



Fifteenth session
Agenda item 66

QUESTION OF THE PUBLICATION OF A UNITED NATIONS
JURIDICAL YEARBOOK

Report of the Sixth Committee

Rapporteur: Mr. P.Y. NEDBAILO (Ukrainian Soviet Socialist Republic)

1. At its 847th plenary meeting, on 7 December 1959, the General Assembly adopted resolution 1451 (XIV), whereby it decided that a United Nations juridical yearbook should be published and requested the Secretary-General, as a first step, to submit a report to it at its fifteenth session containing a detailed outline of such a yearbook.
2. In accordance with that resolution, the Secretary-General submitted to the General Assembly, at the present session, a report containing a detailed outline of United Nations documentary materials of a legal character published in 1959 (A/4406 and Corr.1).
3. The Secretary-General also submitted a statement of the financial implications of the publication of such a yearbook (A/C.6/L.471).
4. At its 881st plenary meeting, on 1 October 1960, the General Assembly decided to place the "Question of the publication of a United Nations juridical yearbook" on the agenda of its fifteenth session and referred it to the Sixth Committee for examination and report.
5. The Sixth Committee considered the item at its 673rd to 681st meetings, held between 22 November and 5 December 1960.

Proposals and amendments

6. Bolivia, Ceylon, Ethiopia, Ghana, Iraq and the United Arab Republic submitted a draft resolution (A/C.6/L.477), whereby the General Assembly would (1) decide to establish an eleven-member committee to prepare a detailed report on the nature, form, contents and financial implications of the juridical yearbook proposed in resolution 1451 (XIV) of 7 December 1959; (2) request the committee to submit its report to the General Assembly at its seventeenth session; and (3) decide to place the question on the provisional agenda of its seventeenth session.
7. The same countries submitted a revised text of their draft resolution (A/C.6/L.477/Rev.1 and Rev.1/Add.1), whereby the General Assembly would decide simply to place the question of the publication of a United Nations juridical yearbook on the provisional agenda of its seventeenth session.
8. The Philippines submitted an amendment (A/C.6/L.478) to that revised draft resolution, proposing the addition of an operative paragraph whereby the General Assembly would invite Member States to submit to the Secretary-General, before 1 July 1962, any written comments or observations on the nature, form and contents of the proposed yearbook.
9. The Canadian representative submitted an oral amendment to the revised draft resolution, whereby the General Assembly would decide to establish a nine-member working group to undertake, in consultation with the Secretary-General, a further study on the nature, form and contents of the proposed yearbook and the financial implications of its publication, and to report thereon to the General Assembly at its seventeenth session. The membership of the working group was to be announced subsequently by the Chairman of the Sixth Committee.
10. The representative of the Union of Soviet Socialist Republics submitted an oral sub-amendment to the Canadian oral amendment, to establish a working group composed of the representatives of the six States which had co-sponsored the revised draft resolution.
11. The oral amendments were later withdrawn.
12. The sponsors of the revised draft resolution (A/C.6/L.477/Rev.1 and Rev.1/Add.1) accepted the Philippine amendment (A/C.6/L.478).

13. To take account of suggestions made during the discussion, the sponsors of the revised draft resolution deleted the word "nature," from the phrase "the nature, form and contents of the proposed yearbook" in the third preambular paragraph.

14. The Philippine representative made the same change in the text of his amendment and also substituted the words "1 June 1962" for the words "1 July 1962" in his amendment.

Discussion

15. Several representatives criticized the Secretary-General's report (A/4406 and Corr.1), saying, in particular, that it did not comply with the terms of resolution 1451 (XIV) and did not provide a basis for fruitful discussion because, while resolution 1451 (XIV) expressly stated the principle that a yearbook should be published, the report gave the impression that such publication would be neither desirable nor necessary.

16. According to those representatives, the annex to the report also failed to comply with resolution 1451 (XIV), since it contained, not the detailed outline requested in that resolution, but a mere enumeration of miscellaneous documents which was at once too comprehensive, including as it did documents which were manifestly of no value for the yearbook, and too limited, because it related strictly to the United Nations and omitted the specialized agencies. Moreover, the choice of 1959 as specimen year was arbitrary; if the report had covered several years, the annex to the report would certainly have included more important documents, which would have made the need for its publication more evident.

