

Constitution of the Belt and Road International Lawyers Association (BRILA)

Chapter I General Provisions

Article 1 The name of the association is “The Belt and Road International Lawyers Association”, abbreviated as “BRILA”.

Article 2 BRILA is a non-governmental, non-profit international professional organization voluntarily formed by lawyers’ associations, legal institutions and individual lawyers from various countries and regions.

Article 3 The purpose of BRILA is to promote exchanges and cooperation between lawyers and lawyers’ organizations in Belt and Road countries and regions, expand international legal services, and provide high-quality and effective support for legal services for the Belt and Road Initiative (BRI). BRILA abides by the constitution, laws, regulations and national policies and customs of the country of registration.

Article 4 BRILA is registered with the Ministry of Civil Affairs of the People’s Republic of China and professionally directed by the Ministry of Justice of the People’s Republic of China. BRILA shall accept professional guidance from the Ministry of Justice of the People’s Republic of China and supervision from the Ministry of Civil Affairs of the People’s Republic of China.

Article 5 The domicile of BRILA is in Beijing, China.

Chapter II Scope of Business

Article 6 BRILA conducts the following activities:

- (1) Create communication and cooperation platforms for lawyers from BRI countries and regions and organize activities such as international conferences, visits, trainings, and cooperation projects;
- (2) Establish a routine communication and coordination mechanism between lawyers and lawyers’ organizations in BRI countries and regions and BRILA;
- (3) Study key and hot legal issues and provide legal advice, suggestions and opinions to authorities engaged in implementing the Belt and Road Initiative;
- (4) Provide legal services support for economic exchanges between BRI countries and regions; and

(5) Improve the BRI-related trade and economic rules.

Chapter III Membership

Article 7 BRILA membership includes group members and individual members.

(1) Group members may be lawyers' associations, law firms, law societies, legal research societies and other law-related institutions of a country, region or city;

(2) Individual members may be lawyers, in-house counsels, legal scholars and other legal practitioners of a country or region.

Article 8 Members of BRILA must meet the following conditions:

(1) Willing to join BRILA;

(2) Upholding the Constitution of BRILA;

(3) Influential in the businesses of BRILA; and

(4) Interested in promoting legal exchanges and cooperation between BRI countries and regions and in improving laws in such countries and regions.

Article 9 The procedure for joining BRILA is as follows:

(1) Submit an application;

(2) Approval by the Council; and

(3) The Council or an institution authorized by the Council issues a membership certificate.

Article 10 Members enjoy the following rights:

(1) Voting and stand for election;

(2) Participating in the activities of BRILA;

(3) Having prioritized access to BRILA's services;

(4) Criticizing, advising and supervising the work of BRILA; and

(5) Joining and withdrawing from BRILA on a voluntary basis.

Article 11 Members shall perform the following obligations:

- (1) Implementing resolutions of BRILA;
- (2) Safeguarding the legitimate rights and interests of BRILA;
- (3) Completing tasks assigned by BRILA;
- (4) Paying membership fees according to rules; and
- (5) Providing information and relevant materials to BRILA.

Article 12 Members withdrawing from BRILA shall notify BRILA in writing and return their membership certificate. Members who fail pay membership fees for more than one year or never participate in the activities of BRILA shall be considered to have withdrawn from BRILA.

Article 13 A member in serious violation of the Constitution will be expelled from the Association through voting by the Council.

Chapter IV Organizational Structure and Appointment and Removal of Officers

Article 14 The highest authority of BRILA is the General Assembly of members, whose functions include:

- (1) Adopting and amending the Constitution;
- (2) Electing and removing Council members;
- (3) Reviewing the work report and financial report of the Council;
- (4) Adopting and revising membership fees;
- (5) Deciding on termination matters; and
- (6) Deciding on other matters of importance.

Article 15 A General Assembly shall only be held if more than two thirds of the members are present, and its resolution shall not take effect unless more than half of the members present have voted in favor.

Article 16 The General Assembly shall be held once every two years. The Council may decide to hold special meetings when necessary.

Article 17 The Council is the executive body of the General Assembly. The composition of the Council shall be universal and representative. The Council leads BRILA in its daily work when the General Assembly is not in session, and is accountable to the General Assembly.

Article 18 The Council performs the following functions:

- (1) Implementing resolutions of the General Assembly;
- (2) Electing and removing the President, Vice Presidents and Secretary General;
- (3) Preparing for the General Assembly;
- (4) Reporting to the General Assembly on its work and financial matters;
- (5) Deciding on the admission and removal of members;
- (6) Deciding to set up functional offices, branches, representative offices and entities;
- (7) Appointing Vice Secretary Generals and principal directors of offices, departments and entities;
- (8) Leading offices, departments and entities in their work;
- (9) Formulating internal management systems; and
- (10) Deciding on other major issues.

Article 19 The Council may only be convened if more than two thirds of its members are present, and its resolutions may only take effect if more than two thirds of the members present at the meeting have voted in favor.

Article 20 The Council shall hold at least one meeting every year. If more than two thirds of the members agree, a special meeting may be held. In special circumstances, a meeting may be held by electronic communications.

