

**CONVENTION ON THE MARKING OF PLASTIC EXPLOSIVES FOR  
THE PURPOSE OF DETECTION,  
DONE AT MONTREAL ON 1 MARCH 1991  
[1991] ATSD 3903**

**Documents tabled on 11 October 2005:**

**National Interest Analysis [2005] ATNIA 18  
with attachment on consultation**

**Text of the proposed treaty action**

**Background information:**

**Current status list**

# NATIONAL INTEREST ANALYSIS: CATEGORY 1 TREATY

## SUMMARY PAGE

### **Convention on the Making of Plastic Explosives for the Purpose of Detection, done at Montreal on 1 March 1991 [1991] ATSD 3903**

#### **Nature and timing of proposed treaty action**

1. It is proposed that Australia, pursuant to Article XIII, accede to the *Convention on the Marking of Plastic Explosives for the Purpose of Detection* (Montreal, 1991). The Convention opened for signature in Montreal on 1 March 1991 by States participating in the International Conference on Air Law held at Montreal from 12 February to 1 March 1991 and has been in force generally since 21 June 1998. As at 1 September 2005, there were 120 Parties to the Convention.

2. Australia's accession will occur as soon as practicably possible following completion of the domestic treaty process. Under Article XIII(4), the Convention will enter into force for Australia sixty days after the deposit by Australia of its instrument of accession with the International Civil Aviation Organization (ICAO). Australia does not propose to make any reservations with respect to this treaty.

#### **Overview and national interest summary**

3. The Convention arose as a consequence of the bombing of Pan Am Flight 103 over Lockerbie, Scotland, in December 1988. It was drafted and is administered by ICAO. Accession to the Convention will signify Australia's continued strong commitment to combating the threat of terrorism both within and outside Australia.

4. The Convention aims to deter the misuse by terrorists of plastic explosives by requiring that a detection agent or odourant be incorporated into the manufacture of plastic explosive and imposing on States Parties an obligation to control the possession and transfer of existing stocks of unmarked plastic explosives. As occurred in the Lockerbie air disaster, plastic explosives can be easily smuggled onto aircraft. Whilst they require a detonator to activate an explosion, their detectability is limited unless they are marked with a tracing element. The marking of plastic explosives would make them more easily identifiable and detectable, thereby inhibiting their improper use.

## **Reasons for Australia to take the proposed treaty action**

5. The United Nations Security Council Resolution 1373 of 28 September 2001 calls upon all States to become parties as soon as possible to the relevant international conventions and protocols relating to terrorism. Australia is already a Party to 11 of the 13 UN conventions and protocols on terrorism. Australia's accession to the Convention would provide a strong message to the international community of Australia's continued commitment to its international obligations in overcoming terrorism. It would also further strengthen Australia's international reputation as an authority and leader in counter-terrorism initiatives, particularly in the Asia-Pacific region.

6. Australia's international partners, the United States of America, the United Kingdom, Canada and New Zealand are all Parties to the Convention. In October 2004, as part of the Federal Election *National Security Policy* paper, the Government announced its intention to sign and implement the Convention.

7. In drafting the Convention, the international community was concerned that plastic explosives had been used in terrorist acts aimed at the destruction of aircraft and other targets. The international community was of the view the marking of such explosives for the purpose of detection would contribute significantly to the prevention of such unlawful acts by making them more easily identifiable and detectable. Whilst there have been concerns raised about the ability of current technology to detect marked plastic explosives, Australia should be confident that its accession and commitment to the Convention will assist in the development of effective technologies aimed at the detection of plastic explosives.

## **Obligations**

8. Obligations under the Convention apply generally to "explosives" that are formulated with one or more high explosives which in their pure form have a vapour pressure less than  $10^{-4}$  Pa at a temperature of 25-C, are formulated with a binder material, and are, as a mixture, malleable or flexible at normal room temperature (Article I and Technical Annex Part 1).

