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CONTENTS

	Page
Report of the International Law Commission on the work of its second session (A/1316) (<i>concluded</i>)	247
Registration and publication of treaties and international agreements (A/1408)	249

Chairman: Mr. V. OUTRATA (Czechoslovakia).

Report of the International Law Commission on the work of its second session (A/1316) (*concluded*)

[Item 52]*

1. The CHAIRMAN invited the Rapporteur to introduce his proposal for the composition of the committee on international criminal jurisdiction (A/C.6/L.160). This proposal is as follows:

"The seventeen Member States referred to in the draft resolution adopted by the Sixth Committee at its 244th meeting on 27 November 1950 should be the following:

Brazil	Poland
China	Sweden
Cuba	Syria
Egypt	Union of Soviet
France	Socialist Republics
Iran	United Kingdom
Israel	United States of
Netherlands	America
Pakistan	Uruguay."
Peru	

2. Mr. KURAL (Turkey), Rapporteur, said that at the 245th meeting, two proposals for the constitution of this committee had been submitted. The names of eleven Member States had appeared on both lists. The problem therefore had been to reach agreement on the remaining six members of the committee and he had consulted with the authors of those two lists in an effort to reach a compromise. Their task had been complicated by the fact that while there were many States which would be of invaluable assistance on the committee, the draft resolution (A/C.6/L.151/Rev.1) limited the membership to seventeen. The representatives of Egypt and Uruguay had felt that as their names were included on the list, it would be more appropriate if they did not sponsor the proposal and he was therefore presenting it as his own suggestion. The text of the final corrigendum (A/C.6/L.160/

Corr.3) of this proposal (cancelling and replacing A/C.6/L.160/Corr.1 and A/C.6/L.160/Corr.2) is as follows:

"Please delete the names of Egypt and Uruguay from the list of sponsors."

3. In the belief that a seventeen-member committee would be too small, he proposed that its membership should be increased to nineteen, and that the names of Australia and India should be inserted in the list.

4. Mr. SULTAN (Egypt) endorsed the Rapporteur's remarks. He would vote in favour of the list submitted, with the addition of the names of Australia and India. He did not feel it was appropriate for him to sponsor a proposal recommending his country for membership in the proposed committee. That was one of the reasons for which he had decided to withdraw his sponsorship of the text under discussion.

5. Mr. DROHOJOWSKI (Poland) said that for reasons already given, his delegation could not participate in the proposed committee. He therefore asked that the name of Poland should be withdrawn from the proposal (A/C.6/L.160).

6. Mr. VAN GLABBEKE (Belgium) said, in connexion with the Rapporteur's statement, that his delegation supported the proposal for the composition of the committee on international criminal jurisdiction. He was pleased that the name of the Netherlands had been included, for that nation had made a valuable contribution to the preparatory work on the question. He regretted, however, that the name of Australia had not been included, as that country represented a legal system which should be taken into account in the composition of the committee.

7. He had hoped the matter could be settled without further discussion, but in the light of the Rapporteur's remarks and of the corrigenda distributed to the original proposal (A/C.6/L.160), the problem had become more difficult. As matters stood, the Committee was being asked to improvise amendments to the draft resolution it had duly adopted at the 245th meeting. That

* Indicates the item number on the General Assembly agenda.

was a most unwise and dangerous procedure for it might create an unfortunate precedent.

8. He regretted that the Polish delegation could not participate in the work of the proposed committee. The withdrawal of that delegation might, however, make it possible to include the name of Australia without amending the draft resolution.

9. His first impression on seeing the proposal for the composition of the committee was that the Secretariat had erred in including the name of Egypt as a co-sponsor of the proposal and that the document A/C.6/L.160/Corr.1 merely rectified that mistake. From the remarks of the Turkish representative, however, it was clear that things had happened otherwise. The Egyptian withdrawal was due to some mysterious reason which had been discussed behind the scenes. As a result, it appeared that the Egyptian and Uruguayan delegations no longer wished to sponsor the proposal.

10. The document could of course have been inaccurate from the outset, or on the other hand, the Secretariat might have made a mistake. Such was not the case, however, for it now seemed that the Egyptian delegation had changed its position and he wondered why.

11. At the 245th meeting, the Chairman had announced that there were two lists of names for the membership of the committee. The Cuban representative had characterized one of the lists sponsored by two South American delegations as a "pirated" list. In the circumstances, therefore, he wondered what the Sixth Committee was doing. He thought it should adhere to the decisions it had taken in due and proper form. It should also be informed why two of the original movers of the proposal before the Committee had withdrawn their sponsorship.

