

# STATUTES

The Statutes of the Institute of International Law were adopted at the *Conférence internationale juridique*, in Ghent, on September 10, 1873. They have been revised on various occasions.

The French text is authoritative. The English text is a translation.

## Article 1

1. The Institute of International Law is an exclusively learned society, without any official nature.
2. Its purpose is to promote the progress of international law:
  - a) by striving to formulate the general principles of the subject, in such a way as to correspond to the legal conscience of the civilized world ;
  - b) by lending its co-operation in any serious endeavour for the gradual and progressive codification of international law ;
  - c) by seeking official endorsement of the principles recognized as in harmony with the needs of modern societies ;
  - d) by contributing, within the limits of its competence, either to the maintenance of peace, or to the observance of the laws of war ;
  - e) by studying the difficulties which may arise in the interpretation or application of the law, and where necessary issuing reasoned legal opinions in doubtful or controversial cases ;
  - f) by affording its co-operation, through publications, public teaching and all other means, in ensuring that those principles of justice and humanity which should govern the mutual relations of peoples shall prevail.

## Article 2

1. There may not be more than one session of the Institute 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 for the following session.
3. That decision may be delegated to the Bureau.

## Article 3

The Institute shall be composed of Honorary Members, Members and

Associates. The total number of Members and Associates under the age of 80 shall not exceed 132, but need not necessarily be equal to that number.

## **Article 4**

Those Associates who have participated effectively in three sessions shall become Members. The list of those who fulfil this condition shall be announced to the Institute at the opening of each session.

NOTE : Effective participation shall mean participation in at least half of each of the three sessions in question and substantially contributing, in the view of the Bureau, to the work of the Institute in plenary or in Commissions.

## **Article 5**

1. Associates shall be selected by the Institute from among those of various nations who have given service to international law either in the field of theory or in that of practice.
2. They shall have the right to speak and to vote, save in respect of elections of Honorary Members, members of the Bureau, and members of the Council of the Auxiliary Foundation.

## **Article 6**

1. The nationals of a given State or confederation of States shall not, through any new election, obtain a proportion of places as Members exceeding one-fifth of the total number of Members existing immediately after such election.
2. The same proportion shall be respected for the places of Associates.
3. When a person may claim more than one nationality, his current active nationality shall be that taken into account.

## **Article 7**

1. The status of Honorary Member may be conferred on : - Members or Associates ; - any person who has distinguished himself in the field of international law.
2. Honorary Members shall enjoy all the rights and prerogatives of Members.

## **Article 8**

In each State the Members, in agreement with the Associates, may set up committees composed of persons concerned with the study of social and political sciences, in order to reinforce the efforts of the Institute among their compatriots.

## **Article 9**

1. At the close of each session, a President and a Vice-President for the following session shall be elected from among the Members.
2. Two other Vice-Presidents shall be elected from among the Members at the opening of each session, to remain in office until the opening of the following session.
3. The Bureau of the Institute, in the interval between sessions, shall be composed of the President, the three Vice-Presidents, the Chairman of the Programme Committee, the Secretary-General and the Treasurer.

## **Article 10**

In the interval between sessions, unless otherwise provided in the Statutes, the Bureau shall take all steps of an administrative or urgent nature.

## **Article 11**

1. The Secretary-General shall be elected by the Institute for three sessions; he may be re-elected without interval.
2. He shall be responsible for the preparation of the minutes of each meeting, which shall be submitted to the Institute for approval at a subsequent meeting; minutes which it has not been possible for the Institute to adopt shall be submitted to the President for approval.
3. The Secretary-General is further responsible for all publications of the Institute, the day-to-day management, correspondence for the ordinary work of the Institute, and the carrying out of its decisions, except in such cases as the Institute itself shall make other arrangements. He shall have custody of the seal and archives. His domicile shall be regarded as the seat of the Institute. At each ordinary session, he shall submit a summary of the recent work of the Institute.
4. The Institute may, on the proposal of the Secretary-General, appoint one or more secretaries or deputy-secretaries, to assist him in the

performance of his duties, or to deputize for him if he is temporarily unable to act.

