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ANY OTHER BUSINESS

Opening for signature of the Convention on the International Organization for Marine Aids to Navigation

Submitted by France and IALA

SUMMARY

Executive summary: This document is intended to update the IMO Member States on the planned transformation of IALA into an intergovernmental organization (IGO). The Convention on the International Organization for Marine Aids to Navigation, which will govern IALA once it is established as an IGO, has been signed by the Minister for Marine Affairs of the Republic of France, which acts as the depositary State of the Convention and has been the host nation of IALA since its establishment in 1957. The signing ceremony took place in Paris on 27 January 2021. IMO Member States are invited to sign the Convention and can do so until 26 January 2022, when the 12-month period of signature comes to an end.

*Strategic direction,
if applicable:* Not applicable

Output: Not applicable

Action to be taken: Paragraph 21

Related documents: Resolution A.42(II); A 29/INF.8 and A 31/INF.7

Introduction

1 The opening for signature of the Convention on the International Organization for Marine Aids to Navigation marks an important step in the planned transition of the International Association of Marine Aids to Navigation and Lighthouse Authorities (IALA) from an international non-governmental organization (NGO) to an intergovernmental organization (IGO). The Convention is open for signature to all members of the United Nations (UN).

New organizational status

2 The Convention provides the legal framework for a transparent and robust governance structure for IALA as an IGO. It will enter into force on the ninetieth day after the

date of deposit of the thirtieth instrument of ratification, acceptance, approval or accession (Article 20 of the Convention). The Convention is consistent with the Vienna Convention on the Law of Treaties, 1969.

3 As an IGO, IALA will be known as the International Organization for Marine Aids to Navigation (the Organization).

4 The 2020 Diplomatic Conference in Kuala Lumpur, which adopted the Convention, determined that the official languages of the Organization will be Arabic, Chinese, English, French, Russian and Spanish and that the working language will be English.

Unaltered nature and aim of IALA

5 While the change of status will mark a major milestone in the life of IALA, it will not alter its nature and principal aim. Thus, IALA will remain a consultative, technical and not-for-profit organization. Its principal aim will continue to be the same: sharing maritime knowledge and working together to foster the safe and efficient movement of vessels through the improvement and harmonization of Marine Aids to Navigation worldwide for the benefit of the maritime community and the protection of the marine environment.

The role of coastal State governments

6 Coastal States, in their capacity of Contracting Parties to the Convention, will have new opportunities to engage pro-actively, and directly at government level, with the strategic goals of IALA. These are:

- .1 to ensure that "Marine Aids to Navigation are developed and harmonized through international cooperation and the provision of standards;" and
- .2 to ensure that "all coastal States have contributed to a sustainable and efficient global network of Marine Aids to Navigation through capacity-building and the sharing of expertise."

7 The training and capacity-building activities of the IALA World-Wide Academy fulfil a critical, and increasing, role in assisting developing countries with a growing maritime economy to meet their obligations under the International Convention for the Safety of Life at Sea (SOLAS Convention). These activities focus on raising awareness, informing and educating, and encouraging engagement with IALA Standards, in a manner proportionate to the particular needs of the concerned country. Taken together, the seven IALA Standards provide the guiding reference framework for compliance with the SOLAS requirements pertaining to the provision of Marine Aids to Navigation, which includes Vessel Traffic Services, and related services.

The role of Marine Aids to Navigation providers and suppliers

8 Members of IALA currently qualifying as Industrial or Associate members will retain the right to be members of the new organization, under the new combined category of Affiliate members. This will maintain the close cohesion between providers of Marine Aids to Navigation and related services on the one hand, and, on the other, equipment manufacturers and suppliers and other technical and scientific stakeholders, which has always been the core characteristic of IALA, and which ensures the continued relevance of its technical work to world-wide maritime safety.

