

## **USEFUL INTERNET WEBSITES**

## Websites

### General

American Bar Association (Tax Section) – <http://www.abanet.org/tax/home.html>

CIOT overseas taxes - <http://tax.org.uk/misc/overseas.html>

Foreign and international taxation – <http://taxtopics.net/foreign.htm>

International tax websites – <http://www.uktax.demon.co.uk/intltax.htm>

International tax resources – <http://www.taxworld.org/OtherSites/International/international.htm>

International Taxworld – <http://www.taxworld.org/OtherSites/International/international.htm>

Low tax website – <http://www.lowtax.net>

Low tax jurisdictions – <http://www.lowtax.net/lowtax/html/jurhom.html>

Tax and accounting sites directory – <http://www.taxesites.com>

Tax up website – <http://www.taxup.com>

UK accounting web (go to index and click international tax) –  
<http://www.accountingweb.co.uk/news/stories/135/13447.html>

### Electronic Commerce

E-Commerce special reports – [http://www.offshore-e-com.com/html/spec\\_library.html](http://www.offshore-e-com.com/html/spec_library.html)

AMS Group weekly newsletter – <http://amsbvi.com>

BNA International – <http://www.bnai.com>

E-Commerce News – <http://www.tax-news.com/esp/newsen.asp>

International Tax Review – <http://www.legalmediagroup.com/internationaltaxreview>

Investors Offshore – <http://www.investoroffshore.com>

KYC News, Bermuda – <http://www.offshorebusiness.com>

OCRA – <http://www.ocra.com>

International Fiscal Services (UK) – <http://www.intofis.com/ocra/subtyedo.asp>

KPMG Taxation and International Executives (countrywide data) –

<http://www.kpmg.com/au/issues/tax/taxation/ocs/ocs.htm>

# Treaty Handbook

Prepared by the Treaty Section of the Office of Legal Affairs



United Nations

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## FOREWORD

In its *Millennium Declaration*, the General Assembly of the United Nations emphasised the need to strengthen the international rule of law and respect for all human rights and fundamental freedoms, thus clearly

1. The first section of the report discusses the background and objectives of the study.

2. The second section describes the methodology used in the study.

3. The third section presents the results of the study.

4. The fourth section discusses the conclusions and recommendations.

5. The fifth section provides a summary of the study.

6. The sixth section contains the references.

7. The seventh section includes the appendices.

8. The eighth section contains the index.

9. The ninth section provides the list of figures and tables.

10. The tenth section contains the glossary.

11. The eleventh section includes the acknowledgments.

12. The twelfth section contains the biographies of the authors.

13. The thirteenth section provides the list of abbreviations.

14. The fourteenth section contains the list of symbols.

15. The fifteenth section includes the list of acronyms.

16. The sixteenth section contains the list of units.

17. The seventeenth section provides the list of equations.

18. The eighteenth section contains the list of figures.

19. The nineteenth section includes the list of tables.

20. The twentieth section contains the list of references.

21. The twenty-first section provides the list of appendices.

22. The twenty-second section contains the list of index.

23. The twenty-third section includes the list of abbreviations.

24. The twenty-fourth section contains the list of symbols.

25. The twenty-fifth section provides the list of acronyms.

26. The twenty-sixth section contains the list of units.

27. The twenty-seventh section includes the list of equations.

28. The twenty-eighth section contains the list of figures.

29. The twenty-ninth section provides the list of tables.

30. The thirtieth section contains the list of references.

31. The thirty-first section includes the list of appendices.

32. The thirty-second section contains the list of index.

33. The thirty-third section provides the list of abbreviations.

34. The thirty-fourth section contains the list of symbols.

# 1 INTRODUCTION

In his *Millennium Report* (A/54/2000), the Secretary-General of the United Nations noted that “[s]upport for the rule of law would be enhanced if countries signed and

unable to participate fully in the international treaty framework due to “the lack of the necessary expertise and resources, especially when national legislation is needed to give

treaties or performing treaty actions. A glossary listing common terms and phrases of  
treaty law and practice of which appeared in this Handbook is also included.

## 2 DEPOSITING MULTILATERAL TREATIES

(See the Summary of Decisions, para. 0.27.)

### 2.1 Secretary-General as depositary

The Secretary-General of the United Nations, at present, is the depositary for over 500 multilateral treaties. The Secretary-General derives this authority from:

- (a) Article 98 of the *Charter of the United Nations*;
- (b) Provisions of the treaties themselves;
- (c) General Assembly resolution 24(1) of 12 February 1946; and
- (d) League of Nations resolution of 18 April 1946.

### 2.2 Depositary functions of the Secretary-General

The depositary of a treaty is responsible for ensuring the proper execution of all treaty actions relating to that treaty. The depositary's duties are international in character, and the depositary is under an obligation to act impartially in the performance of those duties.

The Secretary-General is guided in the performance of depositary functions by:



### 3.1 Signature

#### 3.1.1 Introduction

(See section 6.2, which illustrates how to arrange with the Treaty Section to sign a multilateral treaty.)

One of the most commonly used steps in the process of becoming party to a treaty is signing that treaty. Multilateral treaties contain signature provisions indicating the place

of signature, date of opening for signature, period of signature, etc. Such treaties also list the methods by which a signatory State can become party to them, e.g., by ratification, acceptance, approval or accession.

#### 3.1.2 Open for signature

(See the *Summary of Practice*, paras. 116-119.)

Multilateral treaties often provide that they will be open for signature only until a specified date, after which signature will no longer be possible. Once a treaty is closed for signature, a State may generally become a party to it by means of accession. Some multilateral treaties are open for signature indefinitely. Most multilateral treaties on





### 3.2.3 *Form of instrument of full powers*

(See the model instrument of full powers in annex 3.)

As depositary, the Secretary-General insists on proper full powers for the person (other than a Head of State, Head of Government or Minister for Foreign Affairs) seeking to sign a treaty. Documents not containing a legible signature from one of the above-mentioned authorities are not acceptable (e.g., a telexed message). Signature of a treaty without proper full powers is not acceptable.

