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TECHNICAL ASSISTANCE TO PROMOTE THE TEACHING, STUDY, DISSEMINATION  
AND WIDER APPRECIATION OF INTERNATIONAL LAW\*

Report of the Special Committee on Technical Assistance to Promote  
the Teaching, Study, Dissemination and Wider Appreciation of  
International Law

Rapporteur: Mr. Erik BAL (Belgium)

\* Item 80 of the provisional agenda.

## CONTENTS

|                                                                                                                                                                                                                                                                                | Page | Paragraphs |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------|------------|
| INTRODUCTION . . . . .                                                                                                                                                                                                                                                         | 4    | 1 - 13     |
| 1. Establishment and terms of reference of the Special Committee . . . . .                                                                                                                                                                                                     | 4    | 1 - 3      |
| 2. Organization of the work of the Special Committee . . . . .                                                                                                                                                                                                                 | 6    | 4 - 8      |
| 3. General considerations . . . . .                                                                                                                                                                                                                                            | 7    | 9 - 13     |
| PART I: PRACTICAL PLAN AND PROPOSALS FOR A PROGRAMME OF<br>ASSISTANCE AND EXCHANGE IN THE FIELD OF INTERNATIONAL<br>LAW . . . . .                                                                                                                                              | 10   | 14 - 91    |
| <u>Section A: Steps by the United Nations and UNESCO to encourage<br/>and co-ordinate existing international law programmes carried out<br/>by States and organizations or institutions. The place of<br/>international law in certain United Nations programmes . . . . .</u> |      |            |
| 1. Measures recommended in resolution 1968 C (XVIII) . . . . .                                                                                                                                                                                                                 | 10   | 14 - 48    |
| (a) Information on training in international law . . . . .                                                                                                                                                                                                                     | 10   | 15 - 16    |
| (b) Fellowship programmes . . . . .                                                                                                                                                                                                                                            | 11   | 17 - 19    |
| (c) Exchange of experts and scholars . . . . .                                                                                                                                                                                                                                 | 12   | 20 - 21    |
| (d) Legal libraries and publications . . . . .                                                                                                                                                                                                                                 | 13   | 22 - 26    |
| (e) Co-operation with organizations and institutions<br>active in the field of international law . . . . .                                                                                                                                                                     | 14   | 27 - 31    |
| 2. Measures in addition to those recommended in resolution<br>resolution 1968 C (XVIII) . . . . .                                                                                                                                                                              | 15   | 32 - 48    |
| (a) Co-sponsorship of international meetings by<br>the United Nations and UNESCO . . . . .                                                                                                                                                                                     | 15   | 33         |
| (b) Model curriculum . . . . .                                                                                                                                                                                                                                                 | 15   | 34         |
| (c) The place of international law in other<br>United Nations programmes . . . . .                                                                                                                                                                                             | 16   | 35 - 48    |
| (i) International law as one of the fields of<br>activity of the planned United Nations<br>Training and Research Institute . . . . .                                                                                                                                           | 16   | 36 - 40    |
| (ii) International law as one of the subjects for<br>the United Nations Training Programme for<br>Foreign Service Officers from newly<br>independent countries . . . . .                                                                                                       | 19   | 41 - 43    |
| (iii) International law as a subject for<br>dissemination of information through United<br>Nations and UNESCO information media . . . . .                                                                                                                                      | 21   | 44 - 48    |

# CONTENTS (continued)

|                                                                                                                                                     | Page | Paragraphs |
|-----------------------------------------------------------------------------------------------------------------------------------------------------|------|------------|
| <u>Section B: Establishment of a United Nations-UNESCO programme of direct assistance and exchange</u> . . . . .                                    | 23   | 49 - 91    |
| 1. Seminars . . . . .                                                                                                                               | 24   | 51 - 58    |
| 2. Training and refresher courses . . . . .                                                                                                         | 27   | 59 - 69    |
| 3. Fellowships . . . . .                                                                                                                            | 30   | 70 - 74    |
| 4. Advisory services of experts . . . . .                                                                                                           | 32   | 75 - 78    |
| 5. Legal publications and libraries . . . . .                                                                                                       | 33   | 79 - 85    |
| 6. Other forms of assistance and exchange . . . . .                                                                                                 | 35   | 86 - 91    |
| (a) Subventions by UNESCO to international non-governmental institutions engaged in the teaching, study or dissemination of international law . . . | 35   | 87 - 88    |
| (b) Establishment of new international institutions .                                                                                               | 36   | 89         |
| (c) Expansion of United Nations information activities                                                                                              | 37   | 90 - 91    |
| PART II: UNITED NATIONS DECADE OF INTERNATIONAL LAW . . . . .                                                                                       | 38   | 92 - 94    |
| PART III: METHODS OF FINANCING THE PROGRAMME . . . . .                                                                                              | 40   | 95 - 97    |
| PART IV: PLAN OF ACTIVITIES TO BE UNDERTAKEN IN 1965-1967 . .                                                                                       | 41   | 98 - 100   |
| PART V: MACHINERY FOR IMPLEMENTING AND SUPERVISING THE PROGRAMME . . . . .                                                                          | 45   | 101 - 103  |

## ANNEX

Administrative and financial implications of the report of the Special Committee on Technical Assistance to Promote the Teaching, Study, Dissemination and Wider Appreciation of International Law

## INTRODUCTION

### 1. Establishment and terms of reference of the Special Committee

1. At its 1281st plenary meeting, on 16 December 1963, the General Assembly, on the basis of a report of the Sixth Committee,<sup>1/</sup> adopted resolution 1968 (XVIII) concerning "Technical assistance to promote the teaching, study, dissemination and wider appreciation of international law". This resolution is divided into Parts A, B and C. Resolution 1968 A (XVIII) was adopted unanimously. Its operative paragraphs read as follows:

"1. Decides to establish a Special Committee on Technical Assistance to Promote the Teaching, Study, Dissemination and Wider Appreciation of International Law - composed of Afghanistan, Belgium, Ecuador, Ghana, Hungary and Ireland - for the purpose of drawing up a practical plan and proposals, taking into account:

- (a) The suggestions made by the Secretary-General in his report;
- (b) The proposals, suggestions and information submitted by Member States and by international organizations and institutions;
- (c) The views and suggestions made by the representatives of Member States during the seventeenth and eighteenth sessions of the General Assembly;
- (d) Any other proposals or views which Member States may submit to the Secretary-General for transmission to the Special Committee before 15 February 1964;

"2. Requests the Special Committee to report to the General Assembly at its nineteenth session;

"3. Requests the Secretary-General to provide the Special Committee with such facilities and assistance as may be made available within existing resources;

"4. Decides to include an item entitled 'Technical assistance to promote the teaching, study, dissemination and wider appreciation of international law' in the provisional agenda of its nineteenth session, to be discussed by the Sixth Committee as early as possible at that session."

2. Resolution 1968 B (XVIII) was adopted by 91 votes to 10, with 1 abstention. Its operative paragraphs read as follows:

"1. Requests the Technical Assistance Committee to consider the report of the Secretary-General and to advise the Special Committee, established under resolution 1968 A (XVIII) above, and the General Assembly, in the light

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<sup>1/</sup> Official Records of the General Assembly, Eighteenth Session, Annexes, agenda item 72, document A/5672.

of this report, on the extent to which technical assistance programmes for the purpose of strengthening the practical application of international law could be implemented within the Expanded Programme of Technical Assistance, with particular attention to the kinds of technical assistance which would be acceptable under existing objects and principles of the Expanded Programme;

"2. Invites the Technical Assistance Committee, in the light of General Assembly resolutions 1768 (XVII) of 23 November 1962 and 1797 (XVII) of 11 December 1962, at a suitable time in its consideration of the annual levels of the Secretary-General's initial estimates for part V of the regular budget, to include in its recommendations such views as it may deem necessary on the question of the possible provision of funds under part V for programmes of technical assistance in the field of international law."

3. Resolution 1968 C (XVIII) was adopted unanimously. Its operative paragraphs read as follows:

"1. Requests the United Nations Educational, Scientific and Cultural Organization to collect from Member States on a periodic basis detailed information on training in international law offered by their universities and institutions of higher education and to transmit it to the Secretary-General for circulation to Member States;

"2. Invites Member States to offer foreign students fellowships in the field of international law at their universities and institutions of higher education;

"3. Calls upon Member States to consider the inclusion, in their programmes of cultural exchange, of provision for the exchange of teachers, students and experts, as well as books and other publications in the field of international law;

"4. Requests the Secretary-General to inform organizations or institutions in the field of international law of topics which are before the Sixth Committee, the International Law Commission or other organs of the United Nations dealing with legal problems, so that such organizations or institutions might consider including these topics in their own programmes of work;

"5. Invites Member States, interested international or national organizations and institutions or individuals to make voluntary contributions to the United Nations programmes of technical assistance to promote the teaching, study, dissemination and wider appreciation of international law;

"6. Authorizes the Secretary-General to accept on behalf of the United Nations contributions made specifically for this purpose;

"7. Further requests the Secretary-General to inform the General Assembly accordingly."

2. Organization of the work of the Special Committee

4. The Special Committee held an organizational meeting on 18 December 1963, to elect its officers and to discuss generally its programme of work. The following officers were elected:

Chairman: Mr. E.K. Dadzie (Ghana)

Vice-Chairman: Dr. Abdul Hakim Tabibi (Afghanistan)

Mr. J. Shields (Ireland), who was elected Rapporteur at the meeting on 18 December 1963, later indicated that he would be unable to serve in this capacity, and the following appointment was made by the Special Committee at a meeting on 9 April 1964:

Rapporteur: Mr. E. Bal (Belgium)

5. At its meeting on 18 December 1963, the Committee also decided to hold a series of preparatory and informal meetings early in 1964 and to convene its formal session about one week before the opening of the nineteenth regular session of the General Assembly.

