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REPORT OF THE INTERNATIONAL LAW COMMISSION COVERING
THE WORK OF ITS SEVENTH SESSION

Report of the Secretary-General prepared in pursuance of
General Assembly resolution 586 (VII) concerning ways
and means for making the evidence of customary international
law more readily available

Note. This report is made available to the Sixth Committee in connexion with its examination of the Report of the International Law Commission covering the work of its seventh session, paragraph 35 of which contains a reference to this document.

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I. INTRODUCTION

1. In the course of its study of the question of ways and means for making the evidence of customary international law more readily available, the General Assembly, at its 400th plenary meeting on 5 December 1952, adopted resolution 686 (VII), under which it, inter alia, requested the Secretary-General, "to prepare and circulate to the governments of Member States a comparative study of the extent to which developments in the field of customary international law and selected legal activities of the United Nations can usefully be covered by an expansion of existing United Nations publications, by the launching of new special publications of limited scope and by a United Nations juridical yearbook; such study shall cover form, contents and budgetary implications".^{1/}
2. The Secretary-General submits the following report in pursuance of this resolution.

^{1/} See Official Records of the General Assembly, Seventh Session, Supplement No. 20, A/2361, page 62.

II. HISTORY OF THE QUESTION OF WAYS AND MEANS FOR
MAKING THE EVIDENCE OF CUSTOMARY INTERNATIONAL
LAW MORE READILY AVAILABLE

3. This question has its origin in article 24 of the Statute of the International Law Commission, which reads as follows:

"The Commission shall consider ways and means for making the evidence of customary international law more readily available, such as the collection and publication of documents concerning State practice and of the decisions of national and international courts on questions of international law, and shall make a report to the General Assembly on this matter."

4. At its first session, which was held in 1949, the International Law Commission examined the question of giving effect to this article (A/CN.4/SR.31 and 32). It had before it as a basis for its work a memorandum submitted by the Secretary-General (A/CN.4/6) and a working paper submitted by the Secretariat on the basis of that memorandum (A/CN.4/W.9). On the conclusion of its examination, the Commission requested its first Chairman, Mr. Manley O. Hudson, to prepare a working paper on the subject.

5. This working paper (A/CN.4/16 and Add.1) was studied by the Commission during its second session at its 40th meeting on 6 June 1950 (A/CN.4/SR.40). The results of this study are set out in part II of the Commission's report covering its second session, which took place from 5 June to 29 July 1950.^{1/}

6. Part II of the Commission's report was examined by the Sixth Committee of the General Assembly at its fifth session, at its 230th and 231st meetings on 30 October and 2 November 1950.^{2/}

7. At its 320th plenary meeting on 12 December 1950, the General Assembly adopted resolution 487 (V), by which it invited the Secretary-General, in preparing his future programme of work in this field, to consider and report to the General Assembly upon the recommendations contained in paragraphs 90, 91 and 93 of part II of the report of the International Law Commission, in the light of the discussion held and the suggestions made in the Sixth Committee.^{3/}

^{1/} See Official Documents of the General Assembly, Fifth Session, Supplement No. 12, A/1316, paragraphs 24-94.

^{2/} Ibid., Sixth Committee, pages 119-131.

^{3/} Ibid., Supplement No. 20, A/1775, page 77.

8. In pursuance of this resolution, the Secretary-General submitted to the General Assembly at its sixth session a report on this question (A/1934),^{1/} which was again discussed by the Sixth Committee at its 297th to 301st meetings, held from 24 to 28 January 1952.^{2/}

9. At its 369th plenary meeting on 1 February 1952, the General Assembly adopted resolution 602 (VI), by which it requested the Secretary-General to submit to the General Assembly at its seventh session a report containing detailed plans as to the form, contents and budgetary implications in regard to the possible publication of: (a) A **United Nations** juridical yearbook, taking into account the suggestions made during the debates in the Sixth Committee; (b) A consolidated index to the League of Nations Treaty Series; (c) A list of treaty collections supplementary to those already existing; (d) A volume containing a répertoire of the practice of the Security Council.^{3/}

10. In conformity with this resolution, the Secretary-General submitted to the General Assembly at its seventh session a report (A/2170)^{4/} containing a detailed plan for each of the publications suggested in the resolution.

11. The Sixth Committee examined the question for the third time at its 317th to 320th meetings, held from 3 to 5 November 1952^{5/} and, on its recommendation,^{6/} the General Assembly adopted resolution 686 (VII), in which it authorized the Secretary-General to undertake, as soon as feasible, the publication of a list of treaty collections and a repertoire of the practice of the Security Council, and requested him to prepare the study which is the subject of this present report (see paragraph 1 above).

