



The Marriage of Law and Politics - the UN International Law Commission and the UN 6th Committee - in International Law- Making:

Practical Insider's Guide.

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United Nations' contribution to the development of International Law

The **United Nations (UN)** plays a crucial role in the advancement of **international law** by establishing legal norms that govern international relations (both customary and codified), by promoting treaties, by serving as a continuously recalibrated legal compass through the efforts of its Member States to strengthen the international rules-based order amid violations committed by some, and by having in its architecture specialized bodies with the function of promoting progressive development of international law and its codification.

The UN was founded in 1945 with the aim of fostering international cooperation and preventing conflicts. In this sense, the **UN Charter** enshrines **seven fundamental principles of international law** – which belong to the category of imperative norms of international law from which no derogation is admissible (*jus cogens*) - that guide the actions of states and international organizations in international relations. Among these norms: the principle of equal rights and self-determination of peoples (art. 1 para. 2), the principle of international cooperation (art. 1 para. 3; art. 13, expanded in chapter IX), the principle of sovereign equality of states (art. 2 para. 1), the principle of *pacta sunt servanda* or the principle that states must fulfill their obligations in good faith in accordance with the UN Charter (art. 2 para. 2 and the Preamble of the UN Charter), the principle of peaceful settlement of international disputes (art. 2 para. 3, expanded in chapter VI), the principle of refrain from the threat or use of force / the principle of non-aggression (art. 2 para. 4), and the principle of non-interference in the internal affairs of a state (art. 2 para. 7) ¹.

Beyond setting these universally agreed peremptory ground rules for the conduct of international relations – as the later evolved, so did international law under the auspices of the United Nations.

A notorious example refers to the **customary law** on the law of outer space, with the space race (a cold-war era competition) having begun in 1957, when the Soviet Union officially launched Sputnik 1, the world's first artificial satellite. The UN General

¹ Augustina Şiman, "Validitatea tratatelor internaţionale ca garant al realizării normelor și principiilor de drept internaţional", Doctoral Thesis, Chişinău. 2021, p. 55.

Assembly resolutions on outer space that followed (resolution 1721 (XVI) of 20 December 1961 and resolution 1962 (XVIII) of 13 December 1963) have often been hailed as “the first chapter in the book of space law”, establishing the customary law on this topic long before the first treaty was adopted: The Outer Space Treaty, also known as the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, Including the Moon and Other Celestial Bodies. This treaty was the first international treaty to address the exploration and use of outer space. It was adopted by the United Nations General Assembly on December 19, 1966, and opened for signature on January 27, 1967. The treaty entered into force on October 10, 1967, and has since been ratified by 118 countries, including all major spacefaring nations.

Vis-à-vis particularly the topic of treaties, from one of the first UN treaties - the Vienna Convention on the Law of Treaties (1969), to its most recent one - the Agreement under the United Nations Convention on the Law of the Sea on the Conservation and Sustainable Use of Marine Biological Diversity of Areas beyond National Jurisdiction ([BBNJ Agreement](#), adopted on June 19, 2023, and entered into force on January 17, 2026), the **UN Secretary-General is the depositary of more than 560 multilateral treaties** which cover a broad range of subject matters such as human rights, disarmament and protection of the environment.

UN treaties are promoted through a variety of means, such as: **meetings of states-parties** to a treaty aiming to review the implementation of the respective, as well as adopt any necessary amendments, handle administrative matters such as an annual budget, etc. (for instance, the Meeting of States Parties to the 1982 United Nations Convention on the Law of the Sea or the Assembly of States Parties to the Rome Statute); **workings of expert bodies** responsible for overseeing the implementation of certain treaties (such as the UN Human Rights Committee (the membership of which is elected by the UN General Assembly) which examines periodic reports submitted by Member States on their compliance with the International Covenant on Civil and Political Rights (ICCPR), followed by direct dialogue and issued recommendations, [considers complaints](#) from individuals regarding human rights violations in countries that are parties to ICCPR, and issues official interpretations of the provisions in the covenant to clarify the legal scope of specific rights; as well as a number of similar UN human rights treaty bodies executing the same functions vis-à-vis their respective conventions: Committee on the Elimination of Discrimination against Women (Convention on the Elimination of All Forms of Discrimination Against Women, CEDAW), Committee on the Rights of the Child (Convention on the Rights of the Child, CRC), etc.). UN treaties are also promoted through **debates taking place and resolutions adopted at the level**

