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Part Two. Legal activities of the United Nations and related intergovernmental organizations

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Chapter IV

TREATIES CONCERNING INTERNATIONAL LAW CONCLUDED UNDER THE AUSPICES OF THE UNITED NATIONS AND RELATED INTERGOVERNMENTAL ORGANIZATIONS

A. Treaties concerning international law concluded under the auspices of the United Nations

1. International Convention for the Suppression of Acts of Nuclear Terrorism. New York, 13 April 2005*

The States Parties to this Convention,

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

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

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

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

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

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

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

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* Adopted during the 91st plenary meeting of the General Assembly by resolution 59/290 of 13 April 2005.

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

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

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

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

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

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

Have agreed as follows:

Article 1

For the purposes of this Convention:

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

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

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

3. "Nuclear facility" means:

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

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

4. "Device" means:

(*a*) Any nuclear explosive device; or

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

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

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

Article 2

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Article 3

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

Article 4

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

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

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

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

Article 5

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

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

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

Article 6

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

Article 7

1. States Parties shall cooperate by:

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

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

2. States Parties shall take appropriate measures consistent with their national law to protect the confidentiality of any information which they receive in confidence by virtue of the provisions of this Convention from another State Party or through participation in an activity carried out for the implementation of this Convention. If States Parties provide information to international organizations in confidence, steps shall be taken to ensure that the confidentiality of such information is protected.

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

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

Article 8

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

Article 9

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

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

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

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

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

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

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

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

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

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

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

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

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

Article 10

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

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

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

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

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

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

4. The rights referred to in paragraph 3 of the present article shall be exercised in conformity with the laws and regulations of the State in the territory of which the offender or alleged offender is present, subject to the provision that the said laws and regulations must enable full effect to be given to the purposes for which the rights accorded under paragraph 3 are intended.

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

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

Article 11

1. The State Party in the territory of which the alleged offender is present shall, in cases to which article 9 applies, if it does not extradite that person, be obliged, without exception whatsoever and whether or not the offence was committed in its territory, to submit the case without undue delay to its competent authorities for the purpose of prosecution, through proceedings in accordance with the laws of that State. Those authorities shall take their decision in the same manner as in the case of any other offence of a grave nature under the law of that State.

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

Article 12

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

Article 13

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

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

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

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

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

Article 14

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

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

Article 15

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

Article 16

Nothing in this Convention shall be interpreted as imposing an obligation to extradite or to afford mutual legal assistance if the requested State Party has substantial grounds

for believing that the request for extradition for offences set forth in article 2 or for mutual legal assistance with respect to such offences has been made for the purpose of prosecuting or punishing a person on account of that person's race, religion, nationality, ethnic origin or political opinion or that compliance with the request would cause prejudice to that person's position for any of these reasons.

Article 17

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

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

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

2. For the purposes of the present article:

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

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

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

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

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

Article 18

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

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

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

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

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

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

(*b*) Where it is not lawful for the State Party in possession of the radioactive material, devices or nuclear facilities to possess them, that State shall ensure that they are placed as soon as possible in the possession of a State for which such possession is lawful and which, where appropriate, has provided assurances consistent with the requirements of paragraph 1 of the present article in consultation with that State, for the purpose of rendering it harmless; such radioactive material, devices or nuclear facilities shall be used only for peaceful purposes.

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

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

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

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

Article 19

The State Party where the alleged offender is prosecuted shall, in accordance with its national law or applicable procedures, communicate the final outcome of the proceedings to the Secretary-General of the United Nations, who shall transmit the information to the other States Parties.

Article 20

States Parties shall conduct consultations with one another directly or through the Secretary-General of the United Nations, with the assistance of international organizations as necessary, to ensure effective implementation of this Convention.

Article 21

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

Article 22

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

Article 23

1. Any dispute between two or more States Parties concerning the interpretation or application of this Convention which cannot be settled through negotiation within a reasonable time shall, at the request of one of them, be submitted to arbitration. If, within six months of the date of the request for arbitration, the parties are unable to agree on the organization of the arbitration, any one of those parties may refer the dispute to the International Court of Justice, by application, in conformity with the Statute of the Court.

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

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

Article 24

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

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

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

Article 25

1. This Convention shall enter into force on the thirtieth day following the date of the deposit of the twenty-second instrument of ratification, acceptance, approval or accession with the Secretary-General of the United Nations.

2. For each State ratifying, accepting, approving or acceding to the Convention after the deposit of the twenty-second instrument of ratification, acceptance, approval or accession, the Convention shall enter into force on the thirtieth day after deposit by such State of its instrument of ratification, acceptance, approval or accession.

Article 26

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

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

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

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

Article 27

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

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

Article 28

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

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

2. Memorandum of Understanding on Maritime Transport Cooperation in the Arab Mashreq. Damascus, 9 May 2005*

The parties to this Memorandum of Understanding,

Guided by Economic and Social Council resolution 1818 (LV) of 9 August 1973, pursuant to which the Economic Commission for Western Asia (ECWA) was established and its duties determined, and its subsequent amendment by resolution 1985/69 of 26 July 1985, whereby the name and duties of the Commission were expanded to include the social aspect; guided also by the goals of cooperation that were laid down in both resolutions;

In an endeavour to establish cooperation and integration between members of the Economic and Social Commission for Western Asia (ESCWA) in the Arab Mashreq region;

Recognizing that maritime transport plays an important role in strengthening intraregional and foreign trade and promotes the economic and social integration of the ESCWA region and the Arab region in general;

Believing in the need to ensure the systematic development of the national merchant fleets of the region and the balanced development of maritime transport and seaports;

Taking into consideration what is consonant with and does not contradict the agreements, resolutions and arrangements previously agreed upon by the parties to the Memorandum of Understanding in the framework of the League of Arab States concerning coordination, cooperation and integration between the Arab countries in the field of transport;

Ensuring that the Memorandum of Understanding does not conflict with the regional and international agreements or conventions to which the parties have acceded;

With the desire of strengthening cooperation and harmonizing and coordinating policies in high priority fields in the maritime transport and port sector, as part of the relationship between the parties to the Memorandum of Understanding and with other countries;

In accordance with the recommendation made by the Committee on Transport at its third session, which was held in Beirut from 5 to 7 March 2002, to the effect that greater support should be given to maritime transport, in order to ensure that it keeps abreast of the progress made in the land transport field, and for studies and projects to be prepared on the matter, including a draft agreement between the parties to the Memorandum of Understanding on maritime transport; and that the appropriate means should be made available for that purpose;

Pursuant to resolution 309 of 23 March 2005, which was passed by the Council of the League of Arab States at the Summit level, at its seventeenth ministerial session in Algeria and which aimed at establishing a legal framework for Arab cooperation in various areas of maritime transport and with a view to ensuring the integration and full exploitation of the potentials of the private Arab maritime transport sector;

Have agreed as follows:

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* Adopted during the twenty-third ministerial session of the Economic and Social Commission for Western Asia (ESCWA) at Damascus on 9 May 2005 (E/ESCWA/23/RES/L.254).

Article 1. Definitions

The terms used in the Memorandum of Understanding shall have the meanings set forth below:

National merchant fleets

Vessels belonging to national public and private sector companies or jointly owned with other members, or companies or individuals from other members and flying the flag of a party to the Memorandum of Understanding.

Seaports and harbours

All the commercial seaports and harbours of the region, regardless of their capacity or size or the commercial purposes to which they are dedicated.

Coastal transportation

Maritime transport between the seaports and harbours of the region, giving due consideration to the systems and legislation of each party concerning coastal transportation.

International multimodal transport

The term shall have the meaning set forth in the United Nations Convention on the International Multimodal Transport of Goods, namely, "the carriage of goods by at least two different modes of transport on the basis of a multimodal transport contract from a place in one country at which the goods are taken in charge by the multimodal transport operator to a place designated for delivery situated in a different country".

Port State Control

The mechanism for the inspection and control of foreign vessels visiting ports of the region, which is known internationally as Port State Control (PSC).

Marine protection and indemnity club

The club which covers insurance risks for cargo, ships' appurtenances, crew and the losses sustained by a third party which are not covered by insurance companies.

Ship classification

Control over technical and quality standards by means of the application of the international principles and rules governing the building of ships, alterations to their design and their maintenance, and the issuance of certificates and reports relating thereto.

Article 2. The principles and goals of the Memorandum of Understanding

1. The parties to this Memorandum of Understanding shall observe the following basic principles for cooperation in the field of maritime transport:

(*a*) Action to standardize and coordinate the policies of the parties to this Memorandum of Understanding in fields relating to regional and international maritime transport, seaports and harbours;

(*b*) With a view to strengthening economic and social development, increase the efficiency and effectiveness of maritime transport-related activities and services and of seaports and harbours. (See attached annex for a map of the network of seaports and

harbours and shipping routes in the Arab Mashreq, which does not constitute part of this Memorandum of Understanding and is purely for reference*).

2. The parties to this Memorandum of Understanding shall respect the following goals for cooperation in the field of maritime transport:

(*a*) To determine and execute harmonized maritime policies that are capable of realizing the sustainable development of the merchant fleets, and to firmly establish cooperation between the parties to the Memorandum of Understanding at the regional and subregional levels and with all regions and areas;

(*b*) To hold regular consultations aimed at reaching unified positions at the regional and international levels with regard to maritime transport policies, decision-making and the finding of solutions to specific problems and obstacles in respect of maritime transport policies;

(*c*) To harmonize the aspirations and positions of the parties to the Memorandum of Understanding with regard to accession to and implementation of the regional and international agreements and conventions on maritime transport to which they are parties;

(*d*) To strengthen bilateral and multilateral cooperation between maritime transport or maritime departments;

(*e*) To prepare studies that will promote strengthened cooperation in the field of maritime transport and seaport and harbour operations and with all regions;

(*f*) To take action to strengthen and activate the role of national maritime transport institutions; encourage the activities of transport councils and unions and representative agencies, national shipping lines, national and Arab maritime cooperatives, unions and institutions, and training and scientific research institutes in the maritime field.

Article 3. National merchant fleets

The parties to this Memorandum of Understanding have agreed as follows:

(*a*) To carry out and exchange studies and periodic follow-up on the status of national shipping companies, with a view to their development;

(*b*) To encourage funding institutions within and beyond the region to support the parties to the Memorandum of Understanding in policies aimed at improving, employing and developing national fleets; to urge the establishment of a special fund to finance the purchase and building of modern vessels, thereby developing national fleets;

(*c*) To encourage the national shipping companies of the parties to the Memorandum of Understanding to enter into mutual agreements, covenants and mergers; and to promote the liberalization of comprehensive and effective transport services, including international multimodal transport;

(*d*) To promote the transportation of goods by national fleets whenever possible, including those involved in trade that is the result of Government assistance and of bilat-

* The annex is not published herein.

eral and multilateral trade agreements, while ensuring the high standard and competitiveness of services;

(*e*) To coordinate and integrate the national fleets of the parties to the Memorandum of Understanding with respect to the transport of commodities, the exchange of slots and partnerships to ensure the optimal use of fleets; to encourage the establishment of joint marketing networks for maritime transport services at the regional and international levels, by activating the role of such existing specialist unions as the Arab Federation of Shipping and any such unions that are established in the future;

(*f*) To consolidate and coordinate efforts in following up new developments in the field and the application of international maritime requirements and standards;

(*g*) To strengthen cooperation with regard to the building, maintenance and repair of vessels.

Article 4. Seaports and harbours

The parties to this Memorandum of Understanding have agreed as follows:

(*a*) To simplify and standardize the laws, regulations and procedures that govern the operation of seaports and harbours, including customs, health and administrative procedures, in order to reduce the time spent by vessels in their ports, in accordance with the Convention on Facilitation of International Maritime Traffic and its amendments;

(*b*) To develop and update the institutional frameworks for seaport and harbour management with a view to achieving greater efficiency;

(*c*) To standardize tariff, dues and charges structures and statistical systems relating to maritime transport and ports;

(*d*) To establish cooperation between the parties to the Memorandum of Understanding with respect to the exchange of expertise in the management and operation of seaports and harbours;

(*e*) To raise standards of performance and efficiency in seaports and harbours and increase their competitive capabilities;

(*f*) To diversify the activities of seaports and harbours to include, *inter alia*, the industrial, commercial and logistical fields and regional and international distribution services;

(*g*) To exchange information, using electronic data interchange systems, on the shipping lines and vessels operating between seaports and harbours, and the available capacity of national fleets, in order to achieve coordination and integration;

(*h*) To prepare periodic studies and strategic plans for the development of seaports and harbours.

Article 5. Coastal transportation between the seaports of the parties to this Memorandum of Understanding

The parties to this Memorandum of Understanding have agreed to develop coastal transportation between their seaports, with a view to increasing the volume of intraregional trade, using the following methods:

(*a*) By encouraging coastal transportation movements between seaports and harbours and providing facilities and support for national coastal transport companies;

(*b*) By providing and developing coastal transport services and according them appropriate capacities and facilities;

(*c*) By facilitating the reception of coastal transport ships and vessels and providing them with the appropriate services and facilities in seaports and harbours;

(*d*) To simplify and facilitate port and customs procedures and all other procedures relating to vessels and commodities involved in coastal transportation in ports and harbours.

Article 6. Port State Control

The parties to this Memorandum of Understanding have agreed as follows:

(*a*) To take action to apply Port State Control to the ships in their seaports and to cooperate in the electronic interchange of data relating to certificates and other documents on those ships;

(*b*) To establish control centres in ports, standardize the procedures applied and employ specialized, experienced controllers and inspectors, in accordance with the provisions of the relevant international agreements in force.

Article 7. The marine labour force, education and training

The parties to this Memorandum of Understanding shall observe the following:

(*a*) Compliance with regional and international laws and standards concerning the marine labour force, living and working conditions on board ship and maritime education, training and qualification;

(*b*) Accession to regional and international agreements and conventions concerning the marine labour force and education, training and qualification and, in particular, those of the International Labour Organization and the International Maritime Organization;

(*c*) The employment in national fleets of a marine labour force comprised of their nationals with the necessary qualifications provided for under the international conventions in force. Priority should be given to the national work force through a system for the exchange of marine labourers;

(*d*) The need to provide practical maritime training opportunities on the vessels of the parties to this Memorandum of Understanding for student trainees, officers and marine engineers who are nationals of the parties to the Memorandum and, in particular, of those who do not possess any vessels, to carry out marine service;

(*e*) The need to establish and support centres and institutions for education, research, training and information on the maritime transport sector, by means of the following:

(i) Establishing a maritime databank in order to store information and permit the parties to the Memorandum of Understanding to exchange such information electronically;

(ii) Formulating and developing curriculums and systems for maritime training, coordinating training programmes and exchanging training expertise between the parties to the Memorandum of Understanding.

Article 8. Marine safety and security and the protection of the marine environment

The parties to this Memorandum of Understanding have agreed as follows:

(*a*) To comply with the regional and international laws and standards relating to marine safety;

(*b*) To comply with the regional and international laws and standards relating to the security of ports and vessels;

(*c*) To comply with the regional and international laws and standards relating to the prohibition, prevention and eradication of the pollution of the marine environment and the preservation of that environment;

(*d*) To cooperate with the parties to the Memorandum of Understanding in respect of the fields referred to above;

(*e*) To exchange, using electronic means, information on security procedures at ports and on board ship;

(*f*) To exchange, using electronic means, information on rapid intervention plans for the prevention of marine pollution within ports;

(*g*) To undertake on a periodic and regular basis joint exercises in the prevention of marine pollution;

(*h*) To coordinate and cooperate in combating marine pollution;

(*i*) To establish and support marine and environmental safety and security education and training centres.

