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AGREEMENTS PURSUANT TO ARTICLE 102 OF THE CHARTER OF  
THE UNITED NATIONSReport of the Secretary-General

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## I. INTRODUCTION

1. The General Assembly, in its decision 35/436 of 15 December 1980, took note of the report of the Secretary-General (A/35/423) and included in the provisional agenda of its thirty-sixth session the item entitled "Registration and publication of treaties and international agreements pursuant to Article 102 of the Charter of the United Nations". The purpose of this report is to indicate the results achieved during the biennium 1980-1981 in pursuance of the resolutions previously adopted by the General Assembly on this question. Certain other questions directly or indirectly affecting the registration and publication of treaties and international agreements are also discussed in this report.

## II. REVIEW OF PAST ACTION BY THE GENERAL ASSEMBLY

2. It may be recalled that the increase in the number of treaties and international agreements submitted to the Secretariat for registration had for some time been causing delays which might jeopardize the implementation of Article 102 of the Charter of the United Nations, especially where publication of the United Nations Treaty Series was concerned. In the first place, the number of treaties required to be published necessitated large budgetary appropriations, and in many cases the nature of the treaties no longer bore any relation to the purpose and intent of that Article. Secondly, in the absence of an increase in the staff of the Treaty Section of the Office of Legal Affairs, the Secretary-General's depositary functions, which had expanded by 70 per cent over the past 10 years, could be performed only at the expense of registration and publication. In this connexion, the actions described below were taken.

3. In its resolution 33/141 A of 19 December 1978, the General Assembly amended article 12 of the regulations to give effect to Article 102 of the United Nations Charter, 1/ in order to allow the Secretary-General the option not to publish in extenso bilateral agreements belonging to certain specified categories. As a result, the annual publication programmes for volumes of the United Nations Treaty Series were reduced by more than 20 per cent, to approximately 40 volumes a year. The resulting savings amounted to approximately \$500,000 a year.

4. In its resolution 35/226 A of 17 December 1980, the General Assembly, approved under the programme budget for the biennium 1980-1981 2/ the Secretary-General's revised estimates, which were designed to keep the manning table of the Treaty Section at the level required by the average workload determined for the year 1979: depositary functions (average of 750 formalities a year), registrations (average of 2,050 a year) and publication (average of 40 volumes a year).

5. It may be recalled in this connexion that, in accordance with the wishes expressed by the General Assembly in its resolution 33/141 B, the

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1/ Resolution 97 (I), as amended by resolutions 364 B (IV) and 482 (V).

2/ Sections 26 and 29 A of the proposed programme budget (Legal activities and Department of Conference Services, Headquarters: revised estimates).

Secretary-General, in order not to prejudge the level of resources to be decided upon by the General Assembly for the biennium 1980-1981, had made temporary assistance available to the Treaty Section in 1979. In 1980, in order to take account of the decisions adopted by the General Assembly at its thirty-fourth session on the proposal of the Fifth Committee (A/C.5/34/SR.84, paras. 69-81), the Secretary-General had made available to the Treaty Section, on a temporary basis and within the available budgetary appropriations, the staff requested under the above-mentioned programme budget.

6. Lastly, with regard to elimination of the backlog in the publication of the United Nations Treaty Series, the General Assembly, in its resolution 35/226 A, having taken note of the nine-year recovery plan proposed by the Secretary-General, approved the appropriations for the implementation of the first phase of the plan (1980-1981). 3/

### III. ELIMINATION OF THE BACKLOG: RESULTS

#### A. Registration

7. On 31 August 1981, the two Legal Officers responsible for registration were working on files received in March 1981. Thus, there was a backlog of five months, as against 24 months on the same date in 1979 and 10 months on that date in 1980. It is expected that the backlog in registration, which until 1978 was showing a steady and regular increase, will have been practically eliminated by the end of 1981.

8. In the case of the monthly statements of treaties and international agreements registered or filed and recorded with the Secretariat, the last fascicle, issued on 31 August 1981, was for the month of December 1978. Fascicles were issued in 1980 at the normal rate of one a month and there has been no reduction of the backlog, which is still 33 months, since the monthly statements are supposed to be issued at the end of the month following the month of registration. This situation is due to the fact that the Treaty Section has lost some staff and the new staff members have to be trained in the many complicated procedures involved in computerization, the monthly statement being produced by the United Nations Treaty Information System (SIONUT). However, it may be noted that, during the first eight months of 1981, 16 manuscripts, or an average of two a month were sent to the printers and that, as indicated in the two previous reports (A/34/466, para. 14, and A/35/423, para.4), it should be possible to eliminate the backlog in 1982.

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3/ See the report of the Secretary-General (A/C.5/34/40 and Corr.1 and 2, paras. 19-29); and the oral recommendation of the Advisory Committee on Administrative and Budgetary Questions and the recommendation of the Fifth Committee (A/C.5/34/SR.84, paras. 69-80).

