



UNITED NATIONS  
GENERAL  
ASSEMBLY



Distr.  
GENERAL

A/6492  
1 November 1966

ORIGINAL: ENGLISH

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Twenty-first session  
Agenda item 86

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

Report of the Secretary-General

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## I. INTRODUCTION

### 1. Establishment of the programme of assistance and exchange in the field of international law

1. During its twentieth session the General Assembly considered the topic "Technical assistance to promote the teaching, study, dissemination and wider appreciation of international law". The item was referred to the Sixth Committee, which had before it the report of the Special Committee established under resolution 1968 A (XVIII) for the purpose of drawing up a practical plan and proposals for United Nations action in this sphere.<sup>1/</sup> Following the discussions of the recommendations of the Special Committee, the Sixth Committee adopted a draft resolution establishing a programme of assistance and exchange in the field of international law.

2. At its 1404th plenary meeting, held on 20 December 1965, the General Assembly, on the recommendation of the Sixth Committee,<sup>2/</sup> adopted the draft resolution which thereby became resolution 2099 (XX). The resolution was adopted by 75 votes to 2, with 11 abstentions. The operative paragraphs of the resolution read as follows:

"The General Assembly,

...

1. Expresses its appreciation to the Special Committee on Technical Assistance to Promote the Teaching, Study, Dissemination and Wider Appreciation of International Law and to the United Nations Educational, Scientific and Cultural Organization for the work accomplished in the preparation of the programme of assistance and exchange in the field of international law;

2. Decides to establish a programme of assistance and exchange in the field of international law consisting of:

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<sup>1/</sup> The Special Committee on Technical Assistance to Promote the Teaching, Study, Dissemination and Wider Appreciation of International Law was composed of representatives of Afghanistan, Belgium, Ecuador, Ghana, Hungary and Ireland. For its report see Official Records of the General Assembly, Twentieth Session, Annexes, agenda item 89, document A/5887.

<sup>2/</sup> Ibid., document A/6136, para. 29.

/...

(a) Steps to encourage and co-ordinate existing international law programmes carried out by States and by organizations and institutions, such as those proposed by the Special Committee in part I, section A, of its report to the General Assembly;

(b) Forms of direct assistance and exchange, such as seminars, training and refresher courses, fellowships, advisory services of experts, the provision of legal publications and libraries, and translations of major legal works;

3. Authorizes the Secretary-General to initiate the preparatory work for this programme in 1966 within the total level of appropriations approved for that year;

4. Requests the Secretary-General to publicize the above-mentioned programme and invites Member States, interested national and international institutions and organizations, and individuals to make voluntary contributions towards the financing of this programme or otherwise towards assisting in its implementation and possible expansion, in accordance with the report of the Special Committee;

5. Requests the Secretary-General, taking into consideration the voluntary contributions which may have been received in terms of paragraph 4 above and in consultation with the Advisory Committee on Administrative and Budgetary Questions, to make in the budget estimates for 1967 and 1968 such provisions as may be necessary to carry out the activities specified in the annex to the present resolution;

6. Invites the United Nations Educational, Scientific and Cultural Organization to participate in the implementation of the programme established in paragraph 2 above and requests the Secretary-General to reach agreement with the Director-General of that organization, subject to any necessary approval by the competent authorities of the two organizations, as to which parts of the programme are to be financed and administered by each organization;

7. Requests the Board of Trustees of the United Nations Institute for Training and Research to consider the ways in which international law is to be given its proper place among the activities of the Institute in the light of the report of the Special Committee and of the views expressed on the subject in the Sixth Committee;

8. Decides to establish an Advisory Committee on Technical Assistance to Promote the Teaching, Study, Dissemination and Wider Appreciation of International Law - composed of ten Member States to be appointed every three years by the General Assembly - which shall meet at the request either of the Secretary-General or of a majority of its members, shall advise the Secretary-General on the substantive aspects of the programmes contained in the report of the Special Committee and on

the implementation of the present resolution and shall report, as appropriate, to the General Assembly; a representative of the United Nations Educational, Scientific and Cultural Organization and a representative of the United Nations Institute for Training and Research shall be invited, whenever necessary, to the meetings of the Advisory Committee;

9. Reiterates the appeal to Member States, made in its resolution 1968 C (XVIII) of 16 December 1963, inviting them to offer foreign students fellowships in the field of international law at their universities and institutions of higher education and 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 that field;

10. Calls the attention of Member States to the existing arrangements whereby, apart from the programme mentioned in paragraph 2 above, requests may be made:

(a) Under part V of the regular budget for assistance with respect to any international legal aspects involved in development projects, and under the human rights advisory services programme for assistance relating to the field of international law;

(b) Under the Expanded Programme of Technical Assistance for assistance in specific fields of international law related to economic, social or administrative development, provided such requests are included in country programmes in accordance with the relevant rules and procedures;

11. Requests the Secretary-General to report on the implementation of the present resolution and decides to include in the provisional agenda of its twenty-first session an item entitled 'Technical assistance to promote the teaching, study, dissemination and wider appreciation of international law';

12. Requests the Secretary-General to explore the possibility of including the topic 'The teaching, study, dissemination and wider appreciation of international law' among the subjects of technical assistance programmes and to report thereon to the General Assembly at its twenty-first session.

ANNEX

Programme for 1967

(a) A regional training and refresher course of four weeks' duration, which will be given in Africa and which will be the first of a series of such courses to be held every two years, in rotation, in Africa, Asia and Latin America;

(b) Award of ten fellowships at the request of Governments of developing countries;

(c) Advisory services of up to three experts, if requested by developing countries;

(d) Provision of a set of United Nations legal publications to up to fifteen institutions in developing countries;

(c) Preparation of a survey of certain of the principal examples of the codification and progressive development of international law within the framework of the United Nations.

Programme for 1968

(a) A regional seminar of three weeks' duration, which will be held in Latin America and which will be the first of a series of such seminars to be held every two years, in rotation, in Latin America, Africa and Asia;

(b) Award of fifteen fellowships at the request of Governments of developing countries;

(c) Advisory services of up to five experts, if requested by developing countries;

(d) Provision of a set of United Nations legal publications to up to twenty institutions in developing countries;

(e) Publication of a survey of certain of the principal examples of the codification and progressive development of international law within the framework of the United Nations."

2. Advisory Committee on Technical Assistance to Promote the Teaching, Study, Dissemination and Wider Appreciation of International Law

3. At its 1404th plenary meeting, the General Assembly, acting on the recommendation of the Sixth Committee, appointed the following States as members of the Advisory Committee established under paragraph 8 of resolution 2099 (XX):

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Afghanistan, Belgium, Ecuador, France, Ghana, Hungary, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania and United States of America. The meetings of the Advisory Committee are described in part IV below, which also contains the text of the Committee's recommendations to the Secretary-General. The Secretary-General has accepted in full the recommendations of the Committee.

3. Participation and activities of UNESCO and UNITAR

(a) UNESCO

4. In paragraph 6 of resolution 2099 (XX) the General Assembly invited the United Nations Educational, Scientific and Cultural Organization (UNESCO) to participate in the implementation of the programme and requested the Secretary-General

"to reach agreement with the Director-General of that organization, subject to any necessary approval by the competent authorities of the two organizations, as to which parts of the programme are to be financed and administered by each organization."

Following the adoption of the resolution the Director-General affirmed the intention of UNESCO to co-operate with the United Nations in the fulfilment of the programme, subject to the approval of the UNESCO General Conference. Negotiations are presently under way with UNESCO as to which portions of the programme should be conducted by UNESCO. The activities of UNESCO, which are described in paragraphs 21 to 26 and paragraph 30 below, deal mostly with educational needs in the field of international law.

