

CONVENTION FOR THE SUPPRESSION OF TERRORIST BOMBINGS

At the initiative of the P-8, a Working Group of the UN Sixth (Legal Affairs) Committee was tasked (in GA Resolution 51/210) to elaborate a *Convention on the Suppression of Terrorist Bombing Offences* (CSTB). Canada took an active role in the drafting of the initial P-8 text that formed the platform of discussion in the Sixth Committee. DFAIT's Legal Adviser, Philippe Kirsch, was elected to chair the Working Group, which had its first meeting in New York from February 24 to March 7 and its second from September 22 to October 3.

The text remained incomplete following the Fall meeting because of an impasse concerning a proposed exemption from the Convention for the "military forces of a state". At the request of a number of delegations, Canada continued to chair, informally, efforts within the Sixth Committee to reach a compromise solution. This was finally achieved and the final text was approved by the UN General Assembly on December 15, 1997. The Convention opened for signature in New York on January 12, 1998.

Under the Convention, states parties agree, *inter alia*, to criminalize new international offences; namely, the intentional targeting of public places, government or infrastructure facilities or transportation systems with explosive or other lethal devices, including chemical or biological agents and toxins (both attacks resulting in death or serious injury and those aimed at extensive destruction of property are included). States parties further agree to take jurisdiction over offences committed abroad, e.g. by or against nationals, or government facilities such as embassies and to prosecute offenders or extradite them to another state party.

The CSTB is the first counter-terrorism instrument negotiated in the United Nations to include a provision removing the political offence exception to extradition. It is also the first not to require a direct international nexus in the offence itself. As a result, even *prima facie* domestic terrorist offences such as the Oklahoma bombing would trigger the CSTB obligations provided that the suspected perpetrator is found in the territory of another state party.

The Convention was signed by Canada, together with the majority of G-8 countries, on the day it opened for signature. Canada is currently in the process of reviewing existing legislation to determine what, if any, amendments may be required prior to ratification.