

LAPEx2	Decision
Agenda item	9
Author	Secretariat

Development of the Assembly Resolution

1 SUMMARY

This paper discusses the need for, and draft text of, an Assembly Resolution that embraces and provides support and direction for IALA in seeking to achieve a change of status to that of an international intergovernmental organisation.

1.1 Purpose of the paper

The purpose of this paper is to explain the need for a clear mandate from the General Assembly for IALA to continue its activities toward international status, and to suggest draft wording for that mandate, which will take the form of an Assembly Resolution.

1.2 Related documents

Annex A - draft Assembly Resolution text

2 BACKGROUND

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.

The next meeting of the IALA General Assembly will take place in A Coruna, Spain in May 2014. At that meeting Council will explain to the General Assembly the reasons for supporting a change of status for IALA, and the process that must be undertaken by Governments to bring that change into effect.

IALA Council has supported the development of draft text for the International Agreement and a Roadmap for its implementation, which if successful, would change the status of IALA. Although IALA has actively undertaken this work, and will continue to do so, the process of promoting the draft Agreement and having Governments become party to it is a diplomatic one, and in that regard, is beyond the control of IALA.

As a means of demonstrating its support for Council's proposal the General Assembly will be asked to consider and pass an Assembly Resolution on this matter.

3 DISCUSSION

3.1 The role of the General Assembly

- 3.1.1 The current IALA Constitution is the governing instrument for IALA. Article 7 of the Constitution deals with the General Assembly.
- 3.1.2 Article 7.1 states that the General Assembly decides the overall policy of IALA, elects members of the Council and decides upon changes to the Constitution.
- 3.1.3 One means by which the General Assembly can record its decision with regard to the overall policy of IALA is by passing an Assembly Resolution. This process is not often used in IALA, but given the significance of the change of status of the organisation 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 LAP on behalf of, and at the direction of Council, has been discussing the process by which IALA can assist Governments commence diplomatic activities to move forward with the adoption of the 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.
- 3.2.2 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.
- 3.2.3 The Resolution will also guide Council, and through it, the Secretariat, in understanding the extent to which they are empowered by the General Assembly to pursue the outcome sought by the General Assembly.

3.3 Draft text of a General Assembly Resolution

- 3.3.1 Draft text for a General Assembly Resolution is provided at Annex A.

4 REFERENCES

Nil.

5 ACTION REQUESTED OF LAP

LAP is requested to:

- 1 Note** the function of the General Assembly stated in the IALA Constitution.
- 2 Consider** the background information contained in this paper when reviewing the proposed text for a General Assembly Resolution provided in Annex A.
- 3 Undertake** debate to determine the most appropriate wording for the Resolution, having regard for its aim and future use.
- 4 Agree** the text for a draft General Assembly Resolution.

ANNEX A

Draft General Assembly Resolution Text

Resolution A.
Adopted on ... May 2014
IALA CHANGE OF STATUS TO THAT OF INTERNATIONAL INTERGOVERNMENTAL ORGANIZATION

THE GENERAL ASSEMBLY,

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

FURTHER RECOGNIZING the rights of National Members party to the United National Convention on the Law of the Sea, done at Montego Bay on 10 December 1982, in particular Article 21(1)(a) and 21(1)(b) regarding the adoption of laws relating to the safety of navigation and the protection of navigational aids and facilities,

NOTING the requirement of Article 266 of the same Convention requiring 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 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,

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

1. DETERMINES that significant benefits will arise for the international maritime community from IALA having international intergovernmental status such as:
 - making it possible for IALA to lay down standards, binding upon the acceptance of Member States, and thus enhancing the safety and protection of the marine environment and increasing the efficiency of the work on international legislation in the area, and
 - strengthening the existing cooperation between IALA and other intergovernmental organizations

and accordingly, that IALA should strive to achieve such status as soon as is possible;

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 Government to undertake the necessary diplomatic activities as a matter of priority;
4. FURTHER ENCOURAGES each National Member to support its Government to actively engage in such diplomatic activities;
5. DIRECTS the IALA Council and the IALA Secretary-General to use best endeavours to prepare IALA for a change of status, including for delivery of world class standards, through the adoption of modern, flexible and efficient administrative practices;
6. AUTHORISES the IALA Council to act in fulfilment of this Resolution without further recourse to the General Assembly, to the extent that it is reasonable for Council to do so.