

RULES OF THE INSTITUTE OF INTERNATIONAL LAW¹

These rules were adopted for the first time during the Geneva session on September 3, 1874. They were thereafter modified several times.

Chapter I : Preparation for sessions

Part One : Programme of Studies

Article 1

For a question to be included on the programme of work of the Institute:

1. It must have been the subject of a written proposal signed by at least ten Members or Associates.
2. It must have been put forward not later than at the first plenary meeting of the session in the course of which the Institute will have to decide on its inclusion.

Part One bis : Working Committee

Article 1 bis

1. The Programme Committee is comprised of twelve members, including its President.

Members of the Programme Committee are elected by the Institute for a term of three sessions. A member is elected once the candidate has obtained an absolute majority of votes of Members present.

The President of the Programme Committee is elected by absolute majority of the Members present, on proposal of the Bureau.

The President and the Secretary General of the Institute are standing Members of the Programme Committee.

¹ This is a translation of the authentic French text.

2. Transitional provision

On the day of the present article's entry into force, Programme Committee members whose mandate has not elapsed, remain in function until their mandate's expiry. Thereafter, they are replaced in accordance with paragraph 1.

For the purposes of the application of this paragraph, alternate members are deemed members.

The total number of members of the Programme Committee may exceed twelve as long as the total number of current mandates surpasses twelve on the day of the entry into force of the present article.

Part Two : Composition and working of Commissions

Article 2

1. Examination of any question included in the programme of work of the Institute shall be entrusted to a Commission of not less than six nor more than fifteen members, chaired by a Rapporteur, with, if necessary, the assistance of a co-rapporteur.
2. The Institute may also set up special Commissions for the continuing study of the development of certain general questions. The Bureau shall determine the composition and procedure of such Commissions, to which Articles 4 and 5 of the present Rules are not *ipso facto* applicable.

Article 3

Pursuant to Article 17 of the Statutes, the Bureau shall select the Rapporteurs and the members of the Commissions. For the purposes of such selection account shall be taken of the wishes expressed by Members and Associates to the extent consistent with the efficient conduct of the work. No one shall be Rapporteur of more than one Commission, nor Member of more than three Commissions.

Article 4

Except insofar as any derogation may be authorized by the Bureau, the work of the Commissions shall be conducted as follows:

1. The work of every Commission shall commence with a preliminary report, accompanied by a specific questionnaire, to be communicated by the Rapporteur to the members of the Commission, with a reasonable time limit for receipt of their replies.
2. On the basis of such replies, the Rapporteur shall prepare a provisional report accompanied by the text of the resolution which he proposes should be submitted to the Institute for adoption. The report and the aforesaid replies shall be circulated to the members of the Commission, who shall be invited to convey their observations to the Rapporteur within a reasonable time limit.

3. The Rapporteur shall take account of such observations in the definitive drafting of his report and of the draft resolutions to be submitted to the deliberations of the Institute, as expressing the opinion of at least a majority of the members of the Commission. He shall invite dissenting members to express their conclusions, on all essential points, in the form of counter-proposals.

4. If the Rapporteur does not obtain a sufficient number of replies from the members of the Commission, he shall consult the Bureau through the Secretary-General, which shall determine the appropriate steps to be taken to activate the work of the Commission.

5. With a view to the final drafting of his report, the Rapporteur shall be free to hold a further consultation by correspondence with the members of the Commission. The final drafting shall, as a general rule, be decided on at a session of the Commission. That session shall in principle be held immediately prior to a meeting of the Institute, and at the seat thereof. The Rapporteur may also, if he considers it indispensable to do so, propose to the Secretary-General that, with the approval of the Bureau, the Commission be convened in extraordinary session. It will be for the Bureau, when such a request is made, to decide whether it may not be preferable for a meeting of the Commission to be held only immediately prior to the next meeting of the Institute, and at the seat thereof.

Members and Associates who are not members of the Commission may make written observations on the final report. Unless the Bureau decides otherwise, such observations shall not be published in the *Yearbook*.

