

Convention on the Safety of United Nations and Associated Personnel (New York, 9 December 1994)

OBJECTIVES

The objective of the Convention on the Safety of United Nations and Associated Personnel (the Convention) is to ensure the safety and security of United Nations and associated personnel by requiring Parties to take all necessary measures to protect United Nations and associated personnel to establish criminal offences punishable by appropriate penalties, and to cooperate in the prevention of such crimes and in providing assistance to one another in connection with criminal proceedings.

KEY PROVISIONS

The Convention obliges Parties to take all appropriate measures to ensure the safety and security of United Nations and associated personnel. The Convention provides for the prompt release and return of captured or detained United Nations and associated personnel. Parties are required to cooperate with the United Nations and other Parties in the implementation of the Convention, in particular in any case where the host State is unable to take the required measures.

The Convention requires Parties to establish as criminal offences: (a) the murder, kidnapping or any other attack upon the person or liberty of any United Nations or associated personnel; (b) a violent attack upon the official premises, the private accommodation or the means of transportation of any United Nations or associated personnel likely to endanger his or her person or liberty; (c) a threat to commit any such attack with the objective of compelling a physical or juridical person to do or refrain from doing any act; (d) an attempt to commit any such attack; and (e) an act constituting participation as an accomplice in any such attack, or in an attempt to commit such attack, or in organizing or ordering others to commit such attack. Parties are required to make the above crimes punishable by appropriate penalties.

Each Party is also required to establish jurisdiction over offences committed in its territory or onboard a ship or aircraft registered in that State, or when the alleged offender is a national of that State. A Party may establish jurisdiction over such crimes in other cases as well.

The Convention requires Parties either to prosecute or extradite offenders. A State that chooses not to extradite an alleged offender, shall promptly submit the case for prosecution to its competent authorities. Offences set forth in the Convention are deemed to be extraditable offences in any existing extradition treaty between Parties. Parties additionally undertake to include such crimes as extraditable offences in future extradition treaties concluded between them. The Convention itself may also be used as the legal basis for extradition in certain cases.

In addition, the Convention provides for the widest measure of mutual legal assistance between the Parties in connection with criminal proceedings brought in respect of crimes set out in the Convention. Under the Convention, an alleged offender is to be accorded fair treatment, a fair trial and full protection of his or her rights at all stages of the investigations or proceedings.

Parties are obliged to cooperate in the prevention of the crimes set out in the Convention, particularly by taking all practical measures to prevent preparations in their respective territories for the commission of those crimes within or outside their territories, and by exchanging information and coordinating the taking of administrative and other measures to prevent the commission of those crimes.

The Convention shall in no way affect the applicability of international humanitarian law and of universally recognized standards of human rights as contained in international instruments in connection with United Nations operations and United Nations and associated personnel. Similarly, nothing in the Convention shall be construed so as to derogate from the right to act in self-defence.

Special Treaty Event April 2009

ENTRY INTO FORCE

The Convention entered into force on 15 January 1999 (article 27).

HOW TO BECOME A PARTY

The Convention is closed for signature. The Convention is subject to ratification, acceptance or approval by any State. The Convention is open to accession by any State (articles 25 and 26).

OPTIONAL AND/OR MANDATORY DECLARATIONS AND NOTIFICATIONS

Any Party which has established jurisdiction as mentioned in article 10, paragraph 2, shall notify the Secretary-General. If such Party subsequently rescinds that jurisdiction, it shall notify the Secretary-General (article 10).

Whenever a crime set out in article 9 is committed, any Party which has information concerning the victim and circumstances of the crime shall endeavour to transmit such information, under the conditions provided for in its national law, fully and promptly to the Secretary-General and the State or States concerned (article 12).

Measures taken to ensure prosecution or extradition shall be notified, in conformity with national law and without delay, to the Secretary-General (article 13).

The Party where an alleged offender is prosecuted shall communicate the final outcome of the proceedings to the Secretary-General (article 18).

RESERVATIONS

The Convention is silent with regard to reservations. States may declare, at the time of signature, ratification, acceptance, approval or accession, that they are not bound by article 22(1), according to which disputes among Parties relating to the interpretation or application of the Convention which are not settled by negotiation will be submitted to arbitration and, failing agreement on the organization of the arbitration six months after the date of request for arbitration, to the International Court of Justice. A reservation made in accordance with article 22 may be withdrawn at any time by notification to the depositary (article 22).

DENUNCIATION/WITHDRAWAL

Any Party may denounce the Convention by written notification to the depositary. Such denunciation shall take effect one year following the date on which the notification is received by the depositary (article 28).

