

International Law Association

GUIDELINES FOR OFFICERS OF INTERNATIONAL COMMITTEES

(Version of January 2005)

1. Purpose and status of these Guidelines

These Guidelines are intended to assist the officers (chairs and rapporteurs) of ILA international committees in conducting the work of their committees. They are based in part on the *Revised Procedures for the Establishment of ILA Committees and Study Groups*, adopted by the Executive Council in November 1997. These Guidelines should be read in conjunction with the *Revised Procedures*. (The text of the *Revised Procedures* can be found on the ILA website and in the Conference Report of the 1998 Taipei Conference, at pp. 77-79.)

They have been prepared by the Director of Studies and have an informal status. They will be revised from time to time, based upon experience and developments. Comments on these guidelines and suggestions are welcome and should be addressed to the Director of Studies.

2. Membership of Committees

- 2.1 After a committee has been established by the Executive Council (EC), and the officers of the committee have been appointed (also by the EC), all ILA Branches will be invited to nominate members. The Director of Studies (DoS) may nominate members of the Headquarters "Branch" after consultation with the committee chair. Members can be appointed only at one of the biannual meetings of the EC (held in May and November). See paras. 3-9 of the *Revised Procedures*.
- 2.2 The chair of the committee is always consulted by Headquarters (HQ) about nominations from Branches. Nominations should be made at least eight weeks before a meeting of the EC. They should always be accompanied by a c.v. of the candidate, which will be forwarded by HQ to the chair of the relevant committee as soon as possible. If no objection is received from the chair within four weeks, the nomination will be submitted to the next EC meeting. It is recommended that the chair consult with the rapporteur(s) of the committee.
- 2.3 Since one of the problems in the functioning of committees has been the inactivity of some of the members, it is recommended that the chair contact a nominee directly to ascertain if he or she is indeed willing and able to contribute to the work of the committee. Should such nominee not react, the nomination may be postponed or even rejected.
- 2.4 After an individual has been appointed by the EC, he or she will receive a letter from HQ explaining what is expected from a member of an ILA Committee.
- 2.5 Of course it is also possible for committee officers themselves to suggest nominations of certain individuals they would particularly welcome to serve on their committee to the relevant Branches (or to the DoS in case of members of the Headquarters "Branch") (see also para. 8 of the *Revised Procedures*).

- 2.6 There is no uniform or ideal size for a committee. Much more important, but difficult to achieve, is a balanced representation on the committee of persons according to expertise, professional background (practice, academic), geographic regions of the world and gender. The officers of committees may wish to communicate with Branch officers, who usually submit the nominations, and the DoS in order to promote such balanced representation
- 2.7 The membership of the committee will be reviewed, on the recommendation of the chair of the committee and the DoS, on each occasion of the renewal of the mandate, i.e. every four years. Such a review enables the chair to recommend not to extend the membership of those members who have been inactive during the previous period. The EC allows for members who have not communicated at all with their committee officers for more than three years to be deleted from the membership list of a committee. It is important to notify HQ of such deletions. HQ will then inform the nominating Branch.
- 2.8 If a committee officer intends to resign his/her position, she/he should notify the DoS forthwith. It is for the DoS to nominate a successor to the EC. The DoS shall normally consult with the officers of the committee, and if necessary the membership of the committee, before submitting a nomination. Committee officers should not consult the membership of the committee before communicating with the DoS.
- 2.9 In some cases committees make use of persons who are technical experts in the field of study of the committee, but who are not formally members of the committee. Preferably, such persons should join a branch of the ILA (or HQ) and then be nominated to become members of the committee. If that is not possible, contributions made by such experts may be mentioned in a note at the beginning of the report.

3. Mandates and renewal of mandates

- 3.1 Committees are established with a mandate in the first instance for four years. The EC may renew the mandate, in its original form or with amendments, for further periods of up to four years.
- 3.2 Reports should address the topic(s) within the mandate of the committee as currently approved by the EC such approval being recorded in the EC minutes.

