taking into account the urgency of formulating effective measures to put an end to the taking of hostages,

"Bearing in mind the recommendation of the Ad Hoc Committee that it should continue its work in 1979, 3/

"1. Takes note of the report of the Ad Hoc Committee on the Drafting of an International Convention against the Taking of Hostages;

"2. Decides that the Ad Hoc Committee, as constituted, should continue, in accordance with paragraph 3 of General Assembly resolution 31/103, to draft at the earliest possible date an international convention against the taking of hostages and, in the fulfilment of its mandate, to consider suggestions and proposals from any State, bearing in mind the views expressed during the debate on this item at the thirty-third session of the Assembly;

"3. Invites Governments to submit, or to bring up to date, suggestions and proposals for consideration by the Ad Hoc Committee;

"4. Requests the Secretary-General to render all assistance to the Ad Hoc Committee, including the preparation of summary records of its meetings;

1/ Official Records of the General Assembly, Thirty-third Session, Annexes, agenda item 120, document A/33/385, para. 8.

2/ Ibid., Supplement No. 39 (A/33/39 and Corr.1).

3/ Ibid., para. 57.

"5. Requests the Ad Hoc Committee to submit its report and to make every effort to submit a draft convention against the taking of hostages to the General Assembly at its thirty-fourth session;

"6. Decides to include in the provisional agenda of its thirty-fourth session the item entitled 'Drafting of an international convention against the taking of hostages'."

2. The Ad Hoc Committee was composed of the following Member States appointed by the President of the General Assembly under the terms of paragraph 2 of Assembly resolution 31/103:

Algeria
Barbados
Bulgaria 4/
Byelorussian Soviet Socialist Republic
Canada
Chile
Democratic Yemen
Denmark
Egypt
France
Germany, Federal Republic of
Guinea
Iran
Italy
Japan
Jordan
Kenya
Lesotho
Libyan Arab Jamahiriya
Mexico
Netherlands
Nicaragua
Nigeria
Philippines
Poland
Somalia
Suriname
Sweden
Syrian Arab Republic
Union of Soviet Socialist Republics
United Kingdom of Great Britain and Northern Ireland
United Republic of Tanzania
United States of America
Venezuela
Yugoslavia

3. The Ad Hoc Committee met at the United Nations Office at Geneva from 29 January to 16 February 1979. 5/ The session was opened on behalf of the Secretary-General by Mr. Valentin A. Romanov, Director of the Codification Division of the Office of Legal Affairs.

4. At its 30th, 31st and 32nd meetings, on 29 and 30 January and 7 February, the Ad Hoc Committee agreed upon the composition of the Bureau as follows:

Chairman: Mr. Leslie O. Harriman (Nigeria);

Vice-Chairmen: Mr. Hermidas Bavand (Iran);
Mr. Gastón Cajina Mejicano (Nicaragua);
Mr. Klaus Zehentner (Federal Republic of Germany);

Rapporteur: Mr. Vadim Ivanovitch Lukyanovich (Byelorussian Soviet Socialist Republic).

4/ By a communication dated 26 January 1979, the President of the thirty-third session of the General Assembly informed the Secretary-General that, on the basis of a nomination by the Eastern European group, he had appointed Bulgaria as a member of the Ad Hoc Committee (see A/33/557, para. 3).

5/ For the membership list of the Ad Hoc Committee at its 1979 session, see A/AC.188/INF.3/Rev.1.

5. Mr. Erik Suy, Under-Secretary-General, the Legal Counsel, represented the Secretary-General at the session. Mr. Valentin A. Romanov, Director of the Codification Division of the Office of Legal Affairs, acted as Secretary to the Ad Hoc Committee and, in the absence of the Legal Counsel, represented the Secretary-General. Miss Jaqueline Dauchy, Senior Legal Officer in the Codification Division of the Office of Legal Affairs, acted as Deputy Secretary to the Ad Hoc Committee. Mr. Larry D. Johnson and Mr. Manuel Rama-Montaldo, Legal Officers in the Codification Division of the Office of Legal Affairs, acted as Assistant Secretaries to the Ad Hoc Committee.

6. At its 30th meeting, on 29 January 1979, the Ad Hoc Committee adopted the following agenda (A/AC.188/L.24):

1. Opening of the session.

2. Election of officers.

3. Adoption of the agenda.

4. Organization of work.

5. Drafting of an international convention against the taking of hostages pursuant to paragraph 3 of General Assembly resolution 31/103, paragraph 2 of General Assembly resolution 32/148 and paragraph 2 of General Assembly resolution 33/19.

6. Adoption of the report.

7. The Ad Hoc Committee had before it document A/33/194 containing the suggestions and proposals submitted by Governments in accordance with General Assembly resolution 32/148 and document A/AC.188/2 containing the views of one Government submitted in accordance with General Assembly resolution 33/19.

8. The Ad Hoc Committee also had before it the working papers submitted during its 1977 session, reproduced in annex II to its report to the General Assembly at the thirty-second session, 6/ and the working papers submitted during its 1978 session mentioned in its report to the General Assembly at the thirty-third session. 7/

9. At its 30th meeting, on 29 January 1979, the Ad Hoc Committee decided to resume its work at the point at which it had left off at the previous session.

10. At the same meeting, the Ad Hoc Committee decided to re-establish Working Groups I and II under the same conditions as the previous year: Working Group I was requested to examine the thornier questions connected with the drafting of an

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6/ Official Records of the General Assembly, Thirty-second Session, Supplement No. 39 (A/32/39).

7/ Ibid., Thirty-third Session, Supplement No. 39 (A/33/39 and Corr.1), paras. 20, 27-28 and 48.

international convention against the taking of hostages, and to try to find some common ground by means of consultations; Working Group II was requested to deal with draft articles that were not generally controversial and with texts on which Working Group I had come to an agreement. Working Group I was chaired by the Chairman of the Ad Hoc Committee until it elected Mr. Hermidas Bavand (Iran), Vice-Chairman of the Ad Hoc Committee, as its Chairman. Working Group II elected Mr. Klaus Zehentner (Federal Republic of Germany), Vice-Chairman of the Ad Hoc Committee, as its Chairman.

