



CONTENTS

Agenda item 50:

Report of the International Law Commission on the work
of its seventh session (*continued*)..... 25

Chairman: Mr. Manfred LACHS (Poland).

AGENDA ITEM 50

Report of the International Law Commission on
the work of its seventh session (A/2934, A/C.
6/348) (*continued*)

1. Mr. LIANG (Secretary of the Committee) explained that in preparing the Secretary-General's report on budgetary implications (A/C.6/348) it had been assumed that the documents of the International Law Commission would be published in the three working languages of the General Assembly. The *Yearbook of the United Nations* was published in English only. Only one volume had been published in French, in 1948. The *Yearbook on Human Rights* appeared in English and French. It had been impossible for financial reasons to publish it in Spanish or Russian. The United Nations *Statistical Yearbook* was published in a bilingual English-French volume, a form of presentation which was made easier by the fact that most of the text consisted of figures.
2. The annual cost of publishing the current documentation of the International Law Commission would include printing costs amounting to \$8,800 for English, French and Spanish, \$11,300 for Russian and \$13,200 for Chinese. In addition, there would be staff expenses (translation costs) amounting to \$11,850 for Spanish and \$12,000 for Russian and Chinese. The Secretariat would not be able to supply figures on the costs of printing documents from previous years until the following week.
3. With regard to the United States representative's question concerning possible proceeds, the Secretariat department concerned had estimated that the receipts would amount to about \$2,000 in the case of publication in the three working languages. The figure would not be much higher if the documents were published in the five United Nations official languages.
4. Mr. COATON (Union of South Africa) referred to the paragraphs in the study (A/C.6/348) in which the Secretary-General dealt with the background of the matter. The fact that the question of ways and means for making the evidence of international law more readily available had come to be linked with the question of the publication of a United Nations Juridical Yearbook had created difficulties that would not arise if it were

considered separately. The Soviet Union representative had rightly remarked that the question of the Juridical Yearbook did not appear in the agenda of the current session. It would, therefore, be better to adopt a more modest and more prudent solution as a starting point. In view of the importance of the International Law Commission's work, it was desirable that its documents should be made available to lawyers and interested institutions throughout the world. The publication costs might perhaps be included in the United Nations budget under the heading "Publications".

5. With regard to languages, it would be better, as the Swedish representative had rightly observed at the 446th meeting, to publish the documents at first in English only, as it was clear that it would be courting failure to try to publish them in all the United Nations official languages.

6. Mr. CASTANEDA (Mexico) asked why the cost of publication in Spanish, which was one of the working languages of the General Assembly, would involve additional expense for personnel.

7. Mr. LIANG (Secretary of the Committee) said that at present no time limit was set for the translation of documents into Spanish by the Secretariat. The existing staff would not be large enough if the documents had to be translated by a specified date. The Mexican representative's comment would be passed on to the appropriate technical departments of the Secretariat.

8. Mr. BROKENBURR (United States of America), Mr. SEN (India) and Mr. SPIROPOULOS (Chairman of the International Law Commission) were surprised that the Secretariat had estimated receipts of only \$2,000. There ought, in fact, to be a heavy demand for the documents from universities and legal libraries throughout the world.

9. Mr. LIANG (Secretary of the Committee) said that he would be able to supply more detailed information at the next meeting.

10. Mr. SPIROPOULOS (Chairman of the International Law Commission), stressing the scholarly nature of the publications, which would have the authority of one of the most important legal bodies in the world, said that the demand for them would undoubtedly be considerable and that universities, legal libraries and lawyers would be informed of their existence. Some risk had, of course, to be accepted at first and the costs incurred would not be entirely covered by the receipts, but the expense should not be over-estimated.

11. Mr. STAVROPOULOS [the Legal Counsel] replied that in estimating the probable proceeds from the sale of an International Law Commission Yearbook at about \$2,000, the departments concerned had based their figures on the sales of United Nations legal publications, in particular the reports of the International Law Commission. The yearbook would, of course, be

different in character, but the difference did not justify much optimism about sales.

12. Mr. TABIBI (Afghanistan) suggested that the United Nations Secretariat should make inquiries of institutions and individuals likely to be interested in buying an International Law Commission Yearbook. The Sixth Committee would then be in a better position to consider the matter at the eleventh session.

13. Mr. TREJOS (Costa Rica) thought that sales of the yearbook would be larger if the United Nations sent each permanent delegation only one free copy.

14. Mr. SALAMANCA (Bolivia) said that undue importance should not be attached to the estimated proceeds, since the publication of International Law Commission documents should not be regarded as a profit-making venture. The ideal would be to disseminate information on the work of the International Law Commission as widely as possible without regard to budgetary considerations. However, as such considerations had to be taken into account, the Secretariat should provide the Committee with full information on the budgetary implications of all the possible forms of publication. It seemed unlikely that there would be any conflict with the Fifth Committee.

15. He disagreed with what the South African representative had said and felt that the yearbook should be published in at least the three working languages of the General Assembly. The essential thing was to collect all the legal doctrines and disseminate them to the greatest possible extent. There was no doubt that the difficulty of obtaining International Law Commission documents detracted from the Commission's influence.

16. In conclusion, he was surprised that Spanish seemed to be in a less favourable position than English and French from the point of view of translation facilities.

