

INTRODUCTION TO THE INTERNATIONAL LAW COMMISSION

Spring 2025

EXTERNAL RELATIONSHIPS



THE SECRETARIAT

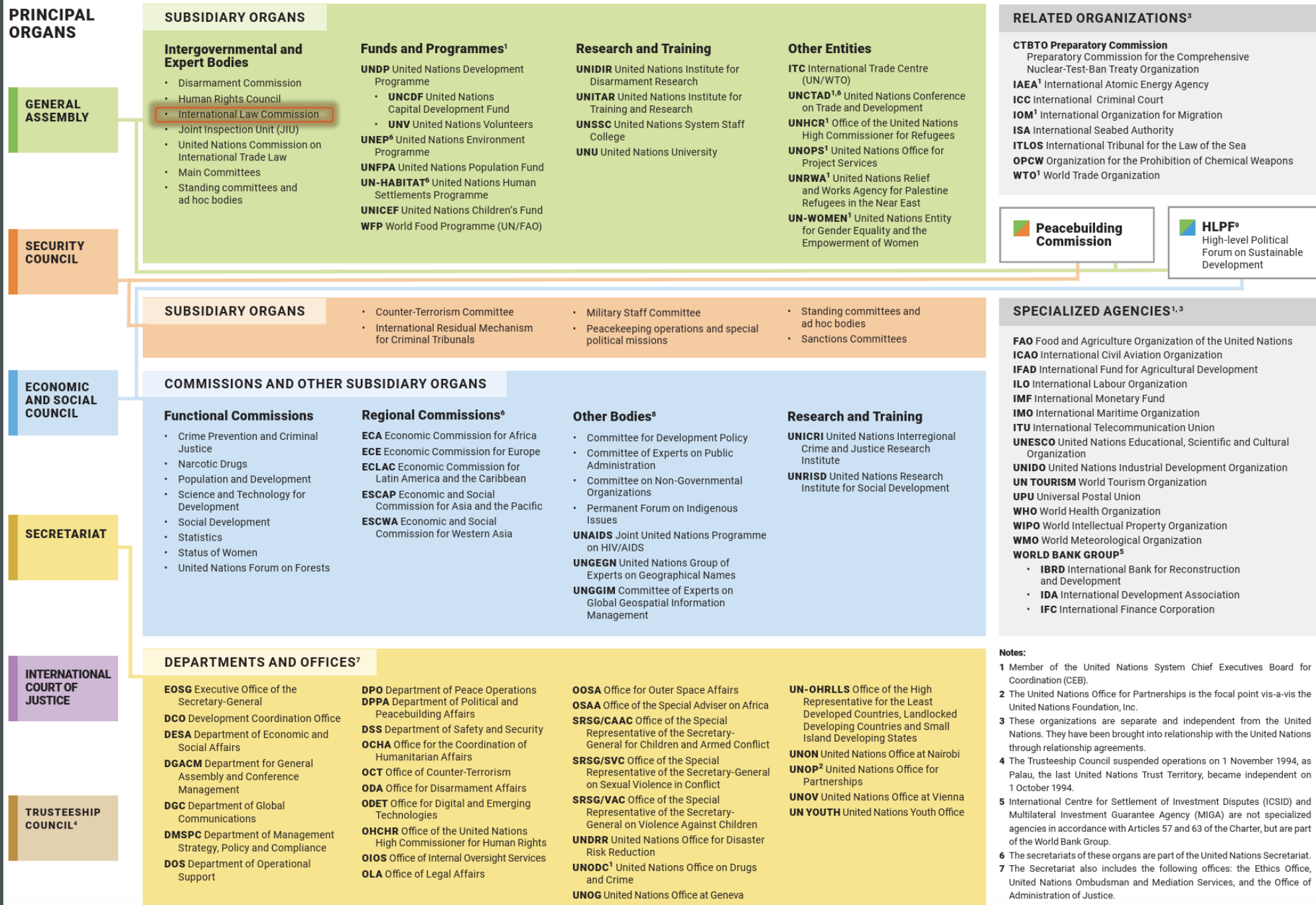
- **Statute, Article 14:** the Secretary-General must, as far as possible, make staff and facilities available to the Commission for it to fulfill its mandate.
- **Functionally,** this means the [Codification Division of the Office of Legal Affairs](#) serves as the Secretariat for the Commission, including:
 - Providing the agenda.
 - Keeping records.
 - Preparing drafts of reports to the Commission.
 - Assisting Special Rapporteurs or Working Groups with preparing the commentary to draft provisions.
 - Conducting research to facilitate the work of the Commission (e.g., substantive studies and research projects).
 - Publishing important material related to the work of the Commission (e.g., studies and surveys prepared for the Commission; collections of laws, decrees, and treaty provisions; and relevant arbitral awards).



