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**Chairman:** Mr. Alberto HERRARTE (Guatemala).

**AGENDA ITEM 57**

**Question of the publication of a United Nations juridical  
yearbook (A/4151) (continued)**

1. Mr. CHOWDHURY (Pakistan), referring to the Secretary-General's survey of the background of the question (A/4151, paras. 3-16), said that there was general agreement concerning the value of such a yearbook, which would be helpful in formulating the principles of customary international law and in providing for an exchange of views among the eminent jurists of the world. Moreover, in recommending the publication of a yearbook, the International Law Commission had merely been applying the provisions of article 24 of its Statute. Such a publication could, however, give rise to more problems than appeared at first sight.

2. The International Law Commission had suggested that the yearbook should contain, *inter alia*, significant legislative developments in various countries, current arbitral awards by *ad hoc* international tribunals and significant decisions of national courts relating to problems of international law, in particular those concerning multipartite international conventions (A/1316, para. 91). His delegation considered that the significant legislative developments should be presented in a condensed form if they were not to be solely of interest to experts. So far as current arbitral awards and significant decisions of national courts were concerned, it would obviously be of the greatest assistance to have a universal record of them.

3. The working paper submitted to the Committee by the informal working group during the thirteenth session of the General Assembly<sup>1/</sup> had suggested that part I of the yearbook, which would be of approximately 150 pages, should include articles by private individuals writing in their own names or, possibly, reports by private associations or institutions. He feared that such articles and reports might be controversial and might create a certain amount of tension between authors or countries holding opposing views, whereas it was the basic role of the United Nations to prevent and to allay any discord. That aspect of the question would need to be carefully watched if it was decided to publish the yearbook.

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

4. The financial aspects, too, should be taken into consideration, for they would influence the decision regarding the frequency of publication, the language or languages in which the yearbook would appear, and its size. He was inclined to think that it should be issued yearly and perhaps—if the Committee so agreed—in one language only. Lastly, it seemed reasonable to assume, as had the Secretary-General, that the proposed publication would be of at least 250 pages.

5. Mr. HU Ching-yu (China), after a brief survey of the background of the question, went on to examine more closely the merits of the proposal that the yearbook should contain articles by private individuals or reports by private associations or institutions. Various representatives had pointed out that it was inappropriate for an international organization like the United Nations to disseminate private opinions, that it could not do so without conferring great prestige on those responsible for the expression of such opinions, and that it would be extremely difficult to lay down criteria for the selection of such private contributions. It had been suggested that an editorial board should be set up to make the selection (A/4151, para. 40) but it was doubtful whether such a board would display at one and the same time the requisite competence and impartiality to prevent the exploitation of the patronage of the United Nations for political ends.

6. His delegation, for its part, had other objections as well. The hope had been expressed that part I of the yearbook would serve as a meeting-ground rather than a battle-ground. It was greatly to be feared that it would be neither the one nor the other, since it could only include a limited number of articles, two or three at the most, and as it would be a very long time before authors whose opinions had been attacked could reply they might be tempted, if they were impatient, to do so in some other publication, which could not fail to be harmful to the prestige of the United Nations. It had also been said that the publication of articles would be of benefit to the jurists of small countries. It was difficult to see how, for if the principle of fair geographical distribution was to be observed, and the limitations already mentioned adhered to, the jurists of any given country would only have an opportunity of being heard every twenty or twenty-five years at the very best. Lastly, it was open to question whether it would be possible to set up an editorial board composed entirely of honorary members and whether it would not be somewhat extravagant to spend \$9,000 (A/4151, para. 83) to enable its members to meet once a year for the sole purpose of selecting two or three articles.

7. For all those reasons, his delegation hoped that the members of the informal working group set up by the Sixth Committee (554th meeting) at the thirteenth session would abandon the idea of having articles by private individuals included in the yearbook.

