

## **1. Purpose**

- 1.1.** A Committee is established to assist the ILA in the realisation of its objectives of studying, clarifying and developing international law, both public and private, and the furtherance of international understanding and respect for international law, by bringing together members of the Association with relevant expertise to carry out research, surveys and investigations on selected areas of international law and to prepare reports for consideration by the membership and other interested parties at the biennial conferences and recommendations for adoption by the Conference Plenary.

## **2. Establishment**

- 2.1.** Proposals for a subject for the establishment of an International Committee may be made by the Director of Studies (DoS) and by any Branch or member. The proposal shall be drafted in accordance with Section 3 below.
- 2.2.** On the recommendation of the Director of Studies (DoS), the Executive Council (EC) may establish a Committee, adopt its mandate, and appoint its Chair(s) and Rapporteur(s) (the “officers”). The appointment of officers of a Committee shall be made with due consideration of the ILA Policy on Diversity, Equality & Inclusion (Diversity Policy), keeping in mind the desirability of the representation of different legal systems, of various geographical regions, as well as different lived experiences that pertain to the execution of the Committee’s mandate (including, but not limited to, gender, sexuality, disability, race, socio-economic background, and others). In assessing lived experience in particular, the DoS and EC take into account the privacy of Committee officers and their willingness to share or withhold this type of information.
- 2.3.** Committees are established with a mandate in the first instance of 4 years.
- 2.4.** Prior to the establishment of the Committee, or immediately thereafter, prospective officers are invited to organise, in conjunction with HQ, a webinar on the theme and mandate of the Committee. The purpose of this meeting is to receive feedback from the ILA membership on the mandate and membership. If the webinar is to take place before the Committee is established, it should happen at least eight weeks before the relevant EC meeting. If the webinar is to take place after the Committee is established, it should happen no later than eight weeks after the relevant EC meeting. The webinar is to be recorded, in compliance with applicable privacy legislation, and uploaded to the ILA website, and / or a relevant platform like YouTube. Prospective officers are responsible for the organisation of the logistics of the webinar, and subsequent dissemination of the recording.
- 2.5.** On the recommendation of the DoS, the EC may renew the mandate, in its original form or with amendments, for further periods of up to 4 years. Before requesting a renewal of mandate, Committee officers and the DoS will review the mandate, membership and work of the Committee and, where appropriate, make changes as a condition of renewal. Requests for renewal shall be made in writing, no later than two months before the next EC meeting.

### **3. Mandate**

- 3.1.** The DoS shall, in close cooperation with the branch or member(s) that made the proposal and the suggested officers, define the mandate for adoption by the EC. The mandate shall be sufficiently specific to allow completion of the work within a specified period of time, preferably not exceeding 4 years.
- 3.2.** The mandate shall be designed to produce a concrete outcome in a practical form, such as a re-statement of the law, a draft treaty or convention, draft articles, a declaration, a draft code of conduct, recommendations, guidelines, or statements, that can be presented for adoption by the Conference Plenary at a biennial conference.
- 3.3.** The following should be considered in designing the mandate of the Committee:
  - (a) Is there an existing Committee or Study Group or another international body or organisation focusing on the same or similar areas? Has there been one in the past at least 10 years?
  - (b) If so, how far does this overlap with the new topic? Does it warrant additional study?
  - (c) Is the topic sufficiently broad to cover all regions of the ILA?
  - (d) Is the topic relevant? How? Why?
  - (e) What are the proposed outputs?
  - (f) Will the outputs contribute to the development of International Law?
  - (g) Can the topic be addressed within the initial 4-year mandate?
  - (h) What is the provisional programme of work or research?
- 3.4.** These considerations should be set out in a formal proposal document and sent to the DoS for consideration. The prospective officers will discuss the proposal further with the DoS and highlight any gaps and/or additional considerations to make, before presenting the final draft to the Executive Committee for approval at their next meeting.
- 3.5.** An amendment or renewal of the mandate is restricted to adjustment of the original mandate and is not intended to allow the Committee to take up an entirely new topic.
- 3.6.** Upon completion of the mandate, as a rule, a Committee will be dissolved by the EC, save for dissemination activities as per section 8.3 below.

