

SINGAPORE'S COMMENTS ON THE DRAFT GENERAL REGULATIONS

Article 1
Application

These General Regulations together with the Financial Regulations annexed hereto, as Annex A, are reviewed and approved in accordance with Article 7.7 of the Convention [on the International Organization for Marine Aids to Navigation](#) (“the Convention”) and shall apply to the operations of the [International Organization for Marine Aids to Navigation](#) (“the Organization”).

Singapore: The term “the Organization” is defined in the parent Convention (Art.1), and the full title of the Convention is in the parent Convention itself. Although the General Regulations, as a rule, follow the parent Convention, there is no express provision in the General Regulations which state that the definitions and descriptions in the Convention applies *mutadis mutandis* to the General Regulations. Singapore proposes the following edits (in blue) to Article 1 for clarity.

Article 2

Membership

5. Suspension and Reinstatement of Associate and Affiliate Membership

- (a) The Council may suspend an Associate or Affiliate membership ~~for non-payment of fees in accordance with the arrangements set out according to the escalation procedure established~~ in the Financial Regulations.

Singapore:

We propose using the term “unpaid contributions” instead of “non-payment of fees”, for consistency with the title and chapeau of Art 8 (Unpaid Contributions and Fees) of the Financial Regulations.

We propose using the term “arrangements set out ...” instead of “escalation procedure”, for consistency with the language used in the Financial Regulations. The term “escalation procedure” is new and not elsewhere used or defined.

- (b) The General Assembly may suspend an Associate membership and the Council may suspend an Affiliate membership for any justifiable cause in the best interests of the Organization.

Singapore: editorial amendment proposed.

- (c) The Secretary-General ~~reinstates~~ *may reinstate* an Associate or Affiliate membership suspended under Article 2.5 (a) when the Associate Member or Affiliate Member has paid advised arrears of fees. The Secretary-General must advise the Council of such action at the next Council meeting.

Singapore: editorial amendments proposed.

- (d) The Council *may* ~~reinstates~~ an Associate or Affiliate membership suspended under *Article* 2.5 (b) when the Associate Member or Affiliate Member has met the requirements set out by the General Assembly or the Council. *[In any case, the General Assembly may consider the reinstatement of an Associate Member that was suspended by the General Assembly under Article 2.5(b).]*

Singapore: In our reading of Article 2.5(b), it is possible that the General Assembly suspends an Associate membership without necessarily setting out requirements. In such a case, the General Assembly should be the body that has authority to consider re-instatement. Singapore proposes adding a final phrase “*and, in any case, the General Assembly may consider reinstatement of an Associate Member that was suspended by the General Assembly under Article 2.5(b).*”. Singapore also proposes other scrubbing amendments as shown in blue.

Article 3 The General Assembly

1. Convening

- (a) The General Assembly shall ordinarily be convened once every three years by order of the Council. Unless explicitly stated, all references to the General Assembly in the regulations shall be to the General Assembly of the Organization.
- (b) The General Assembly shall, where possible, be convened during the same period and at the same location as the Organization's conference, as defined in Article 8.1(a), but in any case, must be held no earlier than June of the General Assembly year. For reasons of necessity, the Council may determine an alternate time, in which case the General Assembly will be convened at a location determined by the Council. Under exceptional circumstances the Council may decide to convene the General Assembly virtually.

Singapore: Singapore proposes inserting the additional sentence in Art.3(1)(a) to make it clear that this is the General Assembly of the Organization as opposed to the general assembly of the other bodies, e.g., general assembly of the Industrial Members Committee. Similarly, the addition in Art.3(1)(b) is also to make clear which conference the article is referring to.

Last, Singapore notes that the rule in sub-para.(b) that the GA should be held no earlier than June of the GA year, would not apply for the very first GA.

3. Organization

- (a) The General Assembly is to be prepared and organised by the Secretary-General using the resources of the Secretariat and those other resources as agreed in writing with the Member State ~~hosting~~ in whose territory the General Assembly is to take place.

