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Chairman: Mr. Alberto HERRARTE (Guatemala),

*In the absence of the Chairman, Mr. Sperduti (Italy),
Vice-Chairman, took the Chair.*

AGENDA ITEM 57

**Question of the publication of a United Nations juridical
yearbook (A/4151, A/C.6/L.462) (continued)**

1. Mr. ROSENNE (Israel) said that his delegation, whose interest and views on the question were well summarized in paragraph 23 of the Secretary-General's report (A/4151), wished to place on record its appreciation of the initiative taken at the thirteenth session by the representative of Ceylon in placing before the Committee the outlines of a proposal for a United Nations juridical yearbook.^{1/} He considered it important, however, to point out the major differences of emphasis between the present debate and previous debates on the subject. The previous debates had arisen directly out of article 24 of the Statute of the International Law Commission, which concerned ways and means for making the evidence of customary international law more readily available. The debates which had followed the submission of the International Law Commission's report covering the work of its second session (A/1316) had been aimed primarily at satisfying the urgent requirements in that connexion of Governments, especially of new Governments which lacked comprehensive archives and libraries. The present discussions, on the other hand, seemed to be concentrated far less on the requirements of Governments. The fact that resolution 1291 (XIII) contained a reference to resolution 176 (II) indicated that the General Assembly, in its implementation of Article 13 of the United Nations Charter, was again concerning itself with the teaching of international law as well as its development.

2. He reviewed the existing publications of the United Nations in the field of public international law. The most significant development in that field had been the systematic publication in permanent form of the records of the International Law Commission in its Yearbook. Another important publication was the United Nations Legislative Series. If a juridical yearbook was to be published, his delegation agreed that it should be used for the immediate publication of current material relevant to the contents of the different volumes of the legislative series, provided, however, that that would not impair the publication of regular

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

volumes of supplements as and when necessary. Thirdly, there were the Reports of International Arbitral Awards, which, he hoped, would eventually also include nineteenth century awards made prior to 1871. Those reports, however, failed to include current arbitral awards, and his delegation would accordingly favour the publication of the latter in a juridical yearbook, if no other method of up-to-date coverage was available. The problem might however also be solved by publishing a volume of the Reports of International Arbitral Awards which would be made up of individual brochures, issued as and when available. In any case, a juridical yearbook ought to include a proper scientific digest of current arbitral awards, as well as of the awards of conciliation commissions, claims commissions and the like, which were often not readily accessible. Other publications were the Repertoire of the Practice of the Security Council and the Repertory of Practice of United Nations Organs. Although the value of those two series was seriously impaired by delays in the publication of their supplements, he doubted whether the proposed juridical yearbook would offer any solution to that problem. It was also doubtful whether the yearbook would solve the problem of the rapid publication, in all five official languages, of conventions concluded under the auspices of the United Nations and of the specialized agencies, which were at present included in the United Nations Treaty Series only after they had entered into force.

3. Turning to the question of bibliography, he regretted to say that his delegation did not share the view of the Secretary-General as expressed in paragraphs 67 to 69 of his report. The bibliography of international law at the present time was marked by systematic confusion and duplication of effort; it was high time that a serious attempt was made to introduce some order into that field. On the one hand, there was need for a systematic and complete bibliography of the literature of international law, a task once partly performed by the catalogues of the Library of the International Court of Justice at The Hague; on the other hand, there was an even more urgent need for regular, complete and systematic bibliographies of current international law. Unfortunately, that need was not met by the publications mentioned in paragraph 69 of the Secretary-General's report. The Israel delegation believed that a juridical yearbook could be useful in supplying current bibliographical information, provided that the bibliographical section was adequately classified and complete. The closest co-ordination with other bodies, official and non-official, operating in that sphere would be required in order to avoid duplication.

4. The Secretary-General's report had also referred, in paragraphs 55, 56 and 71, to the question of the publication of legal opinions of the Secretariat. His delegation felt that if the publication of such opinions was decided on, great care would have to be exercised in their selection and presentation. It doubted whether any final conclusions could be reached until the Com-

mittee had had an opportunity to examine some concrete examples at somewhat greater leisure. Subject to those observations, and again provided that due weight was given to the need for a proper bibliographical section, his delegation considered that, if the majority of the Committee was favourable to the idea of a juridical yearbook, the plan proposed by the Secretary-General in paragraph 71 would be acceptable.

