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Legal Issues and International Labour Standards Section

LILS

Legal Issues Segment

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Final provisions of international labour Conventions

Purpose of the document

This document provides an overview of the institutional context and current theory and practice regarding the standard final provisions that appear at the end of international labour Conventions. The Governing Body is invited to take note of the information contained in the document and to provide any guidance it may deem appropriate, and also to approve a draft resolution concerning the final provisions of Conventions to be transmitted to the 111th Session (2023) of the International Labour Conference for possible adoption (see draft decision in paragraph 74).

Relevant strategic objective: All.

Main relevant outcome: Outcome 2: International labour standards and authoritative and effective supervision.

Policy implications: None at this stage.

Legal implications: Subject to the decision of the Governing Body, adoption of a revised set of standard final provisions by the Conference.

Financial implications: None at this stage.

Follow-up action required: Subject to the decision of the Governing Body, transmission of a draft resolution concerning the final provisions of international labour Conventions to the 111th Session (2023) of the Conference.

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Related documents: [GB.286/LILS/1/2](#), [GB.286/13/1](#), [GB.313/LILS/2](#), [GB.313/PV](#), [GB.346/LILS/1](#).

▶ Introduction

1. At its 346th Session (October–November 2022), the Governing Body took note of the report of the seventh meeting of the Standards Review Mechanism Tripartite Working Group (12–16 September 2022) and requested the Office to prepare for its consideration at the 347th Session (March 2023), in the context of the discussion on final clauses of international labour Conventions, a draft resolution that would amend the final clause concerning the authoritative language versions, for transmission to the International Labour Conference at its 111th Session (2023).¹
2. This document provides factual and theoretical background on the use of final provisions in standard-setting, focusing in particular on the final provisions regarding entry into force and denunciation and comparing ILO practice with relevant experience in other treaty-making bodies. It also includes, as requested by the Governing Body, a draft resolution to amend the final clause concerning the authoritative language versions of international labour Conventions.
3. The final clauses, or final provisions,² that are typically inserted at the end of draft international labour Conventions before they are put to a final vote, have been the subject of discussion on a number of occasions at the Conference and the Governing Body. The last two Governing Body discussions on this matter, held in March 2003³ and March 2012,⁴ were inconclusive.
4. The final provisions of international labour Conventions relate to general aspects of the status and functioning of a Convention as a treaty, including its ratification, entry into force or denunciation. Final provisions are, by their nature and objective, binding and immediately applicable, that is to say even before the Convention enters into force.
5. Final provisions are not unique to international labour Conventions, but a common feature of international treaties.⁵ While they typically address topics such as entry into force, denunciation, reservations, settlement of disputes or amendment, their scope can be broadened to include additional matters such as the relationship of the treaty with previous instruments, suspension or provisional application. As the United Nations (UN) *Handbook on final clauses of multilateral treaties* states:

In general, the final clauses of a treaty relate to procedural aspects rather than to substantive aspects of the treaty. However, well-drafted final clauses allow for the easy operation of the treaty and facilitate implementation by the parties and the depositary. They can have a

¹ GB.346/LILS/1/Decision.

² The terms “final clauses”, “final provisions” and “final Articles” are used interchangeably in ILO terminology, although the term “final provisions” is more established as it appears in several Conventions as the heading of the last part; see ILO, *Manual for drafting ILO instruments*, 2006, footnote 99.

³ GB.286/LILS/1/2 and GB.286/13/1, paras 44–63.

⁴ GB.313/LILS/2 and GB.313/PV, paras 452–464. The matter was last brought up during the discussions on the adoption of the *Violence and Harassment Convention, 2019 (No. 190)*, as reflected in ILO, *Provisional Record No. 7B(Rev.)*, International Labour Conference, 108th Session, 2019, paras 1721–1724.

⁵ See Shabtai Rosenne, “Final clauses”, in *Max Planck Encyclopaedias of International Law* (January 2008).

significant impact on substance as well. Accordingly, precision in drafting the final clauses becomes important.⁶

6. The particularity of the ILO in this matter has been the adoption and systematic use by the Conference of a set of standard final provisions to ensure a body of standards that is as uniform as possible. This set of standard provisions has been in use without any major modifications since the early years of the Organization. According to established practice, Articles containing the final provisions are added by the Drafting Committee of the Conference to the text of the proposed Convention drawn up by the technical committee before it is put to a final vote in a plenary sitting of the Conference. Once included in a Convention, the final provisions cannot be amended except through a proper revision of that Convention.⁷

► Institutional context – An overview

7. The ILO Constitution does not contain any provisions relating to the conditions of ratification, entry into force, denunciation, notification of ratifications to Members and revision of Conventions. It provides only for the communication of ratifications to the Director-General (article 19), the communication of Conventions after their entry into force to the UN Secretary-General for registration (article 20), and the settlement of disputes relating to the interpretation of Conventions (article 37).
8. In this context, final provisions were proposed to the Conference at its First Session (1919) when it discussed the adoption of the first five Conventions. At the time, the Drafting Committee of the Conference elaborated a set of standard provisions for all five Conventions. When presenting the proposal on behalf of the Committee, the Legal Adviser said that “the formal parts of the convention follow one standard which has been carefully worked out by the drafting committee to accord with the provisions of the labor part of the treaty of peace, and which it is hoped may serve for draft conventions in the future”.⁸
9. At the initiative of the Employers’ group,⁹ the final provisions were next examined by the Standing Orders Committee of the Conference at its 11th Session (1928). The Committee proposed a set of six standard final provisions (designated as “standard Articles”). As indicated by its Reporter and Chairperson, the Committee examined these provisions “not in order to draw up any standing orders but to submit suggestions, or [...] instructions for the Drafting Committee of the Conference”. The Reporter also highlighted the distinct nature of the final provisions relating to entry into force and denunciation which “in reality affect the substance of the Conventions [...] and [...] require examination by each Committee at the moment when a Convention is being prepared, or by the Conference at the moment when it finally adopts the text of any Convention”. Accordingly, the Committee decided to leave open both the minimum

⁶ United Nations, *Handbook on final clauses of multilateral treaties*, 2003, 1.

⁷ Similarly, the Council of Europe adopted in 1980 and amended in 2017 a single set of model final clauses for conventions, additional protocols and amending protocols. As it was specified at the time of adoption, “these model final clauses are intended only to facilitate the task of the drafters and maintain coherence among Council of Europe conventions and protocols. They are not binding and different clauses may be adopted to fit particular cases, depending on the content.” Council of Europe, *Model Final Clauses for Conventions, Additional Protocols and Amending Protocols concluded within the Council of Europe*, 2017, 2.

⁸ ILO, *Record of Proceedings*, International Labour Conference, First Session, 1919, 178.

⁹ ILO, *Minutes of the 38th Session of the Governing Body of the International Labour Office*, 1928, 99.

number of ratifications required for the entry into force and the time frame for possible denunciation.¹⁰

10. The six standard Articles adopted by the Conference in 1928 were the following:
 - Article (a) (communication of formal ratification to the Secretary-General of the League of Nations);
 - Article (b) (entry into force);
 - Article (c) (depository functions of the Secretary-General of the League of Nations);
 - Article (d) (denunciation);
 - Article (e) (Governing Body reports at ten-year intervals on the working of the Convention and the need for possible revision);
 - Article (f) (authentic languages).
11. At the time of adoption, the Secretary-General of the Conference clarified that the report of the Standing Orders Committee, including the standard Articles, would be sent to the Drafting Committee of each subsequent session of the Conference when that Committee was drawing up the text of any particular Convention. Each standard Article would become definitive once included in a Convention and once that Convention had been adopted by the Conference.
12. The six standard Articles were supplemented with the adoption by the Conference at its 17th Session (1933) of a seventh final provision concerning the effects of the adoption of a revising Convention.¹¹
13. At its 29th Session (1946), the Conference took two related decisions concerning some of the final provisions, resulting from the amendments to articles 19 and 20 of the ILO Constitution further to the dissolution of the League of Nations. Specifically, the proposed amendments aimed at transferring to the Director-General the chancery functions hitherto entrusted to the Secretary-General of the League of Nations and ensuring the communication of ratified Conventions to the UN Secretary-General for registration in accordance with the provisions of Article 102 of the Charter of the United Nations.¹²
14. The proposals were examined by the Conference Committee on Constitutional Questions, which noted in its report to the Conference, as regards the final provisions, that it “is of course understood that the approval given by the Conference to these articles will not prevent it from modifying them in the future, either generally or in respect of individual cases, as circumstances may require”.¹³ In the event, the Conference adopted five revised final provisions – designated as the “final Articles concerning ratification and denunciation procedure to be inserted in future international labour Conventions” – as follows:
 - Article A (communication of formal ratifications to the Director-General);
 - Article B (entry into force);

¹⁰ ILO, *Record of Proceedings*, International Labour Conference, 11th Session, 1928, Vol. I, 301 and 591–612.

¹¹ ILO, *Record of Proceedings*, International Labour Conference, 17th Session, 1933, 312, 500 and 501.

