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Agenda item 123

### REVIEW OF THE MULTILATERAL TREATY-MAKING PROCESS

#### Report of the Sixth Committee

Rapporteur: Miss Salwa Gabriel BERBERI (Sudan)

1. The item "Review of the multilateral treaty-making process: report of the Secretary-General" was included in the provisional agenda of the thirty-seventh session of the General Assembly pursuant to paragraph 7 of Assembly resolution 36/112 of 10 December 1981. By paragraph 2 of that resolution, the Assembly also decided to establish at its thirty-seventh session an open-ended Working Group to continue the consideration of the matters related to this item.
2. On the recommendation of the General Committee, the General Assembly decided at its 4th plenary meeting, on 24 September 1982, to include the item in its agenda and to allocate it to the Sixth Committee.
3. In connection with this item, the Sixth Committee had before it a report to the Secretary-General (A/37/444 and Add.1) submitted in response to General Assembly resolution 36/112. The Committee also had before it the provisional version of the United Nations Legislative Series No. 21 (ST/LEG/SER.B/21) in two volumes, presented by the Secretary-General pursuant to paragraph 5 of resolution 36/112.
4. At its 9th meeting, on 15 October 1982, the Sixth Committee established, in accordance with the above-cited resolution of the thirty-sixth session of the General Assembly, an open-ended Working Group on the Review of the Multilateral Treaty-Making Process and appointed Mr. Peter D. Maynard (Bahamas), Vice-Chairman of the Committee, as Chairman of the Working Group.
5. At the 65th meeting, on 8 December, the Chairman of the Working Group presented its report to the Committee (A/C.6/37/L.29).

6. The Sixth Committee considered the item at its 65th and 66th meetings, on 8 and 9 December. The summary records of these meetings (A/C.6/37/SR.65 and 66) contain the views of representatives who spoke during the consideration of this item.
7. At the 66th meeting, on 9 December, the representative of Australia introduced a draft resolution on behalf of Argentina, Australia, Canada, Egypt, Fiji, Indonesia, Kenya, Mexico, the Netherlands, Nigeria, the Philippines, Senegal, the Sudan and Uruguay (A/C.6/37/L.31). At the suggestion of the representative of the Ukrainian Soviet Socialist Republic made orally at the same meeting, the sponsors agreed to revise the draft by inserting in the first paragraph of the preamble the words "an important means of ensuring co-operation among States and" after the words "multilateral treaties are".
8. At the 66th meeting, the Sixth Committee adopted draft resolution A/C.6/37/L.31, as orally revised, without a vote (see para. 9).

#### 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 means of ensuring co-operation among States and 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,

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,

Aware that the Asian-African Legal Consultative Committee has been reviewing certain aspects of multilateral treaty-making,

Taking note of the reports of the Secretary-General submitted to the General Assembly at its thirty-fifth, 1/ thirty-sixth 2/ and thirty-seventh 3/ sessions, including the replies and observations made by Governments and international organizations on the review of the multilateral treaty-making process,

Having considered the report of the Working Group on the Review of the Multilateral Treaty-Making Process 4/ established pursuant to resolution 36/112 of 10 December 1981 to review the multilateral treaty-making process, and noting that the Working Group will require more time to complete its mandate as provided in paragraph 2 of that resolution,

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

1. Decides to reconvene, at its thirty-eighth session, the Working Group with the aim of completing the examination of the matters referred to in paragraph 2 of resolution 36/112;

2. Reiterates its request to 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;

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

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

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

3/ A/37/444 and Add.1.

4/ A/C.6/37/L.29.

5/ ST/LEG/6.

6/ ST/LEG/7.