5. He then turned to the controversial part I of the plan for a yearbook submitted to the Sixth Committee at the thirteenth session of the General Assembly (A/4151, paras. 39-49). His delegation shared all the misgivings expressed by preceding speakers concerning the inclusion of articles by private individuals and reports by learned societies. Like the representative of Canada, he doubted whether publicists of all nations really experienced difficulty in finding an opportunity to express their views. With respect to the suggestion made by the Canadian representative at the preceding meeting for the publication of abstracts, he did not think that legal science was on quite the same footing as the empiric sciences, where the system of abstracting articles was highly developed. If a consensus of opinion in favour of that approach should emerge from the discussion, much more detailed preparatory work would be required before the Committee could take a final decision in full knowledge of all the implications, including those of an administrative and budgetary nature.

6. Mr. ZANDFARD (Iran) said that most members of the Committee agreed that a United Nations juridical yearbook would foster the development of international law and promote the teaching of that subject by encouraging public interest and knowledge. However, a scholarly undertaking identified with the United Nations should provide no food for legal disputes, nor should it bring about a situation in which the impartiality and prestige of the United Nations could be called into question. The inclusion of articles written by private individuals and private institutions, as envisaged in part I of the working paper, might frustrate the very aims of the yearbook by giving rise to controversy; his delegation, therefore, shared the misgivings expressed by others regarding the wisdom of including such articles. Moreover, their inclusion would necessitate the establishment of an editorial board, thus leading to further complications in connexion with membership and policy.

7. One of the main criticisms made against the proposed yearbook was that parts of the materials to be included were already available in a number of other publications. It should be borne in mind, however, that academic facilities varied from country to country, and that a juridical yearbook might be highly useful in countries which were not well supplied with international legal publications. He noted with satisfaction that the Secretary-General had taken into account the need for avoiding the duplication of material available in existing publications.

8. With respect to the form of the proposed juridical yearbook, he felt that the work should take on a separate identity and should not be directly connected with other United Nations publications. With respect to cost, his delegation felt that that question was outside the competence of the Committee, whose only task was to ascertain whether the proposed publication would be valuable and necessary. Summing up, his delegation

was in favour of the publication of a United Nations juridical yearbook, along the lines suggested by the Secretary-General and on an experimental basis.

9. Mr. SMALL (New Zealand) said his delegation felt that a yearbook drawn up along the lines suggested in paragraph 71 of the Secretary-General's report (A/4151) would be useful, and well worth publishing, provided agreement could be reached on cost and format. Many pleas had been heard in recent years, outside the United Nations, for a definite effort to make documents and materials on international law more readily available. In most cases what had been urged was the publication of national archives bearing on problems of international law; as good a case could, however, be made for the publication of more material on the sources of international law as affecting international organizations. If the proposed table of contents for the yearbook outlined in paragraph 71 was examined with those considerations in mind, it would surely be concluded that the proposed yearbook would be very useful. He noted that items which would involve excessive effort or expenditure had been eliminated, as had all proposals which would result in the yearbook fulfilling functions already performed by other journals.

10. His delegation considered that particular benefit would be derived from those parts of the proposed yearbook which would collate certain types of material not a present published anywhere—for example selected legal opinions of the Secretariat—and would permit the current publication of material which would otherwise not see the light of day until brought out many years later in larger long-term works.

11. However, some doubt had been expressed whether the costs involved in a recurring publication of the kind envisaged were on balance justified. His delegation's view was that the budgetary estimates contained in the Secretary-General's report (A/4151) were not excessive, and did not represent too great a commitment for the future, in relation to the results that might be anticipated. Nevertheless, the general principle of economy had to be borne in mind. The proposal made orally by the French representative (641st meeting) and now embodied in the draft resolution (A/C.6/L.462) might allow time for further consideration of the financial implications of the proposed publication. Perhaps, also, a preliminary model of the yearbook might indicate more reliably than a list of contents whether the yearbook could in practice be produced with the promptness and in the form necessary to fulfil its many purposes.