11. At its 35th meeting, on 16 February 1979, the Ad Hoc Committee considered and approved the reports of Working Groups I and II. These reports reflect informal discussions which did not prejudge the final position of States. At the same meeting, it decided that those reports would constitute sections II and III, respectively, of its report to the General Assembly. The report of the Ad Hoc Committee was adopted at the same meeting. 8/

8/ For statements made and reservations expressed upon the adoption of the report, see A/AC.188/SR.35.

II. REPORT OF WORKING GROUP I

12. At its 30th meeting, on 29 January 1979, the Ad Hoc Committee agreed that substantive discussions should continue, under the same conditions as the previous year, in the two Working Groups established by the Committee in 1978. Thus Working Group I was requested to examine the thornier questions connected with the drafting of an international convention against the taking of hostages, and to try to find some common ground by means of consultations. It held two meetings on 31 January and 7 February 1979. The first meeting was held under the chairmanship of Mr. Leslie O. Harriman (Nigeria), Chairman of the Ad Hoc Committee, and the other meeting was held under the chairmanship of Mr. Hermidas Bavand (Iran), Vice-Chairman of the Ad Hoc Committee.

13. In 1978, the Chairman of the Working Group had identified the following issues as being among those on which Working Group I should focus:

(a) the scope of the Convention and the question of national liberation movements;

(b) the question of the definition of taking of hostages;

(c) the question concerning extradition and right of asylum;

(d) the respect for the principles of sovereignty and territorial integrity of States with regard to the release of hostages.

14. The Working Group had before it the working papers reproduced in annex II to the report of the Ad Hoc Committee on its 1977 session, 9/ as well as the report of the Working Group at the 1978 session of the Ad Hoc Committee 10/ which included suggestions submitted formally and informally by certain members of the Working Group.

15. After its 1st meeting, which was devoted primarily to an exchange of views on the first of the issues identified by the Chairman, the Group conducted its deliberations within the framework of informal consultations, concentrating mainly on the first, fourth and third issues identified by the Chairman.

16. In the course of informal consultations, a number of representatives maintained that agreement on the question of national liberation movements was a key to the solution of other outstanding issues, in particular those of the scope of the Convention and the definition of hostage-taking. Thus, the deliberations within the Group first and foremost focused on this question. In this connexion, the following text was informally suggested by a group of members of the Working Group as a basis for negotiations:

9/ Ibid., Thirty-second Session, Supplement No. 39 (A/32/39), annex II.

10/ Ibid., Thirty-third Session, Supplement No. 39 (A/33/39 and Corr.1), sect. II.

"Insofar as the Geneva Conventions of 1949 for the protection of war victims /11// or the Additional Protocols /12// to those Conventions are applicable to a particular act of hostage-taking, and insofar as States party to this Convention are bound under those Conventions to prosecute or extradite the hostage-taker, the present Convention shall not apply to an act of hostage-taking committed in the course of international armed conflicts, as defined in the Geneva Conventions of 1949 and the Protocols thereto, including situations referred to in article 1, paragraph 4, of Additional Protocol I and to which the provisions of that Protocol apply."

17. This suggestion, which reflected a spirit of conciliation on the part of the said group, however, seemed to the other group to fall short of a satisfactory solution to the problem. Consequently, the following text was suggested with the same good will and spirit of conciliation on behalf of that other group:

"Insofar 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 insofar 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 covered by rules of international law applicable to armed conflicts as defined in particular in the Geneva Conventions of 1949 and the Protocols thereto, including armed conflicts in which peoples are fighting against colonial domination and foreign occupation and against apartheid and racist régimes, in the exercise of the right of peoples to self-determination embodied in the Charter of the United Nations and the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations. /13//"

18. This new text was well received among the members of the group referred to in paragraph 16 who regarded it as containing many more constructive elements and as closer to a compromise formula. In the light of this development, the following text was introduced by that group as another alternative:

"Insofar 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 insofar 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 régimes 14/ in the exercise of their right of

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11/ United Nations, Treaty Series, vol. 75.

12/ See A/32/144, annexes.

13/ General Assembly resolution 2625 (XXV).

14/ The word "apartheid" was not included after the words "racist régimes", because the language of article 1 (4) of Protocol I of 1977 did not use that word, although it was generally understood that the use of the words "racist régimes" was wide enough to cover "apartheid".

self-determination, as enshrined in the Charter of the United Nations and the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations." 15/

19. This text, which was considered as establishing an equitable balance between the desired objectives, was well received among the members of the Working Group and was accepted.

20. One delegation, however, recalled that it had tabled an amendment (A/AC.188/L.20) to article 10 of the draft Convention. It furthermore stated that without opposing a consensus on this particular point as well as on the other points under consideration within the framework of informal consultations it would not participate in such a consensus. On the one hand, some of the elements being envisaged called for reservations on its part. On the other hand, it felt it premature to agree to specific points before all the problems, in particular technical ones, posed by the draft Convention, had been definitely settled.

21. Parallel with the negotiations on the question of national liberation movements, the Working Group also engaged in deliberations on the question of the "respect for the principles of sovereignty and territorial integrity of States with regard to the release of hostages". In this connexion, there existed already two texts which had been submitted by certain members of the Ad Hoc Committee in 1977. 16/ As the negotiations went on, a group of members of the Working Group, which had registered its support for the two texts, indicated that since the text in document A/AC.188/L.11 seemed to have wider acceptance among the members of the Working Group, it wished that text to be viewed as its suggested formula for negotiations. This text read as follows:

> "Nothing in this Convention can be construed as justifying in any manner the threat or use of force or any interference whatsoever against the sovereignty, independence or territorial integrity of peoples and States, under the pretext of rescuing or freeing hostages."

22. Other delegations felt that, having regard to the purposes and principles of the United Nations as contained in Articles 1 and 2 of the Charter, such a clause was not needed. Another group of members of the Working Group, in connexion with the same issue, submitted informally in the course of informal consultations the following text:

> "Considering that nothing in the present Convention shall either extend or restrict the permissible use of force by States under the United Nations Charter ...".