^{1/} Ibid., Sixth Session, Annexes, agenda item 53.

^{2/} Ibid., Sixth Session, Sixth Committee, pages 276-280 and 288-298.

^{3/} Ibid., Sixth Session, Supplement No. 20, A/2119, page 85.

^{4/} Ibid., Seventh Session, agenda item 55.

^{5/} Ibid., Sixth Committee, pages 76-94.

^{6/} Ibid., Seventh Session, Annexes, agenda item 55, page 20.

12. In a note dated 27 February 1951 (A/1934),^{1/} the Minister for Foreign Affairs of Israel transmitted to the Secretary-General his observations on the publications recommended by the International Law Commission in its report covering its second session.

13. Furthermore, to meet the wishes of the French delegation, mentioned in the Sixth Committee's report to the sixth session of the General Assembly (A/2089, paragraph 7),^{2/} the Secretary-General consulted the American Society of International Law, the Institute of International Law, the International Law Association, the Grotius Society and the Legal Studies Section of the French National Centre for Scientific Research on the form and contents of a juridical yearbook.

14. On 25 April 1952, the Institute of International Law adopted a report on this matter and on 2 July 1952 the Chairman of the Committee on Research in International Law of the American Society of International Law transmitted a memorandum on the subject to the Secretary-General. These two documents are reproduced as annexes to the report submitted by the Secretary-General to the seventh session of the General Assembly (A/2170, annexes II and III).^{3/}

^{1/} Ibid., Sixth Session, Annexes, agenda item 53, page 5.

^{2/} Ibid.

^{3/} Ibid., Seventh Session, Annexes, agenda item 55.

III. PUBLICATIONS SUGGESTED WITH A VIEW TO MAKING
CERTAIN DOCUMENTS RELATING TO CUSTOMARY
INTERNATIONAL LAW AND TO SELECTED LEGAL
ACTIVITIES OF THE UNITED NATIONS MORE READILY
AVAILABLE

15. As part of a programme for making the sources of customary international law more readily available, the International Law Commission recommended the publication of a United Nations juridical yearbook and suggested what it might contain (see paragraph 40 below). During the discussion of the question in the Sixth Committee of the General Assembly, some delegations expressed the view that, having regard to the many difficulties inherent in the publication of such a yearbook - these difficulties are outlined below (see paragraph 38) - it would be desirable to make the sources of **customary international law** available either by expanding existing publications or by launching new special publications of limited scope.

16. The divergency in the views of delegations on the three types of publication suggested accounts for the terms of paragraph 2 of the operative part of resolution 686 (VII), under which the General Assembly requested the Secretary-General to prepare a comparative study of the extent to which developments in the field of customary international law and selected legal activities of the United Nations could usefully be covered by one or other of the three types of publication.

17. By way of introduction to this study, a short account must be given of the history of the question of the contents of the publications suggested. The original proposal was to give effect to the provisions of article 24 of the Statute of the International Law Commission by the publication, under United Nations auspices, of the evidence of customary international law. This proposal was subsequently broadened to include not only customary international law but also United Nations law. It was also proposed that the United Nations should undertake a publication analysing typical new trends in international law generally.

A. Existing publications that might be expanded

18. There are a number of publications, both official and private, which regularly reproduce documents relating to customary international law. The most

important of these are mentioned in paragraphs 33-78 of the report of the International Law Commission covering the work of its second session.^{1/}

19. There are also a number of United Nations publications which are concerned not only with the legal activities of the Organization, but also with customary international law, for example, the Legislative Series and the Reports of International Arbitral Awards.

20. The question therefore is to ~~what~~ extent new developments in the field of customary international law and selected legal activities of the United Nations could usefully be covered by expanding existing publications.

21. The documents variously proposed for inclusion in a United Nations juridical yearbook relate to different categories of sources of international customary law and to different types of United Nations legal activities. The diversity of these documents would curtail the expansion of several existing publications, with the result that there would be as many publications to be expanded as there were categories of documents to be published.

22. Attention should also be drawn to what the expansion of these publications would mean in practice. For example, the United Nations Legislative Series (see paragraph 47 below) has hitherto covered specific topics. Its expansion would therefore involve, first, supplementing it by the inclusion of national legislation on other topics, which would mean many more documents to be incorporated. It would involve, secondly, bringing the contents up to date. Supplements could, of course, be published, but it might be some time before there were sufficient documents to justify the publication of a supplement. Consequently, bringing publications up to date might be a slow and difficult process.

