

attitude towards legal problems in the United Nations from my own experience and to touch on certain problems of a direct and practical nature which have arisen from Canadian participation in NATO and in the United Nations action in Korea.

At the outset, it might be helpful to explain why the United Nations has undertaken the admittedly difficult task of codifying and extending international law and how it is seeking to carry out these aims. In the past, codification has been largely the work of special conferences or private associations. Your own Association, for example, was responsible for defining - in 1890 -- the York-Antwerp Rules on General Average.

Commencing with the work of the League of Nations Committee of Experts it has now become generally accepted that the systematic codification and development of international law can only be effectively accomplished by a permanent body of experts, who are furnished with the necessary facilities for research and may call on all governments for comments and assistance in compiling material. In my opinion this development is the result of the urgent need to extend the rule of law as a principal means of avoiding interstate conflicts in a world where national relationships have become increasingly complex.

This, of course, does not in any way lessen the need for studies and projects undertaken by private groups -- particularly in the field of private international law -- where a great deal remains to be done.

There are two principal instruments by which the United Nations is carrying out this task -- the International Law Commission and the Sixth (Legal) Committee of the General Assembly.

The International Law Commission consists of 15 members who are chosen for their recognized competence in international law. It has two principal duties:

- (1) the ascertainment, in a systematic form, of the existing law; and
- (2) the development of the law in the wider sense by filling gaps, reconciling divergencies and formulating improvements in fields where there has already been extensive state practice.

I need not underline the fact that the Commission's duties illustrate very precisely the nature of international law itself. It is not a law which can be imposed upon states but a law which they accept either by express agreement or by practical recognition and application in their dealings with one another. Consequently if we are to be realistic about this we are bound to agree that any principle of international law which it is sought to invoke should be one actually accepted as binding between nations and must, -- like any other form of law -- be proved by satisfactory evidence.