



REPORT OF THE SECOND PREPARATORY
DIPLOMATIC CONFERENCE TOWARDS
THE IALA CHANGE OF STATUS TO AN IGO
7 - 8 February 2018

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Report of the Second Preparatory Conference towards the IALA Change of Status to an IGO

7 - 8 February 2018

EXECUTIVE SUMMARY

At the kind invitation of the Minister of Equipment, Transport, Logistics and Water of the Kingdom of Morocco, a second preparatory diplomatic conference took place in Marrakesh from 7 to 8 February 2018 to further progress the process needed to achieve IALA's planned change of status to that of an Intergovernmental Organization (IGO). A first conference had been held in Paris on 17 and 18 April 2017.

Chaired by His Excellency, Mr Serge Ségura, French Ambassador for the Oceans, with the support of Mr Lahcen Ait Brahim, Director of Ports and Maritime Public Domain of Morocco, the conference considered the draft IALA Convention text as revised following comments from National members and Governments and work by the IALA Legal Advisory Panel as a follow-up to the Paris conference and the road map.

The attendance was similar to the Paris conference with 147 delegates representing 50 countries from around the world and three international organizations. Six of the countries represented were not yet IALA National members.

The conference concentrated on the first 11 articles of the draft Convention text. The delegates agreed on a number of articles: Preamble, Aim and Objectives, Functions, General Assembly, Council, Secretariat and Finance. It was clear that further work would be needed on some aspects of the Convention text, mainly the transitional arrangements, Associate membership for Member States' territories, the role of Committees and official and working languages.

It was agreed that further work on the draft General Regulations would be done when the text of the draft Convention had been agreed. The General Regulations would not be the subject of a drafting session at the Diplomatic Conference but would be approved at the first General Assembly of the Organization.

The conference agreed that a revised text – taking into account the comments from the delegations – would be consolidated by the Secretariat on which National members and Points of Contact would be invited to submit any comments they may have, in writing, and **no later than 30 September 2018**, via e-mail to secgen@iala-aism.org. For ease of reference, all the relevant background information, briefings, reports and input papers are available on the dedicated web site <http://www.iala-aism.org/meetings/1-7/>.

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Report of the Second Preparatory Diplomatic Conference towards the IALA Change of Status to an IGO

GENERAL

The second Preparatory Diplomatic Conference towards the change of IALA status to that of an Intergovernmental Organization (IGO) was held in Marrakech on 7 and 8 February 2018. The conference was chaired by His Excellency, Mr Serge Ségura, Ambassador for the Oceans, the Ministry of Europe and Foreign Affairs of the Republic of France with Mr Lahcen Ait Brahim, Director of Ports and Maritime Public Domain as Vice-Chair. The conference was attended by 147 participants representing 50 countries and 3 international organizations. An abbreviated list of participants is attached as Annex A.

OPENING AND WELCOME ADDRESSES

By Dr Abdelkader Amara, Minister of Equipment, Transport, Logistics and Water, Kingdom of Morocco

Minister Amara welcomed all participants before stressing the importance for maritime safety, a concern shared by all countries in the world, of IALA being given a more prominent role with its status becoming that of an IGO. He then gave a brief overview of the Moroccan navigation infrastructure: with 3,500 kilometres of coastline spread over the Mediterranean in the North and the Atlantic Ocean in the West, Morocco operated 41 ports, 13 of them being involved in international trade. He reported that the country was well aware of the value of the sea and the importance of maritime safety for its well-being. The Kingdom of Morocco had chosen a sustainable development approach. At the same time its marine aids to navigation and other maritime services were meeting international standards in terms of quality and reliability.

He concluded by wishing every success to the conference, in progressing the work towards the needed IALA change of status.

By Mr Juan Francisco Rebollo, IALA President

IALA President Juan Francisco Rebollo then took the floor, welcoming everybody and thanking the Kingdom of Morocco for its generous offer to host the conference and the excellent facilities made available. He thanked in particular Mr Lahcen Ait Brahim, Director of Ports and Maritime Public Domain, for his personal commitment and the Government of the Republic of France for its diplomatic leadership of the IGO project. He recalled the preparatory work accomplished by the IALA Council and its subsidiary groups, the Legal Advisory Panel and the Secretariat in the continued development of draft texts for the new IALA Convention, with the support of numerous comments received from National members after the Paris conference.

