

**19. UNITED NATIONS CONVENTION AGAINST ILLICIT TRAFFIC IN NARCOTIC
DRUGS AND PSYCHOTROPIC SUBSTANCES**

Vienna, 20 December 1988

ENTRY INTO FORCE: 11 November 1990, in accordance with article 29(1).
REGISTRATION: 11 November 1990, No. 27627.
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 Document of the United Nations Economic and Social Council E/CONF.82/15, Corr.1 and Corr.2 (English only); and depositary notification C.N.31.1990.TREATIES-1 of 9 April 1990 (procès-verbal of rectification of original French and Spanish texts); C.N.229.2007.TREATIES-1 of 12 March 2007 (Notification under article 12 (2) of the Convention).

Note: The Convention was adopted by the United Nations Conference for the Adoption of a Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, held at Vienna from 25 November to 20 December 1988. The Conference was convened pursuant to resolution 1988/8 of 25 May 1988 of the Economic and Social Council acting on the basis of the General Assembly resolutions 39/141 of 14 December 1984 and 42/111 of 7 December 1987. The Convention was open for signature at the United Nations Office at Vienna, from 20 December 1988 to 28 February 1989, and thereafter at the Headquarters of the United Nations at New York, until 20 December 1989. In addition to the Convention, the Conference adopted the Final Act and certain resolutions which are annexed to the Final Act. The text of the Final Act was published in document E/CONF.82/14.

<i>Participant</i>	<i>Signature</i>	<i>Ratification, Accession(a), Acceptance(A), Approval(AA), Formal confirmation(c), Succession(d)</i>	<i>Participant</i>	<i>Signature</i>	<i>Ratification, Accession(a), Acceptance(A), Approval(AA), Formal confirmation(c), Succession(d)</i>
Afghanistan.....	20 Dec 1988	14 Feb 1992	Bosnia and Herzegovina ¹		1 Sep 1993 d
Albania.....		27 Jun 2001 a	Botswana.....		13 Aug 1996 a
Algeria.....	20 Dec 1988	9 May 1995	Brazil.....	20 Dec 1988	17 Jul 1991
Andorra.....		23 Jul 1999 a	Brunei Darussalam.....	26 Oct 1989	12 Nov 1993
Angola.....		26 Oct 2005 a	Bulgaria.....	19 May 1989	24 Sep 1992
Antigua and Barbuda....		5 Apr 1993 a	Burkina Faso.....		2 Jun 1992 a
Argentina.....	20 Dec 1988	28 Jun 1993	Burundi.....		18 Feb 1993 a
Armenia.....		13 Sep 1993 a	Cambodia.....		7 Jul 2005 a
Australia.....	14 Feb 1989	16 Nov 1992	Cameroon.....	27 Feb 1989	28 Oct 1991
Austria.....	25 Sep 1989	11 Jul 1997	Canada.....	20 Dec 1988	5 Jul 1990
Azerbaijan.....		22 Sep 1993 a	Cape Verde.....		8 May 1995 a
Bahamas.....	20 Dec 1988	30 Jan 1989	Central African Republic.....		15 Oct 2001 a
Bahrain.....	28 Sep 1989	7 Feb 1990	Chad.....		9 Jun 1995 a
Bangladesh.....	14 Apr 1989	11 Oct 1990	Chile.....	20 Dec 1988	13 Mar 1990
Barbados.....		15 Oct 1992 a	China ^{2,3}	20 Dec 1988	25 Oct 1989
Belarus.....	27 Feb 1989	15 Oct 1990	Colombia.....	20 Dec 1988	10 Jun 1994
Belgium.....	22 May 1989	25 Oct 1995	Comoros.....		1 Mar 2000 a
Belize.....		24 Jul 1996 a	Congo.....		3 Mar 2004 a
Benin.....		23 May 1997 a	Cook Islands.....		22 Feb 2005 a
Bhutan.....		27 Aug 1990 a	Costa Rica.....	25 Apr 1989	8 Feb 1991
Bolivia (Plurinational State of).....	20 Dec 1988	20 Aug 1990			

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Côte d'Ivoire.....	20 Dec 1988	25 Nov 1991	Iran (Islamic Republic of).....	20 Dec 1988	7 Dec 1992
Croatia ¹		26 Jul 1993 d	Iraq		22 Jul 1998 a
Cuba	7 Apr 1989	12 Jun 1996	Ireland	14 Dec 1989	3 Sep 1996
Cyprus.....	20 Dec 1988	25 May 1990	Israel	20 Dec 1988	20 Mar 2002
Czech Republic ⁴		30 Dec 1993 d	Italy	20 Dec 1988	31 Dec 1990 AA
Democratic People's Republic of Korea ...		19 Mar 2007 a	Jamaica	2 Oct 1989	29 Dec 1995
Democratic Republic of the Congo	20 Dec 1988	28 Oct 2005	Japan	19 Dec 1989	12 Jun 1992
Denmark.....	20 Dec 1988	19 Dec 1991	Jordan.....	20 Dec 1988	16 Apr 1990
Djibouti		22 Feb 2001 a	Kazakhstan.....		29 Apr 1997 a
Dominica.....		30 Jun 1993 a	Kenya.....		19 Oct 1992 a
Dominican Republic		21 Sep 1993 a	Kuwait.....	2 Oct 1989	3 Nov 2000
Ecuador	21 Jun 1989	23 Mar 1990	Kyrgyzstan		7 Oct 1994 a
Egypt.....	20 Dec 1988	15 Mar 1991	Lao People's Democratic Republic		1 Oct 2004 a
El Salvador.....		21 May 1993 a	Latvia		24 Feb 1994 a
Eritrea.....		30 Jan 2002 a	Lebanon		11 Mar 1996 a
Estonia		12 Jul 2000 a	Lesotho		28 Mar 1995 a
Ethiopia		11 Oct 1994 a	Liberia.....		16 Sep 2005 a
European Union	8 Jun 1989	31 Dec 1990 c	Libya.....		22 Jul 1996 a
Fiji.....		25 Mar 1993 a	Liechtenstein.....		9 Mar 2007 a
Finland	8 Feb 1989	15 Feb 1994 A	Lithuania		8 Jun 1998 a
France.....	13 Feb 1989	31 Dec 1990 AA	Luxembourg.....	26 Sep 1989	29 Apr 1992
Gabon.....	20 Dec 1989	10 Jul 2006	Madagascar		12 Mar 1991 a
Gambia.....		23 Apr 1996 a	Malawi		12 Oct 1995 a
Georgia.....		8 Jan 1998 a	Malaysia.....	20 Dec 1988	11 May 1993
Germany ⁵	19 Jan 1989	30 Nov 1993	Maldives	5 Dec 1989	7 Sep 2000
Ghana	20 Dec 1988	10 Apr 1990	Mali.....		31 Oct 1995 a
Greece	23 Feb 1989	28 Jan 1992	Malta		28 Feb 1996 a
Grenada		10 Dec 1990 a	Marshall Islands.....		5 Nov 2010 a
Guatemala	20 Dec 1988	28 Feb 1991	Mauritania.....	20 Dec 1988	1 Jul 1993
Guinea.....		27 Dec 1990 a	Mauritius.....	20 Dec 1988	6 Mar 2001
Guinea-Bissau		27 Oct 1995 a	Mexico	16 Feb 1989	11 Apr 1990
Guyana		19 Mar 1993 a	Micronesia (Federated States of)		6 Jul 2004 a
Haiti		18 Sep 1995 a	Monaco	24 Feb 1989	23 Apr 1991
Holy See.....	20 Dec 1988	25 Jan 2012	Mongolia.....		25 Jun 2003 a
Honduras	20 Dec 1988	11 Dec 1991	Montenegro ⁶		23 Oct 2006 d
Hungary.....	22 Aug 1989	15 Nov 1996	Morocco	28 Dec 1988	28 Oct 1992
Iceland.....		2 Sep 1997 a	Mozambique		8 Jun 1998 a
India		27 Mar 1990 a	Myanmar.....		11 Jun 1991 a
Indonesia.....	27 Mar 1989	23 Feb 1999			

