

United Nations Nations Unies

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The Legal Counsel presents his compliments to the Permanent Representatives to the United Nations in New York and has the honour to communicate the following in relation to the requirements for the deposit of instruments of ratification, acceptance, approval, accession and the like with the Secretary-General.

The Secretary-General's practice relating to the deposit of instruments of ratification, acceptance, approval, accession and the like is as follows. Such instruments must:

- Emanate from and be signed by the Head of State, Head of Government or Minister for Foreign Affairs or a person exercising, *ad interim*, the powers of one of the above authorities;
- Clearly identify the treaty concerned and the type of action, consistent with the provisions of the treaty, i.e., ratification, acceptance, approval, accession, consent to be bound, etc.;
- Contain 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);
- Indicate the title of the signatory. In the case of a person exercising, *ad interim*, the powers of 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 Head of State, Acting Head of Government, Acting Minister for Foreign Affairs, Head of State *ad interim*, Head of Government *ad interim* and Minister for Foreign Affairs *ad interim*;
- Indicate the date and place where the instrument was issued;
- If required, specify the scope of their application in accordance with the provisions of the relevant treaty;
- If required, contain all mandatory declarations and notifications in accordance with the provisions of the relevant treaty; and
- Where reservations are intended, include such reservations since reservations must be signed by the Head of State, Head of Government or Minister for Foreign Affairs or a person exercising, *ad interim*, the powers of one of the above authorities.

It is noted that if these requirements are lacking, the instrument in question is unlikely to be accepted in deposit.

Further information on the deposit of binding instruments can be obtained from the publications *Summary of Practice of the Secretary-General as Depositary of Multilateral Treaties* (ST/LEG/8) and the *Treaty Handbook* published by the Treaty Section of the Office of Legal Affairs. 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* also contains model instruments.

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