Article 9. Regional and international conferences

The parties to this Memorandum of Understanding have agreed as follows:

(*a*) To coordinate with a view to reaching uniform stances at the regional and international levels;

(*b*) To participate effectively in international conferences on maritime transport and seaports, in order to be involved in the formulation of regional and international policies and legislation on those issues, while reserving the rights and future of the maritime sector and ports.

Article 10. Maritime protection and indemnity

The parties to this Memorandum of Understanding have agreed to urge national shipping companies to coordinate with maritime protection and indemnity clubs in respect of the insurance of goods and vessels, with a view to gaining relative advantages from such cooperation, and to consider joining the maritime protection and indemnity club of the Association of Islamic Shipowners, with a view to insuring the ships of the companies of the parties to the Memorandum of Understanding.

Article 11. Marine insurance

The parties to this Memorandum of Understanding have agreed to encourage dealings with national ship insurance companies.

Article 12. Vessel classification

The parties to this Memorandum of Understanding have agreed to take action to activate the Arab Organization for the Classification of Vessels and to urge those countries that have not yet done so to accede to the agreement concerning the establishment of that Organization.

Article 13. International multimodal transport

The parties to this Memorandum of Understanding have agreed to call for the application of international multimodal transport as part of the Integrated Transport System in the Arab Mashreq (ITSAM) and in accordance with the internationally recognized procedures and instruments concerning the operations of that type of transport; and to accede to the United Nations Multimodal Transport Convention and other relevant conventions.

Article 14. Legislation and procedures

The parties to this Memorandum of Understanding have agreed to develop existing maritime legislation with a view to achieving the goals of developing maritime transport and ports in keeping with the relevant international agreements and conventions.

Article 15. Executive mechanisms

The parties to this Memorandum of Understanding have agreed to assign responsibility for follow-up and activation of the Memorandum of Understanding to the ESCWA Committee on Transport.

Article 16. Signature, ratification, acceptance, approval and accession

1. This Memorandum of Understanding shall be open for signature by members of the Economic and Social Commission for Western Asia in Damascus, from 9 to 12 May 2005 and thereafter at United Nations Headquarters in New York until 31 December 2005.

2. The members referred to in paragraph 1 above shall become parties to this Memorandum of Understanding by one of the following means:

(*a*) Definitive signature, namely, signature without ratification, acceptance or approval;

(*b*) Signature subject to ratification, acceptance or approval, followed by ratification, acceptance or approval;

(*c*) Accession.

3. Ratification, acceptance, approval or accession shall be effected by the deposit of the required instrument with the depositary.

4. States other than members of ESCWA may accede to this Memorandum of Understanding upon approval by all ESCWA members parties thereto, by depositing an instrument of accession with the depositary. The ESCWA secretariat shall distribute the applications for accession of non-members of ESCWA to members of ESCWA parties to the Memorandum of Understanding for their approval. Once notifications approving such applications are received from all members of ESCWA parties to the Memorandum of Understanding, the application for accession shall be deemed approved. The secretariat shall notify the depositary of such approval.

Article 17. Entry into force

1. This Memorandum of Understanding shall enter into force ninety (90) days after five (5) members of ESCWA have put their definitive signature thereto, or deposited an instrument of ratification, acceptance, approval or accession.

2. With respect to any member of ESCWA that puts its definitive signature to the Memorandum of Understanding or deposits the instrument of ratification, acceptance, approval or accession after the date on which five (5) members of ESCWA have put their definitive signature thereto or deposited an instrument of ratification, acceptance, approval or accession, the Memorandum of Understanding shall enter into force ninety (90) days after that member has put thereto its definitive signature or deposited the instrument of ratification, acceptance, approval or accession. With respect to any non-member of ESCWA that deposits an instrument of ratification, the Memorandum of Understanding shall enter into force ninety (90) days after that member has deposited that instrument.

Article 18. Amendments

1. Once the Memorandum of Understanding has entered into force, any party thereto may propose amendments thereto.

2. Any proposed amendments to the Memorandum of Understanding shall be submitted to the ESCWA Committee on Transport.

3. Amendments shall be adopted if they are approved by two thirds of the parties to the Memorandum of Understanding that are present at a meeting to be called for that purpose which includes the parties directly concerned with the proposed amendment.

4. The ESCWA Committee on Transport shall inform the depositary of amendments that are adopted in accordance with paragraph 3 of this article no later than forty-five (45) days after the adoption of those amendments.

5. The depositary shall inform all parties to the Memorandum of Understanding of amendments thereto that are adopted. Such amendments shall enter into force with respect to all parties three (3) months after those parties have been informed thereof, unless the depositary receives objections thereto from more than one third of the parties to the Memorandum of Understanding within three (3) months of the date on which they were informed of the amendments.

6. No amendment may be made to this Memorandum of Understanding during the period specified in article 19 below if, upon the withdrawal of one party, the number of parties to the Memorandum of Understanding becomes fewer than five (5).

Article 19. Withdrawal

Any party may withdraw from the Memorandum of Understanding by giving written notice to that effect to the depositary. Withdrawal shall be effective twelve (12) months after that notice has been deposited, unless revoked by the party before the expiration of that period.

Article 20. Termination

This Memorandum of Understanding shall cease to be in force if the number of parties thereto falls to fewer than five (5) in any successive period of twelve (12) months.

Article 21. Scope of the Memorandum of Understanding

1. No party to the Memorandum of Understanding shall be prevented by any part of the text thereof from taking any measures it considers necessary for its internal or external security or in its interests.

2. Information on such measures, which should be temporary, and on the nature thereof, must be notified to the depositary as soon as they are taken.

3. No party to this Memorandum of Understanding shall be prevented thereby from concluding agreements or treaties on maritime transport, seaports and harbours, guided by the principles and goals of this Memorandum of Understanding whenever possible.

Article 22. The depositary

The Secretary-General of the United Nations shall be the depositary of this Memorandum of Understanding.

In witness whereof, the undersigned, being duly authorized thereto, have signed this Memorandum of Understanding.

Done at Damascus on the ninth day of May 2005, in the Arabic and English languages, which are equally authentic.

3. United Nations Convention on the Use of Electronic Communications in International Contracts. New York, 23 November 2005*

The States Parties to this Convention,

Reaffirming their belief that international trade on the basis of equality and mutual benefit is an important element in promoting friendly relations among States,

Noting that the increased use of electronic communications improves the efficiency of commercial activities, enhances trade connections and allows new access opportunities for previously remote parties and markets, thus playing a fundamental role in promoting trade and economic development, both domestically and internationally,

* Adopted during the 53rd plenary meeting of the General Assembly by resolution 60/21 of 23 November 2005.

Considering that problems created by uncertainty as to the legal value of the use of electronic communications in international contracts constitute an obstacle to international trade,

Convinced that the adoption of uniform rules to remove obstacles to the use of electronic communications in international contracts, including obstacles that might result from the operation of existing international trade law instruments, would enhance legal certainty and commercial predictability for international contracts and help States gain access to modern trade routes,

Being of the opinion that uniform rules should respect the freedom of parties to choose appropriate media and technologies, taking account of the principles of technological neutrality and functional equivalence, to the extent that the means chosen by the parties comply with the purpose of the relevant rules of law,

Desiring to provide a common solution to remove legal obstacles to the use of electronic communications in a manner acceptable to States with different legal, social and economic systems,

Have agreed as follows:

Chapter I. Sphere of application

Article 1. Scope of application

1. This Convention applies to the use of electronic communications in connection with the formation or performance of a contract between parties whose places of business are in different States.

2. The fact that the parties have their places of business in different States is to be disregarded whenever this fact does not appear either from the contract or from any dealings between the parties or from information disclosed by the parties at any time before or at the conclusion of the contract.

3. Neither the nationality of the parties nor the civil or commercial character of the parties or of the contract is to be taken into consideration in determining the application of this Convention.

Article 2. Exclusions

1. This Convention does not apply to electronic communications relating to any of the following:

(*a*) Contracts concluded for personal, family or household purposes;

(*b*) (i) Transactions on a regulated exchange; (ii) foreign exchange transactions; (iii) inter-bank payment systems, inter-bank payment agreements or clearance and settlement systems relating to securities or other financial assets or instruments; (iv) the transfer of security rights in sale, loan or holding of or agreement to repurchase securities or other financial assets or instruments held with an intermediary.

2. This Convention does not apply to bills of exchange, promissory notes, consignment notes, bills of lading, warehouse receipts or any transferable document or instrument that entitles the bearer or beneficiary to claim the delivery of goods or the payment of a sum of money.

Article 3. Party autonomy

The parties may exclude the application of this Convention or derogate from or vary the effect of any of its provisions.

Chapter II. General provisions

Article 4. Definitions

For the purposes of this Convention:

(*a*) "Communication" means any statement, declaration, demand, notice or request, including an offer and the acceptance of an offer, that the parties are required to make or choose to make in connection with the formation or performance of a contract;

(*b*) "Electronic communication" means any communication that the parties make by means of data messages;

(*c*) "Data message" means information generated, sent, received or stored by electronic, magnetic, optical or similar means, including, but not limited to, electronic data interchange, electronic mail, telegram, telex or telecopy;

(*d*) "Originator" of an electronic communication means a party by whom, or on whose behalf, the electronic communication has been sent or generated prior to storage, if any, but it does not include a party acting as an intermediary with respect to that electronic communication;

(*e*) "Addressee" of an electronic communication means a party who is intended by the originator to receive the electronic communication, but does not include a party acting as an intermediary with respect to that electronic communication;

(*f*) "Information system" means a system for generating, sending, receiving, storing or otherwise processing data messages;

(*g*) "Automated message system" means a computer program or an electronic or other automated means used to initiate an action or respond to data messages or performances in whole or in part, without review or intervention by a natural person each time an action is initiated or a response is generated by the system;

(*h*) "Place of business" means any place where a party maintains a non-transitory establishment to pursue an economic activity other than the temporary provision of goods or services out of a specific location.

Article 5. Interpretation

1. In the interpretation of this Convention, regard is to be had to its international character and to the need to promote uniformity in its application and the observance of good faith in international trade.

2. Questions concerning matters governed by this Convention which are not expressly settled in it are to be settled in conformity with the general principles on which it is based or, in the absence of such principles, in conformity with the law applicable by virtue of the rules of private international law.

Article 6. Location of the parties

1. For the purposes of this Convention, a party's place of business is presumed to be the location indicated by that party, unless another party demonstrates that the party making the indication does not have a place of business at that location.

2. If a party has not indicated a place of business and has more than one place of business, then the place of business for the purposes of this Convention is that which has the closest relationship to the relevant contract, having regard to the circumstances known to or contemplated by the parties at any time before or at the conclusion of the contract.

3. If a natural person does not have a place of business, reference is to be made to the person's habitual residence.

4. A location is not a place of business merely because that is: (a) where equipment and technology supporting an information system used by a party in connection with the formation of a contract are located; or (b) where the information system may be accessed by other parties.

5. The sole fact that a party makes use of a domain name or electronic mail address connected to a specific country does not create a presumption that its place of business is located in that country.

Article 7. Information requirements

Nothing in this Convention affects the application of any rule of law that may require the parties to disclose their identities, places of business or other information, or relieves a party from the legal consequences of making inaccurate, incomplete or false statements in that regard.

Chapter III. Use of electronic communications in international contracts

Article 8. Legal recognition of electronic communications

1. A communication or a contract shall not be denied validity or enforceability on the sole ground that it is in the form of an electronic communication.

2. Nothing in this Convention requires a party to use or accept electronic communications, but a party's agreement to do so may be inferred from the party's conduct.

Article 9. Form requirements

1. Nothing in this Convention requires a communication or a contract to be made or evidenced in any particular form.

2. Where the law requires that a communication or a contract should be in writing, or provides consequences for the absence of writing, that requirement is met by an electronic communication if the information contained therein is accessible so as to be usable for subsequent reference.

3. Where the law requires that a communication or a contract should be signed by a party, or provides consequences for the absence of a signature, that requirement is met in relation to an electronic communication if:

(*a*) A method is used to identify the party and to indicate that party's intention in respect of the information contained in the electronic communication; and

(*b*) The method used is either:

(i) As reliable as appropriate for the purpose for which the electronic communication was generated or communicated, in the light of all the circumstances, including any relevant agreement; or

(ii) Proven in fact to have fulfilled the functions described in subparagraph (a) above, by itself or together with further evidence.

4. Where the law requires that a communication or a contract should be made available or retained in its original form, or provides consequences for the absence of an original, that requirement is met in relation to an electronic communication if:

(*a*) There exists a reliable assurance as to the integrity of the information it contains from the time when it was first generated in its final form, as an electronic communication or otherwise; and

(*b*) Where it is required that the information it contains be made available, that information is capable of being displayed to the person to whom it is to be made available.

5. For the purposes of paragraph 4 (a):

(*a*) The criteria for assessing integrity shall be whether the information has remained complete and unaltered, apart from the addition of any endorsement and any change that arises in the normal course of communication, storage and display; and

(*b*) The standard of reliability required shall be assessed in the light of the purpose for which the information was generated and in the light of all the relevant circumstances.

Article 10. Time and place of dispatch and receipt of electronic communications

1. The time of dispatch of an electronic communication is the time when it leaves an information system under the control of the originator or of the party who sent it on behalf of the originator or, if the electronic communication has not left an information system under the control of the originator or of the party who sent it on behalf of the originator, the time when the electronic communication is received.

2. The time of receipt of an electronic communication is the time when it becomes capable of being retrieved by the addressee at an electronic address designated by the addressee. The time of receipt of an electronic communication at another electronic address of the addressee is the time when it becomes capable of being retrieved by the addressee at that address and the addressee becomes aware that the electronic communication has been sent to that address. An electronic communication is presumed to be capable of being retrieved by the addressee when it reaches the addressee's electronic address.

3. An electronic communication is deemed to be dispatched at the place where the originator has its place of business and is deemed to be received at the place where the addressee has its place of business, as determined in accordance with article 6.

4. Paragraph 2 of this article applies notwithstanding that the place where the information system supporting an electronic address is located may be different from the place where the electronic communication is deemed to be received under paragraph 3 of this article.

Article 11. Invitations to make offers

A proposal to conclude a contract made through one or more electronic communications which is not addressed to one or more specific parties, but is generally accessible to parties making use of information systems, including proposals that make use of interactive applications for the placement of orders through such information systems, is to be considered as an invitation to make offers, unless it clearly indicates the intention of the party making the proposal to be bound in case of acceptance.

Article 12. Use of automated message systems for contract formation

A contract formed by the interaction of an automated message system and a natural person, or by the interaction of automated message systems, shall not be denied validity or enforceability on the sole ground that no natural person reviewed or intervened in each of the individual actions carried out by the automated message systems or the resulting contract.

Article 13. Availability of contract terms

Nothing in this Convention affects the application of any rule of law that may require a party that negotiates some or all of the terms of a contract through the exchange of electronic communications to make available to the other party those electronic communications which contain the contractual terms in a particular manner, or relieves a party from the legal consequences of its failure to do so.