There is no specific form for an instrument of full powers, but it must include the following information:

1. The instrument of full powers must be **signed** by one of the three above-mentioned authorities and must unambiguously empower a specified person to sign the treaty. Full powers may also be issued by a person exercising the power of one of the above-mentioned three authorities of State ~~and authority~~. This should be stated clearly on the instrument

2. Full powers are usually limited to one specific treaty and must indicate the **title of the treaty**. If the title of the treaty is not yet agreed, the full powers must indicate the subject matter and the name of the conference or the international organization where the negotiations are taking place.

Full powers are legally distinct from credentials, which authorise representatives of a State to participate in a conference and sign the Final Act of the conference.

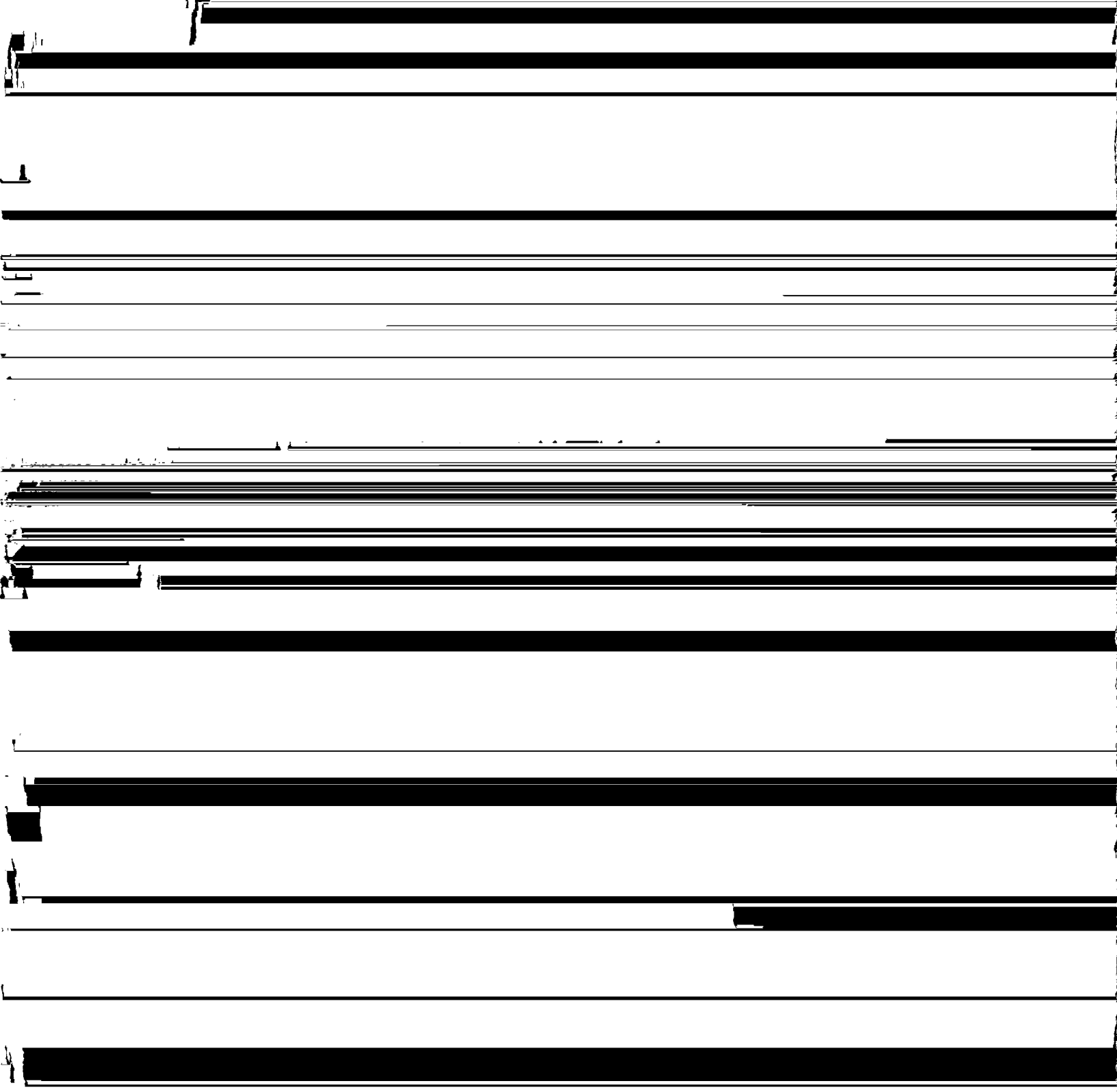
**3.2.4 Appointment with the depositary for affixing signature**

(See section 6.2, which details how to arrange with the Treaty Section to sign a multilateral treaty and to have an instrument of full powers reviewed.)

As custodian of the original version of the treaty, the depositary verifies all full powers  
The Secretary-General of the United Nations is the depositary for the

international level. Once a State has ratified a treaty at the international level, it must give effect to the treaty domestically. This is the responsibility of the State. Generally, there is no time limit within which a State is requested to ratify a treaty which it has signed. Upon ratification, the State becomes legally bound under the treaty.

Ratification at the international level, which indicates to the international community a State's commitment to undertake the obligations under a treaty, should not be confused with ratification at the national level, which a State may be required to undertake in



**3.3.4 Accession**

A State may generally express its consent to be bound by a treaty by depositing an instrument of accession with the depositary (see article 15 of the Vienna Convention 1969). Accession has the same legal effect as ratification. However, unlike ratification, ~~which must be preceded by a specific authorization of the executive power,~~

It is normally preceded by that on which the

251 *What are reservations?*

In certain cases, States make statements upon signature, ratification, acceptance, approval of or accession to a treaty. Such statements may be entitled "reservation",

substituted it with a new or modified reservation ( LA 41TR/221 (23-1) (extracted in annex 2)).

**3.5.4 Form of reservations**

Normally, when a reservation is formulated, it must be included in the instrument of ratification, acceptance, approval or accession or be annexed to it and (if annexed) must be separately signed by the Head of State, Head of Government or Minister for Foreign

**3.5.5 Notification of reservations by the depositary**

Where a treaty expressly prohibits reservations

Where a treaty expressly prohibits reservations, the Secretary-General, as depositary,



reservation of this nature does not require any subsequent acceptance by the States concerned, unless the treaty so provides (see article 20(1) of the Vienna Convention 1969).