¹² ILO, *Reports of the Conference Delegation on Constitutional Questions*, International Labour Conference, 29th Session, 1946, para. 29 and Appendices II and III.

¹³ ILO, *Record of Proceedings*, International Labour Conference, 29th Session, 1946, Appendix VI, 359.

- Article C (denunciation);
 - Article D (depository functions of the Director-General);
 - Article E (registration with the UN Secretary-General).¹⁴
- 15.** As in the past, the standard final Articles on entry into force and denunciation did not include any specific thresholds; instead, blank spaces were left in the text with regard to: the number of ratifications necessary for entry into force; the interval before the Convention comes into force; the initial period of validity of the Convention; the period during which it may be denounced; the period during which a Convention should remain in force if it has not been denounced; and the period between the date on which a denunciation is registered and the date on which it takes effect.
- 16.** At its 34th Session (1951), the Conference adopted an amended standard final Article concerning the periodical reports of the Governing Body on the working of Conventions. In practice, very few revisions had been undertaken as a result of the conclusions and recommendations of those periodical reports. Therefore, on the recommendation of the Standing Orders Committee, the Conference decided to replace the existing provision in future Conventions by a new final Article, which would allow the Governing Body to decide as to the appropriate moment for the re-examination of a Convention.¹⁵
- 17.** By 1951, there were eight standard final Articles, including Article F (report of the Governing Body on the working of the Convention), Article G (effects of the adoption of a revising Convention) and Article H (authentic texts). Ever since, the Conference has been using the standard final Articles with minor editorial changes, for instance regarding gender-inclusive language.¹⁶ In addition, Article C was modified to state clearly that the period of one year during which the Convention may be denounced runs concurrently with the subsequent period of validity.
- 18.** Overall, the standard provisions have been used in a systematic manner with two sets of significant exceptions: the modifications to the standard Article on entry into force in certain Conventions on maritime labour and the final provisions of the five Protocols which diverge on certain points from the standard final provisions, due to their specific legal nature characterized by their attachment to a specific Convention. Appendix I juxtaposes on one side the standard final provisions as adopted by the Conference in 1928 and supplemented or amended in 1933, 1946 and 1951 and, on the other, the text of the final provisions as they appear in the most recent ILO Convention, namely the Violence and Harassment Convention, 2019 (No. 190).

▶ Current theory and practice

1. Ratification

- 19.** The final provision on entry into force currently in use reads as follows:

¹⁴ ILO, *Record of Proceedings*, International Labour Conference, 29th Session, 1946, Appendix VI, 386.

¹⁵ ILO, *Record of Proceedings*, International Labour Conference, 34th Session, 1951, 243, 244, 517, 518 and 634.

¹⁶ As proposed in the *Manual for drafting ILO instruments*, 24 and 25; and [GB.292/PV](#), para. 199.

[Article B]

1. This Convention shall be binding only upon those Members of the International Labour Organization whose ratifications have been registered with the Director-General of the International Labour Office.
2. It shall come into force [...] months after the date on which the ratifications of [...] Members have been registered with the Director-General.
3. Thereafter, this Convention shall come into force for any Member [...] months after the date on which its ratification is registered.

20. Since the adoption of the Minimum Age (Agriculture) Convention, 1921 (No. 10), this final Article has been divided into three paragraphs. The first paragraph reflects article 19, paragraph 5(d), of the ILO Constitution, namely, that a Member of the ILO shall be bound only by provisions of a Convention that it has ratified. The other two paragraphs set down benchmarks for defining when a Convention shall start its life cycle in general, and when it shall enter into effect for individual ratifying Members.¹⁷

1.1. Registration

- 21.** The standard final provision specifies that for a Convention to be binding on Members, each ratification must be registered – rather than simply deposited – with the Director-General. Such a condition is unusual in international treaties and would appear to be a special feature of ILO Conventions. The effect of ratification thus depends on a positive act, namely registration, by the depositary. In practice and different from the usual role of depositary under international law, this additional condition allows the Director-General to refuse to register a ratification for certain reasons that go beyond questions of form, for instance the inclusion of a reservation, as reservations are not admissible.¹⁸
- 22.** The ILO has affirmed the principle of inadmissibility of reservations since the 1920s. This practice flows from the tripartite composition of the Conference, which would be circumvented if governments were able, through reservations, to modify the scope and content of obligations agreed upon on a tripartite basis.
- 23.** In exercising his or her depositary functions, the Director-General examines any accompanying declaration to determine whether it constitutes a genuine reservation or a permissible interpretative declaration. On several occasions, the Director-General has declined to register ratifications that contained or were accompanied by reservations. In other cases, the Director-General has coordinated in advance with the Member State concerned to resolve the concerns, which permitted the registration of instruments with acceptable understandings (interpretative declarations).
- 24.** It is noted that the standard final provision does not specify the formal conditions that an instrument of ratification must meet in order to be validly registered. As a matter of well-established practice, the Director-General verifies that the instrument clearly and correctly identifies the Convention that is being ratified, is an original document on paper and not a facsimile, photocopy or other document transmitted as an electronic file, is signed by a person with authority to engage the State, such as the Head of State, Prime Minister, Foreign Minister or Minister of Labour, and explicitly conveys the Government's commitment to faithfully fulfil

¹⁷ According to article 24(1) of the Vienna Convention on the Law of Treaties, "a treaty enters into force in such manner and upon such date as it may provide or as the negotiating States may agree".

¹⁸ ILO, *Manual for drafting ILO instruments*, para. 51.

the obligations arising from the Convention (preferably with a specific reference to article 19(5)(d) of the ILO Constitution).¹⁹

1.2. Entry into force

25. With the exception of 53 instruments, all ILO Conventions provide for an entry into force 12 months after the first two ratifications of Member States have been registered with the Director-General (“objective” entry into force), and thereafter, 12 months after the date of registration of every subsequent ratification (“subjective” entry into force). The initial, or objective, entry into force marks the starting point for the calculation of denunciation periods and also triggers the reporting obligations and special supervisory procedures under articles 22, 24 and 26 of the Constitution.
26. While the standard final Articles leave the number of ratifications to be decided on a case-by-case basis by the Conference, the vast majority of Conventions set a threshold of two ratifications, which is the minimum number of ratifications required for a multilateral treaty to enter into force.²⁰ The two-ratification threshold has been used rather consistently except for in the case of the Unemployment Convention, 1919 (No. 2), and a number of Conventions concerning seafarers and fishers.
27. A few ILO Conventions require not only a specific number of ratifications but also that all or some of those ratifications come from specified Member States. The relevant provisions of the Hours of Work (Coal Mines) Convention, 1931 (No. 31), the Hours of Work (Coal Mines) Convention (Revised), 1935 (No. 46), and the Plantations Convention, 1958 (No. 110), specify that the ratifications must come from among those Members listed in the instrument. In the case of 13 maritime labour Conventions, a certain number of ratifications must come from countries with a merchant fleet of a certain size (see table 1).

► **Table 1. Special entry into force requirements**

Convention	Number of ratifications required	Special conditions
C2	3	
C31*, C46*	2 out of 7 specified Members	
C58	2	The Convention shall not enter into force until after the adoption by the Conference of a Convention revising C5 and C33.
C68**, C69**, C72*, C91*	9 out of 23 specified Members	At least 5 of which have each at least 1 million gross register tons of shipping.
C76*, C93*, C109*	9 out of 23 specified Members	At least 5 of which have each not less than 1 million gross register tons of shipping and the aggregate tonnage of shipping possessed at the time of registration by the Members whose ratifications have been registered is not less than 15 million gross register tons.

¹⁹ ILO, *Handbook of procedures relating to international labour Conventions and Recommendations*, 2019, para. 21.

²⁰ Anthony Aust, *Modern Treaty Law and Practice*, third edition, 2013, 146.

Convention	Number of ratifications required	Special conditions
C70**, C73*, C75**, C92**	7 out of 23 specified Members	Including at least 4 countries each of which has at least 1 million gross register tons of shipping.
C54*	5	Each of which has more than 1 million tons gross of sea-going merchant shipping.
C57*	5	Each of which has a mercantile marine tonnage of not less than 1 million tons.
C71*	5 out of 23 specified Members	Including at least 3 countries each of which has at least 1 million gross register tons of shipping.
C110	2 out of 40 specified Members	
C133	12	Including at least 4 Members each of which has at least 2 million tons of shipping.
C147	10	With a total share in world shipping gross tonnage of 25 per cent.
C180*, P147**	5	Of which 3 each have at least 1 million gross tonnage of shipping.
MLC, 2006	30	With a total share in the world gross tonnage of ships of at least 33 per cent.
C188	10	Of which 8 are coastal States.

* Conventions that have been abrogated or withdrawn. ** Conventions that are proposed for abrogation in 2023 or 2030.