As this text failed to receive the acceptance of other groups, the following text was suggested by the same group of members of the Working Group:

15/ In the draft Convention as it appears in section IV of the present report, this text has become paragraph 1 of article 12.

16/ A/AC.188/L.7 and L.11, reproduced in Official Records of the General Assembly, Thirty-second Session, Supplement No. 39 (A/32/39), annex II.

"Nothing in this Convention shall be construed as justifying the violation, in contravention of the Charter of the United Nations, of the territorial integrity or political independence of a State." 17/

This text was accepted.

23. In the light of these agreed solutions to the two main political questions, namely, that of the national liberation movements and that of the respect for the principle of sovereignty and territorial integrity of States, problems concerning the question of the definition of hostage-taking and other aspects of the scope of the Convention appeared to be more of a technical than of a political nature. The Working Group accordingly agreed to transfer these questions to Working Group II for proper consideration. In this connexion, however, a member of the Working Group expressed the view that, since the question of hostage-taking was to be regarded as an aspect of the subject-matter of international terrorism, it seemed appropriate that this point be reflected in a proper manner in the preambular part of the Convention.

24. Finally, the last question which was dealt with by the Working Group was that of extradition and the right of asylum. In this connexion, there existed a text which had been submitted by one member of the Ad Hoc Committee in 1977 (A/AC.188/L.6) and read as follows:

"None of the provisions of this Convention shall be interpreted as impairing the right of asylum."

Other delegations felt that there was no need for such a clause. For still other delegations, this clause was essential. As negotiations continued, the following text appeared to have widespread support among the members of the Working Group as a basis for future work:

"None of the provisions of this Convention shall be interpreted as impairing the right of asylum. This provision shall not however affect the obligations of Contracting States under the Convention." 18/

25. There existed also a text submitted by one member of the Ad Hoc Committee (A/AC.188/WG.II/CRP.9). This text was debated but no agreement was reached on it.

26. It is to be noted that as a result of intensive and prolonged negotiations, differences between negotiating groups on outstanding political issues almost disappeared and the groups succeeded in reaching agreed solutions to most questions entrusted to Working Group I. Indeed, the constructive and co-operative attitude of all members of the Working Group was essential for the realization of its objectives. It is to be hoped that the successful achievements indicated above (paras. 18 and 22) will be responded to with the same positive spirit in other forums.

17/ In the draft Convention as it appears in section IV of the present report, this text has become article 13.

18/ The representatives of Mexico and Venezuela maintained their special reservations with regard to the second sentence of this text. In the draft Convention as it appears in section IV of the present report, this text has become article 14, appearing therein between square brackets.

III. REPORT OF WORKING GROUP II

27. At its 30th meeting, on 29 January 1979, the Ad Hoc Committee agreed that substantive discussions should continue, under the same conditions as the previous year, in the two Working Groups established by the Committee in 1978. Thus Working Group II was requested to deal with draft articles that were not generally controversial and with texts on which Working Group I had come to an agreement. It held 14 meetings between 30 January and 16 February 1979 under the chairmanship of Mr. Klaus Zehentner (Federal Republic of Germany), Vice-Chairman of the Ad Hoc Committee.

28. The Working Group decided to start its work where Working Group II had left off in 1978. At its 1st to 6th and 8th to 14th meetings it carried out a third reading of articles 2 to 9, paragraph 2 of article 10 and article 11 and proposals relating thereto and also considered proposals for new articles. At its 7th meeting the Working Group examined draft final clauses for the future convention. At its 11th meeting it took up article 1 and at its 12th meeting considered article 10, paragraph 1. At its 14th meeting it examined a proposed paragraph for the preamble of the future convention.

29. The Working Group carried out its third reading of the above-mentioned articles on the basis of a conference room paper prepared by its Chairman (A/AC.188/WG.II/CRP.6 and Add.1), which reproduced the articles in question as they emerged from the second reading carried out by the Working Group in 1978. In the conference room paper those provisions which had not yet been agreed upon appeared in square brackets and were sometimes followed by alternative formulas which were also bracketed. The Working Group also examined a proposal for article 7, paragraph 1, submitted by France and the Netherlands (A/AC.188/WG.II/CRP.8), a proposal for a new article 7 bis submitted by Jordan (A/AC.188/WG.II/CRP.9), a proposed new version for article 10, paragraph 2 (A/AC.188/WG.II/CRP.10), a proposal for a new article 6 bis submitted by Nigeria (A/AC.188/WG.II/CRP.11), a proposal concerning article 6 submitted by Mexico (A/AC.188/WG.II/CRP.12), a proposal concerning the preamble submitted by the USSR (A/AC.188/WG.II/CRP.13), and a number of oral suggestions.

30. In its consideration of the draft final clauses for the future convention, of article 1 and of article 10, paragraph 1, the Working Group based itself on the draft submitted by the Federal Republic of Germany at the 1977 session (A/AC.188/L.3). 19/

31. The stage reached in relation to each of the above-mentioned provisions is described below. As at the previous session, it was the understanding that the results of the work would be subject to an agreement reached also on the issues dealt with in Working Group I.

19/ See Official Records of the General Assembly, Thirty-second Session, Supplement No. 39 (A/32/39), annex II, p. 106.

Article 1

32. Article 1, as originally proposed, read as follows:

"1. Any person who seizes or detains another person (hereinafter referred to as 'hostage') and threatens with death or severe injury or continued detention of that person in order to compel

(a) a third person,

(b) a body corporate under national law,

(c) a State or

(d) an international organization or international conference to do or abstain from doing anything commits an act of taking hostages, an offence within the meaning of this Convention.

"2. Any person who

(a) attempts to commit an act of taking hostages, or

(b) is an accomplice of anyone who commits or attempts to commit an act of taking hostages

also commits an offence within the meaning of this Convention."

33. At the 1979 session it was agreed to insert the words "as an explicit or implicit condition for release of the hostage" after the words "from doing anything". One delegation indicated that it interpreted the words "release of the hostage" as meaning "release of the hostage safe and sound". The same delegation stated that it interpreted the concept of severe injury as equivalent to that of "coups et blessures" (bodily harm or wound).