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Namibia.....		6 Mar 2009 a	St. Vincent and the Grenadines		17 May 1994 a
Nepal.....		24 Jul 1991 a	Sudan	30 Jan 1989	19 Nov 1993
Netherlands ⁷	18 Jan 1989	8 Sep 1993 A	Suriname	20 Dec 1988	28 Oct 1992
New Zealand ⁸	18 Dec 1989	16 Dec 1998	Swaziland.....		3 Oct 1995 a
Nicaragua	20 Dec 1988	4 May 1990	Sweden.....	20 Dec 1988	22 Jul 1991
Niger		10 Nov 1992 a	Switzerland	16 Nov 1989	14 Sep 2005
Nigeria	1 Mar 1989	1 Nov 1989	Syrian Arab Republic...		3 Sep 1991 a
Norway.....	20 Dec 1988	14 Nov 1994	Tajikistan		6 May 1996 a
Oman.....		15 Mar 1991 a	Thailand		3 May 2002 a
Pakistan	20 Dec 1989	25 Oct 1991	The former Yugoslav Republic of Macedonia.....		13 Oct 1993 a
Panama.....	20 Dec 1988	13 Jan 1994	Togo.....	3 Aug 1989	1 Aug 1990
Paraguay.....	20 Dec 1988	23 Aug 1990	Tonga.....		29 Apr 1996 a
Peru	20 Dec 1988	16 Jan 1992	Trinidad and Tobago.....	7 Dec 1989	17 Feb 1995
Philippines.....	20 Dec 1988	7 Jun 1996	Tunisia	19 Dec 1989	20 Sep 1990
Poland	6 Mar 1989	26 May 1994	Turkey.....	20 Dec 1988	2 Apr 1996
Portugal ²	13 Dec 1989	3 Dec 1991	Turkmenistan		21 Feb 1996 a
Qatar.....		4 May 1990 a	Uganda.....		20 Aug 1990 a
Republic of Korea.....		28 Dec 1998 a	Ukraine	16 Mar 1989	28 Aug 1991
Republic of Moldova		15 Feb 1995 a	United Arab Emirates ...		12 Apr 1990 a
Romania		21 Jan 1993 a	United Kingdom of Great Britain and Northern Ireland ^{3,9} ...	20 Dec 1988	28 Jun 1991
Russian Federation.....	19 Jan 1989	17 Dec 1990	United Republic of Tanzania.....	20 Dec 1988	17 Apr 1996
Rwanda		13 May 2002 a	United States of America.....	20 Dec 1988	20 Feb 1990
Samoa.....		19 Aug 2005 a	Uruguay	19 Dec 1989	10 Mar 1995
San Marino.....		10 Oct 2000 a	Uzbekistan		24 Aug 1995 a
Sao Tome and Principe .		20 Jun 1996 a	Vanuatu.....		26 Jan 2006 a
Saudi Arabia.....		9 Jan 1992 a	Venezuela (Bolivarian Republic of).....	20 Dec 1988	16 Jul 1991
Senegal.....	20 Dec 1988	27 Nov 1989	Viet Nam.....		4 Nov 1997 a
Serbia ¹		12 Mar 2001 d	Yemen ¹⁰	20 Dec 1988	25 Mar 1996
Seychelles		27 Feb 1992 a	Zambia	9 Feb 1989	28 May 1993
Sierra Leone	9 Jun 1989	6 Jun 1994	Zimbabwe		30 Jul 1993 a
Singapore		23 Oct 1997 a			
Slovakia ⁴		28 May 1993 d			
Slovenia ¹		6 Jul 1992 d			
South Africa.....		14 Dec 1998 a			
Spain	20 Dec 1988	13 Aug 1990			
Sri Lanka.....		6 Jun 1991 a			
St. Kitts and Nevis		19 Apr 1995 a			
St. Lucia		21 Aug 1995 a			

Declarations and Reservations

(Unless otherwise indicated, the declarations and reservations were made upon ratification, accession, acceptance, approval, formal confirmation or succession.)

ALGERIA

Reservation:

The People's Democratic Republic of Algeria does not consider itself bound by the provisions of article 32, paragraph 2, the compulsory referral of any dispute of the International Court of Justice.

The People's Democratic Republic of Algeria declares that for a dispute to be referred to the International Court of Justice the agreement of all the parties to the dispute is necessary in each case.

ANDORRA

Reservation:

With respect to the option provided in paragraph 4 of article 32, the Andorran State does consider itself bound by the provisions of paragraphs 2 and 3 of this article.

With respect to paragraph 2, the Andorran State considers that any dispute which cannot be settled in the manner prescribed in paragraph 1 of the aforementioned article will be referred to the International Court of Justice only with the agreement of all parties involved in the dispute.

Declaration:

Since the Andorran legal system already embodies almost all the measures referred to in the Vienna Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, accession to the aforementioned Convention will entail only minor changes in the Andorran State's legal system, which will be taken into account in the future legislative activity. From the point of view of the rights and obligations arising from accession to this Convention, without renouncing the specific characteristics of its domestic legislation, in particular with respect to the protection of individual freedoms and the rights of bona fide third parties, and to the preservation of national sovereignty and the common good, Andorra undertakes to assume the obligations among States arising from the Vienna Convention and to cooperate, through its judicial authorities and on the basis of reciprocity, with the other States which have accepted the provisions of the aforementioned Convention.

AUSTRIA

Declarations:

"re. Art. 2:

The Republic of Austria interprets the reference to the fundamental provisions of domestic legislative systems in art. 2 para 1 in the sense that the contents of these fundamental provisions may be subject to change. The same applies to all other references of the Convention to domestic law, its fundamental principles or the national constitutional order like they are contained in art. 3 para 1 lit.c; para 2, para 10 and para 11; art. 5 para 4 lit.c; para 7 and para 9 or art. 11 para 1.

re. Art. 3:

The Republic of Austria interprets art. 3 para 1 and 2 as follows: In cases of a minor nature, the obligations contained in this provision may also be implemented by the creation of administrative penal regulations providing adequate sanction for the offences enumerated therein.

re. Art. 7 para 10 to 12 :

The Republic of Austria declares that in pursuance of its domestic law, a request for the search of persons or rooms, for the seizure of objects or for the surveillance of

telecommunication requires the enclosure of the certified copy or photocopy of the decision of the competent authority. If the decision has not been rendered by a court, a declaration of the authority requesting legal assistance has to be furnished, stating that all necessary preconditions are fulfilled, according to the law of the requesting state."

BAHRAIN¹¹

Reservation:

The State of Bahrain, by the ratification of this Convention, does not consider itself bound by paragraph (2) of article 32 in connection with the obligation to refer the settlement of the dispute relating to the interpretation or application of this Convention to the International Court of Justice.

Declaration:

Moreover, the State of Bahrain hereby declares that its ratification of this Convention shall in no way constitute recognition of Israel or be a cause for the establishment of any relations of any kind therewith.

BELIZE

Reservation:

"Article 8 of the Convention requires the Parties to give consideration to the possibility of transferring to one another proceedings for criminal prosecution of certain offences where such transfer is considered to be in the interests of a proper administration of justice.

"The courts of Belize have no extra-territorial jurisdiction, with the result that they will have no jurisdiction to prosecute offences committed abroad unless such offences are committed partly within and partly without the jurisdiction, by a person who is within the jurisdiction. Moreover, under the Constitution of Belize, the control of public prosecutions is vested in the Director of Public Prosecutions, who is an independent functionary and not under Government control.

"Accordingly, Belize will be able to implement article 8 of the Convention only to a limited extent insofar as its Constitution and the law allows."

BOLIVIA (PLURINATIONAL STATE OF)

Reservation made upon signature and confirmed upon ratification:

The Republic of Bolivia places on record its express reservation to article 3, paragraph 2, and declares the inapplicability to Bolivia of those provisions of that paragraph which could be interpreted as establishing as a criminal offence the use, consumption, possession, purchase or cultivation of the coca leaf for personal consumption.

For Bolivia such an interpretation of that paragraph is contrary to principles of its Constitution and basic concepts of its legal system which embody respect for the culture, legitimate practices, values and attributes of the nationalities making up Bolivia's population.

