



Report of a meeting of IALA National Members (Second Extraordinary LAP meeting)

**13 – 14 March 2014
IALA Headquarters**

Executive Summary

- The meeting was convened following identification by Council of a number of matters for consideration by all National Members regarding the change of status of IALA to an Intergovernmental Organization.
- The meeting considered and agreed upon draft changes to the IALA Constitution which will facilitate the on-going operations of IALA as an Association, and which will also allow for transition to intergovernmental status whilst complying with French law.
- The meeting also undertook a review of the risks associated with the change of status, and developed a project risk register for consideration by Council.
- The meeting, noting the importance of clear guidance in regard to the pursuit of international organisation status, developed a General Assembly Resolution for presentation to Council. The purpose of the Resolution is to formally document the considerations of the General Assembly, and to record the mandate of that body for Council and the Secretariat to work to achieve the change of status for IALA.
- To assist Council, the meeting developed a Case for Change working document that articulates some of the benefits of the change of status for IALA. The meeting agreed that development of a document consolidating the risks and benefits should be undertaken, and this will be done by the LAP Chair and the Secretariat for circulation to participants.
- Participants were invited to start the process necessary to have their representatives aware of the matters that Council may put before the General Assembly. They were also invited to submit comments on the text of the draft International Agreement for consideration at the time that work on the text recommences.
- The Secretariat will finalise the necessary papers for delivery to Council for approval by electronic vote as a matter of urgency. If approved, the related papers will be circulated for the General Assembly.

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Meeting of IALA National Members (Second Extraordinary LAP meeting)

1 OPENING

The meeting was held on 13 and 14 March 2014, at IALA Headquarters with Mr Francis Zachariae in the Chair. The Secretary for the meeting was Mrs Marie-Hélène Grillet.

The Chairman opened the meeting by introducing himself as Chair of the IALA Legal Advisory Panel. He drew attention to the fact that the purpose of the meeting was not to discuss the decision regarding a change of IALA status to that of an International Organization, but to address various matters at the request of Council, for presentation to the IALA Council out of session before the General Assembly in May 2014.

The Chairman then welcomed all participants and briefed the meeting about the daily routine to be followed.

2 INTRODUCTION TO THE IALA LEGAL ADVISORY PANEL

The Chairman explained that the IALA Legal Advisory Panel (LAP) reports to the IALA Council and advises the Council on legal aspects of IALA's work and activities. The LAP does not have any decision-making role. The LAP has worked on the change of status project for some years and, as requested by Council, has sought the involvement of a greater number of National Member representatives, firstly at the Extraordinary LAP meeting held in Copenhagen, Denmark, in October 2013 (LAPEX1), and again at this meeting.

3 INTRODUCTION OF THE PARTICIPANTS

The meeting was attended by 36 participants from 15 countries. The participants were invited to introduce themselves.

A complete list of attendees is at Annex A.

4 APPROVAL OF THE AGENDA

The Agenda was approved, noting that some sessions were relocated to better suit the business of the meeting (see Annex B).

5 REPORT FROM LAPEX1 AND COUNCIL 56

The Chairman outlined the matters that had been considered at LAPEX1, which was largely devoted to the development of the text for a draft international agreement, and the process for consideration of related matters by Council 56.

The Chairman, assisted by the IALA Secretary General, Mr Gary Prosser, summarised the relevant issues that were then raised at Council 56 during consideration of the LAPEX1 output papers, including the proposed Roadmap (actions and timetable).

It was reported that some changes were requested to the Roadmap. These included making provision for the General Assembly to be informed of the reasons for, and process for the development of, an international agreement creating the basis of international consultation, and in relation to associated changes to the IALA Constitution.

A comprehensive presentation of the Roadmap and how the various steps of the process would articulate was made by the representative of The Netherlands in Council (see Annex H).

In addition it was explained that the LAP was requested by Council to consider the following:

- the case for change needed to be better explained
- issues surrounding risk for the organization
- future technical consultative role for IALA
- development of a draft resolution for the General Assembly

6 CHANGES TO THE IALA CONSTITUTION

The Chairman explained that IALA is currently formed as an association under the French law of July 1901 governing not for profit organizations. The Constitution was last amended in 2006 and the Council had asked the LAP to look into changes in order to allow IALA to operate more efficiently in the period between the General Assembly in 2014 and possible entry into force of an International Agreement.