### *Categories of exemptions for unmarked plastic explosives*

9. Even if explosives fall within the class defined in paragraph 8 above, they are not covered generally by the Convention as long as they continue to be manufactured or held in limited quantities solely for authorised research, development or testing of new or modified explosives, or authorised training in explosives detection and/or development or testing of explosives detection equipment, or authorised forensic science purposes (Part 1.2 (a), (b) and (c) Technical Annex).

10. A further exemption applies to explosives that are destined to be and are incorporated as an integral part of an authorised military device in the territory of the producer State, within three years after the Convention's entry into force for that producer State. Such devices produced within this three year period are deemed to be duly authorised military devices within Article IV(4) (Part 1.2(d) Technical Annex).

11. Each State Party must exercise strict and effective control over the possession and transfer of explosives which are excluded from the general scope of the Convention by Part 1.2 of the Technical Annex (as set out in paragraphs 9 and 10 above) so as to prevent their diversion or use for purposes inconsistent with the objectives of this Convention (Article IV(5)).

12. Article IV(6) of the Convention obliges each State Party to take necessary measures to destroy, as soon as possible, unmarked explosives, manufactured since the Convention's entry into force for that producer State, that:

- are not incorporated as an integral part of a duly authorised military device in accordance with Part 1.2(d) of the Technical Annex, or
- are no longer manufactured or held in limited quantities, for use in authorised research, development or testing of new or modified explosives, used in training in explosives detection and/or the development of testing of explosives detection equipment or held for authorised forensic science purposes, in accordance with the other sub-paragraphs of Part 1.2 of the Technical Annex.

### *General Obligations*

13. The Convention requires that each State Party prohibit and prevent the manufacture in its territory (Article II), and the movement in and out of its territory (Article III), of unmarked plastic explosives.

14. Part 2 of the Technical Annex as tabled, proscribes the type and minimum concentration of one of four detection agents recommended by the ICAO. The detection agent, 2,3-dimethyl-2,3-dinitrobutane (DMNB) is the most effective explosive odourant.

15. There have been two amendments to Part 2 of the Technical Annex. First, on 7 March 2002, the ICAO announced that ortho-Mononitrotoluene (o-MNT) was to be deleted from the list of detection agents in the Table of the Technical Annex of the Convention with effect from 27 March 2002. Secondly, at the 35<sup>th</sup> Session of the ICAO Assembly held in Montreal on 8 October 2004, the ICAO adopted Resolution A35-2: *Application of Article IV of the Convention on the Marking of Plastic Explosives for the Purpose of Detection*. This Resolution noted that the International Explosives Technical Commission (IETC) had proposed to amend the Technical Annex for the purpose of increasing the required minimum concentration of the detection agent, DMNB, from 0.1% to 1.0% by mass. We understand that there have been no objections to this and therefore the minimum concentration of DMNB will increase from 0.1% to 1.0% effective from 19 December 2005. This amendment will be binding on Australia.

### *Existing stocks of plastic explosives*

16. Each State Party must exercise strict and effective control of the possession and transfer of existing stocks of unmarked plastic explosives (Article IV).

17. Article IV(2) obliges States Parties to ensure that existing stocks of plastic explosives, not held by authorities performing military or police functions, are destroyed or consumed for purposes not inconsistent with the objectives of the Convention, marked or rendered permanently ineffective, within three years from the Convention's date of entry into force for that State.

18. Article IV(3) obliges States Parties to destroy or consume in a manner consistent with the objectives of the Convention, mark or render permanently ineffective, existing stocks of plastic explosives held by authorities performing military or police functions that are not incorporated as an integral part of duly authorised military devices, within fifteen years from the Convention's date of entry into force for that State.

19. Article IV(4) obliges States Parties to destroy, as soon as possible, unmarked explosives which may be discovered in the State which are not referred to in Article IV(2) or (3), other than stocks of unmarked explosives held by authorities performing military or police functions and incorporated as an integral part of authorised military devices at the date of entry into force for that producer State.

20. A 'producer state' is defined as a State in whose territory explosives are manufactured (Article I(6)). Australia must declare, at the time of depositing its instrument of accession, that it is a producer state (Article XIII(2)).

