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Preparation of Multilingual Treaties: Memorandum by the Secretariat

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Introduction

1. The International Law Commission, while examining at its sixteenth session articles 74 and 75 of the Special Rapporteur's third report on the Law of Treaties,¹ adopted as articles 72 and 73 of the draft articles on the law of treaties (A/CN.4/L.107), requested the Secretariat to furnish further information on the practice of the United Nations in drawing up the texts of multilingual instruments.² In compliance with that request, the Secretariat has prepared this non-exhaustive memorandum in which the language practices of several typical conferences and meetings convened for the express purpose of drawing up multilateral treaties are described. Having regard to article 3(*bis*) (Treaties which are constituent instruments of international organizations or which have been drawn up within international organizations) adopted by the Commission at the first part of its seventeenth session,³ this memorandum is limited to the United Nations, and more particularly to the General Assembly and conferences convened by the General Assembly. At the same time brief descriptions of the language rules and practices of

the San Francisco Conference and of the International Law Commission itself have been included.

2. Accordingly, the language rules and practices adopted by the following conferences, organs and treaties are considered:

- (a) The United Nations Conference on International Organization (the San Francisco Conference);
- (b) The General Assembly;
- (c) The International Law Commission;
- (d) Conventions drawn up within the General Assembly itself:
 - (i) The Convention on the Prevention and Punishment of the Crime of Genocide, of 1948;
 - (ii) The Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages, of 1962;
 - (iii) The Convention on the Elimination of all Forms of Racial Discrimination, of 1965.
- (e) Conventions drawn up in certain conferences convened by the General Assembly:
 - (i) The Geneva Conference of 1958 on the Law of the Sea;
 - (ii) The Vienna Conference of 1961 on Diplomatic Intercourse and Immunities and the Vienna Conference of 1963 on Consular Relations.

¹ *Yearbook of the International Law Commission, 1964*, vol. I, pp. 298-299.

² *Ibid.*, 1964, vol. II, p. 206, footnote 170.

³ *Ibid.*, 1965, vol. II, p. 160.

The San Francisco Conference

3. The Dumbarton Oaks Proposals,⁴ which formed the basis for the work of the San Francisco Conference, were drawn up in English only. English, Russian, Chinese, French and Spanish were adopted as the official languages of the San Francisco Conference, and English and French as its working languages. The basic distinction between the two categories of language was that whereas interpretation was provided, and translations made, into the other working language of all statements and documents originating in one of the working languages, and into both working languages in the case of statements and documents originating in one of the official languages only, as far as the official languages were concerned it was provided that only certain categories of documents would be published in these languages upon request. Those categories of documents included all proposals presented to the conference or its subordinate bodies, all decisions of plenary sessions, commissions or committees, and summaries or records of meetings of the committees or sub-committees.⁵ The official documentation of the conference has been published on behalf of the United Nations in the two working languages only.

4. For the text of the Charter itself (including, as an integral part of it, the Statute of the International Court of Justice), Article 111 provides that "the Chinese, French, Russian, English and Spanish texts are equally authentic". In the course of the conference it was contemplated that the text of the Charter would be prepared for signature in each of the five official languages, but that if time did not permit the completion of the texts in each of those languages before the closing of the conference, the texts which had not then been completed would be opened for signature at a later date.⁶ However, at the same time there was established, under the Executive Committee, an Advisory Committee on Languages which was to carry out its duties under the direction of the Co-ordination Committee. Later, in connexion with the final arrangements for the drawing up of the Charter and the Statute and the approval of the text in all five languages, the following procedures were approved by the Co-ordination Committee on 11 June 1945:

"2. The function of the Advisory Committee on Languages should be to review approved texts from the point of view of language only, in order to assure accuracy and uniformity in all languages.

"3. Since the text of the Charter is being drafted in English and French as working languages, the main task of the Advisory Committee on Languages would be to assure the accuracy of the Chinese, Russian and Spanish texts. For this purpose a panel should be formed for each of these three languages."

On the same occasion, the following decisions were reached for the procedure for review and approval of the final text in each of the five languages:

"1. When Charter provisions have been approved in English and French texts by the Co-ordination Committee and the Advisory Committee of Jurists, the three panels of the Advisory Committee on Languages should then review the Secretariat translations of the texts in the three respective languages. The Advisory Committee on Languages should consult the Advisory Committee of Jurists as occasion requires. Any proposed changes in the English and French texts should be submitted to the Co-ordination Committee for approval. The texts as reviewed should be distributed to all delegations as rapidly as possible.