9 Through the work of its technical committees, IALA as an IGO will continue to develop and maintain standards, recommendations, guidelines, manuals and model courses on all aspects related to the establishment, management, operation and maintenance of Marine Aids to Navigation. This extensive body of guidance documentation is widely available and free of charge in digital format (<https://www.iala-aism.org/guidance-publications/>).

Diplomatic Conferences of 2017, 2018, 2019 and 2020

10 Multilateral negotiations on the draft text of the Convention commenced at the First Preparatory Diplomatic Conference, held under the auspices of the Ministry for Europe and Foreign Affairs of France in Paris in April 2017 (France has been the host nation of IALA since its establishment in 1957). The negotiations were continued at the Second Preparatory Diplomatic Conference, hosted by the Kingdom of Morocco in Marrakesh in February 2018. Most of the outstanding drafting work was successfully concluded at the Third Preparatory Diplomatic Conference, hosted by the Republic of Turkey in Istanbul in March 2019. The draft text of the Convention was finalized and presented for adoption at a Diplomatic Conference hosted by Malaysia in Kuala Lumpur in February 2020. The Conference adopted the Convention on 28 February 2020 and 50 States signed the Final Act.

11 All conferences were chaired by His Excellency Ambassador Serge Ségura, French Ambassador for the Ocean. They attracted large as well as geographically diverse participation by IALA National members and Government representatives, reaffirming the global reach of IALA in Africa, Asia-Pacific, Europe, and North and South America.

Signature of the Convention

12 As depositary State of the Convention, France, represented by Mrs. Annick Girardin, Minister for Marine Affairs, was the first State to sign the Convention, during a ceremony conducted in Paris on 27 January 2021. The ceremony marked the official opening for signature of the Convention by other countries for a period of 12 months.

13 All members of the United Nations, and in particular those States that were signatories of the Final Act of the 2020 Diplomatic Conference, are encouraged to follow the lead of France and sign the Convention at the earliest opportunity. They may do so at the premises of the Ministry for Europe and Foreign Affairs in Paris, where the authenticated text is kept, and signature will then allow them to proceed with the ratification process. Any requests for further information concerning the signature of the Convention may be addressed to Mr. Alex Lavaud (alex.lavaud@diplomatie.gouv.fr).

14 Certified copies of the Convention may be sent to States on their request, but they can also be downloaded in any of the six official languages from the IALA website (<https://www.iala-aism.org/the-igo-project/>).

15 States that have signed the Convention and completed their national ratification process are invited to transmit their instrument of ratification, acceptance, approval or accession to France as the depositary State. Once the period for signature is closed, all United Nations Member States that have not signed the Convention may accede to it.

The way forward

16 IALA is well on its way to becoming an IGO. For the establishment of the new Organization to become a reality, however, there needs to be a genuine commitment on the part of governments, and this requires first the signing of the Convention. Signature is a legal requirement in order to commence the process of national ratification.

17 The high number of States who supported the Final Act of the 2020 Diplomatic Conference should bode well for IALA becoming an IGO in the foreseeable future. However, they now need to follow this up with a signature of the Convention itself.

18 Awareness of the importance of becoming Contracting Parties is expected to grow as the training and capacity-building activities of the IALA World-Wide Academy continue to expand around the world – embracing, in particular, targeted coastal States in need.

Conclusion

19 The IGO transformation of IALA will provide new opportunities for broader participation by States. Their direct engagement, at government level, will assist in achieving the aim to accomplish global uniformity in Marine Aids to Navigation and related services.

20 When initially established as an IGO, IALA will be fully engaged in ensuring a smooth transition. The robust transitional arrangements foreseen in the Convention will ensure continuity in the activities of its organs and its technical work, thus safeguarding the long-standing and high level of commitment of IALA to the world maritime community.

Action requested of the Committee

21 The Committee is invited to note the information provided and the importance that France and IALA attach to delegations relaying this submission to their relevant government departments. This would help to secure the maximum number of Convention signatures and, hopefully, early ratifications with a view to enabling the entry into force of the Convention in the near future.
