

May 23, 1969

VIENNA CONVENTION ON THE LAW OF TREATIES

Note: The Philippines signed the Convention, May 23, 1969 and ratified the same, November 15, 1972.

Reference: This Convention is also published in VIII DFA TS No. 2, p. 96.

THE STATES PARTIES TO THE PRESENT CONVENTION,

CONSIDERING the fundamental role of treaties in the history of international relations,

RECOGNIZING the ever-increasing importance of treaties as a source of international law and as a means of developing peaceful cooperation among nations, whatever their constitutional and social systems,

NOTING that the principles of free consent and of good faith and the pacta sunt servanda rule are universally recognized.

AFFIRMING that disputes concerning treaties, like other international disputes, should be settled by peaceful means and in conformity with the principles of justice and international law,

RECALLING the determination of the peoples of the United Nations to establish conditions under which justice and respect for the obligations arising from treaties can be maintained,

HAVING IN MIND the principles of international law embodied in the Charter of the United Nations, such as the principles of the equal rights and self-determination of peoples, of the sovereign equality and independence of all States, of non-interference in the domestic affairs of States, of the prohibition of the threat or use of force and of universal respect for, and observance of, human rights and fundamental freedoms for all,

BELIEVING that the codification and progressive development of the law of treaties achieved in the present Convention will promote the purposes of the United Nations set forth in the Charter, namely, the maintenance of international peace and security, the development of friendly relations and the achievement of cooperation among nations,

AFFIRMING that the rules of customary international law will continue to govern question not regulated by the provisions of the present Convention,

HAVE AGREED as follows:

PART I

INTRODUCTION

ARTICLE 1

SCOPE OF THE PRESENT CONVENTION

The present Convention applies to treaties between States.

ARTICLE 2

USE OF TERMS

1. For the purposes of the present Convention;

a. "Treaty" means an international agreement concluded between States in written form and governed by international law, whether embodied in a single instrument or in two or more related instruments and whatever its particular designation;

b. "Ratification," "acceptance," "approval" and "accession" mean in each case the international act so named whereby a State establishes on the international plane its consent to be bound by a treaty;

c. "Full powers" means a document emanating from the competent authority of a State designating a person or persons to represent the State for negotiating, adopting or authenticating the text of a treaty, for expressing the consent of the State to be bound by a treaty, or for accomplishing any other act with respect to a treaty;

d. "Reservation" means a unilateral statement, however phrased or named, made by a State, when signing, ratifying, accepting, approving or acceding to a treaty, whereby it purports to exclude or to modify the legal effect of certain provisions of the treaty in their application to that State;

e. "Negotiating State" means a State which took part in the drawing up and adopting of the text of the treaty;

f. "Contracting State" means a State which has consented to be bound by the treaty, whether or not the treaty has entered into force;

g. "Party" means a State which has consented to be bound by the treaty and for which the treaty is in force;

h. "Third State" means a State not a Party to the treaty;

i. "International Organization" means an intergovernmental organization.

2. The provisions of paragraph 1 regarding the use of terms in the present Convention are without prejudice to the use of those terms or to the meanings which may be given to them in the internal law of any State.

ARTICLE 3

INTERNATIONAL AGREEMENTS NOT WITHIN THE SCOPE OF THE PRESENT CONVENTION

The fact that the present Convention does not apply to international agreements concluded between States and other subjects of international law or between such other subjects of international law, or to international agreements not in written form, shall not affect:

a. the legal force of such agreements;

- b. the application to them of any of the rules set forth in the present Convention to which they would be subject under international law independently of the Convention;
- c. the application of the Convention to the relations of States as between themselves under international agreements to which other subjects of international law are also Parties.

ARTICLE 4

NON-RETROACTIVITY OF THE PRESENT CONVENTION

Without prejudice to the application of any rules set forth in the present Convention to which treaties would be subject under international law independently of the Convention, the Convention applies only to treaties which are concluded by States after the entry into force of the present Convention with regard to such States.

ARTICLE 5

TREATIES CONSTITUTING INTERNATIONAL ORGANIZATIONS AND TREATIES ADOPTED WITHIN AN INTERNATIONAL ORGANIZATION

The present Convention applies to any treaty which is the constituent instrument of an international organization and to any treaty adopted within an international organization without prejudice to any relevant rules of the organization.

