



OVERVIEW OF THE INTERNATIONAL LAW
COMMISSION



AN INTRODUCTION TO
THE INTERNATIONAL
LAW COMMISSION
20TH SESSION



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The International Law Commission is a corollary of the General Assembly. Governments during the drafting of the Charter of the United Nations were opposed to the conferring on the United Nations legislative power to enact binding rules of international law. Instead, there was strong support for vesting the General Assembly with limited powers of study and recommendation which led to the adoption of Article 13(1) (a) of the Charter which provided that the Assembly would initiate studies and make recommendations for the purpose of encouraging the progressive development of international law and its codification. The General Assembly on 11 December 1946 adopted Resolution 94(I) establishing the Committee on the Progressive Development of International Law and its Codification (Committee of Seventeen). The Committee was meant to consider the procedures to be recommended for the discharge of the General Assembly's responsibility under Article 13(1) of the Charter. The Committee after deliberation recommended the establishment of an international law commission and a draft statute of the International Law Commission was prepared. On 21 November 1947, the General Assembly adopted Resolution 174(II) establishing the International Law Commission (ILC).

The objective of the ILC is to ensure the promotion of the progressive development of international law and its codification. During each session of the ILC, a chair is appointed and he/she is to be the head of the ILC during that session. During deliberations, there are Head Commissioners who lead and direct debate and Commissioners who are the participants of the debate. The official language for the sessions is English, however, if any other language is to be used, there must be an interpreter to translate in English.

The debate is usually divided into: the moderated and unmoderated caucus. The moderated caucus is further divided into two forums: the General Speakers List and the Special Speakers List. During the General Speakers List, the debate begins with commissioners giving a brief overview of the topic to be discussed while in the Special Speakers List, the Commissioners go ahead to discuss the topic in depth. After the moderated caucus, Commissioners proceed to the unmoderated caucus where they get into two different groups and get to come up with resolutions. The resolutions



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are later presented to the Commission and are voted for. In order for a resolution to pass, it must have the support of a simple majority. In addition to debating, the Commissioners are required to prepare draft articles which should be presented at the beginning of the debate and they are analysed. Further, during the debate Commissioners are required to use the recommended rules of procedure which are outlines in the KenyaMUN Delegate's Guide and simulated in various chapters during trainings.

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