

**IALA COUNCIL**  
**72<sup>nd</sup> session**



**8-10 December 2020**  
**Video conference**

## **8.4 – LEGAL ADVISORY PANEL**

### ***8.4.2 Council decision on the Transitional Arrangements***

Note by the Secretariat

## **Council Decision on the Transitional Arrangements from the KL Convention**

### **1 BACKGROUND**

The Diplomatic Conference held in Kuala Lumpur, Malaysia from 25 to 28 February 2020 reached the result it was aiming at. The Conference marked a very important step for IALA as the Convention for the future Organization under intergovernmental status was adopted. More than 239 persons from 62 States participated in the Conference or were observers. Delegates with credentials from 50 States signed the Final Act of the Conference adopting the text of the Convention and two resolutions: one resolution on languages of the Organization and one on the signing ceremony in Paris in November 2020.

The Convention includes robust arrangements for a smooth transition in the annex – Transitional arrangements.

These arrangements 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 undiminished and maintained with the customary high level of commitment and expertise.

### **2 DISCUSSION**

During the diplomatic process it was mentioned several times that it is important to pass a Council Decision through the present Council of IALA to make sure they will act in accordance with the intention in the Transitional Arrangements once the Convention has entered into force.

The Transitional Arrangements specify roles for the President, Vice President, the Council, The Secretary-General, the Secretariat and the Organs of IALA in the transition period.

### **3 THE COUNCIL IS INVITED TO**

**Approve the attached Council Decision.**

## DRAFT

### IALA COUNCIL DECISION

Adopted by the 72nd meeting of the

Council of XX December 2020

Decision on the Transition Arrangements for IALA from a Non-Governmental Association to an International Organization.

### THE COUNCIL

**BEARING IN MIND** that the XIIth General Assembly, held in A Coruña from 25th to 31st May 2014, adopted Resolution A.01 affirming that the status of an International Organization would best serve its objectives and determining that such status should be achieved as soon as possible by the means of the adoption of an international convention;

**RECALLING** that Resolution A.01 directed the IALA Council to further consider the preparation of IALA for a change of status, and authorised the IALA Council to act in fulfilment of that Resolution;

**RECOGNIZING** that a Diplomatic Conference, held in Kuala Lumpur from the 25th to 28th February 2020, adopted the Convention on the International Organization for Marine Aids to Navigation;

**FURTHER RECALLING** that the Annex to the Convention contains the Transitional Arrangements, one purpose of which is to facilitate the transition from the Association to the International Organization;

**BEING MINDFUL** that the IALA Constitution, Article 13, requires the Council of the International Association of Marine Aids to Navigation and Lighthouse Authorities to arrange for the winding up of IALA, including by commencement of formalities for termination required by French law;

#### **DECIDES:**

**1** That for the period from entry into force of the Convention for the International Organization for Marine Aids to Navigation until the first General Assembly of the International Organization:

- The President, Vice President and the Council of the International Association of Marine Aids to Navigation and Lighthouse Authorities shall also operate as the President, Vice President and Council of the International Organization.
- The Committees of the International Association of Marine Aids to Navigation and Lighthouse Authorities shall also operate as the Committees of the International Organization.
- The Secretariat and the Secretary-General of the International Association of Marine Aids to Navigation and Lighthouse Authorities shall also serve as the Secretariat and Secretary-General of the International Organization.
- The General Regulation of the International Association of Marine Aids to Navigation and Lighthouse Authorities shall be applied mutatis mutandis as the General Regulations of the International Organization.

**2** That the Secretary-General, on behalf of the Council, is to manage the winding up of IALA so as to facilitate the above.

**FOR INFORMATION** - ANNEX to the Convention for the International Organization for Marine Aids to Navigation of 28th February 2020:

### Transitional Arrangements

At the XIIIth General Assembly held in A Coruña from 25th to 31st May 2014, the International Association of Marine Aids to Navigation and Lighthouse Authorities adopted a Resolution affirming that the status of an International Organization would best serve its objectives and determining that such status should be achieved as soon as possible by the means of the adoption of an international convention.

As a consequence, Article 13 of the Constitution of the International Association of Marine Aids to Navigation and Lighthouse Authorities was amended to facilitate the winding up of the association and the transition of its assets to the Organization.

The purpose of the transitional arrangements is to ensure the uninterrupted international efforts to develop, improve and harmonize Marine Aids to Navigation and to facilitate the transition from the International Association of Marine Aids to Navigation and Lighthouse Authorities to the Organization.

1. Upon the entry into force of this Convention, the President, Vice President and the Council of the International Association of Marine Aids to Navigation and Lighthouse Authorities shall be invited to become the President, Vice President and Council of the Organization and will operate as such until the first General Assembly convened under this Convention has elected a President, Vice President and Council, which must be within a period not exceeding six months.
2. The Committees of the International Association of Marine Aids to Navigation and Lighthouse Authorities shall operate until Committees are established under this Convention.
3. Until such time as the Secretariat of the Organization has been established, the Secretariat of the International Association of Marine Aids to Navigation and Lighthouse Authorities shall be invited to serve as, and perform the functions of, the Secretariat. The Secretary-General of the International Association of Marine Aids to Navigation and Lighthouse Authorities shall serve as the Secretary-General of the Organization until the General Assembly elects the Secretary-General in accordance with this Convention.
4. Until such time as the Organization has adopted General Regulations, it shall function in accordance with the General Regulations of the International Association of Marine Aids to Navigation and Lighthouse Authorities *mutatis mutandis*. Until such time as the Organization has adopted General Regulations, it shall function in accordance with the General Regulations of the International Association of Marine Aids to Navigation and Lighthouse Authorities *mutatis mutandis*.
5. All national members of the International Association of Marine Aids to Navigation and Lighthouse Authorities from States that are not Member States shall, subject to their formal request, become Associate Members of the Organization for a duration of up to ten years from the date of entry into force of this Convention, unless the General Assembly decides to extend that period.
6. In the event that a State which has a former national member with Associate membership in accordance with paragraph 5 becomes a Member State, the Associate membership shall cease on the date on which this Convention enters into force for that State.
7. All Associate and Industrial Members of the International Association of Marine Aids to Navigation and Lighthouse Authorities up to date with their fees shall, subject to their formal request, become Affiliate Members of the Organization.
8. The transfer of rights, interests, assets and liabilities from the International Association of Marine Aids to Navigation and Lighthouse Authorities to the Organization will take place pursuant to French law.