23. It has also been proposed that certain categories of documents not covered by any United Nations publication should be published, as for example, significant decisions of national courts relating to problems of international law. For this purpose, it might perhaps be possible to use existing publications, the subject matter of which might be enlarged and their availability increased.

^{1/} Ibid., Fifth Session, Supplement No. 12 (A/1316).

24. There are a number of publications which give reports and digests of the decisions of national courts. A few of these have been mentioned by the International Law Commission.^{1/} It has been suggested that such publications might be expanded by subsidizing them. The Institute of International Law has expressed the opinion that, where decisions of national courts are concerned, "the United Nations would render more service to international law by subsidizing existing publications than by undertaking similar work".^{2/} The American Society of International Law has expressed a similar view and has even specified the particular publication that might usefully be subsidized. "If funds were available to pay national correspondents and for editorial work", it said, "it would be highly desirable to transform ... the Annual Digest and Reports of Public International Law Cases into an official publication of the United Nations".^{3/}

25. The question of the United Nations subsidizing or taking over outside publications would, however, need careful examination.

B. New special publications of limited scope

26. It would be necessary first of all to decide what should be the subjects to be dealt with in new special publications "of limited scope". Customary international law and the legal activities of the United Nations cover a very wide field and it would be difficult to select from it just a small number of subjects worthy of publication. In fact it would be all the more difficult because the subjects selected should be those presenting the greatest interest. In suggesting the publication of a United Nations juridical yearbook the International Law Commission recommended a certain number of subjects for inclusion in it (see paragraph 40 below). Some members of the Sixth Committee felt that there was no need to limit the yearbook to the subjects suggested by the International Law Commission. The Government of Israel, the Institute of International Law and the American Society of International Law each suggested a list of topics for inclusion in a juridical yearbook (see paragraphs 41 to 43 below). In the light

^{1/} Ibid., paragraphs 56-59.

^{2/} Ibid., Seventh Session, Annexes, agenda item 55, page 15.

^{3/} Ibid., page 16.

of all those suggestions the Secretary-General, in his report to the seventh session of the General Assembly put forward a list of subjects (A/2170, paragraph 61), which could perhaps be dealt with in a juridical yearbook. When that report was discussed by the Sixth Committee, some delegations expressed the view that the yearbook should cover a wider range of subjects than those proposed by the Secretary-General.

27. Even if one managed to select the subjects to be dealt with in new special publications, the same difficulties - already mentioned (see paragraph 22 above) - would arise as in the case of the suggested expansion of existing publications. It must not be forgotten that the documentation of subjects dealt with in new special publications or treated in existing publications would have to be kept up to date. In recommending the publication of a juridical yearbook the International Law Commission drew particular attention to the "great difficulty long encountered by interested persons in their efforts to keep abreast of current developments". (See paragraph 37 below.)

28. It was mainly for reasons of economy that some delegations to the General Assembly's Sixth Committee suggested that it would be better to expand existing publications or to launch new special publications of limited scope rather than to undertake the publication of a juridical yearbook. It would be difficult for the Secretary-General to estimate the budgetary implications of either of the first two types of publication until the General Assembly had decided what matters they should deal with. On the other hand, it would be much easier to estimate the budgetary implications of a juridical yearbook, seeing that concrete proposals for the contents of a yearbook have already been submitted.

29. It is clear from the Sixth Committee's discussion of this question that a number of delegations were in favour of a juridical yearbook (see paragraph 39 below). Among the advantages of such a publication, it was pointed out that it would be better to have all the relevant documentation brought together in a single volume, readily accessible and easy to consult, than scattered over a number of different publications.

30. Before examining the possibility of publishing a United Nations juridical yearbook, consideration should be given to a recent decision by the International Law Commission regarding the publication of its own documents.

C. International Law Commission Yearbook

31. During its seventh session held in 1955, the International Law Commission adopted a resolution^{1/} in which it, first, invited the Secretary-General, in preparing this report, to take into consideration the possibility of printing the studies, special reports and summary records of the Commission and, secondly, recommended the General Assembly, in connexion with its consideration of the report of the Commission on the work of its seventh session, to examine the possibility of printing those documents and of publishing them in the United Nations Juridical Yearbook contemplated in General Assembly resolution 686 (VII).

32. During the International Law Commission's discussion of that question (A/CN.4/SR.322 and 323), members of the Commission expressed the conviction that those documents ought to be published. Moreover they found it astonishing and regrettable that the work of the Commission had been given so little publicity. They also stated that, for the proper fulfilment of its task, the Commission's documents ought to be circulated and made readily available.

