



Recommendation 309 (1962)¹

Digests of national State practice in the field of public international law

Parliamentary Assembly

The Assembly,

Having regard to the determination of the Committee of Ministers "to promote broader and more systematic action on the part of the Council of Europe" and "to concentrate upon a full programme of practical tasks" ;

Having regard to the long and rich tradition of member States in the conduct of international relations;

Considering that it is from the consistent practice of States that the generally recognised principles of international law are derived and that it is therefore desirable that evidence of this practice be made available;

Convinced that the publication by member States of their diplomatic correspondence and other materials which constitute sources of international law would substantially contribute to its clarification and development and, moreover, be of great assistance to Government departments and international organisations in the conduct of their day-to-day business;

Being of the opinion that the compilation of digests of national State practice is one of the most effective means of making the evidence of customary international law more readily available,

Recommends that the Committee of Ministers :

1. should, in accordance with Article 15 (b) of the Statute, recommend to member Governments, which have not already done so, that they should facilitate the publication of digests of their diplomatic correspondence and other materials which constitute sources of international law, in accordance with the proposals contained in the Report of the Legal Committee ([Doc. 1385](#)) and in the summary of conclusions agreed to by a group of independent experts, set out hereafter;
2. should authorise the setting up of a Consultative Committee of Experts which would co-ordinate national publication plans and pool the experience already acquired in their realisation.

Summary of Conclusions

(Agreed to by a group of independent experts on 18th October 1961 : Mrs. Suzanne Bastid, Professor P. Guggenheim, Dr. A.C. Kiss, Lord McNair, Professor H. Mosler, Dr. Clive Parry, Dr. H. Reichmann (replacing Professor S. Verosta) and Professor M. Sörensen)

1. It is highly desirable that member States of the Council of Europe and other European States should, as proposed by Mr. Toncic, each publish digests of their own source materials on international law. One object is to make the evidence of customary international law more readily available and thus contribute to the clarification and the development of international law. Another object is to assist Government departments (particularly the Foreign Offices) and international organisations in the conduct of their day-to-day business.

1. Assembly debate on 16th January 1962 (21st Sitting) (see [Doc. 1385](#), Report of the Legal Committee). Text adopted by the Assembly on 16th January 1962 (21st Sitting).



Yet a third reason is that the publication of these digests will make it clear that Governments in the conduct of their foreign relations do not act in an arbitrary manner but regard themselves as being bound to apply the rules of international law.

2. The preparation of digests is already known to be in hand in France, the Federal Republic of Germany, Switzerland and the United Kingdom.
3. In these circumstances, it would be very helpful if the Committee of Ministers of the Council of Europe could express their approval of the value and utility of these digests and suggest to other member States and interested non-member States the desirability of encouraging the publication of similar digests in their countries.
4. It would be useful for a common system of arrangement or classification to be adopted, if a convenient and generally acceptable system can be worked out in the light of the work already done. This task might be entrusted to the Consultative Committee mentioned in paragraph 9 below.
5. It may generally be assumed that most, if not all, countries will wish to publish digests in their own language (or languages) subject however, in appropriate cases, to conserving documents written in other languages in the original and authentic text.
6. In the case of a series of documents printed in a language other than one of the official languages of the Council of Europe, it would increase the value of a digest if a brief note in one or both of those languages, indicating the nature of the contents, could be added.
7. The value of digests would also be greatly increased if they would in any case contain a table of contents and an index in one or both of the official languages of the Council of Europe.
8. It is to be hoped that, when a certain number of national digests have been published, an international index should be compiled. The choice of the right moment and the detailed arrangements for this index might be left to the Consultative Committee mentioned in paragraph 9.
9. While each national digest must be produced in accordance with the traditions of scholarship of the country concerned, it would be of great value if the Committee of Ministers would agree to set up a Consultative Committee to meet, say, once a year in order to compare and, where possible, co-ordinate national publication plans and pool the experience acquired in their realisation. This would no doubt also comprehend and facilitate direct contacts between those responsible for the production of the digests in the different countries.