

IDLO/ASSEMBLY R.1/2010

Original English

**ASSEMBLY OF PARTIES OF THE
INTERNATIONAL DEVELOPMENT LAW ORGANIZATION
ROME, ITALY – 24 NOVEMBER 2010**

Proceedings of the Assembly of Parties

In accordance with Article 3 of the Rules of Procedure of the Assembly of Parties, the meeting of the Assembly of Parties (the "Assembly") was held at the Italian Ministry of Foreign Affairs on 24 November 2010. Representatives of Parties were present at the meeting, as set forth in the list of attendees attached hereto as Annex A.

1. Opening

The Representative of the President of the Assembly, the Kingdom of the Netherlands, (the "President") welcomed the Representatives of the Parties and observers.

2. Introduction of Kuwait as new IDLO Party

The President introduced and welcomed Kuwait as new IDLO Party and stated that it looked forward to Kuwait's active participation in the IDLO Assembly of Parties in the future. Following the invitation of the President, the Representative of Kuwait explained that Kuwait's accession to the Agreement for the Establishment of IDLO (the "IDLO Establishment Agreement") represented more of a return for Kuwait, which had been IDLO's partner under different arrangements since its establishment. He commented that Kuwait had been a steady contributor since the early 1980s and that it would not shy away from continuing to support the Organization, in the hope that any financial issues would be overcome in the near future.

The President took the opportunity of Kuwait's accession to announce that Peru has initiated the formal procedure to accede to the IDLO Establishment Agreement. The Representative of Paraguay expressed content at the request by another Latin American country to become an IDLO Party, and hoped that this would be well-received by other Parties.

3. Adoption of the Agenda

The President presented the agenda of the meeting and proposed to move the discussion of agenda item 8 titled "Revised IDLO staff dispute resolution system" after item 5. A revised agenda attached hereto as Annex B was adopted by consensus.

The Representative of France requested that agenda item 7 titled "Proposal for IDLO financing mechanism" be addressed only for information purposes noting that the Parties had not been given sufficient time to consider the document pertaining to this agenda item and therefore would not be in a position to take any decision on the Proposal. The President agreed with the request of the Representative of France.

4. Report of the Standing Committee

The President thanked Colombia upon completion of its one year *ad hoc* membership of the Standing Committee for its contribution to the Organization, its active participation and relentless support over 2010.

The President referred to the Report of the Standing Committee, as submitted with the background documentation for the meeting, and described the amount of effort and time spent during the past year in guiding IDLO through its reorganization. Noting that there were no comments on the Report of the Standing Committee, the President gave the floor to IDLO Director-General, Ambassador Antonio Badini (the "Director-General").

5. Report of the Director-General and Review of IDLO's Program Portfolio

The Director-General began by thanking all attendees for their participation to this Assembly, which to him came across as an indication of their interest in the Organization. The Director-General also congratulated Kuwait on its decision to become a Party of IDLO. The Director-General then proceeded to provide further background to his Report to the Assembly, attached hereto as Annex C.

The Director-General concluded by reiterating IDLO's need for the Parties' trust and confidence to respond to the huge demand for the rule of law worldwide.

The Representative of Italy thanked the Presidency for the excellent work carried out so-far and welcomed Kuwait to the Assembly. He also recognized the strong engagement shown by the Director-General and the IDLO Management over the last months in mobilizing new financial resources at such a difficult time. The Representative of Italy confirmed his belief that, more than ever, the promotion and strengthening of the rule of law and good governance is critical to safeguarding and facilitating

democracy to the benefit of developing countries. He expressed appreciation for the results achieved by IDLO and hoped that the Organization would continue to foster the rule of law and empower the poor, based on a realistic Management Plan and Budget for 2011. He then invited the Parties to increase their core contributions for the Organization's sustainability. He added that in order to achieve effective program results in 2011, the Organization requires strong oversight and direction from the Assembly and the Standing Committee.

After thanking the Director-General and the President for the hard work and leadership provided to IDLO, the Representative of the United States acknowledged the challenging financial period and commitment of the IDLO staff. In joining the statement made by the Representative of Italy, she emphasized the Organization's need for participation by each and every Party, not just two or three. The Representative of the United States noted IDLO's strong reputation and explained that the United States is proudly committed to supporting the Organization. In recognizing that many countries face their own financial challenges in their capitals, the Representative of the United States called upon each Party to re-consider their commitment to the Organization.

