Entry into force provisions provide the set of conditions required to bring an agreement into force. This includes the number of States that need to join the agreement through ratification, approval, acceptance, or accession.

The BBNJ Draft Text addresses entry into force in Article 61. It reads:

**Article 61 Entry into force**

[1. This Agreement shall enter into force [30] days after the date of deposit of the [...] instrument of ratification, approval, acceptance or accession.]

[2. For each State or entity that ratifies, approves or accepts the Agreement or accedes thereto after the deposit of the [...] instrument of ratification, approval, acceptance or accession, this Agreement shall enter into force on the [thirtieth] day following the deposit of its instrument of ratification, approval, acceptance or accession.]

This provision is important as it will influence how quickly a finalized Agreement will enter into force, as well as allow the first Conference of the Parties (CoP) to occur and the various mechanisms of the Agreement to get underway. The more States that are required, the longer the timeframe to enter into force; if too few, there may not be a critical mass for the Agreement to get underway.

**Ratifications**

The UN Fish Stocks Agreement required 30 ratifications for entry into force 30 days after the date of deposit of the thirtieth instrument, whereas UNCLOS required 60 ratifications and 12 months after the date of deposit of the sixtieth instrument. UNCLOS took 12 years to gather the 60 ratifications and enter into force (1982 to November 1994) whereas the Fish Stocks Agreement took six years for the 30 ratifications (1995 to December 2001). More recently, the FAO Port State Measures Agreement required 25 ratifications and took just under seven years to enter into force. It is critical that the BBNJ Agreement enter into force as quickly as possible in order to address current and urgent threats and implement the BBNJ Agreement’s objectives.

In a survey of 30 international agreements, including multilateral environmental agreements, human rights agreements and others, it found that six of the agreements required 20 States to ratify, and the majority of the agreements surveyed (seven multilateral environmental agreements and 12 others) required between 15 and 35 ratifications for entry into force.
Notably, several instruments with relatively low entry into force thresholds have been successful in achieving a high number of parties.\(^3\)

As UNGA resolution 69/292 (2015) noted, the conservation and sustainable use of marine biodiversity in areas beyond national resources needs to be addressed urgently. While it is important that the Agreement needs a critical mass of countries to support it, after decades of discussions, there is no time to waste and having lower barrier for entry into force will support an expedient entry into force of the BBNJ Agreement.

### Excerpts: Entry into Force Provisions

#### UN Convention on the Law of the Sea

Dated: 10 December 1982  
Effective: 16 November 1994  
Parties: 168

**Article 308 Entry into force**

1. This Convention shall enter into force 12 months after the date of deposit of the sixtieth instrument of ratification or accession.
2. For each State ratifying or acceding to this Convention after the deposit of the sixtieth instrument of ratification or accession, the Convention shall enter into force on the thirtieth day following the deposit of its instrument of ratification or accession, subject to paragraph 1.
3. The Assembly of the Authority shall meet on the date of entry into force of this Convention and shall elect the Council of the Authority. The first Council shall be constituted in a manner consistent with the purpose of article 161 if the provisions of that article cannot be strictly applied.
4. The rules, regulations and procedures drafted by the Preparatory Commission shall apply provisionally pending their formal adoption by the Authority in accordance with Part XI.
5. The Authority and its organs shall act in accordance with resolution II of the Third United Nations Conference on the Law of the Sea relating to preparatory investment and with decisions of the Preparatory Commission taken pursuant to that resolution.
UN Fish Stocks Agreement

Dated: 10 December 1982
Effective: 16 November 1994
Parties: 91

Article 40 Entry into force
1. This Agreement shall enter into force 30 days after the date of deposit of the thirtieth instrument of ratification or accession.
2. For each State or entity which ratifies the Agreement or accedes thereto after the deposit of the thirtieth instrument of ratification or accession, this Agreement shall enter into force on the thirtieth day following the deposit of its instrument of ratification or accession.

