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Relations with non-governmental organizations

[Change of status]

Submitted by the International Association of Marine Aids to Navigation and
Lighthouse Authorities (IALA)

DRAFT1 - 10 SEPTEMBER 2015

SUMMARY

<i>Executive summary:</i>	This submission provides information on the planned change of status of IALA from non-governmental to intergovernmental international organization, including the envisaged adoption of a new treaty instrument to provide a robust legal framework that ensures transparency, good governance and close cooperation with other intergovernmental organizations and national governments worldwide.
<i>Strategic direction:</i>	[Not applicable? – check with Jesper Loldrup of IMO Secretariat]
<i>High-level action:</i>	[Not applicable? – check with Jesper Loldrup of IMO Secretariat]
<i>Planned output:</i>	[Not applicable? – check with Jesper Loldrup of IMO Secretariat]
<i>Action to be taken:</i>	Paragraph 30
<i>Related documents:</i>	None

INTRODUCTION

1 This submission provides information on action by the International Association of Marine Aids to Navigation and Lighthouse Authorities (IALA) to change its status from non-governmental organization (NGO) to intergovernmental organization (IGO). A multilateral treaty instrument has been chosen as the suitable path for this purpose. The draft “Convention on the International Organization for Marine Aids to Navigation” (IALA Convention) meets the requirements of the Vienna Convention for International Treaties and will be presented for adoption at a future diplomatic conference. It will be open for [entry][signature] by all members of the United Nations (UN). Last year, the IALA General Assembly adopted a resolution stating its firm belief that IGO status will best facilitate IALA’s aims into the 21st century and determining that the new status should be achieved as soon as possible (GA Resolution A.01 of 27 May 2014).

2 The change of status will mark a major milestone in the [evolution][further development] of IALA. However, it will not in any way change its principal aim: to foster the safe, economic and efficient movement of vessels through improvement and continued harmonisation of aids to navigation and related services, through international cooperation, and through the provision of harmonized standards for the benefit of the maritime community, safety at sea and the protection of the environment.

3 IALA has worked in close partnership with IMO and other IGOs for many years and wishes this collaboration to continue and to grow. IGO status will strengthen the existing cooperation as well as allowing for a broader participation in IALA by States, **at Government level**. This will benefit the regulatory work relating to the safety of navigation and the protection of the environment and, in particular, the harmonization of standards as Governments will be directly involved.

4 Of particular importance are the development and general adoption of the highest practicable standards that keep pace with emerging technologies. 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 the Convention to cooperate, “*through competent international organizations*” [emphasis added], to promote the development and transfer of marine technology.

BACKGROUND

5 IALA was established in 1957, following a conference of national lighthouse authorities held in Scheveningen, Netherlands, as a not-for-profit international organization, with a permanent Secretariat (currently headquartered in Paris), and with a broad mandate for information sharing and to coordinate, support and improve upon the technical elements, services and allied activities relating to the provision and maintenance of lighthouses and other aids to navigation, both at sea and in inland waterways. IALA is governed by a General Assembly, while its Council of 20 elected members is the executive body. IALA has both national members (principally government agencies and competent authorities) and industry members (mainly equipment manufacturers). (To date, IALA has 78 National Members, 116 Industry Members, 55 Associate Members, and ? Honorary Members.)

6 IALA was among the first NGOs to be granted consultative status at IMO, in 1961. Its unique input into IMO’s technical work derives from its focus on devices, systems and services that are external to the ship, while IMO’s focus lies with the ship itself. Aids to navigation and related services, such as ship reporting systems, vessel traffic services and more recently e-navigation, can greatly assist in situational awareness on the part of the watchkeepers on the ship bridge.

7 IALA’s **maritime buoyage system** is universally recognized and its contribution to harmonization in aids to navigation is of major importance to the safety of life at sea, safety and efficiency of navigation, and protection of the environment. In the same vein, its many international recommendations and guidelines provide the internationally accepted standards national governments should take into account when meeting their obligations under **SOLAS Regulation V/13** concerning the provision of aids to navigation.

8 In addition, IALA members are principal stakeholders in **Vessel Traffic Services (VTS)** systems in ports and waterways around the world. IALA took a leading role in the development of the IMO *Guidelines for Vessel Traffic Services*, which were first adopted in 1985 and subsequently superseded by IMO Resolution A.857(20), adopted on 27 November 1997. The *Guidelines and Criteria for VTS* contained in Annex 1 of the Resolution are aligned with **SOLAS Regulation V/23**, which requires Contracting Governments to undertake to arrange for the establishment of VTS (where, in their opinion, the volume of traffic or the degree of risk justifies such services). Annex 2 of the same Resolution contains *Guidelines on Recruitment, Qualifications and Training of VTS Operators*. The following year, in 1998, IALA’s much

anticipated *Recommendation on Standards for Training and Certification of VTS Personnel* (V-103) was published. Publication of a series of internationally accepted model courses on training and qualifications for different categories of VTS personnel followed, all of which can be downloaded free of charge from the IALA website.

