costs of terrorism affects their environment, fostering their decay. Finally, there is Ehud Sprinzak's superb contribution on the formation of ideological terrorism in a democracy, based on a case study of the Weathermen in the USA. Such terrorism is formed in a three stage process of delegitimation, he argues, during which the "psychopolitical" identity of the terrorist group changes and this group identity increasingly comes to prevail over the personal identities of its members.

In summary, despite a few blemishes and with only two exceptions, the *Origins of Terrorism*, as a collection of psychological and related studies of terrorist behavior, makes a major contribution to the ever-growing literature on terrorism. No serious student of the subject will fail to have it on his/her bookshelf.

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Lambert, Joseph J. *Terrorism and Hostages in International Law*. Cambridge: Grotius Publications, 1990.

As one who has worked on the legal aspects of international terrorism for longer than he cares to remember, I have read a large number of books and articles on terrorism. Most, frankly, aren't worth the paper they're printed on. Joseph Lambert's splendid contribution, I'm pleased to report, is a notable exception. Indeed, I would judge Lambert's *Terrorism and Hostages in International Law* to be one of the most scholarly works on international terrorism I have ever read. One might think that, looking only at its title, the book had a rather narrow focus. Quite to the contrary, Lambert's study is far ranging in scope and profound in the depth of its analysis.

Lambert divides his study into two parts. Part I gives a general overview of the problem of international terrorism and of efforts to combat it and serves as a useful backdrop to the detailed article-by-article consideration of the International Convention Against the Taking of Hostages (Hostages Convention) set forth in Part II of the book. In Part I Lambert, *inter alia*, explains the difficulties states (and scholars) have had in defining international terrorism, sets forth the history of efforts — in the League of Nations and in the United Nations — to combat international terrorism and explores the reasons the United Nations decided to abandon attempts to conclude a general convention or treaty against terrorism and instead adopted the so-called "piecemeal" approach, i.e., the conclusion of conventions limited in their coverage to one particular manifestation of terrorism — aircraft hijacking or sabotage, attacks on diplomats or other internationally protected persons, the taking of hostages, etc. He notes (p. 2) that, except for the Tokyo Convention (which

relates to the return of hijacked airplanes) "all of these instruments have as their central provision the obligation *aut dedere aut judicare*, i.e., that all offenders must either be extradited or submitted to the appropriate authorities of the State in which they are found for the purpose of prosecution." The central *goal* of these antiterrorist conventions, however, is to ensure the prosecution of these alleged offenders. Throughout his book Lambert illustrates why realization of this goal has proven elusive.

In Part II's detailed analysis of the Hostages Convention Lambert not only exhaustively examines its drafting history, but also places the convention in its larger setting and skilfully highlights the ways in which the convention contributes to the development of international law on terrorism. For example, he emphatically and correctly concludes that the Hostages Convention applies to struggles for national liberation and refutes the notion that hostage taking by national liberation groups cannot be considered terrorism.

Interestingly (from this reviewer's perspective), Lambert takes issue with two conclusions I reached in earlier writing. On one issue I agree with him, I was mistaken. On the other I'm unconvinced.

Article 8, paragraph 1, of the Hostages convention provides:

> 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. Those authorities shall take their decision in the same manner as in the case of any ordinary offence of a grave nature under the law of the State.

I had suggested[1] that this provision and corresponding provisions in several other antiterrorist conventions require a request for extradition before the obligation to prosecute is activated. Although I believe the language of article 8 (and similar provisions) could be so interpreted, Lambert's analysis (pp. 196-97) of both the text and the *travaux preparatoires* of article 8 convinces me that I was wrong and that the obligation to prosecute pertains even in the absence of an extradition request. Lambert's interpretation greatly strengthens, of course, the crucial obligation to submit alleged offenders to prosecution.

Article 3, paragraph 1, of the Hostages Convention provides:

> The State Party in the territory of which 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, when relevant, his departure.

As Lambert notes, there appears to be a conflict between article 8's obligation of *aut dedere aut judicare* and article 3's authorization to the

territorial state to take those measures "*it* considers appropriate" to secure the release of the hostage. I have asserted that Egypt violated its obligations under the Hostages Convention by granting the hijackers of the *Achille Lauro* safe passage out of the country in exchange for the release of the ship and its passengers.[2] Lambert contends (pp. 110-17), and cites some drafting history of the convention to support his proposition, that article 3 gives a territorial state basically unlimited discretion — absent a showing of bad faith — to decide what measures are appropriate to secure the release of hostages. This is not the place to explore this issue in detail, but I remain unconvinced of Lambert's position. Acceptance of this portion would so undermine the central goal of the Hostages Convention (as well as that of the other antiterrorist conventions) to ensure the prosecution of offenders that I would impose a substantial burden of proof on its proponents.

Lambert makes a number of points in his discussion of the Hostages Convention that are relevant to the wider effort to combat international terrorism. For example, he notes (pp. 198-200) that under article 8 of the Hostages Convention, there is no obligation to punish an alleged offender or even to bring him to trial. Although efforts were made during the drafting of the Hostages Convention, as well as during the drafting of other antiterrorist conventions, to include provisions that would ensure either the extradition or the prosecution, i.e., the bringing to trial, of alleged offenders, these efforts did not prevail. Rather, the obligation is either to extradite or to submit the alleged offender to "competent authorities for the purpose of prosecution." The decision whether to prosecute is left to the "competent authorities" and, in the absence of bad faith, no other state party can question their decision.