8. Mr. KIRDAR (Turkey) said that his delegation favoured the publication of a juridical yearbook, as it had already indicated at the 582nd meeting of the Sixth Committee. As far as the plan for the yearbook was concerned, however, it shared the Secretary-General's doubts (A/4151, para. 49) concerning the advisability of including in part I articles by private individuals writing in their own names and reports prepared by private bodies, as was suggested in the document prepared at the thirteenth session by the informal working group. It might well be asked whether the value of including such items would outweigh the difficulties to which it would inevitably give rise. It would only be possible to publish two or three articles each year; the selection of the articles and the appointment of an editorial board would raise delicate problems. In his delegation's view it would be better to devote part I of the yearbook to summaries of articles and studies published in juridical reviews throughout the world which it was not generally possible for the experts of the various countries to follow. If such a compromise formula were to be accepted, the very number of articles which could be summarized would allow of the expression of a wide variety of views. So far as the other parts of the yearbook were concerned, his delegation was prepared to follow the Secretary-General's suggestions in the hope, however, that national legislative developments, current arbitral awards and significant decisions of national courts relating to the United Nations would be published in a summarized form.

9. His delegation considered, moreover, that the yearbook should constitute a separate work, published under United Nations auspices and in as many languages as possible in order to ensure its universal circulation. For that purpose, consideration might be given the publication of a juridical collection that would appear only every two or three years, rather than a yearbook. The savings thus made would enable the work to be published not only in English, but in French, Spanish, Russian and, if possible, Arabic.

10. Mr. TABIBI (Afghanistan) stated that, as at the 581st meeting of the Sixth Committee, his delegation supported the publication of a United Nations juridical yearbook, a project which should be favoured by all those who wished to further a better knowledge of international law by giving it the necessary publicity. The yearbook should contain information on the principles and problems of international law, the juridical views and activities of the United Nations, and important decisions made by national and international courts.

11. The International Law Commission, the Secretary-General and the General Assembly had been considering the question for the past nine years. Now

that it had received the Secretary-General's valuable report (A/4151), the General Assembly would appear to be in a position to make the yearbook a reality. Moreover, the fact that at the thirteenth session, resolution 1291 (XIII) had been adopted by a large majority showed, if such proof was necessary, how much general agreement there was on the need for the proposed publication.

12. Recalling Article 13 of the Charter and General Assembly resolution 176 (II), he regretted that the legal work of the United Nations, which in his view represented the most important aspect of its activities, was not widely enough known by the general public or by experts. The publication of a yearbook would fill that gap.

13. Referring to the plan for the yearbook suggested by the informal working group set up at the thirteenth session (A/4151, paras. 26-30), he stated that, in his view, parts I and II would prove the most useful. With reference to part I, in particular, he had no doubt that the authors of the articles published would be able to rise above narrow partisan interests and adopt a truly international point of view.

14. It was true, as the Netherlands representative had stated at the preceding meeting, that there were already numerous publications concerning international law. None of them, however, was in a position to follow very closely the juridical activities of the United Nations and the specialized agencies. His delegation therefore hoped that the United Nations juridical yearbook would be published shortly on an experimental basis as the Secretary-General had suggested, and on the understanding that progressive improvements would subsequently be made to it.

15. Mr. ZEPOS (Greece) recalled that the International Law Commission had originally proposed the publication of a United Nations juridical yearbook in order to make the evidence of customary international law more readily available (A/1316, part II); it was now being urged that all kinds of new subjects should be introduced into the yearbook, including articles written by private individuals in their own names. His delegation did not hold any strong views on the question, except on two points: it was advisable to avoid, firstly, the publication of articles by private individuals and, secondly, the establishment of an editorial board. It would be difficult to lay down criteria either for the selection of members of the board or for the choice of the articles to be published, and such uncertainty could not fail to give rise to many difficulties in practice. Subject to those two points, his delegation was ready to support any solution acceptable to the majority.

The meeting rose at 4.5 p.m.