Where a treaty is silent on reservations

Where a treaty is silent on reservations and a State formulates a reservation consistent with article 19 of the Vienna Convention 1969, the Secretary-General, as depositary, informs the States concerned of the reservation by depositary notification, including by e-mail. Generally, human rights treaties do not contain provisions relating to reservations

*3.5.6 Objections to reservations*

Time for making objections to reservations

Where a treaty is silent on reservations and a reservation is formulated and

subsequently circulated, States concerned have 12 months to object to the reservation, beginning on the date of the depositary notification or the date on which the State

Normally, to avoid uncertainty, an objecting State specifies whether its objection to the reservation precludes the entry into force of the treaty between itself and the reserving State. The Secretary-General circulates such objections.

See, e.g., the objection by a State to a reservation that another State made upon its

objections to modifications would be 12 months from the date of the depositary notification containing the modification (LA 41 TR/221 (23-1) (extracted in annex 2)).

See, e.g., the modification of a reservation made by a State upon its accession to the Second Optional Protocol to the International Covenant on Civil and Political Rights,

~~Article 1 of the death penalty, 1989 (depositary notification)~~

In keeping with the depositary practice followed in similar cases, the Secretary-General proposes to receive the modification in question for deposit in the absence of any objection on the part of any of the Contracting States, either to the deposit itself or to the procedure envisaged, within a period of 12 months from the date of the present depositary notification. In the absence of any such objection, the above modification will

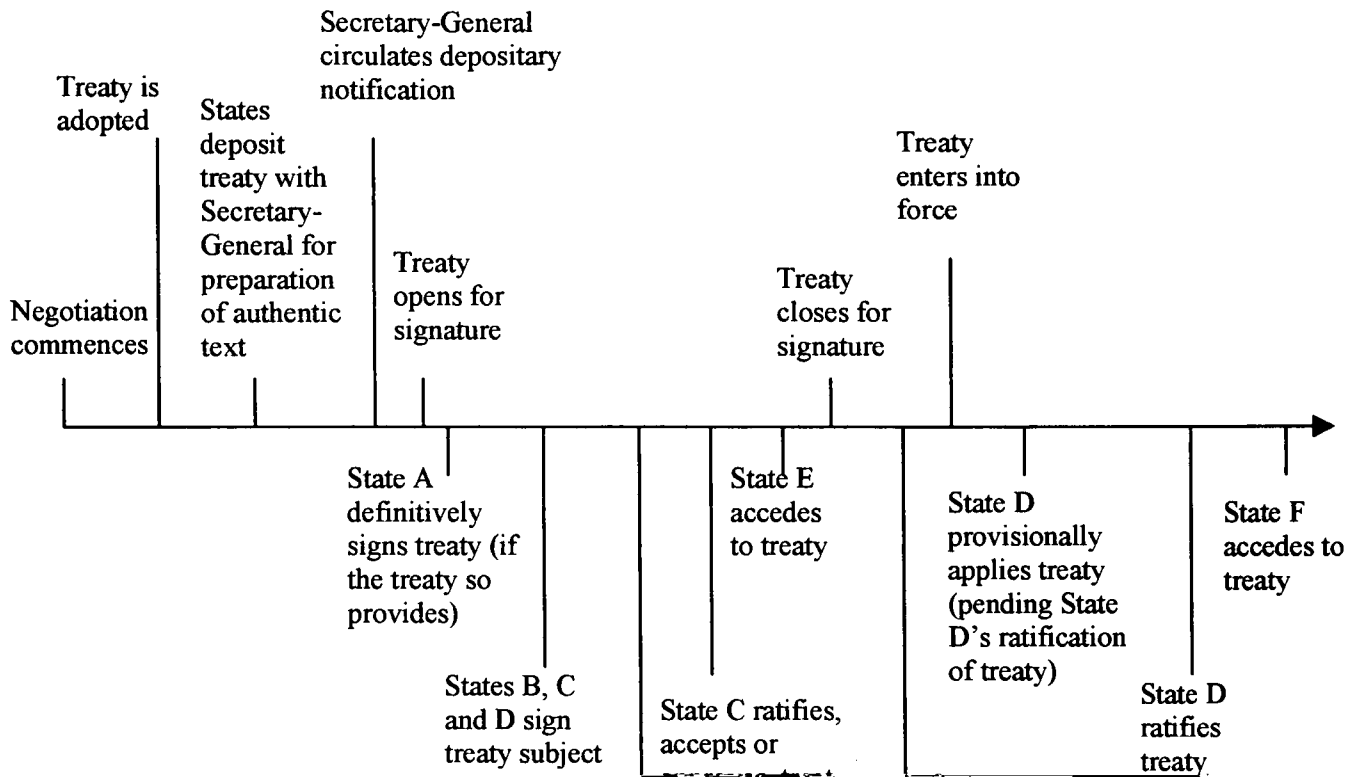




## 4 KEY EVENTS IN A MULTILATERAL TREATY

### 4.1 Overview

This section outlines what happens to a treaty after it is adopted. The time line below shows a possible sequence of events as a treaty enters into force and States become parties to it.



## 4.2 Entry into force

(See the *Summary of Practice*, paras. 221-247.)

### 4.2.1 *Definitive entry into force*

Typically, the provisions of a multilateral treaty determine the date upon which the treaty enters into force. Where a treaty does not specify a date or provide another method for its entry into force, the treaty is presumed to be intended to come into force as soon as all negotiating States have consented to be bound by the treaty.

Treaties, in general, may enter into force:

- (a) Upon a certain number of States depositing instruments of ratification, approval, acceptance or accession with the depositary;  
See, e.g., article VIII of the *Protocol relating to the Status of Refugees, 1967*:  
The present Protocol shall come into force on the day of deposit of the sixth instrument of accession.
- (b) Upon a certain percentage, proportion or category of States depositing instruments of ratification, approval, acceptance or accession with the depositary;  
See, e.g., article XIV of the *Comprehensive Nuclear-Test-Ban Treaty, 1996*:  
This Treaty shall enter into force 180 days after the date of deposit of the instruments of ratification by all States listed in Annex 2 to this Treaty, but in no case earlier than two years after its opening for signature.
- (c) A specific time after a certain number of States have deposited instruments of ratification, approval, acceptance or accession with the depositary;

#### 4.2.2 *Entry into force for a state*

Where a State definitively signs or ratifies, accepts, approves or accedes to a treaty that has already entered into force, the treaty enters into force for that State according to the

these circumstances:

- (a) At a specific time after the date the State definitively signs or deposits its instrument of ratification, acceptance, approval or accession;

See, e.g., article 126(2) of the *Rome Statute of the International Criminal Court, 1998*:

For each State ratifying, accepting, approving or acceding to this Statute

after the deposit of the 60<sup>th</sup> instrument of ratification, acceptance, approval



of their commencement shall be referred to the Assembly of States Parties. The Assembly may itself seek to settle the dispute or may make recommendations on further means of settlement of the dispute, including referral to the International Court of Justice in conformity with the Statute of that Court.

consultation. The treaty itself may detail the secretariat's role in this

(g) States that become parties after the entry into force of an amendment

Where a State becomes party to a treaty which has undergone amendment, it becomes party to the treaty as amended, unless otherwise indicated (see article 40(5)(a) of the Vienna Convention 1969). The provisions of the

amendment shall bind States that have accepted the amendment. See also

article 13(5) of the *Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their*

*Destruction, 1997:*

An amendment to this Convention shall enter into force for all States Parties to this Convention, which have accepted it, upon the deposit with the Depository of instruments of acceptance by a majority of States Parties. Thereafter it shall enter into force for any remaining State Party on the date of deposit of its instrument of acceptance.

**4.4.2 Amending treaties that have not entered into force**

Where a treaty has not entered into force, it is not possible to amend the treaty pursuant to its own provisions. Where States agree that the text of a treaty needs to be revised, subsequent to the treaty's adoption, but prior to its entry into force, signatories and

## 4.5 Withdrawal and denunciation

(See the *Summary of Practice*, paras. 157-160.)

In general terms, a party may withdraw from or denounce a treaty:

- (a) In accordance with any provisions of the treaty enabling withdrawal or denunciation (see article 54(a) of the Vienna Convention 1969);
- (b) With the consent of all parties after consultation with all contracting States (see article 54(b) of the Vienna Convention 1969); or
- (c) In the case of a treaty that is silent on withdrawal or denunciation, by giving at

- (i) It is established that the parties intended to admit the possibility of denunciation or withdrawal; or
- (ii) A right of denunciation or withdrawal may be implied by the nature of the treaty (see article 56 of the Vienna Convention 1969).

## 5 REGISTERING OR FILING AND RECORDING TREATIES

### 5.1 Article 102 of the Charter of the United Nations

(See the *Repertory of Practice*, Article 102, para. 1).

Article 102 of the *Charter of the United Nations* provides that:

1. Every treaty and every international agreement entered into by any Member of the United Nations after the present Charter comes into force shall as soon as possible be registered with the Secretariat and published by it.
2. No party to any such treaty or international agreement, which has not been registered in accordance with the provisions of paragraph 1 of this Article, may invoke that treaty or agreement before any organ of the United Nations.

Thus, States Members of the United Nations have a legal obligation to register treaties and international agreements with the Secretariat, and the Secretariat is mandated to publish registered treaties and international agreements. Within the Secretariat, the Treaty Section is responsible for these functions.

Registration, not publication, is the prerequisite for a treaty or international agreement to be capable of being invoked before the International Court of Justice or any other organ of the United Nations.

Secretariat has the discretion to refrain from taking action if, in its view, an instrument submitted for registration does not constitute a treaty or an international agreement or does not meet all the requirements for registration stipulated by the Regulations (see section 5.6).

Where an instrument submitted fails to comply with the requirements under the Regulations or is unclear, the Secretariat places it in a "pending" file. The Secretariat then requests clarification, in writing, from the submitting party. The Secretariat will not process the instrument until it receives such clarification.

Where an instrument is registered with the Secretariat, this does not imply a judgement

question. Thus, the Secretariat's acceptance for registration of an instrument does not confer on the instrument the status of a treaty or an international agreement if it does not already possess that status. Similarly, registration does not confer on a party to a treaty or international agreement a status that it would not otherwise have.

### 5.3.2 *Form*

(See the *Repertory of Practice*, Article 102, paras. 18-30.)

The *Charter of the United Nations* does not define the terms treaty or international agreement. Article 1 of the Regulations provides guidance on what comprises a treaty or

Secretariat determined that the document submitted was not a treaty or international agreement among international juridical persons to create rights and obligations enforceable under international law.

## 5.4 Types of registration, filing and recording

### 5.4.1 Registration with the Secretariat

(See the *Repertory of Practice*, Article 102, paras. 43-44, 55-57 and 67-70, and article 1 of the Regulations in the annex to the General Survey.)

United Nations (see section 5.1) treaties and

Article 10 of the Regulations provides for the Secretariat to file and record the following categories of treaties and international agreements where they are not subject to registration under Article 102:

- (a) Treaties or international agreements entered into by the United Nations

~~or by members of the specialized agencies. This covers treaties and~~

international agreements between:

- (i) The United Nations and non-member States;
- (ii) The United Nations and specialized agencies or international organizations;
- (iii) Specialized agencies and non-member States;
- (iv) Two or more specialized agencies; and
- (v) Specialized agencies and international organizations

~~Although not expressly provided for in the Regulations it is also the~~



## 5.5 Types of agreements registered or filed and recorded

### 5.5.1 *Multilateral treaties*

Multilateral treaties are international agreements concluded between three or more

of a multilateral treaty or agreement, the entity performing the depositary functions usually effects registration of such actions (see section 5.4.3 in relation to treaties or international agreements deposited with the Secretary-General).

Where a new instrument modifies the scope or application of a parent agreement, such new instrument must also be registered with the Secretariat. It is clear from article 2 of the Regulations that for the subsequent treaty or international agreement to be registered, the prior treaty or international agreement to which it relates must first be registered. In order to maintain organizational continuity, the registration number that has been assigned for the registration of the parent treaty or international agreement is also assigned to the subsequent treaty or international agreement.

## 5.6 Requirements for registration

(See the *Repertory of Practice*, Article 102, and article 5 of the Regulations in the annex to the General Survey.)