UN Framework Convention on Climate Change

Dated: 9 May 1992
Effective: 21 March 1994
Parties: 197 Parties

Article 23 Entry into force
1. The Convention shall enter into force on the ninetieth day after the date of deposit of the fiftieth instrument of ratification, acceptance, approval or accession.
2. For each State or regional economic integration organization that ratifies, accepts or approves the Convention or accedes thereto after the deposit of the fiftieth instrument of ratification, acceptance, approval or accession, the Convention shall enter into force on the ninetieth day after the date of deposit by such State or regional economic integration organization of its instrument of ratification, acceptance, approval or accession.
3. For the purposes of paragraphs 1 and 2 above, any instrument deposited by a regional economic integration organization shall not be counted as additional to those deposited by States members of the organization.

Paris Agreement

Dated: 12 December 2015
Effective: 4 November 2016
Parties: 191

Article 21
1. This Agreement shall enter into force on the thirtieth day after the date on which at least 55 Parties to the Convention accounting in total for at least an estimated 55 per cent of the total global greenhouse gas emissions have deposited their instruments of ratification, acceptance, approval or accession.
2. Solely for the limited purpose of paragraph 1 of this Article, “total global greenhouse gas emissions” means the most up-to-date amount communicated on or before the date of adoption of this Agreement by the Parties to the Convention.
3. For each State or regional economic integration organization that ratifies, accepts or approves this Agreement or accedes thereto after the conditions set out in paragraph 1 of this Article for entry into force have been fulfilled, this Agreement shall enter into force on the thirtieth day after the date of deposit by such State or regional economic integration organization of its instrument of ratification, acceptance, approval or accession.
4. For the purposes of paragraph 1 of this Article, any instrument deposited by a regional economic integration organization shall not be counted as additional to those deposited by its member States.
### Convention on Biological Diversity

Dated: 5 June 1992  
Effective: 29 December 1993  
Parties: 196

**Article 36 Entry into force**

1. This Convention shall enter into force on the ninetieth day after the date of deposit of the thirtieth instrument of ratification, acceptance, approval or accession.

2. Any protocol shall enter into force on the ninetieth day after the date of deposit of the number of instruments of ratification, acceptance, approval or accession, specified in that protocol, has been deposited.

3. For each Contracting Party which ratifies, accepts or approves this Convention or accedes thereto after the deposit of the thirtieth instrument of ratification, acceptance, approval or accession, it shall enter into force on the ninetieth day after the date of deposit by such Contracting Party of its instrument of ratification, acceptance, approval or accession.

4. Any protocol, except as otherwise provided in such protocol, shall enter into force for a Contracting Party that ratifies, accepts or approves that protocol or accedes thereto after its entry into force pursuant to paragraph 2 above, on the ninetieth day after the date on which that Contracting Party deposits its instrument of ratification, acceptance, approval or accession, or on the date on which this Convention enters into force for that Contracting Party, whichever shall be the later.

5. For the purposes of paragraphs 1 and 2 above, any instrument deposited by a regional economic integration organization shall not be counted as additional to those deposited by member States of such organization.

### Convention on International trade in Endangered Species of Wild Fauna and Flora (CITES)

Dated: 3 March 1973  
Effective: 1 July 1975  
Parties: 183

**Article XXII Entry into force**

1. The present Convention shall enter into force 90 days after the date of deposit of the tenth instrument of ratification, acceptance, approval or accession, with the Depositary Government.

2. For each State which ratifies, accepts or approves the present Convention or accedes thereto after the deposit of the tenth instrument of ratification, acceptance, approval or accession, the present Convention shall enter into force 90 days after the deposit by such State of its instrument of ratification, acceptance, approval or accession.
REFERENCES

High Seas Alliance – who we are
The High Seas Alliance (HSA) is a partnership of 45+ organizations from around the globe and is committed to working with States and others towards the adoption, ratification, and implementation of a comprehensive Treaty to protect the world’s ocean beyond national jurisdiction.