HUNDRED AND FIFTY-EIGHTH MEETING

Held at Lake Success, New York, on Tuesday, 11 October 1949, at 3 p.m.

Chairman: Mr. LACHS (Poland).

Methods and procedures of the General Assembly: report of the Special Committee (A/937) *(continued)*

1. The CHAIRMAN drew the attention of the members of the Committee to the amendments submitted by the delegation of the United Kingdom of Great Britain and Northern Ireland to rules 82 and 109 of the rules of procedure. Those amendments appeared in paragraph 4 of document A/C.6/L.8.

2. Mr. FITZMAURICE (United Kingdom) explained why his delegation had proposed the amendments. Rule 82 of the present rules of procedure provided the following: "When an amendment is moved to a proposal, the amendment shall

be voted on first. When two or more amendments are moved to a proposal, the General Assembly shall first vote on the amendment furthest removed in substance from the original proposal and then on the amendment next furthest removed therefrom, and so on, until all the amendments have been put to the vote." That provision, which was also contained in rule 119, sometimes led the Chairman to put to the vote amendments which had been automatically excluded as a result of the previous adoption of another amendement; this resulted in useless votes and a consequent loss of time, as well as in long procedural discussions.

3. The representative of the United Kingdom gave the following illustration: A proposal to refer a question to the International Court of Justice had been submitted to a main committee; and two amendments were submitted. One was to refer the question to the International Law Commission, the other to refer it to a special committee which would settle it during the current session. In accordance with the rules of procedure, the second of the two amendments, which was the furthest removed from the original proposal, was to be voted on first. It was quite evident, however, that, if the first amendment was adopted, the adoption of the second amendment would be automatically excluded, so that it was quite useless to put the latter to the vote.

4. Mr. Fitzmaurice stressed the fact that cases of that kind had already arisen. It was to offset such disadvantages that the United Kingdom delegation proposed adding to rules 82 and 119, after the words "until all the amendments had been put to the vote", the following sentence: "Where however the adoption of one amendment necessarily implies the rejection of another amendment, the latter amendment shall not be put to the vote".

5. Mr. KORETSKY (Union of Soviet Socialist Republics) was of the opinion that the United Kingdom amendments limited the freedom of action of the General Assembly and the Main Committees too much.

6. Moreover, far from simplifying the conduct of discussions and of saving time, the proposal might result in long procedural discussions. In fact, it was not always easy to decide whether or not one amendment excluded another. Such questions could be easily decided in certain cases; in others, on the contrary, there might be considerable difference of opinion. It was therefore preferable to maintain the customary procedure, that is, to vote on all the amendments, which took only a few moments, rather than to have a long and useless discussion on whether the adoption of one of those amendments automatically resulted in the rejection of the others.

7. The USSR delegation, which quite understood the very praiseworthy motives which had led the United Kingdom delegation to submit its amendments, therefore hoped that that delegation would agree to withdraw its proposal.

8. Mr. LOUTFI (Egypt) regretted that he could not support the United Kingdom amendments. In practice, when the Chairman of a Main Committee decided that an amendment was automatically excluded as a result of the previous adoption of another proposal, he consulted the author of the amendment, or asked the Committee's opinion. It seemed better to maintain that more flexible procedure and to let the Main Committees decide, without trying to impose any strict rule on them.

9. Moreover, Mr. Loutfi feared, as did the USSR representative, that the United Kingdom amendments would result in long procedural discussion. He would therefore vote against the amendments.

10. The CHAIRMAN put to the vote the United Kingdom amendment (A/C.6/L.8, paragraph 4) to add to rule 82, after the words "until all the amendments had been put to the vote", the following sentence: "Where however the adoption of one amendment necessarily implies the rejection of another amendment, the latter amendment shall not be put to the vote."

The amendment to rule 82 was adopted by 25 votes to 17, with 9 abstentions.