12. He repeated that his delegation had no objections to the list as it stood, although it regretted that the name of Australia had not been included and that the Polish delegation did not wish to participate in the committee. He insisted, however, that the Committee should adhere to the rules and regulations. When it had voted upon a decision in the proper way, it should not attempt to amend its decision by improvisation.

13. Mr. KURAL (Turkey), Rapporteur, remarked that the paper before the Committee was not an official document but merely a suggestion put forward by him. In that case, as in the case of any document submitted to the Committee, the author could discuss the text with other delegations and amend it as he saw fit until it had become an official document. He thought that if the Committee attempted to lay down rules for dealing with documents before they had been prepared and submitted as official texts, the work would become unduly complicated.

14. As the Polish delegation had withdrawn, he thought the name of Australia could be inserted in the list. He had also proposed the name of India, which would bring the list to eighteen instead of seventeen members. If the Committee wished to accept that suggestion, it could decide, by a two-thirds majority, to reopen consideration of the draft resolution it had adopted at the 245th meeting.

15. Mr. SULTAN (Egypt) had been surprised by the remarks of the Belgian representative. He regretted

that the Belgian delegation had accused him of working behind the scenes. That had never been the policy of the Egyptian delegation. It had always attempted to work in a spirit of conciliation and co-operation with the other members of the Committee. In accordance with that policy, he had not drawn the attention of the representative of Belgium to certain inconsistencies in the position of the Belgian delegation.

16. Mr. MOROZOV (Union of Soviet Socialist Republics) said his country did not wish to participate in the work of the proposed committee on international criminal jurisdiction. It was opposed to the establishment of that body and had therefore voted against the draft resolution (A/C.6/L.151/Rev.1). He had explained his government's views at the 243rd meeting of the Sixth Committee. As the members were aware, the USSR felt the establishment of the proposed committee and the preparation of a draft statute and convention on an international criminal jurisdiction were contrary to the principles of State sovereignty. For that reason it could not participate in the proposed committee.

17. Mr. MAURTUA (Peru) endorsed the remarks of the representative of Egypt. He regretted that the Belgian representative had spoken in such harsh terms of a proposal which his government had submitted to the Committee at the 245th meeting. In making its suggestion, the Peruvian delegation had merely attempted to expedite a decision on the composition of the proposed committee. That proposal however had not been binding upon the Committee. Moreover, the Cuban representative had not made the remark attributed to him by the Belgian representative. He had merely said that he had discussed his proposal with various delegations and that it could therefore be considered authoritative. Mr. Maúrtua pointed out, however, that the Peruvian and Dominican delegations could make the same observation concerning their proposals. He could not therefore accept the Belgian representative's statement.

18. Mr. JIMENEZ DE ARECHAGA (Uruguay) recalled that at its 245th meeting, the Committee had been faced with the onerous duty of choosing between two proposed lists. In the hope of reaching an agreement, the Rapporteur had suggested that an attempt should be made to prepare a single list which would be acceptable to all the members. He had assisted in drafting the list which was before the Committee.

19. Through a misunderstanding, he had been led to think it would be the Rapporteur only who would sponsor the list. His delegation did not wish to appear as sponsor of the text, and it was for that reason that he had withdrawn its name as co-sponsor.

20. Nevertheless, that did not imply that he had withdrawn his support of the proposal; on the contrary, his delegation would vote in favour of it. He also agreed that the names of India and Australia should be included in the list.

21. Lastly, he said that in choosing the States to be proposed for appointment on the committee, the names of those representing one legal system had been drawn by lot, and he therefore could assure the Belgian representative that there was no mystery in the matter at all.

22. Mr. HERRERA BAEZ (Dominican Republic) associated himself with the remarks made by the representatives of Peru and of Egypt. He regretted that the Belgian representative had made such a statement.

23. Mr. LASSEN (Sweden) recalled that at the 245th meeting, the Peruvian representative had objected to the composition of the committee on international criminal jurisdiction as proposed by Cuba, France and Iran, because Sweden and Panama had not been included, despite the fact that the reports to the International Law Commission on the question of an international criminal jurisdiction had been prepared by Mr. Sandström of Sweden and Mr. Alfaro of Panama. They had been appointed special Rapporteurs on that vital question partly because they held opposite views in the matter. In reply, the Brazilian representative had stated that Mr. Sandström had given his views in his personal capacity and not as the representative of his government, that the committee under consideration would be composed of government representatives and that it was possible the Swedish Government held views different from those of Mr. Sandström. Mr. Petren had stated to the Sixth Committee, however, that although the Swedish Government had not yet taken a position in the matter, it took a critical view of the subject, and that fundamentally its opinions coincided with those expressed by Mr. Sandström.