4. Conduct of the committee's work

- 4.1 When a new committee has been established, the first activity should be to develop a work programme for the period of the mandate. For this purpose the members should be consulted. The work programme not only deals with the substance to be dealt with, but also the means to achieve it (for example, questionnaires; contributions by members), and the possible forms of the results (for example, draft declaration, articles or principles, with commentary; recommendations; guidelines; statements; conclusions).
- 4.2 A summary of the committee's mandate and the proposed work programme should be submitted to HQ by the committee chair for posting on the ILA website.

- 4.3 From the outset, the committee officers should regularly communicate with the members (members should notify any changes of address or e-mail address immediately). This is mainly the responsibility of the chair, and is usually done by circular letters. Some committees appoint a secretary, who assists the chair in this respect. The secretary would also be responsible for drafting minutes or a report of committee meetings; such minutes or report are particularly important for those members who could not attend a meeting.
- 4.4 It is essential that the reports submitted by the committee to the biennial conferences always reflect the collective work of the membership of the committee. Although the drafts for the reports are usually prepared by the rapporteur(s), they should preferably be based on contributions from members. All members must be provided ample opportunity to comment on these drafts, and their comments should be taken into account when drafting the final text. The chair should inform the DoS that this has been done. Dissenting views should be reflected in the report when no agreement on a text has been reached and the dissenter(s) so wish.
- 4.5 A report submitted to HQ which has not been circulated in advance to the members of the committee for comments will not be processed for printing.
- 4.6 Although much work can be conducted through correspondence, it is preferable that a committee actually meets at least once a year. One way to make this easier is to hold such a meeting in conjunction with another meeting or conference. It would be appreciated if a brief report of such a meeting were to be submitted to HQ for inclusion in the following Newsletter of the ILA.
- 4.7 External funding may be sought for committee activities, such as meetings, research and publications. HQ itself has no funds for these purposes, but is willing to assist committees in applying for grants etc.
- 4.8 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 processed by the printers. Such need should be communicated to HQ in time for this to be done, if the committee itself is not able to provide this editing by one of the other members.
- 4.9 The reports submitted by a committee to the biennial conferences can be of various kinds: interim, preliminary, or final.
- 4.10 Reports should be a maximum of 30 printed pages in length, including any appendices and footnotes. Final reports may exceed this limit by no more than 20 pages, unless specifically authorized by the DoS.
- 4.11 Reports should not:
- (a) repeat at length the history of the work of the committee;
 - (b) incorporate details of the more familiar aspects of the topic;
 - (c) include more footnotes than is strictly necessary;
 - (d) include ancillary documents, apart from draft proposals for adoption at the conference.

4.12 It is essential to keep the DoS informed about the progress of the committee. For this purpose, the DoS and HQ should be on the mailing list of the committee. See para. 12 of the *Revised Procedures*.

5. ILA Conferences

5.1 Reports for ILA conferences should be submitted to HQ at least two months in advance. They should be sent as an attachment to an email (to HQ with a copy to the DoS) in a format to be announced in advance by the DoS. They will be processed by HQ and posted to the website. There will be an opportunity to make further corrections before the Conference. However, it is important that the reports submitted have already been checked carefully for any mistakes in order to prevent delays and reduce costs. This stage of corrections should not be used to make substantive additions or amendments to the Report.

5.2 HQ will supply the list of committee members to appear at the beginning of the text. This will be done in consultation with the committee officers. Only persons acknowledged by their nominating branches as current members may be listed. All committee members should be encouraged and reminded to ensure that their ILA branch membership status is maintained.

5.3 Reports can be copied from the public part of the ILA website (pdf files). Printed copies will not be provided to committee members, nor (usually) made available at the conference.