The LAP Vice-Chairman, Mr Jon Price reported that the LAP had previously considered that the Constitution required amendment to allow the Association to be terminated, and to transfer its assets to the new International Organisation, via an automatic process. This was covered by the proposed amendments to Article 13. These changes were noted by Council 56, but not approved for submission to the General Assembly pending French legal advice on the process for terminating the Association.

With the benefit of the French legal advice the meeting again considered the proposed amendments and agreed them. Additional minor amendments were proposed and agreed to other articles, mainly for consistency reasons. See Annex C for final document.

On this occasion it was made clear that the Constitution to be submitted to the next IALA General Assembly for approval is the Constitution that will govern IALA in its present status, not a temporary Constitution aimed at regulating IALA during the transitional period between the current International Association and the future IGO.

7 MANAGEMENT OF RISK

As requested by Council, the meeting considered the risks associated with the change of status of IALA.

The meeting identified a range of issues including:

- Potential loss of membership
- Impact on IALA finances
- Loss of flexibility
- Potential to become more bureaucratic
- Lack of control over diplomatic process

- Overlap of role with IMO
- Challenge to termination of current association

With the assistance of the LAP Vice-Chairman the meeting discussed the identified risks, assessed their significance and identified some mitigation strategies that could be employed to manage them so that they were held at an acceptable level.

The meeting requested the Chairman and LAP Vice-Chairman to finalise the risk assessment by estimating the risks before and after controls were applied. See ANNEX D for completed risk assessment.

8 WORKING GROUPS – DEVELOPMENT AND PRESENTATION OF THE CASE FOR CHANGE OF STATUS FOR IALA

At the request of Council the meeting undertook a working group process to develop a document articulating the case of change of status for IALA.

An outline of the working group process is at Annex E.

Short presentations were made by the IALA Secretary General, the Chairman, Mr Lars Mansner (representing the Industrial Members Committee) and Mr Jan Gabrielsen (National Member perspective, Denmark) discussing the IALA change of status from the perspectives of the maritime community, IALA, and National and Industrial Members.

All IALA National Members were also invited to submit papers outlining any additional considerations related to the change of status of IALA that remain unaddressed for their Administrations so that these issues could be considered by the meeting. Comments were received in writing from four National Members. These papers were circulated under Agenda Item 10 – Any Other Business, and were addressed by the Chairman. All participants were provided the opportunity to identify issues relevant in their area of operation. The main concerns or issues raised were as follows:

- The future status of current Industrial Members: some Governments expressed reluctance to being part of an IGO having individual companies as members. National issues would need to be taken into account and observer status for commercial companies may be considered.
- The future of the current IALA: what would happen to the current National Members, the Governments of which decide not to ratify the new IGO Agreement?
- The case for terminating a successful international association: a justification may be needed to terminate the current organisation without knowing what the final form of the new organization will be.
- The diplomatic process: it will need to be clearer: who will lead it? Who will prepare the necessary meetings and documents? Will IALA – and its individual National Members – be directly involved?
- Some countries can't start a diplomatic process without having a final draft International Agreement as a basis;
- In some cases, the final draft International Agreement is required to vote on the GA Resolution.

With the above information in mind the working group commenced its active deliberation of the case for change of status.

The discussions during the working group covered a wide range of issues including:

- Current benefits vs. future benefits
- Potential risks

Based on these discussions a 'benefits of a change of status' working document was developed. See Annex F.

The risks that were identified were addressed under agenda item 7 – Management of Risk, which had been moved to after agenda item 8.

Noting that National Members and their governments needed to consider a balanced view of the case for change it was agreed that the Chairman, with assistance from the Secretariat, would develop an overall analysis presenting both the benefits and risks of the change of status, with an introduction explaining the transformation of a current successful association into a new intergovernmental organization;

As a result the case for change should consist of three papers, as follows:

- A comprehensive list of benefits (working paper output from this meeting – Annex F)
- A list of risks in the form of a Change of Status Project Risk Register, which will remain an active document (working paper output from this meeting – Annex D)
- A combined document presenting the case for change, taking into account matters including the current environment in which IALA operates and the two documents above.

