

IALA COUNCIL 63rd session



13-16 December 2016
IALA Headquarters

8 – STRATEGY AND POLICY

8.2 – Council Advisory Group on Change of Status

Note by the Secretariat

1. GENERAL

By e-mail of 21st October 2016 the Secretary-General invited Council members to the 4th meeting of the Change of Status Advisory group in accordance with the agreed Terms of Reference. The meeting was held by correspondence.

The proposed agenda and input papers were posted on the web site and can be found on the following link: <http://www.iala-aism.org/meetings/4-4/>

The agenda contained an update on the Intergovernmental Organization (IGO) Action plan and an invitation to consider the Draft General Regulation text with a view to agreeing the text and submitting it to Council 63 for approval.

By the end of the period for comments the Secretariat has received comments from Denmark, Germany and Japan.

You will find the updated IGO action plan as input document C63-8.2.1 and the Draft General Regulations as input paper C63-8.2.2 (with comments from Denmark included in track change).

2. DIPLOMATIC ACTIONS

The Councillors will recall that the next step in the IGO action plan on Diplomatic Action was the start of the diplomatic process by the French Ministry of Foreign Affairs. This action was supposed to start when the draft Convention text and the draft General Regulations were ready to be presented to the National Members and the diplomatic representations in the member countries.

There has been a number of meetings between the IALA Secretariat, the French Direction des Affaires Maritimes and the French Ministry of Foreign Affairs.

The French Ministry of Foreign Affairs has decided to start the 2nd round of diplomatic action by inviting to a pre-diplomatic meeting in Paris 18th – 19th April 2017. Invitation and agenda will be developed in the next weeks and Council will be updated during C63 in December 2016.

3. THE DRAFT CONVENTION

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 IGO has been determined to be the path to achieve this outcome. An explanatory note and the draft convention text for the further diplomatic



process is attached as an annex. As a result of CoS AG4 meeting Denmark proposed some editorial corrections which are included.

The French Ministry of Foreign Affairs has decided to accept the draft Convention text as prepared by the IALA Council with the change that French is added as a working language.

It is very common that International Organizations have more than one official language. In the draft Convention for IALA it is proposed to have English, French and Spanish as official languages. Legislation and documents of major public importance or interest are produced in all official languages and there will be interpretation available in the 3 official languages at the General Assembly. This is the same procedure as IALA is following now.

Many international organizations also have more than one working language. A working language is a language that is given a unique status in the organization. The working language is often English and the language of the host nation or the country where the organization have most interest. Documents which a member or a person sends to the organization may be drafted in one of the working languages selected by the sender. The reply is drafted in the same language. Delegates may choose to submit working papers in the working languages, but they are not all automatically translated, which helps to keep the expenses of having more than one working language to a minimum. A qualified person for translation is already in the present 4 year budget.

4. DRAFT GENERAL REGULATION

The next steps of the IGO Action plan is development of draft General Regulation and a draft HQ agreement.

The Legal Advisory Panel (LAP) has been assisting Council in the development of the General Regulation and Council gave some input to the first draft at C62 in June 2016 in Lisbon. At its meeting in Helsinki in October 2016 the LAP finalized their work on the draft General Regulation based on the advice from the Council and from the French Ministry of Foreign Affairs.

The next step will be development of a draft Head Quarters Agreement with the host Country. This work has started by the Secretariat and a draft will be presented to LAP and then Council during 2017.

As a result of GoS AG 4 meeting following comments were received:

Denmark:

"Attached are two documents with comments (track changes).

Almost all the comments are minor and mainly for the purpose of consistency.

As a general remark use a lower case letter as initial letter throughout the documents unless otherwise stated in legal writing rules. It will make it easier to write and save time".

Germany:

"Thank you very much for up-dating the CoS documents. The present state of discussion is well reflected and the documents should be forwarded to Council for further consideration".

Japan:

"In response to your mail, Ref.: A/CL/CoS4/16-303, the Japan Coast Guard would like to submit the following comment on the draft General Regulation text of CoS4-1.4.1.

Important articles such as Election of the Council, Appointment of the Secretary-General should be carefully considered at the Council 63."

5. THE COUNCIL IS REQUESTED TO

Note the update on the IGO Action plan and approve the General Regulations for further diplomatic action.