

COMMITTEE ON THE PROGRESSIVE DEVELOPMENT OF  
INTERNATIONAL LAW AND ITS CODIFICATION

## SUMMARY RECORD OF THE FIRST MEETING

Held at Lake Success, New York, on Monday, 12 May 1947, at 3 p.m.

## Present:

Chairman: Sir Dalip Singh	(India)
Dr. Enrique Ferrer Vleyra	(Argentina)
Dr. W. A. Wynes	(Australia)
Mr. Gilberto Amado	(Brazil)
Dr. Shu-hsi Hsu	(China)
Dr. Antonio Rocha	(Colombia)
Prof. Henri Donnedieu de Vabres	(France)
Dr. J. G. de Beus	(Netherlands)
Mr. Roberto de la Guardia	(Panama)
Dr. Alexander Rudzinski	(Poland)
Mr. Erik Szoborg	(Sweden)
Prof. Dr. Vladimir Koretsky	(Union of Soviet Socialist Republics)
Prof. J. L. Brierly	(United Kingdom)
Prof. P. C. Jessup	(United States of America)
Dr. Carlos Eduardo Stolk	(Venezuela)
Prof. Milan Bartos	(Yugoslavia)

1. Opening of the Conference by the Assistant Secretary-General in charge of the Legal Department.

Dr. Ivan KERNO (Assistant Secretary-General) opened the meeting and bade the members of the Committee welcome to Lake Success. Dr. KERNO reminded them of the difficulties of the task of the Committee. The efforts of the League of Nations in the field of codification of international law achieved no positive results. The Hague Conference for the codification of international law held in 1930 is generally considered a failure. It will be necessary to avoid the errors committed in the past and a new way must be found. Dr. KERNO pointed out that the resolution of the General Assembly of 11 December 1946 formed the basis of the work of the Committee. It was to study the method by which the progressive development of international

law and its eventual codification should be encouraged, and the method by which the co-operation of the United Nations organs could be secured and the assistance of national and international bodies enlisted. The Committee was given three additional tasks, namely, (1) plans for the formulation of the principles recognized in the Charter of the Nuremberg Tribunal and in the judgement of that Tribunal, (2) a study of the replies by the governments of the Member States on the Panamanian Declaration with regard to the rights and duties of States, (3) consultation requested by the Secretary-General of the United Nations on a draft convention concerning the crime of genocide.

Dr. KERNO introduced Dr. Yuen-Li LIANG, Director of the Division of the Development and Codification of International Law, who would act as Secretary to the Committee. Dr. KERNO further mentioned that several papers had been prepared by the Secretariat. He pointed out that the rule of two working languages would apply. Finally, Dr. KERNO mentioned that the Secretariat has entered into contact with international and national organizations interested in the codification of international law. Several organizations, both American and European ones, have representatives at present in New York who might even be consulted while the Committee is sitting.

2. Election of Officers.

The ASSISTANT SECRETARY GENERAL asked for nominations for the office of Chairman.

Dr. HSU (China) proposed Sir Dalip SINGH (India). His proposal was seconded by Prof. JESSUP (United States of America). Prof. BARTOS (Yugoslavia) proposed that the election take place by acclamation.

Dr. KERNO stated that Sir Dalip SINGH (India) was elected chairman unanimously.

Sir Dalip SINGH (India) expressed his gratitude to the members of the Committee for the honour done him and his country.

/The CHAIRMAN

The CHAIRMAN asked for nominations for the office of Vice-Chairman.

Prof. BRIERLY (United Kingdom) suggested that two vice-chairmen be elected, and nominated the representatives of the Union of Soviet Socialist Republics (Prof. KOEETSKY) and of Colombia (Dr. ROCHA), which nominations were seconded by Prof. BARTOS (Yugoslavia).

The CHAIRMAN stated that the Vice-Chairmen were elected unanimously and asked for nomination for the office of Rapporteur.

Dr. WYNES (Australia) proposed Prof. BRIERLY (United Kingdom) for the office of Rapporteur, who was elected unanimously.

3. Adoption of the Agenda of the Committee (Document A/AC.10/1).

The CHAIRMAN pointed out that adoption of the agenda did not fix the order in which the items on it would be taken up for discussion. He stated that the agenda itself was considered adopted and asked for observations on the order in which the items should be discussed.

Prof. JESSUP (United States of America) proposed that Item 2 be discussed now and then Item 3, and that the order of Items 4 to 6 might be discussed later as the deliberations of the Committee developed. This proposal was carried.

4. Organization of the Work of the Committee. (Item 2 on the Agenda).

The ASSISTANT SECRETARY-GENERAL observed that the election of the officers was already part of the organization of the work of the Committee. In order to facilitate the opening of the discussions the Secretariat had prepared several papers which contained some ideas mainly to serve as a basis for the discussion.

