

CoS2 6.4.1

Agenda item 9

Task area Convention text and related documents

Author(s) / Submitter(s) Secretariat

Draft Convention text and related documents.

Background

IALA General Assembly has agreed that IALA’s aim to assist in the development and harmonisation of aids to navigation worldwide can best be achieved if IALA has a strong, international legal framework that ensures transparency and good governance, that positions IALA to work in close collaboration with governments and other intergovernmental organisations, and that fosters the work of IALA as the peak international technical body in its field.

A multilateral convention to create IALA as an International Intergovernmental Organisation (IGO) has been determined to be the path to achieve this outcome. The Legal Advisory Panel (LAP) has been assisting Council in the development of a suitable instrument for this purpose. In December 2014 Council established a Change of Status Advisory Group (CoS AG) to give high level advice on the project.

This paper introduces the draft IALA Convention text which has been considered by the CoS AG in Madrid in April 2015, by the LAP in September 2015 and by the Industrial Members Committee (IMC) in October 2015.

The CoS AG agreed at its first meeting on a draft of the Convention text with some comments, food notes and unfinished paragraphs and asked the LAP to finalize the draft for their next meeting 9-10 November 2015.

Discussion

Completion of the draft text of the IALA Convention is an essential step which will enable the Government of France to undertake further diplomatic activities.

The current draft IALA Convention is input paper CoS2 6.4.3. The document includes two columns– headed References and Notes - in addition to the draft text. The Reference column provides references to various instruments used in the development of articles in the draft. Links to these instruments are provided below. The Notes column provides additional information about the drafting of the Article.

References links

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| **Organization** | **Web link** |
| **EFI** (European Forest Institute) | <http://www.efi.int/portal/about_efi/organisation/convention___hca/> |
| **GGGI** (Global Green Growth Institute) | <http://gggi.org/wp-content/uploads/2012/10/Agreement-on-the-Establishment-of-the-GGGI.pdf> |
| **IALA** Constitution | <http://www.iala-aism.org/about/constitution.html> |
| **IHO** (International Hydrographic Organization) | <http://www.iho.int/mtg_docs/com_wg/ISPWG/Documents/R11_iho_convention.pdf> |
| **IOM** (International Organization for Migration) | <http://www.iom.int/jahia/webdav/site/myjahiasite/shared/shared/mainsite/about_iom/iom_constitution_eng_booklet.pdf> |
| **UNCLOS** (United Nations Convention on the Law of the Sea) | <http://www.un.org/depts/los/convention_agreements/texts/unclos/UNCLOS-TOC.htm> |
| **Vienna Convention** on Treaties | <http://untreaty.un.org/ilc/texts/instruments/english/conventions/1_1_1969.pdf> |
| **WMO** (World Meteorological Organization) | <http://library.wmo.int/pmb_ged/wmo_15-2012_en.pdf> |
| **UNWTO** (World Tourism Organization) | <http://www2.unwto.org/content/who-we-are-0> |

The LAP went through the draft convention text paragraph by paragraph discussing questions and footnotes and suggesting new text as necessary. A discussion paper (input paper CoS2 6.4.2) was used for finalizing the tasks of the General Assembly, the Council and the Secretariat (Art. 6.7, 7.6 and 9.3).

The LAP suggested text is by nature done based on a legal discussion. Where more political decisions are needed, the Secretary-General has made proposed text based on all the meetings and comments received from all stakeholders the last years. These proposals are marked in the “note column”.

Related documents

Development of draft General Regulation and a draft HQ agreement has been started by the Secretariat. These documents will be further developed in January 2016 by a LAP drafting group and presented to the CoS AG at its third meeting.

Action requested from the Advisory Group

The Secretariat asks the Advisory Group to consider the draft Convention text with a view to agree the text and submit it to Council C61 for approval (draft Convention).

Supporting documents

* LAP Discussion paper on General Assembly, Council and Secretariat CoS2 6.4.2
* Draft Convention text CoS2 6.4.3