PART II

CONCLUSION AND ENTRY INTO FORCE OF TREATIES Section 1: CONCLUSION OF TREATIES

ARTICLE 6

CAPACITY OF STATES TO CONCLUDE TREATIES

Every State possesses capacity to conclude treaties.

ARTICLE 7

FULL POWERS

1. A person is considered as representing a State for the purpose of adopting or authenticating the text of a treaty or for the purpose of expressing the consent of the State to be bound by a treaty if:

- a. he produces appropriate full powers; or
- b. it appears from the practice of the States concerned or from other circumstances that their intention was to consider that person as representing the State for such purposes and to dispense with full powers.

2. In virtue of their function and without having to produce full powers, the following are considered as representing their State:

- a. Heads of State, Heads of Government and Ministers of Foreign Affairs, for the purpose of performing all acts relating to the conclusion of a

treaty;

b. Heads of diplomatic missions, for the purpose of adopting the text of a treaty between the accrediting State and the State to which they are accredited;

c. Representatives accredited by States to an international conference or to an international organization or one of its organs, for the purpose of adopting the text of a treaty in that conference, organization or organ.

ARTICLE 8

SUBSEQUENT CONFIRMATION OF AN ACT PERFORMED WITHOUT AUTHORIZATION

An act relating to the conclusion of a treaty performed by a person who cannot be considered under Article 7 as authorized to represent a State for that purpose is without legal effect unless afterwards confirmed by that State.

ARTICLE 9

ADOPTION OF THE TEXT

1. The adoption of the text of a treaty takes place by the consent of all the States participating in its drawing up except as provided in paragraph 2.

2. The adoption of the text of a treaty at an international conference takes place by the vote of two-thirds of the States present and voting, unless by the same majority they shall decide to apply a different rule.

ARTICLE 10

AUTHENTICATION OF THE TEXT

The text of a treaty is established as authentic and definitive:

a. by such procedure as may be provided for in the text or agreed upon by the States participating in its drawing up; or

b. failing such procedure, by the signature, signature ad referendum or initialling by the representatives of those States of the text of the treaty or of the Final Act of a conference incorporating the text.

ARTICLE 11

MEANS OF EXPRESSING CONSENT TO BE BOUND BY A TREATY

The consent of a State to be bound by a treaty may be expressed by signature, exchange of instruments constituting a treaty, ratification, acceptance, approval or accession, or by any other means if so agreed.

ARTICLE 12

CONSENT TO BE BOUND BY A TREATY EXPRESSED BY SIGNATURE

1. The consent of a State to be bound by a treaty is expressed by the signature of its representative when:

- a. the treaty provides that signature shall have that effect;
- b. it is otherwise established that the negotiating States were agreed that signature should have that effect; or
- c. the intention of the State to give that effect to the signature appears from the full powers of its representative or was expressed during the negotiations.

2. For the purposes of paragraph 1

- a. the initialling of a text constitutes a signature of the treaty when it is established that the negotiating States so agreed,
- b. the signature ad referendum of a treaty by a representative, if confirmed by his State, constitutes a full signature of the treaty.

ARTICLE 13

CONSENT TO BE BOUND BY A TREATY EXPRESSED BY AN EXCHANGE OF INSTRUMENTS CONSTITUTING A TREATY

The consent of States to be bound by a treaty constituted by instruments exchanged between them is expressed by that exchange when:

- a. the instruments provide that their exchange shall have that effect; or
- b. it is otherwise established that those States were agreed that the exchange of instruments should have that effect.

ARTICLE 14

CONSENT TO BE BOUND BY A TREATY EXPRESSED BY RATIFICATION, ACCEPTANCE OR APPROVAL

1. The consent of a State to be bound by a treaty is expressed by ratification when:

- a. the treaty provides for such consent to be expressed by means of ratification;
- b. it is otherwise established that the negotiating States were agreed that ratification should be required;
- c. the representative of the State has signed the treaty subject to ratification; or
- d. the intention of the State to sign the treaty subject to ratification appears from the full powers of its representative or was expressed during the negotiation.

2. The consent of a State to be bound by a treaty is expressed by acceptance or approval under conditions similar to those which apply to ratification.

ARTICLE 15

CONSENT TO BE BOUND BY A TREATY EXPRESSED BY ACCESSION

The consent of a State to be bound by a treaty is expressed by accession when: