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Strengthening and promoting the international treaty framework

Review of the regulations to give effect to Article 102 of the Charter of the United Nations

Report of the Secretary-General

Summary

The present report is submitted pursuant to General Assembly resolution [73/210](#). It provides information on the practice of registration and publication of treaties and possible options to review the regulations to give effect to Article 102 of the Charter of the United Nations, taking into account outstanding issues identified by Member States.

* [A/75/100](#).



I. Introduction

1. The present report is submitted pursuant to General Assembly resolution [73/210](#), in which the Assembly requested the Secretary-General to provide a report, following broad consultations with Member States, with information on practice and possible options to review the regulations to give effect to Article 102 of the Charter of the United Nations, taking into account outstanding issues identified by Member States.

2. Article 102 of the Charter of the United Nations provides that every treaty and international agreement entered into by any Member after the entry into force of the Charter shall as soon as possible be registered with the Secretariat and published by it. The registration and publication of treaties, with their origin in Article 18 of the Covenant of the League of Nations, have a centennial history.¹

3. The regulations to give effect to Article 102 were adopted by the General Assembly in 1946² and amended in 1949,³ 1950,⁴ 1978⁵ and 2018.⁶ In 2018, following its consideration of the report of the Secretary-General on the review of the regulations to give effect to Article 102 of the Charter of the United Nations ([A/72/86](#)), the Assembly amended the regulations, as detailed in the annex to resolution [73/210](#), with a view to adapting them to the latest developments in treaty registration practice and advances in information technology and ensuring consistency with regard to the treaty-making practice of the international community. In particular, by further amending the regulations, the Assembly explicitly recognized the treaty registration role of depositaries other than the United Nations, updated the procedural requirements for treaty registration by accepting electronic submissions, discontinued the publication of the monthly *Statement of Treaties and International Agreements Registered or Filed and Recorded with the Secretariat* and limited the distribution of hard copies of the United Nations *Treaty Series* to Member States requesting them.⁷ The regulations, as amended in 2018, have applied with effect from 1 February 2019.

4. In its resolution [73/210](#), the General Assembly emphasized the need to further gather and exchange views on practice relating to the strengthening and promoting of the international treaty framework. It also noted that some Member States considered that there remained outstanding issues where the regulations might need further consideration or possible updating and requested the Secretary-General to provide information on practice and possible options to further review the regulations, taking into account outstanding issues identified by Member States.

5. By a note verbale of 27 June 2019, the Secretary-General invited Governments to submit, by 27 February 2020, any information and observations in connection with the outstanding issues concerning the regulations.⁸ As at 31 May 2020, written

¹ Article 18 of the Covenant of the League of Nations provided for the registration with and publication by the Secretariat of any treaty or international engagement entered into by the Members of the League. This obligation was introduced in order to promote public awareness of and interest in treaty-making, remove causes of distrust and conflict and contribute to the formation of a clear and indisputable system of international law. While no formal regulations were ever adopted, the Council of the League approved, in 1920, a memorandum by the Secretary-General providing guidelines for registration and publication (see League of Nations, *Treaty Series*, vol. 1).

² See General Assembly resolution [97 \(I\)](#).

³ See General Assembly resolution [364 B \(IV\)](#).

⁴ See General Assembly resolution [482 \(V\)](#).

⁵ See General Assembly resolution [33/141 A](#).

⁶ See General Assembly resolution [73/210](#).

⁷ See United Nations, note verbale No. LA 41 TR/230/Regulations/2019, 18 February 2019.

⁸ United Nations, note verbale No. LA/TR/230/Regulations/2019-2, 27 June 2019.

comments had been received from Argentina, Austria, Belgium, Finland, France, Mexico, Oman, Qatar, Spain, Switzerland and the United States of America.⁹

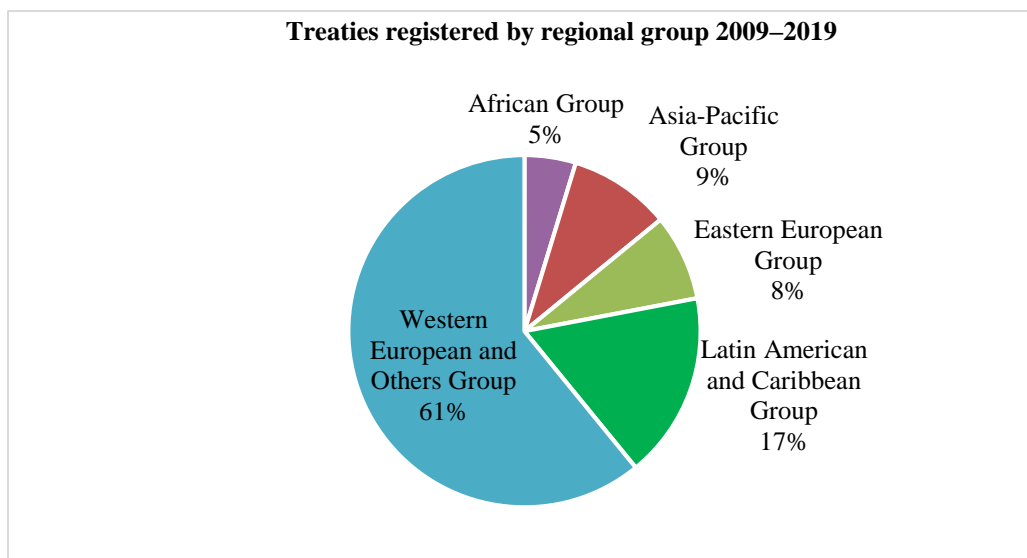
II. Review of the regulations

6. The present report first provides a description of the current status of registration and publication of treaties, the importance of which was reaffirmed by the General Assembly in its resolution 73/210. It then provides information on practice, focusing on the issues identified by Member States, namely the substantive conditions for registration; the role of depositaries other than the United Nations; electronic submissions and further uses of electronic means; the translation of treaties; the limited publication policy; the format of publication of the *Treaty Series*; and technical assistance and capacity-building. The written comments from Governments, as summarized below, and possible options to review the regulations are set out under each issue identified.

A. Reaffirming the importance of the registration and publication of treaties

7. Since 1945, more than 73,000 treaties, along with 130,000 treaty-related actions, have been registered or filed and recorded with the Secretariat. In its resolution 73/210, the General Assembly noted the considerable increase in the number of treaties submitted for registration over the past years. These treaties have become more complex over time as they have addressed a broader range of subject matters, thus also increasing in length and technicality.

8. Nonetheless, a significant number of treaties in force have not been submitted for registration. In addition, the treaty registration trends and patterns appear to be geographically imbalanced (A/72/86, paras. 14 and 15). As shown in the following chart, in the past decade, the number of treaties submitted for registration by States from different regional groups varied significantly.



⁹ The complete submissions from Governments are available on the website of the Sixth Committee of the General Assembly at its seventy-fifth session. Available at www.un.org/en/ga/sixth/75/treaty_framework.shtml.

9. As at 31 May 2020, more than 66,000 treaties registered or filed and recorded with the Secretariat since 1945 had been published in the *Treaty Series*, which is available in printed format, as well as through the searchable database United Nations Treaty Series online.¹⁰

B. Reviewing the substantive conditions for registration (article 1)

10. Article 1, paragraph 1, of the regulations provides that “[e]very treaty or international agreement, whatever its form and descriptive name, entered into by one or more Members of the United Nations after 24 October 1945, the date of the coming into force of the Charter, shall as soon as possible be registered with the Secretariat”. Article 1, paragraph 2, provides that “[r]egistration shall not take place until the treaty or international agreement has come into force between two or more of the parties thereto”.

11. Mexico noted that the regulations did not address the issue of registration of treaties provisionally applied in accordance with article 25 of the Vienna Convention on the Law of Treaties or take into account the work of the International Law Commission on that topic. Mexico requested the Secretariat to provide information on the status of the practice of registration of provisionally applied treaties, including the number of treaties and treaty actions registered in that regard, as well as to make proposals that might be useful to both Member States and the Secretariat in order to bring that practice into line with existing norms of the law of treaties.

12. The practice of registration of provisionally applied treaties finds its origin in an instruction by the Sixth Committee of the General Assembly. When drawing up the regulations at the first session of the Assembly, Sub-Committee 1 of the Sixth Committee generally agreed that the term “entry into force” was intended to be interpreted in its broadest sense.¹¹ Article 1, paragraph 2, was adopted by the Assembly on the basis of a Sixth Committee report in which “it was recognized that, for the purposes of article 1 of the regulations, a treaty comes into force when, by agreement, it is applied provisionally by two or more of the parties thereto” (A/266, para. 7 (b)). Pursuant to that instruction, the Secretariat registers treaties that, by agreement, are provisionally applied by two or more parties, with the following indication: “Entry into force: provisionally on [DATE] and definitively on [DATE]” or, in the case of treaties that have not definitively entered into force, with the following indication: “Entry into force: provisionally on [DATE]”. As at 31 May 2020, around 1,756 treaties that had provisionally entered into force and 1,427 actions¹² relating to provisional application had been registered.

13. Furthermore, in its review of submissions for registration, the Secretariat takes into account that provisions in a treaty may invoke other agreements that form a part of the treaty and are essential for the application and implementation of the treaty.¹³ For that reason, if those agreements are not yet registered, the practice of the Secretariat is to place the treaty in a “pending” file and request that those agreements

¹⁰ Available at <https://treaties.un.org>.