THE
SECRETARIAT
(cont.)

- The Secretary-General forwards to the Commission and makes available to its members, as appropriate, the relevant resolutions of the General Assembly and the reports and summary records of the meetings of the Six Committee relating to the Commission's work.
- The Secretariat circulates (and posts on the Commission's website) the chapters in the Commission's report containing:
 - The summary of the Commission's work.
 - The specific issues on which views from the Governments would be particularly useful (Chapters II and III).
 - The text of draft articles adopted at each session shortly after the end of the session, before the report is issued.
- The Secretariat produces a topic summary of the Sixth Committee's consideration on the report of the Commission as part of the Commission's documentation for each session.

- The Commission is a permanent subsidiary organ of the UN General Assembly.
- The Commission reports directly to the UN General Assembly, Sixth Committee (Legal).



This Chart is intended to provide a graphical reflection of the functional organization of the United Nations system and is for informational purposes only. The relevant rules of the organization concerned should be consulted in order to establish the legal status, functions and reporting lines of each entity shown in this Chart. The Chart does not include all offices or entities of the United Nations system. Published by the United Nations Department of Global Communications. 25-00005 – March 2025 © 2025 United Nations. All rights reserved worldwide.

Notes:

- Member of the United Nations System Chief Executives Board for Coordination (CEB).
- The United Nations Office for Partnerships is the focal point vis-a-vis the United Nations Foundation, Inc.
- These organizations are separate and independent from the United Nations. They have been brought into relationship with the United Nations through relationship agreements.
- The Trusteeship Council suspended operations on 1 November 1994, as Palau, the last United Nations Trust Territory, became independent on 1 October 1994.
- International Centre for Settlement of Investment Disputes (ICSID) and Multilateral Investment Guarantee Agency (MIGA) are not specialized agencies in accordance with Articles 57 and 63 of the Charter, but are part of the World Bank Group.
- The secretariats of these organs are part of the United Nations Secretariat.
- The Secretariat also includes the following offices: the Ethics Office, United Nations Ombudsman and Mediation Services, and the Office of Administration of Justice.
- For a complete list of ECOSOC subsidiary organs see un.org/ecosoc.
- HLPF was established by the General Assembly. Meetings of HLPF are separately convened under the auspices of the General Assembly and of the Economic and Social Council.



