

## UNITED NATIONS ACTIVITIES



### The United Nations Treaty Collection on the Internet – Developments and Challenges –

by Palitha T.B. Kohona\*

The *United Nations Treaty Collection on the Internet (UNTC)*<sup>1</sup> now contains, in addition to the major documents, the *United Nations Treaty Series (UNTS)* and the *Multilateral Treaties Deposited with the Secretary-General*,<sup>2</sup> the texts of treaties recently deposited with the Secretary-General in the authentic languages, the titles of all treaties deposited with Secretary-General in the six official languages, depositary notifications issued by the Secretary-General in his capacity as depositary of multilateral treaties, documentation compiled in connection with three special treaty events held in 2000 and 2001 by the United Nations, the *Summary of Practice of the Secretary-General as Depositary of Multilateral Treaties*,<sup>3</sup> the *Treaty Handbook*,<sup>4</sup> information on treaty-related technical assistance provided by the Treaty Section of the United Nations and photographs taken at treaty ceremonies in chronological order. Many of these documents were added to the UNTC over the last two years.

The UNTC had its beginnings in a programme undertaken by the Treaty Section of the Office of Legal Affairs of the United Nations in 1995 to computerise its work as much as possible, to place its vast collection of treaties and related material in a computer database, consistent with its mandate, to disseminate electronically (including via the Internet) its vast collection of treaties, both bilateral and multilateral, and treaty-related information, and to provide a more effective service to its users. In 1996, the General Assembly of the United Nations endorsed the programme of work adopted by the Treaty Section in its resolution on the "Electronic Treaty Database"<sup>5</sup> and has continued to monitor developments relating to the treaty database, especially through the Sixth Committee of the General Assembly.<sup>6</sup>

In parallel and in response to the clear wishes of the General Assembly as expressed in the same resolutions,<sup>7</sup> the Treaty Section has also made major progress in bringing the historical backlog in the publication of the *United Nations Treaty Series (UNTS)* up to date. While the primary focus of the UNTC continues to be the *United Nations Treaty Series (UNTS)* and the *Multilateral Treaties Deposited with the Secretary-General*, the Treaty Section

has published on the Internet (and in printed form) additional material relevant to the work of international lawyers, diplomats, non-governmental organisations (NGOs), academics and the international community. Furthermore, consistent with a key objective of the United Nations to advance the international rule of law and respect for treaties,<sup>8</sup> the Treaty Section has also commenced on a programme of providing modest assistance to countries on matters of treaty law and practice, to facilitate their participation in the multilateral treaties deposited with the Secretary-General and compliance with their obligations under Article 102 of the Charter of the United Nations.<sup>9</sup> In addressing these objectives, the Section has had to deal with a range of major challenges, including securing the necessary financial resources in a climate of extreme frugality.

The purpose of this article is to outline the objectives realised to date and discuss the approaches that have been adopted to deal with the multitude of challenges. Brief references will also be made to future plans.

#### Background

Article 102 of the Charter of the United Nations<sup>10</sup> requires that every treaty and every international agreement entered into by any Member of the United Nations after the Charter came into force be registered with the Secretariat as soon as possible. While the legal obligation for registration is on the States Members themselves,<sup>11</sup> the Secretariat of the United Nations is responsible for effecting the registration of and the subsequent publication of registered treaties. Pursuant to the requirements of Article 102, registered treaties are published in the UNTS by the Secretariat.<sup>12</sup> In fact, the registration and publication functions are carried out by the Treaty Section of the Office of Legal Affairs of the United Nations. The Section publishes the accompanying document, the *UNTS Cumulative Index* and, pursuant to its mandate under Article 13 of the Regulations,<sup>13</sup> each month, the *Monthly Statement of Treaties* which contains the essential attributes of treaties and international agreements registered or filed and recorded with the Secretariat in the previous month.<sup>14</sup> Now a statement is published each month. The Secretary-General is the depositary of over 500 multilateral treaties. The Treaty Section discharges the depositary function on his behalf and also publishes the *Multilateral Treaties Deposited with the Secretary-General* containing status-related informa-

\* LL.B. (Hons) (Sri Lanka); LL.M. (Australian National University); PhD (Cantab); Chief, Treaty Section, Office of Legal Affairs, United Nations. The views expressed in this article are not necessarily those of the United Nations, unless otherwise stated. The author is grateful to his colleagues for their comments, observations and suggestions.

tion on all treaties deposited with the Secretary-General.<sup>15</sup> Among the other documents published by the Treaty Section is the *Summary of Practice of the Secretary General as Depositary of Multilateral Treaties*, a document which is updated as frequently as resources permit.<sup>16</sup> In 2001, the Treaty Section also published the *Treaty Handbook*.<sup>17</sup> Currently work is in progress on updating the Article 102 aspects of the *Repertory of Practice of the Organs of the United Nations*<sup>18</sup> and the *Handbook on Final Clauses*.

The UNTS, deriving its mandate from the Charter,<sup>19</sup> came into existence immediately after the establishment of the Organisation. It is one of the two documents required to be published by the Secretariat under the Charter.<sup>20</sup>

The number of treaties requiring registration and, consequently, publication in the UNTS has increased at a rapid rate. Many factors have contributed to this development. In particular, the recent expansion of the international community<sup>21</sup> and the resulting proliferation of bilateral treaty-making and national treaty actions relating to multilateral treaties and the increase in international legislative activity witnessed in the latter part of the twentieth century have been important factors. Multilateral treaties result in multiple treaty actions which require registration and publication pursuant to Article 102<sup>22</sup> and the multilateral treaties deposited with the Secretary-General are a major source of treaty actions. Other depositaries also submit treaty actions deposited with them for registration with the UN Secretariat. Increasing awareness of the obligation to register treaties under the Charter of the United Nations has also contributed to the increase in the number of treaties submitted for registration and publication, although it is assumed that a large number of bilateral treaties still remain unregistered.

Another significant factor in the large number of international instruments registered with the Secretariat may relate to the approach adopted by the Secretariat to the definition of the term "treaties or international agreements" in Article 102 and the Regulations.<sup>23</sup> Article 102 does not clarify the terms "every treaty" or "international agreement" and a wide definition has been relied upon, resulting in a broad range of instruments being submitted for registration and being registered.<sup>24</sup> In general, the Secretariat relies on the assessment of the submitting State that an instrument constitutes a treaty or international agreement, unless it lacks certain basic characteristics.<sup>25</sup> In addition to the registration of treaties and international agreements submitted by Member States, the Regulations permit a specialised agency to register a treaty where the constituent instrument of the specialised agency authorises it to register such treaty, or where the treaty has been registered with the specialised agency pursuant to the terms of its constituent instrument, or where the specialised agency has been authorised by the treaty or agreement to effect registration.<sup>26</sup> Furthermore, treaties or international agreements are required to be registered *ex officio* where the United Nations is a party to such an instrument, where the United Nations has been authorised by the relevant instrument to effect registration and where the United Nations is the depositary of a multilateral instrument.<sup>27</sup> In an

organisation which now consists of 189 Member States, the number of registrable treaty actions attracted by approximately 500 multilateral treaties deposited with the Secretary-General is significant.<sup>28</sup> All subsequent actions relating to a registered treaty or international agreement are also required to be registered and published.<sup>29</sup>

