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## INTERNATIONAL CONVENTION FOR THE SUPPRESSION OF TERRORIST BOMBINGS

**Adopted:** 15 December 1997.

**Opened for Signature:** 12 January 1998.

**Entered into Force:** 23 May 2001.

**Number of Parties:** 164

**Signatories that have not ratified:** 2

**Depositary:** UN Secretary-General.

### Treaty Text

**Background:** The [UN Security Council \(UNSC\)](#) first addressed the matter of international terrorism in general in January 1992. In 1994, the [United Nations General Assembly \(UNGA\)](#) adopted the Declaration on Measures to Eliminate International Terrorism. In 1996, the UNGA adopted the Declaration to Supplement the 1994 Declaration on Measures to Eliminate International Terrorism, providing for the establishment of an Ad Hoc Committee to elaborate an International Convention for the Suppression of Terrorist Bombings, and an International Convention for the Suppression of Acts of Nuclear Terrorism.

The Ad Hoc Committee, composed of all States, first met in February-March 1997. On 19 November 1997, the UNGA Sixth Committee unanimously adopted the draft Convention for the Suppression of Terrorist Bombing. On 15 December 1997, the Convention was adopted without a vote in UNGA Resolution 52/164. The Convention entered into force on 23 May, 2001 after the ratification by the 22<sup>nd</sup> state.

**Obligations:** The Convention prohibits any person(s) from intentionally delivering, placing, discharging, or detonating an explosive or other lethal device in, into or against a place of public use, a State or government facility, a public transportation system, or an infrastructure facility with the intent to cause death or serious bodily injury, or with the intent to cause extensive destruction of such a place, facility, or system, resulting in or likely to result in major economic loss. Any person(s) who commit or attempt to commit, participate in, have knowledge of, organize or direct others, or contribute to the commission, with the aim of furthering the general criminal activity, shall be either prosecuted or extradited.

Each State Party agrees to adopt necessary measures to establish the aforementioned offenses as criminal under its domestic law, and punishable by appropriate penalties. When acts are intended to provoke a state of terror in the general public, in a group of persons or particular persons, such acts are under no circumstances justifiable by considerations of a political, philosophical, ideological, racial, ethnic, religious, or other similar nature.

The Parties commit to cooperate in the prevention of such offenses by prohibiting in their territories illegal activities of persons, groups, and organizations that encourage, instigate, organize, knowingly finance, or engage in the perpetration of such offenses; and by exchanging accurate and verified information. They also commit to research and development regarding methods of detection of explosives, consultations on the development of standards for marking explosives in order to identify their origin in post-blast investigations, exchange of information on preventive measures, cooperation, and transfer of technology, equipment, and related materials.

**Compliance and Enforcement:** Parties are required to establish their jurisdiction over such offenses if they are committed in their territory, or on board a vessel flying their flag or aircraft registered under their laws at the time the offense is committed. Parties must also assume jurisdiction if such offenses are committed by their nationals, are committed against their nationals, against their State or government facility abroad, on board an aircraft, which is operated by their government, committed in an attempt to compel that State to do or abstain from doing any act, which is committed by a stateless person residing in its territory, or if the alleged offender is present in its territory and it does not extradite that person to any of the Parties that have established their jurisdiction. States, on whose territory a person is present who has committed or is alleged to have committed such an offense, agree to investigate his or her involvement in the offense and, if appropriate, take such person into custody for the purpose of prosecution or extradition. The Convention provides for the inclusion of such offenses as extraditable offenses, and in case there is no extradition treaty between the Parties, entitles

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them to consider the Convention as a legal basis for extradition with respect to the offenses covered by the Convention. If a Party does not extradite the person, it is obliged, without exception whatsoever, to prosecute him or her.

The Parties are entitled to refuse to extradite a person or afford legal assistance required under the Convention if they have substantial grounds for believing that the request for extradition has been made for the purpose of prosecuting or punishing a person on the grounds of race, religion, nationality, ethnic origin, or political opinion.

The Convention provides for all disputes between the Parties that cannot be settled through negotiation within a reasonable time to be submitted to arbitration, and further to the International Court of Justice.

**Reservations and Interpretations:** Several countries registered reservations on specific provisions of the Convention. Iran and Pakistan registered their reservations on the paragraph that exempted activities of armed forces during an armed conflict and activities undertaken by military forces of a State in the exercise of their official duties from the Convention's scope of application. These States believed that the Convention in its present form sanctified State terrorism. Jordan, Lebanon, and Libya stated that the Convention should not be interpreted in such a way as to justify illegal acts of States.

