

## KEY TERMS ON TREATY ADHERENCE

### ACCESSION TO A TREATY

Accession or acceding to a treaty has the same effect as **signature** and **ratification** of a treaty in a single step – the state therefore becomes a party to it. For example, some treaties do not allow signature after the treaty as a whole has entered into force so if a state has not signed the treaty, it must accede to the treaty to become party to it.

### ADHERENCE TO A TREATY

This is the process of becoming a state party to a treaty, for example through signature and ratification, or through accession.

### DEPOSITARY

After a treaty has been concluded, the written instruments, which provide formal evidence of consent to be bound, and also any reservations and declarations, are placed in the custody of a depositary. Multilateral treaties usually designate an international organization or the UN Secretary-General as depositaries. The depositary must accept all notifications and documents related to the treaty, examine whether all formal requirements are met, deposit them, register the treaty and notify all relevant acts to the parties concerned. See Articles 16, 76, and 77 of the *1969 Vienna Convention on the Law of Treaties*.

### RATIFICATION OF A TREATY

Ratifying a treaty is usually how a treaty signatory becomes party to the treaty. This two-step process (signature and then ratification) allows national authorities the opportunity to discuss the treaty and decide whether or not the state should formally adhere to it. Acceptance or approval is basically treaty ratification by another name. Once a **state party**, all of the obligations under the treaty become binding on the state (unless it has made valid reservations to any of the treaty provisions).

### SIGNATURE OF A TREATY

Signature of a treaty is not usually sufficient a state to be formally bound by all of its provisions (although some treaties do enter into force on signature, if this is the case it will be stated explicitly in the treaty). Most treaties must also be ratified for the treaty to enter into force for any given state. This means a state must send an instrument of ratification (a formal letter) to the **depositary** of the treaty in question (often the UN Secretary-General) stating its decision to become bound by the treaty.

Signature does, however, have legal consequences. According to Article 18 of the *1969 Vienna Convention on the Law of Treaties*, a state that has signed a treaty is prohibited from taking any action that would frustrate the treaty's object or purpose.

## **STATE PARTY**

Unless the treaty provides otherwise, the deposit of the instruments of ratification (also called acceptance or approval, in certain circumstances) or of accession establishes the consent of a state to be bound by the treaty. Once an instrument of ratification or accession has been received by the depositary of a treaty, the treaty will enter into force for that state, though normally after a lapse of a certain period of time as stipulated by the treaty. For example, a state that ratifies the 1980 Convention on Certain Conventional Weapons will become party to it six months after the date of ratification.

## **TREATY SIGNATORY**

Although the term is often misused in the media, signing a treaty (and therefore becoming a **treaty signatory**) is not the same as becoming a **state party**.