24. The Swedish delegation would agree to be a member of the proposed committee if Sweden were appointed to it. In the original list prepared by Cuba, France and Iran, however, Denmark had represented the Scandinavian States. That nation had experience in dealing with war criminals, whereas Sweden did not. For that reason, among others, therefore, he would withdraw the name of Sweden in favour of Denmark.

25. The CHAIRMAN observed that the addition of Australia and India to the list would imply a reconsideration of the draft resolution adopted at the 245th meeting.

26. In reply to Mr. MAURTUA (Peru), the CHAIRMAN stated that the Committee could either reconsider its previous decision; decide to appoint a committee of nineteen and leave the names of Poland and the USSR on it; or it could substitute the names of Australia and India for those of Poland and the USSR, both of which had stated that they did not wish to participate in the Committee.

27. Mr. MAKTO (United States of America) suggested that the Chairman's second solution should be adopted.

It was so agreed.

28. The CHAIRMAN put to the vote the amended proposal, according to which the committee on international criminal jurisdiction would be composed of the following Member States: Australia, Brazil, China, Cuba, Denmark, Egypt, France, India, Iran, Israel, Netherlands, Pakistan, Peru, Syria, United Kingdom, United States of America, and Uruguay.

The proposal, as amended, was adopted by 36 votes to none, with 6 abstentions.

29. Mr. SAIB (Iraq) said he had voted in favour of the proposal as a whole. If the Committee had taken a vote on the separate members of the proposed body,

however, he would have voted against the inclusion of Israel because Iraq did not recognize that government.

Registration and Publication of treaties and international agreements (A/1408)

[Item 54]*

30. Mr. KERNO (Assistant Secretary-General in charge of the Legal Department) wished to inform the Committee of the current situation regarding the publication of volumes of the Treaty Series. Thirty-seven volumes had already been distributed. Volumes 38 to 54 inclusive had been prepared and would be distributed as soon as they had been printed. As the Secretary-General's report (A/1408) and the Advisory Committee's second report (A/1312) indicated, the Secretariat had been requested to reduce its budget for printing. The Secretary-General had found that the Treaty Series could be printed at less expense in Europe, but that naturally entailed some delay. That was why there were so many volumes prepared for publication which had not yet been issued. The printer had informed the Secretariat, however, that volumes 38 to 50, inclusive, would be ready shortly. In that connexion, he drew attention to the fact that the interval between the registration of treaties and their publication had been reduced in one year from sixteen months to twelve. He hoped that the printing difficulties would be settled and that the current time lag could be reduced to five months, which was the normal delay.

31. Mr. MAKTO (United States of America) said his delegation had circulated a draft resolution on the question of the registration and publication of treaties and international agreements (A/C.6/L.154) to which the United Kingdom had submitted various amendments (A/C.6/L.156). The draft resolution of the United States (A/C.6/L.154) is as follows:

"The General Assembly,

"Having considered the report of the Secretary-General on the registration and publication of treaties and international agreements (A/1408), and the observations in this regard of the Advisory Committee on Administrative and Budgetary Questions (second report of 1950, A/1312),

"1. Notes with satisfaction the progress achieved in regard to the registration and publication of treaties,

"2. Invites Members and non-members parties to treaties or international agreements subject to publication under article 12 of the regulations to give effect to Article 102 of the Charter of the United Nations, to provide the Secretary-General, where feasible, with translations in English or French or both as may be needed for the purposes of such publication,

"3. Amends the first sentence of paragraph 1 of article 8 of the regulations to give effect to Article 102 of the Charter of the United Nations to read:

"1. The register shall be kept in the English and French languages.

"4. Requests the Secretary-General, when acting under article 12 of the regulations to give effect to Article 102 of the Charter of the United Nations, to

continue, as economically as practicable, without undue delay and without sacrifice of uniformity in style and record permanence, to publish all treaties and international agreements in their full and unabridged form, including all annexes, *provided* however, that in the reproduction of annexes, he may in his discretion employ less expensive methods of reproduction.

"5. *Requests* the Secretary-General regularly to review the free mailing list with a view to its possible reduction."