### **4. Membership**

- 4.1.** After a Committee has been established, Headquarters (HQ) will inform all Branches about the mandate of the Committee and will invite them to nominate members before the next EC meeting or within the first 6 months of its establishment. After this period new members can only be appointed if in the view of the Chair this will contribute to the work of the Committee. The 6-month period does not apply to Branches formed after the establishment of the Committee.
- 4.2.** Each Branch may nominate one or more members of the ILA as members of a Committee, on the following basis:
  - (i) for Branches with a paid-up membership of less than 100, one member;
  - (ii) for Branches with a paid-up membership of 100-250, two members;
  - (iii) for Branches with a paid-up membership of more than 250, three members.
- 4.3.** In addition to members nominated pursuant to Sections 4.1 and 4.2, a Branch may, with the approval of the Chair of the Committee, nominate an equivalent number of early career professionals to serve as alternates. Only early career professionals should serve as alternates, save

for exceptional circumstances at the DoS's discretion. Save for exceptional cases approved by the DoS, alternates cannot be appointed as co-Chairs or Rapporteurs. Early career professionals are members of a branch holding at least a degree in law or a cognate discipline or qualified to legal practice and having no more than 5 years of experience in the field of international law.

- 4.4. In the case of an extremely high number of nominations, HQ may, upon request of the Chair, temporarily suspend the right of Branches to nominate more than two members. The Branch membership of the officers of the Committee does not affect the Branch quota [in Section 4.2]. Nominations should be made no later than 6 weeks before the EC meeting at which they should be tabled.
- 4.5. Persons nominated for a Committee should have sufficient expertise in the subject of the Committee in question.
- 4.6. Persons nominated for a Committee must be able and willing to exercise or develop their expertise in the field and contribute actively to the work of the Committee, in particular by responding to emails, questionnaires, undertaking research and drafting content as per the focus of the work of the Committee and as directed by the Committee Chair.
- 4.7. Nominations must be accompanied by a C.V. of the nominee and any other documentation which may demonstrate the expertise and/ or interest required, as well as by a personal and signed nomination agreement confirming their willingness and ability to contribute actively to the work of the Committee.
- 4.8. As a rule, no person should be a member [or alternate member] of more than two Committees, or of one Committee and one Study Group, at the same time. Where a Branch wishes to nominate a member who is already participating in more than two Committees or Study Groups, they should contact the DoS in advance to establish whether or not the nominee is suitable for the envisaged Committee. The DoS may request that the nominee resign from one of the current Committees or Study Groups prior to joining the envisaged Committee.
- 4.9. Branches are required to maintain a list of their members who are participating on Committees or Study Groups.
- 4.10. The Chair of the Committee is always consulted by HQ about nominations from Branches or by the DoS. It is recommended that the Chair consults with the Rapporteur(s) of the Committee. The Chair shall communicate acceptance or objections to HQ within 4 weeks, to enable the EC at its next meeting to decide whether to accept the nomination. The Chair may reject a nomination on the following grounds:
  - (i) lack of a signed Nomination Agreement and / or a curriculum vitae;
  - (ii) the requirement of balanced representation having due regard to the ILA Diversity Policy;
  - (iii) very advanced state or near completion of the mandate;
  - (iv) lapse of nomination period.
- 4.11. The Chair of a Committee may at any time nominate, subject to the consent of the DoS and without affecting the quota of any Branch, up to 5 persons with special expertise and experience in the subject of the Committee, who have indicated their willingness to contribute actively to its work and to become members of the Association. If any of these persons is a member of a Branch whose quota is not yet exhausted, the Chair should invite the Branch through HQ to nominate that person. Before being appointed as members of the Committee, the nominated person must become a member of the Association.

