

CHAPTER FIVE

Accession

5.1 Article 38 provides that the instrument of accession to the Convention shall be deposited with the Ministry of Foreign Affairs of the Kingdom of the Netherlands, and that the Convention shall enter into force in the acceding State on the first day of the third calendar month after such deposit. But the accession affects relations only between the acceding State and such Contracting States as accept the accession. This acceptance is made by declaration in the same manner as the accession.

5.2 The Convention contains express provisions for Contracting States which comprise two or more territorial units in which different systems of law are applicable and States in which executive, judicial and legislative powers are distributed between central and other authorities of the State. In the former case, the Contracting State may, at the time of accession, declare that the Convention shall extend to one, some or all of the territorial units (Article 40); in the latter, Article 41 expressly states that accession "shall carry no implication as to the internal distribution of powers within that State" and Article 33 makes it clear that non-unitary States are not bound to apply to provisions of the Convention between

their internal territorial units. These clauses are intended to permit States of a federal character to accede to the Convention and implement it in the manner required by their particular constitutional circumstances.