32. He felt that the economy measures in the registration, publication and translation of treaties and international agreements proposed in the Secretary-General's report should not be adopted as a whole, in view of their ultimate effect upon the underlying purpose of Article 102 of the Charter. In evaluating those proposals, the long-range view and not merely the exigencies of the current excessively heavy work-load, should be taken into consideration. Although the proposed measures might be justified on grounds of budgetary considerations alone, it would be inadvisable to put such proposals into practice if the resulting economies impaired the effectiveness of Article 102 and the regulations to give effect thereto.

33. One such measure was the proposal to publish the Treaty Series in English and French only, thus omitting original texts in other languages. If that proposal were adopted, however, article 12 of the regulations would have to be amended, for as it stood it required that texts of treaties and agreements should be reproduced in the original language or languages followed by a translation in English and French.

34. The United States felt that no translation could ever represent the exact equivalent of an original text. The Advisory Committee in its second report (A/1312, page 56) had endorsed that view. Nor did the United States concur in the view expressed in paragraph 12 of the Secretary-General's report that "the words 'to publish' do not carry the implication 'to publish in its original form' but only to make public . . . in a manner that will fulfil the underlying purpose of Article 102". His delegation considered that a treaty must be proclaimed in all the languages in which it had been signed. That was the procedure his government followed in the *Treaties and Other International Acts Series* and in the *United States Statutes at Large*. As the United States was opposed to publishing the Treaty Series only in French and English, its draft resolution (A/C.6/L.154) did not recommend that procedure.

35. It was also proposed to issue certificates of registration only to the registering party or agency. That proposal would require an amendment to article 7 of the regulations. The United Kingdom delegation supported that proposal and had even submitted an amendment to article 7.

36. He thought it would be inappropriate to adopt that procedure, however, since the obligation to register rested equally on all parties, until they were relieved of that duty by actual registration by one of the parties. Each party was therefore entitled to formal evidence of such relief. Moreover, official notification was even more important to the non-registering party, since it might be the only formal evidence of registration on record in its files.

37. The Advisory Committee argued that the issue of certificates only to a registering party or agency would not have a restrictive effect since, in view of articles 13 and 14 of the regulations, full information on registration of treaties and agreements would continue to be transmitted to all Members through the Treaty Series and the monthly statements of treaties and agreements registered or filed and recorded. If the information in those publications were considered official notification for recording purposes for one party, it should be so considered for all. There would then be no need to issue a certificate of registration to any party.

38. The United States did not think, however, that such information constituted appropriate evidence of registration. In that connexion, he remarked that in all likelihood there would usually be at least a six-months interval between the date of registration of a text and its publication in the Treaty Series. Although in the monthly statements the interval between registration and the publication of the salient information was much less, nevertheless, that information was not presented in appropriate documentary form and would have to be extracted before it could be filed with the original instrument.

39. The United States suggested that instead of reducing the number of registration certificates issued, the United Nations should consider simplifying the form of the certificate and the procedure for its issue. For example, a carbon copy duly authenticated by the appropriate official, or a photostatic copy of the original certificate, might be furnished to the non-registering party or agency instead of the duplicate original currently provided.

40. He thought it would be inadvisable to adopt the proposal to dispense with the publishing of certain annexes to treaties and agreements, a proposal which had been taken up in paragraph 3 (b) of the United Kingdom amendments. An annex was normally an integral part of a treaty or agreement and often constituted the most important part of the whole text. The adoption of the United Kingdom amendment would defeat the underlying purpose of Article 102 of the Charter and it might provide a loophole which would enable States to withhold vital details of a treaty from publication by including them in an annex. The consent of the parties to refrain from publishing annexes would not relieve the Secretariat from its obligations under Article 102.

41. Moreover, what might appear to be minor details in the year of publication might later assume special importance. It appeared from the Advisory Committee's report (A/1312) that that method of effecting economies had already been employed in the past. It would, however, be disturbing if the practice should continue to develop. In support of the practice, the Advisory Committee had stated that the omission from the Treaty Series of a part or the whole of an annex to a treaty or agreement could not be construed as affecting the validity of the registration.

42. Such a statement seemed to imply a certain confusion in the interpretation of Article 102 of the Charter. That Article embodied two distinct obligations. It provided, in the first place, that every treaty and every international agreement contracted after 24 October 1945 should be registered with the Secretariat, and,

secondly, that such treaties and agreements should be published by the Secretariat. Furthermore, article 5 of the regulations to give effect to Article 102 of the Charter of the United Nations provided that the copy of the text of a treaty or agreement submitted to the Secretariat should be certified as a "true and complete copy". There was no provision either in Article 102 of the Charter, or in the regulations, for the omission from publication of any portion of a registered text. Accordingly, it was the true and complete copy of the text accepted by the Secretariat for registration which should subsequently be published by the Secretariat.