- 4.12.** The Chair of a Committee may at any time nominate, subject to the consent of the DoS, up to 5 members of the Headquarters Branch to a Committee.
- 4.13.** A member who has made no contribution to the work of a Committee for one year may be requested by the Chair to resign from the Committee. Before making such a request, the Chair, in consultation with the member, should consider whether there is any realistic possibility that they will meaningfully contribute to its work in the very near future. If the member does not resign and the inactivity persists, the Chair shall inform the DoS who may ask the nominating Branch to make a fresh nomination of a person who is expected to be more active.
- 4.14.** Where a Committee member's membership of the Branch lapses, the member cannot participate in the work of the Committee. The nominating Branch has the right to make a new nomination.
- 4.15.** Where a Branch closes but members wish to continue participating in the Committee, they will be invited to join the Headquarters Branch and continue in this capacity until completion of the Committee's work.
- 4.16.** Membership of the Committee terminates when a Committee is dissolved by the EC.

## **5. Officers**

- 5.1.** On the recommendation of the DoS, the EC appoints the Chair of a Committee. The Chair, in cooperation with the DoS and HQ, is responsible for the high quality of the work of the Committee and shall, at every stage of the existence of the Committee, strive to maintain a balanced representation in its membership in accordance with the ILA Diversity Policy.
- 5.2.** On the recommendation of the DoS, the EC may appoint a Co-Chair of the Committee. Chairs and Co-Chairs shall have equivalent rights and duties in the performance of the mandate of the Committee.
- 5.3.** On the recommendation of the DoS and the Chair, the EC appoints one or more Rapporteur(s). The Chair(s) and the Rapporteur(s) are responsible for the timely and efficient implementation of the mandate.
- 5.4.** A Committee officer intending to resign should notify the other officers and the DoS. After consultation with the officers of the Committee, and if necessary, the membership of the Committee, the DoS will nominate a successor for approval by the EC.
- 5.5.** Committee officers shall communicate regularly with members of the Committee. They shall provide sufficient time to them for contributing to, and commenting on, draft reports prepared by the Rapporteur(s), in order to ensure that the reports of the Committee represent the collective work of its membership.
- 5.6.** Committee officers should take reasonable steps to ensure participation of all Committee members through hybrid meetings. Committee officers should inform members unable to attend any Committee meetings or working sessions at the biennial international law conference about the outcome of such meeting(s).
- 5.7.** Officers and members of Committees serve in a personal capacity.

- 5.8. Committee officers are expected to attend the biennial international law conferences in person, unless it is a hybrid or online conference. If unable to attend, they should inform the DoS well in advance, and no later than three months before the conference.
- 5.9. Committee officers should regularly review membership of the Committee and identify and inform the DoS and HQ of any gaps in representation to try and identify suitable nominees.

