



transport

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Reference: IALA /1

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Dear IALA Secretary-General

IALA IGO Project: Input on draft Convention and General Regulations text on the International Organization for Marine Aids to Navigation (IALA)

Your letter Ref: GOV/IGO/Pre-Dipcon/17-150 dated 11 May 2017, refers.

Herewith please find the input from South Africa for consideration.

Since IALA's establishment on 1 July 1957, it is recognised globally to be the only international organisation that deals with Marine Aids to Navigation (AtoN) and related matters and has successfully been bringing together services and organisations concerned with the provision or maintenance of marine AtoN systems and allied activities. It has also expanded its service offerings with the advent of new technologies and capacity-building through the IALA World-Wide Academy, thereby and has expanded its global footprint.

With IALA now entering a new era as an Intergovernmental Organization, it is South Africa's belief that it is now the right time for IALA to further expand on its aim to foster the safe and efficient movement of vessels by the improvement and harmonisation of marine AtoN worldwide, and by other appropriate means including promotion of enhanced regional co-operation and co-ordination as proposed in this submission. It is South Africa's view that this would contribute in ensuring that IALA becomes an international organisation that further contributes towards the co-ordination, enhanced co-operation and capacity-building on marine AtoN and the protection of the marine environment for all coastal and land-locked states. This could also lead to expanding its membership even more.

We take the opportunity to express our gratitude and appreciation for the invitation to submit our comments and input to what will become a historic evolution for IALA. Thank you in advance for granting due consideration of our input.

Kind regards



Mr Dumisani T Ntuli
Acting Chief Director: Maritime Policy and Legislation

Annexes

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| Annex A | South Africa's input on the draft Convention text |
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Annex A

South Africa's input on the draft Convention text on the International Organization for Marine Aids to Navigation (IALA)

Articles / Other references	Article sub number / Other references	Proposed Amendments	Remarks
1. Article 2 Aims	2(f) – additional sub number	To be included as 2(f): “enhance co-operation and capacity-building on marine aids to navigation and the protection of the marine environment for coastal and land-locked states on a regional basis”	<p>1. There is a need for sustained regional co-operation in Africa to support national authorities with the improvement of safety of navigation and the protection of the marine environment, as well as networking, sharing of information and resources and capacity-building.</p> <p>2. Regional co-operation on safety of navigation can only be successful having IALA as a parent international organisation.</p> <p>3. A regional body within the IALA structure would:</p> <p>3.1. Contribute towards the appropriate level of the attendees at meetings</p> <p>3.2. Authenticate the prospective attendee's need to convince their Administration decision-makers to participate within the relevant regional group</p> <p>4. Heads of Administrations responsible for maritime safety and safety of navigation in the region have to be made aware of their responsibilities with respect to improvement of safety of navigation and the protection of the marine environment.</p> <p>Note: Refer to Annex D in terms of navigable inland waters and land-locked maritime states.</p>

	Articles / Other references	Article sub number / Other references	Proposed Amendments	Remarks
2.	Article 4 Membership	4	Include "and member" between "Contracting Party" and "shall pay" <u>Sentence to read:</u> "Each Contracting Party and member shall pay a contribution to the Organization on an annual basis in the amount determined in accordance with Article 7.6 (e) and Article 10."	All inclusive
3.	Article 4 Membership	6	Include "or member" between "Contracting Party" and "being charged interest, ..." <u>Sentence to read:</u> "Failure to make a contribution when such payment becomes due may result in the Contracting Party or member being charged interest, the rate of which will be determined by the Council."	All inclusive
4.	Article 4 Membership	7	Include "or member" between "Contracting Party" and "which is two years ..." <u>Sentence to read:</u> "Any Contracting Party or member which is two years in arrears in making contributions shall, after notification, be denied the rights and benefits conferred on Contracting Parties by this Convention until such time as the outstanding contributions have been paid."	All inclusive
5.	Article 6 The General Assembly	5	Include a comma between "Contracting Party" and "excluding any Contracting Party ..." <u>Sentence to read:</u> "A majority of the Contracting Parties, excluding any Contracting Party denied by Article 4.7 the rights and benefits conferred on Contracting Parties, shall constitute a quorum for the sessions of the General Assembly.?"	Editorial
6.	Article 9 Secretariat	3(c)	6.1. Include a comma after "Keep Contracting Parties ..." 6.2. Delete "and" before "members" 6.3. Include "and other related organizations" between "members" and "informed" <u>Sentence to read:</u> "Keep Contracting Parties, members and other related organizations informed with respect to the activities of the Organization;"	6.1.1 Editorial 6.2.1 Editorial 6.3.1 All inclusive

Articles / Other references	Article sub number / Other references	Proposed Amendments	Remarks
7. Footers on last page	Footer no. iv	7.1. Include "Contracting Parties" at the start of the sentence 7.2. Change the first letter of "Contributions" to lower casing 7.3. Replace "principle of equal sharing" with "scale of the tonnage of their fleets ..." <u>Sentence to read:</u> "Contracting Parties' contributions to be according to the scale of the tonnage of their fleets, which will be specified in the General Regulations"	7.1.1 Editorial 7.2.1 Editorial 7.3.1 Refer to Annex C
8. Footers on last page	New footer no.	Include new footer no. "v" to read: "Members' contributions will be specified in the Financial Regulations.	Reference to Members' contributions needs to be included
9. Footers on last page	Footer no. v	Change footer no. "v" to "vi"	Editorial

Notes:

1. Proportional Council representation post IALA becoming an IGO

1.1. The proposal for Article 2 to be expanded to include the co-ordination, enhanced co-operation and capacity-building on marine aids to navigation and the protection of the marine environment for coastal and land-locked maritime states on a regional basis, refers.