43. In paragraph 3 (c) of its amendments (A/C.6/L.156), the United Kingdom delegation had taken up the Advisory Committee's proposal to dispense with the publishing of model texts. There again he considered that the proposal contravened the specific requirements of Article 102 of the Charter and articles 5 and 12 of the regulations. Moreover, Mr. Maktos called attention to the danger inherent in determining whether such a text was "almost" identical with one already published. His delegation believed that every treaty and agreement registered with the Secretariat should be published in its entirety in the Treaty Series, whether it were an annex or a so-called "model" text.

44. As for the proposal that registering parties should be required to submit an official translation in cases where the original text of a treaty or agreement was not in English or French, his delegation agreed with the Advisory Committee that that should not be done in the form of a demand but should take the form of a request to Member States to provide a translation wherever feasible.

45. Finally, it had been proposed that lower quality paper and smaller type face should be used for the printing of the Treaty Series. The estimated savings seemed small in proportion to the disadvantages when considered from a long-term point of view. The volumes in the Treaty Series were usually retained by those to whom they were supplied as a permanent part of their reference libraries. It would therefore be better to fix a higher charge for copies than to change the grade of paper and size of type.

46. In conclusion, it should be borne in mind that the volume of treaties and agreements currently submitted for registration and publication had reached an unprecedented peak due to the unsettled conditions in the world during the past few years. It was therefore probable that the volume of treaties and agreements negotiated would gradually diminish.

47. Consequently, whatever the economy measure proposed, it should always be evaluated in the light of its ultimate effect upon the underlying purpose of Article 102 of the Charter and not merely in the light of immediate budgetary considerations or present excessively heavy work-load.

48. Mr. VALLAT (United Kingdom) expressed appreciation of the valuable and comprehensive report submitted by the Secretariat. He was glad to note the progress achieved during the past year. His delegation, like that of the United States, had always been a firm supporter of the provisions of Article 102 of the Charter and he assured the Committee that his amendments

would not in any way undermine the purpose of that Article. Those amendments (A/C.6/L.156) are as follows:

"1. After paragraph 2 of the operative part of the United States draft resolution insert a new paragraph 3 as follows:

"3. *Amends* article 7 of the regulations to give effect to Article 102 of the Charter of the United Nations to read:

"A certificate of registration signed by the Secretary-General or his representative shall be issued to the party or agency which registers a treaty or international agreement'.

"2. Alter paragraphs 3, 4 and 5 of the United States draft resolution to become paragraphs 4, 5 and 6.

"3. Delete the last two lines of paragraph 4 of the United States draft resolution beginning with the words 'provided however' and substitute the following:

"Provided that,

"(a) In the reproduction of annexes, he may in his discretion employ less expensive methods of reproduction,

"(b) He may, with the consent of the party or parties or the agency registering a treaty or international agreement, refrain from publishing any annex to that treaty or agreement, and

"(c) If the text of any treaty or international agreement is almost identical with the text of one which has already been published in the United Nations Treaty Series, he may publish only such part of the treaty or agreement, together with any necessary explanatory note, as may be required to show clearly how the later treaty or agreement differs from the earlier one.'"

49. With regard to the first amendment on certificates of registration, the United States representative had objected that each contracting party was entitled to receive formal evidence of release from its obligation to register the treaty or agreement in question. There did not, however, seem to be any special provision to that effect either in the Charter or in the regulations. All that was really needed was that the contracting parties should be clearly informed of the registration of the treaty. Indeed, it was usually more convenient for governments to peruse the monthly list of treaties registered, which was sent out by the Secretariat, than to have to examine each certificate of registration. He did not agree that the logical conclusion of the adoption of his delegation's amendment would be that the certificate of registration might be abolished completely. In his opinion, it was quite reasonable that the party or agency which registered the treaty should receive a certificate, which would set a formal seal on the transaction.

50. As for paragraph (b) of the third amendment of the United Kingdom, he did not think it would in any way enable States to evade the obligation to register treaties. Article 5 of the regulations providing for registration of the complete text would remain intact. All that the amendment would do would be to enable the Secretary-General in certain cases to refrain from publishing detailed annexes in the Treaty Series. The refer-

ences to those annexes would remain in the text of the treaty, and the annexes themselves would be available for inspection by any government which wished to consult them. Mr. Vallat felt that the Secretary-General could be relied upon to insist on the publication of any annex containing provisions likely to be of interest to Member States in general. At the same time, the procedure would be in full compliance with the basic purpose of Article 102 of the Charter which was to prevent the conclusion of secret treaties.