The text of the third paper will be circulated to meeting participants for comment prior to being forwarded to Council (at a date anticipated to be the end of March, 2014).

9 DEVELOPMENT OF THE DRAFT GENERAL ASSEMBLY RESOLUTION

The Chairman explained the process by which the General Assembly would be requested to provide a mandate for Council and the Secretariat to continue activities outlined in the Roadmap toward a change of status for IALA. The meeting discussed the draft General Assembly Resolution which had been provided as paper LAPEX2/9. Constructive discussions about the final form of the text took place and the following points were noted:

- The GA Resolution is not a decision to become an IGO. It is merely a green light to explore options for the future, through a diplomatic process
- The text of the draft GA Resolution doesn't bind member administrations

At conclusion of the discussion the meeting agreed the text of the draft General Assembly Resolution, which is at Annex G.

Germany expressed a formal reservation on the text of the draft Assembly Resolution, due to the omission of a statement on risks associated with any change of status for IALA.

Based on the action 1 and 2 in the draft General Assembly Resolution, China formally requested to sign a MOU with IALA regarding the *One China Policy*, and will propose an MOU text between the Chinese Government and IALA to the Council.

10 ANY OTHER BUSINESS

Papers submitted under this agenda item were addressed during Agenda Item 8.

The Chairman noted that some participants had comments that they wished to submit in regard to the text of the draft International Agreement, which was the output of LAPEX1.

The Chairman invited delegations to submit these comments in writing so that they would be available for consideration at a further LAP meeting, proposed for fall 2014. Please send comments to status@iala-aism.org. The current draft text of the International Agreement (October 2013) is available at IALA Developments area of the IALA Committees website.

A print copy of the Roadmap presented by the delegate of the Netherland in Council is provided at Annex H, and the PowerPoint presentation of the Roadmap and an explanation is also available from the above website.

11 APPROVAL OF DOCUMENTS FOR IALA COUNCIL

The following documents were approved by the meeting for forwarding to Council for its consideration:

- changes to the IALA Constitution (Annex C)
- IALA Project Risk Register (Annex D)
- Benefits arising from change of status (Annex F).
- draft General Assembly Resolution (Annex G)

12 APPROVAL OF THE REPORT OF THE MEETING

Participants viewed a draft report of the meeting which was then discussed, then finalised out of session taking into account comments received.

13 SUMMARY AND CLOSE

The Chairman summarized the meeting, drawing attention to the following:

- Role of LAP and the requested outputs for Council
- The constructive discussions that had taken place
- The good outcomes achieved by agreement on the various draft documents
- The work ahead in regard to the further development of the text of the international agreement

The Chairman then thanked the participants for their fruitful participation and wished them a safe trip home.

14 LIST OF ANNEXES

- ANNEX A: List of participants
- ANNEX B: Copy of the agenda
- ANNEX C: Changes to the IALA Constitution
- ANNEX D: Change of status Project Risk Register
- ANNEX E: Working group process
- ANNEX F: Benefits of change of status document
- ANNEX G: Draft Assembly Resolution
- ANNEX H: Diagrammatic presentation of Council Roadmap

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ANNEX B AGENDA

IALA Legal Advisory Panel Extraordinary Meeting 2 – IALA Headquarters – Saint Germain-en-Laye 12-13 March 2014

Item	Topic
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Day One

- | | |
|---|--|
| 1 | Welcome |
| 2 | Introduction to Legal Advisory Panel |
| 3 | Participant Introductions |
| 4 | Approval of the Draft Agenda |
| 5 | Report from LAPEX1 and Council 56 |
| 6 | Changes to the IALA Constitution |
| 7 | Management of Risk [addressed after Item 8] |
| 8 | Working Group – Development and presentation of the case for change of status for IALA |
| 9 | Development of the draft Assembly Resolution |

Day Two

- | | |
|----|--|
| 10 | Any other Business |
| 11 | Approval of documents for Council (Intercession) |
| 12 | Approval of Report of LAPEX2 |
| 13 | Summary and close |

