

Strasbourg, 31/08/06

CAHDI (2006) 25
Anglais seulement

**COMMITTEE OF LEGAL ADVISERS ON PUBLIC INTERNATIONAL LAW
(CAHDI)**

**32nd meeting
Athens, 13-14 September 2006**

ITEM 9 - DIGESTS OF STATE PRACTICE ON INTERNATIONAL LAW
THE RECORDING OF STATE PRACTICE IN THE UNITED KINGDOM

**Document submitted by
the delegation of the United Kingdom**

Secretariat Memorandum
prepared by the Directorate General of Legal Affairs

The Recording of State Practice in the UK

The main source of public information on UK state practice is found in the United Kingdom Materials on International Law (UKMIL), which forms part of the British Yearbook of International Law. This is not an official publication, and is entitled "materials", not "practice". Professor Colin Warbrick heads the team which collates the material.

The material is collected from January to December, with publication following approximately a year later (i.e. UKMIL 2005 will be coming out towards the end of this year).

As far as the process is concerned, UKMIL is compiled from several publicly available sources:

- FCO Legal Advisers provide material of interest, generally already public material that is not widely available. Occasionally, however, they make public what is not already e.g. by contacting the recipient of an official letter to seek their concurrence. For example,
 - i. Copies of published (or publishable) Memorandums of Understanding (MOUs) with other States,
 - ii. explanations of vote,
 - iii. copies of reservations/objections to reservations,
 - iv. comments on international documents (e.g. responses to ICC implementation questionnaires, comments on ILC drafts),
 - v. statements before international bodies (e.g. IAEA), and
 - vi. FCO witness statements in UK litigation (once the litigation is concluded).

We would also assist in locating copies of specific documents that may be difficult to obtain from other sources, but are still publicly available.

- Parliamentary records are searched for instances where the Government has taken a position on international law. This would include answers to written Parliamentary Questions, Ministerial statements and comments made by Ministers during oral debate in both Houses and Westminster Hall. Records of proceedings before relevant Parliamentary committees are also checked.
- Records of international organisations are searched for UK statements on international law. This would include the Security Council, General Assembly (particularly the Sixth Committee), human rights bodies (e.g. our comments / reports to the HRC, CAT) and others (e.g. IAEA). Records are also checked for where UK practice is reflected in a statement or position of the EU / EC.

The information collated is then categorised according to topic area, using the Model Plan for the Classification of Documents concerning state practice in the Field of Public International Law adopted by the Committee of Ministers of the Council of Europe in its Resolution (68) 17 of 28 June 1968, as amended by Recommendation (97) 11 of 12 June 1997.

Not all information is included. Due to space restrictions the authors concentrate on avoiding material that, although of interest to international lawyers, is ephemeral or concerned largely with UK implementation of the international law of co-operation. UKMIL is also sparse on matters dealing with EU law. Limited information on treaties to which the UK is a party is included, as the text of such instruments and their explanatory memoranda are available on the FCO public website.

Only very limited editorial content is included.