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**Intergovernmental negotiating committee to develop  
an international legally binding instrument on plastic  
pollution, including in the marine environment**

**Fifth session**

Busan, Republic of Korea, 25 November –1 December 2024

Item 5 of the provisional agenda\*

**Other matters.**

## **Information submitted by the Executive Director of the United Nations Environment Programme**

### **Note by the Secretariat**

1. The Executive Director of the United Nations Environment Programme (UNEP) has submitted the following information that may be of relevance to the intergovernmental negotiating committee: “Note from the Executive Director on the Diplomatic Conference for the Adoption of the International Legally Binding Instrument on Plastic Pollution, Including in the Marine Environment.”
2. The present note, including its annex, has not been formally edited.

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\* UNEP/PP/INC.5/1.

## Annex

### **Note from the Executive Director of the United Nations Environment Programme on the Diplomatic Conference for the Adoption of the International Legally Binding Instrument on Plastic Pollution, Including in the Marine Environment**

#### **1. Introduction**

1. The purpose of this Note is to provide delegations participating in the Intergovernmental Negotiating Committee (INC) to develop an international legally binding instrument on plastic pollution, including in the marine environment, with information on the upcoming Diplomatic Conference. As the convener of the Diplomatic Conference, the Executive Director of the United Nations Environment Programme (UNEP) aims to facilitate transparency and preparedness among all stakeholders involved in this process. This Note has been prepared in consultation with the United Nations Treaty Section.
2. The Executive Director in preparing for the Diplomatic Conference will proceed on the basis that Members of the INC will agree that the Instrument is to be deposited with the United Nations Secretary-General for signature, accession and ratification. If this is the case and the Secretary-General does serve as depositary, the adoption process and subsequent opening for signature must comply with established United Nations procedures as outlined in the Secretary-General's bulletin ST/SGB/2001/7, titled "Procedures to be followed by the departments, offices and regional commissions of the United Nations with regard to treaties and international agreements" (see Annex II).
3. UNEP will coordinate closely with the United Nations Treaty Section to ensure that all legal and procedural requirements are met in accordance with the requirements of ST/SGB/2001/7. As per established procedures, following the formal adoption of the texts of the Instrument at the Diplomatic Conference, the adopted texts shall be submitted in hard copy and electronically by UNEP to the Treaty Section, in all the authentic languages, for purposes of preparing the original of the treaty, and for performing the requisite depositary functions. A period of four to six weeks should be allowed between the date when the depositary receives the text in all its authentic languages and the date on which the Instrument will be open for signature to enable the preparation of the original of the Instrument and the preparation and distribution of the certified true copies.<sup>1</sup> This period of time is required to ensure that the preparation of the original of the treaty is completed, and the certified true copies are circulated in hard copy and electronically to all States entitled to sign and become a party. The preparation of the original and the certified true copies involves ensuring consistency with the text adopted at the outcome of negotiations and does not contain mistakes, especially between the different authentic languages, which would make it difficult for States to join the treaty and risk triggering cumbersome procedures of correction.
4. Arrangements regarding the opening for signature, including whether there should be a separate ceremony, will be decided by the participating States, for example during the Diplomatic Conference. Such arrangements should take into account the time needed to prepare the original and circulate certified true copies to States and provide for States sufficient time to complete their domestic procedures prior to the date of the opening for signature ceremony.

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<sup>1</sup> ST/SGB/2001/7, s.5.1.

