

UNAO - Working papers - commissions & technical committees  
- commission II & Committee II - 21<sup>st</sup> meeting

7 June 1945

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SUMMARY REPORT OF TWENTY-FIRST MEETING OF COMMITTEE II/2

Veterans Building, Room 202, June 7, 1945, 3:40 p.m.

The Chairman opened the meeting at 3:40 p.m.

1. Consideration of Third Report of Subcommittee B.

*the / before Com- mittee II/2 / some members felt that*

The Chairman, introducing the Third Report of Subcommittee B (Doc. 792, II/2/B/10), said that, as stated in the Report, the Subcommittee had been divided on the point whether it was essential, in view of ~~Committee II/2's~~ affirmative vote on the ~~a~~ question at its meeting on May 21, specifically to include the word "revision", in connection with international law, in the text of Paragraph 6, Section B, Chapter V, ~~or whether the words~~ "progressive development" adequately covered Committee II/2's intention. The Subcommittee had therefore agreed to send alternative versions to the Committee to choose from. These were presented in parallel columns in the Report, the differences in wording being underlined for convenience.

In support of the specific mention of revision, as in the first alternative draft set out in the Report, it was urged that it had been suggested to Committee II/2, at its meeting on May 21, that "development" necessarily implied "revision", and that the Committee, by its vote, had rejected this interpretation, showing that it recognized a distinction between the two. "Development", *it was said,* meant adding to existing rules; "revision" meant modifying them. Moreover, "revision" should be mentioned in order to avoid the rigidity implied by the mention of "codification" of international law without provision for modification.

*modifications of*

In support of the use of the words "progressive development", as in the second alternative draft, it was said that, juxtaposed as they were with codification, they implied ~~the power to modify phraseology~~ as well as *additions* to add to existing rules. ~~The terms of the first~~ *It was also argued that* alternative draft, especially in its French version, virtually obligated the Assembly to proceed to revision, *of international law* an inappropriate task for a political body. "Progressive development" would establish a nice balance between stability and change, whereas "revision" would lay too much emphasis on change.



The Chairman put the alternative drafts to a vote.

Decision: There were 8 votes for the first alternative, and 28 votes for the second; second alternative approved.

how The Chairman said it was his understanding that the text of Paragraph 6, Section B, Chapter V, <sup>has just af-</sup> ~~could~~ <sup>firmed;</sup> go to the Coordinating Committee. There was no dissent from this view.

## 2. Future Work of the Committee

The Chairman recalled that the only <sup>unfinished business</sup> ~~matter~~ was the completion of the consideration of Paragraph 3, Section B, Chapter V, in regard specifically to the ~~sentence dealing with expulsion~~, on which further information was awaited. The date of the next meeting of Committee II/2 would be announced in due course.

The meeting adjourned at 4:50 p.m.

II/2 21st 202 June 7 3,40

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Ch Except + 3rd B, only expul left, & that wants  
on 8ccm.  
Re B6, B had to redraft, taking into a/c 2 par  
ans yes in II/2 (reads). Disagree in 8-c  
3 members thought "devel" covered all; & thought  
Chce had had that pt bef it in discuss, & had  
decided 'no'. So altern dfts by II/2 show.  
Diff in lang underline d Chce choose,  
then send to Coord.

Penn In order find happy medium, I had props add  
"and in cod", & I believe this enough to meet  
wishes of II/2. "Prop devel" implies occas re-  
vision, but does emphasize "revision".  
(as conds change & time passes. Some people  
opp cod" as events change constantly, &  
flexible charac Exp const & Exp com law  
shd be used. Don't agree. But law shd be  
codified. Happy eg. = wk of Pan A Conf.  
Penn prefers 2nd Altern as more in acc w  
internat trends today & w. L.Amer trad.

Code de  
droit privé  
international

Bell We have choice 2 texts. The pt in choosing is to  
recall what Chce wanted. 21 May, 2 questions  
cod" & revision. There was in mind of  
Chce distinc betn cod & rev — ∴ argument  
for alt 1. <sup>2nd</sup> I am not sure rev. is compris in  
devel. "Devel" = adding <sup>rules</sup> to existing rules.  
Revision = ~~modifying~~ existing rules.

|| The text is defective & must be revised.

France I think it dangerous to change a pol body like  
Ass to revision. To encour it to develop prop  
droit internat is quite approp. To prop revision,



is quite another. The 7. text is partly bad in what it implies, at least, if alt. 1. is accepted, I move insert "eventually" bef "favorable". But I think to insert revision at all in our Ch. is to introduce the worm in to the fruit.

b.s.d.