Despite the legal obligation contained in Article 102, it is assumed that many treaties concluded by Member States of the United Nations have never been registered with the Secretariat. States may have many reasons for not wanting to register certain international agreements that they have concluded, including nuances in their own treaty practice relating to the criteria for determining what constitutes a treaty or an international agreement. Although this has attracted some comment in the past, no concerted action has been taken to encourage compliance with Article 102. The Legal Counsel wrote to all Member States at the beginning of 2002 to remind them of their obligations under Article 102 of the Charter.<sup>30</sup> Significantly, the non-registration of treaties and international agreements may also be the result of a lack of relevant resources rather than a lack of will. Many foreign ministries may not have the necessary legal personnel, or existing staff resources may be seriously overstretched, thus affecting their ability to comply with the requirements of Article 102. The United Nations has identified the compliance with obligations pursuant to Article 102 as an area in which Member States may be encouraged and, if necessary, assisted. The Secretary-General has committed the Organisation to provide the necessary assistance to those States which require assistance in this respect.<sup>31</sup>

The Secretariat also files and records treaties and international agreements entered into by the United Nations or one or more of the specialised agencies, treaties or international agreements entered into by Member States prior to the coming into force of the Charter but which were not included in the League of Nations Treaty Series and treaties or international agreements entered into by a State which is not a Member of the United Nations.<sup>32</sup> It is also common practice to file and record treaties and international agreements between two or more international organisations other than the United Nations or a specialised agency.

The United Nations, like the League of Nations, publishes in a single series treaties and international agreements registered or filed and recorded with the UN Secretariat<sup>33</sup> in all the authentic languages together with English and French translations.<sup>34</sup> At the end of 2001, the United Nations was the custodian of approximately 50,000 certified true texts of treaties and a similar number of related subsequent actions submitted for registration or filing and recording by the Member States of the United Nations and other entities pursuant to Article 102 of the Charter of the United Nations and the Regulations. Some treaties, in particular border agreements, are accompanied by maps, which are also part of this collection and are faithfully published in the UNTS. The UNTS is a unique collection of treaties and contains treaties in approximately 142 languages. Currently, over 2000 hard-copy volumes consisting of over 1,000,000 printed pages have been pub-

lished.<sup>35</sup> All of these treaties are required to be translated into French and English for publication, where the originals are not in these languages.<sup>36</sup> Some of the treaties in this collection predate the United Nations.

At the beginning of 2001, the time lag between the submission of a treaty by a Member state for registration and its ultimate publication in the UNTS was about three years, having been reduced from over 11 years in 1997.<sup>37</sup> There were many reasons, mainly historical and technological, for this state of affairs.<sup>38</sup> The current goal is to eliminate this backlog by the end of 2002.

### Eliminating backlogs

By the mid-1990s, there were a number of publications managed by the Treaty Section which carried significant backlogs. The UNTS was the most noticeable.<sup>39</sup> The backlog in the *UNTS Cumulative Index* was approximately 14 years, at the then rate of production. The *Monthly Statement of Treaties* was behind by 22 months and the *Multilateral Treaties Deposited with the Secretary-General* was backlogged by approximately three months.

In 1996, with a view to better discharging its mandate under the Charter and providing a more effective service, a comprehensive plan was adopted by the Treaty Section to bring its publications up to date. The General Assembly also began to pay critical attention to the backlog and, in 1996, requested "...the Secretary-General to provide all necessary assistance, including translation services, to implement the plan to eliminate the historical backlog in the publication of the *United Nations Treaty Series* within the next biennium".<sup>40</sup>

A number of immediate measures were adopted to eliminate the delays in analysing and processing treaties and treaty-related information submitted to the Section, especially material to be used in the UNTS and the *Multilateral Treaties Deposited with the Secretary-General*, and make such material accessible to its readership with the least possible delay. Despite the many technical advances, a simple technological solution to the problem did not exist. Therefore, the plan adopted by the Section involved a combination of managerial and technological innovations. Foremost among these was inculcating a sense of urgency, not only in the staff who analysed and processed treaties and treaty-related actions and compiled the publications, but also in States and international organisations which undertook treaty actions and submitted material for registration, and in other entities which assisted in the production process. Including private-sector typesetters and printers was a major part of this plan. The States were the key consumers of the publications of the Section, and their active involvement was critical to the realisation of the goals of the Section. The need to address the human dimensions of the problem as well as the entrenched attitudes of an organisation

which had been in existence for over 50 years was also recognised.

The elimination of the backlog became particularly urgent in view of the increasing efforts that were being made to place the publications of the Treaty Section on the Internet. A document on the Internet which was substantially out of date could not fully serve its purpose. In 1996, the General Assembly also emphasised the need to place the UNTS and the *Multilateral Treaties Deposited with the Secretary-General* on the Internet.<sup>41</sup>

Against this background a number of measures were adopted to address the backlogs. These included:

- New work methods were introduced. Staff lawyers and paralegals were trained to work in teams with a special focus on the needs of the clients, i.e. the Member States, international organisations, other entities of the UN family, NGOs, academics, etc. This was a new challenge to staff lawyers and paralegals who had long been used to working independently. In time, many made the necessary adjustments in order to achieve the organisational goals.
- Work became goal oriented. The focus on the elimination of the backlogs was maintained through the adoption of a system of agreed goals and objectives for individual lawyers who continued to provide legal advice and assistance and paralegal staff. Staff evaluations were linked to the achievement of these goals and objectives. This innovation encouraged the creation of a new sense of urgency.
- Technology was made an essential tool in realising the Section's goals. A comprehensive programme for the computerisation of the Section's work was implemented. A major electronic database was established

over a three-year period, with particular emphasis laid on user requirements. Staff lawyers and paralegals contributed extensively towards its development, drawing on their considerable experience and complex needs. Accumulated data located in an outmoded mainframe database, first commissioned in 1973, was painstakingly transferred to the new database and verified (a process that is ongoing). This data from which the *Monthly Statement of Treaties* is produced now also provides the basis for the search mechanism used for the online version of the UNTS. From May 1998 onward, all treaties and international agreements registered with the Secretariat and other treaty-

related information processed in the Section have been placed in the new database,<sup>42</sup> as well as the attributes of these instruments derived through analytical processes.<sup>43</sup> Information relating to multilateral treaties deposited with the Secretary-General was also transferred to this database. Fresh data relating to new treaty actions is inputted directly. The database is designed



Courtesy: Das Parlament

to process inputted data and channel it to the different publications that are derived from it. All staff have been provided with access, appropriate to their functions, to the new database.