5. It may be noted that the UNESCO draft programme and budget for 1967-1968,<sup>3/</sup> which will be considered by the UNESCO General Conference at its fourteenth session between 25 October and 30 November 1966, contains the following proposed resolution, entitled "Teaching of international law":

"Resolution 3.232: The Director-General is authorized, in co-operation with Member States and in collaboration with the appropriate national and international organizations, both governmental and non-governmental, to undertake, in conjunction with the United Nations, studies and surveys designed to promote a wider appreciation of international public law and the extension of teaching on this subject, and to take part in the relevant activities of Member States, at their request."

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<sup>3/</sup> UNESCO document 14 C/5.

6. In noting this resolution with satisfaction, the Executive Board of UNESCO, at its 73rd session held between 8 and 16 September 1966, recommended, inter alia, that particular attention should be given to the possibility of establishing inter-institutional arrangements, which would enable the United Nations, UNESCO, and the other organizations involved, to conduct an effective international law programme. The Secretary-General and the Executive Director of UNITAR agree that their representatives would be prepared to serve on a consultative group with the representatives of UNESCO.

(b) UNITAR

7. In paragraph 7 of resolution 2099 (XX) the General Assembly requested the Board of Trustees of the United Nations Institute for Training and Research (UNITAR) "to consider the ways in which international law is to be given its proper place among the activities of the Institute". After convening a panel of eminent international lawyers, the Executive Director of UNITAR included a number of items in the field of international law in the proposals regarding the future programme of UNITAR which he made to the UNITAR Board of Trustees at its fourth session, held between 14 and 16 September 1966. The Board of Trustees gave its general approval to the programme, including the items relating to international law, which are described more fully in paragraphs 31 to 40 below.

4. General considerations

8. In accordance with paragraph 11 of resolution 2099 (XX), the present report describes the steps which have been taken to implement the resolution. The report therefore covers the preparatory work which the Secretary-General has initiated in 1966 with respect to the programme and the action taken or proposed by UNESCO and by UNITAR in furtherance of the objectives of the programme. Following the division drawn in paragraph 2 of the resolution, the description of the various items of the programme is divided into two sections. The first relates to those items constituting "Steps to encourage and co-ordinate existing international law programmes carried out by States and by organizations and institutions", such as those recommended in part I, section A, of the report of the Special Committee. The second section deals with the forms of direct assistance and exchange

which may be provided, in particular the items specified in the annex to resolution 2099 (XX) for performance in 1967 and 1968. A separate account is given of the methods of financing the programme.

9. The remainder of the report is accordingly arranged as follows:

II. Programme of assistance and exchange in the field of international law.

A. Steps to encourage and co-ordinate existing international law programmes carried out by States, organizations and institutions.

B. Forms of direct assistance and exchange.

III. Methods of financing the programme.

IV. Meetings and recommendations of the Advisory Committee on Technical Assistance to Promote the Teaching, Study, Dissemination and Wider Appreciation of International Law.

V. Summary of financial implications.

II. PROGRAMME OF ASSISTANCE AND EXCHANGE  
IN THE FIELD OF INTERNATIONAL LAW

A. Steps to encourage and co-ordinate existing international law programmes carried out by States, organizations and institutions.

10. In paragraph 2 of resolution 2099 (XX), the General Assembly decided that the first part of the programme of assistance and exchange in the field of international law should consist of

"(a) Steps to encourage and co-ordinate existing international law programmes carried out by States and by organizations and institutions, such as those proposed by the Special Committee in part I, section A, of its report to the General Assembly."

In accordance with this provision the Secretary-General, acting in conjunction with the Director-General of UNESCO, has examined the proposals of the Special Committee with a view to determining the most suitable method for their execution. With some adaptation, for administrative or similar reasons, it has proved possible to begin the implementation of nearly all the suggestions made by the Special Committee. Items on which no action has been feasible at the present time include the co-sponsorship of meetings by the United Nations or UNESCO with other organizations or institutions. The following description of the steps taken "to encourage and co-ordinate existing international law programmes" has been divided according to whether responsibility was entrusted to the United Nations or to UNESCO, under the agreement reached in principle between the executive heads of the two Organizations.

1. Items for which the United Nations is responsible

(a) Preparation of a register of experts and scholars in international law

11. Further to a suggestion made by the Special Committee,<sup>4/</sup> the Secretary-General has taken steps to establish a register of experts and scholars in international law. The register will contain the names and other pertinent details of persons who have specialized knowledge and experience in the teaching and practice of international law and who might be suitable to assist in the establishment or

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<sup>4/</sup> Official Records of the General Assembly, Twentieth Session, Annexes, agenda item 89, document A/5887, para. 21.

improvement of national programmes for the teaching of international law, or to advise Governments on problems of international law, including the drafting and preparation of treaties and legislation touching on international legal issues. The Secretary-General accordingly wrote to States Members of the United Nations and UNESCO, asking them to furnish a list of their nationals who are qualified by their experience and distinction in the field of international law to be placed on the register and who have expressed a definite intention of making themselves available for service in developing countries, for whose use the register is primarily designed. The register, which will be completed during 1967, will be sent to all States Members of the United Nations and of UNESCO. Any State interested in the services of a person listed in the register may then contact him directly, or through his Government, in order to negotiate the terms of his engagement. The sole function of the United Nations will thus be to compile the register, on the basis of information supplied, for the use of States.

(b) Co-operation with other organizations

12. In accordance with a recommendation of the Special Committee,<sup>5/</sup> the Secretary-General wrote to twenty-two international organizations informing them of the establishment of the programme and of the items before the Sixth Committee, the International Law Commission and the Legal Sub-committee of the Committee on the Peaceful Uses of Outer Space. The organizations, which were invited to submit any comments they might have with regard to these topics or information regarding their own related activities, were as follows: Asian-African Legal Consultative Committee, Council of Europe, Hague Academy of International Law, Hague Conference on Private International Law, Inter-American Institute of International Legal Studies, 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, International Association for the Unification of Private Law, World Peace through Law Centre, Inter-American Juridical Committee, Organization of African Unity and World Federation of United Nations Associations.

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<sup>5/</sup> Ibid., para. 30.

13. Six of these organizations replied giving information regarding their activities. The Asian-African Legal Consultative Committee stated that, as an indication of its desire to assist in the realization of the objectives of the programme, it had decided to grant scholarships to enable two persons, coming from States participating in the Committee, to receive training in international law research in the Committee's secretariat. The Council of Europe provided extensive information regarding studies and other projects conducted under its auspices on legal matters being considered by United Nations bodies. Some of the material provided was transmitted to the Special Rapporteurs of the International Law Commission. The Council of Europe also drew attention to the work done by an expert committee regarding the publication of repertoires of the practice in international law of various European States; it was suggested that a model outline which had been drawn up by this committee might serve as a basis for the preparation of future national repertoires, and also be of assistance to the Ministries of Foreign Affairs of newly independent States in adopting a system of classification of diplomatic documents. The Hague Academy of International Law referred to the fact that topics on the agenda of all three United Nations bodies had been the subject of courses at The Hague and expressed its desire to co-operate with the United Nations, in particular with respect to the teaching of international law. The Institute of International Law listed the topics in the field of public international law currently on its work programme and referred in especial to its co-operation with the International Law Commission, which had supplied documentation to certain of its members. The Inter-American Institute of International Legal Studies forwarded copies of two of its publications and of the outline of a basic course in international law which had been prepared under its auspices, for use in Latin America. The World Peace through Law Centre informed its members of the list of items before United Nations bodies by including them in its bulletin for July 1966. The Centre also drew attention to its various programmes designed to strengthen the role of law in international relations.

14. Having regard to the relatively low level of response and the difficulty of preparing a document giving an adequate amount of information which is of interest to all the organizations concerned, the Secretary-General proposes in future years to restrict the list of recipient organizations to those whose main centre of activity is in the field of international law. Where, in appropriate cases, it appears that an item is of special interest to a particular organization, a special communication may be sent.

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(c) Publicity

15. Publicity is to be given within the context of the programme to two distinct aspects of international law. Firstly, as proposed by the Special Committee,<sup>6/</sup> publicity is to be given to international law and to the legal work of the United Nations as a whole. Secondly, under paragraph 4 of resolution 2099 (XX), the Secretary-General is requested to publicize the programme itself.

