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Proposed Change of the Legal Status of IALA

Dear Secretary General,

First, I want to emphasize that Germany fully supports the roadmap for the proposed change of the legal status of IALA into an IGO.

The change of the legal status is a process that requires a wide acceptance by all parties concerned. So we appreciate your having provided more information on the background and the aim for the change of status.

We have understood the motivation behind the wish to terminate a very successful International Association after more than 50 years of outstanding operation and to establish a new Intergovernmental "IMO-like" Organisation. This also applies to the expectation that due to the future intergovernmental status of the new organisation the aim to foster the safe, economic and efficient movement of vessels may be achieved better than today.

In preparing the extraordinary National Members Meeting in March 2014 I would like to bring some observations and questions to your attention and the attention of the National Members Meeting.

Decision making – Future functions of the General Assembly and the Council

The decision-making process of an Intergovernmental Organisation which defines internationally binding standards aimed at increasing the efficiency of the work on international legislation, is different from the process of an International Association. States, party to the International Agreement for IALA as an International Organisation have

to implement conventions, standards, recommendations, etc. developed by IALA.

As a matter of principle all States party to the Agreement shall therefore be involved in all relevant decisions. In consequence, the General Assembly of the “new” IALA is the principal decision-making body within IALA. As relevant for all National Members Conventions, Standards, Recommendations, Manuals need to be approved by the General Assembly. In addition the Budget, Strategy, work-plan and work program are subject to approval by the General Assembly. This procedure does ensure that all Contracting Parties can introduce their national aspects in the decision making process. This will in particular be the case e.g. with regard to VTS standards which may affect the accessibility of national waters and harbours or technical standards and recommendation which may have a significant financial impact.

Consequently, the function of the “new” IALA Council will be to administer the Organisation, supervise the Secretary General and the Secretariat. The Council may develop procedures to organise the work and give a framework to the Secretariat and the Committees for the daily operation of the Organisation. Council meetings shall in principle be open to all National Members.

The present Finance and Audit Committee of the IALA Council shall be replaced by a Finance and Audit Committee elected by the General Assembly. Meetings shall be open to all National members as the final budget will be subject to approval by the General Assembly.

The need for the PAP should be reviewed. Most functions will be dealt with by the Secretariat, in particular to ensure the consistency between the Committees.

Are there any considerations by the Secretariat on how the decision-making process will be organised in the future, e.g. the frequency of General Assemblies in order not to delay decision making?

Will there be a financial impact for the Organisation?

Organisation of IALA - Committees

Presently the IALA National Members do send experts to attend Committee meetings, exchange experience and jointly work on new recommendations, guidelines etc. Documents reflecting **best-practise** on a world-wide basis are elaborated. After review and approval by the Council these documents are published and available free of charge to all IALA members and non-members.

During the last years, the number of participants at some Committees has been considerably increasing with an absolute maximum of over 100 attendees.

Unfortunately, it has to be realised, that the quality of output from Committees has decreased over the years. Communication between working groups within a Committee is partly poor. Communication between Committees is in general inadequate. Committees are not all working on the same level and the deliveries are partly not reflecting the actual best-practise or do not match between Committees, even within a Committee.

Committee chairmen, vice chairmen and all participants are working hard and with enthusiasm to deliver the best documents possible, but the workload is much too high, the organisation of work and the internal procedures are not sufficient to provide an adequate organisational framework.

There is a need to adjust the Committee Structure, review the work programs and to optimise the organisational framework. IALA as an Intergovernmental Organisation must implement all relevant measures to deliver the best quality possible.

To organise the continuous validation and distribution of all relevant information within and between the Committees, to carry out the required quality assurance and document management, to support and assist the chair and vice chairpersons of the Committees and to assure the consistency of documents prepared by different working groups and Committees it is essential that the Secretariat is able to provide sufficient and qualified support. A rough estimate may come to the conclusion, that at least additional 4-5 fulltime experts need to be hired by the Secretariat.

Are there any plans to develop the working organisation of IALA to overcome the present situation and meet these challenges?

Are there any other means under consideration by the Secretariat to adjust the internal organisation and/or the level to staffing?

Are there any financial provisions in the budget to cover the costs for hiring additional experts?

Will these additional costs have an impact on the membership fee?

With the change of status the participation at Committee meetings will most likely change. At least some States, being National members, will send a delegation to ensure that the national policy will be taken into

account. It is assumed, that AtoN experts will still be represented in the delegation, but the focus of contribution will probably be different and primarily aimed at protecting national interests. It is well known from other Intergovernmental Organisations that this most likely will negatively affect the efficiency of the Organisation.

Is it intended to adjust the rules and procedures for the Committee work?

Are there any activities planned to avoid a decreasing efficiency?

Categories of membership

The present IALA, as an NGO, does accept Commercial Companies as Industrial Members. An International Intergovernmental Organisation, with States as party to the Agreement, is in principle not in the position to accept individual Commercial Companies as members.

The participation of representatives of a Federation or Association founded by the AtoN Industry as an observer is the most likely future status.

Is there any statement available from the Industrial members on their future involvement in IALA?

Financial Aspects

By terminating the present IALA and establishing the International Organisation all present IALA members will need to apply again for membership. Experience has shown that it most likely will take at least 10 to 15 years until the present number of members will be full-paying members of the new IALA.

To avoid a financial disaster and keep the good standing of IALA in the Maritime World it should be considered that the agreement shall not enter into force before at least 50%, even better 2/3, of the present IALA members are contracting parties and have ratified, accepted, approved or joint the agreement.

Are there any provisions for covering the running costs of IALA during that period of significant lower income?

It is assumed, that the membership fee for affiliate members, as they do not have the same rights, will be lower than the fee for National Members. Is there any estimation on the impact of the membership fees for National and Affiliate Members?



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What will be the financial impact if IALA does lose all Industrial Members?

The proposed change of status is an enormous challenge for IALA and the membership.

In order to finalize that process successfully, to meet the overall aim to foster the safe, economic and efficient movement of vessels, the motivation behind the change and the change-process need to be communicated and discussed intensively with all stakeholders.

It is highly recommended to implement the minimum prerequisites with regard to the staffing and the organization in the Headquarters and the Committees as soon as possible. The financial impact needs to be analyzed and necessary provisions need to be in place.

The implementation of a professional change management which is required in complex technical projects should be considered.

Missing the quorum needed to successfully continue the way towards the change of status at the General Assembly in A Coruna, Spain, May 2014, would be a real drawback for IALA.

Yours sincerely,

Christian FORST