Article 14. Error in electronic communications

1. Where a natural person makes an input error in an electronic communication exchanged with the automated message system of another party and the automated message system does not provide the person with an opportunity to correct the error, that person, or the party on whose behalf that person was acting, has the right to withdraw the portion of the electronic communication in which the input error was made if:

(*a*) The person, or the party on whose behalf that person was acting, notifies the other party of the error as soon as possible after having learned of the error and indicates that he or she made an error in the electronic communication; and

(*b*) The person, or the party on whose behalf that person was acting, has not used or received any material benefit or value from the goods or services, if any, received from the other party.

2. Nothing in this article affects the application of any rule of law that may govern the consequences of any error other than as provided for in paragraph 1.

Chapter IV. Final provisions

Article 15. Depositary

The Secretary-General of the United Nations is hereby designated as the depositary for this Convention.

Article 16. Signature, ratification, acceptance or approval

1. This Convention is open for signature by all States at United Nations Headquarters in New York from 16 January 2006 to 16 January 2008.

2. This Convention is subject to ratification, acceptance or approval by the signatory States.

3. This Convention is open for accession by all States that are not signatory States as from the date it is open for signature.

4. Instruments of ratification, acceptance, approval and accession are to be deposited with the Secretary General of the United Nations.

Article 17. Participation by regional economic integration organizations

1. A regional economic integration organization that is constituted by sovereign States and has competence over certain matters governed by this Convention may similarly sign, ratify, accept, approve or accede to this Convention. The regional economic integration organization shall in that case have the rights and obligations of a Contracting State, to the extent that that organization has competence over matters governed by this Convention. Where the number of Contracting States is relevant in this Convention, the regional economic integration organization shall not count as a Contracting State in addition to its member States that are Contracting States.

2. The regional economic integration organization shall, at the time of signature, ratification, acceptance, approval or accession, make a declaration to the depositary specifying the matters governed by this Convention in respect of which competence has been transferred to that organization by its member States. The regional economic integration organization shall promptly notify the depositary of any changes to the distribution of competence, including new transfers of competence, specified in the declaration under this paragraph.

3. Any reference to a "Contracting State" or "Contracting States" in this Convention applies equally to a regional economic integration organization where the context so requires.

4. This Convention shall not prevail over any conflicting rules of any regional economic integration organization as applicable to parties whose respective places of business are located in States members of any such organization, as set out by declaration made in accordance with article 21.

Article 18. Effect in domestic territorial units

1. If a Contracting State has two or more territorial units in which different systems of law are applicable in relation to the matters dealt with in this Convention, it may, at the time of signature, ratification, acceptance, approval or accession, declare that this Conven-

tion is to extend to all its territorial units or only to one or more of them, and may amend its declaration by submitting another declaration at any time.

2. These declarations are to be notified to the depositary and are to state expressly the territorial units to which the Convention extends.

3. If, by virtue of a declaration under this article, this Convention extends to one or more but not all of the territorial units of a Contracting State, and if the place of business of a party is located in that State, this place of business, for the purposes of this Convention, is considered not to be in a Contracting State, unless it is in a territorial unit to which the Convention extends.

4. If a Contracting State makes no declaration under paragraph 1 of this article, the Convention is to extend to all territorial units of that State.

Article 19. Declarations on the scope of application

1. Any Contracting State may declare, in accordance with article 21, that it will apply this Convention only:

(*a*) When the States referred to in article 1, paragraph 1, are Contracting States to this Convention; or

(*b*) When the parties have agreed that it applies.

2. Any Contracting State may exclude from the scope of application of this Convention the matters it specifies in a declaration made in accordance with article 21.

Article 20. Communications exchanged under other international conventions

1. The provisions of this Convention apply to the use of electronic communications in connection with the formation or performance of a contract to which any of the following international conventions, to which a Contracting State to this Convention is or may become a Contracting State, apply:

Convention on the Recognition and Enforcement of Foreign Arbitral Awards (New York, 10 June 1958);

Convention on the Limitation Period in the International Sale of Goods (New York, 14 June 1974) and Protocol thereto (Vienna, 11 April 1980);

United Nations Convention on Contracts for the International Sale of Goods (Vienna, 11 April 1980);

United Nations Convention on the Liability of Operators of Transport Terminals in International Trade (Vienna, 19 April 1991);

United Nations Convention on Independent Guarantees and Stand-by Letters of Credit (New York, 11 December 1995);

United Nations Convention on the Assignment of Receivables in International Trade (New York, 12 December 2001).

2. The provisions of this Convention apply further to electronic communications in connection with the formation or performance of a contract to which another international convention, treaty or agreement not specifically referred to in paragraph 1 of this article, and to which a Contracting State to this Convention is or may become a Contract-

ing State, applies, unless the State has declared, in accordance with article 21, that it will not be bound by this paragraph.

3. A State that makes a declaration pursuant to paragraph 2 of this article may also declare that it will nevertheless apply the provisions of this Convention to the use of electronic communications in connection with the formation or performance of any contract to which a specified international convention, treaty or agreement applies to which the State is or may become a Contracting State.

4. Any State may declare that it will not apply the provisions of this Convention to the use of electronic communications in connection with the formation or performance of a contract to which any international convention, treaty or agreement specified in that State's declaration, to which the State is or may become a Contracting State, applies, including any of the conventions referred to in paragraph 1 of this article, even if such State has not excluded the application of paragraph 2 of this article by a declaration made in accordance with article 21.

Article 21. Procedure and effects of declarations

1. Declarations under article 17, paragraph 4, article 19, paragraphs 1 and 2, and article 20, paragraphs 2, 3 and 4, may be made at any time. Declarations made at the time of signature are subject to confirmation upon ratification, acceptance or approval.

2. Declarations and their confirmations are to be in writing and to be formally notified to the depositary.

3. A declaration takes effect simultaneously with the entry into force of this Convention in respect of the State concerned. However, a declaration of which the depositary receives formal notification after such entry into force takes effect on the first day of the month following the expiration of six months after the date of its receipt by the depositary.

4. Any State that makes a declaration under this Convention may modify or withdraw it at any time by a formal notification in writing addressed to the depositary. The modification or withdrawal is to take effect on the first day of the month following the expiration of six months after the date of the receipt of the notification by the depositary.

Article 22. Reservations

No reservations may be made under this Convention.

Article 23. Entry into force

1. This Convention enters into force on the first day of the month following the expiration of six months after the date of deposit of the third instrument of ratification, acceptance, approval or accession.

2. When a State ratifies, accepts, approves or accedes to this Convention after the deposit of the third instrument of ratification, acceptance, approval or accession, this Convention enters into force in respect of that State on the first day of the month following the expiration of six months after the date of the deposit of its instrument of ratification, acceptance, approval or accession.

Article 24. Time of application

This Convention and any declaration apply only to electronic communications that are made after the date when the Convention or the declaration enters into force or takes effect in respect of each Contracting State.

Article 25. Denunciations

1. A Contracting State may denounce this Convention by a formal notification in writing addressed to the depositary.

2. The denunciation takes effect on the first day of the month following the expiration of twelve months after the notification is received by the depositary. Where a longer period for the denunciation to take effect is specified in the notification, the denunciation takes effect upon the expiration of such longer period after the notification is received by the depositary.

DONE at New York this twenty-third day of November two thousand and five, in a single original, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic.

IN WITNESS WHEREOF the undersigned plenipotentiaries, being duly authorized by their respective Governments, have signed this Convention.

4. Optional Protocol to the Convention on the Safety of United Nations and Associated Personnel. New York, 8 December 2005*

The States Parties to this Protocol,

Recalling the terms of the Convention on the Safety of United Nations and Associated Personnel, done at New York on 9 December 1994,

Deeply concerned over the continuing pattern of attacks against United Nations and associated personnel,

Recognizing that United Nations operations conducted for the purposes of delivering humanitarian, political or development assistance in peacebuilding and of delivering emergency humanitarian assistance which entail particular risks for United Nations and associated personnel require the extension of the scope of legal protection under the Convention to such personnel,

Convinced of the need to have in place an effective regime to ensure that the perpetrators of attacks against United Nations and associated personnel engaged in United Nations operations are brought to justice,

Have agreed as follows:

Article I. Relationships

This Protocol supplements the Convention on the Safety of United Nations and Associated Personnel, done at New York on 9 December 1994 (hereinafter referred to as "the

* Adopted during the 61st plenary meeting of the General Assembly by resolution 60/42 of 8 December 2005.

Convention"), and as between the Parties to this Protocol, the Convention and the Protocol shall be read and interpreted together as a single instrument.

Article II. Application of the Convention to United Nations operations

1. The Parties to this Protocol shall, in addition to those operations as defined in article 1 (c) of the Convention, apply the Convention in respect of all other United Nations operations established by a competent organ of the United Nations in accordance with the Charter of the United Nations and conducted under United Nations authority and control for the purposes of:

(*a*) Delivering humanitarian, political or development assistance in peacebuilding, or

(*b*) Delivering emergency humanitarian assistance.

2. Paragraph 1 does not apply to any permanent United Nations office, such as headquarters of the Organization or its specialized agencies established under an agreement with the United Nations.

3. A host State may make a declaration to the Secretary-General of the United Nations that it shall not apply the provisions of this Protocol with respect to an operation under article II (1) (b) which is conducted for the sole purpose of responding to a natural disaster. Such a declaration shall be made prior to the deployment of the operation.

Article III. Duty of a State Party with respect to article 8 of the Convention

The duty of a State Party to this Protocol with respect to the application of article 8 of the Convention to United Nations operations defined in article II of this 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 State, provided that such action is not in violation of any other international law obligation of the State Party.

Article IV. Signature

This Protocol shall be open for signature by all States at United Nations Headquarters for twelve months, from 16 January 2006 to 16 January 2007.

Article V. Consent to be bound

1. This Protocol shall be subject to ratification, acceptance or approval by the signatory States. Instruments of ratification, acceptance or approval shall be deposited with the Secretary-General of the United Nations.

2. This Protocol shall, after 16 January 2007, be open for accession by any non-signatory State. Instruments of accession shall be deposited with the Secretary-General of the United Nations.

3. Any State that is not a State Party to the Convention may ratify, accept, approve or accede to this Protocol if at the same time it ratifies, accepts, approves or accedes to the Convention in accordance with articles 25 and 26 thereof.

Article VI. Entry into force

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.

Article VII. Denunciation

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

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

Article VIII. Authentic texts

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

Done at New York this eighth day of December two thousand and five.

B. Treaties concerning international law concluded under the auspices of intergovernmental organizations related to the United Nations

United Nations Educational, Scientific and Cultural Organization

1. International Convention Against Doping in Sport. Paris, 19 October 2005*

The General Conference of the United Nations Educational, Scientific and Cultural Organization, hereinafter referred to as "UNESCO", meeting in Paris, from 3 to 21 October 2005, at its 33rd session,

Considering that the aim of UNESCO is to contribute to peace and security by promoting collaboration among nations through education, science and culture,

Referring to existing international instruments relating to human rights,

Aware of resolution 58/5 adopted by the General Assembly of the United Nations on 3 November 2003, concerning sport as a means to promote education, health, development and peace, notably its paragraph 7,

* Adopted during the 33rd session of the General Conference of the United Nations Educational, Scientific and Cultural Organization, on 19 October 2005.

Conscious that sport should play an important role in the protection of health, in moral, cultural and physical education and in promoting international understanding and peace,

Noting the need to encourage and coordinate international cooperation towards the elimination of doping in sport,

Concerned by the use of doping by athletes in sport and the consequences thereof for their health, the principle of fair play, the elimination of cheating and the future of sport,

Mindful that doping puts at risk the ethical principles and educational values embodied in the International Charter of Physical Education and Sport of UNESCO and in the Olympic Charter,

Recalling that the Anti-Doping Convention and its Additional Protocol adopted within the framework of the Council of Europe are the public international law tools which are at the origin of national anti-doping policies and of intergovernmental cooperation,

Recalling the recommendations on doping adopted by the second, third and fourth International Conferences of Ministers and Senior Officials Responsible for Physical Education and Sport organized by UNESCO at Moscow (1988), Punta del Este (1999) and Athens (2004) and 32 C/Resolution 9 adopted by the General Conference of UNESCO at its 32nd session (2003),

Bearing in mind the World Anti-Doping Code adopted by the World Anti-Doping Agency at the World Conference on Doping in Sport, Copenhagen, 5 March 2003, and the Copenhagen Declaration on Anti-Doping in Sport,

Mindful also of the influence that elite athletes have on youth,

Aware of the ongoing need to conduct and promote research with the objectives of improving detection of doping and better understanding of the factors affecting use in order for prevention strategies to be most effective,

Aware also of the importance of ongoing education of athletes, athlete support personnel and the community at large in preventing doping,

Mindful of the need to build the capacity of States Parties to implement anti-doping programmes,

Aware that public authorities and the organizations responsible for sport have complementary responsibilities to prevent and combat doping in sport, notably to ensure the proper conduct, on the basis of the principle of fair play, of sports events and to protect the health of those that take part in them,

Recognizing that these authorities and organizations must work together for these purposes, ensuring the highest degree of independence and transparency at all appropriate levels,

Determined to take further and stronger cooperative action aimed at the elimination of doping in sport,

Recognizing that the elimination of doping in sport is dependent in part upon progressive harmonization of anti-doping standards and practices in sport and cooperation at the national and global levels,

Adopts this Convention on this nineteenth day of October 2005.

I. Scope

Article 1. Purpose of the Convention

The purpose of this Convention, within the framework of the strategy and programme of activities of UNESCO in the area of physical education and sport, is to promote the prevention of and the fight against doping in sport, with a view to its elimination.

Article 2. Definitions

These definitions are to be understood within the context of the World Anti-Doping Code. However, in case of conflict the provisions of the Convention will prevail.

For the purposes of this Convention:

1. "Accredited doping control laboratories" means laboratories accredited by the World Anti-Doping Agency.

2. "Anti-doping organization" means an entity that is responsible for adopting rules for initiating, implementing or enforcing any part of the doping control process. This includes, for example, the International Olympic Committee, the International Paralympic Committee, other major event organizations that conduct testing at their events, the World Anti-Doping Agency, international federations and national anti-doping organizations.

3. "Anti-doping rule violation" in sport means one or more of the following:

(*a*) The presence of a prohibited substance or its metabolites or markers in an athlete's bodily specimen;

(*b*) Use or attempted use of a prohibited substance or a prohibited method;

(*c*) Refusing, or failing without compelling justification, to submit to sample collection after notification as authorized in applicable anti-doping rules or otherwise evading sample collection;

(*d*) Violation of applicable requirements regarding athlete availability for out-of-competition testing, including failure to provide required whereabouts information and missed tests which are declared based on reasonable rules;

(*e*) Tampering, or attempting to tamper, with any part of doping control;

(*f*) Possession of prohibited substances or methods;

(*g*) Trafficking in any prohibited substance or prohibited method;

(*h*) Administration or attempted administration of a prohibited substance or prohibited method to any athlete, or assisting, encouraging, aiding, abetting, covering up or any other type of complicity involving an anti-doping rule violation or any attempted violation.

4. "Athlete" means, for the purposes of doping control, any person who participates in sport at the international or national level as defined by each national anti-doping organization and accepted by States Parties and any additional person who participates in a sport or event at a lower level accepted by States Parties. For the purposes of education and training programmes, "athlete" means any person who participates in sport under the authority of a sports organization.