(i) Dissemination of information on international law through United Nations information media

Publications

16. It is hoped to publish a pamphlet describing the work of the International Law Commission before the end of 1966 or during early 1967. The pamphlet will be approximately the same in length as that already prepared dealing with the International Court of Justice. In addition it is hoped to produce a pamphlet during 1967 on the general topic of the United Nations and international law. Lastly, it is proposed that, at the conclusion of each session of the General Assembly, a document should be prepared containing the text of the resolutions adopted relating to the legal work of the United Nations. This document will be distributed, through United Nations information centres, to institutions throughout the world teaching international law or having research programmes in the field, thus avoiding the delay which now occurs between the adoption of a resolution and its dissemination at classroom level.

17. In addition to the above, an attempt will be made to increase and improve the present coverage of legal items in various other publications intended for the general public. The United Nations Monthly Chronicle will insert signed articles on items of major legal significance, and press releases on legal questions will include more background information.

Radio and visual media

18. The number of United Nations radio programmes devoted to international law topics will be maintained and if possible increased. It may be noted that considerable attention has been given to international law in previous years. The work of the Special Committee on Principles of International Law concerning

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<sup>6/</sup> Ibid., paras. 44-48.

Friendly Relations and Co-operation among States, for example, formed the subject of seven fifteen-minute radio programmes in the United Nations series "Perspective". As regards film and television programmes, there is some difficulty in expanding the present coverage of legal matters, which mostly forms part of general news items, by reason of the fact that the United Nations is largely dependent on national and commercial networks for the production and distribution of these programmes; in the experience of the United Nations, national and commercial networks are reluctant to accept programmes which are unlikely to appeal to a wide audience. The United Nations intends, however, to explore the possibilities of producing visual programmes relating to international law which would be suitable for general showing.

Promotion of interest in the legal work of the United Nations by the United Nations Office of Public Information

19. In addition to the above, the Office of Public Information will continue to endeavour to promote interest in the legal work of the United Nations through direct contact with individuals and organizations. The United Nations information centres have encouraged seminars, lectures and discussions for this purpose; during 1966, for example, an intensive study course on the United Nations, attended by some 300 participants, was organized by the Federal University of Juiz de Fora with the aid of the United Nations Information Centre in Rio de Janeiro. International law is included in the list of topics discussed in the triangular fellowship programme and the student interne programme, organized each year by the Office of Public Information. Legal affairs are also covered in the work at United Nations Headquarters with non-governmental organizations and in the material prepared for United Nations Day, which is distributed on a world-wide basis. All of these activities will be continued and possibly strengthened in the future; in particular, United Nations information centres will be asked to make formal approaches to appropriate organizations and individuals in order to stimulate their interest in United Nations legal activities.

(ii) Publicity given to the programme itself

20. Paragraph 4 of resolution 2099 (XX) requests the Secretary-General to publicize the programme established under the resolution. Three actions have been taken.

(a) The attention of Member States has been drawn to the programme in several notes verbales, in particular that sent in January 1966 requesting voluntary contributions, on which occasion a press release was also issued. Press releases have also been issued regarding the work of the Advisory Committee on Technical Assistance to Promote the Teaching, Study, Dissemination and Wider Appreciation of International Law.

(b) An article describing the programme was published in the April 1966 issue of the United Nations Monthly Chronicle.

(c) An article giving an outline description of the programme was sent to over fifty legal periodicals throughout the world, in all five official languages, for the information of lawyers and other members of the interested public.

## 2. Items for which UNESCO is responsible

21. In accordance with paragraph 6 of resolution 2099 (XX) negotiations are presently under way with UNESCO as to which parts of the programme are to be conducted by UNESCO. In addition to certain forms of direct assistance, which are referred to in paragraph 30 below, it was suggested that UNESCO should pursue a number of the suggestions of the Special Committee or which UNESCO had itself put forward when the programme was being formulated, related to teaching-cum-training-and-research needs in the field of international law.

### (a) Survey of the teaching of international law

22. A survey of the teaching of international law will be published by UNESCO during 1967, in English and French, in the series "The University Teaching of Social Sciences". The study will be distributed to States Members of the United Nations and UNESCO.

### (b) Promotion of fellowships and other forms of teaching assistance offered by States and organizations

23. UNESCO intends to strengthen its existing procedures whereby States and organizations are invited to offer fellowships and related forms of assistance through UNESCO. During the financial period 1967-1968 UNESCO will contact its African member States and request them to inform it of their precise teaching needs in the field of international law. Having ascertained these needs, UNESCO will

approach present or potential donor States and invite them to offer suitable fellowships, to provide teachers who could conduct courses in international law until African counterparts have been trained, and to endow university chairs. The procedure for preparing the UNESCO publication "Teachers for Africa", which already lists vacant posts, including those in international law, will be drawn on for this purpose. If the scheme is successful, it may be extended to other geographical regions.

(c) Exchange of publications and strengthening of library facilities

24. UNESCO intends to call the attention of States members and of interested organizations and institutions to two conventions adopted by the UNESCO General Conference on 3 December 1958, during its Tenth Session, relating respectively to the exchange of official publications and government documents between States and to the international exchange of publications. These conventions provide facilities for the exchange of books and publications which could be utilized for the purposes of the programme. In addition UNESCO is prepared to publish in the Unesco Bulletin for Libraries information concerning offers of, and demands for, the exchange of publications in the field of international law. Similar information will also be included in the Handbook on the International Exchange of Publications when a new edition is prepared.

25. It may be noted in this connexion that the Government of Greece has informed the Secretary-General that it is prepared to make available to selected institutions in developing countries a number of publications (in English and French) of the Greek Institute of International and Foreign Law, as its contribution towards furthering the objectives of the programme. The Government of Greece will communicate directly with the libraries concerned.

(d) Preparation of a study programme in the field of international law

26. UNESCO is considering the implementation of a study programme which would list the different topics in international law and indicate the various methods by which they might be taught. Such an activity would be designed as being useful to institutions in developing countries which are beginning studies in this field. UNESCO considers that the range of varying needs of developing countries does not

permit the realization of a more formal "model curriculum", as suggested by the Special Committee, applicable to all countries and in all circumstances. UNESCO believes that it would be preferable for it to concentrate its efforts on the preparation of a programme which is more adapted to the needs of the different parts of the world. In addition UNESCO plans to hold a seminar in Africa in 1968 under the technical assistance regional programme, designed to give extra training to teachers, specialists and advanced students.

B. Forms of direct assistance and exchange

27. Under paragraph 2 (b) of resolution 2099 (XX) the second portion of the programme is to consist of "forms of direct assistance and exchange", such as "seminars, training and refresher courses, fellowships, advisory services of experts, the provision of legal publications and libraries and translations of major legal works". This general description is supplemented by the annex to the resolution, which lists a number of items of direct assistance and exchange for performance beginning in 1967 and 1968. Before describing these items, an account is given of various activities which may also be considered under this section of the programme, namely the Geneva Seminar in International Law, the proposals made by UNESCO for providing certain forms of direct assistance to developing States, and the plans announced by UNITAR for the conduct of a range of projects in the field of international law.

28. In view of the financial position, which is examined more closely in part III below, it has not been possible to take any steps towards implementing some of the suggestions which were originally put forward. No action has been practical, for example, as regards the provision of libraries and the translation of major legal works, nor has it been feasible to consider making subventions to existing institutions or for the purpose of establishing new ones.

1. Geneva Seminar on International Law

29. During 1966 a three-week Seminar was organized at the United Nations Office at Geneva in connexion with the summer session of the International Law Commission. The 1966 Seminar, which was endorsed by the General Assembly in resolution 2045 (XX), was attended by twenty-two participants from twenty-one countries. Those attending,

mostly advanced students and young government officials, were selected so as to ensure representation on as wide a geographical basis as possible. Lectures were given by members of the International Law Commission and of the Secretariat, and by a professor from Geneva University. The Seminar was held without cost to the United Nations, which undertook no responsibility for the travel or living expenses of the participants. The Governments of Israel and Sweden offered scholarships for participants from developing countries. Four candidates were chosen as beneficiaries; owing to unforeseen circumstances, two of the beneficiaries had to renounce the scholarships just before the opening of the Seminar and only part of the funds offered could be used. In addition, the Government of France and the British Institute of International and Comparative Law each paid for a participant from a developing country. It is planned to hold a similar seminar in 1967.