Pakistan also stated that the number of required ratifications for entry into force of the Convention – 22 – was not a fair number for an organization of 185 members. Pakistan entered its reservation on the provisions of the Convention requiring extradition of a terrorist regardless of political motives, saying that the Convention did not take into account situations of armed conflicts in which people were fighting against colonial domination and alien occupation and against racist regimes in the exercise of their right of self-determination.

A group of States, including New Zealand and Liechtenstein, stated that the partial exemption of military forces from the scope of the Convention did not grant them the right to violate international law or other conventions, that members of military forces may still be held individually responsible for their actions, and that exclusion of certain actions of the State did not remove members of military forces from legal jurisdiction to the extent that those activities were governed by other laws.

The Russian Federation stated that the provisions of Article 12 granting a State the right not to extradite an alleged offender if it had substantial grounds to

believe that such request for extradition had been made for the purpose of prosecuting or punishing a person on account of race, religion, nationality, ethnic origin, or political opinion contradicted the Convention's basic principle of "prosecute or extradite" and called on the States to adhere to this principle.

### Developments:

**2002:** The Crime Commission encouraged Member States to participate in a symposium on "Combating Terrorism: The Role of the UN," held in Vienna (3-4 June 2002). During the symposium, the chairman of the Counter-Terrorism Committee (CTC) noted the important role of the UN Office in Vienna in providing guidance to States in legislating and implementing anti-terrorism measures. The UN Office on Drugs and Crime (UNODC) was specifically requested by the Counter-Terrorism Committee to provide direct assistance to requesting States.

The Global Program against Terrorism was launched in October 2002 as a framework for UNODC's operational activities in this field. It works through two technical assistance projects on Strengthening the Legal Regime against Terrorism.

**2001:** In response to the terrorist attacks of 11 September 2001, the Security Council adopted Resolution 1373 on 28 September 2001, which declared that: "... acts, methods and practices of terrorism are contrary to the purposes and principles of the United Nations ..." It called upon Member States to "become parties as soon as possible to the relevant international conventions and protocols" and "to increase cooperation and fully implement the relevant international conventions and protocols." Therefore, all States were bound by this resolution to ratify this convention, which entered into force 23 May of that year.

The Counter-Terrorism Committee of the Security Council (CTC) (established by Resolution 1373) became the UN's leading body to promote collective action against international terrorism. Its mandate is to bring Member States to an acceptable level of compliance with Resolution 1373 and the terrorism-related conventions and protocols.

In 2001, the Commission on Crime Prevention and Criminal Justice elaborated a Plan of Action against Terrorism, as part of the implementation of the Vienna Declaration. UNODC's role in providing technical assistance and advisory services in the counter-terrorism area was further confirmed by the General Assembly and the UN's Economic and Social Council (ECOSOC) in a number of resolutions.

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**2000:** In December, the General Assembly endorsed the Vienna Declaration, adopted by the Tenth Congress on the Prevention of Crime and the Treatment of Offenders, in which Member States undertook to do their “utmost to foster universal adherence to the international instruments concerned with the fight against terrorism.”

**1998:** The Convention opened for signature by all States on 12 January.

**1997:** The Ad Hoc Committee, composed of all States, first met in February-March 1997. During the work of the Committee, France, on behalf of the G-7, (United States, France, United Kingdom, Japan, Canada, Germany, Italy, Russian Federation) submitted a Draft Convention that became the basis for the negotiations. In the course of the deliberations, the draft text received wide support from other States, although they proposed a number of amendments.

On 19 November, the UNGA Sixth Committee approved, without a vote, the draft Convention for the Suppression of Terrorist Bombing and urged all States to become parties to it.<sup>1</sup> It also reaffirmed the mandate of the Ad Hoc Committee, also without a vote, to continue its work on the elaboration of an International Convention for the Suppression of Nuclear Terrorism.

On 15 December, the Convention was adopted without a vote in UNGA Resolution 52/164. In this resolution, the UNGA condemned all acts, methods, and practices of terrorism as criminal and unjustifiable, wherever and by whomever committed. It also reiterated that criminal acts intended to provoke a state of terror in the general public, a group of persons, or particular persons for political purposes were unjustifiable, whatever the considerations of a political, philosophical, ideological, racial, ethnic, religious, or other nature that might be invoked to justify them. It called upon all States to implement specific measures, including consultations on improving the capability of governments to deal with terrorist attacks, research and development on the detection of explosives and other harmful substances, and measures to counter the financing of terrorists and terrorist organizations and urged them to consider, as a matter of priority, becoming parties to relevant instruments dealing with terrorism and to enact domestic legislation to implement those conventions and protocols.