Bolivia's legal system recognizes the ancestral nature of the licit use of the coca leaf which, for much of Bolivia's population, dates back over centuries. In formulating this reservation, Bolivia considers that:

- The coca leaf is not, in and of itself, a narcotic drug or psychotropic substance;

- The use and consumption of the coca leaf do not cause psychological or physical changes greater than those resulting from the consumption of other plants and products which are in free and universal use;

- The coca leaf is widely used for medicinal purposes in the practice of traditional medicine, the validity of which is upheld by WHO and confirmed by scientific findings;

- The coca leaf can be used for industrial purposes;

- The coca leaf is widely used and consumed in Bolivia, with the result that, if such an interpretation of the above-mentioned paragraph was accepted, a large part of Bolivia's population could be considered criminals and punished as such, such an interpretation is therefore inapplicable;

- It must be placed on record that the coca leaf is transformed into cocaine paste, sulphate and hydrochlorate when it is subjected to chemical processes which involve the use of precursors, equipment and materials which are neither manufactured in or originate in Bolivia.

At the same time, the Republic of Bolivia will continue to take all necessary legal measures to control the illicit cultivation of coca for the production of narcotic drugs, as well as the illicit consumption, use and purchase of narcotic drugs and psychotropic substances.

BRAZIL

Upon signature:

"a) The signature of the Convention is made subject to the process of ratification established by the Brazilian Constitution;

" b) It is the understanding of the Brazilian Government that paragraph 11 of article 17 does not prevent a coastal State from requiring prior authorization for any action under this article by other States in its Exclusive Economic Zone."

BRUNEI DARUSSALAM

19 June 2007

"The competent authority under article 7 (8) is the following:

Ministry of Foreign Affairs and Trade, Jalan Subok
Bandar Seri Begawan BD, 2710, Brunei
Darussalam

Telephone: (673) 226 1177; Fax: (673) 226 1709;
Email: mfa@gov.bn

Reservation:

"In accordance with article 32 of the Convention Brunei Darussalam hereby declares that it does not consider itself bound by paragraphs 2 and 3 of the said article 32."

CHINA

Declaration made upon signature and confirmed upon ratification:

Under the Article 32, paragraph 4, China does not consider itself bound by paragraphs 2 and 3 of that article.

COLOMBIA¹²

Upon signature:

Colombia formulates a reservation to article 9, paragraph 1, of the Convention, specifically subparagraphs (b), (c), (d) and (e) thereof, since its legislation does not permit outside co-operation with the judiciary in investigating offences nor the establishment of joint teams with other countries to that end. Likewise inasmuch as samples of the substances that have given

rise to investigations belong to the proceedings, only the judge, as previously, can take decisions in that regard.

Upon ratification:

Reservations:

2. With respect to article 5, paragraph 7, of the Convention, Colombia does not consider itself bound to reverse the onus of proof.

3. Colombia has reservations in connection with article 9, paragraphs 1 (b), (c), (d) and (e), inasmuch as they conflict with the autonomy and independence of the judicial authorities in their jurisdiction over the investigation and judgement of offences.

Declarations:

1. No provision of the Convention may be interpreted as obliging Colombia to adopt legislative, judicial, administrative or other measures that might impair or restrict its constitutional or legal system or that go beyond the terms of the treaties to which the Colombian State is a contracting party.

2. It is the view of Colombia that treatment under the Convention of the cultivation of the coca leaf as a criminal offence must be harmonized with a policy of alternative development, taking into account the rights of the indigenous communities involved and the protection of the environment. In this connection it is the view of Colombia that the discriminatory, inequitable and restrictive treatment accorded its agricultural export products on international markets does nothing to contribute to the control of illicit crops, but, rather, is a cause of social and environmental degradation in the areas affected. Further, Colombia reserves the right to make an independent evaluation of the ecological impact of drug control policies, since those that have a negative impact on ecosystems contravene the Constitution.

3. It is the understanding of Colombia that article 3, paragraph 7, of the Convention will be applied in accordance with its penal system, taking into account the benefits of its policies regarding the indictment of and collaboration with alleged criminals.

4. A request for reciprocal legal assistance will not be met when the Colombian judicial and other authorities consider that to do so would run counter to the public interest or the constitutional or legal order. The principle of reciprocity must also be observed.

5. It is the understanding of Colombia that article 3, paragraph 8, of the Convention does not imply the non-applicability of the statutory limitation of penal action.

6. Article 24 of the Convention, on "more strict or severe measures", may not be interpreted as conferring on the Government powers that are broader than those conferred by the Political Constitution of Colombia, including in states of exception.

7. It is the understanding of Colombia that the assistance provided for under article 17 of the Convention will be effective only on the high seas and at the express request and with the authorization of the Colombian Government.

8. Colombia declares that it considers contrary to the principles and norms of international law, in particular those of sovereign equality, territorial integrity and non-intervention, any attempt to abduct or illegally deprive of freedom any person within the territory of one State for the purpose of bringing that person before the courts of another State.

9. It is the understanding of Colombia that the transfer of proceedings referred to in article 8 of the Convention will take place in such a way as not to impair the constitutional guarantees of the right of defence. Further, Colombia declares with respect to article 6, paragraph 10, of the Convention that, in the execution of foreign sentences, the provisions of article 35,

paragraph 2, of its Political Constitution and other legal and constitutional norms must be observed

The international obligations deriving from article 3, paragraphs 1 (c) and 2, as well as from article 11 are conditional on respect for Colombian constitutional principles and the above three reservations and nine declarations making the Convention compatible with the Colombian constitutional order.

CUBA

Declaration:

The Government of the Republic of Cuba declares that it does not consider itself bound by the provisions of article 32, paragraphs 2 and 3, and that disputes which arise between the Parties should be settled by negotiation through the diplomatic channel.

CYPRUS

Upon signature:

"[Signature is effected] subject to ratification, at the time of which reservations in respect of specific provisions of the Convention may be made and deposited in the prescribed manner. [It is understood] that such reservations, if any, cannot be incompatible with the object and purpose of this Convention."

Upon ratification:

Declaration:

"As a result of the occupation of 37% of the territory of the Republic of Cyprus, which since 1974 is occupied by Turkish troops in violation of the United Nations Charter and of basic principles of international law, the Government of the Republic of Cyprus is prevented from exercising its legitimate control and jurisdiction throughout the territory of the Republic of Cyprus and consequently over those activities in the illegally occupied area which are related to illicit drug trafficking."

DENMARK

Declarations:

"The Convention shall not apply to the Faroe Islands and Greenland."

With regard to article 17:

"Authorization granted by Danish authority pursuant to article 17 denotes only that Denmark will abstain from pleading infringement of Danish sovereignty in connection with the requesting State's boarding of a vessel. Danish authorities cannot authorize another State to take legal action on behalf of the Kingdom of Denmark."

FRANCE

Reservations:

The Government of the French Republic does not consider itself bound by the provisions of article 32, paragraph 2, and declares that any dispute relating to the interpretation or application of the Convention which cannot be settled in the manner prescribed in paragraph 1 of the said article may not be referred to the International Court of Justice unless all the parties to the dispute agree thereto.

Similarly, the Government of the French Republic does not consider itself bound by the provisions of article 32, paragraph 3.

GERMANY⁵

Declaration:

It is the understanding of the Federal Republic of Germany that the basic concepts of the legal system

referred to in article 3, paragraph 2 of the Convention may be subject to change.

HOLY SEE

Reservation

"Pursuant to article 32.4 of this Convention, the Holy See, acting also in the name and on behalf of Vatican City State, declares that it does not consider itself bound by either article 32.1 or article 32.2 of the Convention. The Holy See, acting also in the name and on behalf of Vatican City State, specifically reserves the right to agree in a particular case, on an ad hoc basis, to any convenient means to settle any dispute arising out of this Convention."

Declaration

"The Holy See declares that articles 6.6 and 7.15 of the Convention shall be interpreted in light of its legal doctrine and the sources of its law (Vatican City State Law LXXI, of 1 October 2008)."

