

UNITED NATIONS



NATIONS UNIES

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REFERENCE LA41TR/221/Depositary Guidelines/2009

The Legal Counsel presents her compliments to the Permanent Representatives to the United Nations and has the honour to communicate the following in relation to the Secretary-General's requirements applicable to instruments of ratification, acceptance, approval, accession and related instruments to be deposited with him as depositary of multilateral treaties.

With a view to assisting States in increasing participation in the multilateral treaty framework, the Treaty Section of the Office of Legal Affairs, which discharges the functions of the Secretary-General in his capacity as depositary, has prepared the attached *Guidelines*. These *Guidelines* address (i) the Secretary-General's requirements, consistent with treaty law and his practice, applicable to instruments of ratification, acceptance, approval, accession and related instruments, and (ii) the delivery of such instruments to the Secretary-General. **It would be greatly appreciated if Member States could use these *Guidelines* as a reference to ensure the completeness of their submissions.** It is noted that if any instrument does not satisfy the requirements, it may not be accepted in deposit.

To facilitate prompt processing of actions, States are urged to provide **courtesy translations** in English and/or French of instruments submitted for deposit with the Secretary-General in other languages. In this regard, the attention of the Member States is drawn to General Assembly resolutions A/RES/482 (V) of 12 December 1950 and A/RES/54/28 of 17 November 1999 addressing the question of translations.

Additional information on the deposit of binding instruments may be obtained from the *Summary of Practice of the Secretary-General as Depositary of Multilateral Treaties* (ST/LEG/7/Rev.1) and the *Treaty Handbook* published by the Treaty Section. Both publications are available on the United Nations Treaty Collection at the following address: <http://treaties.un.org>. The *Treaty Handbook* also contains model instruments.

Also available in the United Nations Treaty Collection are electronic versions of the certified true copies of multilateral treaties deposited with the Secretary-General of the United Nations as well as their participation status (signatures, ratifications, acceptances, approvals, accessions, declarations, reservations, objections, etc.). States are encouraged to make use of these resources.

The Legal Counsel of the United Nations avails herself of this opportunity to renew to the Permanent Representatives to the United Nations the assurances of her highest consideration.

2 February 2009

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DEPOSITARY GUIDELINES

Requirements for the deposit of instruments of ratification, acceptance, approval, accession and related instruments

The instrument must contain the following:

1. The title of the treaty concerned and the type of action clearly identified, consistent with the provisions of the treaty, *i.e.*, ratification, acceptance, approval, accession, consent to be bound, etc.;
2. An unambiguous expression of the will of the Government, acting on behalf of the State, to recognize itself as being bound by the treaty concerned and to undertake faithfully to observe and implement its provisions (a simple reference to a domestic statutory provision will be inadequate);
3. If required, the scope of application identified in conformity with the provisions of the relevant treaty;
4. If required, all mandatory declarations and notifications in accordance with the provisions of the relevant treaty;
5. The date and place where the instrument was issued;
6. The signature of the Head of State, Head of Government or Minister for Foreign Affairs or a person acting, *ad interim*, as one of the above authorities;
7. The title of the signatory. In the case of a person acting, *ad interim*, as the Head of State, Head of Government or Minister for Foreign Affairs, the title must indicate that the person is exercising such powers *ad interim*. In this respect, the depositary accepts the following formulations: Acting President, Acting Prime Minister, Acting Minister for Foreign Affairs, President *ad interim*, Prime Minister *ad interim* and Minister for Foreign Affairs *ad interim*;
8. Official seal. This is optional and cannot replace the signature of one of the authorities of State; and
9. Where reservations are intended, such reservations must be signed by the Head of State, Head of Government or Minister for Foreign Affairs or a person acting, *ad interim*, as one of the above authorities. Reservations may either be included in the instrument or, if not, separately signed by one of the authorities of State.

Delivery of instruments to the Secretary-General

- The instrument of ratification, acceptance, approval or accession becomes effective only when it is deposited with the Secretary-General of the United Nations at United Nations Headquarters in New York.
- Delivery of such instruments to the Treaty Section directly ensures prompt processing of the action (Secretariat Building Room S-3200).
- Copies of signed instruments may be faxed to the Treaty Section, provided that the original promptly follows (Fax: +1 (212) 963-3693). The depositary will also accept a scanned copy of a signed document transmitted by electronic mail. To obtain an email address, please contact the Treaty Section at +1 212 963-5047.