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REVIEW OF ECONOMIES WHICH MAY BE EFFECTED IN  
THE REGISTRATION AND PUBLICATION OF TREATIES

Note by the Division of Immunities and Treaties, Legal Department

I. Introduction

1. The Advisory Committee in its second report of 1949 to the General Assembly (A/934, page 23, paragraph 116) stated that it had "again given consideration to the heavy expenditure involved in the registration, translation and printing of the Treaty Series...". The Committee then said it was of the opinion that:

"a substantial economy in this field is possible of achievement, if the General Assembly could see its way to assent to a modification of the prevailing practice in order to grant discretion to the Secretary-General, in consultation with the contracting parties, to dispense with the publication of voluminous annexes to treaties dealing with commercial or technical matters of an ephemeral character."

2. Already in its thirteenth report of 1948 (A/744, page 6, paragraph 16), the Advisory Committee had drawn attention to the considerable expenditure involved in the registration and publication of treaties, but at that time had made no specific suggestions for the effecting of economies.

3. The remarks concerning the registration and publication of treaties contained in the second report of 1949 of the Advisory Committee, were examined by the Fifth Committee of the fourth session of the General Assembly at its 202nd meeting (Official Records, Fifth Committee, 1949, page 100, paragraphs 9, 17-21). Dr. Kernö, Assistant Secretary-General in charge of the Legal Department reminded the Committee of the regulations to give effect to Article 102 of the Charter which had been approved by the General Assembly in resolution 97(I). He said: "For the time being the Legal Department must adhere to those regulations, which it could not itself modify, but it was studying how they worked in practice and it intended to submit to the General

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Assembly, in the following year, proposals to adapt them to circumstances." The representatives of Brazil and Australia expressed the hope that a report containing proposals on the registration and publication of treaties would be submitted to the fifth session of the General Assembly. Dr. Kerno assured the Committee that such a report would be submitted.

4. With regard to the Advisory Committee's recommendations for the effecting of economies by other ways (see above citation from the second report for 1949), Dr. Kerno said that the Legal Department was re-examining the problem in the light of these recommendations. Mr. Agnides then indicated that the Advisory Committee's recommendations in this aspect were "no more than a suggestion", but that "considerable savings could certainly be made in that field especially in respect of commercial treaties"; and that "the Secretary-General alone could not, however, take a decision on the matter, as the views of the Governments of the contracting States should be taken into account."

5. The question was also discussed in the 174th meeting of the Sixth Committee of the fourth session of the General Assembly (Official Records, Sixth Committee, page 210, paragraphs 7-9). Dr. Kerno referred to the aforementioned discussion in the Fifth Committee and re-emphasized the intention of submitting a report on the subject to the fifth session of the General Assembly with a view to possible amendments to the registration regulations.

6. Dr. Kerno discussed the question of whether annexes to treaties should be published in the Treaty Series and remarked that "the problem of effecting economies was not a simple one. In many cases, an annex to a treaty was more important than the treaty itself, and consequently had to be published as, for example, in treaties of demarcation of frontiers and in those regarding tariffs."

7. He also recalled "that the language requirements of the regulations were that each treaty should be published in the original language and in French and English translations; the General Assembly had attached great importance to publishing the original texts; as a result, a great number of languages were involved."

8. It will be seen from the foregoing that no radical changes in the manner of registration or publication of treaties can be effected without appropriate amendments of the regulations. In this review of economies it is proposed to distinguish between those which require amendments to the Registration

Regulations and those which do not so require. Within the former group the following matters may be considered in the light of experience as most needing amendment: publication economies related to article 12 of the Regulations; and registration economies related to articles 7 and 8 of the Regulations. Amongst the other ways in which economies may be effected without the need of amending the Regulations, particular attention has been drawn to the following topics: the dispensing with annexes and model texts; printing economies with special reference to original languages, and the printing of the Treaty Series in Europe; and the reduction of the free mailing list. It will be observed that some of these possible economies may affect the budget directly, and some others only indirectly.