1.1.1. South Africa will be submitting its comments on the Strategic Vision for IALA for the period 2014-2026 (to be effective post IALA becoming an IGO) to include the co-ordination, enhanced co-operation and capacity-building on marine aids to navigation and the protection of the marine environment for coastal and land-locked maritime states on a regional basis.

1.1.2. Depending on the development of the future IALA Strategy, as reflected in 1.1.1. above, that would need to be developed to address Regional Groups, the Constitution may need to be reviewed in future to make provision:

1.1.2.1. Council to seek proportional regional representation

It should be pointed out that this may be the best way to ensure a much more global representation at a Council level.

2. Number of Votes

2.1. The proposal for the footer on the last page to be amended to read "Contracting Parties' contributions to be according to the scale of the tonnage of their fleets, which will be specified in the General Regulations", refers.

**South Africa's comments on draft IALA General Regulations text on the
International Organization for Marine Aids to Navigation (IALA)**

Articles / Other references	Article sub number / Other references	Proposed Amendments	Explanatory Notes / Motivation
1. Article 2 Membership of IALA	2.5 Contributions and Fees 2.5(a) - 2 nd sentence	Replace "the same for the Contracting Party" with "in accordance with the scale as established in relation to the tonnage of their fleets" <u>Sentence to read:</u> "Contracting Party contribution shall be in accordance with the scale as established in relation to the tonnage of their fleets."	The same as Annex A, item 8, column "Explanatory Notes / Motivation"
2. Article 2 Membership of IALA	2.6 Suspension and Reinstatement of Associate and Affiliate Membership 26(a)	2.1. Delete comma after "Council may suspend, ..." <u>Sentence to read:</u> "(a) The Secretary-General may recommend that the Council suspend, and the Council may suspend an Associate or Affiliate membership for non-payment of fees according to the escalation procedure established in the Financial Regulations." 2.2. If the terms to suspend and reinstate a Contracting Party are different than that of Associate or Affiliate membership, include the relevant terms as applicable.	2.1.1 Editorial 2.2.1 All inclusive
3. Additional Article	Include where appropriate	3.1. Regional co-operation in Aids to Navigation IALA shall promote the establishment of Regional Groups 3.2. Regional Aids to Navigation Groups are regional bodies, established by Member States and recognized by the Assembly	This relates to the inclusion in the Constitution Article 2 (2)(f) "co-ordination, enhance co-operation and capacity-building on marine aids to navigation and the protection of the marine environment for coastal and land-locked maritime states on a regional basis", SOLAS Chapter V, Regulation 13, amongst others, make provision for co-operation amongst Contracting

Articles / Other references	Article sub number / Other references	Proposed Amendments	Explanatory Notes / Motivation
		<p>3.3. Improve regional co-ordination and enhanced co-operation</p> <p>3.4. Promote and support capacity-building on marine aids to navigation and the protection of the marine environment for coastal and land-locked maritime states on a regional basis.</p> <p>3.5. Regional Aids to Navigation Groups shall be established by an agreement of their members.</p> <p>3.6. Regional Aids to Navigation Groups membership include Contracting Parties and other members, both willing to contribute to the objectives of IALA in the region concerned.</p> <p>3.7. Other States and international organizations active in the Region concerned may be invited by the Regional Aids to Navigation Groups to participate as observers.</p>	<p>Governments in terms of the provision of aids to navigation as the volume of traffic justifies and the degree of risk requires.</p>
4. ANNEX A; Financial Regulations of the International Organization for Marine Aids to Navigation (IALA)	Article 9 Annual Contributions and Fees Addition	Where relevant, include a scale relating to the tonnage of fleets for Contracting Parties:	This relates to the proposed amendment to footer no. (iv) in the Constitution (refers to Annex A, point 7.3 above) relating to Contracting Parties' contributions to be according to the scale of the tonnage of their fleets, which will be specified in the General Regulations

