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INTERNATIONAL CONVENTION FOR SUPPRESSION OF ACTS OF NUCLEAR TERRORISM

MESSAGE

FROM

THE PRESIDENT OF THE UNITED STATES

TRANSMITTING

INTERNATIONAL CONVENTION FOR THE SUPPRESSION OF ACTS OF NUCLEAR TERRORISM (THE "CONVENTION"), ADOPTED BY THE UNITED NATIONS GENERAL ASSEMBLY ON APRIL 13, 2005, AND SIGNED ON BEHALF OF THE UNITED STATES OF AMERICA ON SEPTEMBER 14, 2005

JULY 12, 2007.—Treaty was read the first time, and together with the accompanying papers, referred to the Committee on Foreign Relations and ordered to be printed for the use of the Senate

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LETTER OF TRANSMITTAL

THE WHITE HOUSE, *July 12, 2007.*

To the Senate of the United States:

I transmit herewith for Senate advice and consent to ratification the International Convention for the Suppression of Acts of Nuclear Terrorism (the "Convention"), adopted by the United Nations General Assembly on April 13, 2005, and signed on behalf of the United States of America on September 14, 2005. As of July 3, 2007, 115 countries have signed the Convention and 23 have submitted their instruments of ratification or accession. The Convention entered into force on July 7, 2007. I also transmit for the information of the Senate a report of the Department of State with respect to the Convention.

The Convention imposes binding legal obligations upon States Parties either to submit for prosecution or to extradite any person within their jurisdiction who commits terrorist acts involving radioactive material or a nuclear device as set forth in Article 2 of the Convention, threatens or attempts to commit such an act, participates as an accomplice, organizes or directs others to commit such an offense, or in any other way contributes to the commission of such an offense by a group of persons acting with a common purpose, regardless of where the alleged act took place.

States Parties to the Convention will also be obligated to provide one another legal assistance in investigations or criminal or extradition proceedings brought in respect of the offenses set forth in Article 2, in conformity with any treaties or other arrangements that may exist between them or in accordance with their national law. The recommended legislation necessary to implement the Convention will be submitted to the Congress separately.

This Convention is important in the campaign against international terrorism. I recommend, therefore, that the Senate give early and favorable consideration to this Convention, subject to the understandings and reservation that are described in the accompanying State Department report.

GEORGE W. BUSH.

LETTER OF SUBMITTAL

DEPARTMENT OF STATE,
Washington, April 4, 2007.

The President,
The White House.

THE PRESIDENT: I have the honor to submit to you, with a view to its transmittal to the Senate for advice and consent to ratification, subject to the understandings and reservation set forth in the enclosed Overview, the International Convention for the Suppression of Acts of Nuclear Terrorism ("the Convention") adopted by the United Nations General Assembly on April 13, 2005. You and President Putin of Russia signed the Convention on September 14, 2005, the first day it was opened for signature. As of March 22, 2007, 115 countries have signed the Convention and 18 have submitted their instruments of ratification. The Convention will enter into force on the thirtieth day after the date of deposit of the twenty-second instrument of ratification, acceptance, approval, or accession.

A detailed Overview of the provisions is enclosed with this Report. Recommended legislation necessary to implement the Convention is being prepared for separate submission to the Congress. The Department of Justice joins in recommending that this Convention be transmitted to the Senate at an early date for its advice and consent to ratification, subject to the understandings to Article 4, 10, and 12, and to the reservation to Article 23.

Respectfully submitted.

CONDOLEEZZA RICE.

Enclosure: As stated.

INTERNATIONAL CONVENTION FOR THE SUPPRESSION OF ACTS OF NUCLEAR TERRORISM

OVERVIEW

The following is an overview and detailed analysis of the provisions of the International Convention for the Suppression of Acts of Nuclear Terrorism ("the Convention"), adopted by the United Nations General Assembly ("UNGA") on April 13, 2005 and signed on behalf of the United States of America on September 14, 2005.

On December 17, 1996, the UNGA adopted resolution 51/210, establishing an Ad Hoc Committee tasked with creating, among other instruments, a convention on nuclear terrorism. Culminating in its ninth session, from March 28 to April 1, 2005, the Ad Hoc Committee recommended a draft of the Convention to the General Assembly for adoption. The Convention was adopted, by consensus, by

resolution 59/290 on April 13, 2005. The President of the United States and President Putin of Russia signed the Convention on the first day that it was opened for signature at the September 2005 UNGA summit.

As of March 22, 2007, 115 countries have signed the Convention and 18 have submitted their instruments of ratification. The Convention will enter into force on the thirtieth day after the date of deposit of the twenty-second instrument of ratification, acceptance, approval, or accession. For each country that ratifies, accepts, approves, or accedes to the treaty after the deposit of the twenty-second instrument, the Convention will enter into force on the thirtieth day after the date of deposit of that country's instrument of ratification, acceptance, approval, or accession.

The Convention is the first multilateral counterterrorism treaty adopted by the UNGA since the terrorist attacks of September 11, 2001. The Convention provides a legal basis for international cooperation in the investigation, prosecution, and extradition of those who commit offenses involving radioactive material or a nuclear device, or any device that may emit radiation or disperse radioactive material. In creating such a legal framework, the Convention follows the precedents set by numerous counterterrorism conventions to which the United States is already a party, such as the 1997 International Convention for the Suppression of Terrorist Bombings ("Terrorist Bombings Convention") and the 1999 International Convention for the Suppression of the Financing of Terrorism ("Terrorism Financing Convention"). Like those earlier conventions, this new Convention requires Parties to criminalize under their domestic laws certain types of offenses, and also requires Parties to extradite or submit for prosecution persons accused of committing, attempting to commit, or aiding in the commission of such offenses. The Convention also provides for the safekeeping and return to one of several appropriate States Parties of radioactive material, devices, and nuclear facilities.

Articles 1 and 2 together serve to define the offenses covered by the Convention, with Article 1 incorporating several definitions of phrases used in Article 2. A "device" includes any nuclear explosive device, as well as any device that may emit radiation or disperse radioactive material that may, owing to its radiological properties, cause death, serious bodily injury, or substantial damage to property or the environment. A "nuclear facility" includes nuclear reactors as well as facilities for the production, storage, processing, or transport of radioactive material.