2. Items of direct assistance to be provided by UNESCO

30. The UNESCO draft Programme and Budget for 1967-1968<sup>7/</sup> provides that, subject to the consent of the UNESCO General Conference, UNESCO will organize meetings and take other steps in order to study the extension of university teaching of international law and to examine selected problems acknowledged to be of theoretical and practical importance to developing countries. In addition, it is proposed that a seminar should be held in Africa in 1968 designed to give extra training to teachers, specialists and advanced students. The Advisory Committee on Technical Assistance to Promote the Teaching, Study, Dissemination and Wider Appreciation of International Law recommended that the Secretary-General should discuss with UNESCO the proposal that this project should be conducted jointly with the United Nations regional training and refresher course, due to be held in Africa in 1967 (see paragraphs 43 to 45 below).

3. Activities of UNITAR in the field of international law

31. In the light of resolution 2099 (XX) and the various suggestions which were made in the course of the Sixth Committee's debates during the twentieth session, UNITAR has given careful consideration to the question of the ways in which international law might be included in its programme. Following earlier discussions

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<sup>7/</sup> UNESCO document 14 C/5.

between the representatives of the Secretary-General and the Executive-Director of UNITAR, and his representatives, the Executive-Director of UNITAR convened a panel of experts in international law<sup>8/</sup> to advise the Institute on its activities in this field. Taking into account the views expressed by the members of the panel and others, the Executive-Director included a number of items relating to international law in the programme of UNITAR which he submitted to the Institute's Board of Trustees. At its fourth session, held between 14 and 16 September 1966, the Board of Trustees gave general approval to the programme. The representative of UNITAR made a statement on 19 September 1966, to the Advisory Committee on Technical Assistance to Promote the Teaching, Study, Dissemination and Wider Appreciation of International Law, in which he described the different activities which UNITAR plans to undertake in the sphere of international law. The items concerned, together with a summary of the discussions in the Advisory Committee, are described below under four headings: (a) studies; (b) seminars; (c) training course; and (d) fellowships.

(a) Studies

32. In the light of the advice received from the panel of experts and the comments made during the meetings of its Board of Trustees, UNITAR has given favourable consideration to the question of undertaking studies of the role of the United Nations in the codification and progressive development of international law. It may be recalled that in the annex to resolution 2099 (XX), sub-paragraph (e) envisages the preparation and publication of a "survey of certain of the principal examples of the codification and progressive development of international law within the framework of the United Nations". Having regard to the views expressed by the panel of experts UNITAR concluded that any survey or series of studies which it undertook should analyse the results achieved by the United Nations in the codification and progressive development of international law and examine the difficulties encountered. A survey of this kind would go beyond an historical

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<sup>8/</sup> The panel was composed of the following members of the International Law Commission: Mr. Roberto Ago (Italy), Mr. Herbert W. Briggs (United States of America), Mr. Abdullah El-Erian (United Arab Republic), Mr. José María Ruda (Argentina), Mr. Grigory I. Tunkin (Union of Soviet Socialist Republics) and Mr. Mustafa Kamil Yasseen (Iraq). Mr. Manfred Lachs (Poland), who was also invited, was unable to participate. The Legal Counsel of the United Nations, the Deputy-Director of the Social Sciences Department of UNESCO and the Director of Research of UNITAR also participated.

account of the codification conventions and would require considerable original empirical research and call for a higher degree of expertise. UNITAR considers it important that these studies be carried out with the participation of legal scholars from the main legal systems and various regions of the world.

33. The Advisory Committee on Technical Assistance to Promote the Teaching, Study, Dissemination and Wider Appreciation of International Law agreed that the Secretary-General should recommend to the General Assembly that it welcome UNITAR's plans to conduct the studies in question. The representatives of Hungary, the Union of Soviet Socialist Republics and the United Republic of Tanzania expressed the reservations of their Governments, however, and stated that, in their view, it would be desirable to endeavour to bring UNITAR's plans as closely as possible into line with the programme established under resolution 2099 (XX). The text of the recommendation adopted and of the reservations expressed is reproduced in paragraph 74 below.

34. The Secretary-General has accepted the recommendation of the Advisory Committee As regards the reservation made by the representatives of Hungary, the Union of Soviet Socialist Republics and the United Republic of Tanzania, the Secretary-General has held discussions with the representatives of UNITAR in order to see how the wish expressed by these States can best be met. On the basis of those further discussions the Secretary-General has concluded that the studies envisaged by UNITAR do in fact fall within the scope of the survey originally proposed, the main change being that UNITAR intends to conduct its studies on a broader basis, so as to emphasize the practical obstacles to codification which have been encountered. In the opinion of the Secretary-General studies of this type would be more useful than a purely historical survey. There are two further considerations which led the Secretary-General to support the recommendation that the General Assembly welcome UNITAR's plans to carry out studies in this sphere. The first is that the strong links between the United Nations and UNITAR and the fact that the United Nations is the depositary of much of the knowledge regarding the adoption of codification conventions, will inevitably mean in practice that the studies produced by UNITAR will be derived, at least in part, from collaboration between the two Organizations. The second consideration is financial. If the United Nations were to conduct the studies, or the survey originally envisaged, the total cost would be considerable.

In accordance with the recommendation of the Advisory Committee, the costs to the United Nations would be confined to those required to supplement the resources of UNITAR so as to enable it to carry out the studies.

35. In addition to studies relating to the codification and progressive development of international law, UNITAR will undertake other studies which are, in a broad sense, within the area of international law. These include, for example, studies on (i) fact-finding and conciliation procedures; (ii) the legal aspects of international river basin development; (iii) the international transfer of technology through enterprise-to-enterprise arrangements; and (iv), the problems of small States emerging from colonial rule, especially with respect to their participation in international organizations and other multilateral arrangements. Expressed in budgetary terms; it is estimated that about \$100,000 will be spent by UNITAR in 1967 on studies related to international legal problems, including those relating to the codification and progressive development of international law.

(b) Seminars

36. UNITAR plans to hold seminars dealing specifically with international law as well as subjects in which international legal considerations are important. In the latter category, it expects to hold one seminar in 1967 dealing with the resources of the sea. It also plans to hold a regional seminar every other year as envisaged in sub-paragraph (a) of the programme for 1968 contained in the annex to resolution 2099 (XX).

37. The members of the Advisory Committee on Technical Assistance to Promote the Teaching, Study, Dissemination and Wider Knowledge of International Law stated that they were pleased to learn of UNITAR's proposals for the conduct of seminars in international law. The Advisory Committee agreed that the Secretary-General should recommend to the General Assembly that it welcome UNITAR's proposals to conduct regional seminars beginning in 1968, as envisaged in the annex to resolution 2099 (XX); the text of the Committee's recommendation is reproduced in paragraph 74 below.

(c) Training

38. The programme for junior foreign service officers from newly-independent countries, which is conducted under the auspices of UNITAR, includes lectures on international law given by leading experts in the field and it imparts a basic

grounding in the subject. This programme will be continued in 1967 on approximately the same lines. Since it is recognized that more advanced and specialized training will be useful to middle grade officers of proven ability, after 1967 UNITAR plans to provide such training. The programme would include a training seminar on international law, with emphasis on multilateral organization and co-operation. If resources are adequate, it is hoped to conduct these courses at the international as well as the regional levels. UNITAR also will seek to strengthen the future training of national officials engaged in international work in local and regional institutes. It is expected that a beginning could be made in 1967 and that it will be increased in later years. More generally, UNITAR plans to stimulate new training methods and techniques in regard to problems of international concern. An effort will be made - through studies and experimental seminars - to introduce training focused on decision-making and problem-solving in various fields of special interest to the United Nations.