12. As to the Ceylonese proposal for the inclusion of a section containing privately contributed articles, his delegation sympathized with its purposes, but agreed with other delegations that the inclusion of such material would give rise to many difficult problems. On the other hand, some of the objects which the Ceylonese representative had in mind might be fulfilled if the yearbook, whatever its contents, was published in several languages. Indeed, that seemed to be an essential condition for its success and usefulness, and the New Zealand delegation would favour its publication in more than one of the official languages of the United Nations.

13. In conclusion, he wished to state that his delegation supported the draft resolution, while reserving its position on matters of detail and drafting.

14. Mr. LACHS (Poland) said that the Committee seemed to be generally in favour of publishing a yearbook. The main source of concern to his delegation had been the cost of the proposed publication, which he had originally thought would not be high. The figure suggested by the Secretary-General, however, was so high as to be unacceptable. Fortunately, it seemed that there was some possibility of reducing the estimate by at least two-thirds. It was to be hoped that the figure could be reduced still further. Although his delegation was prepared to accept the draft resolution, that did not mean that it would support the publication of the yearbook whatever the cost; on the contrary, it could agree only if publication did not involve serious additional expenditure for Member States. In carrying out his preparatory work, therefore, the Secretary-General should give serious consideration to the financial implications of the proposed yearbook, particularly as regards scope and size. It would be preferable to start with a modest publication, while providing for further consideration of the matter at a later stage. Subject to those reservations, he would support the draft resolution.

15. Mr. NISOT (Belgium) said that on the basis of information at present available, the publication of a juridical yearbook would be costly and would involve the duplication of the many existing juridical reviews. His delegation would therefore be unable to vote for the draft resolution, if it was to be interpreted as a firm stand in favour of the principle of publishing a yearbook. That was not the case, however; if it was interpreted on the basis of the original English text, the draft resolution seemed to make a final solution of the question of principle dependent upon the results of the consideration of the detailed outline to be prepared by the Secretary-General in accordance with operative paragraph 2. Thus the Belgian delegation would be able to vote for the draft resolution.

16. The French text of operative paragraph 1 of the draft resolution was incorrect. A correct translation of the original English text would read: "Décide qu'un annuaire juridique des Nations Unies devrait être publié...".

17. Mr. RAO (India) said that at the thirteenth session of the General Assembly no objection had been raised in the Sixth Committee to the principle of publishing a juridical yearbook. Acting in pursuance of General Assembly resolution 1291 (XIII), the Secretary-General had prepared a report (A/4151) that was both valuable and exhaustive. In the working paper submitted by the informal working group appointed by the Sixth Committee (554th meeting) at the thirteenth session of the Assembly, it had been suggested that part I of the proposed yearbook should contain articles by private individuals or associations. However, the Secretary-General had stated that the publication of scholarly articles on controversial subjects in a United Nations volume might be a matter of considerable embarrassment to the Secretariat; and the Indian delegation doubted the advisability of publishing any articles of such a kind in the proposed yearbook. Questions of international law could not always be divorced from current political problems, as a perusal of any legal journal of international law would show. Even if the articles were on purely legal questions, it would be difficult to prevent them from having some bearing on current political issues. Thus, views expressed in a United Nations publication might be used by interested countries to support their own political positions in

disputes which might arise at a later date. And that would be the case even if the articles were confined to questions of international law under study by the International Law Commission. Part I as proposed by the working group would therefore be better excluded from the yearbook. The United Nations might, however, instead consider means of encouraging the publication of journals of international law in countries where none existed at the present time.

18. His delegation had no objection to supporting the inclusion of part II as proposed in the working paper, although most of the material proposed was already available in United Nations documents. The publication in a single volume of material that would otherwise be scattered through many publications would greatly assist the student of international law.

19. Part II of the yearbook as proposed by the working group would consist of four sections. His delegation was prepared to support the inclusion of all those sections in the proposed yearbook. Section (i) would be valuable because it would explain in an authoritative manner the legal status of the United Nations and the different specialized agencies and their relationships with each other. That should be an annual feature of the yearbook; and it would not duplicate material published in other international reviews. It would not be sufficient simply to publish the Charter and the relevant constitutional instruments of the various specialized agencies; a selection of typical agreements between the United Nations and the specialized agencies, as well as inter-agency agreements, should also be included. However, the inclusion of important opinions by national legal advisers on the status of the United Nations and the specialized agencies would involve difficulties similar to those which would be caused by the publication of articles by private individuals.