9 Over the past decade, IALA has been pro-active in promoting **e-navigation** through maritime stakeholder conferences and workshops designed to improve understanding of both the benefits and limitations of e-navigation and to widen awareness of the need to prioritise user needs in e-navigation implementation. More recently, it has provided significant technical input into the development of the Organization's Strategy Implementation Plan (SIP) for e-navigation, which was agreed by the Maritime Safety Committee in November 2014, and of the related proposals for a four-year work programme (2016-2019) on priority solutions for e-navigation implementation, to be conducted by the Sub-Committee on Navigation, Communications and Search and Rescue (NCSR Sub-Committee).

10 IALA conducts its technical work through a number of expert committees, which principally cover four broad areas (in no particular order of priority): aids to navigation engineering and sustainability, requirements for aids to navigation and their management, VTS, and e-navigation. The results of all this work are widely disseminated in IALA publications and other documentation, recommendations and guidelines.

IALA World-Wide Academy

11 In addition, workshops and seminars are conducted around the world to widen understanding of requirements relating to the provision of aids to navigation. Effective assistance with training and capacity-building has become increasingly important as IALA's membership continues to grow and a number of least developed and developing countries in particular are considered "target" States for technical assistance. The decision was thus taken to establish the IALA World-Wide Academy (WWA), which was created on 1 January 2012 as an integral part of the parent organization and with independent funding.

12 In the short time of its existence, the IALA WWA's activities have increased exponentially, based on its three core missions: to raise awareness of coastal State obligations under international law, to provide technical needs assessments on request, and to facilitate the delivery of training and capacity-building by training organizations approved by the competent authorities in IALA member States. The aim is to empower coastal States in the spirit of the UN's stated **Millennium Development Goals** and its post-2015 development agenda relating to **Sustainable Development Goals (SDGs)**. Eight SDGs are expected to be adopted at a UN Summit in New York, to be held from 25 to 27 September 2015. Draft Goal 14 is to "conserve and sustainably use the oceans, seas and marine resources for sustainable development".

13 In support of the work on SDGs, a substantial contribution was made to the concept of a **Sustainable Maritime Transportation System (SMTS)**, developed on the initiative of the IMO Secretary-General (Mr. K. Sekimizu) in close collaboration with partner international organizations, the shipping industry and other maritime stakeholders. The SMTS highlights the economic, environmental and social dimensions of sustainable shipping into the 21st century and identifies the goals that need to be met in order to achieve it, including the provision of maritime traffic support and advisory systems.

14 The Academy's work is carried out jointly by IALA, the International Hydrographic Organization (IHO) and IMO, with staunch support from the International Hydrographic Bureau and IMO's Technical Cooperation Division. The partnership embraces the UN's "**Delivering as One**" strategy aimed at reinforcing the links between key partners and thus optimizing training and capacity-building efforts. By way of example, IALA is closely involved in regional seminars of IMO's Integrated Technical Cooperation Programme (ITCP) for "target" States in Africa and the Asia-Pacific realm. Similarly, IALA actively participates in Regional

Hydrographic Commissions where implementation of the twin SOLAS requirements for adequate hydrographic services and the provision of aids to navigation can be pursued with a common purpose. Technical needs assessments also benefit from the application of IALA's "risk management tool box".

15 IALA and the IALA WWA are further part of the **Joint Capacity-Building Group** working under the "Delivering as One" aegis. Led by IMO, the Group aims to strengthen capacity development through enhanced cooperation between different UN agencies and other organizations sharing a commitment to protect the world's oceans from environmental deterioration including the impact of climate change and to improve upon maritime safety. Other members include the World Meteorological Organization, which provides standardised weather forecasting, and the IHO, which focuses on compliance with SOLAS V/Regulations 4, 9, 19 and 27 pertaining to, respectively, navigational warnings, hydrographic services, and adequate and up-to-date nautical charts and publications.

16 Demand for the Academy's services is expected to continue to grow as the **IMO Member State Audit Scheme (IMSAS)** becomes institutionalised, from next year onwards, and all countries will need to be well prepared for the compulsory audits concerning their coastal State obligations under the Organization's mandatory instruments. The recommendations identified in technical needs assessment reports will be particularly helpful in targeting appropriate measures for improved implementation of requirement for both the safety of navigation and protection of the environment, which are intrinsically linked.

17 The IALA WWA is a demonstrable success story of UN-inspired capacity-building in action. Its critical significance derives from its potential not only to improve upon the adequate provision of aids to navigation but also, and perhaps most importantly, to ensure global harmonization, which is critically important from the perspective of users, in particular **seafarers**. IALA remains greatly indebted to all its sponsors, including IMO, for their unflinching support in serving worldwide navigational safety and protection of the world's seas and oceans, their diverse ecosystems and the marine environment.

IGO STATUS AS THE WAY FORWARD

Appropriate legal personality for IALA

18 It is against the background of all of the above described developments and activities that the decision to initiate action to change the status of IALA must be understood. The envisaged IALA Convention will give IALA the appropriate legal personality and provide a strong, international legal framework to enable its members, other States and maritime stakeholders to rely unequivocally on its expertise, publications and standards. Furthermore, the more Governments that will adopt and implement IALA standards, the greater the likelihood of **effective global harmonization** being achieved and, eventually, of those standards becoming customary international law and practice.