51. The same arguments applied to paragraph (c) of the third amendment. States consulting the Treaty Series would be able to reconstruct the entire text of a given treaty by referring to the relevant portions of an earlier treaty together with the portions of the new treaty which differed from the earlier one. The question was thus simply one of editing, and the amendment could not in any way be considered as contravening Article 102 of the Charter.

52. Apart from the additional economies suggested in its amendments, his delegation supported the United States draft resolution (A/C.6/L.154), which did not mean that it did not accept the other economies suggested in the Secretary-General's report.

53. With regard to paragraph (2) of the United States draft resolution, he assumed that any translation provided would be in addition to the original text, which States were bound to supply under the regulations.

54. Mr. BARTOS (Yugoslavia) thanked the Secretary-General for his excellent report on the subject. He would confine his remarks to the highly important question of the publication of annexes to treaties and international agreements. He felt sure that everyone would agree that annexes were an integral part of treaties and that important points of substance were often contained in annexes rather than in the body of the treaty. He could not therefore agree to paragraph (b) of the third United Kingdom amendment.

55. It appeared from that amendment that the contracting parties were to be given discretion as to which portions of the treaties concluded among them should be published. The basic purpose of Article 102 of the Charter was to prevent the conclusion of secret treaties and the United Kingdom amendment would undermine that purpose. Even if a treaty concerned only the contracting parties, it was the collective property of the community.

56. Regarding paragraph (c) of the third United Kingdom amendment, he wondered what exactly was meant by the words "almost identical". Some texts which were almost identical in wording might actually contain some highly important change of substance. He would be prepared to agree to a proposal that texts of new treaties which were completely identical with the text of one which had already been published, should not be reproduced, but he could not agree to the words "almost identical" contained in the United Kingdom amendment.

57. Mr. KERNO (Assistant Secretary-General in charge of the Legal Department) drew the attention of the United Kingdom representative to certain difficulties which might face the Secretary-General if para-

graph (b) of the third United Kingdom amendment was adopted.

58. According to the regulations, any contracting party was entitled to register a treaty. Thus the adoption of the United Kingdom amendment would mean that the Secretary-General could refrain from publishing an annex to a treaty with the consent of only one of the contracting parties. He wondered what would happen if the other contracting parties were subsequently to express disagreement with such a decision. The difficulty could be avoided by specifying that the consent of all the contracting parties would be necessary. In the case of multilateral treaties, however, it might take some time before it was known which were all the contracting parties and to obtain the consent of all, and the publication of the treaty would then be delayed.

59. There remained the question whether non-publication of annexes was contrary to Article 102.

60. Mr. VALLAT (United Kingdom) replied that his delegation had taken that difficulty into account when drafting its amendment. He agreed that it would be difficult to consult all the contracting parties in the case of multilateral treaties, but pointed out that such treaties were often negotiated through organizations. Thus the Organization concerned would be able to express the wishes of all the contracting parties when registering the treaty. In the cases of treaties with a smaller number of contracting parties, any party which felt strongly that the whole text of the treaty including the annexes should be published could forestall any attempt to refrain from publishing an annex by itself registering the treaty and thus becoming the party to be consulted in the matter.

61. He again emphasized that all annexes would be available for inspection even if the United Kingdom amendment was adopted. In order to allay some of the misgivings expressed, he would amend the last part of paragraph (b) of the third amendment to read "... refrain from printing in the United Nations Treaty Series any annex to that treaty or agreement".

62. Mr. MAURTUA (Peru) said that it appeared from the conclusions in the Advisory Committee's report that the Secretary-General could be authorized to dispense with the publication of certain treaties dealing with commercial or technical matters of an ephemeral character. He emphasized however that such agreements might still constitute important precedents for the future of international law. For instance, at a recent international conference the problem of economic aggressions through treaties had been discussed, but had remained unsolved. He deplored any implication that the conclusion of secret treaties was dangerous only if the treaties were political in nature.

63. With regard to the first United Kingdom amendment, he agreed with the United States representative that all parties to a treaty should receive a certificate of registration.