33. The Institute of International Law and the American Society of International Law both stressed the need which would be met by publication of the International Law Commission's documents. "The need", the American Society of International Law pointed out, "arises in part from the limited availability and impermanent form of much of the materials of the United Nations, bearing upon international law. For example, of some fifty-odd memoranda, collections of documents, draft proposals and bibliographies contained in the series A/CN.4/..., only about half a dozen have been printed and made available for purchase. None of the summary records of the International Law Commission or of its working papers are available for purchase. It is true that these materials can be consulted in the nearest depository library, but their availability is too limited. Furthermore, impermanent mimeographed records have a low survival value. While some of these materials are more valuable than others, taken as a whole they form a permanent record whose availability and physical permanence should be furthered."^{2/}

1/ Official Records of the General Assembly, Tenth Session, Supplement No. 9, A/2934, Chapter IV, Section V.

2/ Official Records of the General Assembly, Seventh Session, Annexes, Agenda item 55, pages 15 and 16.

34. If the General Assembly decided to publish the documents mentioned in the relevant resolution of the International Law Commission it would be desirable to assemble them in a single volume, either a special yearbook similar to that of the Institute of International Law, or in the United Nations juridical yearbook mentioned in General Assembly resolution 686 (VII).

35. Publication of an International Law Commission yearbook would not require any increase in the staff of the Codification Division. It would, however, entail translation, reproduction and indexing costs as set out in paragraphs 71 and 72 below.

36. The possibility of reproducing the documents in question in the United Nations juridical yearbook will be examined later (see paragraph 65 below).

D. United Nations Juridical Yearbook

1. Intrinsic value of the Yearbook

(a) Opinions of the International Law Commission

37. In paragraph 91 of its report covering the work of its second session, the International Law Commission recommended that the General Assembly should authorize the Secretariat to prepare and issue, with as wide a distribution as possible, a certain number of publications, including, in the first place, a juridical yearbook. The Commission added that "the need for such a publication is especially urgent because of the great difficulty long encountered by interested persons in their efforts to keep abreast of current developments. The Commission now has before it a topic - the continental shelf under the high seas - which affords an example of both the need and the difficulty".^{1/}

(b) Views of delegations to the Sixth Committee of the General Assembly

38. In the course of the Sixth Committee's discussions on the question of ways and means for making the evidence of customary international law more readily available (see paragraphs 6, 8 and 11 above), differing views were expressed regarding the intrinsic value of a United Nations juridical yearbook. Some delegations doubted its utility. In any case, they said, the advantages were outweighed by the expense. Moreover, some of the difficulties involved were so great that it would be better to leave the whole thing to private enterprise.

^{1/} Ibid., Fifth Session, Supplement No. 12 (A/1316).

There were already so many national and international periodicals that a juridical yearbook was hardly necessary. Among the difficulties mentioned was that a yearbook, to be complete, must necessarily duplicate existing publications. On the other hand, if subjects already dealt with in other publications were to be omitted, there would probably not be enough matter left to justify an annual publication.

39. Many delegations, on the other hand, considered that of all the publications recommended by the International Law Commission the juridical yearbook would be the most valuable. Some in fact proposed that it should be placed high in the order of priorities. It was pointed out that a United Nations juridical yearbook would provide a valuable means of following the development of legislation throughout the world. The United Nations had made great progress in other fields, thanks to the publications of the specialized agencies and of the appropriate departments of the Secretariat. It had already published a number of yearbooks on other subjects and it was high time that a similar yearbook was published by the Legal Office. Some said that if it were not possible to allocate the additional funds necessary for the publication of a yearbook, their publication should be undertaken as part of the normal publishing programme for which an appropriation had been made. Indeed, from the financial standpoint, some priority should be given to the yearbook over other publications already decided on, many of which, even legal ones, were certainly no more important even if as important. It was also urged that possible duplication with existing publications was not a valid reason for delaying and postponing publication indefinitely. Moreover, in the case of existing publications, the documents were scattered, whereas what was wanted was a methodical compilation. The yearbook would have a special value merely from the fact that it centralized all such documents. With regard to private publications, it was pointed out that the smaller countries were not always able to obtain them. It was sometimes the case, too, that private scientific publications were influenced by political considerations. A United Nations juridical yearbook would necessarily contain authentic and objective information because States Members would be in a position to verify its accuracy.