(d) Fellowships

39. The representative of UNITAR informed the Advisory Committee that UNITAR is in a position to administer fellowships for training and research in international law. It will, during 1967, have nine Adlai Stevenson Fellows pursuant to a grant of \$100,000 made by the United States Government for this purpose. It is anticipated that some of these Fellows will be especially engaged in projects on international law or having legal aspects. UNITAR would also be in a position - and indeed would welcome - additional fellowships under which scholars, between the ages of twenty-five and thirty-five, could carry out studies and assist in seminars and training in the field of international law.

40. The Advisory Committee took note of UNITAR's activities in relation to the administration of fellowships in the field of international law. It was suggested during the Committee's discussions that UNITAR might find it possible to co-operate with the United Nations with regard to the award of fellowships as envisaged in sub-paragraphs (b) of resolution 2099 (XX), if not immediately as regards financing, then at least as regards their administration, and perhaps their financing also at a later stage.

4. Items of direct assistance and exchange listed in the annex to resolution 2099 (XX)

41. The annex to resolution 2099 (XX), which is reproduced in paragraph 2 above, lists a number of items of direct assistance and exchange for performance beginning in 1967 and 1968. As explained in section III below, no final determination has yet been made as to the method of financing these items. The action taken by the Secretary-General in relation to these items during 1966 has been largely confined to an endeavour to secure funds, in accordance with paragraphs 4 and 5 of the resolution. The Advisory Committee made a number of recommendations, however, some of which have already been referred to, regarding the implementation of these items. The preliminary steps taken or proposed with regard to these items are described below.

(a) Regional training and refresher courses and regional seminars

Regional training and refresher courses

42. These courses are intended to provide teachers of law, advanced students and junior government officials with an opportunity to strengthen their knowledge of international law. As provided in sub-paragraph (a) of the programme for 1967 contained in the annex to resolution 2099 (XX), the courses, of four weeks duration, are to be organized every two years, in rotation, in Africa, Asia and Latin America. The first course is due to be held in Africa in 1967. The Government of the United Republic of Tanzania has informed the Secretary-General of its willingness to provide facilities for this course and accommodation for participants and staff, without charge. In view of the uncertainty as to the financial position, the Secretary-General has not been able to give a firm acceptance of this offer or to proceed further, e.g., by inviting African Member States to nominate participants and by entering into contractual arrangements with lecturers.

43. The Advisory Committee on Technical Assistance to Promote the Teaching, Study, Dissemination and Wider Appreciation of International Law gave very considerable attention to the question of the organizing and financing of 1967 regional training and refresher course. Having regard to the extent of the financial burden otherwise likely to be imposed on the United Nations and to UNESCO's intention, referred to in paragraph 30 above, to conduct a seminar in Africa for teachers, specialists and

advanced students in 1968, the Advisory Committee recommended to the Secretary-General that he should discuss with UNESCO the possibilities of merging its seminar with that due to be held by the United Nations<sup>9/</sup>. Although it was recognized that the objects of the UNESCO seminar were directed towards provision of extra training for teachers and future teachers of international law, while the United Nations course was intended primarily to assist government officials and advanced students, the Advisory Committee felt that a successful course and seminar could be held jointly, at considerable saving as regards over-all financial cost. The Secretary-General entered into correspondence with the secretariat of UNESCO on the matter. The UNESCO secretariat stated that its project for 1968 had been envisaged for approximately twenty people only, and that it was intended to be held in one language, either English or French only; the UNESCO secretariat nevertheless expressed agreement in principle to the conduct of a joint course and seminar with the United Nations, on a basis of equal financial participation, subject to a review of the proposal and final decision by the UNESCO General Conference, during November 1966. The UNESCO secretariat considered that it would be unrealistic to hold a bilingual or interpreted Seminar.

44. In subsequent correspondence the Secretary-General dealt at length with the various points of detail requiring examination if a joint course and seminar were to be held; he emphasized, in particular, the need that the project should be unified, so as to enable both English- and French-speaking participants to take part, this issue having been strongly made in the discussions of the Advisory Committee. On 11 October 1966, the secretariat of UNESCO stated that, owing to the many technical considerations involved requiring study by UNESCO, no detailed reply could be sent until approximately the middle of November. Furthermore, any reply sent at that time would be subject to the final decision of the UNESCO General Conference, which would be taken during that month. Having been informed of these facts, on 12 October, the Advisory Committee endorsed its previous recommendation and requested the Secretary-General to continue his negotiations with UNESCO. The Advisory Committee took note, also, of the fact that UNITAR had undertaken to provide some teaching assistance for the conduct of the course, without cost to the United Nations or UNESCO.

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<sup>9/</sup> The text of the recommendation is reproduced in paragraph 74 below.

45. During November 1966, the Secretary-General intends to discuss with the Advisory Committee, if time permits, the outcome of his discussions with UNESCO. An addendum to the present report will be issued on the matter.

Regional seminars

46. As provided in the annex to resolution 2099 (XX), the seminars are to be held every two years, in rotation, in Latin America, Africa and Asia. They are intended to bring together eminent scholars and senior government officials so that they may consider problems of regional or wider interest involving questions of international law.

47. As noted in paragraph 37 above, the Advisory Committee recommended to the Secretary-General that he should recommend to the General Assembly that it welcome UNITAR's proposals to conduct regional seminars in international law, as envisaged in sub-paragraph (a) of the programme for 1968 contained in the annex to resolution 2099 (XX).

(b) Award of fellowships

48. As provided in sub-paragraph (b) of the annex to resolution 2099 (XX), up to ten fellowships may be awarded in 1967, and up to fifteen fellowships in 1968, at the request of Governments of developing countries. In its report the Special Committee suggested that the 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".<sup>10/</sup> The International Atomic Energy Agency has informed the Secretary-General that, although it would be unable to assist financially, it is prepared to offer two places each year, of five to six months duration, for the training of young lawyers.

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<sup>10/</sup> Official Records of the General Assembly, Twentieth Session, Annexes,  
agenda item 89, document A/5887, para. 71.

49. In the discussions which took place in the Advisory Committee on Technical Assistance to Promote the Teaching, Study, Dissemination and Wider Appreciation of International Law the main issues which received attention were the method of financing the fellowships and the question of whether, if United Nations fellowships in international law were to be financed out of the regular budget, they should be for study elsewhere than at the United Nations, the specialized agencies and the International Atomic Energy Agency. The recommendation eventually adopted by the Commission in respect of the award of fellowships in 1967 is as follows:

"The Advisory Committee agreed to recommend to the Secretary-General that the Secretary-General should recommend to the General Assembly the provision in 1967 of fellowships in accordance with sub-paragraph (b) of the programme for 1967 contained in the annex to resolution 2099 (XX). In so far as such fellowships are financed out of the regular budget, they shall be preferably for study at the United Nations, the Specialized Agencies and the International Atomic Energy Agency; fellowships financed by other means may appropriately be tenable at other international institutions or at national institutions as well."

50. The Advisory Committee recommended that, subject to further consideration by it before the twenty-second session of the General Assembly, provision should be made for the award of fellowships of 1968, in accordance with sub-paragraph (b) of the programme for 1968 contained in the annex to resolution 2099 (XX).

51. As regards the award of up to ten fellowships in 1967, the Secretary-General would propose to inform Member States of the way in which applications may be submitted when a final determination has been made as to the source of financing. The Secretary-General would also explore with the Executive Director of UNITAR the possibility that UNITAR may be able to administer the award of fellowships under the programme.