11. The CHAIRMAN put to the vote the United Kingdom amendment to add to rule 119, after the words: "until all the amendments had been put to the vote", the following sentence: "Where however the adoption of one amendment necessarily implies the rejection of another amendment, the latter amendment shall not be put to the vote."

The amendment to rule 119 was adopted by 24 votes to 17, with 8 abstentions.

12. Mr. BARTOS (Yugoslavia) observed that he had abstained in the vote on the amendment to rule 82, but that he had voted against the amendment to rule 119. The amendment to rule 82, in his opinion, involved only changes of minor significance. On the contrary, it was essential that voting procedure in the Main Committees should not be restricted, because the General Assembly and public opinion must know exactly what reception delegations had given to the various proposals.

13. The CHAIRMAN drew the attention of members of the Committee to the United Kingdom proposal (A/C.6/L.8, paragraph 5) on the duplication of rules of procedure.

14. Mr. FITZMAURICE (United Kingdom), presenting his proposal, reviewed the difficulties which resulted from the fact that there were two sets of rules, one governing the proceedings of the General Assembly, and the other governing those of the Main Committees. While it was a most unusual state of affairs that some of the rules of procedure should apply only to plenary meetings, and others only to the conduct of debates in the Main Committees, there were some twenty rules which could apply equally to plenary meetings and to meetings of the Main Committees. He cited in particular rules 60 and 98, 74 and 112, 78 and 115, 83 and 120, and others, which were absolutely identical except that one referred to the General Assembly and the other to the Main Committees. There was therefore duplication in the case of those rules, which created some confusion in debates, since representatives sometimes cited the number of the rule referring to the General Assembly when they were in committee, and vice versa. To overcome those disadvantages, every time one of the rules of procedure of the General Assembly was absolutely identical with the corresponding rule of procedure of the Main Committees, the two should be amalgamated into a single rule.

15. Those considerations had led his delegation to propose the establishment of a single group of rules, instead of two, the text of which would be drafted so as to apply equally to the General Assembly and to the Main Committees, as the case might be. For example, in the case of rules which applied both to the General Assembly and to the Committees, the words "or the Main Committees"

should be placed in parentheses after the words "General Assembly".

16. Mr. Yuen-li LIANG (Secretariat) recalled that, in 1946, the General Assembly had adopted a rule 107 stipulating that rules 65 to 76 of the rules of procedure of the General Assembly should also apply to the Main Committees, but that later the Committee on Procedures and Organization, which had met in 1947 and on whose recommendations the existing rules of procedure were based, had judged it preferable to have two sets of rules of procedure, one for the General Assembly and the other for the Main Committees.

17. Mr. JORDAAN (Union of South Africa) was of the opinion that the advantages of the United Kingdom proposal to amalgamate those rules of procedure which were duplicated, were quite obvious. He would therefore vote for that proposal.

18. He merely wished to know whether the operation would be carried out by the Committee itself or entrusted to the Secretariat. Since the task was a fairly simple one, the second solution appeared preferable.

19. Mr. WENDELEN (Belgium) could not support the United Kingdom proposal. His delegation had, as far back as 1947, defended the point of view that there should be two separate sets of rules; and that view had since been borne out in practice.

20. Mr. MAYRAND (Canada) would also vote against the United Kingdom proposal. Two years previously, his delegation had played a very active part in ensuring that the various rules of procedure of the General Assembly should be divided into two groups, according to whether they applied to the General Assembly or to the Main Committees.

21. Mr. GRAFSTRÖM (Sweden) wished to reconcile the different opinions expressed in the Committee. He proposed, in connexion with those rules which were identical in the rules of procedure of both the General Assembly and the Main Committees, that each of the rules applying to the General Assembly should mention the number of the corresponding rule in the rules of procedure of the Main Committees, and vice versa. That would facilitate the task of representatives who had occasion to quote rules of procedure during meetings, and would prevent them from giving wrong references.

