Council 56 Approval

Agenda item XXX

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Approval of the draft text of the International Agreement

# Summary

This paper presents the draft text of the International Agreement to create IALA as an international organization for approval by Council, in the form of a draft Council Input Paper for forwarding to the General Assembly.

## Purpose of the paper

The purpose of this paper is to provide the opportunity for Council to review and adopt the draft text of the IALA International Agreement for forwarding to the General Assembly.

## Related documents

Annex A contains proposed draft text for the International Agreement.

Annex B contains proposed draft text for the General Regulations that support the International Agreement, whilst not being part of it.

Annex C contains a proposed input paper for forwarding to the General Assembly, adopting the draft text of the International Agreement noted above.

# Background

IALA’s aim is to assist in the development and harmonisation of aids to navigation, worldwide. This aim 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 treaty to create IALA as an Intergovernmental organisation has been determined to be an appropriate path to achieve this outcome.

Council, at its Meeting 55, approved the roadmap for the implementation of an International Agreement that would change the status of IALA from that of a non-governmental organization to that of an intergovernmental organization.

IALA’s Legal Advisory Panel (LAP) has, over the past 12 months, been assisting Council in the development of a suitable instrument for this purpose.

# Discussion

## Development of the draft International Agreement

### Council 55 was provided with a draft version of the International Agreement for consideration, and some Council members provided comments on that document.

### Council determined that it was appropriate to circulate the draft International Agreement to all National Members for comment. This task was undertaken in August 2013, in conjunction with the distribution of a new IALA publication entitled *IALA – an International Organisation – safely navigating the future*.

### In order to facilitate the widest possible consultation on the wording of the draft International Agreement, all National members were invited to attend an extraordinary LAP meeting convened in Copenhagen in October 2013, the purpose of which was to further consider and develop the draft International Agreement.

### Valuable discussions were held in Copenhagen and an updated version of the draft International Agreement was developed and approved for forwarding to Council. That document is attached at Annex A. The comments of National members not able to be present were also sought and taken into account in developing this document.

### Work on the development of the General Regulations that support the draft International Agreement continued after the LAP meeting, taking to account comments provided by National Members. The draft General Regulations are provided at Annex B.

## Council Approval

### LAP is of the view that all delegates of National members present in Copenhagen were provided the opportunity to engage in the development of the revised version of the draft International Agreement, and that, as a result, that document is a well-understood, sound and workable legal instrument.

### On that basis, LAP is able to recommend the document to Council for approval, and if appropriate, for forwarding to the General Assembly for further consideration.

## General Assembly Approval

### Proposed text for a Council paper to recommend that the General Assembly approve the text of the draft International Agreement noted above is provided in Annex C.

# References

Nil.

# Action requested of COUNCIL

Council is requested to:

# Approve the text of the draft International Agreement provided in Annex A.

# Approve the text of the input paper provided in Annex C for forwarding to the General Assembly.