"2. When the Commissions have approved Charter provisions in the two working languages of the Conference, any changes made should be incorporated in the Chinese, Russian and Spanish texts and be approved by the competent panels of the Advisory Committee on Languages.

"3. The texts in all five languages would be submitted to the Steering Committee prior to submission to the Plenary Session.

"4. After review by the Steering Committee the printed texts in all five languages should be submitted for final review by the Advisory Committee on Languages, with all panels meeting together. At this meeting the texts should be read in English and each language group would check the accuracy of its text. After a last correction of the proofs by members of the Advisory Committee on Languages the final texts in all languages will be approved by the Advisory Committee on Languages for submission to the Plenary Session for signature.

"Under the above procedure all delegations would have an opportunity to review and approve the texts in all languages. They would be able to rely on the Advisory Committee on Languages to assure that the documents as prepared for signature are accurate and uniform in all languages as approved."⁷

5. In conformity with this procedure, the conference Advisory Committee of Jurists worked on the English and French texts of the Charter and Statute, though the Co-ordination Committee agreed to accept responsibility for their concordance.⁸ On the procedure for the signing, "in response to a question raised as to the method by which a state might indicate that it was not yet prepared to accept one of the five texts, the [Co-ordination] Committee expressed the strong view that such exceptions should not be possible. It felt that the Charter must be signed as an entity, including all five texts, and pointed to the fact that Article 83 [now Article 111] makes each text an integral part of the Charter".⁹ Although it had been envisaged that any delegation could refrain from signing one or other of the authentic texts at the formal ceremony of signature on condition that it appended its signature thereto subsequently, in fact no delegation availed itself of that facility, but each of the signatories signed the Charter "as an entity".

⁴ *Documents of the United Nations Conference on International Organization*, vol. III, p. 1.

⁵ *Ibid.*, vol. II, p. 589.

⁶ *Ibid.*, vol. II, p. 593.

⁷ *Ibid.*, vol. II, p. 594; vol. V, p. 542; vol. XVII, p. 65; vol. XVIII p. 651.

⁸ *Ibid.*, vol. XVII, p. 90.

⁹ *Ibid.*, p. 452.

6. The pattern created at San Francisco, with its distinction between the working languages and official languages, has continued to guide the United Nations in its language practices. However, each organ, principal and subsidiary, has established detailed rules of procedure or practices suited to its special needs. These substantive requirements, varying from organ to organ, are in turn reflected in the organization of the translation and interpretation services of the Secretariat.

The General Assembly

7. The Executive Committee of the Preparatory Commission, in its report to the Preparatory Commission, summarizing its proposals regarding the provisions on languages included in the provisional rules of procedure for the General Assembly, stated:

...“The proposed text on languages follows closely the language rules of the United Nations Conference at San Francisco. An effort has been made to provide for more extended use of all five official languages. It is proposed that Resolutions and other important documents of the General Assembly shall be published in all five official languages; and that any additional document shall be reproduced upon request by any Delegation in any or all of the five languages. At the same time certain practical necessities involved in the use of the working languages have been kept in view.”¹⁰

Rules 57 to 66 of the provisional rules of procedure of the General Assembly, prepared by the Executive Committee, spelled this policy out in detail. However, the Preparatory Commission itself, after discussion in the twelfth meeting of the Technical Committee on the General Assembly, adopted a simpler formulation that:

“The rules adopted at the San Francisco Conference regarding languages shall prevail until otherwise decided.”¹¹

8. The procedure of the first part of the first session of the General Assembly was accordingly regulated by the provisional rules of procedure adopted by the Preparatory Commission. However, the General Assembly decided, at its sixteenth plenary meeting, that the question of languages needed further study. It therefore referred that part of the Preparatory Commission's report to the First Committee which, at its third meeting, established a Sub-Committee for that purpose. The Sub-Committee held two meetings (A/C.1/10) and submitted a report (A/C.1/8) which recommended the adoption of rules of procedure based on the proposals of the Executive Committee, but slightly modified so as to be applicable to all the organs of the United Nations except the International Court of Justice, the language practices of which are governed by Article 39 of the Statute. At its fifth meeting, the First Committee approved these arrangements¹² which were adopted by the General Assembly

¹⁰ Report by the Executive Committee to the Preparatory Commission of the United Nations. PC/EX/113/Rev.1, p. 38, para. 54.

¹¹ Report of the Preparatory Commission of the United Nations, PC/20, p. 121.