CONVENTION ON THE SAFETY OF UNITED NATIONS AND ASSOCIATED
PERSONNEL

New York, 9 December 1994

ENTRY INTO FORCE: 15 January 1999, in accordance with article 27 which reads as follows: "1. This Convention shall enter into force thirty days after twenty-two instruments of ratification, acceptance, approval or accession have been deposited with the Secretary-General of the United Nations. 2. For each State ratifying, accepting, approving or acceding to the Convention after the deposit of the twenty-second instrument of ratification, acceptance, approval or accession, the Convention shall enter into force on the thirtieth day after the deposit by such State of its instrument of ratification, acceptance, approval or accession."
15 January 1999, No. 35457.

REGISTRATION: Signatories: 43, Parties: 87.

TEXT: United Nations, *Treaty Series*, vol. 2051, p. 363

Note: The Convention was adopted by resolution 49/59 of the General Assembly dated 9 December 1994. The Convention was open for signature on 15 December 1994 and will remain open for signature at the Headquarters of the United Nations in New York until 31 December 1995.

<i>Participant</i>	<i>Signature</i>	<i>Ratification, Acceptance(A), Accession(a), Approval(AA), Succession(d)</i>	<i>Participant</i>	<i>Signature</i>	<i>Ratification, Acceptance(A), Accession(a), Approval(AA), Succession(d)</i>
Albania		30 Mar 2001 a	Estonia.....		8 Mar 2006 a
Argentina.....	15 Dec 1994	6 Jan 1997	Fiji.....	25 Oct 1995	1 Apr 1999
Australia.....	22 Dec 1995	4 Dec 2000	Finland.....	15 Dec 1994	5 Jan 2001
Austria.....		6 Sep 2000 a	France.....	12 Jan 1995	9 Jun 2000
Azerbaijan.....		3 Aug 2000 a	Germany.....	1 Feb 1995	22 Apr 1997
Bangladesh.....	21 Dec 1994	22 Sep 1999	Greece.....		3 Aug 2000 a
Belarus.....	23 Oct 1995	29 Nov 2000	Guatemala.....		23 Sep 2008 a
Belgium.....	21 Dec 1995	19 Feb 2002	Guinea.....		7 Sep 2000 a
Bolivia.....	17 Aug 1995	22 Dec 2004	Guyana.....		21 May 2004 a
Bosnia and Herzegovina.....		11 Aug 2003 a	Haiti.....	19 Dec 1994	
Botswana.....		1 Mar 2000 a	Honduras.....	17 May 1995	
Brazil.....	3 Feb 1995	6 Sep 2000	Hungary.....		13 Jul 1999 a
Brunei Darussalam.....		20 Mar 2002 a	Iceland.....		10 May 2001 a
Bulgaria.....		4 Jun 1998 a	Ireland.....		28 Mar 2002 a
Burkina Faso.....		27 Oct 2008 a	Italy.....	16 Dec 1994	5 Apr 1999
Canada.....	15 Dec 1994	3 Apr 2002	Jamaica.....		8 Sep 2000 a
Chile.....		27 Aug 1997 a	Japan.....	6 Jun 1995	6 Jun 1995 A
China ¹		22 Sep 2004 a	Kenya.....		19 Oct 2004 a
Costa Rica.....		17 Oct 2000 a	Kuwait.....		19 Jul 2004 a
Côte d'Ivoire.....		13 Mar 2002 a	Lao People's Democratic Republic.....		22 Aug 2002 a
Croatia.....		27 Mar 2000 a	Lebanon.....		25 Sep 2003 a
Cyprus.....		1 Jul 2003 a	Lesotho.....		6 Sep 2000 a
Czech Republic.....	27 Dec 1995	13 Jun 1997	Liberia.....		22 Sep 2004 a
Democratic People's Republic of Korea....		8 Oct 2003 a	Libyan Arab Jamahiriya.....		22 Sep 2000 a
Denmark.....	15 Dec 1994	11 Apr 1995	Liechtenstein.....	16 Oct 1995	11 Dec 2000
Ecuador.....		28 Dec 2000 a			

