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Explanatory note on the draft Convention

This note briefly explains the background to the decision of the International Association of Marine Aids to Navigation and Lighthouse Authorities (IALA) to change its status from a non-governmental organization to an intergovernmental organization (IGO) and provides an update on the work in progress to prepare for the adoption of a new international treaty instrument on IALA as an IGO.

About IALA

IALA was established in 1957 as a consultative technical organization. It is recognized worldwide as the peak organization responsible for coordinating the continuous improvement and harmonization of marine aids to navigation and related services to the benefit of safety of navigation, efficiency of shipping traffic and protection of the environment. It aims to fulfil its responsibilities by encouraging and facilitating the adoption of the highest practicable standards in matters concerning marine aids to navigation and through international cooperation and the exchange of information among governments and intergovernmental organizations. Since 1961, IALA has enjoyed consultative status at the International Maritime Organization (IMO), the United Nations specialized agency with global responsibility for the safety and security of international shipping and the prevention of pollution by ships.

IALA is a not-for-profit international association established under French law and governed by a General Assembly, while its Council is the executive body. The IALA Council consists of 24 National members among which three are non-elected, one of them being, by virtue of the IALA Constitution, the authority legally responsible for aids to marine navigation in France. Currently, IALA has National members (government agencies and competent authorities) from 85 countries, 63 Associate members (other concerned government agencies and organizations), 151 Industrial members (mainly equipment manufacturers and service providers), and Honorary members.

IALA conducts its technical work through a number of expert committees, which principally cover four broad areas. In no particular order of priority, they are: Aids to navigation engineering and sustainability, Requirements for aids to navigation and their management, Vessel Traffic Service (VTS) and e-Navigation. The results of this work are widely disseminated for the benefit of the maritime community through IALA publications such as recommendations, guidelines, manuals and model courses.

It has become increasingly important, in the context of expanding maritime development in different parts of the world, to raise awareness among lesser developed countries of their coastal State obligations under international law. In particular, the IMO's International Convention for the Safety of Life At Sea (SOLAS) requires SOLAS Contracting Governments, under regulation V/13, to undertake to provide marine aids to navigation, and where appropriate VTS, "as the volume of traffic or the degree of risk justifies". It further requires them, when establishing such aids, and "in order to obtain the greatest possible uniformity in aids to navigation", to undertake "to take into account the international recommendations and guidelines", namely, "the appropriate recommendations and guidelines of IALA" and also its Maritime Buoyage System

(IMO Safety of Navigation Circular SN/Circ.107 refers). It is in this context that IALA assists countries, on their request, with training and capacity-building, including the recruitment and training of a cadre of competent personnel in the appropriate disciplines. To support these efforts, a decision was taken to establish the IALA World-Wide Academy, which was created in 2012 as an integral part of the parent organization but with independent funding.

The Academy's capacity development work is growing rapidly and is carried out jointly by IALA, the IMO and the International Hydrographic Organization (IHO) in the spirit of United Nations (UN) initiatives such as the 2030 Sustainable Development Agenda and "Delivering as One", aimed at enhancing cooperation between different UN agencies and other organizations.

IALA General Assembly resolution: achieving IGO status through a new IALA Convention

At its XIIth session held in La Coruna, Spain in May 2014, the IALA General Assembly adopted a resolution stating its firm belief that 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 envisaged new "Convention on the International Organization for Marine Aids to Navigation" ("Convention") will meet the requirements of the Vienna Convention for International Treaties and supersede, upon fulfilment of agreed entry-into-force requirements, the present IALA Constitution. Upon adoption, it will be open for signature by all member States of the UN.

Smooth transition

The draft Convention foresees in 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, in any way, 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.

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 IMO, the International Telecommunication Union (ITU), the World Meteorological Organization (WMO) and the IHO, 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 aids to navigation, in the spirit of the SOLAS Convention.

Further in this regard, IALA is mindful of the United Nations Convention on the Law of the Sea (UNCLOS), which, under Article 266, requires States that are Parties to UNCLOS to cooperate "through competent international organizations" to promote the development and transfer of marine technology. IALA is already fully engaged with, and will continue to be dedicated to promoting technical cooperation on all matters related to the development and transfer of expertise and technology in relation to marine aids to

navigation. In this context, it is committed to keeping pace with emerging technologies, as appropriate, and working closely together with its Industrial Members around the world, as well as with national government agencies and marine aids to navigation authorities and other international and intergovernmental organizations.

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 draft Convention

The draft Convention has been developed drawing on the principles and provisions of the present IALA Constitution and those of the conventions of sister organizations such as ITU, WMO and IHO. As regards the position of Industrial Members, the draft Convention follows the approach of the Convention of the World Tourism Organization (UNTWO), 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 aids to navigation authorities and providers that has always been important for the work of IALA.

The draft Convention that will be discussed during the Diplomatic Conference in Kuala Lumpur was discussed at the Preparatory Diplomatic Conference in Istanbul in March 2019. The Conference agreed that it was sufficiently advanced for consideration by a Diplomatic Conference. 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 of the Legal Advisory Panel used comments received from National members submitted after the second Preparatory Diplomatic Conference in February 2018. The development of a set of new 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 France's Ministry of Foreign Affairs.

Conclusion

IGO status will best support IALA's aims and activities into the future. It will benefit the Member States and Members, other International Organizations and their Member States, as well as the shipping industry by continuous improvement and enhanced harmonization of marine aids to navigation and related services to the benefit of safety of navigation, efficiency of shipping traffic and protection of the environment. The envisaged 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 and related services.