¹² *Official Records of the General Assembly, First Part of the First Session*, pp. 306-307 and 576.

as resolution 2 (I) at its twenty-first plenary meeting on 1 February 1946. These rules maintained the distinction, which originated at San Francisco, between the working languages (English and French) and the official languages (Chinese, English, French, Russian and Spanish) of the United Nations and adapted them to the requirements of the United Nations. At its second session, the General Assembly, in resolution 173 (II) of 17 November 1947, adopted permanent rules of procedure. Section VIII of those rules, headed “Languages”, closely followed those adopted in 1946. The principal difference was that, instead of purporting to apply to all the organs of the United Nations (except the International Court of Justice), they were limited to the General Assembly,¹³ it being left to each organ to decide its own procedure.

9. The second session also had before it a proposal for the adoption of Spanish as one of the working languages of the General Assembly, and by resolution 154 (II) of 15 November 1947, adopted on the recommendation of the Fifth Committee, it requested the Secretary-General to study all aspects of the proposal and to report to the third session; the Secretary-General presented his report (A/624) on 27 August 1948. This proposal itself (A/742) was adopted in resolution 247 (III) of 7 December 1948 over the opposition of the Advisory Committee on Administrative and Budgetary Questions (A/657) and of the Fifth Committee (A/704), the question of the formal amendment of the rules of procedure then being referred to the Sixth Committee, which reported on 11 December 1948 (A/799). The necessary amendments are contained in resolution 262 (III) of 11 December 1948.¹⁴

10. The language rules of the General Assembly have remained unchanged since then. In their current form they appear as rules 51 to 59 of the rules of procedure of the General Assembly (A/520/Rev.8), and read as follows:

VIII. LANGUAGES

Official and working languages

Rule 51

Chinese, English, French, Russian and Spanish shall be the official languages of the General Assembly, its committees and sub-committees. English, French and Spanish shall be the working languages.

Interpretation from a working language

Rule 52

Speeches made in any of the working languages shall be interpreted into the other two working languages.

¹³ For the development of these rules of procedure (A/520 and Rev.1-8) see the report of the Committee on Procedures and Organization, *Official Records of the General Assembly, Second Session, Plenary Meetings*, vol. II, annex 4, p. 1455; report of the Sixth Committee, *ibid.*, annex 4b, p. 1485, and discussion at the 118th plenary meeting on 17 November 1947, *ibid.*, p. 1098. These rules were established by the Sixth Committee which, on the question of languages, sought the recommendations of the Fifth Committee. The Fifth Committee had no comment to make on those provisions. See *Official Records of the General Assembly, Second Session, Sixth Committee*, annex 4f, p. 272 and annex 4h, p. 275.

¹⁴ *Official Records of the General Assembly, Third Session, Part I, Plenary Meetings, annexes.*

*Interpretation from official languages**Rule 53*

Speeches made in either of the other two official languages shall be interpreted into the three working languages.

*Interpretation from other languages**Rule 54*

Any representative may make a speech in a language other than the official languages. In this case, he shall himself provide for interpretation into one of the working languages. Interpretation into the other working languages by the interpreters of the Secretariat may be based on the interpretation given in the first working language.

*Language of verbatim records**Rule 55*

Verbatim records shall be drawn up in the working languages. A translation of the whole or part of any verbatim record into either of the other two official languages shall be furnished if requested by any delegation.

*Language of summary records**Rule 56*

Summary records shall be drawn up as soon as possible in the official languages.

*Language of Journal**Rule 57*

The Journal of the General Assembly shall be issued in the working languages.

*Language of resolutions and important documents**Rule 58*

All resolutions and other important documents shall be made available in the official languages. Upon the request of any representative, any other document shall be made available in any or all of the official languages.

*Publications in languages other than the official languages**Rule 59*

Documents of the General Assembly, its committees and sub-committees shall, if the General Assembly so decides, be published in any languages other than the official languages.

Other organs of the United Nations

11. In the Security Council, English and French are the working languages, the language rules being otherwise similar to those of the General Assembly (provisional rules of procedure, rules 41 to 47, S/94/Rev.4), except that in practice both simultaneous and consecutive interpretation are provided at all meetings of the Council. For the Economic and Social Council (rules 35 to 40, E/3063) and its functional commissions (rules 29 to 34, E/2425), the language rules are similar to those of the General Assembly. For the Trusteeship Council, English and French only are the working languages (rules 28 to 35, T/1/Rev.1).

