

Reallocation coupled with expansion involves other difficulties. The most likely of these would be that the Commission would have to be increased to such a degree as to make it no longer able to function efficiently as a technical legal group. It could be reduced to a forum in which various political groups would be mechanically putting forward rigid formal positions. In that case, all hope of communication on an individual basis between experts which constituted the original purpose of setting up the Commission would be lost.

The suggestion has been made that there should be a reallocation on the basis of political groupings. However such an approach is contrary to the objects and aims for which the Commission was created.

The 6th Committee has a great responsibility to ensure that the original purpose of the Commission is not defeated. Members of the Commission were conceived not so much as representatives of their states but rather as individual experts in the field of international law in general and in particular in the field of international law and domestic law as applied in the region represented by the expert.

Also the expert by virtue of these qualifications is expected not only to be able to interpret international law or domestic law in so far as applied in his geographical region, but also to express views which take into account general principles of international law and the view of his colleagues concerning international law or domestic law as applied in other geographical areas. This means that, in the selection of members to serve on the Commission, great emphasis must be placed on the provision in Article 8 of the Statute of the International Law Commission that "at the election the electors shall bear in mind that the persons to be elected to the Commission should individually possess the qualifications required". Also the tendency should be resisted of implementing in too wooden a fashion the provision in Article 8 that "in the Commission as a whole representation of the main forms of civilization and of the principal legal system of the world should be assured". An implementation of this kind would occur if there were insistence on arbitrarily allotting seats to a very specific geographical area without regard being had to the qualifications of the individual concerned.

The International Law Commission is primarily a group of experts and neither Article 8 nor any other article of the Statute should be interpreted in such a way as to destroy this all-important concept.

Many of my colleagues have discussed in one form or another the nature of the relationship existing between law and politics. Of course they are closely linked and yet the mistake must not be made of confusing one for the other.

Obviously the role of the International Law Commission is not to attempt to participate primarily in making political decisions or in dealing with political problems. However, bearing in mind the close relationship existing between law and politics, the Commission will necessarily have to take political factors into account in its work. But the role of the Commission should be focused largely on the formulation of international rules through the use of well-developed legal techniques, have as its objective the promotion of the progressive development of international law and its codification and not directly the settlement of political issues.