Paragraph 1 of Article 2 describes two categories of principal offenses. First, any person commits an offense under the Convention if that person unlawfully and intentionally possesses radioactive material or makes or possesses a device, as defined in Article 1 above, with the intent either to cause death or serious bodily injury, or to cause substantial damage to property or to the environment. Second, any person commits an offense under the Convention if he or she unlawfully and intentionally uses radioactive material or a device or uses or damages a nuclear facility in a manner that releases or risks the release of radioactive material, with the intent either to cause death or serious bodily injury, or to cause substantial damage to property or to the environment, or to compel a nat-

ural or legal person, an international organization, or a State to do or refrain from doing an act.

The Convention also provides for a range of ancillary offenses. Paragraph 2 of Article 2 provides that any person also commits an offense if that person credibly threatens to commit an offense as set forth in Paragraph 1 or demands by credible threat radioactive material, a device, or nuclear facility. The inclusion of "threats" as an ancillary offense is new with this Convention, and is fully warranted by the grave nature of the harm threatened. The threat provision is formulated in a manner that is compatible with threat offenses in U.S. law. There are additional ancillary offenses that are present in the prior counterterrorism conventions. Paragraph 3 provides that any person commits an offense if he or she attempts an offense as set forth in Paragraph 1. Paragraph 4 further provides that any person commits an offense if that person participates as an accomplice in an offense under Paragraphs 1, 2, or 3, organizes or directs others to commit such an offense, or in any other way contributes to the commission of one or more offenses under Paragraphs 1, 2, or 3 by a group of persons acting with a common purpose. These ancillary offenses will strengthen the ability of the international community to investigate, prosecute, and extradite those who conspire or otherwise contribute to the commission of offenses defined in the Convention.

There is no separate offense for dumping of radioactive waste, if done without the relevant criminal intent specified in Article 2(1) of the Convention. Although a few delegations tried to broaden the offense provisions to include dumping, the United States and other nuclear powers succeeded in resisting this expansion on the grounds that it was better addressed in environmental conventions and that such a provision would be outside the focus on the terrorist acts that form the basis of the Convention.

Article 3 makes most of the Convention's provisions inapplicable to offenses that lack an international aspect. In generally limiting its scope of application to those cases involving elements from more than one State, the Convention follows the precedent set by prior counterterrorism conventions, such as the Terrorist Bombings Convention, the 1971 Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation, and the 1979 Convention Against the Taking of Hostages.

Article 4(1) provides that nothing in the Convention shall affect other rights, obligations, and responsibilities of States and individuals under international law and follows corresponding provisions in the Terrorist Bombings Convention and the Terrorism Financing Convention.

Paragraph 2 of Article 4 contains two important exceptions from the scope of the Convention relating to activities of armed forces and military forces of a State. Under the first exception, the Convention does not apply to the activities of "armed forces during an armed conflict," where such activities are governed by international humanitarian law. This exception is identical to the one found in the Terrorist Bombings Convention, and is meant to exclude from the Convention's scope the activities of armed forces, so long as those activities are in the course of an "armed conflict" and are governed by international humanitarian law, also known as the

"law of war." Given that suspected offenders may claim the benefit of this "armed conflict" exception to avoid extradition or prosecution under the Convention, it would be useful for the United States to articulate an understanding similar to the one issued with respect to the Terrorist Bombings Convention regarding the scope of this exception. In this respect, an appropriate source of authority would be the widely accepted provision in Paragraph 2 of Article 1 of the 1977 Geneva Protocol II Additional to the Geneva Conventions of August 12, 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts ("Additional Protocol II"), concluded at Geneva on June 8, 1977, which President Reagan transmitted to the Senate on January 29, 1987, for advice and consent to ratification. Specifically, Additional Protocol II, which applies to non-international armed conflicts, treats situations of "internal disturbances and tensions, such as riots, isolated and sporadic acts of violence, and other acts of a similar nature" as not being armed conflicts. Through an understanding, the United States would make clear that isolated acts of violence that include the elements of the offenses in Article 2 would be encompassed in the scope of the Convention, and would not fall within the first exception discussed above.

As a separate matter, the term "international humanitarian law" is not used by the United States armed forces and could be subject to varied interpretations. It therefore would be useful for the United States to articulate in an understanding that, for the purposes of this Convention, this phrase has the same substantive meaning as the phrase "law of war." I therefore recommend that the following understandings to Article 4 be included in the United States instrument of ratification:

> (1) The United States of America understands that the term "armed conflict" in Article 4 of the Convention does not include situations of internal disturbances and tensions, such as riots, isolated and sporadic acts of violence, and other acts of a similar nature;
>
> (2) The United States of America understands that the term "international humanitarian law" in Article 4 of the Convention has the same substantive meaning as the law of war.

The second exception in Paragraph 2 of Article 4 also is identical to one found in the Terrorist Bombings Convention and exempts from the Convention's scope of application the activities undertaken by military forces of a State in the exercise of their official duties. The official activities of State military forces are already comprehensively governed by other bodies of international law, such as the international instruments relating to the law of war and the international law of state responsibility. The comprehensive exclusion of official activities of State military forces from the Convention's scope was an important U.S. objective in negotiating the text of this Convention. While such an exclusion might be thought to be implicit in the context of the Convention, the Convention's negotiators thought it best to articulate the exclusion expressly in light of the relatively broad nature of the conduct described in Article 2 and the fact that this conduct overlaps with activities of State military forces.

The conduct of certain civilians who act in support of official activities of State military forces are also exempted from the Convention's scope of application. The phrase "military forces of a State" is defined broadly in Paragraph 6 of Article I as meaning "the armed forces of a State which are organized, trained, and equipped under its internal law for the primary purpose of national defense or security and persons acting in support of those armed forces who are under their formal command, control, and responsibility." In addition, because the Convention does not reach the official activities of State military forces, it similarly does not reach persons, including non-military policy-making officials of States, who might direct or organize the activities of State military forces or who might otherwise have been subject to the ancillary offenses in Article 2 if State military forces had not been excluded from the Convention's scope of application. Because of the importance of this provision, I recommend that the following understanding to Article 4, which builds on an understanding made with respect to the corresponding provision in the Terrorist Bombings Convention, be included in the United States instrument of ratification:

> The United States of America understands that, pursuant to Article 4 and Article 1(6), the Convention does not apply to:
>
> (a) the military forces of a State in the exercise of their official duties;
>
> (b) civilians who direct or organize the official activities of military forces of a State; or
>
> (c) civilians acting in support of the official activities of the military forces of a State, if the civilians are under the formal command, control, and responsibility of those forces.