6. In all cases, the Commissions whose work is in progress may be convened by the Secretary-General, by agreement with their rapporteurs, for the same date and place.

7. Commissions shall conclude their work with a draft resolution, which shall contain, as the case may be, findings as to the law in force, proposals concerning the development of international law, or one or more *voeux*, as appropriate, or which shall merely approve the report or take note of it.

Article 5

1. Final reports shall be communicated to the Secretary-General four months before the opening of the session. The Secretary-General shall be responsible for communicating them to Members and Associates two months before that date.

2. The Secretary-General shall not be responsible for the printing or distribution of any other preliminary material prepared either by the Rapporteurs or by the members of the Commissions. Such preliminary work shall be included in the *Yearbook* only exceptionally, and by virtue of a specific decision of the Institute or of the Bureau to that effect.

Part Three: Agenda for sessions

Article 6

When the Secretary-General has received the final reports of the Commissions, he shall lay them before the Bureau, and it shall be for the Bureau to decide, taking into account the provisions of Article 4, whether their preparation has been sufficiently thorough to justify the inclusion of the report on the agenda of the session, or whether the report should be the subject of further deliberation by the Commission.

Article 7

The agenda for the session shall be drawn up by the Bureau and communicated by the Secretary-General, as early as possible, to Members and Associates. A brief summary of the state of work in progress and any other information which may facilitate the task of those participating in the session shall be attached to the agenda.

Chapter II: Presentation of candidatures

Article 8

Candidatures for election as Honorary Members or Associates shall be presented by the Bureau in accordance with the following conditions:

a) For countries with at least three Members or Associates, candidatures shall be presented by the national group, after all the group's Members and Associates have been consulted, either by correspondence or at a meeting, without any distinction between the two categories as regards their participation in the proposals and selection of persons to be presented as the group's candidates.

Each national group may appoint one of its members to head the consultation and to act on its behalf. The Member or Associate so appointed or, failing him, the first member of the group in order of seniority, shall communicate to the Secretary-General the name(s) of the candidate(s) selected and the number of votes obtained. He shall certify that the candidate(s) selected are ready to accept election. He shall attach details of the candidate's qualifications (*curriculum vitae* and publications).

A person obtaining an absolute majority of the votes of all those in the national group shall be a candidate of the group.

Before the Secretary-General is notified of the name(s) of the candidate(s) selected, or if no candidate obtains the requisite (required) majority, the Member or Associate heading (directing) the consultation of the group shall inform the group of the initial result, so that the minority may, if they wish, add their votes to those of the majority.

Candidatures shall be notified to the Secretary-General no later than six months after the close of the session if the subsequent session is to be held within one year from that date.

This time limit shall be twelve months if the subsequent session is scheduled for a later date.

Any candidature notified after the expiry of the above time limit shall be regarded as overdue and must be presented anew for the subsequent session.

The Bureau is further required to present the Institute, with a statement of its opinion where appropriate, every candidature proposed in accordance with the foregoing provisions (Statutes, Article 14 *in fine*).

- b) For countries with a total of fewer than three Members or Associates combined, candidatures shall be presented by the Bureau, after first consulting the Members and Associates of those countries already within the Institute.
- c) For countries with neither Members nor Associates, candidatures shall be freely presented by the Bureau. Members and Associates shall be entitled either individually or within their national groups, to submit to the Bureau, within such time limit as the Bureau shall fix, the names and qualifications of persons suitable for presentation as candidates.
- d) (i) In the same way as a national group, three Members or Associates who are nationals from at least three countries without a national group in the same region and who have actually participated in at least two sessions may present the candidature of a person who is a national of one of those countries.
- (ii) In the same way as a national group, ten Members or Associates who have actually participated in at least two sessions may present a candidature for an Associate. No Member or Associate may participate in more than one presentation within the meaning of this provision.
- (iii) If it relates to a national of a country with a national group, the presentation by ten Members or Associates shall be (a) specially substantiated, and (b) submitted after first consulting the Members and Associates of that national group (by analogy with Article 8 (b)).
- (iv) Candidatures shall be notified to the Secretary-General within the time limit specified in Article 8 (a) for candidatures presented by a national group.