Article 21 BRILA shall have one President, several Vice Presidents and one Secretary General, all of whom must meet the following conditions:

- (1) Being influential in the businesses of BRILA;
- (2) The President, Vice Presidents and the Secretary General shall not be over 70 years of age and the Secretary General shall be full-time;

- (3) Being in good health and able to perform regular functions;
- (4) Having never been deprived of political rights in a criminal sanction; and
- (5) Having full capacity for civil conduct.

Article 22 The President, Vice President or Secretary General who has exceeded the maximum age for holding office may continue to hold such office if approved by the Council through voting, subject to acceptance by the professional guidance authority and the registration and regulatory authority.

Article 23 The President, Vice Presidents and Secretary General of BRILA shall be elected for a term of 2 years and may be elected for a maximum of 2 consecutive terms. If it is necessary to extend the term due to special circumstances, the extension must be approved by more than two thirds of the members at the General Assembly, subject to acceptance by the professional guidance authority and the registration and regulatory authority.

Article 24 The President is the statutory representative of BRILA. In special circumstances, the Vice Presidents or the Secretary General may serve as the statutory representative after being entrusted by the President and accepted by the Council, subject to approval by the professional guidance authority and the registration and regulatory authority. The statutory representative shall sign important documents on behalf of BRILA.

The statutory representative of BRILA shall not concurrently be the statutory representative of other organizations.

Article 25 The President of BRILA shall perform the following functions:

- (1) Convening and presiding over the Council meeting;
- (2) Checking the implementation of resolutions of the General Assembly and the Council; and
- (3) Conducting other businesses.

Article 26 The Secretary General of BRILA shall perform the following functions:

- (1) Managing the daily work of functional offices and organizing the implementation of the annual work plan;
- (2) Coordinating the work of branches, representative offices and entities;

(3) Nominating Vice Secretary Generals and principal directors of departments for Council decision;

(4) Recommending full-time staff for functional offices, representative offices and entities for appointment by the Council; and

(5) Managing other daily affairs.

Chapter V Principles of Asset Management and Use

Article 27 BRILA is funded by:

(1) Membership fees;

(2) Social donation;

(3) Government subsidies;

(4) Income from activities or services carried out within the approved businesses;

(5) Interest; and

(6) Other lawful income.

Article 28 BRILA shall collect membership fees in accordance with the regulations of the country of registration.

Article 29 The funds of BRILA must be used for advancing the businesses and purposes provided in the Constitution and shall not be distributed among members.

Article 30 BRILA shall establish a rigorous financial management system to ensure the legality, authenticity, accuracy and integrity of accounting data.

Article 31 BRILA shall be equipped with professionally qualified accounting personnel. The accountant may not be concurrently a cashier. Accounting personnel must carry out financial accounting and supervision. Accounting personnel transferring jobs or leaving their posts must complete the handover procedures with the successor.

Article 32 The asset management of BRILA must comply with the financial management system of the country of registration and accept the supervision of the General Assembly and the department of finance. If funds are allocated by the government or donated by social donors, such funds must be subject to auditing and the result shall be disclosed to the public in an appropriate manner.

Article 33 Before BRILA elects new officers or changes its statutory representative, BRILA must accept the financial auditing organized by the registration and regulatory authority and the professional guidance authority.

Article 34 No entity or individual may embezzle, misappropriate or divert the assets of BRILA.

Article 35 The salary, insurance, welfare and benefits of the full-time staff of BRILA shall be implemented in accordance with regulations of the country of registration and with reference to international rules and practices.

Chapter VI Procedures for Amending Constitution

Article 36 Amendments to the Constitution shall be submitted to the General Assembly for voting after being adopted by the Council.

Article 37 Within 15 days after the adoption at the General Assembly, the amended Constitution shall be submitted to the professional guidance authority for acceptance and to the registration and regulatory authority for approval.

Chapter VII Termination Procedures and Property Disposal after Termination

Article 38 Where BRILA is to be dissolved on its own initiative or due to separation, merger and other reasons, the Council shall prepare a termination motion.

Article 39 The termination motion shall be adopted by the General Assembly through voting and submitted to the professional guidance authority for acceptance.

Article 40 Before the dissolution of BRILA, a liquidation team shall be created under the guidance of the professional guidance authority and relevant authorities to liquidate the assets, settle any debts, and deal with remaining issues. During the liquidation period, no activities other than liquidation itself shall be carried out.

Article 41 BRILA shall be terminated after the registration and regulatory authority has gone through the procedure of deregistration.

Article 42 Any member shall not embezzle or misappropriate the residual assets following the termination of BRILA. Such assets shall be used for programs related to the purposes of BRILA under the joint supervision of the professional guidance authority and the registration and regulatory authority and in accordance with the regulations of the country of registration.

Chapter VIII Supplementary Provisions

Article 43 The Constitution has been adopted by members at its First General Assembly on 8th December, 2019.

Article 44 The interpretation of the Constitution shall be vested in the Council of BRILA.

Article 45 The Constitution shall come into force as of the date of approval by the registration and regulatory authority.