

**JOINT STATEMENT BY
THE PERMANENT MISSIONS OF ARGENTINA, AUSTRIA, BRAZIL,
ITALY AND SINGAPORE, ON AGENDA ITEM 87 “STRENGTHENING
AND PROMOTING THE INTERNATIONAL TREATY FRAMEWORK”,
SIXTH COMMITTEE,
18 OCTOBER 2023**

1 I have the honour of delivering this statement on behalf of Austria, Brazil, Italy, Singapore and my own country, Argentina.

2 Our delegations believe that a strong international treaty framework provides critical support for the rule of law and the multilateral system founded upon international law.

3 Our delegations aimed to achieve several objectives when we requested the inclusion of this item in the agenda for the 73rd session of the General Assembly. The first was to have a platform for this Committee to review the regulations to give effect to Article 102, which was long-overdue at that point in time. We could successfully achieve this objective during the 76th session of the GA when Member States decided to amend the regulations. Secondly, we wanted to provide an opportunity for Member States to have an exchange of views on treaty-making practice and identify trends and share best practices in treaty-making, as well as discuss other treaty-related topics.

4 In this spirit, in its resolution 76/120 the General Assembly decided to undertake a thematic debate in the Sixth Committee to foster a technical exchange of views on practice relating to the strengthening and promoting of the international treaty framework and invited Member States to focus their comments during the present session on the subtopic “Best practices of depositaries of multilateral treaties”.

5 The practice of designating a "depository" of multilateral treaties came into being as a result of the increasing number of parties to multilateral agreements. In the past, only States were depositaries. However, with the establishment first of the League of Nations and later of the United Nations and its specialized agencies, these and other organizations have been increasingly entrusted with depositary functions.

6 The depositary is required to act impartially in the performance of its functions. The functions of the depositary are in principle related to the reception, formal review, transmission and storage of communications and acts of current or future States parties. The depositary may also examine the

compliance with the formal requirements that States have to meet about a particular act. However, it is not for the depositary to adjudicate on the validity of the acts submitted to it. This competency lies exclusively with the States Parties. It is important to highlight the apolitical role ascribed to depositaries under established international treaty law.

7 While each organisation that performs the duty of depositary of multilateral treaties has developed a certain practice, depositaries should always be guided by the relevant provisions of the 1969 Vienna Convention on the Law of Treaties reflecting customary international law.

8 The UN Secretary-General is -by far- the most important depositary of multilateral treaties. Over six hundred multilateral treaties are deposited with the Secretary-General. The complex requirements relating to these treaties and the interaction with the many states that may undertake treaty actions with regard to them have significantly influenced and enriched his practice.

We acknowledge -and value- that the UN Secretary-General, apart from performing the core depositary functions, engages in tasks that have modernized and expanded the traditional depositary role. The UN Secretary-General, through the Office of Legal Affairs, advises Member States on questions of treaty law and participation in the elaboration of new treaties, and promotes dissemination of UN treaties, including through treaty events. All these activities strengthen the international treaty framework. In this vein, we regret that workshops on treaty law and practice at the national and regional levels could not be organized since 2016 and invite States to consider making voluntary contributions to the trust fund.

9 We recognize the importance of the *Summary of Practice of the Secretary-General as Depositary of Multilateral Treaties* as a source for consultation and guidance for Member States. In this regard, we stress the need to update such publication in the light of new developments and practices. We are aware of the lack of funds to that end. We encourage Member States to discuss ways as to how to mobilize the necessary funds for the Secretariat to undertake this very much needed task.

10 To conclude, we would like to thank the staff of the UN Treaty Section for their hard work and dedication in overseeing the implementation of Article 102 of the UN Charter and discharging the Secretary-General's depositary functions. We also want to thank the staff of the UN Treaty Section for all assistance rendered to Member States on those matters. Their efforts support transparency in international relations and legal certainty in international

law, and, ultimately, contribute to the upholding of the rule of law at the international level.

Finally, we wish to thank the Treaty Section and the Department for General Assembly and Conference Management for their work in reducing the backlog in treaty translation for publication in the UN Treaty Series and encourage them to continue with these efforts.