64. Mr. KERNO (Assistant Secretary-General in charge of the Legal Department) explained that the Advisory Committee had never suggested that treaties which were not political should not be published. The Advisory Committee had simply suggested that it might not be necessary to publish certain annexes to treaties

dealing with commercial or technical matters of an ephemeral character. The treaties themselves would continue to be published.

65. Mr. MOROZOV (Union of Soviet Socialist Republics) did not agree with the United States representative that the United Kingdom amendments were likely to endanger the application of Article 102 of the Charter. The first amendment dealt with a purely technical procedure and seemed perfectly acceptable. Regarding the question of annexes, the amendment again seemed quite reasonable and did not contravene the provisions of the Charter. The annexes would have to be submitted, even if they were not published. Paragraph (c) of the third amendment did not provide that treaties which were almost identical with others already published should not be published at all. It simply provided that only the parts which differed from the earlier treaty should be published. Thus the fears expressed by the United States representative were quite unfounded.

66. Moreover, there was nothing new in the United Kingdom amendments, for they simply reproduced suggestions contained in the Secretary-General's report and the Secretary-General had a great deal of experience in the matter. He was therefore prepared to accept the United Kingdom amendments.

67. Mr. ERICKSEN-BROWN (Canada) noted, with reference to paragraph 1 of the United Kingdom amendment (A/C.6/L.156), that a certificate of registration was of little practical importance and was needed only in such rare cases as when a party to a treaty wished to prove that the treaty had been registered with the United Nations. That party need not necessarily be the one which had registered the instrument with the United Nations, and he therefore proposed that the last phrase in paragraph 1 of the United Kingdom amendment should be amended to read: "a certificate of registration signed by the Secretary-General or his representative shall be issued to the registering party or agency or upon request to any party to a treaty or international agreement registered."

68. Mr. VALLAT (United Kingdom) accepted the Canadian representative's amendment.

69. Mr. ORIBE (Uruguay) said that he had certain doubts about the United Kingdom amendment (A/C.6/L.156). It was true that economy was necessary, and it was also true that the registration and publication of international instruments was a costly operation. Nevertheless, the Uruguayan delegation was opposed to any false economy which might result in diminishing the usefulness and effectiveness of that work. International instruments concluded at present would constitute important source material on current international relations for future reference. They became increasingly inaccessible shortly after their conclusion, and one of the purposes of registering and publishing them was precisely to ensure their availability in years to come. It should not be left to the Secretary-General or the parties concerned to decide whether all or part of the text of an agreement should be published. The texts should be published *in toto* and in the original language as well as in English and French translations.

70. He thought that the proposal in the last paragraph of the United States draft resolution for a review of the free mailing list was reasonable and might lead to economy. He also suggested that the price of the volumes might be increased.

71. Mr. ROBERTS (Union of South Africa) thought that there was general agreement on the desirability of economy as well as the need to retain an effective system of publication. His delegation supported the United States draft resolution (A/C.6/L.154) and paragraph 1 of the United Kingdom amendments to it (A/C.6/L.156), as modified by the representative of Canada. There could be no objection to effecting economy with respect to registration certificates since, as pointed out in the Secretary-General's report (A/1408, paragraph 15), the Secretariat, under articles 13 and 14 of the regulations, was required in any case to publish and send to all Member States every month a statement of all treaties and international agreements registered or filed and recorded during each month.

72. As regards the remaining paragraphs of the United Kingdom amendments, while fully in favour of economy wherever practicable, his delegation thought, however, that it might be dangerous to leave questions of publication of international instruments to be decided by the Secretary-General. The purpose of Article 102 of the Charter was to prevent secret diplomacy, and that could be done only by publishing in full international agreements which, after all, were of interest to all nations. Moreover, he had found, from his own experience, that compression of legal documents by reference to other documents could raise difficulties for those who wanted to study their text, for example when the previous documents referred to in an agreement were not readily available.

73. In view of those considerations, he supported the United States draft resolution and the first paragraph of the United Kingdom amendments as amended by Canada.

74. Mr. BALLARD (Australia) supported the United States draft resolution and the United Kingdom amendments to it. With reference to paragraph 3 of the United Kingdom amendment, he thought that there seemed to be some confusion between registration and publication of instruments. The objection had been raised that omission of parts of treaties from publications would be conducive to secrecy.

75. He noted in that connexion that before publication, the treaties and all relevant annexes were registered in full with the United Nations and, hence, accessible to the public. The United Kingdom amendments did not violate the letter or the spirit of the Charter, for the extent to which publication had to be carried, nor provide that annexes should be published in the Treaty Series to the same extent as the main texts. The General Assembly therefore was fully competent to take whatever measures for economy it deemed appropriate in that connexion.