5. "Athlete support personnel" means any coach, trainer, manager, agent, team staff, official, medical or paramedical personnel working with or treating athletes participating in or preparing for sports competition.

6. "Code" means the World Anti-Doping Code adopted by the World Anti-Doping Agency on 5 March 2003 at Copenhagen which is attached as Appendix 1* to this Convention.

7. "Competition" means a single race, match, game or singular athletic contest.

8. "Doping control" means the process including test distribution planning, sample collection and handling, laboratory analysis, results management, hearings and appeals.

9. "Doping in sport" means the occurrence of an anti-doping rule violation.

10. "Duly authorized doping control teams" means doping control teams operating under the authority of international or national anti-doping organizations.

11. "In-competition" testing means, for purposes of differentiating between in-competition and out-of-competition testing, unless provided otherwise in the rules of an international federation or other relevant anti-doping organization, a test where an athlete is selected for testing in connection with a specific competition.

12. "International Standard for Laboratories" means the standard which is attached as Appendix 2* to this Convention.

13. "International Standard for Testing" means the standard which is attached as Appendix 3* to this Convention.

14. "No advance notice" means a doping control which takes place with no advance warning to the athlete and where the athlete is continuously chaperoned from the moment of notification through sample provision.

15. "Olympic Movement" means all those who agree to be guided by the Olympic Charter and who recognize the authority of the International Olympic Committee, namely the international federations of sports on the programme of the Olympic Games, the National Olympic Committees, the Organizing Committees of the Olympic Games, athletes, judges and referees, associations and clubs, as well as all the organizations and institutions recognized by the International Olympic Committee.

16. "Out-of-competition" doping control means any doping control which is not conducted in competition.

17. "Prohibited List" means the list which appears in Annex I to this Convention identifying the prohibited substances and prohibited methods.

18. "Prohibited method" means any method so described on the Prohibited List, which appears in Annex I to this Convention.

19. "Prohibited substance" means any substance so described on the Prohibited List, which appears in Annex I to this Convention.

20. "Sports organization" means any organization that serves as the ruling body for an event for one or several sports.

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* The Appendix is not published herein. For the text, see www.wada-ama.org/en/.

21. "Standards for Granting Therapeutic Use Exemptions" means those standards that appear in Annex II to this Convention.

22. "Testing" means the parts of the doping control process involving test distribution planning, sample collection, sample handling and sample transport to the laboratory.

23. "Therapeutic use exemption" means an exemption granted in accordance with Standards for Granting Therapeutic Use Exemptions.

24. "Use" means the application, ingestion, injection or consumption by any means whatsoever of any prohibited substance or prohibited method.

25. "World Anti-Doping Agency" (WADA) means the foundation so named established under Swiss law on 10 November 1999.

Article 3. Means to achieve the purpose of the Convention

In order to achieve the purpose of the Convention, States Parties undertake to:

(*a*) Adopt appropriate measures at the national and international levels which are consistent with the principles of the Code;

(*b*) Encourage all forms of international cooperation aimed at protecting athletes and ethics in sport and at sharing the results of research;

(*c*) Foster international cooperation between States Parties and leading organizations in the fight against doping in sport, in particular with the World Anti-Doping Agency.

Article 4. Relationship of the Convention to the Code

1. In order to coordinate the implementation, at the national and international levels, of the fight against doping in sport, States Parties commit themselves to the principles of the Code as the basis for the measures provided for in Article 5 of this Convention. Nothing in this Convention prevents States Parties from adopting additional measures complementary to the Code.

2. The Code and the most current version of Appendices 2 and 3 are reproduced for information purposes and are not an integral part of this Convention. The Appendices as such do not create any binding obligations under international law for States Parties.

3. The Annexes are an integral part of this Convention.

Article 5. Measures to achieve the objectives of the Convention

In abiding by the obligations contained in this Convention, each State Party undertakes to adopt appropriate measures. Such measures may include legislation, regulation, policies or administrative practices.

Article 6. Relationship to other international instruments

This Convention shall not alter the rights and obligations of States Parties which arise from other agreements previously concluded and consistent with the object and purpose of this Convention. This does not affect the enjoyment by other States Parties of their rights or the performance of their obligations under this Convention.

II. Anti-doping activities at the national level

Article 7. Domestic coordination

States Parties shall ensure the application of the present Convention, notably through domestic coordination. To meet their obligations under this Convention, States Parties may rely on anti-doping organizations as well as sports authorities and organizations.

Article 8. Restricting the availability and use in sport of prohibited substances and methods

1. States Parties shall, where appropriate, adopt measures to restrict the availability of prohibited substances and methods in order to restrict their use in sport by athletes, unless the use is based upon a therapeutic use exemption. These include measures against trafficking to athletes and, to this end, measures to control production, movement, importation, distribution and sale.

2. States Parties shall adopt, or encourage, where appropriate, the relevant entities within their jurisdictions to adopt measures to prevent and to restrict the use and possession of prohibited substances and methods by athletes in sport, unless the use is based upon a therapeutic use exemption.

3. No measures taken pursuant to this Convention will impede the availability for legitimate purposes of substances and methods otherwise prohibited or controlled in sport.

Article 9. Measures against athlete support personnel

States Parties shall themselves take measures or encourage sports organizations and anti-doping organizations to adopt measures, including sanctions or penalties, aimed at athlete support personnel who commit an anti-doping rule violation or other offence connected with doping in sport.

Article 10. Nutritional supplements

States Parties, where appropriate, shall encourage producers and distributors of nutritional supplements to establish best practices in the marketing and distribution of nutritional supplements, including information regarding their analytic composition and quality assurance.

Article 11. Financial measures

States Parties shall, where appropriate:

(*a*) Provide funding within their respective budgets to support a national testing programme across all sports or assist sports organizations and anti-doping organizations in financing doping controls either by direct subsidies or grants, or by recognizing the costs of such controls when determining the overall subsidies or grants to be awarded to those organizations;

(*b*) Take steps to withhold sport-related financial support to individual athletes or athlete support personnel who have been suspended following an anti-doping rule violation, during the period of their suspension;

(*c*) Withhold some or all financial or other sport-related support from any sports organization or anti-doping organization not in compliance with the Code or applicable anti-doping rules adopted pursuant to the Code.

Article 12. Measures to facilitate doping control

States Parties shall, where appropriate:

(*a*) Encourage and facilitate the implementation by sports organizations and anti-doping organizations within their jurisdiction of doping controls in a manner consistent with the Code, including no-advance notice, out-of-competition and in-competition testing;

(*b*) Encourage and facilitate the negotiation by sports organizations and anti-doping organizations of agreements permitting their members to be tested by duly authorized doping control teams from other countries;

(*c*) Undertake to assist the sports organizations and anti-doping organizations within their jurisdiction in gaining access to an accredited doping control laboratory for the purposes of doping control analysis.

III. International cooperation

Article 13. Cooperation between anti-doping organizations and sports organizations

States Parties shall encourage cooperation between anti-doping organizations, public authorities and sports organizations within their jurisdiction and those within the jurisdiction of other States Parties in order to achieve, at the international level, the purpose of this Convention.

Article 14. Supporting the mission of the World Anti-Doping Agency

States Parties undertake to support the important mission of the World Anti-Doping Agency in the international fight against doping.

Article 15. Equal funding of the World Anti-Doping Agency

States Parties support the principle of equal funding of the World Anti-Doping Agency's approved annual core budget by public authorities and the Olympic Movement.

Article 16. International cooperation in doping control

Recognizing that the fight against doping in sport can only be effective when athletes can be tested with no advance notice and samples can be transported in a timely manner to laboratories for analysis, States Parties shall, where appropriate and in accordance with domestic law and procedures:

(*a*) Facilitate the task of the World Anti-Doping Agency and anti-doping organizations operating in compliance with the Code, subject to relevant host countries' regulations, of conducting in- or out-of-competition doping controls on their athletes, whether on their territory or elsewhere;

(*b*) Facilitate the timely movement of duly authorized doping control teams across borders when conducting doping control activities;

(*c*) Cooperate to expedite the timely shipping or carrying across borders of samples in such a way as to maintain their security and integrity;

(*d*) Assist in the international coordination of doping controls by various anti-doping organizations, and cooperate to this end with the World Anti-Doping Agency;

(*e*) Promote cooperation between doping control laboratories within their jurisdiction and those within the jurisdiction of other States Parties. In particular, States Parties with accredited doping control laboratories should encourage laboratories within their jurisdiction to assist other States Parties in enabling them to acquire the experience, skills and techniques necessary to establish their own laboratories should they wish to do so;

(*f*) Encourage and support reciprocal testing arrangements between designated anti-doping organizations, in conformity with the Code;

(*g*) Mutually recognize the doping control procedures and test results management, including the sport sanctions thereof, of any anti-doping organization that are consistent with the Code.

Article 17. Voluntary Fund

1. A "Fund for the Elimination of Doping in Sport", hereinafter referred to as "the Voluntary Fund", is hereby established. The Voluntary Fund shall consist of funds-in-trust established in accordance with the Financial Regulations of UNESCO. All contributions by States Parties and other actors shall be voluntary.

2. The resources of the Voluntary Fund shall consist of:

(*a*) Contributions made by States Parties;

(*b*) Contributions, gifts or bequests which may be made by:

(i) Other States;

(ii) Organizations and programmes of the United Nations system, particularly the United Nations Development Programme, as well as other international organizations;

(iii) Public or private bodies or individuals;

(*c*) Any interest due on the resources of the Voluntary Fund;

(*d*) Funds raised through collections, and receipts from events organized for the benefit of the Voluntary Fund;

(*e*) Any other resources authorized by the Voluntary Fund's regulations, to be drawn up by the Conference of Parties.

3. Contributions into the Voluntary Fund by States Parties shall not be considered to be a replacement for States Parties' commitment to pay their share of the World Anti-Doping Agency's annual budget.

Article 18. Use and governance of the Voluntary Fund

Resources in the Voluntary Fund shall be allocated by the Conference of Parties for the financing of activities approved by it, notably to assist States Parties in developing and implementing anti-doping programmes, in accordance with the provisions of this Convention, taking into consideration the goals of the World Anti-Doping Agency, and

may serve to cover functioning costs of this Convention. No political, economic or other conditions may be attached to contributions made to the Voluntary Fund.

IV. Education and training

Article 19. General education and training principles

1. States Parties shall undertake, within their means, to support, devise or implement education and training programmes on anti-doping. For the sporting community in general, these programmes should aim to provide updated and accurate information on:

(*a*) The harm of doping to the ethical values of sport;

(*b*) The health consequences of doping.

2. For athletes and athlete support personnel, in particular in their initial training, education and training programmes should, in addition to the above, aim to provide updated and accurate information on:

(*a*) Doping control procedures;

(*b*) Athletes' rights and responsibilities in regard to anti-doping, including information about the Code and the anti-doping policies of the relevant sports and anti-doping organizations. Such information shall include the consequences of committing an anti-doping rule violation;

(*c*) The list of prohibited substances and methods and therapeutic use exemptions;

(*d*) Nutritional supplements.

Article 20. Professional codes of conduct

States Parties shall encourage relevant competent professional associations and institutions to develop and implement appropriate codes of conduct, good practice and ethics related to anti-doping in sport that are consistent with the Code.

Article 21. Involvement of athletes and athlete support personnel

States Parties shall promote and, within their means, support active participation by athletes and athlete support personnel in all facets of the anti-doping work of sports and other relevant organizations and encourage sports organizations within their jurisdiction to do likewise.

Article 22. Sports organizations and ongoing education and training on anti-doping

States Parties shall encourage sports organizations and anti-doping organizations to implement ongoing education and training programmes for all athletes and athlete support personnel on the subjects identified in Article 19.

Article 23. Cooperation in education and training

States Parties shall cooperate mutually and with the relevant organizations to share, where appropriate, information, expertise and experience on effective anti-doping programmes.

V. Research

Article 24. Promotion of research in anti-doping

States Parties undertake, within their means, to encourage and promote anti-doping research in cooperation with sports and other relevant organizations on:

(*a*) Prevention, detection methods, behavioural and social aspects, and the health consequences of doping;

(*b*) Ways and means of devising scientifically-based physiological and psychological training programmes respectful of the integrity of the person;

(*c*) The use of all emerging substances and methods resulting from scientific developments.

Article 25. Nature of anti-doping research

When promoting anti-doping research, as set out in Article 24, States Parties shall ensure that such research will:

(*a*) Comply with internationally recognized ethical practices;

(*b*) Avoid the administration to athletes of prohibited substances and methods;

(*c*) Be undertaken only with adequate precautions in place to prevent the results of anti-doping research being misused and applied for doping.

Article 26. Sharing the results of anti-doping research

Subject to compliance with applicable national and international law, States Parties shall, where appropriate, share the results of available anti-doping research with other States Parties and the World Anti-Doping Agency.

Article 27. Sport science research

States Parties shall encourage:

(*a*) Members of the scientific and medical communities to carry out sport science research in accordance with the principles of the Code;

(*b*) Sports organizations and athlete support personnel within their jurisdiction to implement sport science research that is consistent with the principles of the Code.

VI. Monitoring of the Convention

Article 28. Conference of Parties

1. A Conference of Parties is hereby established. The Conference of Parties shall be the sovereign body of this Convention.

2. The Conference of Parties shall meet in ordinary session in principle every two years. It may meet in extraordinary session if it so decides or at the request of at least one third of the States Parties.

3. Each State Party shall have one vote at the Conference of Parties.

4. The Conference of Parties shall adopt its own Rules of Procedure.

Article 29. Advisory organization and observers to the Conference of Parties

The World Anti-Doping Agency shall be invited as an advisory organization to the Conference of Parties. The International Olympic Committee, the International Paralympic Committee, the Council of Europe and the Intergovernmental Committee for Physical Education and Sport (CIGEPS) shall be invited as observers. The Conference of Parties may decide to invite other relevant organizations as observers.

Article 30. Functions of the Conference of Parties

1. Besides those set forth in other provisions of this Convention, the functions of the Conference of Parties shall be to:

(*a*) Promote the purpose of this Convention;

(*b*) Discuss the relationship with the World Anti-Doping Agency and study the mechanisms of funding of the Agency's annual core budget. States non-Parties may be invited to the discussion;

(*c*) Adopt a plan for the use of the resources of the Voluntary Fund, in accordance with Article 18;

(*d*) Examine the reports submitted by States Parties in accordance with Article 31;

(*e*) Examine, on an ongoing basis, the monitoring of compliance with this Convention in response to the development of anti-doping systems, in accordance with Article 31. Any monitoring mechanism or measure that goes beyond Article 31 shall be funded through the Voluntary Fund established under Article 17;

(*f*) Examine draft amendments to this Convention for adoption;

(*g*) Examine for approval, in accordance with Article 34 of the Convention, modifications to the Prohibited List and to the Standards for Granting Therapeutic Use Exemptions adopted by the World Anti-Doping Agency;

(*h*) Define and implement cooperation between States Parties and the World Anti-Doping Agency within the framework of this Convention;

(*i*) Request a report from the World Anti-Doping Agency on the implementation of the Code to each of its sessions for examination.

2. The Conference of Parties, in fulfilling its functions, may cooperate with other intergovernmental bodies.

Article 31. National reports to the Conference of Parties

States Parties shall forward every two years to the Conference of Parties through the Secretariat, in one of the official languages of UNESCO, all relevant information concerning measures taken by them for the purpose of complying with the provisions of this Convention.