6. Four informal and preparatory meetings of the Special Committee were held on 31 March and 9 April 1964, during which members exchanged views on the elements which might form a programme of assistance and exchange in the field of international law, and which had been proposed up to that time by Member States and by the Secretary-General. The Rapporteur was requested to prepare, for consideration by the Committee, a preliminary draft report in the light of this exchange of views.

7. The formal session of the Special Committee took place between 25 November 1964 and 29 January 1965, in the course of which nine meetings were held. The Committee considered the preliminary draft report prepared by the Rapporteur (A/AC.117/L.3), together with a set of suggestions made by the Chairman on the plan of activities to be undertaken between 1965 and 1967 and on the machinery for implementing and supervising the programme (A/AC.117/L.4 and L.5).

8. To assist it in its work the Committee also had before it relevant background documentation,<sup>2/</sup> and the representatives of UNESCO participated in certain of its meetings to reply to questions put by members of the Committee.

3. General considerations

9. In determining its recommendations to the General Assembly, the Special Committee has taken into consideration the sixty-three replies from Governments of Member States and sixteen replies from international organizations and institutions active in the field of international law containing comments and suggestions on the subject before the Committee. It also took account of additional suggestions made by representatives during the seventeenth and eighteenth sessions of the General Assembly.

10. In the light of the general support for the establishment of a programme evidenced by the foregoing replies and suggestions, it was clear to the Special Committee that the encouragement and co-ordination of existing programmes and actions by the United Nations and UNESCO should be further promoted by all practical means and that at least certain limited measures for direct assistance and exchange under the auspices of the United Nations and UNESCO should be initiated in the near future.

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<sup>2/</sup> The report of the Secretary-General with a view to the strengthening of the practical application of international law, submitted to the General Assembly at its eighteenth session (A/5585); the proposals, suggestions and information submitted by Member States and by international organizations and institutions (A/5455 and Add.1-6, and A/5744 and Add.1 and 2); the views and suggestions made by the representatives of Member States during the seventeenth and the eighteenth sessions of the General Assembly (summarized in documents A/5356, paragraphs 74 and 95 and A/5672, paragraphs 14-17); the report of the Technical Assistance Committee submitted pursuant to operative paragraphs 1 and 2 of resolution 1968 B (XVIII), (A/5791); the note by the Secretary-General on voluntary contributions to the United Nations programmes of technical assistance to promote the teaching, study, dissemination and wider appreciation of international law made pursuant to operative paragraph 5 of resolution 1968 C (XVIII), (A/5790); a statement of administrative and financial implications by the Secretary-General submitted in accordance with rule 154 of the General Assembly's rules of procedure (A/AC.117/L.3/Add.1 and L.6) as well as a summary of views and proposals presented by Member States, international organizations and institutions circulated by the Secretariat (A/AC.117/L.2).

11. In submitting its suggestions on a programme of assistance in the field of international law, the Special Committee has had to recognize the very real discrepancy which exists between the needs of the developing countries for extensive assistance in the field covered by the present report, and the limited financial and other resources available to the United Nations and its specialized agencies to provide such assistance, particularly at the present time of financial stringency. It is aware that financial and organizational reasons make it impossible for international organizations to undertake directly programmes for the training of personnel in international law, dissemination of information etc., on the same large scale as certain Member States. It is also aware of the necessity, particularly because of the limited means available, of avoiding any duplication whatsoever by the United Nations or UNESCO of programmes established and carried out by States or by other international and national institutions and bodies.

12. With the foregoing factors in mind the Special Committee is convinced that it should confine its suggestions to those which are capable of realization with limited financial and organizational resources and which would appear to be most useful and practical within such limits. While the existing needs might best be met by an ambitious programme, the considerations already mentioned preclude such a programme at the present time. However, the Committee is of the view that even a limited programme, which is responsive to the most pressing existing needs, can contribute to the strengthening of the role of international law in the promotion of friendly relations and co-operation among States, to furthering the objectives of the United Nations and to the recognition of the part which international law should properly play in the present day interdependent world.

13. The suggestions of the Special Committee, arrived at on the basis of the above, are set out in the remainder of this report, which is arranged as follows:

Part I. Practical plan and proposals for a programme of assistance and exchange in the field of international law

Section A. Steps by the United Nations and UNESCO to encourage and co-ordinate existing international law programmes carried out by States and organizations or institutions. The place of international law in certain United Nations programmes



- Section B. Establishment of a United Nations-UNESCO programme of direct assistance and exchange
- Part II. United Nations Decade of International Law
- Part III. Methods of financing the programme
- Part IV. Plan of activities to be undertaken in 1965-67
- Part V. Machinery for implementing and supervising the programme

## PART I

### PRACTICAL PLAN AND PROPOSALS FOR A PROGRAMME OF ASSISTANCE AND EXCHANGE IN THE FIELD OF INTERNATIONAL LAW

#### Section A

Steps by the United Nations and UNESCO to encourage and co-ordinate existing international law programmes carried out by States and organizations or institutions. The place of international law in certain United Nations programmes

14. In this section of its report the Special Committee first examines the steps taken in implementation of the specific measures for a programme of assistance and exchange recommended by the General Assembly in part C of resolution 1968 (XVIII) and makes certain further suggestions regarding these measures. Thereafter it outlines certain steps additional to those contained in part C of resolution 1968 (XVIII) which it recommends for adoption by the General Assembly in order to encourage and co-ordinate the efforts being undertaken by States or by various organizations and bodies. In so doing, the Special Committee has borne in mind that the primary role of the United Nations and UNESCO should continue to take the form of steps to encourage and co-ordinate such efforts. As the Secretary-General stated in paragraph 52 of his report (A/5585) to the eighteenth session of the General Assembly, many States have already established programmes of training in international law in which participation is open not only to their own nationals but also to students and scholars from other States. Certain organizations and institutions also have training and other facilities which are accessible on a very wide basis. Many States have already offered assistance to other countries, for example, through awarding fellowships and scholarships, and by providing teachers, professors and lecturers, or advisory services. Other States have shown interest in receiving such assistance, in obtaining books and in exchanging teachers with other countries. Through encouragement and co-ordination the United Nations and UNESCO can play a useful role in these areas of activity.

#### 1. Measures recommended in part C of resolution 1968 (XVIII)

##### (a) Information on training in international law

15. In operative paragraph 1 of part C of resolution 1968 (XVIII), the General Assembly requested UNESCO to collect from Member States, on a periodic basis,

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detailed information on training in international law offered by their universities and institutions of higher learning. Following upon the transmission of this request to UNESCO, the Special Committee has been informed by UNESCO that it has concluded negotiations with the International Association of Legal Science for the preparation of a study on the training in international law given at universities and other institutions of higher education. This study should be finished in 1965 and will be published, in English and French, towards the end of 1965 or in 1966 in the series "The University Teaching of Social Sciences". UNESCO believes it should be possible for it to bring this study up to date periodically (for example, every four years) and to publish the new data thus obtained.

16. In addition to the foregoing study, which will be most valuable, the Special Committee has been informed that data on opportunities for study and training abroad in international law are already collected and published periodically as a part of the annual UNESCO publication "Study Abroad". The Committee has also been informed by UNESCO that this information might be more complete if Member States, universities and institutes were advised to specify under what allied disciplines the study of international law could be undertaken. The Special Committee wishes to draw the attention of Member States to this point. It would also suggest that UNESCO be invited to publish the information on international law contained in "Study Abroad" as a separate document.

(b) Fellowship programmes

17. In operative paragraph 2 of resolution 1968 C (XVIII), the General Assembly invited Member States to offer foreign students fellowships in international law at their universities and institutions of higher education. As already pointed out, in paragraph 14 above, a number of States offer such fellowships directly to foreign students. It is difficult, at this early stage, to ascertain to what extent the General Assembly's appeal has led to a material increase in the number of fellowships offered.

18. In order to disseminate as widely as possible offers of fellowships and to encourage such offers, the Special Committee believes that it would be desirable for the United Nations or UNESCO to invite States and international organizations active in the field of international law to make offers of fellowships through the

United Nations or UNESCO which would transmit them to all States Members of the United Nations and of UNESCO. Applications would then have to be sent directly to the State or organization which made the offer.

19. In addition to the above procedures regarding fellowships, the Special Committee believes that an arrangement could be worked out under which States would be invited every year to send, at their own expense, persons for short-term study of legal questions at the Headquarters of the United Nations or of specialized agencies agreeing to accept them. The Organization concerned would make facilities available for such a course of study and make a selection of candidates.

(c) Exchange of experts and scholars

20. Reference is made in operative paragraph 3 of part C of resolution 1968 (XVIII) to the exchange, inter alia, of experts and scholars. In the past this form of assistance, in which some Member States have favoured a United Nations-UNESCO role, has been mostly a matter of bilateral co-operation. Information on actions by some Member States in response to the Assembly's appeal for such exchanges is to be found in documents A/5744 and Add.1-2.