17. Some representatives declared that the Secretary-General had deliberately reduced the scope of the yearbook in order to cause the abandonment of the project, thereby disregarding the General Assembly's instructions.

18. Other representatives, on the other hand, stated that the report was not contrary to resolution 1451 (XIV); it had the merit of bringing out the practical difficulties involved in the publication of a juridical yearbook and the choice of 1959 as specimen year was as sound as any other. Those representatives also pointed out that since the General Assembly had not given the Secretary-General

any precise instructions concerning the contents of the proposed yearbook, it was not surprising that the annex to the report embraced a great variety of documents; it was for the Sixth Committee to choose among them.

19. Most representatives reaffirmed their hope that a juridical yearbook would be published; they declared that, since the publication of the yearbook had been decided upon at the previous session, that decision would have to be regarded as an established fact in any subsequent discussion.

20. Several representatives made concrete proposals, specifying in particular that material for the yearbook should be selected by subject matter and that the subjects treated might include, for example, the peaceful coexistence of States with different political and social systems, the elimination of colonialism and its consequences, neutrality, the legal problems of the use of outer space, and the right of peoples to exploit their natural resources.

21. Some representatives expressed the desire that the yearbook should include articles by private individuals or abstracts of articles which had appeared in learned journals; other representatives considered that the yearbook should include only official documents.

22. Most representatives expressed concern with regard to the possible financial implications of the publication.

23. Certain representatives thought that, instead of publishing a juridical yearbook, it might be preferable to settle for an annotated index of documentary materials of a legal character relating to the United Nations and the specialized agencies, arranged by subject, each subject to include a bibliography of the publications of international organizations, articles published in reviews, reports and other documents issued by scientific organizations, and selected legal opinions of the Secretariat.

24. The representative of the Secretary-General also suggested the publication of an index series which might include a general description of the documents referred to in order to increase the usefulness of the publication. Some representatives thought that, however useful and complete, an index could not take the place of the proposed yearbook. On the other hand, it could be an excellent supplement to the yearbook.

25. Some representatives supported the idea of appointing in each Member State a correspondent, whether remunerated or not, who would be responsible for transmitting information and documents which might be used in the yearbook.
26. During the discussion it became evident that a decision on the form and contents of the yearbook would not be forthcoming at the present session.
27. Several representatives then expressed themselves in favour of establishing a small committee or working group to make a further study of the contents of the proposed yearbook and the financial implications of its publication and to report to the General Assembly at its seventeenth session. A difference of views developed with regard to the membership of the committee.
28. The idea was subsequently abandoned and the Sixth Committee came to favour the idea of placing the question on the agenda of the seventeenth session of the General Assembly and inviting the Governments of Member States to submit their comments on the question to the Secretary-General before 1 June 1962.

Voting

29. At its 681st meeting on 5 December, the Sixth Committee proceeded to vote on the revised draft resolution submitted by Bolivia, Ceylon, Ethiopia, Ghana, Iraq and the United Arab Republic (A/C.6/L.477/Rev.1 and Rev.1/Add.1), as amended by the Philippines (A/C.6/L.478) and orally amended by the co-sponsors (see para. 13 above), and adopted it unanimously.

RECOMMENDATION OF THE SIXTH COMMITTEE

30. The Sixth Committee therefore recommends to the General Assembly the adoption of the following draft resolution:

Question of the publication of a United Nations Juridical Yearbook

The General Assembly,

Recalling its resolution 1451 (XIV) of 7 December 1959 by which it decided that a United Nations Juridical Yearbook which would include documentary materials of a legal character relating to the United Nations should be published,

Considering that encouragement of the development of international law and of compliance therewith are essential functions of the United Nations and that the publication of the said Yearbook should constitute a useful measure to that end,

Taking into account that in the light of the discussion in the Sixth Committee further study on the form and contents of the proposed Yearbook and the financial implications of the publication is required,

1. Decides to place the question of the publication of a United Nations Juridical Yearbook on the provisional agenda of its seventeenth session;
2. Invites Member States 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.