5.4 Simultaneously with submitting a final report, a draft resolution to be proposed by the committee to the conference should be submitted to HQ with copy to the DoS. The draft resolution should be circulated in advance to the committee membership. Only committees submitting a final report or an interim report with substantive recommendations shall submit a draft resolution. Proposed resolutions are also to be made available on the website. The 2001 Report on Resolutions states:

“These [resolutions] are usually contained in the final reports of the committees, but occasionally also interim reports may contain substantive recommendations which need formal adoption by the conference.”

and

“an international committee's report should be required to state clearly why it considers its recommendations as substantive, and just what contribution its recommendations make to the development of international law.”

5.5 Committee officers are expected to attend the biennial conferences. If unable to attend, they should inform the DoS well in advance.

5.6 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 ILA members, in particular those who are not members of the committee, will have an opportunity to discuss the report and resolution. 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. The chair is appointed by or on behalf of the Executive or Full Council, preferably several

months before the conference. It is advisable that the committee officers contact the chair in advance of the session in order to discuss the order and format of the proceedings.

- 5.7 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.
- 5.8 A reporter will be assigned to each working session. The reporter will prepare a summary of the debate for the Conference Report. All persons making an intervention will be asked to summarise their intervention on a form, to be handed to the reporter as soon as possible after the session; this is important for the purpose of identifying speakers. The committee officers will be provided with a draft text of this summary shortly after the conference, and have a short period to suggest amendments and corrections to the reporter. The draft summary is then submitted to the DoS and coordinating reporter for final editing, before it is sent to the printers. This procedure should be completed within six weeks of the conference.
- 5.9 At the end of the working session, the draft resolution (if any is proposed) will be discussed and, if necessary in the light of the discussion, amended. As a result of the debate it may also be necessary to amend parts of the report or prepare an annex to it, in particular when a resolution refers to such text to be adopted. If necessary a vote may be taken on particular texts, or on the draft resolution as a whole. All matters of substance should be settled at the working session. It is the responsibility of the committee officers to hand the text of the amendments as adopted, to the Secretary of the ILA immediately after the session. The amended text will then be considered by the conference Steering Committee. Thereafter the resolutions will be circulated at the second meeting of the Full Council, before they are put before the plenary conference at the Closing Session. Although formally the conference adopts all resolutions, in a material sense they are adopted at the working sessions.
- 5.10 It is also common to hold closed meetings of each committee during the conference, either before or after the working session. The committee officers should inform the conference organisers of the host country of their wishes in this respect.
- 5.11 When a committee is not submitting a formal report to the conference, an open committee meeting may be held at which draft texts of the committee can be discussed with a wider audience. Such texts are not printed in the Conference Report.
- 5.11 At the beginning of every conference a meeting will be held by the DoS with all the committee officers to discuss practical matters relating to the conference and more generally the functioning of committees, exchanging experiences, ideas for future work etc.
- 5.12 After the conference, the committee officers have a maximum of six weeks for submitting any amendments or corrections to the text of their report (only those necessitated by the discussion at the working session may be accepted), before it is processed by the printers for the final Conference Report.

5.13 Committee members who were unable to attend should be informed about the outcome of the working session and any committee meeting that was held. For this purpose the draft report of the working session could be distributed to all members by the committee officers within several weeks of the Conference.

6. Use of ILA Website

6.1 For each international committee (and study group) there is a separate sub-site at the open part of the ILA HQ website (www.ila-hq.org). The reports submitted to the biennial conferences are placed on this sub-site as soon as they have been approved by the DoS in advance of the conference.

6.2 The committee reports will remain on the committee's sub-site until after the committee has completed its mandate.

6.3 The sub-site will also contain the contact details of the committee officers and a current list of its members.

6.4 Committee officers are encouraged to use the sub-site for additional information, for example reports on meetings of the committee, questionnaires and replies thereto, publications by the committee and even draft reports inviting comments from non-members. It may also be possible to make cross-links to other relevant websites.