

# **RULES OF THE INSTITUTE OF INTERNATIONAL LAW<sup>1</sup>**

*These rules were adopted for the first time during the Geneva session on September 3, 1874. They were thereafter modified several times. The latest version has been adopted during the Session of Hyderabad in September 2017. Date of entry into force: 9 September 2017.*

## **Chapter I: Preparation for sessions**

### **Part One: Programme of Studies**

#### ***Article 1***

1. The Institute's programme of work is prepared for each session by the Bureau.
2. For an additional question to be included on the programme of work of the Institute:
  - (i) It must have been the subject of a written proposal signed by at least ten Members or Associates.
  - (ii) 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 Two: Programme Committee**

#### ***Article 2***

The Programme Committee is comprised of six members, including its President, maintaining a balance between the various international legal disciplines as provided for in Article 9, paragraph 5 (3).

Members of the Programme Committee are elected by the Institute for a term of three sessions, on the proposal of the Bureau. A Member is elected once the candidate has obtained an absolute majority of votes of Members present and voting.

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

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

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<sup>1</sup> This is a translation of the authentic French text.

### **Part Three: Composition and working of Commissions**

#### ***Article 3***

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 study of the development of certain general questions. The Bureau shall determine the composition and procedure of such Commissions, to which Articles 5 and 6 of the present Rules are not ipso facto applicable.

#### ***Article 4***

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 5***

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 or she 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. In light of these observations, the Rapporteur shall make a definitive draft 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 or she shall invite dissenting members who wish to express their conclusions to do so, 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 or she shall consult the Bureau, through the Secretary-General, who shall determine the appropriate steps to be taken with a view to activating 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 or she 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 6*

1. Final reports shall be communicated to the Secretary-General five months before the opening of the session. The Secretary-General shall be responsible for communicating them to Members and Associates three 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 on the website of the Institute. Only exceptionally, and on the basis of a specific decision of the Institute or of the Bureau to that effect, is it included in the Yearbook.

## **Part Four: Agenda for sessions**

### ***Article 7***

When the Secretary-General has received the final reports of the Commissions, he or she shall lay them before the Bureau, and it shall be for the Bureau to decide, taking into account the provisions of Article 5, 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 8***

The agenda for the session shall be drawn up by the Bureau and communicated by the Secretary-General at least three months in advance 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 9***

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

1. 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 or her, 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 or she shall certify that the candidate(s) selected are ready to accept election. He or she shall attach details of the candidate's qualifications (curriculum vitae and publications). The communication from the national group shall not exceed ten pages in total per candidate.

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 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*).

2. 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.
3. 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.
4. (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 9, paragraph 2).

(iv) Candidatures shall in all cases be notified to the Secretary-General within the time limit specified in Article 9, paragraph 1, for candidatures presented by a national group.

5. 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 may designate an advisory committee to propose candidates from countries with neither Members nor Associates, or with fewer than three Members and Associates.

### ***Article 10***

1. At least one month before the opening of the session, the Secretary-General must send to all Members and Associates the list of candidates with the supporting documents. There will be two ballots, one for the election of honorary members and another for associates (see Article 18 below).
2. Members who are unable to attend the session but are entitled to participate in elections are invited by the Secretary-General to send two distinct ballot papers in two envelopes (see Statutes, Article 14, paragraph 4). The exterior envelope must be marked with the name of the voter and the interior envelope should be a blank white envelope.

## **Chapter III: Sessions**

### **Part One: Preliminary Steps**

#### ***Article 11***

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, Article 2). In such case, the Secretary-General shall give not less than five months' notice to the Members and Associates of the place and date selected by the Bureau.

### **Part Two: Administrative meetings**

#### ***Article 12***

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 or second Vice-President, or failing them by the oldest Member.
2. The first Vice-President shall sit on the President's right, and the Secretary-General on his left.
3. An attendance list will be opened at the beginning of the session. It shall be signed by all Members and Associates present upon their arrival.

#### ***Article 13***

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 absences received from the Members who are prevented from attending the meeting. He or she shall inform the assembly of the number of members present and distribute the list to all participants. The Secretary-General shall also announce the names of the two members who have agreed to act as counting officers for the counting of the ballots.

***Article 14***

1. The President shall forthwith proceed to hold the election by secret ballot of two Vice-Presidents. The President shall ask the two counting officers to count the ballot papers. The election shall be by absolute majority of the Members present and voting.
2. If such a majority is not achieved in the first or 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.

***Article 15***

In elections, an absolute majority is that of persons having taken part in the vote (including those whose ballots are blank or invalid).

***Article 16***

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 17***

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, Article 12).

***Article 18***

1. A vote for the election of new Associates shall be held on the basis of the list of candidates.
2. Only the candidates who fulfil the conditions set out in Articles 9 and 10 above shall be eligible. Voting papers bearing any other name shall be treated as invalid.
3. The votes of the Members and Associates present are collected using ballots that were previously sent to them (see Article 10, paragraph 1). The counting of votes cast shall be done by two counting officers.
4. 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 entrust the counting of these votes to the two counting officers. The counting officers show the outer envelope before they discard it. Then, in a second step, they open the inner envelope and indicate the nature of the vote.



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 or fourth 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, Article 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 19***

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 20***

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

#### ***Article 21***

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 of an administrative nature by a member 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.

### **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. Sessions shall not be public, unless otherwise decided by the Bureau.

#### ***Article 24***

1. Minutes shall be taken of each meeting, even when there are several meetings on the same day.
2. The Institute shall approve the minutes. Corrections may only be requested on points of drafting, or in respect of errors or omissions: a decision of the Institute may not be amended on the occasion of the approval of the minutes.
3. The minutes of the final meeting of a session shall be approved by the President (Statutes, Article 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, and overlaps between committee and plenary sessions should be avoided as much as possible.

***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. Discussions shall be in French and English. The reports shall be drafted in one of those languages and a summary of the report should be drafted in the other language. Resolutions must be presented in both languages. Simultaneous interpretation shall be provided in all discussions.

***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 or her capacity as a Member of the Institute, he or she must indicate this expressly.

***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 from the subject under discussion, the President is to recall him or her 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 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 can be a prior 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. They may also decide that before the new vote there will be a second discussion.

***Article 40***

1. There is no obligation to take part in a vote.
2. A substantive proposal can only be adopted by a majority of Members and Associates present and voting at the time of the vote, provided that at least 25 votes are cast in favour of the proposal.
3. If the votes are equally divided, the proposal shall be deemed to be rejected.
4. If a proposal obtains a majority of votes of Members and associates present and voting but fails to achieve the 25 votes required by paragraph 2, then the proposal is deferred to the next session for a decision immediately after the first administrative meeting.

***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***

In the case of a roll-call vote, the President shall cast his or her vote last.

***Article 43***

The Bureau shall appoint a drafting committee to review, for matters of form, the texts that are adopted, including in respect of consistency between languages.

***Additional provision***

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