



**PERMANENT MISSION OF THE REPUBLIC OF MOLDOVA  
TO THE UNITED NATIONS**

**STATEMENT**

**by the delegation of the Permanent Mission of the Republic of Moldova  
delivered by Ms Augustina ȘIMAN  
Second Secretary**

**on item 90 – Strengthening and promoting the international treaty framework – of the  
Sixth Committee of the United Nations General Assembly**

*New York, 15 October 2020*

Mr. Chair,

At the outset, allow me to congratulate you and the members of the bureau on your election and to assure you of my delegation's full support and cooperation in fulfilling your important mandate.

Mr. Chair,

My delegation thanks the UN Secretary – General for his report for the 75<sup>th</sup> session on agenda item 90, entitled "Review of the regulations to give effect to Article 102 of the Charter of the United Nations". It offers a substantial basis for advancing the discussions on how we can further improve the practice of registration and publication of international treaties.

The provisions regarding treaty registration are ever evolving in order to facilitate the access to international treaties. Treaty registration is closely linked with dissemination of international law and the development of treaty-making practices. Therefore, my delegation welcomes the amendments brought in 2018 to article 5 of the Regulations and notes the increased number of electronic submissions of treaties.

We believe that the proposal regarding the on-line registration tool would simplify and ease the practice of registration and publication of international treaties, and therefore will reduce the geographical statistical imbalance of the number of treaties in force submitted for registration.

We share the view that the modernization of the format of publication of the Treaty Series is necessary in the context of the current globalized and digitalized era. Therefore, we support the suggestion of adapting the Treaty Series to a digital format publication. The digitalization will benefit states, practitioners and academia, and therefore support the exchange of best practices in treaty law.

The article 12 of the Regulations rightfully establishes the need of a treaty to be followed by a translation in French and in English when not concluded in one of those two languages, bearing

in mind the need of some UN organs, in particularly the ICJ to access international agreements. Likewise, in order to increase the number of registered treaties, and not to discourage states to do so, the requirement of providing translation in English and in French has a courtesy nature for states, and is not an obligation. Should a translation in one of those two languages not be provided by the states, the Secretariat, according to the established practice, kindly undertakes the translation – thus contributing to the dissemination of international law. Therefore, in case of a further amendment to article 5 of the Regulations this course of action should be clearly reconfirmed.

Mr. Chair,

My delegation sees added value in the proposal of extending the discussions on the agenda item 90. Widening the debates as to include the states' practice regarding reservations and declarations to treaties, the withdrawal of signature or instruments of accession, or the obsolescence of treaties, will prove to be helpful and of guidance for interested states that are building up their treaty-making practice.

With reference to the role of depositaries other than the United Nations, article 102 states the obligation of all Member States to register their international agreements with the Secretariat. Articles 77 of the 1969 Convention list the functions of the depositaries that also include registering the treaty *unless otherwise provided in the treaty or agreed by the contracting States*. In this regard, when a depositary is being designated and if no other party to a treaty undertakes the function of registering it with the Secretariat, the UN State that acts as a depositary cannot be encouraged to undertake this task but rather expected according to article 102 paragraph 1 of the UN Charter.

Until a common understanding on that issue is established, one should bear in mind that according to article 102 paragraph 2 of the UN Charter, a treaty that is not registered cannot be invoked before any UN organ, in particularly the International Court of Justice – and that is a fundamental issue. A state cannot, therefore, rely on the conduct of the depositary unless it is being accepted as mandatory - with the exception if not otherwise provided in the treaty, or if not otherwise agreed by its parties.

In conclusion Mr. Chairman, we kindly ask the Secretariat to further provide information on the number of cases in which the depositary (designated in the treaty itself or in any other manner – for instance through a separate decision adopted by the negotiating states) was the one registering a treaty and on how many times any other state-party to a treaty did undertake this function. Such information would bring added value to the process of evaluation of the current matter.

I thank you, Mr. Chair.