

**Comments from IR Iran on the draft IALA Convention
as requested in letter G/IGO/19-249, dated 20th September 2019**

Reference	Comment/proposed action
<p style="text-align: center;">Article 2</p> <p>1. Marine Aid to Navigation means a device, system or service, external to a vessel, designed and operated to enhance safe and efficient navigation of individual vessels and vessel traffic. For the purpose of the Organization this definition includes Vessel Traffic Services.</p>	<p>The subject of the last sentence (<i>"For the purpose of the Organization this definition includes Vessel Traffic Services."</i>) is already addressed in the previous sentence, and is proposed to be omitted from this paragraph, to read as follows:</p> <p>"1. Marine Aid to Navigation means a device, system or service, external to a vessel, designed and operated to enhance safe and efficient navigation of individual vessels and vessel traffic."</p>
<p style="text-align: center;">Article 2</p> <p>2. Member State means a State[, which has consented to be bound by this Convention and] for which this Convention is in force.</p>	<p>In line with the customary wording of international treaties, the paragraph be modified as follows:</p> <p>"2. Member State means a State Party to this Convention."</p>
<p style="text-align: center;">Article 2</p> <p>3. Associate Member means a territory or group of territories for which a Member State has responsibility for its international relations and for which it has requested membership which has been approved by the General Assembly. National members of the International Association of Marine Aids to Navigation and Lighthouse Authorities from States that are not Member States in accordance with the Annex paragraph 5.</p>	<p>The paragraph be modified as follows:</p> <p>"3. Associate Member means a territory or group of territories for which a Member State has responsibility for its international relations and for which it has requested membership which has been approved by the General Assembly.</p> <p>Note: National members of the International Association of Marine Aids to Navigation and Lighthouse Authorities from States that are not Member States in accordance with the Annex paragraph 5 shall be legally considered and treated as Associate Members."</p>

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<p style="text-align: center;">Article 5</p> <p>1. The Organization shall be comprised of Member States, Associate Members and Affiliate Members.</p> <p>2. Any Member State having responsibility for the international relations of a territory or group of territories may request Associate membership for such territory or group of territories, by notification in writing to the Secretary-General.</p> <p>3. The Council may require or a Member State may request that aspects of an application for Affiliate Membership be reviewed by the Member State (or Member States) where the applicant carries out its activities or has its principal place of business or registered office. If supported by the Member State (or Member States), who requested the review, then Affiliate membership [shall/may] be granted by the Council.</p> <p>4. The rights and obligations of Member States, Associate Members and Affiliate Members are reflected in the General Regulations.</p>	<p>Paragraphs 2 and 3 seem to be adequately addressed in the Article 3 and General regulations already. The Article 5 is thus proposed to be reduced as follows:</p> <p>"1. The Organization shall be comprised of Member States, Associate Members and Affiliate Members.</p> <p>2. The rights and obligations of Member States, Associate Members and Affiliate Members are reflected in the General Regulations."</p>
<p style="text-align: center;">Article 10</p> <p>4. The staff of the Secretariat shall be appointed in accordance with the Staff Rules by the Secretary-General on such terms and to perform such duties as the Secretary-General may determine.</p>	<p>The paragraph be modified as follows:</p> <p>"4. The staff of the Secretariat shall be appointed in accordance with the Staff Rules by the Secretary-General on such terms and to perform such duties as the Secretary-General may determine, in a manner that ensures highest geographical distribution of the staff members."</p>

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<p style="text-align: center;">Article 11</p> <p>5. The election of the Council shall be made by secret ballot in accordance with the General Regulations. Each Member State shall have one vote per vacant seat on the Council.</p>	<p>In order to facilitate and expedite the election of Council Members, and to prevent the need for repeated elections, it is proposed that such election be also conducted with a "simple majority", similar to paragraph 4 of this article. The paragraph is thus proposed to be modified as follows:</p> <p>"5. The election of the Council shall be made by secret ballot with a simple majority of Member States present and voting, in accordance with the General Regulations. Each Member State shall have one vote per vacant seat on the Council."</p>
<p style="text-align: center;">Article 12</p> <p>The official languages of the Organization shall be [English, French and Spanish].</p>	<p>In order to conform to customary principles governing international treaties, and to prevent different interpretations inevitable to the translation process, it is proposed that English be considered as the sole official and working language of the Organization. The paragraph is thus proposed to be modified as follows:</p> <p>"The official and working languages of the Organization shall be English."</p>
<p style="text-align: center;">Article 16</p> <p>Member States shall make every effort to prevent disputes on the interpretation or application of this Convention, and shall use their best efforts to resolve any disputes by amicable means which may include consultation and negotiation with each other and any other means as agreed to by the parties to the dispute.</p>	<p>The word "amicable" be replaced with the more customary equivalent "peaceful", so that the paragraph reads as:</p> <p>"Member States shall make every effort to prevent disputes on the interpretation or application of this Convention, and shall use their best efforts to resolve any disputes by peaceful means which may include consultation and negotiation with each other and any other means as agreed to by the parties to the dispute."</p>

Reference	Comment/proposed action
<p style="text-align: center;">Annex</p> <p>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 request, become Associate Members of the Organization for a duration of up to 10 years from the date of entry into force of this Convention.</p>	<p>The paragraphs be modified as follows:</p> <p>"5. National members of the International Association of Marine Aids to Navigation and Lighthouse Authorities from States that are not Member States to this Convention shall become Associate Members of the Organization, upon their official request, for a maximum period of 10 years from the date of entry into force of this Convention."</p>
<p style="text-align: center;">Annex</p> <p>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.</p>	<p>The paragraphs be modified as follows:</p> <p>6. In the event that a National member with Associate membership, in accordance with paragraph 5 above, becomes a Member State to this Organization, her membership status shall be promoted from Associate Member to Member State on the date, on which this Convention enters into force for that State.</p>
<p style="text-align: center;">Annex</p> <p>7. All Associate and Industrial Members of the International Association of Marine Aids to Navigation and Lighthouse Authorities holding financial, non-suspended status shall, subject to their request, become Affiliate Members of the Organization.</p>	<p>The paragraphs be modified as follows:</p> <p>7. All Associate and Industrial Members of the International Association of Marine Aids to Navigation and Lighthouse Authorities with financial, non-suspended status shall become Affiliate Members of the Organization, upon their official request.</p>