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REGISTRATION AND PUBLICATION OF TREATIES AND INTERNATIONAL AGREEMENTS
 PURSUANT TO ARTICLE 102 OF THE CHARTER OF THE UNITED NATIONS

Report of the Secretary-General

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I. INTRODUCTION

1. The question of the registration and publication of treaties and international agreements is before the General Assembly for the third consecutive year. At the thirty-second session, on the basis of the report submitted by the Secretary-General under the item on the proposed programme budget for the biennium 1978-1979 (A/32/214) and on the recommendation of the Sixth Committee (A/32/432, para. 6) the General Assembly, by resolution 32/144 of 16 December 1977, approved as a temporary measure the priority publication system proposed by the Secretary-General (A/32/214, paras. 29-34) and requested him to approach the Governments and international organizations concerned in order to put the United Nations Treaty Information System (SIONUT) to full use. At the thirty-third session a report of the Secretary-General (A/33/258) described the measures taken pursuant to General Assembly resolution 32/144 and the Secretariat's forecasts and objectives. As at the previous session, the question was referred to the Sixth Committee, and that Committee reconstituted for its consideration the Informal Working Group it had set up in 1977. The proposals of the Informal Working Group (A/C.6/33/5 and Add.1 and Corr.2), having been adopted by the Sixth Committee (A/33/466), became General Assembly resolutions 33/141 A and B. Resolution 33/141 A amended article 12 of the General Assembly regulations to give effect to Article 102 of the Charter of the United Nations 1/ in such a way as to institute a limited publication system for certain categories of bilateral international agreements registered or filed and recorded, and resolution 33/141 B invited the Secretary-General to implement the new publication system as soon as possible, to initiate measures to eliminate the backlog in registration and publication, to continue his consultations with international organizations and to report to it at the thirty-fourth session on the implementation of the resolution, submitting, if he deemed it opportune, additional proposals concerning the updating of the aforementioned regulations.

2. This report is submitted in pursuance of General Assembly resolution 33/141 B.

II. MEASURES TAKEN PURSUANT TO GENERAL ASSEMBLY RESOLUTIONS 33/141 A AND B

A. Implementation of the limited publication system adopted by the General Assembly

3. The limited publication system resulting from the amendment of article 12 of the General Assembly regulations to give effect to Article 102 of the Charter (resolution 33/141 A) has been implemented by the Secretariat, in conformity with paragraph 1 of resolution 33/141 B, with respect to international agreements registered or filed and recorded on or after 1 January 1973, that is, agreements in respect of which translation and publication had not yet begun. It will be remembered in this connexion that the Working Group of the Sixth Committee had agreed (A/C.6/33/5/Add.1, para. 10) that the new procedure could be applied to agreements registered before the adoption of the relevant resolution of the General Assembly.

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

4. As a result of the implementation of the said resolution, during the registration period from 1 January 1973 to 31 August 1979, instead of publishing 309 volumes of the Treaty Series, representing a total expenditure of over \$US 8 million, the equivalent of only 224 volumes of around 400 pages will be published at a total cost of \$5.9 million, thus achieving a real saving of 85 volumes, or \$2.2 million.

5. It will be noted that the Secretary-General had forecast savings of 10 and 12 volumes respectively for the publication of instruments registered in 1973 and 1974 (A/33/258, para. 11); in the event, the savings exceeded those forecasts inasmuch as the final figures are 13 and 18 volumes respectively.

B. Consultations with States and intergovernmental organizations

6. In pursuance of paragraph 4 of General Assembly resolution 32/144, the Secretariat had made contact with certain intergovernmental organizations and had reported to that effect at the thirty-third session (A/33/258, paras. 15-16). The General Assembly requested the Secretary-General to continue those consultations, and the best way to respond to that request seemed to be to utilize questionnaires. A general questionnaire on activities concerning international agreements was accordingly sent, with a circular letter, to all States and to the intergovernmental organizations concerned. The questionnaire, accompanied by relevant information and comments by the Secretariat concerning the United Nations, was intended to enable the Secretariat to submit to the General Assembly within a year or two specific proposals concerning a revision of the regulations to give effect to Article 102 of the Charter of the United Nations (registration and publication) and to identify the best means of enabling the international community to put the United Nations Treaty Information System (SIONUT) to full use, as desired by the General Assembly. The Secretariat suggested 31 March 1980 as the latest date for the sending of replies.

C. Strengthening of the Treaty Section of the Office of Legal Affairs 2/

7. In paragraph 2 of resolution 33/141 B, the General Assembly invited the Secretary-General "to initiate measures, starting in 1979, to eliminate the backlog in registration and publication within the existing budgetary appropriations, taking into account paragraphs 21 and 22 of his report (A/33/258) and the savings that will result from the implementation of the new publication procedure".