21. The Special Committee noted the importance of exchanges of teachers, professors and lecturers presently taking place under bilateral arrangements. It was agreed that the use of technical assistance machinery in the United Nations or UNESCO might help to promote a regularization of such exchanges. However, it was recognized that because of the bilateral nature of existing arrangements and of a lack of funds, the creation of additional machinery for such a purpose, within the United Nations or UNESCO, would not be desirable at the present stage. Within these limitations, the Special Committee believes that, if it were decided to increase the role of the United Nations and UNESCO in this field of activity, that role should take the following form. UNESCO would be requested to invite States to transmit to it the names of teachers, professors and lecturers, with the indication of their background, specialization, proficiency in languages and other relevant data, who might be available for teaching in other countries. UNESCO would compile this list periodically and transmit it for information to States Members of the United Nations and of UNESCO. The United Nations would undertake a

similar function with respect to experts available for the practical application of international law and for purposes other than the teaching of international law generally. States interested in the services of such scholars and experts would contact them directly or through their respective Governments to negotiate the terms of their contracts. The sole function of UNESCO and of the United Nations would thus be to compile periodically (for example every two years) the list of any available persons on the basis of information supplied by Member States.

(d) Legal libraries and publications

22. Reference is also made in operative paragraph 3 of resolution 1968 C (XVIII) to the exchange of books and other publications in the field of international law. The Special Committee believes that, without requiring additional expenditure by the United Nations, some measures can usefully be taken to improve the dissemination of legal publications and the use of legal libraries. These measures are outlined below.

23. There are at present 351 libraries in ninety countries which receive United Nations publications by deposit (253 depositaries receive this material free of charge), by exchange of publications, or by subscription. The Committee considers that the recipient institutions and the authorities of the countries in which they are situated might be advised to make the existence of these collections more widely known. Furthermore, by improving facilities for the consultation of the material, greater use of it by scholars would be encouraged. Other legal libraries should also be urged to co-operate more effectively with each other, to publicize the extent of their holdings and facilities and to make them more easily available to scholars.

24. Governmental, inter-governmental and non-governmental organizations and institutions which publish in the field of international law should be requested to do more to disseminate promptly and widely bibliographical information about their publications, and to make fuller use of the means of exchanging these publications for others in the same field. They should also be requested to consider the possibility of donating the publications to, or reducing their prices in favour of institutions in other countries, particularly in developing States.

25. Governments should be invited to facilitate the dissemination of legal publications by favourable customs treatment and special postal rates.

26. Finally, the Committee believes that UNESCO should be requested to invite States to offer legal libraries and publications and transmit the offers to other Member States. States interested in this form of assistance, or exchange, would communicate directly with each other to materialize the co-operation.

(e) Co-operation with organizations and institutions active in the field of international law

27. In compliance with the request contained in operative paragraph 4 of part C of resolution 1968 (XVIII), the Secretary-General sent a list of topics before the organs of the United Nations dealing with legal problems to seventeen international organizations and institutions. In a communication addressed to them it was said that, should they find it appropriate to include some of these topics in their own programmes of work, this would help in their consideration by the organs of the United Nations through providing valuable background material. They were also invited to send to the Secretary-General any relevant information on steps taken pursuant to the above provision of resolution 1968 C (XVIII), or any other observation which they might wish to make on the resolution.

28. The organizations and institutions addressed were the following: Asian-African Legal Consultative Committee, Council of Europe, The Hague Academy of International Law, The Hague Conference on International Private Law, Institute of International Law, International Academy of Comparative Law, International Association for the Teaching of Comparative Law, International Association of Democratic Lawyers, International Association of Lawyers, International Association of Legal Science, International Bar Association, International Commission of Jurists, International Law Association, International Maritime Committee, International Political Science Association, League of Arab States and Organization of American States.

29. Replies to this communication were received from the Asian-African Legal Consultative Committee, the Council of Europe, the Institute of International Law, the Inter-American Institute of International Legal Studies, the International Academy of Comparative Law and the International Association of Comparative Law. They have been reproduced in document A/5744 and Add.3.

30. The Special Committee considers that co-operation achieved in this area appears to be fruitful and should be continued. The Secretary-General should be asked to continue to transmit, on a periodic basis, a list of current legal topics dealt with by United Nations organs to the above-mentioned organizations and institutions. At the same time he should be requested to submit to the United Nations organs concerned any relevant material received from these organizations or institutions which might contribute to the consideration of the topics in question.

31. In addition to this, co-operation with the above-mentioned or other organizations and institutions should eventually be sought in the implementation of any of the recommendations and suggestions outlined in this report, for example in the organization of seminars or training and refresher courses etc. (see paras. 51-69 below).

2. Measures in addition to those recommended in part C of resolution 1968 (XVIII)

32. In paragraphs 15-31 above the Committee has dealt with measures already recommended in resolution 1968 C (XVIII). The remainder of this section of its report is concerned with other measures which it believes could usefully be undertaken.

(a) Co-sponsorship of international meetings by the United Nations and UNESCO

33. The Special Committee believes that the United Nations and UNESCO could usefully co-operate, upon request, with Member States and other organizations and institutions in the organization of conferences, seminars and training courses on legal subjects of interest to, and falling within the purview of the United Nations or UNESCO. The extent to which the United Nations and UNESCO could avail themselves of requests for co-operation, and the degree of that co-operation, will, of course, vary from case to case. Each case will have to be considered by the Secretary-General of the United Nations and the Director-General of UNESCO on its own merits and in the light of available resources at the appropriate time.

(b) Model curriculum

34. As stated in paragraph 15 above, a comprehensive study of training in international law has already been undertaken under the auspices of UNESCO. The

Special Committee is informed that an annex to this study will set out certain examples of selected university curricula in this field. In addition to this, the Special Committee considers that it would be useful to invite UNESCO to examine the problems of preparing a model curriculum for university courses in international law, oriented towards international legal questions of immediate concern to developing countries. Any such study would have to be of a general nature, suitable for adaptation to the specific needs and systems of developing countries. It is the Committee's view that it should be carried out by an expert body, convened and financed by UNESCO.

(c) The place of international law in other United Nations programmes

35. The Special Committee considers that it would be of interest to the General Assembly for the Committee to describe and to make certain suggestions regarding the role and place which has been given, or might be given to international law in the framework of various United Nations activities resulting from resolutions other than 1816 (XVII) and 1968 (XVIII). International law appears as one of the fields of activity of the planned United Nations Training and Research Institute, it finds a place in the United Nations training programme for Foreign Service Officers from newly independent countries and is the subject of certain United Nations and UNESCO information activities. These three particular areas are described in more detail below.

(i) International law as one of the fields of activity of the planned United Nations Training and Research Institute

36. The attention of the Special Committee was drawn to a note by the Secretary-General of February 1964, entitled United Nations Training and Research Institute (no symbol number), which contains detailed information on the Institute. Points of interest therein to the work of the Special Committee are summarized below.

37. The General Assembly, by resolution 1934 (XVIII), requested the Secretary-General to establish the United Nations Training and Research Institute, the purposes of which are to enhance the effectiveness of the United Nations in pursuing its two overriding objectives, the maintenance of peace and security and the promotion of economic and social development. The Institute will provide



facilities for certain types of training and study which are of high priority in advancing these objectives and which cannot be carried out effectively by other institutions, national or international. It will seek to obtain the active participation of persons of eminence from all parts of the world.

38. The Secretary-General envisages, in his note, that the Institute would concentrate its activities on the following problems:

(a) Research and study on operations of the United Nations and the specialized agencies. The United Nations Secretariat is necessarily concerned largely with immediate practical problems and the carrying out of particular projects. There is obviously a wide range of subjects on which research and studies are required for the purposes of the United Nations and for which suitable facilities do not exist.

(b) Training

(i) Training of personnel from developing countries. The first of the two types of training envisaged for the Institute would focus on preparation for international service, and national service directly connected with the activities of the United Nations system.

The Institute would arrange for training, under international auspices, at the Headquarters of the United Nations or the specialized agencies, or their regional centres, or at other suitable institutions located at such sites.

Selected officials from developing countries would attend for a prescribed period and would be instructed in the general range and scope of United Nations activities. The officials would become thoroughly acquainted with United Nations activities in the maintenance of peace and security, through international conciliation, truce observation and peace-keeping efforts. They would also be instructed in United Nations political affairs, the promotion of human rights, constitutional and legal aspects of the United Nations activities, United Nations finances, and the administrative aspects of United Nations programmes.

To supplement the training carried out by the permanent staff, there would be seminars on specialized subjects. Additional training, as warranted in individual cases, might be arranged at the Headquarters of the United Nations or of one of its regional commissions or of a specialized agency. On occasion, teaching scholars on sabbatical leave from their universities or institutions would be in residence.

A period of in-service training - the surest method of imparting a knowledge of techniques and procedures - at United Nations Headquarters or at the seats of the

regional economic commissions or specialized agencies would normally form part of the training programme for international officials and for young officials from the developing countries. This is already being attempted on a small scale in the case of the Professional Trainee Programme.

(ii) Advanced training for international staff. This second type of training envisaged for the Institute would be open to international staff having already had considerable experience and having achieved a high degree of competence in their special field, for the purpose of broadening their outlook and capacities and thus fitting them to occupy more senior executive positions either in their own or in other departments of the service.

(c) Seminars and fellowships. Seminars undertaken by the Institute would combine, in varying degrees, elements of both research and training. They may be brief (one or two days), or lengthy and intensive, depending on the topics and objectives in each instance.

It is proposed, furthermore, that a limited number of distinguished persons - perhaps ten or twelve - be designated each year by the Secretary-General, in consultation with the Executive Director who will head the Institute, as Fellows in recognition of past contributions in the fields of statesmanship, economic and social development, international law, science and human rights. They would be invited to participate for brief periods in seminars, under the auspices of the Institute, to deliver lectures, or, upon request, to do research on matters considered by the Secretary-General to be of special importance.

