

## STATUTE OF THE INTERNATIONAL LAW COMMISSION

Under Article 13, paragraph 1(a), of the Charter of the United Nations, the General Assembly shall initiate studies and make recommendations for the purpose of encouraging the progressive development of international law and its codification. With a view to implement its obligations under this provision, the General Assembly adopted, on 11 December 1946, resolution 94 (I), establishing the Committee on the Progressive Development of International Law and its Codification, consisting of seventeen Member States. The Committee was directed to study the methods by which the General Assembly should encourage the development of international law, the methods of securing the co-operation of the several organs of the United Nations and the assistance of national or international bodies as might aid in the attainment of this objective. The Committee met from 12 May to 17 June 1947 and submitted a report to the General Assembly recommending the establishment of an International Law Commission and setting forth provisions to serve as the basis for its statute (A/331).

At its second session, in 1947, the General Assembly referred the report of the Committee on the Progressive Development of International Law and its Codification to its Sixth (Legal) Committee. After a general debate, the Sixth Committee decided, on 26 September 1947, to establish a sub-committee to coordinate the various proposals, resolutions and amendments made. The sub-committee submitted an interim report (A/C.6/150), which the Sixth Committee considered on 2 October 1947. It was then decided, without a vote, that an International Law Commission should be established at the second session of the General Assembly, while the election of members should be postponed until its third session (see Sixth Committee of the General Assembly, Summary records of meeting No. 40 of the second regular session, held on 2 October 1947). The sub-committee continued its work on a draft resolution and draft statute for the International Law Commission, and submitted its final report to the Sixth Committee (A/C.6/193), which adopted the proposed draft resolution and draft statute on 20 November 1947. On the recommendation of the Sixth Committee, the General Assembly decided to establish the International Law Commission and adopted its statute by resolution 174 (II) of 21 November 1947.

In accordance with the relevant provisions of its Statute, the first elections to the International Law Commission took place on 2 November 1948, and the Commission opened the first of its annual sessions on 12 April 1949. (For more information on the sessions of the International Law Commission, see <http://www.un.org/law/ilc/>).

The Statute was subsequently amended on four occasions. Resolution 485 (V) of 12 December 1950 amended article 13 with regard to the allowances for the members of the Commission. In resolutions 984 (X) and 985 (X) of 3 December 1955, the General Assembly amended articles 12 and 10 respectively, deciding to establish the offices of the Commission in Geneva and to increase the term of office of its members from three to five years. On 18 November 1981, articles 2 and 9 of the statute were amended by resolution 36/39, increasing the number of members of the International Law Commission from twenty-five to thirty-four.