

Pre-DIPCON

12-14 March 2019
Istanbul

2.1.5 (E) – Information Paper on the official languages of Intergovernmental Organizations

Note by the IALA Secretariat

1. GENERAL

The use of different languages in International Organizations is important to support clear and efficient communications and thereby promote fruitful discussions and effective cooperation between countries from around the world.

At the second preparatory Diplomatic Conference, held in February 2018, there was an in-depth discussion on the official and working languages of the new Intergovernmental Organization (IGO). In conclusion the Chair proposed a compromise which suggested that the Convention text should cover three official languages, namely, English, French and Spanish. Further, the practical arrangements for the working language would be covered by the General Regulations for the IGO. This approach would be similar to the current working arrangements within IALA as an association.

The fourth extraordinary meeting of the Legal Advisory Panel, held in November 2018, agreed on an action item inviting the Secretary-General to prepare an information paper to support the further discussions related to official and working languages at the diplomatic level. This information paper presents the established practices within IGOs and also discusses the financial implications of having more than one official language. Additionally, the Annex to this paper provides information on the wide geographical spread of countries where IALA currently has National members, along with an indication of their official languages.

2. OFFICIAL AND WORKING LANGUAGES

Most International Organizations have more than one official language and one or more working languages.

While the terms “official” and “working” have no precise definition in international law, they are often defined in the Rules of Procedure/General Regulations of the organization, with distinctions between them in practice often overlapping, or non-existent.ⁱ The United Nations (UN) originally selected working languages to: (i) align with the primary languages utilized in the institution, and (ii) save costs relating to staff, translation and interpretation.



3-2.1.5 (E)

The UN General Assembly Rules of Procedure were originally agreed in 1947, indicating five official languages (English, French, Spanish, Russian, and Chinese) and two working languages (English and French). All resolutions, important documents and summary reports were to be translated into the official languages, while verbatim records, operational documents and the Journal were to be translated into the working languages. ⁱⁱ

Most International Organizations state their official languages in their Convention while the working languages - often fewer in number - for their bodies are stated in the Rules of Procedure/General Regulations. The Convention itself is equally authentic in any of the official languages, and the same principle applies to resolutions and other important documents that are translated into the official languages.

Documents of an operational nature, input papers and other working documents are translated into the working languages as specified in the Rules of Procedure/General Regulations.

3. OFFICIAL AND WORKING LANGUAGES: EXAMPLES OF THEIR USE IN INTERNATIONAL ORGANIZATIONS

The use of official and working languages is illustrated in the following examples.

International Association of Marine Aids to Navigation and Lighthouse Authorities (IALA):

The use of languages (whether official or working language) is not mentioned in the IALA Constitution. The Constitution was originally agreed by the General Assembly in both English and French and because IALA is a French association the Constitution is registered with the French authorities in the French language in accordance with the national Law of Associations of 1901.

Although languages are not mentioned in the Constitution, English and French are regarded as the *de facto* official languages and it follows that all official correspondence (circular letters, invoices, acknowledgements of receipts, etc.) is sent in both English and French.

The working procedures for the General Assembly, the Council and the Committees are set out in the General Regulations as follows:

General Regulations, Article 3.3 (2) - *The business of the General Assembly shall be conducted in the English, French and Spanish languages.*

General Regulations, Article 4.4 - *The following Rules of Procedure shall apply to the conduct of the Business of the Council, which shall be conducted in IALA's working language – English.*

General Regulation, Article 6.1 (4) - *Meetings of the Committees and other bodies will be conducted in IALA's working language – English including all input and output documents.*

United Nations (UN), including the International Maritime Organization (IMO):

The official languages of the UN, including the IMO (as designated Specialised Agency of the UN), are Arabic, Chinese, English, French, Russian and Spanish.

The working languages of the UN are English, French and Spanish with the exception of the UN Security Council, which only uses English and French for its working languages.



English, French and Spanish are also the working languages of the IMO General Assembly, Council and Committees.

International Hydrographic Organization (IHO):

The relevant provision can be found in the IHO Convention, Article XII - *The official languages of the Organization shall be English and French.*

This general provision is interpreted as the basic obligation of the IHO Secretariat to maintain all relevant communication - both written and oral - in these two languages, and through all media, including the internet.

The IHO Assembly and the IHO Council operate under different regimes, as follows:

Rules of Procedure of the Assembly, Rule 22 - *The working languages of the Assembly shall be English, French, Spanish and Russian for purposes of simultaneous interpretation of the proceedings. Speeches at the Assembly shall be made in one of these working languages and will be interpreted into the other three languages.*

Rules of Procedure, Rule 23 - *All documents issued by or in connection with the Assembly shall be issued in the official languages of the Organization, English and French.*

Rules of Procedure of the Council, Rule 17 - *The Secretary-General shall circulate to Member States all reports, decisions, recommendations and other documents of the Council. The report of each meeting of the Council, including any annexes to be submitted to the Assembly, shall be in the official languages of the Organization.*

It is noteworthy that there is no specific requirement for working languages for the Council nor is there a mandate for interpreters. The IHO Secretariat has informed IALA that the working language of the Council is English only, for both written and oral communications.