## 2. Mandate under UNEA Resolution 5/14

5. The United Nations Environment Assembly (UNEA), through Resolution 5/14, mandated the Executive Director of UNEP “to convene a diplomatic conference of plenipotentiaries upon completion of negotiations by the Intergovernmental Negotiating Committee [to develop an international legally binding instrument on plastic pollution, including in the marine environment (INC)], for the purpose of adopting the instrument and opening it for signature” (emphasis added).<sup>2</sup>
6. While UNEA Resolution 5/14 mandates the convening of a Conference for both the adoption of the instrument and opening it for signature, it is expected that the primary objective of the Diplomatic Conference, in accordance with the established practice of the United Nations, will be the adoption of the instrument only. Opening for signature will follow subsequently, in accordance with the established procedures of the depositary which under the Secretary-General's bulletin ST/SGB/2001/7 requires that the adopted treaty texts be submitted to the Treaty Section for the preparation of originals and certified true copies, allowing for a recommended period of four to six weeks between the adoption of the instrument at the Diplomatic Conference and the opening for signature.
7. UNEA Resolution 5/14 does not specify a precise date or location for the Conference. Consistent with United Nations practice, the determination of the timing and location is typically undertaken through consultations with Member States, based on the readiness of the instrument for adoption and offers received to host the Conference. Mandates for convening Diplomatic Conferences have, on occasion, provided general timelines without specifying exact dates or venues. For instance, UNEP Governing Council Decision 19/13 A concerning the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade (Rotterdam Convention) requested the Executive Director “to convene, in 1997, together with the Director-General of the Food and Agriculture Organization of the United Nations, a diplomatic conference for the purpose of adopting and signing an international legally binding instrument” without designating a specific location or date.<sup>3</sup> The venue was subsequently determined by the Executive Director based on offers received from Member States and was noted in the report of INC-5.
8. Therefore, it is anticipated that the INC will consider any information provided by the Executive Director with respect to the timing and location of the Diplomatic Conference during its forthcoming session. The Executive Director will then proceed to convene the Diplomatic Conference in accordance with the guidance provided by the INC, ensuring compliance with UNEA Resolution 5/14 and established United Nations procedures.

## 3. Structure and Participation of the Diplomatic Conference

9. The United Nations practice for adopting multilateral treaties typically involves convening a diplomatic conference of plenipotentiaries. This practice, which predates the United Nations, has been instrumental in formulating key international agreements, such as the Hague Conventions of 1899 and 1907. Consistent with the practice observed at previous Diplomatic Conferences, a Diplomatic Conference serves as the formal setting where plenipotentiaries agree upon and adopt a treaty and a Final Act.

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<sup>2</sup> UNEA/EA.5/Res.14, OP 12.

<sup>3</sup> UNEP/GC.19/13, OP 4.

10. In cases where the negotiating mandate arose from a resolution of the General Assembly, United Nations diplomatic conferences have been convened also by a resolution of the General Assembly adopted on the recommendations of one of its subsidiary organs. The constitutive resolution of the Assembly typically defines the objective of the conference and the general conditions for States to participate therein.<sup>4</sup>
11. Diplomatic Conferences can also be convened under the auspices of the governing body of a UN entity or programme or its head. For example, that was the case for the adoption of the Rotterdam Convention,<sup>5</sup> the Stockholm Convention on Persistent Organic Pollutants (Stockholm Convention),<sup>6</sup> the Basel Convention on the Transboundary Movements of Hazardous Wastes and their Disposal (Basel Convention),<sup>7</sup> and the Minamata Convention on Mercury (Minamata Convention).<sup>8</sup> In all these cases, the Executive Director of UNEP was mandated to convene the Diplomatic Conferences. A similar mandate is reflected in paragraph 12 of UNEA resolution 5/14.
12. Given that the participation in both the Ad Hoc Open-ended Working Group to prepare for the work of the INC and the INC were open to “all States Members of the United Nations and members of United Nations specialized agencies, to regional economic integration organizations, and to relevant stakeholders”<sup>9</sup>, the Conference will, to ensure consistency and continuity, follow the same approach. This approach aligns with the established practice of United Nations Conferences on the Environment and ensures broad stakeholder engagement.

#### 4. Preparatory Meeting Before the Diplomatic Conference

13. Taking into account the views of Member States as expressed, inter alia through the INC, the Executive Director can, as needed, convene a Preparatory Meeting prior to the Diplomatic Conference. The purpose of a Preparatory Meeting is to prepare the texts of draft resolutions, for consideration and adoption by the Conference of Plenipotentiaries.
14. For example, at the fifth session of the Intergovernmental Negotiating Committee to prepare a global legally binding instrument on Mercury, the Committee agreed not only to the text of the instrument and on its name, but it also agreed that the secretariat would prepare draft elements of the Final Act (so called “draft resolutions”) to be deliberated at a Preparatory Meeting and adopted at the Diplomatic Conference. The Preparatory Meeting approved the following draft resolutions for consideration and possible adoption by the

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<sup>4</sup> Codification Division, Office of Legal Affairs (2024) *Diplomatic Conferences* <https://legal.un.org/diplomaticconferences/>.

