

## **1. Purpose**

**1.1** Study Groups are established to achieve one of the following purposes:

- (i) to undertake a preliminary investigation of a possible topic for the establishment of a new ILA Committee;
- (ii) to undertake research on a topic that is considered less suitable for the establishment of an ILA Committee because, for instance, it does not lend itself to an agenda of development of international law;
- (iii) to respond to urgent questions of international law or to international legal issues arising in international organisations.

**1.2** Study Groups are established to allow ILA members to engage in a joint study in a flexible and less formal manner and without the objective to produce a formal output for adoption by the ILA.

## **2. Establishment**

**2.1** Any branch or member can submit a proposal for the establishment of a Study Group to the Director of Studies (DoS).

**2.2** The DoS may decide to propose the establishment of a Study Group in response to an urgent request from outside the ILA.

**2.3** On the recommendation of the DoS, the Executive Council (EC) establishes a Study Group, adopts its mandate, and appoints its Chair(s) and Rapporteur(s) (the “officers”). The appointment of officers of a Study Group 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 Study Group’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 Study Group officers and their willingness to share or withhold this type of information.

**2.4** Prior to the establishment of the Study Group, or immediately thereafter, prospective officers are invited to organise, in conjunction with HQ, a webinar on the theme and mandate of the Study Group. 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 Study Group is established, it should happen at least eight weeks before the relevant EC meeting. If the webinar is to take place after the Study Group 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 organization of the logistics of the webinar, and subsequent dissemination of the recording.

**2.5** Study Groups are established with a mandate in the first instance of no more than 2 years. 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 2 years. Before requesting a renewal of the mandate, Study Group officers and the DoS will review the mandate, membership and work of the Study Group and 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 within 2 years but not exceeding 4 years. The mandate shall contain a plan of work and a provisional time schedule.
- 3.2** The mandate shall indicate the expected type of output, such as a proposal for the establishment of a Committee, a final report and/or other publications.
- 3.3** The following should be considered in designing the mandate of the Study Group:
  - (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) Can the topic be addressed within a 2- or 4-year mandate?
  - (g) 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 of the mandate under Section 2.4 is restricted to adjustment of the original mandate and is not intended to allow the Study Group to take up an entirely new topic.
- 3.6** Upon completion of the mandate, a Study Group will be dissolved by the EC.

### **4. Membership**

- 4.1** After a Study Group has been established, Headquarters (HQ) will inform all branches about the mandate of the Study Group. ILA members can express an interest in joining a new Study Group to the DoS and the Chair of the Study Group.
- 4.2** The members are appointed by the DoS in consultation with the Chair. The Chair shall inform the DoS about resignations. The DoS will inform the EC about (changes in) the membership.
- 4.3** The maximum number of members of a Study Group is dependent on its purpose and mandate but should be limited to allow prompt and effective implementation of the mandate. As a rule, a Study Group should be limited to a maximum of 24 members.
- 4.4** Members are selected on the basis of expertise in the subject of the Study Group. They must be able and willing to contribute actively to the work of the Study Group. Membership selection also shall have regard to the same Diversity Policy considerations set out above in 2.3, in addition to prospective members' career stage, so as to ensure a diverse and committed membership.
- 4.5** As a rule, no person should be a member or alternate member of more than two Committees, or of one Committee plus one Study Group, or two Study Groups at the same time. Where the Chair of a Study Group wishes to nominate a member who is already participating in more than two Committees or Study Groups, they should contact the DoS in advance and establish whether or not the nominee is suitable for the envisaged Study Group. The DoS may request that the nominee

resign from the Committee or Study Group prior to joining the envisaged Study Group.

- 4.6 A member who has made no contribution to the work of a Study Group for one year may be removed from the Study Group, based upon a request by the DoS in consultation with the Chair.
- 4.7 Membership terminates when a Study Group is dissolved by the EC.