20. Section (ii) of part II should not include material published elsewhere, for instance by the International Court of Justice and the International Law Commission, or in the Yearbook on Human Rights. The existence of such material should be mentioned and the reader could be referred to the appropriate publication. The United Nations juridical yearbook should confine itself to decisions, recommendations or reports of United Nations bodies that were of legal interest but were not published elsewhere. The publication of the material proposed by the working group for sections (iii) and (iv) of part II would also be very useful, and in section (iv) the appropriate references to the United Nations Treaty Series should be given.

21. The compilation of part III as proposed by the Secretary-General (A/4151, paras. 62-66) on the basis of the recommendations of the working group would be a herculean task. It might however be possible to publish extracts from decisions of international and national tribunals and digests of such decisions in the yearbook. The inclusion, in part IV, of a bibliography of all the books and articles published during the year on the general theory of international law and the law of international organizations would be of incalculable value. Admittedly, to include comments on the bibliography by the Secretariat would involve a great deal of work; but a bibliography without commentaries would be preferable to no bibliography at all. Although the Secretary-General might be correct in stating, in paragraph 69 of his report, that similar bibliographies were already available in four different United Nations

publications, the value of having the entire bibliography in a single publication could not be underestimated. That was particularly true because two of the four publications mentioned by the Secretary-General were monthly lists of books and periodicals published by the United Nations, which were not very widely known.

22. His delegation would also agree to the inclusion in the yearbook of documents relating to customary international law, as for instance national legislative texts of international bearing and arbitral awards by ad hoc international tribunals. It might also be desirable to include, in part II, selected documents relating to international administrative law.

23. The yearbook should be published as a separate United Nations publication, and not as a third volume to the Yearbook of the International Law Commission, since it would not be confined to the activities of the International Law Commission nor would the Commission have any control over its contents.

24. The principle of publishing a United Nations juridical yearbook seemed to have met with general approval, and other questions, such as costs, could be left over to the fifteenth session of the General Assembly. He would therefore support the draft resolution (A/C.6/L.462).

25. Mr. EL-ERIAN (United Arab Republic) said that the delegation of the United Arab Republic had co-sponsored the draft resolution which became resolution 1291 (XIII), and had participated in the informal working group which had met during the thirteenth session. Its deep interest in the matter under discussion was thus clear. It now seemed that good progress was being made; and indeed, much work had already been done towards the eventual publication of a United Nations juridical yearbook.

26. There was apparently no longer any controversy over the proposal to include articles by private individuals in the yearbook; all Members seemed to agree that it would be preferable to limit the contents to documentary information relating to the United Nations, and to exclude private contributions. A further consideration of primary importance was the avoidance of duplication. The yearbook should be so designed as to fill gaps, not to provide information that could be found elsewhere. The draft resolution seemed to open the way to further progress, and his delegation would support it.

27. Mr. Benjamín COHEN (Chile) expressed his delegation's satisfaction with the Secretary-General's report (A/4151). However, it would be unable to support the draft resolution unless operative paragraph 1 was amended; in its present form the paragraph amounted to a definite decision to publish a United Nations juridical yearbook. Furthermore, the yearbook, if it was published, should not be limited to "documentary materials of a legal character relating to the United Nations", but should also include documentary materials on international law of interest to the United Nations. His delegation had submitted a formal amendment (A/C.6/L.463) along those lines.

28. It was to be hoped that the Secretary-General, in preparing the detailed outline of the yearbook referred to in operative paragraph 2 of the draft resolution, would give additional information regarding the costs involved.

29. Mr. GUZMAN (Ecuador) recalled that at the thirteenth session his delegation had not merely endorsed

the idea of a juridical yearbook but had also submitted to the Sixth Committee (582nd meeting) certain proposals finally embodied in resolution 1291 (XIII). However, the purpose of the proposed publication, namely, to affirm the juridical role of the United Nations, would be attained only if its contents included material relating to the work of all United Nations bodies dealing with juridical matters. Information on the work of the Sixth Committee alone would not be sufficient.

