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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)

<table>
<tr>
<td colspan="2" align="center">SUMMARY</td>
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<td>Executive summary:</td>
<td>This submission provides information on the planned change of status of IALA from a non-governmental to an intergovernmental organization, including the envisaged adoption of a new treaty instrument. The new status will provide a robust legal framework that will ensure transparency, good governance and facilitate close cooperation with other intergovernmental organizations and governments worldwide.</td>
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<td>Action to be taken:</td>
<td>Paragraph 34</td>
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1   This submission provides information on actions to date and planned by the International Association of Marine Aids to Navigation and Lighthouse Authorities (IALA) to change its status from a non-governmental organization (NGO) to an intergovernmental organization (IGO), highlights developments leading to IALA's decision to become an IGO and to choose a multilateral treaty instrument as the suitable vehicle for this purpose.

NEW IALA CONVENTION

IALA General Assembly resolution

2   Last year, the IALA General Assembly adopted a resolution, stating its firm belief that IGO status will best facilitate IALA's aims in the 21st century and determining that the new status should be achieved as soon as possible, through the development of an international convention (GA Resolution A.01 of 27 May 2014).

3   The envisaged new "Convention on the International Organization for Marine Aids to Navigation" (IALA Convention) will supersede the existing IALA Constitution and meet the requirements of the Vienna Convention for International Treaties. It will be presented for adoption at a future diplomatic conference. Upon adoption, it will be open for signature by all members of the United Nations (UN).

Smooth transition

4   The envisaged new IALA Convention will provide arrangements for a smooth transition that will ensure that the activities of IALA's organs and its technical work in the area of marine aids to navigation will continue uninterrupted and that its responsibilities towards the maritime community will be both undiminished and maintained with the customary high level of commitment.

5   The change of status will mark a major milestone in the life of IALA. However, it will not, in any way, change IALA's principal aim: to foster the safe, economic and efficient movement of vessels.

6   IALA is recognized worldwide as the peak organization responsible for coordinating the continuous improvement and harmonisation of marine aids to navigation and related services. It aims to achieve this by encouraging and facilitating the adoption of the highest practicable standards in matters concerning marine aids to navigation and through international cooperation and the exchange of information among governments and intergovernmental organizations. In addition, it publishes recommendations, guidelines, manuals and model courses for the benefit of the maritime community.

Strengthening international cooperation

7   IALA has worked in close partnership with IMO and other IGOs for decades and wishes this collaboration to continue and grow. Elevating IALA's status to that of an IGO will make it a peer to organisations like IMO and the International Hydrographic Organisation (IHO), thereby strengthening existing cooperation. As well, it will allow for a broader participation in IALA by States, at government level. This will assist IALA's aim to promote the greatest possible uniformity in aids to navigation.

 8   Further in this regard, IALA is mindful of the United Nations Convention on the Law of the Sea (UNCLOS), 1982, which, under Article 266, requires States that are Parties to the Convention to cooperate "through competent international organizations" to promote the development and transfer of marine technology. IALA promotes technical cooperation on all matters related to the development and transfer of expertise and technology in relation to marine aids to navigation. In this context, it is committed to keeping pace with emerging technologies, as appropriate, and working closely together with its industry members around the world, as well as with national government agencies and marine aids to navigation authorities and other international and intergovernmental organizations. The latter include, in particular, IMO, the International Telecommunication Union (ITU), the World Meteorological Organization (WMO) and IHO.

BACKGROUND

IALA profile

9   IALA was established on 1 July 1957, following a conference of national lighthouse authorities held in Scheveningen, Netherlands, as a not-for-profit international association, with a permanent Secretariat (currently headquartered in Saint Germain-en-Laye, near Paris). It has a broad purpose to improve and harmonize marine aids to navigation. IALA is governed by a General Assembly, while its Council of 24 members is the executive body. Currently, IALA has National Members (government agencies and competent authorities) from 77 countries, 56 Associate Members (other concerned government agencies and organizations), 120 Industrial Members (mainly equipment manufacturers and service providers), and Honorary Members.

10   IALA was among the first NGOs to be granted consultative status at IMO, in 1961. Its significant input into IMO's work on safety and efficiency of navigation stems from its technical expertise in marine devices, systems and services that are external to a ship. Some of IALA's

high profile endeavours include the development of the Automatic Identification System, Differential GPS, the Maritime Buoyage System, guidance on Vessel Traffic Services, and more recently, the shore-based aspects of the IMO-led concept of e-navigation.

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

IALA Maritime Buoyage System

12   The IALA Maritime Buoyage System is universally recognized and implemented. It is referenced in the International Convention for the Safety of Life At Sea, 1974, as amended (SOLAS regulation V/13). In the 1970s there were some 30 disparate systems around the world, and the harmonised system makes a major contribution to the safety of life at sea, safety and efficiency of navigation, and protection of the environment.

13   In a similar vein, its many recommendations and guidelines provide the internationally accepted rules that national governments undertake to take into account when meeting their legal obligations under SOLAS concerning the provision of marine aids to navigation.

Vessel Traffic Services

14   Some IALA members are principal stakeholders in VTS systems in ports and waterways around the world. The legal basis of VTS lies in both UNCLOS and SOLAS.

15   From the outset, IALA has taken a leading role in the development of IMO recommendations and guidelines relating to VTS. In 1968, IMO adopted Recommendation A.158 concerning "Port Advisory Services". Rather general in nature, this Recommendation was later superseded by Resolution A.578(14) concerning "Guidelines for Vessel Traffic Services", which was adopted in 1985. Twelve years later, in 1997, a new Resolution was adopted. Resolution A.857(20) supersedes Resolution A.578(14) and is still in force today.

