

EXPLANATORY STATEMENT No. 4 of 2008

AMENDMENT, ADOPTED AT ROME ON 28 MARCH 2008, TO THE AGREEMENT FOR THE ESTABLISHMENT OF THE INTERNATIONAL DEVELOPMENT LAW ORGANIZATION OF 5 FEBRUARY 1988, AS AMENDED ON 30 JUNE 2002 AND 30 NOVEMBER 2002 ([2000] ATS 23)

Practical and legal effect

1. The proposed treaty action amends Article VI of the *Agreement for the Establishment of the International Development Law Organization* ('the Establishment Agreement') to change the organisational structure of the International Development Law Organization (IDLO) in order to increase its accountability to Member States. As the proposed treaty action relates only to the internal organisational structure of IDLO, its practical and legal effect is negligible.

Nature and timing of proposed treaty action

2. At the Assembly of Member States of IDLO held in Rome on 13 March 1997, Member States established a Working Group to discuss how the Establishment Agreement could be amended to improve the management of the organisation. The Working Group proposed an amendment to Article VI of the Agreement to change IDLO's organisational structure from an Assembly of Member States, a Board of Directors and a Director, to include an Assembly of Parties to the Agreement, a Board of Advisors, a Standing Committee and a Director-General.

3. The effect of the proposed amendment is to replace the current Board of Directors with a Board of Advisers, whose role is to advise on and monitor decisions of the Assembly of Parties. The new role of the Assembly of Parties would be to:

- a) adopt the budget and action plan;
- b) approve accounts;
- c) adopt by-laws for IDLO;
- d) adopt by-laws and recommendations on IDLO's policies and management; and
- e) elect members of the Board of Advisors and the Director-General.

The Standing Committee would provide a link between the Assembly, the Board of Advisors and the Director-General, who administers the organisation.

4. At the Assembly of Member States of IDLO held in Rome on 28 March 2008, a majority of Member States approved the amendment proposed by the Working Group. Pursuant to Article X of the Establishment Agreement, the amendment entered into force for all Member States (including Australia) on the date of approval.

Reasons for Australia to take the proposed treaty action

5. The proposed treaty action will improve IDLO's organisational structure and governance, increasing its accountability to Member States and bringing it into line with other similar international organisations.

Implementing legislation

6. No legislative changes are needed to implement the proposed treaty action.