Special Treaty Event April 2009

<i>Participant</i>	<i>Signature</i>	<i>Ratification, Acceptance(A), Accession(a), Approval(AA), Succession(d)</i>	<i>Participant</i>	<i>Signature</i>	<i>Ratification, Acceptance(A), Accession(a), Approval(AA), Succession(d)</i>
Lithuania.....		8 Sep 2000 a	Sierra Leone.....	13 Feb 1995	
Luxembourg.....	31 May 1995	30 Jul 2001	Singapore.....		26 Mar 1996 a
Mali.....		2 Jan 2008 a	Slovakia.....	28 Dec 1995	26 Jun 1996
Malta.....	16 Mar 1995		Slovenia.....		21 Jan 2004 a
Monaco.....		5 Mar 1999 a	Spain.....	19 Dec 1994	13 Jan 1998
Mongolia.....		25 Feb 2004 a	Sri Lanka.....		23 Sep 2003 a
Montenegro ²		23 Oct 2006 d	Sweden.....	15 Dec 1994	25 Jun 1996
Nauru.....		12 Nov 2001 a	Switzerland.....		9 Nov 2007 a
Nepal.....		8 Sep 2000 a	The former Yugoslav Republic of Macedonia.....		6 Mar 2002 a
Netherlands ³	22 Dec 1995	7 Feb 2002 A	Togo.....	22 Dec 1995	21 Apr 2008
New Zealand ⁴	15 Dec 1994	16 Dec 1998	Tunisia.....	22 Feb 1995	12 Sep 2000
Norway.....	15 Dec 1994	3 Jul 1995	Turkey.....		9 Aug 2004 a
Pakistan.....	8 Mar 1995		Turkmenistan.....		29 Sep 1998 a
Panama.....	15 Dec 1994	4 Apr 1996	Ukraine.....	15 Dec 1994	17 Aug 1995
Paraguay.....		30 Dec 2008 a	United Kingdom of Great Britain and Northern Ireland.....	19 Dec 1995	6 May 1998
Philippines.....	27 Feb 1995	17 Jun 1997	United States of America.....	19 Dec 1994	
Poland.....	17 Mar 1995	22 May 2000	Uruguay.....	17 Nov 1995	3 Sep 1999
Portugal.....	15 Dec 1994	14 Oct 1998	Uzbekistan.....		3 Jul 1996 a
Republic of Korea.....		8 Dec 1997 a			
Romania.....	27 Sep 1995	29 Dec 1997			
Russian Federation.....	26 Sep 1995	25 Jun 2001			
Samoa.....	16 Jan 1995	19 Aug 2005			
Senegal.....	21 Feb 1995	9 Jun 1999			
Serbia.....		31 Jul 2003 a			

Declarations and Reservations
(Unless otherwise indicated, the declarations and reservations were made upon ratification, acceptance or accession.)

BELGIUM

Interpretative declaration:

The Belgian Government declares the following: article 9, paragraph 1 (c), only covers cases where the threat is credible.

CHINA

Reservation:

The People's Republic of China makes a reservation with regard to Article 22, paragraph 1 of the Convention on the Safety of United Nations and Associated Personnel and is not bound by the provisions of Article 22, paragraph 1.

COSTA RICA

Reservation:

The Government of the Republic enters a reservation to article 2, paragraph 2, of the Convention, to the effect that limiting the scope of application of the Convention is

contrary to the pacifist thinking of our country and, accordingly, that, in the event of conflicts with the application of the Convention, Costa Rica will, where necessary, give precedence to humanitarian law.

DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA

Reservation:

"The Government of the Democratic People's Republic of Korea does not consider itself bound by all of paragraph 1 of Article 22 of the Convention on the Safety of United Nations and Associated Personnel."

ESTONIA

Declaration:

"In accordance with paragraph 2 of Article 10 of the Convention the Republic of Estonia establishes her jurisdiction over any such crime when it is committed with respect to a national of Estonia."

GERMANY

Declaration:

In accordance with German law, the authorities of the Federal Republic of Germany will communicate information on alleged offenders, victims and circumstances of the crime (personal data) directly to the states concerned and, in parallel with this, will inform the Secretary-General of the United Nations that such information has been communicated.

KUWAIT

Reservation:

... with a reservation in respect of article 22 (1), in accordance with article 22 (2) of the Convention.

LAO PEOPLE'S DEMOCRATIC REPUBLIC

Reservation:

"In accordance with paragraph 2, Article 22 of the Convention on the Safety of United Nations and Associated Personnel, the Lao People's Democratic Republic does not consider itself bound by paragraph 1, article 22, of the present Convention. The Lao People's Democratic Republic declares that to refer dispute relating to interpretation and application of the present Convention to arbitration or International Court of Justice, the agreement of all parties concerned in the dispute is necessary."

NEPAL

Declaration:

"[The Government of Nepal] avails itself of the provisions of article 22, paragraph 2, and declares that it does not consider itself bound by the provisions of paragraph 1 of the said article under which any dispute between two or more States Parties concerning the interpretation or application of this Convention shall at the request of one of them, be submitted to arbitration or referred to the International Court of Justice, and states that in each individual case, prior consent of all parties to such a dispute is necessary for the submission of the dispute to arbitration or to the International Court of Justice."

