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REVIEW OF THE MULTILATERAL TREATY-MAKING PROCESS

Report of the Sixth Committee

Rapporteur: Mr. Awn S. AL-KHASAWNEH (Jordan)

I. INTRODUCTION

1. By a letter dated 19 July 1977, representatives of Australia, Egypt, Indonesia, Kenya, Mexico, the Netherlands and Sri Lanka requested the inclusion in the provisional agenda of the thirty-second session of the General Assembly of an item entitled "Review of the multilateral treaty-making process" (A/32/143 and Corr.1).
2. At its 5th plenary meeting, on 23 September 1977, the General Assembly, on the recommendation of the General Committee, decided to include the item in its agenda and to allocate it to the Sixth Committee.
3. The Sixth Committee considered the item at its 46th to 50th meetings, between 15 and 18 November. The summary records of these meetings (A/C.6/32/SR.46-50) contain the views of representatives who spoke during the consideration of this item.

II. PROPOSAL

4. At the 46th meeting, on 18 November, the representative of Australia introduced a draft resolution (A/C.6/32/L.9) on behalf of Australia, Belgium, Canada, Costa Rica, Denmark, Egypt, Fiji, Finland, France, Ghana, Honduras, Indonesia, Iran, Ireland, Jordan, Kenya, Malaysia, Mexico, Netherlands, Nigeria, Norway, Oman, Panama, Papua New Guinea, the Philippines, Poland, Portugal, Romania, Sierra Leone, Singapore, Somalia, Spain, Sri Lanka, Sweden, Thailand and Turkey, later joined by Algeria, Burundi, Colombia, Ethiopia, Germany, Federal Republic of, Guinea, Italy, Lesotho, the Libyan Arab Jamahiriya, Madagascar, Paraguay and the Sudan (for the text of the draft resolution, see para. 6 below).

5. At its 50th meeting, on 18 November, the Sixth Committee adopted draft resolution A/C.6/32/L.9 by consensus.

III. RECOMMENDATION OF THE SIXTH COMMITTEE

6. 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,

Recalling its duty under Article 13, paragraph 1 (a), of the Charter of the United Nations to initiate studies and to make recommendations for the purpose, inter alia, of encouraging the progressive development of international law and its codification,

Observing that, in the period since the inception of the United Nations, many important multilateral treaties have been prepared by a number of different United Nations organs,

Bearing in mind also the important contribution of the International Law Commission to the preparation of multilateral treaties during the past twenty-nine years,

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

Conscious of the desirability of assessing the efficiency and adequacy of the procedures followed by the United Nations in the formulation of the texts of multilateral treaties with a view to the improvement of such procedures,

Bearing in mind the need for the United Nations to exercise economy in the use of its resources,

Taking into account that in certain important and specialized areas the interested parties have developed methods of negotiation of proved and continuing value,

Recalling the publication by the United Nations Institute for Training and Research of a study on the wider acceptance of multilateral treaties, 1/

Recalling those resolutions of the General Assembly urging the greater participation of States in multilateral conventions concluded under the auspices of the United Nations,

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Observing that the United Nations has not hitherto given comprehensive consideration to the techniques and procedures used in the preparation of multilateral treaties,

1. Requests the Secretary-General to prepare a report on the techniques and procedures used in the elaboration of multilateral treaties, taking also into consideration the debates in the General Assembly at the current session and the observations referred to in paragraph 2 below, with a view to its submission to the Assembly at its thirty-fourth session;

2. Invites Governments and the International Law Commission to submit by 31 July 1979, for inclusion in the report referred to above, their observations on this subject;

3. Requests those specialized agencies and other interested organizations which are active in the preparation and study of multilateral treaties, and the United Nations Institute for Training and Research, upon request, to lend any necessary assistance;

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