12. In order to enable the Secretariat to discharge the functions which these various rules impose upon it, the Language and Meetings Service has been established within the Office of Conference Services, under the responsibility of the Under-Secretary for Conference Services. Amongst the general functions of this Office are the translation of official records, documents, publications

and correspondence, the compilation of the final texts of United Nations official records, etc. The Language and Meetings Service contains sections for editing, for verbatim reporting, and for translation (Arabic [cf. General Assembly resolution 878 (IX) of 4 December 1954], Chinese, English, French, Russian and Spanish). The principal duties of the translation sections are to translate into the language of the section documents, official records and official correspondence transmitted to them by Documents Control or the Office of the Chief of Meetings Service. The Office of Legal Affairs has no direct responsibility as such for the preparation of the different language versions of documents, official records and official correspondence, except to the extent that any matter comes within the general advisory functions which the Office of Legal Affairs performs on behalf of the Secretariat.¹⁵

13. *The Summary of the Practice of the Secretary-General as Depositary of Multilateral Agreements (ST/LEG/7, paras. 2-3)* contains the following description of the preparation of the different language versions of multilingual treaties by the Secretariat (subject to the terms of the treaty):

"2. Once the treaty has been concluded [in the current terminology of the draft articles as adopted by the Commission at the first part of its seventeenth session, this expression may be taken to mean "authenticated in the working languages of the organ or conference concerned" (Secretariat)] the preparation for signature of authentic texts in the specified languages is generally the depositary's responsibility. These texts are prepared in either typewritten or printed form, the different versions being presented consecutively when more than two languages are involved; where only two versions are adopted, side-by-side presentation in columns is sometimes used. The pages reserved for the signatures of the plenipotentiaries, on which the names of the States concerned appear in the English alphabetical order, always follow the text of the treaty. The names of the States appear in all the official languages. These names, which determine their position in the alphabetical order, are based on official communications from the Governments concerned.

"3. A comparison of the authentic texts precedes the physical work of collating the articles, arranging their layout and checking the texts before they are submitted for signature. In the case of agreements concluded under the auspices of the United Nations, the number of authentic texts varies with the body adopting them. In most cases, agreements approved by the General Assembly provide in their final clauses that the texts in the five official languages: Chinese, English, French, Russian and Spanish, are authentic. If the agreement contains no provisions on the subject and if the resolution approving the agreement is also silent on the point (see, for example, the Convention for the Suppression of Traffic in Persons and of the Exploitation of the Prostitution of Others, concluded

¹⁵ *Organization of the Secretariat (ST/SGB/128)*, October 1964, p. 12. See also *Repertory of United Nations Practice*, vol. V, article 98, para. 33.

at Lake Success, New York, on 21 March 1950 (General Assembly resolution 317 (IV)) the practice followed by the Secretary-General has been to consider the texts in the five official languages listed above as being authentic. However, this practice has not been followed uniformly (see Convention on the Privileges and Immunities of the United Nations, *United Nations Treaty Series*, vol. 1, p. 15).

"In the case of agreements adopted by the regional commissions, the authentic texts are generally in the languages used by the commission concerned. Finally, there are agreements adopted by conferences convened under the auspices of the United Nations. These agreements are more diverse and the decision as to which text is to be authentic is made in each case by the participating States. Furthermore, the Secretary-General is sometimes requested to prepare 'authoritative' translations which are added to the 'authentic' texts in the certified copies."¹⁶

The International Law Commission

14. At its first meeting on 12 April 1949, the International Law Commission, recognizing that it was a subsidiary organ of the General Assembly, decided that, in accordance with rule 150 [now rule 162] of the rules of procedure of the General Assembly, the rules relating to the procedure of committees of the General Assembly should apply to the procedure of the Commission.¹⁷ From 1949 to 1954, English and French only were the Commission's working languages, but in 1954, at its 270th meeting, the Commission adopted a draft resolution submitted by Mr. Córdova, by which the Secretary-General was requested to provide facilities for simultaneous interpretation into Spanish as from the next session.¹⁸ Because the Commission's report has always been included in the *Official Records of the General Assembly*, it has always been published in each of the official languages, in accordance with the rules of procedure of the General Assembly. However, as far as the Commission itself is concerned, in its early years it assumed responsibility only for the English and French texts of its articles and reports, and of these the basic texts were usually those supplied by the special or general rapporteurs in one of the working languages, and initially translated by the Secretariat into the other. The printed reports of the Commission contain no indication of the original language version of any part of the report, but that can be ascertained by reference to the original mimeographed version of any given document (as is the case, in fact, for all United Nations documents).

15. A change was introduced in 1964 when the Commission formally decided to request its Drafting Committee to assume responsibility for the preparation of the Spanish texts of the draft articles, in addition to the English and French texts.¹⁹ In consequence, the Drafting Committee is so constituted as to ensure adequate representation of

the three working languages,²⁰ and appropriate Secretariat services, both substantive and administrative, are provided. This practice has been followed since, the Secretariat remaining responsible for the preparation of the translations of the report as a whole, including the commentaries. The preparation of the Chinese and Russian official versions of the articles for inclusion in the *Official Records of the General Assembly* is undertaken by the Secretariat.

