

# TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

---

---

JAARGANG 2002 Nr. 195

---

---

A. TITEL

*Overeenkomst tot oprichting van het Internationaal Instituut voor het  
Recht inzake Ontwikkeling;  
Rome, 5 februari 1988*

B. TEKST

De tekst van de Overeenkomst is geplaatst in *Trb.* 1988, 32.  
Voor wijzigingen van de Overeenkomst zie rubriek J hieronder.  
Zie voor de ondertekeningen ook *Trb.* 1990, 71.  
De Overeenkomst is voorts nog ondertekend voor:

Bulgarije . . . . . 28 november 1995  
Oostenrijk . . . . . 20 januari 1993

C. VERTALING

Zie *Trb.* 1988, 32.

D. PARLEMENT

Zie *Trb.* 1990, 71.

E. BEKRACHTIGING

Zie *Trb.* 1990, 71.

Naast de aldaar genoemde hebben nog de volgende staten in overeenstemming met artikel XIII van de Overeenkomst een akte van bekrachtiging, aanvaarding of goedkeuring nedergelegd bij de regering van Italië:

Bulgarije . . . . . 5 juni 1996  
Oostenrijk . . . . . 17 maart 1994

F. TOETREDING

Zie *Trb.* 1990, 71.

Naast de aldaar genoemde staat heeft de volgende staat een akte van toetreding nedergelegd bij de regering van Italië.

Ecuador . . . . . 5 februari 1998

G. INWERKINGTREDING

Zie *Trb.* 1990, 71.

J. GEGEVENS**Wijzigingen**

In overeenstemming met artikel X van de Overeenkomst heeft de Vergadering van Partijen op 30 juni 2002 drie resoluties, te weten resolutie 6, 7 en 8<sup>1)</sup>, aanvaard ter wijziging van de onderhavige Overeenkomst.

De tekst van de wijzigingen luidt als volgt:

**Text of Resolution 6:****Change of the Name of the International Development Law Institute**

“The Assembly considering proposals by the International Development Law Institute (“IDLI”) for amending the Agreement for the Establishment of the International Development Law Institute dated February 5, 1988 (the “Agreement”), have

Resolved, that the Member States agree to consider an amendment to the Agreement whereby Article I, paragraph 1, of the Agreement will read as follows: “The Organization established (hereinafter referred to as the “Organization” or “IDLO”);”

Further resolved, that answers by the Member States regarding the disposition of the foregoing amendment shall be provided to the Director-General of IDLI prior to June 30, 2002, after which time the amendment

<sup>1)</sup> De regering van het Koninkrijk der Nederlanden heeft resolutie 8 aanvaard onder het volgende voorbehoud:

“... the formulation of Resolution 8 [...] is not compatible with Article VI.1.b of the Establishment Agreement and Articles 2 and 3 of the Rule of Procedure of the Assembly with respect to the convening parties. The text of Resolution 8 includes IDLI as among those able to call for a vote, which is inconsistent with other provisions of the Establishment Agreement. In order to obviate this technical imperfection, the Netherlands propose[s] that while the text of Resolution 8 [is] acceptable, the Netherlands [will] suggest a further modification of Article VI.1.b.”

shall be deemed approved unless more than one-quarter of the Member States have communicated their negative vote on the amendment in writing.”

---

**Text of Resolution 7:**

**Amendment to the Mandate of the International Development Law Institute**

“The Assembly, considering proposals by the International Development Law Institute (“IDLI”) for amending the Agreement for the Establishment of the International Development Law Institute dated February 5, 1988 (the “Agreement”), have

Resolved that the Member States agree to consider an amendment (the “Amendment”) to the Agreement, as set forth in the attached Appendix;

Further Resolved, that answers by the Member States regarding the disposition of the foregoing Amendment shall be provided to the Director-General of IDLI prior to June 30, 2002, after which time the amendment shall be deemed approved unless more than one-quarter of the Member States have communicated their negative vote on the amendment in writing.”