NETHERLANDS

Declaration:

"The Kingdom of the Netherlands understands Article 14 of the Convention on the Safety of United Nations and Associated Personnel states that the competent national authorities must decide on a case submitted to them in accordance with national law and in the same manner as they would decide on ordinary offences of a grave nature. Consequently, the Kingdom of the Netherlands understands this provision to include the right of its competent judicial authorities to decide not to prosecute a

person alleged to have committed a crime as referred to in Article 9, paragraph 1, if, in the opinion of the competent judicial authorities, grave considerations of procedural law indicate that effective prosecution would be possible."

SLOVAKIA

Declaration made upon signature and confirmed upon ratification:

"If a dispute concerning the interpretation or application of the Convention is not settled by negotiation, the Slovak Republic prefers its submission to the International Court of Justice in accordance with article 22, paragraph 1 of the Convention. Therefore a dispute, to which the Slovak Republic might be a Party can be submitted to arbitration only with the explicit consent of the Slovak Republic."

TUNISIA

Reservation:

The Tunisian Republic declares that it does not consider itself bound by the provisions of article 22, paragraph 1, of the Convention and that disputes concerning the interpretation or application of the Convention may be submitted to arbitration or to the International Court of Justice only with the prior consent of all the parties concerned.

TURKEY⁵

Declarations:

I. The Republic of Turkey declares that it will implement the provisions of the Convention only to the State Parties with which it has diplomatic relations.

II. The Republic of Turkey declares that this Convention is ratified exclusively with regard to the national territory where the Constitution and legal and administrative order of the Republic of Turkey are applied.

III. The Republic of Turkey declares that, in accordance with article 22, paragraph 2 of the Convention, Turkey does not consider itself bound by article 22, paragraph 1 of this Convention. The explicit consent of the Republic of Turkey is necessary in each individual case before any dispute to which the Republic of Turkey is party concerning the interpretation or application of this Convention may be referred to the International Court of Justice."

Reservations:

"In connection with Article 20, paragraph 1 of the Convention, concerning the applicability of international humanitarian law, the Republic of Turkey is not a party to the Protocols I and II, dated 8 June 1977, Additional to the Geneva Conventions of 12 August 1949, and therefore will not be bound by the provisions of the said Protocols."

*Notifications made under article 10 (2)
(Unless otherwise indicated, the notifications were made upon ratification,
acceptance, approval or accession.)*

CHINA

27 July 2007

Pursuant to article 10, paragraph 2 of the Convention,
the Hong Kong Special Administrative Region of the

People's Republic of China has established its jurisdiction
referred to in article 10, paragraph 2 (a) of the Convention
over the crimes set out in article 9 of the Convention.

Notes:

¹ With the following declaration:

In accordance with the provisions of Article 153 of the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China and Article 138 of the Basic Law of the Macao Special Administrative Region of the People's Republic of China, the Government of the People's Republic of China decides that the Convention shall apply to the Hong Kong Special Administrative Region and the Macao Special Administrative Region of the People's Republic of China.

² See note 1 under "Montenegro" in the "Historical Information" section in the front matter of this volume.

³ For the Kingdom in Europe, the Netherlands Antilles and Aruba.

⁴ See note 1 under "New Zealand" regarding Tokelau in the "Historical Information" section in the front matter of this volume.

⁵ In regard to the declarations made by the Government of Turkey upon accession, the Secretary-General received a communication from the following State on the date indicated hereinafter:

Portugal (15 December 2005):

The Government of the Portuguese Republic has carefully examined the declarations and reservations made by the Republic of Turkey upon the ratification of the Convention on the Safety of United Nations and Associated Personnel.

The Government of Portugal considers that paragraph I of the declarations amounts to a reservation which raises concerns as to the commitment of Turkey to implement core provisions of the Convention and in particular those concerning the prevention and suppression of crimes against United Nations and Associated personnel. This reservation may also lead to a discriminatory application of the Convention.

Portugal considers that paragraph II of the declaration also amounts to a reservation which is contrary to the object and purpose of the Convention, namely to its Article 10 which requires that each State party shall take such measures as may be necessary to establish its jurisdiction over the crimes against United Nations and Associate personnel in the case of crimes committed in the territory of that State.

With regard to the reservation made by Turkey in connection with article 20, paragraph 1 of the Convention, Portugal considers that in so far as the instruments referred to in a reservation are reflective of customary international law, they are universally binding and cannot be exempted from by a reservation.

The Government of the Portugese Republic, therefore objects to the above reservations made by the Republic of Turkey to the Convention on the Safety of Untied Nations and Associate Personnel.

This objection shall not preclude the entry into force o the Convention between Portugal and Turkey.