He mentioned that 2017 was the IALA 60th anniversary, an opportune time to reaffirm that the greatest asset of IALA is its body of knowledge and technical experience, the basis of the international recognition it enjoys. Such expertise is due in large part to the Industrial members, which form almost half of the membership. It is for this reason that the new Convention foresees their continued membership with the same rights as under the current IALA Constitution.

Finally, he recalled that in Paris, His Excellency Mr Serge Ségura, French Ambassador for the Oceans, had smoothly guided the proceedings as Conference Chair, and proposed for the participants' agreement that the Ambassador again chair the conference, with Mr Lahcen Ait Brahim, Director of Ports and Maritime Public Domain as Vice-Chair.

The participants approved the IALA President's proposal to have His Excellency Mr Serge Ségura, French Ambassador for the Oceans as conference Chair and Mr Lahcen Ait Brahim, Director of Ports and Maritime Public Domain as Vice-Chair.

1. SESSION 1 - STATUS AND METHOD OF WORK

1.1 Agreement on Agenda

The Agenda was agreed.

1.2 Status of the work and result of 1st Preparatory Diplomatic Conference

By Francis Zachariae, IALA Secretary-General and Omar-Frits Eriksson, Dean of the World-Wide Academy

Secretary-General Francis Zachariae thanked the Kingdom of Morocco for hosting this important event and all those who had spared no effort to make it a success. He also thanked all participants for coming from all parts of the world.

He then briefly explained the outcomes of the first Preparatory Diplomatic Conference in Paris in April 2017, where information on the many aspects of the transformation of IALA into an IGO was given and a roadmap towards an international treaty instrument to establish an International Organization for Marine Aids to Navigation was agreed. He recalled that IALA National members and governments were invited to comment on the draft Convention and General Regulations texts, which they did, and an extraordinary session of the IALA Legal Advisory Panel supported by a number of National members' delegates, worked hard to develop revised drafts on the basis of the comments received.

Not forgetting to thank the conference sponsor the International Foundation for Aids to Navigation (IFAN), he then handed over to the Dean of the IALA World-Wide Academy.

The Dean of the Academy Omar Frits Eriksson reported briefly on the successful Seminar on Maritime Safety in Africa, which had been held the day before at the same location, sponsored by IFAN.

One hundred and nine delegates attended the Seminar. The African States showed a great interest in safety of navigation with the participation of 79 delegates from 16 African countries. The Seminar was also attended by representatives of IMO, IHO and MOWCA, the Maritime Organization for West and Central Africa.

1.3 Proposed method of work and general comments by delegations

The Conference Chair recalled that national member countries had had the opportunity to receive detailed information on the project in Paris in April 2017. The present conference would therefore concentrate on the draft Convention text. He said that the conference was part of a diplomatic process, which will require compromises to reach a consensus. After the meeting groups were likely to be formed to work by correspondence on the text that would be agreed at the end of these two days' work.

He then invited the delegates to speak, if they so wished. Sixteen countries took the opportunity to express their views and their thanks to the Kingdom of Morocco for the excellent arrangements. There was near universal support for the change of status project. The delegates supported the proposed method of work.

2. SESSION 2 – WORK ON THE DRAFT CONVENTION AND DRAFT GENERAL REGULATIONS

1.4 Introduction to the text of the draft Convention

The Chair presented the draft Convention stating that marine aids to navigation are part of ocean governance and it was important that IALA is ruled by international law and plays a role in the international discussions about the future of the oceans.

He then recalled that the intention was not to have a drafting session on the General Regulations, which would be put on the screen only if an article, or part of an article, should be moved to the draft Convention text.

He then invited Mr Jon Price, Chair of the IALA Legal Advisory Panel, to present the changes made to the draft Convention and General Regulations by the Legal Advisory Panel and the reasons therefor following the first pre-diplomatic conference in Paris and the receipt of comments from National members and governments.

