



United Nations Economic Commission for Europe

Transport Division

UNECE international legal instruments in the area of transport:

Selected legal aspects

Robert Nowak
ECA – ECE - ICAP Workshop
12 November 2014, Addis Ababa





UNECE international legal instruments in the area of transport

- **58 international conventions and agreements**
- **Road, rail, inland water transport, intermodal**
- **UNECE Transport Division provides secretariat services**



How to become a Contracting Party

- **Eligible States may become parties to the treaties by expressing their consent to be bound through:**
 - **Ratification, acceptance or approval:**
if a State has signed a treaty, it may become a party by depositing an instrument of ratification, acceptance or approval with the Secretary-General
 - or
 - **Accession:**
if a State has not signed a treaty, it may become a party by depositing an instrument of accession with the Secretary-General

Eligibility

- **Treaties may be open to all States**
 - **International Convention on the Harmonization of Frontier Control of Goods, 1982**

- **Vienna Formula (States members of UN, its specialized agencies, members of IAEA or parties to Statute of ICJ)**
 - **Convention on Road Traffic, 1968**

- **States members of UNECE or admitted to the Commission in a consultative capacity**
 - **Convention on the Contract for the International Carriage of Goods by Road, 1956**



- **Most protocols provide that a State wishing to become a party to a protocol must also be a party to the “parent agreement” to which that protocol relates**
- **Protocol to the Convention on the Contract for the International Carriage of Goods by Road, 1978 (CMR)**

Requirements for a valid instrument of ratification, acceptance, approval or accession

- **Treaty must be identified**
- **Declaration of undertaking**
 - **Expression of intent of the Government to be bound by the treaty and to undertake faithfully to observe and implement its provisions**
- **Signature**
 - **Instrument must be signed by the Head of State or Government or the MFA or by a person exercising the power of one of these authorities *ad interim***
- **Dated**

Model of an instrument of accession

WHEREAS the [title of treaty] was concluded [adopted, etc.] at [place] on [date],

NOW THEREFORE I, [name and title of the head of State or Government or MFA], declare that the Government of [name of State], having considered the above-mentioned [treaty], 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]

Reservations, Declarations and Notifications



Reservations

- **A reservation is any statement – however phrased or named – which purports to exclude or modify the legal effect of a treaty provision**
- **Legally binding and must be included in a duly signed instrument of ratification, acceptance or, if a separate document, it must be signed in its own right**
- **Must be made at the time of deposit of instrument of ratification**
- **If made at the time of signature, it must be confirmed upon ratification, acceptance, approval or accession**

Reservations

- A treaty may be silent on reservations
 - Customs Convention on Containers, 1972
- Authorized reservations
 - Convention on Customs Treatment of Pool Containers used in International Transport, 1994 (Reservations are permitted to paragraph 2 of article 6 and 7 concerning the requirements of customs documents and security)
- Reservations may also be prohibited by the negotiating parties

- **Declarations can be interpretative or can be in the nature of a binding instrument**
- **If binding, declarations must be signed by one of the three authorities**
- **Notifications typically provide information as required under a treaty They are not legally binding and do not need to be signed by one of the three authorities**



Declarations and Notifications

- **Article 46(2)(a) of the Convention on Road Signs and Signals, 1968 provides that upon the deposit of an instrument of ratification or accession every State shall declare which of the models it chooses as a danger warning sign and which models it chooses as a stop sign**
- **Article 45(4) of the Convention on Road Traffic, 1968**
- **States are required to notify to the depositary a description of the sign selected for display on vehicles registered by it upon ratification, acceptance, approval or accession**

Model Reservation/Declaration

I, [name and title of the Head of State or Government, or
MFA],

HEREBY DECLARE that the Government of [name of
State] makes the following [reservation/declaration] in
relation to article(s) [...] of the [title and date of the
adoption of the treaty concerned]:

[Substance of reservation/declaration]

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

Done at [place] on [date].

[Signature and title]

Model Notification

The Permanent Representative of [**name of State**] to the United Nations presents [**his/her**] compliments to the Secretary-General of the United Nations, and, in accordance with the provisions of article [...] of the [**name of treaty**] hereby notifies the Secretary-General of the following:

[**Substance of notifications**]

[**Date**]
[**Initials**]



- States cannot claim that its consent to be bound is invalid due to violation of its internal law (VCLT, art. 46(1))
- Important to take measures both before and following ratification or accession to implement a treaty's terms

- **Information and documentation:**
 - **Status of Multilateral Treaties deposited with the SG**
 - **Texts of Multilateral and Bilateral Treaties**
 - **Treaty Handbook**
 - **Technical Assistance**
 - **<http://untreaty.un.org>**