8. Pursuant to the request of the General Assembly, the following measures have been taken to strengthen the Treaty Section of the Office of Legal Affairs:

(a) Addition of a permanent G-2/3 post

This post was transferred from the General Legal Division to the Treaty Section in the course of a reorganization of the Office of Legal Affairs. The post was immediately utilized to provide secretarial services for the legal officers and the

2/ Formerly the "Legal Service".

Administrative Officer responsible for publications. There had previously been only one official post in the Treaty Section to cover the provision of secretarial services for the three Legal Officers and the administrative officer, 3/ and a member of the Section's typing pool had had to be assigned on a full-time basis to provide the necessary services.

(b) Additional temporary staff

The Secretary-General has also made available to the Treaty Section until the end of 1979 temporary assistance funds to provide the following additional staff:

One P-3 Legal Officer post (from 28 March 1979) for registration operations.

Five General Service posts at the G-2/3 level. (Four of these posts were immediately used for the typing of translations for the Treaty Series; the fifth was used for the preparation of registration files. On 31 August 1979, these five posts represented 20 work months).

9. The additional resources made available to the Treaty Section on a temporary basis and within the budgetary appropriations for 1979 will involve expenditure of a lesser order than the savings that will result from the implementation of resolution 33/141 A (new limited publication procedure).

III. CURRENT SITUATION AND FORECASTS

10. Efforts have been made to use the additional resources referred to in paragraph 8 above in the most profitable manner, by assigning the temporary staff to duties requiring minimal training.

A. Registration

11. The measures taken in 1979 have resulted in a significant improvement of the situation reported to the General Assembly at its previous session (A/33/258, para. 4).

12. The most obvious improvement has taken place in the preparation of registration files. On 31 August 1979 the Registration Group, which is responsible for purely administrative operations, was working on files received in September 1978, while the three Legal Officers responsible for final checking and for communicating decisions to authorities requesting registration had reached the files received in May 1978. The administrative delay has therefore been reduced from 20 to 15 months since 31 August 1978.

3/ Excluding those for the two Legal Officers assigned to the Section on a temporary basis in 1979.

13. Developments have been less favourable with regard to the publication of the monthly statement of treaties and international agreements registered or filed and recorded by the Secretariat (an important document, since it provides outside users with the main details concerning registration which will be published much later in the Treaty Series). The need to assign temporary staff on a priority basis to administrative registration operations and to the typing of translations for the Treaty Series has made it impossible to eliminate the delay, which totalled 29 months on 31 August 1978 and had increased to 34 months in March 1979, prior to the arrival of the additional staff. It has not been possible to do more than stabilize this delay. On 31 August 1979, the last monthly statement to appear was for that September 1976.

14. Current forecasts are as follows:

(a) It is hoped that by the end of the year the delay in administrative registration operations will have been reduced to 12 months, mainly because of the experience acquired in the meantime by the legal officer recruited on a temporary basis. Provided that the Secretary-General's requests under the programme budget for the biennium 1980-1981, 4/ are approved, almost all the administrative delay should have been eliminated by the end of 1980.

(b) With regard to the publication of the monthly statement, the delay can probably be reduced to 30 months by the end of this year with the available temporary assistance. From 1980, when the delay in administrative registration operations will have been considerably reduced, it will be possible, subject to approval of the proposals of the Secretary-General referred to in subparagraph (a) above, to give priority to the publication of the monthly statement so as to eliminate the delay altogether. This would mean that the monthly statement would appear at the end of the month following the month of registration. It is envisaged the situation should return to normal in 1982.

B. Publication of the United Nations Treaty Series

15. On the basis of what is considered to be a normal interval of one year 5/ between registration and publication, all the volumes of the United Nations Treaty Series covering instruments registered with the Secretariat as of 31 August 1978 should have been published by 31 August 1979. The situation at that date was as follows:

4/ Official Records of the General Assembly, Thirty-fourth Session, Supplement No. 6 (A/34/6).

5/ See A/32/214, para. 21, and General Assembly resolution 32/144 (fifth preambular paragraph).

<u>Year of registration</u> (number of volumes) a/	<u>Volumes already published</u>	<u>Volumes on the press</u>	<u>Volumes in preparation by Treaty Section</u>	<u>Volumes not yet published</u>
1972 (48)	41	7	-	7
1973 (52)	8	19	25	44
1974 (51)	1	-	50	50
1975 (36)	-	-	36	36
1976 (40) b/	-	-	40	40
1977 (40) b/	-	-	40	40
1978 (January to August: 27)	-	-	27	27

a/ As of 1973 the figures indicate volumes in the "new format" (see A/33/258, para. 13), containing between 15 and 20 per cent more material than the volumes in the "old format".

b/ Estimate.

