



IALA Advisory Group on Change of Status

Terms of Reference

Introduction

The aim of IALA is to foster the safe, economic and efficient movement of vessels, through improvement and harmonisation of aids to navigation worldwide and other appropriate means, for the benefit of the maritime community and the protection of the environment.

IALA has been located in France since its creation in 1957 and is established under French national law – the Law of Associations of 1901. This law requires that IALA operate in accordance with its Constitution, which must be registered with the French Authorities. The Association is also subject to other French domestic laws that are relevant to its operations, including those related to employment, taxation, health and safety, and customs and immigration (including working visas).

At the 18th Session of the General Assembly in A Coruna, Spain, on 27 May 2014, the General Assembly adopted a Resolution on IALA's change of status to that of an International Intergovernmental Organization (IGO).

It follows from the resolution that the General Assembly...

BELIEVING that international intergovernmental organization status will best facilitate IALA's aims into the future,

1. *DETERMINES that IALA should strive to achieve such status as soon as is possible by supporting the development of an international convention open to entry by all members of the United Nations;*
2. *DECIDES that through all available means IALA will support its National Members and their Governments in the pursuit of international intergovernmental status for IALA;*

[...]

5. *DIRECTS the IALA Council with the assistance of the IALA Secretary-General to further consider the preparation of IALA for a change of status, including the development and adoption of modern, flexible and efficient administrative practices;*
6. *AUTHORISES the IALA Council to act in fulfilment of this Resolution.*

Whilst recognising that the ultimate creation of IALA as an IGO is a matter for States, Council determines to give effect to the above Resolution to the extent that it can, in part, through the establishment of the IALA Advisory Group on Change of Status.

Objectives

The IALA Advisory Group on Change of Status should provide support to the IALA Council in fulfilment of the Resolution on IALA's change of status to that of an IGO including by:

- i. Conducting high level identification and strategic planning for delivery of the range of activities, and the management of potential risks associated therewith, that will be required to be carried out by Council to give effect to the Resolution, the results of which will include:

- a. Preparing a draft high level Action Plan for the transition to IGO taking into account the above activities;
 - b. Facilitating the development of a draft text of a Convention that best represents IALA's position on the establishment, function, governance and operation of IALA as an IGO (including supporting documentation) for delivery to National Member and other Governments via diplomatic processes;
 - c. Facilitating liaison with National Member Governments about IGO status, including with those that may be interested and able to undertake diplomatic coordination and activity;
 - d. Providing advice to Council in regard to diplomatic activities (including IALA's role in any diplomatic conference to agree the text of a Convention that would create IALA as an IGO); and
- ii. Preparing the IALA Secretariat for transition to an IGO.

Composition

The IALA Advisory Group on Change of Status will function under the direction of the IALA Secretary General as Chairman. The Vice-Chairmen of the Advisory Group on Change of Status shall be the Chairman of the IALA Legal Advisory Panel (LAP) and the Chairman of the Strategy Working Group.

All Councillors and/or their representatives may take part in the work of the IALA Advisory Group on Change of Status, each of whom agrees to bring to bear the resources of their organisation to facilitate its success.

The Chairman may also invite experts and representatives from relevant international organisations to its meetings and may further involve them in achieving the objectives of the IALA Advisory Group on Change of Status.

Deliverables

The IALA Advisory Group on Change of Status should produce for Council approval:

- i. A high level Action Plan for the transition of IALA to an IGO that meets Council's obligations under the Resolution;
- ii. A draft Convention text creating IALA as an IGO, including supporting documentation.

The IALA Advisory Group on Change of Status should ensure that a status report is prepared for each meeting of the IALA Council on its work and progress, identifying any issues that require action, advice or approval by Council.

Working Group Procedures

The IALA Advisory Group on Change of Status should hold meetings twice a year. The IALA Advisory Group on Change of Status may make use of electronic tools (e-mail correspondence groups, discussion forums, teleconferences/computer conferences etc.) to augment regular meetings, as required, to progress the work.

The Chairman and Vice-Chairmen may create sub-groups or make use of other Council advisory groups to facilitate the tasks of the Working Group. Any sub-group is to operate at the direction of the Chairman or at least one Vice-Chairman. .

Secretariat support for the Working Group will be provided by the IALA Secretariat at the direction of the Secretary-General as required.

Timeframes

The draft high level Action Plan is to be delivered to Council and is to include specific timeframes for each activity required to be undertaken by Council.

Completion of the draft text for the Convention should be treated as a high priority and should have a preferred delivery date of December 2015.

Other outputs should be delivered in accordance with the timeframes indicated in the approved Action Plan.