<sup>5</sup> Governing Council Decisions 18/12 and 19/13 authorized the Executive Director of UNEP to convene, together with the Director-General of the Food and Agriculture Organization of the United Nations (FAO) a diplomatic conference for the purpose of adopting and signing an international legally binding instrument for the application of the prior informed consent procedure for certain hazardous chemicals in international trade, preferably not later than early 1997.

<sup>6</sup> Governing Council Decision 19/13 C requested the Executive Director to convene a diplomatic conference for the purpose of adopting and signing an international legally binding instrument for international action to reduce/eliminate releases of persistent organic pollutants to be concluded preferably by the year 2000.

<sup>7</sup> Governing Council Decision 14/30 requested the Executive Director to convene in early 1989 a diplomatic conference for the purpose of adopting and signing a global convention of the control of transboundary movements of hazardous wastes.

<sup>8</sup> Governing Council Decision 27/12 requested the Executive Director to convene a conference of plenipotentiaries for the purpose of adopting and opening for signature the Minamata Convention on Mercury.

<sup>9</sup> UNEA/EA.5/Res.14, OP 9.

Conference: (i) arrangements in the interim period; (ii) financial arrangements; (iii) matters pertaining to other international bodies; and (iv) tribute to the hosting government.<sup>10</sup>

15. The Preparatory Meeting may be convened back-to-back with the Diplomatic Conference, as was the case with the Minamata Convention and the Stockholm Convention, where the Preparatory Meetings immediately preceded the Diplomatic Conferences. Alternatively, the Preparatory Meeting may be held as a separate event, depending on logistical and substantive needs.
16. The preparatory meeting has its own Bureau and rules of procedure, which may mirror those of the INC. For example, the Preparatory Meeting for the Conference of Plenipotentiaries on the Minamata Convention and the Preparatory Meeting for the Conference of Plenipotentiaries on the Stockholm Convention decided to apply the rules of procedure of their respective Intergovernmental Negotiating Committees, *mutatis mutandis*, to their proceedings.<sup>11</sup> The Bureau is elected subject to the applicable rules of procedure. The meeting may wish to elect the same officers as for the INC, as was done by the two aforementioned Preparatory Meetings.<sup>12</sup> Alternatively, the meeting can elect a new Bureau, as was done for the Agreement under the United Nations Convention on the Law of the Sea on the Conservation and Sustainable Use of Marine Biological Diversity of Areas Beyond National Jurisdiction (BBNJ Agreement).<sup>13</sup>

## 5. Election of the Bureau and Adoption of the Rules of Procedure at the Diplomatic Conference

17. The Diplomatic Conference is opened by the convener. For example, both Diplomatic Conferences for the adoption of the Rotterdam and Stockholm Conventions were opened by high-level UN officials.
18. The organizational matters of a Diplomatic Conference begin with the adoption of rules of procedure. The Secretariat prepares draft rules of procedure in advance, drawing from similar recent conferences convened under the auspices of the United Nations<sup>14</sup> or UNEP, or by taking the rules of the relevant Intergovernmental Negotiating Committee, applied

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<sup>10</sup> UNEP(DTIE)/Hg/CONF/PM/4, para. 34.

<sup>11</sup> UNEP/POPS/CONF/PM/3/Rev.1, para. 10. The Preparatory Meeting for the Conference of Plenipotentiaries on the Stockholm Convention on Persistent Organic Pollutants went further, recommending to the Conference of Plenipotentiaries that it should also apply the INC rules of procedure, *mutatis mutandis*, to its proceedings.

<sup>12</sup> Both Preparatory Meetings elected the replacement for at least one Bureau member who was not able to attend the Meeting. UNEP/POP/CONF/PM/3/Rev.1, para. 11; UNEP(DTIE)/Hg/CONF/PM/4, para. 13

<sup>13</sup> At its organizational meeting, the Preparatory Commission elected 15 Vice-Chairs to the Bureau of the Commission, as follows: Antigua and Barbuda, Belgium, Brazil, Canada, Chile, Germany, Japan, Latvia, Mauritius, Philippines, Poland, Romania, Sierra Leone, Singapore and South Africa. The Preparatory Commission took note that, on an exceptional basis and without setting a precedent, the three seats on the Bureau for the Group of Asia-Pacific States would be rotated among nine States for the sessions of the Commission as follows: Japan, the Philippines and Singapore would serve as members of the Bureau for the organizational meeting; China, Indonesia and Tonga would serve as members of the Bureau for the first substantive session and Fiji, the Republic of Korea and Viet Nam would serve as members of the Bureau for the second substantive session. For any subsequent sessions, if any, the membership of the Bureau for the seats of the Group of Asia-Pacific States would be as communicated to the Co-Chairs by the States concerned. Statement by the Co-Chair of the Preparatory Commission at the closing of the organizational meeting. A/AC.296/2024/4.