22. Mr. FITZMAURICE (United Kingdom) said he could not withdraw his proposal in favour of that of Sweden. Though the latter would represent a definite improvement in the existing rules of procedure, it would not eliminate all possibility of error, as did the United Kingdom proposal. Mr. Fitzmaurice added that, if his own proposal were to be rejected, he would vote for that of Sweden.

23. The CHAIRMAN put to the vote the United Kingdom proposal (A/C.6/L.8, paragraph 5) that all rules governing the proceedings of the General Assembly and those of the Main Committees be amalgamated whenever such rules were identical.

The proposal was rejected by 24 votes to 11, with 11 abstentions.

24. Mr. KORETSKY (Union of Soviet Socialist Republics) asked for more details regarding the Swedish proposal. He wished to know whether it was intended to incorporate the indications in question in the actual text of the rules of procedure, or merely to append an index showing how the rules corresponded to each other, a task which might be entrusted to the Secretariat.

25. Mr. GRAFSTRÖM (Sweden) replied that the indications whose insertion he was proposing would not form an integral part of the text; they might appear in brackets or in the form of notes.

26. In reply to a question by Mr. WENDELEN (Belgium), Mr. GRAFSTRÖM (Sweden) explained that his proposal referred exclusively to those rules of procedure of the General Assembly and of the Main Committees which were identical, and not to rules which merely corresponded to each other.

27. Mr. MAÚRTUA (Peru) thought it might be advisable to provide for the insertion of similar indications in the case of all rules which were to some extent parallel. The Secretariat might be entrusted with the work.

28. Mr. KORETSKY (Union of Soviet Socialist Republics), in reply to a question by the CHAIRMAN, said he did not wish to make a formal proposal regarding the insertion in the rules of procedure of an index showing how the rules corresponded. He had merely made a suggestion which the Secretariat might take up if it wished. In fact, if the question was not one of actually altering the text of the rules but merely of finding some practical method of easing the task of representatives who needed to refer to the rules of procedure, the Committee should leave the Secretariat to deal as it thought best with such minor problems of editing.

29. Mr. GRAFSTRÖM (Sweden), associating himself with the USSR representative's suggestion, proposed that the Committee simply ask the Secretariat to take all necessary action to facilitate references to the rules of procedure.

It was so decided.

30. The CHAIRMAN drew the Committee's attention to the United Kingdom proposal (A/C.6/L.8, paragraph 6) that a preface or annex should be added to the rules of procedure.

31. Mr. FITZMAURICE (United Kingdom) was not sure that the proposal in question, which had been submitted by his delegation at the very outset of the discussion, absolutely corresponded to the existing situation. It was now being proposed that the Secretariat should prepare a document embodying certain proposals and recommendations contained in the report (A/937) of the Special Committee on Methods and Procedures which had been approved by the Sixth Committee. But the main idea of the United Kingdom proposal was still as useful as ever, and he would like to hear the Committee's reactions to it. In the opinion of the United Kingdom delegation, it would be extremely useful to include, as preface or annex to the rules of procedure, some of the recommendations and observations of the Special Committee's report which could not be included in the rules themselves but which nevertheless contained ideas of the greatest importance. It was to be feared that, if those observations and recommendations were to appear in a separate document, which might not always be at the disposal of representatives, they would soon be more or less forgotten. But if they were inserted, in the form of an annex or preface, in the booklet containing the rules of procedure themselves, they would retain all their force.

32. Mr. KORETSKY (Union of Soviet Socialist Republics) could not support the United Kingdom proposal. First, he was doubtful of its practical utility; secondly, he thought the proposal dealt with matters which the Secretary-General should be left free to arrange as he saw fit. It was for the Secretary-General to decide whether the observations and recommendations in question should be published as a printed document or booklet, or should, on the contrary, be inserted as an annex in the same booklet as the rules of procedure themselves.