(d) Research contracts and research teams: associates, consultants and correspondents. The Institute may contract with other institutions, as appropriate, to carry out research on projects to which the Secretary-General and the Executive Director attach a high priority. It may also organize, on an ad hoc basis, teams or task forces of experts to carry out such studies. The Institute may invite, for short periods of service with it, other scholars and statesmen from different parts of the world to contribute their time to operations analysis, evaluation, and planning activities and to be available to the Secretary-General if required for special tasks.

39. While the programme of the Institute will be decided by the Executive Director and the Board of Trustees, when appointed, it appears from the Secretary-

General's note that the purposes of the planned Institute are at present envisaged in very broad terms. On the basis of the Secretary-General's interpretation and evaluation, the Special Committee shares the view of those Member States which consider that the activities of the Institute should normally include international law subjects, directly related to the effective functioning of the United Nations, and serve the promotion of research, as well as the exchange of research workers, in international law. The purpose of research would be, for example, to provide analyses of the development of international law through United Nations organs and of the implementation of the legal principles contained in the United Nations Charter; to facilitate the operations of the Secretariat Units dealing with legal problems of a fundamental character; to study specific legal problems of particular interest to the newly independent countries; and to enlarge the opportunities for advanced training in international law generally.

40. The Special Committee suggests that the General Assembly convey to the Institute's Board of Trustees, when established, its wish that international law would find its proper place within the activities of the Institute.

(ii) International law as one of the subjects for the United Nations Training Programme for Foreign Service Officers from newly independent countries

41. The United Nations training programme for Foreign Service Officers from newly independent countries started in 1962. It was repeated in 1963 and its third course began in Geneva on 15 May 1964. It is mainly designed to provide an opportunity for those in newly independent countries who are now, and will be, responsible for the management of foreign ministries, embassies, consulates and missions, to study the practical aspects of Foreign Service administration and the techniques and skills of diplomacy. The training programme has a duration of seven months. The Geneva phase is organized in consultation with the Institut universitaire des hautes études internationales which is responsible for the teaching part of the programme through its regular professors and special lecturers.

42. The teaching part of the programme deals, among other things, with various aspects of international law, the programme for each year containing, in this respect, lectures on:

- "International Law and its sources"
  - "International customary law"
  - "Elements of treaty law"
  - "Elements of treaty law: selected problems"
  - "Other sources of international law"
- "Consular law"
- "Neutrality: its legal aspects and practical consequences"
- "Drafting of treaties and other international instruments"
- "General problems of State responsibility"
  - "Origin of responsibility: the unlawful act"
  - "Diplomatic protection"
  - "Protection of the property rights of aliens"
- "Sanctions"
- "Political and legal disputes (negotiations, mediation, good offices, commissions of enquiry, commissions of conciliation)"
  - "Settlement of disputes within the framework of the League of Nations, the United Nations and regional organizations"
  - "General survey of arbitration and judicial settlement of disputes"
  - "Special questions concerning the International Court of Justice"
  - "General conclusions on legal disputes"
  - "Distinction between political and legal disputes"
  - "Judicial settlement of disputes: arbitration and the International Court of Justice".

43. The Special Committee noted that well-known professors and special lecturers are among those teaching and conducting seminars on the above subjects which are relevant to the purposes of the training programme. The Committee would, however, suggest that consideration be given to the inclusion in the curriculum of lectures on certain other subjects of immediate concern to the foreign policy and diplomacy of newly independent countries. In this connexion some members of the Committee suggested as possible subjects the principles of international law concerning friendly relations and co-operation among States, permanent sovereignty over natural resources, new trends in diplomatic law as reflected in the Vienna Convention on Diplomatic Relations of 1961, economic co-operation and international law, etc. The Committee also feels that, to the extent practicable, professors and lecturers for international law courses be recruited on as wide a geographical basis as possible, and taking into account the principal legal systems of the world.

(iii) International law as a subject for dissemination of information through United Nations and UNESCO information media

44. Dissemination through the United Nations and UNESCO information media of information about international law and activities in this field has to be considered primarily within the over-all scope of the policies for such media, as defined in General Assembly resolutions 13 (I) and 137 (II). These policies may be summarized as (a) to encourage and assist the teaching of the purposes, principles, structure and activities of the United Nations and the specialized agencies, and (b) to promote an informed understanding of the work of the United Nations among the peoples of the world. Resolution 1816 (XVII) which the General Assembly adopted in 1962 on technical assistance to promote the teaching, study, dissemination and wider appreciation of international law recalls resolution 176 (II) on the teaching of international law which, in turn, refers to resolution 137 (II) on the teaching of the purposes and principles, the structure and activities of the United Nations in the schools of Member States.

45. An extensive source of material on these over-all activities is to be found in the periodic reports on teaching about the United Nations in Member States, compiled by the Secretary-General of the United Nations and the Director General of UNESCO on the basis of communications received from Member States. The fifth of these reports, which was issued on 15 April 1964 (E/3875), covers the period January 1960-December 1963. It provides a general survey of developments in teaching about the United Nations in Member States during the period covered. It contains a summary of each of the official reports from seventy-three Governments, as well as an outline of programmes and services of the United Nations, UNESCO and other members of the United Nations family, in serving to promote and assist teaching about the United Nations and its related agencies in Member States.

46. The Special Committee notes that the policies laid down for information media, as described in paragraph 44 above, encompass the objectives of resolutions 1816 (XVII) and 1968 (XVIII). These objectives are partly met, for example, through dissemination of the United Nations Charter (distributed in thirty-two languages), and of certain United Nations publications of a general

character intended to reach the widest possible public, such as World Peace and the United Nations, Basic Facts about the United Nations (in forty languages), Guide to the Charter of the United Nations, (in four languages) and the International Court of Justice (in eight languages). They are also met by the publication of authoritative reference books, such as the Yearbook of the United Nations and Everyman's United Nations. The purposes set out in resolution 1968 (XVIII) are also served at present by films, radio and television programmes. The same is true of United Nations information centres which disseminate United Nations periodicals and other forms of information on the Organization.

47. Apart from publications of a general character, which include material on legal matters, international law is the subject of various legal publications of the United Nations such as the Yearbooks of the International Law Commission, the Reports, Proceedings and Yearbooks of the International Court of Justice, the United Nations Treaty Series, the Reports on International Arbitral Awards, the United Nations Legislative Series, and the newly established United Nations Juridical Yearbook.

48. In paragraphs 22 to 26 above and in paragraphs 79-85 of the following section of the present report, the Special Committee describes various possibilities for encouraging and improving the dissemination of United Nations publications. In addition, it wishes to submit the following suggestions which can be put into effect within existing general appropriations and thus without requiring additional funds:

(a) increased use of United Nations radio and visual media for programmes on the subject of international law following the lines of several earlier radio documentaries and the documentary film on the International Court of Justice now in distribution;

(b) production of a leaflet, in various languages, on the work of the International Law Commission for distribution through the Information Centres, following the example of the four editions of the OPI booklets on the International Court of Justice;

(c) publication of feature articles in the UN Monthly Chronicle (which is the Organization's periodical) on international law, including the activities of the Sixth Committee, the International Court of Justice and the International Law Commission;

(d) co-operation between the United Nations Information Centres and Governments, non-governmental organizations, universities and other interested institutions in carrying out a programme designed to increase public awareness and stimulate knowledge and understanding of international law.

### Section B

#### Establishment of a United Nations-UNESCO programme of direct assistance and exchange

49. A number of Member States have expressed the view - both in written comments and in the statements of their representatives at the seventeenth and eighteenth sessions of the General Assembly - that it would be profitable for the United Nations, in conjunction with UNESCO, to initiate a modest programme of direct assistance and exchange in addition to measures, such as those outlined in Section A of the present part of this report, for co-ordinating, encouraging and improving existing programmes. The Special Committee shares this view. United Nations activities in the field of international law have not, in the past, progressed to the same extent as, for example, activities in the economic, social and human rights fields. Resolution 1968 (XVIII) may be considered as a step towards remedying this situation by calling for the establishment of a programme of actions within the United Nations framework to forward the cause of international law. If such a programme is to represent an active contribution to the development of international law and to meeting the needs of Member States, it should, as far as possible, go beyond appeals, or even improvement or co-ordination of activities carried out independently of the establishment of a programme of direct assistance and exchange. It should also reflect the increasing scope and role of international law in the modern world. With these factors in mind, the Special Committee considers it desirable that a programme of direct assistance be established in the near future.

50. In contradistinction to the suggestions dealt with in Section A, the implementation of which would not necessarily entail substantial additional expenditures, the various elements of a programme of direct assistance and exchange outlined in the present section would necessitate additional funds. These elements,

as supported by a number of States, could consist of (1) seminars, (2) training and refresher courses, (3) fellowships, (4) advisory services of experts, (5) legal publications and libraries, and (6) other forms of assistance and exchange. They are separately considered in the remaining paragraphs of this section.

# 1. Seminars

51. Apart from seminars organized by some other organizations or by Member States in co-operation with the United Nations and UNESCO, as mentioned in paragraph 33 above, seminars of experts, either on a regional or world-wide basis, depending among other things on the choice of topics, should also be organized directly by the United Nations and UNESCO. Such seminars should discuss problems of international law of importance to the Organization, particularly in instances where these questions are not being dealt with by other organizations and institutions or in the framework of other programmes (such as the ones referred to in paragraphs 27-31 above). Regional seminars, which deserve special emphasis, should discuss problems of international law of particular interest to the respective regions.

