

Manual and Clarification to the presented Roadmap at Extraordinary LAP-2 (12/13 March 2014)

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~~ Slide 1 ~~ **As presented to, and approved by IALA Council at 56th session (December 2013)**

During the preparatory process for the change of the Legal Status of IALA from NGO to IGO it became clear that the intended time schedule was too ambitious, taking into account that a number of formal time-consuming steps have to be taken.

(Click) In fact, between now and 2018 four periods (colored areas) have been identified:

- a) the Internal Preparation Period,
- b) the Diplomatic Preparation Period,
- c) the Ratification Period and
- d) the Transition Period.

(Click) The extra LAP meeting in October 2013 - where 17 national members were present as well as with support by the Legal Department of the IMO Secretariat - emphasized this point of view, resulting in a necessary modification of the previous Roadmap.

At that extra LAP meeting all parties constructively worked on the draft texts of the Constitution and the International Agreement. It was also concluded that due to the fact that in a future IGO countries would be the Contracting Parties instead of the present National members – with sometimes complex domestic ratification processes - also a formal diplomatic process has to be followed with a realistic time schedule and protocols to be obeyed. This diplomatic process would end up in an agreement on the final text of the International Agreement.

During the extra LAP-1 meeting it became also clear that in substance more work has to be done on both the draft Constitution and the draft International Agreement. It was recognized that a number of articles should not be incorporated in the draft International Agreement (which in fact will be a Founding Agreement) but has to be transferred to the General Provisions, which can be seen as a kind of “Domestic Regulations” for the new organization. The General Provisions should not be a part of or Annex to the International Agreement in order to maintain flexibility. Also a number of the articles still have to be modified, for instance the description of certain processes as well as responsibilities of the organs of the new Organization.

(Click) The Council at this 56th session approved on this new Roadmap and endorsed the substantial process **(Click)** into account the information known at that time.

(Click) The need for an extra LAP-2 meeting, open to all national members, was recognized to internally continue the preparatory work; this meeting was scheduled for between 10-14 March 2014 at IALA Headquarters.

The focus of extra LAP-2 should be **(Click)**:

- further clarification of the benefits and potential risks going from NGO to IGO
- further work on the text of the Constitution which will incorporate the transitional provisions for the status change
- draft a Resolution to be presented to the General Assembly requesting approval for further work on the process

(Click) Furthermore the Council requested to incorporate in the approved roadmap a final decision structure for Council to approve the output of extra LAP-2 for submission to the General Assembly. This was originally intended for Council57.

The draft Constitution and Resolution will be presented to **(Click)** the General Assembly, which takes place during the 18th IALA Conference in ã Coruna/Spain **(Click)** with the aim for approval **(Click)**. If The General Assembly approves, the new Constitution enters into force **(Click)** for a certain time period **(Click)**.

(Click) Shortly after the General Assembly a new period of the Roadmap starts: the Diplomatic Period.

As agreed the French Administration by its Ministry of Foreign Affairs will distribute a "Diplomatic Note" to inform all national administrations. This note will be the boarding step for a Preparatory Diplomatic Meeting **(Click)** (foreseen just after the holiday season early August or September 2014). At this meeting, members of LAP and representatives of national administrations will further work on the International Agreement and the General Provisions with the aim to finalization in draft of both documents. The results should be in such stage that they can be

- a) distributed among national administrations for domestic study and
- b) the basis for the final negotiations and decision at a "Diplomatic Conference".

(Click) Taking into account that such a Diplomatic Conference has to respect a number of international accepted rules and processes - and therefore substantial and organizational preparations are needed- it is foreseen that counting from the final Preparatory Diplomatic Meeting **(Click)** a time period of 5-6 months is needed. Therefore the Diplomatic Conference was be expected to be organized between December 2014 and March 2015.

The second major step in the process is the approval of the texts of the draft International Agreement and the General Provisions by the Diplomatic Conference. **(Click)** This step concludes the Diplomatic Period **(Click)**.

(Click) Now the Signature/Ratification Period starts. The Countries as Contracting Parties during this period are invited to sign or ratify the International Agreement. It is recognized that national processes for ratification may take considerable time, sometimes 2-2,5 years, as signing international treaties in many cases needs approval by domestic parliaments or need political tuning.

This period will end 30 days after the moment that an agreed minimum number of Countries deposit their instruments of ratification, acceptance, approval or accession. The International Agreement enters now into force. **(Click)**

(Click) Article 13 of the draft Constitution says: In the event of IALA being constituted as an International Organization based on an International Agreement, this Constitution will terminate without further action when the International Agreement enters into force (this text has since been altered slightly).

(Click) Now the Transition Period starts providing Countries, who were not able to ratify the International Agreement yet, to become Contracting Party and change their position from "Affiliate Member" to "National Member".

This proposed Roadmap, approved by Council, seems to be rather realistic and it may be expected that every Country, now represented in the present IALA by its national members, will join the new IALA by the time of General Assembly in 2018 **(Click)**.

(Click) (Click)

~~ Slide 2 ~~ **With a focus on the work to be done by extra LAP-2**

(Click) The dotted line indicates the focus for the work to be done by extra LAP-2.

(Click) The output of this meeting will be presented to "by correspondence" to the Council with the aim of approval. In this case both the draft Constitution and the draft Resolution will be forwarded to the General Assembly for approval. **(Click)**

Note: as Council57 is expected to be the last meeting of the present Council, rounding up the previous 4-year Work Programme, Council57 is expected not to further discuss the approved output, which will already have been distributed to all national members.

(Click) As indicated, now the Diplomatic Process starts. You will notice that the previous presented time-schedule is replaced by a more general one, as exact dates cannot be determined yet. The steps as approved by Council56 however will remain the same.

(Click) It may be clear that still a lot of internal preparatory work has to be done.

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