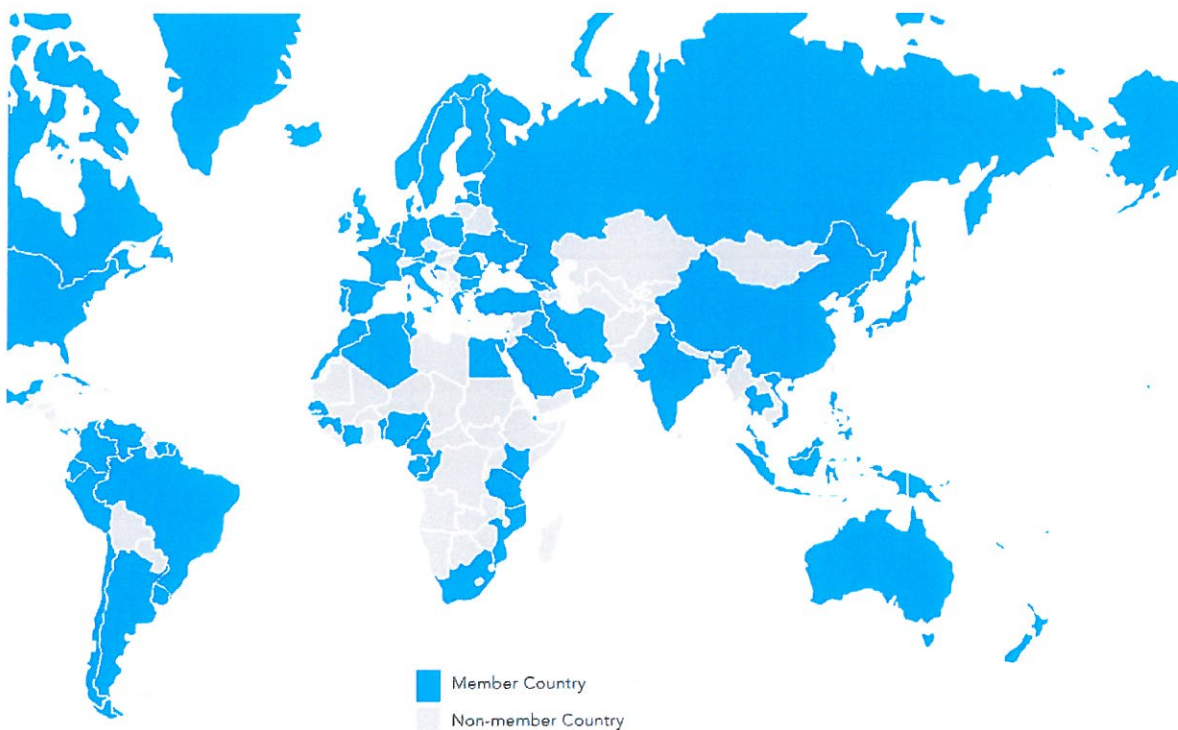
Notes:

1. The Notes 1 and 2 at the end of Annex A above would have a bearing on the future General Regulations post IALA becoming an IGO.

IALA Contracting Parties' Contracting Parties' Contributions

South Africa believes that the IALA Contracting Parties' contributions should not be equal, but according to the scale of the tonnage of their fleets.

The International Maritime Organization (IMO), the International Hydrographic Organization (IHO), and IALA all serve the same maritime community. Maritime Transport is the jugular vein of most maritime states' economies as sea borne trade accounts for a very high percentage of most of these economies.



Compared with the rest of the world, percentage wise, Africa has the least number of IALA members per continent. States on the African Continent are developing countries in their own rights and do not have the financial resources as their developed global counterparts.

Both Intergovernmental Organisations (IGO), the International Maritime Organization (IMO) and the International Hydrographic Organization (IHO) contracting parties' contributions are according to the scale of the tonnage of their fleets. With IALA now moving towards becoming an IGO, it should follow suit and apply the same principle. This would go far in attracting more IALA Members, especially from the African Continent. And with IALA Regional Groups being established as proposed, would contribute towards addressing the lack of and/or poorly maintained aids to navigation and maritime safety information in a number of African Union (AU) Member States, as per the Ministerial Declarations that are being referred to earlier in this submission.

IALA World-Wide Academy delivers both training and capacity-building activity in five key maritime regions, Africa being one of these. IALA delivers this activity in partnership with members of the Joint Capacity-building Group (principally the IMO and IHO) as part of the United Nations "Delivering As One" capacity.

Navigable inland waters on the African Continent



1. Navigable Lakes
 - 1.1. Tumba
 - 1.2. Mai-Ndombe
 - 1.3. Volta
 - 1.4. Turkana
 - 1.5. Albert
 - 1.6. Edward
 - 1.7. Victoria
 - 1.8. Tanganyika
 - 1.9. Rukwa
 - 1.10. Mweru Wantipa
 - 1.11. Mweru
 - 1.12. Bangweulu
 - 1.13. Kampolombo
 - 1.14. Malawi
 - 1.15. Tshangalete
 - 1.16. Cahora Bassa
 - 1.17. Kariba
2. Navigable Rivers
 - 2.1. Senegal
 - 2.2. Nile
 - 2.3. Congo
 - 2.4. Niger
 - 2.5. Ubangi
 - 2.6. Kasai
 - 2.7. Zambezi
 - 2.8. Limpopo

Note:

- (i) The list above may not be complete
- (ii) Certain lakes and rivers may only be navigable for small vessels