

To: Joint Steering Committee for Development of RDA
From: Dave Reser, LC Representative
Subject: Revision proposal for RDA instructions for treaties

Congratulations to ALA for developing a comprehensive set of revisions to improve the treatment of treaties and other agreements. On the whole, we strongly support the revisions, and feel they will be more easily applied by both general catalogers and those with legal expertise, and will provide for a more understandable result for end users.

We do have suggestions (mainly editorial) for some specific revisions—they are each addressed below, keyed to the revisions in the ALA proposal. We also have one substantive issue with regard to “Signatory to a treaty” in light of these revisions—this issue is addressed here as well.

Substantive issue: Signatory to a treaty

We are unsure whether the element “Signatory to a treaty” is still valid in Chapter 6 of RDA in light of the proposed revisions. Our recollection of the RDA development process is that it was necessary to add the element in Chapter 6 (rather than Chapter 19), in order to construct the authorized access points for bilateral treaties (as an addition following the preferred title “Treaties, etc.”). However, now that this type of authorized access point construction has been abandoned, we wonder whether “Signatory to a treaty” should be treated as just another category of relationship under “Other Persons, Families or Corporate Bodies Associated with Legal Works” and move the concept to 19.3.2 with some relevant examples moved there as well? We are interested in the perspectives of the other JSC constituencies on this topic. We note that there are still instructions to create variant access points for treaties using one or more signatories, but those instructions could cite Chapter 19 as well. We also note that if this is removed as an element, the glossary definition should be deleted as well.

If it is retained in Chapter 6, we think that the CORE element status should be removed—there are no longer instructions to support either of the uses identified in the core statement (to break conflicts, or to identify the other party in a bilateral treaty).

If this element is removed from Chapter 6, we think that “signatory to a treaty” should be added as a relationship designator to Appendix I.2.2 and the current glossary definition could be used there instead. If it is retained in Chapter 6, it cannot be a relationship designator because it would be the same as the name of an element.

General editorial issue: Treaty or Agreement

The proposed glossary definition of treaty collapses the various forms of international legal agreements into the definition of treaty (based on information from the 1968 Vienna Convention given in the Definitions section on page 2). We agree with this simplified approach but think it should have been adopted throughout the proposal. For example,

in revision 5 the phrase “or other agreement” is retained in the instruction even though the term treaty has already been defined as inclusive of these other agreements. Can the references to “other agreements,” “any other formal agreement,” etc. that follow the terms “treaty” or “treaties” throughout the instructions be deleted since they are covered in the glossary definition? See our related discussion of Revisions 13-15.

Proposed revisions

1. Revision of RDA 0.6.3, fourth paragraph

LC response: We do not believe that “Signatory to a treaty” should be a core requirement for a bilateral treaty under this new proposal; see “Substantive issue” above.

2. Revision of RDA 5.3, fourth paragraph

LC response: We do not believe that “Signatory to a treaty” should be a core requirement for a bilateral treaty under this new proposal; see “Substantive issue” above.

3. Revision of RDA 6.2.1.9

LC response: Agree

4. Revision of RDA 6.4.1.1, fourth paragraph

LC response: Agree

5. Revision of RDA 6.19.2.7

LC response: Generally agree, but we have four follow-up questions:

Question 1: For 6.19.2.5 (Preferred titles for Single Laws, etc.) there is a distinction between “official” short title or citation titles and “unofficial” short title or citation titles. Does the same concept of official/unofficial apply to Treaties, and if so, does this need to be indicated?

Question 2: Are short titles and citation titles assigned at the time the Treaty is created (as is often true of Laws), or do the short titles/citation titles develop only over time? Our concern is that if only an ‘official title’ is known originally from the treaty itself, and a short/citation title is developed later, would catalogers be expected to change the preferred title to the short title? If the short title/citation title becomes commonly known only over time, and is not available at the time of cataloging, should “if available” be added to paragraph a)? We would like to see some glossary definitions explaining these terms.

Question 3: The proposed example for the Treaty of Portsmouth gives the explanation “Title used in legal literature.” Is this a short title or a citation title? Should the explanation specify which one to match the language in a) listed above?

Question 4: Many of the examples (and actual treaties) indicate that treaties are often given names/titles in more than one language. Should there be instructions for choosing the language for the preferred title in these cases (e.g., in the language of the

agency, or something similar to the language instructions at 6.2.2.4 that currently exclude legal works)?

6. Revision of RDA 6.19.2.8

LC response: Agree, with 2 suggested changes.

