

GENERAL
ASSEMBLYASSEMBLEE
GENERALEA/AC.10/20
15 May 1947

ORIGINAL: ENGLISH

COMMITTEE ON THE PROGRESSIVE DEVELOPMENT OF
INTERNATIONAL LAW AND ITS CODIFICATIONPROPOSALS BY THE REPRESENTATIVE OF POLAND WITH REGARD TO THE
PROGRESSIVE DEVELOPMENT OF INTERNATIONAL LAW
AND ITS EVENTUAL CODIFICATION

I. A Standing Commission of Experts on International Law should be created.

1. The number of members of this Commission should be at least eleven in order to make it possible to have the main forms of civilization and the principal legal systems of the world represented on it.

2. Procedure of Nomination and Appointment

(a) The nominations should be effected by governments, members of the United Nations, each government having the right to propose four persons, only two of whom could be its own citizens. The complete panel of persons nominated by the governments should be presented by the Secretary-General to the President of the International Court of Justice. The latter should be authorized to endorse twenty-two persons selected by him after due consultation with all judges members of the Court of International Justice.

(b) Appointment should be effected by the General Assembly which would by voting elect eleven experts from the list of twenty-two persons endorsed by the President of the International Court of Justice. The General Assembly should act upon recommendation of the (Sixth) Legal Committee of the General Assembly. The voting procedure should be guided by Rules 99 and 99-A of the Provisional Rules of Procedure for the General Assembly.

/3. Terms

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3. Terms of Reference

The Commission of Experts should be authorized to prepare such drafts and reports as well as scientific restatements on subjects as may be directed to the Commission of Experts by the Committee on the Progressive Development of International Law and its Codification. The Commission of Experts should be authorized to propose to the Committee on the Progressive Development of International Law and its Codification fields of international law which demand according to its opinion some action.

4. Duration

Provisionally the Commission of Experts should be created for the lapse of time of three years with the possibility to be afterwards prolonged or changed into a standing permanent body.

II. The Committee on the Progressive Development of International Law and its Codification should include in its report to the General Assembly a recommendation that such a Committee as ours should be established also for a lapse of time of three years as a programming and policy group of jurists representing their respective governments. Such a committee should collaborate closely with the Commission of Experts to be established for the purpose of achieving the aims stressed in Article 13, paragraph 1-A, that is the encouragement of the progressive development of international law and its eventual codification. For this purpose it will be necessary to have two sessions during every year and each of them lasting for four to six weeks. Naturally, in view of the close collaboration of the two bodies the same possibility of extension of the time for such a committee would apply to it as well as the possibility of changing it in a standing committee of the General Assembly.