

53. PROGRESSIVE DEVELOPMENT AND CODIFICATION OF INTERNATIONAL LAW

In the Sixth Committee (Legal) of the Second Session of the General Assembly, five closely related subjects were considered in connection with the progressive development and codification of International Law. These were the establishment of an International Law Commission, the preparation of this Commission's work by the Secretariat, a draft declaration of the rights and duties of states, plans for the formulation of the principles of the Nuremberg Charter and Tribunal and the teaching of international law. These matters were first examined by a sub-committee of which Mr. Liu Chieh (China) was the chairman and were subsequently debated in the full Committee, which made recommendations to the General Assembly.

On November 21, 1947, the Assembly decided by a vote of 44 in favour and none against, with 6 abstentions, to establish an International Law Commission of fifteen persons to promote the development and codification principally of public international law. The Commission will operate in accordance with a statute annexed to the Assembly resolution.¹

The members of this Commission selected and elected for three years in a manner analogous to those of the International Court of Justice will receive travel expenses and a *per diem* allowance on a rate comparable to those of experts of the Economic and Social Council. Each government may nominate two of its nationals and two other persons on June 1 preceding an election. The first election will take place at the Third Session of the Assembly.

There was a strong feeling among members of some delegations that the Interim Committee on Codification, which had been established at the First Session to recommend measures whereby the Assembly could discharge its obligations to promote the codification

¹ The text of the statute is given in Appendix V, A, pp. 244 to 249; for a Canadian statement on this subject see Appendix V, B, p. 250.