Paragraph 3 of Article 4 clarifies that nothing in the prior provisions is intended to condone or to make lawful otherwise unlawful acts or to preclude otherwise lawful prosecution. Finally, in a provision that confirms the view of the United States, Paragraph 4 provides that the Convention does not address, nor can it be interpreted as addressing, in any way, the issue of the legality of the use or threat of use of nuclear weapons by States.

Article 5 requires States Parties to make the offenses enumerated in Article 2 criminal offenses punishable under their domestic laws by appropriate penalties that take into account their grave nature. It follows precedents in the Terrorist Bombings Convention and the Terrorism Financing Convention.

Article 6 requires States Parties to adopt any measures that may be necessary to ensure the criminal offenses under the Convention, in particular where they are intended or calculated to provoke a state of terror in the general public or in a group of persons or particular persons, are under no circumstances justifiable by considerations of a political, philosophical, ideological, racial, ethnic, religious, or other similar nature and are punished by penalties consistent with their grave nature. It follows a corresponding provision in the Terrorist Bombings Convention.

Article 7 establishes the basis for cooperation between States in the prevention of offenses under the Convention. States Parties must take all practicable measures to prevent and counter-preparations in their own territories for an offense under the Convention,

including measures to prohibit in their territories illegal activities of persons, groups, and organizations that encourage, instigate, organize, knowingly finance, or knowingly provide technical assistance or information or engage in the perpetration of offenses.

Article 7 also adds significantly to prior counterterrorism conventions in the realm of information sharing. States Parties undertake to exchange accurate and verified information in accordance with their national law, in particular when information is available concerning the commission and preparation of offenses set forth under Article 2, unless doing so would violate national law or jeopardize the security of the concerned State or the physical protection of nuclear material. Paragraph 2 requires States Parties to take steps consistent with their national law to ensure the confidentiality of information received in confidence from another State Party or during an activity carried out to implement the Convention. Each State Party is to inform the Secretary-General of the United Nations of its competent authorities and liaison points responsible for sending and receiving the information referred to in Article 7(4). For the United States, these roles will be performed by the Operations Center of the Department of State.

Article 8 encourages States Parties to make every effort to adopt appropriate measures to ensure the protection of radioactive material, taking into account relevant recommendations and functions of the International Atomic Energy Agency (IAEA).

Under Article 9, each State Party must establish its jurisdiction over the offenses set forth in Article 2 when the offense is committed in its territory; on board a vessel flying the flag of that State or an aircraft registered under its laws at the time the offense is committed; or where the offense was committed by a national of that State. Each State Party has discretion to establish jurisdiction over offenses set forth in Article 2 where the offense is committed against a national of that State; against a State or government facility of that State abroad, including an embassy or other diplomatic or consular premises of that State; by a stateless person who has his or her habitual residence in the territory of that State; in an attempt to compel that State to do or abstain from doing any act; or on board an aircraft that is operated by the Government of that State. Upon becoming a party to the Convention, a State must notify the United Nations Secretary-General of the jurisdiction it has established under its domestic law. Moreover, any changes to this jurisdiction must be immediately notified to the Secretary-General. In addition, a State must take measures, including establishing appropriate jurisdiction, to prosecute offenders present in its territory if the State does not extradite them. None of the jurisdictional provisions of the Convention excludes the exercise of any criminal jurisdiction established by a State Party in accordance with its own national law.

Under the terms of Article 9, States Parties may enact a broad array of jurisdictional bases over the offenses enumerated in Article 2. Of significant interest and value to the United States, which has many government facilities outside of U.S. territory, is the Convention's recognition of jurisdiction over attacks against a State or government facility of that State abroad, including an embassy or other diplomatic or consular premises. This would give the

United States internationally recognized jurisdiction based on this Convention to prosecute in U.S. courts the perpetrators and organizers of such attacks on all U.S. Government facilities abroad, as well as military installations. In addition to the foregoing jurisdictional bases, which correspond to those in the Terrorist Bombings Convention, is the provision in Article 9 allowing States Parties to establish jurisdiction over offenses committed in an attempt to compel a State to do or abstain from doing any act. This provision, which is also of significant interest and value to the United States, provides jurisdiction over offenses under this Convention where terrorists seek to coerce State action even where a national or facility of that State is not the target of the attack. Upon becoming a party to the Convention, a State must notify the United Nations Secretary-General of the jurisdiction it has established under its domestic law.

As in the Terrorist Bombings Convention and Terrorism Finance Convention, Article 10 includes provisions relating to alleged offenders arrested or detained for the purpose of extradition or prosecution.

Paragraph 1 of Article 10 requires States Parties to take necessary measures under their national law to investigate any information received that an offense has been committed or is being committed in the territory of a State Party or that the offender or alleged offender may be present in its territory. Paragraph 2 requires the State Party to ensure an alleged offender's presence for the purpose of prosecution or extradition. Paragraph 3 ensures that alleged offenders who are arrested or detained are able to communicate without delay with the appropriate representative of the State of which they are a national, or of a State otherwise entitled to protect them (e.g., a protecting power), or, if they are stateless, the State of habitual residence. The rights set forth in Paragraph 3 must be exercised in conformity with the laws and regulations of the State in the territory of which the offender or alleged offender is present, subject to the provision that the said laws and regulations must enable full effect to be given to the purposes for which the rights accorded under Paragraph 3 are intended. Upon ratification and entry into force, this Convention would supplement other treaties on the same subject, such as the Vienna Convention on Consular Rights or any applicable bilateral agreement on consular relations. These obligations are essentially coterminous except in the case of stateless persons, which the consular treaties do not address.