52. As indicated in the Secretary-General's report (A/5585, para. 67), the organization of seminars gives rise to various questions. These problems concern the purposes of the seminars, their frequency and duration; the number and selection of participants; the selection of topics; the selection of location; the undertaking of preparatory work, and the publication of records. The Special Committee has considered these questions and agrees with the Secretary-General that the answers will depend in a certain degree on a number of factors to be assessed at the time when it would be proposed to hold the particular seminar concerned. However, this does not preclude the establishment of certain general guidelines.

53. Purposes of seminars. Seminars will help to further the aims of resolutions 1816 (XVII) and 1968 (XVIII). They will provide an opportunity for eminent scholars and senior national officials to discuss and explore the possibility of a consensus on important problems of international law of interest to the community of nations or to States in a particular region. The topics selected for discussion could be those which are already on, or proposed for inclusion in, the agenda of the Sixth Committee or the International Law Commission.



In such instances the proceedings will constitute a useful element in the preparatory work of these two bodies by providing both source material and indicating the range of views existing with respect to particular topics. The contacts established at seminars and afterwards maintained between persons active in the same field, and coming from various parts of the world, will provide a possible starting point for fostering other purposes of resolutions 1816 (XVII) and 1968 (XVIII), such as arrangements for the exchange of teachers, students, fellows and publications.

54. Frequency and duration. The frequency of seminars sponsored by the United Nations will have to be determined in the light of available financial resources, both from within and outside the Organization, and of experience as to their utility. Should they prove in fact to serve the purposes indicated in the previous paragraph and should funds be available, the Special Committee believes that seminars should be held periodically. It might also be useful to hold seminars on an ad hoc basis, organizing them at times when it was felt they could serve a particularly useful purpose. The duration of seminars should be long enough to permit the fullest exchange of opinions and should therefore have a duration of at least one to three weeks, depending upon the subject selected.

55. Number and selection of participants. According to the Secretary-General (A/5585, para. 70) it has been the consistent experience of the Organization that seminars are most successful when they are sufficiently restricted in size to permit a free and substantial exchange of views. In United Nations practice, therefore, such participation is usually limited to between ten and thirty persons. In the Committee's view, ten might be enough for regional seminars, with thirty as an upper limit for world-wide seminars, to allow each participant to make an effective contribution. In selecting participants in seminars a number of factors will have to be weighed. Participants should be thoroughly familiar with the topics to be discussed. Their selection will either be on a regional basis, or a world-wide basis, with the principal legal systems and doctrines represented in the latter case where the topic is of general interest. Participants should be nominated by Governments and their selection should, in most instances, be made by the Secretary-General, having in view the topic selected. On this point, as on others, the experience gained in seminars in other fields should serve as a

basis for action. Apart from the actual participants in a seminar, observers should be invited in appropriate cases.

56. Selection of topics. The Special Committee endorses the Secretary-General's remarks (A/5585, para. 71) regarding the selection of topics for a seminar. This will depend upon the urgency and timeliness of a particular subject, its general or regional interest, the degree to which it is already under study and discussion both in and outside the Organization, and its importance to Member Governments and to the United Nations. In selecting a given subject, attention will have to be paid also to the extent to which it is relevant to the work of the Sixth Committee, of the International Law Commission, or of other United Nations organs dealing with legal problems. Topics already on the agenda of these bodies can be chosen, but other subjects of general interest or of special interest to developing countries should not be neglected. Possible subjects for consideration are basic principles of international law, the legal aspects of economic and political regional integration, the legal aspects of the principles of friendly relations and co-operation among States, the legal problems of international rivers, the legal aspects of international trade, the preparation of model curricula for the teaching of international law, the problems of land-locked countries, the role of the legal counsel in national Ministries of Foreign Affairs, the study of questions concerning the progressive development of private international law, etc. Some members of the Committee emphasized that the topics to be selected should be practical in nature. The selection of topics should be made by the Sixth Committee on the proposal of the Secretary-General in consultation with the Advisory Committee mentioned in paragraph 103 below.

57. Selection of location. The Secretary-General pointed out (A/5585, para. 72) that the choice of a particular location for a seminar would depend in large measure on the extent to which States or other organizations would be prepared to offer facilities and financial assistance. The Special Committee noted with interest that certain States are prepared to extend an invitation for such seminars to meet in their respective countries. When such offers are not forthcoming, regional seminars could be held at the regional offices of the United Nations; those convened on a wider basis can meet at United Nations Headquarters or at the European Office.

58. Preparatory work and the publication of records. The Special Committee endorses the comments of the Secretary-General (A/5585, para. 73) regarding

preparatory work for seminars and the publication of records. Adequate preparation for a seminar requires, apart from decisions on the questions considered above, the preparation of working papers which should normally be drafted by expert consultants, and form a useful basis for discussion, in addition to any papers which participants might themselves submit. The actual proceedings of the seminar should, in turn, be compiled by the Secretariat. Depending upon the topic, they should be submitted, as required to the Sixth Committee, the International Law Commission, Member States or other international bodies interested in the particular field concerned. Funds for a seminar should therefore also provide, as far as possible, for the publication of its principal papers.

## 2. Training and refresher courses

59. The replies of several Governments and international organizations and institutions suggest that training and refresher courses are another element which the United Nations or UNESCO might include in a programme of direct assistance so as to supplement the activities in this respect of Member States and international organizations and institutions. As in the case of seminars, the establishment of training and refresher courses gives rise to various preliminary questions, which were referred to in the Secretary-General's report (A/5585, para. 74) concerning the purposes of the courses; their frequency, geographical scope, and duration; the selection of location; the number and selection of lecturers and participants; subsistence for participants; the selection of topics; and the publication of lectures.

60. Purposes of training and refresher courses. Training and refresher courses are certainly not a substitute for a full legal education, but they can offer teachers of law or advanced students having already some legal background an opportunity of improving their knowledge of international law. To that end, instruction should be given by recognized authorities on international law. Experience gained in such courses would be of particular value to new or developing States, as a factor in training their own experts and teachers, in providing them with a practical appreciation of international law, and in helping them to set up their own national teaching programmes.

61. Frequency, geographical scope and duration. The Special Committee shares the view of the Secretary-General (A/5585, para. 76) that, taking into account their essentially instructional nature and the need for a certain measure of

continuity, training and refresher courses, if they are to be of real benefit to an appreciable number of people, should best be organized, if financial resources so allow, on a periodic basis and at different locations. To permit those attending the courses to receive full benefit from them, the courses would have to run for at least three to four weeks.

62. Such courses can be organized on either a regional or global basis. In view of the universality of international law, there are obvious advantages to the organization of courses on a global basis. However, if such a basis were adopted, it would be necessary, for financial reasons, to strictly limit the number of participants from each geographical region. On the other hand, regional courses can, in appropriate cases, permit the needs and problems of particular areas to be taken into full account. Difficulties in selecting participants should be lessened if the geographical scope were restricted, inasmuch as this would imply reducing the potential number of applicants. Any decisions to organize training and refresher courses on a regional or global basis depend on an evaluation at the appropriate time, of the factors just indicated, and on experience gained in running such courses. The lower cost of regional courses make them appear to be a more practical solution under present circumstances.

63. Selection of location. Among the factors relevant to choosing the location of training and refresher courses are offers by States or organizations and institutions of facilities and financial assistance. If preference were given to regional rather than global courses, the courses should be held subsequently in differing geographical regions. Furthermore, such courses should, as far as possible, be given at places offering adequate library facilities for the participants.

64. Number of participants. Considerations relevant to the limitations in size of seminars do not apply equally to training and refresher courses, where the determining factors are the available financial resources and the adequacy of other facilities. Such factors would probably limit participation in the courses to between thirty to forty-five persons, whose subsistence could be met in the manner described in paragraph 67 below.

65. Selection of lecturers and participants. The Secretary-General has stated that selection of lecturers and participants should be made on the basis of certain established principles (A/5585, para. 80). The Special Committee believes

that lecturers should be chosen by the Secretary-General, after consultation with the Advisory Committee recommended in paragraph 103 below, from among the most competent scholars and recognized experts in the field which any particular course seeks to cover. In order to provide adequate instruction and a wide range of views it is desirable to select three or four lecturers for each course who will also serve as instructors in seminars and discussion groups dealing with various aspects of the subjects making up the course. In selecting lecturers consideration should be given to choosing qualified persons from the various geographical areas and legal systems in the world.

66. Participants most likely to benefit from any training and refresher courses, as the Secretary-General has pointed out (A/5585, para. 81), are young teachers of law or junior government officials. In the case of regional courses, they should be selected so as to provide as wide a geographical representation as possible from the region concerned. The Special Committee believes that candidates from the developing countries should be given particular consideration, in view of the special needs of those countries. As regards their selection, in the cases where regional courses are envisaged, the Special Committee considers that each Government within the region in which the course is held should be invited to nominate from one to three persons to participate in it.

67. Subsistence for participants. The Special Committee feels that a system of subsistence allowances should be devised to cover the travel and per diem costs of participants. The Special Committee agrees with the Secretary-General's (A/5585, para. 82) suggestion that consideration be given to the possible elaboration of a scheme under which the organizations in charge of a regional programme would grant a subsistence allowance (covering the travel and living costs) to a participant from each country within the area, while on the other hand the Governments of the region concerned would each undertake to grant similar allowances to the other participants from their own countries.