¹¹ See *Repertory of Practice of United Nations Organs*, vol. V (1945–1954), paras. 32–34.

¹² This figure includes actions registered in the following 12 categories: provisional acceptance; provisional acceptance/accession; provisional application; provisional application by virtue of a notification; provisional application by virtue of accession to the Agreement; provisional application by virtue of adoption of the Agreement; provisional application by virtue of signature, adoption of the Agreement or accession thereto; provisional application in respect of the Mandated Territory of Palestine; provisional application of the Agreement as amended and extended; provisional application to all its territories; provisional application under article 23; and provisional entry into force.

¹³ See *Treaty Handbook*, section 5.6.

also be submitted for registration.¹⁴ However, where provisions in a treaty refer to other unregistered agreements that are not essential for the application and implementation of the treaty, the Secretariat will proceed to register the treaty while requesting the submission of those agreements, for the completeness of the record.

14. In that regard, Switzerland reiterated its proposal that the regulations be amended to permit the registration of treaties that refer to older treaties that have not yet been registered. Switzerland indicated that, since joining the United Nations in 2002, it had endeavoured to submit all its new international agreements for registration with the Secretariat. To date, the Secretariat has postponed the registration of many agreements submitted because they refer to treaties concluded by Switzerland before or immediately after it joined the United Nations and which, consequently, have not been registered by Switzerland or by any other party to those treaties. Switzerland expressed the view that other States that may be facing a significant delay in registering their treaties would face the same situation of being unable to register treaties that refer to previous instruments. To address that issue, Switzerland reiterated its proposal that a new paragraph 2 be added to article 1 of the regulations, as follows:

2. Registration shall also apply to any treaty or international agreement transmitted by a Member of the United Nations containing a reference to other treaties concluded previously and that have not yet been registered.

15. Alternatively, Switzerland proposed that article 10 of the regulations could be amended by adding a new subparagraph (d), as follows:

The Secretariat shall file and record treaties and international agreements, other than those subject to registration under article 1 of these regulations, if they fall in the following categories:

...

(d) Treaties or international agreements transmitted by a Member of the United Nations containing a reference to other treaties previously concluded and as yet unregistered.

16. Switzerland indicated that it was willing to take further measures to catch up on the registration of its older treaties and that, at the very least, it would be necessary to maintain the current practice of postponing the registration of treaties referring to previous agreements that were not yet registered, so as not to discourage States from starting or catching up on the registration of their treaties.

17. Finally, Austria recalled that the agenda item entitled “Strengthening and promoting the international treaty framework” should be used to discuss further issues related to international treaties and treaty law and suggested focusing, for instance, on the practice of reservations and declarations to treaties, the withdrawal of signature or instruments of accession, or the obsolescence of treaties.

18. In its resolution [73/210](#), the General Assembly stressed the need to further gather and exchange views on practice relating to the strengthening and promoting of the international treaty framework. For that purpose, the Secretary-General notes that the agenda item could provide the Assembly with an opportunity for an exchange of views among States regarding their treaty-making practice on specific subtopics. In addition, the Assembly may wish to take advantage of the registration information made available by the Treaty Section for the purposes of conducting analytical studies of that treaty-making practice ([A/72/86](#), para. 23).

¹⁴ See *Treaty Handbook*, section 5.3.1.

C. Recognizing the role of depositaries other than the United Nations (article 1, paragraph 3)

19. The role of depositaries in the registration of treaties is explicitly recognized in article 1, paragraph 3, of the regulations, as amended in 2018, in which depositaries are encouraged to effect registration unless otherwise provided in the treaty or agreed by its parties. The amendment reflects the law of treaties and the long-standing practice of the Secretariat.

20. In relation to article 1, paragraph 3, Austria expressed appreciation for the explicit recognition of the role of depositaries other than the Secretary-General and highlighted its own registration role as the depositary of several multilateral treaties.

21. Furthermore, Belgium expressed the view that the obligations of depositaries should not be modified. As currently provided under article 1, paragraph 3, the registration of treaties by the depositary should be encouraged, but it should not become an obligation, since that would not be in accordance with article 77 of the Vienna Convention on the Law of Treaties.

22. France also considered it preferable not to modify the obligations of depositaries as currently provided under article 1, paragraph 3. In its view, the registration of treaties by the depositary should be encouraged and not obligatory, in accordance with article 77, paragraph 1, of the Vienna Convention on the Law of Treaties, which reserved the right of the parties to the treaty to agree to entrust the registration function to others than the depositary.

23. Switzerland welcomed in particular the amendments to the regulations concerning the explicit recognition of the role of depositaries in the registration of multilateral treaties.

24. Given the importance of the role of depositaries, the General Assembly may wish to further gather and exchange views on matters beyond registration in the context of the present agenda item. In particular, a technical exchange of views on the practice of depositaries of multilateral treaties could be a useful means of sharing best practices.

