

**Comments of the Argentine Republic to the draft Convention text and the draft  
General Regulation of IALA**

With regard to the draft Convention, the Argentine Republic makes the following considerations:

1. Name of the Organization

IALA has a French name "Association Internationale de Signalisation Maritime", (which can be translated as "International Association of Maritime Navigation") and an English name ("International Association of Marine Aids to Navigation and Lighthouse Authorities").

In 1998 the General Assembly of the organization adopted the aforementioned English name, deciding that this change does not affect the French denomination which is maintained.

As can be seen, the name of the organization in English and French differs. As a result, the name of IALA in Spanish varies depending on the language from which the translation takes place. In this sense, it would be possible to homogenize the Spanish name of the organism.

To this end, the Argentine Republic supports the English denomination, that is to say, "International Association of Aids to Maritime Navigation and Lighthouse Authorities", as it considers it to be broader and more comprehensive in terms of aid to navigation.

Accordingly, Argentina proposes that such a name be adopted for the case of the Spanish language. It is noted that these considerations apply both to the title and to the articles of the project.

2. On the other hand, it is noted that the Spanish version of the draft convention contains errors in some articles and its translation should be revised.

For instance, the fifth paragraph of the preamble refers to UNCLOS and the International Convention for the Safety of Life at Sea (SOLAS) "as amended". It is worth highlighting that the reference to amendments is only applicable to the SOLAS Convention. That is, if it is correctly reflected in the English translation which expresses "as amended".

3. The fourth paragraph of the preamble recognizes the role of IALA. In this sense, and taking into account that such paragraph is based on article 2.1 of the IALA Convention, Argentina suggests that the phrase "for the benefit of the maritime community and the protection of the environment" be added at the end of the paragraph.

4. It is noted that in several articles of the project the term "government" is used as a generic term. In this sense, the use of the expression "States" is suggested.

5. Article 1.3 refers to the languages of the Organization. It establishes that French,

English and Spanish will be official languages, while the working languages comprise only English and French. In this respect, Argentina asks for further details on the basis of which Spanish is excluded as working language. Notwithstanding this, the Argentine Republic proposes the inclusion of Spanish as a working language.

6. Article 4 establishes who can become Members of the Organization. In this sense, it provides that the Organization is composed of States (“Contracting Parties”) and associated members and affiliated members. According to the proposal, the associated members will be: A) territories and groups of territories under the responsibility of a Contracting Party, with responsibility for the regulation, provision, maintenance and operation of aid to maritime navigation; and B) the national members of the current IALA. For its part, the affiliated members would be the current associated and industrial members of IALA.

In this respect, and notwithstanding the question of the territories that are developed in section IV.7, it is understood that the categories proposed are not practical. Indeed, the draft presented proposes a focus upon which the current IALA members will be incorporated along with the States to the International Organization to be created. According to this scenario that arises, within the Organization could be represented the State on the one hand and a government division of that country on the other hand.

In this context, given the nature of the Organization, is understood that only States can be members of it. Nevertheless, different alternatives for the participation of Industrial or Associated Members linked to the work of the organization could be analyzed, as in the case of IMO.

7. Article 4.3 of the draft Convention stipulates that any Contracting Party may request, in writing from the Secretary-General of the Organization, the admission as an Associate Member of a country, of a territory or group of territories that depend on its responsibility, and is legally responsible for the regulation, supply, maintenance and / or operation of aids to maritime navigation. A similar provision is found in Articles 2.1 and 3.2.b of the Regulation.

In this regard, the Argentine Republic rejects these clauses aimed to have Overseas Territories participate in the Organization as an Associate Member. It should also be mentioned that this possibility is not provided in the current structure of IALA or in any of the organizations on which the draft Convention (IMO and IHO) is based.

In this context, it is understood that due to the intergovernmental nature of the Organization, participation in it is the responsibility of States. It is also noted that according to practice within international organizations, the incorporation of territories is not conducive.

