ARTICLE 102

TEXT OF ARTICLE 102

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 agreement before any organ of the United Nations.

NOTE

1. The material in the present note relates to only two items. The first is a table similar to those which appeared in previous Repertory studies. The second concerns the scope of the term "treaty and international agreement", which was dealt with in section A 1 a of the Analytical Summary of Practice in the earlier surveys.

Number of agreements

2. The following table shows the number of treaties and international agreements registered or filed and recorded from 1 January 1957 to 31 December 1959. 1/

<table>
<thead>
<tr>
<th>Submitting party</th>
<th>Registered</th>
<th>Filed and recorded</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Member States</td>
<td>1,632</td>
<td>1</td>
<td>1,633</td>
</tr>
<tr>
<td>Non-member States</td>
<td>1</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Specialized agencies</td>
<td>194</td>
<td>8</td>
<td>202</td>
</tr>
<tr>
<td>Ex officio registration</td>
<td>115</td>
<td>13</td>
<td>128</td>
</tr>
<tr>
<td>Inter-governmental organizations</td>
<td>28</td>
<td>2</td>
<td>30</td>
</tr>
<tr>
<td></td>
<td>1,970</td>
<td>24</td>
<td>1,994</td>
</tr>
</tbody>
</table>

3. From 1 January 1957 to 31 December 1959, 142 volumes of the Treaty Series were published by the United Nations, bringing to 318 the total number of volumes published by 31 December 1959.

Scope of the term "treaty and international agreement"

4. The question of the interpretation of the term "treaty and international agreement" was dealt with at some length in previous Repertory studies. 2/ One of


the subjects discussed was the registration of unilateral engagements or undertakings of an international character. 3/ It was noted that the Secretariat had registered ex officio the declarations by new Members of the United Nations, accepting the obligations of the Charter, and the declarations of acceptance of the optional clause recognizing the compulsory jurisdiction of the International Court of Justice, pursuant to Article 56 (2) of the Statute of the Court. Declarations 4/ by States accepting the conditions determined by the General Assembly for becoming a party to the Statute of the International Court of Justice were also registered ex officio by the Secretariat of the United Nations.

5. On 24 April 1957, the Government of Egypt registered with the Secretariat a Declaration on the Suez Canal and the arrangements for its operation. 5/ Its final paragraph stated that the Declaration, with the obligations therein, constituted an international instrument and would be deposited and registered with the Secretariat of the United Nations.

6. In a letter of the same date, the Minister of Foreign Affairs of Egypt called the attention of the Secretary-General to this paragraph and requested that he receive and register the Declaration. 6/ In reply, the Secretary-General stated his understanding that the Government of Egypt considered the Declaration an engagement of an international character coming within the scope of Article 102 of the Charter, and registration had therefore been effected. 7/ The Declaration of Egypt was discussed by the Security Council at its 776th and 777th meetings, on 26 April 1957. Several members of the Security Council noted that it had been registered with the Secretariat and that the Government of Egypt considered it a binding international instrument. 8/ It was observed that the Declaration could be invoked before any organ of the United Nations from the moment of registration, 9/ and that the purpose of the paragraph which included a provision for registration was to establish an internationally binding instrument in legal form. 10/ On the other hand, several members of the Security Council considered that even though the Declaration had been registered, it remained a unilateral declaration which could be revoked or altered at any time. 11/ It was also observed that declarations of Governments lasted only as long as the Governments themselves. 12/ One member, though considering that the Declaration as a whole was revocable, noted that it contained an irrevocable undertaking to deposit an acceptance of the optional clause of the Statute of the International Court of Justice. 13/

5/ Ibid., vol. 265, I, No. 3821, p. 299; also S.C., 12th yr., Suppl. for April-June, p. 8, S/3818.
6/ Ibid., vol. 171, I, No. 3816, p. 299; also S. C., 12th yr., Suppl. for April-June, p. 8, S/3818; see also S. C., 12th yr., 776th mtg., para. 25 and 777th mtg., para. 101.
7/ Ibid., vol. 171, I, No. 3816, p. 299; also S.C., 12th yr., Suppl. for April-June, p. 12, S/3819.
8/ S. C., 12th yr., 776th mtg., para. 73; 777th mtg., paras. 25, 45 and 65.
9/ Ibid., 776th mtg., para. 73.
10/ Ibid., 777th mtg., para. 65.
11/ Ibid., 776th mtg., para. 59; 777th mtg., paras. 4, 6 and 93.
12/ Ibid., para. 65.
13/ Ibid., paras. 82, 83 and 86; 777th mtg., para. 59.