

Statement by Ali Nasimfar
the Representative of the Islamic Republic of Iran
before the sixth committee of 73rd session of the general assembly
on the agenda item 91
Strengthening and promoting the international treaty framework
New York, 5 October, 2018

In the Name of God, the Compassionate, the Merciful

Mr. Chairman,

My delegation would like to begin by commending the representatives of Italy, Argentina, Brazil and Singapore for proposing the inclusion of the agenda item on “Strengthening and promoting the international treaty framework” in the agenda of the seventy-third session of the General Assembly.

Treaties are the main source of international law and the cornerstone of rule-based international relations. Treaties are a more direct and formal method of the creation of the international law as well. Article 38 of the ICJ statute refers to the treaties or international conventions as the first category of the sources that the court shall apply during its proceedings. The binding force of a treaty is on account of the fundamental principle known as ‘Pacta Sunt Servanda’. According to this principle, States are bound to fulfill, in good faith, the obligations assumed by them under treaties. This principle was reaffirmed in Article 26 of the 1969 Convention on the Law of Treaties and, I quote, “Every treaty in force is binding upon the parties to it and must be performed by them in good faith”.

The United Nations and its specialized agencies have played a major role in relation to the norm setting, rule-making and the development of the treaty framework. In addition to facilitating the negotiation of treaties, the UN system has played an important role in ensuring the transparency of treaties concluded by its Member states. Pursuant to Article 102 of the Charter of the United Nations, Member States are required to register with the Secretariat treaties and international agreements concluded. It further obliges the Secretariat to publish these treaties. It is made clear in this Article that if an international treaty or agreement is not registered, it cannot be invoked before any organ of the United Nations. That is why the registration and publication of treaties are of paramount importance and if registration of a treaty is overlooked for any reason, the parties will be deprived from invoking that treaty before a body of the United Nations.

Mr. Chairman,

We take note of the report of the Secretary-General, submitted pursuant to the General Assembly resolution 71/148 which provides a review of the regulations to give effect to Article 102 of the Charter of the United Nations, taking into account recent developments in the area of the registration and publication of treaties. The report outlined the historical background of the regulations and included seven areas for consideration by the General Assembly. We support careful elaboration of these recommendations with a view of updating existing regulations in a way that reflects the technological developments and current practice to assist Member States on the fulfilment of their obligations under Article 102.

We also note from the Secretary-General's report that treaty registration appears to be geographically imbalanced, probably due to limited awareness of the obligation to register or a lack of resources for the submission of treaties for registration. Continuation of this debate could enhance the awareness of Member States on the importance of registration. It could also provide a platform for an exchange of best practices. Moreover, through this elaboration, the General Assembly could update the regulations, as appropriate. The Assembly could also consider measures to address current shortcomings in treaty registration through capacity-building and technical assistance to make registration easier and more accessible to all Member States.

Mr. Chairman,

With respect to the forum for this discussion, we maintain that the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization could be utilized as an appropriate forum to discuss the different aspects of the implementation of Article 102 of the UN Charter as well as other treaty related topics, at length. The Special Committee has produced valuable guidelines in the past and its capacity could be utilized to promote result-oriented discussions around Article 102 of the UN Charter. Therefore, we believe that instead of including the proposed agenda item in the provisional agenda of future sessions of the Sixth Committee, it would be more practical and result-oriented to first include it in the Agenda of the Charter Committee.

Mr. Chairman,

I seize this opportunity to briefly share with the committee the procedures for ratification and publication of international treaties in the Islamic Republic of Iran, which is the same as the publication of our national law.

The treaties are published and come into force after they are passed by the Parliament, approved by the Guardian Council of Constitution and signed by the President. With regard to publishing and enforcing the Treaties in Iran's legal system, international treaties are not enforced until they are published in internal newspapers, just like the ordinary laws. According to Article 3 of the Civil Code, publication of laws should be through the Official Gazette. This means that the legislations passed by the Parliament, including laws and international treaties, need to be published in an official newspaper and they are not valid without publication. Also, under amended Article 1 of the Civil Code, the official newspaper is obliged to publish the laws or the passed legislations in 72 hours, after they are forwarded by the President. According to the Note of Article 1, if the President avoids signing or forwarding the laws, upon the order of the Head of the Parliament, the official newspaper is still compelled to publish the Parliament's passed legislation in 72 hours; however, in some cases, instead of publishing the full text of a treaty, a Single Article, determining the passage of the treaty by the Parliament, is published.

In closing, Mr. Chairman, my delegation would like to underscore that international treaties are served as an important tool for harmonizing international relations and maintenance of international peace and security. In this connection, the role of the UN bodies, particularly the Sixth Committee in strengthening and promoting international treaty framework, is essential. We hope that this process will contribute to further strengthening of the rule of law at the international level.

I thank you, Mr. Chairman.