

General Assembly	Decision Paper
Agenda item:	7
Author:	Council

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## **General Assembly Resolution**

### **1 SUMMARY**

- 1.1 The purpose of this paper is to provide the opportunity for the General Assembly to approve a General Assembly Resolution giving a mandate for IALA to continue efforts towards a change to status to that of an Intergovernmental Organization.
- 1.2 The text of the draft General Assembly Resolution is at Annex A.

### **2 BACKGROUND**

- 2.1 The IALA Constitution vests the overall management of the Association with the General Assembly, which meets at least every five years to determine matters of significance, including the overall policy of IALA.
- 2.2 Over the past two years the IALA Council has supported active consideration of a change in the status of IALA from that of an international Association, operating under French law, to that of international intergovernmental organization. Work has been undertaken by National Members with guidance from the Legal Advisory Panel during this time.
- 2.3 The current meeting provides the opportunity for the General Assembly to consider its position on this important policy matter.
- 2.4 As a means of recording its decision the General Assembly is asked to approve the annexed General Assembly Resolution, noting that the process of finalising the draft Agreement and having Governments become party to it must be undertaken by Governments, and in that regard it is beyond the control of IALA.

### **3 DISCUSSION**

#### **3.1 The role of the General Assembly**

- 3.1.1 The IALA Constitution is the governing instrument for IALA. Article 7.1 states that one function of the General Assembly is to decide the overall policy of IALA. Relatedly, one function of the Council is to implement the overall policy of IALA, as defined by its aims or by the General Assembly.
- 3.1.2 To date Council has been undertaking preparatory work to consider what a change of status might mean for IALA. This has included discussing what an international agreement might look like, assessing the implementation process for an international agreement and considering the benefits and risks associated with

such a change. The results of this work can be found in the information materials made available to the General Assembly via IALADOCS.

- 3.1.3 It is appropriate, now that sufficient preparatory work has been undertaken to allow the General Assembly to understand the process and assess the impact of a change of status, and before further detailed project planning is commenced, that the General Assembly make a decision with regard to its position on this important matter of policy.
- 3.1.4 One means by which the General Assembly can record its decision is by passing a General Assembly Resolution. This process is not often used in IALA, but given the significance of a change of status for the Association, the formal recording of this decision, in words agreed by the General Assembly, is warranted. (The other means are by approving a Council paper or by request for a decision to be noted in the report of the meeting).

### **3.2 Purpose of the General Assembly Resolution**

- 3.2.1 The Resolution will guide Council and the Secretary-General in understanding the outcome sought by the General Assembly and the extent to which they are empowered by the General Assembly to act to achieve those outcomes.
- 3.2.2 The Resolution will also be a marker for the international maritime community about the role that IALA is ready to play in its sphere of influence – fostering the safe, economic and efficient movement of vessels, through improvement and harmonisation of aids to navigation worldwide.
- 3.2.3 The Legal Advisory Panel, on behalf of, and at the direction of Council, has been discussing the process by which IALA could assist Governments commence diplomatic activities to move forward with the development and adoption of an International Agreement. One element that has been identified is the need for a clear mandate from IALA's National Members indicating that they wish to take this evolutionary step. It is suggested that this would be best achieved by the presence of a single document that clearly articulates the will of the National Members on this issue, and the Resolution will serve this purpose.

### **3.3 What will happen if the Resolution is approved?**

- 3.3.1 If the Resolution is approved the Council, with the assistance of the Secretary General, will commence careful planning to ensure that IALA proceeds in a structured way towards implementing the General Assembly's policy. This will involve discussions with National Members and their governments to ensure that the appropriate actions, both internal and external to IALA, are agreed and implemented.
- 3.3.2 The day to day operations of the current Association, as determined by the IALA Constitution, will continue for as long as it takes to achieve intergovernmental organisation status – which may be years. Processes that are required for the good governance of any modern organisation, but particularly intergovernmental ones, will be implemented. These include transparent administration, delivery of

appropriate support to the Association so that it can meet its aims, creating clear direction and focus, and documenting policy and procedure.

- 3.3.3 IALA will continue to work on the text of the International Agreement, both prior to the commencement of diplomatic activities and then in conjunction with governments as the Agreement is finalised.
- 3.3.4 All members will be kept informed about progress, and will be invited to actively engage in the change process.

#### **4 ACTION REQUESTED OF GENERAL ASSEMBLY**

The General Assembly is requested to:

- 1 **Approve** the text of the draft General Assembly Resolution at Annex A.