33. Mr. CHAUMONT (France) considered that the United Kingdom proposal no longer corresponded to the existing situation. Moreover, that proposal seemed to contain an internal contradiction: the United Kingdom note (A/C.6/L.8) stated, on the one hand, that the preface or annex would not interpret or comment on the actual rules themselves, but would, on the other hand, suggest the spirit in which those rules should be applied. But the two were rather difficult to separate.

34. Lastly, in addition to the fact that it was not the usual practice to add comments or observations to rules of procedure, the drafting of such a preface or annex would entail lengthy discussion, since each word would have to be weighed with the greatest care.

35. Mr. BARTOS (Yugoslavia) supported the French representative's remarks regarding the contradictions in the United Kingdom proposal. The United Kingdom representative alleged that the preface or annex would not be intended to interpret the rules of procedure themselves, but in fact it would be doing more, since it would to a certain extent determine the methods of interpretation.

36. Mr. JORDAAN (Union of South Africa) was surprised that the United Kingdom proposal, designed simply to assemble in a short preface or annex those recommendations in the Special Committee's report which had been approved by the Sixth Committee but could not be incorporated in the rules of procedure themselves, should raise so many difficulties. The delegation of the Union of South Africa supported the proposal because it thought it would be useful to include certain indications regarding the spirit in which the rules of procedure should be applied in an annex to those rules.

37. Mr. MAÚRTUA (Peru) stated that there was an important technical point which should be settled first. Would the preface or annex in question reproduce certain passages of the Special Committee's report or would it simply be based on those passages and thus constitute a new text?

38. Mr. ODIO (Costa Rica) associated himself with the question put by the Peruvian representative.

39. Mr. FITZMAURICE (United Kingdom) said that the United Kingdom proposal should be considered in relation to sub-paragraph 3 of paragraph B of the joint draft resolution submitted by Denmark, Iceland, Norway and Sweden (A/C.6/L.23). That sub-paragraph stated that the General Assembly:

"*Requests* the Secretary-General to prepare a document embodying the above-mentioned recommendations, suggestions and considerations in convenient form for use by the General Committee and the delegations of Member States in the General Assembly".

The United Kingdom delegation thought that the best means of achieving that purpose would be to include such a document as an annex to the rules of procedure, the document itself having received the prior approval of the General Assembly. In that way, there would never be any risk of forgetting the Special Committee's recommendations and observations. That was the aim of the United Kingdom proposal.

40. Mr. KORETSKY (Union of Soviet Socialist Republics) thought that the United Kingdom proposal, as it appeared in paragraph 6 of document A/C.6/L.8, differed somewhat from the one the United Kingdom representative had just made verbally. In point of fact, the written proposal advocated the insertion, in the rules of procedure, of a preface containing the "general principles by which the President, other officers and members of the Assembly and of Main Committees should be animated in order to ensure the speedy dispatch of business". On the other hand, the remarks the United Kingdom representative had just made were concerned simply with the advantages of publishing as an annex to the rules of procedure, the document the Secretariat was to prepare, after that document had been approved by the Sixth Committee and the General Assembly. But that would be merely a simple technical question which ought to be settled at a later date.

41. Mr. MAÚRTUA (Peru) said that, in order to avoid any misunderstanding, it would be advisable to specify in the United Kingdom proposal that the Secretariat would simply have to reproduce certain observations and recommendations made by the Special Committee on Methods and Procedures in the form of an annex to the rules of procedure. An official of the Secretariat could not be asked to draw up an annex or preface listing the basic principles of procedure.

42. Mr. FITZMAURICE (United Kingdom) agreed to submit his proposal in the form suggested by Peru since it met the purpose of his delegation.

43. The CHAIRMAN wished to know whether, in that case, the United Kingdom representative would agree to his proposal being considered after the joint draft resolution (A/C.6/L.23).

44. Mr. FITZMAURICE (United Kingdom) accepted that solution.

45. The CHAIRMAN recalled that, at the 157th meeting, the Committee had set up a Drafting Committee to clarify texts which had already been approved and to submit a report to the Sixth Committee. He suggested that the Committee should postpone a final decision on the whole of the question of methods and procedures until it had received the Drafting Committee's report.