An instrument submitted for registration must meet the following general requirements:

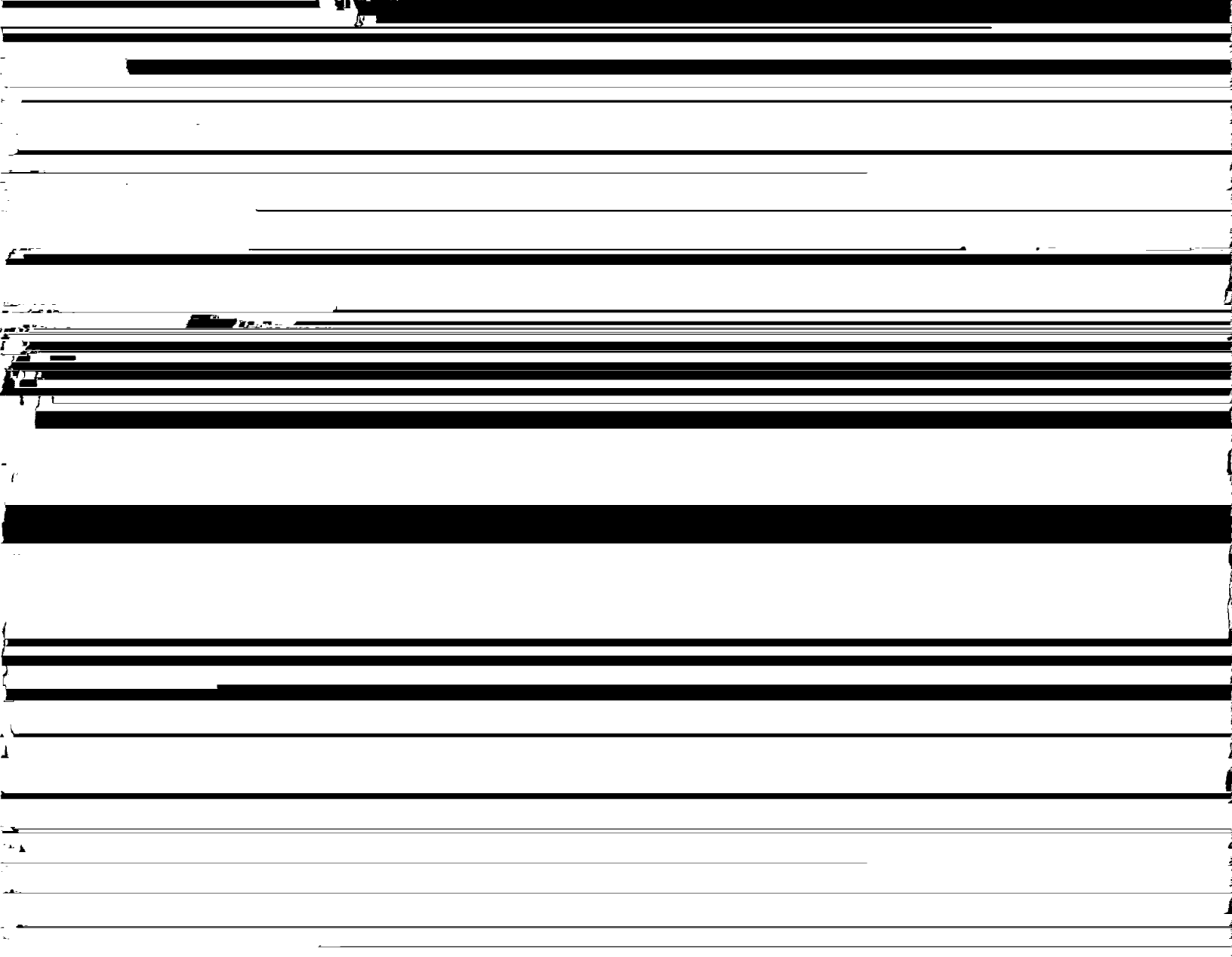
1. Treaty or international agreement within the meaning of Article 102  
As mentioned above, the Secretariat reviews each document submitted for registration to ensure that it falls within the meaning of a treaty or international agreement under Article 102 (see section 5.3).
2. Certifying statement  
(See the model certifying statement in annex 7.)  
Article 5 of the Regulations requires that a party or specialized agency

registering a treaty or international agreement certify that "the text is a true and complete copy thereof and includes all reservations made by parties thereto". The certified copy must include:

(a) The title of the agreement;

(b) The place and date of conclusion;

Further to General Assembly Resolution 53/100, the Secretariat strongly encourages parties to submit, in addition to a certified true copy on paper, an electronic copy, i.e., on computer diskette, CD or as an attachment by e-mail, of the submitted documentation. This assists greatly in the registration and publication process. The preferred format for a treaty or



Windows as this is the system that is used in the publication of the United

(a) Date of receipt of the instrument by the Secretariat of the United Nations;

(b) ~~Date of registration, filing and recording number;~~

- (c) Title of the instrument;
- (d) Names of the parties;
- (e) Date and place of conclusion;
- (f) Date of entry into force;
- (g) Existence of any attachments, including reservations and declarations;
- (h) Languages in which it was drawn up;
- (i) Name of the party or specialized agency registering the instrument or submitting it for filing and recording; and
- (j) Date of registration or filing and recording.

#### **5.7.2 Date of effect of registration**

(See the *Repertory of Practice*, Article 102, and article 6 of the Regulations in the annex to the General Survey.)

Under article 6 of the Regulations, the date the Secretariat of the United Nations receives all the specified information relating to the treaty or international agreement is deemed to be the date of registration. A treaty or international agreement registered *ex officio* by the United Nations is deemed to be registered on the date on which the treaty or international agreement comes into force between two or more of the parties thereto. However, if the Secretariat receives the treaty or international agreement after the date of its entry into force, the date of registration is the first available date of the month of

in respect of treaties or international agreements that are registered *ex officio* (see section 5.4.3) or filed and recorded (see section 5.4.2).

**5.7.4 Publication**

(See the *Repertory of Practice*, Article 102, paras. 82-107, and articles 12-14 of the

**Monthly Statement**

(See the *Repertory of Practice*, Article 102, and articles 13-14 of the Regulations in the annex to the General Survey.)

Each month, the Secretariat publishes a statement of the treaties and international agreements registered or filed and recorded during the preceding month (see article 13

Limited publication

treaties and international agreements registered or filed and recorded with the Secretariat. The General Assembly modified this framework in its resolution 33/141 of 19 December

1978 in light of the substantial increase in treaty making on the international plane and the publication backlog that existed at that time (*Report of the Secretary-General*, document A/33/258, 2 October 1978, paras. 3 to 7).

