

17. North Atlantic Treaty Organization (NATO)

Extracts from the fourth report on the provisional application of treaties, by Juan Manuel Gómez-Robledo, Special Rapporteur:²⁸³

165. According to a note received from the NATO Office of Legal Affairs,²⁸⁴ this international organization is party to approximately 180 treaties, only 5 of which contain provisional application clauses, 3 of them referring to transit arrangements between NATO and its partners.

166. The note also explains that there is no previously determined policy with respect to provisional application. In relation to agreements involving the establishment of NATO offices, the Organization has developed the practice by which it requests States to ensure that headquarters agreements enter into force at the time of signature.

167. However, if this is not possible under the provisions of the internal law of the State in question, the NATO resorts to provisional application from the time of signature until the entry into force of the agreement. In cases where this is unacceptable to the contracting State, NATO waits until the completion of the time periods established by the internal requirements of that State.

²⁸³ Doc. A/CN.4/699 (2016).

²⁸⁴ Note dated 28 January 2016, on file with the Codification Division.