



**Deposit of treaties**

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Cc: jean.arnaut

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Dear Sergio,

After consultation with colleagues here, the following is in response to your query about some form of registration of the agreement at the UN.

Under Article 102 of the Charter, every "treaty" and every "international agreement" that is entered into by any Member of the United Nations has to be registered with the Secretariat. Registration would not be appropriate in the present case, however. One of the parties will be an armed group that does not have the legal capacity to enter into a treaty or international agreement that is binding under international law. The peace agreement will therefore not be a "treaty" or an "international agreement" within the meaning of Article 102 of the Charter.

Certain treaties and international agreements are deposited with the Secretary-General of the United Nations. Yet, as mentioned above, one of the future parties to the accords will be an armed group that does not have the legal capacity to enter into treaties or agreements that are binding under international law. Moreover, the Secretary-General only serves as depositary with respect to multilateral treaties and international agreements. Deposit of the peace agreement with the Secretary-General would therefore not be appropriate in the present case.

That having been said, an original copy of the peace accord could be presented to the Secretariat, which would preserve and maintain custody of it in its archives. This would not carry any legal significance. However, if the parties decide that they would wish to publicly hand over an original copy of the accords to the United Nations as a symbolic gesture, some sort of ceremony could be arranged for the purpose.

Since the UN was not involved in mediating the accords, it would not be appropriate that it sign them as a witness.

And finally, since the Security Council is now engaged in the process and has set up a mission, we would expect the parties to formally notify the SG that a peace agreement has been signed, so that he in turn can inform the Council. In that fashion SC members would be formally on notice that the operational phase of the mission (monitoring and verification) will commence. As such, the peace agreement would become an official document of the UN, as was the case for the Joint Communiqué.

I hope that this answers your question. Do let me know if you have any further thoughts on this.

My best wishes for a productive round in the talks.

Martha

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