

International Association of Marine Aids to Navigation and Lighthouse Authorities (IALA)

Case for Change from International Association to Intergovernmental Organisation

IALA was formed in 1957 as an international association in which marine aids to navigation (AtoN) authorities could voluntarily work together for the purpose of harmonising aids to navigation worldwide. The catalyst for its establishment was the recognition that AtoN, serving a global industry, required international coordination. Prior to the establishment of IALA different standards and systems applied across many jurisdictions. These multiple systems presented a serious risk to safety of navigation.

IALA has been headquartered in France since its creation, and derives its legal status from the French Law of Associations of 1901. As such IALA is bound by the employment, fiscal, immigration and other requirements of its host country's domestic legislation and practice.

From 1957 to the present IALA has operated very effectively, playing a supporting, but substantial role in the establishment of an internationally accepted standard AtoN system, which is referenced in the Safety of Life at Sea (SOLAS) Convention.

IALA has grown now having 77 national members representing lighthouse administrations from all geographic areas of the world. IALA benefits from the ongoing contributions of over 150 industrial and associate members who share additional technical and academic expertise with government representatives. The scope of work of IALA has also expanded with the increasing reach of technology and the related responsibility to assist with capacity building to allow all administrations to contribute to meeting the goals of the organisation.

Requirement for Change

In recent times a number of developments have lead IALA to reconsider its legal status. Many of these have been documented in IALA's brochure *IALA - an International Organisation – Safely Navigating the Future*, published in 2013.

These developments include:

- The growth of interest and activity in relation to e-Navigation, amongst other technology related developments, has demonstrated the need for IALA to work on equal terms with sister organisations in maritime safety such as IMO, IHO and ITU. These intergovernmental organisations have recognised the role played by IALA and the IMO Secretary General and the IHO President have voiced support for IALA as an IGO.
- IALA is, by agreement, working in direct partnership with each of these international organisations, but can do so more effectively if its own position as an IGO with key responsibility for AtoN is formally established and clarified. Doing so would ensure that IALA can play its part

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appropriately because all agencies would accept its sphere of influence and can then plan and control activities to jointly support agreed initiatives.

- The need for marine spatial planning is creating a new area of influence. Internationally respected standards for AtoN (including VTS) are critical in management of increasingly restricted sea room resulting from growing marine use and competing industries such as oil and gas, offshore renewables and aquaculture. IALA is well positioned to take the lead in this area.
- IGO status will give a superior international endorsement to the work of IALA and the standards it is seeking to achieve. This is critical in a time when growth in the maritime sector is expected to continue at an unprecedented level.
- IALA is engaging in important outreach work to less developed maritime countries. This work will be facilitated by IGO status as governments in the affected countries will be able to engage more fully with the capacity building programme and have improved access to funding.
- Capacity building may then facilitate additional maritime nations in becoming IALA members and formally adopting IALA standards, especially where national requirements require IGO status before doing so. However IGO status would also assist other countries that voluntarily give effect to IGO standards as part of their commitment to international law and practice.
- As an organisation with members across the globe IALA must be capable of recognising that membership within its staff and structures. Regardless of the Headquarters location, employment legislation limits flexibility for organisations that are subject to national law.
- In view of current economic conditions and the need for governments to be able to demonstrate return on expenditure IALA must be as efficient as possible, including within the Secretariat and in providing support to its Committees and to members generally. IGO status will assist in this area by freeing membership funds for this purpose because French national imposts would no longer apply.
- The cumulative effect of all of the above means that the time for IALA to reconsider its status is now. The maritime community and national governments are facing a time of increasing complex change in an environment where efficiency and effectiveness are paramount. IALA has the opportunity to step forward and offer leadership, but to do so will require acceptance as a respected government advisor – a position that is strengthened if governments themselves are participants. Failure to do so may mean that the opportunity is lost, weakening the current organisation because there is an uncertain role in the international arena for a voluntary association of limited standing.

Identification of Benefits and Risks

Changing status to become an IGO has the potential to create benefits for the maritime community and for IALA's current and future members. As with any change, there are also potential risks for all stakeholder groups. Accordingly, for a balanced view both the benefits and risks must be identified when considering this important change. However the relative weight of each benefit and risk are individual to each entity so, for that reason, each national member will have to undertake their own assessment. The material below has been generated by National Members and the IALA Secretariat and not been ranked in any order of importance.

April 1, 2014**Benefits**

The following have been identified as possible benefits arising as a result of a change of status for IALA. These benefits may arise for the maritime community as a whole, or for National and/or Industrial members. The benefits are grouped in three categories: those resulting from the existence of increased international status itself, those related to the ability of national members to implement IALA standards in the future and those relevant to the operation of IALA.