UNITED NATIONS GENERAL ASSEMBLY

First Committee

Disarmament &
International Security



Second Committee

Economic &
Financial



Third Committee

Social, Humanitarian
& Cultural



Fourth Committee

Special Political &
Decolonization



Fifth Committee

Administrative &
Budgetary

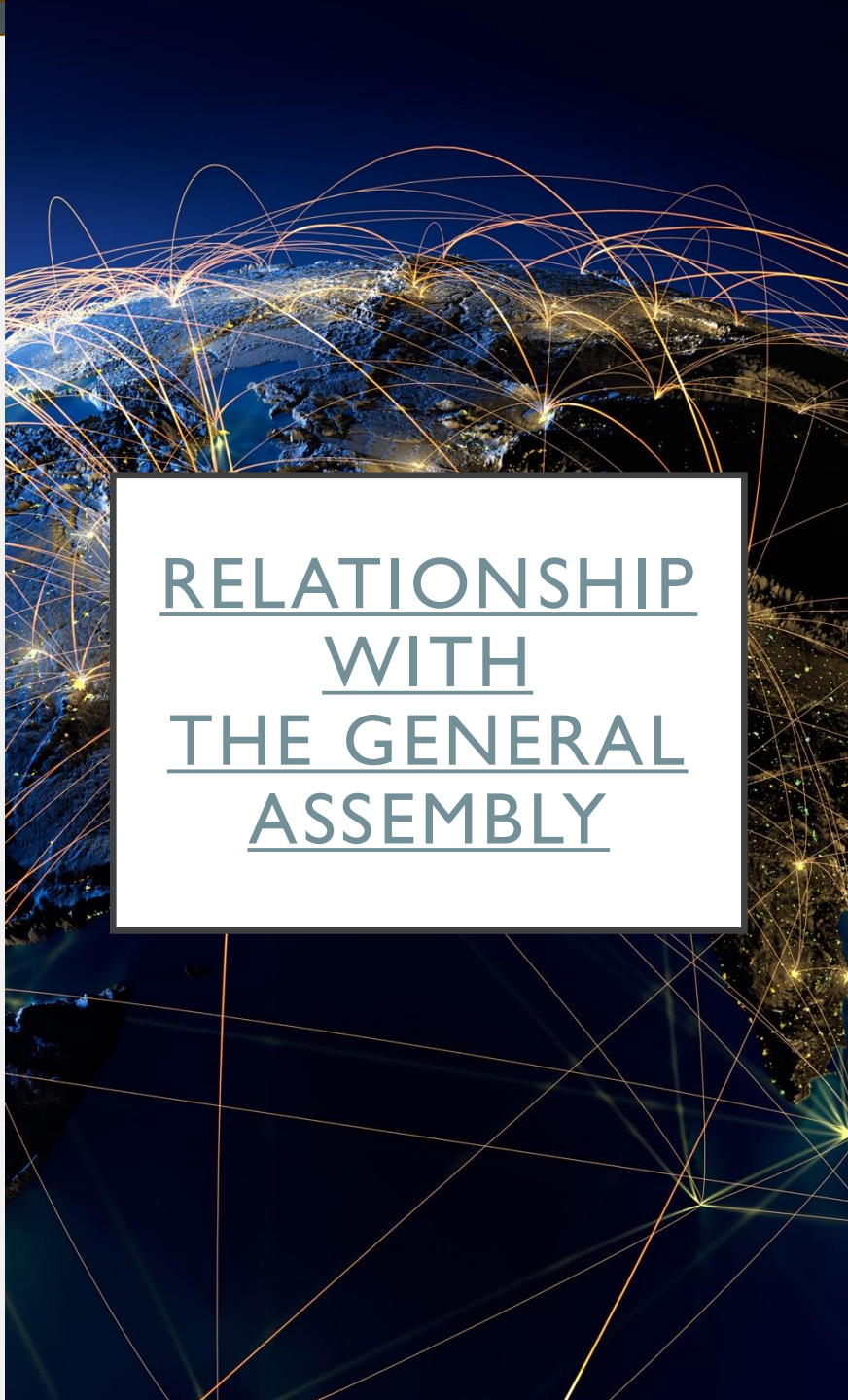


Sixth Committee

Legal

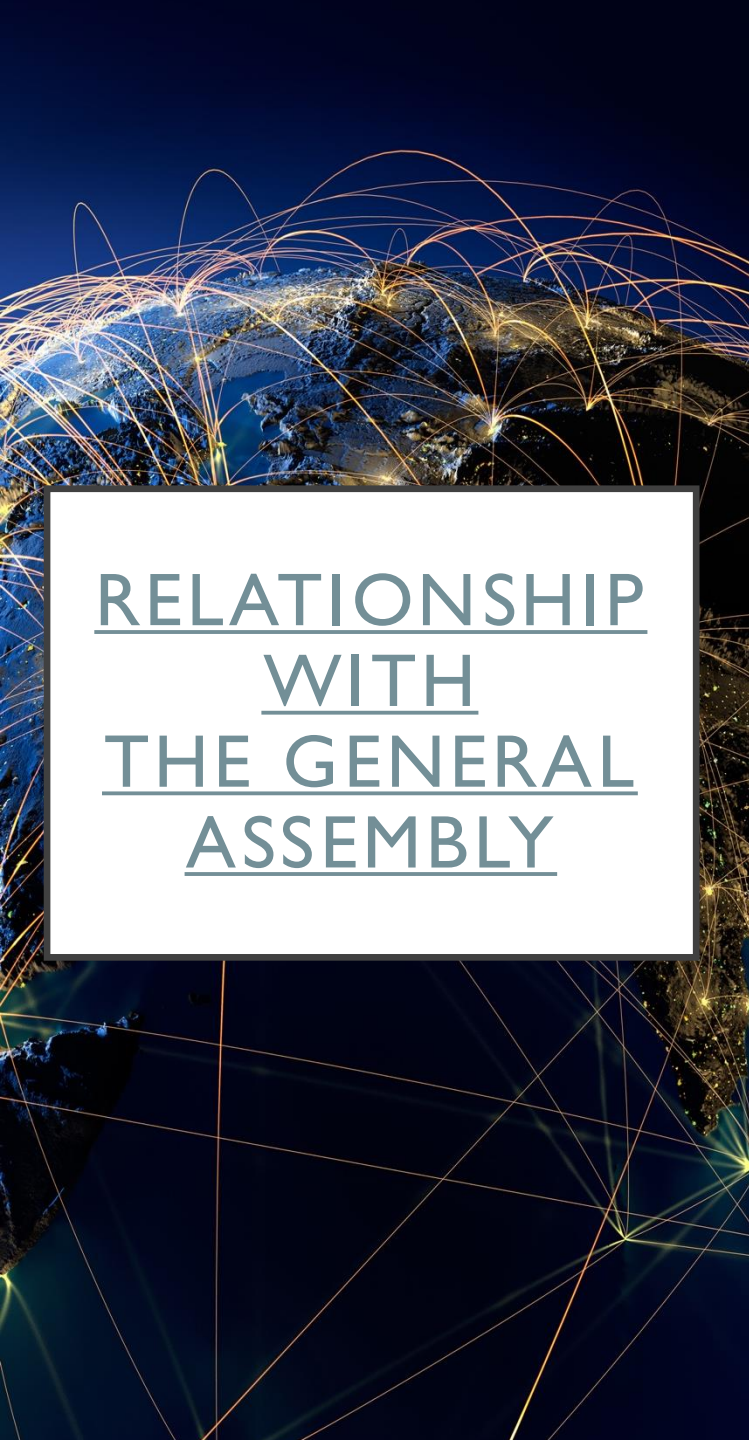


- The General Assembly plays a vital role in all stages of the Commission's work:
 - **Topic Selection:** the General Assembly has requested the Commission undertake or continue to study certain topics.
 - **Initial and Later Stages:**
 - The Commission, at each of its sessions, takes the General Assembly's recommendations, and the observations made during their sessions, into consideration.
 - The General Assembly has invited the Commission to present comments regarding outstanding substantive issues related to the draft articles.
 - **End Stage:** the General Assembly has:
 - Decided to consider and adopt draft conventions prepared by the Commission.
 - Decided to convene diplomatic conferences to study and adopt draft conventions prepared by the Commission.
 - Rejected, or deferred action, on certain drafts and recommendations provided by the Commission.
 - Referred a draft back to the Commission for reconsideration and redrafting.
 - **Prioritization:** the General Assembly has requested the Commission give priority to certain topics from those already on its long-term programme of work.




RELATIONSHIP
WITH
THE GENERAL
ASSEMBLY

- Even though the Commission is a subsidiary organ of the General Assembly, the Commission is given a substantial degree of autonomy.
 - The Sixth Committee has never given the Commission precise instructions regarding changes in form or contents for their provisional drafts, and usually refrains from modifying the Commission’s final drafts before the final stage of the codification process.
- The General Assembly periodically discusses the appropriate role of the Assembly (Plenary) and Sixth Committee in relation to the Commission’s work, resulting in a series of resolutions forming a general pattern of work between the two bodies.
