



CONFERENCE OF THE PARTIES TO THE FRAMEWORK CONVENTION ON THE PROTECTION AND SUSTAINABLE DEVELOPMENT OF THE CARPATHIANS

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Secretariat note on requirements for full powers for the signature of Protocols according to the Article 18 of the Framework Convention on the Protection and Sustainable Development of the Carpathians

This Secretariat note is issued for information purposes only. According to the Article 32 of the draft Protocol on Conservation and Sustainable Use of Biological and Landscape Diversity to the Framework Convention on the Protection and Sustainable Development of the Carpathians, the Depository of this Protocol would be the Government of Ukraine, responsible for ensuring the proper execution of all treaty actions relating to this Protocol.

Requirement of instrument of full powers

A person other than the Head of State, Head of Government or Minister for Foreign Affairs may sign a treaty only if that person possesses a valid instrument of full powers. This instrument empowers the specified representative to undertake given treaty actions. This is a legal requirement designed to protect the interests of all States parties to a treaty as well as the integrity of the depository. Typically, full powers are issued for the signature of a specified treaty.

Form of instrument of full powers

(See the model instrument of full powers in the annex to this note)

Usual international practice requires proper full powers for the person (other than a Head of State, Head of Government or Minister for Foreign Affairs) seeking to sign a treaty. Documents not containing a legible signature from one of the above-mentioned authorities are not acceptable (e.g., a telexed message). Signature of a treaty without proper full powers is usually not acceptable to its Depository.

There is no specific form for an instrument of full powers, but it usually includes the following information:

<p>For reasons of economy, this document is printed in a limited number. Delegates are kindly requested to bring their copies to meetings and not to request additional copies.</p>

- Bear the signature of the Head of State or Government or the Foreign Minister;
- Specify clearly the title of the instrument to be signed;
- State the full name of the person authorized to sign the instrument concerned. Due to the individual character of the full powers, it is prudent to name at least two representatives, in case one is hindered by some unforeseen circumstance from performing the designated act.
- Date and place of signature of the Full Powers can be indicated.
- Official seal. This is optional and it cannot replace the signature of one of the three authorities of State.

Full powers are legally distinct from credentials, which authorise representatives of a State to participate in a conference and adopt decisions and/or sign the Final Act of a conference. See UNEP/CC/COP2/INF.2 for further information.

FULL POWERS

I, [name and title of the Head of State, Head of Government or Minister of Foreign Affairs],

HEREBY AUTHORISE [name and title] to sign* the Protocol on Conservation and Sustainable Use of Biological and Landscape Diversity on behalf of the Government of [name of State].

Done at [place] on [date].

[Signature]

* Reservations made upon signature must be authorized by the full powers granted to the signatory.