of the main organs of the United Nations, such as UN Security Council and UN General Assembly. In this sense, for example, with the need to implement the provisions of the UN Convention against Cybercrime being recalled during the [UN Security Council's 10113th meeting](#) dedicated to children, technology and education in conflict, or the UN General Assembly resolution [A/ES-11/L.16/Rev.1](#) regarding the Return of Ukrainian Children, adopted during the GA's Eleventh emergency special session, reaffirming the UN Convention on the Rights of the Child as a treaty of primary consideration in all actions concerning children.

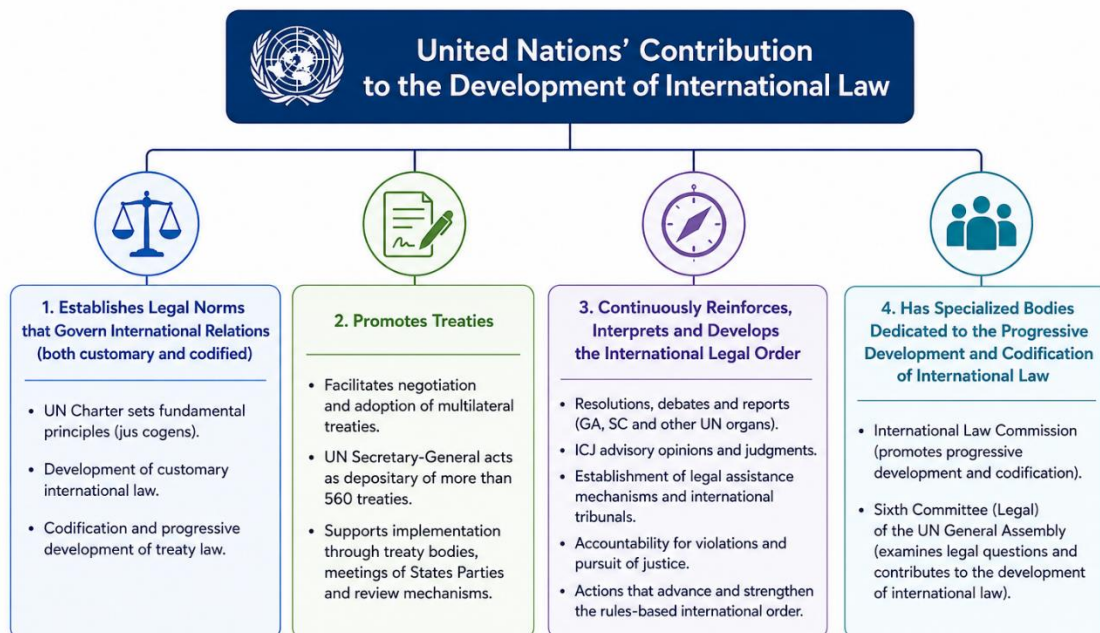
These serve, on an equal footing, as actions of **continuous calibration of the compass of the international community towards a rules-based order**.

The latter is also achieved through the following: **establishment of international legal assistance mechanisms and international tribunals through UN Security Council resolutions**, with the goal of investigating crimes and prosecuting perpetrators (such as the [UN Security Council resolution 2823 \(2026\)](#) which facilitates the identification, investigation and prosecution of perpetrators of attacks against United Nations personnel serving in peacekeeping operations, or, in another example, resolutions referring to the prosecution of individuals responsible for genocide and violations of international humanitarian law - such as the ones establishing the international tribunals for [Yugoslavia and Rwanda](#)); **report-based debates** taking place annually at the UN [General Assembly](#), such as the ones on the [Report of the International Court of Justice](#), the [Report of the International Criminal Court](#), or the [Report of the International Residual Mechanism for Criminal Tribunals](#) - all underscoring the judicial activities of the respective, operating as cornerstones of public international law at a global level; **requests of ICJ advisory opinions**, at times followed by resolutions with the goal of strengthening the findings of the Court (such as the case of the [UN General Assembly 29 March 2023](#) "Request for an advisory opinion of the International Court of Justice on the obligations of States in respect of climate change" through resolution 77/276, adopted without a vote, with the goal of addressing climate change as a defining existential threat of humanity, and clarifying the rights and obligations of States under international law in relation to the adverse effects of climate change, especially with respect to small island developing States and other developing countries particularly vulnerable to the adverse effects of climate change, and importantly to achieve climate justice; The ICJ issued its [advisory opinion](#) on 23 July 2025, and given its non-binding character, but imperative findings, the UN General Assembly further adopted the [resolution](#) A/80/L 65, on 20 May 2026, to turn the International Court of Justice's advisory opinion into tangible political, legal and

practical momentum for stronger global action and accountability – requesting the UN Secretary-General to submit a report containing ways to advance compliance with all obligations in relation to the Court’s findings).

Not least important, in the process of continuous calibration of the compass of the international community towards a rules-based order, are the **judgements issued by the International Court of Justice**, which between 1948 to 2026 amount to 177, addressing various disputes between states varying from land and maritime delimitation to human rights, to environmental protection, to economic relations, to immunities, etc. These clarify the legal standards for delimiting territorial waters and establish that unique geographical features must be considered when evaluating such boundaries under international law (Fisheries Case – United Kingdom v Norway, 1951), establish that a state’s failure to prevent harmful acts within its territory can lead to legal liability and money reparations (Corfu Channel – United Kingdom v. Albania, 1949), remind the international community that international law is not aspirational, and obligations must be respected even when politically inconvenient (Military and Paramilitary Activities in and Against Nicaragua – Nicaragua v. United States, 1986), and so on.

It is, therefore, easy to notice how international law unfolds through the dynamic activity of UN bodies, among which there are specialized ones, designed with the function of promoting progressive development of international law and its codification, namely: the **UN International Law Commission**, and the **UN General Assembly 6th Committee (Legal)**.



 Through its organs, activities and specialized bodies, the United Nations advances, clarifies and strengthens international law for a peaceful, just and rules-based world.

The Law: What is the UN International Law Commission (ILC)?

The **International Law Commission** of the United Nations (ILC) is a subsidiary body of the United Nations General Assembly (UNGA), established by the 6th Committee/UNGA in 1947, through the [resolution A/RES/174\(II\)](#), with the goal of *giving effect to Article 13, paragraph 1, sub-paragraph a, of the UN Charter, stipulating that the General Assembly shall initiate studies and make recommendations for the purpose of encouraging the progressive development of international law and its codification.*

Moreover, the [Statute of the ILC](#), adopted as part of the same General Assembly resolution, underlines, in article 1, that the International Law Commission shall have for its object the **promotion of the progressive development of international law and its codification**, and clarifies, in article 15, that the expression “**progressive development of international law**” is used for convenience as meaning the preparation of draft conventions on subjects which have not yet been regulated by international law or in regard to which the law has not yet been sufficiently developed in the practice of States. Similarly, the expression “**codification of international law**” is used for convenience as meaning the more precise formulation and systematization of rules of international law in fields where there already has been extensive State practice, precedent and doctrine.

The membership of the ILC is an important factor in accomplishing the above-mentioned two functions. The Commission consists of **thirty-four members - persons of recognized competence in international law**, elected for five years by the UN General Assembly, with the possibility of re-election. It has been a well-established historical practice for the UNGA elections of ILC Commissioners to be highly competitive, given the very strong academic and professional background in international law of all candidates coming from across the [five regional groups of UNGA](#). In this sense, a few examples of the profiles of the currently standing [ILC members](#): Professor of Public International Law at the University of Oxford, Fellow of All Souls College, Oxford, and co-director of the Oxford Institute for Ethics, Law and Armed Conflict (Dapo Akande, United Kingdom of Great Britain and Northern Ireland); Professor of Public International Law at Paris Nanterre University in France, former Professor at the New York University School of Law, Advocate-Counsel for States in

international disputes, including before the International Court of Justice and the International Tribunal for the Law of the Sea (Mathias Forteau, France); Lawyer, law professor, and Dean Emeritus of the American University Washington College of Law, former Chair of the UN Committee Against Torture and President of the Inter-American Institute of Human Rights (Claudio Grossman, Chile); Professor of International Law and the Richard A. Hausler Chair in Law at the University of Miami Law School, founding Executive Director of the Center for International Law and Policy in Africa (Charles Chernor Jalloh, Sierra Leone); etc.

