

Extradition Treaty between the Government of the United States of America and  
the Government of the Republic of South Africa,  
signed at Washington on September 16, 1999

Treaty Number: 106-24  
Transmitted: May 18, 2000

Resolved, (two thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Extradition Treaty between the Government of the United States of America and the Government of the Republic of South Africa, signed at Washington on September 16, 1999 (Treaty Doc. 106-24), subject to the understanding of subsection (a), the declaration of subsection (b) and the proviso of subsection (c).

(a) Understanding. The Senate's advice and consent is subject to the following understanding, which shall be included in the instrument of ratification:

Prohibition of extradition to the international criminal court. The United States understands that the protections contained in Article 18 concerning the Rule of Specialty would preclude the resurrender of any person extradited to the Republic of South Africa from the United States to the International Criminal Court contemplated in the Statute adopted in Rome, Italy, on July 17, 1998, unless the United States consents to such resurrender; and the United States shall not consent to the transfer of any person extradited to the Republic of South Africa by the United States to said International Criminal Court unless the Statute establishing that Court has entered into force for the United States by and with the advice and consent of the Senate, as required by Article II, section 2 of the United States Constitution.

(b) Declaration. The Senate's advice and consent is subject to the following declaration, which shall be binding on the President:

Treaty Interpretation. The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification of the INF Treaty, approved by the Senate on May 27, 1988, and Condition (8) of the resolution of ratification of the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe, approved by the Senate on May 14, 1997.

(c) Proviso. The resolution of ratification is subject to the following proviso, which shall not be included in the instrument of ratification to be signed by the President:

Supremacy of the Constitution. Nothing in this Treaty requires or authorizes legislation or other action by the United States of America that is prohibited by the Constitution of the United States as interpreted by the United States.