

IMC



25 June 2020
Video conference

1.3 – STATUS OF THE IGO PROJECT

The way to Intergovernmental status – Diplomatic Conference in Kuala Lumpur March 2020.

The Diplomatic Conference held in Kuala Lumpur, Malaysia from 25 to 28 February 2020 reached the result it was aiming at. This Conference marked a very important step for IALA as the Convention for the future Organization under intergovernmental status was adopted. More than 239 persons from 62 States participated in the Conference or were observers. Delegates with credentials from 50 States signed the Final Act of the Conference adopting the text of the Convention and two resolutions: one resolution on languages of the Organization and one on the signing ceremony in Paris in November 2020.

The General Assembly Resolution and the Preparatory Diplomatic Conferences

At its XIIIth session held in A Coruña, Spain in May 2014, the IALA General Assembly adopted a resolution stating its firm belief that Intergovernmental Organization (IGO) status will best facilitate IALA's aims in the 21st century and determining that the new status should be achieved, as soon as possible, through the development of an international treaty instrument (GA Resolution A.01 of 27 May 2014).

The development of a treaty instrument took six years of international negotiation through three Preparatory Diplomatic Conferences and a Diplomatic Conference, with 200 or more participants each.

The draft Convention that was discussed during the Diplomatic Conference in Kuala Lumpur, Malaysia, was prepared at the Preparatory Diplomatic Conference in Istanbul, Turkey, in March 2019. The text discussed in Istanbul was finalized by the Legal Advisory Panel at an extraordinary meeting open to all National members in November 2018. The meeting used comments received from National members after the second Preparatory Diplomatic Conference held in Marrakech, Morocco, in February 2018. The first Preparatory Diplomatic Conference, where the initial discussions with Governments started, was hosted by the French Government in Paris in April 2017.

The development of a set of General Regulations, including Financial Regulations, is well advanced and the final draft is envisaged well before the first General Assembly of the new IGO. Meanwhile, the draft Headquarters Agreement needs to be finalized in cooperation with the Ministry of Foreign Affairs of the French Republic.

The Convention on the International Organization for Marine Aids to Navigation meets the requirements of the Vienna Convention for International Treaties and supersedes, upon fulfilment of agreed entry-into-force requirements (30 instruments of ratification, acceptance, approval or accession), the present IALA Constitution. It will be open for signature by all Member States of the United Nations in November 2020 hosted by the French Government.



A smooth transition

The Convention includes robust arrangements for a smooth transition. These will ensure that the activities of IALA's organs and its technical work in the area of Marine Aids to Navigation will continue uninterrupted and that its responsibilities towards the maritime community will be undiminished and maintained with the customary high level of commitment and expertise.

The change of status will mark a major milestone in the life of IALA. However, it will not change IALA's principal aim, which is, as stated in its present Constitution, "to foster the safe, economic and efficient movement of vessels". Under the new Convention, IALA will also remain a consultative technical organization.

As regards the position of our very important Industrial members, the Convention follows the approach of the Convention of the World Tourism Organization, which designates companies involved in the business of promoting tourism as Affiliate Members to ensure their inclusion as an important category of its membership. IALA's Industrial members will thus be Affiliate Members of IALA as an IGO and this will ensure the continued, strong cohesion between Marine Aids to Navigation authorities and providers that has always been important for the work of IALA.

All present National members of IALA from States that will not immediately become Member States of the IGO shall, subject to their formal request, become Associate Members of the Organization for a duration of up to ten years from the date of entry into force of the Convention, unless the General Assembly decides to extend that period.

Languages

The question of the languages of the new Organization was discussed intensively during all four meetings. While there was agreement on the working language, English, the compromise of having the six languages of the United Nations (Arabic, Chinese, English, French, Russian and Spanish) was only achieved on the last day of the meeting of the Committee of the Whole in Kuala Lumpur.

As agreed in Resolution one of the Diplomatic Conference the General Assembly shall be conducted in all official languages and input papers, in the form of draft resolutions and the report, shall be translated into the official languages.

The Conference determined that the working language of the Organization will be English, and that the work and meetings of the Council, Committees and subsidiary bodies will be conducted in the working language.

It is the aspiration to make the outputs of the Organization, all the Guidance documents, available in the official languages with the help of the relevant Members over time.

Strengthening international cooperation

IALA has worked in close partnership with other international organizations for decades and wishes this collaboration to continue and grow. Elevating IALA's status to that of an IGO will make it a peer to organizations like the International Maritime Organization, the International Telecommunication Union, the International Hydrographic Organization and others, thereby strengthening existing cooperation. Furthermore, it will allow for a broader participation in IALA by States, at government level. This will assist IALA's aim to promote the greatest possible uniformity in Marine Aids to Navigation, in the spirit of the SOLAS Convention.



IALA's objectives and activities as an IGO will continue to be complementary to those of its peer IGOs. By working together as partner IGOs – with the respective mandate, role, and responsibilities of each transparent, mutually supportive, and commonly accepted – they will work more effectively through better coordination and greater integration of standards. Any overlap or duplication would also be easier to avoid, and the resulting creation of synergies would optimize available resources in the interests of the efficient movement of vessels, expeditious shipping traffic, maritime safety and protection of the environment.

The Convention will provide a fit-for-purpose international legal framework that ensures transparency and good governance, strengthens IALA's positions to work in close collaboration with Governments and other IGOs, and fosters its technical and consultative work as the leading international expert body concerned with Marine Aids to Navigation.

The main output documents from the Conference – The Final Act, the two resolutions, the Convention and the reports – are available on the IALA web site <https://www.iala-aism.org/meeting-docs/diplomatic-conference/>