- The introduction of scanning and electronic input of texts and other material to the database was followed by the introduction of desktop publishing at the tail end of the process. The following documents are now produced through the internal desktop publishing process: the UNTS, *Multilateral Treaties Deposited with Secretary-General*, the *Monthly Statement of Treaties* and the *UNTS Cumulative Index*.
- Technical training was made a priority, and advanced computer training was provided to all staff, including on database management. It was soon recognised that the output of the database would only be as good as the skills and capabilities of the staff working with it.
- Consistent with the requirements of the Regulations, improved mechanisms were put in place for speeding up the translation of treaties and other related documents, since the slow pace of translations was a major cause for the continuing backlog in the publication of the UNTS.<sup>44</sup>
- Closer monitoring of the publication process was introduced.

As a result of these measures, the output of the Section has improved considerably.<sup>45</sup>

The next phase of development of the database will include a more complex electronic database/workflow system within the Office of Legal Affairs and the Treaty Section which will further facilitate better tracking and the avoidance of duplication, repetitive functions and non-essential checking. Simultaneous processing of treaties and treaty information, once entered into the electronic database, will be more practical and Internet posting will be made quicker. The proposed database/workflow system will assist in further automating a range of functions and enhance the innovations already undertaken.

Many other electronic innovations have been implemented in the last few years to increase the effectiveness of the work of the Treaty Section. Most communications with States and international organisations submitting treaties or treaty-related information to the Secretariat (in particular, requests for clarifications and additional material, registration certificates, model registration documentation, etc.) have been standardised, and letters are produced with the assistance of the database. UNTS volumes are tabulated and volumes are compiled through a desktop publishing system reliant on the database. The flow of material for each volume which is now obtained from the database will be further automated, with resulting enhancements to workflow.

The system of sequential processing that was employed in the Section in the past has largely been eliminated through these new measures. Similarly, traditional, manual processing methods have been reduced or eliminated except where they are essential to maintain quality. Accordingly, the content of treaties and treaty actions continues to be checked meticulously. Any missing information is

noted and additional information requested following an individual analysis of documents.

Treaties submitted in paper format for registration are first examined to determine whether they are capable of being registered and, if they satisfy the legal requirements for registration, are then scanned into the database. Those submitted in electronic format are inputted directly and examined. Key information relating to registered treaties is capable of being processed and entered into the database on the day of registration unless further analysis or translations are required. Many treaties and related actions submitted for registration may require legal analysis prior to registration.<sup>46</sup> Key information, once entered into the system, flows automatically into the fields relevant to all the publications. Currently, the *Monthly Statement of Treaties*, the *UNTS Cumulative Index* and the *Multilateral Treaties Deposited with the Secretary-General* are produced substantially from a highly automated process reliant on the database, and manual interventions have been reduced to a minimum. It is expected that the workflow system will expedite significantly the publication of the UNTS.

Member States, international organisations and other depositaries, by and large, continue to submit their instruments for registration in paper format. Although entrenched habits are difficult to change, they are being strongly encouraged to submit treaties and treaty-related actions for registration in electronic format, for example, on diskette or by e-mail.<sup>47</sup> The General Assembly has repeatedly requested the submission of such material in electronic format.<sup>48</sup> In a development that would contribute considerably towards speeding up the processing of treaties and their publication in the UNTS, some States and international organisations have already begun to comply with this request.<sup>49</sup> Since it is now common for parties negotiating a treaty to maintain an electronic copy of the treaty, it is hoped that a copy of this document will be submitted for registration in electronic form, thus enabling the Secretariat to exploit its electronic capabilities and also to facilitate its publication with the least delay. It is recognised that some Member States of the United Nations are currently unable to transmit their treaties and treaty-related actions to the Secretariat in electronic format. But even if only countries with the necessary technological and other resources adopted an electronic approach, it would contribute tremendously to expediting the publication process. The majority of the treaties being registered at present are submitted by countries with the necessary electronic capabilities.

The publication of treaties and related actions in the UNTS in their original languages and in English and French being a legal requirement, Member States have been encouraged to provide translations in English and French, as necessary, of treaties being submitted for registration. The General Assembly which addressed this issue in 1950,<sup>50</sup> returned to it repeatedly and in 1999 urged "...States and international organisations, in particular depositaries, to continue assisting the Secretariat in its efforts to expedite the registration of treaties and their publication by providing..., wherever possible, translations of treaties in English and French".<sup>51</sup> A concerted effort

from the Member States themselves was considered necessary to address the historical inability of the Organisation to deal effectively with the UNTS translation requirements in good time. The slow pace of translations has been a major cause of the current backlog in the publication of the UNTS, and has affected other publications such as the *Multilateral Treaties Deposited with the Secretary-General*, since many reservations and declarations also require translation before they can be processed and circulated. If submitting parties were to provide a courtesy translation in English or French (or both), it would save time and scarce resources, as the Secretariat would not have to seek translators in such cases. Registering parties are being encouraged to, at least, provide translations in any of the official languages of the Organisation, since it is easier to obtain translations from these languages. (It is to be noted that it is difficult to locate competent translators in certain languages.) In the absence of translation difficulties, treaties and treaty-related material could be published closer to the date of publication.

As part of the process of expediting the publication of the UNTS, the Treaty Section has explored the possibility of expanding the scope of the discretion provided to the Secretariat by Article 12(2) of the Regulations, not to publish certain treaties *in extenso*.<sup>52</sup> Following a careful study<sup>53</sup> and a modification to the Regulations adopted by the General Assembly in 1997, an expanded limited publications policy which now includes certain categories of multilateral treaties has been implemented.<sup>54</sup> In deciding not to publish a treaty or international agreement *in extenso*, the Secretariat is required to take the practical value of such publication into account and also the accessibility of such instrument through a publication other than the UNTS. A decision not to publish *in extenso* can be reversed at any time. Treaties and international agreements not published *in extenso* are required to be identified in the *Monthly Statement of Treaties*, and copies of these documents may be obtained from the Secretariat by an interested party. The discretion not to publish a registered treaty *in extenso* is exercised with great caution.

Currently the Secretariat publishes only the titles and other key information of those treaties covered by the provisions of Article 12(2) of the Regulations. This approach covers bilateral cooperation and assistance agreements which are of a commercial, financial, administrative or technical nature and which are of limited scope; lengthy annexes of commercial products attached to bilateral agreements, where they are not of a substantive nature; in the case of multilateral agreements such as the GATT, in keeping with a practice employed since the early 1950s, annexes of products except in the original language.<sup>55</sup> For some time, bilateral cooperation and assistance agreements concluded by multilateral lending agencies such as the World Bank and the IMF have not been published in full in the UNTS.<sup>56</sup>

While keeping to the letter and spirit of Article 102 of the Charter, the application of the limited publication policy consistent with Article 12(2) of the Regulations has contributed to substantially reducing the backlog in the publication of the UNTS and has also saved scarce resources.

Employing the desktop publishing capability for the production of the UNTS commenced in 2001 after the accumulated volumes up to April 1998 had been processed. Despite some initial technical difficulties, the output of the UNTS produced through the desktop publishing process has begun to approach 12 volumes per month. This rate of progress is expected to assist considerably in eliminating the historical backlog and in making significant savings in the hard-copy publication of the UNTS. It is also expected to assist in keeping the output of volumes abreast of the regular intake of material. Extensive and repetitive checking of proofs has become a thing of the past. Desktop publishing of the UNTS has resulted in substantial savings to the Organisation, since external typesetting costs have been eliminated. The printing of the volumes will continue to be handled by external printers.

