

The International Institute for Democracy and Electoral Assistance Statutes (as amended at the extraordinary council meeting of International IDEA on 24 January 2006)

Introduction

- 6.1 The treaty action consists of Amendments to the *Agreement establishing the International Institute for Democracy and Electoral Assistance* (the Agreement) made at an extraordinary council meeting of the International IDEA on 24 January 2006.
- 6.2 Following the Amendments, the Agreement will become known as the *International Institute for Democracy and Electoral Assistance (IDEA) Statutes (as amended at the Extraordinary Council meeting of International IDEA on 24 January 2006)*.¹

¹ National Interest Analysis (NIA), para. 3.

Background

- 6.3 International IDEA was established in 1995 by the Agreement and at present, 24 States are party to the Agreement.²
- 6.4 International IDEA's principal goal is to develop and strengthen democracy worldwide.³ International IDEA's current activities include democracy building and conflict management, strengthening electoral processes, developing political parties as actors in democracy and supporting political equality and participation, particularly for underrepresented groups.⁴

2003 Amendments

- 6.5 The Committee notes with concern that amendments to the Agreement made in 2003 were not tabled in Parliament despite having entered into force for Australia on 17 July 2003.
- 6.6 The 2003 amendments prohibited associate members and observers of International IDEA from voting or otherwise participating in the Council's decision making.⁵ The amendment was made in the lead up to International IDEA gaining United Nations General Assembly observer status.⁶
- 6.7 The Committee notes that the National Interest Analysis (NIA) states that the 2006 Amendments largely supersede the 2003 Amendments.⁷ However the Committee expects any future amendment to the current treaty action to be tabled promptly in Parliament.

2 Australia, Barbados, Belgium, Botswana, Canada, Cape Verde, Chile, Costa Rica, Denmark, Finland, Germany, India, Mauritius, Mexico, Namibia, the Netherlands, Norway, Peru, Portugal, Spain, South Africa, Sweden, Switzerland, Uruguay. Japan is an observer State.

3 International IDEA's website <www.idea.int/about/index.cfm>

4 International IDEA's website <www.idea.int/about/index.cfm>

5 National Interest Analysis (NIA), para. 10.

6 NIA, para. 10.

7 NIA, paras 5 and 10.

2006 Amendments

- 6.8 Broadly, the 2006 Amendments improve the governance arrangements of International IDEA.⁸
- 6.9 New Article VII, will increase Member States' control over International IDEA by making the Council the decision making body.⁹ The Council, which is comprised of Member States, will approve the budget and work plans and appoint the Secretary-General. These duties were previously the responsibility of the Board of Directors. The Board of Directors will become the Board of Advisors which will be made up of eminent personalities and experts and will advise on matters of substance rather than matters relating to management and funding.¹⁰
- 6.10 Under new Article VII(8), the Council will appoint a Steering Committee to prepare meetings and further the interests of International IDEA.¹¹
- 6.11 New Article IV provides criteria for membership, and requires Member States to demonstrate, by example in their own State, their commitment to the rule of law, human rights, the basic principles of democratic pluralism and strengthening democracy. Furthermore, membership may be suspended by a two-thirds majority of the Council for members who no longer meet the requirements of membership.
- 6.12 New Article V encourages members to support the Institute through annual contributions, program sponsorship, project funding and other means.
- 6.13 New Article X (replacing previous Article IX) provides that the status, privileges and immunities of the Institute and its officials in other countries shall be specified in separate agreements concluded between the Institute and the country in which the Institute performs its functions. Australia would need to negotiate an agreement of this kind only if the Institute seeks to perform functions in Australia.

8 NIA, para. 11.

9 NIA, para. 11.

10 NIA, para. 11.

11 NIA, para. 11.

- 6.14 New Article XV provides that a member wishing to withdraw from the Agreement must give 6 months notice prior to its formal notification to enable the Institute to inform other members and to initiate discussions as required. The formal notification will take effect six months after the Depositary (the Secretary-General) receives written notice. As a result, 12 months would pass before withdrawal is finalised. Previously, members could withdraw three months after formal notification to the Depositary.
- 6.15 New Article III 'Cooperative Relationships' modifies the associate membership provisions from the previous agreement, creating an arrangement for 'cooperative relationships with other organisations, including international, inter-governmental and non-governmental organisations'. No formal provision for associate membership is provided for in the new Agreement.

Costs and consultation

- 6.16 The Amendments will not result in any costs other than what is currently required to support Australia's membership of International IDEA.¹² Under Article V, Australia is obliged to 'engage in the governance of the Institute and share in the financial responsibility'. The NIA states that Australia's current policy is to consider funding specific International IDEA projects which further Australia's overseas aid objectives in Asia and the Pacific rather than to provide core funding.¹³
- 6.17 The Australian Agency for International Development (AusAID) consulted with the Department of Foreign Affairs and Trade, the Attorney-General's Department, the Australian Electoral Commission and the Centre for Democratic Institutions.¹⁴ No objections were raised in relation to the Amendments and both the Centre for Democratic Institutions and the Australian Electoral Commission noted their strong and productive working relationships with International IDEA.¹⁵

12 NIA, para. 19.

13 NIA, para. 19.

14 NIA, Consultation Annex.

15 NIA, Consultation Annex.

Implementation and entry into force

- 6.18 No domestic legislation is required to give effect to the Amendments.¹⁶
- 6.19 The Amendments will enter into force and will be binding on all members thirty days after the date on which two-thirds of Parties have ratified them.¹⁷

Conclusion and recommendation

- 6.20 The Committee reiterates the importance of the treaty scrutiny process and encourages further awareness within all Commonwealth Government departments of this process so that all treaty actions are tabled in the Parliament to allow sufficient time for review, prior to their entry into force.

Recommendation 5

The Committee supports the *International Institute for Democracy and Electoral Assistance (IDEA) Statutes (as amended at the Extraordinary Council meeting of International IDEA on 24 January 2006)* and recommends that binding treaty action be taken.

16 NIA, para. 18.

17 NIA, paras 3 and 13.

