

Statement by Mr. Santiago Villalpando

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Mr. Chairman,

Please allow me to echo Mr. Mathias's words in congratulating you and the other members of the Bureau upon your election and wishing you success in your conduct of the work of the Sixth Committee at the current session.

Mr. Chairman, Distinguished delegates,

I owe the honour of addressing your Committee today to your decision to focus this year's debate under the present agenda item on a subtopic that is central to the mandate of my Section. The objective of my statement will be to provide you with a brief overview of the prior work of the General Assembly in relation to multilateral treaty processes, from the perspective of the Treaty Section.

This is indeed not the first time that the General Assembly considers a topic of the law of treaties. As a matter of fact, it may be argued that its work in this area constitutes one of its major contributions to our contemporary international law.

Throughout its seventy years of work, the Assembly has played a key role in this area, by initiating and conducting multilateral treaty processes, and has adopted numerous multilateral conventions that define our world. The Assembly has also

been very active in the codification and progressive development of the law of treaties, which reached its highest point with the adoption in 1969 of the Vienna Convention.

As you know, from 1977 to 1984, the General Assembly further undertook the consideration of an agenda item entitled “Review of the multilateral treaty-making process”, which was aimed at assessing the efficiency of the methods employed in negotiations conducted under the auspices of the United Nations. This agenda item resulted in the adoption of a final document prepared by a Working Group of the Sixth Committee (A/C.6/39/L.12, Annex) containing several recommendations in this area, as well as in a number of resolutions by which the Assembly explored ways to improve the conduct of multilateral treaty processes, the exercise of depositary and registration functions and the dissemination of information thereon (Res. 32/48 of 8 December 1977, Res. 35/162 of 15 December 1980, Res. 36/112 of 10 December 1981, Res. 37/110 of 16 December 1982 and Res. 39/90 of 13 December 1984).

Since then, as pointed out in the Report of the Secretary-General under the present item (A/70/206, para. 5), multilateral treaty processes have continued to evolve to respond to the transformations of the international community and the needs of an ever more globalized world.

Multilateral treaty activity has grown exponentially. Today, the Treaty Section discharges, on behalf of the Secretary-General, the depositary functions of more than 560 multilateral treaties and processes over 900 treaty actions per year. These treaties cover all aspects of international relations, from the promotion of trade or

the protection of human rights to the fight against terrorism, the efforts towards disarmament or the preservation of the environment.

The actors involved in multilateral treaty processes have multiplied, not only due to the increase of the number of States in the international community, but also with the growing role played by other stakeholders, such as international organizations and non-governmental actors.

Multilateral treaties themselves have become more complex. We witness, for example, the proliferation of institutional structures (such as conferences of the parties, secretariats and other bodies) established by treaties for the purposes of facilitating the implementation of conventional commitments. Final clauses (dealing, for example, with the entry into force of the treaty, amendments, dispute settlement or reservations) have also become more elaborate and are given increased attention.

All this results in new developments in treaty law and practice, with which the Treaty Section is confronted daily.

In the past, the General Assembly has provided valuable guidance to the Treaty Section for the implementation of its mandates.

As early as at its first session, in 1946, the Assembly adopted the Regulations to give effect to Article 102 of the Charter of the United Nations on the registration and publication of treaties (Res. 97 (I) of 14 December 1946). Such Regulations were amended in 1949 (Res. 364 B (IV) of 1 December 1949) and in 1950 (Res. 482 (V) of 12 December 1950), then again in 1978 (Res. 33/141 A of 18 December 1978). Six years later, in 1984, in the context of its “Review of the multilateral treaty-making

process”, the Assembly requested the Secretary-General to examine the Regulations with a view to their possible updating (Res. 39/90 of 13 December 1984), but this initiative was not followed up with the only exception of a further instruction given to the Secretariat in 1997 on the matter of limited publication of treaties (Res. 52/153 of 15 December 1997).

The Assembly has also been seized with matters relating to the discharge of the depositary functions of the Secretary-General. In addition to some significant instances in which it provided guidance on depositary practice (for example, in the matter of reservations), the Assembly has also expressed its support to certain initiatives of the Secretary-General in this area.

In the 2005 Summit Outcome Document (Res. 60/1 of 16 September 2005), for example, under the section dedicated to the rule of law, the Assembly supported the annual treaty event, by which the Secretary-General invites high-level officials to seize the opportunity of their presence in New York for the general debate of the General Assembly to sign or join multilateral treaties deposited with him. Since their inception, treaty events have resulted in almost 2,000 treaty actions by Member States.

The General Assembly has also taken an interest in the publications relating to treaty law and practice. In 1980, for instance, it requested the Secretary-General to publish new editions of the *Handbook on Final Clauses* and the *Summary of Practice of the Secretary-General as Depositary of Multilateral Treaties* (Res. 35/162 of 15 December 1980; see also Res. 36/112 of 10 December 1981, Res. 37/110 of 16 December 1982 and Res. 39/90 of 13 December 1984).

Last but not least, the support of the Assembly was instrumental in the first steps of the implementation of our electronic treaty database, which has become the essential tool by which the Treaty Section discharges its mandates. In the only resolution specifically devoted to this matter, adopted in 1996 in the framework of the Decade of International Law (Res. 51.158 of 16 December 1996), the Assembly welcomed the objective of developing a comprehensive electronic database containing all depositary and registration information and requested the Secretary-General to continue to give priority to its implementation. Today, the United Nations treaty website is a unique resource which is updated almost in real time and provides authoritative information on the status of multilateral treaties deposited with the Secretary-General, electronic access to all volumes of the *United Nations Treaty Series* and other publications on treaty law and practice, as well as circulation of all new depositary notifications.

Mr. Chairman, Distinguished delegates,

I hope that this brief statement will have highlighted the important role that the General Assembly has played in this area, particularly in the implementation of the mandates of my Section. I also hope that it will have provided you with useful background information on the subtopic that you are about to consider.

I wish you a very productive debate and thank you very much for your kind attention.