D. Facilitating electronic submissions and further uses of electronic means (articles 5, 7, 9 and 13)

25. Over the years, the efficiency of registration and publication has been enhanced by the use of electronic submissions. Article 5 of the regulations, as amended in 2018, permits a certified copy of the treaty to be submitted in electronic format, without requiring it to be submitted in hard copy. It is to be accompanied by a statement certifying that the electronic copy submitted is a true and complete copy of the original. The Secretariat accepts the certifying statement in electronic format for registration purposes. From 1 February 2019 to 31 May 2020, approximately 80 per cent of treaties submitted for registration with the Secretariat were in electronic format while the remaining 20 per cent were in hard-copy format only.

26. Further uses of electronic means are recognized in articles 7, 9 and 13 of the regulations, as amended in 2018. The United Nations Treaty Collection website provides access to the complete collection of registered treaties through the United Nations Treaty Series online, a searchable database.¹⁵ Relevant information (including the registration number, the title of the treaty, the parties, the submitter, the date and place of conclusion, the date and method of entry into force, the authentic

¹⁵ Available at <https://treaties.un.org>.

languages and the registration date), as well as the certificate of registration, are made available on the website at the time of registration. To allow registered treaties to be publicly accessible pending publication in the *Treaty Series*, the Treaty Section makes available on its website, promptly after registration, electronic copies of the authentic texts as submitted, accompanied by any courtesy translations in English or French or both, if provided. Where the treaties are translated by the Secretariat into English and French, the Treaty Section also makes such translations immediately available on its website upon receiving them, although such translations are to be considered preliminary and not the final edited texts. Published volumes of the *Treaty Series* are made available on the website at the time of their submission for printing.¹⁶ Moreover, the website offers automated subscription services, through which updates are provided to subscribers on the registration of new treaties and the publication of subsequent volumes of the *Treaty Series*.¹⁷

27. Following the deletion of the former article 13 in the amended regulations, the monthly *Statement of Treaties and International Agreements Registered or Filed and Recorded with the Secretariat* was discontinued as from 1 February 2019, since the information contained in the monthly *Statement* was already immediately available on the website. The last issue of the monthly *Statement* corresponded to the January 2019 registration period.

28. In its resolution 73/210 and previous resolutions,¹⁸ the General Assembly has repeatedly welcomed the efforts made to develop and enhance the electronic treaty database and encouraged the continuation of such efforts, while bearing in mind the challenges that many developing countries face in accessing information and communications technology.

29. Austria considered it timely to adapt the regulations to modern practices of electronic communication. Switzerland welcomed in particular the amendments to the regulations providing for electronic submissions for registration. France also welcomed the amendments, which simplified the registration procedure and facilitated the use of electronic resources in the registration and publication process. Qatar noted that Member States had offered similar ideas about the pending issue of using technology to facilitate the registration and publication of treaties, which required follow-up. Moreover, Austria suggested that the use of electronic means, such as standardized registration through a customized online tool, should be further discussed, as it could not only enhance the efficiency of treaty registration but also simplify the procedure and thereby encourage more universal treaty registration.

30. The Secretary-General has previously noted the potential efficiencies that could be explored with a more streamlined registration and publication process and adequate resources (A/72/86, para. 35). In particular, the General Assembly may wish to consider the development of an online registration tool, which would facilitate the submission of treaties for registration, as compared with submissions in hard copy and existing means of electronic submission (usually email, CD-ROM or USB key). Such a tool would permit electronic submissions to be made directly by the relevant authorities of Member States on the basis of standardized requirements for registration. Simplifying the process could also help to reduce the geographical imbalance in treaty registration (see para. 8).

31. Furthermore, the Treaty Section has made continuous efforts to develop and enhance the electronic treaty database since it was established in the 1990s (A/72/86, para. 11). Since 2018, for instance, the Treaty Section has made significant progress

¹⁶ See “Volume search” at United Nations Treaty Series online.

¹⁷ See “Automated subscription services” at United Nations Treaty Series online.

¹⁸ See General Assembly resolutions 51/158, 52/153, 53/100, 54/28, 70/118, 71/148 and 72/119.

in adapting the database to cloud-based technology. As technological advances continue to be made, the Secretary-General notes that the General Assembly may wish to encourage efforts to develop a modern electronic system to provide a better, faster and more reliable database for future users.

E. Considering the current publication policy on translation of treaties (article 12, paragraph 1)

32. Article 5 of the regulations requires every submission for registration to include the text of the treaty or international agreement in all the languages in which it was concluded. Pursuant to article 12, paragraph 1, of the regulations, 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 in French. The *Treaty Series* is considered the most multilingual publication of the United Nations, containing the texts of treaties in an estimated 100 languages (A/72/86, para. 40).