- The Sixth Committee has requested the Commission provide more clarity on specific issues:
 - when the Commission decides to develop non-binding provisions, the Commission should clearly explain why that decision was made; and
 - the Commission should also explain its decisions on the taxonomy of its products, particularly when drafting “guidelines” and “principles”.
- Both the General Assembly and the Commission have made changes to their working methods and reports, respectively, to facilitate a more productive working relationship.
 - For example, starting in 2003, the General Assembly designated the first week in which the report of the Commission is discussed in the Sixth Committee as “International Law Week” and Member States are encouraged to have their legal advisors present during that week (see [A/RES/58/77](#)).



RELATIONSHIP
WITH
THE GENERAL
ASSEMBLY

- Although not required by its Statute, the Commission has always submitted a report to the General Assembly outlining the work done at each of its sessions.
 - The Commission's Chair introduces its report to the Sixth Committee and attends the meetings during which the report is considered.
 - When resources allow, the Special Rapporteur may also attend the meetings during which their report is considered (see [A/RES/44/35](#)).
 - The Chair and Special Rapporteur may also (i) make observations during the meetings in response to the comments of the delegation, and (ii) meet informally with delegations.
 - Since 2004, Special Rapporteurs who are present will informally consult with Sixth Committee delegates regarding pressing issues arising from the Commission's work.
- Occasionally, Commission members serve as representatives of their States in the General Assembly (Sixth Committee).
 - This practice is controversial because it infringes on the Commission's independence and objectivity.



RELATIONSHIP
WITH
THE GENERAL
ASSEMBLY

**ANNUAL
MEETINGS**



GENERAL ASSEMBLY

Sixth Committee, Interactive dialogue - General Assembly, 80th session

Legal Committee.