ANNEX C CHANGES TO THE IALA CONSTITUTION

Article	Reason for change
<p>1 Article 1. Name</p> <p>The International Association of Marine Aids to Navigation and Lighthouse Authorities, hereinafter referred to as “IALA”, formerly called the International Association of Lighthouse Authorities / association Internationale de Signalisation Maritime, is a non-governmental organization (ngo) an international association established and governed by the French law of 1st July 1901 and the decree of 16th August 1901.</p> <p>The term “marine aids to navigation” referred to in the present Constitution should be understood to be a device, system or service, external to vessels, designed and operated to enhance safe and efficient navigation of individual vessels and/or vessel traffic.</p>	<p><i>IALA should not be regarded as a NGO, this would not allow the organization to have a Headquarters agreement with the government of France and mentioning the governing law is compulsory according to French law.</i></p>
<p>Article 2. Aim</p> <p>The aim of IALA is to foster the safe, economic and efficient movement of vessels, through improvement and harmonisation of aids to navigation worldwide and other appropriate means, for the benefit of the maritime community and the protection of the environment.</p> <p>IALA is secular and non-political.</p> <p>IALA brings together services and organisations concerned with the provision or maintenance of marine aids to navigation and allied activities, at sea and on inland waterways.</p>	
<p>Article 3. Functions</p> <p>The aim of IALA is achieved by, among other</p>	

<p>things:</p> <ul style="list-style-type: none"> • developing international cooperation by promoting close working relationships and assistance between members; • collecting and circulating information about the activities of its members as well as encouraging, supporting and communicating recent developments; • facilitating enhancing mutual exchange of information with organisations representing the users of aids to navigation; • formulating and publishing appropriate recommendations, standards and guidelines, manuals and other appropriate papers; • encouraging IALA members to take into account the development of multi-purpose systems which may be also be used, for instance, to monitor the marine environment; • establishing committees, or working groups or other such bodies as may be appropriate to study special issues; • promoting facilitating assistance to services or organisations requesting help within the marine aids to navigation and allied fields, whether technical, organisational or training; • organising conferences, symposiums, seminars, workshops and other events relevant to its work. 	<p><i>To take WWA into account</i></p> <p><i>To better reflect what IALA is actually doing</i></p> <p><i>To integrate other groups such as Forums, etc.</i></p> <p><i>Again to take the WWA into account</i></p>
<p>Article 4. Relationship with other organisations</p> <p>IALA will maintain liaison and cooperate with relevant intergovernmental, international and other organisations, offering specialised advice where appropriate.</p>	

Article 5. Membership

5.1 Member groups

IALA comprises National members, Associate members, Industrial members and Honorary members.

- **National membership** may be applied for by a National Authority of any country, or any part of that country, legally responsible for the provision, maintenance or operation of marine aids to navigation within that country, or any part of that country (hereinafter referred to as National Authority).
- **Associate membership** may be applied for by any other service, organisation or scientific agency that is concerned with aids to navigation or related matters.
- **Industrial membership** may be applied for by manufacturers and distributors of marine aids to navigation equipment for sale, or organisations providing marine aids to navigation services or technical advice under contract.
- **Honorary membership** may be conferred for life upon any individual who is considered by the Council to have made an important contribution to the work of IALA.
- ~~Individual membership~~

5.2 Applications for membership

All applications for membership and changes in the type of membership are subject to acceptance by the Council. The Council may require an application for Industrial or Associate membership to be ~~supported~~ **reviewed** by a National Authority of the area

Individual membership was considered but rejected as it would make things more complicated if there's a HQ agreement or IALA becomes an IGO

"reviewed" is less committing for National members than "supported"