The Representative of Egypt thanked the Presidency and the Director-General for their work and welcomed Kuwait and the observers to the meeting as a good sign for the Organization's future. He recalled that, during the last Assembly meeting, increased membership was one of the main issues discussed, as was that of increased trust through implementation of programs. The Representative of Egypt regretfully noted that the proposed budget for 2011 was not balanced, despite the many cost reductions including the tremendous efforts made by the Organization in cutting its staff in a very short period of time. He opined that further work needed to be done to develop the 2011 budget.

The Representative of Paraguay thanked the President for its efforts and mentioned that all organizations undergo financial problems. The presence of Parties at the Assembly was to be taken as a sign of their strong commitment to the Organization. In speaking on behalf of an IDLO beneficiary country, the Representative of Paraguay praised the Organization's program on human trafficking and Paraguay's intention to increase its involvement in IDLO.

The Representative of Sudan congratulated the Director-General and the IDLO staff in taking the measures needed to face the financial difficulties they were confronted with. He noted that despite such difficulties, IDLO had been able to continue focusing on its mandate, while opening new avenues and embarking on critical global issues, such as climate change and food security. The Representative of Sudan acclaimed IDLO for its work in Southern Sudan and invited the Parties to support the Organization to continue its praiseworthy work. After acknowledging the lack of unrestricted funds, he confirmed Sudan's support to the sustainability of the Organization but stated that all proposed funding options should be further considered by the Parties in order to draw up a set of concrete recommendations. In expressing his belief that such an

issue could not be agreed upon during a single meeting, the Representative of Sudan suggested establishing an open-ended working group which would review these proposals and develop a recommendation to the Assembly.

The Representative of Kenya thanked the Presidency and the Director-General and praised the Organization for its valuable support to the Kenyan constitutional process. He made an appeal to the Parties to continue making contributions to IDLO at this time of crisis.

The Representative of Ecuador expressed respect for the Organization and its dedication, and mentioned the recently-launched program on food security. He conveyed Ecuador's congratulations to Kuwait on its accession and encouraged Peru to fulfill all procedures to become soon an IDLO Party.

In confirming that support to activities promoting the rule of law is crucial for progress worldwide, the Representative of the Netherlands stated that IDLO is still well-positioned to fulfill its mission. He thanked the Director-General for his clear report and for his endeavors to increase the sustainability of the Organization. The Representative of the Netherlands explained that, given the voluntary nature of contributions to IDLO, the Organization relies on program revenue, which is unstable. He recognized that the Organization has reduced its costs considerably and that increasing program revenue is a difficult task. Therefore, he invited Member Parties to take on their responsibilities to ensure that IDLO maintains its unique position and qualities in the coming years.

The Representative of Burkina Faso began by thanking the Italian Ministry of Foreign Affairs for hosting the Assembly and then joined the other Parties in their welcome to Kuwait and statements of appreciation of the President's leadership. He then encouraged the Parties to increase their support to the Organization in facing the current financial challenges. He also shared the Director-General's belief that optimism and good faith were needed to put IDLO back on the right track. The Representative of Burkina Faso stated that IDLO needs to stabilize its funding by limiting expenses, broadening the program portfolio, expanding the partnership base, and increasing contributions by Member Parties. He called the Member Parties to fulfill the commitments made towards the Organization and agreed with Sudan's suggestion to establish an open-ended group to review new proposals, which would assist the Director-General in setting up a new funding system. He explained that the global economic crisis has hit the United Nations as well as other inter-governmental organizations, but that the right solution could be found by the Parties joining hands.

The Vice-Chairman of the Board of Advisers conveyed the Chairman's regret for not being able to attend the Assembly meeting. He explained that the Board of Advisers had not presented their report this year, since the decision had been taken not to hold the Board annual meeting as a means of assisting the Organization in saving costs.

6. Revised IDLO Staff Dispute Resolution System

The President introduced this agenda item and explained that the Standing Committee was not qualified enough to any longer review IDLO staff appeals. Therefore, the Standing Committee had requested the Office of the General Counsel to revise the IDLO staff dispute resolution system.