All correspondence relating to depositary responsibilities continues to be individually produced, although an increasing reliance is placed on database-derived precedents. The electronic copy of the *Multilateral Treaties Deposited with the Secretary-General* is updated daily as treaty actions relating to treaties deposited with the Secretary-General, unless they require in-depth analysis or translation, are processed on the day of the action.<sup>57</sup>



Permanent Representative of Malaysia Hasmy Agam signs the Stockholm Convention in the presence of the Chief of the UN Treaty Section, Palitha Kohona

Courtesy: UN

At present, only the printed volumes of the UNTS are available via the Internet. Once the necessary technical innovations to the database have been completed and the remaining three-year printing backlog has been eliminated, it would be possible to place treaties on the Internet in their original languages as soon as they have been registered.<sup>58</sup>

A major innovation planned for the near future is the provision of greater access to the Treaty Section database through the Internet, which would enable users to carry out searches directly on a consolidated database containing information in both text and image formats using its capabilities to the maximum advantage. For example, this development would permit a user to search for treaty information relating to a particular State, or in relation to a

particular treaty or category of treaties. The current capabilities of the database are not adequate for this type of search. The nature and extent of the access that will be provided to the database is still to be determined.

A development that will be introduced in the future is the conversion of the documentation available on the UNTC to CD-ROM format. While a CD-ROM will not enable the user to access the latest information, it will facilitate easier searches. A seamless link from the CD-ROM to the Internet may be technically feasible for the purpose of accessing information added to the UNTC after the issue of the relevant CD-ROM.

Further innovations will continue to be undertaken with a view to improving the service.

### Advancing policy goals through electronic publication

Access to the UNTS via electronic media, including the Internet, has been appreciated by the international community<sup>59</sup> and the General Assembly has welcomed<sup>60</sup> "...the efforts undertaken by the Office of Legal Affairs to bring up to date the *United Nations Treaty Series* and the *United Nations Juridical Yearbook*, as well as the efforts made to place on the Internet the *Treaty Series* and other legal information".<sup>61</sup> In placing the UNTC on the Internet, the Treaty Section has taken a significant step to advance the Organisation's policy "to ensure global and easy access by Governments, the United Nations system and the public at large to United Nations materials and information as well as to achieve efficiencies in the dissemination of those materials."<sup>62</sup>

The publication of treaties through a medium which provides enormously expanded access will contribute to furthering the original objectives of President Woodrow Wilson who sought to ensure, through Article 18 of the Covenant of the League of Nations, the registration and publication of all treaties and international agreements concluded by States. Through this, he had envisaged the elimination of secret diplomacy and, thereby, the advancement of peace.<sup>63</sup> The same sentiment later underpinned Article 102 of the Charter of the United Nations. It is uncertain whether this lofty ideal has been realised in full, but Article 102 may have contributed towards the development of the international legal order. The progress made by the Treaty Section in placing its publications on the Internet will add further momentum to this process by giving wider publicity to treaties and other international agreements registered with the Secretariat.

The electronic dissemination of the UNTC brings this huge collection of treaties and other treaty-related information within easy reach of a significantly wider audience which includes not only diplomats and international lawyers, but also academics, private individuals, NGOs, researchers, companies, law firms and others. Traditionally, treaties were the preserve of diplomats, policy makers and international lawyers. Admittedly, access to the Internet is limited in developing countries. Nevertheless, access to the UNTC through the Internet is available to a much wider audience in the developing world than was the printed version of the UNTS.<sup>64</sup>

It is noted that, increasingly, treaties concluded on the international plane impact on the daily lives of individuals, on their livelihoods, their lifestyles, their living standards, etc. This is particularly noticeable in the areas of terrorism, organised crime, the environment, human rights and humanitarian affairs.<sup>65</sup> Easier access to treaties could encourage more informed discussion among a wider group, including individuals and NGOs, of these important legal instruments, not only of their negotiation but also of their implementation. The slow process of democratisation of international relations would be assisted by easier access to treaties that affect individuals in their daily lives.<sup>66</sup> Furthermore, the availability of treaties as precedents would be enhanced, and international law making processes will be facilitated. It is also possible that the electronic distribution of the UNTS would contribute to reducing some of the mystique surrounding international relations as individuals and organisations become more familiar with a common tool employed for centuries in international relations, namely, treaties.

The greater awareness of treaties among a wider audience will also lead to a better understanding of the role of treaties in the regulation of international relations and in the development of the international legal order. Today's international legal order owes much to treaties, especially to multilateral treaties. As UN Secretary-General Kofi Annan observed, "Since the founding of the United Nations in 1945, over 500 treaties have been deposited with the Secretary-General. Without exception, all these treaties have been the result of meticulous negotiations and reflect a careful balance of national, regional, economic and other interests. In many instances, these international agreements were actively promoted by non-governmental organisations. The aspirations of nations and of individuals for a better world governed by clear and predictable rules agreed upon at the international level are reflected in these instruments. They constitute a comprehensive international legal framework covering the whole spectrum of human activity, including human rights, humanitarian affairs, the environment, disarmament, international criminal matters, narcotics, outer space, trade, commodities and transportation. The norms of international behaviour expressed through these treaties make the modern world a far better place to live in than before."<sup>67</sup>

Additionally, treaties are widely acknowledged as the major source of international law in the modern world. Accordingly, the dissemination of the UNTC via the Internet could contribute to the further development of international law.<sup>68</sup>

The use of the electronic medium for the dissemination of the UN treaty collection has resulted in the saving of considerable resources, both human and financial, for the Organisation. A sharp fall in the number of inquiries made through traditional means from the Treaty Section has been apparent. Time, energy and material expended by the Treaty Section to respond to queries from Member States and the public can now be diverted to other purposes.

In November 2000, the UNTC was accessed over 1,200,000 times and page views totalled over 270,000.<sup>69</sup> ➤

### UNTC: future electronic challenges

In placing the publications of the Treaty Section on the Internet, a number of complex issues were addressed by the Organisation. First was the question of reproducing the documents on the Internet while staying faithful to their readily recognisable print format. The print format had basically remained the same over the years. This objective has been essentially achieved through customised software. Improvements in presentation will continue to be made.

The safety of the UNTC from interference by hackers has been a continuing concern for the Organisation. The documents on the UNTC are increasingly relied upon by States, lawyers, diplomats and others. Although all possible precautions have been taken to ensure their integrity, in today's technological environment an absolute guarantee cannot be offered. A disclaimer of liability is incorporated at the beginning of the UNTC. A firewall has been constructed by the United Nations technical services to protect the documents from external interference. The general public has access only to a copy of the UNTC which is placed outside the firewall and updated every night. The version of the document inside the firewall is not accessible to outside users. However, a number of largely unsuccessful attempts have been made by hackers to interfere with the contents of the database. These have not caused any major damage, but have been a time-consuming nuisance.