- 28.** In practice, when conditions for the entry into force other than the “default” threshold of two ratifications have been set, the matter has been raised within the technical committee of the Conference at the final stages of the discussion. For example, at the time Convention No. 110 was discussed at the 42nd Session (1958) of the Conference, the Employer members submitted an amendment adding a new Part to the proposed Convention providing that the Convention should come into force six months after its ratification by six out of several specified countries. In the event, the Committee on Plantations adopted a compromise solution suggested by the United Kingdom Government member, namely that ratification by two out of a list of countries with a particular interest in plantations should be required to bring the Convention into force. The Committee also agreed on the list of countries to be included in this Article.²¹
- 29.** In the context of the discussion on the Merchant Shipping (Minimum Standards) Convention, 1976 (No. 147), at the 62nd (Maritime) Session (1976) of the Conference, the Employer members and the Government members of the European Economic Community proposed to raise the threshold of the number of ratifications to 25 and 10, respectively. The Committee on Substandard Vessels, Particularly those Registered under Flags of Convenience adopted the amendment proposed by the Government members.²² Moreover, at the time the Protocol of

²¹ ILO, *Record of Proceedings*, International Labour Conference, 42nd Session, 1958, Appendix VII, para. 60.

²² ILO, *Record of Proceedings*, International Labour Conference, 62nd (Maritime) Session, 1976, First report of the Committee on Substandard Vessels, Particularly those Registered under Flags of Convenience, Record No. 15, paras 89–92.

1996 to the Merchant Shipping (Minimum Standards) Convention, 1976 was discussed at the 84th (Maritime) Session (1996) of the Conference, the Employer members proposed an amendment providing that the Protocol would come into force under the same conditions as the Convention. The amendment was adopted as subamended by the Government of Canada.²³

- 30.** In the case of the discussion on the Work in Fishing Convention, 2007 (No. 188), at the 93rd Session (2005) of the Conference, the Government member of Japan proposed a requirement for ratifications by at least 15 coastal States representing 50 per cent of the total number of fishing vessels registered in coastal States worldwide. The Committee on the Fishing Sector eventually agreed to a proposal made by the Government group that the Convention would enter into force after ratification by ten countries, of which at least eight were coastal States.²⁴
- 31.** All but 48 Conventions provide that they take effect 12 months after the date on which a certain number of ratifications has been registered.²⁵ No such interval is specified in the first 23 Conventions, which entered into force as soon as the threshold of necessary ratifications was reached, whereas the Conventions adopted in 1927 provide for a period of 90 days before entry into force. As from 1928, the period was generally set at 12 months.
- 32.** In a limited number of cases, a six-month period has been set. This is mainly the case of the maritime Conventions (see table 2). The last instrument to provide for a six-month period was the Seafarers' Identity Documents Convention (Revised), 2003, as amended (No. 185).²⁶

► **Table 2. Effective date of entry into force**

Convention	Initial ("objective") entry into force	Subsequent ("subjective") entry into force
C1 to C23	As soon as the ratifications of two Members have been registered.	At the date on which ratification is registered with the International Labour Office.
C24, C25	90 days.	90 days.
C31*, C46*, C54*, C57*, C68**, C69**, C70**, C71*, C72*, C73*, C75**, C76*, C91*, C92**, C93*, C109*, C110, C180*, C185	6 months.	6 months.
C80, C116	At the date on which the ratifications of two Members have been received.	
C133**	12 months.	6 months.

²³ ILO, *Record of Proceedings*, International Labour Conference, 84th (Maritime) Session, 1996, Record No. 5, paras 110–142.

²⁴ ILO, *Record of Proceedings*, International Labour Conference, 93rd Session, 2005, Record No. 19, paras 649–673; and ILO, *Record of Proceedings*, International Labour Conference, 96th Session, 2007, Record No. 12, paras 273 and 274.

²⁵ International treaties normally stipulate that a certain period, that one might call an "incubation period", must elapse between the date on which the required number of ratifications are registered and the date of entry into force. Such a period is often required to give contracting States time to enact implementing legislation or permit the depositary to notify contracting States of the forthcoming entry into force.

²⁶ ILO, *Record of Proceedings*, International Labour Conference, 91st Session, 2003, Record No. 20 (Part II), paras 721–724; and Record No. 26, 17.

Convention	Initial (“objective”) entry into force	Subsequent (“subjective”) entry into force
All other Conventions	12 months.	12 months.

* Conventions that have been abrogated or withdrawn. ** Conventions that are proposed for abrogation in 2023 or 2030.

- 33.** The question of the possible review of the number of ratifications necessary for the entry into force of a Convention is a long-standing issue which has been discussed since the early years of the ILO. Thus, in 1928, when the Conference was considering the adoption of the standard final provisions, it was suggested that the number of two ratifications required for the coming into force of a Convention should be considerably increased. This increase would afford States which were the first to ratify a Convention a guarantee that they would not be called upon to apply it before a sufficient number of other countries had also undertaken to do so. As indicated above, the Conference eventually decided that the number of required ratifications should be determined on a case-by-case basis taking into account the nature of the Convention concerned.
- 34.** At the 74th (Maritime) Session (1987) of the Conference, during the discussion on the Health Protection and Medical Care (Seafarers) Convention, 1987 (No. 164), some constituents took the view that the standard requirement of two ratifications had been established at a time when there were fewer ILO Member States, and that the entry into force should be based on good representation of the world’s maritime countries and the ILO’s current membership. Others felt that ratification by only two Member States should be required for the proposed Convention, given its specific characteristics and given that it was essential that the proposed Convention became international law as soon as possible.²⁷
- 35.** At the 81st Session (1994) of the Conference and the 261st Session (November 1994) of the Governing Body, some constituents again made the point that the practice, which allowed a Convention to enter into force after two ratifications, set the threshold too low and that it should be raised; certain Conventions were in force but had only been ratified by a few Member States, creating an unnecessary burden for the supervisory mechanism.²⁸
- 36.** At the 100th Session (2011) of the Conference, in the context of the second discussion by the Conference on a draft Convention concerning domestic workers, the Employer Vice-Chairperson proposed a motion to increase the threshold value for entry into force to 18 Members. The Worker Vice-Chairperson opposed the motion, indicating that raising the minimum number of ratifications would undermine the ability of countries wishing to move quickly to promote the rights in a Convention. Several governments also opposed the motion, while recognizing the merit of the points raised by the Employer members and the need to launch a discussion on reforming the standard final provisions. The motion was withdrawn.²⁹

1.3. International practice

- 37.** Over the past 20 years, major multilateral treaties have included final provisions requiring from 2 to 50 ratifications for entry into force (see Appendix II). The reasons for a high entry into force

²⁷ ILO, *Record of Proceedings*, International Labour Conference, 74th (Maritime) Session, 1987, Record No. 13, paras 116 and 117.

²⁸ ILO, *Record of Proceedings*, International Labour Conference, 81st Session, 1994, Record No. 25, para. 218; GB.261/LILS/3/1; and GB.261/5/27.

²⁹ ILO, *Record of Proceedings*, International Labour Conference, 100th Session, 2011, Record No. 15, paras 767–786.

threshold are varied. In some cases, this seeks to demonstrate the particular significance of the instrument³⁰ or the need for global action.³¹ It has been observed that the number of ratifications is frequently put at approximately one third of the total number of States entitled to participate in the negotiation and adoption process.³²

38. In the practice of some international organizations, the number of ratifications required has progressively been raised. For instance, the International Civil Aviation Organization's [Convention on the International Recognition of Rights in Aircraft](#) of 1948 required two ratifications, in contrast to a threshold of 35 ratifications established under the [Convention on Compensation for Damage to Third Parties, Resulting from Acts of Unlawful Interference Involving Aircraft](#) of 2009. The change was attributed to political realities that had fundamentally changed since the mid-twentieth century, as several States had achieved independence.³³
39. As for the period of time which must elapse between obtaining the necessary number of ratifications and the effective date of entry into force, it varies from 30 days to one year. For instance, article 35 of the [Agreement on the Privileges and Immunities of the International Criminal Court](#), 2002, provides that the Agreement shall enter into force 30 days after the date of deposit of the tenth instrument of ratification, whereas article 38(1) of the [United Nations Convention Against Transnational Organized Crime](#), 2000, states that the Convention shall enter into force on the 90th day after the date of deposit of the 40th instrument of ratification.³⁴
40. International practice also shows that the entry into force may at times be conditional upon factors other than the deposit of a certain number of ratifications. This is the case of environmental and disarmament treaties that require ratifications from specific categories of States, so as to ensure that States with significant interest in the subject matter, major financial contributors or those that are crucial for the implementation of the treaty become parties from the outset. For instance, article 25 of the [Kyoto Protocol to the United Nations Framework Convention on Climate Change](#) requires that the Parties to the Convention included in Annex I to the Protocol, which account in total for at least 55 per cent of the total carbon dioxide emissions for 1990, must deposit their instrument of ratification for the Protocol to enter into force. Similarly, the [Comprehensive Nuclear-Test-Ban Treaty](#), 1996, cannot enter into force until the 44 States named in Annex 2 to the Treaty have ratified it.

