

Treaty on the Prohibition of Nuclear Weapons

Signature and Ratification



Reaffirming also the full and effective implementation of the Treaty on the Non-Proliferation of Nuclear Weapons, which serves as the cornerstone of the nuclear disarmament and non-proliferation regime, has a vital role to

Treaty on the Prohibition of Nuclear Weapons — Signature and Ratification

The Treaty on the Prohibition of Nuclear Weapons includes a comprehensive set of prohibitions on participating in any nuclear weapon activities. These include undertakings not to develop, test, produce, acquire, possess, stockpile, use or threaten to use nuclear weapons. The Treaty also prohibits the deployment of nuclear weapons on national territory and the provision of assistance to any State in the conduct of prohibited activities. States parties will also be obliged to prevent and suppress any activity prohibited to a State Party under this Treaty undertaken by persons or on territory under its jurisdiction or control.

The Treaty also obliges States parties to provide adequate assistance to individuals affected by the use or testing of nuclear weapons as well as to take necessary and appropriate measure of environmental remediation in areas under its jurisdiction or control contaminated as a result of activities related to the testing or use of nuclear weapons.

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 that can be used for deposit with the Secretary-General of the United Nations.

1. Signature

The Treaty on the Prohibition of Nuclear Weapons will open for signature on 20 September 2017 at United Nations Headquarters in New York. Thereafter it can be signed at United Nations Headquarters in New York.

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 United Nations Secretariat, Office of Legal Affairs.

By signing the Treaty on the Prohibition of Nuclear Weapons, 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 Treaty on the Prohibition of Nuclear Weapons, a State must formally 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 may consent to be bound by preparing an instrument of ratification, acceptance or approval.

A State that has not signed the Treaty may 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 consent to be bound by the Treaty (ratification, acceptance, approval or accession) must be deposited with the Treaty’s depositary: 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 depositary is a pre-requisite for the entry into force of a multilateral treaty for a State.

Some States can ratify treaties immediately, if their domestic procedures so permit. Nothing prohibits a State from depositing its instrument of ratification, acceptance or approval for the Treaty on the Prohibition of Nuclear Weapons on the same day as it signs the Treaty.

3. Entry into force

The Treaty on the Prohibition of Nuclear Weapons shall enter into force 90 days after 50 States have deposited their instrument of consent to be bound (ratification, acceptance,

approval or accession). 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 United Nations Secretary-General, the Treaty will enter into force 90 days after the 50th instrument of ratification, acceptance, approval or accession is deposited.

b) For States that deposit their instrument thereafter, the Treaty will enter into force 90 days following the date on which they deposit their its instrument of ratification, acceptance, approval or accession with the United Nations Secretary-General.

4. Model instruments

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

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 Treaty on the Prohibition of Nuclear Weapons, done at New York on 7 July 2017, 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 Treaty on the Prohibition of Nuclear Weapons

WHEREAS the Treaty on the Prohibition of Nuclear Weapons was adopted at New York on 7 July 2017 and opened for signature at New York on 20 September 2017,

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 Treaty on the Prohibition of Nuclear Weapons

WHEREAS the Treaty on the Prohibition of Nuclear Weapons was adopted at New York on 7 July 2017,

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.



The Treaty on the Prohibition of Nuclear Weapons is adopted in a historic vote at the United Nations on 7 July 2017.

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