In terms of **how does the UN International Law Commission function** and what are its internal practices contributing to the development and codification of international law:

The UN International Law Commission is the principal expert body of the United Nations entrusted with the progressive development and codification of international law. While its Statute distinguishes between **progressive development** - *the formulation of new legal rules in areas where international law is underdeveloped* - and **codification** - *the systematic clarification and restatement of existing law* - these functions have become inseparable in practice. Most of the Commission's work combines both, simultaneously identifying existing customary rules while proposing their further development.

Although the Commission's Statute allows it to address both public and private international law, in practice it has worked almost exclusively in the field of public international law. **Since its establishment in 1949, the Commission has examined virtually every major area of general international law**, including: the law of treaties, diplomatic and consular relations, State responsibility, jurisdictional immunities, succession of States, international watercourses, diplomatic protection, reservations to treaties, customary international law, crimes against humanity, jus cogens, general principles of law, sea-level rise, and the immunity of State officials, among many others. Its work has significantly shaped the modern international legal order, **with many of its draft texts later serving as the basis for multilateral treaties or becoming influential statements of customary international law.**

The International Law Commission examines several topics, at different stages of development, simultaneously during each of its annual sessions, with each topic typically entrusted to a **Special Rapporteur** responsible for leading its development. The Special Rapporteur prepares legal analysis documents (*Rapporteur's reports*) containing State practice, judicial decisions, scholarly writings and other relevant

materials, and, where appropriate, proposes draft legal texts. These are debated by the Commission in plenary before the proposed provisions are referred to the **Drafting Committee**, where they are reviewed, negotiated and refined. **Many topics require several years of consideration.**

At the conclusion of each annual session, the Commission adopts its Annual Report to the General Assembly. The Report provides a comprehensive account of the work carried out on every topic during the session, identifies texts that have been provisionally or finally adopted together with their accompanying commentaries, highlights issues on which the Commission seeks the views of States, and outlines the future direction of its programme of work. **The Annual Report thus serves as the main vehicle through which the Commission communicates the results of its work to the General Assembly and initiates the next stage of the international law-making process - the consideration of the Commission's work by the Sixth Committee.**

Although draft articles remain the Commission's best-known product, the ILC today employs a wider range of legal outputs depending on the nature of the subject under consideration. These include:

- draft conventions or draft articles intended to serve as the basis for treaties;
- draft principles;
- draft guidelines;
- draft conclusions;
- final reports.

The choice of format reflects the objective of each project: draft articles are generally used where treaty codification is contemplated, whereas principles, guidelines and conclusions are often intended to clarify existing law, provide practical guidance or contribute to the progressive development of international law without necessarily leading to a binding international convention.

Since its establishment in 1949, the International Law Commission has served as the principal engine of the codification and progressive development of international law. Numerous multilateral conventions have been negotiated on the basis of its draft articles, while many of its non-binding texts have become highly authoritative statements of customary international law and are routinely relied upon by international and domestic courts, governments, and international organizations.



International Conventions Developed on the Basis of ILC Draft Articles

 ILC Work	 Became International Conventions
 Draft Articles on the Law of Treaties	<ul style="list-style-type: none"> • 1969 Vienna Convention on the Law of Treaties
 Draft Articles on Diplomatic Relations	<ul style="list-style-type: none"> • 1961 Vienna Convention on Diplomatic Relations
 Draft Articles on Consular Relations	<ul style="list-style-type: none"> • 1963 Vienna Convention on Consular Relations
 Draft Articles on Special Missions	<ul style="list-style-type: none"> • 1969 Convention on Special Missions
 Draft Articles on the Law of the Sea	<ul style="list-style-type: none"> • 1958 Geneva Conventions on the Law of the Sea
 Draft Articles on Treaties between States and International Organizations	<ul style="list-style-type: none"> • 1986 Vienna Convention on the Law of Treaties between States and International Organizations or between International Organizations



The work of the International Law Commission has provided the foundation for major multilateral treaties that now form part of the international legal order.

As underscored above, the United Nations' international law expert body (ILC) is responsible for preparing draft legal texts that provide the foundation for the negotiation of multilateral treaties.

ILC studies the topic → prepares draft articles with the recommendation of adopting a Convention based on the draft articles (enshrined in its final Report) → submits the Report to the UN General Assembly's 6th Committee (legal) → the General Assembly decides to convene a diplomatic conference → States negotiate the final treaty → States adopt the convention.

Some of the most influential treaties in international law originated from the Commission's work. For example, following years of study under Special Rapporteur A.E.F. Sandström, the Commission completed the Draft Articles on Diplomatic Intercourse and Immunities in 1958. These formed the basis of negotiations at the 1961 United Nations Conference on Diplomatic Intercourse and Immunities, which adopted the Vienna Convention on Diplomatic Relations.

Similarly, after nearly two decades of work by successive Special Rapporteurs - James Brierly, Hersch Lauterpacht, Gerald Fitzmaurice and Humphrey Waldock - the Commission adopted the Draft Articles on the Law of Treaties in 1966. These draft articles became the basis for negotiations at the Vienna Conferences of 1968 and 1969,

culminating in the adoption of the 1969 Vienna Convention on the Law of Treaties, widely regarded as the cornerstone of modern treaty law.

Therefore, while the UN International Law Commission is the author of the first draft and makes a recommendation towards adopting a Convention, States, namely through the (*political in orientation*) debates taking place at the 6th Committee level, are the final decision-makers and lawmakers.

The Politics: What is the UN General Assembly's 6th Committee (6C)?

When thinking about the United Nations General Assembly it is natural to refer to this one of the main organs of the United Nations as the “world Parliament”, and as many Parliaments across states have Committees debating, adopting, and putting forward various bills for the legislative body to consider – this model is replicated at the UN level as well, with the UN's Committees debating, adopting, and putting forward resolutions for UN GA to take action upon.

The Sixth Committee (6th Committee / 6C) is one of the six main committees of the UN General Assembly and deals primarily with legal issues, including the codification and development of international law, treaties, and legal questions concerning the UN. Its mandate is derived from Article 13 of the UN Charter, which authorizes the General Assembly to initiate studies and make recommendations to promote international cooperation and the progressive development of international law. The committee also serves as the main venue for negotiations on general international law matters.

The Sixth Committee has universal membership, meaning all UN Member States are entitled to representation. Non-Member States with observer status may also attend and participate in discussions. This ensures broad international input on legal issues and treaty development.

However, one of the principal distinctions between the International Law Commission (ILC) and the UN General Assembly 6th Committee lies in the composition of their respective memberships. Whereas the ILC is composed of

individuals elected in their personal capacity from among the world's most distinguished jurists and scholars of international law, the Sixth Committee is composed of representatives of Member States serving in their diplomatic delegations to the United Nations. These delegates are appointed by their respective governments through national foreign service systems and, unlike members of the ILC, are not required to possess formal legal qualifications or specialized expertise in international law. Their professional backgrounds vary considerably, reflecting the priorities and staffing decisions of individual States. Some delegates are career international lawyers, while others may have primarily worked on bilateral relations, political affairs, multilateral diplomacy, consular services, or other portfolios prior to their assignment in New York. It is also not uncommon for diplomats to service multiple General Assembly committees simultaneously.

Within the UN diplomatic community, it is widely recognized that a strong foundation in international law significantly enhances a delegate's ability to engage effectively in the work of the Sixth Committee and to advance their State's legal and policy positions during negotiations. Nevertheless, neither the Charter of the United Nations, the Rules of Procedure of the General Assembly, nor any other formal UN instrument prescribes legal qualifications or prior expertise in international law as a prerequisite for membership in the Committee. The composition of national delegations therefore remains a matter entirely within the discretion of Member States.

This is why **while not all delegations of Member States participate in 6C debates on substantive matters related to various agenda items, they all participate in the consensual political decisions regarding how to advance further each agenda item.** This brings us to the following point of our Guide:

How does the UN 6th Committee function: the committee meets annually for approximately six weeks, during which it debates on a variety of agenda items, such as: criminal accountability of United Nations officials and experts on mission, responsibility of States for internationally wrongful acts, Report of the International Law Commission, etc., with some delegates including in their statements robust international law views and interpretations on behalf of the country they are representing.