2. Contents of the Yearbook

(a) Documents suggested for inclusion in the yearbook

40. In recommending the publication of a United Nations juridical yearbook, the International Law Commission suggested that it should set forth, inter alia, significant legislative developments in various countries; current arbitral awards by ad hoc international tribunals; significant decisions of national courts relating to problems of international law and particularly those concerning multipartite international conventions.^{1/}

41. The Ministry of Foreign Affairs of Israel is of the opinion that the type of material prima facie of a kind suitable for inclusion in a juridical yearbook would be, in addition to the two types of documents proposed by the International Law Commission, texts of international treaties of a law-making character which for some reason or other are not published in the United Nations Treaty Series, published exchanges of diplomatic correspondence relating to important points of international law and practice, and important legal opinions of the United Nations Secretariat and the secretariats of the specialized agencies. It has also expressed the view that a special feature should be made of developments in the sphere of international administrative law.^{2/}

42. The Institute of International Law has suggested that the yearbook might include: (1) opinions of the Legal Department of the United Nations Secretariat on matters of principle, the date of publication to be at the Secretary-General's discretion; (2) decisions of the administrative tribunals of the United Nations and of the specialized agencies; (3) documents of juridical interest prepared within the United Nations and the specialized agencies and given only limited distribution, such as the reports and records of the International Law Commission, and certain documents drafted in special circumstances, like the report of the Committee of Jurists on the Eritrean Constitution, etc.; (4) a complete bibliography of juridical publications relating to the United Nations and the specialized agencies; (5) the texts of any new treaty provisions relating to the

^{1/} Ibid., paragraph 91 (a).

^{2/} Ibid., Sixth Session, Annexes, agenda item 53, page 5. It may be observed that there is a United Nations publication entitled: "Status of Multilateral Conventions of which the Secretary-General acts as Depository". Periodically and methodically this document publishes lists of signatures and ratifications of and accessions to international instruments of a multilateral kind of which the Secretary-General acts as depository.

United Nations and the specialized agencies and of the more important rules of procedure; and (6) the texts of conventions concluded under United Nations auspices and a list of ratifications and accessions.^{1/}

43. The American Society of International Law considered that it would be desirable to include in the yearbook the entire documentation of the A/CN.4 and A/CN.4/SR series, that is, the International Law Commission's working papers and the summary records of its meetings; national legislative texts on questions relating to international law; the arbitral awards of ad hoc international tribunals; certain legal opinions of the United Nations Secretariat, such as the memorandum on legal aspects of problems of representation in the United Nations and the opinion on problems of State succession in relation to India and Pakistan, and selected case-studies prepared and published on legal questions dealt with by organs of the United Nations, **specialized agencies** and, perhaps, regional organizations.^{2/}

(b) Documents which might be included in the yearbook

(i) Documents concerning customary international law

(1) Significant legislative developments in various countries

45. It would clearly be impossible to include in the yearbook the significant legislative developments in various countries without first adopting some definite criterion governing the choice of subjects. Everyone agrees that if national legislation is to be included in the yearbook, it must deal with matters connected with international law. But there are a great number of such matters and not all of them are of equal interest from the point of view of international law. Consequently, in order to avoid having to make arbitrary decisions, it would be desirable to specify in advance the international law topics on which national legislation would be assembled and published in the yearbook.

46. It has been objected that national legislation relating to international law is so extensive that its publication would considerably increase the size of the yearbook.

1/ Ibid., Seventh Session, Annexes, Agenda item 55, page 15.

2/ Ibid., pages 15 and 16.

47. It may be noted that the Secretariat has already compiled and does in fact regularly compile national laws on certain subjects which the International Law Commission has selected with a view to their codification. These laws are published in the United Nations Legislative Series. Thus a volume on the continental shelf, contiguous zones and the supervision of foreign vessels on the high seas has appeared under the title Laws and Regulations on the Régime of the High Seas, volume I (ST/LEG/SER.B/1). A further volume dealing with jurisdiction with regard to crimes committed abroad or on the high seas has appeared under that title (ST/LEG/SER.B/2). A volume concerning the conclusion of treaties has appeared under the title Laws and Practices Concerning the Conclusion of Treaties (ST/LEG/SER.B/3). Quite recently, a volume on nationality appeared under the title Laws Concerning Nationality (ST/LEG/SER.B/4). A volume on the nationality of ships is nearly ready. Finally, collections of laws regarding the territorial sea and diplomatic and consular relations and immunities are in preparation.

