



Agenda item	5
	IALA change of status project
Author(s) / Submitter(s)	Secretariat

Mechanism for General Regulations

Background

General Regulations govern the day to day functions and operation of the Organization and preferably the Council can modify them from time to time. This will allow IALA to make changes to the way it operates without the need to seek an amendment to the International Agreement, which can be kept to a minimum.

The General Regulations will cover, inter alia: the payment of fees; arrangements for the election of the President and Vice President; the operation of the General Assembly, the election of Councillors; the operation of Committees and other bodies, including the Secretariat.

Contents

The General Regulations are annexed to the Agreement but not part thereof. The document will need to be completed at the time of the Diplomatic Conference. Although they do not form a binding document for the Member States it is anticipated that they will need to be approved for the first time by the IALA General Assembly immediately prior to the Diplomatic Conference.

Mechanism

A skeleton for draft General Regulations was prepared as an input paper to LAP12 held in March 2013. It was based on the then current IALA Constitution. The draft was not reviewed in details neither at the meeting, nor during the subsequent Extraordinary LAP meetings devoted to the change of IALA Status.

In addition to the elements taken from the Constitution further sections will need to be developed, some of them being already in existence as separate documents. This will require the LAP and the Secretariat to:

- Carefully review the entire first draft
- Consider integrating the current internal procedure on payment of membership contributions and debt recovery
- Develop rules of procedures for the General Assembly
- Develop rules of Procedures for the Council
- Develop Rules of Procedures for the election of the Secretary General
- Integrate the Rules of Procedures for Committees
- Integrate the Rules of Procedures for Conferences and Symposia

- Develop Rules of Procedures for the Secretariat
- Any other as identified during the initial and final review process.

General Regulations of other IGOs will be used as supporting tools.

Proposed timeline

In view of possible General Assembly approval in May 2018 the work can be spread over the following time span:

- LAP14 – March 2015: agree the mechanism in principle and review the basic identifying potential issues
- April 2014 – September 2014: the Secretariat prepares all missing rules of procedures and integrates the existing ones (input paper to LAP15)
- LAP15 – September 2015: review rules of procedures as prepared by the Secretariat and the integrated ones
- October 2015 – March 2016: the Secretariat amends the draft General Regulations as requested by LAP15 (input paper to LAP16)
- LAP16 - March 2016: review draft General Regulations as prepared by the Secretariat
- April 2016 – September 2016: the Secretariat to amend the document again, if necessary
- LAP17 – September 2016: final review of the draft General Regulations, check that they match with the draft International Agreement
- September 2016 – March 2017: the Secretariat prepares the draft for submission to Council
- Council (second half of 2017): review and approve the draft text for submission to the General Assembly
- General Assembly (first half 2018): approves the General Regulations

Action requested from the LAP

The LAP is requested to agree the mechanism and timeline.

Supporting document

First draft General Regulations (Annex A).

Item	Text	Reference	Comments
1	General Regulations of the International Marine Aids to Navigation Association		
2	<p>A. FUNCTIONS</p> <p>1. The functions of the Association include:</p> <ul style="list-style-type: none"> a. developing international cooperation by promoting close working relationships and assistance between members; b. collecting and circulating information about the activities of its members as well as encouraging, supporting and communicating recent developments; c. facilitating mutual exchange of information with organisations representing the users of aids to navigation; d. formulating and publishing appropriate Recommendations, Guidelines, Manuals and other appropriate papers; e. encouraging IALA members to take into account the development of multi-purpose systems which may be also be used, for instance, to monitor the marine environment; f. establishing Committees, Working Groups or other such bodies as may be appropriate to study special issues; g. facilitating assistance to services or organisations requesting help within the marine aids to navigation and allied fields, whether technical, organisational or training; h. organising Conferences, Symposiums, Seminars, Workshops and other events relevant to its work i. maintaining liaison and cooperate with relevant intergovernmental, international and other organisations, offering specialised advice where appropriate. 	IALA Constitution Art 3 and 4	Gives effect to Agreement Art 1.4 (functions)
3	B. OPERATIONS		