## II. Review of economies requiring amendments to the Regulations

### A. Publication economies

9. Article 12 of the Regulations requires that "the Secretariat shall publish as soon as possible in a single series every treaty or international agreement which is registered, or filed and recorded, in the original language or languages, followed by a translation in English and French." (Underscoring added; and see paragraph 7 above.) The Secretariat in a "Working Paper on the Question of Registration and Publication of Treaties and International Agreements" (A/C.6/1) which was submitted to the Sub-Committee of the Sixth Committee at the first part of the first session of the General Assembly, raised the question regarding the languages in which the publication of treaties should be undertaken. The relevant paragraph reads as follows:

"10. Technical arrangements as to the publication of the Treaty Series of the United Nations may be safely left to the Secretary-General who may, however, desire to have for his guidance the views of the General Assembly as to the languages in which the publication should be undertaken. The League of Nations Treaty Series published the relevant texts in English and French, and neither of these languages was the original language of the treaty or agreement, in its original language. In view of the high costs connected with the translation and publication of such documents, and the limited number of potential subscribers to the Treaty Series, it is submitted that a solution of the question for the United Nations should be sought on practical lines."

Nevertheless, the Regulations as adopted by the General Assembly continued the practice established by the League of Nations in this respect.

10. It may be pertinent now to illustrate what article 12 involves apart from

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the considerable extra secretariat and translation work and the inevitable delay in publication which is occasioned by the strict adherence to this requirement. The first twenty-six volumes of the Treaty Series which were published up to the end of 1949 contained altogether 9,974 pages including the annexes. The number of these pages containing original texts including annexes in languages other than French and English totalled 1,544, which is about 15 per cent of the whole. A study of comparison of costs between what the first fourteen volumes actually cost to publish, and what they would have cost had the English and French languages only been used indicates that a saving of \$15,300 would have been effected. This would have represented a saving of about 25 per cent since the total cost of the publication of the first fourteen volumes was about \$61,000. A further and similar study of comparison of costs in respect of volumes 16 to 26 indicates that had the French and English languages only been used, a saving some \$7,300 would have been achieved, which would have represented a saving of about 30 per cent since the total cost of the publication of these volumes was about \$25,500. It will be appreciated that the percentage, as represented by the saving which could have been made, increased, although the total cost of publication itself decreased considerably.

11. In the light of the foregoing, the General Assembly may desire that an appropriate amendment to article 12 of the Regulations be made, in order to eliminate the provision requiring the publication of treaties in the original language or languages. It may be thought that Article 102 of the Charter precludes such action in so far as it requires that all treaties and international agreements registered with the Secretariat shall be published by it. On the other hand, there may be room for the view that such an amendment may involve only a reasonable interpretation of Article 102 and that, in this connexion, the words "to publish" do not carry with them the implication "to publish in its original form", but only to publish so that the underlying purpose and principle of Article 102 of the Charter are fulfilled. It may, therefore, be thought that, not only from a practical standpoint but also from a legal one, the requirements of Article 102 would be satisfied if the Treaty Series were to be published only in the working languages of the United Nations, namely, English and French. (See also paragraphs 20-22.)

B. Registration economies

12. Article 7 of the Regulations states:

"A certificate of registration signed by the Secretary-General or his representative shall be issued to the registering party or agency and also to all signatories and parties to the treaty or international agreement registered."

The requirement of this article whereby not merely the registering party or agency receives a certificate of registration but also all signatories and parties to the treaty or instrument concerned has entailed considerable work for the Division of Immunities and Treaties. It may be thought that these certificates are of little value, in view of the fact that by articles 13 and 14 of the Regulations, the Secretariat is required to publish and send to all Members of the United Nations every month a statement of all treaties, international agreements, registered or filed and recorded during that time. In practice, therefore, the information contained in the certificate issued under article 7 is in any case conveyed to all Members of the United Nations by the monthly statement, thus involving at the present time a considerable duplication of secretarial work. In the light of these circumstances the General Assembly may desire that article 7 be amended so that the certificate of registration would be required to be issued only to the registering party or agency. This would be in conformity with the League of Nations practice. At the same time, as a matter of administrative arrangement, the Secretariat could send the monthly statement to all non-Members of the United Nations who were signatories or parties to any treaty or international agreement registered or filed and recorded. Until now only Switzerland and Austria have requested to receive the monthly statement, but by extending this to all the other non-Member States concerned, this would provide them with the same information which they now receive in the certificates and entail considerable less work for the Secretariat.

13. Article 8 of the Regulations stipulates that "the Register shall be kept in the five official languages of the United Nations". This requirement has therefore involved the keeping of five separate registers, each containing all the particulars with regard to each treaty or international agreement which are also required by the other provisions of article 8.