According to article 12(2) of the Regulations, as amended in 1978, the Secretariat is no longer required to publish *in extenso*, i.e., in full, bilateral treaties falling within one of the following categories:

- (a) Assistance and co-operation agreements of limited scope concerning financial, commercial, administrative or technical matters;
- (b) Agreements relating to the organization of conferences, seminars or meetings;
- (c) Agreements that are to be published otherwise than in the [United Nations *Treaty Series*] by the United Nations Secretariat or by a specialized or related agency

*extenso* publication.

Under article 12(3) of the Regulations, the Secretariat may reverse a decision not to publish *in extenso* at any time.

Where the Secretariat exercises the limited publication option in relation to treaties or international agreements registered or filed and recorded, their publication is limited to the following information in accordance with article 12(5) of the Regulations:

- (a) Registration number or filing and recording number;
- (b) Title of the instrument;
- (c) Names of the parties between whom it was concluded;
- (d) Date and place of conclusion;
- (e) Date and method of entry into force;
- (f) Duration of the treaty or international agreement (where appropriate);
- (g) Languages in which it was concluded;
- (h) Name of the party or specialized agency registering the instrument or submitting it for filing and recording;
- (i) Date of registration or filing and recording; and
- (j) Where appropriate, reference to publications in which the complete text of the treaty or international agreement is reproduced.

Treaties and international agreements that the Secretariat does not publish *in extenso* are identified as such in the Monthly Statement with an asterisk.

## 6 CONTACTS WITH THE TREATY SECTION: PROCEDURAL INFORMATION

### 6.1 General information

#### 6.1.1 *Contacting the Treaty Section*

Treaty Section  
Office of Legal Affairs  
United Nations  
New York, NY 10017  
USA

Telephone: +1 212 963 5047  
Facsimile: +1 212 963 3693  
E-mail (general): [treaty@un.org](mailto:treaty@un.org)  
(registration): [TreatyRegistration@un.org](mailto:TreatyRegistration@un.org)  
Website: <http://untreaty.un.org>

#### 6.1.2 *Functions of the Treaty Section*

As mentioned in the Introduction to this Handbook, the Treaty Section of the Office of Legal Affairs of the United Nations discharges the responsibility for the depositary functions of the Secretary-General of the United Nations and the registration and publication of treaties submitted to the Secretariat. This section sets out some steps to

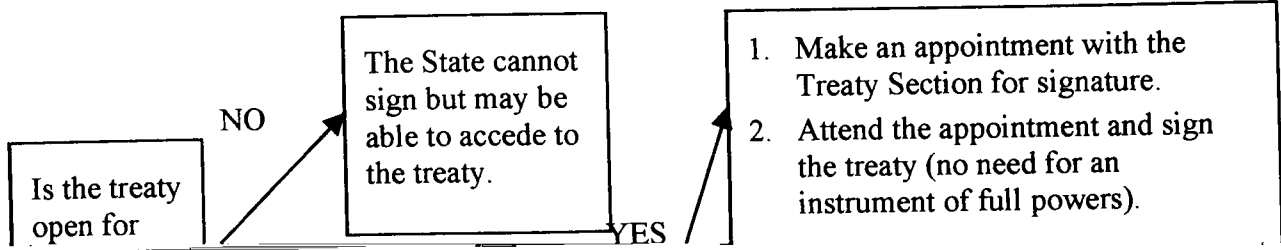
follow in contacting the Treaty Section in relation to treaties.

#### 6.1.3 *Delivery of documents*

Most treaty actions become effective only upon deposit of the relevant instrument with the Treaty Section. States are advised to deliver instruments directly to the Treaty Section

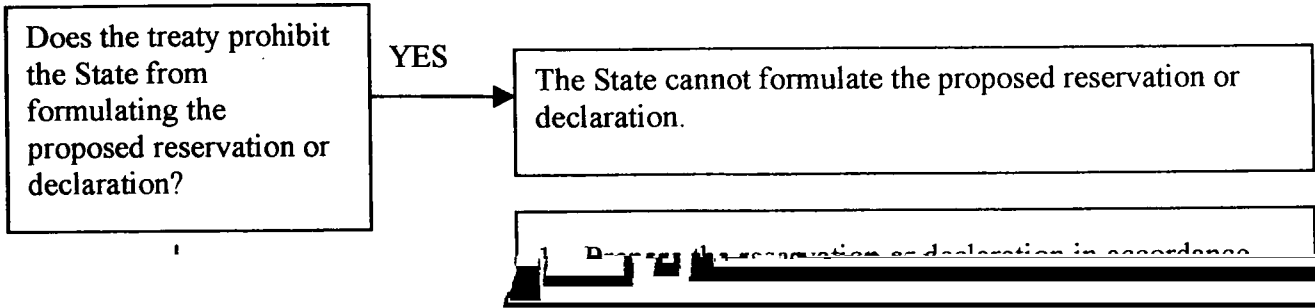


## 6.2 Signing a multilateral treaty



1. Prepare instrument of ratification, acceptance or approval (as applicable) in accordance with annex 4.
2. Deliver the instrument by hand, mail or fax to the Treaty