The total backlog on 31 August 1979 was therefore estimated at 244 volumes, as against 276 volumes on 31 August 1978. This reduction is due (a) mainly, to the retroactive implementation of General Assembly resolution 33/144 A introducing a limited publication procedure, and (b) to the introduction at about the same time of a new format for the volumes of the Treaty Series, allowing as much as 20 per cent more material to be included in a volume. It is estimated that, if those two measures had not been taken, the backlog in the publication of the Treaty Series would have reached more than 300 volumes on 31 August 1979. 6/

16. It should be noted that between 1 January 1978 and 31 August 1979 20 volumes of the Treaty Series were published. By 31 August 1979, 19 more volumes had reached the printing stage and should be published by 31 December 1979. Thus, 39 volumes will have been published in the biennium 1978-1979 whereas the Publications Committee of the Secretariat had foreseen the publication of 90 volumes of the Treaty Series in that period. This discrepancy stems from a chronic phenomenon, especially evident since 1969, 7/ which becomes apparent at different stages of publication operations: the Secretary-General's proposals contained in the proposed programme budget for the biennium 1980-1981 are aimed at remedying that situation.

6/ It is not possible to give an absolutely accurate figure because the delay in registration operations made it impossible to make definitive calculations regarding publication.

7/ During the period 1969-1978, the backlog increased from 37 to 276 volumes.

17. In fact, from the standpoint of the production of the Treaty Series, registration, publication of the monthly statement, translation (including the typing of translations), manuscript preparation, the various preparation and reading operations and those of the actual printing form links of a single chain extending from the Secretariat's receipt of a request for registration to the publication of the corresponding volume of the Treaty Series. The Translation Division of the Secretariat has been making a considerable effort for the last two years or so and is presently in a position to meet the translation requirements of an average annual publication programme 8/ for the Treaty Series. The Publishing Division, for its part, is not finding it difficult for the time being to prepare the volumes sent to it by the Treaty Section. It is in the latter Section (manuscript registration and preparation) that the main bottle-neck currently exists, and that is why, as indicated in paragraph 8, four General Service posts out of the five allocated temporarily to the Treaty Section in 1979 have been used for the typing of translations for the Treaty Series. As a result, it was possible to reduce the backlog of 5,800 pages of translation that existed on 31 March 1979 to 1,800 pages by 31 August 1979.

18. It is expected that in 1980 - assuming that the Secretary-General's budget proposals relating to the Treaty Section in the proposed programme budget for the biennium 1980-1981 are adopted - the backlog in the publication of the Treaty Series can be stabilized at about 260 volumes. (Eliminating the backlog is a separate problem, and is the subject of specific proposals by the Secretary-General in the proposed programme budget).

C. United Nations Treaty Information System

19. Since 1978, the Treaty Section has used SIONUT in every phase of its work (data storage, research and production of monthly statements of treaties, registration certificates and lists of treaties). It is still difficult for potential outside users to take advantage of SIONUT, but the programming changes being made should help to remedy this situation, starting in 1979.

20. For a year now, the basic data submitted to the Secretariat for registration or for filing and recording are computerized as soon as they are received by the Treaty Section. However, the verification of a certain amount of old data remains to be completed. Moreover, contrary to expectations, it has thus far proved impossible to begin computerization of the data relating to international agreements registered with the secretariat of the League of Nations. This task, originally scheduled for 1978, must therefore be postponed until next year, and there is no certainty that it can be begun then, because in 1980 the Treaty Section plans to concentrate on verifying the data registered or filed and recorded since 1945 and on improving computer programmes.

8/ That is to say, 40 volumes in the "new format".

IV. CONCLUSIONS

21. There was an appreciable improvement in 1979 in the registration and publication of international agreements: in that the delay in registration has clearly diminished and the publication backlog has been reduced to 244 volumes, whereas both had been growing steadily and considerably since 1969. This improvement is due primarily to the decision taken by the General Assembly in 1978 (resolution 33/141 A) to amend article 12 of its regulations in order to give effect to Article 102 of the Charter of the United Nations and to implement the new limited publication procedure immediately and retroactively. Moreover, the implementation of the new procedure resulted in savings which, in accordance with the wishes of the General Assembly, were used throughout the year to supplement existing means, particularly in the field of registration operations.

22. Subject to the approval of the proposals contained in the proposed programme budget for the biennium 1980-1981 concerning the strengthening of the Treaty Section of the Office of Legal Affairs, the delay in administrative registration operations is expected to have been almost eliminated by 31 December 1980 and the publication backlog in the United Nations Treaty Series to have been stabilized at approximately 260 volumes by the same date. Bringing the publication of the Treaty Series up to date, in other words, eliminating the 260-volume publication backlog, presents a special problem which will be the subject of proposals set forth in a separate report submitted to the General Assembly in the context of the programme budget for the biennium 1980-1981.

23. Lastly, on the basis of the replies received to its questionnaire on activities concerning international agreements (see para. 6 above), the Secretariat will continue in 1980 the consultations under way with Governments and international organizations in accordance with General Assembly resolutions 32/144 (paras. 2 and 4) and 33/141 B (paras. 3 and 4).