<p>where the applicant carries out his activities or has his principal place of business.</p> <p>Application for membership constitutes an agreement to pay the appropriate annual subscription as laid down from time to time.</p> <p>5.3 Suspension or termination of membership</p> <p>5.3.1 some or all membership rights may be suspended:</p> <ul style="list-style-type: none"> • by decision of the Council for non-payment of subscription; or • by decision of the Council for any justifiable cause in the best interest of IALA <p>until the member has met such financial or other obligations.</p> <p>5.3.2 national, associate and industrial membership may be terminated:</p> <ul style="list-style-type: none"> • by resignation of the member; • by decision of the Council for non-payment of subscription; or; • by decision of the Council for any justifiable cause in the best interest of IALA. <p>5.3.32 Industrial honorary membership may be terminated:</p> <ul style="list-style-type: none"> • by resignation of the member; or • by decision of the Council for non-payment of subscription; or; • by decision of the Council for any justifiable cause in the best interest of IALA. 	<p><i>Suspension of rights was suggested by the IMC at Council session 51</i></p> <p><i>There is no need to keep two different Articles – one for National membership and the other for Associate and Industrial membership – stating exactly the same conditions.</i></p>
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<p>Article 6. Seat</p> <p>The Headquarters and registered office of IALA is in the vicinity of Paris in Saint Germain en Laye, France. The location of the Headquarters may be changed by decision of the IALA Council, which will be ratified by the General Assembly.</p> <p>The duration of IALA is unlimited.</p>	<p><i>Ratification by the General Assembly is compulsory according to French law.</i></p> <p><i>Duration was moved to Article 13 – Duration and termination.</i></p>
<p>Article 7. General Assembly</p> <p>General Assemblies of members are held at intervals not exceeding five years and, normally, concurrently with IALA Conferences. A General Assembly will be convened by order of the Council (see Article 8).</p> <p>7.1 Functions of the General Assembly</p> <p>The General Assembly, among other things:</p> <ul style="list-style-type: none"> • decides the overall policy of IALA. • elects the members of the Council (see Article 8). Councillors are elected for the period between two General Assemblies. Councillors may be re-elected. • decides upon changes to the constitution. <p>7.2 Rules on participation</p> <p>Members of all categories may attend general assemblies.</p> <p>7.3 Rules on voting</p> <ul style="list-style-type: none"> • only National members have voting rights at a General Assembly. • each National member has one vote. • decisions of the General Assembly, other 	

<p>than those relating to the Constitution (see Article 12) are taken on a simple majority of the votes cast. In the event of a tie vote, the President shall have a second, and deciding, vote.</p>	
<p>Article 8. Council</p> <p>8.1 Election of the Council:</p> <p>IALA is administered by a Council comprising up to twenty-two twenty-one elected Councillors and two three non-elected Councillors as follows:</p> <p>Elected Councillors:</p> <ul style="list-style-type: none"> the Heads of National member s authorities or their representatives elected by ballot of all National members attending a General Assembly; only one National member from any country may be elected to the Council; elected Councillors shall, as far as possible, be drawn from different parts of the world with a view to achieving as widespread a representation as possible. <p>Non-elected Councillors:</p> <ul style="list-style-type: none"> the Head, from time to time, of the National Authority of the IALA host nation or his/her representative; the Head, from time to time, of the National Authority of the country wherein the next IALA Conference will be held or his/her representative; the Head, from time to time, of the National Authority of the country wherein the last Conference was held or his/her representative. <p>The post of Councillor is honorary.</p>	<p><i>To take into account the requirement in the MOU with France (and the HQ Agreement if achieved) to give France a permanent seat at the Council, without extending the number of Councillors.</i></p> <p><i>For consistency - with the French text and internally.</i></p>

8.2 Duties of the Council:

The Council will meet regularly and at least once a year. Such meetings will be convened by the President or the Vice President, or the Secretary General, or at the request of two Councillors.

8.2.1 the Council upon election or, when necessary, will:

- from among its members elect a President and a Vice President on a personal basis. The President and the Vice President shall not hold their office for longer than the term between Conferences;
- from among its members elect a ~~Financial Advisory~~ and ~~Audit~~ Committee, comprising at least three persons, to assist the Council as necessary and elect a Committee member as Treasurer and Chairman;
- appoint Chairman and Vice-Chairman of each Committee for the term between Conferences.

8.2.2 Appointment of the Secretary General

The Council will appoint a Secretary General to act as legal representative and chief executive of IALA. The Secretary General's powers and responsibilities and his terms and conditions of employment will be decided by the Council. The Secretary General will be assisted in his tasks by a permanent Secretariat.