It was so decided.

Report of the International Law Commission (A/925)[1]

46. The CHAIRMAN recalled that under resolution 174 (II), the General Assembly had set up the International Law Commission, whose members had been elected on 3 November 1948. The Sixth Committee had before it the report submit-

[1] See *Official Records of the fourth session of the General Assembly*, Supplement No. 10.

ted by the International Law Commission on the work of its first session. On behalf of the members of the Committee, the Chairman asked Mr. Hudson, Chairman of the International Law Commission, to take part in the discussion of the report, and invited him to take a place at the Committee table.

Mr. Hudson took a place at the Committee table.

47. Mr. HUDSON (Chairman of the International Law Commission) thanked the Committee for the invitation to take part in its work during its consideration of the report of the International Law Commission.

48. The International Law Commission had instructed its Chairman to place himself at the disposal of the Sixth Committee in order to give it all necessary explanations of the report. Mr. Hudson wondered, however, whether his presence was really necessary in view of the fact that five members of the International Law Commission, including the two Vice-Chairmen, the Rapporteur and special Rapporteur, represented their Governments on the Sixth Committee and could therefore provide all the necessary explanations. However that might be, he would hold himself at the Committee's disposal to reply to all questions that it wished to put to him, and would be happy if his co-operation proved useful.

49. Mr. Hudson wished to comment on the report in order to emphasize its important points and to call attention to the Commission's decisions.

50. The International Law Commission had held its first session at Lake Success from 12 April to 9 June 1949. Thirteen of the fifteen members of the Commission had taken part in its work. It had studied each of the six items on its agenda, listed in paragraph 6 of its report (A/925).

51. The question of the powers of the Commission with respect to the selection of topics for codification had been discussed at great length. It had finally been decided, by 10 votes to 3, that the Commission was competent to carry out its work in accordance with the procedure laid down in articles 19 to 23 of its Statute, without awaiting the General Assembly's decision on recommendations submitted by the Commission under article 18, paragraph 2.

52. The Commission had taken up the study of international law as a whole, using a document prepared by the Secretariat. After discussing each of the twenty-five topics dealt with in that document, the Commission had provisionally selected fourteen topics, listed in paragraph 16 of its report. The laws of war had not been included in that selection because the majority of the members of the Commission felt that the work of the Commission would arouse greater public interest if it dealt exclusively with the law of peace, at least at the beginning. The Commission had, however, taken note of the fact that a conference which had met in Geneva, at approximately the same time as the International Law Commission, had succeeded in drawing up four draft conventions on questions concerned with the laws of war, in particular on the treatment of prisoners and civilians in time of war. The Commission had decided to give priority to the law of treaties, arbitral procedure and the régime of the high seas. It had nominated Mr. Brierly, Mr. Scelle and Mr. Francois as Rapporteurs; each of them was to prepare a working paper for submission to the Commission's next session on the topic entrusted to him. It had also decided to ask Governments to submit documentation on the three topics selected. Finally, the Commission had requested one of its members, Mr. Yepes, to prepare a working paper for the next session on the topic of the right of asylum.

53. In accordance with General Assembly resolution 177 (II), the Commission had considered the formulation of the Nürnberg principles and the preparation of a draft code of offences against the peace and security of mankind. After long discussion and after studying the report of the Sub-Committee which it had established to formulate the Nürnberg principles, the Commission had decided to appoint Mr. Spiropoulos as Rapporteur and to request him to prepare a working paper on the whole question for the next session.

54. The Commission had studied the question, referred to it by the General Assembly in resolution 260 (III), B, of establishing an international judicial organ for the trial of persons charged with genocide or other crimes over which jurisdiction would be conferred upon that organ by international conventions. After a preliminary discussion, the Commission had appointed Mr. Alfaro and Mr. Sandström Rapporteurs on the subject.

