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**Cooperation with other bodies - Distribution of the documents of the Commission -
Memorandum prepared by the Secretariat**

Topic:
Cooperation with other bodies

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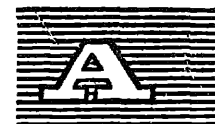
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INTERNATIONAL LAW COMMISSION
Sixteenth Session
Agenda item 8

CO-OPERATION WITH OTHER BODIES

Distribution of the documents of the Commission

Memorandum prepared by the Secretariat

I - Introduction

1. The report of the International Law Commission on the work of its fifteenth session^{1/} states:

"The Commission expressed the hope that the relevant regulations of the United Nations would be so adapted as to ensure a better exchange of documentation between the Commission and the bodies with which it co-operates. The Commission further recommended that the Secretariat should make whatever arrangements were needed for the purpose".

2. This paragraph arose out of discussions at the 715th and 719th meetings of the Commission on 5 and 11 July 1963. At the 715th meeting, it was suggested that the question of expanded co-operation with other organs, official and otherwise, should be placed on the Commission's agenda for its sixteenth session, and the Commission adopted the suggestion.

3. This memorandum is intended to inform the Commission about the present distribution of its documents and to provide a basis for a further study of the problems concerning co-operation with other bodies through exchange of documentation.

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

4. It may also be recalled in connexion with this question that the General Assembly at its eighteenth session adopted resolution 1968 (XVIII) of 16 December 1963, which in its operative paragraph 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; ..."

In pursuance of this resolution the Secretary-General, by a letter of 16 January 1964, informed the following sixteen organizations of the topics on the agenda of the Sixth Committee, the International Law Commission and the Legal Sub-Committee of the Committee on the Peaceful Uses of Outer Space :

- Asian-African Legal Consultative Committee
- Council of Europe
- The Hague Academy of International 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
- Organization of American States

II - Free distribution of documents of the International Law Commission

5. Part of the free distribution of the documents of the International Law Commission is through the ordinary channels for the distribution of United Nations documents in general, to governments, to specialized agencies, to regional commissions, offices, and information centres of the United Nations, to non-governmental organizations in consultative status with the Economic and Social Council and to United Nations depositary libraries.

There is also free distribution in accordance with paragraph 2 of article 26 of the Statute of the Commission, which reads:

"For the purpose of distribution of documents of the Commission, the Secretary-General, after consultation with the Commission, shall draw up a list of national and international organizations concerned with questions of international law. The Secretary-General shall endeavour to include on this list at least one national organization of each Member of the United Nations."

A. Ordinary official distribution

6. Governments of States Members of the United Nations may receive, upon request, up to 30 free copies of printed documents of the Organization, including the reports and the Yearbooks of the Commission. Some of these copies are given to the permanent missions in New York, while others are sent by the United Nations to Ministries of Foreign Affairs or other government departments. In addition, Governments of Member States may receive mimeographed documents without numerical limit, to the extent permitted by existing supplies.

7. States not Members of the United Nations may receive up to 5 copies of printed documents, and may receive mimeographed documents on the same conditions as Member States.

8. Distribution to States accounts for the largest share of the free distribution of the documents of the Commission. The precise numbers distributed naturally vary from document to document, but it is estimated that on the average about 650 copies of each printed Commission document (475 English, 110 French and 65 Spanish) are given to delegations, and 450 copies (250 English, 100 French and 100 Spanish) are sent to Ministries.

9. Specialized agencies are sent a total of about 45 copies (25 English, 10 French and 10 Spanish). In addition, certain other inter-governmental organizations receive United Nations documents on an exchange basis.

10. Regional commissions of the United Nations and the European Office receive together a total of about 50 copies, and information centres receive an equal number.

11. Non-governmental organizations in consultative status of Category A are entitled to receive all printed documents. Such organizations in Category B or on the Register receive free only those printed documents whose contents have not previously been available in mimeographed form, so that, while they are entitled to receive all the Commission's mimeographed documents of general distribution, they

are sent only volume I of the Commission's Yearbook, and not volume II. About 40 copies of the Commission's documents are sent to non-governmental organizations.

12. The Depositary Libraries of the United Nations receive all of the official records of the United Nations, including the Yearbooks of the Commission, and a considerable number of them, and of other public libraries as well, receive mimeographed documents. The latest edition of the "List of Libraries and Information Centres receiving United Nations Material" (ST/LIB/12, of 6 November 1963) lists 251 depositary libraries throughout the world. That publication gives an idea of the availability of United Nations publications, including those of the International Law Commission.

13. The total number of copies of the Commission's publications which are distributed in the ways described above is about 915 (550 English, 200 French and 165 Spanish).

