

more openness in both their work and their finances and to increase the professionalism of those who carry out their activities.

The logical structure and succinct presentation of this book may make it seem more like a memorandum. It is in fact a valuable discourse which succeeds in dispelling much of the ambiguity surrounding NGOs and what they do. It corrects many preconceived ideas and over-simplifications. Above all, it explains why NGOs play such an important role on the international scene.

Jacques Meurant

TERRORISM AND HOSTAGES IN INTERNATIONAL LAW

*A commentary on the 1979 Hostages Convention**

This book is essentially a commentary on the International Convention against the Taking of Hostages,³ which was negotiated within the framework of the United Nations and adopted on 17 December 1979.

In Part I the author places the 1979 Hostages Convention in a broader context and deals with issues such as hostage-taking as a manifestation of international terrorism, various attempts to understand the nature of terrorism (“What is terrorism?”), and existing international instruments designed to combat aspects of international terrorism. The description of the background to the Convention is followed by an overview of the difficult history of the drafting up to its adoption without a vote (i.e. by consensus) by the UN General Assembly in 1979. This informative and well-written introduction prepares the reader for Part II, the main part of the book, in which the author examines the text of the Hostages Convention article by article. The commentary on each article is divided into two parts: an introduction giving an outline of the provision’s history (“*travaux préparatoires*”); and the commentary proper, i.e. an analysis of the meaning of the rule. Lambert’s book ends with a short evaluation of the Convention.

It may be useful to recall that according to the Hostages Convention the taking of hostages in an international context is an international offence. Accordingly, each State party is under an obligation to take appropriate measures to prevent the taking of hostages and to make such an offence punishable. Furthermore, and this is the main innovation of the treaty, each

* Joseph J. Lambert, *Terrorism and Hostages in International Law — A Commentary on the Hostages Convention 1979*, Grotius, Cambridge, 1990, 418 pp.

³ Approved by United Nations General Assembly resolution 34/146 of 17 December 1979; reprinted in 18 *ILM* 1456 (1979).

State party has to establish jurisdiction over an alleged offender, to prosecute him or, on request, to extradite him to a third State: *aut dedere aut iudicare*. The idea of universal jurisdiction is intended to ensure that justice is done in all cases of hostage-taking which are not exclusively the internal affair of a State. The parallel with the system of grave breaches espoused by the 1949 Geneva Conventions is obvious.

It is not intended here to examine the author's commentaries on the Convention's twenty articles. Suffice it to say that the text is well researched and well presented. The book offers the reader guidance in the interpretation of the various provisions and, taking into account the way in which they were negotiated, tries to identify the precise nature of the legal obligation created by each of them on the basis of the rule itself, its true meaning and its purpose.

In two instances the author had occasion to comment on rules which mention either humanitarian law or the ICRC. Article 12 of the Convention says that the Hostages Convention does not apply to an act of hostage-taking insofar as the 1949 Geneva Conventions or their Additional Protocols are applicable and the State is already bound to prosecute or to extradite the alleged offender. Therefore the Geneva Conventions have overriding authority when an act of hostage-taking is committed in the course of an international armed conflict. In a non-international armed conflict (where there is no corresponding obligation in humanitarian law regarding penal repression), the State concerned has to proceed on the basis of the Hostages Convention.

One of the great difficulties which the negotiators had to overcome was to decide how to deal with hostage-taking in the context of wars of national liberation. As the author explains in great detail and with an admirable command of the facts, the solution was forthcoming only after the adoption, by the Diplomatic Conference on humanitarian law in 1977, of Article 1, para. 4, of Protocol I additional to the Geneva Conventions. That rule declares wars of national liberation to be international armed conflicts. Accordingly, hostage-taking is a grave breach of the Law of Geneva even if committed during a war of national liberation, and has to be dealt with according to the ordinary rules on penal repression applicable to international armed conflict. The crucial issue of hostage-taking in wars of national liberation therefore found a generally acceptable solution through mere reference, in Article 12 of the Hostages Convention, to the Law of Geneva. The right of self-determination is mentioned in the preamble.

Article 6, para. 5, of the Hostages Convention mentions the ICRC in connection with the right of an alleged offender held in custody to communicate with third persons. According to that provision, the Convention is without prejudice to the detaining State's right to invite the ICRC to visit the detainee. This provision deals, of course, with situations not covered by the Geneva Conventions, as in situations within the purview of those treaties the right to visit protected persons is laid down by the Conventions themselves (to which Article 12 of the Hostages Convention refers). In his commentary on Article 6, para. 5, of the Hostages Convention the author refers extensively to

the statement submitted by the ICRC to the Sixth Committee in which the institution expressed its understanding of the meaning of this rule.

Lambert's *Commentary on the Hostages Convention* is without doubt a very valuable reference book. It should be of particular interest to specialists in humanitarian law, since the international rules on the repression of hostage-taking are part not only of international criminal law but also of international humanitarian law.

Hans-Peter Gasser

HENRY DUNANT AND EASTERN SWITZERLAND

The Henry Dunant Society and the Geneva Red Cross have just published a book on the links between Henry Dunant and eastern Switzerland.⁴ The closing years in Heiden of the life of the founder of the Red Cross and the relations he had with the authorities and the St. Gallen, Winterthur and Zurich Red Cross branches are described in turn and analysed by several experts. Their contributions also depict such interesting people as the journalist Georg Baumberger, the pacifist Georg Schmid, and Sara Bourcart, who worked closely with Dunant on his Green Cross project.

The first part deals with Henry Dunant's stay in Heiden. It opens with an article by the author, *Gabriel Mützenberg*, recounting Dunant's travels when, completely bankrupt, he had to leave Geneva in May 1867. By studying the letters written at the time by Dunant the author was able to retrace much of his restless wandering through France, Germany, Italy, Greece, England, Holland and Turkey.

During these wanderings, Dunant was continually fleeing persecutions — real or imaginary — until on 10 November 1881 he finally reached Heiden, where he found the peace of mind he was seeking and stayed more and more often before taking up permanent residence there in April 1892.

In the next article, *Heiden au temps d'Henry Dunant* (Heiden in Henry Dunant's time), Roger Durand investigates the reasons for which Dunant chose to spend the last eighteen years of his life in Heiden. In the mid-nineteenth century, Heiden was a very popular health resort where celebrities from all over Europe came to stay; Henry Dunant struck up a friendship with the founder of the local hospital, Dr. Hermann Altherr, and finally came to live in that hospital because he felt safest there. As Roger Durand writes:

⁴ Roger Durand *et al.*, *Henry Dunant et la Suisse orientale (Henry Dunant und die Ostschweiz)*, (Henry Dunant and Eastern Switzerland), Henry Dunant Society, Geneva Red Cross, Geneva, 1992, 208 pp. (in *French and German*).