Article 10, like the Convention as a whole, as well as other similar counterterrorism conventions, is not intended to create judicially enforceable rights. To avoid any unnecessary disputes with our treaty partners, I recommend that an understanding on this point, with respect to both Articles 10 and 12, be included in the United States instrument of ratification. The suggested text of the understanding is set forth following the discussion of Article 12.

In a provision of crucial importance for the Convention and the United States, which is consistent with corresponding provisions in prior counterterrorism conventions, Paragraph 1 of Article 11 declares that a State Party that does not extradite an alleged offender found in its territory shall, "without exception whatsoever

and whether or not the offense was committed in its territory," submit the case to its competent authorities for purposes of prosecution, through proceedings in accordance with the laws of that State. Those authorities are obligated to take their decision in the same manner as in the case of any other offense of a grave nature under the law of that State.

Consistent with prior counterterrorism conventions, Paragraph 2 of Article 11 declares that the obligation in Paragraph 1 to extradite or submit for prosecution can be discharged by the temporary transfer of nationals for trial in another country by those States Parties that cannot otherwise extradite their nationals, provided both the Requesting and Requested States agree. Any sentence imposed would be served in the surrendering State. This provision on temporary transfer of nationals for trial is a useful recognition of this practice by the international community in a binding multilateral legal instrument.

Consistent with prior counterterrorism conventions, Article 12 requires States Parties to guarantee to persons taken into custody for the offenses set forth in Article 2 fair treatment, including enjoyment of all rights and guarantees in conformity with the law of the State in the territory of which that person is present and applicable provisions of international law, including international human rights law. Like Article 10 above, this Article is not intended to create judicially enforceable rights. I therefore recommend that the following understanding with respect to Articles 10 and 12 be included in the United States instrument of ratification:

> The United States of America understands that Articles 10 and 12 impose no obligation on the United States to provide any individual remedy within its judicial system for any person who alleges a violation of those articles or any other terms of this Convention.

Consistent with prior counterterrorism conventions, paragraph 1 of Article 13 amends existing extradition treaties between States Parties to include the offenses defined in Article 2 as extraditable offenses and provides that States Parties shall undertake, in subsequent extradition treaties, to include the offenses set forth in Article 2 as extraditable offenses. Paragraph 2 allows States Parties that make extradition conditional on the existence of a treaty providing for extradition between the Parties to utilize the Convention to serve as an independent legal basis for extradition between States Parties without an independent extradition treaty. It is a longstanding United States policy to extradite fugitives only to States with which the United States has a bilateral extradition treaty. Thus, we do not expect that the Convention will serve as an independent legal basis for extradition from the United States.

Consistent with prior counterterrorism conventions, Article 14 establishes general mutual legal assistance obligations between States Parties in connection with investigation or criminal or extradition proceedings brought in respect of the offenses in Article 2.

Article 15 provides that none of the offenses set forth in Article 2 shall be regarded, for the purposes of extradition or mutual legal assistance, as a political offense or an offense connected with a political offense or as an offense inspired by political motives. Accord-

ingly, a request for extradition or mutual legal assistance may not be refused solely on such grounds. This Article applies to extradition and mutual legal assistance requests involving the offenses in Article 2, and provides a useful narrowing of the political offense exception in such cases. Many modern U.S. bilateral extradition treaties already contain provisions that bar application of the political offense exception to extradition with respect to offenses under multilateral conventions to which "prosecute or extradite" obligations apply. This provision builds on this trend by making the restriction on the invocation of the political offense exception for requests based on offenses under Article 2 a matter of general application rather than dependent on the terms of individual bilateral law enforcement treaties between the Parties. Corresponding provisions are found in the Terrorist Bombings Convention and the Terrorism Financing Convention.

Article 16 provides that nothing in the Convention shall be interpreted as imposing an obligation to extradite or to afford mutual legal assistance if the requested State Party has substantial grounds for believing that the request for extradition for offenses set forth in Article 2 or for mutual legal assistance with respect to such offenses has been made for the purpose of prosecuting or punishing a person on account of that person's race, religion, nationality, ethnic origin, or political opinion, or that compliance with the request would cause prejudice to that person's position for any of these reasons. This Article is similar to provisions already included in many bilateral extradition treaties and corresponds to provisions in the Terrorist Bombings Convention and the Terrorism Financing Convention.

Article 17 provides and establishes various conditions for the temporary transfer to one State Party, for purposes of assistance under the Convention, of a person in custody in another State Party, provided that the person in question consents and the competent authorities of both States Parties agree. This provision is included in prior counterterrorism treaties and is similar to provisions found in virtually all of the bilateral mutual legal assistance treaties to which the United States is a party.

Article 18 provides for the safekeeping and return of radioactive material, devices, and nuclear facilities. Upon seizing or otherwise taking control of any radioactive material, devices, or nuclear facility, following the commission of an offense, a State Party must take steps to render it harmless, ensure that any nuclear material is held in accordance with applicable IAEA safeguards, and have regard to physical protection recommendations and health and safety standards published by the IAEA. Following the completion of any proceedings connected with an offense set forth in Article 2, any radioactive material, device, or nuclear facility must be returned to the State Party to which it belongs, the State Party of which the person owning such radioactive material, device, or nuclear facility is a national or resident, or to the State Party from whose territory it was stolen or otherwise unlawfully obtained. Article 18 also establishes procedures for the handling of such material when no originating State exists or when a particular State cannot lawfully return, possess, or accept the material.

Article 19 requires the State Party in which the alleged offender is prosecuted to notify the United Nations Secretary-General of the final outcome of criminal proceedings relating to offenses under the Convention. Article 20 requires States Parties to conduct consultations with one another directly or through the United Nations Secretary-General to ensure the effective implementation of the Convention. Article 21 provides that States Parties shall carry out their obligations under the Convention in a manner consistent with the principles of sovereign equality and territorial integrity of States and that of non-intervention in the domestic affairs of other States. Articles 19 and 21 follow corresponding provisions in the Terrorist Bombings Convention and the Terrorism Financing Convention.

Consistent with provisions in the Terrorist Bombings Convention and the Terrorism Financing Convention, Article 22 provides that nothing in the Convention entitles a State Party to undertake in the territory of another State Party the exercise of jurisdiction and performance of functions that are exclusively reserved for the authorities of that other State Party by its domestic law.

