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CONTENTS

Page

Agenda item 66:

- Question of the publication of a United Nations juridical yearbook: report of the Secretary-General (continued).* 123

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

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) (continued)

1. Mr. ASSELIN (Canada) said that, since the General Assembly had decided in resolution 1451 (XIV) that a United Nations juridical yearbook should be published, the only problem before the Committee was the form in which such a publication might be both workable and useful. He saw little point in discussing whether the Secretary-General's report (A/4406 and Corr.1) was pessimistic or realistic. At least, the report had drawn attention to the unsuitability of certain documents, such as the summary records of the plenary meetings of the United Nations Wheat Conference (*ibid.*, annex, III, 3), for publication in a juridical yearbook. There seemed to be general agreement on what should not appear in the yearbook, but not on what should be published. On that point, the Committee should be guided primarily by the purposes which the yearbook would serve. Most speakers had referred to the value of such a publication for experts in international law, i.e., professors of international law, ministries of foreign affairs, delegations to the United Nations and the Secretariat staff. However, experts in international law usually had ample research facilities. Perhaps the yearbook should be adapted to reach a wider public—the judges, students and practitioners who did not have access to all the documents dealing with international law, much less United Nations law. Such persons would probably be the principal beneficiaries of a repertoire providing extensive references on the documents available in the areas of international law relating to the United Nations. It was with a view to such wider use, he thought, that the representative of the Netherlands had suggested (674th meeting) the transformation of the yearbook into a kind of index. Of course, the representative of Ceylon had been correct in stating (*ibid.*) that a mere index would not be the same as the yearbook he had envisaged. On the other hand, it might be possible to create a publication along those lines which would be worth while and, at the same time, financially acceptable. His delegation would therefore like to suggest a format for such a publication.

2. According to the Secretary-General's reports to the fourteenth^{1/} and the current (A/4406 and Corr.1) sessions, the yearbook would have included the following parts: abstracts of articles published by private individuals or private bodies; the opinions, decisions and reports of United Nations organs and other United Nations documents; decisions of tribunals; and a bibliography. The abstracts might be useful, but there were objections in principle as well as practical obstacles to publishing them; it would be for the majority of the Committee to decide whether or not they should be included. As to United Nations documents and decisions of tribunals, he felt that there would be little profit in reprinting documents of the kind listed in the annex to the Secretary-General's last report; instead, the United Nations should publish an index, compendium or descriptive catalogue of those documents. He had circulated among the members of the Committee, as an example, a plan outlining a chapter typical of such a catalogue; the part dealing with the decisions of United Nations organs would include, not the texts of General Assembly resolutions, but a succinct description of the Assembly's actions. That part would contain not only a number of sections on decisions made or documents issued by United Nations bodies, but also an alphabetical subject index at the end of the volume. He agreed with the representatives of the Netherlands (*ibid.*) and Burma (*ibid.*) that all the documents of a legal character issued by the specialized agencies should be included. The same format could be used for the decisions of tribunals: court decisions could be succinctly summarized, as they were in *Corpus Juris* in the United States of America, the *Juris-classeur* in France, the *Répertoire de jurisprudence canadienne*, and similar publications in other countries. In accordance with General Assembly resolution 1451 (XIV), only court decisions relating to the United Nations would be included. A collection of court decisions relating to international law in general, while perhaps more useful, would be more costly and might duplicate the work of the *International Law Reports*. The original plan, according to which the bibliography would have covered the general theory of international law and the law of international organizations, no longer had much support; the type of bibliography he proposed would be entirely different, covering the publications of international bodies and agencies, and perhaps certain Secretariat reports. The bibliography might also be the most appropriate place for the selected legal opinions of the Secretariat. For example, Press Release SG/849, listed as item I.2 in the annex to the Secretary-General's report (A/4406 and Corr.1), would be the subject of a note in the bibliography. If such documents were catalogued in the bibliography part, it would be advisable to add the briefest possible explanatory note when the title of the document did not

^{1/} Official Records of the General Assembly, Fourteenth Session, Annexes, agenda item 57, document A/4151.

adequately indicate its nature and contents. The bibliography might also mention articles published by private individuals and reports or other documents published by learned bodies and universities.

3. Essentially, his idea was to create a legal journal for the United Nations, or a repertoire which could serve as a ready reference book for anybody who wished to find the documents available on a given subject. A publication which served that purpose would be particularly welcome in some of the States recently admitted to membership in the United Nations.

4. The practical aspects of publishing the suggested catalogue involved three stages: the compilation of the information to be included, the selection and editing of the material, and the actual publishing of the work. The compilation and editing of references to documents issued by the United Nations Secretariat would, of course, be the responsibility of the Office of Legal Affairs; it would certainly not find those tasks more difficult than the work required for the publication discussed in the Secretary-General's report. As for the documents to be collected in the various States, each Member should supply the texts of the notes to be included in the journal, but as Governments were proverbially slow in furnishing information, one of two methods might be used to avoid delay. By the first method, a correspondent—preferably a professor of international law—in each country, would undertake to supply the Secretariat with the necessary information. By the second method, the Secretariat, through the local authorities or directly, would establish liaison in each State with an academy of recognized standing or a university. In the latter case, the students themselves, under the direction of their instructors, might prepare the notes. His delegation believed that the International Law Commission would be a suitable body to look over, prepare and compile the notes thus received. However, if that suggestion was not acceptable because the task was considered to be beyond the functions of the Commission, or for other reasons, the Secretariat could be relied on to perform the work of editing as well.

