

PRESS RELEASE

IALA is on its way to Intergovernmental status

Saint-Germain-en-Laye, 20th March 2019 – **The International Association of Marine Aids to Navigation and Lighthouse Authorities (IALA), which has National members in 82 coastal States around the world, will call a Diplomatic Conference in early 2020 to adopt a new legal framework on its transition from an international non-governmental association to an Intergovernmental Organization (IGO). The Government of Malaysia will host the Conference.**

The "Convention on the International Organization for Marine Aids to Navigation" will have the status of an international treaty instrument. Upon its adoption, it will be deposited with the United Nations (UN) by the Organization's host nation, the French Republic, and open to signature by all UN members. It will enter into force upon fulfilment of the ratification requirements as agreed by the Diplomatic Conference.

Thanks to the positive engagement of close to 200 National members and government delegates – representing IALA's global reach in Africa, Asia-Pacific, Europe, and North and South America – most of the outstanding drafting work on the Convention text has been successfully completed.

Addressing the closing session of the Third Preparatory Diplomatic Conference, hosted by the Directorate-General for Coastal Safety of the Republic of Turkey in Istanbul from 12 to 14 March, IALA Secretary-General Francis Zachariae said that the draft Convention was now "near-perfect".

From the total of 21 draft Articles 17 were completed and agreed. The remaining four concern matters of a political nature and will require further discussion and final decision-making by the Diplomatic Conference. They concern the entry into force requirements, amendment procedures, membership matters, and the choice of official languages to be used by the IGO.

Most of the drafting work on the transitional arrangements was also completed, leaving only some aspects to be finalized by the Diplomatic Conference. The transitional arrangements are of critical importance to ensuring the continued efficiency of IALA's technical work. They are also designed to safeguard the membership of the current IALA in the initial period of the new IGO.

Praising "the mutual understanding" and "atmosphere of confidence", the conference chair, His Excellency Ambassador Serge Ségura, French Ambassador for the Oceans, concluded that the draft Convention text was "ready to reach the diplomatic conference."

While marking a major milestone in the life of IALA, the change of status will not, in any way, change its consultative and technical nature and its principal aim will stay the same: to foster the safe and efficient movement of vessels through improvement and harmonization of marine aids to navigation for the benefit of the maritime community and the protection of the marine environment.

The Istanbul Conference benefited from years of detailed drafting work by the Legal Advisory Panel of the IALA Council followed by two rounds of multilateral discussions held in Paris in 2017 and in Marrakesh in 2018.

ADDITIONAL INFORMATION

Preparatory work

Multilateral negotiations on the draft Convention commenced at the First Preparatory Diplomatic Conference, hosted by the French Ministry of Foreign Affairs and International Development in Paris in April 2017, and were continued at the Second Preparatory Diplomatic Conference, hosted by the Kingdom of Morocco in Marrakesh in February 2018.

These discussions built on the significant amount of drafting work done by the Legal Advisory Panel (LAP) of the IALA Council and this ensured tremendous progress in the draft text and also improved its quality.

Thus, the results of both the Paris and Marrakesh Conferences were amalgamated in new, consolidated draft texts that also took account of comments submitted by National members and Government representatives in the aftermath of those Conferences. At the fourth extraordinary session of LAP, held at IALA Headquarters in November 2018 and attended by 28 legal experts from 17 countries, the draft Convention text reached a promising mature state. Participants were thus able to focus on the remaining legal issues arising from the updated revised text, made comments and amended it, as appropriate. They also identified – but did not discuss – matters of a political nature as these fall within the purview of the planned Diplomatic Conference. This preparatory work then led to the successful outcome of the Third Preparatory Diplomatic Conference, held in Istanbul from 12 to 14 March 2019.

Draft Convention - Agreed key provisions

Broadly, the 17 Articles of the draft Convention which were completed and agreed at the Istanbul Conference address the establishment of the Organization (Article 1), its aim and objectives (Article 2), and its functions (Article 3). The objectives now include a specific reference to fostering the “environmentally sustainable” as well as safe and efficient movement of vessels.