#### *Information to the Commission*

21. Article V establishes an International Explosives Technical Commission (the Commission) consisting of between 15 and 19 members appointed by the Council of ICAO (Council). Commission members shall be experts having direct and substantial experience in matters relating to the manufacture or detection of, or research in, explosives.

22. States Parties shall if possible, provide to the Council information that would assist the Commission in evaluating technical developments relating to the manufacture, marking and detection of explosives (Article VIII(1)). States Parties shall keep the Council informed of measures they have taken to implement the provisions of the Convention and the Council shall communicate the information to all States Parties and international organizations concerned (Article VIII(2)).

23. The Council shall, in cooperation with States Parties and international organizations concerned, take appropriate measures to facilitate the implementation of the Convention, including the provision of technical assistance and measures for the exchange of information relating to technical developments in the marking and detection of explosives (Article IX).

#### *Dispute resolution*

24. Article XI(1) provides that a dispute which cannot be settled through negotiation shall, at the request of one State Party be submitted to arbitration and, if within six months the Parties are unable to agree on an arbitral body, either Party may refer the dispute to the International Court of Justice.

25. Unless a Party makes a declaration to the contrary (in accordance with Article XI(2)), it will be obliged to follow the dispute resolution procedure outlined in Article XI. A State Party may, at the time of accession, declare that it does not consider itself bound by the dispute resolution process (Article XI(2)). Australia does not intend to make a declaration pursuant to Article XI(2).

#### **Implementation**

26. The obligations of the Convention will be enacted through an amendment to Schedule 1 of the *Criminal Code Act 1995* (the Criminal Code), and in particular, to Division 72 which deals with 'International terrorist activities using explosive or lethal devices'. The amendments will divide Division 72 into two Subdivisions. The new subdivision B will be headed 'Plastic explosives' and will contain provisions for offences of trafficking, importing, exporting,

manufacturing and possession of unmarked plastic explosives and broadly give effect to the terms of the Convention.

27. Amendments to the *Customs Act 1901* (the Customs Act) will also be made in order to provide Customs and its officers with the necessary powers to effect the terms of the Convention. Consequential amendments will also be made to the *Australian Federal Police Act 1979*, the *Australian Security Intelligence Organisation Act 1979*, the *Crimes Act 1914*, the *Surveillance Devices Act 2004* and the *Telecommunications (Interception) Act 1979*.

28. The border control aspects of the Convention could also be administered through amendments to the *Customs (Prohibited Imports) Regulations 1956* and the *Customs (Prohibited Exports) Regulations 1958* which complement the proposed changes to the Criminal Code. The import or export of plastic explosive would be prohibited unless permission was given for its import or export.

29. The Convention does not oblige States Parties to implement a regime for ensuring an auditable trail of the custody of plastic explosives from the time the raw material becomes a 'plastic explosive' through to its final use or destruction. It may however be in the interests of manufacturers and users to implement appropriate systems to ensure such an auditable trail exists.

30. Implementation will not require amendment to existing State or Territory legislation.

### **Costs**

31. Australia's accession to the Convention will have a financial impact associated with the requirement of having plastic explosives marked with a detection agent at the time of manufacture. The Department of Defence and the principal Australian manufacturer of plastic explosives, ADI Limited, will bear the most significant financial burden in complying with the terms of the Convention.

32. The Department of Defence have advised that a significant quantity of plastic explosive is consumed and produced each year and a war reserve stock will be built up over the next few years. All stocks of plastic explosives are purchased from ADI Limited. Accession to the Convention would impact upon the manufacturing process, stores management and transport costs.

33. It is difficult to assess accurately the costs of accession to the Convention. The Department of Defence and ADI Limited have estimated that non-recurring costs to establish and provide the production processes amount to \$500,000.00 and the annual recurring costs amount to \$1.125 million.

34. Australia has considered the most economical way to effect the obligations of the Convention in marking a plastic explosive is to ensure that the required detection agent (1.0% by mass of DMNB) is incorporated with the plastic explosive at the time of manufacture. This would significantly reduce the costs associated with ongoing monitoring and regulation of stocks of plastic explosive over their life.