At the request of the President, the General Counsel drew the attention of the Assembly to the proposed new rules for a staff dispute resolution system. He explained that these had been drafted by the IDLO Secretariat in the context of a broader ongoing review and update of the IDLO Staff Rules and Regulations. The General Counsel informed that the new rules were intended to replace and supersede as of 1st January 2011 the current Sections 3.8 and 4.103 of the IDLO Staff Rules and Regulations dealing with disciplinary and complaint procedures respectively. The new rules, he said, introduced a system for the proper handling of disputes concerning administrative decisions pertaining to terms and conditions of employment and the application of disciplinary measures. He highlighted how unclear and unpractical the current procedures were and recalled that the Standing Committee had urged the Secretariat on a number of occasions to revise the complaint procedure. The General Counsel informed the Assembly that the submitted proposal was aimed at overcoming the mentioned inefficiencies, by bringing the disciplinary and complaint procedures in line with the best practices of other international organizations and Article 6 of the European Convention on Human Rights. The General Counsel requested the Assembly's approval of the proposed rules pursuant to Article VI (1) (C) (c) of the IDLO Establishment Agreement. In addition, the General Counsel requested the Assembly's endorsement of the Director-General's submission of an application to join the Statute of the International Labor Organization (ILO) Administrative Tribunal with a view to recognize in the future the jurisdiction of the ILO Administrative Tribunal to adjudicate as a last resort IDLO staff disputes (meaning disputes for which all internal reviews and appeal procedures at IDLO have been exhausted).

In response to comments made by the Vice-Chairman of the Board of Advisers, the General Counsel explained that merging the Joint Disciplinary Committee and the Joint Appeals Board into one body had indeed been carefully considered, particularly seeing that they are composed of the same members. However, IDLO had reasoned that these bodies play an important role in two distinct processes. Thus, in order to maintain the integrity of the process, which could ultimately end in an external appeal, the General Counsel clarified that it was indispensable to have two clearly-defined mandates and that there was no overlap in responsibilities or burden on the system. The General Counsel agreed with the Vice-Chairman of the Board of Adviser's other very important point that staff members should be provided the opportunity to share their submissions and explained that the proposed provisions as well as the rules of procedure of the two new review bodies addressed this point sufficiently. Finally, the President noted that the working language of the Organization for staff matters should remain English.

The Representative of the Opec Fund for International Development (OFID) suggested that the number of the members of the review bodies should be an even number instead of an odd number. The General Counsel confirmed that both bodies consist of an odd number, namely three members. He clarified that this composition, just like all the other proposed rules, had been designed based on an in-depth survey of 21 international organizations within and outside the United Nations system and took into account the size and financial capacity of IDLO. The General Counsel commented that each and every provision in the rules had been made with a level of judgment. Bearing this in mind, the General Counsel recalled that the appointment of the Chairperson of the review bodies was made by the Director-General in consultation with staff. Nevertheless, he recognized that there could be various ways in which a staff appeal system could be designed.

The Representative of Egypt commented on the draft rules providing for five days for a staff member's submission of a brief Rejoinder to the Joint Appeals Board indicating that this time period was too short. The Representative of Egypt queried the involvement by the IDLO Staff Association in the adoption of the new dispute resolution system.

The General Counsel acknowledged the difficulty in forming an opinion on the many time bars included in the draft rules. He observed that the draft had been prepared on the basis of a review of different models and timelines. He advised that five days would provide ample time for employees to provide their "second" response to Management while ensuring efficiency of the process. The General Counsel also confirmed that the draft had indeed been shared with the Staff Association and the staff at large for their inputs including in structured meetings and staff had also provided valuable input to the process.

In response to a query from the Representative of Senegal, the General Counsel explained that, in terms of categories of disciplinary measures being proposed, including that of possible demotion, it is felt that it would be in the interest of the Director-General to provide a wide range of possibilities that would meet the circumstance of each situation. Furthermore, the General Counsel stressed that under the new rules the Director-General is indeed obliged to provide an explanation to the Joint Disciplinary Committee for any disciplinary measure which he wishes to apply.