5. The Canadian plan had been put forward as a basis for discussion, and not as a formal proposal. The Secretariat might be asked to inform the Committee whether that plan could be carried out by the existing staff and within the limits allowed by the United Nations budget. While budgetary problems were primarily a concern of the Fifth Committee, the Sixth Committee ought not to overlook them; indeed, they were so pressing that he would urge the Committee to approach the question of the juridical yearbook or journal with extreme caution. In his view, it was not essential for the Committee to reach a final decision regarding either the format or the contents of the journal at the current session, even though publication had been approved in principle. Perhaps the Secretariat should be authorized to draw up a trial issue according to specific instructions. On the other hand, delegations which were concerned about financial or other considerations and wished to defer the matter to the next session of the General Assembly should say so without further delay.

6. Mr. MUSTAFA (Pakistan) noted that, according to the Secretary-General's report, documents of a number of the types falling within the scope of General Assembly resolution 1451 (XIV) already appeared in United Nations publications, and that it was the

Secretary-General's opinion (*ibid.*, para. 29) that there was little to be gained by republishing them in a United Nations juridical yearbook. Paragraphs 22 and 23 of the report described the situation regarding a further type of material, namely, the legal opinions given by the Secretariat: the material was scattered, if it appeared in documentary form at all, and a good deal of work would be required for its incorporation into a yearbook. However, a considerable volume of material answering to the definition in paragraph 6 of the report had been listed in the annex: it ran to some 3,000 pages and the total cost of publication in three languages only would be \$60,000 (see A/C.6/L.471, para. 3). The question was whether the publication of that material merited such expenditure as well as the time and labour which would be involved. It had been said in the course of earlier discussions that the publication of the yearbook would serve the purposes of General Assembly resolution 176 (II); he believed that some of the present publications mentioned in the Secretary-General's report were already serving those purposes. The principal merit of the yearbook, according to the Secretary-General, would be to concentrate in a readily available volume material otherwise scattered through many publications. His delegation was in principle in favour of a yearbook for that purpose, but it did not think that a volume containing the materials listed in the annex to the report would be an ideal publication, nor would it justify the labour, time and expense involved. He would therefore advocate an alternative somewhat along the lines just suggested by the representative of Canada and, earlier, by the Legal Counsel himself (674th meeting), namely, an international juridical digest containing, under each heading, a brief description of the subject-matter, a reference to the publication in which it was to be found and the relevant page numbers. It should, he thought, cover six subjects: decisions of legal interest of United Nations bodies; national legislative texts of international scope; significant decisions of national courts relating to the United Nations and decisions involving the interpretation of multilateral conventions drafted under the auspices of the United Nations; international arbitral awards; selected documents concerning international administrative law; documents and information concerning the status of the United Nations and the specialized agencies; and treaties relating to the United Nations and the specialized agencies. It would be seen that his delegation had adopted the interpretation given by the representative of Burma (*ibid.*) of General Assembly resolution 1451 (XIV). The digest, while similar in form to the catalogue recommended by the representative of Canada, would be fuller in its descriptions of subject-matter. He believed that it would form a very useful reference book, and it would be very easy for anyone interested in a particular subject to obtain the publications referred to in the digest from the United Nations and other sources.

7. He made his suggestion very tentatively and hoped that delegations would express their views on it.

8. Mr. LUTEM (Turkey) felt that the very fact that the publication of a United Nations juridical yearbook had been discussed for some ten years indicated that the idea was a good one. Through a process of elimination, the proposal had been simplified and, in the form in which it was suggested in the Secretary-General's report, his delegation was wholly in favour of such a publication. The only major obstacle—and one difficult to overcome—was that of cost. The figure

now given (see A/C.6/L.471, paras. 3 and 4)—\$159,200 in all—was much above that given at the last session. The Sixth Committee ought, following the lead of the Legal Counsel and his Office, to try to be realistic. The general financial situation of the United Nations left much to be desired. The accent was on economy. Any decision by the Sixth Committee entailing heavy expenditure thus risked running aground in the Fifth Committee. Yet, after such protracted consideration, the Committee ought to make some specific recommendation to the General Assembly. It was for those reasons that his delegation inclined favourably towards

the suggestion for an alphabetical index covering the juridical subjects and materials already examined by the various bodies constituting the United Nations. If the cost of an index would be considerably less than that of the proposed yearbook, and if the reply to the question put by the representative of the United Kingdom at the previous meeting were favourable, his delegation believed that the proposal just put forward by the representative of Canada should be given every consideration.

The meeting rose at 4.10 p.m.