35. There may also be a cost impact arising from occupational health and safety management issues associated with adding the prescribed 1.0% DMNB to plastic explosives. It is noted,

however, that ADI Limited already has strict safety standards in the manufacture and operation of hazardous materials.

36. There would also be costs incurred by government in regulating and monitoring of marked plastic explosives through border security under the control of the Australian Customs Service. The extent of such costs and the nature of the costs would depend on the regulatory model adopted.

37. The proposed amendments to the Criminal Code are likely to require technology to allow it to determine whether imported or exported plastic explosives are marked or not. Such equipment would cost in excess of \$1 million per unit, with multiple units needed in ports around Australia. Further costs would be incurred in maintaining and operating the equipment, training staff to operate the equipment, laboratory testing of plastic explosives to measure the concentration of marker, obtaining a capability to detect markers that are currently difficult or impossible to detect and handling, transporting and storing plastic explosives.

38. Potentially Customs would not require new technology to determine whether the goods were marked, relying instead on the permission issued for the goods. Costs may be incurred for laboratory testing of plastic explosives to measure the concentration of marker, handling, transporting and storing plastic explosives, plus costs associated with the preparation and consideration of applications to import or export plastic explosives and a cost to applicants in preparing applications seeking import or export permission.

### **Regulation Impact Statement**

39. The Office of Regulation Review (Productivity Commission) has been consulted and confirms that a Regulation Impact Statement is not required.

### **Future treaty action**

40. There is no provision which deals expressly with an amendment to the main body to the Convention. As such, Article 40 of the Vienna Convention on the Law of Treaties (VCLOT) applies. That article provides that all Contracting States have a right to take part in the negotiation and conclusion of any agreement for the amendment of a treaty.

41. Each Contracting State is entitled to become Party to the Treaty as amended but is not bound if it chooses not to become a Party to the amendment agreement and a Party that chooses not to be bound will continue to be governed by the original Treaty. Any amendments would be subject to Australia's domestic treaty process, including the provision of a National Interest Analysis and consideration by the Parliamentary Joint Standing Committee on Treaties.

42. The procedure for amendments to the Technical Annex, which forms an integral part of the Convention, is outlined in Articles VI and VII. Article VI(4) provides that the Council, on the recommendation of the Commission, propose amendments to the Technical Annex. A State Party may, within ninety days from the date of notification of a proposed amendment to the Technical Annex, transmit to the Council its comments. (Article VII(1)). If five or more States Parties have not provided written notice to the Council of an objection to a proposed amendment, within ninety days from the date of notice of the amendment, the amendment is deemed to have been adopted. The amendment then enters into force after 180 days or another period as specified in the proposed amendment (Article VII(3)). If five or more States Parties have objected to the proposed amendment, the Council shall refer it to the Commission for further

consideration (Article VII(5)).

43. A State Party which has expressly objected to the proposed amendment may, subsequently, consent to the amendment. The consent is given by the deposit of an instrument of acceptance or approval of the amendment (Article VII(4)). Article VII does not specifically refer to the circumstances where between one and four States Parties object to an amendment to the Technical Annex. In these circumstances, it is implied that such States Parties would not be bound by the provision of the amendment and would only be bound by express acceptance or approval under Article VII(4)).

44. Article XII provides that the only permissible reservation is with respect to the dispute resolution procedure as set out in Article XI. Australia does not intend to make such a reservation.

### **Withdrawal or denunciation**

45. The Convention provides that any State Party may denounce the Convention by written notice to the Depositary (the ICAO) (Article XV(1)). The denunciation will take effect within 180 days after notification is received by the ICAO (Article XV(2)).

46. Denunciation by Australia would be subject to Australia's domestic treaty process including scrutiny by the Parliamentary Joint Standing Committee on Treaties.

### **Contact details:**

Security Law Branch  
Security and Critical Infrastructure Division  
Attorney-General's Department.