(Ctee discuss showed we wanted slightly to extend orig. text. The disagree in S.C. was wholly amicable, is "revision" adequately cared for, <sup>not by</sup> "devel." We consid 2<sup>nd</sup> alt much better. It is simpler in expression for one thing. "Prog. devel." carries a nice balance betw stability & change. "Revision" places (as 7. said) too much emph on econ change. There is no controversy re intro of "codification". ∴ support 2<sup>nd</sup> text.

Egypt

I think slight misinterpret of our vote. As 4.8. just said, may not same f. 2 gus on May 21. Then it was explained to us that revision was included in Cod<sup>n</sup>. Today we are told f. first time that devel = revision too. We are thus en face 3 therein. The fact 1. Codify & revise  
2. devel & revise  
3. " but not revise

The thing is really that someone disagreed in substance.

There are two syst — the "practician", f. "do it  
Amploteas Continuer"; the written law system, which involves faculty of modifier

UK

I am deeply attached to obtaining a proper interpret of Ctee, our collective mind. NOT only was revision passed by 16-7, but we have had remark debate on revision. That must have brought home dangers of "revision". Sorry Mex not here —

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Converted  
to "cod<sup>n</sup>"

for I understood him to mean "revision & modify  
of language" by revision. But that does  
not seem to be implied by 2 of the ablest  
debaters here. Now we A-Sax tried to interpret  
the sense of Elderby "progressive". & avoid dangers  
implied all Cttee wanted. That Cttee was a  
little confused is shown by smallness of vote on  
May 21. It covers all necessary mod<sup>n</sup> of lang.

Belg It seems to me we are about to resume debate of  
substance, fully discussed on May 21. I don't  
mind, if must be. But I want to get out  
that there is a grave diff<sup>ce</sup> betw "revis<sup>n</sup>" &  
revision of rules of law. One is a serious pol  
matter, the other has simply juridical  
aspects - nothing like the same danger.  
I hope we are not going over the debate, but  
are going to choose a text. However, whatever  
we do, let us keep to pt at issue.

S. Africa I am converted to idea of US. There is indeed  
delicate bal betw stabilit & change, which is  
expressed in "prop devel<sup>n</sup>". In Cttee forums,  
we debated sequence of steps to be taken.  
Something same in Alt. 1. But might take back  
so literally as to do cod<sup>n</sup> first & then revert  
to revision. I believe "prop devel<sup>n</sup>" covers all  
we want. (and even Eng text too)

USSR Trad in Fr & Russ<sup>n</sup> implies obligation  
on Ass to promote revision - wh I don't  
like & don't think Cttee wanted. The  
2 Alt is quite wide enough - prop devel<sup>n</sup>  
encompasses all that Cttee wants.

Sec reads textsTHE UNITED NATIONS CONFERENCE  
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<u>Vote</u>	<u>Alternative 1</u>	8	
	" 2	28	and draft acc

France 7 text must be changedBelg reads (others agree)

Ch Then understand we are to send to Coord.  
only expels remains. Will call you  
f. m. p.



Commission II

Committee 2  
Comité

Attendance Record  
Bulletin de Presence

21st Meeting

3:30 P.M. R. 202

Date 7 June 1945

Country  
Nation

Name of Representative Present  
Nom du Représentant Présent  
(Please Print)  
(en Majuscules, S.V.P.)

Argentina

Australia

Belgium

Bolivia

Brazil

Byelorussian S.S.R.

Canada

Chile

China

Colombia

Costa Rica

Cuba

Czechoslovakia

Paul Hasbun

Fernand DEHOUSSE

O Andrade

C. Martins

R. Kiselev

W. K. Ching

Sender - José Méza

Carson Chang

Indro Adh

Francis Colquhoun

Jan Baryan



Denmark

Dominican Republic

Ecuador

Egypt

El Salvador

Ethiopia

France

Greece

Guatemala

Haiti

Honduras

India

Iran

Iraq

Lebanon

Liberia

Luxembourg

Mexico

Netherlands

*[Signature]*

*Prof. H. Andraos*

*M. Blauet*

*C. Brannan*

*Andri' LIOTAU*

*V. T. Krishnamachari*

*Dr. Lissac*

*A. J. Chalabi*

*A. YAFI A-yaf*

*G. L. Denny*

*Hymen Lefebvre*

*Prodr. Moers Lorenz*

New Zealand

AD McIntosh

Nicaragua

Alonso S. Perales

Norway

J. A. W. W. - Muller

Panama

Paraguay

Peru

Philippine Commonwealth

Saudi Arabia

Syria

Turkey

Ukrainian S.S.R.

Union of South Africa

Union of Soviet Socialist  
Republics

United Kingdom

United States of America

Uruguay

Venezuela

Yugoslavia

M. Beljuncu

Jose F. Imperial

Assad

A. D. D. D.

A. S. Esmer

M. Petrovsky

J. R. J. J.

Roschitz

Charles W. W.

W. W. W.

Franklin

Ernest Lopez

T. V. G. G.