34. With respect to subparagraph (d) of paragraph 1, the Working Group agreed, in accordance with a decision taken at the previous session, 20/ to insert the word "intergovernmental" before the word "organization" and, in accordance with a decision taken at the 1979 session in relation to article 6 (see para. 52 below), to delete the words "or international conference".

35. Also in connexion with paragraph 1, the Working Group agreed that the words "in order to compel" should be replaced by "in order to compel a third party, i.e." and that the words "a third person" in subparagraph (a) should be replaced by "a person". Finally, the Working Group decided to place subparagraphs (c) and (d) before subparagraphs (a) and (b).

36. General agreement was reached on article 1, as amended.

Article 2 21/

37. Article 2 as it emerged from the second reading carried out by Working Group II at the 1978 session read as follows:

20/ See ibid., para. 43.

21/ In the draft Convention as it appears in section IV of the present report, article 2 has become article 3.

"Contracting States shall co-operate in the prevention of the offences set forth in article 1, particularly by:

(a) taking all practicable measures to prevent preparations in their respective territories for the commission of those offences within or outside their territories, including measures to prohibit on their territories illegal activities of persons /, groups and organizations/ that organize, instigate, encourage or engage in the perpetration of acts of taking of hostages;

(b) exchanging information and co-ordinating the taking of administrative and other measures as appropriate to prevent the commission of those offences."

38. At the 1978 session, doubts had been expressed by several delegations on the words "groups and organizations", which had therefore, at that stage, been placed between square brackets.

39. At the 1979 session, a consensus emerged in favour of the retention of those words in the text.

Article 3 22/

40. The Working Group did not consider article 3 at the 1979 session since an agreement on its wording had already been reached at the 1978 session.

Article 4 23/

41. Article 4 as originally proposed read as follows:

"Each Contracting State shall make the offences mentioned in article 1 punishable by severe penalties."

42. At the 1978 session, it had been generally agreed that this article should be placed immediately after article 1. No agreement had however been reached with respect to the words "severe penalties". Some delegations had favoured the replacement of those words by the phrase "appropriate penalties which take into account their grave nature" used in article 2 of the New York Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, 24/ while others had expressed preference for the original text.

43. The question was examined again at the 1979 session and general agreement was reached on the New York Convention formulation.

22/ In the draft Convention as it appears in section IV of the present report, article 3 has become article 4.

23/ In the draft Convention as it appears in section IV of the present report, article 4 has become article 2.

24/ General Assembly resolution 3166 (XXVIII), annex.

Article 5

44. Article 5 as it emerged from the second reading carried out at the 1978 session read as follows:

> "1. Each Contracting State shall take such measures as may be necessary to establish its jurisdiction over any of the offences set forth in article 1
>
> (a) that are committed in its territory or on board a ship or aircraft registered in that State,
>
> (b) when that State is to be compelled to do or abstain from doing anything, or
>
> (c) that are committed by any of its nationals.
>
> "2. Each Contracting State shall likewise take such measures as may be necessary to establish its jurisdiction over the offences set forth in article 1 in the case where the alleged offender is present in its territory and it does not extradite him to any of the States mentioned in paragraph 1 of this article.
>
> "3. This Convention does not exclude any criminal jurisdiction exercised in accordance with internal law."

45. The only point which remained to be examined in relation to this article at the conclusion of the second reading concerned the inclusion in the opening sentence of paragraph 1 of language enlarging the scope of the article to cover, in addition to the offences set forth in article 1, "any other serious act of violence committed in connexion with such offences by the alleged offender against the hostage causing death or bodily injury".

46. This point was examined again at the 1979 session and agreement was provisionally reached on the insertion of those words in the opening phrase of paragraph 1. Several delegations, however, expressed reservations on the text as amended and, at the concluding stage of the proceedings of Working Group II, it was agreed to delete the words in question from the opening phrase of paragraph 1.

47. Also at the 1979 session, it was proposed to insert in paragraph 1 a subparagraph (d) reading as follows:

> "(d) when a hostage is a national of that State."

As subsequently revised the proposed new subparagraph read:

> "(d) when a hostage is a national of that State, if that State considers it appropriate."

This addition was agreed on.

48. With respect to subparagraph (b) of paragraph 1, doubts were expressed by one delegation. Another delegation suggested for stylistic reasons to redraft the subparagraph as follows:

"(b) when that State in connexion with the commission of the offences is compelled to do or to abstain from doing anything, or".

This suggestion was however not insisted upon, on the understanding that it might be taken up at the stage of final drafting.

49. General agreement was reached on article 5 as amended.

Article 6

50. Article 6 as it emerged from the second reading carried out at the 1978 session read as follows:

"1. Upon being satisfied that the circumstances so warrant, any Contracting State in the territory of which the offender is present shall take him into custody or take other measures to ensure his presence. The custody and other measures shall be as provided in the law of that State but may only be continued for such time as it is necessary to enable any criminal or extradition proceedings to be instituted.

"2. Such State shall immediately make a preliminary enquiry into the facts.

"3. The custody or other measures referred to in paragraph 1 shall be notified without delay directly or through the Secretary-General of the United Nations to:

(a) the State where the offence was committed;

(b) the State against which compulsion has been directed or attempted;

(c) the State of which the person or the body corporate against whom compulsion has been directed or attempted is a national;

(d) the State of which the hostage is a national or in which he has his permanent residence; 25/

(e) the State of which the alleged offender is a national or, if he is a Stateless person, in whose territory he permanently resides;

(f) the international intergovernmental organization or conference against which compulsion has been directed or attempted.

"4. Any person regarding whom the measures referred to in paragraph 1 of this article are being taken shall be entitled:

(a) to communicate without delay with the nearest appropriate

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25/ It was agreed that at the stage of final drafting, the concluding words of subparagraph (d) could be brought into line with the concluding words of subparagraph (e).

representative of the State of which he is a national or which is otherwise entitled to protect his rights or, if he is a Stateless person, which he requests and which is willing to protect his rights;

(b) to be visited by a representative of that State.

