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Agenda item 135

REVIEW OF THE MULTILATERAL TREATY-MAKING PROCESS

Report of the Sixth Committee

Rapporteur: Mr. Mehmet GÜNEY (Turkey)

1. At its 3rd plenary meeting, on 21 September 1984, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its thirty-ninth session the item entitled "Review of the multilateral treaty-making process" and to allocate it to the Sixth Committee.
2. Pursuant to General Assembly decision 38/425 of 19 December 1983, the Sixth Committee established an open-ended working group with the aim of completing the work on the review of the multilateral treaty-making process, which had begun at its thirty-second session. At its 6th meeting, on 26 September 1984, the Committee appointed Mr. Sompong Sucharitkul (Thailand) as the Chairman of the Working Group on the Review of the Multilateral Treaty-Making Process.
3. The Working Group held 13 meetings between 27 September and 23 November 1984 and completed its work (for the report of the Working Group, see A/C.6/39/L.12). It adopted the Final Document on the Review of the Multilateral Treaty-Making Process (A/C.6/39/8).
4. The Sixth Committee considered this item at its 59th, 60th and 64th meetings, on 29 and 30 November and 6 December. The summary records of those meetings (A/C.6/39/SR.59, 60 and 64) contain the views of representatives who spoke during the consideration of the item.
5. A draft resolution sponsored by Thailand (A/C.6/39/L.16) was submitted on 29 November 1984.
6. At the 60th meeting, the representative of Thailand introduced a revised draft resolution (A/C.6/39/L.16/Rev.1); the only modification was to add Australia as a co-sponsor. This draft resolution was subsequently revised (A/C.6/39/L.16/Rev.2)

to modify in operative paragraphs 2, 3 and 4, the title of the document adopted by the Working Group to read "Final Document of the Working Group on the Review of the Multilateral Treaty-Making Process".

7. At its 64th meeting, on 6 December, the Committee adopted draft resolution A/C.6/39/L.16/Rev.2 by 111 votes to none, with 13 abstentions (see para. 8).

RECOMMENDATION OF THE SIXTH COMMITTEE

8. 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 responsibility which active involvement in the process of multilateral treaty-making places on Governments,

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

Conscious of the desirability of consolidating and disseminating the procedures followed by the United Nations in the preparation and formulation of the text of multilateral treaties,

Taking into account that in certain important and specialized areas interested parties have developed methods of negotiation of proven and continued value,

Bearing in mind the important contribution of the International Law Commission to the preparation of multilateral treaties during the past thirty-six years,

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

Taking note of the report of the Secretary-General on the review of the multilateral treaty-making process submitted to the General Assembly at its thirty-fifth session 1/ and of the views of Governments and of the International Law Commission contained in the addenda thereto, 2/

Further noting the subsequent reports of the Secretary-General submitted to the General Assembly at its thirty-sixth 3/ and thirty-seventh 4/ sessions and the replies and observations made by Governments and international organizations, 5/

Having considered the statements made at the current session during the debate in the Sixth Committee, 6/

Noting that the Working Group on the Review of the Multilateral Treaty-Making Process, first established in accordance with General Assembly resolution 36/112 of 10 December 1981, concluded its mandate, and further taking note of the report of the Working Group, together with its Final Document on the Review of the Multilateral Treaty-Making Process, 7/

1. Expresses appreciation to the Working Group on the Review of the Multilateral Treaty-Making Process for the completion of its mandate and for its Final Document on the Review of the Multilateral Treaty-Making Process annexed to the report of the Working Group;

2. Requests the Secretary-General to circulate to all States Members of the United Nations the Final Document of the Working Group on the Review of the Multilateral Treaty-Making Process;

3. Recommends to all States which are considering the initiation of a multilateral treaty within the framework of the United Nations to give consideration to the procedures set out in the Final Document of the Working Group on the Review of the Multilateral Treaty-Making Process;

4. Requests the Secretary-General to prepare, for information and possible use by Governments, a handbook on multilateral treaty making as set out in paragraph 18 of the Final Document of the Working Group on the Review of the Multilateral Treaty-Making Process, to be made available within two years;

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

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

3/ A/36/553.

4/ A/37/444.

5/ A/36/553/Add.1 and 2; A/37/444/Add.1.

6/ See A/C.6/39/SR.59, 60 and 64.

7/ A/C.6/39/L.12, annex.

5. Further requests the Secretary-General:

(a) To examine, together with specialized and related agencies, and other international organizations exercising depositary functions, the feasibility and financial implications of consolidating the information regarding depositary functions performed by these international organizations (similar to Multilateral Treaties Deposited with the Secretary-General; 8/

(b) To consult on the feasibility and financial implications of publishing, at regular intervals, consolidated information regarding depositary functions performed by Governments;

(c) To examine the regulations in force for giving effect to Article 102 of the Charter of the United Nations, with a view to their possible up-dating;

(d) To invite the specialized and related agencies and other international organizations with consultative status with the United Nations to communicate to the Secretary-General information regarding their respective treaty-making activities;

and to report back to the Sixth Committee;

6. Reiterates its request to the Secretary-General to continue with the preparation for publication as soon as possible of new editions of the Handbook of Final Clauses and the Summary of the Practice of the Secretary-General as Depositary of Multilateral Agreements, taking into account relevant developments and practices in that respect.