---

**Appendix**

**Agreement amending the Agreement for the Establishment of the International Development Law Institute**

The Parties signatory hereto,

Recognizing the importance of law in the development process and the need for training lawyers for development and providing related technical assistance;

Recognizing the need for progressive prevalence of the rule of law and stable judicial systems and for the promotion of good governance;

Noting that the International Development Law Institute (“IDLI”) was established in 1988 as an international, inter-governmental organization to assist developing country lawyers improve their ability to negotiate agreements and advise in the implementation of transactions in the fields of development assistance, foreign investment, international trade and other international business transactions;

Noting that IDLI has made substantial progress in fulfilling its original mandate;

Noting that IDLI needs to broaden the scope of its services to respond to an increasing level and diversification of demand;

Noting that the United Nations has granted IDLI Observer Status at the United Nations General Assembly;

Being desirous of the realization of the full potential of IDLI as a leading international organization specialized in the development and dissemination of the good standards and practice of governance and in the building and development of the rule of law;

Believing that a change in the name of the IDLI will help promote recognition of the IDLI's status as an international, inter-governmental body;

Now therefore the parties have agreed as follows:

#### I. Name of Organization

Article I, paragraph 1, of the Agreement is amended to read as follows: "The Organization established by this Agreement shall bear the name International Development Law Organization (hereinafter referred to as the "Organization" or "IDLO")."

#### II. The Agreement

I. The title of the Agreement is amended to read as follows: "Agreement regarding the International Development Law Organization (the "Agreement")."

#### III. Other Amendments

Throughout the text of the Agreement, except in the preamble, the word "Institute" is replaced by "Organization",

#### IV. Purposes and Activities

Article II of the Agreement is amended to read as follows:

1. The purposes of the Organization are:

A. To encourage and facilitate the improvement and use of legal resources in the development process;

B. To contribute to the establishment and progressive development and application of good governance and the rule of law in developing countries and countries in economic transition;

C. To assist developing countries and countries in economic transition to improve their negotiating capabilities in the fields of development cooperation, foreign investment, international trade and other international business transactions; and

D. To promote sustainable development through improvement and maintenance of the legal and judicial systems of the developing countries and countries in economic transition.

2. In order to accomplish the foregoing purposes, the Organization may engage in the following types of activities:

A. Training, education, technical assistance, consultancy, research, publication, collection and dissemination of relevant information and documentation.

B. Cooperation with other institutions and organizations and bodies, in particular organizations in the United Nations system in pursuit of its purposes;

C. Contributing to the establishment and growth of capacity in developing countries and countries in economic transition to carry out activities promoting the purposes of the Organization;

D. Other activities that advance the purposes of the Organization.

3. The Organization shall not be influenced by political considerations in its activities, management and staffing.

#### V. Coming into Force

The Amendment shall, in accordance with Article X of the Agreement, come into force immediately by a three-fourth majority vote of the Members of the Assembly.

DONE at Rome on (March 20, 2002).

---

#### **Text of Resolution 8:**

##### **Written Consent in Lieu of Assembly Meeting**

“The Assembly considering proposals by the International Development Law Institute (“IDLI”) for amending the Agreement for the Establishment of the International Development Law Institute dated February 5, 1988 (the “Agreement”), have

Resolved, subject to the subsequent paragraph below, that the Member States agree to consider an amendment to the Agreement by adding a new paragraph, Article VI (E) as follows: “Any action of the Assembly requested by a Member State, the Chairman of the Assembly, or IDLI which would require a vote of the Members of the Assembly in person shall be equally valid if taken pursuant to written consent of such Members in lieu of a meeting.”

Further resolved, that answers by the Member States regarding the disposition of the foregoing amendment shall be provided to the Director-General of IDLI prior to June 30, 2002, after which time the amendment shall be deemed approved unless more than one-quarter of the Member States have communicated their negative vote on the amendment in writing.”

---

De wijzigingen zijn op 1 juli 2002 in werking getreden.

Wat het Koninkrijk der Nederlanden betreft, gelden de wijzigingen, evenals de Overeenkomst voor het gehele Koninkrijk.

In overeenstemming met artikel 19, tweede lid, van de Rijkswet goedkeuring en bekendmaking verdragen heeft de Minister van Buitenlandse Zaken bepaald dat de wijzigingen zullen zijn bekendgemaakt in het gehele Koninkrijk op de dag na de datum van uitgifte van dit Tractatenblad.

Uitgegeven de *vierde* november 2002.

*De Minister van Buitenlandse Zaken,*

J. G. DE HOOP SCHEFFER