



10 – Technical Activities

10.1 Legal Advisory Panel

10.1.2 Note on the Comment from Japan at the General Assembly

Liaison note on the comment from Japan at the General Assembly

1 BACKGROUND

At the 14th General Assembly on 3 June 2023 the Secretariat upon advice from the Legal Advisory Panel (LAP) has proposed the change to Art. 7.3 of the constitution as follows:

7.3. RULES ON VOTING

- Only National members have voting rights at a General Assembly.
- Each National member has one vote. [When a country has more than one National member, that country still has only one vote.]
- Decisions of the General Assembly, other than those relating to the Constitution (see Article 12) are taken on a simple majority of the votes cast. In the event of a tie vote, the President shall have a second, and deciding, vote.

This change aims to clarify that those rare countries, having two or more national members, still have only one vote. While the constitution does not explicitly forbid that one country has more than one national member, the proposed change should prevent that countries by nominating several national members can influence the decision-making process in IALA to their favour and as such violating the principle of equal rights as one of the fundamental principles in international cooperation.

The General Assembly unanimously adopted the proposal.

Japan did not oppose the proposed amendment but raised concern that as all national members pay the same contributions, they should all be allowed to vote as well, other than in the election of the Council.

2 DISCUSSION

As mentioned above, the constitution of IALA traditionally does not oppose a country having several national members. However, in reality very few countries have more than one national member. The right to vote is not restricted to the election of the Council, but allows a vote in all decisions of all organs of IALA in case consensus on the matter is not possible.



If the constitution would allow an exception for other than Council elections those countries, having more than one national member, would still have an advantage in relation to those countries having only one national member in any decision-making process in IALA where voting is required

The panel discussed the issue and agreed to the following advice to forward to the Council:

In line with the explanations above in international cooperation the principle of equal rights should be followed as much as possible, therefore IALA should do the same. Countries which have more than one national member would have to coordinate according to their own national practice before they vote. As a result the LAP advises not to follow the Japanese proposal.

Furthermore to the agreed way ahead, it was noted that voting is rare in IALA and also that the new status of the Organization would provide a solution as the Convention is clear on the matter. Should the change of status of the Organization not take place within the next few years, the issue may be considered again.

3 THE COUNCIL IS INVITED TO

Consider the advice from LAP.