Cooperation with other IGOs

19 IALA's aims will continue to be **complementary** to those of its partner IGOs including IMO, IHO, the World Meteorological Organization and the International Telecommunication Union (which provides spectrum for radio aids to navigation). Working together as equals – with the mandate, role and responsibilities of each transparent, mutually supportive and commonly accepted – will enable them to exercise enhanced, collective impact 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 safety and environmental protection.

Authoritative standards

20 IGO status will strengthen IALA's position as the **single, authoritative source of standards, knowledge and expertise** relating to the shore-side dimension of safety of navigation, thus complementing the ship-focused perspective of IMO. A trusted IALA will thus enable both its national and industry members, individually and in cooperation with each other, to undertake the technical development and provision of aids to navigation in accordance with existing international law requirements (SOLAS and UNCLOS).

21 Furthermore, standards developed by IGOs can be relied upon to represent **best practice**. Once the change of status takes effect, it is IALA's intention to deliver a limited suite of high-level standards for direct citation by Governments when considering the establishment and operation of aids to navigation or when preparing national laws, or for direct referencing by other international organizations, Governments and maritime industry stakeholders.

22 Formal recognition of IALA standards at Government level will provide a much needed element of predictability and **create certainty** for all stakeholders concerned as they will know what to expect and what is expected from them. This is particularly important in a fast-changing and increasingly complex world. Increased globalization, the speed of technological progress and accumulative environmental pressures threatening the health of the world's oceans pose unprecedented challenges demanding unambiguous and robust solutions. The need for certainty through improved harmonization is also becoming more pressing due to the increasing reliance on advanced, global technologies including satellite communications.

ADDITIONAL CONSIDERATIONS

Ocean governance concerns

23 The use of the world's oceans is becoming more multi-faceted and more intensive, with the attendant risk of **competing uses that may endanger safety**. Busy shipping routes, traffic separation schemes and larger ships compete for available space with offshore exploration and extraction of energy and natural resources, wind energy farms, fishing vessels, marine aquaculture, leisure craft, surfers, waterborne tourism, and so on. Safe and efficient ship movements will therefore need to be supported by improved information systems including up-to-date hydrographic, oceanographic and meteorological data, enhanced aids to navigation and VTS systems, communications in real time, and so on. Greater coordination and more coherent and better integrated standards will assist in good ocean governance, as well as reduce the burden on navigators.

Coastal State interests

24 UNCLOS is increasingly important to coastal States concerned with the protection of their coastlines and waters under their jurisdiction from marine pollution and maritime accidents. **UNCLOS Article 21** entitles coastal States to adopt laws and regulations and implement measures for the protection of the marine environment and to ensure the safety of navigation and the safe conduct of maritime traffic. Some traditional maritime countries at IMO display growing awareness of their coastal State interests, making them the deciding factor in their negotiating positions, over and above their flag State concerns.

25 It is worth noting that the SOLAS Convention has embraced ship reporting systems and VTS for environmental protection purposes, quite separate from any safety concerns. Their introduction **beyond the territorial sea** of a coastal state, or in a strait used for international navigation, is permitted, even on a mandatory basis where ship reporting systems are concerned, provided such systems are established with IMO's agreement (in accordance with SOLAS Regulation V/11).

26 IMO is receiving a growing number of proposals for the protection of large sea areas through the designation of **Particularly Sensitive Sea Areas (PSSAs)**, together with

Associated Protective Measures (APMs). These may include mandatory measures such as IMO-agreed ship reporting systems, traffic separation schemes (COLREGS Rule 10) and other ships' routing measures. It is increasingly feasible to enhance the effectiveness of APMs with modern technologies such as virtual aids to navigation, long-range ship identification and tracking, satellite communications for emergency response, and so on.

27 The number of PSSAs designated by IMO to date is 14, including the extended Great Barrier Reef PSSA to encompass the Torres Strait and the south-west part of the Coral Sea. The first-ever proposal for a PSSA in **Africa** is expected to be submitted by Mauritania next year with the aim to provide a protective barrier for the Banc d'Arguin National Park, a UNESCO World Heritage site. Meanwhile, IMO is facilitating a project to identify potential sea areas in **South East Asia** for PSSA designation.

CONCLUSION

28 IGO status will best facilitate IALA's aims as a technical organization into the future. IALA is committed to its new status by providing clear, coherent and globally harmonized standards at Government level for the improvement and harmonisation of aids to navigation and related services including VTS and e-navigation

29 IALA is of the firm belief that the change of status will also benefit IMO and its Member States, as well as the shipping industry and the wider maritime community. The new IALA Convention will provide a strong, international legal framework that ensures transparency and good governance, that positions the organization to work in close collaboration with governments and other IGOs, including IMO, and that fosters its work as the [peak][leading] international technical body in its field.

Action by the Assembly

30 The Assembly is invited to note the information provided.

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draft1
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