The next step of the work process represents negotiations on the draft resolutions covering each agenda item previously debated. **This is a political process** during which the 6th Committee delegates try to reach consensus while deciding on whether: to include in the agenda for its next year's work session the same item, inviting Member

States to focus their comments on a specific topic related to the respective agenda item (such as the case of the item [“The rule of law at the national and international levels”](#) – with states invited to debate on the subtopic “Enhancing the rule of law by strengthening the cooperation between the Sixth Committee of the General Assembly and the International Law Commission”); to include in the agenda for its next year’s work session the same item for further examination – with the view of taking a decision (such as the case of the item [“Responsibility of States for internationally wrongful acts”](#) – with regards to which the International Law Commission recommended that the General Assembly consider at a later stage, in the light of the importance of the topic, the possibility of convening an international conference of plenipotentiaries to examine the draft articles with a view to concluding a convention on the topic); to resume its session and advance towards a United Nations Conference of Plenipotentiaries vis-à-vis an agenda item referring to an International Law Commission topic with regards to which the ILC decided to recommend the elaboration of a convention on the basis of its draft articles (such as the case of the item [“Protection of persons in the event of disasters”](#)); etc.

** Work on certain agenda items don’t always follow the progressive path towards a Convention for instance – as at times discussions can roll into the following sessional year for several years until a consensual political decision can mature vis-à-vis the way forward on the matter. Similarly, given the lack of groundbreaking developments on certain topics – such as the [“Strengthening and promoting the international treaty framework”](#) agenda item – 6C can decide to debate on the topic again in 2 years’ time (example: 80th session resolution [A/RES/80/170](#) decided to include in the 6th Committee’s provisional agenda of its 82nd session the item entitled “Strengthening and promoting the international treaty framework”).*

Once the negotiations have concluded, the 6th Committee adopts, by consensus, resolutions indicating the political decision on the way forward for each of the agenda items previously debated and negotiated. These resolutions are then advanced to the UN General Assembly to be further reconfirmed by consensual adoption.



The Marriage: How do the ILC and the 6C contribute to international law-making?

The “**marriage**” between the UN International Law Commission and the UN General Assembly’s 6th Committee (legal) begins early on with the moment when **UN Member States put forward candidates to fill in vacancies for the positions of members of the ILC** – with the elections taking place, traditionally, in November.

Part of the campaign process is the **candidates meeting with the 6th Committee delegates** (as well as the Elections Officers of UN Member States), discussing their priorities and the planned input for the work of the International Law Commission during the 5-year mandate.

As previously underscored, the professional and academic caliber of candidates is high, with elections usually being equally competitive. This is where the practice of concluding bilateral agreements of mutual support becomes part of the election process – where states agree, via a private exchange of diplomatic correspondence (*Notes Verbales*) to support each other’s candidates across the spectrum of various UN elections, on the basis of their friendly relations.

Therefore, the election of a particular commissioner is a testimony to both the candidate’s strong international law background as well as the bilateral diplomatic relationship between states, unfolding in a multilateral process (UN elections).

This political support although enables the elected commissioner to begin its work, does not guarantee full endorsement and agreement with its work by the entire UN membership – and at times even by the countries voting, years ago, in its favor, as the draft articles and recommendations the commissioner might put forward, grounded in extensive legal research, can now affect directly the interests of certain UN Member States.

The case of the *draft articles for the prevention and punishment of crimes against humanity* very well illustrates this *modus operandi*.

In 2011 the UN General Assembly elected [Sean D. Murphy](#) (candidate nominated by the US Government, Professor of International Law, formerly having served as legal counselor at the U.S. Embassy in the Hague, and throughout his career span

representing several countries in international courts and tribunals) as member of the UN International Law Commission. He was a member of ILC from 2012 to 2022, having also been re-elected. Throughout his tenure, Professor Murphy served as a Special Rapporteur for crimes against humanity, spearheading the drafting of a preamble, fifteen articles, and an annex for such a treaty, which were then, in 2019, adopted by the International Law Commission, together with commentaries. The *draft articles on prevention and punishment of crimes against humanity* were presented in the same year to the UN General Assembly 6th Committee [with a recommendation that a convention is elaborated by the UN General Assembly or by an international conference of plenipotentiaries on the basis of the respective draft articles](#).