Declaration made upon signature and confirmed upon ratification

"The Holy See is well aware that one of the problems of contemporary society is the phenomenon of drug abuse and the related problem of illicit trafficking in narcotics and psychotropic substances. This trafficking has already become so widespread and so highly organized as to involve both the developed countries and those on the road to development.

Through its Representatives, the Holy See has followed the various phases of the drawing-up of the Convention text, a process that has been long and laborious.

Pope John Paul II, on the occasion of last year's Conference in Vienna on the abuse of and illicit trafficking in drugs, pointed out that the criminal activity of production and illicit trafficking must be opposed by cooperation between States. He stated that 'the common struggle against the plague of drug abuse and illicit trafficking is motivated by a serious spirit of mission, on behalf of humanity and for the very future of society, a mission whose success demands a mutual commitment and a generous response on the part of all' (17th June 1987).

In consideration of this position, the Holy See has decided to sign the Convention against illicit trafficking in narcotics as a gesture of encouragement vis-à-vis the commitment of the countries that intend to fight against such criminal activity. In adhering to this Convention, the Holy See does not intend to prescind in any way from its specific mission which is of a religious and moral character."

INDONESIA

Reservation:

"The Republic of Indonesia [...] does not consider itself bound by the provision of article 32 paragraphs (2) and (3), and take the position that disputes relating to the interpretation and application [of] the Convention which have not been settled through the channel provided for in paragraph (1) of the said article, may be referred to the International Court of Justice only with the consent of the Parties to the dispute."

IRAN (ISLAMIC REPUBLIC OF)

Upon signature:

"The Government of the Islamic Republic of Iran wishes to express reservation to article 6, paragraph 3, of the Convention, since this provision is incompatible with our domestic law.

"The Government furthermore wishes to make a reservation to article 32, paragraphs 2 and 3, since it does not consider itself bound to compulsory jurisdiction of the

International Court of Justice and feels that any disputes arising between the Parties concerning the interpretation or application of the Convention should be resolved through direct negotiations by diplomatic means."

IRELAND

1 February 2006

"... the authority now designated by Ireland under Article 17 (7) of the Convention is as follows:

Head of Unit
Liaison & Joint Operations
Customs Drugs Law Enforcement
Revenue Investigations & Prosecutions Division
Ashtown Gate
Dublin 15
Ireland
Telephone No. (office hours):
+ 353 1 827 7512
24 hour Telephone No. (outside office hours):
+ 353 87 254 8201 Fax: + 353 1 827 7680
E-mail address: antidrugs@revenue.ie
Office Hours : 0800 - 1800 (Monday-Friday)
Languages of incoming requests accepted: English
Time zone: GMT:+/-:0"

ISRAEL

Declaration:

"In accordance with paragraph 4 of Article 32, the Government of the State of Israel declares that it does not consider itself bound by the provisions of paragraph 2 of and 3 of this Article."

JAMAICA¹³

KUWAIT

Reservation:

With reservation as to paragraphs (2) and (3) of article 32 of this Convention.

LAO PEOPLE'S DEMOCRATIC REPUBLIC

Reservation:

"In accordance with paragraph 4, Article 32 of the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, the Lao People's Democratic Republic does not consider itself bound by paragraph 2, Article 32 of the present Convention. The Lao People's Democratic Republic declares that to refer a dispute relating to interpretation and application of the present Convention to arbitration or the International Court of Justice, the agreement of all parties concerned in the dispute is necessary."

LEBANON¹⁴

Reservations:

1. The Government of the Lebanese Republic does not consider itself bound by the provisions of article 32, paragraph 2, and declares that disputes relating to the interpretation or application of the Convention which are not settled by the means prescribed in paragraph 1 of that article shall be referred to the International Court of Justice only with the agreement of all of the Parties to the dispute.

Similarly, the Government of the Lebanese Republic does not consider itself bound by the provisions of article 32, paragraph 3.

2. The Government of the Lebanese Republic has reservations regarding article 5, paragraph 3, regarding article 7, paragraph 2 (f), and regarding article 7, paragraph 5, of the Convention.

LITHUANIA

Declaration:

"In accordance with article 6 of the said Convention the Republic of Lithuania declares that this Convention shall not be the legal basis for extradition of the Lithuanian citizens as it is provided in the Constitution of the Republic of Lithuania."

Reservation:

In accordance with paragraph 4 of article 32 of the said Convention the Republic of Lithuania will not apply provisions of paragraph 2 and 3 of article 32, referring to the disputes relating to the interpretation or application of this Convention to the International Court of Justice."

MALAYSIA

Declaration:

"The Government of Malaysia does not consider itself bound by paragraphs 2 and 3 of article 32 of the said Convention, wherein if there should arise between two or more Parties a dispute and such dispute cannot be settled in the manner prescribed in paragraph 1 of article 32 of the Convention, Malaysia is not bound to refer the dispute to the International Court of Justice for decision."

MYANMAR

Reservations:

"The Government of the Union of Myanmar wishes to express reservation on article 6 relating to extradition and does not consider itself bound by the same in so far as its own Myanmar nationals are concerned.

"The Government further wishes to make a reservation on article 32, paragraphs 2 and 3 and does not consider itself bound by obligations to refer the disputes relating to the interpretation or application of this Convention to the International Court of Justice."

NETHERLANDS

Upon signature:

Understanding:

"1 Article 1 - Definition of Illicit Traffic

During the initial stages of this Conference, [the Government of the Netherlands] proposed to amend articles 15, 17, 18 and 19 (final numbering) in order to replace the generic phrase 'illicit traffic' by more specific language (e.g., 'illicit transport').

"To some extent the underlying concerns have been met by the introduction in Article 15 of a specific reference to the 'offences established in accordance with Article 3, paragraph 2'. On the other hand, articles 17, 18 and 19 still contain references to 'illicit traffic in narcotic drugs, psychotropic substances and substances in table I and table II'.

"It is the understanding [of the Government of the Netherlands] that, given the scope of these articles, the term 'illicit traffic' has to be understood in a limited sense, in each case taking into account the specific context. In applying these articles, [it] would therefore have to rely on the chapeau of article 1, allowing for a contextual application of the relevant definition.

"2. Article 3

"(a). [The Government of the Netherlands] notes with respect to article 3, paragraph 2 (subparagraph (b) (i) and (ii), and subparagraph (c) (i)) that the Drafting Committee has replaced the terms 'knowing that such property is derived from an offence or offences set forth in paragraph 2' by: 'knowing that such property is derived from an offence or offences established in accordance with paragraph 1'. [The Government of the Netherlands]

accepts this change with the understanding that this does not affect the applicability of the paragraphs referred to in cases where the offender knows that property is derived from an offence or offences that may have been established and committed under the jurisdiction of a foreign State.

"(b). With respect of article 3, paragraph 6, [the Government of the Netherlands] cover offences established both under paragraph 1 and paragraph 2. In view of the provisions of paragraph 4 (d) and paragraph 11 of the same article, [the Government of the Netherlands] understands that the measure of discretionary legal powers relating to the prosecution for offences established in accordance with paragraph 2 may in practice be wider than for offences established in accordance with paragraph 1.

"(c). With respect to article 3, paragraphs 7 and 8, it is the understanding of [the Government of the Netherlands] that these provisions do not require the establishment of specific rules and regulations on the early release of convicted persons and the statute of limitations in respect of offences, covered by paragraph 1 of the article, which are different from such rules and regulations in respect of other, equally serious, offences. Consequently, it is [the Government's] understanding that the relevant legislation presently in force within the Kingdom sufficiently and appropriately meets the concerns expressed by the terms of these provisions.

Article 17

[The Government of the Netherlands] understands the reference (in para.3) to 'a vessel exercising freedom of navigation' to mean a vessel navigating beyond the external limits of the territorial sea.

"The safeguard-clause contained in para. 11 of the article aims in [its] view at safeguarding the rights and obligations of Coastal States within the contiguous zone.

"To the extent that vessels navigating in the contiguous zone act in infringement of the Coastal State's customs and other regulations, the Coastal State is entitled to exercise, in conformity with the relevant rules of the international law of the sea, jurisdiction to prevent and/or punish such infringement."

