

Optional Protocol to the Convention on the Safety of United Nations and Associated Personnel (New York, 8 December 2005)

OBJECTIVES

The Convention on the Safety of United Nations and Associated Personnel (the Convention), which was adopted on 9 December 1994, is a key legal instrument in efforts to give United Nations and associated personnel the security and the environment they need to do their work. Its entry into force in 1999 was a major step forward in strengthening the legal regime surrounding United Nations protection. The scope of the Convention covered United Nations operations where such operations are for the purpose of maintaining or restoring international peace and security, or where the Security Council or the General Assembly has declared that an exceptional risk exists to the safety of the personnel participating in the operation. Humanitarian, development, and other non-peacekeeping operations were covered only through such a declaration of exceptional risk. This was considered to be a serious flaw as there are no generally agreed criteria for determining whether such a risk exists. The new Optional Protocol to the Convention on the Safety of United Nations and Associated Personnel (the Optional Protocol) corrects this flaw. It expands the legal protection to all other United Nations operations, from emergency humanitarian assistance to peace building and the delivery of humanitarian, political and development assistance.

KEY PROVISIONS

The Optional Protocol expands the scope of the Convention to all other United Nations operations established by a competent organ of the United Nations in accordance with the United Nations Charter and conducted under United Nations authority and control for the purpose of (a) delivering humanitarian, political or development assistance in peace building, or (b) delivering emergency humanitarian assistance. A host State may make a declaration to the Secretary-General of the United Nations that it shall not apply the provisions of the Optional Protocol with respect to the delivery of emergency humanitarian assistance conducted in response to a natural disaster.

The duty of a Party to the Optional Protocol with respect to the application of article 8 of the Convention to United Nations operations as defined in the Optional Protocol shall be without prejudice to its right to take action in the exercise of its national jurisdiction over any United Nations or associated personnel who violates the laws and regulations of that Party, provided that such action is not in violation of any other international law obligation of the Party.

ENTRY INTO FORCE

The Optional Protocol is not in force. The Optional Protocol shall enter into force thirty days after twenty-two instruments of ratification, acceptance, approval or accession have been deposited with the Secretary-General of the United Nations (article VI).

HOW TO BECOME A PARTY

The Optional Protocol is closed for signature. It is subject to ratification, acceptance or approval by the signatory States, and is open to accession by any non-signatory State (article V).

Special Treaty Event April 2009

Any State which is not a Party to the Convention may ratify, accept, approve or accede to the Optional Protocol if at the same time it ratifies, accepts, approves or accedes to the Convention in accordance with articles 25 and 26 of the Convention (article V).

OPTIONAL AND/OR MANDATORY DECLARATIONS AND NOTIFICATIONS

The Optional Protocol is silent with regard to declarations and notifications.

RESERVATIONS

The Optional Protocol is silent with regard to reservations.

DENUNCIATION/WITHDRAWAL

Any Party may denounce the Optional Protocol by written notification to the depositary. Denunciation shall take effect one year following the date on which notification is received by the depositary (article VII).

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NOT YET IN FORCE: in accordance with article 6 which reads as follows: "1. This Protocol shall enter into force thirty days after twenty-two instruments of ratification, acceptance, approval or accession have been deposited with the Secretary-General of the United Nations. 2. For each State ratifying, accepting, approving or acceding to this Protocol after the deposit of the twenty-second instrument of ratification, acceptance, approval or accession, the Protocol shall enter into force on the thirtieth day after the deposit by such State of its instrument of ratification, acceptance, approval or accession."
STATUS: Signatories: 34. Parties: 16.
TEXT: Doc. A/60/518.

Note: The above Optional Protocol was adopted on 8 December 2005 during the 61st plenary meeting of the General Assembly by resolution A/60/42. In accordance with its article IV, the Optional Protocol shall be open for signature by all States from 16 January 2006 to 16 January 2007 at United Nations Headquarters in New York.

<i>Participant</i>	<i>Signature</i>	<i>Ratification, Accession(a), Acceptance(A), Approval(AA)</i>	<i>Participant</i>	<i>Signature</i>	<i>Ratification, Accession(a), Acceptance(A), Approval(AA)</i>
Australia	19 Sep 2006		Luxembourg	16 Jan 2006	
Austria	14 Mar 2006	1 Oct 2007	Mali	5 Jan 2007	
Azerbaijan	26 Sep 2006		Monaco		19 Apr 2007 a
Belgium	15 Sep 2006		Netherlands ¹	19 Sep 2006	12 Sep 2007 A
Bolivia	3 Aug 2006		New Zealand	20 Sep 2006	
Botswana		13 Jun 2007 a	Norway	20 Jan 2006	24 Feb 2006 AA
Bulgaria	20 Sep 2006		Poland	15 Sep 2006	
Central African Republic	27 Feb 2006		Republic of Korea	20 Sep 2006	
Chile	15 Sep 2006		Romania	20 Sep 2006	
Cyprus	13 Sep 2006		Senegal	17 Jan 2006	
Czech Republic	20 Sep 2006	23 Sep 2008	Sierra Leone	21 Sep 2006	
Finland	15 Jan 2007		Slovakia	22 Sep 2006	7 May 2007
France		8 Aug 2008 a	Slovenia	13 Oct 2006	
Germany	13 Sep 2006	17 Dec 2007	Spain	19 Sep 2006	27 Sep 2007
Guatemala		11 Nov 2008 a	Sweden	7 Jul 2006	30 Aug 2006
Kenya	12 Jan 2007	12 Jan 2007	Switzerland	19 Sep 2006	9 Nov 2007
Lebanon	14 Mar 2006		Tunisia	19 Sep 2006	31 Jan 2008
Liberia	21 Sep 2006		Ukraine	19 Sep 2006	
Liechtenstein	16 Jan 2006	4 May 2007	Uruguay	15 Sep 2006	

Notes:

¹ For the Kingdom in Europe.