B. Publication

9. The General Assembly last year took two actions to restore regularity in the publication of the United Nations Treaty Series. Firstly, it provided the Secretariat (specifically the Treaty Section) with the funds needed to meet the present annual publication programmes (an average of 40 volumes). Secondly, it noted the nine-year plan proposed by the Secretary-General to eliminate the backlog, estimated at 260 volumes on 31 December 1979, in accordance with the following schedule:

Year	Basic annual programme	Elimination of backlog	Total number of volumes of <u>Treaty Series</u> to be issued
	(number of volumes to be issued)		
1980	40	0	40
1981	40	10	50
1982	40	20	60
1983	40	40	80
1984	40	40	80
1985	40	40	80
1986	40	40	80
1987	40	40	80
1988	40	30	70
9 years	360	260	620

10. This plan is based on the assumption that, over a period of nine years, the number and bulk of the treaties and international agreements registered with the Secretariat each year will remain constant and will not require the publication of more than 40 volumes a year. In any event, the General Assembly, in its resolution 35/226 A, approved the appropriations needed to implement the first two-year phase of the plan for the issuance of 40 volumes in 1980 and 50 in 1981, while providing that the implementation of the plan should be reviewed every two years.

11. Seventeen volumes of the Treaty Series were published in 1980; for 1981, as at 31 August, 11 volumes had been issued for general distribution. Although 1980 was officially the first year of the recovery plan, the plan was not finally approved until December 1980. It is true that the Secretary-General had made available to the Treaty Section, in the form of temporary assistance, resources to permit the issuance of 40 volumes in 1980, but there were recruiting and training difficulties

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to contend with. In addition, other specific difficulties are encountered at each of the stages in the production of volumes of the Treaty Series, namely: (a) the stage of translation into French and English of treaties concluded in other languages (Translation Division, Department of Conference Services); (b) the copy editing stage (Treaty Section, Office of Legal Affairs); and (c) the printing stage (Publishing Division, Office of Conference Services).

### 1. Translation of treaties

12. The translation into French and English of treaties and international agreements published in the Treaty Series has always been a critical phase in the process of producing the volumes, since treaty translation largely depends on the priorities of the Translation Division and those priorities result mainly from the documentation prepared for meetings, the amount of which is constantly increasing and is never entirely predictable. The annual output of treaty translations (especially in French) is therefore irregular and continues to vary a great deal. In 1978 there were enough translations to compile 45 manuscripts, while in 1979 and 1980 it was possible to produce only the number needed for 40 manuscripts each year. Nevertheless, the output of translations in 1981 is expected to be such as to allow the preparation of more than 40 manuscripts.

### 2. Copy editing

13. Implementation of the plan meant that the Treaty Section would have to compile manuscripts at a rate of at least three a month in 1980 and four a month in 1981. Because of personnel problems in the Treaty Section (recruiting and training), this rate could not be achieved during the first eight months of 1980; it was not until September 1980 that it became possible to send to the Department of Conference Services, on a regular monthly basis, an average of three manuscripts. During 1981, as at 31 August, 24 manuscripts have been compiled and it is believed that 16 more can be finished by 31 December 1981. In all, therefore, 60 manuscripts will have been produced during the biennium 1980-1981. Although these figures are still below the 1978-1979 estimates, they represent a 100 per cent increase (from 31 to 60) over the preceding biennium.

### 3. Printing

14. Under the recovery plan, six months are allowed for printing operations (technical preparation of copy, external printing, proof-reading, etc.). This means that any evaluation of the production of the Treaty Series during the biennium 1980-1981 must take into account, in addition to the 30 volumes issued for general distribution as at 31 August 1981, copy sent to the Publishing Division up to 30 June 1981 for publication by 31 December 1981. Steps have been taken with a view to the issuance for general distribution during the biennium 1980-1981 of 54 volumes of the United Nations Treaty Series, account being taken of the fact that most deliveries are made in the second half of the year and of delays in transport or delivery.

#### IV. PROSPECTS

15. At present, the number of registrations of treaties and international agreements (actual agreements and subsequent formalities such as ratifications, accessions, denunciations and amendments) remains at the same high level as was noted in the previous reports (2,305 in 1977, 2,228 in 1978, 2,050 in 1979 and 2,075 in 1980). Although the staffing of the Treaty Section was calculated on the basis on the 1979 workload, the backlog in registration at that time was 24 months <sup>4/</sup> and no additional temporary assistance was requested to eliminate that backlog, which, so far as the administrative and legal registration operations are concerned, is expected to be eliminated by 31 December 1981 (while the delay in issuing the monthly statement of treaties registered or filed and recorded should be eliminated in 1982).

