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Registration of the Egyptian Declaration
on the Suez Canal and the Arrangements
for its Operation (D.H.'s text for press conference)

In the view of
Conference 25 April.

Registration of the Egyptian Declaration on the
Suez Canal and the Arrangements for its Operation

The practice of registering unilateral declarations is not a new one. In principle it was envisaged at the San Francisco Conference.^{1/} In fact the Secretariat from the beginning has registered certain unilateral declarations. These were declarations accepting the obligations of the Charter by new Members of the United Nations, and declarations of acceptance of the optional clause recognizing the compulsory jurisdiction of the International Court of Justice. This practice has been discussed and approved by the General Assembly. It was understood in the Sixth Committee that the expression "international agreement" was intended to cover the greatest possible number of agreements, including unilateral undertakings.^{2/}

Moreover, under the Charter and Regulations to give effect to Article 102 of the Charter, registration (with the exception of certain instruments registered ex officio) is the responsibility of the Member State

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1. The report of Committee IV/2 of the United Nations Conference on International Organization stated:

"The Committee has proposed the adoption of the term 'agreement' in preference to the term 'engagement' which may fall outside the strict meaning of the word 'agreement'. The word 'agreement' must be understood as including unilateral engagements of an international character which have been accepted by the state in whose favor such an engagement has been entered into."

2. GA(III/1), 6th Committee, 79th and 80th meetings, pp. 148 - 165. See Repertory of Practice of United Nations organs, Vol. V, pp. 293 - 294.

or States concerned. The Secretary-General, therefore, follows the principle that he is guided by the views of the registering State as to whether an instrument is an international agreement.^{3/} In the present instance it is understood that the Government of Egypt considers that the Declaration constitutes an engagement of an international character coming within the scope of Article 102 of the Charter, and registration has accordingly been effected.

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3. The introductory note to the monthly Statement of Treaties and International Agreements registered or filed and recorded with the Secretariat states:

"However, since the terms 'treaty' and 'international agreement' have not been defined either in the Charter or in the Regulations, the Secretariat, under the Charter and the Regulations, follows the principle that it acts in accordance with the position of the Member State submitting an instrument for registration that so far as that party is concerned the instrument is a treaty or an international agreement within the meaning of Article 102."

A. J.

EXCERPTS

Mr. CHAUMONT (France) pointed out that he had submitted an amendment (A/C.6/240) to the United States draft resolution; the amendment consisted in adding, between the third and fourth paragraphs, the following paragraph: "Considering that the phrase 'international agreement' should be understood in a broad sense". The purpose of the amendment was to show clearly that the expression "international agreement" was to cover the greatest possible number of agreements, even unilateral undertakings. ^{1/}

Mr. SPANIEN (France) stated that his delegation had proposed an amendment to the United States resolution with the intention of extending its scope and avoiding any controversy which might arise concerning the mandatory and universal character of the provisions of the Charter.

As the Committee seemed to think that the United States text adequately covered those considerations, the French delegation took note of the universal significance which the Committee was attaching to the text and withdrew its amendment, on the understanding that the vote on the United States proposal would have the significance and purport which the French amendment had intended to stress. ^{2/}

^{1/} Official Records of the Third Session of the General Assembly, Part I, Sixth Committee, 79th meeting, p. 153.

^{2/} Ibid, p. 164.

80th meeting