Article 32. Secretariat of the Conference of Parties

1. The secretariat of the Conference of Parties shall be provided by the Director-General of UNESCO.

2. At the request of the Conference of Parties, the Director-General of UNESCO shall use to the fullest extent possible the services of the World Anti-Doping Agency on terms agreed upon by the Conference of Parties.

3. Functioning costs related to the Convention will be funded from the regular budget of UNESCO within existing resources at an appropriate level, the Voluntary Fund established under Article 17 or an appropriate combination thereof as determined every two years. The financing for the secretariat from the regular budget shall be done on a strictly minimal basis, it being understood that voluntary funding should also be provided to support the Convention.

4. The secretariat shall prepare the documentation of the Conference of Parties, as well as the draft agenda of its meetings, and shall ensure the implementation of its decisions.

Article 33. Amendments

1. Each State Party may, by written communication addressed to the Director-General of UNESCO, propose amendments to this Convention. The Director-General shall circulate such communication to all States Parties. If, within six months from the date of the circulation of the communication, at least one half of the States Parties give their consent, the Director-General shall present such proposals to the following session of the Conference of Parties.

2. Amendments shall be adopted by the Conference of Parties with a two-thirds majority of States Parties present and voting.

3. Once adopted, amendments to this Convention shall be submitted for ratification, acceptance, approval or accession to States Parties.

4. With respect to the States Parties that have ratified, accepted, approved or acceded to them, amendments to this Convention shall enter into force three months after the deposit of the instruments referred to in paragraph 3 of this Article by two thirds of the States Parties. Thereafter, for each State Party that ratifies, accepts, approves or accedes to an amendment, the said amendment shall enter into force three months after the date of deposit by that State Party of its instrument of ratification, acceptance, approval or accession.

5. A State that becomes a Party to this Convention after the entry into force of amendments in conformity with paragraph 4 of this Article shall, failing an expression of different intention, be considered:

(*a*) A Party to this Convention as so amended;

(*b*) A Party to the unamended Convention in relation to any State Party not bound by the amendments.

Article 34. Specific amendment procedure for the Annexes to the Convention

1. If the World Anti-Doping Agency modifies the Prohibited List or the Standards for Granting Therapeutic Use Exemptions, it may, by written communication addressed to the Director-General of UNESCO, inform her/him of those changes. The Director-General shall notify such changes as proposed amendments to the relevant Annexes to this Convention to all States Parties expeditiously. Amendments to the Annexes shall be approved by the Conference of Parties either at one of its sessions or through a written consultation.

2. States Parties have 45 days from the Director-General's notification within which to express their objection to the proposed amendment either in writing, in case of written consultation, to the Director-General or at a session of the Conference of Parties. Unless two thirds of the States Parties express their objection, the proposed amendment shall be deemed to be approved by the Conference of Parties.

3. Amendments approved by the Conference of Parties shall be notified to States Parties by the Director-General. They shall enter into force 45 days after that notification, except for any State Party that has previously notified the Director-General that it does not accept these amendments.

4. A State Party having notified the Director-General that it does not accept an amendment approved according to the preceding paragraphs remains bound by the Annexes as not amended.

VII. Final clauses

Article 35. Federal or non-unitary constitutional systems

The following provisions shall apply to States Parties that have a federal or non-unitary constitutional system:

(*a*) With regard to the provisions of this Convention, the implementation of which comes under the legal jurisdiction of the federal or central legislative power, the obligations of the federal or central government shall be the same as for those States Parties which are not federal States;

(*b*) With regard to the provisions of this Convention, the implementation of which comes under the jurisdiction of individual constituent States, counties, provinces or cantons which are not obliged by the constitutional system of the federation to take legislative measures, the federal government shall inform the competent authorities of such States, counties, provinces or cantons of the said provisions, with its recommendation for their adoption.

Article 36. Ratification, acceptance, approval or accession

This Convention shall be subject to ratification, acceptance, approval or accession by States Members of UNESCO in accordance with their respective constitutional procedures. The instruments of ratification, acceptance, approval or accession shall be deposited with the Director-General of UNESCO.

Article 37. Entry into force

1. This Convention shall enter into force on the first day of the month following the expiration of a period of one month after the date of deposit of the thirtieth instrument of ratification, acceptance, approval or accession.

2. For any State that subsequently expresses its consent to be bound by it, the Convention shall enter into force on the first day of the month following the expiration of a period of one month after the date of deposit of its instrument of ratification, acceptance, approval or accession.

Article 38. Territorial extension of the Convention

1. Any State may, when depositing its instrument of ratification, acceptance, approval or accession, specify the territory or territories for whose international relations it is responsible and to which this Convention shall apply.

2. Any State Party may, at any later date, by a declaration addressed to UNESCO, extend the application of this Convention to any other territory specified in the declaration. In respect of such territory the Convention shall enter into force on the first day of the month following the expiration of a period of one month after the date of receipt of such declaration by the depositary.

3. Any declaration made under the two preceding paragraphs may, in respect of any territory specified in such declaration, be withdrawn by a notification addressed to UNESCO. Such withdrawal shall become effective on the first day of the month following the expiration of a period of one month after the date of receipt of such a notification by the depositary.

Article 39. Denunciation

Any State Party may denounce this Convention. The denunciation shall be notified by an instrument in writing, deposited with the Director-General of UNESCO. The denunciation shall take effect on the first day of the month following the expiration of a period of six months after the receipt of the instrument of denunciation. It shall in no way affect the financial obligations of the State Party concerned until the date on which the withdrawal takes effect.

Article 40. Depositary

The Director-General of UNESCO shall be the Depositary of this Convention and amendments thereto. As the Depositary, the Director-General of UNESCO shall inform the States Parties to this Convention, as well as the other States Members of the Organization of:

(*a*) The deposit of any instrument of ratification, acceptance, approval or accession;

(*b*) The date of entry into force of this Convention in accordance with Article 37;

(*c*) Any report prepared in pursuance of the provisions of Article 31;

(*d*) Any amendment to the Convention or to the Annexes adopted in accordance with Articles 33 and 34 and the date on which the amendment comes into force;

(*e*) Any declaration or notification made under the provisions of Article 38;

(*f*) Any notification made under the provisions of Article 39 and the date on which the denunciation takes effect;

(*g*) Any other act, notification or communication relating to this Convention.

Article 41. Registration

In conformity with Article 102 of the Charter of the United Nations, this Convention shall be registered with the Secretariat of the United Nations at the request of the Director-General of UNESCO.

Article 42. Authoritative texts

1. This Convention, including its Annexes, has been drawn up in Arabic, Chinese, English, French, Russian and Spanish, the six texts being equally authoritative.

2. The Appendices to this Convention are provided in Arabic, Chinese, English, French, Russian and Spanish.

Article 43. Reservations

No reservations that are incompatible with the object and purpose of the present Convention shall be permitted.

ANNEX I

THE WORLD ANTI-DOPING CODE

THE 2005 PROHIBITED LIST

INTERNATIONAL STANDARD

The official text of the *Prohibited List* shall be maintained by the World Anti-Doping Agency (WADA) and shall be published in English and French. In the event of any conflict between the English and French versions, the English version shall prevail.

This List shall come into effect on 1 January 2005.

The use of any drug should be limited to medically justified indications

Substances and methods prohibited at all times (in- and out-of-competition)

Prohibited substances

S1. Anabolic agents

Anabolic agents are prohibited.

1. Anabolic Androgenic Steroids (AAS)

(a) Exogenous* AAS, including:

18α-homo-17β-hydroxyestr-4-en-3-one; bolasterone; boldenone; boldione; calusterone; clostebol; danazol; dehydrochloromethyl-testosterone; delta1-androstene-3,17-dione; delta1-androstenediol; delta1-dihydro-testosterone; drostanolone; ethylestrenol; fluoxymesterone; formebolone; furazabol; gestrinone; 4-hydroxytestosterone; 4-hydroxy-19-nortestosterone; mestanolone; mesterolone; metenolone; methandienone; methandriol; methyldienolone; methyltrienolone; methyltestosterone; mibolerone; nandrolone; 19-norandrostenediol; 19-norandrostenedione; norbolethone; norclostebol; norethandrolone; oxabolone; oxandrolone; oxymesterone; oxymetholone; quinbolone; stanozolol; stenbolone; tetrahydrogestrinone; trenbolone and other substances with a similar chemical structure or similar biological effect(s).

(b) Endogenous** AAS:

androstenediol (androst-5-ene-3β,17β-diol); androstenedione (androst-4-ene-3,17-dione); dehydroepiandrosterone (DHEA); dihydro-testosterone; testosterone and the following metabolites and isomers: 5α-androstane-3 α,17α-diol; 5α-androstane-3α, 17β-diol; 5α-androstane-3β,17α-diol; 5α-androstane-3β,17β-diol; androst-4-ene-3α,17α-diol; androst-4-ene-3α,17β-diol; androst-4-ene-3β,17α-diol; androst-5-ene-3α,17α-diol; androst-5-ene-3α,17β-diol; androst-5-ene-3β,17α-diol; 4-androstenediol (androst-4-ene-3β,17β-diol); 5 androstenedione (androst-5-ene-3,17-dione); epi-dihydrotestosterone; 3α-hydroxy-5α-androstan-17-one; 3β-hydroxy-5α-androstan-17-one; 19-norandro-sterone;19-noretiocholanolone.

Where a *Prohibited Substance* (as listed above) is capable of being produced by the body naturally, a *Sample* will be deemed to contain such Prohibited Substance where the concentration of the *Prohibited Substance* or its metabolites or markers and/or any other relevant ratio(s) in the *Athlete's Sample* so deviates from the range of values normally found in humans that it is unlikely to be consistent with normal endogenous production. A Sample shall not be deemed to contain a Prohibited Substance in any such case where the Athlete proves by evidence that the concentration of the Prohibited Substance or its metabolites or markers and/or the relevant ratio(s) in the *Athlete's Sample* is attributable to a physiological or pathological condition. In all cases, and at any concentration, the laboratory will report an *Adverse Analytical Finding* if, based on any reliable analytical method, it can show that the *Prohibited Substance* is of exogenous origin.

If the laboratory result is not conclusive and no concentration as referred to in the above paragraph is found, the relevant *Anti-Doping Organization* shall conduct a further investigation if there are serious indications, such as a comparison to reference steroid profiles, for a possible *Use of a Prohibited Substance*.

If the laboratory has reported the presence of a T/E ratio greater than four (4) to one (1) in the urine, further investigation is obligatory in order to determine whether the ratio is due to a physiological or pathological condition, except if the laboratory reports an *Adverse Analytical Finding* based on any reliable analytical method, showing that the *Prohibited Substance* is of exogenous origin.

In case of an investigation, it will include a review of any previous and/or subsequent tests. If previous tests are not available, the Athlete shall be tested unannounced at least three times within a three month period.

Should an Athlete fail to cooperate in the investigations, the Athlete's Sample shall be deemed to contain a Prohibited Substance.

2. Other Anabolic Agents, including but not limited to:

Clenbuterol, zeranol, zilpaterol.

For the purposes of this section:

* "exogenous" refers to a substance which is not capable of being produced by the body naturally.

** "endogenous" refers to a substance which is capable of being produced by the body naturally.

S2. HORMONES AND RELATED SUBSTANCES

The following substances, including other substances with a similar chemical structure or similar biological effect(s), and their releasing factors are prohibited:

1. Erythropoietin (EPO);
2. Growth Hormone (hGH), Insulin-like Growth Factor (IGF-1), Mechano Growth Factors (MGFs);
3. Gonadotrophins (LH, hCG);
4. Insulin;
5. Corticotrophins.

Unless the *Athlete* can demonstrate that the concentration was due to a physiological or pathological condition, a Sample will be deemed to contain a *Prohibited Substance* (as listed above) where the concentration of the *Prohibited Substance* or its metabolites and/or relevant ratios or markers in the *Athlete's Sample* so exceeds the range of values normally found in humans that it is unlikely to be consistent with normal endogenous production.

The presence of other substances with a similar chemical structure or similar biological effect(s), diagnostic marker(s) or releasing factors of a hormone listed above or of any other finding which indicate(s) that the substance detected is of exogenous origin, will be reported as an *Adverse Analytical Finding*.

S3. BETA-2 AGONISTS

All beta-2 agonists including their D- and L-isomers are prohibited. Their use requires a Therapeutic Use Exemption.

As an exception, formoterol, salbutamol, salmeterol and terbutaline, when administered by inhalation to prevent and/or treat asthma and exercise-induced asthma/bronchoconstriction require an abbreviated Therapeutic Use Exemption.

Despite the granting of a Therapeutic Use Exemption, when the Laboratory has reported a concentration of salbutamol (free plus glucuronide) greater than 1000 ng/mL, this will be considered to be an *Adverse Analytical Finding* unless the athlete proves that the abnormal result was the consequence of the therapeutic use of inhaled salbutamol.

S4. AGENTS WITH ANTI-ESTROGENIC ACTIVITY

The following classes of anti-estrogenic substances are prohibited.

1. Aromatase inhibitors including, but not limited to, anastrozole, letrozole, aminogluthetimide, exemestane, formestane, testolactone.
2. Selective Estrogen Receptor Modulators (SERMs) including, but not limited to, raloxifene, tamoxifen, toremifene.

Other anti-estrogenic substances including, but not limited to, clomiphene, cyclofenil, fulvestrant.

S5. DIURETICS AND OTHER MASKING AGENTS

Diuretics and other masking agents are prohibited. Masking agents include but are not limited to:

diuretics*, epitestosterone, probenecid, alpha-reductase inhibitors (e.g. finasteride, dutasteride), plasma expanders (e.g. albumin, dextran, hydroxyethyl starch).

Diuretics include:

acetazolamide, amiloride, bumetanide, canrenone, chlortalidone, etacrynic acid, furosemide, indapamide, metolazone, spironolactone, thiazides (e.g. bendroflumethiazide, chlorothiazide, hydrochlorothiazide), triamterene and other substances with a similar chemical structure or similar biological effect(s).

* A Therapeutic Use Exemption is not valid if an *Athlete's* urine contains a diuretic in association with threshold or sub-threshold levels of a *Prohibited Substance(s).*

PROHIBITED METHODS

M1. ENHANCEMENT OF OXYGEN TRANSFER

The following are prohibited

(*a*) Blood doping, including the use of autologous, homologous or heterologous blood or red blood cell products of any origin, other than for medical treatment.

(*b*) Artificially enhancing the uptake, transport or delivery of oxygen, including but not limited to perfluorochemicals, efaproxiral (RSR13) and modified haemoglobin products (e.g. haemoglobin-based blood substitutes, micro-encapsulated haemoglobin products).

M2. CHEMICAL AND PHYSICAL MANIPULATION

The following is prohibited:

Tampering, or attempting to tamper, in order to alter the integrity and validity of *Samples* collected in *Doping Controls.*

These include but are not limited to intravenous infusions*, catheterization, and urine substitution.

* Except as a legitimate acute medical treatment, intravenous infusions are prohibited.

M3. GENE DOPING

The non-therapeutic use of cells, genes, genetic elements, or of the modulation of gene expression, having the capacity to enhance athletic performance, is prohibited.

