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FIFTH COMMITTEE
Agenda items 100 and 120

PROPOSED PROGRAMME BUDGET FOR THE BIENNIUM 1982-1983

REVIEW OF THE MULTILATERAL TREATY-MAKING PROCESS

Administrative and financial implications of the draft resolution
contained in document A/C.6/36/L.13/Rev.1

Statement submitted by the Secretary-General in accordance with
rule 153 of the rules of procedure of the General Assembly

1. The Sixth Committee, at its 64th meeting held on 1 December 1981, adopted the draft resolution contained in document A/C.6/36/L.13/Rev.1. It had before it a statement of financial implications A/C.6/36/L.22.

2. Under the terms of operative paragraphs 2, 5 and 6 of the draft resolution contained in document A/C.6/36/L.13/Rev.1, concerning the review of the multilateral treaty-making process, the General Assembly would, inter alia:

(a) Decide in the light of statements made on this item at the thirty-sixth session to establish at the thirty-seventh session of the General Assembly a working group of the Sixth Committee;

(b) Request the Secretary-General to prepare documentation containing the material and information listed in annex II of the 1981 report of the Secretary-General 1/ in the form of a provisional version of a volume in the Legislative Series, as well as a topical analysis of the observations and replies received, in time for use by the working group referred to in paragraph 2;

(c) Request the Secretary-General to prepare and publish as soon as possible new editions of the Handbook of Final Clauses and the Summary of the Practice of

1/ A/36/553 and Add.1-2.

the Secretary-General as Depositary of Multilateral Agreements, taking into account relevant new developments and practices in that respect.

3. Since the Working Group called for in operative paragraph 2 above is to be a sessional body of the Sixth Committee, it is understood that the sessions of the working group would be scheduled in such a manner that meetings services could be provided within the entitlement of the Sixth Committee.

4. In connexion with operative paragraph 5, the Secretary-General envisages that, with due regard to the existing publication programmes in the legal field and bearing in mind the nature and contents of the material that has been received pursuant to the review of multilateral treaty-making process (as listed in annex II of the report of the Secretary-General, 1/) it would seem most appropriate to publish it as a separate volume of the United Nations Legislative Series. However, at this stage, it is considered that printing would not be required, as it is envisaged that only a preliminary version of the material that has been collated and arranged will be issued for use of the working group. On this basis, it appears that financial implications would arise in respect of the translation (about 30 pages from Russian and 70 pages from Spanish) into English in the amount of \$12,400.

5. Under the terms of operative paragraph 6, the General Assembly would request the Secretary-General to prepare and publish as soon as possible new editions of the Handbook of Final Clauses and the Summary of the Practice of the Secretary-General as Depositary of Multilateral Agreements, taking into account relevant new developments and practices in that respect. In this regard, the Secretary-General envisages that although he is in a position to provide the framework as well as guidance and supervision for the preparation of new editions of the Handbook and of the Summary of depositary practices, in view of the anticipated workload in 1982, it would not be possible to undertake, within existing resources, the preparations of the Handbook, 2/ the basic volume of which is to be produced in 1982. In the light of the aforementioned, the Secretary-General considers that it would be necessary to engage the services of a consultant to assist him in the preparation of the Handbook at an estimated cost of \$11,400. It is further proposed that in order to carry out the preparation of the Handbook it would be necessary to provide for two additional word-processing work stations and a printer at an estimated cost of \$13,700.

6. Concerning the preparation of the Summary of the Practice of the Secretary-General as Depositary of Multilateral Agreements, it is too early to make a reliable estimate of the length of this publication, but it is expected that only preparatory work will take place during 1982 and preparation of copy is unlikely to start before 1983. On this basis, the Secretary-General envisages that the preparation of the publication would be carried out within existing resources.

2/ A description of the proposed publication is attached as the annex to the present report.

7. In summary, therefore, should the draft resolution be adopted by the General Assembly, additional resources in an amount of \$37,500 would be required under section 26 of the proposed programme budget for the biennium 1982-1983 as referred to in paragraphs 3 and 4 above.

Annex

DESCRIPTION OF PROPOSED HANDBOOK OF FINAL CLAUSES

1. Volume I is to set out, in chronological order, the full texts of the "final" or "formal" clauses of all treaties of which the Secretary-General is a depositary (including those incorporated in the original Handbook of Final Clauses). The formal clauses to be covered will essentially be the same ones as those covered by the original Handbook. This volume would in effect replace the existing "Annexes" to Multilateral Treaties in respect of which the Secretary-General performs depositary functions (ST/LEG/SER.D/1, annex and Supplements 1-12 etc.). This will make it possible to examine particular clauses in the context of the related provisions.
2. Volume II of the new Handbook is to contain, on a similar basis, the final clauses of a selection of multilateral treaties, both worldwide and regional, of which the Secretary-General is not the depositary.
3. Volume III is to contain a detailed index of volumes I and II, indicating under headings similar to but perhaps more detailed than those of the table of contents of the original Handbook, the places in volumes I and II where clauses meeting the indicated descriptions can be found.
4. Each volume would be produced in bound form. Volumes I and II would be supplemented each year by a bound booklet, while volume III could, at least initially, be reissued annually; alternately any supplement to it would be cumulated annually (so that a search in the index would never require reference to more than two places: the original volume III and the latest cumulative supplement thereto).
5. As all the texts are to be entered immediately on a word processing machine with indexing capability, and would also be directly transferable to a computer, it will be possible to produce without great effort ad hoc publications responding to particular needs (e.g., texts of all arbitration clauses), or to republish the entire Handbook with any desired change of format. Any such new publication could, of course, always be completely up to date.