76. The Assistant Secretary-General in charge of the Legal Department had pointed out, with reference to paragraph 3 (b) of the United Kingdom amendment, that there might be disagreement among the parties to a multilateral convention as to whether or not certain

parts of that convention should be omitted from the published texts. He noted that the proposed regulation gave the Secretary-General discretion to omit the annexes. He might think of exercising his discretion if the annexes were readily available elsewhere, but, although the registering party might consent to their omission, if it came to his knowledge that another party objected, that fact would doubtless influence his decision.

77. Mr. PATHAK (India) noted that paragraph 3 (b) of the United Kingdom amendments gave the Secretary-General the option to refrain from publishing an integral part of a treaty and was therefore contrary to Article 102 of the Charter. He consequently agreed with the United States representative's apprehensions regarding the United Kingdom amendments.

78. Mr. ABDON (Iran) said that his delegation supported in principle the United States draft resolution, as well as paragraph 1 of the United Kingdom amendments to it as amended by Canada.

79. He shared, however, the doubts of the other representatives regarding the remainder of the United Kingdom amendments, especially paragraph 3 (b) and (c).

80. Economy was certainly an important consideration, but it should not be allowed to enter into such a vital matter as the registration and publication of international instruments, especially in view of the provisions of Article 102 of the Charter which applied to the body of treaties as well as to annexes.

81. Paragraph 3 of the United Kingdom amendment might be abused by parties not wishing certain important parts of treaties to be published. Furthermore, as the representative of Yugoslavia had pointed out, the publication of treaties was not only in the interests of the parties concerned, but also in the interests of other States. It would therefore not be right to provide, as in paragraph 3 (b) of the United Kingdom amendment, that the Secretary-General should be able to omit certain parts of treaties from publication with the consent only of the parties concerned.

82. Mr. BARTOS (Yugoslavia) wished to reply to the Australian representative's remarks. Article 102 clearly provided that no party to any instrument which had not been registered—and published—could invoke such an instrument before any United Nations organ. Perhaps the Australian representative had thought that there was a difference between registration and publication because Article 102, paragraph 2, did not mention both. The records of the San Francisco Conference showed, however, that the authors of the Charter had regarded registration and publication as one operation. Therefore, any annex which was at all part of a treaty should be published as well as registered as an integral part of it.

83. The CHAIRMAN stated that he would first put to the vote the United Kingdom amendment paragraph by paragraph, with separate votes on the individual subparagraphs of paragraph 3. After that, he would put the United States draft resolution to the vote.

84. He first called for a vote on paragraph 1 of the United Kingdom amendment as amended by Canada, which read as follows:

"3. Amends article 7 of the regulations to give effect to Article 102 of the Charter of the United Nations to read:

"A certificate of registration signed by the Secretary-General or his representative shall be issued to the registering party or agency and also, upon request, to any party to the treaty or international agreement registered'".

Paragraph 1 of the United Kingdom amendment, as amended, was adopted by 38 votes to 2, with no abstentions.

85. The CHAIRMAN noted that no vote would be necessary on paragraph 2 of the United Kingdom amendment which dealt merely with drafting matters. Paragraph 3, sub-paragraph (a) was the same as the United States text and therefore need not be put to the vote either.

Paragraph 3, sub-paragraph (b) of the United Kingdom amendment was rejected by 21 votes to 13, with 5 abstentions.

86. Mr. BARTOS (Yugoslavia) asked that a separate vote should be taken on the word "almost" in sub-paragraph (c) of the United Kingdom amendment.

The word "almost" was retained by 17 votes to 3, with 15 abstentions.

Paragraph 3, sub-paragraph (c) was rejected by 20 votes to 12, with 8 abstentions.

87. Mr. MAKTOŠ (United States of America) said that he would vote in favour of his delegation's draft resolution with the insertion of the United Kingdom amendment relating to certificates of registration. It was the understanding of his delegation that the words "upon request" in that amendment applied to both individual and standing requests for certificates of registration by States parties to such treaties.

88. Mr. MAURTUA (Peru) asked that a separate vote be taken on paragraph 3 of the United States draft resolution as it appeared in document A/C.6/L.154.

Paragraph 3 of the United States draft resolution was adopted by 23 votes to 8, with 9 abstentions.

The United States draft resolution as amended as a whole was adopted by 39 votes to none, with 2 abstentions.

The meeting rose at 6.5 p.m.