The UN 6th Committee debated this topic for several years, reaching a breakthrough in 2022, when it decided to shortly resume its session in April 2023 and April 2024 – creating a dedicated space in order to exchange substantive views, including in an interactive format, on all aspects of the draft articles, and to consider further the recommendation of the Commission. This gradual approach was a result of extensive political negotiations taking place in the 6th Committee – where the majority of Member States wanted to move forward towards a Convention based on the draft articles but were blocked by a smaller number of states (involved in committing crimes against humanity (such as Russia) or having strong bilateral ties with countries involved in such a serious offense (such as Iran or Belarus echoing Russia’s strong stand against moving forward towards a Convention)). This smaller group of states used the practice of consensus in order to delay the process of adopting a Convention, and the newly upcoming resumed session as an occasion to point out, in their view, the need to further revise and refine the draft articles as an additional argument towards their strategy of delaying the process.

The [2024 report](#) of the 6th Committee April [resumed session](#) reflects both the broad support expressed by many delegations for the International Law Commission's recommendation to elaborate a convention and the objections raised by the opposing minority, which argued that significant differences remained regarding the definition of crimes against humanity, the bases of jurisdiction, and the role of international bodies. According to these delegations, the existence of such unresolved issues meant that "a convention on crimes against humanity would not become an effective instrument enjoying universal support".

Next, following [lengthy political negotiations taking place in November of 2024 at the level of the 6th Committee](#), with the Russian Federation opposing the standing of the

majority of delegations to advance towards negotiating a Convention – as a compromise of the negotiation process it was agreed to convene a United Nations Conference of Plenipotentiaries on Prevention and Punishment of Crimes against Humanity, to meet at United Nations Headquarters in New York for three consecutive weeks in early 2028, and for three consecutive weeks in 2029, unless otherwise agreed by the Preparatory Committee, and to convene a preparatory committee for the Conference, to meet for two consecutive weeks, from 19 to 30 January 2026, and for four days, in 2027, at United Nations Headquarters in New York. The UN General Assembly formalized this decision in its resolution [79/122](#).

The experience of the draft articles on crimes against humanity demonstrates that the relationship between the International Law Commission and the Sixth Committee is neither linear nor frictionless. The Commission approaches international law-making through the lens of legal coherence, progressive development, and the long-term interests of the international legal order. **The Sixth Committee**, by contrast, necessarily operates within the realm of political negotiation, where legal considerations are weighed alongside national interests, geopolitical realities, and the requirement of intergovernmental consensus. **It is precisely at this intersection that the "marriage" between the two institutions becomes most challenging.** Draft articles that may represent the most legally sound solution from the perspective of the Commission can nevertheless encounter political resistance once they begin to affect the strategic interests of individual States.

Yet, this marriage is far from an impossible one. The history of the International Law Commission demonstrates that political negotiations may delay - but do not necessarily prevent - the transformation of its work into binding international law. Numerous multilateral treaties have ultimately been negotiated on the basis of the Commission's draft articles, including the Vienna Convention on the Law of Treaties (1969), the Vienna Convention on Diplomatic Relations (1961), the Vienna Convention on Consular Relations (1963), [the Statute of the International Criminal Court](#) (1998), the United Nations Convention on Jurisdictional Immunities of States and Their Property (2004), etc. The path from legal codification to treaty adoption is therefore rarely immediate; rather, it reflects an ongoing dialogue between legal expertise and political will. **Ultimately, international law is shaped neither by lawyers nor by diplomats acting alone, but by the continuous interaction between the International Law Commission and the Sixth Committee**, whose distinct institutional mandates together transform legal ideas into rules capable of commanding the actions of the international community.

Recommendations towards strengthening the relationship between the ILC and the 6C

This Guide demonstrates that **the United Nations' contribution to the development and codification of international law** is neither accidental nor automatic. It **is the product of a carefully designed institutional architecture in which legal expertise and political legitimacy perform complementary functions**. The **International Law Commission** contributes through independent legal analysis and technical excellence, while the **Sixth Committee** provides the political forum through which Member States evaluate, negotiate and ultimately decide whether legal proposals should become part of the international legal order.