33. In accordance with General Assembly resolution 52/153, in which the Assembly encouraged States to consider providing, where available, translations in English or French or both of treaties submitted for registration, the Secretariat invites Member States to provide courtesy translations. However, courtesy translations are rarely received.

34. As mentioned above (see para. 26), promptly after registration, the Treaty Section makes the authentic texts available on the United Nations Treaty Collection website, accompanied by any courtesy translations in English or French or both, if provided. In accordance with article 12, paragraph 1, of the regulations, the authentic texts are translated by the Secretariat into English and French. Upon receiving any English or French translations, the Treaty Section also makes them promptly available on the website as part of the relevant treaty record, although such translations are not final. The authentic texts and their final translations, which are the result of extensive editorial and desktop publishing effort, are published in the relevant volume of the *Treaty Series* once finalized.

35. As the Secretary-General has previously noted, the translation of treaties, which is handled by the Department for General Assembly and Conference Management, is a delicate, time-consuming and expensive endeavour that often requires the use of external contractors (in particular when a treaty is not in one of the official languages of the United Nations) (A/72/86, para. 41). Significant amounts of time and resources are also employed to review the accuracy of translations with a view to their publication (A/72/86, para. 41). The *Treaty Series* continues to experience a backlog, owing largely to delays in translation (A/72/86, para. 42). As at 31 May 2020, the latest available volume of the *Treaty Series* corresponded to treaties registered in December 2013; approximately 3,665 requests for translation were pending completion, corresponding to an estimated 24,979 pages of translations to be published in the *Treaty Series*. A number of Member States commented on the issue of translation of treaties.

36. Austria noted the growing backlog in the publication of treaties in the *Treaty Series*, reiterated the importance of maintaining its multilingual nature and called for an open dialogue on the review of the translation policy, with a view to enhancing efficiency and ensuring the swift publication of treaties in accordance with Article 102 of the Charter. Such a review should take into account the limited resources available to Member States and the Secretariat in providing accurate translations of treaties.

37. Argentina expressed the view that it was necessary to find an urgent solution to the delays and high costs involved in the registration and publication of treaties, as mandated by Article 102 of the Charter, owing to the need for treaties to be translated into English and French by the Secretariat. Argentina called for an analysis of whether article 8, paragraph 1, of the regulations was justified. Since it was not possible for such an analysis to include all languages used by Member States, a solution should be considered in relation to the official languages of the Organization. According to Argentina, the registration and publication of treaties in any of the six official languages, with the translation of treaties from non-official languages into any of those official languages, would represent a step towards achieving linguistic equity and promoting multilingualism, while saving resources for the United Nations and for Member States. For that reason, Argentina proposed that article 12, paragraph 1, of the regulations be amended to read as follows:

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. If none of those languages is an official language of the United Nations, the publication shall be followed by a translation into any of the official languages of the United Nations. The certified statements referred to in article 2 of these regulations shall be published in the same manner.

38. Belgium indicated its support for the objectives set out in the preamble to General Assembly resolution [73/210](#), in particular the expeditious processing, registration and publication of treaties and treaty-related actions, and stressed that the shortening of publication deadlines should not be achieved at the expense of the objectives and principles of transparency, accessibility and multilingualism, recalled in resolution [73/210](#). Belgium considered that any amendment to the regulations should not create new obligations for Member States and international organizations, which could reduce the capacity of Member States to comply with their obligation under Article 102 of the Charter, resulting in a decrease in the number of treaties submitted to the Secretariat for registration and an increase in the time required for registration. Belgium expressed the view that any suggestion to remove the requirement to translate treaties into English and French under article 12, paragraph 1, of the regulations, should be avoided. It was recalled that the Secretariat of the United Nations and the International Court of Justice needed access to treaties registered and published in their working languages, which were English and French.

39. France also stressed its support for the objectives of the expeditious processing, registration and publication of treaties and treaty-related actions, but considered that the shortening of publication deadlines should not be achieved at the expense of the objectives and principles of transparency, accessibility and multilingualism; multilingualism was a fundamental value of the Organization and constituted the very reason for the registration and publication of treaties by the Secretariat. On the one hand, France considered that any amendment to the regulations should not create new obligations for Member States and international organizations, such as the obligation to provide translations to the Secretariat, which could constrain the ability of certain Member States and international organizations, particularly those with the most limited administrative and financial resources, to comply with their obligation under Article 102 of the Charter. That could result in a decrease in the number of treaties submitted to the Secretariat for registration and the establishment of a two-tier registration and publication system, which would undermine the objectives and principles of transparency and accessibility. On the other hand, France considered that full compliance with the principles of transparency, accessibility and multilingualism should lead to the rejection of any suggestion to remove the requirement to translate treaties into English and French under article 12, paragraph 1, of the regulations.