	<p>2. Membership of the Association</p> <p>2.1 Membership Categories</p> <p>Noting that Contracting Parties to the Agreement are automatically National Members, other parties may be considered for General Membership of the Association as follows:</p> <ul style="list-style-type: none"> (a) Associate membership may be applied for by any service, organisation or scientific agency that is concerned with aids to navigation or related matters; (b) Industrial membership may be applied for by manufacturers and distributors of marine aids to navigation equipment [for sale], or by organisations providing marine aids to navigation services or technical advice under contract [to whom?]; (c) Honorary membership may be conferred for life upon any individual who is considered by the Council to have made an important contribution to the work of the Association; (d) Affiliate membership will be conferred on [agencies of governments] who were National Members of IALA prior to entry into force of the Agreement but whose government is not a National member of the Association (e) Other membership may be conferred at the discretion of Council. 	IALA Constitution 5.1	<p>Gives effect to Agreement Art 1.4 (operations)</p> <p>Need to consider what to do if there is more than one current 'national member' for a country (Sweden?) in regard to affiliate membership. Intention was that there would only be one per country ... but perhaps this is not a necessary limitation ... they will not be able to councillors unless already on IALA Council and no other special benefits accrue. Each Affiliate member will be required to make financial contributions.</p>
4	<p>2.2 Application for Membership</p> <ul style="list-style-type: none"> (a) Application for membership in categories Associate and Industrial must be made in writing to the Secretariat and should be accompanied by such documentation as the Secretariat advises is required from time to time. The Secretariat will assess the application and make a recommendation to Council in regard to the application. (b) All applications for membership in categories other than National or Affiliate, including applications for change in the type of membership, are subject to acceptance by the Council. The Council may require an application for Industrial or Associate membership to be reviewed by 	IALA Constitution 5.2	Any further guidelines for Secretariat or Council in existence?

	the National member or Affiliate member for the locality where the applicant carries out its activities or has its principal place of business.		
5	<p>2.3 Member Contributions</p> <p>(a) All members shall pay contributions to the Association on an annual basis in the amount determined by Council on recommendation from the [Secretary General/Financial Advisory Committee].</p> <p>(b) [Others ..]</p>	IALA Constitution 5.2	Any further guidelines in existence?
6	<p>2.4 Suspension and reinstatement of General Membership</p> <p>(a) Council may suspend a general membership:</p> <p>(i) for non-payment of contributions, where those contributions remain outstanding for a period of [x] months beyond the date they fell due and advice has been provided to the member by the Secretariat accordingly;</p> <p>(ii) where the interests of the Association are best served by doing so, and that action is justifiable.</p> <p>(b) Council may reinstate a suspended general membership when the member has met the financial or other such requirements as determined by it.</p>	IALA Constitution 5.3.1	<p>Note suspension of National Membership is addressed in the Agreement.</p> <p>IALA Constitution makes reference to 'membership rights' but these are not articulated anywhere. Should they be? Before this section would seem a suitable place to express them.</p>
7	<p>2.5 Termination of General Membership</p> <p>General membership may be:</p> <p>(a) be terminated by the member by notice in writing to the Secretariat at any time;</p> <p>(b) by Council where a suspended member has not paid contributions within [x] months of suspension for that non-payment;</p> <p>(c) by Council, where the interests of the Association are best served by doing so.</p>	IALA Constitution Art 5.3.2	Note termination of national membership is addresses in the Agreement
8	3. The General Assembly		

