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| IALA IMG **2nd session** |  | 12-16 February 2024 **SABIC, Finland** |

# 3– Update IALA and WWA

Status on IALA and the change to an Intergovernmental Organization

# GENERAL

This document provides a general update related to the governance and operation of IALA.

The Conference and General Assembly were conducted in Rio de Janeiro from 29 June to 3 July 2023. Both were very successful thanks to the generous and dedicated work of the Brazilian Navy. With a record high number of participants and exhibitors the Conference produced useful conclusions for the future work of the association.

The membership of IALA and the interest in the committee work are very satisfying. IALA now counts 94 National members, 163 Industrial members and 80 Associate members.

The first committee and panel meetings of the new work period showed again that face-to-face meetings remain IALA’s preferred mode of operation. The meetings were very successful with many participants in the HQ and also some participating on-line.

MASS remains an area of interest and concern. A well visited workshop hosted in IALA in October gave good guidance on the future scenarios for the development of autonomous ships. This work will be an input to the MASS task force established by the Council.

The report can be found here: <https://www.iala-aism.org/technical/mass/>

The Convention on the International Organization for Marine Aids to Navigation and the transition to an International Organization progress well and as of January 2024 26 States have ratified, approved, accepted or acceded to the Convention and it is expected that more States will follow soon.

The Conference on the General Regulations and Financial Regulations was held in Tokyo 7-11 November 2023 by the invitation of Japan Coast Guard. The Conference was very successful with participation from 40 countries. The Conference managed to agree on a draft text that can be presented to the first General Assembly of the IGO when established.

In the following more details can be found on the Change of Status project.

# SIGNATURES AND RATIFICATIONS

The first 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, were invited to sign the Convention at the Protocol of the Ministry for Europe and Foreign Affairs.

A final signing ceremony was held at the last day of the signature period on 26 January 2022 in the IALA HQ in St. Germain-en-Laye. During the year 50 States signed the Convention.

States that have signed the Convention are invited to transmit the instruments of ratification, acceptance or approval to France, the depositary State. All Member States of the United Nations that have not signed during the signature period, 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.

As of January 2024 26 States have ratified, accepted, approved or acceded to the Convention. More States are believed to follow soon, and the Council will be updated with the actual number at the meeting.

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-aism.org/the-igo-project/

# STATUS ON THE TRANSITION ARRANGEMENTS

**Transitional Arrangements as foreseen in the Convention**

The Convention will enter into force 90 days after the 30th instrument of ratification, acceptance, approval or accession. Upon the entry into force, the first General Assembly of the IGO will need to take place within the first six months. This period is called the transition period.

The Secretariat has started the detailed preparation for the transition period between the start of the new organization, the termination of the present association and the first General Assembly of the new IGO. For this purpose and after advice from the LAP, the Secretariat has appointed a French law firm to provide legal assistance throughout the transition period and until the winding up of the Association is complete. The law firm will help with respect to the administrative formalities required by French law for the transfer of the rights, interests, assets and liabilities in favour of the new IGO.

Of special interest is the Annex to the Convention (Transitional Arrangements) and Article 13 to the Constitution of the present IALA describing the automatic termination of IALA as an association.

It is important to note, that upon entry into force of the Convention and until the first General Assembly of the IGO (maximum six month), the President, Vice President, the Council, the Secretary General, the Secretariat and the organs, inclusive the IMG, of the present IALA will execute the same roles in the IGO in accordance with the relevant articles of the Convention. This provision ensures that IALA will be able to continue its tasks during the transition period until the first General Assembly of the IGO will elect the first President, Vice President, the Council, the Secretary-General and all other relevant positions according to the Convention.

# USE OF THE GENERAL REGULATIONS MUTATIS MUTANDIS

As part of the Basic Documents, IALA has developed the General Regulations including Financial Regulations. In the present IALA the General Regulations and the Financial Regulations shall be agreed and changed by the Council, but in accordance with the Convention the General Assembly will have to agree the General Regulations and Financial Regulations in the IGO.

As part of the Transitional Arrangements, it has been decided that the present General Regulations will be used mutatis mutandis in the period from the entry into force of the Convention and until new General Regulations have been agreed at the first General Assembly of the IGO.

Mutatis mutandis translates in legal terms to “with the necessary changes.” In the present situation this means mainly that the IGO will be governed according to the General Regulations of the association until the IGO decides upon its General Regulations during the first General Assembly. Therefore, the technical work and everyday business of IALA will continue as before.

In case there will be any specific legal problems coming up during this period about the interpretation of the General Regulations mutatis mutandis, the Secretariat will liaise with the LAP on a case-by-case basis to find solutions in a most pragmatic way to ensure a smooth transition.

# DEVELOP THE DRAFT GENERAL REGULATIONS

In the beginning of the Change of Status project, the draft General Regulations were managed in the same way as the draft Convention. They were issued before each meeting and after comments by States they were negotiated at the meetings. This was given up as they were much too complicated to agree on and took too much time from the more important negotiation on the draft Convention. The last version of the draft General Regulations was issued as an input paper to the Diplomatic Conference in Kuala Lumpur in 2020.

By the generous invitation of Japan Coast Guard, a Conference was convened 7 to 10 November 2023 with the purpose to develop the draft General Regulations and Financial Regulations ready to be presented to the first General Assembly of the IGO.

The Conference was very successful with almost 100 participants from 38 Countries. A draft text was agreed with only a few points left in square brackets for the General Assembly to decide on.

It is important for the IMG to note that the Industrial members, the Industrial Members Group and General Assembly will continue in the IGO. The name of the Industrial members will be Affiliate Industrial Members in accordance with Article 2.3:

“2.3. Affiliate Industrial Members

(a) Affiliate Members who are manufacturers or distributors of Marine Aids to Navigation equipment for sale, or organizations providing Marine Aids to Navigation services or technical advice under contract will be known as Affiliate Industrial Members.

(b) Affiliate Industrial Members are represented by the Industrial Members Group, in accordance with its Terms of Reference as approved by the General Assembly of Industrial Members. The Industrial Members Group is not considered to be a subsidiary body of the Organization.”

# THE IMG IS INVITED TO

**Note** the information provided