48. These publications by the Secretariat will result in a considerable reduction of the size of that part of the yearbook devoted to national legislation. Nor should it be overlooked that only at the beginning will laws take up a large amount of space in the yearbook. However voluminous its legislation, no country is likely to abrogate its laws and enact new ones every year. Consequently, in the normal course of events, only amendments to laws already published would have to be included in the yearbook; and only rarely would amendments to replacements of entire laws have to be published.

49. In any case, this part of the yearbook would have to be considered at the outset. If it were felt that the yearbook should, as soon as its publication begins, contain the national laws relating to all the topics it had been decided to cover, several volumes would be needed each year. The recent volume on nationality contains 594 pages. This example illustrates clearly the difficulty of the undertaking. Hence it would be desirable that the section of the yearbook dealing with national laws should at first be confined exclusively to those subjects concerning which national legislation had been published in the United Nations Legislative Series. The yearbook would thus supplement the Series by publishing from time to time documents relating to other aspects of these same topics. It could also be used to bring up to date the material published in the

United Nations Legislative Series, to remedy omissions or to rectify errors. If later there was not sufficient legislative material for publication in the yearbook, the Secretary-General might be authorized to select from a list drawn up by the General Assembly one or more topics on which legislative material would be collected and reproduced in the yearbook.

50. This list might include some of the topics provisionally selected for codification by the International Law Commission.^{1/} It might be useful to compile national legislative material on the following:

- (1) Law of treaties;
- (2) Régime of the high seas;
- (3) Jurisdiction with regard to crimes committed outside national territory;
- (4) Régime of the territorial sea;
- (5) Nationality, including statelessness;
- (6) Treatment of aliens;
- (7) Diplomatic intercourse and immunities;
- (8) Consular intercourse and immunities.

Other topics might be added to this list. It might perhaps be desirable to reproduce in the yearbook any international provisions contained in the Constitutions in force in the various countries.

51. During the discussions on this question in the Sixth Committee, it was suggested that national legislative material should only be given in the yearbook if it were accompanied by a detailed analysis of the growth of the relevant national legislation as a whole.

52. It is to be feared, however, that the adoption of this suggestion would necessitate a considerable amount of research work on the part of the Secretariat.

53. The report on ways and means for making the evidence of customary international law more readily available, submitted by the Secretary-General to the General Assembly at its seventh session (A/2170),^{2/} mentions several methods of compiling national legislative material with a view to publication in the

1/ Ibid., Fourth Session, Supplement No. 10, A/925, paragraph 18.

2/ Ibid., Seventh Session, Annexes, agenda item 55, paragraphs 32-35.

yearbook. To simplify the Secretariat's work in this direction, and until a better method can be found for securing the required national legislative material for the United Nations - as envisaged in General Assembly resolution 602 (VI) of 1 February 1952 - it would be useful to adopt the system mentioned in paragraph 33 of the report, namely correspondents in the various countries. This system might also be usefully employed in regard to the decisions of national courts referred to below (paragraphs 56 and 57).

(2) Arbitral awards by ad hoc international tribunals

54. Various periodicals report the majority of arbitral awards and publish summaries and répertoires of such awards. There is a need, however, for an official publication giving their full text.

55. Five volumes of the United Nations Reports of International Arbitral Awards have already been published. The sixth volume is with the printers, and the seventh is in preparation. According to the Secretariat's plans, the first eight volumes of the series (the eighth volume should appear in 1957) will cover the period from 1920 to 1941. If it is decided to continue publication of the Reports, the later volumes will in the first instance cover the period from 1904 to 1920. It would not be desirable to include in the yearbook arbitral awards already published in the Reports, or to cease publication of that series, which contains awards rendered at different periods in the past and replace it by the yearbook. The yearbook might be used for the publication of the more recent arbitral awards, as and when rendered, thus bringing the Reports up to date.

(3) Significant decisions of national courts relating to problems of international law and particularly those concerning multipartite international conventions

56. It would be extremely difficult to include in the yearbook the significant decisions of national courts relating to problems of international law. The International Law Commission expressed the opinion that "it would be a herculean task to assemble the decisions, on questions of international law, of the international courts of all States. Assuming that most such decisions are published in each country, the selection, collection and editing of the texts would involve a great deal of time and considerable expense".^{1/}

^{1/} Ibid., Fifth Session, Supplement No. 12, A/1316, paragraph 55.

57. It might, however, be possible to publish in the yearbook decisions relating to the United Nations or involving the interpretation or application of multilateral conventions drafted under the auspices of the United Nations.