Upon acceptance:

Reservation:

"The Government of the Kingdom of the Netherlands accepts the provisions of article 3, paragraphs 6, 7, and 8, only in so far as the obligations undeese provisions are in accordance with Dutch criminal legislation and Dutch policy on criminal matters."

PANAMA

Reservation:

The Republic of Panama does not consider itself obligated to apply the measures of confiscation or seizure provided for in article 5, paragraphs 1 and 2, of the Convention to property the value of which corresponds to that of the proceeds derived from offences established in accordance with the said Convention, in so far as such measures would contravene the provisions of article 30 of the Constitution of Panama, under which there is no penalty of confiscation of property.

PERU

Upon signature:

Peru formulates an express reservation to paragraph 1 (a) (ii) of article 3, concerning offences and sanctions; that paragraph includes cultivation among the activities established as criminal offences, without drawing the necessary clear distinction between licit and illicit cultivation. Accordingly, Peru also formulates an express reservation to the scope of the definition of illicit traffic

contained in article 1 in so far as it refers to article 3, paragraph 1 (a) (ii).

In accordance with the provisions of article 32, paragraph 4, Peru declares, on signing the Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, that it does not consider itself bound by article 32, paragraphs 2 and 3, since, in respect of this Convention, it agrees to the referral of disputes to the International Court of Justice only if all the parties, and not just one, agree to such a procedure.

PHILIPPINES¹⁵

SAN MARINO

Declaration:

"[The Republic of San Marino declares] that any confiscation activity under article 5 is subject to the fact that the crime is considered as such also by San Marino legal system.

Moreover, it declares that the establishment of "joint teams" and "liaison officers", under article 9, item 1, letter c) and d), as well as "controlled delivery" under article 11 of the [...] Convention, are not provided for by San Marino legal system."

SAUDI ARABIA¹¹

Declarations:

1. The Kingdom of Saudi Arabia does not regard itself bound by article 32, paragraphs 2 and 3, of the Convention;

2. This ratification does not constitute recognition of Israel and shall not give rise to entry with it into any dealings or to the establishment with it of any relations under the Convention.

SINGAPORE

Declaration:

"With respect to article 6 paragraph 3, the Republic of Singapore declares that it shall not consider the Convention as the legal basis for extradition in respect of any offence to which article 6 applies."

Reservation:

"The Republic of Singapore declares, in pursuance of article 32, paragraph 4 of the Convention that it will not be bound by the provisions of article 32, paragraphs 2 and 3."

SOUTH AFRICA

Declaration

In keeping with paragraph 4 of article 32, the Republic of South Africa does not consider itself bound by the provisions of paragraphs 2 and 3 of Article 32 of the Convention.

SWEDEN

Declaration:

"Regarding article 3, paragraph 10, Swedish constitutional legislation on extradition implies that in judging whether a specific offence is to be regarded as a political offence, regard shall be paid to the circumstances in each individual case."

SWITZERLAND

Reservation concerning article 3, paragraph 2 :

Switzerland does not consider itself bound by article 3, paragraph 2, concerning the maintenance or adoption of criminal offences under legislation on narcotic drugs.

Reservation concerning article 3 , paragraphes 6, 7 and 8:

Switzerland considers the provisions of article 3, paragraphs 6, 7 and 8 as binding only to the extent that they are compatible with Swiss criminal legislation and Swiss policy on criminal matters.

SYRIAN ARAB REPUBLIC¹¹

Declaration:

The accession to this Convention shall not constitute a recognition of Israel or lead to any kind of intercourse with it.

THAILAND

Reservation:

"The Government of the Kingdom of Thailand does not consider itself bound by the provisions of paragraph 2 of Article 32 of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances."

TURKEY

Reservation:

Pursuant to paragraph 4 of article 32 of [said Convention], the Republic of Turkey is not bound by paragraphs 2 and 3 of article 32 of the Convention.

UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

Reservation:

"The United Kingdom of Great Britain and Northern Ireland will only consider the granting of immunity under article 7, paragraph 18, where this is specifically requested by the person to whom the immunity would apply or by the authority designated, under article 7, paragraph 8, of the Party from whom assistance is requested. A request for immunity will not be granted where the judicial authorities of the United Kingdom consider that to do so would be contrary to the public interest."

UNITED REPUBLIC OF TANZANIA

Upon signature:

"Subject to a further determination on ratification, the United Republic of Tanzania declares that the provisions of article 17 paragraph 11 shall not be construed as either restraining in any manner the rights and privileges of a coastal State as envisaged by the relevant provisions relating to the Economic Exclusive Zone of the Law of the Sea Convention, or, as according third parties rights other than those so recognized under the Convention."

Objections

(Unless otherwise indicated, the objections were received upon ratification, accession, acceptance, approval, formal confirmation or succession.)

AUSTRIA

16 December 1998

With regard to the reservation to article 6 made by Viet Nam upon accession:

"Austria is of the view that the reservation raises doubts as to its ratification of the mentioned treaty. Austria is of the view that the reservation raises doubts as to its compatibility with the object and purpose of the

UNITED STATES OF AMERICA

Understandings:

"(1) Nothing in this Treaty requires or authorizes legislation or other action by the United States of America prohibited by the Constitution of the United States.

"(2) The United States shall not consider this Convention as the legal basis for extradition of citizens to any country with which the United States has no bilateral extradition treaty in force.

"(3) Pursuant to the rights of the United States under article 7 of this treaty to deny requests which prejudice its essential interests, the United States shall deny a request for assistance when the designated authority, after consultation with all appropriate intelligence, anti-narcotic, and foreign policy agencies, has specific information that a senior government official who will have access to information to be provided under this treaty is engaged in or facilitates the production or distribution of illegal drugs."

Declaration:

"Pursuant to article 32 (4), the United States of America shall not be bound by article 32 (2)."

VENEZUELA (BOLIVARIAN REPUBLIC OF)

Interpretative declarations:

1. With respect to article 6: (Extradition)

It is the understanding of the Government of Venezuela that this Convention shall not be considered a legal basis for the extradition of Venezuelan citizens, as provided for in the national legislation in force.

2. With respect to article 11: (Controlled Delivery)

It is the understanding of the Government of Venezuela that publicly actionable offences in the national territory shall be prosecuted by the competent national police authorities and that the controlled delivery procedure shall be applied only in so far as it does not contravene national legislation in this matter.

VIET NAM¹⁶

Reservations:

"Reservations to article 6 on Extradition, article 32 paragraph 2 and paragraph 3 on Dispute settlement."

YEMEN¹⁰

Upon signature:

[Yemen reserves its] right to enter reservations in respect of such articles as it may see fit at a time subsequent to this signature.

Convention concerned, in particular the fundamental principle that perpetrators of drug-related crime should be brought to justice, regardless of their whereabouts. Non-acceptance of this principle would undermine the effectiveness of the [said] Convention.

"Austria therefore objects to the reservation. This objection does not preclude the entry into force of the [said] Convention between Austria and Vietnam."

BELGIUM

27 December 1989

Belgium, member State of the European Community, attached to the principle of freedom of navigation, notably in the exclusive economic zone, considers that the declaration of Brazil concerning paragraph 11 of article 17, of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, adopted at Vienna on 20 December 1988, goes further than the rights accorded to coastal States by international law.

DENMARK

27 December 1989

[*Same objection* , mutatis mutandis , as the one made by Belgium .]

FINLAND

25 April 1997

With regard to the reservations made by Lebanon:
[*Same objection* , mutatis mutandis , as the one made by France .]

FRANCE

27 December 1989

[*Same objection* , mutatis mutandis , as the one made by Belgium .]

7 March 1997

With regard to the reservations made by Lebanon upon accession:

The Government of France has taken note of the reservations [made] by the Government of Lebanon in respect of articles 5 and 7 of this Convention and considers these reservations to be contrary to the object and purpose of the Convention.

The Convention indicates that bank secrecy shall not be a ground for a failure to act or for a failure to render mutual assistance. The Government of France considers that these reservations therefore undermine the object and purpose of the Convention, as stated in article 2, paragraph 1, to promote cooperation in order to address more effectively the international dimension of illicit drugs trafficking.