Paragraph 1 of Article 23 provides that disputes between two or more States Parties concerning the interpretation or application of the Convention that cannot be settled through negotiation within a reasonable time shall be submitted at the request of one of them to arbitration, or, failing agreement on the organization of such arbitration, to the International Court of Justice. Paragraph 2 provides that a State may make a declaration excluding this dispute-resolution obligation at the time of signature, ratification, acceptance, approval, or accession. In October 1985, the United States withdrew its declaration under Article 36 of the Statute of the International Court of Justice accepting the compulsory jurisdiction of the Court. Consistent with that action, I recommend that the following reservation to Paragraph 1 of Article 23 be included in the United States instrument of ratification:

> (a) Pursuant to Article 23(2) of the Convention, the United States of America declares that it does not consider itself bound by Article 23(1) of the Convention; and
>
> (b) The United States of America reserves the right specifically to agree in a particular case to follow the arbitration procedure set forth in Article 23(1) of the Convention or any other procedure for arbitration.

This reservation would allow the United States to agree to adjudication by a Chamber of the Court in a particular case, if that were deemed desirable. The United States filed similar reservations with respect to the dispute settlement provisions in the Terrorist Bombings Convention and the Terrorism Financing Convention.

As detailed in Article 25, the Convention will enter into force on the thirtieth day following the date of deposit of the twenty-second instrument of ratification, acceptance, approval, or accession with the United Nations Secretary-General. Pursuant to Article 27, a State Party to the Convention may denounce it by written notice to the United Nations Secretary-General. Denunciation will take effect one year from the date of receipt of the notification by the United Nations Secretary-General.

INTERNATIONAL CONVENTION FOR THE SUPPRESSION OF ACTS OF NUCLEAR TERRORISM

UNITED NATIONS
2005

International Convention for the Suppression of Acts of Nuclear Terrorism

The States Parties to this Convention,

Having in mind the purposes and principles of the Charter of the United Nations concerning the maintenance of international peace and security and the promotion of good-neighbourliness and friendly relations and cooperation among States,

Recalling the Declaration on the Occasion of the Fiftieth Anniversary of the United Nations of 24 October 1995,

Recognizing the right of all States to develop and apply nuclear energy for peaceful purposes and their legitimate interests in the potential benefits to be derived from the peaceful application of nuclear energy,

Bearing in mind the Convention on the Physical Protection of Nuclear Material of 1980,

Deeply concerned about the worldwide escalation of acts of terrorism in all its forms and manifestations,

Recalling the Declaration on Measures to Eliminate International Terrorism annexed to General Assembly resolution 49/60 of 9 December 1994, in which, inter alia, the States Members of the United Nations solemnly reaffirm their unequivocal condemnation of all acts, methods and practices of terrorism as criminal and unjustifiable, wherever and by whomever committed, including those which jeopardize the friendly relations among States and peoples and threaten the territorial integrity and security of States,

Noting that the Declaration also encouraged States to review urgently the scope of the existing international legal provisions on the prevention, repression and elimination of terrorism in all its forms and manifestations, with the aim of ensuring that there is a comprehensive legal framework covering all aspects of the matter,

Recalling General Assembly resolution 51/210 of 17 December 1996 and the Declaration to Supplement the 1994 Declaration on Measures to Eliminate International Terrorism annexed thereto,

Recalling also that, pursuant to General Assembly resolution 51/210, an ad hoc committee was established to elaborate, inter alia, an international convention for the suppression of acts of nuclear terrorism to supplement related existing international instruments,

Noting that acts of nuclear terrorism may result in the gravest consequences and may pose a threat to international peace and security,

Noting also that existing multilateral legal provisions do not adequately address those attacks,

Being convinced of the urgent need to enhance international cooperation between States in devising and adopting effective and practical measures for the prevention of such acts of terrorism and for the prosecution and punishment of their perpetrators,

Noting that the activities of military forces of States are governed by rules of international law outside of the framework of this Convention and that the exclusion of certain actions from the coverage of this Convention does not condone or make lawful otherwise unlawful acts, or preclude prosecution under other laws,

Have agreed as follows:

Article 1

For the purposes of this Convention:

1. "Radioactive material" means nuclear material and other radioactive substances which contain nuclides which undergo spontaneous disintegration (a process accompanied by emission of one or more types of ionizing radiation, such as alpha-, beta-, neutron particles and gamma rays) and which may, owing to their radiological or fissile properties, cause death, serious bodily injury or substantial damage to property or to the environment.

2. "Nuclear material" means plutonium, except that with isotopic concentration exceeding 80 per cent in plutonium-238; uranium-233; uranium enriched in the isotope 235 or 233; uranium containing the mixture of isotopes as occurring in nature other than in the form of ore or ore residue; or any material containing one or more of the foregoing;

Whereby "uranium enriched in the isotope 235 or 233" means uranium containing the isotope 235 or 233 or both in an amount such that the abundance ratio of the sum of these isotopes to the isotope 238 is greater than the ratio of the isotope 235 to the isotope 238 occurring in nature.

3. "Nuclear facility" means:

(*a*) Any nuclear reactor, including reactors installed on vessels, vehicles, aircraft or space objects for use as an energy source in order to propel such vessels, vehicles, aircraft or space objects or for any other purpose;

(*b*) Any plant or conveyance being used for the production, storage, processing or transport of radioactive material.

4. "Device" means:

(*a*) Any nuclear explosive device; or

(*b*) Any radioactive material dispersal or radiation-emitting device which may, owing to its radiological properties, cause death, serious bodily injury or substantial damage to property or to the environment.

5. "State or government facility" includes any permanent or temporary facility or conveyance that is used or occupied by representatives of a State, members of a Government, the legislature or the judiciary or by officials or employees of a State or any other public authority or entity or by employees or officials of an intergovernmental organization in connection with their official duties.

6. "Military forces of a State" means the armed forces of a State which are organized, trained and equipped under its internal law for the primary purpose of national defence or security and persons acting in support of those armed forces who are under their formal command, control and responsibility.

