

United Nations Nations Unies

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REFERENCE: LA 41 TR/230/Regulations/2019

The Under-Secretary-General for Legal Affairs and United Nations Legal Counsel presents his compliments to the Permanent Representatives to the United Nations and the Heads of international organizations and has the honour to transmit the following concerning the registration and publication of treaties under Article 102 of the Charter of the United Nations and the United Nations General Assembly Regulations to give effect to Article 102.

All Member States of the United Nations have, under Article 102 of the Charter, the legal obligation to register with the Secretariat, as soon as possible, all treaties in force that they have concluded after 24 October 1945, the date of entry into force of the Charter. Pursuant to Article 102, the Secretariat is responsible for the publication of registered treaties.

The Regulations to give effect to Article 102 were adopted by the General Assembly on 14 December 1946, during its first session. Since their adoption and until 2018, the Regulations were amended on three occasions, namely in 1949, 1950 and 1978,¹ with a view to reflecting changes in the treaty-making practice and to increase the efficiency of the registration and publication process. The Regulations set out the procedural requirements for registration by Member States of treaties and treaty formalities and their publication by the Secretariat under Article 102, as well as the requirements for registration and “filing and recording” of treaties and treaty formalities by non-member States of the United Nations and international organizations.

During its seventy-third session and following the Sixth Committee’s debate on the agenda item entitled “Strengthening and promoting the international treaty framework”, the General Assembly adopted Resolution 73/210 on 20 December 2018, to which newly amended Regulations were annexed.² This fourth amendment, which became effective on 1 February 2019, adapts the Regulations to developments in registration practice and information technology, and ensures consistency with regard to the treaty-making practice of the international community.

The modifications to the Regulations effected by the last amendment and the manner in which they will affect the treaty registration and publication process are explained below.

¹ See General Assembly resolutions 364 B (IV) of 1 December 1949, 482 (V) of 12 December 1950 and 33/141 A of 19 December 1978.

² See General Assembly resolution 73/210 at http://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/73/210

A. Explicit recognition of the treaty registration role of depositaries

While the registration role of the Secretary-General of the United Nations as depositary of multilateral treaties had already been set out in article 4 (3) of the Regulations, the amended article 1 (3) explicitly recognizes the role of other depositaries in the process of registration and encourages them to effect the registration of treaties deposited with them, unless otherwise provided in the treaty or agreed upon by the parties. This amendment reflects applicable rules under the international law of treaties and the long-standing practice of the Secretariat.

However, in order to address the concern that certain depositaries might not always be able to register, the General Assembly decided to retain the possibility for States parties to multilateral treaties to register in such cases. This implies that, as of 1 February 2019, the Secretariat henceforth accepts submissions for the registration of multilateral treaties by any party thereto, in accordance with amended article 1 (3) of the Regulations.

Enabling a State party to a multilateral treaty to register in cases where it is not the depositary of that treaty could pose some challenges for the submitting State. Since certifying texts, lists of parties, dates of deposit and other registrable information and documentation relating to the treaty is a function usually performed by the depositary,³ a State submitting a multilateral treaty for registration should be able to coordinate with the depositary to ensure that all required certifications are provided to the Secretariat.

B. Updated procedural requirements: electronic submissions

Amended article 5 of the Regulations incorporates a detailed list of registration requirements that have been developed by the Secretariat over the past decades and will not, therefore, have a major impact for submitters, with the notable exception of electronic submissions. In the past, the submission of one certified hard-copy of the treaty had always been a requirement, even if an electronic version of the treaty was also submitted. In line with the efficiency policies encouraged by the General Assembly and the availability of information technology, the amended Regulations now provide that the certified copy of the treaty must be submitted either in electronic or in hard-copy format. In this regard, the standard specifications for the electronic submissions are as follows:

- (i) The certified true copy of a treaty in electronic format should be an accurate reflection of the signed original treaty saved in PDF or TIFF format (bitonal/black and white, with 300 dpi image resolution, Group 4 - G4 - image compression method). The electronic image must be of good quality, legible in its entirety, clean and sharp, with clear character definitions, as required by the desktop publishing procedures of the *United Nations Treaty Series*.