"5. The State which makes the preliminary enquiry contemplated in paragraph 2 shall promptly report its findings to the States, organization or conference referred to in paragraph 3 and indicate whether it intends to exercise jurisdiction."

51. The only points which remained to be examined at the conclusion of the second reading related to the suggested insertion of the word "alleged" before the word "offender" in the first sentence of paragraph 1 and to the possible deletion of the words "or conference" in paragraphs 3 (f) and 5.

52. At the 1979 session, it was agreed to insert the word "alleged" before the word "offender" in paragraph 1 and to delete the words "or conference" in paragraphs 3 (f) and 5.

53. Also at the 1979 session, the representative of Mexico submitted a proposal for article 6 (A/AC.188/WG.II/CRP.12) which sought to reword subparagraph 4 (a) as follows:

"(a) to communicate without delay with the nearest appropriate representative of the State of which he is a national or which is otherwise entitled to establish such communication or, if he is a Stateless person, which he requests and which is willing to establish such communication."

This proposal, although it initially gave rise to a reservation on the part of one delegation, was generally agreed on.

54. General agreement was reached on article 6 as amended.

Article 6 bis 26/

55. At the 1979 session, the representative of Nigeria submitted a proposal for a new article 6 bis (A/AC.188/WG.II/CRP.11) which read as follows:

"The State Party where the alleged offender is prosecuted shall in accordance with its laws communicate the final outcome of the proceedings to the Secretary-General of the United Nations, who shall transmit the information to the other States Parties or international intergovernmental organizations."

As orally revised at a later stage, the text read as follows:

"The State Party where the alleged offender is prosecuted shall in accordance with its laws communicate the final outcome of the proceedings to

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26/ In the draft Convention as it appears in section IV of this report, article 6 bis has become article 7.

the Secretary-General of the United Nations, who shall transmit the information to the other States Parties and the international intergovernmental organizations concerned."

56. General agreement was reached on this text.

Article 7 27/

Paragraph 1

57. Paragraph 1 of article 7 as originally proposed read as follows:

"1. The Contracting State in the territory of which the alleged offender is found shall, if it does not extradite him, be obliged, without exception whatsoever and whether or not the offence was committed in its territory, to submit the case to its competent authorities for the purpose of prosecution. Those authorities shall take their decision in the same manner as in the case of any ordinary offence of a serious nature under the law of that State."

58. At the 1978 session, the Working Group had considered a proposal by France (A/AC.188/L.13) 28/ to insert in the first sentence, after the words "is found", the words "and which has received a request for extradition from a State having jurisdiction over the offence in pursuance of this Convention", as well as a proposal by the Netherlands (A/AC.188/L.14) 29/ to insert, after the words "is found", the words "and which has received a request for extradition by one of the Contracting States mentioned in article 5, paragraph 1". No text had however been agreed on for paragraph 1 of article 7.

59. At the 1979 session, the delegations of France and the Netherlands submitted a joint amendment (A/AC.188/WG.II/CRP.8) replacing the two above-mentioned proposals and seeking to replace paragraph 1 as originally proposed by three paragraphs as follows:

"1. Any Contracting State, mentioned in article 5, paragraph 1, in which the offender is found, shall, if it does not extradite him, be obliged without exception whatsoever, to submit the case to its competent authorities for the purpose of prosecution.

"2. Any other Contracting State in which the offender is found, has, as soon as it has decided to refuse to extradite him to one of the States mentioned in article 5, paragraph 1, the same obligation.

27/ In the draft Convention as it appears in section IV of the present report, article 7 has become article 8.

28/ Official Records of the General Assembly, Thirty-third Session, Supplement No. 39 (A/33/39 and Corr. 1), p. 113.

29/ Ibid., p. 114.

"3. The competent authorities shall take their decision in the same manner as in the case of any ordinary offence of a serious nature under the law of their State."

At the final stage of the discussion, the sponsors of this text indicated that they did not insist on their proposal.

60. Also at the 1979 session, the representative of Japan proposed the insertion at the end of the first sentence of the words "through proceedings in accordance with the laws of that State". This proposal was adopted.

61. General agreement was reached on paragraph 1 as amended, subject to reservations on the part of two delegations.

Paragraph 2

62. The only point which remained pending at the conclusion of the second reading concerned the drafting change which would have to be made in this paragraph if the proposal to enlarge the scope of article 5 (see para. 46 above) were to be adopted.

63. In view of the agreement reached in this connexion at the 1979 session (ibid), the text of the paragraph remained as agreed upon at the 1978 session.

Article 7 bis 30/

64. At the 1979 session, the representative of Jordan submitted a proposal for a new article 7 bis (A/AC.188/WG.II/CRP.9) which read as follows:

"No Contracting State shall extradite an alleged offender if that State 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 or political opinion;

(b) that that person's position may be prejudiced for any of these reasons;

(c) that the appropriate authorities of the State of which he is a national or, if he is a Stateless person, the appropriate authorities of the State which he requests and which is willing to protect his rights, cannot communicate with him to protect his rights in the requesting State."

65. At the suggestion of the representative of the Netherlands, the sponsor of the above text orally revised the opening words to read "No Contracting State shall extradite a person claimed ...".

66. This proposal was thoroughly discussed but no agreement was reached theron.

30/ In the draft Convention as it appears in section IV of the present report, article 7 bis has become article 9; it appears therein between square brackets.

Article 8 31/

67. Article 8 as it emerged from the second reading carried out at the 1978 session read as follows:

> "1. Each of the offences set forth in article 1 shall be deemed to be included as extraditable offences in any extradition treaty existing between Contracting States. Contracting States undertake to include such offences as extraditable offences in every extradition treaty to be concluded between them.
>
> "2. If a Contracting State which makes extradition conditional on the existence of a treaty receives a request for extradition from another Contracting State with which it has no extradition treaty, it may at its option consider this Convention as the legal basis for extradition in respect of the offences set forth in article 1. Extradition shall be subject to the other conditions provided by the law of the requested State.
>
> "3. Contracting States which do not make extradition conditional on the existence of a treaty shall recognize the offences set forth in article 1 as extraditable offences between themselves subject to the conditions provided by the law of the requested State.
>
> "4. The offences set forth in article 1 shall be treated, for the purpose of extradition between Contracting States, as if they had been committed not only in the place in which they occurred but also in the territories of the States required to establish their jurisdiction in accordance with article 5, paragraph 1."