8.2.3 Functions of the Council:

The Council, among other things:

- implements the overall policy of IALA as defined by its aims or by the General Assembly;

To reflect current usage

<ul style="list-style-type: none"> • decides membership matters; • establishes committees and/or facilitates other such bodies as may be appropriate relevant to the aims of IALA; • determines rules of procedure for committees and other such bodies as may be appropriate and their terms of reference; • approves recommendations, guidelines, manuals and submissions to other organizations other appropriate papers • approves submissions to other organisations; • decides the venue and the year of the next IALA Conferences and symposiums; • establishes rules for participation in IALA Conferences and symposiums; • convenes general assemblies; • approves the annual budget and accounts; • determines the rate of subscriptions; • decides upon the location of the Headquarters and registered office of IALA; • may authorise the purchase, sale, renting or letting of property and the granting and obtaining of loans whether or not secured by mortgage, required for the running of the association; • may grant any power of attorney as required. <p>8.3 Council meetings</p> <p>A Council meeting can only be held when at least the President or the Vice President and one member of the Financial Advisory</p>	<p><i>Amended in the light of having PAF an external forum hosted by IALA and taking the WWA into account.</i></p> <p><i>Made a separate paragraph Less restrictive</i></p> <p><i>Symposiums are missing in the current constitution</i></p>
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<p>Committee are present.</p> <p>8.4 Voting procedures</p> <p>A Council decision can be made by a simple majority of those present at the meeting, subject to a minimum of seven votes being recorded in its favour. No Councillor may have more than one vote. In case of a tie vote, the President will have a second, and deciding, vote.</p> <p>The President or the Vice President may decide to carry out a postal or electronic vote among the Councillors.</p>	
<p>Article 9. Committees</p> <p>Committees are established by the Council to study issues such as management, operations, engineering and training associated with topics like vts, radio aids, visual aids, and their associated technologies, support services and other matters relevant to the aim of IALA matters, with the aim objective of preparing to prepare standards, recommendations, guidelines and manuals for IALA members and submissions to other organisations. These recommendations, guidelines, manuals and submissions require the approval of the Council.</p> <p>Committees will work under the rules stated in the “Rules of Procedure for IALA Committees” approved by the Council.</p>	<p><i>To avoid exhaustive lists of subjects.</i></p>
<p>Article 10. Conferences and exhibitions</p> <p>All categories of IALA members are entitled to be represented at an IALA Conference.</p>	

<p>Non-members may only participate in an IALA Conference with the approval of the Council.</p> <p>An exhibition of aids to navigation equipment will be organised during the Conference period. Only IALA Industrial members who have paid the equivalent of the subscriptions for the two years immediately prior to the year of the Conference plus the year of the Conference will have the right to exhibit their equipment.</p>	
<p>Article 11. Funding</p> <p>IALA shall be funded from subscriptions, grants and gifts as generally permitted by law.</p>	
<p>Article 12. Changes to the Constitution</p> <p>Alterations to the Constitution can normally only be made by a two-thirds majority of National members attending a General Assembly. The Council can decide as an emergency measure to carry out a postal or electronic vote. Alterations to the Constitution by this method require a two-thirds majority of National members taking part in the postal vote.</p>	
<p>Article 13. Duration and termination</p> <p>The duration of IALA is unlimited.</p> <p>Except as noted below, the termination of IALA can be decided upon under the same conditions as required for the alterations to the constitution. On termination, the Council is responsible for the winding up of IALA and distribution of assets to charitable or technical organisations connected with marine aids to navigation.</p> <p>In the event of IALA being constituted as an international organisation based on an</p>	<p><i>Deleted from Article 6 – seat</i></p> <p><i>Inserted to allow for the automatic cessation and transfer of assets upon entry</i></p>

<p>international agreement Council must arrange for the winding up of IALA and the formal transfer of ownership of all assets free of charge and without reservation into the possession of the organisation constituted according to the international agreement. This Constitution will terminate without further action when the formalities for termination required by French law commenced by the Council are complete.</p>	<p><i>into force of an international agreement.</i></p>
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ANNEX D PROJECT RISK REGISTER

(See separate document)

ANNEX E WORKING GROUP PROCESS

A case for change

Final output: Document that can be provided to Council and national decision makers for consideration when deciding whether to support the change of status for IALA.

