



Seventeenth session

QUESTION OF THE PUBLICATION OF A UNITED NATIONS JURIDICAL YEARBOOK

Comments by Governments on the form and contents of the
proposed yearbook

CONTENTS

	<u>Page</u>
Note by the Secretary-General	2
Comments by Governments	
1. Afghanistan	4
2. India	5
3. Netherlands	7
4. Pakistan	8
5. Panama	9
6. Poland	10
7. Portugal	11
8. South Africa	12
9. United Kingdom of Great Britain and Northern Ireland	13

NOTE BY THE SECRETARY-GENERAL

1. At its 943rd plenary meeting on 12 December 1960, the General Assembly adopted resolution 1506 (XV) whereby it decided to place the question of the publication of a United Nations juridical yearbook on the provisional agenda of its seventeenth session. In operative paragraph 2 of the same resolution, Member States were invited to submit to the Secretary-General written comments or observations on the form and contents of the proposed yearbook not later than 1 June 1962.
2. In pursuance of operative paragraph 2 of resolution 1506 (XV), the Secretary-General, by a note verbale of 25 January 1961, requested the Governments of Member States to communicate their written comments or observations before 1 June 1962.
3. By 10 August 1962, the Governments of Afghanistan, India, the Netherlands, Pakistan, Panama, Poland, Portugal, South Africa and the United Kingdom of Great Britain and Northern Ireland had communicated their comments or observations which are reproduced below.
4. In letters addressed to the Secretary-General, the Governments of Denmark and the Federation of Malaya stated that they had no comments or observations to make. The Government of the Sudan, although having no comment to make, stated that it would welcome the publication of a United Nations juridical yearbook.
5. Any comments received after 10 August 1962 will be circulated later as addenda to the present document.

1. AFGHANISTAN

Transmitted by a note verbale of 8 May 1961 from
the Permanent Mission to the United Nations

Original: English

The Permanent Mission of Afghanistan believes that the main purpose of resolution 1451 (XIV) was that the United Nations juridical yearbook should be published, as stated in its operative paragraph. Afghanistan supported the publication of the juridical yearbook from the early days of the United Nations when it was originally proposed in connexion with the question of the ways and means for making the evidence of customary international law more readily available. During the thirteenth session of the General Assembly, Afghanistan was a member of the informal group which produced a memorandum to the Legal Committee, upon which resolution 1291 (XIII) was adopted.

The views of Afghanistan on this question were once again expressed during the fourteenth and fifteenth sessions of the General Assembly. The Mission of Afghanistan believes that careful preparation of the outline of the yearbook, before embarking on its publication, is a prerequisite to all other efforts.

Afghanistan believes that any yearbook which will be published by the United Nations must contain the following subjects:

1. Studies on problems of international law;
2. Legal activities of the United Nations;
3. Selected legal activities of the United Nations;
4. Documents on international administrative law;
5. Decisions of international and national tribunals.

A publication covering these topics will be, indeed, a valuable document to students of law, legal institutions and other regional international organizations.

2. INDIA

Transmitted by a note verbale of 31 May 1962 from
the Permanent Mission to the United Nations

/Original: English/

The object of publishing the juridical yearbook should be to provide legal advisers in Governments of Member States, teachers and students of international law in a single work all the documentary materials of legal interest relating to the United Nations. The yearbook may consist of four different parts.

The first part may be devoted to documents and information concerning the status of the United Nations and the specialized agencies. In this part an attempt should be made to explain in a few pages the legal status of the United Nations organizations and the different specialized agencies under their respective constitutions and their relationships with each other. This will necessarily be an annual feature of the yearbook. It will not be enough to publish merely the Charter of the United Nations and the relative constitutional instruments of the various specialized agencies in this part but also include a selection of the typical agreements between the United Nations and the various specialized agencies as well as the inter-agency agreements and explain lucidly the status of and relationship between the United Nations and these organizations.

The second part should be devoted to the legal activities of the United Nations. Under this part may be listed:

(a) Decisions, recommendations or reports of United Nations bodies which are of legal interest. At present, the International Court of Justice (which is an organ of the United Nations) and the International Law Commission have their own yearbooks which give an account of the activities of these organs. Similarly, there is also a separate Yearbook on Human Rights which among other things deals with the United Nations programme of human rights in a separate part. We would, therefore, suggest that from this section, the International Court of Justice, the International Law Commission and matters relating to human rights be excluded. These may be merely mentioned and the reader may be referred to the appropriate yearbook.

(b) Legal opinions of the United Nations Secretariat. These legal opinions of the United Nations Secretariat which are suitable for publication and which the

Secretariat agrees to publish may be usefully published in the yearbook for the benefit of students of international law.

(c) A list of treaties and agreements concerning the United Nations and specialized agencies may also be usefully published under this part together with appropriate references to the United Nations Treaty Series where the texts of these treaties and agreements may be referred to.

The third part may be devoted to documents like national legislative texts of international scope, arbitrated awards by ad hoc international tribunals and important decisions of international national courts and tribunals relating to questions of international law, especially those relating to the work of the United Nations.