68. The only point which remained pending at the conclusion of the second reading concerned the drafting change which would have to be made in paragraphs 1, 2, 3 and 4 if the proposal to enlarge the scope of article 5 (see para. 46 above) were to be adopted.

69. In view of the agreement reached in this connexion at the 1979 session (ibid.), the text of article 8 remained as agreed on at the 1978 session.

Article 9 32/

70. Article 9 as it emerged from the second reading carried out at the 1978 session read as follows:

> "1. Contracting States shall afford one another the greatest measure of assistance in connexion with criminal proceedings brought in respect of the offences set forth in article 1, including the supply of all evidence at their disposal necessary for the proceedings.

31/ In the draft Convention as it appears in section IV of the present report, article 8 has become article 10.

32/ In the draft Convention as it appears in section IV of the present report, article 9 has become article 11.

"2. The provisions of paragraph 1 of this article shall not affect obligations concerning mutual judicial assistance embodied in any other treaty."

71. The only point which remained pending at the conclusion of the second reading concerned the drafting change which would have to be made in paragraph 1 if the proposal to enlarge the scope of article 5 (see para. 46 above) were to be adopted.

72. In view of the agreement reached in this connexion at the 1979 session (ibid.), the text of article 9 remained as agreed on at the 1978 session.

Article 10 33/

Paragraph 1

73. Article 10, paragraph 1, as originally proposed, read as follows:

"1. This Convention shall not affect the Geneva Conventions of 12 August 1949 for the protection of war victims, the Convention of 16 December 1970 for the Suppression of Unlawful Seizure of Aircraft, the Convention of 23 September 1971 for the Suppression of Unlawful Acts against the Safety of Civil Aviation and the Convention of 14 December 1973 on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents."

74. At the 1979 session, it was suggested to reword this paragraph as follows:

"1. This Convention shall not affect the obligations of States under existing multilateral and bilateral treaties relating to the questions of combating international terrorism".

75. Another suggestion was to delete the paragraph.

76. At the concluding stage of the proceedings of Working Group II, general agreement was reached on the latter suggestion. 34/

Paragraph 2

77. Article 10, paragraph 2, as originally proposed read as follows:

"2. This Convention shall not apply where the offence is committed within a single State, where the hostage, the alleged offender, and the person or body corporate subjected to demands are all nationals of that State and where the

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33/ In the draft Convention as it appears in section IV of the present report, article 10 has become article 12.

34/ As to paragraph 1 of this article included in the draft Convention appearing in section IV of the present report, see paras. 16-20 and foot-note 15/ above.

alleged offender is found in the territory of that State. This Convention shall, however, apply if a State, an international intergovernmental organization or an international conference is subjected to demands."

78. At the 1978 session, it had been suggested to insert the word "foreign" before "State" in the second sentence and to delete in the same sentence the words "or an international conference". No agreement had however been reached on those points.

79. At the 1979 session, it was suggested to delete the second sentence and to insert in the first sentence after the words "of that State" the words "or that State itself is subjected to demands". The resulting text (A/AC.180/WG.II/CRP.10) read as follows:

"This Convention shall not apply where the offence is committed within a single State, where the hostage, the alleged offender, and the person or body corporate subjected to demands are all nationals of that State or that State itself is subjected to demands and where the alleged offender is found in the territory of that State."

80. One delegation proposed deleting in the above text the words "and the person or body corporate subjected to demands" and the words "or that State itself is subjected to demands".

81. At the concluding stage of the proceedings of Working Group II, general agreement was reached on this proposal and on the resulting text for paragraph 2 of article 10. One delegation, without opposing the general agreement on the text as amended, noted that the deletion of the words referred to in paragraph 80 restricted the scope of the future convention.

Article 11 35/

82. Article 11 as originally proposed read as follows:

"Any dispute between two or more Contracting States concerning the interpretation or application of this Convention which is not settled by negotiation may be submitted to arbitration by any party to the dispute by means of a written notification to any other party to the dispute. If the arrangements necessary to permit this arbitration to proceed, including the selection of the arbitrator or arbitrators, have not been completed within six months of the date of receipt of the notification, any party to the dispute may submit the dispute to the International Court of Justice for decision in accordance with the Statute of the Court."

83. At the 1978 session, some delegations had supported the above text while others had suggested following the precedents of article 12 of the Hague Convention for the Suppression of Unlawful Seizure of Aircraft, 36/ article 14 of the Montreal Convention for the Suppression of Unlawful Acts against the

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35/ In the draft Convention as it appears in section IV of the present report, article 11 has become article 15.

36/ United States Treaties and Other International Agreements, vol. 22, part 2 (1971), p. 1644.

Safety of Civil Aviation 37/ and article 13 of the 1973 New York Convention on the Prevention and Punishment of Crimes Against Internationally Protected Persons, including Diplomatic Agents. No agreement had been reached on this article.

84. At the 1979 session, it was generally agreed to follow the precedent of article 13 of the 1973 New York Convention.

Articles 12, 13 and 14 38/

85. Articles 12, 13 and 14 as originally proposed read as follows:

Article 12

"1. This Convention shall be open for signature by all States until ..... at United Nations Headquarters in New York.

"2. This Convention is subject to ratification. The instruments of ratification shall be deposited with the Secretary-General of the United Nations.

"3. This Convention shall remain open for accession by any State. The instruments of accession shall be deposited with the Secretary-General of the United Nations."

Article 13

"1. This Convention shall enter into force on the thirtieth day following the date of deposit of the twenty-second instrument of ratification or accession with the Secretary-General of the United Nations.

"2. For each State ratifying or acceding to the Convention after the deposit of the twenty-second instrument of ratification or accession, the Convention shall enter into force on the thirtieth day after deposit by such State of its instrument of ratification or accession."

