



Agenda item	5
Author(s) / Submitter(s)	Secretariat
	Requests for advice from other IALA bodies (CoS AG)

Draft Convention Text

Background

IALA General Assembly has agreed that IALA's aim to assist in the development and harmonisation of aids to navigation worldwide 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 convention to create IALA as an International Intergovernmental Organisation (IGO) has been determined to be the path to achieve this outcome. LAP has been assisting Council in the development of a suitable instrument for this purpose. In December 2014 Council established a Change of Status Advisory Group (CoS AG) to give high level advise on the project.

This paper introduces the draft IALA Convention text which has been considered by the CoS AG in Madrid in April 2015.

The CoS AG agreed on the attached draft of the Convention text and asked the LAP to finalize the draft for their next meeting 9-10 November 2015.

Discussion

Completion of the draft text of the IALA Convention is an essential step which will enable the Government of France to undertake further diplomatic activities.

The current draft IALA Convention is input paper LAP 5.2.2. The document includes two columns—headed References and Notes - in addition to the draft text. The Reference column provides references to various instruments used in the development of articles in the draft. Links to these instruments are provided below. The Notes column provides additional information about the drafting of the Article and also questions from the CoS AG.

References links

Organization	Web link
EFI (European Forest Institute)	http://www.efi.int/portal/about_efi/organisation/convention_hca/
GGGI (Global Green Growth Institute)	http://gggi.org/wp-content/uploads/2012/10/Agreement-on-the-Establishment-of-the-GGGI.pdf
IALA Constitution	http://www.iala-aism.org/about/constitution.html

IHO (International Hydrographic Organization)	http://www.iho.int/mtg_docs/com_wg/ISPWG/Documents/R11_iho_convention.pdf
IOM (International Organization for Migration)	http://www.iom.int/jahia/webdav/site/myjahiasite/shared/shared/mainsite/about_iom/iom_constitution_eng_booklet.pdf
UNCLOS (United Nations Convention on the Law of the Sea)	http://www.un.org/depts/los/convention_agreements/texts/unclos/UNCLOS-TOC.htm
Vienna Convention on Treaties	http://untreaty.un.org/ilc/texts/instruments/english/conventions/1_1_1969.pdf
WMO (World Meteorological Organization)	http://library.wmo.int/pmb_ged/wmo_15-2012_en.pdf

In the report from the CoS AG the conclusion on the draft Convention text was the following:

“8.2.1 – Elements – Draft Convention text

The Group was invited to concentrate on principles and policy issues. The text will be sent back to the LAP for editorial amendments. It should be as final as possible, reflecting IALA’s wishes and avoiding uncertainties. Issues covered by the square brackets should be resolved by the Group, as far as practicable. If this was not possible in respect of a particular issue, the matter should be referred to Council for a decision, so as not to raise questions when a second diplomatic action is launched. Reasons for choosing a specific text should be recorded.

The Group examined the draft text article by article. Amendments and comments made to the text are reflected in the “comments” column of working paper CoS1-WP1 for consideration by the Legal Advisory Panel at its 15th session (LAP15).

There was a specific action item resulting from the discussions on Article 2.2(bis) regarding the relevance of IALA dealing with inland waterways.

Action item 3: With the guidance of the Advisory Group the LAP is invited to finalise the draft Convention text.”

Action requested from the Panel

The Secretariat asks the LAP to consider the task from the CoS AG.

Supporting documents

- Draft Convention text dated 10 April 2015 – LAP15-5.2.2