Conventions drawn up within the General Assembly

16. The rules of procedure of the General Assembly contain no provisions applicable especially to the drawing up of international conventions, and the normal language rules (see para. 10 above) are therefore applied. The *Official Records of the General Assembly* are published in each of the official languages. Documents for current use are distributed initially in the working languages, and upon request in either or both of the other official languages. Subject to any special directions that may be given by the delegation or organ with which the document originates, the preparation of the translations is undertaken by the Secretariat, and an indication of the original language appears on each document, immediately beneath its symbol.

(i) *The Convention on the Prevention and Punishment of the Crime of Genocide (1948)*

17. The Secretariat prepared the basic text of this instrument in accordance with Economic and Social Council resolution 47 (IV) of 28 March 1947, itself adopted after General Assembly resolution 96 (I) of 11 December 1946. The original of that draft convention (E/447) was French. Article XV, on the authentic texts, left open at that stage the question of the languages in which the convention would be drawn up. This question was discussed at the twenty-third meeting of the *Ad hoc* Committee on Genocide. Some representatives held the view that the convention should be drafted in the five official languages, others that it should be drafted in the two working languages only. One representative, while not objecting to the convention being drafted in the five official languages, wished to point out the danger inherent in the existence of five equally valid texts. The *Ad hoc* Committee then decided unanimously that the convention should be drafted in the five official languages, the five texts being equally "valid" (E/AC.25/SR.23, pp. 10-11). In its observations on article XI, in its report²¹ to the Economic and Social Council, the *Ad hoc* Committee stated: "The drafting of the convention in the five official languages of the United Nations conforms to the practice followed up to the present [May 1948] by the United Nations in most cases."

18. At the third session of the General Assembly, the draft was referred to the Sixth Committee which, at its 104th meeting, after completing its first reading of the text of the substantive articles submitted by the *Ad hoc*

¹⁶ cf. Handbook of Final Clauses (ST/LEG/6), Chapter XII, section B.

¹⁷ *Yearbook of the International Law Commission, 1949*, p. 278.

¹⁸ *Ibid.*, 1954, vol. I, p. 147.

¹⁹ *Ibid.*, 1964, vol. I, p. 2, paras. 20-22, and p. 27, paras. 2 and 3.

²⁰ *Ibid.*, 1965, vol. II, p. 156, para. 6.

²¹ *Official Records of the Economic and Social Council, Seventh Session, Supplement No. 6*, p. 14.

Committee on Genocide, appointed a drafting committee to consider the text. From its report (A/C.6/288), it appears that this drafting committee considered also the concordance of the text in the two working languages then in force for the General Assembly.²² Article XI of the *Ad hoc* Committee's draft, which was adopted at the 107th meeting of the Sixth Committee without discussion, and became article X of the convention as adopted in Resolution 260 (III) of 9 December 1948, provides that the five texts "are equally authentic" ("*feront également foi*"). The convention itself was opened for signature in the five authentic texts on 11 December, the Chinese, Russian and Spanish versions having been prepared by the Secretariat. When resolution 260 (III) was voted, the delegations in the General Assembly had had distributed to them in mimeographed form the report of the Sixth Committee (A/760), containing the text of the convention itself, in English and French (distributed on 4 December 1948) and Russian (distributed on 6 December 1948)²³, but there is nothing in the Journal of the third session of the General Assembly to indicate that the Chinese and Spanish versions of the convention were available by that date, although all, of course, appear in the different language editions of the *Official Records of the General Assembly, Third Session*.

19. The later discussions in the General Assembly on the correction of a lack of concordance subsequently discovered in the Chinese authentic text of this convention are summarized in paragraphs 144-154 of the Secretariat memorandum entitled "*Resolutions of the General Assembly concerning the Law of Treaties*." (A/CN.4/154).²⁴

(ii) *The Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages (1962)*

20. On the basis of Economic and Social Council resolution 722 B (XXVIII) of 14 July 1959, the Secretary-General prepared a draft convention on this topic and submitted it to the fourteenth session of the Commission on the Status of Women—one of the functional commissions of the Economic and Social Council. The original version of the Secretary-General's draft (E/CN.6/353) was English. This was discussed by that Commission at its fourteenth²⁵ and fifteenth sessions,²⁶ when a draft convention was completed and referred through the Economic and Social Council to the General Assembly for adoption. The Economic and Social Council made the

necessary recommendation in its resolution 821 III A (XXXII) of 19 July 1961.