**Convention on the Marking of Plastic Explosives for the Purpose of Detection  
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**Consultations**

1. The Attorney-General's Department has consulted extensively with the Department of Prime Minister and Cabinet, the Department of Defence, the Department of Foreign Affairs and Trade, the Department of Transport and Regional Security and the Australian Customs Service with respect to Australia's accession to the Convention.
2. During 2005, the Attorney-General's Department provided details of the Convention to the States and Territories Standing Committee on Treaties (SCOT) in Schedule 1 to the Treaty Action Schedule.
3. The Attorney-General's Department has also consulted with private industry manufacturers and users of plastic explosives and sought their advice as to the impact upon their businesses on the accession to the Convention.

4. Details of these consultations are as follows:

- a. On 2 June 2004 the Attorney-General wrote to the State and Territory Deputy Police Commissions and to the Australian Federal Police, advising on the proposed implementation of the Convention. The Attorney-General sought information on the plastic explosives stored and used by each police service, and on preliminary views on Australia becoming a party to the Convention.

All responses received advised of the stocks of plastic explosives held. The responses were also supportive of Australia becoming a party to the Convention.

- The NSW Ministry for Police advised that the marking of plastic explosives would be of assistance in post blast analysis and investigation and that the NSW policing portfolio has no objections to Australia being a signatory to the Convention
- Victoria Police advised that it was pleased to support Australia becoming a party to the Convention.
- The Queensland Deputy Commissioner advised that as plastic explosives were not manufactured in Queensland, it is unlikely that the proposed legislation will have an adverse impact on State legislation.
- The Western Australia Bomb Response Unit advised of the stocks of plastic explosives held.
- The Tasmanian Police Service also noted that participation in the Convention should be beneficial to law enforcement.
- The Northern Territory Police advised of its support to Australia becoming a party to the Convention.

- b. The Australian Bomb Data Centre (ABDC) of the Australian Federal Police (AFP), noted that marking plastic explosives would be effective from a law enforcement perspective if the marking enabled the identification by batch of the explosive. It was noted however that plastic explosives represented only a small part of the international explosives inventory therefore consideration should be given to the marking of all explosives.

The AFP also drew attention to the work being done by the National Institute of Forensic Science (NIFS) on the tagging of explosives.

### **Consultations with non-government organisations**

5. On 2 June 2004 the Attorney-General wrote to ADI Limited as the primary producer of plastic explosives in Australia.

6. The Attorney-General sought information from ADI on an assessment of costs and impact to their industry if chemical markings of plastic explosives were required. The Attorney-General also sought information as to the quantities of plastic explosives purchased from ADI and the names of purchasers.

7. The Attorney-General's Department has held many discussions with ADI on the impact of the implementation of the Convention on ADI.

8. In April 2005, the Attorney-General's Department wrote to five private sector organisations seeking information on any use or production of plastic explosives and the impact of accession to the Convention on their business.

Responses were received as follows:

- Brandrill Limited advised that neither it, nor its subsidiary RockTek Limited manufactures plastic explosives or any other product that contains plastic explosives.
- Adele Enterprises advised that it does not manufacture plastic explosives. They advised that commercial explosives sales are at a low level and stocking levels mirror these sales. They did not consider that the Convention or DMNB would affect their business in any way. Adele Enterprises were grateful that they were consulted prior to the implementation of the Convention.
- Applied Explosives Technology (AET) responded on behalf of Quin Investments. AET advised that they do not currently manufacture plastic explosives, however plastic explosives, and particularly PE4, is extensively used in AET's research and development and in some of their fully manufactured articles. AET advised that the cost of DMNB is US\$240 per kilogram and that they had recently been involved in testing the effects of different DMNB concentrations in PE-4 in support of investigations being undertaken by the National Institute of Forensic Science (NIFS) and DSTO.

## BACKGROUND INFORMATION

### CURRENT STATUS LIST as at 1 September 2005

of the Convention on the Marking of Plastic Explosives for the Purpose of Detection done at Montreal on 1 March 1991