1.5 Drafting session on the draft Convention

The drafting session was spread over two days with active participation by all delegates, who considered the draft text systematically, article by article.

The main changes concerned:

- Preamble. There was a discussion about the acronym “IALA” when the name is changed and also having regard to the change of status. The Convention was not amended as the majority view was that “IALA” was a well-recognised and well-respected identity within the maritime community, which should be retained.

The term “Contracting State” was removed in the Preamble and subsequent text as it introduced unnecessary complexity.

- Article 1 (Establishment) was amended to highlight the intergovernmental and technical nature of the Organization. The reference to the General Regulations was removed as it was considered unnecessary.

There was a lengthy discussion on the official and working languages of the Organization. A compromise proposal from the Chair was that the Convention text should cover the official languages - English, French and Spanish. The practical arrangements for the working language would be covered by the General Regulations. This would be the same as the way the current IALA operated. A new Article has been added on languages (Article 11).

- Article 2 (Definitions) was extended to include definitions for both Associate and Affiliate Members, the definitions of which had previously been covered in Article 5 (Membership) following support for such a change from delegates. The generic term “Member” was removed.
- Article 5 (Membership) was simplified with the deletion of references to current IALA members. Such references were moved to Article 20 (see below). The cross reference to the General Regulations making provision for matters related to members was removed following support for such a change on the basis that it was unnecessary. The conference agreed that Article 5.2 on territories and groups of territories should be amended to harmonize the use of terms with those used in the IMO Convention. The conference agreed to move the new Article 5.3 from the General Regulations to the Convention text.
- Article 6 (Structure) was amended to clarify various aspects of the structure. It was agreed that, having regard to the consensus approach of the Convention, all decisions should be taken on a two-thirds majority basis except where otherwise specified. Consequently, the Convention text should be amended to reflect this change throughout.
- Article 7 (General Assembly) was amended to include two functions previously with the Council: approval of Associate membership and approval of agreements with other organizations. The exclusion from the quorum of Member States denied their rights and benefits was removed in keeping with the arrangements of other IGOs. Geographical representation on Council was discussed and the majority was in favour of dealing with the issue in the General Regulations.
- Article 8 (Council) was amended to clarify various points.
- Article 9 (Committees) was broadened to include Committee functions.
- Article 11 (new 12 - Income and Expenditure) was renamed Finance and amended with the addition of provisions for late payment or non-payment of contributions or fees, originally in Article 5.4 to 5.6. The method of determining Member State contributions was discussed and the majority was in favour of the contributions being set at the same rate for each Member State.
- Article 20 (Transitional Arrangements). It was suggested that the transitional arrangements should be moved to an annex. A cross reference has been added to Article 17 (new Article 18 – Entry into force).

The delegates agreed on a number of Articles: Preamble, Aim and Objectives, Functions, General Assembly, Council, Secretariat and Finance.

The conference did not consider in detail Articles 12 to 19.

2. SESSION 3 – ROADMAP TOWARDS A DIPLOMATIC CONFERENCE

The Secretariat will circulate an amended Roadmap together with the revised draft Convention text. The next steps are as follows:

- End of September 2018: Comments and proposals on the draft Convention text are received from the countries.
- 21-23 November 2018: An extraordinary meeting of the Legal Advisory Panel open to National members and points of contact considers such comments and proposals and produces a new draft text.
- December 2018: The Secretariat circulates the new draft text.
- Early 2019: 3rd Preparatory Diplomatic Conference hosted by a National member.

CONFERENCE CLOSURE

Mr Mohamed Najib Boulif, Secretary of State to the Minister of Equipment, Transport, Logistics and Water, in charge of Transport, officially closed the conference.

In his closing address he stressed the importance of IALA being reinforced by a new, real, international status, with more power on the international maritime scheme. He then congratulated the participants for their fruitful work and recalled that his country has been and will continue to be a supporter of IALA's work.

The Chair then thanked the participants for their contribution to a draft text that is taking shape, wishing that the challenge would be met soon. He then thanked the organisers, the interpreters and the IALA Secretariat.

ANNEX A **ABBREVIATED LIST OF PARTICIPANTS**

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