

CHECKLIST :
General steps for ratification
of or accession to a
Convention

*BASEL-ROTTERDAM-
STOCKHOLM-MINAMATA*



RATIFICATION, ACCESSION, WHAT DIFFERENCES?

RATIFICATION

Ratification defines the international act whereby a state indicates its consent to be bound to a treaty if the parties intended to show their consent by such an act. The institution of ratification grants states the necessary time-frame to seek the required approval for the treaty on the domestic level and to enact the necessary legislation to give domestic effect to that treaty. Ratification at the international level should not be confused with ratification at the national level, which a State may be required to undertake in accordance with its own constitutional provisions before it expresses consent to be bound internationally. (Treaties Handbook, 2012).

RATIFICATION, ACCESSION, WHAT DIFFERENCES?

ACCESSION

Accession has the same legal effect as ratification, acceptance or approval. However, unlike ratification, acceptance or approval, which are preceded by **signature** to create binding legal obligations under international law, accession requires only one step, namely, the deposit of an instrument of accession. The Secretary-General, as depositary, treats instruments of ratification that have not been preceded by signature as instruments of accession, and the States concerned are advised accordingly. (Treaties Handbook, 2012).

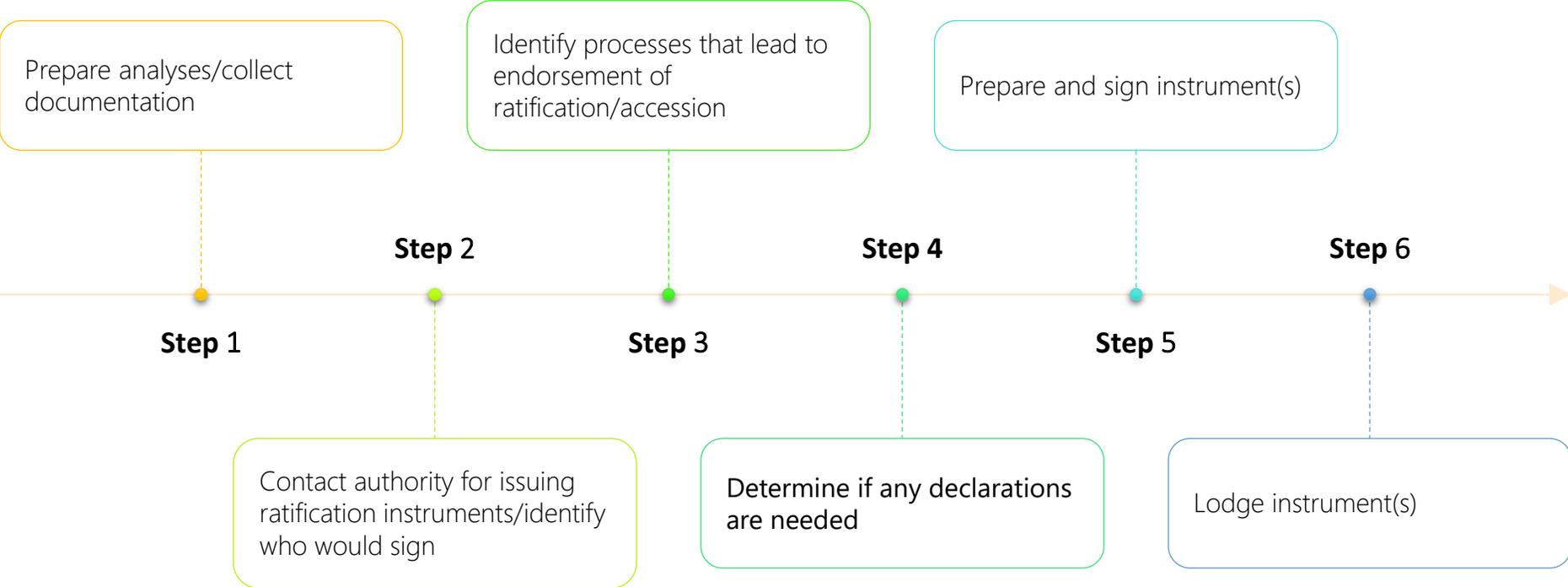
RATIFICATION, ACCESSION, WHAT DIFFERENCES?