55. In accordance with article 24 of its Statute, the Commission had begun the consideration of ways and means for making the conventions of customary international law more readily available. It had invited its Chairman to prepare a working paper on the question for its next session.

56. With a view to the distribution of its documents, the Commission had also examined a tentative list of national and international organizations concerned with questions of international law. That list had been prepared by the Secretary-General in accordance with article 26, paragraphs 2 and 3, of the Statute.

57. The Commission had taken certain other decisions, *inter alia,* on the place where its next session would be held. It had also suggested that the General Assembly should revise article 13 of the Commission's Statute relating to the allowances paid to members of the Commission.

58. Passing to part II of the report (A/925), Mr. Hudson recalled that in resolution 178 (II) the General Assembly had instructed the International Law Commission to prepare a draft declaration on the rights and duties of States, taking the draft declaration submitted by Panama as a basis for discussion. The Commission had devoted several weeks to studying the question and it had adopted, by 11 votes to 2, the text which appeared in paragraph 46 of its report. The Commission had decided to submit its draft to the General Assembly immediately and to allow the Assembly to decide whether it should be transmitted to Member States for comment.

59. Mr. Hudson said that the Secretariat had done everything possible to help the Commission. The Commission had decided to devote a special paragraph of its report to expressing its thanks to the Secretariat for its untiring efforts.

60. The members of the Sixth Committee were aware of the scope of the work entrusted to the International Law Commission. He was convinced that they would not expect to receive a draft code

of international law from the Commission at the end of its first session; that would take many years. He thought, however, that he was not over-optimistic in expressing the hope that, at the end of the three-year period for which they had been elected, the members of the Commission would be in a position to submit to the General Assembly at least the first principles of the progressive codification and development of international law with which they had been entrusted.

61. The CHAIRMAN thanked Mr. Hudson for his extremely helpful statement.

62. He suggested that the Committee should discuss each of the two parts of the report separately. He declared open the debate on part I, "General".

63. Mr. FITZMAURICE (United Kingdom), observing that some delegations might wish to explain their Governments' attitude to the International Law Commission and its work, stated that it would be difficult for them to divide their general observations.

64. The CHAIRMAN said that delegations which so desired could submit general observations on the report as a whole. He urged, however, that the two parts of the report should be considered separately in any detailed discussion.

PART I: GENERAL (A/925)

65. Mr. MAÚRTUA (Peru) noted that the legal work undertaken by the United Nations consisted of codification of international law through conventions. There could be no question of creating a complete code of laws covering every possible international legal relationship. The law must be recognized, codified, consolidated or developed; general rules must be formulated which would correspond to the dictates of legal conscience and might thus become positive law through the consent of States. That was why the task could only be carried out slowly and progressively.

66. If codification in the old world was compared with that developing in America, it was apparent that America, which already had a fairly long past, was considerably more vigorous. Without sacrificing the necessary prudence, American jurists showed a more active desire to legislate. It was well-known how little success had attended the Hague Conference of 1930, following which the League of Nations had intended to continue the work of codifying European laws and coordinating them with American laws. As a result, there had been two parallel movements: a European movement, which had worked in a certain state of confusion; and an American movement, which had produced an isolated regional legal code. The unity and universality essential to international law had naturally suffered a great deal thereby. Thus, the American States had already formulated a declaration of the fundamental rights and duties of States based on legal elements drawn entirely from American sources. The text of the Bogotá Charter, however, of which that declaration formed one chapter, had been drawn up after long and difficult negotiations in such a form as to make conventional law at least an approximate expression of the feeling of justice. In that connexion, the United Nations should take into account the American experience since it had given to a community of States a legal statute which should serve as a basis for the future international legal organization.