Lambert also notes that the Hostages Convention, like other antiterrorist conventions, contains provisions requiring the parties to cooperate to prevent as well as to punish hostage taking but that these provisions are vague and largely hortatory. The vagueness of these provisions he explains (pp. 120-21) as follows:

> However, significant obstacles exist to effective cooperation between States to prevent acts of hostage-taking and other acts of terrorism. Prevention in general can be difficult in democratic States since such States place significant restraints on interference with individual rights, such as freedom of expression, movement and privacy. These restraints may lead to a conflict between individual rights and public security, and each State must, therefore, seek a level of preventative activity which does not encroach to an unacceptable degree upon individual liberty. With specific regard to inter-State cooperation to prevent terrorism, these constitutional and other legal restraints vary from State to State, resulting in the need to find a common denominator of acceptable cooperative preventative activity. Other obstacles include: the clashing ideologies of various States which make them unlikely to trust each other to the degree necessary for effective cooperation, or even to agree on

> the need to prevent acts of terrorism in general and hostage-taking in particular (although this latter problem seems unlikely to arise as between States which have become party to this instrument); inflexible State bureaucracies; reluctance on the part of States to make the concessions regarding sovereignty that certain types of cooperation may require; the expense of preventative efforts; the lack of the strong political will which is sometimes necessary to institute preventative measures, particularly when States have significant economic links with other States which are suspected of supporting terrorist groups; and, according to the U.S. Department of State, the reluctance of some States which have not specifically been victimized by terrorist acts to get involved for fear of occasioning terrorist acts in their territory.

Because of these obstacles Lambert concludes that provisions in antiterrorist conventions imposing obligations to cooperate to prevent terrorism are best left general. I agree. This is an area that does not easily lend itself to codification in legal instruments, and informal liaisons among working groups of intelligence and law enforcement officials may be the most functional institutional arrangement.

Although prosecution and punishment of terrorists is the primary goal of the antiterrorist conventions, states and scholars have been concerned as well with the due process rights of alleged offenders and other humanitarian considerations. Lambert nicely addresses some of these concerns in his discussion of the political offense exception to extradition, the so-called "discrimination clause" in the Hostages Convention, and asylum. He rightly points out (p. 233) that the Hostages Convention does not eliminate the political offense exception, which has been a major barrier to efforts to extradite terrorists, but that this concept does not limit a state party's obligation to submit an alleged offender to its prosecutorial authorities if it decides not to extradite.

Article 9 of the Hostages Convention, the discrimination clause, provides in pertinent part that an alleged offender shall not be extradited "if the requested State Party has substantial grounds for believing . . . that the request for extradition . . . has been made for the purpose of prosecuting or punishing a person on account of his race, religion, nationality, ethnic origin or political opinion" or that the alleged offender's position may be prejudiced for any of these reasons. This clause, which is similar to those found in a number of regional and bilateral extradition treaties, as well as in the European Convention on the Suppression of Terrorism, is normally not found in the global antiterrorist conventions. Its inclusion in the Hostages Convention was controversial, and Lambert expertly explores (pp. 209-25) the issues raised.

Article 15 of the Hostages Convention provides:

> The provisions of this Convention shall not affect the application of the Treaties on Asylum, in force at the date of the

> adoption of this Convention, as between the States which are parties to those Treaties; but a State Party to this convention may not invoke those Treaties with respect to another State Party to this Convention which is not a party to those Treaties.

As noted by Lambert (p. 329), this article will have little effect on the application of the Hostages Convention. It is limited to the "Treaties on Asylum" that were in force on 17 December 1979, the date the Convention was adopted. Moreover, only a small number of such treaties existed at this time, they were in force between only a few Latin American states, and they cannot be invoked against states party to the Hostages Convention who are not also parties to the treaties on asylum. Most important, Lambert argues, these treaties on asylum do not prohibit the subsequent prosecution of a person granted asylum. Although this is contrary to the position taken by some Latin American states, Lambert's close analysis of the treaties on asylum strongly supports his contention.

There is much more of interest in this book, and a short review cannot do it justice. In conclusion, I will only state that any person, practitioner or scholar, with a serious interest in the problem of international terrorism and in exploring possible ways of combatting it should read this book. It is an outstanding addition to the literature.

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Endnotes

1. John F. Murphy, "The Future of Multilateralism and Efforts to Combat International Terrorism," *Columbia Journal of Transnational Law*, 35 (1986), p. 45 and n. 49.
2. Ibid., p. 82.

Clutterbuck, Richard. *Terrorism, Drugs and Crime in Europe After 1992.* London: Routledge, 1990.

In recognition of her encouragement to write this, his latest book, Richard Clutterbuck dedicated the work to "Rachel." Those of us familiar with his previous writings also owe her our gratitude, as do those persons simply having an interest in or need to research the subjects identified by the title. The author has produced a very readable, fact-filled and respectable companion to his earlier works in the fields of political violence and criminal justice.