

Council Out of Session Approval
Agenda item XXX
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General Assembly Resolution

1 SUMMARY

This paper presents a draft General Assembly Resolution for approval by Council in the form of a draft Council Input Paper.

1.1 Purpose

The purpose of this paper is to provide the opportunity for Council to review and approve for forwarding to the General Assembly a draft General Assembly Resolution giving a mandate for IALA to continue efforts towards a change to status to that of an Intergovernmental Organization.

1.2 Related documents

Annex A contains the draft General Assembly Resolution.
Annex B contains the Council input paper for the General Assembly.

2 BACKGROUND

- 2.1 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, including the overall policy of IALA. The next meeting of the IALA General Assembly will take place in A Coruna, Spain in May 2014.
- 2.2 Over the past two years the IALA Council has supported active consideration of a change in the status of IALA from that of an international Association, operating under French law, to that of international intergovernmental organization. Work has been undertaken by National Members with guidance from Council and assistance from the Legal Advisory Panel during this time.
- 2.3 The A Coruna meeting provides the opportunity for Council to present to the General Assembly its work regarding a change of status for IALA, and for the General Assembly to consider its position on this important policy matter.
- 2.4 At the Council meeting in Goa, India, the Secretary General advised that the Legal Advisory Panel would prepare a draft General Assembly Resolution for consideration by the General Assembly. The General Assembly Resolution will be the means for recording the policy decision of the General Assembly on this matter and will also become the formal mandate for any future work regarding the change in status of the Association.
- 2.5 The process of finalising the draft Agreement and having Governments become party to it must be undertaken by Governments, and is therefore a diplomatic one; in that regard it is beyond the control of IALA.

3 DISCUSSION

3.1 The role of the General Assembly

- 3.1.1 The IALA Constitution is the governing instrument for IALA. Article 7.1 states that one function of the General Assembly is to decide the overall policy of IALA. Relatedly, one function of the Council is to implement the overall policy of IALA, as defined by its aims or by the General Assembly.
- 3.1.2 To date Council has been undertaking preparatory work to consider what an international agreement might look like, to assess the implementation process for an international agreement and to consider the benefits and risks associated with such a change. However it is appropriate that, now that sufficient preparatory work has been undertaken, the General Assembly make a decision with regard to its position in this regard.
- 3.1.3 One means by which the General Assembly can record its decision is by passing a General Assembly Resolution. This process is not often used in IALA, but given the significance of a change of status for 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 The Resolution will guide Council, and through it, the Secretary-General, in understanding the outcome sought by the General Assembly and the extent to which they are empowered by it to act to achieve those outcomes.
- 3.2.2 The Resolution will also be a marker for the international maritime community about the role that IALA is ready to play in its sphere of influence – fostering the safe, economic and efficient movement of vessels, through improvement and harmonisation of aids to navigation worldwide.
- 3.2.3 The Legal Advisory Panel, on behalf of, and at the direction of Council, has been discussing the process by which IALA could assist Governments commence diplomatic activities to move forward with the development and adoption of an 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. 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 also serve this purpose.

3.3 Draft text of a General Assembly Resolution

- 3.3.1 Draft text for a General Assembly Resolution is provided at Annex A.
- 3.3.2 Draft text for a Council Input Paper for forwarding to the General Assembly is at Annex B.

4 REFERENCES

Nil.

5 ACTION REQUESTED OF COUNCIL

Council is requested to:

- 1 **Approve** the text of the draft General Assembly Resolution at Annex A for presentation to the General Assembly at its meeting in A Coruna, Spain.
- 2 **Approve** the draft Council Input Paper at Annex B for forwarding to the General Assembly.