30. The draft resolution seemed perfectly satisfactory, especially since it provided for a cautious and gradual approach to the matter. Excessive prudence, however, might reduce the value of the yearbook. For example, the danger of duplicating material contained in other official publications might not be as serious a matter as the Canadian representative had suggested. Many documents already published elsewhere would obviously have to be republished; otherwise it might prove impossible to present a true picture of certain branches of international law. On the other hand, the publication of articles by private authors would involve a risk which was not worth taking.

31. Another point to consider was whether the publication should not from time to time republish some of the classic texts on international law. The presentation of such material in an easily available publication would be of great assistance to students and experts alike. Perhaps the Secretary-General, in preparing the detailed outline envisaged in operative paragraph 2 of the draft resolution, would give that matter the attention it deserved.

32. Operative paragraph 1 of the draft resolution clearly meant that the desirability of a juridical yearbook was no longer at issue. The only question left open, pending the Secretary-General's report, would be its contents. In that connexion, the Chilean representative's suggestion might perhaps be unduly restrictive, for the documentary material of a legal character envisaged in the draft would inevitably consist, for the most part, of documents on international law relating to the United Nations.

33. In conclusion he said that his delegation wished to be listed among the sponsors of the draft resolution.

34. Mr. BATTAGLINI (Italy) said his delegation recognized the principle that the periodical publication of certain documents by various United Nations bodies and related institutions would be useful, provided that those documents related to juridical problems and were not already included in other publications. A publication of that kind would be of obvious interest to jurists and might greatly contribute, *inter alia*, to better knowledge of institutions such as, for example, the United Nations Emergency Force.

35. So far as private articles were concerned, the Italian delegation shared the apprehension that the publication of such matter under United Nations auspices might give rise to friction and difficulties, if only by investing the articles in question with an authority to which they might not be entitled. Furthermore, as had rightly been said, many existing yearbooks and reviews on international law were not strictly national in nature but included articles by jurists from countries other than the country of publication; and even if the opportunities for publication thus offered remained inadequate, a satisfactory compilation of scholarly opinions by authors from all countries

could hardly be obtained through the publication of three or four articles yearly. The yearbook should therefore, at least for the time being, be confined to one part containing a compilation of documents and a second part containing useful references to doctrine, legislation and case-law.

36. The doctrinal information should list all articles and reports on matters of international law published during the preceding year, with only a very brief summary, intended merely as a general indication, of the contents of each article or report. So far as the legislative index was concerned, the Secretariat would have to invite the co-operation of Governments; the list should be limited to legislative texts regulating international relations and give, in each case, the necessary reference to the Government publication in which the text appeared and a general indication of the subject-matter. In the matter of case-law, data should be given regarding both decisions of international tribunals and rulings of national courts on matters related to international law. It would be inadvisable to publish the full texts of judgements, or any extracts therefrom, even in the case of decisions of *ad hoc* tribunals, for that would require unnecessary effort. The index should merely refer to the law reports in which the text could be found, and set forth in summary form the principles of law established. Such references were already contained in many existing international law reviews.

37. The plan which he had outlined seemed simple enough to meet with immediate approval. If the majority of delegations believed, however, that it would be better first to have a detailed plan or model, the Italian delegation would support the draft resolution.

38. Mr. COCKE (United States of America) said that the draft resolution owed its origin to the vision of the delegations which, at the thirteenth session, had advocated the publication of a juridical yearbook. The draft resolution confirmed that such a yearbook should be published, and that its contents should be limited to documentary material, private contributions being strictly excluded. The categories of documents to be published and the amount of space to be allocated to each category would be decided only after the Secretary-General had submitted the model envisaged in operative paragraph 2. That decision would, if possible, be made at the fifteenth session. The draft resolution thus proposed a prudent and practical approach, and the United States delegation would support it.

39. Mr. CASTAÑEDA (Mexico) said that his delegation, although one of the sponsors of the draft resolution, would have been prepared to agree to a reduced yearbook, containing only documentary material, to be published in 1960. The majority of the Committee, however, seemed to feel the need for a preliminary plan.

40. He fully shared the Canadian representative's view that it would be desirable to publish a series of abstracts from articles on the United Nations and other topics of international law. It was extremely difficult for a Ministry of Foreign Affairs to study systematically the large number of periodicals on international law currently published. Perhaps the Secretary-General's representative could inform the Committee whether, in the course of preparing the report envisaged in operative paragraph 2 of the draft resolution, the Secretariat could consider the feasibility and advisability of including such abstracts, and report on the matter to the next session of the General

Assembly, with a statement of financial implications and some concrete recommendations.