³ See Vienna Convention on the Law of Treaties of 23 May 1969, article 77, paragraph 1 (b) and (c).

- (ii) Any map accompanying a treaty should be scanned at 300 dpi resolution and saved in file formats such as TIFF, JPEG or PDF. If the map is in color, an appropriate image compression method should be applied to obtain a file size that preserves the clarity and legibility of all the details contained in the map. For bitonal maps, the Group 4 - G4 - image compression method should be used.
- (iii) The preferred media for electronic submissions includes USB flash drives, CD/DVD disks and/or e-mail attachments. All electronic submissions by e-mail should be transmitted to treatyregistration@un.org.
- (iv) Revised guidelines for the digitization of treaty-related documents can be found at: <https://treaties.un.org/doc/source/guidelines.pdf>.

The certified true copy of the treaty is to be accompanied by the usual certifying statement, which must, in the case of electronic copies, expressly state that the electronic copy submitted is a true and complete copy of the original. Although the amended Regulations do not specify whether the certifying statement should continue to be submitted in hard-copy, the Secretariat considers that, when a submission is made by electronic means only, the electronic certifying statement should, by implication, be deemed acceptable for registration purposes.

A model certifying statement and an updated list of registration requirements for hard-copy and electronic submissions, both for bilateral and multilateral treaties, which reflect the present amendments, are annexed to this Note. The models are available electronically on the Treaty Section's website at <https://treaties.un.org/doc/source/ModelCertifyingStatement.pdf> and <https://treaties.un.org/doc/source/checklist-E.pdf>.

C. Discontinuation of the *Monthly Statement of treaties and international agreements registered or filed and recorded with the Secretariat as a United Nations publication*

In accordance with the former article 13 of the Regulations, the Secretariat has been publishing a *Monthly Statement* containing information relating to treaties registered or filed and recorded during a given month. Under the amended Regulations, the publication has been discontinued. The last issue of the *Monthly Statement* to be published will correspond to the month of January 2019. The rationale behind the discontinuation of the *Monthly Statement* is the immediate availability of the information contained therein through electronic means on the Treaty Section's website.⁴

D. Distribution of hard copies of the *United Nations Treaty Series* upon request

Pursuant to revised article 13, printed copies of the *United Nations Treaty Series* publication shall henceforth only be provided to Member States "upon request". While

⁴ See <https://treaties.un.org/Pages/LatestTreaties.aspx?clang=en>

the electronic copies of the published Treaty Series volumes are available on the Treaty Section's website,⁵ one printed copy of each *Treaty Series* volume has been provided at the Delegates Distribution Area, Room L-1B-100, to those delegations opting to pick up the printed copies of UN documentation.

From now on, Member States wishing to regularly receive one printed copy of every *Treaty Series* volume must submit their request in writing to the Treaty Section of the Office of Legal Affairs, preferably via e-mail, addressing it to Mr. Andrei Kolomoets at kolomoets@un.org, no later than 18 March 2019.

E. Outstanding issues

In its Resolution 73/210, the General Assembly decided to include the item “Strengthening and promoting the international treaty framework” in the provisional agenda of its seventy-fifth session in 2020. It requested the Secretary-General to submit a report at its seventy-fifth session, following broad consultations with Member States, providing information on the practice and possible options to further review the Regulations, taking into account outstanding issues identified by the Member States. The Treaty Section of the Office of Legal Affairs will implement this General Assembly mandate, for which resources are being requested, and coordinate with Member States in order to ensure broad consultations prior to the preparation of the report. It will transmit further communications on this matter, as needed, at a later stage.