2. Denunciation

41. The final provision on denunciation of Conventions currently in use reads as follows:

³⁰ This, for instance, is the case of the Treaty on the Prohibition of Nuclear Weapons of 2017, which requires 50 ratifications; see Daniel Rietiker, Manfred Mohr and Toshinori Yamada, [Treaty on the Prohibition of Nuclear Weapons: A Commentary Article by Article](#), 2022.

³¹ For instance, the WHO Framework Convention on Tobacco Control requires 40 ratifications, with the intention of representing a substantial percentage of tobacco consumers and producers; see WHO, [Report of the second meeting of the working group](#), A/FCTC/WG2/5, 2000.

³² Shabtai Rosenne, para. 13.

³³ International Civil Aviation Organization, [Proposals on the two draft Conventions](#), International Conference on Air Law, 2009, DCCD Doc No.11, 5.

³⁴ United Nations, [Handbook on final clauses of multilateral treaties](#), 59.

[Article C]

1. A Member which has ratified this Convention may denounce it after the expiration of [...] years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until [...] year after the date on which it is registered.
 2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of [...] years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of [...] years and, thereafter, may denounce this Convention within the first year of each new period of [...] years under the terms provided for in this Article.
- 42.** Denunciation or withdrawal is the unilateral act by which a State that has previously ratified a Convention announces its intention to terminate its obligations arising from that ratification. In the absence of a general provision in the Constitution, a denunciation clause must therefore be included in each Convention. The [Vienna Convention on the Law of Treaties](#) provides for denunciation as a means to terminate a treaty, the general conditions under which it can be used as well as its consequences both on the obligations of the State concerned under international law and on its relations with other States Parties.
- 43.** There are broadly two types of denunciations: “automatic” or ipso jure denunciations, in other words those consequential upon the ratification of a Convention revising an earlier Convention, and “genuine” or “pure” denunciations that are initiated through a formal act of denunciation communicated to the Director-General for registration. Pure denunciations are far less common than automatic ones.³⁵
- 44.** Since the Underground Work (Women) Convention, 1935 (No. 45), the relevant final provision provides that denunciation is permitted within a one-year interval – known as the “denunciation window” – from the expiration of successive ten-year (or, less frequently, five-year) periods of validity from the date on which the Convention first comes into force. The initial period of validity of ten years was considered necessary to enable a proper evaluation of the functioning of a Convention, given that ILO Conventions concern social and labour matters, where the impact of new regulation is often visible only after a long period of application.
- 45.** As for the Conventions adopted between 1919 and 1927, these may be denounced at any time after the initial period of validity. In 1928, considering that offering States this possibility introduced an element of precariousness in the system of mutual obligations established by Conventions, the Conference established the cycle of alternating periods of validity and denunciation windows. The duration of the denunciation window and of the denunciation notice period have invariably been one year, from 1919 to the present.
- 46.** In 1971, the Governing Body endorsed general principles relating to denunciation of Conventions.³⁶ According to these principles, it is desirable for the governments contemplating denunciation, before taking a decision on the matter, to fully consult the representative organizations of employers and workers on the problems encountered and the measures to be taken to resolve them.

³⁵ The Night Work (Women) Convention (Revised), 1948 (No. 89), is the ILO instrument that has received the largest number of such denunciations (23).

³⁶ GB.184/205, para. 56, cited in [GB.262/LILS/3](#), footnote 29.

► **Table 3. Denunciation periods**

Convention	Periods of validity and denunciation window
C1, C2, C3, C4, C5, C6, C7, C10, C11, C12, C13, C14, C15, C16, C19, C20, C21, C22, C23, C24, C25	Any time after 10 years from the date on which the Convention first comes into force.
C8, C9, C17, C18	Any time after 5 years from the date on which the Convention first comes into force.
C26, C28, C29, C30, C32, C33	10 years from the date on which the Convention first comes into force for a period of one year. Then every 5 years after the year following the expiration of the period of 10 years.
C31, C46	5 years from the date on which the Convention first comes into force for a period of one year. Then one additional period of 5 years after the year following the expiration of the initial period of 5 years, and thereafter every 3 years.
C42, C44, C48, C57, C93, C109, C115	5 years from the date on which the Convention first comes into force for a period of one year. Then every 5 years after the year following the expiration of the initial period of 5 years.
C80, C116, P89, P110	No denunciation clause.
All other Conventions	10 years from the date on which the Convention first comes into force. Then every 10 years after the year following the expiration of the initial period of 10 years.
P29, P147, P155	Whenever the Convention to which the Protocol is attached is open to denunciation.
C97, C102, C128, C148, C160	Apart from denunciation at 10-year intervals, these Conventions also provide for "partial" denunciation, i.e. denunciation of specified provisions or annexes.

- 47.** The practice in other organizations shows that different types of denunciation clauses are used (see Appendix II). Denunciation is often not subject to any condition except for a period of notice. The possibility of denouncing an instrument at any time generally follows an initial period of validity during which denunciation is not allowed.³⁷ In contrast, a system of periods of denunciation comparable to that used in the ILO can be found in the 1948 [Convention on the Prevention and Punishment of the Crime of Genocide](#), which provides for an initial ten-year period of validity followed by subsequent five-year periods of validity. Finally, it should be recalled that certain human rights instruments, such as the [International Covenant on Civil and Political Rights](#), do not contain any provision on denunciation or withdrawal as they are not the type of treaty which, by their nature, imply a right of denunciation.³⁸
- 48.** Reverting to ILO practice, some constituents have at times argued that the fact that a Convention can be denounced only at ten-year intervals is a disincentive to ratification and

³⁷ For instance, the [Minamata Convention on Mercury](#) (2013) allows for denunciation after three years from the date on which the Convention entered into force (Art. 33).

³⁸ See United Nations, [General Comments adopted by the Human Rights Committee under article 40, paragraph 4, of the International Covenant on Civil and Political Rights](#), General Comment No. 26, adopted at the 1631st meeting, 1997.

hampers the ability of governments to respond promptly to new circumstances.³⁹ In 2011, at the 100th Session of the Conference, a motion introduced by the Employer Vice-Chairperson sought to address the matter, and proposed to allow Member States to denounce any ratified Convention after an initial two-year period following its coming into force instead of every ten years within a specific time limit. The Worker Vice-Chairperson opposed the motion, pointing out that changing the denunciation window from once in ten years to once every two years would introduce instability in the ILO standard-setting system and at the Member State level. A number of governments opposed the motion, while recognizing the merit of the points raised by the Employers. The motion was withdrawn.⁴⁰

49. At the 313th Session (March 2012) of the Governing Body, some governments noted that, since the parameters in the Articles on denunciation of the Convention dated back to 1928, it would be appropriate to re-examine them from the perspective of improving ILO standards-related activities, taking into account the goal of wide ratification of the Conventions. They noted that it was necessary to maintain the possibility for the technical committee dealing with the substance of a Convention to determine the time limits for denunciation. Other Governments underlined that “it was essential to avoid having different final provisions proposed for different Conventions at each session of the Conference. A more substantial revision of the final provisions ... could therefore be envisaged. ... The question should be included in the discussions on the future standards review mechanism. At the same time, the possibility of adopting special systems, such as the ones in the Work in Fishing Convention, 2007 (No. 188), and in the Maritime Labour Convention, 2006, should remain.”⁴¹

3. Revision

50. The final provisions on revision of Conventions currently in use read as follows:

[Article F]

At such times as it may consider necessary, the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall examine the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

[Article G]

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides:
 - (a) the ratification by a Member of the new revising Convention shall ipso jure involve the immediate denunciation of this Convention, notwithstanding the provisions of Article [C] above, if and when the new revising Convention shall have come into force;
 - (b) as from the date when the new revising Convention comes into force, this Convention shall cease to be open to ratification by the Members.
2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

³⁹ This view was expressed by some Government and Employers’ delegates during the discussion on the ILO’s standard-setting activity which took place at the 81st Session of the Conference (1994); GB.261/LILS/3/1, para. 34.

⁴⁰ ILO, *Record of Proceedings*, International Labour Conference, 100th Session, 2011, Record No. 15, para. 767.

⁴¹ GB.313/PV, paras 452–464. In the same discussion, the Employers’ group stressed that a comprehensive examination of the subject was of the utmost importance to maintain a robust body of up-to-date international labour standards whereas the Workers’ group asserted that the final provisions issue formed part of the standards policy as it was closely linked to the question of new approaches to standard-setting but did not support any change to the existing system of final provisions.

