

Signature and Ratification



Arms Trade Treaty

robust standards for
responsible transfers

The Arms Trade Treaty establishes common international standards for the regulation of the international trade in conventional arms, ammunition and parts and components for the purpose of contributing to peace and security, reducing human suffering, and promoting cooperation and transparency.

Ensuring that the Treaty fulfils its promises requires the widest possible adherence and implementation among States.

This brochure describes the procedures that States must follow in order to sign, ratify, accept, approve, or accede to this treaty.

Included are model instruments of adherence that can be used for deposit with the Secretary-General of the United Nations.

1. Signature

The Arms Trade Treaty has opened for signature on 3 June 2013 at UN headquarters in New York. Thereafter, and until its entry into force, it can be signed at United Nations Headquarters in New York. **The period allowed for signatures will be closed when the Treaty enters into force.**

Under established international practice, only Heads of State, Heads of Government or Ministers for Foreign Affairs are empowered, by virtue of their functions, to sign multilateral treaties on behalf of States without having to produce full powers to that effect. Other representatives wishing to sign the Treaty must be in possession of appropriate **full powers** signed by one of these authorities. States wishing to sign the Treaty should, as necessary, provide the required full powers in advance to the UN Secretariat, Office of Legal Affairs.

By signing the Arms Trade Treaty, a State signals its intention to become a party to it in the future. **Once it has signed the Treaty, a State must not take any action that would undermine its object and purpose** (see Article 18, *Vienna Treaty on the Law of Treaties*, 1969).

Signing the Treaty does not make the State a party to it. Signature does not legally bind the signatory State or require it to

begin to implement the provisions of the Treaty. To become legally bound by a multilateral treaty, a signatory State must subsequently deposit its instrument of ratification, acceptance or approval. That State will then become a party in accordance with the entry into force provisions of the treaty in question.

States that have not signed a treaty may also consent to be bound by the treaty through the act of accession.

2. Consent to be bound (ratification, acceptance, approval, and accession)

To become party to the Arms Trade Treaty a State must formally declare its consent to be bound by the Treaty. This involves two steps: action by the concerned State at national level, and the notification to the depositary of consent to be bound.

A. Action by the national government

At the national level, a State must agree to adhere to the Treaty in accordance with domestic procedures for becoming party to treaties. This usually requires discussion within the country and action by its parliament and/or its executive.

B. Notification to the depositary

After domestic procedures have been followed and the decision to be bound by the Treaty has been taken, a State will need to prepare an instrument of ratification, acceptance, approval, or accession.

A State that has **signed the Treaty** will declare its consent to be bound by preparing an instrument of **ratification, acceptance or approval**.

A State that has **not signed the Treaty** will declare its consent to be bound by preparing an instrument of **accession**.

For constitutional reasons, certain States use the terms ‘acceptance’ or ‘approval’ to describe their adherence to multilateral treaties. These terms have the same legal effect as ratification and

consequently express a signatory State's consent to be bound by a treaty.

Instruments of ratification (accession, acceptance, or approval) must be deposited with the Treaty's **depository**: the Secretary-General of the United Nations (contact: Office of Legal Affairs, Treaty Section). The deposit of an instrument of consent to be bound with the depository is a pre-requisite for the entry into force of a multilateral treaty for a State.

Some States can ratify treaties immediately. Nothing prohibits a State to deposit its instrument of ratification (acceptance, or approval) for the Arms Trade Treaty on the same day as it signs the Treaty.

3. Entry into force

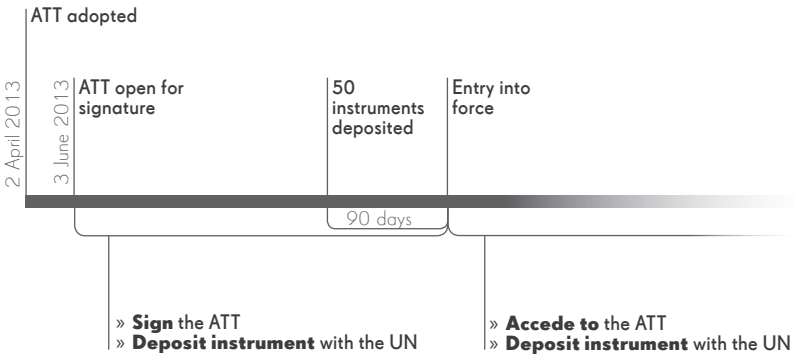
The Arms Trade Treaty enters into force 90 days after 50 States have deposited their instrument of ratification (acceptance, or approval). The specific date on which the Treaty becomes binding on a State is determined as follows:

a) For the first 50 States that deposit instruments with the UN Secretary-General, the Treaty will enter into force 90 days after the 50th instrument of ratification (acceptance, or approval) is deposited.

b) For all other States, the Treaty will enter into force 90 days following the date on which that State deposited its instrument of ratification (accession, acceptance, or approval) with the UN Secretary-General.

In order to reinforce the basic norms laid down in the Treaty, Article 23 invites each State upon signature or ratification (accession, acceptance, or approval) to declare that it will apply provisionally Articles 6 and 7 pending the Treaty's entry into force for that State.

Becoming a State Party to the Arms Trade Treaty



4. National implementation

Under Article 5, the Arms Trade Treaty requires that States parties take measures to implement its provisions and designate competent national authorities in order to have an effective and transparent national control system. This includes taking appropriate measures to enforce national laws and regulations that implement the provisions of the Treaty.

5. Model instruments of ratification, acceptance, approval, or accession

Models of instruments to be deposited with the Secretary-General of the United Nations are annexed.

Also annexed is a model **declaration** regarding provisional application, which the UN Secretariat encourages States to consider submitting to the depositary at the time of signature or ratification (accession, acceptance, or approval).

Model Instruments

A. Model Instrument of Full Powers

FULL POWERS

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

HEREBY AUTHORIZE, [name and title], to sign the Arms Trade Treaty, done at New York on 2 April 2013, on behalf of the Government of [name of State].

Done at [place] on [date]

[Signature]

This instrument must be signed by the Head of State, Head of Government or Minister of Foreign Affairs.

B. Model Instrument of Ratification (Acceptance, or Approval) of the Arms Trade Treaty

For States Signatories

WHEREAS the Arms Trade Treaty was adopted at New York on 2 April 2013 and opened for signature at New York on 3 June 2013,

WHEREAS the said Treaty has been signed on behalf of the Government of _____ on _____,

NOW THEREFORE I, [name and title of the Head of State, Head of Government or Minister of Foreign Affairs], declare that the Government of _____, having considered the above-mentioned Treaty, ratifies [accepts, approves] the same Treaty 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 _____ on _____.

[Signature] + [seal]

This instrument must be signed by the Head of State, Head of Government or Minister of Foreign Affairs.

C. Model Instrument of Accession to the Arms Trade Treaty

For non-signatory States (to be deposited only following entry into force of the Treaty in accordance with article 22(1))

WHEREAS the Arms Trade Treaty was adopted at New York on 2 April 2013,

NOW THEREFORE I, [name and title of the Head of State, Head of Government or Minister of Foreign

Affairs], declare that the Government of _____, having considered the above-mentioned Treaty, accedes to the same Treaty and undertakes faithfully to perform and carry out the stipulations therein contained.

IN WITNESS WHEREOF I have signed this instrument of accession at _____ on _____.

[Signature] + [seal]

This instrument must be signed by the Head of State, Head of Government or Minister of Foreign Affairs.

D. Declaration of Intent to Apply the Treaty Provisionally

For both signatory and non-signatory States

I [name and title of the Head of State, Head of Government or Minister of Foreign Affairs] declare herewith that the Government of _____ will provisionally apply Articles 6 and 7 of the Arms Trade Treaty, pending its entry into force.

[Signature] + [seal]

This declaration may be submitted to the depositary at the same time as the instrument of signature, ratification or accession to the said Treaty.

This declaration must be signed by the Head of State, Head of Government or Minister of Foreign Affairs.



2 April 2013: General Assembly adopts the Arms Trade Treaty

Enquiries on legal matters:

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UN Regional Centre for Peace and Disarmament in Africa
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UN Regional Centre for Peace and Disarmament in Asia
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