<sup>14</sup> Approach used by the Conference of Plenipotentiaries on the Global Convention on the Control of Transboundary Movements of Hazardous Wastes and by the Conference for the Adoption of the Convention on Biological Diversity.

mutatis mutandis.<sup>15</sup> It should be noted that if rules of the preceding INC are relied on, certain modifications might be required to address issues that may not have been addressed in the rules of procedure of the INC, like the rule pertaining to credentials. These draft rules are made available as a working document for review by participants prior to the Conference.

19. Following the adoption of the rules of procedure, the Conference will elect its Bureau. The number and specific roles of the Officers are determined by the rules of procedure that have been adopted, with the Conference typically electing a President, Vice-Presidents, and a Rapporteur. Following customary practice, the role of President is usually entrusted to a high-level official from the host Government.
20. In addition, the Conference will appoint committee members, such as those of the Credentials Committee. The Credentials Committee, if established, is tasked with verifying the credentials of representatives. Alternatively, the Bureau can perform the functions of the Credentials Committee.<sup>16</sup>

## 6. Credentials and Signing the Final Act

21. In line with United Nations General Assembly practices and as observed in recent Diplomatic Conferences, participating States are required to submit credentials for their representatives.<sup>17</sup> While Heads of State, Heads of Government, or Ministers for Foreign Affairs may participate in the Conference and sign the Final Act without credentials, all other representatives require valid credentials issued by either a Head of State, Head of Government or a Minister of Foreign Affairs to fully participate in the Conference, adopt the text of a treaty and sign the Final Act of the Diplomatic Conference. In the absence of valid credentials, if a State is represented by officials other than the Head of State, Head of Government, or the Minister for Foreign Affairs, those representatives will be listed as observers to the Conference and will not be able to sign the Final Act.<sup>18</sup> However, this will not preclude Member States and Members of Specialized Agencies who participated as observers from signing, acceding and eventually ratifying the Instrument at a later date.

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<sup>15</sup> Approach used by the Conference on Plenipotentiaries on the Minamata Convention on Mercury, and the Conference of Plenipotentiaries on the Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade.

<sup>16</sup> Approach used by the Conference for the Adoption of the Convention on Biological Diversity.

<sup>17</sup> United Nations General Assembly Rules of Procedure, Rule 27. See also for example, 'Scenario note for the Conference of Plenipotentiaries on the Minamata Convention on Mercury' (UNEP(DTIE)/Hg/CONF/2), para. 10-11.

<sup>18</sup> Countries participating in the Diplomatic Conference on the Minamata Convention were reminded "that only countries that have submitted credentials in good order will be eligible to sign the Final Act" (International Institute for Sustainable Development (IISD), 'Summary of the Diplomatic Conference of Plenipotentiaries on the Minamata Convention on Mercury and its Preparatory Meeting: 7-11 October 2013', Vol. 28(27), 14 October 2013, p. 9). Countries participating in the Conference of Plenipotentiaries on the Stockholm Convention on Persistent Organic Pollutants were reminded in the annotated provisional agenda that the credentials and full powers of the representatives must be issued either by the Head of the State or Government or by the Minister for Foreign Affairs or, in the case of the European Community by the President of the European Commission. The representatives may participate in the Conference pending a decision of the Conference upon their credentials. See UNEP/POPS/CONF/1/Add.1, para 5. The same approach was taken in the annotated provisional agenda for the Conference of Plenipotentiaries on the Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade, see UNEP/FAO/PIC/CONF/1/Add.1, para 5.