France also considered that removing such a requirement would be incompatible with the need for the Secretariat of the United Nations and the International Court of Justice to have access to treaties registered and published in their working languages, which were English and French. Therefore, France was of the view that the suggestion to remove the requirement of translation into English and French could not be accepted, and, at the very least, emphasis should be placed on the contribution made by such a requirement to the objectives of transparency, accessibility and multilingualism. France further suggested considering other measures to reduce the time taken to publish and translate treaties registered with the Secretariat (see paras. 49 and 58).

40. Finland recalled that the issues regarding the responsibility of translating treaties into one of the official languages of the Organization and the requirement that all published treaties be translated into English and French had been left without a definitive solution in the Sixth Committee. The main concerns of reducing the burden on the Secretariat to provide English and French translations of all published treaties while maintaining the required degree of transparency of international law and accessibility of treaties remained. Although the requirement of translating treaties into English and French imposed a heavy burden on the Secretariat, Finland remained concerned that directing the translation requirement at Member States could hinder their willingness to register treaties. Finland also remained concerned that removing the requirement that all published treaties be translated into English and French, or adopting alternative measures, might cause the transparency of international law and the accessibility of treaties to suffer disproportionately. For those reasons, Finland expressed the opinion that the current practice should be continued. Finland further considered that the call for Member States to provide, where available, courtesy translations in English or French of treaties submitted for registration could be included in the regulations.

41. Mexico requested the Secretariat to explore the possibility of reforming or updating the system of publication and registration of treaties in accordance with Article 102 of the Charter in relation to the use of the official languages of the Organization as well as translations, taking into account the cost to the Secretariat of preparing translations in English and French and the delay in publication owing to limited translation capacity.

42. Qatar stressed the importance of using the six official languages in the registration and publication of treaties.

43. Spain highlighted the need to reflect on possible options for revising the regulations to ensure that the publication of treaties in the *Treaty Series* was functional in terms of costs and time. Spain focused on two concerns: the cost of the translation of treaties not concluded in any of the six official languages of the Organization; and the best approach to address the translation of treaties concluded in one of the six official languages, for which having one translation, rather than two, could expedite the publication process.

44. Regarding treaties not concluded in any of the official languages, Spain suggested considering a requirement for Member States to provide treaties, either authentic texts or translations, in at least one of the six official languages. Such a requirement would eliminate the costs, in resources and time, incurred by the Secretariat in translating those treaties which were not in one of the official languages, which often required the use of external contractors. According to Spain, establishing such a requirement would not result in a shift of the costs incurred by the Secretariat to Member States, because treaties being negotiated between two States that did not share a common language were frequently negotiated in a third, "neutral" language that was one of the six official languages of the Organization. In those cases, States

could provide the Secretariat with the version of the treaty in the language in which it had been negotiated, whether or not it was an authentic text, in order to expedite publication without incurring costs for the States involved or the Secretariat. Furthermore, Spain questioned whether translations into both English and French were necessary for treaties concluded in at least one of the other four official languages of the Organization (Arabic, Chinese, Spanish or Russian). Spain expressed the view that, in such cases, it would be worthwhile to consider whether only one translation would be sufficient and to explore possible options in view of the potential savings in costs and time that could be achieved by maximizing the use of the six official languages. In that connection, Spain also commented on the format of publication of the *Treaty Series* (see para. 60).

45. The United States considered that the practical value of publishing treaty texts in the *Treaty Series* would be significantly undermined without their translation into English and French. In its view, under such circumstances, for a number of treaties, the *Treaty Series* might not contain a reliable text in any of the official languages of the United Nations. That would complicate the ability of Member States to understand and refer to such treaties, including in situations contemplated by Article 102, paragraph 2, of the Charter. In addition, the United States cautioned that the absence of such translations could deprive the International Court of Justice, whose official languages were English and French, of reliable versions of treaty texts for use in addressing matters before it and could particularly disadvantage developing States that might lack resources for translation.

46. Taking into account the views expressed by Member States, the General Assembly may again wish to recall its resolutions recognizing that multilingualism is a core value of the Organization that contributes to the achievement of the goals of the United Nations.

47. The General Assembly may also wish to reiterate its call for Member States to consider providing, where available, translations in English or French or both of treaties submitted for registration (A/72/86, para. 32). The invitation to Member States to submit such courtesy translations where available may be included in article 5 of the regulations. Furthermore, in the light of the views and proposals of Member States regarding the scope of the publication policy with respect to the translation of treaties, the Assembly may wish to consider whether or not the current policy should be reaffirmed, or whether it should be modified in order to ensure the timely publication of the *Treaty Series* while maintaining its accessibility. In that context, the Assembly may wish to reiterate its call to ensure the expedited publication of the *Treaty Series*, in accordance with the regulations, through the prompt provision of editorial and translation services, to enable effective dissemination of and access to treaties.