SUBSTANCES AND METHODS PROHIBITED IN-COMPETITION

In addition to the categories S1 to S5 and M1 to M3 defined above, the following categories are prohibited in competition:

PROHIBITED SUBSTANCES

S6. STIMULANTS

The following stimulants are prohibited, including both their optical (D- and L-) isomers where relevant:

> adrafinil, amfepramone, amiphenazole, amphetamine, amphetaminil, benzphetamine, bromantan, carphedon, cathine*, clobenzorex, cocaine, dimethylamphetamine, ephedrine**, etilamphetamine, etilefrine, famprofazone, fencamfamin, fencamine, fenetylline, fenfluramine, fenproporex, furfenorex, mefenorex, mephentermine, mesocarb, methamphetamine, methylamphetamine, methylenedioxyamphetamine, methylenedioxy-methamphetamine, methylephedrine**, methylphenidate, modafinil, nikethamide, norfenfluramine, parahydroxyamphetamine, pemoline, phendi-metrazine, phenmetrazine, phentermine, prolintane, selegiline, strychnine and other substances with a similar chemical structure or similar biological effect(s)***.

* Cathine is prohibited when its concentration in urine is greater than 5 micrograms per milliliter.

** Each of ephedrine and methylephedrine is prohibited when its concentration in urine is greater than 10 micrograms per milliliter.

*** The substances included in the 2005 Monitoring Programme (bupropion, caffeine, phenylephrine, phenylpropanolamine, pipradrol, pseudoephedrine, synephrine) are not considered as Prohibited Substances.

NOTE: Adrenaline associated with local anaesthetic agents or by local administration (e.g. nasal, ophthalmologic) is not prohibited.

S7. NARCOTICS

The following narcotics are prohibited:

> buprenorphine, dextromoramide, diamorphine (heroin), fentanyl and its derivatives, hydromorphone, methadone, morphine, oxycodone, oxymorphone, pentazocine, pethidine.

S8. CANNABINOIDS

Cannabinoids (e.g. hashish, marijuana) are prohibited.

S9. GLUCOCORTICOSTEROIDS

All glucocorticosteroids are prohibited when administered orally, rectally, intravenously or intramuscularly. Their use requires a Therapeutic Use Exemption approval.

All other routes of administration require an abbreviated Therapeutic Use Exemption.

Dermatological preparations are not prohibited.

SUBSTANCES PROHIBITED IN PARTICULAR SPORTS

P1. ALCOHOL

Alcohol (ethanol) is prohibited in-competition only, in the following sports. Detection will be conducted by analysis of breath and/or blood. The doping violation threshold for each Federation is reported in parenthesis.

- Aeronautic (FAI) (0.20 g/L)
- Archery (FITA) (0.10 g/L)
- Automobile (FIA) (0.10 g/L)
- Billiards (WCBS) (0.20 g/L)
- Boules(CMSB) (0.10 g/L)
- Karate (WKF) (0.10 g/L)
- Modern Pentathlon (UIPM) (0.10 g/L) for disciplines involving shooting
- Motorcycling (FIM) (0.00 g/L)
- Skiing (FIS) (0.10 g/L)

P2. BETA-BLOCKERS

Unless otherwise specified, beta-blockers are prohibited *in-competition* only, in the following sports.

- Aeronautic (FAI)
- Archery (FITA) (also prohibited *out-of-competition*)
- Automobile (FIA)
- Billiards (WCBS)
- Bobsleigh (FIBT)
- Boules (CMSB)
- Bridge (FMB)
- Chess (FIDE)
- Curling (WCF)
- Gymnastics (FIG)
- Motorcycling (FIM)
- Modern Pentathlon (UIPM) for disciplines involving shooting
- Nine-pin bowling (FIQ)
- Sailing (ISAF) for match race helms only
- Shooting (ISSF) (also prohibited *out-of-competition*)
- Skiing (FIS) in ski jumping and free style snow board
- Swimming (FINA) in diving and synchronized swimming
- Wrestling (FILA)

Beta-blockers include, but are not limited to, the following:

acebutolol, alprenolol, atenolol, betaxolol, bisoprolol, bunolol, carteolol, carvedilol, celiprolol, esmolol, labetalol, levobunolol, metipranolol, metoprolol, nadolol, oxprenolol, pindolol, propranolol, sotalol, timolol.

SPECIFIED SUBSTANCES*

"Specified Substances"* are listed below:

ephedrine, L-methylamphetamine, methylephedrine;

cannabinoids;

all inhaled Beta-2 Agonists, except clenbuterol;

probenecid;

all Glucocorticosteroids;

all Beta Blockers;

alcohol.

* "The Prohibited List may identify specified substances which are particularly susceptible to unintentional anti-doping rule violations because of their general availability in medicinal products or which are less likely to be successfully abused as doping agents." A doping violation involving such substances may result in a reduced sanction provided that the " . . . Athlete can establish that the Use of such a specified substance was not intended to enhance sport performance . . ."

ANNEX II

STANDARDS FOR GRANTING THERAPEUTIC USE EXEMPTIONS

Extract from "International Standard for Therapeutic Use Exemptions" of the World Anti-Doping Agency (WADA); in force 1 January 2005

4.0 Criteria for granting a therapeutic use exemption

A Therapeutic Use Exemption (TUE) may be granted to an *Athlete* permitting the use of a *Prohibited Substance* or *Prohibited Method* contained in the *Prohibited List*. An application for a TUE will be reviewed by a Therapeutic Use Exemption Committee (TUEC). The TUEC will be appointed by an *Anti-Doping Organization*. An exemption will be granted only in strict accordance with the following criteria:

[Comment: This standard applies to all Athletes as defined by and subject to the Code i.e. able-bodied athletes and athletes with disabilities. This Standard will be applied according to an individual's circumstances. For example, an exemption that is appropriate for an athlete with a disability may be inappropriate for other athletes.]

4.1 The *Athlete* should submit an application for a TUE no less than 21 days before participating in an *Event*.

4.2 The *Athlete* would experience a significant impairment to health if the *Prohibited Substance* or *Prohibited Method* were to be withheld in the course of treating an acute or chronic medical condition.

4.3 The therapeutic use of the *Prohibited Substance* or *Prohibited Method* would produce no additional enhancement of performance other than that which might be anticipated by a return to a state of normal health following the treatment of a legitimate medical condition. The use of any *Prohibited Substance* or *Prohibited Method* to increase "low-normal" levels of any endogenous hormone is not considered an acceptable therapeutic intervention.

4.4 There is no reasonable therapeutic alternative to the use of the otherwise *Prohibited Substance* or *Prohibited Method*.

4.5 The necessity for the use of the otherwise *Prohibited Substance* or *Prohibited Method* cannot be a consequence, wholly or in part, of prior non-therapeutic use of any substance from the *Prohibited List*.

4.6 The TUE will be cancelled by the granting body, if

(*a*) The *Athlete* does not promptly comply with any requirements or conditions imposed by the *Anti-Doping Organization* granting the exemption;

(*b*) The term for which the TUE was granted has expired;

(*c*) The *Athlete* is advised that the TUE has been withdrawn by the *Anti-Doping Organization*.

[Comment: Each TUE will have a specified duration as decided upon by the TUEC. There may be cases when a TUE has expired or has been withdrawn and the Prohibited Substance subject to the TUE is still present in the Athlete's body. In such cases, the Anti-Doping Organization conducting the initial review of an adverse finding will consider whether the finding is consistent with expiry or withdrawal of the TUE.]

4.7 An application for a TUE will not be considered for retroactive approval except in cases where:

(*a*) Emergency treatment or treatment of an acute medical condition was necessary; or

(*b*) Due to exceptional circumstances, there was insufficient time or opportunity for an applicant to submit, or a TUEC to consider, an application prior to Doping Control.

[Comment: Medical Emergencies or acute medical situations requiring administration of an otherwise Prohibited Substance or Prohibited Method before an application for a TUE can be made, are uncommon. Similarly, circumstances requiring expedited consideration of an application for a TUE due to imminent competition are infrequent. Anti-Doping Organizations granting TUEs should have internal procedures which permit such situations to be addressed.]

5.0 Confidentiality of information

5.1 The applicant must provide written consent for the transmission of all information pertaining to the application to members of the TUEC and, as required, other independent medical or scientific experts, or to all necessary staff involved in the management, review or appeal of TUEs.

Should the assistance of external, independent experts be required, all details of the application will be circulated without identifying the *Athlete* involved in the *Athlete*'s care.

The applicant must also provide written consent for the decisions of the TUEC to be distributed to other relevant *Anti-Doping Organizations* under the provisions of the *Code*.

5.2 The members of the TUEC*s* and the administration of the *Anti-Doping Organization* involved will conduct all of their activities in strict confidence. All members of a TUEC and all staff involved will sign confidentiality agreements. In particular they will keep the following information confidential:

(*a*) All medical information and data provided by the Athlete and physician(s) involved in the *Athlete*'s care;

(*b*) All details of the application including the name of the physician(s) involved in the process.

Should the *Athlete* wish to revoke the right of the TUEC or the WADA TUEC to obtain any health information on his/her behalf, the *Athlete* must notify his/her medical practitioner in writing of the fact. As a consequence of such a decision, the *Athlete* will not receive approval for a TUE or renewal of an existing TUE.

6.0 Therapeutic use exemption committees (TUECs)

TUECs shall be constituted and act in accordance with the following guidelines:

6.1 TUECs should include at least three physicians with experience in the care and treatment of *Athletes* and a sound knowledge of clinical, sports and exercise medicine. In order to ensure a level of independence of decisions, a majority of the members of the TUEC should not have any official responsibility in the *Anti-Doping Organization*. All members of a TUEC will sign a conflict of interest agreement. In applications involving *Athletes* with disabilities, at least one TUEC member must possess specific experience with the care and treatment of *Athletes* with disabilities.

6.2 TUECs may seek whatever medical or scientific expertise they deem appropriate in reviewing the circumstances of any application for a TUE.

6.3 The WADA TUEC shall be composed following the criteria set out in Article 6.1. The WADA TUEC is established to review on its own initiative TUE decisions granted by *Anti-Doping Organizations*. As specified in Article 4.4 of the *Code,* the WADA TUEC, upon request by *Athletes* who have been denied TUEs by an *Anti-Doping Organization* will review such decisions with the power to reverse them.

7.0 Therapeutic use exemption (TUE) application process

7.1 A TUE will only be considered following the receipt of a completed application form that must include all relevant documents (see Appendix 1—TUE form). The application process must be dealt with in accordance with the principles of strict medical confidentiality.

7.2 The TUE application form(s), as set out in Appendix 1, can be modified by *Anti-Doping Organizations* to include additional requests for information, but no sections or items shall be removed.

7.3 The TUE application form(s) may be translated into other language(s) by *Anti-Doping Organizations,* but English or French must remain on the application form(s).

7.4 An *Athlete* may not apply to more than one *Anti-Doping Organization* for a TUE. The application must identify the *Athlete's* sport and, where appropriate, discipline and specific position or role.

7.5 The application must list any previous and/or current requests for permission to use an otherwise Prohibited Substance or Prohibited Method, the body to whom that request was made, and the decision of that body.

7.6 The application must include a comprehensive medical history and the results of all examinations, laboratory investigations and imaging studies relevant to the application.

7.7 Any additional relevant investigations, examinations or imaging studies requested by the TUEC of the *Anti-Doping Organization* will be undertaken at the expense of the applicant or his/her national sport governing body.

7.8 The application must include a statement by an appropriately qualified physician attesting to the necessity of the otherwise *Prohibited Substance* or *Prohibited Method* in the treatment of the *Athlete* and describing why an alternative, permitted medication cannot, or could not, be used in the treatment of this condition.

7.9 The dose, frequency, route and duration of administration of the otherwise *Prohibited Substance* or *Prohibited Method* in question must be specified.

7.10 Decisions of the TUEC, should be completed within 30 days of receipt of all relevant documentation and will be conveyed in writing to the *Athlete* by the relevant *Anti-Doping Organization*. Where a TUE has been granted to an Athlete in the *Anti-Doping Organization Registered Testing Pool,* the *Athlete* and WADA will be provided promptly with an approval which includes information pertaining to the duration of the exemption and any conditions associated with the TUE.

7.11 (a) Upon receiving a request by an *Athlete* for review, as specified in Article 4.4 of the Code, the WADA TUEC will, as specified in Article 4.4 of the Code, be able to reverse a decision on a TUE granted by an Anti-Doping Organization. The Athlete shall provide to the WADA TUEC all the information for a TUE as submitted initially to the *Anti-Doping Organization* accompanied by an application fee. Until the review process has been completed, the original decision remains in effect. The process should not take longer than 30 days following receipt of the information by WADA.

(b) WADA can undertake a review at any time. The WADA TUEC will complete its review within 30 days.

7.12 If the decision regarding the granting of a TUE is reversed on review, the reversal shall not apply retroactively and shall not disqualify the *Athlete's* results during the period that the *TUE* had been granted and shall take effect no later than 14 days following notification of the decision to the *Athlete.*

8.0 *Abbreviated therapeutic use exemption (ATUE) application process*

8.1 It is acknowledged that some substances included on the *List of Prohibited Substances* are used to treat medical conditions frequently encountered in the Athlete population. In such cases, a full application as detailed in section 4 and section 7 is unnecessary. Accordingly an abbreviated process of the TUE is established.

8.2 The *Prohibited Substances* or *Prohibited Methods* which may be permitted by this abbreviated process are strictly limited to the following:

Beta-2 agonists (formoterol, salbutamol, salmeterol and terbutaline) by inhalation, and glucocorticosteroids by non-systemic routes.

8.3 To use one of the substances above, the *Athlete* shall provide to the *Anti-Doping Organization* a medical notification justifying the therapeutic necessity. Such medical notification, as contained in Appendix 2, shall describe the diagnosis, name of the drug, dosage, route of administration and duration of the treatment. When applicable any tests undertaken in order to establish the diagnosis should be included (without the actual results or details).

8.4 The abbreviated process includes:

(*a*) Approval for use of *Prohibited Substances* subject to the abbreviated process is effective upon receipt of a complete notification by the *Anti-Doping Organization*. Incomplete notifications must be returned to the applicant;

(*b*) On receipt of a complete notification, the *Anti-Doping Organization* shall promptly advise the *Athlete*. As appropriate, the *Athlete's* IF, NF and NADO shall also be advised. The *Anti-Doping Organization* shall advise WADA only upon receipt of a notification from an *International-level Athlete;*

(*c*) A notification for an ATUE will not be considered for retroactive approval except:

- If emergency treatment or treatment of an acute medical condition was necessary; or
- Due to exceptional circumstances, there was insufficient time or opportunity for an applicant to submit, or a TUEC to receive, an application prior to *Doping Control*.

8.5 (*a*) A review by the TUEC or the WADA TUEC can be initiated at any time during the duration of an ATUE.

(*b*) If an *Athlete* requests a review of a subsequent denial of an ATUE, the WADA TUEC will have the ability to request from the Athlete additional medical information as deemed necessary, the expenses of which should be met by the Athlete.

8.6 An ATUE may be cancelled by the TUEC or WADA TUEC at any time. The *Athlete,* his/her IF and all relevant *Anti-Doping Organizations* shall be notified immediately.

8.7 The cancellation shall take effect immediately following notification of the decision to the *Athlete*. The *Athlete* will nevertheless be able to apply under section 7 for a TUE.

9.0 Clearing house

9.1 *Anti-Doping Organizations* are required to provide WADA with all TUEs, and all supporting documentation, issued under section 7.