68. Selection of topics. As to the topics to be covered, the Special Committee believes that the contents of courses can usefully vary to allow for study of both the particular problems of international law which are of special importance in various regions, and of general and timely issues of international law. Topics should be selected by the Secretary-General, after consultation with the Advisory

Committee mentioned in paragraph 103 below, with the Governments of the region in which a regional course is to be held, and after approval by the Sixth Committee. Consultation should also take place, where appropriate, with the host State or any international organization and institution that may be entrusted with responsibilities in organizing the courses. For practical reasons, and in order to facilitate the initiation of the programme proposed in part IV of the present report, the Special Committee decided to recommend in this report, subject to its approval by the General Assembly, the topics for the first training and refresher course, mentioned in paragraph (a) of the programme for 1966.

69. Publication of Lectures. The Special Committee believes that, if funds for the training and refresher courses are available to a sufficient extent, it would be advisable to provide for the printing of the lectures in order to benefit a larger community.

### 3. Fellowships

70. Fellowships are yet another means by which the United Nations can further the aims or resolutions 1816 (XVII) and 1968 (XVIII). United Nations fellowships could supplement the fellowships or scholarships made available by Governments or organizations and institutions, as mentioned in paragraphs 17-19 above. The replies of a number of Governments and certain international organizations and institutions have indicated interest in United Nations fellowships. Questions to be considered in relation to any projected fellowship programme include, as the Secretary-General has pointed out (A/5585, para. 85), its purposes; the number and selection of fellows; the supervision of work undertaken by these fellows and the course of their study and its duration.

71. Purposes. United Nations fellowships would provide persons active in the field of international law with additional opportunities to enlarge their knowledge and experience, particularly in the field of international organizations, and would give them an opportunity to work and study at the Headquarters of the United Nations or, if possible, of a specialized agency, or at a recognized university or research institute. At the same time they would indirectly promote the study of legal problems of particular interest.

72. Number and selection of fellows. The Special Committee wishes to emphasize that, in operative paragraph 2 of resolution 1968 C (XVIII), the General Assembly called only upon States to offer scholarships in their institutions of higher learning. For reasons of the nature outlined in paragraph 11 above, any

large-scale fellowships programme can only be undertaken by Member States. The number of fellowships which can be awarded by the United Nations obviously has to be determined in the light of available financial resources, and of an assessment of their practical value. The Special Committee agrees in principle with the Secretary-General (A/5585, para. 87) that, should financial resources prove to be adequate, the United Nations should consider granting a few fellowships or scholarships each year to qualified persons to study the work of the legal organs of the United Nations, or other international organizations at their Headquarters or to undertake research on particular problems of international law related to activities of international organizations at a recognized university or research institute. In this respect, however, it is necessary to take into account the Secretary-General's observation (A/5585, para. 87) that the facilities at present available at United Nations Headquarters, or at the Headquarters of the international organizations that are related to the United Nations, do not permit that a programme be established for more than a few scholars.

73. The Special Committee shares the opinion of the Secretary-General (A/5585, para. 88) that candidates most suitable for such fellowships would probably be found among graduate students, research workers, and junior or intermediate government officials who are concerned in their daily work with questions of international law. Any such candidates should submit their applications through their national Governments to the Secretary-General, in a form established by the United Nations and containing essential information on the background of the candidate, his previous academic experience, his preferred course and place of study, etc. The final selection of applicants should be made by the Secretary-General, in consultation with a Secretariat panel in due regard to (1) the qualifications of the candidates, and to (2) the principle of equitable geographical distribution.

74. Course of study and its duration. The Special Committee concurs with the Secretary-General's view (A/5585, para. 90) that any particular course of study to be undertaken by an applicant should be subject to the approval of the Secretary-General, and that arrangements should be made by the Secretariat for the proper supervision of the work of a fellow, whether working at United Nations Headquarters or elsewhere. Fellows and their director of studies should submit both progress and final reports. As regards the duration of fellowships, the

Committee considers that a period of at least six months should be envisaged if the holders thereof are to have sufficient time to gain real benefit from their studies.

4. Advisory services of experts

75. Purposes. The Special Committee considered the Secretary-General's observations regarding the advisory services of experts (A/5585, paras. 91 and 92). He has pointed out that a further way in which the United Nations and UNESCO might implement resolutions 1816 (XVII) and 1968 (XVIII) would be by way of directly providing experts at the request of Member States. According to the Secretary-General's report, such assistance could cover a wide field, including the establishment or improvement of national programmes for teaching international law; the building up in foreign ministries and universities of adequate libraries, particularly in the developing countries; the drafting and preparation of legislation in fields touching upon international legal problems; the giving of advice on the practical application of rules of international law, etc.

76. The Secretary-General has drawn attention (A/5585, para. 91) to a precedent in the field of international commercial arbitration: by its resolution 708 (XXVII) of 17 April 1959, the Economic and Social Council explicitly requested "the Secretary-General to assist, within the limits of available staff and financial resources, Governments and organizations in their efforts to improve arbitral legislation, practice and institutions, in particular by helping them to obtain technical advice and assistance from appropriate sources available for this purpose". The Special Committee believes that the precedent set in the field of commercial arbitration should be followed, within the present context, to cover other aspects of international law.

77. The Special Committee further considers that machinery and the availability of funds for expert assistance under existing programmes should be closely studied with a view to their utilization in cases where technical assistance in international law has a direct bearing on economic, social and administrative development; for example, the legal problems connected with international transactions, air law, the legal regime of waterways, etc.

78. Selection of experts. The Secretary-General has drawn attention to the questions which would arise regarding the selection of experts (A/5585, para. 92). The number of experts would obviously be determined by the demand for them and by



the available funds for financing a programme of expert assistance. The Special Committee shares the Secretary-General's view that experts should appropriately be selected by the Secretary-General or UNESCO, at the request of and with the approval of the Member State concerned. Some Committee members insisted that the experts should also be selected on as wide a geographical basis as possible. The programme should be administered in accordance with the established practices already followed within the United Nations and specialized agencies in the field of expert assistance. In appropriate cases, some of the experts to be provided under an international law programme can fill executive or operational posts in the administrative machinery of the receiving country under the terms of General Assembly resolution 1256 (XIII) on United Nations technical assistance in public administration (OPEX).

#### 5. Legal publications and libraries

79. A number of States have shown considerable interest in receiving and exchanging legal documentation and publications; others suggested the establishment of libraries and documentation centres. The Special Committee discussed various possibilities in this respect and, at the present stage, considers that the forms of direct assistance by the United Nations and UNESCO set out in the remaining paragraphs of this sub-section deserve further consideration.

80. Wider dissemination of United Nations and other legal documentation and publications. In the first place, the Special Committee believes that, at probably relatively moderate cost, additional institutions can be provided with publications of the United Nations specifically concerned with international law. These publications are issued under the sales series symbol No. V, and include the Yearbook of the International Law Commission; the United Nations Juridical Yearbook; Reports of International Arbitral Awards; Status of Multilateral Conventions; and the Repertory of Practice of United Nations Organs. Certain publications issued in other series should also be made available in this context, such as the publications of the International Court of Justice and the Repertoire of the Practice of the Security Council.

81. In addition to extra grants of publications of the above nature, the Special Committee feels that special attention should be paid to the question of a wider

dissemination of the documents (both mimeographed and printed) of United Nations organs dealing specifically with legal problems, which it believes can be done, in some instances, without additional cost and, in others, with a relatively moderate expenditure. The International Law Commission has already raised this question with respect to its own documentation, and in the context of its co-operation with other bodies.<sup>3/</sup> At its sixteenth session this year, the International Law Commission had before it a memorandum by the Secretariat on this subject (A/CN.4/171) and, after an exchange of views, the Commission considered the possibility of establishing at its next session a small committee to study the problems involved.<sup>4/</sup> The Special Committee recommends that the Secretary-General give further study to this question as a whole, with due regard to any decisions by the International Law Commission at its next session.

82. Subject to the availability of adequate funds, the Special Committee believes that wider dissemination of legal publications and documents should not be restricted to the publications and documents of the United Nations. Grants to qualified institutions should also be considered, for the purchase of legal monographs and textbooks, and for subscriptions to legal periodicals if no exchange of publications is feasible for acquiring these.

83. Re-publication of United Nations and other legal texts. In order to facilitate the acquisition of certain basic materials in the field of international law by interested institutions, the Special Committee believes that, if financial resources can be found, consideration should be given to the re-publication of out-of-print publications of the League of Nations, the Permanent Court of International Justice and the United Nations. Subventions should also be envisaged for the re-publication of other selected texts on international law which are out of print, or for the translation of available works into languages other than the original.

84. Provision of legal libraries. The Special Committee is of the opinion that further thought should be given to the compilation by legal experts of a small

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3/ Official Records of the General Assembly, Eighteenth Session, Supplement No. 9 (A/5509), para. 70.

4/ Ibid., Nineteenth Session, Supplement No. 9 (A/5809), para. 49.

library of source materials, readings and standard texts for presentation to qualified institutions. Previous experience along similar lines in other fields might profitably be studied in this context.<sup>5/</sup>

85. Documentation centres. In addition to its suggestions concerning wider dissemination of current United Nations publications and documents in paragraphs 80 and 81 above, the Special Committee recommends that, within the limits of financial resources which may be available, national and regional institutions with special facilities for the study and teaching or research in international law should be provided with collections of United Nations legal documents and publications.