16   Annex 2 of the 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.

e-Navigation

17   Over the past decade, IALA has played a leading role in developing the shore-based aspects of e-navigation through a dedicated technical committee, seminars and workshops designed to improve understanding of both the benefits and limitations of e-navigation. This has also involved close cooperation with other IGOs such as ITU and IHO.

18   More recently, it has provided significant technical input into the development of IMO's Strategy Implementation Plan (SIP) for e-navigation, which was approved by the Maritime Safety Committee in November 2014, and of the related proposals for planned outputs. This will focus on priority solutions for e-navigation implementation and be conducted by the Sub-Committee on Navigation, Communications and Search and Rescue (NCSR Sub-Committee). IALA will be closely involved in progressing this important work.

IALA World-Wide Academy

19   It has become increasingly important, in the context of maritime development, to raise awareness among lesser developed countries of their obligations under international law to provide marine aids to navigation, and where appropriate VTS, and to assist them with training and capacity-building, including recruiting and training a cadre of competent personnel in those disciplines. A 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 but with independent funding.

20   The Academy's capacity development work is carried out jointly by IALA, IMO and IHO in the spirit of UN initiatives such as the 2030 Sustainable Development Agenda and "Delivering as One" aimed at enhancing cooperation between different UN agencies and other organizations.

21   Demand for the Academy's services is expected to continue to grow, as the IMO Member State Audit Scheme (IMSAS) is introduced, from next year onwards. IMSAS aims to encourage the harmonized implementation of IMO mandatory instruments. Member States will therefore need to prepare for the compulsory audits concerning their SOLAS obligations as coastal States relating to the provision of marine aids to navigation and related services.

IGO STATUS AS THE WAY FORWARD

Robust legal framework

22   The envisaged new IALA Convention will make IALA an appropriate legal entity to continue meeting its responsibilities into the 21st century, supported by a robust international legal framework. This will give Governments that are members of IALA as well as other Governments, international and intergovernmental organizations, and maritime stakeholders the confidence to rely unequivocally on IALA's expertise and cite its publications and other documentation, including IALA standards, recommendations, and guidelines, as authoritative reference materials. The common goal of global harmonization and improvement of marine aids to navigation will thus be further served.

Partnership with other IGOs

23   IALA's aims will continue to be complementary with a consultative and technical nature to those of its peer IGOs, including IMO, ITU, WMO and IHO. By working together as partner IGOs – with the respective mandate, role, and responsibilities of each transparent, mutually supportive, and commonly accepted – they will work more effectively 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 maritime safety and protection of the environment.

Formal recognition of IALA standards

24   The IALA Strategic Vision for the next 10 years sets two principal goals:

- Ensure that aids to navigation systems and related services, including e-navigation, VTS and emerging technologies, are harmonized through international cooperation and the provision of standards.

- Ensure that all coastal states contribute to an efficient global network of aids to navigation and services for the safety of navigation, through capacity building and the sharing of expertise.

25   Formal recognition of IALA standards at Government level will provide a much needed element of predictability and create certainty for all stakeholders concerned, including maritime

industry entities, 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. Globalization, the speed of technological progress, and accumulative environmental pressures pose unprecedented challenges demanding unambiguous and robust solutions. Improved harmonization is also becoming more pressing due to the increasing reliance on advanced, global technologies, including the use of satellites for communications.

26　　Further in this regard, the growing concern with good ocean governance equally calls for a better coordinated and more structured and integrated approach to the formulation and delivery of standards. The use of the world's seas and oceans is becoming more multi-faceted and intensive, with the attendant risk of conflicting uses in confined sea areas endangering the safety of ship and maritime traffic movements and heightening marine pollution concerns on the part of coastal States. UNCLOS is increasingly important to coastal States concerned about protecting their coastlines and the marine environment and diverse ecosystems of waters under their jurisdiction. In recent years, there is growing evidence of several traditional maritime countries at IMO prioritizing their coastal State interests as the deciding factor in their negotiating positions.

27　　IALA's World-Wide Academy is recognised as a centre of excellence for building capacity in targeted regions so that the provision of harmonised aids to navigation services by fully competent personnel can be achieved. Having equivalent status with other "Delivering as One" key partners will further enhance that process.

High-level nature of IALA standards

28　　In its capacity as an IGO, IALA will deliver high-level standards, covering both technology and services, in addition to providing guidance documents in the form of recommendations and guidelines.

29　　IALA standards will form an overarching, global framework based on the consolidated results of science, technology and experience and aimed at fostering the safe and efficient movement of vessels for the benefit of the maritime community. They will also provide a useful structure for IALA's technical work and enhance its application and therefore improve the quality and harmonization of marine aids to navigation worldwide.

Legal status of IALA standards

30　　IALA standards will be non-binding. However, when choosing to adopt an IALA standard, it will be a requirement to achieve conformity in order to comply with the standard in full and effectively.

31　　IALA will encourage and assist coastal States and concerned authorities responsible for the regulation, establishment, management, operation and/or maintenance of marine aids to navigation to be guided by and implement its standards.

CONCLUSION

32　　IGO status will best facilitate IALA's aims as a technical organization into the future. IALA will be fully committed to its new status by providing high-level standards that are clear, coherent and globally harmonized, adopted by its General Assembly for the improvement and harmonisation of marine aids to navigation and related services, including VTS and e-navigation.

33　　IALA firmly believes 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 envisaged new IALA Convention will provide a fit-for-purpose international legal framework that ensures

transparency and good governance, that positions IALA to work in close collaboration with Governments and other IGOs, including IMO, and that fosters its work as the leading international technical body in its field.

Action by the Assembly

34   The Assembly is invited to note the information provided.