Dr. KERNO mentioned that members of the Committee might wish to submit memoranda. The Committee may (a) immediately take the Secretariat papers as basis of discussion or (b) first have a general discussion on the basic Resolution of the General Assembly.

Dr. STOLK (Venezuela) asked whether Item 2 of the Agenda did not also bear reference to the rules of procedure which were to govern the

Committee's work. He wanted to know whether the other official languages of the United Nations might not also be used by Committee Members. Dr. STOLK further suggested, in view of the fact that several members have also to attend the Special Session of the General Assembly, that during the first week not too many meetings of the Committee be held.

Dr. RUDZINSKI (Poland) pointed out that the Committee was governed by the rules of procedure of the General Assembly, under Rule 107 of these rules. The language rules and rules on the conduct of business of the General Assembly likewise would apply to the Committee.

The ASSISTANT SECRETARY-GENERAL explained the system of five official and two working languages. Any member might use any of the five official languages. If Spanish or Russian were used, both French and English translations would be given by the interpreters.

Dr. STOLK (Venezuela) pointed out that the election of officers was governed by Rule 104 which does not mention any possibility of electing two Vice-Chairmen. Dr. Stolk was not opposed to this election, but he wanted it recorded that Rule 104 had been modified.

The CHAIRMAN read out the principal rules governing this Committee and asked whether the Committee wanted a general discussion on the organization of its work or wished to take up at once Item 3 of the Agenda.

Prof. BARTOS (Yugoslavia) proposed that the Bureau of the Committee consult with the Secretariat and submit to the next meeting a plan for the organization of the Committee's work.

Prof. JESSUP (United States of America) asked whether members who had only just arrived and had not been able to study the documents distributed should not be given an opportunity of a general discussion.

Prof. BARTOS (Yugoslavia) agreed to this, but in addition asked for suggestions from the Bureau.

Prof. KORETSKY (Union of Soviet Socialist Republics) wanted to distinguish between the method of work and the general discussion. He was

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quite in agreement with the proposal that the Bureau make suggestions for the method of work, but considered that general discussions or declarations were unnecessary. The General Assembly's Resolution was clear enough to guide the Committee in its task. Prof. Koretsky quoted Tolstoy who wrote that workmen on the fifth floor of a building were able to do their work without becoming dizzy because they looked at what they were doing with their hammers. The Committee should follow this rule and should not lose the true perspective of its work.

The CHAIRMAN observed, and Prof. JESSUP (United States of America) agreed, that by a general discussion was only meant a discussion on the method of the work. Prof. Jessup thought that Item 3 (a) on the Agenda would give rise to such a discussion and that many members might have proposals to make.

Dr. KERNO (Assistant Secretary-General) observed that there was a general consensus of opinion that there should be no general discussion on the organization of the work of the Committee. The discussions on Item 3 (a) would furnish the Bureau and principally the Rapporteur with the basis from which conclusions might be drawn with respect to plans for further work.

The CHAIRMAN concluded that the Committee had now finished with Item 2 and in reply to an observation from Dr. DE BEUS (Netherlands) replied that it would always be possible to set up any sub-committees which the Committee might deem desirable.

In reply to a question from Dr. STOLK (Venezuela) about the schedule of meetings for this week, the Secretary (Dr. Yuen-Li LIANG) suggested that until Friday inclusive of this week only afternoon meetings be held so that members who had to attend meetings of the General Assembly would be free to do so. This would also give the members time to study the documents. The SECRETARY mentioned that the distribution of documents to members of States which had permanent Delegations to the United Nations would take place through the regular channels, and to those whose countries did not have

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permanent Delegations, directly to their hotels. Secondly, that verbatim records would not be published, while summary records would be distributed.

In reply to a question from Dr. STOLK (Venezuela) whether it would be possible to receive verbatim records Dr. KERNO (Assistant Secretary-General) pointed out that this was unfortunately impossible as the General Assembly had cut down the United Nations budget to such an extent that there is no money available for it.

The CHAIRMAN drew the attention to Rule 61 and proposed that either the Chair or the Committee could decide that at any meeting on any subject verbatim records would be circulated.

At the suggestion of Dr. LIANG to follow the experience of the Legal Committee of the General Assembly, it was agreed that fairly complete summary records should be made. A member who might wish to have certain statements fully recorded might propose that such statements be inserted in the summary records or made separate documents.

Dr. KERNO (Assistant Secretary-General) suggested that members who wanted to submit memoranda on Item 3 (a) of the Agenda might send them to the Secretariat as soon as possible for distribution.

The meeting adjourned at 5:00 p.m.

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