

**TRAINING SEMINAR ON TREATY LAW
AND PRACTICE**

DEPOSITARY WORKSHOP MATERIALS

**Peace Palace, The Hague
3 and 4 October 2005**

WORKSHOP ON DEPOSITARY ISSUES

- I. Your Government would like to sign the Stockholm Convention on Persistent Organic Pollutants. You have been presented with the below draft full powers for review and approval. Assume that the Convention is open for signature.

REPUBLIC OF
MINISTRY OF FOREIGN AFFAIRS

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

Know ye, that reposing special trust and confidence in the integrity and ability of the Honourable [John Doe], Minister of Agriculture, Head of Delegation and the Honourable [Mary Smith], Deputy Director for Legal Affairs, Ministry for Environmental Affairs, Member of Delegation to the Conference of Plenipotentiaries on the Stockholm Convention on Persistent Organic Pollutants which is scheduled to convene in Stockholm, Sweden, from the 21st to the 23rd of May, in the year of our Lord Two Thousand and one. I, in the name of the President of the Republic of, have vested them with full power and authority for and in the name of the Republic of to meet and confer with any person or persons duly authorized by the Governments of States represented at the Conference of Plenipotentiaries on the Stockholm Convention on Persistent Organic Pollutants being vested with like power and authority and with them to do and perform on behalf of the Republic of, all necessary acts in relation to the general or specific objects to be discussed at the said Conference.

In witness whereof, I have caused the seal of this Republic to be hereto affixed this Day of In the year of our Lord Two Thousand and One.

[Signature]

DEPUTY MINISTER FOR FOREIGN AFFAIRS
ACTING MINISTER FOR FOREIGN AFFAIRS

- II. The following documents have been lodged for deposit with the Secretary-General. Should these documents be accepted in deposit as valid binding instruments?

Document A

*Note that the below Amendment is open for “acceptance”
by States that are party to the Convention.*

14 January 2002

Your Excellency,

I have the honour to inform that the President of the Republic signed the Law to accept the amendment to paragraph 2, article 43 of the Convention on the Rights of the Child.

According to this Law, the Republic of X accepted the proposal to constitute a Committee on the Rights of the Child of eighteen experts of high moral standing and recognized competence in the field covered by the Convention.

The Republic of X welcomes the steps undertaken by the United Nations to promote rights of the child around the world and confirms its intention to observe the rights of the child and contribute to the achieving of the honourable goals of the Convention. The President of the Republic of X, ..., declared the above in his letter of 21 may 2002 addressed to you.

Please, accept, Your Excellency, the assurances of my highest consideration.

[Name of President]

[Signature]

H.E. Mr. Kofi Annan
Secretary-General of
The United Nations
New York

Document B

Assume that the State has signed the below Convention.

DECRET No 2001/154 DU 24 OCTOBRE 2001 portant ratification de la Convention des Nations Unies contre la criminalité transnationale organisée

LE PRESIDENT DE LA REPUBLIQUE,

VU la Constitution;

VU la loi 98/005 du 10 octobre 2001 autorisant le Président de la République à ratifier la Convention des Nations Unies contre la criminalité transnationale organisée;

DECRETE:

ARTICLE 1^{er} – Est ratifiée la Convention des Nations Unies contre la criminalité transnationale organisée.

ARTICLE 2 – Le present décret sera enregistré, publié selon la procedure d'urgence, puis inséré au Journal Official./

LE PRESIDENT DE LA REPUBLIQUE,

[Signé]

Translation

Decree No. 2001/154 of 24 October 2001 ratifying the United Nations Convention Against Transnational Organized Crime

The President of the Republic,

Considering the Constitution;

Considering Law 98/005 of 10 October 2001 authorizing the President of the Republic to ratify the United Nations Convention Against Transnational Organized Crime;

Decrees:

Article 1 – The United Nations Convention Against Transnational Organized Crime has been ratified.

Article 2 – This decree will be registered, published on an urgent basis, and then inserted in the Official Journal./

The President of the Republic

[Signature]

- III. State A would like to become a party to the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict (*relevant provisions of the Protocol follow*). State A has signed the Convention on the Rights of the Child, but has not ratified it. State A has not signed the Optional Protocol. You are a legal officer in the Treaty Section and have just been handed the below instrument for deposit by the Ambassador. The Ambassador needs to inform the Ministry of Foreign Affairs on an urgent basis of the status of the instrument. What do you advise?

REPUBLIC OF
MINISTRY OF FOREIGN AFFAIRS

I, [name], the Minister for Foreign Affairs, declare that the Government of the Republic of Z hereby ratifies the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict and undertakes faithfully to perform and carry out the stipulations contained herein.

IN WITNESS WHEREOF, I have signed the present instrument.

Done at [place], on [date].

[Signature]

Relevant Treaty Provisions

Optional Protocol to the Convention on the Rights of the Child
on the involvement of children in armed conflict

Article 3

2. *Each State party shall deposit a binding declaration upon ratification of or accession to this Protocol that sets forth the minimum age at which it will permit voluntary recruitment into its national armed forces and a description of the safeguards that it has adopted to ensure that such recruitment is not forced or coerced.*

Article 9

1. *The present Protocol is open for signature by any State that is a party to the Convention or has signed it.*
2. *The present Protocol is subject to ratification and is open to accession by any State. Instruments of ratification or accession shall be deposited with the Secretary-General of the United Nations.*

- IV. State B would like to become a party to the Protocol on Civil Liability and Compensation for Damage Caused by the Transboundary Effects of Industrial Accidents on Transboundary Waters to the 1992 Convention on the Protection and Use of Transboundary Watercourses and International Lakes and to the 1992 Convention on the Transboundary Effects of Industrial Accidents (*relevant provisions of the Protocol follow*). The below instrument has been submitted for deposit. As a legal officer in the Treaty Section, what do you advise?