41. Mr. MOLINA (Venezuela) recalled that at the preceding session of the General Assembly his delegation had pressed for the inclusion in resolution 1291 (XIII) of the request which had resulted in the submission of the Secretary-General's report (A/4151). That report being of considerable value, the second preambular paragraph of the draft resolution might have been somewhat more appreciative.

42. The Venezuelan delegation still believed that a juridical yearbook would serve an important purpose, by publicizing the work of the United Nations in international law and by disseminating important juridical principles. The argument that the contents might duplicate material already available elsewhere was hardly valid, and his delegation would strenuously oppose any attempt to delay publication of the yearbook indefinitely. In that connexion, he wished to pay tribute to the informal working group set up at the preceding session.

43. The Venezuelan delegation shared the general misgivings regarding the inclusion in the yearbook of private articles. It believed that the publication should appear not merely in English but also in French and Spanish. In any event, the General Assembly would be in a position to take a final decision on the form and contents of the yearbook at the next session of the General Assembly, after the Secretary-General had submitted his detailed outline.

44. Mr. TABIBI (Afghanistan) asked the representative of the Secretary-General what material he proposed to include in the report referred to in operative paragraph 2 of the draft resolution, and whether there was any possibility of reducing the figures set out in the last paragraphs of the Secretary-General's report (A/4151, paras. 80-86), which dealt with the budgetary implications of the publication. The Afghan delegation assumed that the Secretary-General's estimates were on the high side, but it would like to know precisely what proportion of the final costs could be covered out of the normal budget of the Office of Legal Affairs.

45. Mr. STAVROPOULOS (Legal Counsel) said that the sponsors of the draft resolution had successfully combined the two main trends of thought which had been expressed in the debate. On the one hand, the draft gave expression to the general feeling that it would be highly desirable to publish a yearbook: in operative paragraph 1, the General Assembly would decide immediately in principle that such a yearbook should be published. On the other hand, the text recognized that some uncertainty still existed regarding the exact contents of the proposed publication. It described those contents in general terms, providing that the yearbook should include documentary material of a legal character relating to the United Nations. That presumably included documents such as national legislative texts and significant decisions of national courts relating to the United Nations; international arbitral awards having a bearing on the status and work of the United Nations; selected legal opinions of the United Nations Secretariat; relevant decisions, recommendations or reports of United Nations bodies, and the like. Those examples, however, were still of a general character, and did not give a precise picture of what each volume of the yearbook would actually contain. Accordingly, the suggestion made in operative paragraph 2 of the draft resolution, which implied that the Secretary-General should prepare the first volume

of the yearbook in a skeleton form, seemed very sound. The Secretariat would select the documents which, in its opinion, should go into the first volume and list them in a systematic and detailed outline or table of contents. It would then submit a report containing that outline to the General Assembly at its next session. In carrying out the work, the Secretariat would naturally bear in mind the relevant debates in the Sixth Committee, which could serve as a guide in the selection of material.

46. The procedure envisaged in the draft resolution would also give the Secretariat an opportunity to make a more precise estimate of the cost of the project. The USSR representative had pointed out that the official estimate of the costs involved was still the one set out in the Secretary-General's report. In that connexion, he could state that, if it were decided to undertake the preparation and publication of the yearbook immediately, the Secretariat would try to halve the salary costs given in the report by asking for one legal officer and one secretary, instead of two of each. Those costs would therefore be approximately \$21,000, instead of

\$42,000. The printing costs would remain the same, and would depend on the number of languages and the number of copies. On the other hand, if the proposed operative paragraph 2 was accepted and the first volume of the yearbook was in the nature of a trial run, the Secretariat would be able to absorb the additional work involved. Furthermore, in the course of the trial year, the Secretariat would go over its estimates and, on the basis of its more precise knowledge of the work entailed, would present a more definite estimate of the financial implications of the project. The variation from the figure he had mentioned would not be very great, but some adjustments might perhaps be possible.

47. So far as concerned the question raised by the Mexican representative, the Secretariat would certainly comply with his wish and make an additional report on the advisability of including abstracts. That report would also contain a statement of financial implications and recommendations.

The meeting rose at 1 p.m.