22. Duly issued credentials are sufficient for the purpose of adopting a treaty and signing the Final Act. As the adopted treaty cannot be opened for signature at the Conference (see section VII), no Full Powers to sign the treaty will be required.
23. The Final Act is a formal document summarizing the proceedings of a Diplomatic Conference, serving as the formal act by which the negotiating parties conclude the Conference, and typically includes the treaty text, any agreed resolutions, and interpretative declarations made by participating States.<sup>19</sup> Signing the Final Act does not create legal obligations nor does it bind the signatory State to sign or ratify the treaty attached to it.<sup>20</sup>

## 7. Decisions within the authority of the Diplomatic Conference

24. Beyond the formal adoption of the treaty text, Diplomatic Conferences may take several other decisions to ensure continuity and effective implementation of the new instrument. These decisions may include adopting interim measures to govern the period before the first meeting of the governing body, such as establishing working groups or extending the mandate of the Secretariat. For instance, the Conference of Plenipotentiaries on the Basel Convention adopted resolutions establishing an ad hoc working group to consider mechanisms for the implementation of the Convention (see paragraph 26 below). Diplomatic Conferences may also authorize additional intergovernmental meetings to facilitate the treaty's entry into force and implementation. For example, the Conference of Plenipotentiaries on the Rotterdam Convention invited the Executive Director of UNEP and the Director-General of the FAO to convene further sessions of the INC during the period between the Convention's opening for signature and the first meeting of the Conference of the Parties as necessary.<sup>21</sup> Similarly, the Conference of Plenipotentiaries on the Establishment of an International Criminal Court adopted a resolution requesting the Secretary-General to convene a Preparatory Commission.<sup>22</sup>
25. For example, the Conference for the Adoption of the Agreed Text of the Convention on Biological Diversity adopted, alongside the agreed text of the Convention, the following four resolutions:
  - a. Resolution 1: Interim financial arrangements;
  - b. Resolution 2: International cooperation for the conservation of biological diversity and the sustainable use of its components pending the entry into force of the Convention;
  - c. Resolution 3: Interrelationships between the Convention and the promotion of sustainable agriculture; and
  - d. Resolution 4: Tribute to the Governing of the Republic of Kenya.
26. Another example is the Conference of Plenipotentiaries on the Global Convention on the Control of Transboundary Movements of Hazardous Wastes which adopted, alongside the Convention, eight resolutions related to the further development and the implementation of the Basel Convention:

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<sup>19</sup> 'Treaty Handbook', Prepared by the Treaty Section of the Office of Legal Affairs of the United Nations (2018), p. 67.

<sup>20</sup> Ibid.

<sup>21</sup> Resolution 1 on interim arrangements, UNEP/FAO/PIC/CONF/5, Annex I, para. 3.

<sup>22</sup> A/ConF.183/10, Annex I – Resolutions adopted by the United Nations Diplomatic Conference of Plenipotentiaries on the establishment of an international criminal court, OP 1.

- a. Resolution 1: Establishment of an ad hoc working group to consider the necessity of mechanisms for the implementation of the Basel Convention
- b. Resolution 2: Relationship of the Basel Convention and the London Dumping Convention
- c. Resolution 3: Liability
- d. Resolution 4: Responsibility of States for the implementation of the Basel Convention
- e. Resolution 5: Harmonization of procedures of the Basel Convention and the code of practice for international transactions involving nuclear wastes
- f. Resolution 6: Institutional and financial arrangements
- g. Resolution 7: Co-operation between the International Maritime Organization and UNEP in the review of existing rules, regulations and practices with respect to the transport of hazardous wastes by sea
- h. Resolution 8: Establishment of a technical working group to elaborate technical guidelines

## 8. Signature, ratification, acceptance, approval and accession of the treaty

27. When a multilateral treaty provides for its signature, it can specify the period of time when signatures could be affixed to the treaty. Some treaties are open for signature indefinitely (as it is the case with most treaties on human rights for which universal participation is an overriding concern), but the most common approach is to indicate that they are open for signature until a specified event or a time period. For example, the Paris Agreement in article 20 specified that it “shall be open for signature at the United Nations Headquarters in New York from 22 April 2016 to 21 April 2017.” In such cases, the Secretary-General does not accept signatures after the closing date but indicates to the State concerned the other means of participation, such as accession, when applicable.<sup>23</sup>
28. If, at the time of the finalization of the treaty text the dates of the opening for signature are not as yet defined, the dates can be omitted from treaty text and instead defined in the Final Act of the Diplomatic Conference where the treaty is adopted.<sup>24</sup>
29. When the depositary is the Secretary-General, treaties are most frequently open for signature at the United Nations Headquarters in New York<sup>25</sup> unless specific arrangements are made with the Treaty Section consistent with ST/SGB/2001/7 to open a treaty for signature elsewhere. Should negotiators decide that the opening for signature ceremony would take place outside United Nations Headquarters in New York, any decision in this regard, especially if a specific location is mentioned in the Instrument itself, can be made only after a decision on the financial arrangements entailed. In particular, if an agreement

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<sup>23</sup> Summary of Practice of the Secretary-General as Depositary of Multilateral Treaties, 1999, para 116.

