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UNITED NATIONS CONVENTION AGAINST TRANSNATIONAL ORGANIZED
CRIME

NEW YORK, 15 NOVEMBER 2000

UNITED STATES OF AMERICA: RATIFICATION

The Secretary-General of the United Nations, acting in his capacity as depositary, communicates the following:

The above action was effected on 3 November 2005, with:

Reservations (Original: English)

(1) The United States of America reserves the right to assume obligations under the Convention in a manner consistent with its fundamental principles of federalism, pursuant to which both federal and state criminal laws must be considered in relation to the conduct addressed in the Convention. U.S. federal criminal law, which regulates conduct based on its effect on interstate or foreign commerce, or another federal interest, serves as the principal legal regime within the United States for combating organized crime, and is broadly effective for this purpose. Federal criminal law does not apply in the rare case where such criminal conduct does not so involve interstate or foreign commerce, or another federal interest. There are a small number of conceivable situations involving such rare offenses of a purely local character where U.S. federal and state criminal law may not be entirely adequate to satisfy an obligation under the Convention. The United States of America therefore reserves to the obligations set forth in the Convention to the extent they address conduct which would fall within this narrow category of highly localized activity. This reservation does not affect in any respect the ability of the United States to provide international cooperation to other Parties as contemplated in the Convention.

(2) The United States of America reserves the right not to apply in part the obligation set forth in Article 15, paragraph 1 (b) with respect to the offenses established in the Convention. The United States does not provide for plenary jurisdiction over offenses that are committed on board ships flying its flag or aircraft registered under its laws. However, in a number of circumstances, U.S. law provides for jurisdiction over such offenses committed on board U.S. -flagged ships or aircraft registered under U.S. law. Accordingly, the United States will implement paragraph 1 (b) to the extent provided for under its federal law.

(3) In accordance with Article 35, paragraph 3, the United States of America declares that it does not consider itself bound by the obligation set forth in Article 35, paragraph 2.”

Attention: Treaty Services of Ministries of Foreign Affairs and of international organizations concerned.
Depositary notifications are made available to the Permanent Missions to the United Nations at the following e-mail address: missions@un.int. Such notifications are also available in the United Nations Treaty Collection on the Internet at <http://untreaty.un.org>.

Notifications (Original: English)

“Pursuant to Article 5, paragraph 3, of the Convention, I have the honour to inform you that, in order to establish criminal liability under the United States law with respect to the offense described in Article 5, paragraph 1 (a) (i), the commission of an overt act in furtherance of the agreement is generally required.

Pursuant to Article 16, paragraph 5, of the Convention, I have the honour to inform you that the United States of America will not apply Article 16, paragraph 4.

Pursuant to Article 18, paragraph 13, of the Convention, I have the honour to inform you that the Office of International Affairs, United States Department of Justice, Criminal Division, is designated as the central authority of the United States of America for mutual legal assistance under the Convention.

Pursuant to Article 18, paragraph 14, of the Convention, I have the honour to inform you that requests for mutual legal assistance under the Convention should be made in, or accompanied by, a translation into the English language.

Pursuant to Article 31, paragraph 6, of the Convention, I have the honour to inform you that requests for assistance on developing measures to prevent transnational organized crime should be directed to the United States Department of Justice, Office of Justice Programs, National Institute of Justice.”

The Convention will enter into force for the United States of America on 3 December 2005 in accordance with its article 38 (2) which reads as follows:

"For each State or regional economic integration organization ratifying, accepting, approving or acceding to this Convention after the deposit of the fortieth instrument of such action, this Convention shall enter into force on the thirtieth day after the date of deposit by such State or organization of the relevant instrument."

15 November 2005