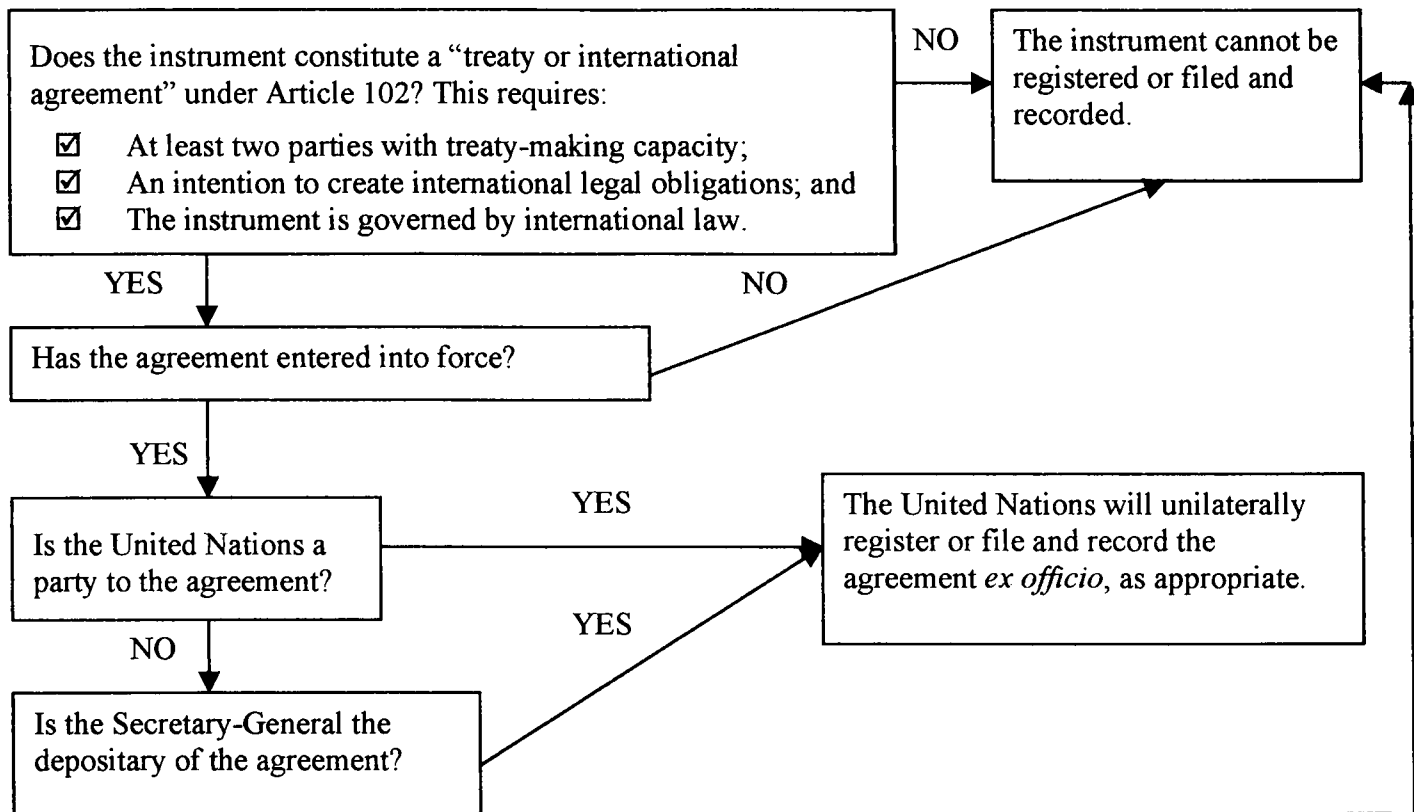
### 6.4 Making a reservation or declaration to a multilateral treaty



## 6.5 Depositing a multilateral treaty with the Secretary-General

Well before the treaty is adopted, contact the Treaty Section, including on the

## 6.6 Registering or filing and recording a treaty with the Secretariat



POWERS), 1998

REFERENCE: LA 41 TR/221/1

The Legal Counsel presents his compliments to the Permanent Representatives to the United Nations in New York and has the honour to

A copy of a model instrument of full powers is attached for your information.

30 September 1998

H.C.

**ANNEX 2 – NOTE VERBALE FROM THE LEGAL COUNSEL  
(MODIFICATION OF RESERVATIONS), 2000**

REFERENCE: LA 41 TR/221 (23-1)

The Legal Counsel of the United Nations presents his compliments to the Permanent Representatives to the United Nations and has the honour to communicate the following relating to the practice followed by the Secretary-

[REDACTED]



20, paragraph 5, of the Convention, which indicates a period of twelve months to be appropriate for Governments to analyse and assess a reservation that has

be taken in respect of it.

By the same token, the Secretary-General is directed to

## ANNEX 3 – MODEL INSTRUMENT OF FULL POWERS

(To be signed by the Head of State, Head of Government  
or Minister for Foreign Affairs)

### FULL POWERS

I, [name and title of the Head of State, Head of Government or Minister for  
Foreign Affairs] \_\_\_\_\_

**HEREBY AUTHORISE** [name and title] to [sign \*, ratify, denounce, effect the  
following declaration in respect of, etc.] the [title and date of treaty, convention,  
agreement etc.] on behalf of the Government of [name of State] \_\_\_\_\_

Done at [place] on [date].

[Signature]

**ANNEX 4 – MODEL INSTRUMENT OF RATIFICATION,  
ACCEPTANCE OR APPROVAL**

**(To be signed by the Head of State, Head of Government  
or Minister for Foreign Affairs)**

**[RATIFICATION / ACCEPTANCE / APPROVAL]**

---

**WHEREAS** the [title of treaty, convention, agreement, etc.] was [concluded,  
adopted, opened for signature, etc.] at [place] on [date],

**AND WHEREAS** the said [treaty, convention, agreement, etc.] has been signed  
on behalf of the Government of [name of State] on [date],

**NOW THEREFORE I**, [name and title of the Head of State, Head of Government  
or Minister for Foreign Affairs] declare that the Government of [name of State],

[treaty, convention, agreement, etc.]

## ANNEX 5 – MODEL INSTRUMENT OF ACCESSION

(To be signed by the Head of State, Head of Government  
or Minister for Foreign Affairs)

### ACCESSION

---

**WHEREAS** the [title of treaty, convention, agreement, etc.] was [concluded, adopted, opened for signature, etc.] at [place] on [date],

**NOW THEREFORE I**, [name and title of the Head of State, Head of Government or Minister for Foreign Affairs] declare that the Government of [name of State], having considered the above mentioned [treaty, convention, agreement, etc.], accedes to the same and undertakes faithfully to perform and carry out the stipulations therein contained.

**IN WITNESS WHEREOF** I have signed this instrument of accession at [place]:

on [date].