51. It is recalled that ILO standards may be revised by means of three different processes: the specific revision procedure provided for in the Standing Orders of the Conference and the Governing Body; the general procedure for adopting new standards through either a single or a double Conference discussion; and amendment clauses incorporated in certain Conventions that provide for the partial revision of specific standards.⁴² In practice, the general procedure for the adoption of new standards has become the established method of revision. The specific procedure has fallen into disuse since its last use in 1949. For the last 70 years, revisions have been undertaken through the adoption of new standards.
52. Over the past 20 years and, more specifically, in the context of drafting Convention No. 185, the Maritime Labour Convention, 2006, as amended (MLC, 2006) and Convention No. 188, the Conference has introduced novel provisions in the body of the text of those Conventions aimed at rendering them more agile and easily adaptable to evolving technological or other realities. In particular, the Conventions foresee the possibility to amend the Annexes to the Conventions or any provision of the Code of the MLC, 2006, in accordance with an accelerated (or “implied consent”) procedure.
53. With the benefit of hindsight and drawing lessons from the amendment processes undertaken so far with respect to the MLC, 2006, and Convention No. 185, it might be envisaged that, in the future, the scope and conditions for the amendment of specific provisions of a Convention be part of the preparatory work and drafting process. Special attention should be paid to three aspects in particular: first, that amendment proposals be limited to those standards, technical or other, that might need to be updated over time; second, that proposals be thoroughly screened so as not to congest the Conference or give rise to disproportionate logistical and financial burden; and third, that frequent amendments of a Convention coupled with the possibility of States Parties to “opt out” can give rise to differentiated legal regimes thus breaking in practice the level playing field and rendering the supervision of the application of the Convention particularly complex.
54. The provisions of Article XV of the MLC, 2006, represent the most detailed set of rules ever built into an ILO Convention concerning its partial revision and could serve as a model. The specificity of the maritime industry is often invoked to caution against duplicating the accelerated amendment process set out in the MLC, 2006, in other areas of international labour law. Yet, there is nothing, in principle, that would prevent the procedure provided for in Article XV of the MLC, 2006, from being reproduced – with well-thought-out adaptations, as may be necessary – in other than maritime instruments. A new generic final provision could be developed and adopted by the Conference. It would apply to future standards and there would be no need to revise the final provisions of existing Conventions.

4. Depositary functions of the Director-General

55. The final provisions on the depositary functions of the Director-General currently in use read as follows:

[Article A]

The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.

⁴² See the Office paper on the revision of international labour standards, prepared for the fifth meeting of the SRM Tripartite Working Group in September 2019.

[Article C]

A Member which has ratified this Convention may denounce it after the expiration of [...] years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until [...] after the date on which it is registered.

[Article D]

The Director-General of the International Labour Office shall notify all Members of the International Labour Organization of the registration of all ratifications, declarations and denunciations that have been communicated by the Members of the Organization.

When notifying the Members of the Organization of the registration of the [...] ratification that has been communicated, the Director-General shall draw the attention of the Members of the Organization to the date upon which this Convention will come into force.

[Article E]

The Director-General of the International Labour Office shall communicate to the Secretary-General of the United Nations for registration in accordance with Article 102 of the Charter of the United Nations full particulars of all ratifications, declarations and denunciations that have been registered in accordance with the provisions of the preceding Articles.

56. The depositary of a treaty is the institution or State to whom the custody of that treaty is entrusted. ⁴³The UN Secretary-General is the depositary of over 500 multilateral treaties. ⁴⁴
57. When acting as depositary registering instruments of ratification or denunciation, the Director-General has first to verify whether those instruments are in good and correct form and whether they meet any requirements established by the Convention in question, such as the deposit of a compulsory declaration. The Director-General is further mandated to notify all Members of any ratifications, declarations ⁴⁵ and denunciations deposited with him or her and, when notifying the registration of the second ratification (assuming that two ratifications are required for entry into force), to also draw the Members' attention to the effective date of the entry into force of the Convention.
58. At present, the Director-General fulfils these responsibilities through regular reports to the Governing Body and information included in the NORMLEX database. The Director-General's depositary notifications used to be published and disseminated through the *Official Bulletin*, which was discontinued in 2017. The Office plans to resume the publication of the *Official Bulletin* in electronic format.
59. In addition, the Director-General communicates – in accordance with paragraph 3 of the Memorandum of Agreement concerning the Procedure to be Followed for the Deposit and

⁴³ Under article 77 of the Vienna Convention on the Law of Treaties, the functions of a depositary comprise keeping custody of the original text of the treaty; preparing certified copies of the original text; receiving and keeping custody of any instruments, notifications and communications relating to it; examining whether the signature of any instrument is in due and proper form; informing the parties of acts, notifications and communications relating to the treaty; informing the States entitled to become parties when the number of signatures or of instruments of ratification required for entry into force of the treaty has been received; registering the treaty with the Secretariat of the United Nations.

⁴⁴ United Nations, *Handbook on final clauses of multilateral treaties*, 2–10. See also Arancha Hinojal-Oyarbide, "The role of the Secretary-General of the United Nations as depositary of multilateral treaties", in *The Oxford Handbook of United Nations Treaties*, eds Simon Chesterman, David M. Malone and Santiago Villalpando (Oxford University Press, 2019), 681–693.

⁴⁵ With respect to declarations, there is some inconsistency in practice as not all types of declarations (compulsory, optional, interpretative, extension of application to non-metropolitan territories) seem to have been systematically notified to Members or communicated to the UN Secretary-General. In addition, it is not always clear whether the term "declaration" used in the final provisions of certain Conventions refers exclusively to compulsory declarations required under specific Articles of those Conventions or also covers declarations not provided for in the Conventions.

Registration with the United Nations of International Labour Conventions and Certain Other Instruments Adopted by the International Labour Conference ⁴⁶ – full particulars concerning registered ratifications (and accompanying declarations, as the case may be) and denunciations to the UN Secretary-General for registration.

5. Authoritative language versions

60. The final provision on the language versions currently in use reads as follows:

[Article H]

The English and French versions of the text of this Convention are equally authoritative.

61. This final Article has practically remained unchanged since its adoption in 1928. Up until the adoption of the Food and Catering (Ships' Crews) Convention, 1946 (No. 68), the final provision was expressed in the following terms: "The French and English texts of this Convention shall both be authentic." In fact, until June 2021, English and French were formally the only official languages of the Conference. Accordingly, it was the English and French language versions that were authenticated by the signatures of the President of the Conference and the Director-General.
62. However, following the adoption of amendments to the [Standing Orders of the International Labour Conference](#) in 2021, the Spanish language has been expressly recognized as one of the three official languages of the Conference (article 29(1)). Consequently, the Drafting Committee of the Conference is now tasked with reviewing the drafting of any instrument referred to it and ensuring agreement between the texts of such instrument in the official languages (article 9(1)).
63. Insofar as international practice is concerned, the majority of multilateral treaties are concluded in several languages, and often indicate the languages of the authentic texts. Treaties finalized under the aegis of the United Nations normally establish in their final clauses that the texts are authentic in all the official languages of the United Nations. As such, treaties concluded after 1 February 1946 – when Chinese, English, French, Russian and Spanish were recognized as official languages of the United Nations – have indicated that the texts are authentic in each of these languages. ⁴⁷ In contrast, treaties concluded before February 1946, only recognized the English and French texts as authentic.
64. In view of the formal recognition of Spanish as one of the official languages of the Conference, and pursuant to the decision made by the Governing Body at its 346th Session (October–November 2022), ⁴⁸ it would be necessary to revise the standard Article H to provide that the English, French and Spanish versions of international labour Conventions adopted by the Conference shall be considered "equally authoritative". To this effect, a draft Conference resolution would need to be approved by the Governing Body and transmitted to the Conference for adoption at the 111th Session (2023). The final provision as amended would apply to future standards, which implies that the three language versions of the text of a new Convention will henceforth have to be authenticated by the signatures of the Director-General and the President of the Conference and communicated to the UN Secretary-General for

⁴⁶ ILO, *Official Bulletin*, Vol. XXXII, 1949, No. 1, 414–415.

⁴⁷ UN General Assembly, resolution 2(1), [Rules of Procedure Concerning Languages](#), A/RES/2(I) (1946), Annex. Arabic was included as an official language of the United Nations in 1973 (UN General Assembly [resolution 3190\(XXVIII\)](#)).

⁴⁸ GB.346/LILS/1/Decision.

registration. A text of a draft Conference resolution amending standard Article H is proposed in Appendix III.