State	Date of signature	Date of deposit of instrument of ratification, acceptance (A), approval (AA), accession (a) or succession (s)	Effective date
Afghanistan (3)	1/3/91	1/10/03	30/11/03
Albania (3)		20/10/04 (a)	19/12/04
Algeria (1)(3)		14/11/96 (a)	21/6/98
Argentina (2)	1/3/91	8/3/99	7/5/99
Armenia (3)(12)		22/7/05 (a)	20/9/05
Austria (2)	16/12/97	31/5/99	30/7/99
Azerbaijan (3)		4/7/00 (a)	2/9/00
Bahrain (3)		30/1/96 (a)	21/6/98
Bangladesh (3)		16/8/05 (a)	15/10/05
Barbados (3)		12/9/02 (a)	11/11/02
Belarus (3)	1/3/91	6/2/02 (AA)	7/4/02
Belgium	1/3/91		
Belize	1/3/91		
Benin (3)		30/3/04 (a)	29/5/04
Bhutan (3)		26/8/05 (a)	25/10/05
Bolivia (3)	1/3/91	1/2/02	2/4/02
Bosnia and Herzegovina (2)		3/5/04 (a)	2/7/04
Botswana (3)		19/9/00 (a)	18/11/00
Brazil (1)(2)	1/3/91	4/10/01	3/12/01
Bulgaria (2)	26/3/91	8/9/99	7/11/99
Burkina Faso (3)		7/7/04 (a)	5/9/04
Cameroon (3)		3/6/98 (a)	2/8/98
Canada (2)	1/3/91	29/11/96	21/6/98
Cape Verde (3)		4/11/02 (a)	3/1/03
Chile (3)	1/3/91	2/8/00	1/10/00
China (9)	--	--	--
Colombia	13/12/91		
Costa Rica (3)	1/3/91	12/7/05	10/9/05
Côte d'Ivoire	1/3/91		
Croatia (3)		24/2/05 (a)	25/4/05
Cuba (1)(3)		30/11/01 (a)	29/1/02
Cyprus (3)		20/9/02 (a)	19/11/02
Czech Republic (2)(4)		25/3/93 (s)	21/6/98

Denmark (3)(5)	1/3/91	5/10/98	4/12/98
Djibouti (3)		11/6/04 (a)	10/8/04
Ecuador (3)	1/3/91	15/12/95	21/6/98
Egypt (3)	1/3/91	19/7/93	21/6/98
El Salvador (3)		18/2/00 (a)	18/4/00
Eritrea (3)		1/12/94 (a)	21/6/98
Estonia (3)		5/3/96 (a)	21/6/98
Finland (2)	25/3/93	5/12/01 (A)	3/2/02
France (2)	1/3/91	21/5/97	21/6/98
Gabon	1/3/91		
Gambia (3)		20/6/00 (a)	19/8/00
Georgia (3)		25/4/00 (a)	24/6/00
Germany (2)	1/3/91	17/12/98	15/2/99
Ghana (3)	1/3/91	22/4/98	21/6/98
Greece (2)	1/3/91	30/10/95	21/6/98
Grenada (3)		15/01/02 (a)	16/3/02
Guatemala (3)		26/11/97 (a)	21/6/98
Guinea (3)	1/3/91	23/1/04	23/3/04
Guinea-Bissau	1/3/91		
Honduras (1)(3)	26/3/91	18/2/04	18/4/04
Hungary (3)	30/10/92	11/1/94	21/6/98
Iceland (3)		24/5/02 (a)	23/7/02
India (1)(2)		16/11/99 (a)	15/1/00
Ireland (3)		15/7/03 (a)	13/9/03
Israel	1/3/91		
Italy (3)		26/9/02 (a)	25/11/02
Jamaica (3)		18/8/05 (a)	17/10/05
Japan (2)		26/9/97 (a)	21/6/98
Jordan (3)	17/7/92	23/5/96	21/6/98
Kazakhstan (3)		18/5/95 (a)	21/6/98
Kenya (3)		22/10/02 (a)	21/12/02
Kuwait (3)	1/3/91	18/3/96	21/6/98
Kyrgyzstan (3)		14/7/00 (a)	12/9/00
Latvia (3)		17/8/99 (a)	16/10/99
Lebanon (3)	1/3/91	26/11/97	21/6/98
Libyan Arab Jamahiriya (3)		10/10/02 (a)	9/12/02
Liechtenstein (3)		4/12/02 (a)	2/2/03
Lithuania (3)		21/11/96 (a)	21/6/98
Madagascar (3)	1/3/91	23/12/03	21/2/04
Maldives (3)		22/3/99 (a)	21/5/99
Mali (3)	1/3/91	28/9/00	27/11/00
Malta (3)		15/11/94 (a)	21/6/98