The question of copyright continues to be a major consideration. The United Nations claims copyright ownership on a range of material. "Pursuant to the established copyright policy of the Organisation (ST/AI/189/Add.9/Rev.2), all published materials of the Organisation are generally copyrighted, with the exception of parliamentary documentation and public information material not offered for sale. This includes all intellectual property in the form of text, photos and captions, maps and labels, databases, directories, copyrighted public information materials, software, audio-visual materials and documentation".<sup>70</sup> The principle that provides the basis for the copyright claimed for the UNTS is that the United Nations processes and translates treaties and arranges them in a particular format involving a complex intellectual and technical input which then belongs to the Organisation. The original treaties themselves are not considered to be covered by United Nations copyright. The claim to copyright protection for work published for the first time by the United Nations and Specialised Agencies is recognised by Protocol Two of the Universal Copyrights Convention as revised in Paris in 1971.<sup>71</sup>

However, with the rapid development of the Internet, many questions relating to copyright have arisen. The international community has been slow to address these. For its part, the United Nations has inserted a copyright notice at the beginning of the UNTC.<sup>72</sup> With further electronic developments, it will be feasible to place a United Nations watermark on the pages of the documents published on the Internet by the Treaty Section. There have been occasions when the United Nations has had to draw the attention of unauthorised users of material published by

the United Nations to the Organisation's copyright. At times, it has also relied upon national authorities to enforce its copyright through domestic courts.

The Organisation discourages hyperlinking of its websites to external sites: "Generally, links from United Nations websites to external websites should be avoided."<sup>73</sup> The question of material published by the United Nations on the Internet being hyperlinked to other publications can be addressed through technology.

It may also be reasonable to ask whether the assiduous protection of the Organisation's copyright is consistent with its broader obligation to publish treaties pursuant to its Article 102 mandate.<sup>74</sup>

Member States have addressed the question of recovering the costs of publishing the UNTS on the Internet since 1996 when they adopted the resolution on the Electronic Treaty Database.<sup>75</sup> Paragraph 6 of this resolution endorsed, "...the Secretary-General's exploring of the economic and practical feasibility of recovering the costs of providing such Internet access to the United Nations *Treaty Series* and *Multilateral Treaties Deposited with Secretary General*, subject to Member States, Organisations of United Nations system, other international organisations and other non-commercial users not being charged a user fee, and presenting his findings to Member-States." Consequently, the Secretary-General, in a note on the Decade of International Law to the Fifty-second session of the General Assembly, stated that, "...The present legal and administrative practice of the Secretariat in relation to publications suggests that the number of potential subscribers with free access to the United Nations Treaty Collection on-line should be kept to a minimum. Furthermore, if the fee-charging mechanism is to be economically feasible, fees should be levied from the widest group of users."<sup>76</sup> Subsequently, the General Assembly endorsed the user fee policy.<sup>77</sup> The General Assembly and its Sixth Committee have repeatedly reaffirmed their position relating to charging an access fee for the UNTC and encouraged "...the Secretary-General to continue developing a policy of providing Internet access to the *United Nations Treaty Series* and the *Multilateral Treaties Deposited with the Secretary-General*, bearing in mind the needs of states, in particular developing countries, in recovering the costs thereof."<sup>78</sup>

Despite the imposition of a user fee, today, free access is available to many categories of users and a range of material on the UNTC. These include publications produced in conjunction with the special treaty events in 2000 and 2001 containing the text and status of the treaties: "Millennium Summit, Multilateral Treaty Framework: An Invitation to Universal Participation", "Multilateral Treaty Framework: An Invitation to Universal Participation – Focus 2001: Rights of Women and Children", and "Treaty Event – Multilateral Treaties on Terrorism". In addition, other material such as the *Summary of Practice of the Secretary-General as Depositary of Multilateral Treaties, Treaty Handbook*, information on technical assistance, etc. are available free of charge. Furthermore, free access to the entirety of the UNTC is provided to individuals and institutions from developing countries, as well as to all

NGOs. From the beginning, free access was provided to Permanent Missions to the United Nations in New York and Geneva, to government offices, to the United Nations Secretariat and United Nations agencies, and to the International Law Commission. Access on a user fee basis is limited to certain categories of users (e.g. commercial users, and public institutions in developed countries which are increasingly taking a market-oriented approach themselves).

### Multilateral treaties deposited with the Secretary-General

There are over 500 multilateral treaties deposited with the Secretary-General of the United Nations (as of 1 January 2002). Every year, on average, 12 new multilateral treaties are deposited with the Secretary-General, while some treaties may be terminated or superseded.<sup>79</sup> The depositary function of the Secretary-General is discharged by the Treaty Section which publishes the document *Multilateral Treaties Deposited with the Secretary-General*, reflecting the status of these treaties. It contains detailed information relating to signatures, ratifications, accessions, declarations, reservations, objections and other treaty actions.<sup>80</sup> The printed version of this publication is over 1000 pages long and is published annually both in English and in French in two volumes. Since this document is now derived almost entirely from the database, it has become possible to send it to the printers in January each year. In the past, two to three months' work was required before the document was ready to be printed. Due to the constant flow of treaty actions, which amount to approximately 1800 per year, the printed version becomes out of date long before it appears in print.<sup>81</sup>

Since November 1995, *Multilateral Treaties Deposited with the Secretary-General* has been available on the Internet in English. It is now available in French as well. The Internet version, which has been considerably upgraded, contains the daily updated status of these multilateral treaties and mirrors the form of the printed version. With the proposed developments to the database, it is hoped to facilitate more complex searches on this document. The Internet version could be accessed simply by using its unique address ([untreaty.un.org](http://untreaty.un.org)), the United Nations Home Page ([www.un.org/](http://www.un.org/)) or through a bookmark.

The Secretary-General's depositary notifications, which are issued to inform treaty parties and the international community of every treaty action (e.g. signatures, ratifications, accessions, etc.) undertaken in relation to treaties deposited with him, are now transmitted in electronic format (by e-mail) to Member States and simultaneously

placed on the UNTC.<sup>82</sup> This has enabled the Secretary-General to bring these actions to the attention of international community with the least possible delay.

### Encouraging wider participation in multilateral treaties

In his Millennium Report to the General Assembly the Secretary-General had noted that, "Support for the rule of law would be enhanced if countries signed and ratified international treaties and conventions."<sup>83</sup> As part of the process of advancing the international rule of law and encouraging wider participation in the multilateral treaties deposited with the Secretary-General, a key initiative was undertaken in 2000 in parallel with the Millennium Summit of the United Nations. This involved the Secretary-General inviting participating Heads of State and Government to make use of the Millennium Summit to undertake treaty actions in relation to treaties deposited with him.<sup>84</sup> Given that treaties are today's major source of international law, the value of Heads of State and Government reaffirming their commitment to the international rule of law – in particular, to the multilateral treaty frame-

work – by undertaking treaty actions in such a public setting was acknowledged. Initially, a core group of 25 treaties representative of the fundamental objectives of the United Nations was identified to be the focus of a sustained campaign to encourage signature and ratification and accession. A United Nations publication entitled *Millennium Summit: Multilateral Treaty Framework – An Invitation to Universal Participation*<sup>85</sup> containing the summaries of key provisions and the status of this core group of treaties was compiled in English and French and widely distributed. The electronic version is available at the UNTC. The response to the Secretary-General's invitation was very encouraging, and 84 countries participated in the Millennium Summit signature/ratification/accession event. Fifty-nine of these were represented by Heads

of State and Government. Prior to this, some of these Heads of State and Government, due to their domestic traditions, had never personally affixed their signatures to instruments of this nature. In all, 274 treaty actions in relation to 40 treaties were undertaken during three days of the Summit.

