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Chairman: Mr. Gonzalo ORTIZ MARTIN (Costa Rica).

*In the absence of the Chairman, Mr. Rosenne (Israel),
Vice-President, took the Chair.*

AGENDA ITEM 66

Question of the publication of a United Nations juridical
yearbook: report of the Secretary-General (A/4406 and
Corr.1; A/C.6/L.471)

1. Mr. PERERA (Ceylon) recalled that the question of the publication of a United Nations juridical yearbook had been considered at the sixth, seventh, tenth, thirteenth and fourteenth sessions of the General Assembly, so that it was time to make a final decision. Unfortunately, it would appear from the documentation presented by the Secretariat that the Committee was being asked to scrap the project. But the reason for taking it up again at the Assembly's thirteenth session had been that, at the time, it was thought that the publication of a juridical yearbook would contribute to the development of international law, help to keep foreign service officials abreast of international juridical life, and provide a useful working tool for lawyers in the different countries, and that it would be all the more valuable in that the United Nations had no permanent deliberative body which dealt with juridical questions. Thus, the Sixth Committee had decided at the thirteenth session (554th meeting, para. 22) to set up an informal working group to help the Ceylonese delegation prepare a working paper on the question.

2. The authors of the working paper 1/ had taken into account the concern expressed by certain delegations with regard to the scope of the planned yearbook and its financial implications; at the fourteenth session, they had even agreed, reluctantly, to the elimination of the editorial board originally planned, and, for the time being, to the elimination of the first part of the initial plan for the yearbook to consist of articles written by private individuals or, possibly, reports by private associations or institutions which would be mainly confined to the subjects assigned to the International Law Commission. They had hoped in that way to allay any fears there might be of a controversy arising. They had thought that, in the interest of economy, a modest start could be made by publishing a yearbook in English and French only, and including merely parts II (Legal

activities of the United Nations), III (Decisions of international and national tribunals on questions of international law) and IV (Bibliography) of the initial plan.

3. On that basis, the Secretary-General had been requested to prepare a report on the question. From the tone of the Secretary-General's report (A/4406 and Corr.1), e.g., paragraphs 10, 16, 22 and 23, which Mr. Perera read out, it was quite apparent that the Secretariat was not enthusiastic about having a juridical yearbook published, since it did not consider it indispensable. The Ceylonese delegation had known, when making the proposal, that it would be a burden on the Secretariat, but it had felt that, in the end, the benefits accruing would justify the burden imposed. However, the Secretary-General had merely given an opinion; the responsibility lay with delegations to express their views and take a decision.

4. He wondered why the Secretariat had picked 1959 as the specimen year. It would have been desirable to go back further and take up again certain interesting questions, as well as certain documents that were out of print and might be published in the proposed yearbook.

5. It would have been helpful to have a detailed outline of the juridical yearbook available for the current years debate. The Secretary-General's report did not contain a general summary, but a skeleton outline. And if the year 1959 were to be taken as a basis, there were few subjects contained in the annex to that report likely to attract the attention of Governments and induce them to give favourable consideration to the expense involved in the publication of the yearbook. In that connexion, he would like to know whether the expenses of approximately \$60,600 mentioned in the statement of financial implications (A/C.6/L.471) corresponded to the plan of the yearbook as described in the Secretary-General's report.

6. In any event, it was apparent from the background of the question that the Committee should not let itself be influenced by budgetary considerations, but should consider solely the intrinsic value of the proposed yearbook. The content of the yearbook must be the basis of the decision to be taken by the members of the Committee, and he considered that, to abandon the project, as the report seemed to suggest, would be a disservice to the cause of law.

7. Of course, if information of a juridical nature were needed, it could always be found in specialist publications. But the questions of international law that were in the process of development could be really studied properly only in a publication of the type proposed. In view of the varied activities of the United Nations, the Organization needed to co-ordinate all aspects of its juridical work and to bring into focus new trends in international law.

8. For most of the forty-five countries of Asia and Africa which were Members of the United Nations,

1/ Official Records of the General Assembly, Thirteenth Session, Annexes, agenda item 56, document A/C.6/L.428.

very little was known about the development of international law, and the great Powers themselves were not proof against errors of interpretation. That was why an international publication of the type contemplated might be a useful guide and contribute to the establishment of a genuine international juridical system.

9. Thus, he saw no point in studying the question of financial implications before a decision on principle was taken of the usefulness of a juridical yearbook. He might have occasion to offer further comments when he had consulted the other sponsors of the draft resolution (A/C.6/L.462) which had subsequently been adopted by the General Assembly as resolution 1451 (XIV).

10. Mr. STAVROPOULOS (Legal Counsel) appreciated that the representative of Ceylon might have felt some disappointment on reading the Secretary-General's report. It was not true, however, to say that the Secretariat had deliberately adopted a pessimistic attitude in its report. It had simply striven to be realistic, as was its duty. It had actually admitted that, if it was decided to publish a juridical yearbook, the

extra work involved would be absorbed by the Secretariat during the coming year without an increase of staff.

11. The Secretariat's reason for choosing 1959 as the specimen year was simply because it was the year preceding the publication of the report. The year 1946, for example, when very few documents had been published, would not be representative.

12. Although the Secretariat had pointed out that most of the documents to be included in the yearbook would already have been published elsewhere, that did not mean that republication would not be useful. On the contrary, the compilation in a single volume of a variety of documents relating to the juridical activities of the United Nations would be of interest to lawyers, foreign office officials, students and others. It was entirely a matter for the Governments represented in the General Assembly to decide whether the usefulness of the yearbook would be sufficient to warrant its publication.

The meeting rose at 11.50 a.m.