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CABINET  
DEFENCE AND OVERSEA POLICY COMMITTEE

CONVENTION AGAINST THE TAKING OF HOSTAGES BILL

Memorandum by the Secretary of State for Foreign  
and Commonwealth Affairs

1. Domestic legislation is required before we can ratify the UN Hostages Convention, which was signed by the United Kingdom on 18 December 1979. A bid for a bill to this effect has been submitted for inclusion in the 1981/82 Legislative Programme. It is desirable to have the Bill enacted by the end of 1981.
2. According to the Convention any person who seizes or detains and threatens to kill, to injure or to continue to detain another person ("hostage") in order to compel a third party (State, Organisation, Group of Persons or Individual Person) to do or abstain from doing any act as a condition for the release of the hostage commits the offence of taking hostages. As in previous international Conventions dealing with terrorist offences (eg hijacking), the basic principle is that the State party 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. As the Convention will bind only those States which choose to become parties it cannot be expected to provide a complete solution to the problem. Ratification by a convincing proportion of UN members would nevertheless be a useful demonstration of the international community's opposition to terrorist acts.
3. We are under little immediate pressure to ratify. But there is an important presentational reason for our not delaying unduly. At American instigation, the Communiqué at the Venice Economic Summit included a firm declaration on international terrorism, with particular reference to hostage taking and a call to States to consider becoming parties to the UN Convention against the Taking of Hostages. We supported the Americans.

4. The new American Administration, in the wake of the Iran hostage episode, is taking a very strong line on the need for concerted measures to combat terrorism, and held a conference of senior officials of the seven Economic Summit countries in Washington in January to develop and improve cooperation in counter-terrorism matters. The new Administration will be initiating the necessary procedures in Washington to prepare for US ratification of the UN Convention.

5. The proposed Bill would be non-controversial and would be similar to existing legislation giving effect to other Conventions in the counter-terrorism field.

6. Unless I hear to the contrary by 27 March I shall assume that colleagues are content.

C.

FOREIGN AND COMMONWEALTH OFFICE

13 March 1981