

PROGRESSIVE DEVELOPMENT
OF INTERNATIONAL LAW AND ITS CODIFICATION

REPORT OF THE SIXTH COMMITTEE

Rapporteur: Professor K. H. BAILEY (Australia)

1. The General Assembly at its forty-sixth plenary meeting on 31 October 1946 referred to the Sixth Committee the question of the obligation to "initiate studies and make recommendations for the purpose of encouraging the progressive development of international law and its codification" under Article 13, paragraph 1, (a) of the Charter.
2. The Sixth Committee referred this matter to Sub-Committee 1 and after discussion adopted in substance a report prepared by the rapporteur of the Sub-Committee, Mr. E. R. Hopkins (Canada).
3. The Sixth Committee regarded it as desirable that a Committee be established to study the methods which might suitably be adopted by the General Assembly in implementation of the above-mentioned obligation and to submit a report thereon.
4. It was agreed that a considered and comprehensive report on these methods should be made available to the General Assembly before it formulates any definite plan for the progressive development of international law and its codification.
5. It was further agreed that a study of existing projects and of the methods followed by official and unofficial bodies engaged in promoting the development and formulation of public and private international law was necessary to the work of the proposed Committee.
6. It was thought that, in view of the difficulties encountered in past efforts to promote the progressive development of international law and its
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codification, the proposed Committee would consider the possibility of recommending a fresh approach to the problem.

7. The Sixth Committee felt that, since the proposed Committee would be concerned with methods and procedures basic to the development and formulation of international law, it should be composed exclusively of governmental representatives of Members of the United Nations.

8. In the view of the Sixth Committee the proposed Committee should consist of sixteen Members. It was felt that this number was not so large as to impair the efficiency of the proposed Committee, nor so small as to prevent the principal legal systems of the world from being represented.

9. After discussion of the method whereby the Members to be represented in the Committee should be chosen, it was finally agreed that it would conserve the time of the Sixth Committee and of the General Assembly if the sixteen Members were appointed by the General Assembly on the recommendation of the President. The Sixth Committee expresses the belief that, in choosing the Members, every effort will be made to ensure that the Committee shall be genuinely representative of the main forms of civilization and of the principal legal systems of the world.

10. It was agreed that it might be helpful to the proposed Committee to have the written comments of any Member of the United Nations which cared to submit them.

11. It was also agreed that the Secretariat should provide assistance to the proposed Committee in its work.

12. The Sixth Committee therefore recommends that the General Assembly adopt the following resolution:

PROGRESSIVE DEVELOPMENT OF INTERNATIONAL LAW AND ITS CODIFICATION

THE GENERAL ASSEMBLY

RECOGNIZES the obligation laid upon it by Article 13, paragraph (a) of the Charter to initiate studies and make recommendations for the purpose of encouraging the progressive development of international

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law and its codification;

REALIZES the need for a careful and thorough study of what has already been accomplished in this field as well as of the projects and activities of official and unofficial bodies engaged in efforts to promote the progressive development and formulation of public and private international law, and the need for a report on the methods whereby the General Assembly may most effectively discharge its obligations under the above-mentioned provision:

THEREFORE

RESOLVES to establish a Committee of sixteen Members of the United Nations to be appointed by the General Assembly on the recommendation of the President, each of these Members to have one representative on the Committee;

DIRECTS the Committee to study

- (a) the methods by which the General Assembly should encourage the progressive development of international law and its eventual codification
- (b) methods of securing the co-operation of the several organs of the United Nations to this end
- (c) methods of enlisting the assistance of such national or international bodies as might aid in the attainment of this objective

and to report to the General Assembly at its next regular session.

REQUESTS the Secretary-General to provide such assistance as the Committee may require for its work.