21. At the sixteenth session of the General Assembly, this item of the agenda was allocated to the Third Committee, which first held a general discussion, in the course of which various amendments were submitted, and then proceeded to vote on the preamble and articles 1 to 3, the substantive articles. It subsequently decided to recommend postponement of the remainder of the discussion until the seventeenth session, a recommendation in which the General Assembly concurred in resolution 1680 (XVI) of 18 December 1961. During this stage of the discussion, some linguistic difficulties were encountered, and at one point the Chairman of the Third Committee suggested (A/C.3/L.915) that the French version of one controversial passage be adopted, and that the English and Spanish texts be adjusted to conform with it.²⁷ The discussion was accordingly resumed at the seventeenth session of the General Assembly, when the item was again allocated to the Third Committee, which limited itself to the final clauses which had been prepared by the Secretariat. No drafting committee was set up by the Third Committee on either occasion. In resolution 1763 (XVII) of 7 November 1962, the General Assembly adopted the draft convention as proposed by the Third Committee and opened it for signature on 10 December. Article 10 provides that the Chinese, English, French, Russian and Spanish texts "shall be equally authentic" ("*font également foi*"). The original version of the report of the Third Committee,²⁸ to which the text of the convention was annexed, was French. It had been distributed in English, French, Russian and Spanish prior to the adoption of the resolution by the General Assembly, and in Chinese on 9 November. The preparation of the Chinese and Russian texts had been undertaken by the Secretariat in co-operation with interested delegations, in accordance with the usual practice. The Secretariat then made the document ready for signature, in accordance with the practice outlined in paragraph 13 above.

(iii) *The International Convention on the Elimination of All Forms of Racial Discrimination (1965)*

22. The initiative for this convention was taken by the General Assembly which, in its resolution 1780 (XVII) of 7 December 1962, requested the Economic and Social Council to ask the Commission on Human Rights—one of the functional commissions of the Economic and Social Council—*inter alia* to prepare a draft convention. The General Assembly repeated this request in resolution 1906 (XVIII) of 20 November 1963, after it had proclaimed the United Nations Declaration on the Elimination of All Forms of Racial Discrimination, in resolution 1904 (XVIII) of the same date. In the preparation of the draft convention, the Commission on Human Rights was to bear in mind the views of the Sub-Commis-

²² *Official Records of the General Assembly, Third Session, Part I, Sixth Committee*, annexes, p. 43. The original text of this report is English/French.

²³ For its distribution, see *Journal of the General Assembly, Third Session*, No. 65, p. 9, and No. 66, p. 8.

²⁴ *Yearbook of the International Law Commission, 1963*, vol. II, p. 32.

²⁵ Commission on the Status of Women, report of the fourteenth session, *Official Records of the Economic and Social Council, Thirtieth Session, Supplement No. 7*, paras. 44-70. The draft of this report was prepared partly in English and partly in English/French original, the above paragraphs being in English.

²⁶ Commission on the Status of Women, report of the fifteenth session, *Official Records of the Economic and Social Council, Thirty-second Session, Supplement No. 7*, paras. 48-73. The original of the draft of this report was in English.

²⁷ *Official Records of the General Assembly, Sixteenth Session, Annexes*, agenda item 85, report of the Third Committee, para. 17.

²⁸ *Official Records of the General Assembly, Seventeenth Session, Annexes*, agenda item 44, report of the Third Committee. For its distribution in the various language versions, see *Journal of the United Nations*, Nos. 3017, 3018, and 3023, Supplements.

sion on Prevention of Discrimination and Protection of Minorities (a subsidiary body of the Commission on Human Rights, to which it reports), the debates at the seventeenth and eighteenth sessions of the General Assembly, any proposals on this matter that might be submitted by Governments, and any international instruments already adopted in this field.

23. At its sixteenth session, the Sub-Commission on Prevention of Discrimination and Protection of Minorities therefore considered this item, having before it certain preparatory documentation submitted by the Secretariat. It also had before it three draft conventions, two submitted by individual members and the third submitted by two members jointly. After a brief debate on these three texts, the Sub-Commission decided to take one of them, which had been drafted in English, as its basis. After detailed examination, the Sub-Commission adopted the preamble and 10 substantive articles. It also adopted a preliminary draft of seventeen articles on additional measures of implementation (E/CN.4/873; E/CN.4/Sub.2/241).²⁹ These were duly transmitted to the Commission on Human Rights.