Article 14

"1. Any Contracting State may denounce this Convention by written notification to the Secretary-General of the United Nations.

"2. Denunciation shall take effect six months following the date on which notification is received by the Secretary-General of the United Nations."

86. At the 1979 session, general agreement was reached on those three articles.

37/ Ibid., vol. 24, part 1 (1973), p. 568.

38/ In the draft Convention as it appears in section IV of the present report, articles 12, 13 and 14 have become articles 16, 17 and 18, respectively.

Proposal for a paragraph of the preamble

87. The following paragraph was proposed for inclusion in the preamble by the representative of the USSR (A/AC.188/WG.II/CRP.13):

> "Being convinced that it is urgently necessary to develop international co-operation between States in devising and adopting effective measures for the prevention, prosecution and punishment of all acts of hostage-taking as manifestations of international terrorism,".

88. Within Working Group II, several delegations supported this text. Others, while not objecting to it, considered it premature to pronounce themselves at this stage on a particular paragraph of the preamble. 39/

39/ For the result of the consideration of this point at the 35th plenary meeting of the Ad Hoc Committee, see the summary record of that meeting (A/AC.188/SR.35) and foot-note 40/ below.

IV. RECOMMENDATION OF THE AD HOC COMMITTEE

89. The Ad Hoc Committee, in pursuance of General Assembly resolutions 31/103 of 15 December 1976, 32/148 of 16 December 1977 and 33/19 of 29 November 1978 and in the fulfilment of the mandate entrusted to it by the Assembly, prepared the draft of an international convention against the taking of hostages which it recommends to the General Assembly for further consideration and adoption. It is to be hoped that the gains achieved at this session will receive a favourable response from the members of the General Assembly and that they will lead to the adoption of a convention against the taking of hostages. The text of the draft convention, including the provisions which have not been completely agreed on and which appear therein in square brackets, is the following:

DRAFT CONVENTION AGAINST THE TAKING OF HOSTAGES /40/

Preamble 41/

...

Being convinced that it is urgently necessary to develop international co-operation between States in devising and adopting effective measures for the prevention, prosecution and punishment of all acts of hostage-taking as manifestations of international terrorism,

...

40/ For the convenience of delegations, the Secretariat has prepared the following table of correspondence between the articles as they appear in the draft Convention and the articles and texts considered by the Working Groups:

Article of the draft Convention	Corresponding article considered by Working Group II or text considered by Working Group I
1	1 (see paras. 32-36 above)
2	4 (see paras. 41-43 above)
3	2 (see paras. 37-39 above)
4	3 (see para. 40 above)
5	5 (see paras. 44-49 above)
6	6 (see paras. 50-54 above)
7	6 bis (see paras. 55-56 above)
8	7 (see paras. 57-63 above)
/9/	7 bis (see paras. 64-66 above)
10	8 (see paras. 67-69 above)
11	9 (see paras. 70-72 above)
12, para. 1	Text of a paragraph (see paras. 16-20 above)
12, para. 2	10, para. 2 (see paras. 77-81 above)
13	Text of an article (see paras. 21-22 above)
/14/	Text of an article (see paras. 24-25 above)
15	11 (see paras. 82-84 above)
16	12 (see paras. 85-86 above)
17	13 (see paras. 85-86 above)
18	14 (see paras. 85-86 above)

41/ There was insufficient time to discuss the whole preamble at this session. Several delegations reserved their position, although they did not raise objections to the Soviet proposal, pending the consideration of the preamble as a whole.

Article 1

1. Any person who seizes or detains another person (hereinafter referred to as "hostage") and threatens with death or severe injury or continued detention of that person in order to compel a third party, i.e.

(a) a State,

(b) an international intergovernmental organization,

(c) a person or

(d) a body corporate under national law

to do or abstain from doing anything as an explicit or implicit condition for release of the hostage, commits an act of taking hostages, an offence within the meaning of this Convention.

2. Any person who

(a) attempts to commit an act of taking hostages, or

(b) is an accomplice of anyone who commits or attempts to commit an act of taking hostages

also commits an offence within the meaning of this Convention.

Article 2

Each Contracting State shall make the offences mentioned in article 1 punishable by appropriate penalties which take into account their grave nature.

Article 3

Contracting States shall co-operate in the prevention of the offences set forth in article 1, particularly by:

(a) taking all practicable measures to prevent preparations in their respective territories for the commission of those offences within or outside their territories, including measures to prohibit on their territories illegal activities of persons, groups and organizations that organize, instigate, encourage or engage in the perpetration of acts of taking of hostages;

(b) exchanging information and co-ordinating the taking of administrative and other measures as appropriate to prevent the commission of those offences.

Article 4

1. The Contracting State in whose territory the hostage is held by the offender shall take all measures it considers appropriate to ease the situation of the hostage, in particular, to secure his release and, after his release, to facilitate his departure.

2. If any object which the offender has illegally obtained as a result of the taking of hostages comes into the custody of a Contracting State, that Contracting State shall return it as soon as possible to the person from whom the object was illegally obtained or to the appropriate authorities of his country.

Article 5

1. Each Contracting State shall take such measures as may be necessary to establish its jurisdiction over any of the offences set forth in article 1

(a) that are committed in its territory or on board a ship or aircraft registered in that State,

(b) when that State is to be compelled to do or abstain from doing anything,

(c) that are committed by any of its nationals, or

(d) when a hostage is a national of that State, if that State considers it appropriate.

2. Each Contracting State shall likewise take such measures as may be necessary to establish its jurisdiction over the offences set forth in article 1 in the case where the alleged offender is present in its territory and it does not extradite him to any of the States mentioned in paragraph 1 of this article.

3. This Convention does not exclude any criminal jurisdiction exercised in accordance with internal law.

Article 6

1. Upon being satisfied that the circumstances so warrant, any Contracting State in the territory of which the alleged offender is present shall take him into custody or take other measures to ensure his presence. The custody and other measures shall be as provided in the law of that State but may only be continued for such time as it is necessary to enable any criminal or extradition proceedings to be instituted.

