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Planning of Future Work of the Commission. Resolution adopted by the General Assembly regarding future work in the field of the codification and progressive development of international law - Note by the Secretariat

Topic:
Programme of work

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PLANNING OF FUTURE WORK OF THE COMMISSION

[Agenda item 6]

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Resolution 1505 (XV) adopted by the General Assembly regarding future work in the field of the codification and progressive development of international law

NOTE BY THE SECRETARIAT

[Original: English]

[8 May 1961]

1. The General Assembly, in the course of its fifteenth session, at the 943rd plenary meeting on 12 December 1960, adopted resolution 1505 (XV) on future work in the field of the codification and progressive development of international law. According to the terms of the resolution, the General Assembly decided to place the question on the agenda of its sixteenth session; the Assembly also invited the Member States to submit their views or suggestions on the matter. The resolution reads in full as follows:

The General Assembly,

Bearing in mind the purposes and principles of the United Nations,

Considering that the conditions prevailing in the world today give increased importance to the role of international law, and its strict and undeviating observance by all governments, in strengthening international peace, developing friendly and co-operative relations among the nations, settling of disputes by peaceful means and advancing economic and social progress throughout the world,

Recalling its resolution 1236 (XII) of 14 December 1957 and 1301 (XIII) of 10 December 1958,

Mindful of paragraph 1 of Article 13 of the Charter of the United Nations, which provides that the General Assembly shall initiate studies and make recommendations for the purpose of encouraging the progressive development of international law and its codification,

Considering the extent of the progress made by the International Law Commission in the codification of topics listed in paragraph 16 of the report covering its first session,¹

Expressing its appreciation to the Commission for the work it has accomplished in the field of the codification and progressive development of international law,

Considering that many new trends in the field of international relations have an impact on the development of international law,

Considering that it is desirable to survey the present state of international law, with a view to ascertaining whether new topics susceptible of codification or conducive to progressive development have arisen, whether priority should be given to any of the topics already included in the Commission's list or whether a

broader approach may be called for in the consideration of any of these topics,

Deeming it necessary therefore to reconsider the Commission's programme of work in the light of recent developments in international law and with due regard to the need for promoting friendly relations and co-operation among States,

1. *Decides* to place the question entitled "Future work in the field of the codification and progressive development of international law" on the provisional agenda of its sixteenth session in order to study and survey the whole field of international law and make necessary suggestions with regard to the preparation of a new list of topics for codification and for the progressive development of international law;

2. *Invites* Member States to submit in writing to the Secretary-General, before 1 July 1961, any views or suggestions they may have on this question for consideration by the General Assembly.

2. The resolution was adopted on the recommendation of the Sixth Committee, which discussed the matter in connexion with its consideration of the Report of the International Law Commission on its twelfth session. The Sixth Committee's deliberations on the matter are recorded in its summary records,² and summarized in its report.³

3. The question of inviting the Commission itself to undertake a study of the matter was raised. The debate as to which organ should be entrusted with this task was summarized in the Sixth Committee's report as follows:⁴

45. In the course of the discussion most representatives came to the conclusion that the principle that many new trends in the field of international relations had an impact on the development of international law — whose role had consequently increased in importance — should be taken as a basis for ascertaining whether new topics susceptible of codification or conducive to progressive development had arisen, and that the best course of action would be to revise the International Law Commission's work programme

² *Official Records of the General Assembly, Fifteenth Session, Sixth Committee*, 649th to 672nd meetings.

³ *Ibid.*, *Fifteenth Session, Annexes*, agenda item 65, document A/4605, sections II and III.

⁴ *Ibid.*, paras. 45-49.

¹ *Yearbook of the International Law Commission, 1949*.

in the light of recent developments in international law and with due regard to the need for promoting friendly relations and co-operation among States.

46. There were, however, differences of opinion as to the method to be adopted in order to achieve that end.

47. A large number of representatives held the view that it was imperative to establish a special committee, since the preparation of a new list of topics for codification raised political problems which it was preferable to entrust to government representatives and not to experts such as the members of the International Law Commission, without thereby implying the slightest criticism of the International Law Commission. Moreover, as the Commission already had a very heavy agenda, to ask it to select new topics for codification would mean seriously delaying the study of other questions.

48. Another large group of representatives thought, on the contrary, that the International Law Commission was better qualified to perform that task, by virtue of articles 16-24 of its statute, and that it would be inappropriate to set up a special committee which would duplicate the Commission's work and whose establishment might imply a lack of confidence in the Commission. Despite its heavy agenda, the Commission was perfectly capable of undertaking this new task, which would not occupy more than a few meetings.

49. In the course of the discussion, agreement was achieved between the two points of view, to the effect that the General Assembly, at its sixteenth session, should study and survey the whole field of international law and make necessary suggestions with regard to the preparation of a new list of topics for codification. The Member States would be invited to submit their views or suggestions for consideration by the Assembly.