

FIRST COMMITTEE

(a) Progressive Codification of International Law

The chief question before the First Committee was the progressive codification of international law. It is a question at once difficult and important. The establishment of international tribunals has progressed more rapidly than agreement upon the principles and rules of law which these tribunals are to apply. Over a century ago the first proposals for codifying international law came from Great Britain, a country which in general has been somewhat reluctant in codifying its domestic law. In the generation preceding the war, a considerable measure of progress was made in special fields by diplomatic conferences, but the progress was spasmodic and uncertain. The establishment of the League of Nations made it appear that a more systematic and continuous effort could be made through this agency. In 1924 the Assembly of the League adopted the proposal of the Swedish delegation that steps should be taken to inquire into the possibility of progressive codification. A committee of experts was duly appointed, and interim reports made to the Council.

The First Committee came to the conclusion that the time was ripe for proceeding with the codification of a limited number of fields, and that the effort should be made under the auspices of the League, rather than of the Netherlands Government, as had been suggested in some quarters. Three subjects were selected for immediate consideration; first, nationality, including the tangled questions of double nationality and statelessness and the effect of marriage and widowhood upon the national status of women; second, territorial waters, including such phases as the width of the coastal zone, the territorial character of bays and straits, and differentiation of jurisdiction according to the object sought; and third, the responsibility of states for damage done in their territory to the person or property of foreigners. A further question, the regulation of the exploitation of the resources of the ocean, particularly whaling, was referred to the Economic Committee of the League for preliminary inquiry.

The First Committee proposed, and the Assembly agreed, that an International Conference should be held, probably in 1929, to draw up a convention covering the three subjects noted, and that a small Preparatory Committee should be set up to prepare a detailed agenda and secure the views of the members of the League. The Council has since appointed a committee of five members. The United States Department of State has indicated its intention to accept the League's invitation to participate in the Conference. If this preliminary effort is successful, further subjects will be brought under review and gradually agreement and a firm basis for arbitral procedure attained throughout the whole range of international law.

(b) Nansen Arbitration Proposal

Consideration was given, in conjunction with the Third Committee, to the arbitration proposal submitted by Dr. Nansen.

(c) Adhesion to Treaties

The First Committee also debated the more technical question whether the innovation in treaty procedure adopted in connection with certain treaties drafted under the auspices of the League, of giving adhesions subject to ratification, should be endorsed. The committee considered it should not be ruled out, but held that unless specifically stated to the contrary, adhesions should be assumed to be final.