Marshall Islands (3)		6/2/03 (a)	7/4/03
Mauritius	1/3/91		
Mexico (3)	1/3/91	9/4/92	21/6/98
Monaco (3)		14/5/98 (a)	13/7/98
Mongolia (3)		22/9/99 (a)	21/11/99
Morocco (3)		26/5/99 (a)	25/7/99
Myanmar (1)(3)		1/9/04 (a)	31/10/04
Netherlands (3)	2/8/91	4/5/98	3/7/98
New Zealand (3)(10)		19/12/03 (a)	17/2/04
Nicaragua	6/10/94		
Nigeria (3)		10/5/02 (a)	9/7/02
Norway (2)	1/3/91	9/7/92	21/6/98
Oman (3)		13/12/01 (a)	11/2/02
Pakistan	1/3/91		
Palau (3)		30/11/01 (a)	29/1/02
Panama (3)		12/4/96 (a)	21/6/98
Paraguay (3)		15/10/04 (a)	14/12/04
Peru (1)(3)	1/3/91	7/2/96	21/6/98
Philippines (3)		17/12/03 (a)	15/2/04
Portugal (3)		9/10/02 (a)	8/12/02
Qatar (3)		9/11/98 (a)	8/1/99
Republic of Korea (1)(2)	1/3/91	2/1/02	3/3/02
Republic of Moldova (3)		1/12/97 (a)	21/6/98
Romania (3)		21/9/98 (a)	20/11/98
Russian Federation	1/3/91		
Saint Kitts and Nevis (3)		9/5/02 (a)	8/7/02
Samoa (3)		9/7/98 (a)	7/9/98
Saudi Arabia (3)(6)		11/7/96 (a)	21/6/98
Senegal (3)	1/3/91	11/2/04	11/4/04
Seychelles (3)		14/8/03 (a)	13/10/03
Singapore (3)		20/1/03 (a)	21/3/03
Slovakia (2)(7)		20/3/95 (s)	21/6/98
Slovenia (3)		5/6/00 (a)	4/8/00
South Africa (2)		1/12/99 (a)	30/1/00
Spain (2)	5/4/93	31/5/94	21/6/98
Sri Lanka (3)		11/10/01 (a)	10/12/01
Sudan (3)		25/5/00 (a)	24/7/00
Suriname (3)		27/3/03 (a)	26/5/03
Swaziland (3)		13/5/03 (a)	12/7/03
Sweden	13/11/92		
Switzerland (2)	1/3/91	3/4/95	21/6/98

Syrian Arab Republic (1)(3)(11)		29/9/04 (a)	28/11/04
The former Yugoslav Republic of Macedonia (3)		21/9/98 (a)	20/11/98
Togo (3)	1/3/91	22/7/03	20/9/03
Tonga (3)		10/12/02 (a)	8/2/03
Trinidad and Tobago (3)		3/4/01	2/6/01
Tunisia (3)		28/5/97 (a)	21/6/98
Turkey (1)(3)	7/5/91	14/12/94	21/6/98
Turkmenistan (3)		14/1/05 (a)	16/3/05
Uganda (3)		2/7/04 (a)	31/8/04
Ukraine (3)	1/3/91	18/3/99	17/5/99
United Arab Emirates (3)		21/12/92 (a)	21/6/98
United Kingdom (2)(8)	1/3/91	28/4/97	21/6/98
United Republic of Tanzania (3)		11/2/03 (a)	12/4/03
United States (2)	1/3/91	9/4/97	21/6/98
Uruguay (3)		14/6/01 (a)	13/8/01
Uzbekistan (3)		9/6/99 (a)	8/8/99
Zambia (3)		31/5/95 (a)	21/6/98

