13. United Nations Convention on Jurisdictional Immunities of States and Their Property

New York, 2 December 2004

NOT YET IN FORCE: in accordance with article 30 which reads as follows: "1. The present Convention shall enter into force on the thirtieth day following the date of deposit of the thirtieth 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 present Convention after the deposit of the thirtieth instrument of ratification, acceptance, approval or accession, the Convention shall enter into force on the thirtieth day after the deposit by such State of its instrument of ratification, acceptance, approval or accession.".

STATUS: Signatories: 28. Parties: 25.

TEXT: Doc. A/59/508; depositary notification C.N.141.2005.TREATIES-4 of 28 February 2005 [Proposal of corrections to the original text of the Convention (Chinese version)] and C.N.419.2005.TREATIES-6 of 31 May 2005 [Corrections to the original text of the Convention (Chinese version)]; C.N.359.2008.TREATIES-1 of 6 May 2008 (Proposal of corrections to the original text of the Convention (Arabic text) and to the Certified True Copies) and C.N.556.2008.TREATIES-2 of 21 August 2008 (corrections).

Note: The above Convention was adopted during the 65th plenary meeting of the General Assembly by resolution A/59/38 of 2 December 2004. In accordance with its articles 28 and 33, the Convention shall be open for signature by all States from 17 January 2005 until 17 January 2007, at United Nations Headquarters in New York.

Participant	*Signature*	*Ratification, Acceptance(A), Approval(AA), Accession(a)*
Austria	17 Jan 2005	14 Sep 2006
Belgium	22 Apr 2005	
Benin		7 Jul 2022 a
China	14 Sep 2005	
Czech Republic	13 Oct 2006	12 Mar 2015
Denmark	19 Sep 2006	
Equatorial Guinea		30 May 2018 a
Estonia	30 Mar 2006	
Finland	14 Sep 2005	23 Apr 2014 A
France	17 Jan 2007	12 Aug 2011 AA
Iceland	16 Sep 2005	
India	12 Jan 2007	
Iran (Islamic Republic of)	17 Jan 2007	29 Sep 2008
Iraq		2 Dec 2015 a
Italy		6 May 2013 a
Japan	11 Jan 2007	11 May 2010 A
Kazakhstan		17 Feb 2010 a
Latvia		14 Feb 2014 a
Lebanon	11 Nov 2005	21 Nov 2008
Libya		26 Sep 2024 a
Liechtenstein		22 Apr 2015 a
Madagascar	15 Sep 2005	
Mexico	25 Sep 2006	29 Sep 2015
Morocco	17 Jan 2005	
Netherlands (Kingdom of the)		23 Apr 2025 a
Norway	8 Jul 2005	27 Mar 2006
Paraguay	16 Sep 2005	
Portugal	25 Feb 2005	14 Sep 2006
Romania	14 Sep 2005	15 Feb 2007
Russian Federation	1 Dec 2006	
Saudi Arabia		1 Sep 2010 a
Senegal	21 Sep 2005	
Sierra Leone	21 Sep 2006	
Slovakia	15 Sep 2005	29 Dec 2015
Spain		21 Sep 2011 a
Sweden	14 Sep 2005	23 Dec 2009
Switzerland	19 Sep 2006	16 Apr 2010
Timor-Leste	16 Sep 2005	
United Kingdom of Great Britain and Northern Ireland	30 Sep 2005	

Declarations and Reservations
(Unless otherwise indicated, the declarations and reservations were made upon ratification, acceptance. approval or accession.)

FINLAND

"Finland hereby declares its understanding that the Convention does not apply to military activities, including the activities of armed forces during an armed conflict, as those terms are understood under international humanitarian law, and activities undertaken by military forces of a State in the exercise of their official functions; that the express mention of heads of State in article 3 of the Convention cannot be considered to affect the immunity *ratione personae* which other State officials might enjoy under international law; and that the Convention is without prejudice to any future international legal development concerning the protection of human rights."

IRAN (ISLAMIC REPUBLIC OF)

"Pursuant to Article 27, paragraph 3 of the United Nations Convention on Jurisdictional Immunities of States and Their Property, the Government of the Islamic Republic of Iran does not consider itself bound by the provisions of Article 27, paragraph 2 of the Convention. The Government of the Islamic Republic of Iran affirms that the consent of all parties to such a dispute is necessary, in

each individual case, for the submission of the dispute to the International Court of Justice. The Government of the Islamic Republic of Iran can, if it deems appropriate, for the settlement of such a dispute, agree with the submission of the dispute to arbitration in accordance with its related domestic law."

ITALY

"… In depositing the present instrument of ratification, the Italian Republic wishes to underline that Italy understands that the Convention will be interpreted and applied in accordance with the principles of international law and, in particular, with the principles concerning the protection of human rights from serious violations. In addition, Italy states its understanding that the Convention does not apply to the activities of armed forces and their personnel, whether carried out during an armed conflict as defined by international humanitarian law, or undertaken in the exercise of their official duties.

