

IALA COUNCIL 73rd session



**8-9-10 June 2021
Video Conference**

8.3 – CHANGE OF STATUS

8.3.1 Status on the IGO process

Note by the Secretariat

1 SIGNING OF THE CONVENTION

The signing ceremony of the Convention on the International Organization for Marine Aids to Navigation was held on 27 January 2021 in Paris and as depositary State of the Convention, France, represented by Mrs. Annick Girardin, Minister for Marine Affairs, was the first State to sign the Convention.

This ceremony marked the opening for signature of the Convention for a period of one year. All Member States of the United Nations, and in particular the other signatories of the Final Act of the Kuala Lumpur Conference, are invited to sign the Convention at the Protocol of the Ministry for Europe and Foreign Affairs, and then to proceed to its ratification. For any request for information concerning the signature of the Convention in the premises of the Ministry, please contact Mr. Alex Lavaud: alex.lavaud@diplomatie.gouv.fr

States that have signed the Convention are then invited to transmit the instruments of ratification, acceptance or approval to France, the depositary State. Once the period for signature is closed on 26 January 2022, all Member States of the United Nations that have not signed, may accede to the Convention, which will enter into force "on the ninetieth day after the date of deposit of the thirtieth instrument of ratification, acceptance, approval or accession". (See Annex for explanation).

The Convention will enter into force on the ninetieth day after the date of deposit of the thirtieth instrument of ratification.

The certified versions of the Convention in Arabic, Chinese, English, French, Russian and Spanish can be found on the IALA web site <https://www.iala-aisn.org/the-igo-project/>

2 NOTE VERBALE AND DISCUSSION AT MSC IN THE IMO

Early May 2021 the Ministry for Europe and Foreign Affairs issued a Note Verbale to 190 diplomatic representations in Paris. The note was formally inviting the States to sign the Convention at the Ministry in Paris. The note has been translated to English and Spanish and can be found on the IALA web site. The note has also been distributed to the participants at the diplomatic conferences by the Secretariat.

During the 103rd session of the IMO, MSC paper MSC 103/20/5 of 26 February 2021 "Opening for signature of the Convention on the International Organization for Marine Aids to Navigation" submitted by France and IALA was on the agenda. The paper was introduced by France.



The Convention has as of 9 May 2021 been signed by France, The Netherlands, Singapore, Malaysia, Norway, Korea and Denmark. Singapore has also ratified the Convention. Because of the pandemic it has been difficult to keep momentum in the process and it is the hope that the Note Verbale and the discussion in the IMO can create some new interest in signing the Convention.

IALA has started the detailed preparation for the Transitional phase between the start of the new organization and the termination of the present association. This process is discussed in paper C73-8.3.2.

3 THE COUNCIL IS INVITED TO

Note the information provided in this document and the annex and encourage their relevant authorities to sign the Convention in Paris or in their own Capital.



Annex

Signature Subject to Ratification, Acceptance or Approval

Where the signature is subject to ratification, acceptance or approval, the signature does not establish the consent to be bound. However, it is a means of authentication and expresses the willingness of the signatory state to continue the treaty-making process. The signature qualifies the signatory state to proceed to ratification, acceptance or approval. It also creates an obligation to refrain, in good faith, from acts that would defeat the object and the purpose of the treaty.

[Arts.10 and 18, Vienna Convention on the Law of Treaties 1969]

Ratification

Ratification defines the international act whereby a state indicates its consent to be bound to a treaty if the parties intended to show their consent by such an act. In the case of bilateral treaties, ratification is usually accomplished by exchanging the requisite instruments, while in the case of multilateral treaties the usual procedure is for the depositary to collect the ratifications of all states, keeping all parties informed of the situation. The institution of ratification grants states the necessary timeframe to seek the required approval for the treaty on the domestic level and to enact the necessary legislation to give domestic effect to that treaty.

[Arts.2 (1) (b), 14 (1) and 16, Vienna Convention on the Law of Treaties 1969]

Accession

"Accession" is the act whereby a state accepts the offer or the opportunity to become a party to a treaty already negotiated and signed by other states. It has the same legal effect as ratification. Accession usually occurs after the treaty has entered into force. The Secretary-General of the United Nations, in his function as depositary, has also accepted accessions to some conventions before their entry into force. The conditions under which accession may occur and the procedure involved depend on the provisions of the treaty. A treaty might provide for the accession of all other states or for a limited and defined number of states. In the absence of such a provision, accession can only occur where the negotiating states were agreed or subsequently agree on it in the case of the state in question.

[Arts.2 (1) (b) and 15, Vienna Convention on the Law of Treaties 1969]