6. Other forms of assistance and exchange

86. In addition to the forms of direct assistance and exchange described in paragraphs 51 to 85 above, the Special Committee also considered certain other suggestions for which some support has been advanced and it believes that it might usefully conclude this part of its report with some remarks concerning (a) subventions by UNESCO to international non-governmental institutions engaged in the teaching, study or dissemination of international law; (b) establishment of new international institutions; and (c) expansion of United Nations information activities.

(a) Subventions by UNESCO to international non-governmental institutions engaged in the teaching, study or dissemination of international law

87. In connexion with the question of subventions by UNESCO to international non-governmental institutions, the Special Committee discussed, in particular, the forms of assistance to be given to the Hague Academy of International Law, for which a number of States urged support in their comments and recommendations. It took note that UNESCO did not contribute to the finances of the Hague Academy,

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<sup>5/</sup> A small library on economic development was assembled in 1960 by the Economic Development Institute of the International Bank for Reconstruction and Development and distributed to selected agencies and institutions in sixty countries. Half of the cost of this project was met by a grant from the Rockefeller Foundation.

while it intended to contribute \$US9,000 a year to the International Association of Legal Science in 1964 and 1965. UNESCO informed the Special Committee that while it could not subsidize the Hague Academy for the time being within its regular programme, a limited amount of aid could be given to it during the period 1965-66 through the Organization's programme of participation in the activities of Member States and its training programmes designed to benefit the developing countries if such aid were requested by the Netherlands Government.

88. In the course of the Special Committee's discussion of this subject, the majority of its members took the view that UNESCO should be invited to consider further the possibility of providing financial and other assistance to international non-governmental academic institutions, such as the Academy of International Law at The Hague, which promote the study and teaching of international law, taking into account the basic legal systems of the world. One representative, however, suggested that the Committee was not in a position to make any recommendations regarding particular institutions as no criteria had been laid down by the General Assembly for determining which institutions should be considered eligible for assistance.

(b) Establishment of new international institutions

89. For financial and practical considerations, the Special Committee is of the opinion that any programme of assistance and exchange should be based on existing institutions, and that it was better, under present conditions, to encourage these to expand and co-ordinate their activities, rather than to establish new institutions. Should funds be available, the United Nations-UNESCO programme might eventually be utilized also for assistance to national institutions. The Special Committee is of the view that the establishment by the United Nations or UNESCO of an institute for post-graduate study, with preference to students from developing countries, which was suggested by some Member States, could only be recommended if voluntary contributions could be obtained of the high order required to house such an institute, to provide the necessary library and other facilities and to establish a large endowment to maintain and pay for students during their attendance at the institute, as well as to meet the costs of staffing the institute.

(c) Expansion of United Nations information activities

90. The Special Committee noted with interest the Secretary-General's comments on the drafting of new United Nations publications on international law (A/5585, para. 93 (e)). It feels that further consideration should be given to the possibility of preparing and issuing, over a number of years, scholarly surveys on the development of various aspects of international law during the past twenty years within the United Nations framework. Such surveys should cover the general trends of the law within the Organization in the period concerned, and describe the activities, as well as the effect of those activities, of the International Court of Justice, the International Law Commission, United Nations Codification Conferences, and deliberative organs of the United Nations dealing with legal questions.

91. The Secretary-General informed the Special Committee that surveys of the foregoing nature would probably require individual volumes of some 500 pages in length, to be prepared and issued successively, and would thus necessitate the provision of additional assistance to the Office of Legal Affairs. Recognizing that financial considerations would seem to preclude the simultaneous publication of volumes on this scale in all the official languages of the Organization, the Special Committee suggests that the surveys be printed initially in 2,500 English copies, 1,500 French copies and 1,000 Spanish copies, but that early consideration be given to the printing of editions in the other official languages, thus putting them on equal footing with those mentioned above.

## PART II

### UNITED NATIONS DECADE OF INTERNATIONAL LAW

92. The Special Committee noted that a great number of States indicated their support for the idea of establishing a certain period of time during which special measures would be taken to stimulate the knowledge and understanding of international law. Most of these States apparently felt that the primary aim of such a concept should be to establish during that period a special programme of training, study, teaching and dissemination of international law. Certain other proposals and suggestions, that were made under the heading of a "decade", went beyond this objective. They were of diverse nature and, in some instances, did not seem to fall within the limits of resolutions 1816 (XVII) and 1968 (XVIII) or - more specifically - within the terms of reference of the Special Committee, as set out in resolution 1968 (XVIII).

93. The Special Committee generally favours the idea of fixing a period of time during which the programme of training, assistance and exchange suggested in Part I of this report, would initially function. After the expiration of such a period, the activities undertaken could be reconsidered and new targets set. Obviously, careful long-term planning would require a few years time to make all the elements of the programme fully operational. Seminars or training courses, for example, would probably require about two years of preparatory work. Some more years might be needed for the proper functioning and for subsequent evaluation of the results of the programme and of its contribution to a better knowledge and understanding of international law. It appears to the Special Committee that a ten-year period would be necessary to give to the programme the required stability and perspective. A shorter period, preferably three years, would, however, be desirable to initiate the programme and to establish its financial and organizational forms.

94. The Special Committee is hesitant to make recommendations or comments, without further guidance from the General Assembly, with regard to any proposals, suggestions and ideas which go beyond the scope of the programme of assistance and exchange outlined in part I of the present report. Should Member States wish to broaden the scope of a "decade" or similar concept beyond that of measures concerning teaching, study, dissemination and wider appreciation of international law, and want to

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provide, under that heading, for actions aimed at strengthening the United Nations or at the maintenance of peace and the promotion of international co-operation, the Special Committee would suggest that definite and concrete proposals to this effect should be submitted by them to the General Assembly at its nineteenth session.

### PART III

#### METHODS OF FINANCING THE PROGRAMME

95. The Special Committee took note of the report of the Technical Assistance Committee submitted in accordance with General Assembly resolution 1968 B (XVIII) and reproduced in document A/5791. As recorded therein, technical assistance under the Expanded Programme of Technical Assistance could be given in specific fields of international law if the requests for assistance were related to economic, social or administrative development of the country requesting the assistance.

96. The Special Committee noted from the report of the Secretary-General contained in document A/5790 that no voluntary contributions in response to part C of General Assembly resolution 1968 (XVIII) had been received by 15 November 1964. The Special Committee believes that the Secretary-General should be asked to renew his efforts to obtain voluntary contributions from Member States, international or national organizations and institutions or individuals for programmes of technical assistance and exchange to promote the teaching, study, dissemination and wider appreciation of international law. The Special Committee hopes that the present report will facilitate the decision of States, institutions, organizations and individuals to promote the objectives of the programme to be undertaken in the field of international law.

97. The Special Committee considers, however, that the General Assembly should also establish a separate programme as proposed in the following part (part IV) of this report, to be reflected in the regular budget. Should the General Assembly approve the establishment of such a programme, it should also authorize the Secretary-General to include the necessary provisions for this purpose in his budget estimates for 1966 and subsequent years. In this connexion, however, one member of the Committee wished it to be placed on record that he was of the view that the programme set out in part IV of the report should be financed exclusively from voluntary contributions. In the same context another member of the Committee recalled that he could support financing through the regular budget only for measures of which it was clear that they were not duplicating existing efforts, and which were in the nature of technical assistance contributing to meeting immediate practical needs.



#### PART IV

#### PLAN OF ACTIVITIES TO BE UNDERTAKEN IN 1965-1967

98. The Special Committee is aware that the various recommendations it has set out in part I, sections A and B, of this report, cannot all be implemented in the immediate future, or even the next few years, due to financial and organizational problems connected with them. Should the Assembly decide to adopt all or part of those recommendations, the Special Committee suggests that their full implementation be regarded as a ten-year programme. To initiate such a programme the Special Committee proposes that the following actions, which have been recommended in the light of organizational and financial considerations, be approved for the three-year period 1965-1967.

##### 1965

(a) Preparations to put into effect from 1965 onward, or not later than in 1966, the measures outlined in section A of part I of the present report, entitled "Steps by the United Nations and UNESCO to encourage and co-ordinate existing international law programmes carried out by States and organizations or institutions. The place of international law in certain United Nations programmes." These are all measures primarily designed to encourage and co-ordinate the efforts being undertaken by States or by other organizations and bodies rather than measures of direct assistance. They relate to (i) information on training in international law; (ii) fellowship programmes; (iii) exchange of experts and scholars; (iv) legal libraries and publications; (v) co-operation with organizations and institutions active in the field of international law; (vi) co-sponsorship of international meetings by the United Nations and UNESCO; (vii) a model curriculum and (viii) international law as a subject for the United Nations Training and Research Institute, for the United Nations Training Programme for Foreign Service Officers from newly independent countries and for dissemination of information through United Nations and UNESCO information media.

(b) Preparations for actions proposed below for the years 1966-1967, which are outlined in section B of part I of the present report and which are all actions in the form of direct assistance by the United Nations or UNESCO. They relate to

(i) seminars; (ii) training and refresher courses; (iii) fellowships; (iv) advisory services of experts; (v) legal publications and libraries and (vi) certain other forms of assistance and exchange such as subventions by UNESCO to international non-governmental institutions engaged in the teaching, study or dissemination of international law and the expansion of United Nations information activities.

(c) Discussions between the Secretary-General of the United Nations and the Director-General of UNESCO to ascertain which of the elements of the over-all programme should be financed and administered by each of the two organizations, and invitations to UNESCO from the General Assembly to consider undertaking certain specific tasks, such as the preparation of a model curriculum and the granting of subventions or other forms of aid to international non-governmental institutions engaged in the teaching, study or dissemination of international law.