9.2 With respect to ATUEs, *Anti-Doping Organizations* shall provide WADA with medical applications submitted by *International-level Athletes* issued under section 8.4

9.3 The Clearing house shall guarantee strict confidentiality of all the medical information.

Done at Paris, this eighteenth day of November 2005, in two authentic copies bearing the signature of the President of the General Conference of UNESCO at its 33rd session and of the Director-General of UNESCO, which shall be deposited in the archives of UNESCO.

The above text is the authentic text of the Convention hereby duly adopted by the General Conference of UNESCO at its 33rd session, held in Paris and declared closed on the twenty-first day of October 2005.

2. Convention on the Protection and Promotion of the Diversity of Cultural Expressions. Paris, 20 October 2005*

The General Conference of the United Nations Educational, Scientific and Cultural Organization, meeting in Paris from 3 to 21 October 2005 at its 33rd session,

Affirming that cultural diversity is a defining characteristic of humanity,

Conscious that cultural diversity forms a common heritage of humanity and should be cherished and preserved for the benefit of all,

Being aware that cultural diversity creates a rich and varied world, which increases the range of choices and nurtures human capacities and values, and therefore is a mainspring for sustainable development for communities, peoples and nations,

Recalling that cultural diversity, flourishing within a framework of democracy, tolerance, social justice and mutual respect between peoples and cultures, is indispensable for peace and security at the local, national and international levels,

Celebrating the importance of cultural diversity for the full realization of human rights and fundamental freedoms proclaimed in the Universal Declaration of Human Rights and other universally recognized instruments,

Emphasizing the need to incorporate culture as a strategic element in national and international development policies, as well as in international development cooperation, taking into account also the United Nations Millennium Declaration (2000) with its special emphasis on poverty eradication,

Taking into account that culture takes diverse forms across time and space and that this diversity is embodied in the uniqueness and plurality of the identities and cultural expressions of the peoples and societies making up humanity,

Recognizing the importance of traditional knowledge as a source of intangible and material wealth, and in particular the knowledge systems of indigenous peoples, and its positive contribution to sustainable development, as well as the need for its adequate protection and promotion,

Recognizing the need to take measures to protect the diversity of cultural expressions, including their contents, especially in situations where cultural expressions may be threatened by the possibility of extinction or serious impairment,

Emphasizing the importance of culture for social cohesion in general, and in particular its potential for the enhancement of the status and role of women in society,

* Adopted during the 33rd session of the General Conference of the United Nations Educational, Scientific and Cultural Organization, on 20 October 2005.

Being aware that cultural diversity is strengthened by the free flow of ideas, and that it is nurtured by constant exchanges and interaction between cultures,

Reaffirming that freedom of thought, expression and information, as well as diversity of the media, enable cultural expressions to flourish within societies,

Recognizing that the diversity of cultural expressions, including traditional cultural expressions, is an important factor that allows individuals and peoples to express and to share with others their ideas and values,

Recalling that linguistic diversity is a fundamental element of cultural diversity, and *reaffirming* the fundamental role that education plays in the protection and promotion of cultural expressions,

Taking into account the importance of the vitality of cultures, including for persons belonging to minorities and indigenous peoples, as manifested in their freedom to create, disseminate and distribute their traditional cultural expressions and to have access thereto, so as to benefit them for their own development,

Emphasizing the vital role of cultural interaction and creativity, which nurture and renew cultural expressions and enhance the role played by those involved in the development of culture for the progress of society at large,

Recognizing the importance of intellectual property rights in sustaining those involved in cultural creativity,

Being convinced that cultural activities, goods and services have both an economic and a cultural nature, because they convey identities, values and meanings, and must therefore not be treated as solely having commercial value,

Noting that while the processes of globalization, which have been facilitated by the rapid development of information and communication technologies, afford unprecedented conditions for enhanced interaction between cultures, they also represent a challenge for cultural diversity, namely in view of risks of imbalances between rich and poor countries,

Being aware of UNESCO's specific mandate to ensure respect for the diversity of cultures and to recommend such international agreements as may be necessary to promote the free flow of ideas by word and image,

Referring to the provisions of the international instruments adopted by UNESCO relating to cultural diversity and the exercise of cultural rights, and in particular the Universal Declaration on Cultural Diversity of 2001,

Adopts this Convention on 20 October 2005.

I. Objectives and guiding principles

Article 1. Objectives

The objectives of this Convention are:

(*a*) To protect and promote the diversity of cultural expressions;

(*b*) To create the conditions for cultures to flourish and to freely interact in a mutually beneficial manner;

(*c*) To encourage dialogue among cultures with a view to ensuring wider and balanced cultural exchanges in the world in favour of intercultural respect and a culture of peace;

(*d*) To foster interculturality in order to develop cultural interaction in the spirit of building bridges among peoples;

(*e*) To promote respect for the diversity of cultural expressions and raise awareness of its value at the local, national and international levels;

(*f*) To reaffirm the importance of the link between culture and development for all countries, particularly for developing countries, and to support actions undertaken nationally and internationally to secure recognition of the true value of this link;

(*g*) To give recognition to the distinctive nature of cultural activities, goods and services as vehicles of identity, values and meaning;

(*h*) To reaffirm the sovereign rights of States to maintain, adopt and implement policies and measures that they deem appropriate for the protection and promotion of the diversity of cultural expressions on their territory;

(*i*) To strengthen international cooperation and solidarity in a spirit of partnership with a view, in particular, to enhancing the capacities of developing countries in order to protect and promote the diversity of cultural expressions.

Article 2. Guiding principles

1. Principle of respect for human rights and fundamental freedoms

Cultural diversity can be protected and promoted only if human rights and fundamental freedoms, such as freedom of expression, information and communication, as well as the ability of individuals to choose cultural expressions, are guaranteed. No one may invoke the provisions of this Convention in order to infringe human rights and fundamental freedoms as enshrined in the Universal Declaration of Human Rights or guaranteed by international law, or to limit the scope thereof.

2. Principle of sovereignty

States have, in accordance with the Charter of the United Nations and the principles of international law, the sovereign right to adopt measures and policies to protect and promote the diversity of cultural expressions within their territory.

3. Principle of equal dignity of and respect for all cultures

The protection and promotion of the diversity of cultural expressions presuppose the recognition of equal dignity of and respect for all cultures, including the cultures of persons belonging to minorities and indigenous peoples.

4. Principle of international solidarity and cooperation

International cooperation and solidarity should be aimed at enabling countries, especially developing countries, to create and strengthen their means of cultural expression, including their cultural industries, whether nascent or established, at the local, national and international levels.

5. Principle of the complementarity of economic and cultural aspects of development

Since culture is one of the mainsprings of development, the cultural aspects of development are as important as its economic aspects, which individuals and peoples have the fundamental right to participate in and enjoy.

6. Principle of sustainable development

Cultural diversity is a rich asset for individuals and societies. The protection, promotion and maintenance of cultural diversity are an essential requirement for sustainable development for the benefit of present and future generations.

7. Principle of equitable access

Equitable access to a rich and diversified range of cultural expressions from all over the world and access of cultures to the means of expressions and dissemination constitute important elements for enhancing cultural diversity and encouraging mutual understanding.

8. Principle of openness and balance

When States adopt measures to support the diversity of cultural expressions, they should seek to promote, in an appropriate manner, openness to other cultures of the world and to ensure that these measures are geared to the objectives pursued under the present Convention.

II. Scope of application

Article 3. Scope of application

This Convention shall apply to the policies and measures adopted by the Parties related to the protection and promotion of the diversity of cultural expressions.

III. Definitions

Article 4. Definitions

For the purposes of this Convention, it is understood that:

1. Cultural diversity

"Cultural diversity" refers to the manifold ways in which the cultures of groups and societies find expression. These expressions are passed on within and among groups and societies.

Cultural diversity is made manifest not only through the varied ways in which the cultural heritage of humanity is expressed, augmented and transmitted through the variety of cultural expressions, but also through diverse modes of artistic creation, production, dissemination, distribution and enjoyment, whatever the means and technologies used.

2. Cultural content

"Cultural content" refers to the symbolic meaning, artistic dimension and cultural values that originate from or express cultural identities.

3. Cultural expressions

"Cultural expressions" are those expressions that result from the creativity of individuals, groups and societies, and that have cultural content.

4. Cultural activities, goods and services

"Cultural activities, goods and services" refers to those activities, goods and services, which at the time they are considered as a specific attribute, use or purpose, embody or convey cultural expressions, irrespective of the commercial value they may have. Cultural activities may be an end in themselves, or they may contribute to the production of cultural goods and services.

5. Cultural industries

"Cultural industries" refers to industries producing and distributing cultural goods or services as defined in paragraph 4 above.

6. Cultural policies and measures

"Cultural policies and measures" refers to those policies and measures relating to culture, whether at the local, national, regional or international level that are either focused on culture as such or are designed to have a direct effect on cultural expressions of individuals, groups or societies, including on the creation, production, dissemination, distribution of and access to cultural activities, goods and services.

7. Protection

"Protection" means the adoption of measures aimed at the preservation, safeguarding and enhancement of the diversity of cultural expressions.

"Protect" means to adopt such measures.

8. Interculturality

"Interculturality" refers to the existence and equitable interaction of diverse cultures and the possibility of generating shared cultural expressions through dialogue and mutual respect.

IV. Rights and obligations of Parties

Article 5. General rule regarding rights and obligations

1. The Parties, in conformity with the Charter of the United Nations, the principles of international law and universally recognized human rights instruments, reaffirm their sovereign right to formulate and implement their cultural policies and to adopt measures to protect and promote the diversity of cultural expressions and to strengthen international cooperation to achieve the purposes of this Convention.

2. When a Party implements policies and takes measures to protect and promote the diversity of cultural expressions within its territory, its policies and measures shall be consistent with the provisions of this Convention.

Article 6. Rights of parties at the national level

1. Within the framework of its cultural policies and measures as defined in Article 4.6 and taking into account its own particular circumstances and needs, each Party may adopt measures aimed at protecting and promoting the diversity of cultural expressions within its territory.

2. Such measures may include the following:

(*a*) Regulatory measures aimed at protecting and promoting diversity of cultural expressions;

(*b*) Measures that, in an appropriate manner, provide opportunities for domestic cultural activities, goods and services among all those available within the national territory for the creation, production, dissemination, distribution and enjoyment of such domestic cultural activities, goods and services, including provisions relating to the language used for such activities, goods and services;

(*c*) Measures aimed at providing domestic independent cultural industries and activities in the informal sector effective access to the means of production, dissemination and distribution of cultural activities, goods and services;

(*d*) Measures aimed at providing public financial assistance;

(*e*) Measures aimed at encouraging non-profit organizations, as well as public and private institutions and artists and other cultural professionals, to develop and promote the free exchange and circulation of ideas, cultural expressions and cultural activities, goods and services, and to stimulate both the creative and entrepreneurial spirit in their activities;

(*f*) Measures aimed at establishing and supporting public institutions, as appropriate;

(*g*) Measures aimed at nurturing and supporting artists and others involved in the creation of cultural expressions;

(*h*) Measures aimed at enhancing diversity of the media, including through public service broadcasting.

Article 7. Measures to promote cultural expressions

1. Parties shall endeavour to create in their territory an environment which encourages individuals and social groups:

(*a*) To create, produce, disseminate, distribute and have access to their own cultural expressions, paying due attention to the special circumstances and needs of women as well as various social groups, including persons belonging to minorities and indigenous peoples;

(*b*) To have access to diverse cultural expressions from within their territory as well as from other countries of the world.

2. Parties shall also endeavour to recognize the important contribution of artists, others involved in the creative process, cultural communities, and organizations that support their work, and their central role in nurturing the diversity of cultural expressions.

Article 8. Measures to protect cultural expressions

1. Without prejudice to the provisions of Articles 5 and 6, a Party may determine the existence of special situations where cultural expressions on its territory are at risk of extinction, under serious threat, or otherwise in need of urgent safeguarding.

2. Parties may take all appropriate measures to protect and preserve cultural expressions in situations referred to in paragraph 1 in a manner consistent with the provisions of this Convention.

3. Parties shall report to the Intergovernmental Committee referred to in Article 23 all measures taken to meet the exigencies of the situation, and the Committee may make appropriate recommendations.

Article 9. Information sharing and transparency

Parties shall:

(*a*) Provide appropriate information in their reports to UNESCO every four years on measures taken to protect and promote the diversity of cultural expressions within their territory and at the international level;

(*b*) Designate a point of contact responsible for information sharing in relation to this Convention;

(*c*) Share and exchange information relating to the protection and promotion of the diversity of cultural expressions.

Article 10. Education and public awareness

Parties shall:

(*a*) Encourage and promote understanding of the importance of the protection and promotion of the diversity of cultural expressions, *inter alia*, through educational and greater public awareness programmes;

(*b*) Cooperate with other Parties and international and regional organizations in achieving the purpose of this article;

(*c*) Endeavour to encourage creativity and strengthen production capacities by setting up educational, training and exchange programmes in the field of cultural industries. These measures should be implemented in a manner which does not have a negative impact on traditional forms of production.

Article 11. Participation of civil society

Parties acknowledge the fundamental role of civil society in protecting and promoting the diversity of cultural expressions. Parties shall encourage the active participation of civil society in their efforts to achieve the objectives of this Convention.

Article 12. Promotion of international cooperation

Parties shall endeavour to strengthen their bilateral, regional and international cooperation for the creation of conditions conducive to the promotion of the diversity of cultural expressions, taking particular account of the situations referred to in Articles 8 and 17, notably in order to:

(*a*) Facilitate dialogue among Parties on cultural policy;

(*b*) Enhance public sector strategic and management capacities in cultural public sector institutions, through professional and international cultural exchanges and sharing of best practices;

(*c*) Reinforce partnerships with and among civil society, non-governmental organizations and the private sector in fostering and promoting the diversity of cultural expressions;

(*d*) Promote the use of new technologies, encourage partnerships to enhance information sharing and cultural understanding, and foster the diversity of cultural expressions;

(*e*) Encourage the conclusion of co-production and co-distribution agreements.

Article 13. Integration of culture in sustainable development

Parties shall endeavour to integrate culture in their development policies at all levels for the creation of conditions conducive to sustainable development and, within this framework, foster aspects relating to the protection and promotion of the diversity of cultural expressions.

Article 14. Cooperation for development

Parties shall endeavour to support cooperation for sustainable development and poverty reduction, especially in relation to the specific needs of developing countries, in order to foster the emergence of a dynamic cultural sector by, *inter alia*, the following means:

(*a*) The strengthening of the cultural industries in developing countries through:

(i) Creating and strengthening cultural production and distribution capacities in developing countries;

(ii) Facilitating wider access to the global market and international distribution networks for their cultural activities, goods and services;

(iii) Enabling the emergence of viable local and regional markets;

(iv) Adopting, where possible, appropriate measures in developed countries with a view to facilitating access to their territory for the cultural activities, goods and services of developing countries;

(v) Providing support for creative work and facilitating the mobility, to the extent possible, of artists from the developing world;

(vi) Encouraging appropriate collaboration between developed and developing countries in the areas, *inter alia*, of music and film;

(*b*) Capacity-building through the exchange of information, experience and expertise, as well as the training of human resources in developing countries, in the public and private sector relating to, *inter alia*, strategic and management capacities, policy development and implementation, promotion and distribution of cultural expressions, small-, medium- and micro-enterprise development, the use of technology, and skills development and transfer;

(*c*) Technology transfer through the introduction of appropriate incentive measures for the transfer of technology and know-how, especially in the areas of cultural industries and enterprises;

(*d*) Financial support through:

(i) The establishment of an International Fund for Cultural Diversity as provided in Article 18;

(ii) The provision of official development assistance, as appropriate, including technical assistance, to stimulate and support creativity;

(iii) Other forms of financial assistance such as low interest loans, grants and other funding mechanisms.