Following a discussion, the Assembly adopted Resolution No. 2010/01 as follows:

Bearing in mind Article 28 of the Rules of Procedure of the Assembly of Parties as well as Article VI (1) (C) (c) of the Agreement for the Establishment of IDLO;

Having considered the "Proposal for a New Dispute Resolution System" as submitted by the Secretariat with the background documentation for this annual meeting on 16 November 2010;

The Assembly of Parties hereby resolves to replace the current Sections 3.81 to 3.86 and Section 4.103 of the IDLO Staff Rules and Regulations and adopt in their place new rules as set out in Annex I to the present resolution to be effective as of 1 January, 2011;

Authorizes the Director-General on behalf of IDLO to apply for membership to the International Labour Organization Administrative Tribunal as referenced in the "Proposal for a New Dispute Resolution System"; and

Agrees to adopt a written procedure whereby the President shall notify the Parties in writing of any further consultation or approvals of the Assembly that may be required for the completion of the application process and shall request their approval, as necessary, in writing.

Resolution No. 2010/01 was approved by a majority of 18 votes in favour.

7. Resignation of the Director-General

The President announced to the Parties that, just before the Assembly meeting the Director-General had decided to resign for personal reasons and therefore this extraordinary item of the meeting agenda needed to be discussed without delay. While respecting the Director-General's decision, she expressed regret. The President acknowledged the fundamental role that the Director-General has played in taking the Organization through this difficult period, making the budget more transparent, and undertaking relentless efforts to attract new Member Parties. The President advised that the Director-General had agreed to remain with the Organization in a different capacity as Special Envoy for Fundraising and Memberships and to assist IDLO in further attracting new Parties to the Organization and funding through his unique contacts in the private sector and the Middle East. The President thanked the Director-General for his total and undiluted support to IDLO, and his involvement beyond the call of duty in such exceptional circumstances.

The Director-General thanked the President for her kind words and explained that he had taken on this mission personally, since he felt IDLO was unique in bridging the legal divide through the rule of law. He further explained that he had put every effort into such a noble cause and sharing this belief with the Organization's stakeholders, but it had taken up too much of his time thus creating too much burden on his personal life and family. The Director-General confirmed that he could continue to be equally useful to the Organization in his new position for matters relating to fundraising, enlarging membership and managing specific bilateral

relations. He took pride in IDLO and felt indebted to its very talented and motivated personnel, devoted to the cause of the Organization.

The Representatives of all the Parties made statements in support of the Director-General.

The President announced that the Standing Committee and the Chair of the Audit and Finance Committee had held an extraordinary meeting over the lunch break to discuss the actions required by the Director-General's resignation. The President recalled that, pursuant to Article VI.3 of the IDLO Establishment Agreement, the Standing Committee shall take appropriate transitional measures if the position of the Director-General falls vacant. In accordance with the aforementioned article, the President announced that the Standing Committee had agreed to the following transitional measures:

- (a) Mr. Jeffrey Waldron, IDLO Director for Human Resources, shall be appointed as Acting Director-General, effective 1 December 2010.
- (b) The Standing Committee shall, without delay, initiate the process of identifying and selecting an Interim Director-General for appointment as soon as possible, and until the election of a new Director-General at the Assembly of Parties meeting in November 2011.

In response to queries regarding the appointment of Mr. Jeffrey Waldron as Acting Director-General, the President explained that all the Standing Committee members had been surprised by the Director-General's decision to leave his position. After consulting potential candidates for his immediate replacement, it resulted that the only available candidate at such short notice was Mr. Jeffrey Waldron and a decision needed to be taken by the Standing Committee without delay.

After a discussion on the role of the Standing Committee in adopting transitional measures, at the initiative of the Representative of France, the Assembly adopted Resolution No. 2010/02 as follows:

In light of the efforts made by the Director General during his first year of office to provide adequate resources to the Organization and to initiate and implement a credible and efficient restructuring plan;

In the light of his recent appointment with a significant majority of 12 Member Parties out of 20;

Considering the necessary stability of the Organization within the next months and years, the General Assembly reaffirms its support of Ambassador Badini as Director-General and regrets his resignation.

The General Assembly notes the Standing Committee's role to take any measures facilitating the completion of his duties.

Resolution No. 2010/02 was adopted by consensus.

8. Management Plan and Budget for 2011 and Proposal for IDLO Financing Mechanism

The President introduced agenda item 6 regarding the Management Plan and Budget 2011 and suggested merging this item with item 7 on the Dutch Proposal for a Financing Mechanism (the "Proposal") into one same item. The Representative of the Netherlands made reference to the Pre-Assembly Meeting held on 3 November 2010, when the draft Management Plan and Budget for 2011 had first been presented to the Parties.

