CHARTER
OF THE
ADVISORY COMMITTEE ON INTERNATIONAL LAW

I. Committee's Official Designation

The official designation of the committee is the Advisory Committee on International Law, hereinafter referred to as "the Committee."

II. Authority

The Committee is established under the general authority of the Secretary of State and the Department of State as set forth in Title 22 of the United States Code, in particular Sections 2656 and 2651a of that Title. The approval of this Charter by the Under Secretary of State for Management constitutes a determination by the Secretary that the continuation of the Committee is in the public interest in connection with the performance of duties imposed by law on the Department of State.

III. Objectives and Scope of Activities

The purpose of the Committee shall be to serve the Secretary of State in a solely advisory capacity with respect to significant issues of international law referred to it for advice arising or likely to arise in the foreign relations of the United States.

IV. Description of Duties

See Section III, above. The functions of the Committee shall be solely advisory, and any determinations or action to be taken on the basis of recommendations of the Committee, or any of its members, shall be made by appropriate officers of the United States Government.

V. Agency or Official to Whom the Committee Reports

The Committee reports to the Secretary of State.

VI. Support

Support functions for the operation of the Committee and any study group shall be provided by the Office of the Legal Adviser of the Department of State.

VII. Estimated Annual Operating Costs and Staff Years

A. All funding necessary for the organization and operation of the Committee shall be provided by the Department of State.

B. The members of the Committee shall serve without compensation, but may be allowed travel expenses to the extent authorized by 5 U.S.C. § 5703 for persons employed intermittently in the Government service.

C. The estimated operating costs of the Committee during the duration of this Charter are $10,000 per year, including the cost of less than 0.1 FTE.

VIII. Designated Federal Officer

The Executive Director shall serve as the Designated Federal Officer (DFO) for purposes of sections 10(e) and (f) of the Federal Advisory Committee Act, shall call and adjourn meetings, and shall prepare the agenda. The Executive Director shall arrange for the keeping of minutes of each meeting of the Committee and any study groups that may be established. The minutes shall include the following items: the time, date and place of the meeting; a listing of Committee and subsidiary group members and agency employees present at the meeting; a description of matters discussed; copies of all reports received, issued, or approved by the Committee; a description of the extent to which the meeting was open to the public; an explanation of the extent of public participation, including a list of members of the public who presented oral or written statements; and an estimate of the number of members of the public who attended the meeting.

IX. Estimated Number and Frequency of Meetings

It is anticipated that the Committee will meet as necessary to provide the advice requested by the Legal Adviser and that its study groups will meet

as necessary. The estimated number of meetings is 2 per year. No quorum is required.

X. Duration

The Committee carries out its purposes on a continuing basis.

XI. Termination

The Committee shall terminate two years from the date this Charter is filed, unless it is renewed or extended by appropriate action prior to that date.

XII. Membership and Designation

A. Membership

Members of the Committee shall be appointed by the Legal Adviser of the Department of State. The term of membership shall be for the duration of this Charter, except that the Legal Adviser may, at his sole discretion, remove or replace members at any time. The membership shall consist of former Legal Advisers of the Department of State and not more than 25 other individuals having expertise in law or foreign affairs. The members may be either Special Governmental Employees or representative members.

B. Designation of Officers

The Legal Adviser shall sit as Chair, and shall appoint an Executive Director (who shall be an employee of the Office of the Legal Adviser of the Department of State), and other officers as he deems appropriate. The Legal Adviser will preside at all meetings and will certify to the accuracy of the minutes of the Committee. The Executive Director shall serve as the Designated Federal Officer (DFO) for purposes of sections 10(e) and (f) of the Federal Advisory Committee Act, and may act for the Chairman as necessary.

C. Establishment of Study Groups

(1) The Legal Adviser may establish study groups to provide advice to the Committee on specialized subjects as requested by the Committee. The composition of the study groups may include persons, in addition to those appointed under paragraph A above, who are appointed to the study groups because of their specialized expertise. The terms and conditions of such appointments shall be as provided in paragraph A above.

(2) The Legal Adviser may terminate any study group established pursuant to this Charter.

XIII. Subcommittees

Any subcommittees (or working groups) must report back to the Committee and do not provide advice or work products directly to the Department of State.

XIV. Recordkeeping and Public Access

The records of the Committee shall consist of all papers and documents pertinent to its establishment and activities, including its Charter, agenda, determinations for closed meetings, minutes, reports, and all documents related to its proceedings, including those of any study groups. The records shall be handled in accordance with General Records Schedule 26, Item 2. These records shall be available for public inspection and copying at the Office of the Legal Adviser of the Department of State, subject to the exemptions in the Freedom of Information Act, 5 U.S.C. § 552.

XV. Filing Date:

NOW, THEREBY, this Charter shall be considered approved by the Department of State as of this date and shall be considered filed as of the date when copies have been provided to the appropriate standing committees of the Senate and the House of Representatives having legislative jurisdiction for the Department of State and to the Library of Congress pursuant to the provisions of the Federal Advisory Committee Act.

APPROVED: Patrick F. Kennedy

Patrick F. Kennedy
Under Secretary for Management

DATE: May 18, 2010