



Report of the 1st meeting of the IALA Change of Status Working Group

April 9-10, 2015

Executive Summary

The Working Group met in Madrid, hosted by Puertos del Estado, on 9th and 10th April 2015. The meeting was attended by 24 participants, representing 12 Council members.

The Terms of Reference for the group were revised, to reflect its advisory nature. A new name was proposed, which was included in the revised document that will be submitted for approval by the 60th session of the IALA Council.

The participants received a verbal report on the diplomatic actions led by France and were updated on the project related activities, the latter dealing with potential IALA standards.

A Change of Status Project Initiation Document was submitted, setting out a clear structure for carrying out the project. The Chair, the IALA Secretary-General, indicated that it will be necessary to ask Councillors to assist with the work of the project by providing the services of experts from their organisations.

Among the elements of the identified project tasks, were:

1. The draft Convention text – An amended text was prepared.
2. Managing risk using the Project Risk Register - The Risk Register was amended as appropriate.
3. The analysis of the various aspects of the project - Three working groups were formed to analyze three aspects: Communication, Financial aspects and Diplomacy.

The first results of the Working Groups were presented to all participants before the close of the meeting. The Working Groups will continue their work inter-sessionally and at future CoS meetings.

The meeting produced two documents for Council approval, two documents for Council noting and one working document to be forwarded to LAP15.

The next CoS meeting will be held at IALA Headquarters on 9 & 10 November 2015.

TABLE OF CONTENTS



| | | |
|---------|---|----|
| | | 1 |
| 1 | General | 3 |
| | 1.1 Welcome | 3 |
| 2 | Approval of the agenda | 3 |
| 3 | Review of input papers | 3 |
| 4 | Revised Working Group Terms of Reference | 3 |
| 5 | Update on diplomatic actions by France | 4 |
| 6 | Update on current work on change of status related activities | 4 |
| 7 | Change of status project initiation document | 4 |
| 8 | Project Phase One | 5 |
| | 8.2 Identification of project tasks | 5 |
| 9 | 2015 Timeframe | 6 |
| 10 | Review of output and working papers | 7 |
| 11 | Review of action items | 7 |
| 12 | Date and place of next meeting | 7 |
| 13 | Approval of the report | 7 |
| 14 | List of Annexes | 7 |
| ANNEX A | CoS1 Agenda | 8 |
| ANNEX B | CoS1 Participants | 9 |
| ANNEX C | List of input papers | 12 |
| ANNEX D | List of Output and Working Papers | 13 |
| ANNEX E | Action Items | 14 |



Council Advisory Group on
the IALA Change of Status
1st meeting

9-10 April 2015

Draft Report of the 1st Meeting of the IALA Advisory Group on Change of Status

1 General

The 1st meeting of the **IALA Advisory Group on Change of Status** was held on 9th and 10th April at the Headquarters of Puertos del Estado, Madrid (Spain) with Francis Zachariae, IALA Secretary-General, in the Chair. The Secretary for the meeting was the IALA Administration Manager, Marie-Helene Grillet. The meeting was attended by 25 participants representing 13 Council Members.

Apologies for absence were received from Portugal.

1.1 Welcome

Mr Juan Francisco Rebollo, IALA President, welcomed the participants to Puertos del Estado. The participants then introduced themselves.

2 Approval of the agenda

The agenda for the meeting was reviewed and approved.

3 Review of input papers

The input papers were reviewed and noted.

4 Revised Working Group Terms of Reference

Comments were invited on the revised Terms of Reference. The meeting was seen as an opportunity to discuss principles, rather than editorial amendments.

Several amendments were proposed and most of them agreed, the result of which is at output paper CoS1-output-02. One key change was the new name proposed for the Group: the participants agreed that the group was not established to run the change of status project but to assist, advise and report to Council. A new name for the group was proposed as "IALA Advisory Group on Change of Status".

Other comments made on the Terms of Reference were as follows:

- The Group cannot ensure that the Action Plan is implemented, as this should be the task of Council;
- Financial aspects, risks and communication have to be considered, and should be elements of the high level action plan;
- It is desirable to involve representatives of the Foreign Affairs Departments of as many countries as possible;

- It is important to prepare Foreign Affairs Departments and be aware of diplomatic actions undertaken, but IALA should not be involved in diplomacy;
- Generally, the Terms of Reference should be less binding;
- The time frames should be realistic;
- The Group's results should be brought to the attention of all Council members, independently of the reports to Council.

5 Update on diplomatic actions by France

The French representative reported that the French diplomatic action entailed sending in November 2014 a diplomatic note to all countries in which IALA has national members and recording their answers. Fifteen replies were received, i.e. 20% of the countries that had been contacted. Answers were recorded as supportive (3), neutral or with reservation (8), or against the project (4).

A lack of awareness was identified, due to a difficulty in identifying the right contacts in the countries concerned. It is desirable that all Councillors identify the individuals to be contacted and alert them to any new planned diplomatic action.

Regarding future actions it is important that IALA expresses its wishes, preferably in the form of a draft Convention text that can be used as a supporting document.

The French Ministry of Foreign Affairs is supportive but will act as a facilitator, listening to all stakeholders.

Among the comments made by the participants after this presentation it is worth noting that:

- There is a need for strong and convincing arguments to present to the countries that are still against the project, hence the importance of a communication plan;
- The IALA General Assembly Resolution states that the Convention will be open to all UN Member States. An action aimed at countries not having IALA National Members is desirable.

At the conclusion of discussions on this item it was agreed that the Secretariat would consult with the Council and the Legal Advisory Panel about the relevance of submitting an information paper to IMO, taking into consideration the difficulties that may arise from communication with all UN Member States.

Action item 1: The Secretariat to provide LAP with a draft information paper to IMO on the IALA Change of Status project and subsequent diplomatic actions for review.

6 Update on current work on change of status related activities

The input paper on IALA Standards was submitted for information only, as part of the review of the IALA documentation. The paper mentions a possible convention on the Maritime Buoyage System, as an example of a convention that IALA may wish to establish.

The meeting noted that such a convention may be sensitive for some states, especially regarding the IALA consultative and technical nature, and the demarcation with IMO.

7 Change of status Project Initiation Document

The document will be submitted to the 60th session of the IALA Council for approval.

Some participants found it rather complicated. It was explained that it set out procedures for the Group, being more detailed than the Terms of Reference. It described how the project will be run to achieve the objectives and deliverables.

Some clarifications were requested and comments were made, with regard to Deliverables and Outcomes, Project Approach (Identification and Assessment, and Delivery), Project Team and Reporting and Monitoring.

Deliverables and Outcomes:

The key deliverables would be the Action Plan, the draft Convention text, the Change of Status Risk Register and the Communication Plan.

Project Approach – Identification and Assessment

Consideration of the finance aspects should be added to the list of “what needs to be done”.

Project Team

It was explained that the Project Team would comprise resources that are not available within the IALA Secretariat, and for which Councillors are invited to delegate members of their own staff having the expertise required to support the project.

Action item 2: *The Secretary General should consider resources available for the Change of Status Project Team and raise the issue with Council, if appropriate.*

Reporting and Monitoring

To avoid having different terms designating the same individuals in the various documents related to the project, it was agreed to clearly indicate that the Secretary General (Project Director) would report to the Council (Project Board).

Generally, the PID should be made consistent with the Terms of Reference as amended under Agenda Item 4.

8 Project Phase One

8.2 Identification of project tasks

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.*

8.2.2 – Elements – Risk Register

The aim of the Risk Register is to analyse and manage the risks associated with the project.

An updated Risk Register is at CoS1-output-4.

8.2.3 – Elements – Analysis of the various aspects of the project

Three working groups were formed to consider the following aspects, taking into account their risk dimensions:

- WG1 - Communication, led by Jon Price.
- WG2 – Financial aspects, led by Christian Forst
- WG3 - Diplomacy, led by Francis Zachariae

The working groups reported as follows:

8.2.3.1 – Working Group 1 – Communication

The Group identified five key stakeholders: the IALA staff, all member categories, the host country, non-IALA member countries and other IGOs.

The main communication means were identified as the IALA Website (main communication means), meetings, the maritime press, the IALA Bulletin – with reports every six months – and the IALA members as a support to publicize the project. Regional groups and meetings may help reaching some non-member countries.

The deliverables should be a communication package for each of the stakeholder groups, delivered preferably by electronic means. The package should contain short messages, and will require expertise in communication, website and graphic design. A feedback mechanism is desirable.

Timing: 1st package ideally during the second half of 2015, issued simultaneously to all stakeholders.

The associated risks identified were: out-of-date information, lack of communication/information, wrongly targeted information, miscommunication and information overload.

8.2.3.2 – Working Group 2 – Financial aspects

The Working Group considered the different phases that will be needed to achieve its task.

Phase 1. Assessment of the current IALA financial status (budget – expenditure) taking into the favourable host nation policies for IGOS for social protection, taxes, etc.

Phase 2. Assessment of the transition period, when IALA is an IGO possibly with fewer members in the beginning. This requires several assessments for different numbers of members (low, medium, high).

Phase 3. Assessment for the final phase, when IALA has reached a high number of contracting parties. At this stage the functions of IALA would have evolved and the needs with regard to secretarial resources may have increased accordingly.

The Working Group will have a first draft available for IALA Council session 61 scheduled for December 2015.

8.2.3.3 – Working Group 3 – Diplomacy

The difficulty is that the viewpoint and therefore the convincing arguments are different from country to country. The Working Group however identified the following required actions:

- identify points of contact in (i) maritime ministries and (ii) foreign affairs ministries in both the National Member countries and the Host Country;
- identify countries that would be willing to support the French diplomatic action
- inform the identified points of contact in advance of the next diplomatic action by France;
- prepare an information paper to IMO; and,
- prepare a plan and information package for non-IALA member countries.

Action item 4: *The Working Group leaders should meet inter-sessionally to develop a common action plan.*

9 2015 Timeframe

During the year 2015 the project will be considered at the following meetings:

- LAP15: 14-16 September 2015
- CoS2: 9 & 10 November 2015
- Council 61: 7-11 December 2015

10 Review of output and working papers

Output papers and working papers appear at Annex D.

11 Review of action items

Action items are at Annex E.

12 Date and place of next meeting

The 2nd meeting of the IALA Advisory Group on Change of Status will be held on 9 and 10 November 2015 at IALA Headquarters.

13 Approval of the report

Approval of the report of CoS1 will be given by correspondence.

14 List of Annexes

A. Agenda

A copy of the agenda is at Annex A.

B. Participants

A list of CoS1 participants is at Annex B.

C. Input Papers

A list of input papers is at Annex C.

D. Output and Working papers

A list of output and working papers is at Annex D.

E. Action Items

A list of action items is at Annex E.

ANNEX A COS1 AGENDA

IALA Council WG on Change of Status

1st Session

Agenda item 2

CoS1.2.1

April 9-10, 2015

Madrid, Spain

The 1st meeting of the **IALA Council Working Group on the Change of Status** will be held on 9th and 10th April 2015. The venue for the meeting is Puertos del Estado, Avda. del Partenón, 10 - Campo de las Naciones, 28042 MADRID - SPAIN.

The meeting will commence at 0900 hours on 9th April and is expected to finish at 1600 hours on April 10th.

Input papers are, or will be, posted to:

http://www.iala-aism.org/council/private/meetings/cos_working_group/

1. Welcome address
2. Approval of the agenda
3. Review of input papers
4. Revised Working Group Terms of Reference
5. Update on diplomatic actions by France
6. Update on current work on change of status related activities
7. Change of Status Project Initiation Document
8. Project Phase One:
 - 8.1. Identification of project tasks
 - 8.2. Assessment of project tasks (possibly in work groups)
 - 8.2.1. Elements
 - 8.2.2. Resource requirements
 - 8.2.3. Outputs
 - 8.2.4. Timeframes
 - 8.2.5. Risks
9. Project Phase Two
 - 9.1. Development of outputs
 - 9.2. Working papers
10. Allocation of inter-sessional tasks
11. Review of output
12. Date and place of next meeting
13. Approval of meeting report

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ANNEX C LIST OF INPUT PAPERS

| Number | Agenda item | Title | Comments |
|---------------|--------------------|---|-----------------|
| CoS1.2.1 | 2 | Provisional Agenda | |
| CoS1.2.2 | 2 | Provisional Timetable | |
| CoS1.4.1 | 4 | Change of Status Working Group – Revised Terms of Reference | |
| CoS1.6.1 | 6 | Introduction to IALA Standards | |
| CoS1.7.1 | 7 | Change of Status Project Initiation Document | |
| CoS1.8.2.1 | 8 | Draft Convention Text | |
| CoS1.8.2.5 | 8 | Change of Status Project – Risk Register | |

ANNEX D LIST OF OUTPUT AND WORKING PAPERS

| Number | Title | Status |
|---------------|----------------------------------|-----------------------|
| CoS1-output-1 | Report of CoS1 | To Council to note |
| CoS1-output-2 | Revised draft Terms of Reference | To Council to approve |
| CoS1-output-3 | Project Initiation Document | To Council to approve |
| CoS1-output-4 | Risk Register | To Council to note |
| CoS1-WP1 | Draft Convention text | To LAP[15] |
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ANNEX E ACTION ITEMS

Action item 1: *The Secretariat to provide LAP with a draft information paper to IMO on the IALA Change of Status project and subsequent diplomatic actions for review.*

Action item 2: *The Secretary General should consider resources available for the Change of Status Project Team and raise the issue with Council, if appropriate.*

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

Action item 4: *The Working Group leaders should meet inter-sessionally to develop a common action plan.*