48. In order to alleviate the backlog in the publication of the *Treaty Series*, the General Assembly may wish to consider other measures not related to the translation of treaties, in particular, measures related to the limited publication policy (see paras. 53–55) and the format of publication of the *Treaty Series* (see paras. 58–62).

F. Broadening the limited publication policy (article 12, paragraphs 2 to 5)

49. France suggested that the limited publication policy could be broadened to include new categories of treaties that may be proposed by the Secretariat.

50. Under article 12, paragraph 2, of the regulations, the Secretariat has the option not to publish in extenso a bilateral treaty belonging to one of the following categories: (a) assistance and cooperation agreements of limited scope concerning

financial, commercial, administrative or technical matters;¹⁹ (b) agreements relating to the organization of conferences, seminars or meetings;²⁰ (c) agreements that are to be published otherwise than in the *Treaty Series* by the Secretariat, or by a specialized or related agency.²¹ The Secretariat makes decisions on whether or not to publish a treaty in extenso taking into account, inter alia, the practical value that might accrue from in extenso publication, as indicated in article 12, paragraph 3. The limited publication policy is applicable to both bilateral and multilateral treaties in accordance with General Assembly resolution 52/153. The rationale behind the limited publication policy is to allow those agreements that are of particular importance within the context of Article 102 of the Charter to be published more promptly.²²

51. Treaties subject to limited publication are included in the *Treaty Series* with the following information, as required under article 12, paragraph 5: the full title in English and French, information on the parties, the date and place of conclusion, the date and method of entry into force and the languages of the authentic texts, as well as the number and date of registration and the registering entity. Such information is also made available on the website. The authentic texts of such treaties are not published in the *Treaty Series*, nor are they accessible on the website, but they are made available upon request pursuant to article 12, paragraph 4.

52. Limited publication should be distinguished from partial publication. The Secretariat has a historically established practice of partial publication, which has been followed since the inception of the *Treaty Series*. In some specific instances, the Secretariat has the discretion not to publish certain elements of a treaty. In contrast to the limited publication policy, under which the full text of a treaty may not be reproduced, the objective of applying the partial publication method in a particular situation is to accelerate the publishing effort by, for example, excluding certain highly technical and voluminous annexes, lengthy lists of products or schedules of service or product specifications that are otherwise available from the parties.

53. In that regard, the General Assembly may consider reflecting the current practice of partial publication in the regulations by including technical annexes to treaties in the list of categories enumerated in article 12, paragraph 2. Such a category would cover, in particular, technical annexes to international agreements on transportation,²³ free trade,²⁴ contributions to the United Nations Peacekeeping Capability Readiness System (formerly known as the United Nations Standby Arrangements System)²⁵ or any other agreement to which the technical annexes are frequently amended.

54. To expedite the publication of the *Treaty Series*, the Secretary-General has previously indicated that the General Assembly may wish to consider broadening the limited publication policy so as not to publish in extenso wider categories of treaties or treaties that are publicly available in other authoritative sources (A/72/86, para. 44). This may include multilateral treaties that are to be published in a widely available format by their depositary. To that end, the Assembly may wish to encourage efforts to coordinate with other international organizations, as appropriate, in the publication of treaties.

¹⁹ See the following examples in the *Treaty Series*: vol. 2477, No. 44478; vol. 1865, No. 1127; vol. 2851, No. 49845; vol. 2769, No. 48772; and vol. 1775, No. 30929.

²⁰ See, for example, *ibid.*, vol. 2815, No. 49380.

²¹ See, for example, *ibid.*, vol. 2625, No. 46753.

²² See A/32/214, A/33/258 and General Assembly resolutions 32/144 and 33/141.

²³ See, for example, United Nations, *Treaty Series*, vol. 2330, No. 41748.

²⁴ See, for example, *ibid.*, vol. 2694, No. 47842.

²⁵ See, for example, *ibid.*, vol. 2748, No. 48531.

55. Furthermore, in view of the wider accessibility of treaties that can be achieved through the use of technology, the limited publication policy may be modified with regard to future treaties registered to ensure that their authentic texts would be made systematically available on the United Nations Treaty Collection website.

G. Modernizing the format of publication of the *Treaty Series* (article 13)

56. Treaties are published in chronological order of registration in the *Treaty Series*, presented in a yearly/monthly format and divided into volumes. The *Treaty Series* is produced by the Treaty Section through a desktop publishing process, which is integrated with the electronic document management system. Each volume of the *Treaty Series* comprises a number of treaties (25–30 on average) that have been registered in a given month, together with their translations into English and French, as required. The publication of certain volumes may be delayed for a significant period of time, pending translation of certain treaties contained therein (see paras. 34 and 35).

