

The Current and Future Work of the International Law Commission

1. Introduction

The **Florida International University College of Law** (“FIU Law”), together with the **Center for International Law and Policy in Africa** (“CILPA”), are pleased to convene a public symposium in Miami, Florida on **Friday November 4, 2022, and online** to discuss *The Current and Future Work of the International Law Commission*. For in-person registration please email cstrydom@cilpa.org, and register for online participation [here](#).

The public symposium will focus on two specific sub-themes. First, the completion of two main topics, upon second reading, by the ILC during its recently concluded 73rd (2022) session, namely, “peremptory norms of general international law (jus cogens)” and “protection of the environment in relation to armed conflicts.” The discussion of those topics center on clarifying the core issues that arose during the studies on those topics, and the final outcomes and possible added value for States and international lawyers. Second, the status of the ILC’s current work, in particular, the significant adoption upon first reading of a full set of draft articles, with commentaries, on one of the longest running topics in the current work program of the Commission, namely, “immunity of State officials from foreign criminal jurisdiction.”

2. Background

The International Law Commission (“ILC” or “Commission”) is mandated to assist United Nations member States with the promotion of the progressive development of international law and its codification. The ILC is widely recognized for the key role it has played assisting the UN General Assembly with the fulfillment of that responsibility, which is rooted in Article 13 of the United Nations Charter and mandates the latter to promote international cooperation in the political field and to initiate studies with the view to promoting the progressive development and codification of international law. The ILC’s draft articles, for which it came to be widely known, frequently served as the negotiating basis for many treaties concluded by States in critical areas of international law especially in the period between the 1950s and the 1970s. These range from the law of treaties to the law of the sea, and to the law of diplomatic and consular relations. Some of the treaties concluded on the basis of the ILC’s draft articles today serve as foundations for the smooth conduct of international relations.

But 73 years after it was established, the challenges that face the world today are substantially different from those that existed when the ILC was established in 1947. As States grapple with new challenges, from climate change and sea level rise to global pandemics, cyberthreats, autonomous weapon systems and beyond, what role can the ILC play in our increasingly complex world? What topics has it selected for its long-term program of work? What new topics has it added to its current work program, and what if anything, does such decisions imply about the direction of its work over the next years under a new membership composition for the term 2023-2027?

PROGRAM

The Current and Future Work of the International Law Commission

College of Law of Florida International University
Modesto Maidique Campus, Rafael-Diaz Balart (RDB) Hall, 11200 S.W. 8th Street in
Miami, Florida

Day 1 – Public Symposium

Friday, November 4, 2022

8:00–9:00: Arrival, coffee, and registration - Outside RDB 1009, C.A.M.P. 4 Justice Courtroom

9:00–9:30: Welcome and Introduction - RDB 1009, C.A.M.P. 4 Justice Courtroom

- **Dean Antony Page**, Florida International University, College of Law
- **Prof. Charles C. Jalloh**, Florida International University and Member and Special Rapporteur, ILC

Concurrent Panels: Panel 1

RDB 1009, C.A.M.P. 4 Justice Courtroom

9:30–12:30: The ILC Draft Conclusions on the Identification and Legal Consequences of Peremptory Norms of General International Law (*jus cogens*) as adopted on second reading

Moderator: Prof. Phoebe Okowa, Queen Mary University and Member-Elect, ILC

Presenter: Prof. Dire Tladi, University of Pretoria and Member and Special Rapporteur, ILC

Discussants:

- **Mr. David Bigge**, U.S. Department of State
- **Prof. James Gathii**, Loyola Law School, Chicago
- **Ms. Mary Hansel**, University of California, International Justice Clinic
- **Prof. Mohamed Helal**, Ohio State University, and AUCIL

Concurrent Panels: Panel 2

RDB 1081

9:30–12:30: The ILC Draft Principles on the Protection of the Environment in Relation to Armed Conflicts (PEAC) as adopted on second reading

Moderator: Ms. Paola Patarrayo, Office of Legal Affairs, United Nations

Presenter: Amb. Marja Lehto, Ministry for Foreign Affairs of Finland, and Member and Special Rapporteur, ILC

Discussants:

- **Mr. Carl Bruch**, Environmental Law Institute
- **Ms. Helen Obregón Gieseken**, International Committee of the Red Cross
- **Prof. Charles C. Jalloh**, Florida International University, and Member and Special Rapporteur, ILC
- **Dr. Britta Sjöstedt**, Lund University

12:30 – 13:30: Lunch
Grand Reading Room

Panel Discussion
RDB 1009, C.A.M.P. 4 Justice Courtroom

13:30–16:00: The ILC Draft Articles on Immunity of State Officials from Foreign Criminal Jurisdiction as adopted on first reading

Moderator: Prof. Erika de Wet, University of Graz

Presenter: Prof. Concepcion Escobar-Hernandez, Universidad Nacional de Educacion a Distancia, and ILC

Discussants:

- **Prof. Chimene Keitner**, UC Hastings College of Law
- **Prof. Claus Kress**, University of Cologne
- **Prof. Leila Nadya Sadat**, Washington University School of Law
- **Prof. Claudio Grossman**, American University Washington College of Law, and ILC

Open Plenary Debate
RDB 1009, C.A.M.P 4 Justice Courtroom

16:00 – 17:30: The ILC and the Future of International Law: *Quo Vadis?*

Moderator: Amb. Juan Manuel Gomez Robledo, Permanent Mission of Mexico to the United Nations, and ILC

Panelists:

- **Prof. Claudio Grossman**, American University Washington College of Law, and ILC
- **Dr. Michael Kanu**, Permanent Mission of Sierra Leone to the United Nations
- **Prof. Erika de Wet**, University of Graz