e) Not less than three months before the opening of the session, the Bureau shall freely assign vacant seats among the candidatures presented by the national groups, by the Members or Associates authorized to submit presentations, or by the Bureau itself, and it shall set aside a fixed number of seats either for each of these categories, or for the first two categories combined, on the one hand, and for those presented by the Bureau, on the other.

The Bureau, national groups and persons authorized to present candidatures shall ensure balanced participation by jurists of public international law and jurists of private international law.

In order to maintain or restore a balance between the various international legal disciplines (public international law, private international law and related branches), the Bureau may decide to set aside a fixed number of seats for either of these disciplines. It should inform of this in due time the national groups and all Members and Associates of the Institute.

The Bureau shall appoint an advisory committee to propose candidates from countries with neither Members nor Associates, or with fewer than three Members and Associates.

f) A person who would have reached the age of 70 at the time of the opening of the next session cannot be presented as candidate. However, in exceptional circumstances, the Bureau may present a candidate above that age.

Article 9

1. Not less than one month before the opening of the session, the Secretary-General shall communicate to all Members the list of candidatures and supporting documents. He shall also enclose, for the use of those Members who may be prevented from attending the session, but are entitled to take part in the elections, an invitation to send him, in two separate sealed envelopes to be handed to the President of the Institute, two voting papers, one for any election of Honorary Members, and the other for the election of Associates (see Article 16 below, and Statutes, Article 14, par. 4).

2. Such voting papers shall not be signed, but are to be placed in separate envelopes marked with the sender's name.

3. The Secretary-General shall in the same way communicate to all Associates the list of candidatures for election as Associates, with supporting documents.

Chapter III: Sessions

Part One: Preliminary Steps

Article 10

1. There shall not be more than one session per year; the interval between two sessions shall not be more than two years.
2. At each session, the Institute shall decide on the date and place of the following session. That decision may be delegated to the Bureau (Statutes, Art. 2). In such case, the Secretary-General shall give not less than four months notice to the Members and Associates of the place and date selected by the Bureau.

Part Two: Administrative meetings

Article 11

1. The first meeting of each session shall always be devoted to administrative business. It shall be opened without any address, by the President, or failing him by the first Vice-President, or failing him by the oldest Member.
2. The first Vice-President shall sit on the President's right, and the Secretary-General on his left.

Article 12

1. Immediately after the opening of the meeting, the Secretary-General shall announce the names of the additional secretaries or drafting secretaries appointed by him to assist him in the preparation of the minutes of the session.
2. The additional secretaries or drafting secretaries shall only have the status for the duration of the session.
3. The Secretary-General shall then announce the letters of apology for absence received from the Members who are prevented from attending the meeting; a roll call shall then be held.

Article 13

1. The President shall forthwith proceed to hold the election by secret ballot of two Vice-Presidents. He shall read aloud the names on each voting paper. The election shall be by absolute majority of the Members present.

2. If such majority be not obtained on the second round of voting, a ballot shall be held between those who have obtained the highest number of votes; if the votes are equal, preference shall be given to the elder candidate or candidates.
3. For the purposes of election, blank or invalid voting papers shall be taken into account to determine the number of votes constituting an absolute majority.

Article 14

The President shall thereafter proceed, where appropriate, to the elections successively of the Secretary-General, the secretaries or deputy secretaries, and the Treasurer, if the term of office of any of these has expired.

Article 15

The Treasurer shall then be invited to present the accounts of the Institute, and two Auditors shall forthwith be elected to examine such accounts. The Auditors shall report back in the course of the session (Statutes, art. 13).