14. Whatever the original considerations which prompted the General Assembly to approve of this requirement in the Regulations, there do not appear to be any

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practical reasons for continuing this multi-lingual presentation. A not inconsiderable expense is naturally involved in the necessity of maintaining five separate registers, since it necessitates not only much additional secretarial work but also translation work in the form of passing all the details of the new entries from the Legal Department to the Translation Division and vice versa. For these reasons the General Assembly may desire that an amendment be made to article 8 so that the register would only be required to be kept in the two working languages of the United Nations. Such a reduction in the present requirements would inevitably result in considerable economy in terms of both financial outlay and Secretariat man-hours.

### III. Review of economies not requiring amendments to the Regulations

#### A. Annexes

15. Certain other ways may now be considered whereby economies may be effected which it is thought would not involve amendments to the Regulations. Reference may be made to Mr. Aghnides' statement as set out in paragraph 4 above and to the remarks made by Dr. Kerno in the Sixth Committee as set out in paragraph 6 above, concerning the question of publishing annexes to treaties. It may be considered that this question may be resolved by the Secretariat and the Governments of the Contracting Parties concerned, having regard to the usefulness of the particular annexes.

16. It is clear that certain types of annexes, even though they may be of considerable length, must be essentially included in the Treaty Series for a proper understanding of the treaty itself. This may be said to be true in respect of treaties or international agreements concerned with the demarcation of frontiers, and tariff agreements etc. On the other hand, however, where voluminous material is forwarded to the Secretariat such as in the case of a postal agreement, were these all to be published, a separate volume of the Treaty Series might have to be consecrated to one such agreement.

17. An example of a case where the annexes to certain agreements forwarded for registration constituted a much larger volume of material than the agreements themselves, occurred in respect of the agreement between Norway and the Union of Soviet Socialist Republics concerning the demarcation of the State frontier between Norway and the USSR, which was forwarded for registration by the Norwegian delegation. Upon the transmittal of the documents constituting the aforementioned agreement and after discussion with the

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Secretariat regarding the nature of these documents, which were voluminous, the Norwegian Permanent Representative stated inter alia in the accompanying letter that:

"In view of the voluminous annexes to this agreement and possible difficulties which might arise in connection with their reproduction in the Treaty Series, particularly with regard to numerous maps and protocols describing the frontier marks, and containing their printed sketches, I wish to inform you that my Government does not consider it absolutely essential that all these annexes should be published. However, it is understood that all the above-mentioned annexes will be registered by you together with the agreement itself, that copies of these will remain in your files, and that mention of them is made in the Treaty Series. It is furthermore understood that this procedure will not in any manner affect the validity of the registration."

It will be seen that the procedure adopted in this case was one which not only avoided the reproduction in the Treaty Series of the numerous maps and protocols concerned, but also conformed strictly to the legal requirements of the registration regulations.

B. Model texts

18. Another manner in which the duplication of material for the Treaty Series may be avoided is whereby the full text of certain treaties or agreements may be omitted where they are but examples of model texts. An instance of a series of treaties or agreements containing virtually identical texts are those concluded between the Secretary-General and the United Nations Appeal for Children. It was not thought necessary to print more than one such text and the others were referred to by appropriate footnotes. It is likely that a similar procedure will be adopted after appropriate consultation between the parties concerned with regard to the agreements concluded between the United Nations International Children's Emergency Fund and the various Member and non-Member States. It is thought that this procedure is both a reasonable interpretation of Article 102 of the Charter, and of the Registration Regulations. It may be considered desirable to continue this practice in other cases which may arise.

C. Printing economies

19. Consideration may also be given to the question of printing the Treaty Series in Europe. It appears from the inquiries which have been made in this connexion, that a substantial economy could be effected such that the printing

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would cost only three-quarters of the present price. However, at the same time, there are certain technical difficulties to be overcome though these are not in themselves insuperable. During 1950 as a trial measure three volumes are being printed in Europe. These three volumes are straightforward and they were selected precisely because they represented simple projects in English and French only.