Continued membership is assured for existing Industrial and Associate members under the new category of Affiliate members. Like the Association, the Organization will thus be open to wide participation by marine aids to navigation equipment manufacturers and distributors and other relevant technical and scientific entities.

The draft Articles addressing the structure and organs of the new Organization are designed to balance the competencies of the General Assembly and the Council, and those of the Committees

and the Council. However, certain existing Council functions will be transferred to the General Assembly of the IGO. There are also draft Articles on subsidiary bodies and on the Secretariat.

The Istanbul Conference further agreed voting procedures and the completed draft Article concerned also covers the election of the President, Vice-President, Secretary-General and Council members.

Agreement was also reached on the important matter of financial expenditure and resources for the functioning of the Organization.

Draft final clauses were also completed and agreed. They cover such matters as the Organization's legal personality, privileges and immunities, and the legal obligations of member States to make every effort to prevent disputes – including those related to the interpretation or application of the Convention – and to use their best efforts to resolve any disputes by amicable means.

Diplomatic Conference

The Diplomatic Conference scheduled for early 2020 will involve a certain amount of protocol and the necessary adoption of a Final Act, which Government representatives will be invited to sign on behalf of their respective Governments. Formal signature will pave the way for the commencement of the required procedures in their home countries to prepare for national ratification of the adopted Convention.

The French Republic, which will continue to be the host nation, will serve as the Depositary for the Convention and will register it with the United Nations (UN). This will ensure that the Convention will be open for signature by all UN member States, in accordance with the decision of the XIIth IALA General Assembly held in A Coruña, Spain five years ago, as set out in Resolution A12-01 of 27 May 2014.

Following the adoption of this Resolution, which states explicitly that “international intergovernmental status will best facilitate IALA's aims into the future”, the Constitution of IALA (Article 13) was amended to facilitate the winding up of the Association and the transfer of its assets to the Organization.

Once the Convention's entry-into-force requirements will have been fulfilled and its provisions will have taken legal effect, IALA will become the International Organization for Marine Aids to Navigation. The Organization will have the same, consultative and technical nature as IALA. Its mission and aims will also stay the same – i.e. developing, improving and harmonizing marine aids to navigation to enhance safe navigation and for the benefit of the maritime community and the protection of the marine environment.

Transitional arrangements

Prior to the effective establishment of the IGO, transitional arrangements will ensure a smooth transition so that the activities of IALA and its technical work will continue uninterrupted, and its

responsibilities towards the maritime community will be undiminished and maintained with the customary high level of commitment.

General Regulations

General Regulations for the day-to-day operations of the new IGO have also been developed and include the Financial Regulations. They will be finalized and decided upon by the first General Assembly of the IGO, when established.

The draft Convention stipulates that the General Regulations are subject to the provisions of the Convention and where there is a conflict the Convention will take precedence.

Partnership with other IGOs

The IGO will continue to collaborate closely with and support the work of the current IALA's partner international organizations, in particular the International Maritime Organization (IMO) and the International Hydrographic Organization (IHO). This international cooperation will also involve continued engagement with the UN's "Delivering as One" policy designed to avoid duplication of work and optimizing limited resources. "Delivering as One" is also critical to the continued ability of the World-Wide Academy to meet the growing demand from developing countries around the world for its capacity building and training activities.

Notes for Editors are provided below.

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Origin and membership of IALA

The International Association of Marine Aids to Navigation and Lighthouse Authorities (IALA) was established in Paris in 1957 as a **consultative, technical and not-for-profit** organization with the aim to share maritime knowledge and work together for safe navigation.

Guided by the motto "**Successful voyages, Sustainable Planet**", its mission is to ensure the provision of effective and harmonized marine aids to navigation (AtoN) systems and services worldwide. Its membership embraces both national competent authorities (AtoN providers) and stakeholders from the equipment industry (AtoN suppliers), such as AtoN manufacturers and distributors, and technical advisory services, scientific agencies and other concerned entities.