1966

(a) Organization of a regional training and refresher course in Africa, along the lines proposed in paragraphs 59-69 above, of four weeks' duration, to be held in a country inviting the United Nations to organize the course there, with the following topics:

Principles of the United Nations Charter

Diplomatic Relations and Immunities

The law of Treaties

(b) Award of ten fellowships, at the request of Governments of developing countries and with due regard to equitable geographical distribution, on the basis of the suggestions contained in paragraphs 70-74 above, for the study of subjects related to the work of the United Nations bodies dealing with legal subjects or legal aspects of other United Nations activities.

(c) If advisory services are requested by some developing countries, provision of up to three experts, along the lines set out in paragraphs 75-78 above.

(c) Provision of a set of United Nations legal publications to up to fifteen institutions of developing countries including all volumes of:

Repertory of practice of United Nations Organs

Repertoire of the practice of the Security Council

Reports of international arbitral awards

Status of multilateral conventions

Yearbook of the International Law Commission

/...

Selected reports and studies/sales publications categ. V./

Publications of the International Court of Justice (Reports and Yearbooks)  
United Nations Juridical Yearbook

(e) Provision of temporary assistance to the Office of Legal Affairs for the preparation of a survey of certain of the principal examples of the codification and progressive development of international law during the last twenty years within the United Nations framework.

(f) Possible subventions or other forms of aid by UNESCO to international non-governmental institutions active in the field of international law such as The Hague Academy of International Law, as mentioned in paragraph 88 above.

### 1967

(a) Organization of a seminar, of high-level experts, along the lines proposed in paragraphs 51-58 above of up to three weeks duration, to discuss the subject of (to be decided upon in accordance with paragraph 68). The seminar would be convened at the United Nations Headquarters, the European Office, or a regional office of the United Nations, or in a Member State, if an invitation to this effect was extended.

(b) Award of fifteen fellowships under the same conditions as in 1966 (see sub-paragraph (b) under "1966" above).

(c) Provision of up to five experts, if requested by developing countries, under the same conditions as in 1966 (see sub-paragraph (c) under "1966" above).

(d) Provision to another twenty institutions of sets of United Nations legal publications as in 1966 (see sub-paragraph (d) under "1966" above).

(e) Possible convening by UNESCO of a panel of experts for the purpose of preparation of a model curriculum as proposed in paragraph 34 above.

(f) Provision of funds for the publication of the survey, mentioned in sub-paragraph (e) for the year 1966, of approximately 500 pages, printed in 2,500 English copies, 1,500 French copies and 1,000 Spanish copies, keeping in mind the publication of the survey in the other official languages, as recommended in paragraph 91.

99. The Special Committee considers that the level of expenditures entailed in the realization of the programme of activities for 1967 should represent the upper limit, not to be exceeded in the subsequent period of the operation of such a programme, mentioned in paragraph 98.

100. Additional measures should be undertaken only if voluntary contributions are forthcoming. If so, the following measures might be considered:

(a) The establishment of an international institute in Africa for nationals of developing countries under the aegis of the United Nations, for post-graduate study in international law, provided very substantial contributions are received.

(b) From voluntary contributions of a more modest scale, the General Assembly could at its next session consider approving the following, in addition to measures to be undertaken otherwise in 1965-1967 according to the above plan of activities:

- (i) organization of another regional training and refresher course;
- (ii) increase in the number of fellowships;
- (iii) increase in the number of experts;
- (iv) provision of legal libraries, mentioned in paragraph 84;
- (v) establishment of documentation centres, regional or national, mentioned in paragraph 85;
- (vi) subventions for the republication of selected legal texts which are out of print, and for the translation of standard texts, mentioned in paragraph 83.

## PART V

### MACHINERY FOR IMPLEMENTING AND SUPERVISING THE PROGRAMME

101. Should the General Assembly approve a programme of technical assistance and exchange in the field of international law, along the lines suggested in sections A and B of part I of the present report, and should it make a separate appropriation in the regular budget of the United Nations for provision of technical assistance to promote the teaching, study, dissemination and wider appreciation of international law, the Secretary-General should be asked to administer the programme in accordance with normal technical assistance procedures. Arrangements as already mentioned in paragraph 98 above (see sub-paragraph (c) under "1965"), should also be made between the Secretary-General and the Director-General of UNESCO to determine which elements of the programme should be financed and organized by each of the two institutions.

102. In the event that such an appropriation for this new activity is made in the regular budget, the same procedural arrangements for annual submissions to the General Assembly should apply as are applicable to all other kinds of technical assistance financed from the regular budget. That is, the annual programme as developed by the Secretary-General in substantive consultation with the advisory committee referred to in paragraph 103 below should be transmitted to the General Assembly through the Technical Assistance Committee, which would be free to make general observations thereon in the light of over-all financial considerations. This is the procedure now followed for programme development in consultation with the Human Rights Commission and the Commission on Narcotic Drugs. Additionally, as in the case of the Human Rights programme, the funds made available should be treated as earmarked exclusively for technical assistance in the field of international law.

103. The Committee recommends that an advisory committee be established, to be composed of not more than ten representatives of Member States, initially appointed by the General Assembly for a period of three years, which would report to the General Assembly on its work. This Committee should meet as appropriate to advise the Secretary-General on the substantive aspects of the programme approved. Any extra costs of representatives should be borne by the individual States members of the Committee.

ANNEX

Administrative and financial implications of the report of the Special Committee on Technical Assistance to Promote the Teaching, Study, Dissemination and Wider Appreciation of International Law

1. In accordance with rule 154 of the rules of procedure of the General Assembly, the following information was given by the Secretary-General to the Special Committee with respect to the administrative and financial implications of the recommendations in part IV of its report for a specific programme of activities to be undertaken by the United Nations in the period 1965 to 1967.
2. The Special Committee's proposals with respect to the year 1965 would not in themselves entail new appropriations for that year. In the light of the discussions in the Special Committee, it would be the intention of the Secretary-General to engage in the various promotional work proposed to the extent that this could be done without amending the 1965 budget request currently before the General Assembly. Those suggestions which call for action by the United Nations Training and Research Institute would have to be considered by the Governing Board of that Institute when it comes into existence early in 1965. The Institute is to be financed exclusively from voluntary donations which are now being sought. The Secretary-General is not in a position to comment upon the extent to which activities proposed for UNESCO could be implemented by that organization, but he would be prepared to enter into discussions with the Director-General of UNESCO on this subject if requested to do so by the General Assembly.
3. The Special Committee has recommended the establishment, as from 1966, of a clearly defined programme in the field of international law, financed from the regular budget of the United Nations. The regular United Nations programme of technical assistance under part V of the budget cannot, within the present ceiling established by the General Assembly, provide financially for the type or scale of activity recommended by the Special Committee. As indicated by the Secretary-General in his preliminary administrative and financial implications statements to the Special Committee and as recommended by the Special Committee, any such new programme would necessitate the appropriation of additional budgetary funds which would have to be earmarked specifically for the new purpose.

4. Consequently, it appears that a special appropriation of approximately \$210,000 would be needed if all of the items listed in the Special Committee's proposals for 1966 were in fact to be accomplished in that year. The items are:

|                                                                                              |                |
|----------------------------------------------------------------------------------------------|----------------|
| (a) An African training course (4 weeks duration) . . .                                      | up to \$50,000 |
| (b) 10 fellowships (of 3 or 6 months duration) . . . . .                                     | 24,500         |
| (c) 3 advisers on a full year basis . . . . .                                                | 67,500         |
| (d) Additional staffing in the Legal Office for<br>administration of the programme . . . . . | up to 48,000   |
| (e) Temporary assistance for preparation of<br>legal survey . . . . .                        | 20,000         |

Additionally, it is necessary to inform the General Assembly that if the publications referred to in sub-paragraph (d) of the programme for 1966 on page 42 of the Special Committee's report were to be given to some fifteen institutions of developing countries free of charge, a loss of sales revenue of about \$7,500 would result, and some costs would be incurred for shipping of the publications to recipients.

5. The further development of such a United Nations programme recommended by the Special Committee for 1967 would require, based on present costs, an appropriation of nearly \$280,000 in 1967, as detailed below:

|                                                                                              |          |
|----------------------------------------------------------------------------------------------|----------|
| (a) International seminar (3 weeks, HQ) . . . . .                                            | \$55,000 |
| (b) 15 fellowships (of 3 or 6 months duration) . . . .                                       | 36,750   |
| (c) 5 advisers on a full year basis . . . . .                                                | 112,500  |
| (d) Publication of legal survey in 3 languages . . . .                                       | 25,500   |
| (e) Additional staffing in the Legal Office for<br>administration of the programme . . . . . | 50,000   |

Additionally, provision free of charge of sets of legal publications to a further twenty institutions as recommended, would entail a loss of sales revenue in 1967 of approximately \$10,000; again some costs would be incurred for shipping.

6. The Special Committee has recommended that the level of expenditures entailed in the execution of the recommended programme for 1967 should be the upper limit of the programme of technical assistance in the field of international law in subsequent years. Thus, the continuing programme envisaged by the Special Committee would entail annual appropriations at a level of some \$270,000 to \$280,000, as from the budget year 1967.

7. Should the scope of activities outlined in part IV of the Special Committee's report be approved in principle by the General Assembly at its present session, for financing through the regular budget, the Secretary-General would include the additional budgetary provisions required to implement the programme recommended for 1966 in his initial budget requests for that year.

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