Article 2

1. Any person commits an offence within the meaning of this Convention if that person unlawfully and intentionally:

(*a*) Possesses radioactive material or makes or possesses a device:

(i) With the intent to cause death or serious bodily injury; or

(ii) With the intent to cause substantial damage to property or to the environment;

(*b*) Uses in any way radioactive material or a device, or uses or damages a nuclear facility in a manner which releases or risks the release of radioactive material:

(i) With the intent to cause death or serious bodily injury; or

(ii) With the intent to cause substantial damage to property or to the environment; or

(iii) With the intent to compel a natural or legal person, an international organization or a State to do or refrain from doing an act.

2. Any person also commits an offence if that person:

(*a*) Threatens, under circumstances which indicate the credibility of the threat, to commit an offence as set forth in paragraph 1 (*b*) of the present article; or

(*b*) Demands unlawfully and intentionally radioactive material, a device or a nuclear facility by threat, under circumstances which indicate the credibility of the threat, or by use of force.

3. Any person also commits an offence if that person attempts to commit an offence as set forth in paragraph 1 of the present article.

4. Any person also commits an offence if that person:

(*a*) Participates as an accomplice in an offence as set forth in paragraph 1, 2 or 3 of the present article; or

(*b*) Organizes or directs others to commit an offence as set forth in paragraph 1, 2 or 3 of the present article; or

(*c*) In any other way contributes to the commission of one or more offences as set forth in paragraph 1, 2 or 3 of the present article by a group of persons acting with a common purpose; such contribution shall be intentional and either be made with the aim of furthering the general criminal activity or purpose of the group or be made in the knowledge of the intention of the group to commit the offence or offences concerned.

Article 3

This Convention shall not apply where the offence is committed within a single State, the alleged offender and the victims are nationals of that State, the alleged offender is found in the territory of that State and no other State has a basis under article 9, paragraph 1 or 2, to exercise jurisdiction, except that the provisions of articles 7, 12, 14, 15, 16 and 17 shall, as appropriate, apply in those cases.

Article 4

1. Nothing in this Convention shall affect other rights, obligations and responsibilities of States and individuals under international law, in particular the purposes and principles of the Charter of the United Nations and international humanitarian law.

2. The activities of armed forces during an armed conflict, as those terms are understood under international humanitarian law, which are governed by that law are not governed by this Convention, and the activities undertaken by military forces of a State in the exercise of their official duties, inasmuch as they are governed by other rules of international law, are not governed by this Convention.

3. The provisions of paragraph 2 of the present article shall not be interpreted as condoning or making lawful otherwise unlawful acts, or precluding prosecution under other laws.

4. This Convention does not address, nor can it be interpreted as addressing, in any way, the issue of the legality of the use or threat of use of nuclear weapons by States.

Article 5

Each State Party shall adopt such measures as may be necessary:

(*a*) To establish as criminal offences under its national law the offences set forth in article 2;

(*b*) To make those offences punishable by appropriate penalties which take into account the grave nature of these offences.

Article 6

Each State Party shall adopt such measures as may be necessary, including, where appropriate, domestic legislation, to ensure that criminal acts within the scope of this Convention, in particular where they are intended or calculated to provoke a state of terror in the general public or in a group of persons or particular persons, are under no circumstances justifiable by considerations of a political, philosophical, ideological, racial, ethnic, religious or other similar nature and are punished by penalties consistent with their grave nature.

Article 7

1. States Parties shall cooperate by:

(*a*) Taking all practicable measures, including, if necessary, adapting their national law, to prevent and counter preparations in their respective territories for the commission within or outside their territories of the offences set forth in article 2, including measures to prohibit in their territories illegal activities of persons, groups and organizations that encourage, instigate, organize, knowingly finance or knowingly provide technical assistance or information or engage in the perpetration of those offences;

(*b*) Exchanging accurate and verified information in accordance with their national law and in the manner and subject to the conditions specified herein, and coordinating administrative and other measures taken as appropriate to detect, prevent, suppress and investigate the offences set forth in article 2 and also in order to institute criminal proceedings against persons alleged to have committed those crimes. In particular, a State Party shall take appropriate measures in order to inform without delay the other States referred to in article 9 in respect of the commission of the offences set forth in article 2 as well as preparations to commit such offences about which it has learned, and also to inform, where appropriate, international organizations.

2. States Parties shall take appropriate measures consistent with their national law to protect the confidentiality of any information which they receive in confidence by virtue of the provisions of this Convention from

another State Party or through participation in an activity carried out for the implementation of this Convention. If States Parties provide information to international organizations in confidence, steps shall be taken to ensure that the confidentiality of such information is protected.

3. States Parties shall not be required by this Convention to provide any information which they are not permitted to communicate pursuant to national law or which would jeopardize the security of the State concerned or the physical protection of nuclear material.

4. States Parties shall inform the Secretary-General of the United Nations of their competent authorities and liaison points responsible for sending and receiving the information referred to in the present article. The Secretary-General of the United Nations shall communicate such information regarding competent authorities and liaison points to all States Parties and the International Atomic Energy Agency. Such authorities and liaison points must be accessible on a continuous basis.

Article 8

For purposes of preventing offences under this Convention, States Parties shall make every effort to adopt appropriate measures to ensure the protection of radioactive material, taking into account relevant recommendations and functions of the International Atomic Energy Agency.

Article 9

1. Each State Party shall take such measures as may be necessary to establish its jurisdiction over the offences set forth in article 2 when:

(*a*) The offence is committed in the territory of that State; or

(*b*) The offence is committed on board a vessel flying the flag of that State or an aircraft which is registered under the laws of that State at the time the offence is committed; or

(*c*) The offence is committed by a national of that State.

2. A State Party may also establish its jurisdiction over any such offence when:

(*a*) The offence is committed against a national of that State; or

(*b*) The offence is committed against a State or government facility of that State abroad, including an embassy or other diplomatic or consular premises of that State; or

(*c*) The offence is committed by a stateless person who has his or her habitual residence in the territory of that State; or

(*d*) The offence is committed in an attempt to compel that State to do or abstain from doing any act; or

(*e*) The offence is committed on board an aircraft which is operated by the Government of that State.

3. Upon ratifying, accepting, approving or acceding to this Convention, each State Party shall notify the Secretary-General of the United Nations of the jurisdiction it has established under its national law in accordance with paragraph 2 of the present article. Should any change take place, the State Party concerned shall immediately notify the Secretary-General.