Audio Languages: Arabic, Chinese, English, French, Russian,
Spanish, Original

29 October 2025

PROCESS OF CONSIDERATION

The **Commission** presents their Annual Report to the General Assembly Sixth (Legal) Committee.



The **Sixth Committee** submits a report to the General Assembly (Plenary) that contains a summary of its consideration, including (i) relevant documentation, and (ii) one or more draft resolutions recommended for adoption by the General Assembly (Plenary).

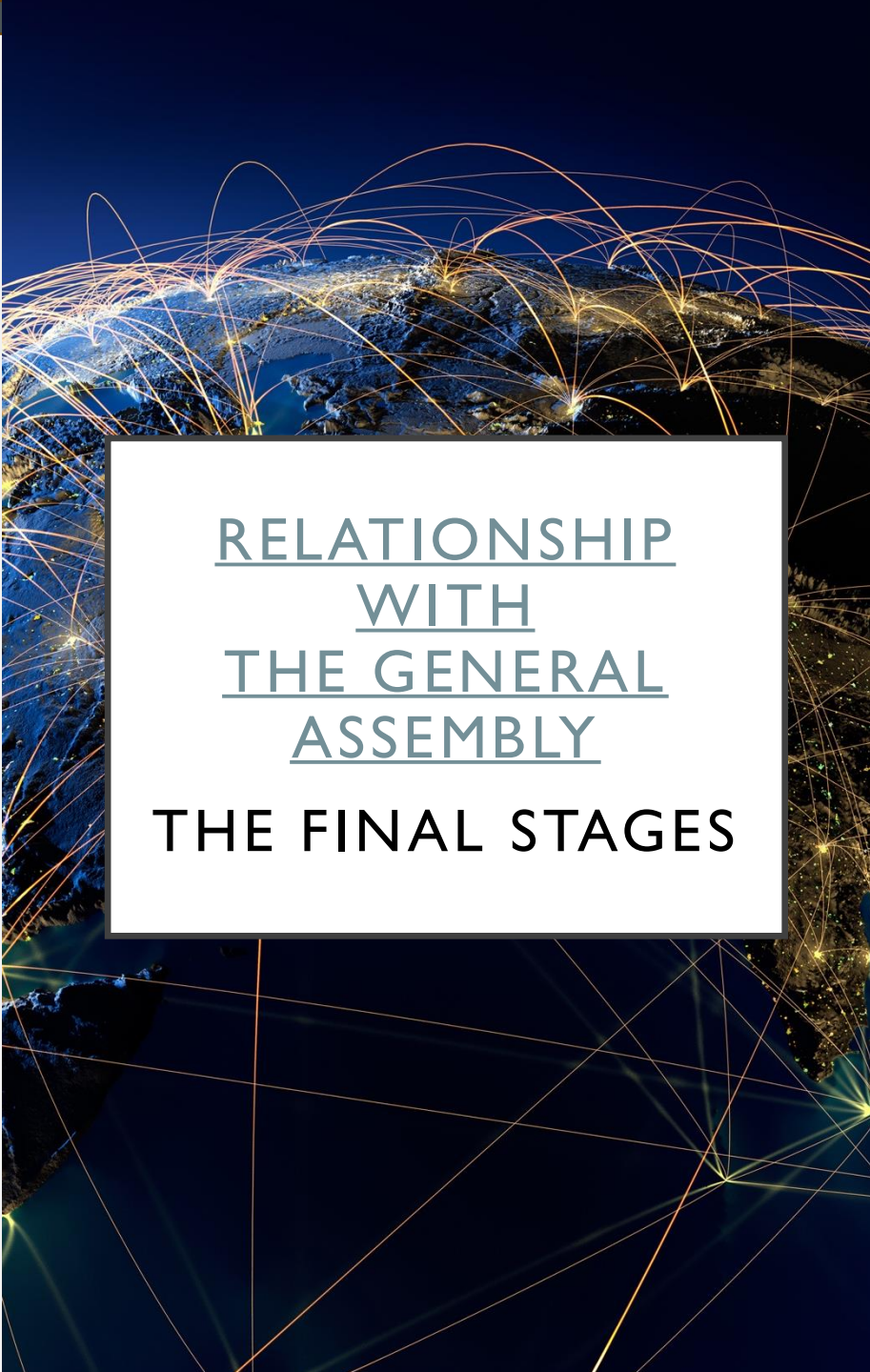


The Plenary

(I) considers and adopts a resolution on the Commission's report, usually as recommended by the Sixth Committee without change, indicating any recommendations or instructions that it may have with respect to the Commission's substantive and procedural work;

(II) may also adopt a separate resolution or decision, also based on the Sixth Committee's recommendation, with respect to a particular topic related to the Commission's work.

