

**Council Decision CD 2015/4
of 17 June 2015
on the International Relations Committee**

- (1) Pursuant to Council Decision CD 2014/10 of 26 September 2014, the International Relations Committee has developed the attached overall international relations strategy. Having done so, the Committee shall be dissolved.
- (2) In accordance with Article 10(5) of the ELI Statute, the Council decides to dissolve the International Relations Committee, established in Council Decision CD 2011/15 of 19 July 2011. Its tasks will be exercised by the Executive Committee.

International Relations Committee

Policy note

I. **Role of the International Relations Committee**

By Council decision 2011/15 of 19 July 2011 the International Relations Committee (IRC) was established to develop a structured policy for the relations of the ELI with institutions operating on a global or non-European level (such as UNCITRAL, UNIDROIT, World Bank, American Law Institute) and make proposals for possible joint projects. In the years following this decision such initiatives were taken. Reference can be made to the (annual) reports, as presented by the IRC chair. By Council decision of 26 September 2014, following advice from the Senate to create a leaner administration, the International Relations Committee has been dissolved, but only after it would have produced an overall strategy for international relations. Its tasks are then to be allocated to the Executive Committee. The Secretariat will keep a list of those who are interested in being involved in the development of the ELI's international relations.

The IRC was aimed at discussing, proposing and evaluating existing and future relationships between the ELI and other comparable organisations; it was a sounding board for the Executive Committee, which already was responsible for establishing (e.g. by concluding a Memorandum of Understanding) and maintaining such relationships. The Executive Committee will, also after the final dissolution of the IRC, be open to suggestions and proposals from Council Members and Fellows regarding the development of ELI's relations with other organisations. It should be realised, however, that the financial means of the ELI to establish and continue such relations are very limited.

II. **Policy issues**

In the past few years various policy issues with regard to international cooperation arose. These can be summarised as follows.

1. *Cooperation priority*

Given our limited resources, priority criteria had to be developed. It proved to be relevant whether a particular organisation had a comparable aim and scope as the ELI, such as the American Law Institute (ALI) and the U.S. Uniform Law Commission (ULC), or if an organisation was going to be involved in a project that was directly relevant for the work (to be) done by the ELI, such as the World Bank and UNIDROIT. The focus was (and still is) on further developing relations with a limited group of organisations, particularly other supra- and transnational organisations and those national organisations with which the ELI has a close resemblance given its aim and scope.

2. Level of cooperation

It has sometimes been questioned whether the ELI can be a regional player within broader schemes (for example by participating as a member of a working group in a World Bank project together with other legal entities from all parts of the world) or whether the ELI should primarily seek cooperation with partners on an equal footing. The first option was preferred.

3. Duration of cooperation

International cooperation can take place on a more structural, long-lasting basis and on an ad-hoc basis. The latter depending upon the nature of specific projects in which the ELI might be involved. Working together on an ad-hoc basis might also be a first step towards more long-lasting cooperation. So far, both approaches have been followed.

4. Membership of other organisations

It has been an issue in the past whether, and if so under which conditions, the ELI may become a member of other organisations. Discussion included, inter alia, whether membership was compatible with the status of the ELI and if membership should be mutual. Also given the expenses which a membership might create and our limited budget the ELI hesitates to accept or apply for membership of another organisation.

5. Cooperation with specific (professional) organisations

A question which also arose was whether the ELI can be represented as such in a panel organised by an organisation of particular stakeholders (e.g. judicial enforcement officers), given that our guidelines require that we remain independent from any specific interest group. As long as the status and independence of the ELI's representative on such a panel was obvious, this was seen as acceptable.

III. Building up international relations

The American Law Institute (ALI) has been a source of inspiration before and after the founding of the ELI and a close cooperation with the ALI has therefore been established from the very beginning. As the ELI is also very involved in evaluating and proposing EU and model legislative instruments, recently close contacts have been developed with the US Uniform Law Commission (ULC). A particular interest exists in those projects where the ULC works together with the Uniform Law Conference of Canada. Also a good working relationship exists with the American Bar Association (ABA) Section of International Law, UNIDROIT, UNCITRAL and the World Bank's Global Forum on Law, Justice and Development (GFLJD).

The ELI also joined the Observatory on the Exercise and Administration of Justice (Osservatorio permanente sull'esercizio della giurisdizione).

IV. The further development of international relations

In light of the Senate's advice, the Council decision to follow this advice and the development of international relations as took place since the establishment of the ELI, the following policy proposals are made:

- a. Given our budgetary constraints the ELI focuses on further developing relations with a limited group of organisations, particularly other supra- and transnational organisations, such as UNIDROIT, UNCITRAL and the World Bank, and those national organisations with which the ELI has a comparable aim, such as the ALI and the American ULC. It might be considered, on a longer term, to further extend ELI's external relationships beyond those mentioned, also focussing on non-Western international and regional organisations (e.g. OHADA).
- b. International cooperation can take place on a more structural, long-lasting basis and on an ad-hoc basis. The latter depending upon the nature of specific projects in which the ELI might be involved. Working together on an ad-hoc basis might also be a first step towards more long-lasting cooperation. ELI representatives may occasionally take part in activities organised by specific professional organisations, but only if their status and independence is assured.
- c. Cooperation can take place at various levels. The ELI will not only work together with partners on an equal footing, but also as a regional player within a broader scheme.