



# United Nations

## GENERAL ASSEMBLY

GENERAL

A/1100

16 November 1949

ENGLISH

ORIGINAL: SPANISH

Fourth session

Item 53

### REGISTRATION AND PUBLICATION OF TREATIES AND INTERNATIONAL AGREEMENTS

#### Report of the Sixth Committee

Rapporteur: Mr. E. FERRER VIEYRA (Argentina)

1. At its 224th meeting held on 22 September 1949, the General Assembly decided to refer the following item to the Sixth Committee for consideration: "Registration and Publication of Treaties and International Agreements: Report by the Secretary-General".
2. The Sixth Committee considered the item at its 174th meeting held on 26 October 1949 and approved, for submission to the General Assembly, two draft resolutions which are reproduced at the end of the present report.
3. In his report dated 24 August 1949 on the registration and publication of treaties (A/958) the Secretary-General informed the General Assembly of the progress made and the difficulties encountered in this connexion. During the discussion on 26 October the Assistant Secretary-General in charge of Legal Affairs gave supplementary information regarding registration and publication up to 30 September 1949.
4. In view of the Secretariat's statement that certain economic difficulties might arise in maintaining the rhythm of publication, the Sixth Committee was of the opinion that the importance of this work and its continuation were matters of fundamental concern to the United Nations.
5. Finally the Committee approved a draft resolution proposed by Iran (A/C.6/L.46) with amendments submitted by Argentina and the United Kingdom to the effect that the General Assembly notes with satisfaction the progress achieved in regard to the registration and publication of treaties and requests the Secretary-General to take all necessary measures to bring about the earliest possible publication of all treaties and agreements. The draft resolution, which the Sixth Committee submits for the approval of the General Assembly, was unanimously adopted by the Committee and appears at the end of the present report as Resolution A.
6. Paragraph 5 of the Report by the Secretary-General reads as follows: "The Secretary-General has, on various occasions, stressed that it is desirable, in the case of multilateral agreements, that the depository should submit them for registration. This point was taken up in the Sixth Committee's report on the registration and publication of treaties

/and international agreements

and international agreements, during the second regular session of the General Assembly. However, when the United Nations is the depository of a multilateral agreement to which it is not a party, that agreement cannot be registered ex officio unless the agreement expressly provides for such registration, since article 4 of the regulations to give effect to Article 102 of the Charter of the United Nations does not contain any provision to this effect. Difficulties have arisen in practice in this connexion, and it might therefore be well to supplement the regulations by adding to the first paragraph of article 4 a subparagraph (c) permitting registration ex officio in all cases in which the United Nations is the depository of a multilateral treaty."

7. In connexion with this paragraph of the Report by the Secretary-General, the delegation of Ecuador submitted a proposal for the addition of a new subparagraph (c) to the first part of article 4 of regulations adopted by the General Assembly on 14 December 1946 to give effect to Article 102 of the Charter of the United Nations. (Resolution 97 (I)).

8. The proposal of Ecuador was discussed by the Sixth Committee with reference to Article 102 paragraph (1) of the Charter which provides that every treaty and every international agreement entered into by any Member of the United Nations after the entry into force of the Charter shall as soon as possible be registered with the Secretariat and published by it.

9. After various opinions had been expressed in the Committee regarding the legal position of the depository of a treaty in relation to the Power to register it and regarding the right and duty which may be implied in Article 102 of the Charter, the Committee approved the proposal by 38 votes to none with 6 abstentions.

10. The draft resolution which the Sixth Committee submits to the General Assembly for approval appears at the end of the report as Resolution B.

11. The Sixth Committee submits the following two draft resolutions to the General Assembly for approval in connexion with the item on the registration and publication of international treaties and agreements.

REGISTRATION AND PUBLICATION OF  
TREATIES AND INTERNATIONAL AGREEMENTS

A

The General Assembly,

Having considered the report of the Secretary-General on the registration and publication of treaties and international agreements,

1. Notes with satisfaction the progress achieved in regard to the registration and publication of treaties;
2. Notes moreover that the number of treaties registered during the past twelve months has considerably increased;
3. Requests the Secretary-General to take all necessary measures to bring about the earliest possible publication of all registered agreements and treaties.

B

The General Assembly,

Approves the addition of the following sub-paragraph (c) to paragraph 1 of article 4 of the regulations to give effect to Article 102 of the Charter of the United Nations adopted by the General Assembly on 14 December 1946 (resolution 97\*(I)):

" (c) Where the United Nations is the depository of a multilateral treaty or agreement".

-----