24. The Commission on Human Rights, at its twentieth session, accordingly proceeded to an examination of the draft articles, which it amended. It adopted a draft convention consisting of seven substantive articles. It reached no decision on one proposal for an additional article submitted by one Government in the course of its discussion, nor on one of the articles submitted by the Sub-Commission on Prevention of Discrimination and Protection of Minorities, nor on the preliminary draft submitted by that Sub-Commission on additional measures of implementation, nor on the final clauses.³⁰ In the course of this discussion, several amendments were put forward for the express purpose of securing greater concordance between the different language versions. The Economic and Social Council, in resolution 1015 B (XXXVII) of 30 July 1964, submitted to the General Assembly the substantive articles prepared by the Commission on Human Rights and all the other texts on which the Commission had not voted.

25. Since the General Assembly did not consider this item at its nineteenth session, it was placed on the agenda for the twentieth session, and allocated to the Third Committee. The Third Committee, after prolonged discussion, recommended to the General Assembly the adoption of the text of the complete convention, consisting of a preamble and 25 articles. No drafting committee was set up by the Third Committee. It was provided that the Chinese, English, French, Russian and Spanish texts should be equally authentic. Several of the amendments submitted in the course of the debate in the Third Committee were designed to secure greater concordance

²⁹ The original is in English. It was distributed in English, French, Russian and Spanish.

³⁰ Commission on Human Rights, report on the twentieth session, *Official Records of the Economic and Social Council, Thirty-seventh Session, Supplement No. 8*, paras. 16-288. The draft report (E/CN.4/L.709 and Add.1-11) was in French original.

between the versions drawn up in the working languages.³¹ In the General Assembly, an amendment (A/L.479) to add a new article to the convention was adopted, and the convention as a whole was adopted by resolution 2106 (XX) of 21 December 1965, the President of the General Assembly intimating that the signature would take place at a date to be notified subsequently. Later, this date was fixed by the Secretary-General at 7 March 1966. When resolution 2106 (XX) was adopted, the General Assembly had before it the report of the Third Committee and the amendment, the originals of both of which were English, in English, French, Russian and Spanish. The Chinese text of the report was issued on 7 February 1966, and of the amendment on 23 December 1965. After the adoption of the resolution, the Secretariat made the document ready for signature in accordance with the practice outlined in paragraph 13 above.

Conventions drawn up in certain conferences convened by the General Assembly

(i) *The Geneva Conference of 1958 on the Law of the Sea*

26. The original text of the articles on the law of the sea (A/CN.4/L.68/Add.2 and 3) was prepared by the International Law Commission, in accordance with the practice then in force, described in paragraph 14 above, in French. The report of the Commission on the work of its eighth session (A/CN.4/104) was issued originally in English and French, although when republished in the *Official Records of the General Assembly*,³² it appeared in each of the five official languages, following the normal practice. The basis for the work of the conference was thus a text which existed in five language versions as part of the *Official Records of the General Assembly*, although the organ which had prepared that text had itself produced only two language versions, the others having been prepared by the Secretariat.

27. Already in the earliest stages the question of the ultimate co-ordination of the texts of the instruments to be prepared and adopted by the conference exercised the Secretariat and the Advisory Committee of Experts set up to assist the Secretary-General in the organization of the Conference. In a report on method of work and procedures of the conference, the Secretary-General urged the early appointment of a drafting committee which would have the responsibility *inter alia* for ensuring consistency within one and the same instrument, and co-ordination between the different instruments to be adopted by the conference. Referring more particularly to the question of language, he suggested that, although it was "desirable that the various languages and legal systems should be adequately represented [on the drafting committee] the main qualification for appointment should be experience in legal draftsmanship."³³ Accordingly the rules of procedure of

³¹ See *Official Records of the General Assembly, Twentieth Session, Annexes*, agenda item 58, report of the Third Committee. For its distribution in the various language versions, see *Journal of the United Nations*, No. 3806, Supplement, and Daily List of Documents distributed at Headquarters, Nos. ST/CS/SER.D/4079, 4108.

³² *Official Records of the General Assembly, Eleventh Session, Supplement No. 9* (A/3159).

³³ *Official Records of the United Nations Conference on the Law of the Sea*, vol. I, p. 174, paras. 25 and 26.

the Conference provided, in rule 49, for the establishment of a Drafting Committee, to be entrusted with the final drafting and co-ordination of the instruments approved by the committees of the conference.³⁴ As for the languages themselves, by rule 54, Chinese, English, French, Russian and Spanish were designated the official languages of the conference, and English, French and Spanish the working languages. Rules 55 to 57, dealing with the interpretation of speeches, corresponded to rules 52 to 54 of the rules of procedure of the General Assembly, but rule 59, by providing that documents and summary records should be made available in the working languages, departed from the corresponding rule 58 of the rules of procedure of the General Assembly. The official records of the Conference have been published in English, French and Spanish (no budgetary provision was made for their production in other languages).