(4) Texts of international instruments

58. The Ministry of Foreign Affairs of Israel proposed (see paragraph 41 above) that the juridical yearbook should include "texts of international treaties of a law-making character which for some reason or other are not published in the United Nations Treaty Series".

59. The chief reason why certain treaties are not reproduced in the Treaty Series is that they have not yet entered into force and hence cannot be registered with the Secretariat. It may also happen that international instruments, even when they have entered into force, are not registered with the Secretariat by the Government concerned for some years, so that the publication of these texts in the Treaty Series is held up. It is doubtful whether there is any real point in publishing in the yearbook the texts of international treaties which sooner or later will be reproduced in the Treaty Series.

60. The principle could hardly be adopted that a treaty which had not been registered with the Secretariat by a certain date should be published in the yearbook, as in the meantime various periodicals, both official and unofficial, would have reproduced the text of the treaty, making its publication in the yearbook unnecessary.

61. Duplication would be equally certain if it were proposed to print in the yearbook the texts of old international treaties which have never entered into force. It has been argued that such treaties after all have an undoubted importance in international customary law and that therefore they should find a place in the juridical yearbook. But even if such treaties do not appear in the League of Nations Treaty Series or the United Nations Treaty Series, they are probably to be found in generally available standard collections.

(5) Diplomatic correspondence

62. The proposal by the Ministry of Foreign Affairs of Israel on this subject (see paragraph 41 above) is examined in the report on ways and means for making the evidence of customary international law more readily available, submitted by

the Secretary-General to the General Assembly at its seventh session (A/2170).^{1/}
The difficulties involved in implementing this proposal are explained in the report.

(ii) Documents relating to selected legal activities of the United Nations

(1) Legal opinions of the Secretariat

63. The question of publication of the legal opinions of the Secretariat was studied in the two reports on ways and means for making the evidence of customary international law more readily available, submitted by the Secretary-General to the General Assembly at its sixth and seventh sessions (A/1934^{2/} and A/2170^{3/}). The reports point out that certain legal opinions prepared by the United Nations Secretariat are already published in United Nations documents; that the question of the publication of other opinions would require the addition of long explanatory notes with respect to their background and effects; that many of them could not be printed except after considerable amplification and editing; that a number of these opinions give advice to branches of the Secretariat on matters which are the subjects of active controversy, so that their publication might not be advisable; but that nevertheless, they included some unpublished opinions which would be suitable for inclusion in the yearbook.

(2) Documents relating to international administrative law

64. The Secretary-General's report (A/2170, paragraphs 55 and 56) also examined the proposal by the Ministry of Foreign Affairs of Israel to make a "special feature of developments in the sphere of international administrative law" (see paragraph 41 above). The conclusion was reached that selected judgments of general interest rendered by the United Nations Administrative Tribunal might be published in the yearbook.

(3) Documents of the International Law Commission

65. In the event of a decision not to publish an International Law Commission yearbook (see paragraphs 31 to 35 above), the summary records and the special

1/ Ibid., Sixth Session, Annexes, agenda item 53, paragraph 36.

2/ Ibid., Sixth Session, Annexes, agenda item 53, paragraph 36.

3/ Ibid., Seventh Session, Annexes, agenda item 55, paragraphs 52 to 54.

reports of the Commission might be published in the proposed juridical yearbook. Their inclusion would inevitably increase the bulk of the yearbook considerably. But this drawback might be overcome if the section of the yearbook devoted to national laws and arbitral awards confined itself to bringing the United Nations Legislative Series and the Reports of International Arbitral Awards up to date.

(4) Bibliography of juridical publications relating to the United Nations

66. The Institute of International Law has suggested that the yearbook might include "a complete bibliography of legal publications relating to the United Nations and the specialized agencies" (see paragraph 42 above). There are of course already a number of publications in this field: the Bibliography in the International Court of Justice Yearbook; the Monthly List of Books catalogued in the Library of the United Nations, Geneva; the Monthly List of Selected Articles published by the United Nations Library, Geneva; the List of Selected Articles (periodical list) published by the United Nations Library, New York. The latter also publishes a monthly list entitled "New Publications in the United Nations Headquarters Library". These publications constitute an extensive bibliography of volumes and articles on legal questions relating to the United Nations.