17. Mr. EL ERIAN (Egypt) thought that many institutions now receiving publications free from the Secretariat would willingly buy them if they had no other means of obtaining them.

18. Budgetary implications should not stand in the way of publication, since, from the point of view of the dissemination of legal doctrines, the advantages of publication were too great to be outweighed by financial considerations.

19. Mr. MIRAS (Turkey) suggested that the Secretariat should obtain information on the income derived by the Hague Academy of International Law from the sale of its publications. These figures might supply useful guidance.

20. The CHAIRMAN said that the necessary arrangements would be made.

21. Mr. MOROZOV (Union of Soviet Socialist Republics) said that the number of questions put to the Secretariat—and the list was far from exhausted—showed that the problem required further consideration. The study prepared by the Secretary-General (A/C.6/348) was an excellent document, but there had not been time to embody any definite proposals in it.

22. The Committee should, however, consider what could be done at the present stage. The International Law Commission's suggestion regarding the publication of a United Nations Juridical Yearbook could not be considered at the present session. The Committee could make a decision on the alternative suggestion regarding the possibility of publishing the documents in separate volumes, but this was not urgent. It was clear from

Mr. Spiropoulos' remarks and from paragraph 2 of the operative part of the International Law Commission's resolution (A/2934, para. 35) that no immediate action was proposed.

23. The financial implications required detailed study. There were many United Nations documents that should be made available to the public free of charge, but for financial reasons it was impossible to do so. The financial position might be changed somewhat as a result of the inquiries which the Afghan representative had wisely proposed and of further studies, but the necessary studies could not be completed during the present session.

24. Turning to the question of publishing documents other than current documents, he said that in his view the idea of publishing all International Law Commission documents, beginning with its first session, could not be entertained, since it would involve considerable effort and expense. It was doubtful whether publication should begin with the current year's documentation, since the Commission had completed no studies at its seventh session. Its findings were provisional only.

25. Under these circumstances, he thought that the situation would be much clearer at the eleventh session of the General Assembly. For the time being, he would not move for adjournment, but would wait to hear the views of other delegations before taking a decision. However, he reserved the right to discuss the substance of the problem again, if the Committee decided to continue to consider it during the current session.

26. Mr. JAMIESON (Australia) said that the general observations made in the course of the debate had been very interesting. Delegations seemed to recognize that in view of the heavy expenditure that would be involved the possibility of publishing the documents of the International Law Commission in a United Nations Juridical Yearbook could not be considered at the present session. Moreover, the Committee was not competent to study the question, as it was not included in its agenda.

27. The Chairman might consult the Committee on that point.

28. The CHAIRMAN said that the question of a Juridical Yearbook was not on the General Assembly's agenda, but that the publication of the International Law Commission's documents was. It would appear, therefore, that the Committee should merely consider the question of the printing of the documents as a separate publication. If the Committee wished to consider the question in conjunction with the publication of the Juridical Yearbook, it would be unable to take a decision at the present session. It could only recommend that the documents of the International Law Commission should be included in the United Nations Juridical Yearbook, should such a yearbook be published.

29. Mr. CARPIO (Philippines) could not see the real point of the discussion. Operative paragraph 1 of the International Law Commission's recommendation (A/2934, para. 35) referred to the Secretary-General and was not of concern to the Committee. Paragraph 2 was unclear.

30. Members of the Committee had expressed surprise at the size of the sums involved, and therefore the Committee must make sure that the documents were of sufficient interest to justify the considerable expense. The value of the work already accomplished by the International Law Commission was unquestionable, but as it

was still only at a preliminary stage, it would be preferable to wait until the Commission had completed part of its work before considering the publication of its documents. Premature publication would inevitably lead to confusion, and it was very difficult at the present stage to establish criteria for choosing the documents to be published. Moreover, it would be improper for the Committee to take a decision before the Assembly had expressed its views on the whole of the work accomplished.

31. The Committee might recognize in principle that the documents of the International Law Commission should be published. If the documents were published, he agreed with the Swedish and South African representatives that they should be published in one language only. The most useful language, i.e., that understood by the greatest number of people, would have to be chosen. In any case, the Committee could not decide the question in the abstract. It should at least have a specific proposal in writing before it.

32. Mr. VALLAT (United Kingdom) said that the debate, which he had followed with interest, had made the position much clearer. For procedural and practical reasons, the Committee could not take a decision regarding the United Nations Juridical Yearbook at the

present session. On the other hand, it was agreed in principle that the International Law Commission's documents should be published.

33. The Committee thus had three well-defined questions before it. It had to decide, first, whether only the documents of the seventh session of the International Law Commission should be published, or whether the documentation of the six preceding sessions should be included. He reserved his delegation's position on that point. The second question concerned the languages in which the documents would be published. The Committee could not discuss the estimated expenses and proceeds in detail but sufficient data were available to enable it to decide on the question of principle. The third question concerned the choice of the documents to be published. The International Law Commission's recommendation mentioned studies, special reports and summary records, and it was for the Committee to take a decision on that point.

34. He thought that adjournment of the debate would enable delegations to study the three questions carefully, to consult their Governments if necessary, and to submit definite proposals at the next meeting.

The meeting rose at 5.5 p.m.