(c) Advisory services of experts

52. In 1967 the advisory services of up to three, and in 1968 of up to five, experts may be provided if requested by developing countries. Such assistance is intended to cover a wide range of activities, including the strengthening of national programmes of teaching international law, the building up of libraries, the preparation of relevant legislation, and the giving of advice in specific fields of international law. The Advisory Committee recommended that, as regards

the provision of the advisory services of experts in 1967, "recourse should be made, as developing countries may request, to existing technical assistance funds". Subject to further consideration by it before the twenty-second session of the General Assembly, the Advisory Committee recommended that advisory services of experts should similarly be provided in 1968, in accordance with the programme contained in the annex to resolution 2099 (XX).

53. In the case of the provision of advisory services in 1967, the attention of Member States would be called to this possibility in connexion with established technical assistance programmes.

(d) Provision of United Nations legal publications

54. The United Nations is to provide a set of United Nations legal publications to up to fifteen institutions in developing countries in 1967 and to up to twenty such institutions in 1968, thus making a total of thirty-five institutions. The Secretariat has examined the position with respect to present facilities, including existing United Nations depositary libraries (which receive all United Nations publications) and has established a list of potential recipient institutions situated in Africa, Asia and Latin America. The legal publications to be provided are the following: Yearbook of the International Law Commission, Repertory of Practice of United Nations Organs, Reports of International Arbitral Awards, United Nations Legislative Series, the Statement of the Status of Multilateral Conventions, the United Nations Juridical Yearbook, the Repertoire of the Practice of the Security Council, and the Reports and Yearbook of the International Court of Justice. Since in many of these cases earlier volumes are now out of stock or exist only in one language, it may not be possible to offer the institutions a complete collection of each of these publications; so far as possible, however, their wishes (e.g. in respect of languages or for a particular series) will be catered for.

55. The Advisory Committee recommended that United Nations legal publications should be supplied to the selected institutions during 1967 and 1968, in accordance with sub-paragraphs (d) of the annex to resolution 2099 (XX). In the case of the provision of publications in 1967, the Secretary-General would write to the institutions selected when final approval has been given by the General Assembly to the method of financing this item of the programme.

- (e) Preparation and publication of a survey of certain of the principal examples of the codification and progressive development of international law within the framework of the United Nations

56. The recommendation of the Advisory Committee with respect to this item, and the action taken or proposed by the Secretary-General, have already been dealt with in paragraphs 33 and 34 above.

### III. METHODS OF FINANCING THE PROGRAMME

#### A. Provisions of General Assembly resolution 2099 (XX) and budgetary arrangements

57. Paragraphs 3, 4 and 5 of resolution 2099 (XX), dealing with the arrangements financing for the programme, provide as follows:

"The General Assembly,

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"3. Authorizes the Secretary-General to initiate the preparatory work for this programme in 1966 within the total level of appropriations approved for that year;

"4. Requests the Secretary-General to publicize the above-mentioned programme and invites Member States, interested national and international institutions and organizations, and individuals to make voluntary contributions towards the financing of this programme or otherwise towards assisting in its implementation and possible expansion, in accordance with the report of the Special Committee;

"5. Requests the Secretary-General, taking into consideration the voluntary contributions which may have been received in terms of paragraph 4 above and in consultation with the Advisory Committee on Administrative and Budgetary Questions, to make in the budget estimates for 1967 and 1968 such provisions as may be necessary to carry out the activities specified in the annex to the present resolution."

58. As regards paragraph 3 of the resolution, the Secretary-General can confirm that no expenditures beyond the total level of appropriations approved for 1966 have so far been incurred in connexion with the preparatory work for the programme.

59. The question of the arrangements for financing an identifiable programme for 1967 and future years, as outlined in paragraphs 4 and 5, presents greater points of difficulty and it received considerable attention during the twentieth session of the General Assembly. In a report regarding the financial implications of the draft resolution submitted by the Sixth Committee,<sup>11/</sup> the Secretary-General took note of the provisions in the resolution to the effect that all requirements for the programme for 1967 and future years which could not be met from voluntary contributions would have to be provided for under the regular budget. The

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<sup>11/</sup> Ibid., document A/C.5/1044.

Secretary-General added that account could also be taken of the availability of any resources which UNESCO, EPTA (United Nations Development Programme),<sup>12/</sup> or UNITAR could earmark for the financing of specific components of the programme. Accordingly, in submitting the initial budget estimates for 1967 to the Advisory Committee on Administrative and Budgetary Questions in May 1966, the Secretary-General would include, on a provisional basis, the total costs for the 1967 portion of the programme, subject to downward revision depending on the outcome of his appeal for voluntary contributions. In September 1966, the Secretary-General would submit revised estimates, limiting his final budget request to those items set forth in the annex for which no assured voluntary financing had been found.

60. The Advisory Committee on Administrative and Budgetary Questions reviewed the procedure which the Secretary-General proposed to follow. In its report on the financial implications of the Sixth Committee's draft resolution,<sup>13/</sup> the Advisory Committee declined to accept the Secretary-General's suggestion that a provision for the items listed in the annex should be included in the initial budget estimates. It declared that,

"7. It is the view of the Advisory Committee that, consistent with the intent of the draft resolution, the Secretary-General should first explore fully the possibility of financing the programme in question from voluntary contributions and through the use of UNESCO, EPTA (United Nations Development Programme) and UNITAR resources before a provision therefor is included in the regular budget estimates. The Committee will await the report of the Secretary-General to the twenty-first session of the General Assembly on his endeavours to secure financing before presenting its considered view of this matter."

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<sup>12/</sup> During the twentieth session of the General Assembly reference was made to the "Expanded Programme of Technical Assistance (United Nations Development Programme)". This phrase was changed to the "Technical Assistance component of the United Nations Development Programme" with effect from 1 January 1966, following the merger of the Special Fund and the Technical Assistance Board to form the United Nations Development Programme.

<sup>13/</sup> Ibid., document A/6157.

61. In accordance with this procedure, which was accepted by the Fifth and Sixth Committees,<sup>14/</sup> the Secretary-General made no provision for the programme in his initial 1967 estimates. The Secretary-General's attempts to obtain alternate sources of funds, as required under the resolution and in the light of the report of the Advisory Committee on Administrative and Budgetary Questions, are described below.

B. Attempts to secure alternate sources of funds

1. Voluntary contributions

62. In a note dated 28 January 1966, the Secretary-General drew the attention of Member States to paragraph 4 of the resolution and requested them to consider making voluntary contributions towards the implementation of the programme. The Secretary-General also requested Governments to bring the General Assembly's appeal to the attention of national organizations, foundations and other bodies and persons interested in the field, and, in addition, to communicate to him the names of those that might be approached by the United Nations Secretariat in an effort to secure the financing of the programme. Up to 1 September 1966, only three Member States had pledged contributions: Cyprus pledged \$279; Gabon 50,000 francs CFA (approximately \$204); and Nigeria \$2,000. In addition an individual gave \$400. In a note dated 24 August 1966, the Secretary-General made a renewed appeal to Member States for voluntary contributions, to which Yugoslavia responded by contributing \$2,000. In reply to the Secretary-General's requests, a number of States declared that they were unable to make a financial contribution at this time. As of 1 November 1966, pledges totalling \$4,883 had been received, of which \$4,679 had been paid.

2. UNESCO and UNITAR

63. UNESCO plans to include in its regular budget for 1967-1968 an appropriation of \$20,000, to meet the cost of studies regarding the possible extension of university teaching of international law and selected problems in the field,

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<sup>14/</sup> Ibid., document A/6157/Rev.1, and document A/6136 paras. 23-25.

and an appropriation of \$15,000 to permit UNESCO's participation in Member States' activities to be extended to cover public international law.<sup>15/</sup> In addition \$20,000 will be requested under the technical assistance regional programme for the purposes of the seminar to be held in Africa in 1968; the possibility of the merger of this project with the regional and refresher training course which the United Nations is due to hold in Africa in 1967, is now under consideration (see paragraphs 43 to 45 above). The Secretary-General is satisfied, following discussions with UNESCO representatives, that the funds which UNESCO is likely to have available will be required in order to finance the projects which UNESCO has undertaken, or in which it may participate, and that it would not be practical for UNESCO to assume the responsibility for a larger portion of the programme, or to provide funds for activities administered by the United Nations itself.