- 1) We think that the first paragraph in the proposed revision should be the last paragraph. You should only be referred to the general instructions after you have determined that no collective name for the compilation of treaties is applicable.
- 2) We are confused by whether the 2nd and 3rd examples proposed illustrate the application of 6.2.2 or if all three examples illustrate compilations of treaties known by collective names. We think that those two examples illustrate 6.2.2. If so, they should be split into a separate example box. If not, A.18 applies and the capitalization should be changed. We are also somewhat concerned about using an example that includes the word “series” and the potential to confuse this concept with the collective title of a monographic series. We suggest substituting the example “Australian treaty series” with “Canada’s tax treaties” LC suggested changes highlighted in yellow (*note:* these changes presume that Appendix A.18 does not apply to the second example box):

6.19.2.8 ~~Compilation of Treaties, Etc.~~

~~Record *Treaties, etc.*, as the preferred title if~~ **For a compilation of treaties and/or other agreements between one party on one side and one or more other parties on the other side, apply the instructions at 6.2.2.**

If a compilation of treaties, etc., is identified by a collective name, record that name as the preferred title. For a single treaty, etc., in the compilation, see 6.19.2.7.

EXAMPLE

Treaty of Utrecht

Collective name for a group of treaties signed between 1713 and 1715

For a compilation of treaties and/or other agreements not identified by a collective name, apply the instructions at 6.2.2.

EXAMPLE

Acordos e convencões internacionais em material de imposto de renda

Canada’s tax treaties

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6.19.2.8 **Compilation of Treaties**

If a compilation of treaties is identified by a collective name, record that name as the preferred title. For a single treaty in the compilation, see 6.19.2.7.

EXAMPLE

Treaty of Utrecht

Collective name for a group of treaties signed between 1713 and 1715

For a compilation of treaties and/or other agreements not identified by a collective name, apply the instructions at 6.2.2.

EXAMPLE

Acordos e convenções internacionais em material de imposto de renda
Canada's tax treaties

7. Revision of RDA 6.19.1.3.5

LC response: We have a question regarding the choice of North American Free Trade Agreement as the preferred title—is NAFTA acting as a short title or citation title used in legal literature, or merely an acronym ‘variant’? If it is a short/citation title, should that be the preferred title according to suggested revisions to 6.19.2.7, which prefers a short title or citation title over an official title?

8. Revision of RDA 6.19.3.6

LC response: Agree

9. Revision of RDA 6.20.3

LC response: Generally agree, with a few suggested changes:

1) Scope in 6.20.3.1: our law classification specialist suggests that the order of “formally signed” and “adopted by an international intergovernmental body or by an international conference” should be reversed. We also wondered if the scope should be further expanded to include some of the types of dates mentioned in the background like date of opening for signing, date of ratification, etc.? We remember discussion on the PCC list about using the date of opening for signing when earliest date of signing was not available. Rather than providing a complete list of dates in the scope, which would be unwieldy, we suggest doing an etc. list like this: “...was adopted by an international intergovernmental body or by an international conference, was opened for signing, was formally signed, was ratified, was proclaimed, etc.”

2) Because there are so many different types of dates, as explained in the background to the proposal (e.g., date of opening for signing, date of signing, date of adoption, date of ratification, date of accession, date the treaty came into force), and no guideline is given as to which date to choose, we think it may be useful to the cataloger for the instruction at 6.20.3.3 to inherit an aspect of the Date of Legal Work at 6.20.1 to record the “earliest” date associated with the treaty. We note the inconsistency between the 6.20.1 instruction

to choose the earliest date, and the proposed revision to 6.29.1.33.1 to record the “date, earlier date, or earliest date of the treaty.”

3) The third bullet in the Recommendations indicates that “A named compilation of treaties is better identified by the inclusive dates of signing of the treaties, rather than the earliest date”; we agree, but note that there is no instruction here or at 6.20.1 to record the inclusive (earliest and latest) dates for a compilation of treaties. We suggest adding such an instruction to follow the existing first paragraph and examples relevant to it, and the Treaty of Utrecht example should follow the new paragraph.

4) We noted that there is no instruction in 6.20.1.3 or 6.20.3.3 about the language to use for the months of the year (cf. 9.3.1.3, optional addition, and 10.4.2.3). We have suggested a revision using language from 10.4.2.3.

Resulting revision to 6.20.3-6.20.3.3 would be as follows (LC suggested changes highlighted in yellow):

6.20.3 ~~Date of Signing of a Treaty, Etc.~~ CORE ELEMENT

6.20.3.1 Scope

Date of signing of a treaty, etc.▼ is the date a treaty, etc., or a protocol to a treaty, etc., was formally signed or was adopted by an international intergovernmental body or by an international conference, was opened for signing, was formally signed, was ratified, was proclaimed, etc.

6.20.3.2 Sources of Information

Take information on date of signing of a treaty, etc., from any source.