## **6. Working methods**

- 6.1. After consultation with its members a new Committee should adopt a work programme for the period of the mandate by the end of its first year of existence. The work programme should deal with the substance, the means to achieve it (for example, questionnaires; contributions by members), the form of outputs to be achieved (for example, draft declaration, articles or principles, with commentary; recommendations; guidelines; statements; conclusions) and a detailed timetable.
- 6.2. All members shall be duly informed about the work programme, any subsequent adjustments to it, Committee meetings and other events, and of the outcomes of meetings.
- 6.3. Each Committee shall submit a report every two years for consideration at the biennial Conference. The report should reflect the collective work of the membership of the Committee. Draft reports are usually prepared by the Rapporteur(s), but they should be based on contributions from members. All members must be provided with ample opportunity to comment on the drafts, and their comments should be taken into account when drafting the final text for submission to the Conference. Dissenting views should be reflected in the report when no agreement on a text has been reached and the dissenter(s) so wish. A report submitted to HQ which has not been circulated in advance to the members of the Committee will not be processed for publication on the website or in the Conference Report.
- 6.4. Each and every Committee report shall make clear which of the Committee members have actively contributed to the preparation of the report.
- 6.5. Each Committee should aim to meet at least once a year, separately or in conjunction with another meeting or conference. Every effort should be made to ensure that the meetings are hybrid in format to facilitate greater participation. Where appropriate, HQ should try and assist in facilitating these meetings.
- 6.6. External funding may be sought for Committee activities, such as meetings, research, and publications. HQ has no funds for these purposes.
- 6.7. Activities, reports of meetings, interim results and any other relevant information should be submitted to HQ for posting on the ILA website.
- 6.8. Reports may be in English or French (or both). In cases where the Rapporteur is not a native speaker there may be a need for language editing of the draft report before it is submitted. Only if the Committee itself is not able to provide this editing by one of its members, such need should be communicated to HQ in time to find an alternative solution.
- 6.9. Reports should be drafted with reference to the Guidelines reproduced in Appendix 1. Reports should be a maximum of 30 printed pages in length, including any appendices and footnotes.

**6.10.** Final reports shall include the formal outputs, as referred to in Section 6.1, which the Committee intends to submit to the next biennial conference. The report shall include the text of the outputs in English and French.

**6.11.** Reports should not:

- (i) repeat at length the history of the work of the Committee;
- (ii) incorporate details of the more familiar aspects of the topic;
- (iii) include more footnotes than is strictly necessary;
- (iv) include ancillary documents, apart from draft proposals for adoption at the Conference.

**6.12.** The Committee officers should consult the DoS in connection with publications arising out of the work and reports of the Committee, and in accordance with section 8 below.

## **7. Biennial International Law Conferences**

**7.1.** Reports for the biennial international law conference (the “Conference”) should be submitted to HQ at least three months in advance and in accordance with the instructions provided by HQ.

**7.2.** Draft reports will be posted on the ILA website before the conference. After the Conference, the Committee officers have a maximum of six weeks for submitting any amendments or corrections to the text of their draft report necessitated by the discussion at the working session. No other amendments to the substance of the report may be made. The report will be included in the Conference Report. Reports will not be discussed during the meeting of the Conference Plenary.

**7.3.** Committees submitting a final report should submit a draft resolution in English and French for adoption by the Conference containing recommendations or other relevant outputs of the work of the Committee. The draft resolution should be circulated in advance to the Committee membership. A draft resolution proposed by a Committee submitting an interim report will be accepted only if in the view of the DoS it contains sufficient substantive recommendations for adoption by the Conference. The draft resolution must be submitted to HQ for perusal 4 weeks before the Conference. Draft resolutions should not seek to adopt the full Committee report (but rather ‘note’ it), unless there are exceptional circumstances.

**7.4.** Draft resolutions and draft reports will be carefully considered by the DoS and the Conference Steering Committee, where constituted, in accordance with the Association’s Standing Orders.

**7.5.** During the Conference each Committee has one public working session devoted to the discussion of its report and draft resolution (if any). At the working session, all delegates attending the Conference, in particular those who are not members of the Committee, will have an opportunity to discuss the report and resolution. Only ILA members are entitled to vote should a vote be required. The working session is chaired by someone who is not a member of the Committee, in order to ensure that the Committee officers can freely participate in the debate and that all comments are considered. Chairs of the working sessions shall be appointed by the DoS.

**7.6.** Members taking part in the debate during a working session may use English or French when making their interventions. There are no simultaneous translation facilities available; if necessary, a brief translation may be provided by one of the other participants at the session.

**7.7.** In consultation with the Chair of the Committee, one or more reporters will be assigned to each working session to prepare a summary of the debate for the Conference Report. The Committee officers will be provided the opportunity to suggest amendments and corrections to the summary. This procedure should be completed within six weeks of the Conference.