The fourth part may give a bibliography of all the books and articles published during the year or the general theory of international law and the law of international organization. This will be of immense value to legal advisers, teachers, and students of international law, if it is also possible to include a short review of these books and articles by way of a commentary. The United Nations Secretary-General has indicated however that it will be an enormous task for the Secretariat to prepare such a commentary. Still, it will be better to include a bibliography without any review rather than have none at all.

The juridical yearbook should be published as a separate United Nations publication and not as a third volume of the Yearbook of the International Law Commission. This should suggest itself from the fact that the yearbook will not be confined in any way to the activities of the International Law Commission nor would the Commission have any control or bear any responsibility for its contents.

3. NETHERLANDS

Transmitted by a note verbale of 11 April 1962 from the
Permanent Representative to the United Nations

/Original: English/

In the opinion of the Netherlands Government, it seems hardly feasible to include in the United Nations juridical yearbook the full text of all documentary material of a legal character relating to the United Nations because of the great bulk of such material. The Netherlands Government would, therefore, favour one or both of two possible solutions, which would not seem to be mutually exclusive.

1. The juridical yearbook could be used for publishing in extenso only the documents of a legal character relating to the United Nations which had either not been published at all or only on a limited scale.
2. The juridical yearbook could serve as an index to all documents of a legal character relating to the United Nations proper and to the specialized agencies or to other bodies belonging to the United Nations family. The usefulness of this index would increase if it would contain in addition to the title a brief description of the indexed materials.

4. PAKISTAN

Transmitted by a note verbale dated 18 May 1962 from the
Permanent Representative to the United Nations

[Original: English]

First, as to form. The Government of Pakistan is in principle in favour of a yearbook, which would concentrate in a readily available volume, the material otherwise scattered through many publications, but the Government does not think that a volume containing the materials listed in the annex to the Secretary-General's report (A/4406) would be an ideal publication, nor would it justify the labour, time and expense involved. The Government would, therefore, suggest an alternative, viz., an International Juridical Digest containing, under each head, a brief description of the subject matter, a reference to the publication in which it was to be found and the relevant page numbers. It will serve the purpose of a reference book which will be handy and extremely useful.

Second, as to contents. The view of the Government is that the yearbook should contain the following material:

- (a) Documents relating to customary international law:
 - (i) Arbitral awards by ad hoc international tribunals;
 - (ii) 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 legal activities of international organizations:
 - (i) Selected documents concerning international administrative law;
 - (ii) Documents and information concerning the status of the United Nations and the specialized agencies;
 - (iii) Decisions of United Nations bodies of legal interest.

The Government is not in favour of inclusion in the proposed publication of articles written by private individuals.

5. PANAMA

Transmitted by a letter of 10 May 1961 from the
Minister for Foreign Affairs

/Original: Spanish/

The Government of Panama welcomes the publication of a juridical yearbook, as referred to in General Assembly resolution 1506 (XV), and considers that the usefulness and interest of such a document would be enhanced if it were to include an index of the various publications of a legal character currently issued by the United Nations, such as the Yearbooks of the International Law Commission and the Treaty Series.

6. POLAND

Transmitted by a note verbale of 11 June 1962 from the
Permanent Mission to the United Nations

[Original: English]

Poland maintains its attitude expressed in this matter by the representative of Poland at the thirteenth and fourteenth sessions of the General Assembly (582nd meeting of the Sixth Committee of the thirteenth session and 642nd meeting of the Sixth Committee of the fourteenth session).

7. PORTUGAL

Transmitted by a note verbale of 23 November 1961 from the
Permanent Representative to the United Nations

[Original: English]

The Ministry of Foreign Affairs of Portugal regards the proposed publication
of a United Nations juridical yearbook as deserving their full support.

8. SOUTH AFRICA

Transmitted by a note verbale of 20 March 1961 from the
Permanent Representative to the United Nations

/Original: English/

The yearbook should, in the interests both of economy and maximum effectiveness, take the basic form of an index. This would then provide authoritative information as to where in the many published volumes of laws and statutes, details of any particular aspect may be traced. It is generally acknowledged that in law, as in many other specialized fields, the practitioner's purpose in consulting such a reference work is to ascertain speedily precisely where relevant legal provisions and precedents are to be found. To codify national law is a lengthy task and to attempt to project this codification to the international field is to undertake to produce a work which if useful and authoritative will be not only unnecessarily expensive but unwieldy.

It is further suggested that in the event of the proposed yearbook meeting a real need, consideration could be given to producing the publication in a form and at a price where sales would cover at least a major part of the costs.

With this in mind, the "index" form may merit serious consideration since it will enable the work to be produced as cheaply as possible and will at the same time result in a publication of considerable value to serious students.

9. UNITED KINGDOM OF GREAT BRITAIN
AND NORTHERN IRELAND

Transmitted by a letter of 13 April 1962 from the
Permanent Representative to the United Nations

/Original: English/

Her Majesty's Government consider that it is essential that the yearbook should be confined to material which is strictly legal and of not too voluminous a nature. For this reason it is suggested that the book should contain a selected number of purely legal documents such as those that are referred to in the annex to the Secretary-General's report (A/4406); examples of these which might be suitable are B1, D5 and D6 in that document. It is also suggested that there may be some Secretariat legal papers which have not previously been circulated and which might, with appropriate editing, be suitable for inclusion in the yearbook.