20. In this respect, it may be emphasized that the factor presenting the greatest difficulty for the printing of the Treaty Series in Europe is the necessity of publishing the original languages where these are not English and French (see paragraphs 9-11). The list of original languages apart from the three official languages other than English and French, includes Arabic, Icelandic, Japanese, Persian and Siamese etc., and it has been found that only about a half dozen printing houses in Europe are adequately equipped to undertake such work. The present indications are that if the printing of volumes containing all languages were transferred to European printing firms at this time, a reduction in the speed of production would ensue and the present schedule required by General Assembly resolution 364(IV) would be retarded by at least four months.

21. However, it has been ascertained, on the other hand, that a very large number of printing firms would be able to handle the printing of the Treaty Series if the languages were confined to English and French.

22. It may be noted that the Committee on Contracts has recently approved in principle the printing of the Treaty Series in Europe having regard to the saving of about 30 per cent that this represents. It is hoped that the present schedule for the General Assembly will be met under the existing arrangements, and that thereafter the transfer to Europe of the printing will gradually take place. It may be emphasized that pursuant to the instructions of the General Assembly a special effort has been undertaken by the Secretariat to reduce the delay between the registration and publication of treaties from one year to six months. This effort might well be placed in jeopardy by relying upon European printing firms to handle the number of volumes which are required so long as the present language requirements exist. It may be mentioned in this regard that the printing of the indexes to the Treaty Series which is to appear in French and English only, is being done at the present

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time in Europe.

23. It will be recalled that in its second report of 1948 to the General Assembly (A/596, page 28, paragraph 139), the Advisory Committee observed that the work involved in the Treaty Series "would be greatly facilitated, and economies effected, if members were able in drawing up treaties in an unofficial language, to have a second and equal text created in one of the working languages". There is no doubt that it would be of great advantage and reduce considerably the enormous time involved in translation of lengthy material were official translations from registering parties to be forwarded to the Secretariat in all cases where the original text is not in one of the working languages. Whether or not article 12 is amended to exclude original languages other than French and English, it might be considered desirable to introduce the present matter in the form of a recommendation by the General Assembly to be contained in the general resolution for the fifth session on the subject of registration and publication of treaties.

24. Another way of reducing expenses involved in the Treaty Series may be to reduce to a minimum the free issue of such volumes. During 1949, seventeen volumes were issued, and out of a total of 2,500 copies printed per volume, the following number were given away per volume:

198 to the delegations,  
88 to the Secretariat, and  
555 to the free mailing list.

It may be thought that the question of the distribution of the Treaty Series is worthy of re-examination and it may be mentioned, in this respect, that at the present time this question is being reconsidered by the Publications Board within the general framework of all distribution questions.

25. There are at least two ways in which from a technical point of view small economies might be effected in the publication of the Treaty Series. One is the question of using somewhat less expensive quality paper instead of the present high quality. This, of course, would only involve a slight reduction in expenses and it may be considered that the disadvantages might outweigh such a reduction.

26. The suggestion may also be made that economies could be made by printing the ordinary text of the Treaty Series in smaller type. It has been ascertained

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after consultation with the Printing Section that probably about \$3,000 may be saved in this way per annum. The annexes are already printed in smaller type and the extension of this type to the whole text would save a certain number of pages per volume. Other technical questions involved whereby economies may be effected by changes in the printing of the Treaty Series are currently under discussion with the Printing Section, who by their own initiative are taking advantage of every occasion to effect such economies.

IV. Summary of economies reviewed in this note

27. (A) Economies requiring amendments to the Regulations

(1) Amendment to article 12 of the Regulations so that the Treaty Series would be required to be published only in the working languages of the United Nations, namely, English and French (paragraphs 9-11).

(2) Amendment to article 7 of the Regulations, so that the Certificates of Registration would be required to be issued only to the registering party or agency (paragraph 12).

(3) Amendment to article 8 of the Regulations, so that the Register would be required to be kept only in the two working languages of the United Nations (paragraphs 13-14).

(B) Economies not requiring amendments to the Regulations

(1) Dispensing with the publishing of certain annexes to Treaties (paragraphs 15-17).

(2) Dispensing with the publishing of model texts (paragraph 18).

(3) Printing of the Treaty Series in Europe (paragraphs 19-22).

(4) The forwarding of official translations by registering parties in all cases where the original text of a Treaty is not in one of the working languages of the United Nations (paragraph 23).

(5) Reduction of the free mailing list (paragraph 24).

(6) Use of lower quality paper (paragraph 25).

(7) Printing of the Treaty Series in smaller type (paragraph 26).

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