B. The International Law Commission List

14. At the first session of the Commission in 1949, the Secretary-General, in pursuance of paragraph 2 of article 26 of the Statute, submitted a draft distribution list (A/CN.4/8) and, after discussion at the thirty-fourth meeting of the Commission, additions to it were made in accordance with the suggestions of members. It was noted in the Commission's report that "... it was understood that further additions could be made at any time".^{1/} In the time which has elapsed since 1949, the list has been gradually added to and revised until it now contains 156 addresses.

15. Two inter-governmental organizations, the Asian-African Legal Consultative Committee and the Pan American Union (which provides the secretariats for the Inter-American Council of Jurists and its standing committee, the Inter-American Juridical Committee), are included in the list. It should be added that other inter-governmental organizations receive the publications of the Commission either through exchange or through special arrangements.

16. There are the following six international non-governmental organizations on the list:

^{1/} Official Records of the General Assembly, Fourth session, Supplement No.10 (A/925), para. 39.

Comité de Droit international privé

Hague Academy of International Law

Institute of International Law

Inter-American Bar Association

International Association for the Protection of Industrial Property

International Association of Democratic Lawyers

In addition to these organizations, the International Law Association, which has consultative status with the Economic and Social Council, is entitled to receive the Commission's documents under the arrangements described in paragraph 11 above. Moreover ten of the national branches of the International Law Association (the branches in Argentina, Belgium-Luxembourg, Czechoslovakia, Greece, Israel, Italy, Norway, Poland, Sweden and Switzerland) are included on the International Law Commission's list.

17. The rest of the list is composed of national organizations, including institutes and universities, etc.

III - Considerations concerning increase of the free distribution of Commission documents

18. As has been indicated above, the total free distribution of publications of the International Law Commission, including both the regular distribution with other official records and also that in accordance with paragraph 2 of article 26 of the Statute, comes to about 1070 copies. These publications, apart from being available in the 251 depositary libraries of the United Nations, are sent to various international governmental and non-governmental organizations, and to national organizations, including institutes, universities, etc. in 59 countries.

19. The distribution list drawn up in accordance with the Statute is subject to change at any time, and the Secretary-General would welcome the suggestions of the Commission concerning additional organizations to which the Commission's documentation would be useful, or concerning organizations now on the list which have ceased to need that documentation. As regards such suggestions, certain considerations are submitted to the Commission's attention.

20. (1) During the last session of the Commission it was suggested that there should be a full exchange of documentary material between the Commission and the bodies with which it co-operates. Those bodies have different kinds of membership. One, the Inter-American Juridical Committee, is, like the International Law Commission, composed of experts. The Secretariat, if requested by the Commission,

could consult that Committee with a view to putting on its distribution list the members of the Committee who desire to receive the Commission's documentation, and to arranging for the Committee's documentation to be received in exchange.

21. The members of the two other bodies with which the Commission co-operates - i.e. the Asian-African Legal Consultative Committee and the Inter-American Council of Jurists - are States, and not individual experts. The States members of those bodies are all Members of the United Nations, and consequently are already entitled to ask for 30 free copies of printed documents of the Organization and larger quantities of mimeographed documents. Thus those States are already in a position to provide their representatives in those bodies with the documentation of the Commission. Also, it does not seem altogether practical for the United Nations to try to send documents to representatives on the bodies, since they change from session to session and are often designated only very shortly in advance of sessions.

22. (2) It was also suggested at the last session that the Commission should widen the scope of its co-operation with certain non-governmental organizations, in particular with the International Law Association and with the Institute of International Law. As has already been stated (see paragraph 4) the General Assembly at its last session adopted a provision for keeping organizations or institutions in the field of international law informed of the topics before legal organs of the United Nations, and the two organizations just mentioned, along with a number of others, have been informed inter alia of the topics before the International Law Commission.

23. Should it be envisaged that widened co-operation with non-governmental organizations should take the form of a more extensive free distribution of documents, there would be serious problems. Some organizations concerned with international law have a very numerous membership: the International Law Association, for example, had according to the latest available information a total of 3930 members, of whom 499 were Headquarters members and the rest belonged to the 32 national branches of the Association. The Institute of International Law, which is probably the smallest non-governmental organization in the field, has 60 members and 72 associate members.

24. If documents were to be exchanged on a large scale between the Commission and non-governmental organizations, there would be a problem of choosing the organizations with which such arrangements should be made. Even if the field were restricted to international rather than national organizations, only a certain number could be sent free documentation. Careful consideration would be required in order to establish criteria for the purpose of selecting organizations to which the documents of the Commission would be given.