6.20.3.3 ~~Recording Date of Signing of a Treaty, Etc.~~

For a single treaty, R record the earliest date of a treaty, etc., or of a protocol to a treaty, etc., was signed by applying the basic instructions at **6.20.1**. Record the date as fully as possible in this order: year, name of the month, number of the day, in the form [year] [month] [day]. Record the month in the language and script preferred by the agency creating the data.

EXAMPLE

1978 December 18

Date of signing of a treaty between Australia and Papua New Guinea

1948 March 25

Date of signing of an agreement between Corporación de Fomento de la Producción (Chile) and the World Bank

1783 September 3

Date of signing of a treaty between France and Great Britain

1713–1715**Years of signing of the treaties comprising the Treaty of Utrecht; individual dates not available**

1994 April 15

Date of signing of the Agreement Establishing the World Trade Organization1979 December 18**Date of adoption of the Convention on the Elimination of All Forms of Discrimination against Women by the U.N. General Assembly**

For a compilation of treaties, record the date or inclusive dates of the treaties. Record the dates for the earliest and latest treaties following the instructions for recording dates of a single treaty, as applicable.

1713–1715**Years of signing of the treaties comprising the Treaty of Utrecht; days and months not known**

Indicate the source of information by applying the instructions at **5.8.1.3**.

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6.20.3 Date of a Treaty CORE ELEMENT

6.20.3.1 Scope

Date of a treaty▼ is the date a treaty or a protocol to a treaty was adopted by an international intergovernmental body or by an international conference, was opened for signing, was formally signed, was ratified, was proclaimed, etc.

6.20.3.2 Sources of Information

Take information on date of a treaty from any source.

6.20.3.3 Recording Date of a Treaty

For a single treaty, record the earliest date of a treaty or of a protocol to a treaty by applying the basic instructions at **6.20.1**. Record the date in the form *[year] [month] [day]*. Record the month in the language and script preferred by the agency creating the data.

EXAMPLE

1978 December 18

Date of signing of a treaty between Australia and Papua New Guinea

1948 March 25

Date of signing of an agreement between Corporación de Fomento de la Producción (Chile) and the World Bank

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Date of signing of a treaty between France and Great Britain

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For a compilation of treaties, record the date or inclusive dates of the treaties. Record the dates for the earliest and latest treaties following the instructions for recording dates of a single treaty, as applicable.

1713–1715

Years of signing of the treaties comprising the Treaty of Utrecht; days and months not known

Indicate the source of information by applying the instructions at **5.8.1.3**.

10. Revision of RDA 6.21.1.3

LC response: Agree

11. Revision of RDA 6.22.1.3

LC response: See “Substantive issue” above.

12. Revision of RDA 6.29.1.15

LC response: Generally agree, with one additional final paragraph to be added at the end of the instruction (a consistency issue noted in the “Topics for JSC Consideration” on the JSC Wiki).

Make additions to the authorized access point by applying the instructions at 6.29.1.33.1.

We also wondered about the seemingly inconsistent application of A.18 to the examples. According to A.18, the first example should be “Special Economic Assistance” and the sixth example should be “Convention Monétaire Belgo-Luxembourgeoise-Néerlandaise” (A.31 says that A.10-A.30 applies to languages other than English unless otherwise stated in the specific instructions for the language.) Should they be capitalized per A.18?

See 13-15 below for a suggestion to collapse other instructions into this instruction, which would be renamed Treaties

13-15. Revision of 6.29.1.16-6.29.1.18

LC response: We question whether there is still a need to keep separate instructions for the various types of treaties—could they be collapsed into a single revised 6.29.1.15 now that the ‘end result’ would be the same for each type of agreement? Also, since the definition of treaty proposed by ALA says that the agreements captioned in 6.29.1.16-6.29.1.18 are treaties we think there is no need for separate instructions, and retaining these may in fact confuse catalogers. As proposed, the various instructions are little more

than references to 6.29.1.15 with examples. We suggest that the various types all be covered at 6.29.1.15—each could still be mentioned explicitly, with examples usefully grouped and labeled following the pattern at 19.2.1.3.

See comment in 12 above about the application of A.18 to all examples. Are these “agreements” considered documents like treaties?

16. Revision of 6.29.1.19

LC response: We think this instruction would be much more helpful to catalogers if it contained a reference to 6.29.1.33, which is where the instructions about adding “Protocols, etc.” and the date of the protocol are. Currently, one could read the first paragraph at 6.29.1.19 and assume that the authorized access point representing the basic agreement is also the authorized access point for the protocol, etc. We also thought the existing first sentence is confusing because it uses the term “agreement” twice to mean two different things. We suggest these revisions (highlighted in yellow)

6.29.1.19 Protocols, Amendments, Etc.

For a separately issued protocol, amendment, extension, or other agreement ancillary to a treaty, ~~international agreement, etc.~~ construct the authorized access point by combining (in this order):

1) the authorized access point representing the treaty (see 6.29.1.15–6.29.1.18)

2) the elements specified at 6.29.1.33.3, as applicable.