16. With respect to the depositary functions of the Secretary-General, the workload has increased very substantially in comparison with 1979. In the first place, the number of multilateral treaties for which the Secretary-General performs depositary functions has risen from 301 on 31 December 1979 to 312 on 31 August 1981; in addition, depositary formalities, of which there were 750 in 1979, numbered 529 during the first eight months of 1981. It is therefore to be feared that, if the number of depositary formalities of which States have to be notified continues to increase during the biennium 1982-1983, performance of the Secretary-General's depositary functions, which allows of no delay, will make it imperative either to request assistance or to assign to depositary functions some of the staff responsible for registration. If the latter alternative had to be resorted to, it might be that implementation of the publication recovery plan would suffer, since registration is in fact the first stage leading to publication. There is some hope, however, that greater use of SIONUT, including its use in respect of depositary functions, will at least partially offset any such increase.

17. As regards the issuance of volumes of the Treaty Series, only 60 per cent compliance with the recovery plan will have been possible by the end of the biennium 1980-1981. The delays occurred in copy editing during the first eight months of the plan. They were partly due to the administrative difficulties inherent in embarking on a plan of this magnitude, the first phase of which was not finally approved until December 1980. As regards 1981, the recruitment, scheduled to begin in July 1981, of additional staff for copy editing, who can be trained by the end of the year, should make it possible to compile five manuscripts a month, which is the number needed in order to issue the 50 and 60 volumes of the Treaty Series planned for 1982 and 1983. It may be noted, however, that the delays in production during the biennium are offset by the non-utilization of the relevant funds for temporary assistance.

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<sup>4/</sup> Resolution 32/144 of 16 December 1977 indicates a backlog of 20 months.

V. OTHER QUESTIONS RELATING TO THE REGISTRATION AND  
PUBLICATION OF TREATIES AND INTERNATIONAL  
AGREEMENTS

A. Questionnaire regarding activities in the matter  
of international agreements

18. In its resolution 34/149 of 17 December 1979, the General Assembly noted that, in order to achieve better co-ordination of action in the matter of the registration and publication of treaties and international agreements and to prepare, if necessary, new modifications of the General Assembly regulations to give effect to Article 102 of the Charter, the Secretariat, on 9 October 1979, had sent to Governments and certain intergovernmental organizations a questionnaire regarding activities in the matter of international agreements. At the thirty-fifth session, the Secretary-General indicated that he planned to report on the matter to the General Assembly at the thirty-sixth session at the earliest (A/35/423, para. 7).

19. As at 31 August 1981, the Governments of 23 States (Australia, Bahamas, Denmark, Egypt, Germany, Federal Republic of, Greece, Guatemala, Hungary, India, Israel, Italy, Liechtenstein, Netherlands, Niger, Qatar, Romania, Singapore, Solomon Islands, Sweden, Switzerland, United Kingdom of Great Britain and Northern Ireland, United States of America and Yugoslavia, 8 specialized agencies (International Labour Organisation, Food and Agriculture Organization of the United Nations, International Civil Aviation Organization, United Nations Educational, Scientific and Cultural Organization, International Bank for Reconstruction and Development, World Health Organization, Universal Postal Union and World Meteorological Organization) and the International Atomic Energy Agency, and 5 intergovernmental organizations (Council for Mutual Economic Assistance, European Free Trade Association, European Communities, Council of Europe and Organisation for Economic Co-operation and Development) had sent substantive replies to the Secretariat.

20. A large number of Governments - including some which are depositaries of important multilateral agreements - have not yet been able to answer the questionnaire. The replies received by the Secretariat are not equally representative of all regions, and some replies were received very recently. It should also be mentioned that the replies range from purely statistical data to voluminous documents of which a synopsis should be prepared. Lastly, the suggestions concerning modification of the General Assembly regulations to give effect to Article 102 of the Charter are still too few.

21. For these various reasons, the Secretary-General felt that it would be premature to submit to the General Assembly a detailed report, which in any event would be simply a progress report and therefore of only marginal value. It was thought better to schedule the presentation of such a report for the thirty-seventh session, or even a later session, because in a field as extensive as that covered by the questionnaire, and in particular in view of the possible modification of the General Assembly regulations, it is important to have on hand replies substantially reflecting the views of the members of the international community as a whole.

B. Cumulative index to the volumes of the United Nations Treaty Series

22. Cumulative indexes (English and French versions) have been issued up to No. 11, which covers treaties and international agreements registered in 1970 and contained in volumes 701 to 750. The French version of Cumulative Index No. 12 is now with the printers; the English version is still in the final stage of preparation of the copy.

23. Although since 1974 the monthly statements of treaties and international agreements registered or filed and recorded with the Secretariat have each year included a cumulative index, that summary publication, which is produced by SIONUT, is not intended to replace the Cumulative Indexes to the volumes of the Treaty Series. Action has been taken to ensure that the considerable delay in issuing the cumulative indexes to the volumes of the Treaty Series is gradually eliminated under the publication plan. With that end in view, responsibility for the preparation of the cumulative indexes, which since 1956 had been entrusted to the Department of Conference Services (Dag Hammarskjöld Library) has been taken over by the Office of Legal Affairs (Treaty Section). This means that compilation of the indexes can take place simultaneously with the other registration and publication operations, without waiting for all the consecutive volumes of the Treaty Series to be issued for general distribution. In addition, the indexers will have direct access to SIONUT services.

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