Singapore: amendment for consistency with language in main Convention.

- (c) One hundred and twenty calendar days before the opening of the General Assembly, the Secretariat shall circulate submitted proposals together with those prepared by the Council ~~shall be circulated~~ to all Member States, Associate Members and Affiliate Members, who shall be invited to forward their comments in writing to the Secretariat within sixty calendar days. After this date, that is, one hundred and twenty calendar days before the opening of the General Assembly, no proposals shall be accepted unless:
- i there are exceptional circumstances, in which case the proposal should be approved by the General Assembly for inclusion; or
 - ii the proposal amends or provides an alternative to a proposal already submitted, in which case it may be received until thirty calendar days before the General Assembly.
- (d) All final papers, including the provisional agenda but excluding any amending or alternative proposals, shall be circulated by the Secretariat to Member States, Associate Members and Affiliate Members at least sixty calendar days before the opening of the General Assembly.

Singapore: amendment to sub-paragraphs (c) and (d) for clarity, in particular, that the Secretariat (and not the proponent Member) circulates the proposals.

Singapore:

In relation to Article 3(3)(e), i.e. the provisional agenda for an ordinary session of a GA, Singapore notes that it is not suggested that the order of the agenda items, as drafted, is fixed or mandatory. Nonetheless, since the order serves as a guide of sorts, Singapore suggests that *Review and approval of the General Regulations and Financial Regulations* be moved upfront, possibly the first item and before electing any office holder, since Article 6(3) of the main Convention states that the General Regulations and Financial Regulations detail the Rules of Procedure for each organ of IALA (i.e. the GA, the Council, the Committees, the Secretariat), and Article 7(7)(a) states that the President and Vice President be elected in accordance with the General Regulations, Article 8(3) states that the Council members shall be elected in accordance with the General Regulations, and Article 7(7)(e) states that the Secretary-General be elected in accordance with the General Regulations. Therefore, it would be preferable to have a GA-approved set of Regulations in place before electing the office holders, especially for the very first GA which would have to first and foremost adopt a set of General (and Financial) Regulations.

In relation to Article 3(5) generally, Singapore seeks clarification whether the intention is for the President and Vice-President to be re-elected at each GA. Even so, it is possible for the same President or Vice-President to be re-elected at successive GAs, in which case Singapore asks fellow Members if IALA should consider a term limit for Presidents and Vice-Presidents e.g. the President or Vice-President should not be re-elected for more than [two][three] consecutive terms.

For paragraph 5(c), for IALA to consider inserting a phrase that voting is done in-person, and not through remote means, namely “A vote to elect first the President and second the Vice-President from among the Member States nominated shall be conducted, in-person, by secret ballot.”

Article 4
The Council

2 Convening

- (b) The date of the meeting of the Council in ordinary meeting will be determined by decision of the Council at its previous meeting. The location will be the seat of the Organization unless **otherwise agreed by the Council** ~~agrees alternate arrangements~~.

Singapore: amendment for consistency in language – follows the language used in paragraph 2(c) of this Article.

Article 5
Finance and Audit Group

2 Election

- (i) Should the Chair or a member of the Finance and Audit Group resign the Secretary-General shall call for nominations **from amongst the Council members** to fill the vacant position and will conduct a ballot in accordance with the provisions above.

Singapore: amendment is for consistency with language in paragraph 2(a) (of the same Article), which states that the Council elects, from among its members, the Chair and members of the Finance and Audit Group.

3 Convening

- (b) An ordinary meeting of the Finance and Audit Group will take place at the same location and **immediately** prior to Council meetings unless **otherwise** decided **otherwise** by the Chair in consultation with the Secretary-General.

Singapore: amendment for clarity, following the current practice where the Finance and Audit Group usually meets back-to-back with Council meetings.

Singapore:

In relation to Article 6(2), we propose to have a common understanding of what the phrase “relevant international organizations” refers to.