- Through its resolutions, the General Assembly contributes to establishing and improving the dialogue between the Commission and Governments.
 - The Sixth Committee's report to the General Assembly (Plenary) is published in the *Official Records of the General Assembly* for each session.
- Once the process has begun to codify a Commission project, the General Assembly usually invites the Commission's Special Rapporteur on a topic, as an "expert consultant", to attend the proceedings of the body entrusted with the task of creating the convention.
- The Commission's final drafts are mainly modified by the codification convention, not the General Assembly.
 - The international conferences that have finalized the Commission's draft articles and adopted them as conventions have always paid tribute to the Commission for its efforts in the codification and progressive development process.
- Occasionally, the Sixth Committee itself has undertaken the task of negotiating the convention with a view towards adoption by the General Assembly.
 - In such instances, the Sixth Committee acted *mutatis mutandis* as a codification conference, studying each of the draft provisions in detail and amending some of them.



RELATIONSHIP
WITH
THE GENERAL
ASSEMBLY
THE FINAL STAGES



RELATIONSHIP WITH GOVERNMENTS

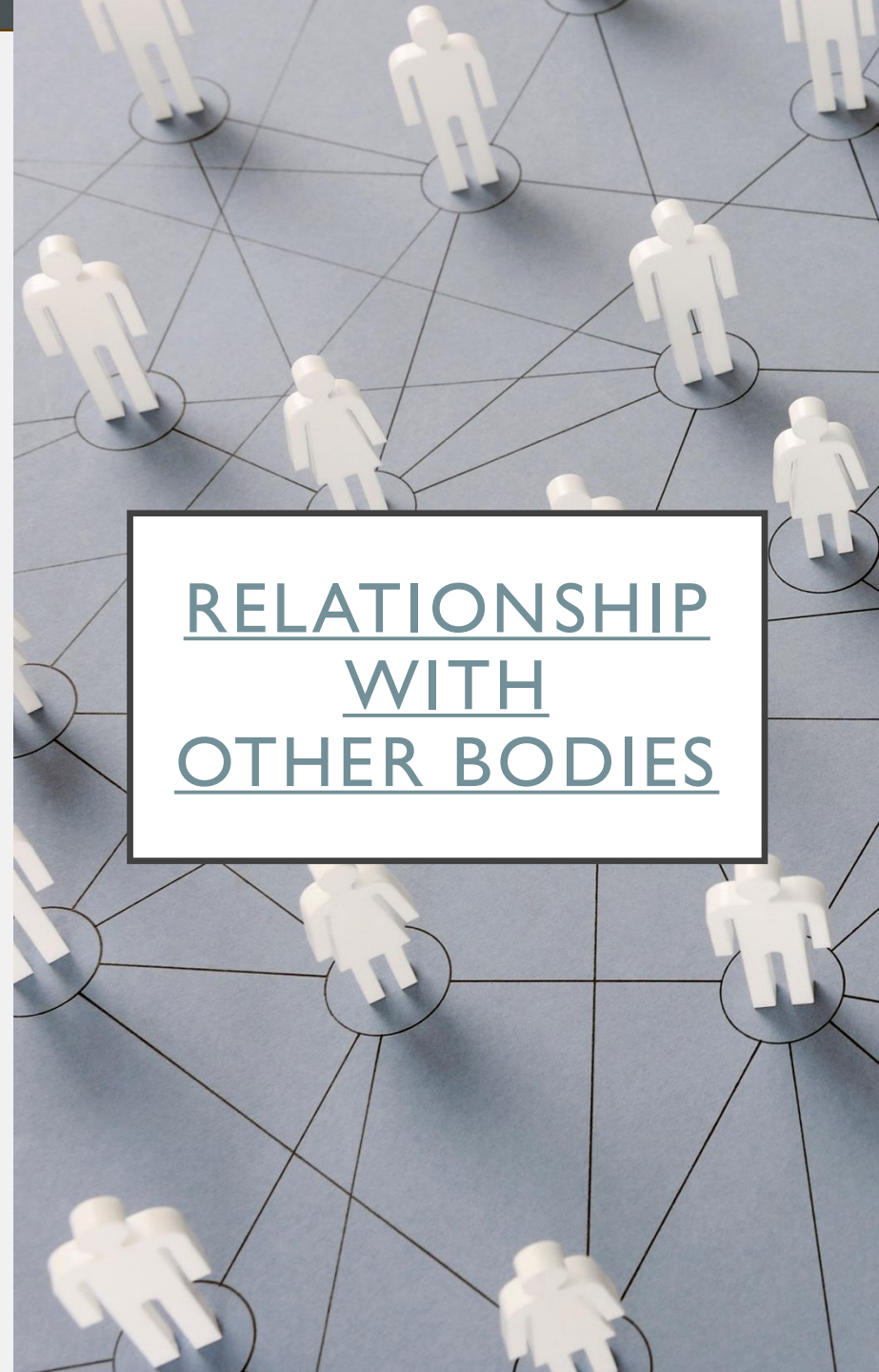
- Governments play a vital role in all stages of the Commission's work:
 - **Topic selection:** governments can refer a proposal or draft convention to the Commission for consideration (see **Statute, Article 17(1)-(2)**).
 - **Initial stage:** governments may provide the Commission with relevant information (see **Statute, Articles 16(c) and 19(2)**).
 - **Later stage:** governments may comment upon the Commission's drafts as their work proceeds (see **Statute, Articles 16(g)-(h) and 21**), and the Commission must consider these such comments when preparing the final draft and explanatory report (see **Articles 16(i) and 22**).
 - **End stage:**
 - When the Commission submits its final draft to the General Assembly, the Assembly requests comments of Governments on that draft that are considered by the Sixth Committee before convening a diplomatic conference, while negotiating the convention themselves, or by the diplomatic conference called upon to draw up the convention.
 - Governments may also be invited to submit amendments to the Commission's draft articles before opening a diplomatic conference, which are subsequently referred to the conference.
 - **Prioritization:** governments may indicate that a topic is of particular importance and therefore work on the topic should be prioritized.