57. Given the availability of electronic copies of the *Treaty Series* on the website, printed copies of the *Treaty Series* are distributed free of charge to Member States only upon request, in accordance with article 13 of the regulations, as amended in 2018. As at 31 May 2020, five Member States regularly request printed copies of the *Treaty Series*.

58. In that connection, France expressed the view that the constraints associated with the publication of the *Treaty Series* could be reduced. Specifically, France proposed that the publication of monthly collections, which were no longer referred to in the regulations, be discontinued and replaced by the publication, by electronic means only, of each registered treaty, with its English and French language versions, together with relevant information, as soon as all those elements became available. That would eliminate the need for the Secretariat to wait until all those elements were available for all treaties registered in a given volume before proceeding with the publication of a treaty.

59. Qatar considered it appropriate to give due attention to the use of technology by States and the United Nations to facilitate the publication process, and to develop a simple method for achieving that aim.

60. Spain requested the Secretariat to consider possible options for advance and individualized publication of each treaty, in either electronic or print format, upon receipt of the first required translation of the treaty. That would not prejudice the possibility of supplementing the advance publication upon receipt of the second translation and would facilitate the availability of treaties at an early stage for interested users, thus saving time without any increase in costs.

61. The Secretary-General recalls that, since 1996, the General Assembly has recognized that Internet access to treaties and treaty law-related information is particularly valuable in countries where the cost of maintaining complete collections of treaties in bound volume form is relatively high and has encouraged the Secretary-General to continue developing a policy of providing Internet access to the *Treaty Series* and *Multilateral Treaties Deposited with the Secretary-General*.²⁶ For instance, because the status of multilateral treaties deposited with the Secretary-General was evolving constantly, *Multilateral Treaties Deposited with the Secretary-General* was converted from a print publication (discontinued in April 2010) into a searchable online database, which is now updated daily on the Treaty Collection website.²⁷

²⁶ See General Assembly resolutions [51/158](#), [52/153](#) and [53/100](#).

²⁷ See “Status of treaties deposited with the Secretary-General” on the United Nations Treaty Collection website.

62. In view of the current backlog in the publication of the *Treaty Series* and the role that new technology can play in its accessibility, recognized by the General Assembly in its resolution 73/210, the Assembly may wish to consider the option of adapting the *Treaty Series* to a new digital format of publication, which would provide the most up-to-date information on published treaties and international agreements.

H. Reinforcing technical assistance and capacity-building

63. The Treaty Section supports Member States in fulfilling their obligation under Article 102 through the provision of technical assistance, including advice and assistance in the submission of treaties for registration and publication and with regard to treaty law and practice, as well as in the use of information and communications technology.²⁸

64. Furthermore, the Treaty Section undertakes capacity-building through the organization of workshops at United Nations Headquarters and at the national and regional levels. Training workshops on treaty law and practice are held at Headquarters twice a year, free of charge, and are conducted in English.²⁹ Upon invitation, the Treaty Section also delivers national and regional workshops, organized in cooperation with the host Government or organization, which bears the associated costs.³⁰ The delivery of such national and regional workshops has been subject to the constraints in budgetary resources allocated for that purpose.³¹

65. The dissemination of legal publications prepared by the Treaty Section contributes to efforts to assist Member States in engaging effectively in the international treaty framework. The *Treaty Handbook* (2012), *Final Clauses of Multilateral Treaties: Handbook* (2003) and the *Summary of Practice of the Secretary-General as Depositary of Multilateral Treaties* (1999) are accessible, free of charge, on the United Nations Treaty Collection website.

66. In that connection, Austria highlighted the importance of the work of the Treaty Section and the constant advice it offered to Member States on treaty registration, depositary functions and other matters relating to treaty law and practice. In view of the continuing shortcomings in treaty registration, Austria suggested intensifying such cooperation and dialogue and considering additional measures, such as regular events on topical treaty issues in the margins of the Sixth Committee. A compendium of practice on the registration and publication of treaties could be another useful tool.

67. The Secretary-General has previously indicated that the General Assembly may wish to consider additional measures that could be undertaken to address the current shortcomings in treaty registration, through capacity-building, publications or technical assistance (A/72/86, para. 17). Such measures could help to reduce the geographical imbalance in treaty registration (see para. 8). To that end, the Assembly may wish to consider appropriate means to strengthen and expand the capacity-building activities of the Secretariat, in particular the organization of workshops on treaty law and practice at the national and regional levels.

²⁸ See “Training – Legal technical assistance” on the United Nations Treaty Collection website.

²⁹ See “Training – UN Headquarters” on the United Nations Treaty Collection website.

³⁰ See “Training – Regional” on the United Nations Treaty Collection website.

³¹ The number of national and regional workshops has decreased from an average of two a year between 2003 and 2007 to around one a year from 2008 to 2016, which was the last year such a workshop was held.