In relation to Article 6(3.3) (decisions of Committees and Subsidiary Bodies), we wish to clarify if the consensus is of the Member States present and eligible to vote, or is it a consensus of all (i.e., including the Affiliate and Associate Members) present and eligible to vote.

Article 7
The Secretariat

1 The Secretary-General

- (g a) The Secretary-General shall be the legal representative and chief administrative officer of the Organization.
- (h b) Upon the commencement of duty by the new Secretary-General, the President and the Chair of the Finance and Audit Group shall meet with the Secretary-General to discuss expectations and performance requirements having regard to the aim and objectives of the Organization.
- (i c) The Secretary-General shall be subject to the Staff Rules and the Secretariat Procedures to the extent that this is appropriate.

Singapore:

For Article 7(1)(b), may we clarify if this meeting occurs only when a new Sec-Gen is elected? Should we consider a meeting among these primary office holders whenever any one of the office holders is newly elected/appointed to discuss expectations and performance requirements?

For Article 7(1)(c), we note that Sec-Gen is the person that checks that the Secretariat staff complies with the Staff rules and Secretariat Procedures, however, who/what is the appropriate body to check that the Sec-Gen complies with the “appropriate” Staff rules and Secretariat Procedures. ?

We have also proposed some editorial amendments for paragraph numbering, and punctuation, as marked in blue above.

Article 11
Termination

[In the event of the termination of the ~~Organization Convention~~][In the event of the winding up of the Organization], the Council shall make the necessary arrangements for the winding up of the Organization, including:

Singapore: For consistency with the text in the main Convention, we propose that the opening phrase read “In the event of the termination of the Convention...” instead of “In the event of the termination of the Organization”, or simply “In the event of the winding up of the Organization, the Council shall make the following necessary arrangements”. We have also inserted what appears to be a missing comma.

COMMENTS ON THE DRAFT FINANCIAL REGULATIONS

Article 2

Financial Governance

2 The Council, ~~upon advice of the Finance and Audit Group~~, shall review and approve the financial statements, including the annual budget, within the limits of the outline budget approved by the General Assembly. ~~In doing so, the Council may consider the advice of the Finance and Audit Group.~~

5 The Secretariat, in accordance with the Secretariat Procedures, shall:

- (a) maintain the accounts;
- (b) prepare the financial statements;
- (c) control the financial records, including ~~separate statements for income and expenditure records of income and expenditure~~; and
- (d) manage the audit.

Singapore:

Singapore proposes amendments to Article 2(2) to better align it with the text in the main Convention. The main Convention states that the Council coordinates the activities of IALA within the framework of the overall policy, the strategic vision and the outline budget, as decided by the GA, and the Council also reviews and approves the financial statements, including the annual budget. The Convention does not require the Council to take the advice of the Finance and Audit Group as such, therefore the proposed amendment is to align the Financial Regulations better with the main Convention.

For Article 2(5) (functions of the Secretariat), there appears to be some overlap in the functions of in the Financial Regulations and the main Convention, e.g. sub-para.(b) (prepare the financial statements), however the additional functions, i.e. maintain accounts (sub-para.(a)), control financial records (sub-para.(c)), manage the audit (sub-para.(d)) are not expressly stated in the parent Convention but can be considered covered if the Financial Regulations are considered a sub-set of the General Regulations since the main Convention states that the Secretariat shall “[p]erform such other functions as may be assigned by . . . the General Regulations”. Alternatively, for clarity, these additional functions can be put up front in the General Regulations themselves.

Also in relation to Article 2(5), we propose that the Secretariat prepares separate income and expenditure statements, following good accounting standards. We note that the current provisions in the Financial Regulations do state that the details of income and expenditure are to be shown separately. We note that, for the IMO, separate income and expenditure statements are prepared/kept. As such, we propose an amendment to Article 2(5)(c) to capture this practice.