on Diplomatic Intercourse, by this Committee or some other forum, is outweighed by the advantages of viewing these four areas as a doctrinal whole whatever very substantial differences may divide some aspects of the four from each other.

I cannot leave this subject without commenting on the curious insistence by some Member States, in the last few days of the debate, on the general advantages of multilateral conventions over informal codes, declarations and restatements that do not have the force and effect of a treaty, as well as over customary international law itself. Indeed, I was surprised to hear from the learned Delegate of Hungary, if I understood him correctly, that the most desirable form of international law was that based upon the positive consent of states expressed in the form of a binding treaty. I should have thought that the distinguished Delegate's experience with his own domestic legal order would have led to a quite different position, since I understand that a very large part of the private law of Hungary, until recently at least, was based upon a combination of mediaeval Roman law, customary Hungarian law, and individual statutes. Indeed, I believe it to be true that Hungary attempted early in this century to codity its private law, but that the proposed code was not adopted -- although it had great influence as a kind of restatement of the law. If this difficulty on codification can hold true for a municipal legal order with all the advantages of direct immediate law-creating agencies, surely customary law is a desirable source to be retained in the much more fluid and loosely-organized international legal order. Indeed, can anyone deny not merely the fundamental role that customary law has played in the development of public international law but the role that it continues to play? And that role is not likely ever to be supplanted entirely by conventional arrangements or codification. No one who has lived with both the common law and the civil law -- for Canada is fortunate to have both systems -- can fail to accept the proposition that there is a flexibility and a dynamism in "common" or "customary" law which can create a living, mature body of rules, and a successful legal order. Finally, it would surely not be the intention of any delegate to suggest that the mass of customary international law that has regulated international legal relations for at least 400 years, often even amid great crises, should be regarded as any less binding or effective than conventional international law.

My comments a moment ago on asylum, of course, require me now to address myself briefly to the proposal of the distinguished Delegate of El Salvador. I have no instructions at this time from my Government as to this proposal. But, speaking personally, I wish to bring to the attention of the Commission that, should it be instructed to undertake this task by the General Assembly, there would be valuable reasons for bearing in mind not only the relationship of asylum to diplomatic intercourse, consular intercourse and ad hoc diplomacy, but also to the very important questions of extradiction to which other delegates have referred.

Moreover, the fact that the Human Rights Commission has now a report in preparation on this subject must be a matter of interest to the Commission. It should seek to gain whatever benefits may flow from the results of the Human Rights Commission's efforts and from the discussions, if any, in the Third Committee as well.

This brings me to the final point with which I wish to deal this morning. I have been discussing the fact that another agency of the Assembly, namely, the Human Rights Commission, is dealing with a problem that has a central legal element in it. I am now bound to say that this is by no means the first time that there have been matters before other committees or organs of the General Assembly intrinsically legal in their nature but which have not come before