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Note to the Chef de Cabinet

(through the Office of the Deputy Secretary-General)

Palestine – accession to 16 multilateral treaties deposited with the Secretary-General


1. In the attached three Notes, Mr. Stephen Mathias informs the Secretary-General that the **Palestinian Authority has deposited with the Office of Legal Affairs accession instruments to 16 multilateral treaties on behalf of the State of Palestine.** The instruments were deposited with the United Nations because of the Secretary-General's depositary functions.
2. In his first Note (corlog # 15-00029), he advises that accession to all 16 treaties is open to Palestine in view of the GA's designation of the State of Palestine as a non-member Observer State. **On a preliminary review, 15 of the 16 instruments are in proper and due form, and the processing of the accession documents by the United Nations for those 15 treaties should be completed in a matter of days. Palestine would then become a party to those treaties at the time determined by the accession provisions of those treaties.**
3. As explained in his second Note (corlog #15-00032), the **accession instrument submitted in respect of the Non-Proliferation Treaty (NPT) should have been submitted to the depositary States, namely the Russian Federation, the United Kingdom and the United States, as the United Nations is not a depositary for the NPT.** Mr. Mathias explains that the Permanent Observer of the State of Palestine to the United Nations has been notified accordingly. **The Permanent Observer has subsequently indicated that he will submit the instrument to the depositary States. He has, however, also requested that the Secretary-General transmit the instruments to the depositary States.** Mr. Mathias advises the Secretary-General not to do so, since it may be perceived negatively as lobbying for Palestine's accession to the NPT.
4. In his third Note (corlog # 15-00039), Mr. Mathias highlights that one of the 16 instruments of accession submitted was that to the Rome Statute of the International Criminal Court (ICC). He notes that **Palestine will now become a party to the Rome Statute as of 1 April 2015, after which time the Palestinian Authority can refer any crimes committed in Palestine after that date to the ICC.** Mr. Mathias explains the different legal routes in which this may happen. He also notes that the **Palestinian Authority has already filed a Declaration with the ICC, granting the ICC jurisdiction over crimes that occurred in Palestine after 13 June 2014.** With this move, the latest conflict can also be investigated by the Prosecutor. Mr. Mathias finally notes that those crimes could include the issue of Israeli settlements, and that because of a US law Palestine's accession to the ICC could trigger the United States withholding aid to the Palestinian Authority.

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