64. As regards UNITAR, the Secretary-General has described in paragraphs 31 to 40 above the extensive series of activities in the field of international law which UNITAR intends to undertake, two of which, the preparation of a survey on the codification and progressive development of international law and the conduct of seminars, are envisaged in the annex to resolution 2099 (XX). Furthermore, UNITAR is also prepared to provide teaching assistance, at UNITAR expense, for the 1967 regional training and refresher course.

3. United Nations technical co-operation activities under part V of the regular budget and the technical assistance component of the United Nations Development Programme

65. In paragraph 10 of resolution 2099 (XX) the General Assembly called the attention of Member States

"to the existing arrangements whereby, apart from the programme mentioned in paragraph 2 above, requests may be made:

(a) Under part V of the regular budget for assistance with respect to any international legal aspects involved in development projects, and under the human rights advisory services programme for assistance relating to the field of international law;

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<sup>15/</sup> UNESCO document 14 C/5, paras. 790-792.

(b) Under the Expanded Programme of Technical Assistance for assistance in specific fields of international law related to economic, social or administrative development, provided such requests are included in country programmes in accordance with the relevant rules and procedures."

66. In paragraph 12 of resolution 2099 (XX) the General Assembly requested the Secretary-General

"to explore the possibility of including the topic 'The teaching, study dissemination and wider appreciation of international law' among the subjects of technical assistance programmes and to report thereon to the General Assembly at its twenty-first session."

67. On 25 May 1966, the Secretary-General wrote to all countries in receipt of United Nations technical assistance and drew their attention to the four major items of direct assistance listed in the annex to General Assembly resolution 2099 (XX), namely: regional training and refresher courses; regional seminars; fellowships; and experts. The States concerned were asked to indicate their interest in the programme by the formulation and submission of requests for such assistance. It was suggested that, in advance of a final determination of the method of financing the programme, Governments might substitute requests in this field for proposals already made under the 1967 United Nations regular programme of technical assistance or under the 1967-1968 technical assistance component of the United Nations Development Programme. Alternatively, Governments could submit their requests for inclusion in category II<sup>16/</sup> of either of the two above-mentioned technical assistance programmes; such requests might, with the agreement of the Governments concerned, then be implemented during the operational period through the use of programme savings where possible. With regard to the regional courses and seminars, expressions of governmental interest would be brought to the attention of the appropriate regional economic commission.

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<sup>16/</sup> Technical assistance items for which no funds are available are placed in a substitution programme, usually referred to as "category II". If items in the basic programme (category I items) are cancelled for any reason, items may be promoted from category II to category I.

68. Thirty-three countries replied expressing their interest in receiving assistance of the type in question.<sup>17/</sup> Only two Member States indicated that they might be prepared in future years to submit requests as part of their individual technical assistance programmes. Several States expressly declared that their interest in the programme was dependent on it being financed other ways than by recourse to existing technical assistance funds.

69. The Secretary-General has investigated with the Economic Commission for Africa the possibility that the 1967 regional training and refresher course might be financed within the funds made available to that Commission from part V and the technical assistance component of the United Nations Development Programme for regional projects. Owing to the primary importance to the region of the projects already included in those programmes and the number of priority items which had to be placed in category II because of the limitation of resources, it cannot be expected that funds will become available for this purpose.

70. Pursuant to the request of the General Assembly quoted in paragraph 66 above, the Secretary-General submitted a paper to the second session of the Governing Council of the United Nations Development Programme in June 1966, calling attention to the programme, to the methods of financing which had been proposed, and to the provisions of paragraph 12 of resolution 2099 (XX). The Governing Council took note<sup>18/</sup> of the developments in connexion with the programme, but did not include the topic among the subjects of technical assistance programmes. Thus, under existing technical assistance programmes Member States may only request assistance with respect to international law which satisfies the the criteria spelt out in paragraph 10 of General Assembly resolution 2099 (XX).

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<sup>17/</sup> Argentina, Chile, China, Colombia, Costa Rica, Cyprus, Democratic Republic of the Congo, Dominican Republic, Ghana, Guatemala, Guinea, Haiti, Honduras, Hungary, Iran, Ivory Coast, Laos, Lesotho, Liberia, Malaysia, Malta, Mexico, Nigeria, Pakistan, Romania, Saudi Arabia, Singapore, Somalia, Trinidad and Tobago, Uganda, United Arab Republic, United Republic of Tanzania and Western Samoa.

<sup>18/</sup> Official Records of the Economic and Social Council, Forty-first Session, Supplement 11 A (E/4219), para. 214 and para. 225 (c).

4. Summary of the Secretary-General's efforts to secure alternate sources of financing for the programme

71. Although the Secretary-General has investigated each of the alternate sources of funds which were suggested, his efforts have not yet produced an adequate means of financing the major items of the programme from sources other than the regular budget, except to the extent to which UNITAR has agreed to undertake certain projects, in particular the conduct of seminars and the preparation of a survey on the codification and progressive development of international law. Whereas the first section of the programme dealing with steps to encourage and co-ordinate existing international law programmes entails only administrative and similar expenditures for the United Nations which can be largely met within existing levels of appropriations, the forms of direct assistance and exchange listed in the annex to resolution 2099 (XX) would require expenditures over and above those levels during 1967 and future years. Voluntary contributions have so far proved too small to be of significance. UNESCO is unable to provide funds in excess of those required for its own share of the programme. Member States in receipt of technical assistance, while expressing interest in the programme, have for the most part not submitted their requests, whether by substitution or other means, under established technical assistance programmes. As regards the 1967 African regional training and refresher course, as indicated above, it is highly unlikely that it will be feasible to provide finance under the regional technical assistance programme for that year owing to the heavy demand on that programme which has already accumulated. Furthermore, two of the items listed in the annex to resolution 2099 (XX), namely the provision of United Nations legal publications to thirty-five institutions and the preparation of a survey of the principal examples of the codification and progressive development of international law, could not in any case be considered against technical assistance funds.

72. The Secretary-General reported these facts to the Advisory Committee on Technical Assistance to Promote the Teaching, Study, Dissemination and Wider Appreciation of International Law, which considered them at length before adopting its recommendations.

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IV. MEETINGS AND RECOMMENDATIONS OF THE ADVISORY COMMITTEE ON  
TECHNICAL ASSISTANCE TO PROMOTE THE TEACHING, STUDY,  
DISSEMINATION AND WIDER APPRECIATION OF INTERNATIONAL LAW

73. The opening meeting of the Advisory Committee was convened by the Secretary-General on 19 September 1966. The representative of Ghana was elected Chairman by acclamation. Meetings of the Committee were attended by the representatives of Belgium, Ecuador, France, Ghana, Hungary, Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, the United Republics of Tanzania and the United States of America. The Advisory Committee had before it the Secretary-General's draft report on the implementation of resolution 2099 (XX). Statements were made to the Committee by the representative of the Secretary-General. Representatives of UNESCO and UNITAR, who were invited to attend, also made statements to the Committee and answered questions raised by members of the Committee.

74. The Advisory Committee held six plenary meetings between 19 September and 12 October 1966, and five meetings as a working group between 20 and 23 September 1966. The Committee adopted a series of recommendations regarding the various items of direct assistance listed in the annex to resolution 2099 (XX). Five members of the Committee, Belgium, France, Hungary, the Union of Soviet Socialist Republics and the United Kingdom of Great Britain and Northern Ireland, reserved the position of their respective Governments regarding the method of financing the items referred to in the recommendations. The text of the recommendations to the Secretary-General, as finally adopted, is reproduced below.

"Programme for 1967

"1. Regional training and refresher course

The Advisory Committee agreed to recommend to the Secretary-General that he should discuss further with UNESCO the proposal that:

- (i) A joint regional training and refresher course and seminar should be held in Africa in 1967, under the auspices of the United Nations and UNESCO, to provide further training for teachers, specialists and advanced students of international law, in accordance with sub-paragraph (a) of the programme for 1967 contained in the annex to resolution 2099 (XX).

