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Agenda item 120

REVIEW OF THE MULTILATERAL TREATY-MAKING PROCESS

Report of the Sixth Committee

Rapporteur: Mr. Antonio VIÑAL (Spain)

I. INTRODUCTION

1. The item entitled "Review of the multilateral treaty-making process: report of the Secretary-General" was included in the provisional agenda of the thirty-sixth session of the General Assembly pursuant to paragraph 7 of Assembly resolution 35/162 of 15 December 1980.
2. On the recommendation of the General Committee, the General Assembly decided at its 4th plenary meeting, on 18 September 1981, to include the item in its agenda and to allocate it to the Sixth Committee.
3. In connexion with the item, the Sixth Committee had before it a report of the Secretary-General (A/36/553 and Add.1 and 2) submitted pursuant to paragraph 6 of resolution 35/162.
4. The Sixth Committee considered the item at its 54th to 57th, 63rd and 64th meetings, from 19 to 23 November and on 1 December 1981. The summary records of those meetings (A/C.6/36/SR.54-57, 63 and 64) contain the views of representatives who spoke during the consideration of the item.

II. CONSIDERATION OF DRAFT RESOLUTION A/C.6/36/L.13/Rev.1

5. At the 64th meeting, on 1 December, the representative of Australia introduced a draft resolution (A/C.6/36/L.13/Rev.1) on behalf of Argentina, Australia, Bahrain, Bangladesh, Canada, Egypt, Indonesia, Kenya, Mexico, the Netherlands, Nigeria, the Philippines, Senegal, Sri Lanka, and Uruguay, subsequently joined by Fiji, Mali and the Sudan. Bahrain later announced that it withdrew as a co-sponsor.

6. In accordance with rule 153 of the rules of procedure of the General Assembly, the Secretary-General submitted a statement (A/C.6/36/L.22) on the administrative and financial implications of the draft resolution. On behalf of the sponsors, the representative of Australia stated that, on the basis of further consultations of the parties concerned, the total financial implications should be \$26,100, it being understood that the Secretariat would prepare and publish the Handbook of Final Clauses, as requested of in paragraph 6 of the draft resolution, over a period of three years.

7. At its 64th meeting, the Committee adopted draft resolution A/C.6/36/L.13/Rev.1 by 94 votes to none, with 17 abstentions (see para. 9).

8. The representatives of the USSR, the German Democratic Republic and Brazil explained their vote before the vote. The representatives of Algeria and Zaire explained their vote after the vote.

III. RECOMMENDATION OF THE SIXTH COMMITTEE

9. The Sixth Committee recommends to the General Assembly the adoption of the following draft resolution:

Review of the multilateral treaty-making process

The General Assembly,

Bearing in mind that multilateral treaties are an important primary source of international law,

Conscious, therefore, that the process of elaboration of multilateral treaties, directed towards the progressive development of international law and its codification, forms an important part of the work of the United Nations and of the international community in general,

Recalling its resolution 35/162 of 15 December 1980, in which it invited Governments and international organizations to submit their observations on the report of the Secretary-General submitted to the General Assembly at its thirty-fifth session, 1/ as well as their comments on any other aspect of the subject,

Aware of the heavy burden which active involvement in the process of multilateral treaty-making places upon Governments,

Convinced that the most rational use should be made of the finite resources available for the elaboration of multilateral treaties,

1/ A/35/312 and Corr.1 and Add.1 and 2 and Add.2/Corr.1.

Taking into account statements made at the current session in the debate in the Sixth Committee, 2/

1. Takes note of the reports of the Secretary-General submitted to the General Assembly at its thirty-fifth 1/ and thirty-sixth 3/ sessions; including the replies and observations made by Governments and international organizations on the review of the multilateral treaty-making process;

2. Decides, in the light of statements made on this item at the thirty-sixth session of the General Assembly, to establish at the thirty-seventh session a working group of the Sixth Committee:

(a) To consider the questions raised in annex I of the report of the Secretary-General to the General Assembly 4/ and any other relevant material submitted by Governments and international organizations;

(b) To assess the methods of multilateral treaty-making used in the United Nations and in conferences convened under its auspices to determine whether the current methods of multilateral treaty-making are as efficient, economical and effective as they could be to meet the needs of the Members of the United Nations;

(c) To make recommendations on the basis of the above-mentioned assessment;

3. Invites Governments and international organizations to submit by 30 June 1982 their observations on the reports submitted by the Secretary-General, taking into account the specific questions contained in annex I of the report submitted to the thirty-sixth session as well as their comments on any other aspect of the subject, as they consider desirable;

4. Requests the Secretary-General to submit to the General Assembly at its thirty-seventh session a report containing the observations and comments received pursuant to paragraph 3 above;

5. Further requests the Secretary-General to prepare documentation containing the material and information listed in annex II of the 1981 report of the Secretary-General in the form of a provisional version of a volume in the Legislative Series, as well as a topical analysis of the observations and replies received, in time for use by the working group referred to in paragraph 2 above;

2/ A/C.6/36/SR.54 to 57, 63 and 64.

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

4/ A/36/533.

6. Also requests the Secretary-General to prepare and publish as soon as possible new editions of the Handbook of Final Clauses 5/ and the Summary of the Practice of the Secretary-General as Depositary of Multilateral Agreements, 6/ taking into account relevant new developments and practices in that respect;

7. Decides to include in the provisional agenda of its thirty-seventh session the item entitled "Review of the multilateral treaty-making process".

5/ ST/LEG/6.

6/ ST/LEG/7.