

**Uniform Law Commission Processes for Consideration of Issues Relating to the
Negotiation and Implementation of International Conventions**

Approved by the Executive Committee, July 2011

1. The International Legal Developments Committee, with advice from the Joint Editorial Board on International Law (IJEb), monitors the development of international convention projects.
2. ILDC recommends to the ULC Scope and Program Committee and the ULC Executive Committee private international law conventions that are being negotiated as to which ULC should seek to have a ULC designee involved as a member of or advisor to the United States delegation.
3. The Scope and Program Committee and the Executive Committee review and approve those recommendations. If ULC decides to become involved in the negotiation of a private international law convention, the ULC President recommends a ULC designee to the State Department. The ULC's objective shall be to advocate rules for the convention that will result in the least disruption possible to state law if the convention were to be implemented by the U.S.
4. During the convention negotiation process, drafts of a convention may be read at ULC Annual Meetings in order to obtain comments on the drafts.
5. When the ULC is advised that the U.S. is considering ratification and implementation of a convention, the ULC shall consider, using its normal processes, whether to form a study committee to consider whether the ULC should be involved in that effort. The ULC shall seek the recommendation of the ILDC when the formation of a study committee is being considered.
6. A Study Committee shall consider the text of the convention, how the convention varies from domestic law, and whether it is desirable that the convention be adopted by the U.S., considering those variances and the views of interested organizations. The Study Committee shall also make a recommendation as to whether the ULC should participate in implementation of the convention and recommend a particular mode of implementation in accordance with the ULC guidelines on convention implementation. The Study Committee should state the reasons for its recommendations. The Study Committee members should include someone knowledgeable about the ULC treaty implementation guidelines and the ULC experience with implementation.
7. The report and recommendation of the Study Committee should be sent to the ILDC and the Scope and Program Committee.
8. The ILDC may make an independent recommendation as to whether the ULC should participate in convention implementation, and the particular mode of implementation that it recommends, stating its reasons.

9. The Scope and Program Committee shall consider the recommendations of the ILDC and the Study Committee and make a recommendation to the Executive Committee as to the same issues, stating its reasons. The Scope and Program Committee should forward its report and recommendation, along with the reports and recommendations of the Study Committee and the ILDC, to the Executive Committee.
10. The Executive Committee shall decide, in accordance with the ULC guidelines on convention implementation, whether the ULC should participate in implementation of the convention, the particular mode of implementation to recommend, and whether to form a drafting committee. If the Executive Committee approves the creation of a drafting committee it shall include in the scope of its charge the mode or modes of implementation that the drafting committee should consider. The Executive Committee shall state the reasons for its decisions. If the Executive Committee recommends drafting any documents other than state law, it shall give the reasons for its decision and explain how that work accords with the ULC guidelines on convention implementation.
11. If a Drafting Committee determines that a mode of implementation other than that included in the Drafting Committee charge is preferable, it shall seek a change in the charge. That request shall be reviewed by the ILDC and the Scope and Program Committee before it is submitted to the Executive Committee for decision.
12. At ULC Annual Meetings, the ULC shall consider the reports of any drafting committees that are formed and vote on any state legislation in accordance with normal ULC procedures or, if the ULC is taking any action other than drafting state legislation, the ULC shall vote on whether to accept or reject the report recommending that action.