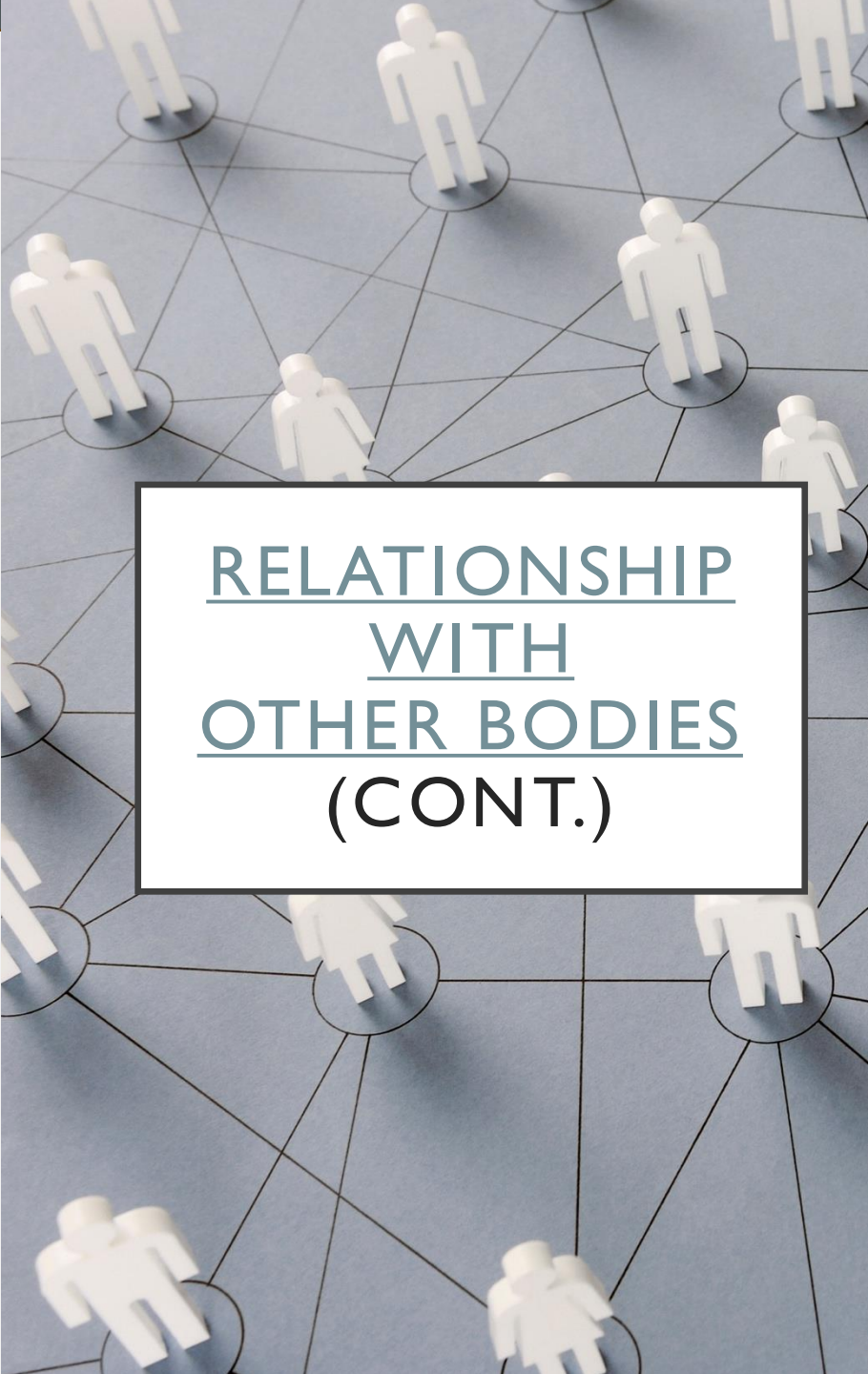
RELATIONSHIP WITH GOVERNMENTS

- The interaction between the Commission—a group of legal experts serving in their personal capacity—and Governments is the point of departure between the Commission and other international legal bodies (e.g., the Institut de Droit International).
- To ensure the Commission collects the information necessary for addressing a topic, the Commission sends questionnaires to Governments that clearly indicate what is requested and why and provides them with ample time to prepare their comments.
- Since 1997, Chapter III of the Commission’s annual report has included specific issues on which government comments would be particularly helpful.
 - Governments are typically requested to supply these comments by a certain date the next year.
 - The Special Rapporteur takes these comments into consideration in their reports.
- Governments are encouraged to consult with national organizations and individual experts in international law when drafting their comments and observations.
- Written comments are supplemented by Government’s oral comments during the General Assembly (Sixth Committee)’s annual debates on the Commission’s reports.
 - The Special Rapporteur often includes detailed summaries of the relevant debate in the Sixth Committee in their next report.

- **Statute, Article 16(e):** The Commission may consult with any scientific institutions and individual experts.
- **Statute, Article 17:** the Commission may consider proposals or draft conventions submitted by, among others, principal organs other than the General Assembly, specialized agencies, and official bodies established by intergovernmental agreement to codify and progressively develop international law.
- **Statute, Article 25(1):** the Commission may consult with any organ of the United Nations on any subject which is within the competence of that organ.
 - **Statute, Article 25(2):** any Commission documents circulated to Governments must also be circulated to “such organs of the United Nations as are concerned”, which in turn can furnish any information or make any suggestions to the Commission.