The Under-Secretary-General for Legal Affairs and United Nations Legal Counsel avails himself of this opportunity to renew to the Permanent Representatives to the United Nations and the Heads of international organizations the assurances of his highest consideration.




18 February 2019

⁵ See [https://treaties.un.org/Pages/LatestVolumes.aspx?c\]ang=_en](https://treaties.un.org/Pages/LatestVolumes.aspx?c]ang=_en)

MODEL CERTIFYING STATEMENT

(Paper submission of a bilateral treaty)

I, THE UNDERSIGNED [name of the authority], hereby certify that the attached text is a true and complete copy of [title of the treaty, name of the parties, date and place of conclusion], and that it was concluded in [languages].

I FURTHER CERTIFY that the treaty came into force on [date] by [method of entry into force], in accordance with [article or provision in the treaty], and that it was signed by [...] and [...] (*if information on signatories is available*).

[Place and date]

[Signature and title of certifying authority]

MODEL CERTIFYING STATEMENT

(Electronic submission of a bilateral treaty)

I, THE UNDERSIGNED [name of the authority], hereby certify that the attached text submitted on electronic media is a true and complete copy of [title of the treaty, name of the parties, date and place of conclusion], and that it was concluded in [languages].

I FURTHER CERTIFY that the treaty came into force on [date] by [method of entry into force], in accordance with [article or provision in the treaty], and that it was signed by [...] and [...] (*if information on signatories is available*).

[Place and date]

[Signature and title of certifying authority]

CHECKLIST FOR REGISTRATION

DOCUMENTATION TO BE PROVIDED	FORMAT / TYPE OF INFORMATION
PRELIMINARY CHECKS	<ul style="list-style-type: none"> • Has the treaty already been registered with the Secretariat? (If so, it does not have to be submitted). Please check registered treaties at https://treaties.un.org/Pages/AdvanceSearch.aspx?tab=UNTS&clang=_en • Provisions in a treaty may invoke other treaties that form a part thereof and that are essential for the application or interpretation of the treaty submitted. Are those treaties already registered? (If not, all those treaties should also be submitted in the format specified below.)
1. Treaty / Agreement with all its attachments such as annexes	<ul style="list-style-type: none"> • ONE certified true, complete and legible paper copy of all authentic text(s) or, • ONE sharp (bitonal/black and white, 300 dpi image resolution, G4 compression method) legible electronic copy (PDF or TIFF) of all authentic texts in USB flash drive, CD/DVD disk or email attachment (send to treatyregistration@un.org)
2. Text of reservations, declarations and objections, if applicable (for multilateral treaties only)	<ul style="list-style-type: none"> • ONE certified true, complete and legible paper copy of all authentic text(s) or, • ONE sharp (bitonal/black and white, 300 dpi image resolution, G4 compression method) legible electronic copy (PDF or TIFF) of all authentic texts in USB flash drive, CD/DVD disk or email attachment (send to treatyregistration@un.org)
3. Certifying statement	<ul style="list-style-type: none"> • Statement that it is a true and complete copy • Title of the treaty • Date and place of conclusion • Date of entry into force • Method of entry into force (signature, ratification, approval, accession, notification of fulfillment of domestic procedures etc.) • Authentic languages • Names of signatories, if available • Certification of inclusion in the submission of all reservations, declarations and objections made by the parties (for multilateral treaties only)
4. List of parties (for multilateral treaties only)	<ul style="list-style-type: none"> • For each party, please provide: <ul style="list-style-type: none"> • Date of deposit of the instrument • Nature of the instrument (ratification, accession, etc.) • Date of entry into force of the treaty for that party
5. Maps (if applicable)	<ul style="list-style-type: none"> • ONE certified true and complete copy of the original document in its original scale or • ONE high resolution (300 dpi color mode) scanned digital file
6. Translations of 1 to 2 above into English and/or French (if available)	<ul style="list-style-type: none"> • One paper copy or one electronic copy