

UNITED NATIONS



NATIONS UNIES

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The Legal Counsel presents his 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, and accession and related instruments, to be deposited with him as depositary of multilateral treaties:

With a view to assisting States in becoming party to the international 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 the law and his practice, applicable to instruments of ratification, acceptance, approval, and 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 an instrument does not satisfy the requirements, it is not likely that it will 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 also available in the United Nations Treaty Collection on the Internet at the following address: <http://untreaty.un.org>. The *Treaty Handbook* contains model instruments.

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

A handwritten signature in black ink, appearing to be 'N. P. ...'.

23 February 2005

DEPOSITARY GUIDELINES

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

The instrument must contain the following:

1. 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. 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, etc., Acting Prime Minister, etc., Acting Minister for Foreign Affairs, President *ad interim*, Prime Minister *ad interim* and Minister for Foreign Affairs *ad interim*;
3. 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);
4. If required, the **scope of application** identified in conformity with the provisions of the relevant treaty;
5. If required, all **mandatory declarations and notifications** in accordance with the provisions of the relevant treaty;
6. The **date** and **place** where the instrument was issued;
7. 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;
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 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.
- Instruments may be faxed to the Treaty Section, provided that the original promptly follows. The depositary will also accept a scanned copy of a document transmitted by electronic mail.