

UNITED NATIONS



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REFERENCE: LA41TR/221/Full Powers Guidelines/2010

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 full powers for the signing of treaties deposited with the Secretary-General 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 of multilateral treaties, has prepared the attached Guidelines. These Guidelines address the Secretary-General's requirements, consistent with treaty law and his practice, applicable to instruments of full powers.

Additional information regarding full powers 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. Please also refer to the *Treaty Handbook* for a model instrument of full powers. Both publications are available in the United Nations Treaty Collection at the following address: <http://treaties.un.org>.

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.

A handwritten signature in black ink, appearing to be 'S. S.' followed by a flourish.

3 February 2010

FULL POWERS GUIDELINES

Only heads of States or Government or Ministers for Foreign Affairs, or a person acting, *ad interim*, in one of the above positions may execute treaty actions by virtue of their functions. All other individuals must be in the possession of appropriate full powers. Proper full powers are required by all persons seeking to sign a treaty deposited with the Secretary-General, sign an instrument of ratification, acceptance, approval or accession; a binding declaration or notification; or a reservation relating to a treaty deposited with the Secretary-General. Full powers however, are not required to deposit a duly signed instrument of ratification, acceptance, approval or accession with the Secretary-General.

Secretary-General's requirements applicable to full powers:

1. Signature by the Head of State, Head of Government or Minister for Foreign Affairs or a person acting, *ad interim*, in one of the above positions;
2. Title of the treaty;
3. Express authorization to sign the treaty or undertake the treaty action concerned;
4. Full name and title of the person duly authorized to sign;
5. Date and place of signature of the instrument of full powers; and
6. Official seal. This is optional and cannot replace the signature of one of the three authorities of State.

Please note:

- Where general full powers have been issued to a named person and have been deposited with the Secretariat in advance, specific full powers are not required.
- Full powers must be submitted for verification to the Treaty Section in advance of the intended date of signature or treaty action.
- Copies of signed instruments of full powers may be faxed to the Treaty Section for verification in advance of the signature or treaty action, provided that the original promptly follows (Fax: +1 (212) 963-3693). The depositary will also accept a scanned copy of a signed instrument of full powers transmitted by electronic mail to the following email address: depositarycn@un.org. You can always contact the Treaty Section if you need additional information at +1 212 963-5047.