The Finance Committee is subject to the following rule:

Rules of Procedure of the Finance Committee, Rule 14 - *The Secretary-General shall circulate to Member States all reports, recommendations and other documents of the Finance Committee. The report of each regular meeting of the Finance Committee, including any annexes to be submitted to the Assembly, shall be in the official languages of the Organization.*

It is noteworthy that there is no specific requirement for working languages for the Finance Committee, nor is there a mandate for interpreters. The IHO Secretariat has informed IALA that the working language of the Finance Committee and other working groups is English only, for both written and oral communications.

4. OFFICIAL LANGUAGES OF THE IALA NATIONAL MEMBERS

As already mentioned, the fourth extraordinary meeting of the Legal Advisory Panel requested that a list of official languages used in the countries where IALA currently has National members be prepared. This list can be found in the Annex to this paper and covers 85 countries where IALA currently has National members. Two of the listed countries have two National members each. The total number of National members stood at 87 in January 2019.



From the list, it can be established that the four most spoken official languages are English (in 22 countries), French (12), Spanish (11) and Arabic (10). No other languages than those four are official languages in more than two countries where IALA has National members.

5. FINANCIAL CONSIDERATIONS RELATED TO LANGUAGES AND TRANSLATION ARRANGEMENTS

The IHO is an established IGO with a very comparable organization to IALA. It has almost the same number of members and its budget is of the same order.

The IHO Secretariat has kindly provided information on its approach to and budget for its language and translation arrangements, which are briefly described in the following paragraphs.

The IHO's day-to-day working language for both written and oral communications is English. However, all important documents are additionally translated into French.

Two approved English-French translators of the French mother tongue have been employed for decades. Because of the specific relationship between the IHO and the Host Government (Principality of Monaco), some of the operational communications are also handled in French. This is usually undertaken by bilingual office staff supporting the Secretary-General.

In principle, all translation is undertaken in-house. However, when the available internal resource is overloaded due to the absence of an approved translator or for other reasons, which may cause a substantive translation backlog, an external translation service is additionally used on a temporary basis. The most recent, externally placed contracts indicate a fee of 0,16 € per word.

Because of the global importance of the Spanish language, there are regular requests for additional translation into Spanish. Such requests date back as far as the 1930s, however, Spanish has never been adopted as a recognized working language. Nevertheless, there is an established practice to translate a substantial part of the most important documents into Spanish. A Spanish translator is employed by the IHO for this purpose and external translation capacity for Spanish is used intermittently at the same cost as the above mentioned fee of 0,16 € per word for English and French translations.

The translation of Assembly documents requires extensive planning and starts roughly one year in advance of the meeting and continues after its conclusion with the production of the report of the proceedings. This consists of approximately 600 pages of text, to which the translation of reports for the Council has recently been added.

The two French translators and the Spanish translator together have gross salaries accumulating in the region of 210 000 € per annum. Additionally, they benefit from reimbursement of medical expenses, along with allowances for children's education, relocation and other cases as may be granted by the IHO Staff Regulations.

The costs for translators' overtime and for external support vary with the tasks being undertaken. For 2017, the total costs were as follows:

- Usual interpreter services during the Assembly: 30 000 €.
- Overtime for the Assembly (French translators): 16 500 €
- External support for the Assembly: 2 425 €



- External support in relief of translators (Spanish and French): 9 000 €

The grand total for the three languages of the IHO during 2017 amounted to 267 925 €. In addition, extra costs were incurred for medical expenses and allowances for children's education, relocation and other cases as granted by the IHO Staff Regulations. In sum, the IHO pays for translation at least 90 000 € per language per annum and also bears extra costs as stated above.

Taking into account the similarities between the IHO and IALA a similar budget could be expected for IALA as an IGO if the official languages were English, French and Spanish and if English is kept as the only working language of the Council and the Committees.

6. THE CONFERENCE IS INVITED TO

Take the information provided into consideration in order to move discussions towards achieving a wide consensus related to the choice of official and working languages for IALA as an IGO.

ⁱ M. Tabory, *Multilingualism in International Law and Institutions*, Sijthoff & Noordhoff, 1980, p 21.

ⁱⁱ UN, *Provisional Rules of Procedure for the General Assembly*, A/71/Rev.1 (New York, April 1947), Rule 53, available at http://www.un.org/en/ga/search/view_doc.asp?symbol=A/71/REV.1&Lang=E