<sup>24</sup> Approach taken in article 17 of the United Nations Convention on the International Effects of Judicial Sales for Ships (New York, 7 December 2022), which stipulates that “This Convention is open for signature by all States.” In its resolution 77/2022 of 7 December 2022, whereby it adopted the Convention, the General Assembly also authorized “a ceremony for the opening for signature of the Convention to be held as soon as practicable in 2023 in Beijing, upon which occasion the Convention will be open for signature.”

<sup>25</sup> For example, the Convention on the Law of the Non-Navigational Uses of International Watercourses, 1997, article 34.



is reached for a government to host the opening for signature ceremony, such Government will be fully responsible for the costs of the ceremony.

30. In accordance with the Secretary-General's bulletin ST/SGB/2001/7, all treaties deposited with the Secretary-General and open for signature shall remain in the custody of the Treaty Section. If the negotiating parties are committed to a signature ceremony away from the UN Headquarters, it has been the practice of the Secretary-General as depositary to advise that the ceremonial signature period in locations away from Headquarters be limited to a single day with subsequent opportunity for signature at Headquarters for a longer period of time.<sup>26</sup>
31. Once the treaty is open for signature, the Head of State, Head of Government or Minister for Foreign Affairs may sign a treaty on behalf of the State without an instrument of full powers. A representative other than Head of State, Head of Government, or Minister for Foreign Affairs may sign a treaty only if the representative possesses a valid instrument of full powers, which empowers the specified representative to sign a given treaty.<sup>27</sup>
32. A signing State does not undertake specific legal obligations under the treaty upon signature, except the general obligation to refrain from acts that would defeat the object and purpose of the treaty. However, signature indicates the State's intention to take steps to express its consent to be bound by the treaty at a later date. The consent to be bound arises at a later stage through ratification, approval or acceptance of the signed treaty. For example, the BBNJ Agreement, article 66 indicates that the agreement shall be subject to ratification, approval or acceptance by States and regional economic integration organizations, and that it shall be opened for accession from the day after the date on which the agreement is closed for signature.
33. Providing for signature subject to ratification allows States time to seek approval for the treaty at the domestic level and to enact any legislation necessary to implement the treaty domestically, prior to undertaking the legal obligations under the treaty at the international level. Upon ratification, the treaty legally binds the State.
34. Acceptance or approval of a treaty following signature has the same legal effect as ratification, and the same rules apply, unless the treaty provides otherwise.
35. A State may express its consent to be bound by a treaty by accession, which has the same legal effect as ratification, acceptance or approval. However, it only requires the deposit of an instrument of accession (without being preceded by signature).<sup>28</sup>

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<sup>26</sup> United Nations Final Clauses of Multilateral Treaties Handbook (2003). The planning of a signature ceremony outside of Headquarters would require significant time for planning purposes (no less than 3 to 4 months).

<sup>27</sup> This is a legal requirement reflected in article 7 of the Vienna Convention 1969, designed to protect the interests of all States that can participate in a treaty as well as the integrity of the depositary.

<sup>28</sup> Accession, as a means of becoming party to a treaty, is generally used by States wishing to express their consent to be bound by a treaty if, for whatever reason, they are unable to sign it. This may occur if the deadline for signature has passed or if domestic circumstances prevent a State from signing a treaty.