THE PRESIDENT OF THE REPUBLIC OF

Proclaims that in accordance with the Law on ... May 2003 the Republic of accedes to Protocol on Civil Liability and Compensation for Damage Caused by the Transboundary Effects of Industrial Accidents on Transboundary Waters to the 1992 Convention on the Protection and Use of Transboundary Watercourses and International Lakes and to the 1992 Convention on the Transboundary Effects of Industrial Accidents done on 21 May 2003,

and declares that the above-mentioned Protocol will be strictly and faithfully observed, and further declares the following:

The Republic of only accepts Article 26, paragraph 2 (b) as compulsory.

In witness whereof the President of the Republic of has signed this Instrument of Accession and authenticated it with his Seal.

[Signature]

President of the Republic of

[Date]

RELEVANT TREATY PROVISIONS

Protocol on Civil Liability and Compensation for Damage Caused by the Transboundary Effects of Industrial Accidents on Transboundary Waters to the 1992 Convention on the Protection and Use of Transboundary Watercourses and International Lakes and to the 1992 Convention on the Transboundary Effects of Industrial Accidents

Article 26 Settlement of Disputes

1. *If a dispute arises between two or more Parties about the interpretation or application of this Protocol, they shall seek a solution by negotiation or by any other means of dispute settlement acceptable to the parties to the dispute.*
2. *When signing, ratifying, accepting, approving or acceding to the Protocol, or at any time thereafter, a Party may declare in writing to the Depositary that for a dispute not resolved in accordance with paragraph 1, it accepts one or both of the following means of dispute settlement as compulsory in relation to any Party accepting the same obligation:*
 - a. *Submission of the dispute to the International Court of Justice;*
 - b. *Arbitration in accordance with the procedure set out in annex III.*
3. *If the parties to the dispute have accepted both means of dispute settlements referred to in paragraph 2, the dispute may be submitted only to the International Court of Justice, unless the parties to the dispute agree otherwise.*

Article 27 Signature

1. *This Protocol shall be open for signature at Kiev from 21 to 23 May 2003 and thereafter at United Nations Headquarters in New York until 31 December 2003 by States members of the Economic Commission for Europe, as well as States having consultative status with the Economic Commission for Europe pursuant to paragraph 8 of Economic and Social Council resolution 36 (IV) of 28 March 1947, and by regional economic integration organizations constituted by sovereign States members of the Economic Commission for Europe to which their member States have transferred competence in respect of matters governed by the Protocol, including the competence to enter into treaties in respect of these matters.*

Article 28 Ratification, acceptance, approval and accession

1. *The Protocol shall be subject to ratification, acceptance or approval by the signatory States and regional economic integration organizations referred to in article 27, provided that the States and organizations concerned are Parties to one or both of the Conventions.*

2. *The Protocol shall be open for accession by the States and organizations referred to in article 27, provided that the States and organizations concerned are Parties to one or both of the Conventions.*
3. *Any other State, not referred to in paragraph 2, which is a Member of the United Nations, may accede to the Protocol upon approval by the Meeting of the Parties. In its instrument of accession, such a State shall make a declaration stating that approval for its accession to the Protocol has been obtained from the Meeting of the Parties and shall specify the date on which approval was received.*

Article 30
Reservations

No reservation may be made to the Protocol.

- V. State C is one of several successor States to the former Republic of State D, which has ceased to exist. State C would like to become a party to the Montreal Protocol on Substances that Deplete the Ozone Layer (*relevant provisions of the Protocol and the Vienna Convention for the Protection of the Ozone Layer follow*). State C has submitted the below instrument for review to the Treaty Section. Identify the relevant treaty law issues.

**REPUBLIC OF STATE C
MINISTER FOR FOREIGN AFFAIRS**

I, [name], the Minister for Foreign Affairs, declare that the Government of the Republic of State C hereby accedes to the Montreal Protocol on Substances that Deplete the Ozone Layer and undertakes faithfully to perform and carry out the stipulations contained therein.

In witness whereof, I have signed the present instrument.

Done at [place], on [date].

[Signature]

RELEVANT TREATY PROVISIONS

Vienna Convention for the Protection of the Ozone Layer

Article 13

Ratification, Acceptance or Approval

1. *This Convention and any protocol shall be subject to ratification, acceptance or approval by States and by regional economic integration organizations. Instruments of ratification, acceptance or approval shall be deposited with the Depositary.*

Article 14

Accession

1. *This Convention and any protocol shall be open for accession by States and by regional economic integration organizations from the date on which the Convention or the protocol is closed for signature. The instrument of accession shall be deposited with the Depositary.*

Article 16

Relationship Between the Convention and its Protocols

1. *A State or a regional economic integration organization may not become a party to a protocol unless it is, or becomes at the same time, a Party to the Convention.*

**Article 18
Reservations**

No reservations may be made to this Convention.

Montreal Protocol on Substances That Deplete the Ozone Layer

Article 14: Relationship of this Protocol to the Convention

Except as otherwise provided in this Protocol, the provisions of the Convention relating to its protocol shall apply to this Protocol.

Article 18: Reservations

No reservations may be made to this Protocol.