Similarly, the Convention does not apply where there are special immunity regimes, including the ones concerning the status of armed forces and associated personnel following the armed forces, as well as immunities ratione personae. Italy understands that the express reference, in Article 3,paragraph 2, of the Convention, to Heads of State cannot be interpreted so as to exclude or affect the immunity ratione personae of other State officials according to international law..."

LIECHTENSTEIN

In accordance with General Assembly resolution 59/38, adopted on 2 December 2004, the Principality of Liechtenstein hereby understands that the Convention does not cover criminal proceedings.

The Principality of Liechtenstein considers that article 12 does not govern the question of pecuniary compensation for serious human rights violations which are alleged to be attributable to a State and are committed outside the State of the forum. Consequently, this Convention is without prejudice to developments in international law in this regard."

NETHERLANDS (KINGDOM OF THE)

"The Kingdom of the Netherlands interprets the Convention as not precluding the possibility of restricting State immunity in case of war crimes or crimes of aggression as recognized by the international community and in accordance with international law.

Recalling, inter alia, resolution 59/38 adopted by the General Assembly of the United Nations on 2 December 2004, in which the General Assembly took into account, when adopting the Convention, the statement of 25 October 2004 of the Chairman of the Ad Hoc Committee on Jurisdictional Immunities of States and Their Property introducing the Committee's report, the Kingdom of the Netherlands expresses its understanding that the Convention does not apply to military activities, including the activities of armed forces during an armed conflict, as those terms are understood under international humanitarian law, and activities undertaken by military forces of a State in the exercise of their official duties. Such activities remain subject to other rules of international law."

"The Kingdom of the Netherlands accepts the provisions of article 18 of the Convention subject to the reservation that the conditions laid down in article 19, subparagraph (c) of the Convention regarding post-judgment measures of constraint also apply to pre-judgment measures of constraint against property of a State. Pre-judgment measures of constraint may be taken if it has been established that the property is specifically in use or intended for use by the State for other than government non-commercial purposes and is in the territory of the State of the forum, provided that pre-judgment measures of constraint may only be taken against property that has a connection with the entity against which the dispute was directed."

NORWAY

"Recalling inter alia resolution 59/38 adopted by the General Assembly of the United Nations on 2 December 2004, in which the General Assembly took into account, when adopting the Convention, the statement of 25 October 2004 of the Chairman of the Ad Hoc Committee on Jurisdictional Immunities of States and Their Property introducing the Committee's report, Norway hereby states its understanding that the Convention does not apply to military activities, including the activities of armed forces during an armed conflict, as those terms are understood under international humanitarian law, and activities undertaken by military forces of a State in the exercise of their official duties. Such activities remain subject to other rules of international law. Similarly, as also noted in the said statement, the Convention does not apply where there is a special immunity regime, including immunities ratione personae. Thus, the express mention of heads of State in Article 3 should not be read as suggesting that the immunity ratione personae of other State officials is affected by the Convention.

Furthermore, in cases where it has been established that property of a State is specifically in use or intended for use by the State for other than government non-commercial purposes and is in the territory of the State of the forum, it is the understanding of Norway that Article 18 does not prevent pre-judgement measures of constraint

from being taken against property that has a connection with the entity against which the proceeding was directed.

Finally, Norway understands that the Convention is without prejudice to any future international development in the protection of human rights."

SAUDI ARABIA

… the Kingdom of Saudi Arabia does accede to and accept the United Nations Convention on Jurisdictional Immunities of States and Their Property, with the following reservation to article 27, paragraph 2, of the Convention regarding referral of disputes to the International Court of Justice:

The Kingdom does not consider itself bound by the provision that disputes concerning the interpretation or application of the Convention may be referred to the International Court of Justice. Disputes should not be referred to the International Court of Justice without the agreement of all parties involved.

SWEDEN

"Recalling inter alia resolution 59/38, adopted by the General Assembly on 16 December 2004, taking into account inter alia the statement of the Chairman of the Ad Hoc Committee introducing the report of the Ad Hoc Committee to the General Assembly, as well as the report of the Ad Hoc Committee, Sweden hereby declares its understanding that the Convention does not apply to military activities, including the activities of armed forces during an armed conflict, as those terms are understood under international humanitarian law, and activities undertaken by military forces of a State in the exercise of their official functions.

Sweden also declares its understanding that the express mention of heads of State in article 3 should not be read as suggesting that the immunity ratione personae which other State officials might enjoy under international law is affected by the Convention.

Sweden furthermore declares its understanding that the Convention is without prejudice to any future international legal development concerning the protection of human rights."

SWITZERLAND

In accordance with General Assembly resolution 59/38, adopted on 2 December 2004, Switzerland hereby understands that the Convention does not cover criminal proceedings;

Switzerland considers that article 12 does not govern the question of pecuniary compensation for serious human rights violations which are alleged to be attributable to a State and are committed outside the State of the forum. Consequently, this Convention is without prejudice to developments in international law in this regard;

If the State concerned is a Swiss canton, switzerland considers that "official language" should be understood as the official language or one of the official languages of the canton in which process is to be served.