Article 15. Collaborative arrangements

Parties shall encourage the development of partnerships, between and within the public and private sectors and non-profit organizations, in order to cooperate with developing countries in the enhancement of their capacities in the protection and promotion of the diversity of cultural expressions. These innovative partnerships shall, according to the practical needs of developing countries, emphasize the further development of infrastructure, human resources and policies, as well as the exchange of cultural activities, goods and services.

Article 16. Preferential treatment for developing countries

Developed countries shall facilitate cultural exchanges with developing countries by granting, through the appropriate institutional and legal frameworks, preferential treatment to artists and other cultural professionals and practitioners, as well as cultural goods and services from developing countries.

Article 17. International cooperation in situations of serious threat to cultural expressions

Parties shall cooperate in providing assistance to each other, and, in particular to developing countries, in situations referred to under Article 8.

Article 18. International Fund for Cultural Diversity

1. An International Fund for Cultural Diversity, hereinafter referred to as "the Fund", is hereby established.

2. The Fund shall consist of funds-in-trust established in accordance with the Financial Regulations of UNESCO.

3. The resources of the Fund shall consist of:

(*a*) Voluntary contributions made by Parties;

(*b*) Funds appropriated for this purpose by the General Conference of UNESCO;

(*c*) Contributions, gifts or bequests by other States; organizations and programmes of the United Nations system, other regional or international organizations; and public or private bodies or individuals;

(*d*) Any interest due on resources of the Fund;

(*e*) Funds raised through collections and receipts from events organized for the benefit of the Fund;

(*f*) Any other resources authorized by the Fund's regulations.

4. The use of resources of the Fund shall be decided by the Intergovernmental Committee on the basis of guidelines determined by the Conference of Parties referred to in Article 22.

5. The Intergovernmental Committee may accept contributions and other forms of assistance for general and specific purposes relating to specific projects, provided that those projects have been approved by it.

6. No political, economic or other conditions that are incompatible with the objectives of this Convention may be attached to contributions made to the Fund.

7. Parties shall endeavour to provide voluntary contributions on a regular basis towards the implementation of this Convention.

Article 19. Exchange, analysis and dissemination of information

1. Parties agree to exchange information and share expertise concerning data collection and statistics on the diversity of cultural expressions as well as on best practices for its protection and promotion.

2. UNESCO shall facilitate, through the use of existing mechanisms within the Secretariat, the collection, analysis and dissemination of all relevant information, statistics and best practices.

3. UNESCO shall also establish and update a data bank on different sectors and governmental, private and non-profit organizations involved in the area of cultural expressions.

4. To facilitate the collection of data, UNESCO shall pay particular attention to capacity-building and the strengthening of expertise for Parties that submit a request for such assistance.

5. The collection of information identified in this Article shall complement the information collected under the provisions of Article 9.

V. Relationship to other instruments

Article 20. Relationship to other treaties: mutual supportiveness, complementarity and non-subordination

1. Parties recognize that they shall perform in good faith their obligations under this Convention and all other treaties to which they are parties. Accordingly, without subordinating this Convention to any other treaty,

(*a*) They shall foster mutual supportiveness between this Convention and the other treaties to which they are parties; and

(*b*) When interpreting and applying the other treaties to which they are parties or when entering into other international obligations, Parties shall take into account the relevant provisions of this Convention.

2. Nothing in this Convention shall be interpreted as modifying rights and obligations of the Parties under any other treaties to which they are parties.

Article 21. International consultation and coordination

Parties undertake to promote the objectives and principles of this Convention in other international forums. For this purpose, Parties shall consult each other, as appropriate, bearing in mind these objectives and principles.

VI. Organs of the Convention

Article 22. Conference of Parties

1. A Conference of Parties shall be established. The Conference of Parties shall be the plenary and supreme body of this Convention.

2. The Conference of Parties shall meet in ordinary session every two years, as far as possible, in conjunction with the General Conference of UNESCO. It may meet in extraordinary session if it so decides or if the Intergovernmental Committee receives a request to that effect from at least one-third of the Parties.

3. The Conference of Parties shall adopt its own rules of procedure.

4. The functions of the Conference of Parties shall be, *inter alia:*

(*a*) To elect the Members of the Intergovernmental Committee;

(*b*) To receive and examine reports of the Parties to this Convention transmitted by the Intergovernmental Committee;

(*c*) To approve the operational guidelines prepared upon its request by the Intergovernmental Committee;

(*d*) To take whatever other measures it may consider necessary to further the objectives of this Convention.

Article 23. Intergovernmental Committee

1. An Intergovernmental Committee for the Protection and Promotion of the Diversity of Cultural Expressions, hereinafter referred to as "the Intergovernmental Committee", shall be established within UNESCO. It shall be composed of representatives of 18 States Parties to the Convention, elected for a term of four years by the Conference of Parties upon entry into force of this Convention pursuant to Article 29.

2. The Intergovernmental Committee shall meet annually.

3. The Intergovernmental Committee shall function under the authority and guidance of and be accountable to the Conference of Parties.

4. The Members of the Intergovernmental Committee shall be increased to 24 once the number of Parties to the Convention reaches 50.

5. The election of Members of the Intergovernmental Committee shall be based on the principles of equitable geographical representation as well as rotation.

6. Without prejudice to the other responsibilities conferred upon it by this Convention, the functions of the Intergovernmental Committee shall be:

(*a*) To promote the objectives of this Convention and to encourage and monitor the implementation thereof;

(*b*) To prepare and submit for approval by the Conference of Parties, upon its request, the operational guidelines for the implementation and application of the provisions of the Convention;

(*c*) To transmit to the Conference of Parties reports from Parties to the Convention, together with its comments and a summary of their contents;

(*d*) To make appropriate recommendations to be taken in situations brought to its attention by Parties to the Convention in accordance with relevant provisions of the Convention, in particular Article 8;

(*e*) To establish procedures and other mechanisms for consultation aimed at promoting the objectives and principles of this Convention in other international forums;

(*f*) To perform any other tasks as may be requested by the Conference of Parties.

7. The Intergovernmental Committee, in accordance with its Rules of Procedure, may invite at any time public or private organizations or individuals to participate in its meetings for consultation on specific issues.

8. The Intergovernmental Committee shall prepare and submit to the Conference of Parties, for approval, its own Rules of Procedure.

Article 24. UNESCO Secretariat

1. The organs of the Convention shall be assisted by the UNESCO Secretariat.

2. The Secretariat shall prepare the documentation of the Conference of Parties and the Intergovernmental Committee as well as the agenda of their meetings and shall assist in and report on the implementation of their decisions.

VII. Final clauses

Article 25. Settlement of disputes

1. In the event of a dispute between Parties to this Convention concerning the interpretation or the application of the Convention, the Parties shall seek a solution by negotiation.

2. If the Parties concerned cannot reach agreement by negotiation, they may jointly seek the good offices of, or request mediation by, a third party.

3. If good offices or mediation are not undertaken or if there is no settlement by negotiation, good offices or mediation, a Party may have recourse to conciliation in accordance with the procedure laid down in the Annex of this Convention. The Parties shall consider in good faith the proposal made by the Conciliation Commission for the resolution of the dispute.

4. Each Party may, at the time of ratification, acceptance, approval or accession, declare that it does not recognize the conciliation procedure provided for above. Any Party having made such a declaration may, at any time, withdraw this declaration by notification to the Director-General of UNESCO.

Article 26. Ratification, acceptance, approval or accession by Member States

1. This Convention shall be subject to ratification, acceptance, approval or accession by Member States of UNESCO in accordance with their respective constitutional procedures.

2. The instruments of ratification, acceptance, approval or accession shall be deposited with the Director-General of UNESCO.

Article 27. Accession

1. This Convention shall be open to accession by all States not Members of UNESCO but members of the United Nations, or of any of its specialized agencies, that are invited by the General Conference of UNESCO to accede to it.

2. This Convention shall also be open to accession by territories which enjoy full internal self-government recognized as such by the United Nations, but which have not attained full independence in accordance with General Assembly resolution 1514 (XV), and which have competence over the matters governed by this Convention, including the competence to enter into treaties in respect of such matters.

3. The following provisions apply to regional economic integration organizations:

(*a*) This Convention shall also be open to accession by any regional economic integration organization, which shall, except as provided below, be fully bound by the provisions of the Convention in the same manner as States Parties;

(*b*) In the event that one or more Member States of such an organization is also Party to this Convention, the organization and such Member State or States shall decide on their responsibility for the performance of their obligations under this Convention. Such distribution of responsibility shall take effect following completion of the notification procedure described in subparagraph (c). The organization and the Member States shall not be entitled to exercise rights under this Convention concurrently. In addition, regional economic integration organizations, in matters within their competence, shall exercise their rights to vote with a number of votes equal to the number of their Member States that are Parties to this Convention. Such an organization shall not exercise its right to vote if any of its Member States exercises its right, and vice-versa;

(*c*) A regional economic integration organization and its Member State or States which have agreed on a distribution of responsibilities as provided in subparagraph (b) shall inform the Parties of any such proposed distribution of responsibilities in the following manner:

(i) In their instrument of accession, such organization shall declare with specificity, the distribution of their responsibilities with respect to matters governed by the Convention;

(ii) In the event of any later modification of their respective responsibilities, the regional economic integration organization shall inform the depositary of any such proposed modification of their respective responsibilities; the depositary shall in turn inform the Parties of such modification;

(*d*) Member States of a regional economic integration organization which become Parties to this Convention shall be presumed to retain competence over all matters in respect of which transfers of competence to the organization have not been specifically declared or informed to the depositary;

(*e*) "Regional economic integration organization" means an organization constituted by sovereign States, members of the United Nations or of any of its specialized agencies, to which those States have transferred competence in respect of matters governed by this Convention and which has been duly authorized, in accordance with its internal procedures, to become a Party to it.

4. The instrument of accession shall be deposited with the Director-General of UNESCO.

Article 28. Point of contact

Upon becoming Parties to this Convention, each Party shall designate a point of contact as referred to in Article 9.

Article 29. Entry into force

1. This Convention shall enter into force three months after the date of deposit of the thirtieth instrument of ratification, acceptance, approval or accession, but only with respect to those States or regional economic integration organizations that have deposited their respective instruments of ratification, acceptance, approval, or accession on or before that date. It shall enter into force with respect to any other Party three months after the deposit of its instrument of ratification, acceptance, approval or accession.

2. For the purposes of this Article, any instrument deposited by a regional economic integration organization shall not be counted as additional to those deposited by Member States of the organization.

Article 30. Federal or non-unitary constitutional systems

Recognizing that international agreements are equally binding on Parties regardless of their constitutional systems, the following provisions shall apply to Parties which have a federal or non-unitary constitutional system:

(*a*) With regard to the provisions of this Convention, the implementation of which comes under the legal jurisdiction of the federal or central legislative power, the obligations of the federal or central government shall be the same as for those Parties which are not federal States;

(*b*) With regard to the provisions of the Convention, the implementation of which comes under the jurisdiction of individual constituent units such as States, counties, provinces, or cantons which are not obliged by the constitutional system of the federation to take legislative measures, the federal government shall inform, as necessary, the competent authorities of constituent units such as States, counties, provinces or cantons of the said provisions, with its recommendation for their adoption.

Article 31. Denunciation

1. Any Party to this Convention may denounce this Convention.

2. The denunciation shall be notified by an instrument in writing deposited with the Director-General of UNESCO.

3. The denunciation shall take effect 12 months after the receipt of the instrument of denunciation. It shall in no way affect the financial obligations of the Party denouncing the Convention until the date on which the withdrawal takes effect.

Article 32. Depositary functions

The Director-General of UNESCO, as the depositary of this Convention, shall inform the Member States of the Organization, the States not members of the Organization and regional economic integration organizations referred to in Article 27, as well as the United Nations, of the deposit of all the instruments of ratification, acceptance, approval or accession provided for in Articles 26 and 27, and of the denunciations provided for in Article 31.

Article 33. Amendments

1. A Party to this Convention may, by written communication addressed to the Director-General, propose amendments to this Convention. The Director-General shall circulate such communication to all Parties. If, within six months from the date of dispatch of the communication, no less than one half of the Parties reply favourably to the request, the Director-General shall present such proposal to the next session of the Conference of Parties for discussion and possible adoption.

2. Amendments shall be adopted by a two-thirds majority of Parties present and voting.

3. Once adopted, amendments to this Convention shall be submitted to the Parties for ratification, acceptance, approval or accession.

4. For Parties which have ratified, accepted, approved or acceded to them, amendments to this Convention shall enter into force three months after the deposit of the instruments referred to in paragraph 3 of this Article by two-thirds of the Parties. Thereafter, for each Party that ratifies, accepts, approves or accedes to an amendment, the said amendment shall enter into force three months after the date of deposit by that Party of its instrument of ratification, acceptance, approval or accession.

5. The procedure set out in paragraphs 3 and 4 shall not apply to amendments to Article 23 concerning the number of Members of the Intergovernmental Committee. These amendments shall enter into force at the time they are adopted.

6. A State or a regional economic integration organization referred to in Article 27 which becomes a Party to this Convention after the entry into force of amendments in conformity with paragraph 4 of this Article shall, failing an expression of different intention, be considered to be:

(*a*) Party to this Convention as so amended; and

(*b*) A Party to the unamended Convention in relation to any Party not bound by the amendments.

Article 34. Authoritative texts

This Convention has been drawn up in Arabic, Chinese, English, French, Russian and Spanish, all six texts being equally authoritative.

Article 35. Registration

In conformity with Article 102 of the Charter of the United Nations, this Convention shall be registered with the Secretariat of the United Nations at the request of the Director-General of UNESCO.

ANNEX

Conciliation procedure

Article 1. Conciliation Commission

A Conciliation Commission shall be created upon the request of one of the Parties to the dispute. The Commission shall, unless the Parties otherwise agree, be composed of five members, two appointed by each Party concerned and a President chosen jointly by those members.

Article 2. Members of the Commission

In disputes between more than two Parties, Parties in the same interest shall appoint their members of the Commission jointly by agreement. Where two or more Parties have separate interests or there is a disagreement as to whether they are of the same interest, they shall appoint their members separately.

Article 3. Appointments

If any appointments by the Parties are not made within two months of the date of the request to create a Conciliation Commission, the Director-General of UNESCO shall, if asked to do so by the Party that made the request, make those appointments within a further two-month period.

Article 4. President of the Commission

If a President of the Conciliation Commission has not been chosen within two months of the last of the members of the Commission being appointed, the Director-General of UNESCO shall, if asked to do so by a Party, designate a President within a further two-month period.

Article 5. Decisions

The Conciliation Commission shall take its decisions by majority vote of its members. It shall, unless the Parties to the dispute otherwise agree, determine its own procedure. It shall render a proposal for resolution of the dispute, which the Parties shall consider in good faith.

Article 6. Disagreement

A disagreement as to whether the Conciliation Commission has competence shall be decided by the Commission.