► Concluding observations

65. The ILO theory and practice with respect to final provisions confirms that their primary purpose is to ensure the coherence of the body of standards as a whole. Those standard final provisions have always been construed as providing “authoritative guidance” rather than fixed rules, which shows that the Conference considers it important to preserve a certain margin of discretion in matters such as the entry into force threshold or the periodicity of denunciation windows. The partial amendment of the standard Articles on three different occasions after their initial adoption in 1928 further indicates that they are designed to remain adaptable to evolving drafting practices and patterns.
66. The eight standard Articles, as adopted by the Conference and currently in use, contain “closed” provisions (for example, those regarding notification of ratification and authentic language versions) but also certain provisions with “open” parameters (for example, those regarding the minimum number of ratifications required for entry into force and the time frame for denunciation). Whereas the closed provisions are not meant to give rise to any discussion and should normally be inserted in the instrument unchanged, the final provisions with open values should be submitted to the technical committee of the Conference responsible for drafting the instrument for consideration and decision.
67. As a matter of well-established practice, unless the technical committee instructs differently, “default” values apply, namely the Convention shall enter into force 12 months after two ratifications are registered and it can only be denounced during a one-year period every ten years.
68. Institutional debate around the final provisions has traditionally focused on these default values. For instance, concerning the advantages and disadvantages of increasing the number of ratifications required for the entry into force of ILO Conventions, it is clear that providing for more than the standard two ratifications for the entry into force of international labour Conventions would necessarily extend the period between adoption and entry into force even though the time implications cannot be anticipated with any degree of precision. By way of example, it took seven years to receive the 30 ratifications necessary for the entry into force of the MLC, 2006, while ten years were needed to meet the much lower threshold of 10 ratifications required for the entry in force of Convention No. 188.
69. To further illustrate this point, one could consider the number of years that would have been required for the latest 19 Conventions and one Protocol to enter into force if a substantively higher number of ratifications had been provided for; if the threshold for those 20 instruments had been set at 10 ratifications, 10 Conventions would not have reached this threshold within the five-year period following adoption. If the level of ratifications had been set at 20, 6 Conventions would not have met the entry into force requirement ten years after adoption, and if the threshold had been raised to 30 or 50 ratifications, as many as 12 and 17 Conventions, respectively, would have not yet entered into force. Be that as it may, it is also clear that an early entry into force is not itself an incentive for other Member States to follow suit and ratify earlier than they otherwise might have.
70. It should also be noted that a high threshold for the entry into force of a Convention cannot guarantee in itself wide acceptance among Members nor does it represent an indication of an

effective and impactful standard. In fact, should 15 or more ratifications be needed for a Convention to take effect, it is certain that the entry into force will take longer compared to the current two-ratification requirement, but once this higher threshold is met the ratification rate may evolve slowly or even stagnate. In this respect, consideration would need to be given to whether the rate of acceptance of any of the 63 Conventions currently in force which have received less than 35 ratifications would have been different if the entry into force requirement had been 20, 25 or 30 ratifications instead of 2.

71. Further, the impact of delaying the entry into force should also be considered. In this connection, it should be noted that, while technical cooperation may be provided by the Office with respect to a Convention that has not yet entered into force, the supervisory organs will only be able to examine the application of the Convention in question once it has entered into force. As a result, before the entry into force threshold is reached, ratifying States may not benefit from the views of the supervisory organs and special supervisory procedures cannot be initiated or General Surveys be undertaken.
72. In conclusion, it is noted that recent discussions both at the seventh meeting of the Standards Review Mechanism Tripartite Working Group and at the 346th Session of the Governing Body have laid bare a strong division of views: while some constituents would be in favour of raising the ratification threshold for the entry into force of Conventions or relaxing the conditions under which ratified Conventions may be denounced, or both, others did not see any valid reason for even holding a debate on these matters. Tripartite constituents have been unanimous, however, about the need to update the standard final provision on the authoritative language versions of Conventions, through the adoption by the Conference of a resolution, so that the Spanish version of the text of future international labour Conventions will be recognized as being as equally authoritative as the English and French versions.
73. Further, without pre-empting the Governing Body's discussion on the different aspects outlined above, and in the interest of transparency and clarity, it is proposed that the entire set of final provisions in their current reading be submitted to the Conference for confirmation. This would permit the formal endorsement of the various, mostly editorial, changes that have been introduced in the final provisions since they were last amended in 1951. The consolidated text of the final provisions to be inserted in future international labour Conventions could be appended to the resolution relating to the recognition of the Spanish version of the text of a Convention as being equally authoritative.

▶ Draft decision

74. **The Governing Body took note of the information presented in document GB.347/LILS/1 and transmitted the draft resolution contained in Appendix III to that document, concerning the final Articles of international labour Conventions, to the 111th Session (2023) of the International Labour Conference for possible adoption.**

► Appendix I

Final Articles (original and current text)

Final Articles as in 1951	Final provisions of Convention No. 190
<p style="text-align: center;">Article A</p> <p>The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.</p>	<p style="text-align: center;">Article 13</p> <p>The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.</p>
<p style="text-align: center;">Article B</p> <ol style="list-style-type: none"> 1. This Convention shall be binding only upon those Members of the International Labour Organisation whose ratifications have been registered with the Director-General. 2. It shall come into force [...] months after the date on which the ratifications of [...] Members have been registered with the Director-General. 3. Thereafter, this Convention shall come into force for any Member [...] months after the date on which its ratification has been registered. 	<p style="text-align: center;">Article 14</p> <ol style="list-style-type: none"> 1. This Convention shall be binding only upon those Members of the International Labour Organization whose ratifications have been registered with the Director-General of the International Labour Office. 2. It shall come into force twelve months after the date on which the ratifications of two Members have been registered with the Director-General. 3. Thereafter, this Convention shall come into force for any Member twelve months after the date on which its ratification is registered.
<p style="text-align: center;">Article C</p> <ol style="list-style-type: none"> 1. A Member which has ratified this Convention may denounce it after the expiration of [...] years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until [...] after the date on which it is registered. 2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of [...] years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this article, will be bound for another period of [...] years and, thereafter, may denounce this Convention at the expiration of each period of [...] years under the terms provided for in this article. 	<p style="text-align: center;">Article 15</p> <ol style="list-style-type: none"> 1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered. 2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce this Convention within the first year of each new period of ten years under the terms provided for in this Article.

Final Articles as in 1951

Article D

1. The Director-General of the International Labour Office shall notify all the Members of the International Labour Organisation of the registration of all ratifications and denunciations communicated to him by the Members of the Organisation.
2. When notifying the Members of the Organisation of the registration of the [...] ratification communicated to him, the Director-General shall draw the attention of the Members of the Organisation to the date upon which this Convention will come into force.

Article E

The Director-General of the International Labour Office shall communicate to the Secretary-General of the United Nations for registration in accordance with Article 102 of the Charter of the United Nations full particulars of all ratifications, acts of denunciation and declarations registered by him in accordance with the provisions of the preceding articles.

Article F

At such times as it may consider necessary, the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall examine the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

Article G

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides--
 - (a) the ratification by a Member of the new revising Convention shall ipso jure involve the immediate denunciation of this Convention, notwithstanding the provisions of Article X above, if and when the new revising Convention shall have come into force;
 - (b) as from the date when the new revising Convention comes into force this Convention shall cease to be open to ratification by the Members.
2. This Convention shall in any case remain in force in its actual form and content for those

Final provisions of Convention No. 190

Article 16

1. The Director-General of the International Labour Office shall notify all Members of the International Labour Organization of the registration of all ratifications and denunciations that have been communicated by the Members of the Organization.
2. When notifying the Members of the Organization of the registration of the second ratification that has been communicated, the Director-General shall draw the attention of the Members of the Organization to the date upon which the Convention will come into force.

Article 17

The Director-General of the International Labour Office shall communicate to the Secretary-General of the United Nations for registration in accordance with Article 102 of the Charter of the United Nations full particulars of all ratifications and denunciations that have been registered in accordance with the provisions of the preceding Articles.

Article 18

At such times as it may consider necessary, the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall examine the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

Article 19

1. Should the Conference adopt a new Convention revising this Convention, then, unless the new Convention otherwise provides:
 - (a) the ratification by a Member of the new revising Convention shall ipso jure involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 15 above, if and when the new revising Convention shall have come into force;
 - (b) as from the date when the new revising Convention comes into force, this Convention shall cease to be open to ratification by the Members.
2. This Convention shall in any case remain in force in its actual form and content for those

Final Articles as in 1951	Final provisions of Convention No. 190
<p data-bbox="325 371 823 434">Members which have ratified it but have not ratified the revising Convention.</p> <p data-bbox="496 459 603 486">Article H</p> <p data-bbox="277 495 823 553">The French and English texts of this Convention shall both be authentic.</p>	<p data-bbox="932 371 1430 434">Members which have ratified it but have not ratified the revising Convention.</p> <p data-bbox="1098 459 1214 486">Article 20</p> <p data-bbox="884 495 1430 553">The English and French versions of the text of this Convention are equally authoritative.</p>

► Appendix II

Major multilateral treaties 2000–22 (in reverse chronological order)

