



Input paper: CoS1.4.1

Input paper for Change of Status Working Group

Purpose of paper:

- ☐ Input
- ☐ Information

Agenda item ¹

4.1

Author

Secretariat

Change of Status Working Group

Revised Terms of Reference

1 Summary

This paper introduces proposed amendments to the Terms of Reference (TOR) of the Change of Status Working Group.

The original TOR was approved at Council 59.

1.1 Purpose of the document

The Working Group is requested to review the proposed amendments, and if approved, to forward the amended TOR to Council 60 for reconsideration.

1.2 Related documents

The General Assembly Resolution on change of status for IALA.

2 Background

The 18th session of the IALA General Assembly, held in A Coruna, Spain in May 2014, adopted a Resolution on IALA's change of status to that of an International Intergovernmental Organization (IGO). The Resolution directed the IALA Council, with the assistance of the IALA Secretary-General to further consider the preparation of IALA for a change of status, and authorised the Council to act in fulfilment of the Resolution.

3 Discussion

The IALA Legal Advisory Panel (LAP) was tasked to assist Council in implementing the Resolution. LAP, at its 13th meeting in September 2014, considered and agreed a draft TOR for a new Council working group – the Change of Status Working Group.

The draft TOR was considered by Council 59 in December 2014, and was approved with minor amendments. Council tasked the Secretary-General with direction of the Working Group, which was to meet twice yearly (March and October).

3.1 Proposed amendments

In preparation for the first meeting of the Working Group the Secretary-General has reviewed the TOR, and the likely method of operation of the group.

¹ Leave open if uncertain

Minor amendments are proposed as set out in Annex A.

These amendments:

- Clarify that the working Group has two main objectives – strategic planning and preparing the IALA Secretariat for transition
- Remove duplication caused by inclusion of both an Action Plan and a Roadmap
- Provide some flexibility as to when the meetings of the Working Group should take place
- Stress the nature of Working Group as being one in which participants are expected to actively participate for the good of IALA, rather than to pursue national interests
- Provide a more measured timeframe for delivery of the draft Convention text.

3.2 Resubmission to Council

Following consideration of the proposed amendments by the Working Group the Secretary-General will resubmit the TOR to Council 60 for further approval.

As the amendments are considered non-controversial the first meeting of the Working Group will apply the amended TOR even though they have not had final Council approval.

4 Action requested of the Working Group

The Working Group is requested to:

- 1 Consider the proposed amendments
- 2 Prepare variations to the proposed amendments as required
- 3 Agree that the amended TOR be resubmitted to Council for further approval

ANNEX A

1 CHANGE OF STATUS WORKING GROUP – AMENDED TERMS OF REFERENCE



IALA Change of Status Working Group

Terms of Reference

Introduction

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.

IALA has been located in France since its creation in 1957 and is established under French national law – the Law of Associations of 1901. This law requires that IALA operate in accordance with its Constitution, which must be registered with the French Authorities. The Association is also subject to other French domestic laws that are relevant to its operations, including those related to employment, taxation, health and safety, and customs and immigration (including working visas).

At the 18th Session of the General Assembly in A Coruna, Spain, on 27 May 2014, the General Assembly adopted a Resolution on IALA's change of status to that of an International Intergovernmental Organization (IGO).

It follows from the resolution that the General Assembly...

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 to 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;*

[...]

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.*

Whilst recognising that the ultimate creation of IALA as an IGO is a matter for States, Council determines to give effect to the above obligations to the extent that it can, in part, through the establishment of the IALA Change of Status Working Group.

Objectives

The IALA Change of Status Working Group should provide support to the IALA Council in fulfilment of the Resolution on IALA's change of status to that of an IGO including by:

- i. Undertaking high level identification and strategic planning for delivery of the range of activities, and the management of potential risks associated therewith, that will be required to be undertaken by Council to give effect to the Resolution, the results of which will include:
 - a. Preparing a draft ~~road map~~ Action Plan for the transition to IGO taking into account the above activities;
 - b. Facilitating the development of a draft text of a Convention that best represents IALA's position on the establishment, function, governance and operation of IALA as an IGO (including supporting documentation) for delivery to National Member and other Governments via diplomatic processes;
 - c. Facilitating liaison with National Member Governments about IGO status, including with those that may be interested and able to undertake diplomatic coordination and activity;
 - d. Providing advice to Council in regard to diplomatic activities (including IALA's role in any diplomatic conference to agree the text of a Convention that would create IALA as an IGO); and
- ii. Preparing the IALA Secretariat for transition to an IGO.

Composition

The IALA Change of Status Working Group will function under the direction of the IALA Secretary General as Chairman. The Vice-Chairmen of the Change of Status Working Group shall be the Chairman of the IALA Legal Advisory Panel (LAP) and the Chairman of the Strategy Working Group.

All Councillors and/or their representatives may take part in the work of the IALA Change of Status Working Group, each of whom agrees to bring to bear the resources of their organisation to facilitate its success.

The Chairman may also invite experts and representatives from relevant international organisations to its meetings and may further involve them in achieving the objectives of the IALA Change of Status Working Group.

Deliverables

The IALA Change of Status Working Group should produce for Council approval:

- ~~i.~~ — A high level Action Plan for the transition of IALA to an IGO;
- ~~ii.i.~~ — ~~A draft Road Map that will give effect to the Action Plan and~~ that meets Council's obligations under the Resolution;
- ~~iii.ii.~~ — A draft Convention text creating IALA as an IGO, including supporting documentation to facilitate diplomatic activity.

The IALA Change of Status Working Group should ensure that:

- i. The Action Plan is implemented ~~in accordance with the Road Map~~;
- ii. The Action Plan ~~and the Road Map are~~ reviewed and updated regularly; and
- iii. A status report is prepared for each meeting of the IALA Council on its work and progress, identifying any issues that require action, advice or approval by Council.

Working Group Procedures

The IALA Change of Status Working Group should hold meetings ~~in at least~~twice per year, around March and October ~~each year~~. Meetings may be in person or by electronic means and may be held more frequently if deemed necessary by the Chairman. The IALA Change of Status Working Group should make use of electronic tools (e-mail, correspondence groups, discussion forums, teleconferences/computer conferences etc.) to augment regular meetings, as required, to progress the work.

The Chairman and Vice-Chairmen may create sub-groups or make use of other Council advisory groups to facilitate the tasks of the Working Group. Any sub-group is to operate at the direction of the Chairman or at least one Vice-Chairman.

All participants in the Change of Status Working Group, or its sub-groups, undertake to actively contribute to the Working Group in a practical, timely and collegial manner, for the benefit of IALA as a whole.

Secretariat support for the Working Group will be provided by the IALA Secretariat at the direction of the Secretary-General as required.

Timeframes

The draft high level Action Plan ~~and Road Map are~~is to be delivered to Council by May 2015 and ~~are~~is to include specific timeframes for each activity required to be undertaken by Council.

Completion of the draft text for the Convention should be treated as a high priority and should have a preferred delivery date of May-December 2015.

Other outputs should be delivered in accordance with the timeframes indicated in the approved Action Plan.