Article 16

1. The President shall then call for an exchange of views on the qualifications of the candidates proposed for election as Associates.
2. A vote for the election of new Associates shall be held on the basis of the list of candidates.
3. Only the candidates who fulfil the conditions set out in Articles 8 and 9 above shall be eligible. Voting papers bearing any other name shall be treated as invalid.
4. After the votes cast by the Members and Associates present have been counted, the President shall read out the names of the absent Members who have exercised the right conferred on them by Article 14, paragraph 4, of the Statutes to vote by correspondence in the election of new Associates. The President shall then open the envelopes and place in a special ballot-box, without looking at them, the voting papers sent by the absent Members, and shall then proceed to count those votes.
5. The President shall declare elected those candidates who have obtained both an absolute majority of the votes of the Members and Associates present and an absolute majority of the combined total of the votes of the Members and Associates present and the absent Members who have duly taken part in the election.
6. If for an election it is necessary to hold several votes, after the first round of voting only the votes of the Members and Associates present shall be taken into account. If the Institute decides to hold a third round of voting, the list of candidates shall be reduced to twice the number of seats to be filled, and shall comprise the candidates who obtained the highest number of votes at the preceding round of voting.

7. Should the number of candidates obtaining the required majority exceed the number of seats to be filled, those who have obtained the highest number of votes shall alone be regarded as having been elected. The process of elimination shall be effected by first reducing each nationality to the proportion which it may not exceed (Statutes, Art. 6), and then reducing the number of Associates to the limit resulting from the number of seats to be filled. In all these operations, in case of equality of votes the elder candidate shall prevail.

8. Persons who have just been elected may take their places at the meeting forthwith

Article 17

The Librarian shall present a report on the period since the previous session. The President should take this opportunity to recall the *voeu* that each Member should be willing to endow the Library with a complete collection of his writings; this *voeu* should be re-expressed by the President at the opening of the plenary meetings.

Article 18

The Institute shall take a decision on the conclusions presented in the report of the Auditors on the accounts of the Treasurer.

Article 19 (deleted)

Article 20

No decision shall be taken by the Institute on any proposal of an administrative nature unless it is included in the agenda transmitted to its Members in advance. Other proposals may only be considered and referred to the Bureau for study; if the Bureau finds that a proposal is urgent, it may call for a further deliberation upon it at a later meeting in the course of the same session, and if a majority of the Members present also declares the matter to be urgent, a substantive vote on the proposal may be held at such later meeting; failing this, the proposal shall automatically be adjourned to the next session.

Article 21 (deleted)

Part Three: Plenary meetings

Article 22

Plenary meetings, in which the Members and Associates shall take part, shall be preceded by a solemn sitting, the agenda of which shall be settled by the Bureau and the authorities of the country in which the session of the Institute is being held. There shall be no discussion at the solemn sitting, which shall be devoted solely to the reception of the Institute by the local authorities and to the report of the Secretary-General on the progress of the work of the Institute.

Article 23

1. The plenary meetings shall be devoted to substantive work.
2. Members and Associates shall take part in such meetings on a footing of complete equality and both shall have the right to speak and vote.
3. The meetings shall not be public; however, the Bureau may authorize the local authorities and the local press to be present, as well as any eminent persons who may so request.

Article 24

1. Each meeting shall commence with the reading of the minutes of the previous meeting. A separate minute shall be drawn up for each meeting, even when there are several meetings on the same day; but the minutes of morning meetings shall be read only at the opening of the meeting on the following day.
2. The Institute shall approve the minutes, with or without amendment. Corrections may only be requested on points of drafting, or in respect of errors or omissions: a decision of the Institute may not be modified in connection with the minutes.
3. The minutes of the final meeting of a session shall be approved by the President (Statutes, Art. 11).

Article 25

1. The order in which matters shall be dealt with shall be fixed by the President, after consulting the Bureau and the Rapporteurs; but the order indicated by the President may always be modified by the Institute.
2. The President shall reserve the time necessary for the work of the Commissions.