16 December 1998

With regard to the reservation with regard to article 6 made by Viet Nam upon accession:

[The Government of France] considers [the reservation made by Viet Nam upon accession] to be contrary to the object and purpose of the Convention of 1988. France therefore objects to it.

The objection does not preclude the entry into force of the 1988 Convention between France and Viet Nam.

GERMANY⁴

27 December 1989

[*Same objection* , mutatis mutandis , as the one made by Belgium .]

21 March 1997

With regard to the reservations made by Lebanon:
[*Same objection* , mutatis mutandis , as the one made by France .]

16 December 1998

With regard to the reservation to article 6 made by Viet Nam upon accession:

“The Government of the Federal Republic of Germany considers this reservation to be problematic in the light of

the object and purpose of the Convention. The reservation made in respect of article 6 is contrary to the principle ‘aut dedere au iudicare’ which provides that offences are brought before the court or that extradition is granted to the requesting States.

“The Government of the Federal Republic of Germany is therefore of the opinion that the reservation jeopardizes the intention of the Convention, as stated in article 2 paragraph 1, to promote cooperation among the parties so that they may address more effectively the international dimension of illicit drug trafficking.

“The reservation may also raise doubts as to the commitment of the Government of the Socialist Republic of Viet Nam to comply with fundamental provisions of the Convention. It is in the common interest of states that international treaties which they have concluded are respected, as to their object and purpose, and that all parties are prepared to undertake any legislative and administrative changes necessary to comply with their obligations.

“The Government of the Federal Republic of Germany therefore objects to the reservation.

“This objection does not preclude the entry into force of the Convention between the Federal Republic of Germany and the Socialist Republic of Viet Nam.”

GREECE

27 December 1989

[*Same objection* , mutatis mutandis , as the one made by Belgium .]

IRELAND

27 December 1989

[*Same objection* , mutatis mutandis , as the one made by Belgium .]

ITALY

27 December 1989

[*Same objection* , mutatis mutandis , as the one made by Belgium .]

24 April 1997

With regard to the reservations made by Lebanon upon accession:

[*Same objection* , mutatis mutandis , as the one made by France .]

LUXEMBOURG

27 December 1989

[*Same objection* , mutatis mutandis , as the one made by Belgium .]

MEXICO

10 July 1990

With regard to the interpretative declarations made by the United States of America:

The Government of the United Mexican States considers that the third declaration submitted by the Government of the United States of America (...) constitutes a unilateral claim to justification, not envisaged in the Convention, for denying legal assistance to a State that requests it, which runs counter to the purposes of the Convention. Consequently, the Government of the United Mexican States considers that such a declaration constitutes a reservation to which it objects.

This objection should not be interpreted as impeding the entry into force of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic

Substances of 1988 as between the Government of the United Mexican States and the Government of the United States of America.

NETHERLANDS

27 December 1989

[*Same objection, mutatis mutandis, as the one made by Belgium.*]

11 March 1997

With regard to the reservations made by Lebanon upon accession:

[*Same objection, mutatis mutandis, as the one made by France.*]

PORTUGAL

27 December 1989

[*Same objection, mutatis mutandis, as the one made by Belgium.*]

SPAIN

27 December 1989

[*Same objection, mutatis mutandis, as the one made by Belgium.*]

SWEDEN

7 March 1997

With regard to the reservations made by Lebanon upon accession:

[*Same objection, mutatis mutandis, as the one made by France.*]

14 December 1998

With regard to the reservation made by Viet Nam upon accession:

"... The Government of Sweden is of the view that the reservation made by the Government of Viet Nam regarding article 6, may raise doubts as to the commitment of Viet Nam to the object and purpose of the Convention.

"It is in the common interest of States that treaties to which they have chosen to become parties are respected as to their object and purpose by all parties, and that States are prepared to undertake any legislative changes necessary to comply with their obligations under the treaties.

"Furthermore, according to the Vienna Convention on the Law of Treaties of 23 May 1969, and well-established customary international law, a reservation contrary to the object and purpose of the treaty shall not be permitted.

"The Government of Sweden therefore objects to the aforesaid [reservation] by the Government of Viet Nam.

"[This objection does] not preclude the entry into force of the [Convention] between Viet Nam and Sweden. The [Convention] will thus become operative between the two States without Viet Nam benefiting from the [reservation]."

25 July 2001

With regard to the declaration made by San Marino upon accession:

"The Government of Sweden has examined the declaration made by San Marino at the time of its accession to the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, regarding articles 5, 9 and 11 of the Convention.

In this context, the Government of Sweden would like to recall that under well-established treaty law, the name assigned to a statement whereby the legal effect of certain provisions of a treaty is excluded or modified, does not

determine its reservation to the treaty. Thus, the Government of Sweden considers that the declaration made by San Marino, in the absence of further clarification, in substance constitutes a reservation to the Convention.

The Government of Sweden notes that the said articles of the Convention are being made subject to a general reservation referring to the contents of existing legislation in San Marino.

The Government of Sweden is of the view that, in the absence of further clarification, this reservation raises doubts as to the commitment of San Marino to the object and purpose of the Convention and would like to recall that, according to customary international law as codified in the Vienna Convention on the Law of Treaties, a reservation incompatible with the object and purpose of a treaty shall not be permitted.

It is in the common interest of States that treaties to which they have chosen to become parties are respected as to their object and purpose, by all parties, and that States are prepared to undertake any legislative changes necessary to comply with their obligations under the treaties.

The Government of Sweden therefore objects to the aforesaid reservation made by the Government of San Marino to the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances.

This objection shall not preclude the entry into force of the Convention between San Marino and Sweden. The Convention enters into force in its entirety between the two States, without San Marino benefiting from its reservation."

TURKEY

With regard to the declaration made by Cyprus upon ratification:

"The Republic of Cyprus, founded in 1960 as a partnership state in accordance with the international Cyprus Treaties by the Turkish Cypriot and Greek Cypriot communities, was destroyed in 1963 when the Greek Cypriot side threw the Turkish Cypriots out of the government and administration and thereby rendered the Government of Cyprus unconstitutional.

"Consequently, since December 1963, there has been no single political authority in Cyprus representing both communities and legitimate empowered to act on behalf of the whole island. The Greek Cypriot side does not possess the right or authority to become party to international instruments on behalf of Cyprus as a whole.

"The ratification of this Convention by Turkey shall in no way imply the recognition of the 'Republic of Cyprus' by Turkey and her accession to this Convention should not signify any obligation on the part of Turkey to enter into any dealings with the 'Republic of Cyprus' as are regulated by this Convention."

UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

27 December 1989

[*Same objection, mutatis mutandis, as the one made by Belgium.*]

10 March 1997

With regard to the reservations made by Lebanon upon accession:

[*Same objection, mutatis mutandis, as the one made by France.*]

17 December 1998

With regard to the reservation to article 6 made by Viet Nam upon accession:

"The United Kingdom is not in a position to accept [the] reservation.

"The above objection is not however, to constitute an obstacle to the entry into force of the said [Convention] as between Vietnam and the United Kingdom."

UNITED STATES OF AMERICA

23 October 1995

With regard to the reservations and declarations made by Colombia upon ratification:

"The Government of the United States of America understands the first reservation to exempt Colombia from the obligations imposed by article 3, paragraphs 6 and 9, and article 6 of the Convention only insofar as compliance with such obligations would prevent Colombia from abiding by article 35 of its Political Constitution (regarding the extradition of Colombian nationals by birth), to the extent that the reservation is

intended to apply other than to the extradition of Colombian nationals by birth, the Government of the United States objects to the reservation.

"The Government of the United States of America objects to the first declaration, as it purports to subordinate Colombia's obligations under the Convention to its Constitution and international treaties, as well as to that nation's domestic legislation generally.

"The Government of the United States of America objects to the seventh declaration to the extent it purports to restrict the right of other States to freedom of navigation and other internationally lawful uses of the sea related to that freedom seaward of the outer limits of any State's territorial sea, determined in accordance with the International Law of the Sea as reflected in the 1982 United Nations Convention on the Law of the Sea."