Three step process:

- 1) Identification of challenges faced today
- 2) Identification of benefits presented by IGO status, and
- 3) Development of a document for to present the case for change

Agenda:

- 1. Introduction to objective and goals for the case for change working group**
- 2. Which trends and challenges in the current environment are targeted through the change?**

Consideration from four perspectives:

- Maritime community (Presenter Gary Prosser/Facilitator Pieter Paap)
- IALA (Presenter Gary Prosser/Facilitator Jan Gabrielsen)
- Industrial members (Presenter Lars Mansner/Facilitator Mick Kinley)
- National members/Council (Presenter Jan Gabrielsen/Facilitator Henning Osnes Teigene)

- 3. How does the change of status address the challenges?**

- Work in groups:

From the perspective allocated to your group:

- a) identify the benefits of the change of status
- b) identify the major 'selling points'
- c) prepare report back (note the findings on flip chart)

From the perspective of each of the other three groups:

- d) briefly discuss the benefits that will arise

- 4. General discussion**

- As a whole:

- a) Each group to report back
- b) Other groups to add to findings
- c) Discuss which of the arguments noted above are:
 - i. Most fundamental
 - ii. Most persuasive
 - iii. Most important to governments

Overnight Secretariat outlines agreed arguments in one document.

- 5. Consideration of the draft case for change document**

- General discussion about the document
- Conclusion and next steps

ANNEX F BENEFITS OF CHANGE OF STATUS DOCUMENT

Legal Advisory Panel – Second Extraordinary meeting – 12/13 March 2014 Case for Change

IALA Council requested the Legal Advisory Panel to provide all National Members with the opportunity to further develop the case for a change of status for IALA to that of an International Intergovernmental Organisation (IGO).

To assist participants the environment surrounding the change of status was introduced in four short presentations considering the case for change from the following perspectives:

- . International maritime community
- . IALA
- . National members
- . Industrial members

Using a facilitated workshop approach the group identified the following as the benefits arising from a change of status for IALA for each of the above categories:

International Maritime Community

- . IALA's position in international arena is strengthened by parity with other international organisations, resulting in increased credibility, with mandate, role and responsibilities of each being supportive, transparent and commonly accepted
- . Increased worldwide acceptance of IALA standards, recommendations and guidelines by national and/or other competent authorities because of the participation of governments, leading to enhanced harmonization
- . Influence may potentially grow as a result of IALA conceptual developments, ideas etc. being sought, accepted and adopted by other organisations and governments
- . IALA's ability to act, react and respond to developments and to progress contributions to other organizations in a highly efficient and effective way may be enhanced by direct government involvement

IALA as an organisation

- . Trilogy with IMO and IHO – IALA voice more readily heard as an equal and valued partner. This would lead to synergies being created and harnessed between the organisations, with agreed load sharing to develop mutual solutions, efficiently using the resources available
- . Facilitates global participation in the development of standards and recommendations – by overcoming difficulties related to travel to NGO, both in terms of status and local entry requirements as a result of privileges and immunities provided to international organisation
- . Headquarters agreement with host nation provides additional financial, operational and human resources capabilities. Financial benefits mean that the

organisation has more funds available to provide support to members by way of increased secretariat and committee support, for example

- . Capacity building opportunities increased through access to funds/services/States that are currently not available to NGO
- . Ability to provide stronger response to maritime issues as these could be addressed by an IGO, with standing in the international community and support within its member governments