Article 26

1. For each question on the agenda, the successive Rapporteurs shall sit on the left of the Bureau.
2. The proposals of the Rapporteur shall be the basis of the discussion.
3. The members of Commissions shall have the right to supplement and explain their individual views.

Article 27

1. Thereafter the floor is open for discussion.
2. The discussion shall be in French, save insofar as exceptions may be considered appropriate by the President.

Article 28

1. No one may speak until the President has given him the floor.
2. The President shall note down in order the names of the Members or Associates who ask for the floor, and authorize them to speak in the order so noted.
3. Rapporteurs are however not subject to the noted order of speaking, and shall be given the floor by the President on request.

Article 29

If the President wishes to speak in his capacity as a Member of the Institute, The Vice-President shall take the chair.

Article 30

It is not permitted to read a speech, unless specially authorized to do so by the President.

Article 31

If a speaker strays too far from the subject under discussion, the President is to recall him to the point.

Article 32

All proposals and all amendments shall be in writing and handed to the President.

Article 33

If a point of order is raised during a discussion, the main discussion shall be suspended until a decision has been taken by those present on the point of order.

Article 34

A motion may be made for the closure of the discussion ; a decision to that effect may only be taken by a majority of two-thirds of those present. If there are no further requests to speak, or if the closure of the discussion has been decided, the President shall declare the discussion closed ; thereafter no further permission to speak shall be given, save, in exceptional circumstances, to the Rapporteur.

Article 35

1. Before proceeding to take a vote, the President shall state to the meeting the order in which he proposes to submit the various questions to the vote.
2. In case of challenge, a decision shall forthwith be taken by those present.

Article 36

1. Sub-amendments shall be voted on before amendments, and amendments before the main proposal. If a proposal for amendment and a proposal for complete deletion are made in respect of the same text, the President shall propose the order in which they shall be taken; in case of challenge, he shall consult the meeting, which shall decide forthwith.
2. When there are more than two inter-connected main proposals, they shall all be put to the vote in succession, and each person present at the meeting may vote for one of them. When all proposals have thus been voted on, if none of them has obtained a majority, the meeting shall decide, by a further vote, which of those two proposals which obtained the least number of votes ought to be eliminated. The other proposals shall then similarly be voted on against each other, until there is only one proposal left, which can be the subject of a final vote.

Article 37

The adoption of a sub-amendment does not commit anyone to voting for the amendment itself, and the adoption of an amendment similarly does not commit anyone in respect of the main proposal.

Article 38

When a proposal is divisible, a separate vote on each part may be demanded.

Article 39

1. When the proposal under discussion is drafted in the form of several articles, there shall first be a general discussion on the proposal as a whole.
2. After the discussion of and vote on each article, a vote shall be taken on the whole. The vote may only be taken on a final text. Members and Associates present may decide to postpone the vote to a subsequent meeting.

Article 40

1. There is no obligation to take part in a vote. If some of those present abstain, the decision shall be taken by majority of those voting.
2. If the votes are equally divided, the proposal shall be deemed to be rejected.

Article 41

The vote shall be by roll-call if five persons so request. The vote on the whole of a substantive proposal shall always be by roll-call.

Article 42

The President shall cast his vote last.

Article 43

1. The Institute may decide that it is appropriate to hold a second discussion, either in the course of the session, or in a Drafting Committee appointed by the Institute or by the Bureau on the delegation of the Institute.
2. Article 24 to 43 are applicable to discussion at administrative meetings. Article 11, last paragraph, and 17 *in fine* are also applicable to discussions at plenary meetings.

Additional provision

At the administrative meeting of 23 August 1985 in Helsinki, the subscription and the admission fee were increased to 150 Swiss francs and 250 Swiss francs respectively.

During the session of Bruges, it was decided, during the third administrative session of August 31, 2003 (morning) to put, as of January 1st 2004, the yearly subscription to 300 Swiss francs. The admission fee for new Members remains unchanged, at 250 Swiss francs.