Given the success of the event, it was decided to conduct a similar treaty event, but on a modified scale, during each General Debate of the General Assembly. In 2001, a treaty event entitled *Focus 2001 – Rights of Women and Children* was organised to coincide with the United Nations General Assembly Special Session on Children and the General Debate of the 56th General Assembly. The



Courtesy: Das Parlament

Special Session and the General Debate were postponed due to the terrorist attacks of 11 September 2001 on the USA. However, *Focus 2001 – Rights of Women and Children* was held from 19 September to 5 October 2001 despite the disruptions caused by these events, and attracted 61 participants who undertook 135 treaty actions. The booklet published in connection with *Focus 2001* is available in hard copy and on the UNCTC in English and French.<sup>86</sup> Resources permitting, it will be published in all the official languages of the Organisation.

A similar treaty event was organised, focusing on multilateral treaties on terrorism to coincide with the postponed General Debate of the General Assembly. The Secretary-General invited Heads of State or Government and foreign ministers attending the General Debate to make use of the opportunity to express their abhorrence of terrorism and their commitment to the international rule of law by undertaking treaty actions relating to the treaties against terrorism deposited with him. A publication, *Treaty Event – Multilateral Treaties on Terrorism* was published on the UNCTC in English and French. The event, which lasted from 10 to 16 November 2001, attracted 79 States and resulted in 180 treaty actions.

Against this background, it has been proposed that a similar treaty event be organised in parallel with the World Summit on Sustainable Development in 2002, to focus on environmental treaties.

### Training

While treaty activity has increased, it has been noted that many States, particularly developing countries and countries with economies in transitions, face challenges in their efforts to participate in the multilateral treaty framework, especially in relation to undertaking treaty actions and in the domestic implementation of treaty obligations.

In his Millennium Report to the General Assembly,<sup>87</sup> the Secretary-General noted that many countries were unable to participate fully in the international treaty framework due to their lack of “the necessary expertise and resources, especially when national legislation is needed to give force to international instruments.” In the same report, the Secretary-General called upon “all relevant United Nations entities to provide the necessary technical assistance that will make it possible for every willing State to participate fully in the emerging global legal order.”<sup>88</sup> Having affirmed his commitment to the rule of law as a “central priority”, he also stated, “In order to build national capacities to implement treaties more effectively, I have requested every office, department, programme, fund and agency of the United Nations to review its current activities and to consider what else it might do, within its existing mandate and given existing resources, to promote the application of international law, and to provide technical assistance to help governments implement their commitments under the treaties to which they are or might wish to become parties.”<sup>89</sup>

Within the limits of its resource constraints, the Secretariat is gradually developing a programme for giving effect to the objectives of the Secretary-General and those reflected in the *Millennium Declaration*; in particular, a

programme for providing training to facilitate more effective participation by countries in multilateral treaties and in the registration of bilateral treaties with the Secretariat. The UN training arm, UNITAR, together with the Treaty Section, developed a training module entitled, “*UN/UNITAR Training Programme: Deposit of treaty actions with the Secretary-General and the registration of treaties*”, based on the Treaty Handbook.<sup>90</sup> The module could be adapted to meet the needs of a particular country or region or category of treaties. The Treaty Handbook was compiled by the Treaty Section to serve as a working tool for Member States and secretariats of international organisations, and provide a guide to the depositary practice of the Secretary-General and the registration requirements of the Secretariat. The first training session based on this module took place during the 56th General Assembly. Given the positive feedback following the training, it will be repeated in 2002.

### United Nations Treaty Series (UNTS)

The UNTS was placed on the Internet in 1997. Many of the questions that were discussed in relation to the *Multilateral Treaties Deposited with the Secretary-General* were also addressed in so doing. Some of the technological issues have been resolved, while some remain. One key difference between the two documents is that there is no requirement for the UNTS to be updated as frequently as before.

Consistent with the wishes of the General Assembly, the UNTS will continue to be published in hard copy for the time being.<sup>91</sup> Access to the UNCTC is not available to all its potential users, especially to those in developing countries where the Internet is not a readily available tool.

Approximately 40,000 registered treaties and a similar number of related actions have already been published in hard-copy up to December 1998, in over 2000 volumes of the UNTS.<sup>92</sup> All printed volumes have been scanned and converted to optical disk format. At present only treaties registered up to February 1998 are available on the Internet. Once the database is completed in 2002, published treaties up to the end of the year 2000 will also be available on the UNCTC. Placing the optical disk version on the Internet posed a substantial challenge, as it involved the building of an effective search mechanism appropriate for use on the Internet and which facilitated the transmission of the scanned images to distant users. With recent developments in technology, this has become less of a problem.

While suggestions to convert the treaties in image format on the UNCTC to text continue to be made, including by private service providers, the cost and time involved in such an exercise remains a major hurdle.

The attributes recorded in the *Monthly Statement of Treaties* provide the basis of the search mechanism and the entry point to the UNTS on the Internet. An Internet search would commence on this document in the database. Once the key information on a required treaty had been located through this process, the treaty (in image format) would be extracted using the unique registration number assigned to each registered treaty. Related actions

are also normally registered under the same registration number. This number is employed to provide the link between the *Monthly Statement of Treaties* and the treaty collection stored on disk and maintained on a proprietary system. Since the United Nations controls access to the information in the *Monthly Statement of Treaties*, there is theoretically no limit to the number of people who could access the UNTC at any given time. Once the enhancements to the database are completed, both the information used in the production of the *Monthly Statement of Treaties* and the information on disk will be located in a single database.

The range of names of parties used in the search mechanism have now been rationalised and reduced to around 250, and these continue to be refined. These names reflect the list of official names used by the UN. Where other names have been used in a treaty for historical and other reasons, these have been consolidated under the relevant official name. For example, Germany will have under it, Federal Republic of Germany and the German Democratic Republic. The names of former colonies appear under the names of the former colonial powers and also under their present names as independent states. The range of subject terms for entering data continues to be rationalised and made more consistent with the terms used in the *United Nations Cumulative Index*. The consolidated subject terms total around 300.