The Director-General provided an outline of the Management Plan and Budget for 2011. He noted that the proposed total budget for 2011 was of € 5.9 million (the "draft budget"). The Representative of the Netherlands expressed disagreement with the figure proposed by the Director-General commenting that it included some cost savings regarding the renegotiation of the Headquarters Agreement with Italy and the termination of the premises' lease which were unlikely to be accomplished in 2011. Furthermore, he noted that the tendency at IDLO had been to adjust budgets downwards when the expected revenues did not materialize. The Representative of the Netherlands explained that the total secured income for 2011 is approximately € 3.2 million, leaving a shortfall of approximately € 3 million in the draft budget. He drew the Assembly's attention to the fact that IDLO's Investment Portfolio had been depleted to a point that only € 1.8 million remained.

The Representative of the Netherlands noted that the Director-General had put much effort in attempting to reduce costs, which had already been extensively done by approximately 40%, as well as to further increase revenues from the program portfolio. The Representative of the Netherlands however highlighted that IDLO would need projects in an increased amount of millions of Euros in order to generate enough revenue for its sustainability. Therefore, the only real option available for ensuring IDLO's financial survival was, in his view, that the Parties increase their financial support to the Organization. The Representative of the Netherlands noted that without increased contributions, IDLO would run the risk of insolvency. Should such risk materialize, the Netherlands would have an obligation by its domestic law to stop contributions to IDLO.

The Representative of Australia agreed that the approval of the current Management Plan and Budget for 2011 would indeed be difficult since relying on future eventual sources of income was inappropriate. He commented that Australia was not supportive of fixed core contributions but could well fund additional projects. He mentioned that AusAID was already funding a project on HIV in Papua New Guinea.

While agreeing conceptually to IDLO's need for unrestricted funding, the Director of Finance and Administration clarified that there are 27 programs under implementation, as opposed to the 20 programs of the previous year, which is an indication of improvement. Finally, she noted that many international organizations have financial resources issues, but only a few have such a low level of reserves like IDLO does.

The President called for the Parties' sense of responsibility and hoped that they will follow Jordan's example in offering to make a contribution. The Representative of Jordan thanked the President for acknowledging its contribution. In recognition of IDLO's exceptional work worldwide, he expressed Jordan's willingness to support the Organization and hoped that Jordan's contribution would pave the way for more donations from other Parties.

The Representative of Ecuador commented that the Proposal had been received too late and Ecuador had been unable to analyze it. However, he pointed out that Ecuador had been working to find the best way to assist the Organization, given its critical financial situation.

The Representative of the OPEC Fund for International Development (OFID) noted that it currently supported IDLO's Global HIV and Health Law Program and it intended to continue supporting other initiatives. He commented that OFID would be willing to bear unrestricted contributions but the classification in the Proposal of OFID among the higher contributors was somewhat confusing. The Representative of the Netherlands clarified that such classification was still subject to discussion.

The Representative of the United States explained how the United States had renewed its support to IDLO through voluntary and program contributions but that, due to its national legislation, it could only make voluntary contributions and that funding would be put at risk if the Organization shifted toward a system of mandatory contributions.

The Representative of Sudan expressed full support to the sustainability of the Organization. He explained that the Government of Sudan was reviewing the Proposal and that it would make a symbolic contribution to IDLO. However, since this matter called for further analysis, the Representative of Sudan re-launched the idea of creating an open-ended Working Group to assess all possible options for financing IDLO and draw up a set of recommendations for consideration by the Assembly.

The President explained that the Proposal aimed to trigger the Parties' thoughts and creativity. She was pleased to hear the positive reactions aimed at securing income to rescue IDLO. She also fully understood those Parties who could not make mandatory contributions as a matter of internal policy. The President therefore introduced a draft resolution concerning both item 6 regarding the Management Plan and Budget 2011 and item 7 on the Dutch Proposal for a Financing Mechanism of the agenda.

The Representative of France raised a point of procedure commenting that the draft resolution proposed by the President was not acceptable as it

combined two agenda items, one of which, regarding the Proposal, had been circulated for information only. He also noted that the 2011 draft budget was less ambitious than that proposed the previous year. He invited the Assembly focus on the budget approval first.

The Representative of Senegal supported France's comments while at the same time expressing support to Sudan's suggestion for the establishment of an open-ended Working Group.