## **Article 12**

1. The Institute shall appoint a Treasurer from among its Members, for three sessions, entrusted with financial management and the keeping of the accounts.
2. At each ordinary session, the Treasurer shall submit a financial report.
3. At the opening of each session, two Members shall be appointed Auditors to examine the Treasurer's report. They themselves shall report in the course of the session.
4. If necessary, the Institute shall also appoint a Librarian for a period of three sessions.

## **Article 13**

The Institute shall appoint from its Members and Associates a Programme Committee with the function of advising on the programme of work and on the selection of Rapporteurs, as well as of following the progress of the work of the various Commissions. The Programme Committee is chaired by the President of the Institute.

## **Article 14**

1. As a general rule, at meetings of the Institute, votes in connection with resolutions to be adopted shall be taken orally and after discussion.
2. Whenever there is a roll-call vote, the names of the Members or Associates voting in favour or against, or abstaining, shall be recorded in the minutes.
3. Elections shall be by secret ballot, and only those present and entitled to vote shall be permitted to vote.
4. However, for the election of new Associates, absent Members, provided they were present at one or the other of the two previous sessions, shall be permitted to send in written votes in sealed envelopes. The right of Honorary Members to vote by correspondence is not subject to the aforesaid condition. On the first round of voting, candidates must obtain both a majority of the votes of the Members and Associates present and entitled to vote, and a majority of the total votes validly cast.
5. It shall be the duty of the Bureau to lay before the Institute, with a statement of its own opinion thereon where appropriate, every candidature proposed in accordance with the Statutes and Rules.

## **Article 15**

By way of exception, and in special cases in which the Bureau unanimously considers it appropriate, votes of absent persons may be taken by correspondence.

## **Article 16**

When matters are in question which are the subject of controversy between two or more States, the Members of the Institute belonging to those States shall be permitted to express and explain their views ; but they shall abstain from voting.

## **Article 17**

1. The Bureau shall appoint Rapporteurs from among the Members or Associates of the Institute, or shall set up Commissions within the Institute, for the preparatory study of the questions which are to be submitted to it for deliberation.
2. In case of urgency, the Secretary-General himself shall prepare reports and conclusions.

## **Article 18**

After each session, the Institute shall publish a record of its work.

## **Article 19**

1. The expenses of the Institute shall be met:
  - a) By the subscriptions of the Members and Associates, and by an admission fee to be paid by new Associates. The amount of the subscription and admission fee shall be fixed by the Rules. Subscriptions are due with effect from the year of election and inclusive of that year. They entitle the subscriber to all publications of the Institute. Non-payment of subscription for three years, without justification, may be deemed to amount to resignation.
  - b) By foundations and other gifts.
2. Arrangements shall be made for the progressive creation of a fund, the income of which will suffice to meet the expenses of the Secretariat, the publications, the sessions and other regular activities of the Institute.

## Article 20

Requests for amendment of the Statutes may be made either by the Bureau or by ten persons, whether Members or Associates, representing at least two different nationalities, and having participated in at least two sessions. Requests not made by the Bureau shall be submitted to it with appropriate explanations at least four months before the opening of the session.

## Article 21

Any Member or Associate who has been absent for three consecutive sessions shall be regarded as having resigned, unless he satisfies the Bureau that he has taken an active part in the work of the Institute, or that he has been prevented from so doing by circumstances beyond his control. After the second absence, a warning letter shall be sent to him by registered post by the Secretary-General. This provision shall not apply to Honorary Members.

NOTE: The principle of effective participation expressed in article 4 is applicable.

## Article 22

A resigning Member may be named by the Bureau as an "Emeritus Member of the Institute of International Law" if he or she has participated effectively in the work of the Institute during at least five sessions. Note: The principle of effective participation expressed in article 4 is applicable. However, a substantial contribution to the work of a Commission can be considered as equivalent to a participation in a session.