Notifications under article 6, 7 and 17

(Unless otherwise indicated, the notifications were received upon ratification, accession, acceptance, approval, formal confirmation or succession.)

BARBADOS

23 June 1993

"... the Attorney-General has been designated as the authority for the purposes of articles 7 (8) and 17 (7) of the above-mentioned Convention and that English is the acceptable language for the purposes of paragraph 9 of said article 7."

BRUNEI DARUSSALAM

19 June 2007

"The competent authority under article 7 (8) is the following:

Ministry of Foreign Affairs and Trade, Jalan Subok Bandar Seri Begawan BD, 2710, Brunei Darussalam

Telephone: (673) 226 1177; Fax: (673) 226 1709; Email: mfa@gov.bn

COOK ISLANDS

24 March 2005

"(a) Article 6: Extradition

The Cook Islands Extradition Act 2003 provides for the extradition of persons to and from the Cook Islands.

The objects of the Act are to -

(a) codify the law relating to the extradition of persons from the Cook Islands; and

(b) facilitate the making of requests for extradition by the Cook Islands to other countries, and

(c) enable the Cook Islands to carry out its obligations under extradition treaties.

An offence under the Act is an extradition offence if -

1. (a) it is an offence against a law of the requesting country punishable

by death or imprisonment for not less than 12 months or the imposition of a fine of more than \$5,000; and

(b) the conduct that constitutes an offence (however described) in the Cook Islands punishable by death or imprisonment for not less than 12 months or the imposition of a fine of more than \$5,000.

2. In determining whether conduct constitutes an offence, regard may be had to only some of the acts and omissions that make up the conduct.

3. In determining the maximum penalty for an offence for which no statutory penalty is imposed, regard must be had to the level of penalty that can be

imposed by any court in the requesting country for the offence.

4. An offence may be an extradition offence although:

(a) it is an offence against a law of the requesting country relating to taxation, customs duties or other revenue matters, or relating to foreign exchange controls; and

(b) the Cook Islands does not impose a duty, tax, impost or control of that kind.

(b) Article 7: Mutual Legal Assistance:

The authority in the Cook Islands with the responsibility and power to execute requests for mutual legal assistance is as follows:

Solicitor General, Crown Law Office, PO Box 494, Avarua, Rarotonga, Cook Islands. Tel: (682) 29 337; Fax: (682) 20 839.

(c) Article 17: Illicit Traffic at Sea The authority in the Cook Islands with the responsibility for responding to requests for information on vessels flying the Cook Islands flag is as follows:

Secretary, Ministry of Transport, PO Box 61, Avarua, Rarotonga, Cook Islands. Tel: (682) 28 810; Fax: (682) 28 816."

DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA

31 May 2007

The Government of the Democratic People's Republic of Korea has designated the following authorities under the provisions of article 7 (8) and 17 (7), respectively.

Ministry of People's Security

Wasan-dong,

Sosong District

Pyongyang, DPR Korea.

Fax: +850-2-381-5833 Tel.: +850-2-381-5833

Maritime Administration Tonghun-dong Central District Pyongyang, DPR Korea. Fax: +850-2-381-4410 Tel.:

+850-2-18111 ext 8059 E-mail: Mab@silibank.com

On the same date, the Government of the Democratic People's Republic of Korea notified the Secretary-General that English has been chosen as its language for the purpose of article 7 (9) of the Convention.

IRELAND

1 February 2006

"... the authority now designated by Ireland under Article 17 (7) of the Convention is as follows:

Head of Unit

Liaison & Joint Operations
Customs Drugs Law Enforcement
Revenue Investigations & Prosecutions Division
Ashtown Gate
Dublin 15
Ireland
Telephone No. (office hours):
+ 353 1 827 7512
24 hour Telephone No. (outside office hours):
+ 353 87 254 8201 Fax: + 353 1 827 7680
E-mail address: antidrugs@revenue.ie
Office Hours : 0800 - 1800 (Monday-Friday)
Languages of incoming requests accepted: English
Time zone: GMT+/-:0"

NICARAGUA

31 July 2006

... the Government of the Republic of Nicaragua has designated the Attorney General of the Republic as the Central Authority in charge of fulfilling that which is stipulated in the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, done at Vienna on 20 December 1988.

PARAGUAY

September 2008
Pursuant to the provisions of articles 7 (8) and 17 (7) of the aforementioned Convention, the Republic of Paraguay has designated the following institution as its Central authority: Government Procurator's Department – Office of the Attorney-General – Department of International Affairs and External Legal Assistance
Address: Nuestra Señora de la Asunción 737 c/Haedo, Piso 8, Asunción, Paraguay
Telephone numbers: 595-21-498537/ 595-21-415-5000/ 595-21-415-5100
Website: www.ministeriopublico.gov.py
Director: Juan Emilio Oviedo Cabañas (lawyer)
E-mail: jeoviedo@ministeriopublico.gov.py
Alternative contact: Magdalena Quiñonez, Assistant Prosecutor
E-mail: mqquinonez@ministeriopublico.gov.py

SERBIA

20 April 2009

"The Permanent Mission of the Republic of Serbia ... has the honour to notify of the Serbian competent authorities for the implementation of the Article 6

(Extradition) and 7 (Mutual Legal Assistance) of the Convention.

The requests shall be addressed to:

Name of Authority: Ministry of Justice of the Republic of Serbia

Full postal address: Ministry of Justice, 22-26 Nemanjina Street, 11000 Belgrade, Republic of Serbia

Name of Service to be contacted: Normative Affairs and International Cooperation Department, Mutual Legal Assistance Sector

Telephone: +381 11 311 14 73; +381 11 311 21 99

Fax: +381 11 311 45 15; +381 11 311 29 09

Office hours: from 08:30 to 16:30

Time zone: GMT 1

Languages English, Russian

In urgent matters the requests may be forwarded through NCB INTERPOL-Belgrade:

Contact: INTERPOL BELGRADE

Full postal address: NCB INTERPOL BELGRADE, Terazije 41,

11000 Belgrade, Republic of Serbia

Telephone: +381 11 33 45 254

Fax: +381 11 33 45 822

Office hours: from 08:30 to 16:30

Permanent service: until 22:00 hours

Time zone: GMT 1

Languages: English, French

Acceptance of requests

Through INTERPOL: YES.

The Permanent Mission of the Republic of Serbia ... has the honour to notify of the Serbian competent authority for the implementation of the Article 17 (Illicit Traffic by Sea) of the Convention.

The requests shall be addressed to:

Name of Authority: Ministry of Infrastructure of the Republic of Serbia

Full postal address: Ministry of Infrastructure, 22-26 Nemanjina Street, 11000 Belgrade, Republic of Serbia

Name of Service to be contacted: Department for Water Traffic and Navigation Safety

Name of Person to be contacted: Mr. Veljko Kovacevic, Department for Water Traffic and Navigation Safety

Telephone: +381 11 202 90 10

Fax: +381 11 202 00 01

E-mail: vkpomorstvo@mi.gov.rs

Office hours: from 08:30 to 16:30

Time zone: GMT 1

Languages: English."

Notes:

¹ The former Yugoslavia had signed and ratified the Convention on 20 December 1988 and 3 January 1991, respectively. See also note 1 under "Bosnia and Herzegovina", "Croatia", "former Yugoslavia", "Slovenia" and "Yugoslavia" in the "Historical Information" section in the front matter of this volume.

² On 7 July 1999, the Government of Portugal informed the Secretary-General that the Convention would apply to Macao.

Subsequently, the Secretary-General received communications regarding the status of Macao from China and Portugal (see also note 3 under "China" and note 1 under "Portugal" in the "Historical Information" section in the front matter of this volume). Upon resuming the exercise of sovereignty over Macao, China notified the Secretary-General that the Convention will also apply to the Macao Special Administrative Region.

³ The Secretary-General, received on 6 and 10 June 1997 communications regarding the status of Hong Kong from China and the United Kingdom of Great Britain and Northern Ireland (see also note 2 under "China" and note 2 under "United Kingdom of Great Britain and Northern Ireland" in the "Historical Information" section in the front matter of this volume). Upon resuming the exercise of sovereignty over Hong Kong, China notified the Secretary-General that the Convention with declaration made by China will also apply to the Hong Kong Special Administrative Region.