The Representative of Egypt noted that his country was not ready to approve the assessed contributions system illustrated in paragraph 3 of the Proposal.

The President confirmed that a draft resolution had been circulated for information only which did not provide for the establishment of a financial system but it simply called for the development of a new revised budget. The Representative of the United States confirmed the President's view and agreed that the 2011 budget needed some revisions in view of its final approval perhaps in an extraordinary session of the Assembly in March 2011.

The Representative of Australia expressed his support for the comments made by the United States noting that Australia could not approve the draft budget and was in favour of the creation of an open-ended working group.

Regarding the budget, the Representative of Italy reminded the Assembly that, as the host country, Italy provides an annual contribution to IDLO of € 1 million. He further noted that, despite the fact that this was not the right time to take a decision on the enactment of a system of annual voluntary contributions, a solution had to be found. The Representative of Italy also supported the idea of establishing a working group to find sustainable and predictable yearly contributions and agreed that the Acting Director-General could manage the Organization until March 2011, when a revised budget could be approved in an extraordinary Assembly meeting.

The Representative of Romania stated Romania's expectation that a revised budget would only include secured savings.

The Representative of Paraguay agreed with the proposal to request the Secretariat to submit a revised budget and management plan and with the Sudanese suggestion to set up a working group on the financial sustainability of the Organization.

The Representative of France warned the Member Parties about the risk of putting IDLO's credibility at risk by not approving its budget. The President recalled that, by not approving the previous year budget, France had actually inspired the Parties to review carefully future budgets.

The Vice-Chairman of the Board of Advisers commented that IDLO's budgets always bring an unavoidable degree of uncertainty. He noted

that, while the assessment of such uncertainty remained within each Party's discretion, the level of uncertainty of the draft budget for 2011 might not vary significantly between now and an extraordinary meeting of March 2011.

The Representative of the United States explained that the situation concerning the approval of the 2011 draft budget was different from previous years due to the significant low level of IDLO's reserves.

After discussion on the terms of the draft resolution proposed by the President, the Assembly adopted Resolution No. 2010/03 as follows:

Bearing in mind Article VI (1) (C) (a) of the Agreement for the Establishment of the International Development Law Organization and Article 28 of the Rules of Procedure of the Assembly of Parties;

The Assembly of Parties,

Considering the imperative to define a viable financial structure for IDLO's sustainability;

Recognizing that the introduction of a system that guarantees financial sustainability to support the Organization is a fundamental requirement; and

Recalling Resolution No. 2009/02 adopted on 25 November 2009, and expressing the commitment of the Member Parties to the financial sustainability of IDLO and agreement to undertake all necessary efforts to sustain IDLO's yearly budget on the basis of the IDLO Strategic Plan 2009-2012;

Defers the approval of the Organization's Management Plan and Budget for 2011 as submitted by the IDLO Secretariat with the Background Documentation for this annual meeting on 24 November 2010 until 23 March 2011;

Requests the Director-General to submit a restructured Management Plan and budget for 2011 that presents a financial forecast for 2011 on the basis of secured revenues and predictable expenses and which takes into account the IDLO Strategic Plan 2009-2012 as adopted by the Assembly of Parties by Resolution No. 01/2008; and,

Requests that the budget forecasted for projects under implementation should not be affected by this restructuring;

Authorizes the Director-General to incur expenses in connection with ongoing operations and to meet its existing obligations under the oversight of the Audit and Finance Committee during the period from 1 January 2011 until the adoption of a revised Management Plan and budget for 2011;

Empowers the Audit and Finance Committee to determine the modalities of its oversight, which shall include, at a minimum, clear timelines for submission of relevant documents and a monthly reporting requirement to the Standing Committee;

Establishes an open-ended Working Group for interested Parties and the Director-General to present a system that guarantees financial sustainability for consideration by the Assembly of Parties at its next meeting, a draft of which shall be circulated to the Assembly by no later than 31 January 2011; and, for this purpose, resolves to hold on 23 March 2011 an extraordinary session of the Assembly of Parties.

Resolution No. 2010/03 was adopted by consensus.

9. Election of the President and Vice-President of the Assembly of Parties

The President informed the Assembly that it had received one candidature from the United States for the position of President and one candidature from Kuwait for the position of Vice-President respectively. The President noted that there was consensus for the election of the United States as President and for Kuwait as Vice-President respectively.

