

Document:-  
**A/CN.4/L.67**

**Note by the Secretariat**

Topic:  
**Other topics**

Extract from the Yearbook of the International Law Commission:-  
**1956, vol. II**

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# PUBLICATION OF THE DOCUMENTS OF THE INTERNATIONAL LAW COMMISSION

## DOCUMENT A/CN.4/L.67

### Note by the Secretariat

[Original text: French]

[26 April 1956]

1. In resolution 987 (X) of 3 December 1955, adopted on the report of the Sixth Committee,<sup>1</sup> the General Assembly requested the Secretary-General to arrange as soon as possible for the printing of the following documents of the first seven sessions of the International Law Commission:

(a) The studies, special reports, principal draft resolutions and amendments presented to the Commission, in their original languages;

(b) The summary records of the Commission, initially in English.

2. The General Assembly also requested the Secretary-General to arrange for the printing each year, in English, French and Spanish, of the documents mentioned in the preceding paragraph relating to future sessions of the Commission.

3. Finally, it invited the Commission to express its views for the guidance of the Secretary-General with respect to the selection and editing of the documents to be printed and, if necessary in its opinion, to resubmit to the General Assembly the question of the printing of the documents of the Commission.

4. There is a considerable backlog of documents to be published, amounting to about 12,000 mimeographed pages for the first seven sessions of the Commission; the number is divided almost equally between the summary records, to be printed in English, and the studies, special reports, principal draft resolutions and amendments presented to the Commission, which are to be published in their original languages.<sup>2</sup> However the number of pages for the different sessions varies appreciably.<sup>3</sup>

5. The Fifth Committee, in its report to the Assembly, asked that the work of editing the documents of previous sessions should be spread over a period of three years (A/3052, para. 11).

<sup>1</sup> *Official Records of the General Assembly, Tenth Session, Annexes*, agenda item 50, document A/3028. The Committee discussed this question at its 445th to 452nd meetings (see *Official Records of the General Assembly, Tenth Session, Sixth Committee*, 445th-452nd meetings).

<sup>2</sup> About 3,400 pages in English, 1,800 in French, and 200 in Spanish.

<sup>3</sup> (a) Summary records: first session 679 pp.; second session 1,033 pp.; third session 1,372 pp.; fourth session 648 pp.; fifth session 1,022 pp.; sixth session 491 pp.; seventh session 840 pp. (b) Other documents: first session 186 pp.; second session 1,457 pp.; third session 595 pp.; fourth session 749 pp.; fifth session 1,289 pp.; sixth session 615 pp.; seventh session 420 pp.

6. The only problems arising are discussed in the two following sections and relate (a) to the selection and editing of the documents and (b) to the form of publication.

#### SECTION I. SELECTION AND EDITING OF THE DOCUMENTS

7. During the discussions in the Sixth Committee two opposite opinions were expressed. Some representatives thought that "all the Commission's documents should be printed, as there was no sound criterion for classifying them with respect to their importance". Others considered that "some selection was necessary and that this task could best be entrusted to the Commission itself, which should give the necessary instructions on the subject to the Secretary-General".<sup>4</sup> The resolution adopted by the Assembly represents the latter view. In any case the problem presents a different aspect according to the category of documents to be published, but in selecting and editing the documents two guiding principles should be followed: (a) the texts should be reproduced as faithfully as possible; (b) the repeated reproduction of the same text should be avoided.

#### *Summary records*

8. The publication of summary records does not seem to present any major problems. The existing texts are final ones which members of the Commission have had the opportunity of correcting. The work of editing will consist simply in ensuring uniform presentation, correcting material errors, incorporating the corrigenda in the text and deleting paragraphs dealing with administrative questions of minor importance. There can be no question of changing the substance and still less of not reproducing some summary records. On the other hand certain additions mentioned in the next paragraph will be made.

#### *Working documents*

9. Most of these documents can be incorporated in the summary records, either in the body of the text or as footnotes. Parts of the Commission's draft report amended in the final report can be treated in the same way. However a problem arises when these documents are in a language other than English, the language in which the summary records of the first seven sessions are to be reproduced. It would be advisable in this case to waive

<sup>4</sup> *Official Records of the General Assembly, Tenth Session, Annexes*, agenda item 50, document A/3028, para. 31.

the principle of reproduction in the original language and to insert in the summary record the English translation of the text, the original text being given in a footnote, if necessary.

10. Some documents (such as working papers), the only purpose of which was to facilitate discussion, can quite well be ignored.

*Reports of special rapporteurs and comments by Governments*

11. The publication of these documents seems to present no problem. They should be reproduced in full and as faithfully as possible.

*Studies and memoranda by the Secretariat*

12. These documents should also be published. However it is for the Commission to make a selection.

*Reports on the work of the session*

13. During each session the Commission draws up a draft report on its work, which first appears in mimeographed form in the "LIMITED" series of its documents (A/CN.4/L...). After discussion this draft appears as a final report, also in mimeographed form, but in the "GENERAL" series (A/CN.4/...). After some changes

of language and form the report is then printed in the series of Supplements to the Official Records of the General Assembly.

14. In order to preserve the homogeneous character of the series of publications planned, the final report must be included together with the other documents of the Commission. The text reproduced will be identical with that in the series of Supplements to the Official Records of the Assembly.

SECTION 2. FORM OF PUBLICATION

15. It is proposed to edit the documents by session rather than by subject; the latter solution would be impracticable since it could only be used for subjects discussion of which had been finally completed.

16. The publication could therefore take the form of a year-book, in one or two volumes.

17. With regard to presentation, it is proposed to adopt a chronological division in three parts:

(a) Reports of special rapporteurs, communications for Governments and memoranda and studies by the Secretariat;

(b) Summary records and working documents;

(c) Report on the work of the session.