2. Such State shall immediately make a preliminary inquiry into the facts.

3. The custody or other measures referred to in paragraph 1 shall be notified without delay directly or through the Secretary-General of the United Nations to:

(a) the State where the offence was committed;

(b) the State against which compulsion has been directed or attempted;

(c) the State of which the person or the body corporate against whom compulsion has been directed or attempted is a national;

(d) the State of which the hostage is a national or in which he has his permanent residence; 42/

(e) the State of which the alleged offender is a national or, if he is a stateless person, in whose territory he permanently resides;

(f) the international intergovernmental organization against which compulsion has been directed or attempted.

4. Any person regarding whom the measures referred to in paragraph 1 of this article are being taken shall be entitled:

(a) to communicate without delay with the nearest appropriate representative of the State of which he is a national or which is otherwise entitled to establish such communications or, if he is a stateless person, which he requests and which is willing to establish such communication;

(b) to be visited by a representative of that State.

5. The State which makes the preliminary inquiry contemplated in paragraph 2 shall promptly report its findings to the States or organization referred to in paragraph 3 and indicate whether it intends to exercise jurisdiction.

Article 7

The State Party where the alleged offender is prosecuted shall in accordance with its laws communicate the final outcome of the proceedings to the Secretary-General of the United Nations, who shall transmit the information to the other States Parties and the international intergovernmental organizations concerned.

Article 8

1. The Contracting State in the territory of which the alleged offender is found shall, if it does not extradite him, be obliged, without exception whatsoever and whether or not the offence was committed in its territory, to submit the case to its competent authorities for the purpose of prosecution, through proceedings in accordance with the laws of that State. Those authorities shall take their decision in the same manner as in the case of any ordinary offence of a serious nature under the law of that State. 43/

2. Any person regarding whom proceedings are being carried out in connexion with any of the offences set forth in article 1 shall be guaranteed fair treatment at all stages of the proceedings, including enjoyment of all the rights and guarantees provided by the law of the country in the territory of which he is present.

42/ See foot-note 25/ above.

43/ See para. 61 above.

/Article 9 44/

/No Contracting State shall extradite an alleged offender if that State 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 or political opinion;

(b) that the person's position may be prejudiced for any of these reasons;

(c) that the appropriate authorities of the State of which he is a national or, if he is a stateless person, the appropriate authorities of the State which he requests and which is willing to protect his rights, cannot communicate with him to protect his rights in the requesting State./

Article 10

1. Each of the offences set forth in article 1 shall be deemed to be included as extraditable offences in any extradition treaty existing between Contracting States. Contracting States undertake to include such offences as extraditable offences in every extradition treaty to be concluded between them.

2. If a Contracting State which makes extradition conditional on the existence of a treaty receives a request for extradition from another Contracting State with which it has no extradition treaty, it may at its option consider this Convention as the legal basis for extradition in respect of the offences set forth in article 1. Extradition shall be subject to the other conditions provided by the law of the requested State.

3. Contracting States which do not make extradition conditional on the existence of a treaty shall recognize the offences set forth in article 1 as extraditable offences between themselves subject to the conditions provided by the law of the requested State.

4. The offences set forth in article 1 shall be treated, for the purpose of extradition between Contracting States, as if they had been committed not only in the place in which they occurred but also in the territories of the States required to establish their jurisdiction in accordance with article 5, paragraph 1.

Article 11

1. Contracting States shall afford one another the greatest measure of assistance in connexion with criminal proceedings brought in respect of the offences set forth in article 1, including the supply of all evidence at their disposal necessary for the proceedings.

2. The provisions of paragraph 1 of this article shall not affect obligations concerning mutual judicial assistance embodied in any other treaty.

44/ See paras. 64-66 above.

Article 12 45/

1. 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 régimes 46/ in the exercise of their right of self-determination, as enshrined in the Charter of the United Nations and the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations.

2. This Convention shall not apply where the offence is committed within a single State, where the hostage and the alleged offender are national of that State and where the alleged offender is found in the territory of that State.

Article 13 47/

Nothing in this Convention shall be construed as justifying the violation, in contravention of the Charter of the United Nations, of the territorial integrity or political independence of a State.

/Article 14 48/

/None of the provisions of this Convention shall be interpreted as impairing the right of asylum. This provision shall not however affect the obligations of Contracting States under the Convention./

Article 15

1. Any dispute between two or more States Parties concerning the interpretation or application of this Convention which is not settled by negotiation shall, at the request of one of them, be submitted to arbitration. If within six months from the date of the request for arbitration the parties are unable to agree on the organization of the arbitration, any one of those parties may refer the dispute to the International Court of Justice by request in conformity with the Statute of the Court.

45/ See paras. 20 and 81 above.

46/ See foot-note 14/ above.

47/ See para. 20 above.

48/ See paras. 20 and 24-25 above.

2. Each State Party may at the time of signature or ratification of this Convention or accession thereto declare that it does not consider itself bound by paragraph 1 of this article. The other States Parties shall not be bound by paragraph 1 of this article with respect to any State Party which has made such a reservation.

3. Any State Party which has made a reservation in accordance with paragraph 2 of this article may at any time withdraw that reservation by notification to the Secretary-General of the United Nations.

Article 16

1. This Convention shall be open for signature by all States until ..... at United Nations Headquarters in New York.

2. This Convention is subject to ratification. The instruments of ratification shall be deposited with the Secretary-General of the United Nations.

3. This Convention shall remain open for accession by any State. The instruments of accession shall be deposited with the Secretary-General of the United Nations.

Article 17

1. This Convention shall enter into force on the thirtieth day following the date of deposit of the twenty-second instrument of ratification or accession with the Secretary-General of the United Nations.

2. For each State ratifying or acceding to the Convention after the deposit of the twenty-second instrument of ratification or accession, the Convention shall enter into force on the thirtieth day after deposit by such State of its instrument of ratification or accession.

Article 18

1. Any Contracting State may denounce this Convention by written notification to the Secretary-General of the United Nations.

2. Denunciation shall take effect six months following the date on which notification is received by the Secretary-General of the United Nations.

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