

THE REGISTRATION OF TREATIES AND INTERNATIONAL AGREEMENTS  
AND THE CONVENING OF THE INTERNATIONAL COURT OF JUSTICE

REPORT OF THE SIXTH COMMITTEE TO THE GENERAL ASSEMBLY

Rapporteur: Mr. John READ (Canada).

The General Assembly submitted four questions to the Sixth Committee, including:

1. Registration of treaties and international agreements (A/C.6/15).
2. Steps necessary for the convening of the International Court of Justice (A/C.6/16).

PART I. REGISTRATION OF TREATIES AND  
INTERNATIONAL AGREEMENTS

This question was examined by the Legal Committee at meetings held on 28 January 1946 and 4 February 1946.

Article 102 of the Charter imposes an obligation upon all Members to register all treaties and international agreements entered into after the coming into force of the Charter; provides for publication by the Secretariat; and bars any party to any such treaty or international agreement which has not been registered from invoking it before any organ of the United Nations.

These provisions make it possible to establish a system of registration and a Treaty Series which will take the place of registration and publication by the League of Nations. The reason for establishing a system of registration and publication is one of practical convenience to the nations of the world, rather than of according any particular recognition or approval to any of the nations whose treaties or agreements are accepted for publication. It has been pointed out that publicity is a source of moral strength in the administration of laws and agreements which exist between

nations; it permits public control, awakens public interest and removes some causes for distrust and conflict; it contributes to the formation of a clear and indisputable system of international law.

Accordingly, the following resolution is submitted to the General Assembly for consideration:

THE SIXTH COMMITTEE REPORTS:

The Executive Secretary sent a circular letter to the Members of the United Nations on 8 November 1945 informing them that from the date of the entry into force of the Charter treaties and international agreements would be received and filed on a provisional basis until the adoption of detailed regulations prescribing the procedure to be followed in the registration and publication of treaties and international agreements under the provisions of Article 102 of the Charter. The Executive Secretary also invited the Governments of Members to transmit to the Secretariat for filing and publication treaties and international agreements not included in the Treaty Series of the League of Nations and entered into in recent years before the date of the entry into force of the Charter.

It is desirable, as a matter of practical convenience, that arrangements should be made for the publication of any treaties or international agreements which non-member states may voluntarily transmit and which have not been included in the Treaty Series of the League of Nations. These arrangements should not, however, extend to treaties or international agreements transmitted by any non-member state such as Spain, the Government of which has been founded with the support of the Axis powers and does not, in view of its origin, its nature, its record and its close association with the aggressor states, possess qualifications necessary to justify membership in the United Nations under the provisions of the Charter.

THEREFORE THE GENERAL ASSEMBLY INSTRUCTS THE SECRETARY-GENERAL:

1. To submit to the General Assembly proposals for detailed regulations and other measures designed to give effect to the provisions of Article 102 of the Charter;
2. To invite the governments of Members of the United Nations to transmit to the Secretary-General for filing and publication, treaties and international agreements entered into in recent years but before the date of entry into force of the Charter, which had not been included in the League of Nations Treaty Series, and to transmit for registration and publication treaties and international agreements entered into after the date of entry into force of the Charter; and
3. To receive, from the governments of non-member states, treaties and international agreements entered into both before and after the date of entry into force of the Charter, which have not been included in the League of Nations Treaty Series and which they may voluntarily transmit for filing and publication; and to dispose of them in accordance with the foregoing provisions, and subject to such detailed regulations and other measures as may hereafter be adopted.

PART II. STEPS NECESSARY FOR CONVENING  
THE INTERNATIONAL COURT OF JUSTICE

In the course of the examination of the Memorandum concerning the International Court of Justice (A/C.6/16) it appeared that there were two steps to be taken by the Sixth Committee.

1. A recommendation to the General Assembly to authorize the Secretary-General to take the necessary steps to convene the International Court of Justice as soon as possible after the election of the judges.
2. A recommendation concerning the emoluments of the judges.

The second of these questions was referred to a Joint Sub-committee of the Fifth and Sixth Committees. Accordingly, it

will be dealt with in a separate report.

The first question, concerning the taking of steps to convene the International Court of Justice, was examined by the Sixth Committee at meetings held on 28 January 1946 and 4 February 1946. It is dealt with in the report of the Preparatory Commission on page 58, which deals both with the procedural steps to be taken for convening the Court and the question of emoluments.

The following resolution is submitted to the General Assembly for consideration:

**THE SIXTH COMMITTEE REPORTS:**

It is desirable that the International Court of Justice should meet as soon as possible after the election of its members by the General Assembly and the Security Council.

In correspondence with the Secretary of the Board of Directors of the Carnegie Foundation, the Executive Secretary has ascertained that the Board is willing to meet representatives of the United Nations at the Hague to begin preliminary negotiations in order to fix the conditions on which the premises in the Peace Palace at the Hague, which are required by the International Court of Justice, can be placed at the disposal of the Court.

**THEREFORE THE GENERAL ASSEMBLY INSTRUCTS THE SECRETARY-GENERAL:**

1. To take the necessary steps to summon a first meeting of the Court at the Hague as soon as can be conveniently arranged after the election of the members;
2. To appoint a Secretary and such other temporary officers as may be required to assist the Court and to act for so long as the Court desires during the period preceding the appointment of its registrar and its officers; and

3. To conduct preliminary negotiations with the Board of Directors of the Carnegie Foundation, at the Hague or other convenient place, in order to fix the conditions on which the premises in the Peace Palace at the Hague, which are required by the International Court of Justice, can be placed at its disposal, the conditions being embodied in an agreement subject to the approval of the General Assembly.

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