

Mr. Secretary-General,

The United States would like to express its appreciation for the opportunity to comment on the draft Convention text and draft General Regulations. As an initial matter, the United States continues to view the proposed change in IALA's status to an intergovernmental organization as both unnecessary and ill-advised. IALA in its current form is an efficient and effective technical body, the work of which serves its purpose of fostering the safe and efficient movement of vessels through the improvement and harmonization of marine aids to navigation worldwide, and by other appropriate means. The United States remains concerned that if IALA were to change from a non-profit organization to an intergovernmental organization, its efficiency could suffer, its expenditures could increase, and its mandate could expand, leading to unnecessary overlap with other maritime organizations such as the International Maritime Organization.

With respect to the Convention text, the United States remains particularly concerned with the following provisions:

- Article 4.4, which provides for mandatory contributions in an amount determined by the Council. The United States believes that any contributions to IALA should remain voluntary.
- Article 6.7(h), which provides an overly broad mandate to the General Assembly ("The General Assembly shall...[d]ecide on any other matters within the scope of the Organization"). Any authority to "decide" on matters should be clearly defined in the Convention text. We would also want to be clear that the powers of the Organization are consistent with its aims and functions (i.e., that the Organization be consultative and technical in nature, with the powers to make recommendations and guidelines, not to adopt binding decisions).
- Article 12.3, which provides for amendment of the Convention by a two-thirds majority. It is the view of the United States that member states should not be bound to amendments without their consent. Accordingly, we suggest either changing the provision such that amendments must be approved unanimously, or provide an alternative mechanism whereby states are only bound by amendments which they specifically accept.
- The language at the start of Article 11.2 ("[s]ubject to the agreement of each Contracting Party") is somewhat ambiguous and merits clarification. We would expect the text to make clear that the extension of privileges in the territory of member states other than the host country is discretionary (e.g., "Each contracting party in its discretion may extend to the Organization such privileges and immunities as may be available under its domestic law.")
- Article 13, which provides for binding dispute settlement. The United States is not in a position to submit to binding arbitration in advance of an anticipated dispute. Any referral of a dispute to arbitration should only be made with the express consent of the parties to the dispute.

- Article 14 does not clearly state whether the Convention is open for signature by states other than members of the United Nations.

We urge IALA and its member states to continue to pursue alternatives to the present approach, such as identifying ways in which IALA's status in the host country can be enhanced within its existing legal framework.