

IALA's Initiative to Change its Status

(Draft Convention dated December 2015)
(Report on Financial Issues (doc CoS2-6.3.1))

Comments from Ireland

(Department of Transport, Tourism and Sport)

General Comments

1. We are not convinced by the case made for the proposed change in status (ie to an international organisation) given, in particular :
 - i. that the nature of the organisation as a consultative, technical association will remain fundamentally the same, and
 - ii. the financial implications for potential Contracting States and for the organisation itself (see below)
2. We note the preference in Articles 6 & 7 for representation at the General Assembly to be focused on existing national authority members : the norm is that the Contracting State itself leads the delegation and decides on membership, and in our view there is no reason to change that, including by stating a preference in the draft Agreement.
3. Countries vary in the structure of their Aids to Navigation authorities (current national authority members), the different status of these authorities (eg part of Ministries or Regional Authorities, separate state agencies, cross-border as in the case of the national member for Ireland), and possibly their funding models. Such a scenario causes difficulties in :
 - i. changing the structure of the organisation itself to one primarily focused on Contracting States, and
 - ii. retaining the value of the organisation in its current form as a consultative and technical association with a specific focus on aids to navigation.
4. Given the core nature of the organisation, and the differences in AtoN authorities, it is not clear why some Contracting State should or would wish to directly replace the existing national authority (as envisaged in Article 18.) Neither is it clear why , in the case of having more than one national associate member prior to becoming a Party, only those Contracting States would be allowed under Article 18.6 to retain one or more (ie potentially all) associate members.

5. On financial matters, there are a number of related issues :

(i) it is inevitable that a new, larger international organisation will have greater costs, and this will also apply to IALA;

(ii) the expected level of contributions from Contracting States under the various scenarios in the Report on Financial Issues document show a substantial increase on current contributions, no matter which scenario is followed: this is hardly an incentive for States to become Contracting Parties, particularly when the nature of the organisation and the existing national members will remain fundamentally the same;

(iii) it would also be useful if the financial scenarios were based on the number of States which would bring the Agreement into force under Article 15;

(iv) States themselves are different, in both size and maritime fleets, so why not base the contributions of Contracting Parties on a formula, as is frequently seen in other Conventions, rather than have a fixed amount?

(v) some AtoN authorities are funded in one way or another by the State or from the public purse, and a potential duplication of membership (ie the AtoN authority and the State as a Contracting Party) for the same result is of questionable benefit.

6. It is not clear what would be IALA's future relationship with the IMO, the IHO, the ITU and the WMO, and how it will be different from, and better than, the current relationship. The already productive partnership was referred to at the Pre-Diplomatic conference by the IMO Secretary-General as a "trinity of excellence", and he expected there would be no change in these relationships following a change in status because of their productive collaboration.

Other Comments

7. *Article 6 – General Assembly* : a meeting every 4 years (normally) seems infrequent for the "principal decision making body"

8. *Article 7 – Council* : a council of up to 23 members seems large and potentially unwieldy. Has any consideration been given to ensuring some kind of balanced regional representation on the Council, which should not be dependent on the General Regulations.

9. *Article 15 – Entry into Force* : To take account of the various transfers under Article 18, a longer period than 30 days after date of deposit would be needed
10. *Article 16 – Withdrawal* : Twelve months notice of withdrawal is a long period – suggest 6 months. The coming into force of the Convention, if 30 Contracting States are required, could take some time. Notification of withdrawal should not be limited to “any time after the expiration of 12 months from the date on which the Convention has come into force”.
11. *Article 18 – Transitional Arrangements* : There seems to be something missing. Article 18 provides for the transfer into the new organisation of members, the Council and Committees, and the Secretariat, and for the *initiation* of negotiations re transfer of assets, liabilities, records etc. “Initiation” is only the beginning of a process, where is the end, the actual transfer to the new body and the formal dissolution or ceasing to exist of the old IALA? It is also unusual that the various transfers under Art 18.7 wouldn’t take place with effect from the date of entry into force.

Department of Transport, Tourism & Sport

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