28. In fact, the conference operated in a somewhat different manner than may have been envisaged in the preparatory stages. The establishment by the conference itself of its drafting committee, as required by rule 49 of the rules of procedure, did not prevent the main committees from appointing drafting committees if they so desired. Thus, the First Committee, at its forty-second meeting, established its own drafting committee charged with the task of reviewing, as to matters of form, all articles before the First Committee, and of making recommendations for the textual co-ordination of proposals expressly referred to it. The report³⁵ of this drafting committee was prepared by the Secretariat and is included in the official records of the Conference. However, recommendations which referred to one language version only are excluded from the printed version of the report published in other languages. The report contained a number of suggestions regarding the adjustments to be made, either to one or other, or to all, of the three language versions in which the articles were being drawn up. The First Committee's decisions on these recommendations were incorporated in its report to the Conference.³⁶ In addition to the First Committee, the Second Committee at its thirty-fourth meeting,³⁷ and the Fourth Committee at its thirty-sixth meeting,³⁸ each established a drafting committee, the functions of which were in fact similar to those of the drafting committee of the First Committee, although they were not formally defined, and the reports of these two drafting committees are not included in the official records of the Conference, remaining in mimeographed form only. On the other hand, no drafting committees were set up by the Third and Fifth Committees.

29. All the main committees submitted the results of their work to the Conference in formal reports, to which the text of the articles adopted was annexed. These reports are included in the official records of the Conference. No indication appears there of the original language version of the report of the First Committee: the original language

of the reports of the Second and Third Committees was English, of the Fourth Committee, Spanish and of the Fifth Committee, French. The official records contain no separate indication of the original language versions of the articles themselves.

30. In accordance with the rules of procedure, the Conference drafting committee scrutinized all the articles submitted to the Conference by the main committees, and reported thereon separately to the conference. It was also responsible for the co-ordination of the English, French and Spanish texts of the articles, and the Conference took its final decisions on the basis of the reports both of the respective main committees and of the Conference drafting committee. These reports are included in the official records, except that where they refer to one language only, the references are excluded from other language versions of the official records.

31. The Final Act of the Conference, as well as each of the four Conventions there adopted, states that the Chinese, English, French, Russian and Spanish texts are "equally authentic", and the signatures of the representatives of States which signed the conventions, or the Final Act, appear in each case at the end of a bound volume which contains the text of the convention in question, or the Final Act, in each of its authentic versions. However, the official records do not disclose any direct interest by the Conference as a whole in the Chinese and Russian language versions, the preparation of which was in fact the responsibility of the Secretariat, with the assistance of interested delegations and representatives.

(ii) *The Vienna Conference of 1961 on Diplomatic Intercourse and Immunities and the Vienna Conference of 1963 on Consular Relations*

32. The procedure at the two Vienna Conferences was similar. The original text of the articles on diplomatic intercourse and immunities (A/CN.4/L.70/Add.1), and of most of the articles on consular relations (A/CN.4/L.90), had been prepared by the International Law Commission in English and French, but Chapter III of the latter (A/CN.4/L.90/Add.1), on honorary consuls, is expressed to be in French original only. The rules of procedure of these two conferences were, *mutatis mutandis*, similar as regards languages to those of the Geneva Conference of 1958.³⁹ The Committee of the Whole at the 1961 conference, and the First and Second Committees at the 1963 conference, each established a drafting committee. On each occasion also, the conference established a drafting committee in accordance with the rules of procedure, and that drafting committee reported on the drafts before the final decisions were taken by the conference. As in 1958, the Final Act of each Conference, and the two Conventions themselves, were drawn up in five equally authentic versions, the preparation of the Chinese and Russian texts being again entrusted to the Secretariat. The official records of these two conferences have been published in English, French and Spanish.

³⁴ *Ibid.*, vol. II, p. xxxv.

³⁵ *Ibid.*, vol. III, p. 254. Original text English.

³⁶ *Ibid.*, vol. II, p. 115. The report of the First Committee omits to mention the establishment of the drafting committee.

³⁷ *Ibid.*, vol. IV, p. 102.

³⁸ *Ibid.*, vol. VI, p. 106.

³⁹ *Official Records of the United Nations Conference on Diplomatic Intercourse and Immunities*, vol. I, p. xxvii, rules 48, 52-54 and 57; *Official Records of the United Nations Conference on Consular Relations*, vol. I, pp. xxxiii, and xxxiv, rules 49, 54-57 and 59.