National members

- . International harmonisation improved as recommendations would carry more weight, even if not binding, because agreed by governments, as the national members of the organisation
- . For some countries implementation of standards may be easier if those standards are set by an IGO – for example, budget for implementation may be more readily available
- . Quality of maritime services increased internationally because implementation would be the responsibility of the States party to the convention (rather than just their national authorities).
- . IALA would be in a position to advise governments where standards have not been implemented, assisting with harmonization. Capacity building could then be considered wherever needed.
- . IALA will have the political backing of governments (who will negotiate IALA position) when influencing international outcomes
- . Larger secretariat with stronger technical focus may be more easily justified in IGO than in NGO. This means that there may be scope to develop better resources within the secretariat to assist governments in meeting IALA's goals, the financial implications of which may be more readily explained
- . Ability to create binding standards may mean that, because states parties will be required to implement them they will want to have influence, so will facilitate attendance of suitable representatives at committees
- . Becoming a state party to IALA as an IGO will increase awareness of the goals and operations of IALA, thereby assisting in completing the national processes required to implement standards. The trade-off is a requirement to comply with due process, potentially resulting in some loss of flexibility but creating additional influence
- . Having IALA and IMO both as IGO may lead to better internal national collaboration and resource allocation

Industrial members

- . Affiliation with IGO will provide increased credibility and prestige
- . Potential to contribute to the development of standards that will then be the single source of guidance, creating a level playing field and allowing efforts to be directed toward a known end
- . Standards will have 'legal' status which can be relied upon when planning future operations and research and development.

ANNEX G DRAFT GENERAL ASSEMBLY RESOLUTION

Draft General Assembly Resolution Text

Resolution A.

Adopted on ... May 2014

IALA CHANGE OF STATUS TO THAT OF INTERNATIONAL INTERGOVERNMENTAL ORGANIZATION

THE GENERAL ASSEMBLY,

PROUD of IALA's role in guiding and assisting the maritime community from the time of its establishment in 1957 as an international association of marine aids to navigation authorities,

RECALLING Article 2 of the Constitution of IALA which states that the aim of IALA is to foster the safe, economic and efficient movement of vessels, through improvement and harmonisation of aids to navigation worldwide,

RECOGNISING the rights of those governments of National Members party to the United Nation Convention on the Law of the Sea (UNCLOS), done at Montego Bay on 10 December 1982, as amended, in particular under Article 21 regarding the adoption of laws relating to the safety of navigation and the protection of navigational aids and facilities,

FURTHER RECOGNISING the obligations of those governments of National Members party to the International Convention for the Safety of Life at Sea (SOLAS), done at London on 1 November 1974, as amended, in particular Regulations 12 and 13 of Chapter 5 regarding the establishment and operation of vessel traffic services and other aids to navigation,

NOTING the requirement of Article 266 of UNCLOS requiring governments of National Members party to that Convention to co-operate to promote the development of marine technology, through competent international organizations,

MINDFUL of the provisions of the Vienna Convention on the Law of Treaties, done at Vienna on 23 May 1969, in particular Article 5 confirming that Convention will apply to intergovernmental organizations created by treaty,

TAKING INTO ACCOUNT the Sustainable Development Goals of the United Nations, including its focus on 'Delivering as One' through coordinated global responses,

CONSIDERING that IALA works in close partnership with other international bodies that are international intergovernmental organizations,

DESIRING to benefit its National Members and the international maritime community by enhancing the safety of navigation and protection of the marine environment, contributing to the work on international legislation in that area, strengthening the existing cooperation between IALA and other intergovernmental organizations and allowing for a broader participation in IALA by States,

BELIEVING that international intergovernmental organization status will best facilitate IALA's aims into the future,

1. DETERMINES that IALA should strive to achieve such status as soon as is possible by supporting the development of an international convention open for entry by all members of the United Nations;
2. DECIDES that through all available means IALA will support its National Members and their Governments in the pursuit of international intergovernmental status for IALA;
3. ENCOURAGES the IALA Host and other Governments to conduct the necessary diplomatic activities;
4. FURTHER ENCOURAGES each National Member to support its Government to actively engage in such diplomatic activities;
5. DIRECTS the IALA Council with the assistance of the IALA Secretary-General to further consider the preparation of IALA for a change of status, including the development and adoption of modern, flexible and efficient administrative practices;
6. AUTHORISES the IALA Council to act in fulfilment of this Resolution.

**ANNEX H DIAGRAMMATIC PRESENTATION OF COUNCIL
ROADMAP**

(See separate document)