- **Statute, Article 26(1):** the Commission may also consult with any international or national organizations, official or non-official, on any subject entrusted to it if it believes that such a procedure might aid it in the performance of its functions.
 - **Statute, Article 26(2):** Commission documents may be distributed to national and international organizations concerned with international law.



- The Commission is involved in an ongoing process of consultations, exchange of views, and mutual information sharing with scientific institutions and professors of international law.
- The Commission maintains a close relationship with the International Court of Justice.
 - The Court's President usually gives the Commission a presentation on the Court's recent activities, after which Commission members are given the opportunity to have an exchange of views with the President.
 - This relationship is partially because a significant number of Judges were former Commission members.
- The Commission also maintains a relationship with the African Union Commission on International Law, the Asian-African Legal Consultative Organization, the European Committee on Legal Cooperation, the Committee of Legal Advisers on Public International Law, and the Inter-American Juridical Committee.
 - Representatives from these organizations often also present their recent activities, after which the Commission members may exchange views with them.
 - The Commission is also often represented by one of its members to the sessions and meetings of those bodies.



RELATIONSHIP
WITH
OTHER BODIES
(CONT.)

DISCUSSION QUESTIONS

- (1) How should the Commission balance its need for government input with its mandate to operate as an independent body of legal experts?**
- (2) What are the implications of Commission members serving simultaneously as State representatives in the Sixth Committee?**
- (3) How does the relationship between the Commission and the General Assembly affect the authority and legitimacy of the Commission's final products?**