- 7.8.** Draft resolutions will be discussed, and if necessary amended, at the end of the working session. As a result of the debate, it may also be necessary to amend parts of the report or prepare an annex to it in conformity with Section 7.2. If necessary, a vote may be taken on separate paragraphs or on the draft resolution as a whole. All matters of substance should be settled at the working session.
- 7.9.** The draft resolution as adopted in the working session will be submitted to the DoS and the Conference Steering Committee, where constituted, referred to in Section 7.4. The DoS and the Conference Steering Committee, where constituted, will discuss the quality of a draft resolution and the process of its preparation with the officers of the Committee. It is authorised to suggest corrections to the draft resolutions, or to refuse to allow a draft resolution to be put before the Conference Plenary. Draft resolutions will be introduced, but not discussed during the meeting of the Conference Plenary.
- 7.10.** Committees may wish to hold a closed meeting during the conference, either before or after the public working session. The Committee officers should inform HQ of their wishes in this respect.

## **8. Dissemination of results**

- 8.1.** Officers and members of a Committee should actively assist in the dissemination of (interim) results of the work of the Committee and to support the DoS, other officers of the ILA, or HQ (in particular by providing information suitable for distribution on the website or through other media) in order to further the objectives of the ILA.
- 8.2.** The Final Report and Resolution of a Committee will be disseminated by HQ. Officers are also responsible for the dissemination of the Final Report and Resolution. Dissemination of further outputs of the Committee via other means at the initiative of Officers and members should fully acknowledge the role of the ILA. Officers should also report to the DoS and HQ on these activities for tracking and publicising.
- 8.3.** Where appropriate, based on the quality of the Committee's work and the commitment of the Committee officers and members, the DoS may recommend to the EC that a Committee's mandate be extended for a two-year period with the sole purpose of dissemination. To that effect, within two months of the Conference in which the Committee finalised its work, its officers shall submit to the DoS a detailed dissemination plan with a list of activities and respective timelines. Officers are encouraged to proactively reach out to the DoS to discuss ideas for dissemination well ahead of this deadline. The Committee officers then shall report to the DoS yearly on the execution of dissemination activities, and to the EC at the next conference.
- 8.4.** The Report(s) and Resolutions of the Committee are considered to fall under a Creative Commons License CC-BY-ND, enabling re-users to copy and distribute the material in any medium or format in un-adapted form only, for non-commercial purposes only, and only so long as attribution is given to the creator. The Committee officers, in consultation with the DoS, may opt for a different Creative Commons licensing arrangement.
- 8.5.** In determining authorship of the work of the Committee, in general the convention is to include the Officers as lead authors, and members as further authors of the output. The title of the output should include the name of the Association and of the Committee.
- 8.6.** Further published outputs that build directly upon the work undertaken by the Committee should acknowledge that the work was, partly or fully, undertaken under the umbrella of the relevant Committee.
- 8.7.** Officers should always forward an electronic copy of publications arising from the work of

Committee to HQ for filing and publicising.

## **9. Termination**

- 9.1.** After consultation with the Chair, and with the proviso in 8.3, the DoS will recommend the EC to dissolve a Committee once the mandate has been completed.
- 9.2.** Should the Committee remain inert, or its mandate no longer lend itself to the objectives for Committees set out in these rules, the DoS may, in consultation with the Executive Chair, recommend that the Executive Council terminate the Committee's mandate without a resolution.
- 9.3.** In the event of internal disputes among Committee members or officers, members and officers are encouraged, in the event of not being able to resolve the dispute among themselves, to approach the DoS with any issues, which may be raised confidentially.
- 9.4.** These rules and guidelines are without prejudice to established practices in regard of existing Committees.
- 9.5.** In the event of any dispute, the decision of the Executive Chair, in consultation with the DoS, is final.

**INTERNATIONAL LAW ASSOCIATION**  
**APPROVED: NOVEMBER 2024**