4. Each State Party shall likewise take such measures as may be necessary to establish its jurisdiction over the offences set forth in article 2 in cases where the alleged offender is present in its territory and it does not extradite that person to any of the States Parties which have established their jurisdiction in accordance with paragraph 1 or 2 of the present article.

5. This Convention does not exclude the exercise of any criminal jurisdiction established by a State Party in accordance with its national law.

Article 10

1. Upon receiving information that an offence set forth in article 2 has been committed or is being committed in the territory of a State Party or that a person who has committed or who is alleged to have committed such an offence may be present in its territory, the State Party concerned shall take such measures as may be necessary under its national law to investigate the facts contained in the information.

2. Upon being satisfied that the circumstances so warrant, the State Party in whose territory the offender or alleged offender is present shall take the appropriate measures under its national law so as to ensure that person's presence for the purpose of prosecution or extradition.

3. Any person regarding whom the measures referred to in paragraph 2 of the present article are being taken shall be entitled:

(*a*) To communicate without delay with the nearest appropriate representative of the State of which that person is a national or which is otherwise entitled to protect that person's rights or, if that person is a stateless person, the State in the territory of which that person habitually resides;

(*b*) To be visited by a representative of that State;

(*c*) To be informed of that person's rights under subparagraphs (*a*) and (*b*).

4. The rights referred to in paragraph 3 of the present article shall be exercised in conformity with the laws and regulations of the State in the territory of which the offender or alleged offender is present, subject to the

provision that the said laws and regulations must enable full effect to be given to the purposes for which the rights accorded under paragraph 3 are intended.

5. The provisions of paragraphs 3 and 4 of the present article shall be without prejudice to the right of any State Party having a claim to jurisdiction in accordance with article 9, paragraph 1 (*c*) or 2 (*c*), to invite the International Committee of the Red Cross to communicate with and visit the alleged offender.

6. When a State Party, pursuant to the present article, has taken a person into custody, it shall immediately notify, directly or through the Secretary-General of the United Nations, the States Parties which have established jurisdiction in accordance with article 9, paragraphs 1 and 2, and, if it considers it advisable, any other interested States Parties, of the fact that that person is in custody and of the circumstances which warrant that person's detention. The State which makes the investigation contemplated in paragraph 1 of the present article shall promptly inform the said States Parties of its findings and shall indicate whether it intends to exercise jurisdiction.

Article 11

1. The State Party in the territory of which the alleged offender is present shall, in cases to which article 9 applies, if it does not extradite that person, be obliged, without exception whatsoever and whether or not the offence was committed in its territory, to submit the case without undue delay 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 other offence of a grave nature under the law of that State.

2. Whenever a State Party is permitted under its national law to extradite or otherwise surrender one of its nationals only upon the condition that the person will be returned to that State to serve the sentence imposed as a result of the trial or proceeding for which the extradition or surrender of the person was sought, and this State and the State seeking the extradition of the person agree with this option and other terms they may deem appropriate, such a conditional extradition or surrender shall be sufficient to discharge the obligation set forth in paragraph 1 of the present article.

Article 12

Any person who is taken into custody or regarding whom any other measures are taken or proceedings are carried out pursuant to this Convention shall be guaranteed fair treatment, including enjoyment of all rights and guarantees in conformity with the law of the State in the territory of which that

person is present and applicable provisions of international law, including international law of human rights.

Article 13

1. The offences set forth in article 2 shall be deemed to be included as extraditable offences in any extradition treaty existing between any of the States Parties before the entry into force of this Convention. States Parties undertake to include such offences as extraditable offences in every extradition treaty to be subsequently concluded between them.

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

3. States Parties which do not make extradition conditional on the existence of a treaty shall recognize the offences set forth in article 2 as extraditable offences between themselves, subject to the conditions provided by the law of the requested State.

4. If necessary, the offences set forth in article 2 shall be treated, for the purposes of extradition between States Parties, as if they had been committed not only in the place in which they occurred but also in the territory of the States that have established jurisdiction in accordance with article 9, paragraphs 1 and 2.

5. The provisions of all extradition treaties and arrangements between States Parties with regard to offences set forth in article 2 shall be deemed to be modified as between States Parties to the extent that they are incompatible with this Convention.

Article 14

1. States Parties shall afford one another the greatest measure of assistance in connection with investigations or criminal or extradition proceedings brought in respect of the offences set forth in article 2, including assistance in obtaining evidence at their disposal necessary for the proceedings.

2. States Parties shall carry out their obligations under paragraph 1 of the present article in conformity with any treaties or other arrangements on mutual legal assistance that may exist between them. In the absence of such treaties or arrangements, States Parties shall afford one another assistance in accordance with their national law.

Article 15

None of the offences set forth in article 2 shall be regarded, for the purposes of extradition or mutual legal assistance, as a political offence or as an offence connected with a political offence or as an offence inspired by political motives. Accordingly, a request for extradition or for mutual legal assistance based on such an offence may not be refused on the sole ground that it concerns a political offence or an offence connected with a political offence or an offence inspired by political motives.

Article 16

Nothing in this Convention shall be interpreted as imposing an obligation to extradite or to afford mutual legal assistance if the requested State Party has substantial grounds for believing that the request for extradition for offences set forth in article 2 or for mutual legal assistance with respect to such offences has been made for the purpose of prosecuting or punishing a person on account of that person's race, religion, nationality, ethnic origin or political opinion or that compliance with the request would cause prejudice to that person's position for any of these reasons.

Article 17

1. A person who is being detained or is serving a sentence in the territory of one State Party whose presence in another State Party is requested for purposes of testimony, identification or otherwise providing assistance in obtaining evidence for the investigation or prosecution of offences under this Convention may be transferred if the following conditions are met:

(*a*) The person freely gives his or her informed consent; and

(*b*) The competent authorities of both States agree, subject to such conditions as those States may deem appropriate.