- (1) Reservation: Does not consider itself bound by Article XI, paragraph 1, of the Convention.
- (2) Declaration, in accordance with Article XIII, paragraph 2, of the Convention, that it is a producer State.
- (3) Declaration, in accordance with Article XIII, paragraph 2, of the Convention, that it is not a producer State.
- (4) By a Note dated 8 March 1993, received on 25 March 1993, the Government of the Czech Republic informed the International Civil Aviation Organization that, as a successor State created as a result of the dissolution of the Czech and Slovak Federal Republic, it considered itself bound, as of 1 January 1993, by the Convention. The declaration made by the former Czech and Slovak Federal Republic in accordance with Article XIII, paragraph 2, thereof continues in force for the Czech Republic (see footnote 2).
- (5) The Government of Denmark made the following reservation at the time of ratification of the Convention:  
“Until later decision, the Convention will not be applied to the Faroe Islands.”
- (6) Reservation: The Kingdom of Saudi Arabia is not bound by Paragraph 1 of Article XI, except with an explicit declaration on its part and on a case by case basis.
- (7) By a Note dated 16 February 1995, received on 20 March 1995, the Government of the Slovak Republic informed the International Civil Aviation Organization that, as a successor State, born from the dissolution of the Czech and Slovak Federal Republic, it considered itself bound, as of 1 January 1993, by the Convention. The declaration made by the former Czech and Slovak Federal Republic in accordance with Article XIII, paragraph 2, thereof continues in force for the Slovak Republic (see footnote 2).
- (8) Ratification by the United Kingdom was in respect of the United Kingdom of Great Britain and Northern Ireland and Hong Kong. Statement issued by the Government of the United Kingdom of Great Britain and Northern Ireland, dated 18 June 1997:  
“...in accordance with the Joint Declaration of the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the People's Republic of China on the Question of Hong Kong, signed on 19 December 1984, the Government of the United Kingdom will restore Hong Kong to the People's Republic of China with effect from 1 July 1997. The

Government of the United Kingdom will continue to have international responsibility for Hong Kong until that date. Therefore, from that date the Government of the United Kingdom will cease to be responsible for the international rights and obligations arising from the application of the Convention to Hong Kong.”

On 31 August 1999 the Government of the United Kingdom extended ratification of this Convention to the Bailiwick of Guernsey, the Bailiwick of Jersey, the Isle of Man, the Cayman Islands, the Falkland Islands and Montserrat, with effect from 30 October 1999. On 27 November 2000 the Government of the United Kingdom extended ratification of this Convention to the British Virgin Islands, with effect from 26 January 2001.

- (9) By a Note dated 20 March 2001, received on 22 March 2001, the Government of the People’s Republic of China informed the International Civil Aviation Organization of the following with regard to the application of the Convention to the Hong Kong Special Administrative Region of the People’s Republic of China:
- “In accordance with Section 11, Appendix 1 of the Joint Declaration of the People’s Republic of China and the United Kingdom of the Great Britain and Northern Ireland and Article 153 of the Basic Law of the Hong Kong Administrative Region of the People’s Republic of China, international agreements to which the People’s Republic of China is not a party but which are implemented in Hong Kong may continue to be implemented in the Hong Kong Special Administrative Region. In view of this, the above-mentioned Convention remains to be applicable to Hong Kong Special Administrative Region after July 1, 1997. Meanwhile, according to Article 13 of the Convention, the Government of the People’s Republic of China also wishes to make the following declaration: The Hong Kong Special Administrative Region is not a producer region of plastic explosives. Within the above ambit, responsibility for the international rights and obligations of a party to the Convention will be assumed by the People’s Republic of China.”
- (10) In its instrument of accession, the Government of New Zealand declared that “this ratification shall not extend to Tokelau unless and until a Declaration to this effect is lodged by the Government of New Zealand with the Depositary on the basis of appropriate consultation with that territory.”
- (11) The instrument of accession by the Government of the Syrian Arab Republic contains the following reservation:
- “The accession of the Syrian Arab Republic to the said convention shall in no way imply recognition of Israel and consequently shall not involve entering with it into any dealing governed by the provisions of the convention.”
- (12) Reservation: Armenia does not consider itself bound by the second sentence of Article XI, paragraph 1, of the Convention.