## Notes:

- <sup>1</sup> See *untreaty.un.org*.
- <sup>2</sup> ST/LEG/SER.E/19.
- <sup>3</sup> ST/LEG/7/REV.1.
- <sup>4</sup> UN Sales No. E.02.V.2.
- <sup>5</sup> A/RES/51/158, 16 December 1996.
- <sup>6</sup> See A/56/484; A/56/586; A/RES/54/102; A/RES/54/28; A/RES/53/100; A/RES/52/153.
- <sup>7</sup> See for example, para. 7 of A/RES/54/102.
- <sup>8</sup> See para. 9, The Millennium Declaration, A/RES/55/2.
- <sup>9</sup> See para. 72, A/56/484.
- <sup>10</sup> "1. Every treaty and every international agreement entered into by any Member of the United Nations after the present Charter comes into force shall as soon as possible be registered with the Secretariat and published by it.  
2. No party to any such treaty or international agreement which has not been registered in accordance with the provisions of paragraph 1 of this Article may invoke that treaty or international agreement before any organ of the United Nations, Article 102, Charter of the United Nations."
- <sup>11</sup> "Article 102 contains an absolute obligation on UN Members and does not have a discretionary character. It does not matter whether a Member is convinced that the agreement will never be invoked before an organ of the UN. Article 102 must not be misunderstood as a mere provision setting out the conditions under which an international agreement may be invoked before an organ of the UN." The Charter of the United Nations (Ed. B. Simma) para. 14, p. 1108 (1995).
- <sup>12</sup> The origins of Article 102 of the United Nations Charter may be traced to Article 18 of the Covenant of the League of Nations. The draftsmen sought to eliminate secret diplomacy and thereby a major cause of war by incorporating a legal requirement to ensure transparency in intergovernmental relations. See M.O. Hudson (1925) "Registration and Publication of Treaties", 19 A.J.I.L. 273, and R.B. Lillich (1971) "The Obligation to Register Treaties and International Agreements with the United Nations," 65 A.J.I.L. p. 771.
- <sup>13</sup> Regulations to give effect to Article 102 of the Charter of the United Nations, UNTS Vol. 859/860, p. viii, last revised by General Assembly Resolution 33/141, 19 December 1978, and by Resolution A/RES/52/153, hereinafter referred to as "the Regulations".
- <sup>14</sup> This document was placed on the UNTC in 2002.
- <sup>15</sup> The Secretary-General derives his authority for performing the depositary function for multilateral treaties from:
  - The provisions of the treaties themselves;
  - Article 98 of the Charter of the UN;

- General Assembly resolution 24(1) of 12 February 1946; and
  - The League of Nations resolution of 18 April 1946.
- <sup>16</sup> Last updated in 1994.
  - <sup>17</sup> UN Sales No. E.02.V.2.
  - <sup>18</sup> This is a major exercise involving a number of departments, and work is currently progressing on the years 1985–1988.
  - <sup>19</sup> Art.102, Charter of the United Nations, *op. cit.* The UNTS has been published since 1946.
  - <sup>20</sup> The other is the Annual Report of the Secretary-General.
  - <sup>21</sup> The disintegration of the former Soviet Union and of the Former Socialist Federal Republic of Yugoslavia were particularly significant events in this respect. The readmission of Yugoslavia to the United Nations by Resolution A/55/12 on 1 November 2000 resulted in the submission of 243 new treaty actions relating to treaties initially deposited with the Secretary-General. Further treaty actions were submitted later, including to other depositaries.
  - <sup>22</sup> There are over 1400 active multilateral treaties in existence. See M.J. Bowman and D.J. Harris (1995) *Multilateral Treaties, Eleventh Cumulative Supplement*.
  - <sup>23</sup> The League of Nations also adopted a wide interpretation of Article 18 of the Covenant of the League of Nations. See M.O. Hudson (1930) "The Registration of Treaties, 24 A.J.I.L. 752.
  - <sup>24</sup> "Every treaty or international agreement, whatever its form and descriptive name, entered into by one or more Members of the United Nations after 24 October 1945, date of entry into force of the Charter, shall as soon as possible be registered with the Secretariat in accordance with these Regulations." Article 1(1) of the Regulations. For registration to be effected, an agreement shall already have entered into force.
  - <sup>25</sup> A treaty is an instrument concluded between two parties being subjects of international law and possessing treaty-making capacity, creating legal rights and obligations governed by international law. The characterisation employed to describe the instrument is not considered to be a determining factor. See Treaty Handbook, No. E.02.V.2, p. 25; see also A. Aust (2000) *Modern Treaty Law and Practice*, p. 14 *et seq.*
  - <sup>26</sup> See Article 4(2) of the Regulations.
  - <sup>27</sup> See Article 4(1) of the Regulations.
  - <sup>28</sup> Non-Member States also undertake treaty actions in relation to treaties deposited with the Secretary-General.
  - <sup>29</sup> See Article 2 of the Regulations.
  - <sup>30</sup> 24 January 2002, LA41TR/230; see also A/RES/54/28.
  - <sup>31</sup> The Secretary-General called upon "...all relevant United Nations entities to provide the necessary technical assistance that will make it possible for every willing state to participate fully in the emerging global legal order." Millennium Report, A/54/2000, para. 327 *et seq.*; see also Road map towards the implementation of the United Nations Millennium Declaration. The Secretary-General, under the goal of strengthening the international rule of law, referred to "...supporting States to implement international legal commitments, including treaties, and developing United Nations mechanisms, such as the Treaty Handbook, to help governments draft legislation and run training programmes on aspects of international law." A/56/326, Section II (A), para. 20; also A/55/1, para. 279.
  - <sup>32</sup> See Article 10 of the Regulations.
  - <sup>33</sup> See Article 12 of the Regulations; the League of Nations Treaty Series consists of 205 volumes.
  - <sup>34</sup> "The Secretariat shall publish as soon as possible in a single series every treaty or international agreement which is registered or filed and recorded, in the original language or languages, followed by a translation in English and in French..." Article 12(1) of the Regulations.
  - <sup>35</sup> The current rate of publication is around 120 volumes per year.
  - <sup>36</sup> A/RES/54/28; see also GA RES.482(v), 12 December 1950.
  - <sup>37</sup> In 1996, over 550 volumes of the UNTS remained to be published. The annual intake of registered material is the equivalent of approximately 47 published volumes, or roughly 3300 registered treaties.
  - <sup>38</sup> In 1972, the backlog stood at approximately 172 volumes. Almost 15,000 treaties had been registered or filed and recorded since 1946. It has increased steadily since then.
  - <sup>39</sup> In 1997, the backlog was estimated at over 11 years. In excess of 25,000 registered treaties remained to be published.
  - <sup>40</sup> See para. 12, A/RES/53/100; see also para.4, A/RES/51/158; however, no additional resources were provided; also see author's note in A.J.I.L. Vol. 92, No. 1, p. 140 (January 1998).
  - <sup>41</sup> Electronic Treaty Database, A/RES/51/158.
  - <sup>42</sup> Treaties or international agreements are either scanned in or inputted directly from disk or e-mail.
  - <sup>43</sup> All published volumes of the UNTS up to volume 1623 (approximately corresponding to the registration year 1986) had already been scanned and placed on a proprietary database. The *UNTS Cumulative Index*, which had been produced from a small database not directly linked to the mainframe, has now been amalgamated with the new database.
  - <sup>44</sup> "The Secretariat shall publish as soon as possible in a single series every

treaty or international agreement which is registered or filed and recorded, in the original language or languages, followed by a translation in English and in French..." Article 12(1) of the Regulations.