⁴ Czechoslovakia had signed and ratified the Convention on 7 December 1989 and 4 June 1991, respectively. See also note 1 under "Czech Republic" and note 1 under "Slovakia" in the "Historical Information" section in the front matter of this volume.

⁵ The German Democratic Republic had signed and ratified

the Convention on 21 June 1989 and 21 February 1990, respectively. The instrument of ratification contained the following declarations:

Requests for mutual legal assistance under article 7 shall be directed to the German Democratic Republic through diplomatic channel in one of the official United Nations languages or in the German language unless existing agreements on mutual legal assistance include other provisions or direct communication between legal authorities has been determined or developed on a mutual basis.

The Ministry of Foreign Affairs shall be the competent authority to receive and respond to requests of another state to board or search a vessel suspected of being involved in illicit traffic (article 17).

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

⁶ See note 1 under "Montenegro" in the "Historical Information" section in the front matter of this volume.

⁷ The signature was affixed for the Kingdom in Europe, the Netherlands Antilles and Aruba. The instrument of acceptance specifies that it is for the Kingdom in Europe. As from 10 mars 1999: for the Netherlands Antilles and Aruba with the following reservation: "The Government of the Kingdom of the Netherlands accepts the provisions of article 3, paragraph 6, 7 and 8, only in so far as the obligations under these provisions are in accordance with Netherlands Antillean and Aruban criminal legislation and Netherlands Antillean and Aruban policy on criminal matters."

⁸ See note 1 under "New Zealand" regarding Tokelau in the "Historical Information" section in the front matter of this volume.

⁹ On 2 December 1993, the Government of the United Kingdom of Great Britain and Northern Ireland notified the Secretary-General that the Convention would apply to the Isle of Man with the following reservation:

"The United Kingdom of Great Britain and Northern Ireland will only consider the granting of immunity under article 7, paragraph 18, in relation to the Isle of Man, where this is specifically requested by the person to whom the immunity would apply or by the authority designated under article 7, paragraph 8 of the party from whom assistance is requested. A request for immunity will not be granted where the judicial authorities of the Isle of Man consider that to do so would be contrary to the public interest."

Subsequently, in a notification received on 8 February 1995, the Government of the United Kingdom notified the Secretary-General that the Convention should apply, as from that same date, to the following territories: Anguilla, Bermuda, British Virgin Islands, Cayman Islands, Monserrat and Turks and Caicos Islands.

In this regard, on 6 August 1996, the Secretary-General received from the Government of the United Kingdom of Great Britain and Northern Ireland, the following communication:

"... In relation to the aforementioned Territories the granting of immunity under article 7, paragraph 18, of the said Convention

will only be considered where this is specifically requested by the person to whom the immunity would apply or by the authority designated, under article 7, paragraph 8, of the Party from whom assistance is requested. A request for immunity will not be granted where the judicial authorities of the Territory in question consider to do so would be contrary to the public interest."

Further, on 15 May and 7 July 1997, respectively, the Government of the United Kingdom of Great Britain and Northern Ireland notified the Secretary-General that the Convention shall extend to Hong Kong (*see also note 2*) and the Bailiwick of Jersey. The applicatn of the Convention to the Bailiwick of Jersey is subject to the following reservation:

(1) article 7, paragraph 18 (Reservation)

"The United Kingdom of Great Britain and Northern Ireland will only consider the granting of immunity under article 7, paragraph 18, in relation to Jersey, where this is specifically requested by the person to whom the immunity would apply or by the authority designated under article 7, paragraph 8 of the party from whom assistance is requested. A request for immunity will not be granted where the judicial authorities of Jersey consider that to do so would be contrary to the public interest."

Further, on 3 April 2002, the Government of the United Kingdom informed the Secretary-General that the Convention would extend to Guernsey, with the following reservation:

"(1) Article 7, Paragraph 18 (Reservation)

The United Kingdom of Great Britain and Northern Ireland will only consider the granting of immunity under Article 7, Paragraph 18, in relation to Guernsey, where this is specifically requested by the person to whom the immunity would apply or by the authority designated under Article 7, Paragraph 8 of the party from whom assistance is requested. A request for immunity will not be granted where the judicial authorities of Guernsey consider that to do so would be contrary to the public interest.

¹⁰ The formality was effected by the Yemen Arab Republic. See also note 1 under "Yemen" in the "Historical Information" section in the front matter of this volume.

¹¹ The Secretary-General received from the Government of Israel objections identical in essence, *mutatis mutandis*, as the one referenced in note 17 in chapter VI.16, on 14 May 1990 in regard to the declaration made by Bahrain upon ratification, on 15 November 1991 in regard to the declaration made by the Syrian Arab Republic upon accession and on 10 April 1992 in regard to the declaration made by Saudi Arabia upon accession.

¹² On 30 December 1997, the Government of Colombia notified the Secretary-General that it had decided to withdraw its reservation with regard to article 3 (6) and (9) and article 6 made upon ratification. The reservation reads as follows.

1. Colombia is not bound by article 3, paragraphs 6 and 9, or article 6 of the Convention since they contravene article 35 of the Political Constitution of Colombia regarding the prohibition on extraditing Colombians by birth.

¹³ On 10 December 1996, the Government of Jamaica

informed the Secretary-General that it had decided to withdraw its declaration made upon accession. The declaration read as follows:

Declaration:

"The Government of Jamaica understands paragraph 11 of article 17 of the said Convention to mean that the consent of the coastal State is required as a precondition for action under paragraphs 2, 3 and 4 of article 17 of the said Convention in relation to the Exclusive Economic Zone and all other maritime areas under the sovereignty or jurisdiction of the coastal State."

¹⁴ In regard to the reservation made by Lebanon, the Secretary-General received communications identical in essence, *mutatis mutandis*, as the one made by France under *Objections*", from the following Governments on the dates indicated hereinafter:

<i>Participants:</i>	<i>Date of the communication:</i>		
Austria	11	Jul	1997
Greece	18	Jul	1997

¹⁵ On 24 July 1997, the Government of the Philippines informed the Secretary-General that it had decided to withdraw its reservations made upon accession, which read as follows:

"[The Government of the Philippines declares] that it does not consider itself bound by the following provisions:

1. " Paragraph 1 (b) (i) and paragraph 2 (a) (ii) of article 4 on jurisdiction;
2. "Paragraph 1 (a) and paragraph 6 (a) and (b) of article 5 on confiscation; and
3. "Paragraph 9 (a) and (b) and 10 of article on extradition."

On that same date, the Government of the Philippines declared the following:

"The Philippines, does not consider itself bound by the mandatory jurisdiction of the International Court of Justice as provided for in article 32, paragraph 2 of the same Convention."

In keeping with the depositary practice followed in similar cases, the Secretary-General proposed to receive the declaration in question for deposit (in the absence of any objection on the part of any of the Contracting States, either to the deposit itself or to the procedure envisaged) within a period of 90 days from the date of the present notification (3 September 1997). No objection having been received within the said period, the above declaration was deemed accepted for deposit upon the expiration of the 90-day period, that is to say on 2 December 1997.

¹⁶ In a communication received on 15 January 1999, the Government of Finland notified the Secretary-General of the following:

"The Government of Finland is of the view that [this reservation] raise[s] doubts as to [its] compatibility with the object and purpose of the [Convention] concerned, in particular the [reservation] to article 6, paragraphs 2 and 9. According to the Vienna Convention on the Law of Treaties, and well-established customary international law, a reservation contrary to the object and purpose of the treaty shall not be permitted.

It is in the common interest of States that treaties to which they have chosen to become Parties are respected as to their object and purpose by all Parties, and that States are prepared to undertake any legislative changes necessary to comply with their obligations under the treaties.

The Government of Finland therefore objects to [this reservation] made by the Government of Viet Nam to the [Convention].

This objection does not preclude the entry into force of the [Convention] between Viet Nam and Finland. The [Convention] will thus become operative between the two States without Viet Nam benefitting from [this reservation].