- *Status*

- IALA's position in international arena is strengthened by parity with other international organisations, resulting in increased credibility, with mandate, role and responsibilities of each being supportive, transparent and commonly accepted
- Increased worldwide acceptance of IALA standards, recommendations and guidelines by national and/or other competent authorities because of the participation of governments, leading to enhanced harmonization
- Influence may potentially grow as a result of IALA conceptual developments, ideas etc. being sought, accepted and adopted by other organisations and governments
- IALA's ability to act, react and respond to developments and to progress contributions to other organizations in a highly efficient and effective way may be enhanced by direct government involvement
- Trilogity with IMO and IHO – IALA voice more readily heard as an equal and valued partner. This would lead to synergies being created and harnessed between the organisations, with agreed load sharing to develop mutual solutions, efficiently using the resources available
- Having IALA and IMO both as IGO may lead to better internal national collaboration and resource allocation
- Ability to provide stronger response to maritime issues as these could be addressed by an IGO, with standing in the international community and support within its member governments
- International harmonisation improved as recommendations would carry more weight, even if not binding, because agreed by governments, as the national members of the organisation
- IALA will have the political backing of governments (who will negotiate IALA position) when influencing international outcomes
- Affiliation with IGO will provide increased credibility and prestige for industrial and associate members
- Standards will have 'legal' status which can be relied upon when planning future operations and research and development, particularly for industrial members

- *Implementation*

- Implementation of standards may be easier if those standards are set by an IGO – for example, budget for implementation may be more readily available
- Increased quality of maritime services internationally because States would actively participate in their development
- IALA would be in a position to advise governments where standards have not been implemented, assisting with harmonization. Capacity building could then be considered wherever needed
- Becoming a state party to IALA as an IGO will increase awareness of the goals and operations of IALA, thereby assisting in completing the national processes required to

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implement standards. The trade-off is a requirement to comply with due process, potentially resulting in some loss of flexibility but creating additional influence

- Potential to contribute to the development of standards that will then be the single source of guidance, creating a level playing field and allowing efforts to be directed toward a known end is important for industrial and associate members

- *Organisation*

- Facilitates global participation in the development of standards and recommendations by overcoming difficulties related to travel to NGO, both in terms of status and local entry requirements as a result of privileges and immunities provided to international organisation
- Headquarters agreement with host nation provides additional financial, operational and human resources capabilities
- Capacity building opportunities increased through access to funds/services/States that are currently not available to NGO
- More efficient secretariat with stronger substantial focus may be more easily justified in IGO than in NGO. This means that there may be scope to develop better resources within the secretariat to assist governments in meeting IALA's goals, the financial implications of which may be more readily explained

Risks

The IALA Council has recognised that the change of status presents a risk to the current organisation, and this has been reflected in the Risk Register since 2012. In order to assist members, further work has been undertaken to create a project risk register for the change of status project. That register lists the following seven risk areas:

- *Membership*

- Loss of existing membership (both national and industrial), resulting in loss of income and/or influence, experience and knowledge – particularly if industrial members excluded

- *Financial*

- Cost of operations may increase if a larger Secretariat required or there are more official languages requiring additional translation services

- *Loss of flexibility*

- Lengthier processes to gain agreement on recommendations and standards
- Limitation on the issues that IALA can choose to allocate to Committees

- *Replacement of AtoN authorities with bureaucrats*

- Technical representatives may be replaced by diplomats at meetings
- Meetings become more bureaucratic
- Results may be weaker as a requirement to gain consensus, taking account of national interest positions

- *Challenge to the winding up of the IALA association under French law*

- The 'old' and 'new' IALA would both exist as legal entities, with the potential for additional costs

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- *Relationship with IMO*
 - Formal recognition may not be forthcoming, resulting in potential loss of influence or credibility
 - Lack of clear parameters between these organizations
 - Conflict between these organizations
- *Diplomatic process*
 - No control of this process by current IALA
 - Loss of control results in a new organisation that is different from that intended

IALA's assessment is that the above risks are mitigated through effective controls to the extent that, although the impact of some of the risks remains medium- high, the probability of the risks occurring is low-medium. These risks can likely be further mitigated by the application of strong risk mitigation strategies, for example, by implementing an effective project communication plan to inform and advise members and the maritime community regarding the process for change, IALA working closely with governments during the development of the International Agreement and implementation of world class governance in the current organisation.

Conclusion

IALA has had a long and meaningful impact on the maritime community through the development and voluntary implementation of the standards, guidelines and recommendations that have been created through partnership between its national, industry and associate members.

The current maritime environment is changing, with an increased reliance on advanced, global technology to enhance the safety of navigation, particularly in relation to the use of shared waterways. The need for certainty through harmonisation is growing, and IALA is well placed to provide technical standards to assist governments and the maritime community meet this challenge.

There is no single imperative that indicates that IALA must change its status at this moment in time – and it could not do so even if this were the case. The creation of a new international intergovernmental organisation will take a period of years and will be dependent upon the processes of governments. However, given this reality, now is the time to raise this option with the international community.

The question that arises is whether IALA should 'stand up and be counted' as an organisation with intergovernmental status in the maritime field, giving up some flexibility and accepting the need for stronger governance in return for the opportunity to set international standards as an IGO, or whether it should continue to diligently use the resources generously made available by its members in the hope that that efforts will be put to good effect