<sup>45</sup> In 1995, 28 volumes of the UNTS were printed. In 1996, 27. In 2001, 126 volumes were printed and 150 were finalised for printing.

<sup>46</sup> For example, the question has arisen whether the parties to an instrument possess the necessary treaty-making capacity; B. Simma, *op. cit.* at para. 26, p. 1111.

<sup>47</sup> Some Member States have already begun to comply with this suggestion.

<sup>48</sup> See operative para. 6 in A/RES/52/153; also A/RES/53/100 and A/RES/54/28.

<sup>49</sup> See Notes Verbales of the legal Counsel of the United Nations to Permanent Representatives to the United Nations in New York of 22 April 1996; LA 41TR/230 of 2 April 1997, LA 41TR/230 and LA 41TR/230.

<sup>50</sup> See Resolution RES/482 (v) of 12 December 1950, which invited Member States "to provide the Secretary-General, where feasible, with translations in English and French or both as may be needed for purpose of such publication".

<sup>51</sup> See para. 6 of A/RES/54/28, A/RES/53/100 and A/RES/52/153. See also the Notes Verbales of the Legal Counsel, *op. cit.*

<sup>52</sup> See UN Doc. A/C.6/32/5/Add.1; A/52/363. By its Resolution A/RES/33/141 of 19 December 1978 amending Article 12 of the Regulations, the General Assembly gave the Secretariat the option not to publish *in extenso* certain categories of bilateral treaties or international agreements belonging to one of the following categories (Article 12 para. 2): (a) Assistance and cooperation agreements of limited scope concerning financial, commercial, administrative or technical matters; (b) Agreements relating to the organisation of conferences, seminars or meetings; (c) Agreements that are being published otherwise than in the UNTS by the United Nations Secretariat or by a related agency.

<sup>53</sup> See Note by the Secretariat, at [untreaty.un.org](http://untreaty.un.org).

<sup>54</sup> See Resolution A/RES/52/153 of 15 December 1997. The General Assembly amended Article 12 of the Regulations and extended the option not to publish *in extenso* multilateral treaties falling within the same categories. Operative para. 7 states, "Invites the Secretary-General to apply the provisions of Article 12, para. 2 of the Regulations to give effect to Article 102 of the Charter of the United Nations to multilateral treaties falling within the terms of Article 12 para. 2(a) to (c)."

<sup>55</sup> Article 12(2) of the Regulations.

<sup>56</sup> See Treaty Handbook, *op. cit.*, at p. 33.

<sup>57</sup> The special treaty ceremony "Treaty Event – Treaties on Terrorism" which was held at UN Headquarters from 10 to 16 November 2001 attracted 180 different treaty actions. These were processed and published on a daily basis.

<sup>58</sup> At the end of 2001, all printed volumes up to April 1998 (over 2000 volumes) had been made available on the Internet. All volumes up to December 2000 will be placed on the Internet in 2002.

<sup>59</sup> See "Review Essay", W. Harms, International Journal of Legal Information, Vol. 29, No. 2, p. 501 (Summer 2001).

<sup>60</sup> See A/RES/51/158.

<sup>61</sup> Para. 7, A/RES/54/102; see also A/RES/52/153, A/RES/53/100 and GA Document A/56/586.

<sup>62</sup> Para.4.1(a), ST/AI/2001/5.

<sup>63</sup> A view also held by Leon Trotsky, B. Simma, *op. cit.* at para. 1, p. 1104.

<sup>64</sup> Only about 450 copies of the printed version of each volume of the UNTS were purchased by the public worldwide: see GA Document A/52/363 at p. 6.

<sup>65</sup> The author has discussed the increasing role of NGOs in the international arena in, P.T.B. Kohona, "The Role of Non-State Entities in the Making and Implementation of International Norms" 2 J.W.I. 3, September 2001, p. 537.

<sup>66</sup> See M.C.W. Pinto, "Democratisation of International Law and its Implications for Development and Application of International Law", United Nations Congress on Public International Law, 15 March 1995.

<sup>67</sup> Foreword by Mr Kofi Annan to the Millennium Summit, Multilateral Treaty Framework: An Invitation to Universal Participation, DPI/2130 (2000).

<sup>68</sup> See Art. 38 of the Statute of the International Court of Justice. See also J.K. Gamble and C. Ku, "International Law – New Actors and New Technologies: Centre Stage for NGOs." Law and Policy in International Business, Vol. 31, No. 2, p. 221 (Winter 2000).

<sup>69</sup> Figures recorded at the end of November 2001.

<sup>70</sup> See Section 5, para. 5.1, United Nations Internet Publishing, ST/AI/2001/5.

<sup>71</sup> UNTS Vol. 943, p. 311.

<sup>72</sup> See copyright notice, Annex to ST/AI/2001/5.

<sup>73</sup> See Section 3 para. 3.6, United Nations Internet Publishing, ST/AI/2001/5.

<sup>74</sup> See P. Alston, "Charging for Access to International Law Treaty Information: Time for the UN to Rethink a Perverse Initiative", 12 E.J.I.L. No. 2, p. 351 (2001).

<sup>75</sup> A/RES/51/158.

<sup>76</sup> Para. 56, A/52/363 at p. 8.

<sup>77</sup> See para. 9, A/RES/52/153.

<sup>78</sup> See para. 11, A/RES/53/100.

<sup>79</sup> Agreements dealing with commodities are terminated or superseded most frequently due to their short life span.

<sup>80</sup> Treaty actions, such as reservations, declarations and objections may be submitted to the depositary in languages other than English or French, requiring translation into these languages.

<sup>81</sup> Sometimes, special political circumstances may result in an upsurge in the number of treaty actions being undertaken by States. The transfer of sovereignty of Hong Kong to China in 1997 resulted in over 200 treaty actions in a short period. The readmission of Yugoslavia to the United Nations on 1 November resulted in over 240 treaty actions. The legal analyses of some of the resulting issues took weeks.

<sup>82</sup> Depositary notifications with attachments, which tend to be a small minority, continue to be sent by facsimile for technical reasons.

<sup>83</sup> See para. 326, Millennium Report, 1999-2000 (A/54/2000).

<sup>84</sup> See The United Nations Treaty Collection on the Internet at [untreaty.un.org](http://untreaty.un.org). DPI/2130.

<sup>85</sup> Multilateral Treaty Framework – An Invitation to Universal Participation, Focus 2001: Rights of Women and Children, UN Publication.

<sup>86</sup> See para. 326, Millennium Report, 1999-2000, A/54/2000.

<sup>87</sup> See para. 327, *ibid.*

<sup>88</sup> See para. 297, A/55/1.

<sup>89</sup> Printed in 2001 and available at the UN Treaty Collection on the Internet.

<sup>90</sup> "Also requests the Secretary-General to ensure that hard copies of the publications mentioned in para. 9 continue to be distributed to permanent missions free of charge in accordance with their needs", para. 11, A/RES/52/153.

<sup>91</sup> Treaties registered up to the end of 2001 will be processed in 2002 and will be printed during the same year, if translations are received in time.