(iii) Documents concerning international law generally

67. In the Sixth Committee at the seventh session of the General Assembly, the Israel delegation proposed that a series of abstracts be published concerning new developments in international law.^{1/} It pointed out that the area to which international law applied had expanded enormously owing to the emergence of many independent States in recent years; that, although those States had only recently gained their independence, they were the heirs to ancient civilizations, and some way had to be found to combine their ancient traditions with the body of international law as developed in modern times; that the number of questions covered by international law had vastly increased, a development which was reflected in the establishment of the many specialized agencies of the United Nations; and lastly that the applicability of international law was gaining new dimensions. Consequently, due attention should be given to those new and far-reaching developments, several of which might be ascribed to the influence of the United Nations itself.

^{1/} See General Assembly, Official Records, Seventh Session, Sixth Committee, pages 75-94.

68. It would no doubt be useful to bring out the trends in international law in the light of events which have occurred during the last few years, but this is not a task which could be undertaken by the United Nations. It would involve, not a mere documentary compilation, but analysis and interpretation, the result of which would inevitably be to identify the United Nations with a particular school of thought. A certain amount of documentary work might be called for, but this could not throw any light on the question unless it were interpreted. International jurisprudence might be better served by authors writing under their own names than by a United Nations juridical yearbook dealing with such questions.

3. Plan of the Yearbook

69. The following outline is proposed for consideration by the General Assembly:

A. Documents relating to international customary law

1. National legislative material international in scope.

This part of the yearbook would be based on the suggestions put forward in paragraph 49 of this report, assuming that these suggestions were accepted.

2. Arbitral awards by ad hoc international tribunals (see the suggestions in paragraph 55 of this report).

3. Significant decisions of national courts relating to the United Nations, and decisions involving the application or interpretation of multilateral conventions drafted under the auspices of the United Nations.

B. Documents relating to selected legal activities of the United Nations

1. Selected legal opinions of the United Nations Secretariat.
2. Selected documents concerning international administrative law.
3. Documents of the International Law Commission.
4. Index.

4. Form of the Yearbook

70. The yearbook would be printed and published in English, French and Spanish, if the General Assembly so decided. It would appear annually.

5. Budgetary implications

71. Financial estimates are herein submitted in respect of each of the following alternatives:

- (a) to print the documents of the International Law Commission only and as a separate publication; or,
- (b) to print the proposed Juridical Yearbook in which not only the documents of the International Law Commission but also documents of different kinds would be inserted.

72. In preparing these cost estimates, it has been assumed firstly, that the Commission's recommendation in regard to the printing of its documents refers only to current documentation, and, secondly, that the publication will be in all three working languages. In the event that the Commission's recommendation refers to the printing of its documentation beginning with its first session, further substantial costs will arise.

Alternative A: Most of the documentation is already issued in English, French and Spanish. While the preparation of the documents of the Law Commission for printing will not require any additional substantive staff, it will be necessary to engage additional staff for translation and revision of the summary records of the Commission into Spanish. The volume of such translation is estimated at about 850 mimeographed pages. The costs are:

(a) Personnel costs (one translator, P-3 level for one year).....1 x 7330)	\$9,000 gross
and one secretary (G-3 level for six months).....1/2 x 3060)	
(b) Cost of living adjustment.....	650
(c) Common staff costs for above.....	2,200
<u>Less Staff Assessment</u>	(1,600)
(d) External printing (in all three languages).....	24,900
(e) For proofreading and preparation of indices.....	<u>1,500</u>
Net annual cost.....	\$36,650

Alternative B: While the preparation of the International Law Commission documents for printing would require no additional substantive staff, the translation, revision, concordance, and copy preparation of the various kinds of documents listed above (see para. 69) for inclusion in the Juridical Yearbook will require both substantive and language staff. The volume of legislative texts as reduced and edited for printing is estimated at 200 printed pages, (size 8 1/2 x 11), so that the publication will be approximately 850 printed pages. The costs are:

(a) Personnel costs	
(i) Substantive staff (One P-4 and one G-3).....	\$12,200 (gross)
(ii) Staff for translation, revision and concordance of the legislative texts (2 translators P-3, 2 typists G-3).....	20,800 (gross)
(iii) Proofreading (2 proofreaders P-2 for two months).....	3,000 (gross)
(b) Cost of living adjustment.....	2,700
(c) Common Staff Costs.....	9,000
<u>Less</u> Staff Assessment.....	(5,800)
(d) External printing (in three languages).....	32,500
(e) For preparation of indices.....	<u>1,500</u>
	Net annual cost \$75,900

Summary of financial implications

	<u>Personnel</u> <u>Costs</u> (Gross)	<u>Printing</u> <u>Costs</u>	<u>Total</u>
Alternative A	\$11,850	\$26,400	\$38,250
Alternative B	47,700	34,000	81,700