**ANNEX 6 – MODEL INSTRUMENTS OF  
RESERVATION/DECLARATION**

**(To be signed by the Head of State, Head of Government  
or Minister for Foreign Affairs)**

**[RESERVATION / DECLARATION]**

---

Foreign Affairs],

**HEREBY DECLARE** that the Government of [name of State] makes the following  
[reservation / declaration] in relation to article(s) [---] of the [title and date of  
adoption of the treaty, convention, agreement, etc.]:

[Substance of reservation / declaration]

**IN WITNESS WHEREOF**, I have hereunto set my hand and seal.

(To be signed by the Head of State, Head of Government

**MODIFICATION OF RESERVATION**

**WHEREAS** the Government of [name of State] [ratified, approved, accepted,  
agreed to] the [title and date of adoption of the treaty]

etc.] on [date],



**OR FILING AND RECORDING**

(Model for the certifying statement required under the General Assembly  
Regulations to give effect to Article 102 of the Charter)

**CERTIFYING STATEMENT**

I, **THE UNDERSIGNED** [name of the authority], hereby certify that the attached





## GLOSSARY

This section provides a guide to terms commonly used in relation to treaties and employed in the practice of the Secretary-General as depositary of multilateral treaties, as well as in the Secretariat's registration function. Where applicable, a reference to relevant provisions of the Vienna Convention 1969 is included.

**acceptance** See ratification.

**accession** Accession is the act whereby a State that has not signed a treaty expresses its consent to become a party to that treaty by depositing an "instrument of accession" (see annex 5). Accession has the same legal effect as ratification, acceptance or approval. The conditions under which accession may occur and the procedure involved depend on the provisions of the relevant treaty. Accession is generally employed by States wishing to express their consent to be bound by a treaty where the deadline for signature has passed. However, many modern multilateral treaties provide for accession even during the period that the treaty is open for signature. See articles 2(1)(b) and 15 of the Vienna Convention 1969.

**adoption** Adoption is the formal act by which negotiating parties establish the form and content of a treaty. The treaty is adopted through a specific act expressing the will of the States and the international organizations participating in the negotiation of that treaty, e.g., by voting on the text, initialling, signing, etc. Adoption may also be the mechanism used to establish the form and content of amendments to a treaty, or regulations under a treaty.

Treaties that are negotiated within an international organization are usually adopted by resolution of the representative organ of that organization. For example, treaties negotiated under the auspices of



**consent to be bound**

A State expresses its consent to be bound by a treaty under international law by some formal act, i.e., definitive signature, ratification, acceptance, approval or accession. The treaty normally specifies the act or acts by which a State may express its consent to be bound. See articles 11-18 of the Vienna Convention 1969.

**contracting State**

A contracting State is a State that has expressed its consent to be bound by a treaty, where the treaty has not yet entered into force for that State.

where it has not entered into force for that State. See article 2(1)(f) of the Vienna Convention 1969.

**convention**

At the end of the 19th century, the term "convention" was used to refer to a treaty.

treaties).

**date of effect**

The date of effect of a treaty action (such as signature, ratification

acceptance of an amendment, etc.), in the depositary practice of the Secretary-General of the United Nations, is the time when the action is undertaken with the depositary. For example, the date of effect of an

is deposited with the Secretary-General.

The date of effect of a treaty action by a State or an international organization is not necessarily the date that action enters into force for that State or international organization. Multilateral agreements often provide for their entry into force for a State or international organization after the lapse of a certain period of time following the date of effect.

in view of the detailed provision of article 77 of the Vienna Convention 1969.

A depositary can be one or more States, an international organization,

not yet entered into force decide to apply the treaty as if it had entered into force. Once a treaty has entered into force provisionally, it creates obligations for the parties that agreed to bring it into force in that manner. See article 25(1) of the Vienna Convention 1969

**exchange of letters or notes**

An exchange of letters or notes may embody a bilateral treaty commitment. The basic characteristic of this procedure is that the

General does not accept full powers transmitted by telex or powers that are not signed.

The Head of State, Head of Government and Minister for Foreign Affairs are considered as representing their State for the purpose of all acts relating to the signature of, and the consent to be bound by, a treaty. Accordingly, they need not present full powers for those purposes.

See articles 2(1)(c) and 7 of the Vienna Convention 1969.

***instrument of general full powers***

An instrument of general full powers authorises a named representative to execute certain treaty actions, such as signatures, relating to treaties of a certain kind (for example, all treaties adopted under the auspices of a particular organization).

**interpretative  
declaration**

See declaration.

**mandatory  
declaration**

See declaration.

**memorandum  
of  
understanding  
(M.O.U.)**

The term memorandum of understanding (M.O.U.) is often used to denote a less formal international instrument than a typical treaty or international agreement. It often sets out operational arrangements under a framework international agreement. It is also used for the regulation of technical or detailed matters. An M.O.U. typically consists of a single instrument and is entered into among States and/or



**multilateral treaty**

See treaty.

**optional declaration**

See declaration.

**party**

A party to a treaty is a State or other entity with treaty-making capacity that has expressed its consent to be bound by that treaty by an act of ratification, acceptance, approval or accession, etc., where that treaty has entered into force for that particular State. This means that...

the State is bound by the treaty under international law. See article 2(1)(g) of the Vienna Convention 1969.

**plenipotentiary**

A plenipotentiary, in the context of full powers, is the person...

it may terminate this provisional application at any time.

A State's provisional application to apply a treaty terminates if that State notifies the other States among which the treaty is being applied provisionally of its intention not to become a party to the treaty.

treaty has entered into force, until the State has ratified, approved, accepted or acceded to the treaty. A State's provisional application terminates if that State notifies the other States among which the treaty is being applied provisionally of its intention not to become a party to the treaty.

See article 25 of the Vienna Convention 1969.

**provisional  
entry into force**

See entry into force.

**ratification,  
acceptance,  
approval**

Ratification, acceptance and approval all refer to the act undertaken on the international plane, whereby a State establishes its consent to be bound by a treaty. Ratification, acceptance and approval all require two steps:

- (a) The execution of an instrument of ratification, acceptance or approval by the Head of State, Head of Government or Minister for Foreign Affairs, expressing the intent of the State to be bound by the relevant treaty; and
- (b) For multilateral treaties, the deposit of the instrument with the depositary; and for bilateral treaties, the exchange of the instruments between parties.

The instrument of ratification, acceptance or approval must comply with certain international legal requirements (see section 3.3.5 and



agreement concluded between States in written form and governed by

or more related instruments and whatever its particular designation” (article 2(1)(a)). Accordingly, conventions, agreements, protocols, and exchange of letters or notes may all constitute treaties. A treaty must be governed by international law and is normally in written form. Although the Vienna Convention 1969 does not apply to non-written