

**Memorandum on
Signature and Ratification, Acceptance or Approval
of the
Convention on the Settlement of Investment Disputes
between States and Nationals of Other States**

**Note concernant
la signature et la ratification, l'acceptation ou l'approbation
de la
Convention pour le Règlement des Différends Relatifs aux
Investissements entre Etats et Ressortissants d'Autres Etats**

**Memorándum sobre
la Firma y la Ratificación, Aceptación o Aprobación
del
Convenio sobre Arreglo de Diferencias Relativas a Inversiones
entre Estados y Nacionales de Otros Estados**

**Memorandum on
Signature and Ratification, Acceptance or Approval
of the
Convention on the Settlement of Investment Disputes
between States and Nationals of Other States**

This memorandum has been prepared at the request of certain member governments of the International Bank for Reconstruction and Development (hereafter the Bank) and deals with the formalities connected with (A) the signature of the Convention; and (B) the ratification, acceptance or approval of the Convention.

It is understood that each State will take such formal action as may be required on these matters in accordance with its own constitutional and administrative procedures, and that the documents connected with such action will follow the traditional forms and precedents of that State. This memorandum is intended only to highlight the basic legal requirements which need to be covered in each case.

Formal communications addressed to the Bank, as depositary of the Convention, should be in English, French or Spanish. If transmitted in another language, they should be accompanied by a translation in one of the three languages specified.

A. Signature

1. Under Article 67, the Convention is open for signature on behalf of
 - (a) States members of the International Bank for Reconstruction and Development; and
 - (b) other States which are parties to the Statute of the International Court of Justice and which have been invited to sign by the Administrative Council of the International Centre for Settlement of Investment Disputes (established by Article 1), by a vote of two-thirds of its members.

2. Article 68 of the Convention authorizes only States which have signed the Convention to become parties to it by ratification, acceptance or approval. Signature of the Convention is thus an essential step to be taken prior to deposit of an instrument of ratification, acceptance or approval. This remark applies equally to States members of the Bank and to those States invited to sign by the Administrative Council under Article 67.
3. The Convention is open for signature at the principal office of the Bank at 1818 H Street, N.W., Washington, D.C. 20433. Arrangements for signing should be made in consultation with the Secretary's Department of the Bank.
4. The Convention may be signed by the duly authorized representatives of the States indicated in Article 67. A person wishing to sign the Convention on behalf of a State is expected to furnish to the Secretary's Department of the Bank a statement in writing which designates him by name and title as the person authorized to sign the Convention on behalf of the State he represents. The statement should recite the title of the Convention and should be signed by the Head of State, Head of Government or Minister of Foreign Affairs of the State concerned.

B. Ratification, Acceptance, Approval

1. By Article 68, a formal act of ratification, acceptance or approval by a State is a prerequisite for entry into force of the Convention in relation to that State. Under Article 68(2), the Convention entered into force on October 14, 1966. For each State depositing its instrument of ratification, acceptance or approval, the Convention enters into force 30 days after such deposit.
2. Only States which have signed the Convention in accordance with Article 67 may validly ratify, accept or approve it. A signatory State may deposit its instrument of ratification, acceptance or approval at the principal office of the Bank, 1818 H Street, N.W., Washington, D.C. 20433 at any time during the

Bank's hours of business. Arrangements for deposits of instruments of ratification, acceptance or approval should be made in consultation with the Secretary's Department of the Bank.

3. No form of words is prescribed for instruments of ratification, acceptance or approval. They should, however:

- (a) recite the title of the Convention;
- (b) affirm that the Convention has been duly signed on behalf of the State concerned;
- (c) affirm that the Convention is ratified, accepted or approved on behalf of that State; and
- (d) affirm the State's willingness to perform all its obligations under the Convention.

Instruments of ratification, acceptance or approval should be signed by the Head of State, Head of Government or Minister of Foreign Affairs of the State concerned.