67. In international codification, technical elements played a very important part alongside the progress of legal opinion, which should set the pace of work. Technical methods should be characterized by both caution and the sense of practicability. Caution required that the stage of development of ideas with respect to each of the institutions contemplated, the opinion of competent circles and the wishes of Governments should be taken into account so that it should be possible to know whether a particular institution corresponded to a principle clearly established by the conscience of States. The sense of practicability was the expression of actual policy in the formulation of law, of policy considered as the guiding principle of the conduct of States and elevated above special national problems. The sense of feasibility taught that a work undertaken should not be jettisoned in case of difficulties but that, among carefully studied elements, a distinction should be made between those with which States unanimously agreed or which corresponded to their prevailing wishes, and those which encountered opposition or which were not defined with sufficient clarity.

68. Such considerations served as a preface to the study of methods for the work of codification. The choice of subjects for codification could not be made haphazardly. Codification should be based on permanent principles unaffected by the contingencies of international life; those principles should, moreover, be formulated in so flexible a way as not to hamper the future evolution of law or be superseded by such evolution. The choice of subjects should therefore be made gradually and cautiously and should first of all comprise those elements of legal relations which were universally recognized as coming within the domain of the international community, and particularly those which were general and well-established customs which would gain in clarity and authority if defined by conventions. On the other hand, experience showed that there was no advantage in distinguishing between the constituent elements of custom or positive law and the elements which would have to be adapted to the development of law and to the circumstances of international life. Codification, however, should always take into account *de facto* situations which led States to consider the co-ordination of certain subjects desirable; work could be restricted to establishing existing rules or could go ahead of the evolution of the international conscience. The essential consideration was that rules should have a sufficiently mature psychological basis so as to be incumbent upon States not simply because they had subscribed to those rules, but because they were the expression of the States' fundamental beliefs and put their common concept of justice into words. Subjects which were not as yet part of the domain of the international community could be codified on condition that States agreed that they had an international aspect.

69. It would, however, be useless to attempt to draw up constructive or secondary rules on matters which did not come within the domain of international law or which, in conformity with its principles, fell within the domestic competence of States. Nor would it be wise to obey the dynamic force of codification when there was not unanimity on the interpretation of the rules or when there was uncertainty as to whether they could be enforced. In that case, any reservations introduced into the text of conventions, in order to obtain

a semblance of agreement, would only serve to weaken the authority of conventional law and the usefulness of codification.

70. Analyzing the various stages of international codification in America, Mr. Maúrtua showed that they constituted a systematic work based on existing elements and elaborated by a process of gradual development. The first stage had consisted in the attempt to formulate the ideas of Bolivar as organic codes. The second had coincided with the concept of codification by means of fragmentary conventions. The part the American Institute of International Law and the Pan-American Conferences had played in that had been of great importance. The so-called Montevideo rules had been progressively perfected, thanks to the work of the permanent commissions and to the co-operation of the national societies of international law, the Committee of Experts and the Inter-American Juridical Committee. That system comprised a graded organization which made it possible for subjects to be carefully studied before they were formulated in legislation. At every stage of the work, Governments had always been able to make known their point of view, which was a decisive factor.

71. That was an example the United Nations might follow, rejecting all the political influences, disagreements and vested interests sometimes surrounding principles which ultimately completely distorted the texts drawn up with a view to setting forth those principles. During the discussion of the draft convention on the prevention and punishment of the crime of genocide, the Committee had been able to note that policital considerations had often been brought to bear where only purely legal concepts should have played a part.

72. Mr. Maúrtua pointed out that the International Law Commission, which was a body of eminent lawyers, had no auxiliary bodies to help it in its research. That was a grave omission because codification was a double operation of selection: one was effected within the conscience of States; and the other was the task of technical bodies entrusted with sifting of the legal elements of custom and relying on considerations of expediency. A single body could not suffice for that work. The need to take the views of Governments and the importance of the work to be accomplished into account would justify the setting up of new institutions.

73. Mr. TRUJILLO (Ecuador), stressing the wide scope of the problem raised by the Peruvian delegation, called for adjournment.

The motion for adjournment was adopted by 31 votes to none, with 10 abstentions.

The meeting rose at 5.15 p.m.