Treaty	Objective/subjective entry into force	Ratifications required	Denunciation
United Nations Convention on International Settlement Agreements Resulting from Mediation (2018)	6 months/6 months (Art. 14)	3	<ol style="list-style-type: none"> 1. A Party to the Convention may denounce this Convention by a formal notification in writing addressed to the depositary. The denunciation may be limited to certain territorial units of a non-unified legal system to which this Convention applies. 2. The denunciation shall take effect 12 months after the notification is received by the depositary. Where a longer period for the denunciation to take effect is specified in the notification, the denunciation shall take effect upon the expiration of such longer period after the notification is received by the depositary. The Convention shall continue to apply to settlement agreements concluded before the denunciation takes effect. (Art. 16)
Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean (2018)	90 days/90 days (Art. 22)	11	<ol style="list-style-type: none"> 1. At any time after three years from the date on which the present Agreement has entered into force for a Party, that Party may withdraw from the present Agreement by giving written notification to the Depositary. 2. Any such withdrawal shall take effect upon expiry of one year from the date of receipt by the Depositary of the notification of withdrawal, or on such later date as may be specified in the notification of withdrawal. (Art. 24)
Treaty on the Prohibition of Nuclear Weapons (2017)	90 days/90 days (Art. 15)	50	<ol style="list-style-type: none"> 1. This Treaty shall be of unlimited duration. 2. Each State Party shall, in exercising its national sovereignty, have the right to withdraw from this Treaty if it decides that extraordinary events related to the subject matter of the Treaty have jeopardized the supreme interests of its country. It shall give notice of such withdrawal to the Depositary. Such notice shall include a statement of the extraordinary events that it regards as having jeopardized its supreme interests. 3. Such withdrawal shall only take effect 12 months after the date of the receipt of the notification of withdrawal by the Depositary. If, however, on the expiry of that 12-month period, the withdrawing State Party is a party to an armed conflict, the State Party shall continue to be bound by the obligations of this Treaty and of any additional protocols until it is no longer party to an armed conflict. (Art. 17)

Treaty	Objective/subjective entry into force	Ratifications required	Denunciation
Framework Agreement on Facilitation of Cross-border Paperless Trade in Asia and the Pacific (2016)	90 days/90 days (Art. 19)	5	Any Party may withdraw from the present Framework Agreement by written notification addressed to the Secretary-General of the United Nations. The withdrawal shall take effect twelve (12) months after the date of receipt by the Secretary-General of such notification. (Art. 22)
Paris Agreement (2015)	30 days/30 days (Art. 21)	55	
United Nations Convention on Transparency in Treaty-based Investor-State Arbitration (2014)	6 months/6 months (Art. 9)	3	<ol style="list-style-type: none"> 1. A Party may denounce this Convention at any time by means of a formal notification addressed to the depositary. The denunciation shall take effect twelve months after the notification is received by the depositary. 2. This Convention shall continue to apply to investor-State arbitrations commenced before the denunciation takes effect. (Art. 11)
Minamata Convention on Mercury (2013)	90 days/90 days (Art. 31)	50	<ol style="list-style-type: none"> 1. At any time after three years from the date on which this Convention has entered into force for a Party, that Party may withdraw from the Convention by giving written notification to the Depositary. 2. Any such withdrawal shall take effect upon expiry of one year from the date of receipt by the Depositary of the notification of withdrawal, or on such later date as may be specified in the notification of withdrawal. (Art. 33)
Arms Trade Treaty (2013)	90 days/90 days (Art. 22)	50	<ol style="list-style-type: none"> 1. This Treaty shall be of unlimited duration. 2. Each State Party shall, in exercising its national sovereignty, have the right to withdraw from this Treaty. It shall give notification of such withdrawal to the Depositary, which shall notify all other States Parties. The notification of withdrawal may include an explanation of the reasons for its withdrawal. The notice of withdrawal shall take effect ninety days after the receipt of the notification of withdrawal by the Depositary, unless the notification of withdrawal specifies a later date. 3. A State shall not be discharged, by reason of its withdrawal, from the obligations arising from this Treaty while it was a Party to this Treaty, including any financial obligations that it may have accrued. (Art. 24)

Treaty	Objective/subjective entry into force	Ratifications required	Denunciation
Protocol to Eliminate Illicit Trade in Tobacco Products (2012)	90 days/90 days (Art. 45)	40	<ol style="list-style-type: none"> 1. At any time after two years from the date on which this Protocol has entered into force for a Party, that Party may withdraw from the Protocol by giving written notification to the Depositary. 2. Any such withdrawal shall take effect upon expiry of one year from the date of receipt by the Depositary of the notification of withdrawal or on such later date as may be specified in the notification of withdrawal. 3. Any Party that withdraws from the WHO Framework Convention on Tobacco Control shall also be considered as having withdrawn from this Protocol, with effect as of the date of its withdrawal from the WHO Framework Convention on Tobacco Control. (Art. 41)
Convention on Cluster Munitions (2008)	The first day of the sixth month after the month in which the last instrument required for entry into force was deposited/The first day of the sixth month after the date on which that State has deposited its instrument. (Art. 17)	30	<ol style="list-style-type: none"> 1. This Convention shall be of unlimited duration. 2. Each State Party shall, in exercising its national sovereignty, have the right to withdraw from this Convention. It shall give notice of such withdrawal to all other States Parties, to the Depositary and to the United Nations Security Council. Such instrument of withdrawal shall include a full explanation of the reasons motivating withdrawal. 3. Such withdrawal shall only take effect six months after the receipt of the instrument of withdrawal by the Depositary. If, however, on the expiry of that six-month period, the withdrawing State Party is engaged in an armed conflict, the withdrawal shall not take effect before the end of the armed conflict. (Art. 20)
International Convention for the Protection of All Persons from Enforced Disappearance (2006)	30 days/30 days (Art. 39)	20	
Convention on the Rights of Persons with Disabilities (2006)	30 days/30 days (Art. 45)	20	A State Party may denounce the present Convention by written notification to the Secretary-General of the United Nations. The denunciation shall become effective one year after the date of receipt of the notification by the Secretary-General. (Art. 48)

Treaty	Objective/subjective entry into force	Ratifications required	Denunciation
United Nations Convention on the Use of Electronic Communications in International Contracts (2005)	The first day of the month following the expiration of six months after the date of the deposit/The first day of the month following the expiration of six months after the date of the deposit (Art. 23)	3	<ol style="list-style-type: none"> 1. A Contracting State may denounce this Convention by a formal notification in writing addressed to the depositary. 2. The denunciation takes effect on the first day of the month following the expiration of twelve months after the notification is received by the depositary. Where a longer period for the denunciation to take effect is specified in the notification, the denunciation takes effect upon the expiration of such longer period after the notification is received by the depositary. (Art. 25)
International Convention for the Suppression of Acts of Nuclear Terrorism (2005)	30 days/30 days (Art. 25)	22	<ol style="list-style-type: none"> 1. Any State Party may denounce this Convention by written notification to the Secretary-General of the United Nations. 2. Denunciation shall take effect one year following the date on which notification is received by the Secretary-General of the United Nations. (Art. 27)
Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005)	Three months/three months (Art. 29)	30	<ol style="list-style-type: none"> 1. Any Party to this Convention may denounce this Convention. 2. The denunciation shall be notified by an instrument in writing deposited with the Director-General of the United Nations Educational, Scientific and Cultural Organization (UNESCO). 3. The denunciation shall take effect 12 months after the receipt of the instrument of denunciation. It shall in no way affect the financial obligations of the Party denouncing the Convention until the date on which the withdrawal takes effect. (Art. 31)
International Convention against Doping in Sport (2005)	The first day of the month following the expiration of a period of one month after the date of deposit/ The first day of the month following the expiration of a period of one month after the date of deposit (Art. 37)	30	Any State Party may denounce this Convention. The denunciation shall be notified by an instrument in writing, deposited with the Director-General of UNESCO. The denunciation shall take effect on the first day of the month following the expiration of a period of six months after the receipt of the instrument of denunciation. It shall in no way affect the financial obligations of the State Party concerned until the date on which the withdrawal takes effect. (Art. 39)

Treaty	Objective/subjective entry into force	Ratifications required	Denunciation
United Nations Convention on Jurisdictional Immunities of States and Their Property (2004)	30 days/30 days (Art. 30)	30	<ol style="list-style-type: none"> 1. Any State Party may denounce the present Convention by written notification to the Secretary-General of the United Nations. 2. Denunciation shall take effect one year following the date on which notification is received by the Secretary-General of the United Nations. The present Convention shall, however, continue to apply to any question of jurisdictional immunities of States or their property arising in a proceeding instituted against a State before a court of another State prior to the date on which the denunciation takes effect for any of the States concerned. 3. The denunciation shall not in any way affect the duty of any State Party to fulfil any obligation embodied in the present Convention to which it would be subject under international law independently of the present Convention. (Art. 31)
United Nations Convention against Corruption (2003)	90 days/ 90 days OR on the date this Convention enters into force pursuant to paragraph 1 of this article, whichever is later (Art. 68)	30	<ol style="list-style-type: none"> 1. A State Party may denounce this Convention by written notification to the Secretary-General of the United Nations. Such denunciation shall become effective one year after the date of receipt of the notification by the Secretary-General. 2. A regional economic integration organization shall cease to be a Party to this Convention when all of its Member States have denounced it. (Art. 70)
WHO Framework Convention on Tobacco Control (2003)	90 days/90 days (Art. 36)	40	<ol style="list-style-type: none"> 1. At any time after two years from the date on which this Convention has entered into force for a Party, that Party may withdraw from the Convention by giving written notification to the Depositary. 2. Any such withdrawal shall take effect upon expiry of one year from the date of receipt by the Depositary of the notification of withdrawal, or on such later date as may be specified in the notification of withdrawal. 3. Any Party that withdraws from the Convention shall be considered as also having withdrawn from any protocol to which it is a Party. (Art. 31)
Convention for the Safeguarding of the Intangible Cultural Heritage (2003)	3 months/3 months (Art. 34)	30	<ol style="list-style-type: none"> 1. Each State Party may denounce this Convention. 2. The denunciation shall be notified by an instrument in writing, deposited with the Director-General of UNESCO. 3. The denunciation shall take effect twelve months after the receipt of the instrument of denunciation. It shall in no way affect the financial obligations of the denouncing State Party until the date on which the withdrawal takes effect. (Art. 36)