	<p>3.1 Convening and attendance</p> <p>(a) The General Assembly shall be convened by order of the Council in accordance with the Council's Rules of Procedure;</p> <p>(b) all members of the Association [other than those subject to suspension] shall be entitled to attend the General Assembly;</p> <p>(c) The General Assembly will be, where possible convened on the same date and at the same location as an Association Conference.</p>	IALA Constitution Art 7	
9	<p>3.2 Rules of Procedure</p> <p>The following Rules of Procedure shall apply to the convening of, and conduct of business of, the General Assembly:</p> <p>(x) the election of Councillors shall be conducted as follows:</p>		Gives effect to Agreement Art 5
10	<p>4. The Council</p> <p>4.1 Convening the Council</p> <p>The Council may be convened by notice in writing by:</p> <p>(a) the President or Vice President;</p> <p>(b) the Secretary General;</p> <p>(c) two Councillors.</p>	IALA Constitution Art 8.2	
11	<p>4.2 Election of the President and Vice President</p> <p>The Council shall, upon election or as necessary, from among its members elect a President and a Vice President on a personal basis. The President and the Vice President shall hold office for the term between General Assemblies unless replaced earlier.</p>	IALA Constitution Art 8.2.1	Gives effect to Agreement Art 4.2
12	<p>4.3 Functions of the Council</p> <p>The Council will, as part of its operation:</p> <p>(a) decide membership matters;</p> <p>(b) determine the terms of reference, rules of procedure and appointment of Chair and Vice Chair of each Committee or other such bodies as may be appropriate;</p>	IALA Constitution 8.2.3	Gives effect to Agreement Art 6.6 and Art 9.1(a)

	<ul style="list-style-type: none"> (c) approve Recommendations, Guidelines, Manuals and other appropriate papers; (d) approve submissions to other organisations; (e) decide the venue and the year of the next Association Conference and Symposium; (f) establish rules for participation in Association Conferences and Symposia; (g) convene General Assemblies; (h) approve the annual budget and accounts; (i) determine the rate of member contribution; (j) decide upon the location of the Association [seat], headquarters and registered office; (k) authorise the purchase, sale, renting or letting of property and the granting and obtaining of loans whether or not secured by mortgage, required for the running of the Association; (l) grant any power of attorney as required. 		
13	<p>4.4 Rules of Procedure</p> <p>The following Rules of Procedure shall apply to the convening of, and conduct of business of, the Council:</p> <ul style="list-style-type: none"> [x] A Council meeting can only be held when at least the President or the Vice President and one member of the Financial Advisory Committee are present; [y] A Council decision will be made by a simple majority of those present at the meeting, subject to a minimum of seven votes being recorded in its favour. No Councillor may have more than one vote. In case of a tie vote, the President [or in the absence of the President, the Vice President] will have a second, and deciding, vote; [z] The President or the Vice President may decide to carry out a postal [or electronic] vote among the Councillors. 	IALA Constitution 8.3 and 8.4	<p>Any further guidelines in existence?</p> <p>Note reference to Financial Advisory Committee – does this need to be particularised in 5 below?? (And/or in Agreement?)</p>
14	<p>5. Committees and other bodies</p> <p>5.1 Functions of Committees and other bodies</p>	IALA Constitution Art 9	Gives effect to Agreement Art 7.1

	<p>Committees and other bodies may be established by the Council to study [and advance] matters relevant to the aims of the association, with the objective of preparing Recommendations, Guidelines and Manuals for Association members, and submissions to other organisations. Recommendations, Guidelines, Manuals and submissions require the approval of the Council [before distribution].</p> <p>5.2 Rules of Procedure</p> <p>The following Rules of Procedure shall apply to the convening of, and conduct of business of, Committees and other bodies established by the Council:</p> <p>[x] [draw from Rules of Procedures for IALA Committees]</p>		Will this be flexible enough to deal with WWA? Or should that be addressed as a separate article?
15	<p>6. Conferences and Symposia</p> <p>6.1 Attendance</p> <p>Attendance at Conferences and symposia shall be available as follows:</p> <p>(a) All members of the Association may attend or be represented at Association Conferences</p> <p>(b) Council may approve the attendance of non-members [upon application].</p>		
16	<p>6.2 Exhibitions</p> <p>An exhibition of aids to navigation equipment will be organised during each Conference period. Only those Industrial members who have paid membership contributions for the two years immediately prior to the year of the Conference, plus the year of the Conference, will have the right to exhibit.</p>	IALA Constitution Art 10	
17	<p>7 The Secretariat</p> <p>7.1 Rules of Procedure</p> <p>[The following Rules of Procedure shall apply to the conduct of business of the Secretariat:]</p>		<p>Gives effect to Article 8 (and could go before 6. Above).</p> <p>Any guidelines in existence?</p>