2. For the purposes of the present article:

(*a*) The State to which the person is transferred shall have the authority and obligation to keep the person transferred in custody, unless otherwise requested or authorized by the State from which the person was transferred;

(*b*) The State to which the person is transferred shall without delay implement its obligation to return the person to the custody of the State from which the person was transferred as agreed beforehand, or as otherwise agreed, by the competent authorities of both States;

(*c*) The State to which the person is transferred shall not require the State from which the person was transferred to initiate extradition proceedings for the return of the person;

(*d*) The person transferred shall receive credit for service of the sentence being served in the State from which he or she was transferred for time spent in the custody of the State to which he or she was transferred.

3. Unless the State Party from which a person is to be transferred in accordance with the present article so agrees, that person, whatever his or her nationality, shall not be prosecuted or detained or subjected to any other restriction of his or her personal liberty in the territory of the State to which that person is transferred in respect of acts or convictions anterior to his or her departure from the territory of the State from which such person was transferred.

Article 18

1. Upon seizing or otherwise taking control of radioactive material, devices or nuclear facilities, following the commission of an offence set forth in article 2, the State Party in possession of such items shall:

(*a*) Take steps to render harmless the radioactive material, device or nuclear facility;

(*b*) Ensure that any nuclear material is held in accordance with applicable International Atomic Energy Agency safeguards; and

(*c*) Have regard to physical protection recommendations and health and safety standards published by the International Atomic Energy Agency.

2. Upon the completion of any proceedings connected with an offence set forth in article 2, or sooner if required by international law, any radioactive material, device or nuclear facility shall be returned, after consultations (in particular, regarding modalities of return and storage) with the States Parties concerned to the State Party to which it belongs, to the State Party of which the natural or legal person owning such radioactive material, device or facility is a national or resident, or to the State Party from whose territory it was stolen or otherwise unlawfully obtained.

3. (*a*) Where a State Party is prohibited by national or international law from returning or accepting such radioactive material, device or nuclear facility or where the States Parties concerned so agree, subject to paragraph 3 (*b*) of the present article, the State Party in possession of the radioactive material, devices or nuclear facilities shall continue to take the steps described in paragraph 1 of the present article; such radioactive material, devices or nuclear facilities shall be used only for peaceful purposes;

(*b*) Where it is not lawful for the State Party in possession of the radioactive material, devices or nuclear facilities to possess them, that State

shall ensure that they are placed as soon as possible in the possession of a State for which such possession is lawful and which, where appropriate, has provided assurances consistent with the requirements of paragraph 1 of the present article in consultation with that State, for the purpose of rendering it harmless; such radioactive material, devices or nuclear facilities shall be used only for peaceful purposes.

4. If the radioactive material, devices or nuclear facilities referred to in paragraphs 1 and 2 of the present article do not belong to any of the States Parties or to a national or resident of a State Party or was not stolen or otherwise unlawfully obtained from the territory of a State Party, or if no State is willing to receive such items pursuant to paragraph 3 of the present article, a separate decision concerning its disposition shall, subject to paragraph 3 (*b*) of the present article, be taken after consultations between the States concerned and any relevant international organizations.

5. For the purposes of paragraphs 1, 2, 3 and 4 of the present article, the State Party in possession of the radioactive material, device or nuclear facility may request the assistance and cooperation of other States Parties, in particular the States Parties concerned, and any relevant international organizations, in particular the International Atomic Energy Agency. States Parties and the relevant international organizations are encouraged to provide assistance pursuant to this paragraph to the maximum extent possible.

6. The States Parties involved in the disposition or retention of the radioactive material, device or nuclear facility pursuant to the present article shall inform the Director General of the International Atomic Energy Agency of the manner in which such an item was disposed of or retained. The Director General of the International Atomic Energy Agency shall transmit the information to the other States Parties.

7. In the event of any dissemination in connection with an offence set forth in article 2, nothing in the present article shall affect in any way the rules of international law governing liability for nuclear damage, or other rules of international law.

Article 19

The State Party where the alleged offender is prosecuted shall, in accordance with its national law or applicable procedures, 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.

Article 20

States Parties shall conduct consultations with one another directly or through the Secretary-General of the United Nations, with the assistance of

international organizations as necessary, to ensure effective implementation of this Convention.

Article 21

The States Parties shall carry out their obligations under this Convention in a manner consistent with the principles of sovereign equality and territorial integrity of States and that of non-intervention in the domestic affairs of other States.

Article 22

Nothing in this Convention entitles a State Party to undertake in the territory of another State Party the exercise of jurisdiction and performance of functions which are exclusively reserved for the authorities of that other State Party by its national law.

Article 23

1. Any dispute between two or more States Parties concerning the interpretation or application of this Convention which cannot be settled through negotiation within a reasonable time shall, at the request of one of them, be submitted to arbitration. If, within six months of 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 application, in conformity with the Statute of the Court.

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

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

Article 24

1. This Convention shall be open for signature by all States from 14 September 2005 until 31 December 2006 at United Nations Headquarters in New York.

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

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

Article 25

1. This Convention shall enter into force on the thirtieth day following the date of the deposit of the twenty-second instrument of ratification, acceptance, approval or accession 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 deposit by such State of its instrument of ratification, acceptance, approval or accession.

Article 26

1. A State Party may propose an amendment to this Convention. The proposed amendment shall be submitted to the depositary, who circulates it immediately to all States Parties.

2. If the majority of the States Parties request the depositary to convene a conference to consider the proposed amendments, the depositary shall invite all States Parties to attend such a conference to begin no sooner than three months after the invitations are issued.

3. The conference shall make every effort to ensure amendments are adopted by consensus. Should this not be possible, amendments shall be adopted by a two-thirds majority of all States Parties. Any amendment adopted at the conference shall be promptly circulated by the depositary to all States Parties.

4. The amendment adopted pursuant to paragraph 3 of the present article shall enter into force for each State Party that deposits its instrument of ratification, acceptance, accession or approval of the amendment on the thirtieth day after the date on which two thirds of the States Parties have deposited their relevant instrument. Thereafter, the amendment shall enter into force for any State Party on the thirtieth day after the date on which that State deposits its relevant instrument.

Article 27

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

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

Article 28

The original of this Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations, who shall send certified copies thereof to all States.

IN WITNESS WHEREOF, the undersigned, being duly authorized thereto by their respective Governments, have signed this Convention, opened for signature at United Nations Headquarters in New York on 14 September 2005.