At the adoption of the Convention, many agreed that although the text could be improved in certain aspects, it was the best possible compromise that could

be achieved at that time. Some States expressed disappointment with the limited character of the final text of the Convention and its numerous shortcomings. Different States identified possible ways to further strengthen the international legal anti-terrorism regime that should include:

- consequences of terrorist activities;
- acts of armed forces of a State when those actions violate provisions of the UN Charter or international law of armed conflict;
- agreement on a definition of terrorism and terrorist acts and distinction between terrorism and struggle for independence; and
- measures dealing with WMD terrorism.

**1996:** During the June 1996 G-7 summit meeting in Lyon, France, the G-7 leaders proclaimed their commitment to fight terrorism by all legal means and asked other States to help them thwart terrorist acts. They called on all States to join international conventions against terrorism by the year 2000 and to develop an international convention on terrorist bombings. In Paris, a ministerial meeting met to recommend further action. The participants of the meeting adopted a draft International Convention for the Suppression of Terrorist Bombing, proposed by the United States, to be submitted to the UNGA for consideration.

In September, the UN Secretary-General prepared a report pursuant to UNGA Resolution 50/53 related to the implementation of the 1994 Declaration, in which he reviewed existing international legal instruments relating to international terrorism and concluded that there was a need to elaborate international treaties or other kinds of instruments in areas or with respect to subjects not covered by existing treaties with the goal of developing a comprehensive legal framework of conventions for dealing with international terrorism. The secretary-general noted that even though there were 13 global or regional treaties on international terrorism, many of them were not universal and international terrorism was, in many instances, associated with drug trafficking, arms trading, smuggling of modern materials, money laundering, and with groups with extremist ideologies. The proposed measures included treaties covering terrorist bombings, terrorist fund-raising, arms trafficking, money laundering, prevention of the use of WMD by terrorists, and the use of modern information technology for terrorist purposes.

At the September 1996 Ministerial Meeting, the leaders of the Non-Aligned Movement (NAM) condemned terrorism and any political, diplomatic, mor-

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<sup>1</sup> China abstained from action on the draft on the grounds that it did not take into account concerns of many States.

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al, or material support for it. The NAM also reaffirmed its principled position under international law on the legitimacy of the struggle of peoples under colonial or alien domination and foreign occupation for national liberation and self-determination, which did not constitute terrorism. NAM leaders asked for the endorsement of the call for the definition of terrorism to differentiate between terrorism and the legitimate struggle of peoples for self-determination and national liberation.

In its Resolution 51/210 of 17 December, the UNGA adopted the Declaration to Supplement the 1994 Declaration on Measures to Eliminate International Terrorism. In the declaration, the UNGA reaffirmed that States should take appropriate measures in conformity with the relevant provisions of national and international law, including international standards of human rights, before granting refugee status, for the purpose of ensuring that asylum-seekers have not participated in terrorist acts. The resolution provided for establishing an Ad Hoc Committee to elaborate an International Convention for the Suppression of Terrorist Bombings, and an International Convention for the Suppression of Acts of Nuclear Terrorism, to supplement related existing international instruments. The UNGA also decided that the Ad Hoc Committee would at a later stage address means of further developing a comprehensive legal framework of conventions dealing with international terrorism.

The final communiqué of the meeting of the Damascus Declaration States (Bahrain, Egypt, Kuwait, Qatar, Saudi Arabia, Syria, and the United Arab Emirates) condemned all acts of terrorism, including the 1996 bombing of the Khobar Towers in Saudi Arabia. They condemned attempts to stigmatize legitimate national resistance as terrorism and upheld the inalienable right to resist occupation and aggression.

**1994:** The UNGA adopted the Declaration on Measures to Eliminate International Terrorism, annexed to UNGA Resolution 49/60, in which it declared that terrorist acts were unjustifiable, regardless of their political, philosophical, ideological, racial, ethnic, religious, or any other considerations meant to justify them. It required Member States to refrain from organizing, instigating, assisting, or participating in terrorist acts in territories of other States or acquiescing in or encouraging activities within their territories directed towards the commission of such acts. It also obligated Member States to refrain from organizing, instigating, facilitating, financing, encouraging, or tolerating terrorist activities and to take appropriate practical measures to ensure that their respective territories were not used for terrorist installations or

training camps, or for the preparation or organization of terrorist acts intended to be committed against other States or their citizens. The declaration encouraged Member States to urgently review the scope of the existing international legal provisions on the prevention, repression, and elimination of terrorism with the aim of ensuring that there is a comprehensive legal framework covering all aspects of the matter.

**1992:** In January, in a statement issued on the occasion of the Security Council Summit of 31 January, the members of the Council expressed their deep concern over acts of international terrorism and emphasized the need for the international community to deal effectively with all such acts.