The President also informed that in view of facilitating the transition to the new Presidency, the Netherlands and Burkina Faso offered to continue discharging the functions of President and Vice-President until the Assembly's extraordinary meeting of 23 March 2011. The Representatives of the United States and Kuwait did not raise any objections to this proposal. Accordingly, the Assembly adopted Resolution No. 2010/04 as follows:

Bearing in mind Article VI (1) (D) (a) of the Agreement for the Establishment of the International Development Law Organization and Articles 14 (1) and 28 of the Rules of Procedure of the Assembly of Parties;

Considering Resolution No. 11 adopted by the Assembly of Parties on 26 November 2008, providing that the term of the Presidency appointed by the Assembly of Parties at its meeting of 28 March 2008 would terminate at the November 2010 Assembly meeting;

The Assembly of Parties hereby resolves to appoint the United States of America as President of the Assembly of Parties and Kuwait as Vice-President of the Assembly of Parties, both for a three year term effective as of March 23, 2011; and

Considering that Resolution No. 11 of 26 November 2008 was adopted with the understanding that there would not be any meeting of the Assembly of Parties in March 2011; and,

Considering Resolution 2010/02 pursuant to which the Assembly of Parties resolved to hold an extraordinary session on 23 March 2011;

The Assembly of Parties hereby resolves to extend the current term of the Netherlands as President of the Assembly of Parties and of Burkina Faso as Vice-President of the Assembly of Parties, until the Assembly of Parties meeting on 23 March 2011 and in accordance with Article VI (D) (a) of the Establishment Agreement of IDLO.

Resolution No. 2010/04 was adopted by consensus.

The President congratulated the United States and Kuwait for their election as incoming President and Vice-President respectively. The election was received by the Parties by acclamation. The President clarified that the term of the United States as President and of Kuwait as Vice-President respectively will start on 23 March 2011 at one minute past 12 a.m. (midnight).

The General Counsel commented that although the adopted Resolution No. 2010/04 created an unusual situation, such Resolution was in compliance with the rules and, in some ways, provided for a correction of past actions. In particular, he noted that the past Resolution No. 11 of 26 November 2008, as quoted in Resolution No. 2010/04, while reasonable, was in derogation of the established term of the Presidency. With regard to the postponed effectiveness of the term of President and Vice-President of the United States and Kuwait respectively, the General Counsel advised that there is no requirement under the rules that an election needs to have immediate effect.

10. Election of the ad hoc member of the Standing Committee and of members and Chair of the Audit and Finance Committee

Given that the President had not received any notification of candidatures for the position of *ad hoc* member of the Standing Committee nor for membership in the Audit and Finance Committee, the President suggested postponing the elections for these two governing bodies to the extraordinary session of the Assembly of Parties of 23 March 2011.

Taking into account the crucial oversight role of the Audit and Finance Committee under the newly adopted Resolution No. 2010/03 and the need to ensure the continued operation of the Standing Committee, Parties

currently serving on both bodies respectively agreed to extend the terms of their mandate until 23 March 2011.

Therefore, the Assembly adopted Resolution No. 2010/05 as follows:

Bearing in mind Article 28 of the Rules of Procedure of the Assembly of Parties;

Considering that the terms of the current ad hoc member of the Standing Committee and members and Chair of the Audit and Finance Committee conclude on 24 November 2010;

Noting Resolution 2010/02 pursuant to which the Assembly of Parties resolved to hold an extraordinary session on 23 March 2011;

The Assembly of Parties hereby resolves, acknowledging both the exceptional circumstances here obtaining and in derogation of the applicable rules of the governing bodies, to extend the current terms of the ad hoc member of the Standing Committee and members and Chair of the Audit and Finance Committee until the Assembly of Parties meeting on 23 March 2011.

Resolution No. 2010/05 was adopted by consensus.

The Representative of Ecuador informed the Assembly that Ecuador would consider the opportunity of submitting its candidature for the *ad hoc* membership on the Standing Committee as of 23 March 2010.

11. Date of the next meeting of the Assembly of Parties

The President recalled that pursuant to Resolution No. 2010/03, the next meeting of the Assembly of Parties is scheduled for 23 March 2011.

12. Closure

The meeting closed at 4.46 pm.