The inaugural **IALA World Marine Aids to Navigation Day** will be celebrated on 1 July (2019). The intention is to attract greater awareness of the significance of IALA among the wider maritime community and the general public and to encourage interest from the younger generation in the technically advanced work of IALA. Its chosen theme is "Marine Aids to Navigation: Successful

Voyages, Sustainable Planet”. All members and other stakeholders concerned are invited to hold special events. In addition to highlighting exciting AtoN developments these may also showcase the engineering, cultural and social-economic aspects of lighthouse heritage conservation programmes.

IALA and best practice

The **IALA Maritime Buoyage System** is universally recognized and implemented. When it was established in 1980, it superseded the approximately thirty disparate systems that existed around the world in the 1970s. It is referenced in the International Convention for the Safety of Life at Sea (SOLAS regulation V/13).

The **IALA NAVGUIDE** is the bible on AtoN design and operation. The digital version of the latest edition (2018) is available, free of charge, from the IALA website. (<https://www.iala-aism.org/guidance-publications/>).

The **IALA Recommendations and Guidelines** are internationally recognized and widely followed and are free to download from the IALA website (<https://www.iala-aism.org/guidance-publications/>). They are not mandatory in the legal sense, but they do represent generally accepted best practice. They are developed and maintained by the four IALA Committees, which each cover a particular technical domain – ranging from AtoN design, engineering, sustainability and management to vessel traffic services, e-navigation, communications and shore-based maritime information services.

The Committees are the ‘power house’ of IALA and benefit greatly from the high-quality input of IALA’s Industrial members. The cohesion between AtoN suppliers and AtoN providers is a unique feature of IALA and invaluable for the continued relevance of its technical work.

In June 2018, the XIIIth IALA General Assembly, held in Incheon, Republic of Korea, approved a first set of seven **IALA Standards**. These are a vital aspect of the IALA Strategic Goal that coastal States should contribute to a harmonised global network of AtoN by 2026. They are not legally binding. However, they provide high-level, overarching references to the principal technical domains covered by the Recommendations and Guidelines and IALA will encourage their implementation through capacity-building and training support.

The IALA World-Wide Academy

The **IALA World-Wide Academy (WWA)** became operational in January 2012. Its principal aim is to engage in capacity building and training for the establishment of AtoN networks in targeted developing countries who need cadres of competent personnel to support the development of their maritime economy. Furthermore, as coastal State signatories to the International Convention for the Safety Of Life At Sea, they are required to meet their legal obligations to provide the AtoN that seafarers need.

The WWA has been an undeniable success story in the short period of its existence – as demonstrated by the reduction in targeted coastal States. To date, the Academy has granted accreditation to 17 AtoN training organizations and 32 VTS training organizations in key maritime regions of the world, and Africa is now fast becoming a high priority. There are also promising opportunities in long-distance learning and the Academy is planning to develop digital platforms for

this purpose. This will also help to accelerate the pace of training worldwide in response to continued growing demand.

IALA and international cooperation

While IALA is not part of the United Nations (UN) system, it has been cooperating closely with some UN entities and other international organizations for decades and is committed to the UN's **2030 Sustainable Development Agenda**.

International cooperation is ever-more important in an era of globalization, rapid technological changes, growing demand for digital connectivity, mounting environmental pressures, and increased public expectations about sound ocean governance. Working together as an equal partner with other IGOs – each with their respective mandates, roles and responsibilities – will bring greater opportunities in terms of effective coordination, increased harmonization and integration of standards, and better use of available resources, in accordance with the UN policy on “Delivering as One”.

It is also against the background of these challenging realities of today's world that the XIIth IALA General Assembly held in A Coruña, Spain in 2014 adopted a resolution stating its firm belief that IGO status will best facilitate IALA's aims in the twenty-first century and determining that the new status should be achieved as soon as possible through the development of an international convention.

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PHOTOS AND CAPTIONS:

Francis ZACHARIAE, IALA Secretary-General, has led the IGO Action Project since his appointment in February 2015

Delegates from around the world attended the highly successful IALA Third Preparatory Diplomatic Conference in Istanbul in March of this year (2019)