/...

- (ii) The project should be jointly financed by the United Nations and UNESCO. The cost of the United Nations participation should be met from voluntary contributions received, or which may be received, and to the extent that such contributions may be insufficient, from the regular budget of the United Nations; and should, in the light of these discussions, consult the Advisory Committee again or report to the General Assembly.

The Committee took note of the fact that UNITAR would also be able to provide assistance for the conduct of the course.

"2. The award of fellowships and the provision of advisory services of experts

The Advisory Committee agreed to recommend to the Secretary-General that the Secretary-General should recommend to the General Assembly the provision in 1967 of fellowships in accordance with sub-paragraph (b) of the programme for 1967 contained in the annex to resolution 2099 (XX). In so far as such fellowships are financed out of the regular budget, they shall be preferably for study at the United Nations, the specialized agencies and the International Atomic Energy Agency; fellowships financed by other means may appropriately be tenable at other international institutions or at national institutions as well. As regards the provision of the advisory services of experts in accordance with sub-paragraph (c) of the programme for 1967 contained in the annex to resolution 2099 (XX), recourse should be made, as developing countries may request, to existing technical assistance funds.

"3. Provision of United Nations legal publications

The Advisory Committee agreed to recommend to the Secretary-General that the Secretary-General should recommend to the General Assembly that a set of United Nations legal publications should be supplied to up to fifteen institutions in developing countries, in accordance with sub-paragraph (d) of the programme for 1967 contained in the annex to resolution 2099 (XX).

"4. Studies relating to the codification and progressive development of international law within the framework of the United Nations

The Advisory Committee agreed to recommend to the Secretary-General that the Secretary-General should recommend to the General Assembly that it welcome the plans of UNITAR to carry out studies relating to the codification and progressive development of international law within the framework of the United Nations, as envisaged in sub-paragraphs (e) of the annex to resolution 2099 (XX), and should further make any recommendations he deems appropriate for supplementing the resources of UNITAR to this end.

The representatives of Hungary, the Union of Soviet Socialist Republics and the United Republic of Tanzania expressed the reservations of their Governments regarding these recommendations; they stated that in their view it would be desirable if the Secretary-General could hold discussions with UNITAR in order to see how UNITAR's plans in this sphere could be brought as closely into line as possible with the programme established under resolution 2099 (XX).

"Programme for 1968"

"1. Regional seminar

The Advisory Committee agreed to recommend to the Secretary-General that the Secretary-General should recommend to the General Assembly that it welcome the proposal of UNITAR to hold a regional seminar in 1968 in Latin America as envisaged in sub-paragraph (a) of the programme for 1968 contained in the annex to resolution 2099 (XX), and that it also welcome any plans of UNITAR to conduct similar seminars in subsequent years.

"2. The award of fellowships and the provision of advisory services of Experts

Subject to further consideration by the Advisory Committee before the twenty-second session of the General Assembly, the Advisory Committee agreed to recommend to the Secretary-General that the Secretary-General should recommend to the General Assembly that provisions should be made by the United Nations for the award of fellowships and for the provision of the advisory services of experts in 1968, in accordance with sub-paragraphs (b) and (c) of the programme for 1968 contained in the annex to resolution 2099 (XX).

"3. Provision of United Nations legal publications

Subject to further consideration by the Advisory Committee before the twenty-second session of the General Assembly, the Advisory Committee agreed to recommend to the Secretary-General that the Secretary-General should recommend to the General Assembly that provision should be made to supply United Nations legal publications to up to twenty institutions in developing countries, in accordance with the sub-paragraph (d) of the programme for 1968 contained in the annex to resolution 2099 (XX)."

75. The action taken or proposed by the Secretary-General in the light of the recommendations of the Advisory Committee has been described in parts II and III of the report.

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V. SUMMARY OF FINANCIAL IMPLICATIONS

76. During the twentieth session of the General Assembly, the costs of the programme of direct assistance listed in the annex to resolution 2099 (XX) were preliminarily estimated at some \$210,000 for 1967 and \$280,000 for 1968. Taking into consideration the results of the Secretary-General's efforts to secure alternate sources of financing (see paragraphs 71-72 above), a revised estimate, limited to the costs of that part of the programme for which no extra-budgetary means of financing has been found, is given below:

1967

	<u>US dollars</u>
Regional training and refresher course . . . . .	<u>pro memoria</u>
Ten fellowships . . . . .	36,000
Subvention to UNITAR to assist in the preparation of a survey relating to the codification and progressive development of international law . . . . .	15,000
Shipping of a set of United Nations legal publications to fifteen institutions in developing countries . . . . .	2,100
Additional staff in the Office of Legal Affairs . . . . .	<u>5,000</u>
	58,100

In addition, the provision of a set of United Nations legal publications to some fifteen institutions in developing countries would entail a loss of potential sales revenue of some \$3,100

1968

	<u>US dollars</u>
Fifteen fellowships . . . . .	54,000
Shipping of a set of United Nations legal publications to twenty institutions in developing countries . . . . .	2,800
Additional staff in the Office of Legal Affairs . . . . .	<u>5,000</u>
	61,800

In addition, the provision of a set of United Nations legal publications to a further twenty institutions in developing countries would entail a loss of potential sales revenue of approximately \$4,100

77. The following detailed information may be noted regarding particular items in the present estimates. Pending the outcome of discussions with UNESCO concerning the proposal that the 1967 regional course be conducted jointly, no estimate of costs to the United Nations can be made. Accordingly, a provision pro memoria is made at this time. As recommended by the Advisory Committee (see paragraph 74 above), the Secretary-General would intend to utilize, in the first instance, voluntary contributions received to date.

78. The estimated cost of ten fellowships exceeds the provisional estimate given in 1965, as the average cost for a fellowship of the type envisaged, based on experience in other programmes, has increased from \$2,450 to \$3,600.

79. A subvention to UNITAR is included on the recommendation of the Advisory Committee to assist UNITAR to carry out a survey relating to the codification and progressive development of international law. UNITAR has estimated that preparation of the survey would cost a minimum of \$40,000, consisting of \$24,000 for staff costs and \$16,000 for the convening of a panel of six or seven eminent international lawyers, for two sessions. General direction and administrative support for the project would be provided by UNITAR through its regular staff, without additional cost. UNITAR is able to provide \$25,000 from its own budget to meet these costs; with a lump-sum subvention of \$15,000 from the United Nations, UNITAR would undertake to meet the total costs of the project, even if they should be greater than originally estimated.

80. Additional staff required in the Office of Legal Affairs is limited to a Secretary to help meet the clerical burden falling on that office in connexion with the implementation of the programme.

81. As set out in full in paragraph 60 above, the Advisory Committee on Administrative and Budgetary Questions stated that it would await the report of the Secretary-General to the twenty-first session of the General Assembly on the results of his endeavours to secure alternate sources of financing for the programme before presenting its view on the question of making provision in the regular budget for the programme. Accordingly, the matter will be submitted to the Advisory Committee on Administrative and Budgetary Questions at an early date, and will be the subject of reports to the General Assembly during its current session.

UNITED NATIONS  
GENERAL  
ASSEMBLY



Distr.  
GENERAL

A/6492/Add.1  
8 December 1966

ORIGINAL: ENGLISH

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Twenty-first session  
Agenda item 86

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

Report of the Secretary-General

ADDENDUM

In paragraphs 42-47 of the report of the Secretary-General (A/6492), reference is made to the recommendation of the Advisory Committee on Technical Assistance to Promote the Teaching, Study, Dissemination and Wider Appreciation of International Law that the Secretary-General should discuss with UNESCO the proposal that the 1967 regional training and refresher course should be held jointly with UNESCO, on a joint financial basis. UNESCO has informed the Secretary-General that it is prepared to accept the proposal. On 8 December 1966, the Secretary-General consulted the Advisory Committee, which recommended that UNESCO's response should be accepted.

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