The examples examined in this Guide also reveal that, despite the remarkable success of this institutional partnership over the past decades, opportunities remain to further strengthen the interaction between the Commission and the Sixth Committee. Enhancing communication, promoting greater legal expertise, encouraging earlier engagement by Member States, and fostering a shared understanding of the complementary mandates of both bodies would contribute to a more efficient and responsive process of international law-making, while fully respecting the institutional independence of each. **Against this background, the following recommendations are proposed:**

1. Continue to elect commissioners possessing the highest levels of academic distinction and practical experience in public international law. The authority of the International Law Commission ultimately rests on the professional independence and expertise of its members. Preserving the Commission's reputation as the United Nations' principal expert body requires Member States to continue nominating candidates whose professional achievements command broad international confidence.

2. Promote greater legal specialization within national delegations to the Sixth Committee. While the composition of national delegations remains the sovereign prerogative of Member States, assigning diplomats with a solid background in public international law to cover the work of the Sixth Committee would enhance the quality of legal debates, facilitate more substantive engagement with the Commission's outputs, and contribute to better-informed political decision-making.

3. Further institutionalize structured dialogue between the International Law Commission and the Sixth Committee. The annual International Law Week has proved to be a valuable forum for direct exchanges between Commissioners and Sixth Committee delegates. Expanding opportunities for both formal and informal discussions throughout the Commission's work cycle would foster greater mutual understanding, allow concerns to be identified at an earlier stage, and reduce the disconnect that can emerge between legal drafting and subsequent political negotiations.

4. Hold a part of the International Law Commission's split sessions in New York. Conducting a portion of the Commission's work at United Nations Headquarters brings Commissioners into closer contact with diplomats actively participating in the Sixth Committee. Such proximity facilitates continuous dialogue, increases the visibility of the Commission's work among Member States, and strengthens cooperation.

5. Encourage earlier and more substantive written observations from Member States during the Commission's consideration of draft texts. Greater participation by States during the drafting stage would enable the Commission to better understand practical concerns before its work reaches the Sixth Committee, thereby reducing the likelihood of political objections arising only after draft articles have been finalized.

6. Increase awareness among Member States' capitals of the respective institutional roles of the International Law Commission and the Sixth Committee. Many political disagreements arise from differing expectations regarding the purpose of the Commission's work. Greater understanding within Ministries of Foreign Affairs of the complementary roles performed by the Commission and the Sixth Committee would contribute to more coherent national positions throughout the law-making process.

7. Preserve the balance between legal expertise and political legitimacy. The relationship between the International Law Commission and the Sixth Committee should not seek to minimize political debate, nor should legal expertise be subordinated to political expediency. Rather, efforts should focus on ensuring that the two institutions continue to perform their distinct but complementary mandates. The strength of the United Nations' international law-making process lies precisely in this balance: the Commission provides legal rigor and technical expertise, while the Sixth Committee supplies the political legitimacy necessary for transforming legal proposals into internationally accepted legal norms.

About the author

Augustina ŞIMAN holds a **Doctoral Degree**, with a thesis in Public International Law, as well as a Master's Degree in International Law, from Moldova State University. She co-authored a monograph entitled „The Impact of International Organizations on the Development of Contemporary Public International Law” (Chişinău, 2019). She is an **alum of prestigious international law and diplomatic studies** at the Hague Academy of International Law (*UN fellowship*), Vienna Diplomatic Academy, the Romanian Diplomatic Institute, and the Jan Paderewski Institute of Diplomacy in Poland. In 2022, following her **endorsement by 3 members of the UN International Law Commission**, she was selected for the eminent International Law Seminar – where she conducted research on reparations to Individuals for gross violations of International Human Rights Law and serious violations of International Humanitarian Law.

Between 2023 – 2024 she served on the **UN Security Council**, focusing on issues such as: rules of procedure, working methods and documentation of the UN Security Council, counterterrorism, cooperation with the International Court of Justice and International Criminal Court, as well as regional conflicts and thematic files.

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Prior to this, she taught Public International Law and other related courses at the Faculty of Law of Moldova State University, and since has continued to deliver Special Guest lectures on contemporary pressing issues – “Modern Challenges to Public International Law and Multilateral Diplomacy at the UN”, “The impact of sea-level rise on statehood”, “Artificial Intelligence in Conflict – Reflections from the UN Security Council”.