**Appendix II: Secretary-General's bulletin, 'Procedures to be followed by the departments, offices and regional commissions of the United Nations with regard to treaties and international agreements' (ST/SGB/2001/7), 28 August 2001.**

United Nations

ST/SGB/2001/7



Secretariat

28 August 2001

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**Secretary-General's bulletin**

**Procedures to be followed by the departments, offices and regional commissions of the United Nations with regard to treaties and international agreements**

The Secretary-General, for the purpose of establishing procedures to be followed by the departments, offices and regional commissions of the United Nations with regard to treaties and international agreements, promulgates the following:

**Part I**  
**Treaties and international agreements concluded by the United Nations**

**Section 1**  
**Drafts of treaties and international agreements**

Drafts of treaties and international agreements to be concluded by the United Nations shall be submitted by the relevant department, office or regional commission to the Office of Legal Affairs for review and comment prior to finalization.

**Section 2**  
**Registration or filing and recording**

All treaties and international agreements concluded by the United Nations shall be forwarded by the relevant department, office or regional commission to the Treaty Section of the Office of Legal Affairs (Treaty Section), upon their entry into force, for registration pursuant to Article 102 of the Charter of the United Nations, or filing and recording. Such instruments shall remain in the custody of the Treaty Section unless special arrangements have been approved in advance by the Treaty Section.

**Part II**  
**Instruments relating to treaty actions by the United Nations**

**Section 3**  
**Instruments requiring consultations**

Where the United Nations intends to undertake a treaty action for which purpose full powers, an act of formal confirmation or an instrument of acceptance, approval or accession are required, the relevant department, office or regional commission shall consult with the Office of Legal Affairs in advance of such action.

**Part III**  
**Treaties and international agreements to be deposited with the Secretary-General**

**Section 4**  
**Drafts of treaties and international agreements**

4.1 All draft treaties and international agreements intended to be deposited with the Secretary-General of the United Nations shall be submitted by the relevant department, office or regional commission to the Office of Legal Affairs for review and comment prior to finalization.

4.2 Draft final clauses of such treaties and international agreements shall be submitted by the relevant department, office or regional commission to the Treaty Section for review and comment prior to finalization.

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ST/SGB/2001/7

4.3 Every endeavour shall be made to ensure that the texts of treaties and international agreements to be deposited with the Secretary-General of the United Nations are concluded only in the official languages of the United Nations.

**Section 5**  
**Adopted texts of treaties and international agreements**

5.1 Following the formal adoption of the texts of treaties and international agreements to be deposited with the Secretary-General of the United Nations, the adopted texts shall be submitted by the relevant department, office or regional commission, in both paper and electronic formats, to the Treaty Section, in all the authentic languages, for purposes of preparing the originals of such agreements, and for performing the requisite depositary functions. In general, a period of four weeks should be allowed between the dates of adoption and the dates on which the treaties or international agreements are opened for signature to enable the preparation of the originals of the treaties or international agreements and the distribution of the certified true copies.

5.2 Following the formal adoption of such texts, no further changes shall be made to the texts by any department, office or regional commission, except in consultation with the Treaty Section.

**Section 6**  
**Designation of the Secretary-General as depositary of treaties and international agreements**

6.1 When it is intended that the Secretary-General discharge the depositary functions relating to treaties and international agreements, such treaties or international agreements shall confer the depositary functions on the Secretary-General only and not on any other official of the United Nations. The Secretary-General shall not be designated as a co-depositary.

6.2 When it is intended that the Secretary-General be designated the depositary, the relevant department, office or regional commission shall consult the Treaty Section in advance.

6.3 All treaties and international agreements deposited with the Secretary-General and open for signature shall remain in the custody of the Treaty Section. Any exceptions to this rule shall be arranged in advance with the Treaty Section.

**Section 7**  
**Full powers**

All instruments of full powers received by any department, office or regional commission authorizing representatives to sign treaties and international agreements deposited with the Secretary-General shall be forwarded to the Treaty Section for verification prior to signature of such treaties and international agreements. Any exceptions to this rule shall be arranged in advance with the Treaty Section.

**Section 8**  
**Ceremony of signature**

When it is arranged for States to sign a treaty or international agreement deposited with the Secretary-General on the same occasion, the Office of Legal Affairs shall be informed in advance by the relevant department, office or regional commission. Arrangements for the ceremony at which the signatures are to be affixed, including provision for the discharge of the depositary functions, shall be made in consultation with the Treaty Section.

**Section 9**  
**Instruments and notifications to be deposited with the Secretary-General**

Instruments of ratification, acceptance, approval, accession, succession or any similar instruments and notifications relating to treaties and international agreements deposited with the Secretary-General which are received by any department, office or regional commission shall be forwarded to the Treaty Section.