Treaty	Objective/subjective entry into force	Ratifications required	Denunciation
Agreement on the Privileges and Immunities of the International Criminal Court (2002)	30 days/30 days (Art. 35)	10	<ol style="list-style-type: none"> 1. A State Party may, by written notification addressed to the Secretary-General, denounce the present Agreement. The denunciation shall take effect one year after the date of receipt of the notification, unless the notification specifies a later date. 2. The denunciation shall not in any way affect the duty of any State Party to fulfil any obligation embodied in the present Agreement to which it would be subject under international law independently of the present Agreement. (Art. 37)
United Nations Convention on the Assignment of Receivables in International Trade (2001)	The first day of the month following the expiration of six months from the date of deposit/The first day of the month following the expiration of six months after the date of deposit (Art. 45)	5	<ol style="list-style-type: none"> 1. A Contracting State may denounce this Convention at any time by written notification addressed to the depositary. 2. The denunciation takes effect on the first day of the month following the expiration of one year after the notification is received by the depositary. Where a longer period is specified in the notification, the denunciation takes effect upon the expiration of such longer period after the notification is received by the depositary. 3. This Convention remains applicable to assignments if the contract of assignment is concluded before the date when the denunciation takes effect in respect of the Contracting State referred to in article 1, paragraph 1(a), provided that the provisions of this Convention that deal with the rights and obligations of the debtor remain applicable only to assignments of receivables arising from original contracts concluded before the date when the denunciation takes effect in respect of the Contracting State referred to in article 1, paragraph 3. 4. If a receivable is assigned pursuant to a contract of assignment concluded before the date when the denunciation takes effect in respect of the Contracting State referred to in article 1, paragraph 1 (a), the right of the assignee has priority over the right of a competing claimant with respect to the receivable to the extent that, under the law that would determine priority under this Convention, the right of the assignee would have priority. (Art. 46)
Stockholm Convention on Persistent Organic Pollutants (2001)	90 days/90 days (Art. 26)	50	<ol style="list-style-type: none"> 1. At any time after three years from the date on which this Convention has entered into force for a Party, that Party may withdraw from the Convention by giving written notification to the depositary. 2. Any such withdrawal shall take effect upon the expiry of one year from the date of receipt by the depositary of the notification of withdrawal, or on such later date as may be specified in the notification of withdrawal. (Art. 28)

Treaty	Objective/subjective entry into force	Ratifications required	Denunciation
Convention on the Protection of the Underwater Cultural Heritage (2001)	3 months/3 months (Art. 27)	20	<ol style="list-style-type: none"> 1. A State Party may, by written notification addressed to the Director-General, denounce this Convention. 2. The denunciation shall take effect twelve months after the date of receipt of the notification, unless the notification specifies a later date. 3. The denunciation shall not in any way affect the duty of any State Party to fulfil any obligation embodied in this Convention to which it would be subject under international law independently of this Convention. (Art. 32)
United Nations Convention against Transnational Organized Crime (2000)	90 days/30 days (Art. 38)	40	<ol style="list-style-type: none"> 1. A State Party may denounce this Convention by written notification to the Secretary-General of the United Nations. Such denunciation shall become effective one year after the date of receipt of the notification by the Secretary-General. 2. A regional economic integration organization shall cease to be a Party to this Convention when all of its Member States have denounced it. 3. Denunciation of this Convention in accordance with paragraph 1 of this article shall entail the denunciation of any protocols thereto. (Art. 40)
Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (2000)	90 days/ 30 days OR on the date this Convention enters into force pursuant to paragraph 1 of this article, whichever is later (Art. 17)	40	<ol style="list-style-type: none"> 1. A State Party may denounce this Convention by written notification to the Secretary-General of the United Nations. Such denunciation shall become effective one year after the date of receipt of the notification by the Secretary-General. 2. A regional economic integration organization shall cease to be a Party to this Convention when all of its Member States have denounced it. (Art. 19)
Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime (2000)	90 days/ 30 days OR on the date this Convention enters into force pursuant to paragraph 1 of this article, whichever is later (Art. 22)	40	<ol style="list-style-type: none"> 1. A State Party may denounce this Convention by written notification to the Secretary-General of the United Nations. Such denunciation shall become effective one year after the date of receipt of the notification by the Secretary-General. 2. A regional economic integration organization shall cease to be a Party to this Convention when all of its member States have denounced it. (Art. 24)

Treaty	Objective/subjective entry into force	Ratifications required	Denunciation
Cartagena Protocol on Biosafety to the Convention on Biological Diversity (2000)	90 days/90 days (Art. 37)	50	<ol style="list-style-type: none"> 1. At any time after two years from the date on which this Protocol has entered into force for a Party, that Party may withdraw from the Protocol by giving written notification to the Depositary. 2. Any such withdrawal shall take place upon expiry of one year after the date of its receipt by the Depositary, or on such later date as may be specified in the notification of the withdrawal. (Art. 39)

► Appendix III

Draft resolution concerning the final provisions of international labour Conventions

The General Conference of the International Labour Organization, meeting at its 111th Session, 2023,

Noting its previous decisions, adopted at its 11th, 17th, 29th and 34th Sessions, concerning final Articles for inclusion in the text of future international labour Conventions,

Recalling its decision to amend the Standing Orders of the International Labour Conference, adopted at its 108th (Centenary) Session (2019) in order, among other things, to recognize the Spanish language as one of the official languages of the Conference,

Noting the changes made to the final provisions included in recent Conventions, including with a view to including gender-inclusive language,

Considering that the final provisions should be aligned accordingly:

1. Decides to replace the text of Article H by the following: “The English, French and Spanish versions of the texts of this Convention are equally authoritative”;
2. Approves the revised text of the final provisions to be proposed for inclusion in future international labour Conventions, as set out in the Annex.

Annex

Revised text of the final provisions to be proposed for inclusion in future international labour Conventions

(additions appear underlined and deletions are struck out)

Article A

The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.

Article B

1. This Convention shall be binding only upon those Members of the International Labour ~~Organisation~~ Organization whose ratifications have been registered with the Director-General ~~of the International Labour Office~~.
2. It shall come into force [...] months after the date on which the ratifications of [...] Members have been registered with the Director-General.
3. Thereafter, this Convention shall come into force for any Member [...] months after the date on which its ratification ~~has been~~ is registered.

Article C

1. A Member which has ratified this Convention may denounce it after the expiration of [...] years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until [...] after the date on which it is registered.
2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of [...] years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this ~~article~~ Article, will be bound for another period of [...] years and, thereafter, may denounce this Convention ~~at within the expiration first year~~ of each new period of [...] years under the terms provided for in this ~~article~~ Article.

Article D

1. The Director-General of the International Labour Office shall notify all ~~the~~ Members of the International Labour ~~Organisation~~ Organization of the registration of all ratifications, declarations and denunciations that have been communicated ~~to him~~ by the Members of the ~~Organisation~~ Organization.
2. When notifying the Members of the ~~Organisation~~ Organization of the registration of the last of the ratifications required for entry into force ~~ratification that has been~~ communicated ~~to him~~, the Director-General shall draw the attention of the Members of the ~~Organisation~~ Organization to the date upon which ~~this~~ the Convention will come into force.

Article E

The Director-General of the International Labour Office shall communicate to the Secretary-General of the United Nations for registration in accordance with Article 102 of the Charter of the United Nations full particulars of all ratifications, declarations and ~~acts of~~ denunciations ~~and declarations that have been~~ registered ~~by him~~ in accordance with the provisions of the preceding ~~articles~~ Articles.

Article F

At such times as it may consider necessary, the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall examine the desirability of placing on the agenda of the Conference the question of its revision ~~in whole or in part~~.

Article G

1. Should the Conference adopt a new Convention revising this Convention ~~in whole or in part~~, then, unless the new Convention otherwise provides:
 - (a) the ratification by a Member of the new revising Convention shall ipso jure involve the immediate denunciation of this Convention, notwithstanding the provisions of Article [...] ~~×~~ above, if and when the new revising Convention shall have come into force;
 - (b) as from the date when the new revising Convention comes into force, ~~this~~ this Convention shall cease to be open to ratification by the Members.
2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

Article H

The ~~French and English, French and Spanish versions of the~~ texts of this Convention ~~shall both be authentic~~ are equally authoritative.