LAPE1 Information

Agenda item 11

Author Secretariat

Adoption of the International Agreement

# Summary

This paper provides general information regarding the process for formal adoption of the text of the draft International Agreement by the international community.

## Purpose of the paper

Participants are asked to note this paper when advising their governments about the process for enabling the draft International Agreement to be considered for acceptance, once approved by the IALA General Assembly.

## Related documents

Nil

# Background

A multilateral treaty to create IALA as an Intergovernmental Organisation is under consideration by IALA. It is anticipated that the text of a draft International Agreement will be submitted the IALA General Assembly in May 2014 for approval.

Approval by the General Assembly will begin the formal process of creation of an international treaty instrument.

As a treaty is an agreement between Governments, a number of formal steps are required to give effect to that instrument, and these are outlined in general terms in this paper.

# Discussion

## Adoption of the text of the International Agreement

### Upon approval of the text of the draft International Agreement by the General Assembly the instrument will be made available to National Member Governments for consideration. This will take place at a meeting of Government representatives convened for this purpose.

### Meetings like this may be referred to as a ‘Diplomatic Conference’. In some instances these meetings are very formal and large numbers of senior officials, including diplomats, are present. In others, the meeting is a smaller gathering, which although still formal, is less structured. Rules of Procedure generally guide the conduct of the meeting. The decision regarding who should attend is made by respective Governments in accordance with their law and practice.

### Representatives, who need not have diplomatic status or be authorised to bind their Government, will review the text and finalise any outstanding drafting matters that may arise during this process. As IALA National Members have been involved in the development of the draft text it is anticipated that changes as a result of this process will be minimal.

### The output from a meeting such as this might be a document referred to as the ‘Final Act’ of the meeting, which summarises the proceedings and attaches the adopted text. The passing of related Resolutions might also be noted in the Final Act.

### The concluding activity of the meeting is to provide the participants the opportunity to ‘sign’ the Final Act. This action is non-binding and simply records that the representative was at the meeting and agrees that the Final Act contains the treaty text that was adopted at the meeting.

## Becoming bound by the International Agreement

### The treaty text itself will then determine what happens next. In the draft International Agreement (version 30 August 2013) Article 13 currently provides that the ‘Agreement shall be open for signature’ from 27 May 2014 until 31 December 2014.

### During this period National Member Governments may choose to have an officer who is authorised in accordance with the requirements of the Vienna Convention sign the Agreement. This indicates that the Government intends to be bound by the Agreement, but that its required treaty processes are still underway.

### Whether this signature is lodged or not, Governments are not formally bound by the treaty until the treaty enters into force and Governments ratify, accept, approve or accede to it. These are all formal processes that are governed by national law and international norms.

### The formal documents required to indicate intention to be bound are lodged at the Depositary indicated in the treaty. It is the role of the depositary to keep records about the treaty in its archives, and also to advise IALA and those Governments who have signed the treaty of changes to membership (and other matters as recorded in the treaty).

## Entry into force of the International Agreement

### The treaty will enter into force when the conditions contained within it are met. In the draft International Agreement (version 30 August 2013) Article 14 provides that the Agreement will enter into force 30 days after the 15th Government (one of which must be France) agrees to be bound by it. This date cannot be known in advance.

## Development of documents for the Diplomatic Conference

### Part of the on-going activity of LAP will be to develop the documents necessary for the conduct of the Diplomatic Conference. These will be circulated to National Member Governments with notice of the meeting.

### National Member Governments are invited to send general questions regarding the planned Diplomatic Conference process to status@iala-aism.org. Questions of a legal nature, and those related to specific government requirements should be handled by local administrations.

# References

UN Treaty Handbook

<http://treaties.un.org/doc/source/publications/THB/English.pdf>

Vienna Convention

<http://untreaty.un.org/ilc/texts/instruments/english/conventions/1_1_1969.pdf>

# Action requested of LAP

LAP is requested to:

1. Note the information contained in this paper.