**Part IV**  
**Final provisions**

**Section 10**  
**Final provisions**

10.1 The present bulletin shall enter into force on 1 October 2001.

10.2 Administrative instruction AI/52 of 25 June 1948 is hereby abolished.

(Signed) Kofi A. Annan  
Secretary-General

## Sources used

- I. Basel Convention on the control of transboundary movements of hazardous wastes and their disposal (1989).
- II. Conference of Plenipotentiaries on the Convention on Stockholm Convention on Persistent Organic Pollutants (UNEP/POS/CONF/1/Add.1), Annotated Provisional Agenda.
- III. Conference of Plenipotentiaries on the Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade (UNEP/FAO/PIC/CONF/5), held 10-11 September 1998.
- IV. Conference of Plenipotentiaries on the Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade (UNEP/FAO/PIC/CONF/1/Add.1), Annotated Provisional Agenda.
- V. Convention on the Law of the Non-Navigational Uses of International Watercourses (1997).
- VI. Final Act of the Conference of Plenipotentiaries on the Minamata Convention on Mercury (UNEP(DTIE)/Hg/CONF/4), adopted 10 October 2013.
- VII. Final Act of the Conference on Plenipotentiaries on the Stockholm Convention on Persistent Organic Pollutants (UNEP/POPS/CONF/4), held 22-23 May 2001.
- VIII. Governing Council of the United Nations Environment Programme, Decision 19/13.
- IX. International Institute for Sustainable Development (IISD), *Summary of the Diplomatic Conference of Plenipotentiaries on the Minamata Convention on Mercury and its Preparatory Meeting: 7–11 October 2013*, Earth Negotiations Bulletin, Vol. 28 No. 27, 14 October 2013.
- X. Nairobi Final Act of the Conference for the Adoption of the Agreed Text of the Convention on Biological Diversity, adopted 22 May 1992, available here: <https://www.cbd.int/doc/handbook/cbd-hb-09-en.pdf>.
- XI. Paris Agreement (2015).
- XII. Report of the Intergovernmental Negotiating Committee for an International Legally Binding Instrument for the Application of the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade on the work of its fifth session (UNEP/FAO/PIC/INC.5/3), held 9-14 March 1998.
- XIII. Report of the Preparatory Meeting for the Conference of Plenipotentiaries on the Minamata Convention on Mercury (UNEP(DTEI)Hg/CONF/PM/4), held 7 and 8 October 2013.
- XIV. Report of the Preparatory Meeting for the Conference of Plenipotentiaries on the Stockholm Convention on Persistent Organic Pollutants (UNEP/POPS/CONF/PM/3/REV.1), held 21 May 2001.
- XV. Secretary-General's bulletin, 'Procedures to be followed by the departments, offices and regional commissions of the United Nations with regard to treaties and international agreements' (ST/SGB/2001/7), 28 August 2001.
- XVI. Scenario note for the Conference of Plenipotentiaries on the Minamata Convention on Mercury (UNEP(DTIE)/Hg/CONF/2).
- XVII. Statement by the Co-Chair of the Preparatory Commission at the closing of the organizational meeting, A/AC.296/2024/4.

- XVIII. Summary of Practice of the Secretary-General as Depositary of Multilateral Treaties, 1999.
- XIX. United Nations Codification Division, *Diplomatic Conferences*, available at: <https://legal.un.org/diplomaticconferences/>.
- XX. United Nations Convention on the International Effects of Judicial Sales for Ships (2022).
- XXI. United Nations Convention on the Law of the Sea on the Conservation and Sustainable Use of Marine Biological Diversity of Areas Beyond National Jurisdiction (2023).
- XXII. United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court, Official Records (Volume I), A/Conf.183/10.
- XXIII. United Nations Environment Assembly Resolution 5/14: End Plastic Pollution: Towards an International Legally Binding Instrument (UNEP/EA.5/Res.14).
- XXIV. United Nations Final Clauses of Multilateral Treaties Handbook (2003).
- XXV. United Nations General Assembly, resolution 77/2022.
- XXVI. United Nations General Assembly, Rules of Procedure.
- XXVII. United Nations Treaty Handbook (2018), prepared by the Treaty Section of the Office of Legal Affairs of the United Nations.