

**Comments from Canada on the Document,**

**Draft General Regulations for the International Organization for Marine Aids to Navigation (IALA)**

- **Development of the General Regulations in tandem with the Convention:** We recommend not developing the Convention and General Regulations at the same time. Proceeding in parallel is ambitious and could distract from the priority, which is the development of the Convention. There is no legal requirement to develop both at the same time, and there will be time, before the entry into force of the Convention, to finalize the General Regulations. The Convention is the text from which the General Regulations will flow, and if developed in tandem, there may be multiple changes to the General Regulations as changes are made to the Convention, resulting in a less efficient development process for the development of the General Regulations.
- **Ensure consistency:** The General Regulations must be consistent with the Convention. Currently the main areas where more clarity is needed in the Convention are related to decision-making, functions of the General Assembly and Council, and financial matters. While the General Regulations can help with this clarity, no matter where the text of the Convention lands, care must be taken to ensure there are no inconsistencies between the General Regulations and the Convention.
- **General Regulations should not repeat the Convention:** Ensuring consistency does not mean the General Regulations should repeat the content of the Convention, which currently is the case at times. The General Regulations ideally should expand on and add to the Convention, and should not paraphrase or cut and paste from the Convention. It is also not appropriate for the General Regulations to use “in accordance with” formulations to cross reference to the Convention. The converse is that the Convention should be able to speak for itself. The General Regulations at times contain provisions that could help explain unclear elements in the Convention. Where the Convention is not clear, consider whether wording can be removed from the General Regulations to bolster the Convention, for example with respect to the roles of Council and the General Assembly, and financial matters.
- **Non-binding language:** Ensure non-legally binding (that is, non-treaty) language is used in the General Regulations, as the General Regulations are not a treaty.
- **Future amendments:** As the Convention will have more stringent rules for amendment as compared with the General Regulations, consideration should be given to whether any provisions in the General Regulations should be moved into the Convention, where a more stringent amendment procedure may be appropriate. Conversely, some detailed elements of the Convention may be better placed in the General Regulations, where they can be more easily adjusted (e.g. the number of council members).