Treat a general revision of a treaty, ~~international agreement, etc.~~, as a new work.

17. Revision of RDA 6.29.1.20

LC response: Generally agree with the concept, but we don’t think that the remaining Exception is really an exception; it is actually the ‘base rule’ and should be moved to the beginning of the instruction. The instruction currently in the first paragraph to use 6.27.1.4 only happens when a collective name for the compilation of treaties is not known. We also suggest adding a non-U.S. English-language example. Our suggested change is as follows (due to the complexities of strikeout/underlining between the original text, the ALA proposal, and our suggested revision, only the resulting clean text is shown here):

6.29.1.20 Compilations of Treaties

For a compilation of treaties or other agreements that has become known by a collective name, construct the authorized access point by combining (in this order):

1) the collective name for the compilation

2) the elements specified at 6.29.1.33.3, as applicable.

EXAMPLE

Treaty of Utrecht (1713-1713)

Collective name for the compilation of treaties

For other compilations, apply the instructions at 6.27.1.4.

EXAMPLE

United States agreements with the Republic of Korea

EU treaties

Resource described: EU treaties : consolidated versions with the amendments introduced by the Treaty of Lisbon / Prof. Dr. iur. Andreas Kellerhals, Dr. iur. Tobias Baumgartner (Ed.)

Treaties and other international agreements of the United States of America, 1776–1949

Resource described: Treaties and other international agreements of the United States of America, 1776–1949 / compiled under the direction of Charles I. Bevans

Tratados ratificados pelo Brasil

Resource described: Tratados ratificados pelo Brasil / Arnaldo Süsskind. **A compilation of Brazil's treaties**

Acordos e convenções internacionais em matéria de imposto de renda

Resource described: Acordos e convenções internacionais em matéria de imposto de renda : coletânea de edições da Resenha tributária, seções 1.1 e 1.4 : acompanham sumário e índice alfabético-remissivo**18. Revision of RDA 6.29.1.33****LC response:** Agree, but with two suggested changes to 6.29.33.3:

- 1) Replace the phrase “original agreement” with “treaty” in paragraph a), (see our explanation in Revision 16).
- 2) Paragraph c) says “the date of signing”; we believe it should refer instead to the element name “date of a treaty”, because ‘date of signing’ is only one possible type of date, and the scope of “date of a treaty” already includes dates of treaties and protocols.

19. Revision of RDA 6.29.3.3**LC response:** Agree, with suggested changes:

- 1) The paragraph near the end of the instruction for a compilation of treaties between one party and two or more other parties needs three slight revisions (shown highlighted in yellow):

For a compilation of treaties between one party and two or more other parties, construct a variant access point for the one party compilation by ~~combing~~ combining (in this order):

- a) the authorized access point representing the one party

b) the preferred title of the compilation.

EXAMPLE

United States. Treaties and other international agreements of the United States of America, 1776–1949

Resource described: Treaties and other international agreements of the United States of America, 1776–1949 / compiled under the direction of Charles I. Bevans

2) We do not believe that the “Optional Addition” is really an optional addition, since all variant access points in Chapter 6 are technically optional (there are no CORE requirements for variant access points). Suggested revision:

Optional addition

Construct additional variant access points for the signatories to a multilateral treaty **if considered important for access.**

20. Revision of RDA 6.29.3.4

LC response: Agree

21. Revision of RDA 19.2.1.1.1, section g)

LC response: Agree

22. Revision of RDA 19.2.1.3

LC response: Agree, but note that the examples could be moved to 19.3.2 (Other Person, Family, or Corporate Body Associated with a Legal Work) if the suggestion to treat signatories to a treaty under that instruction is adopted.

23. Revision of RDA B.3

LC response: Agree

24. Revision of RDA B.7, footnote 2

LC response: Agree

25. Revision of RDA E.1.2.5

LC response: Agree

26. Revision of RDA Glossary

LC response: Agree, with revisions

1) Date of a Treaty: see comments on the scope for this element at revision 9 above.

2) Signatory to a Treaty, Etc.: should have “Etc.” removed.

3) Treaty: the term “modus vivendi” should be italicized.

27. Other uses of “treaties, etc.” or “treaty, etc.”

LC response: Agree, with revisions

1) 6.2.2.10.3: the entire instruction “For compilations of treaties, etc., apply instead the instructions at 6.19.2.6.” should be removed. 6.2.2.10 is only for the preferred titles of works created by one person, family or corporate body—Under this proposal, there are no longer any treaties considered the work of a corporate body.

2) 6.22: the entire CORE statement should be removed, see “Substantive issue” above.