## **5. Officers**

- 5.1 On the recommendation of the DoS, the EC appoints the Chair of a Study Group. The Chair, in co-operation with the DoS, is responsible for the high quality of the work of the Study Group and shall, at every stage of the existence of the Study Group, 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 Study Group, if deemed necessary. Chairs and Co-Chairs shall have equivalent rights and duties in the performance of the mandate of the Study Group.
- 5.3 On the recommendation of the DoS, the EC appoints one or more Rapporteur(s). The Chair(s) and the Rapporteur(s) are responsible for the prompt and efficient implementation of the mandate.
- 5.4 A Study Group officer intending to resign should notify the other officers and the DoS. After consultation with the officers of the Study Group, and, if necessary, the members of the StudyGroup, the DoS will nominate a successor to the EC.
- 5.5 Study Group officers are responsible for ensuring effective internal communication within the Study Group.
- 5.6 Study Group officers should take reasonable steps to ensure participation of all members through hybrid meetings. Study Group officers should inform members unable to attend any Study Group meetings or working sessions at the biennial international law conference about the outcome of such meeting(s).
- 5.7 Officers and members of a Study Group serve in a personal capacity.
- 5.8 Study Group officers are expected to attend the biennial international law conferences. If unable to attend, they should inform the DoS well in advance, and no later than three months before the conference.
- 5.9 Study Group officers should regularly review membership of the Study Group and identify and inform the DoS and HQ of any gaps in representation to try and identify suitable nominees.

## **6. Working methods**

- 6.1 Within 3 months after its establishment a new Study Group should adopt a work programme for the period of the mandate. The work programme should, if necessary, further specify the research questions as included in the mandate, the intended form of the outputs, an allocation of tasks, and a detailed timetable.
- 6.2 All members shall be duly informed about the work programme, any subsequent adjustments to it, Study Group meetings and other events, and of the outcomes of meetings.
- 6.3 Study Groups define their own working methods and activities while taking account of the general practices of the ILA.

- 6.4 Each Study Group 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.
- 6.5 External funding may be sought for Study Group activities, such as meetings, research and publications. HQ has no funds for these purposes.
- 6.6 Activities, reports of meetings, interim results and any other relevant information should be submitted to HQ for posting on the ILA website.
- 6.7 The Study Group officers should consult the DoS in connection with publications arising out of the work and reports of the Study Group, and bearing in mind section 8, below.

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

- 7.1 Study Groups are invited to meet in open working sessions at the biennial international law conference (the “Conference”) in which their progress can be shared and discussed with the ILA membership. The Study Group officers should inform HQ of their wishes in this respect.
- 7.2 Study Groups are invited to submit an interim report for discussion to each Conference.
- 7.3 Study Groups that have completed their mandate shall submit a final report to the next Conference. Interim and final reports will be included in the Conference Report. When submitting a report Study Group officers are requested to follow the relevant provisions in the Rules & Guidelines for ILA Committees.
- 7.4 In consultation with the Chair of the Study Group, one or more reporters will be assigned to each working session to prepare a summary of the debate for the Conference Report. The Study Group 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.
- 7.5 Study Groups are invited to meet in closed sessions at the Conference for internal deliberation. The Study Group officers should inform HQ of their wishes in this respect.
- 7.6 Reports or other outputs of Study Groups will not be formally adopted by the Conference Plenary as a product of the ILA.
- 7.7 Upon completion of its mandate, the DoS may, after consultation with the Study Group officers and the Conference Steering Committee, constituted in accordance with the Association’s Standing Orders, propose a resolution for adoption by the Conference Plenary that acknowledges the work of the Study Group.

## **8. Dissemination of results**

- 8.1 Officers and members of a Study Group should actively assist in the dissemination of (interim) results of the work of the Study Group and to support the DoS, other Officers of the Association, 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 Final outputs of a Study Group will be disseminated by HQ. Officers are also responsible for the dissemination of these outputs. Dissemination of further outputs of the Study Group 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 Study Group’s work and the commitment of the Study Group officers and members, the DoS may recommend to the EC that a Study Group’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 Study Group 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 Study Group 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 Study Group 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 Study Group 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 Study Group, 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 Study Group.
- 8.6** Further published outputs that build directly upon the work undertaken by the Study Group should acknowledge that the work was, partly or fully, undertaken under the umbrella of the relevant Study Group.
- 8.7** Officers should always forward an electronic copy of publications arising from the work of the Study Group to HQ for filing and publicising.

## **9. Termination**

- 9.1** After consultation with the Chair, the DoS will recommend the EC to dissolve a Study Group 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** In the event of any dispute, the decision of the Executive Chair, in consultation with the DoS, is final.

**INTERNATIONAL LAW ASSOCIATION**  
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