

PROGRESSIVE DEVELOPMENT OF INTERNATIONAL LAW
AND ITS CODIFICATION

(Article 13, paragraph 1(a) of the Charter)

(Item 3 of the Supplementary List of the Provisional
Agenda for the second part of the first session)

Text of the Recommendations of the Hague
Conference for the Codification of International Law,
1930, and of the Resolution of the Twelfth Assembly of the
League of Nations, 1931, Concerning the Method to be
Employed in Connection with the Preparation of Future
Conferences for Codification

I. TEXT OF THE RECOMMENDATIONS OF THE HAGUE
CONFERENCE FOR THE CODIFICATION OF INTERNATIONAL LAW, 1930

The Conference

Calls the attention of the League of Nations to the necessity of
preparing the work of the next conference for the codification of
international law a sufficient time in advance to enable the discussion
to be carried on with the necessary rapidity and in the light of the
information which is essential.

For this purpose the Conference would consider it desirable that the
preparatory work should be organized on the following basis:

1. The Committee entrusted with the task of selecting a certain
number of subjects suitable for codification by convention might
draw up a report indicating briefly and clearly the reasons why
it appears possible and desirable to conclude international
agreements on the subjects selected. This report should be sent
to the Governments for their opinion. The Council of the League
of Nations might then draw up the list of the subjects to be
studied, having regard to the opinions expressed by the Governments.

2. An appropriate body might be given the task of drawing up, in the light of all the data furnished by legal science, and actual practice, a draft convention upon each question selected for study.

3. The draft conventions should be communicated to the Governments with a request for their observations upon the essential points. The Council would endeavour to obtain replies from as large a number of Governments as possible.

4. The replies so received should be communicated to all the Governments with a request both for their opinion as to the desirability of placing such draft conventions on the agenda of a conference and also for any fresh observations which might be suggested to them by the replies of the other Governments upon the drafts.

5. The Council might then place on the programme of the Conference such subjects as were formally approved by a very large majority of the Powers which would take part therein.

II. RESOLUTION OF THE TWELFTH ASSEMBLY OF THE LEAGUE OF NATIONS,
25 SEPTEMBER 1931

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The Assembly recalls that the resolution of 22 September 1924, emphasized the progressive character of the codification of international law which should be undertaken, and, in view of the recommendations of the First Conference for the Codification of International Law held at The Hague in 1930, it decides to continue the work of codification with the object of bringing up conventions which will place the relations of States on a legal and secure basis without jeopardizing the customary international law which should result progressively from the practice of States, and the development of international jurisprudence. To this end, the Assembly decides to establish the following procedure for the future, except in so far as, in particular cases, special resolutions provide to the contrary :

1. Any State or group of States, whether Members of the League or not, may propose to the Assembly a subject or subjects with respect to which codification by international conventions should be undertaken. Such proposals, together with a memorandum containing the necessary explanatory matter, should be sent, before 1 March, to the Secretary-General, in order that he may communicate them to Governments and insert them in the agenda of the Assembly.
2. Any such proposals will be considered by the Assembly, which will decide whether the subjects proposed appear prima facie suitable for codification.
3. If the investigation of a proposed subject is approved by the Assembly and if no existing organ of the League is competent to deal with it, the Assembly will request the Council to set up a committee of experts, which will be asked, with the assistance of the Secretary-General of the League of Nations, to make the necessary enquiries and to prepare a draft convention on the subject, to be reported to the Council with an explanatory statement.

4. The Council will transmit such report to the Assembly, which will then decide whether the subject is provisionally to be retained as a subject for codification. If this is decided affirmatively, the Assembly will ask the Secretary-General to transmit the said report to the Governments of the Members of the League and non-member States for their comments.

5. The committee of experts, if it considers it desirable to do so, will revise the draft in the light of the comments made by the Governments.

If the committee of experts revises the draft, the revised draft will be submitted to the Governments for their comments and, together with the comments received, will be transmitted to the Assembly, which will then decide finally whether any further action should be taken in the matter and, if so, if the draft should be submitted to a codification conference.

If the committee does not see any reason to revise the draft, it will be transmitted, together with the comments of the Governments, to the Assembly, which will then decide finally whether any further action should be taken and, if so, if the draft should be submitted to a codification conference.

THE ASSEMBLY RECOMMENDS:

1. That, in relation with the further work in connection with the codification of international law, the international and national scientific institute should collaborate in the work undertaken by the League of Nations;
2. That the work of codification undertaken by the League of Nations should be carried on in concert with the conferences of the American States.