Example from the Minamata Convention

Status of Signature, and ratification, acceptance, approval or accession

Participant	Signature	Status	Date
Afghanistan		Accession	02/05/2017
Albania	09/10/2014	Ratification	26/05/2020
Angola	11/10/2013	Signature	

CHECKLIST



STEP 1

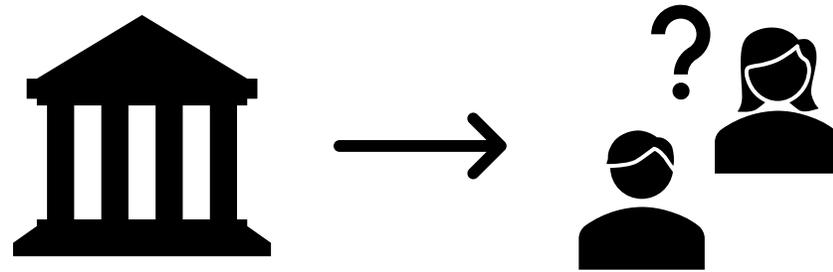
Prepare
analyses/collect
documentation



- Prepare an **analysis** of becoming a Party to the Convention, including any legislative or administrative measures that will be necessary for implementation;
- Gather any **relevant documentation**.

STEP 2

Contact authority for issuing ratification instruments/identify who would sign



The responsible authority should identify who will make a decision on or approve ratification/accession to the Convention and who will sign the instrument of ratification/accession.

The decision or approval would serve as the basis for the issuance of an instrument to become a Party to the Convention.

STEP 3

Identify/undertake processes that lead to endorsement of ratification/accession

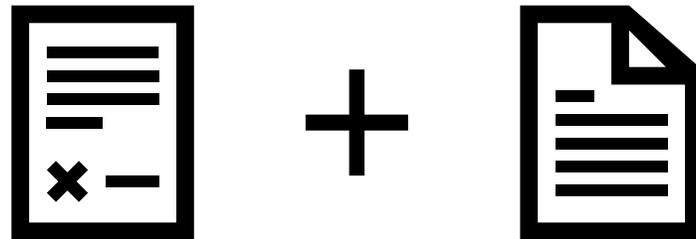


Identify appropriate steps for ratification/accession approval.

The supreme national power indicates the necessary documentation and decision-making processes that must be completed before the instrument can be signed and deposited, such as passage of a law, judicial review or evaluation at different state levels.

Identify whether any declarations must be made with the deposit of the instrument to become a Party.

For example, a government will need to submit a statement to exercise the opt-in option for amending annexes or paragraphs of the Convention.



STEP 4

Determine if any declarations are needed

After the internal legislative procedures, the government office responsible for doing so should prepare the instrument of ratification, acceptance, approval or accession and any instrument of declaration.



STEP 6

Lodge instrument(s) with the Depository

An instrument of ratification, acceptance, approval or accession to the Convention shall not become effective until it is deposited with the Secretary-General of the United Nations at Headquarters in New York.



ANNEX 1 – MODEL INSTRUMENT (EXAMPLES)

STOCKHOLM CONVENTION - MODEL INSTRUMENT OF RATIFICATION, ACCEPTANCE OR APPROVAL

(To be signed by the Head of State, Head of Government or Minister for
Foreign Affairs)

[RATIFICATION / ACCEPTANCE / APPROVAL]

WHEREAS the Stockholm Convention on Persistent Organic Pollutants was adopted at Stockholm, Sweden on 22 May 2001,

AND WHEREAS the said convention has been signed on behalf of the Government of [name of State] on [date],

NOW THEREFORE I, [name and title of the Head of State, Head of Government or Minister for Foreign Affairs] declare that the Government of [name of State], having considered the above mentioned convention, [ratifies, accepts, approves] the same and undertakes faithfully to perform and carry out the stipulations therein contained.

IN WITNESS WHEREOF, I have signed this instrument of [ratification, acceptance, approval] at [place] on [date].

[Signature]

STOCKHOLM CONVENTION - MODEL INSTRUMENT OF ACCESSION

(To be signed by the Head of State, Head of Government or Minister for
Foreign Affairs)

ACCESSION

WHEREAS the Stockholm Convention on Persistent Organic Pollutants was adopted at Stockholm, Sweden on 22 May 2001,

NOW THEREFORE I, [name and title of the Head of State, Head of Government or Minister for Foreign Affairs] declare that the Government of [name of State], having considered the above mentioned convention accedes to the same and undertakes faithfully to perform and carry out the stipulations therein contained.

IN WITNESS WHEREOF, I have signed this instrument of accession at [place] on [date].

[Signature]

ANNEX 2 – MODEL INSTRUMENT OF DECLARATION

STOCKHOLM CONVENTION - MODEL INSTRUMENT OF DECLARATION

(To be signed by the Head of State, Head of Government or Minister for Foreign Affairs)

DECLARATION

I, [name and title of the Head of State, Head of Government or Minister for Foreign Affairs],

HEREBY DECLARE that the Government of [name of State] makes the following declaration in relation to article(s) [---] of the Stockholm Convention on Persistent Organic Pollutants, adopted 22 May 2001 in Stockholm, Sweden:

[Substance of reservation / declaration]

IN WITNESS WHEREOF, I have hereunto set my hand and seal.

Done at [place] on [date].
[Signature and title]

**Thank you for your
attention !**

