LEARNING SHEET 02

Understanding International Law

Treaties, declarations and how states accept international legal obligations.

LEVEL Beginner–Intermediate **HOW TO USE** Read, complete the activities and follow the sources.

01 — LEARNING OBJECTIVES

Understand what international law is, distinguish treaties from declarations, and explain how states become bound by treaties.

02 — THE ESSENTIAL INFORMATION

International law is a system of rules governing relations between states and other recognised international actors. It includes treaties, customary international law and general principles. International human rights law is one important part of this wider system.

Treaties and declarations: what is the difference?

Treaty: a written international agreement governed by international law. A treaty is binding on the states that have consented to be bound by it, according to its terms and the applicable rules of international law.

Declaration: a formal statement of principles or standards. Declarations are not automatically legally binding in the same way as treaties. Their legal effect depends on the instrument and context; some provisions may also reflect or contribute to customary international law.

Example: The UDHR (1948) is a declaration, not a treaty. The ICCPR and ICESCR (both adopted in 1966) are treaties that create obligations for states parties.

How does a state become a party to a treaty?

Signature	May authenticate the text and indicate a state's intention to proceed. Where a treaty is subject to ratification, signature alone does not usually make the state a party.
Ratification	The formal international act by which a state confirms its consent to be bound, where the treaty provides for ratification.
Accession	A state becomes a party without having first signed during the treaty's signature period, where the treaty permits it. It generally has the same legal effect as ratification.

03 — KEY TERMINOLOGY

State party: a state that has consented to be bound by a treaty and for which it is in force. **Obligation:** a legal duty. **Reservation:** a statement by which a state purports to exclude or modify the legal effect of certain treaty provisions in their application to that state, subject to legal rules.

04 — CHECK YOUR UNDERSTANDING

1. Is every declaration legally binding? **2.** Does signing a treaty always make a state a party? **3.** What is the difference between ratification and accession?

05 — APPLY YOUR KNOWLEDGE

A country signs an international human rights treaty. The treaty says it is subject to ratification. The country has not yet deposited an instrument of ratification.

Question: Has the country necessarily become a party to the treaty? What does signature indicate, and what further step may be required?

06 — THINK CRITICALLY

1. Why might a state agree to an international treaty but still struggle to implement it domestically?

2. Why is it important to check whether a country has ratified a treaty before discussing its specific treaty obligations?

07 — QUICK REVIEW

A treaty is _____.

The UDHR is a _____, while the ICCPR is a _____.

Two ways a state may express consent to be bound by a treaty are _____ and _____.

08 — SOURCES & FURTHER READING

• UN Treaty Collection, *Definition of Key Terms*: https://treaties.un.org/Pages/Overview.aspx?path=overview/definition/page1_en.xml

• United Nations, *Treaty, accord, convention, declaration or pact?*: https://ask.un.org/faq/331686

• United Nations, *Signing, ratification and accession*: https://ask.un.org/faq/14594

• UN Research Guide, *Human Rights Documentation*: https://research.un.org/en/docs/humanrights/

Legal note: Treaty status and legal effect must be checked instrument by instrument. The title of an instrument alone does not determine whether it is binding.