8. With regard to the provisions related to quotas and contributions, established in the Constitution (Art. 10), Regulations (Art. 2.5 and 2.6) and Financial Regulations (Art. 9 and 10) and Report on Financial Issues, Argentina would need to have precise information regarding the financial contribution that it should make to the Organization to be created, since this information does not appear clearly from the mentioned documents.

9. Article 6.2 and 7.5 refer to the designation of delegates for the General Assembly, and the Council respectively. In this sense, and notwithstanding the predominantly technical nature of the Organization and its debates, it is understood that the instrument constituting an International Organization should not enter to regulate the composition of the delegation of each State.

On the other hand, and based on the provisions contained in other technical Conventions, during the next discussions it could be analyzed the best way to reflect the technical representation that would be required by the Organization, such as a specific technical focal point or the establishment of a particular representation for these aspects.

10. Article 7 provides for the establishment of a Council as the executive organ of the Organization, which shall be composed of a maximum of 23 elected members and 1 non-elected member (France as the host country). In this regard, Argentina believes that ways to ensure a balance (such as a regional balance) in the composition of the Council should be explored.

11. Article 11 contains provisions relating to legal personality, privileges and immunities.

a). With respect to paragraph 1 of article 11, it is understood that these provisions refer primarily to questions of internal operations of the Organization within the host country. It should be noted that Article 1 of the draft Convention establishes an international organization, which by virtue of its legal nature has legal personality. It is understood that this question can be specified. However, the wording used is not the most conducive insofar as, as emphasized, it is linked to questions of internal operation.

b). With regard to Article 11, paragraph 2, it is stated that it anticipates that an Agreement be concluded with each Contracting Party in order to regulate the privileges and immunities of the Organization in its territory. In this regard, it should be emphasized that the most convenient approach in line with international practice is to develop a generic agreement which will then be adopted by Member States. For its part, paragraph 3 provides that the Organization may cooperate with governments, organizations and other structures in order to conclude agreements.

In this context, it is understood that the most conducive would be to use a general wording referring to the legal personality of the Organization as well as to the fact that it will have in the territory of its Contracting Parties the privileges and immunities that were necessary for the exercise of its functions and the fulfillment of its objectives in conformity with the agreement that is celebrated with its Contracting Parties. In this sense, a wording that would follow the line of Article XIII of the IHO Constituent Convention could be explored, which might read: "The Organization shall have legal personality. In the territory of each Contracting Party it shall enjoy, subject to a separate agreement with its Contracting Parties, such privileges and immunities as may be necessary for the exercise of its functions and the fulfillment of its object "

c). The second part of paragraph 2 provides that in the territory of a State Party to the Convention on the Privileges and Immunities of the Specialized Agencies of the United Nations of 1947 legal personality, privileges and immunities are those defined in that Convention. It is understood that it could be analyzed in more detail if it would be

conducive to grant to the Organization the privileges and immunities provided there for Specialized Organizations. On the other hand, it should be kept in mind that different privileges and immunities would be granted depending on whether or not the State is a party to the aforementioned Convention. In this regard, efforts should be made to establish common rules for all Contracting Parties.

12. As regards the Custodian of the Convention, it is noted that several articles mention the French government as a possible Depositary. In this regard, it is worth noting that in the international sphere there are treaties in which the Depositary is a State such as Monaco in the IHO. In turn, a large number of Conventions establish the Secretary-General of the United Nations as Depositary. In practice, the appointment of the Secretary-General as Depositary is most beneficial, as this ensures that a homogeneous and effective system for recording and distributing information is adopted. Likewise, such designation allows avoiding inconveniences when presenting notifications of entities not recognized as State by the Depositary country. In this context, and in light of the above, it is understood that participating delegations should discuss who will assume the role of Depositary.

On the other hand, and without prejudice to who is involved, it is understood that it would be advisable to include a clause designating the Depositary.

13. Article 18 contains "Transitional Provisions" which are expected to operate as a result of the change in status of the Organization. It is understood that it is positive to have clarity about some issues that make the transition period and the necessary activities to be developed accordingly. However, the transition arrangements can not imply a mere transfer of the previous structure and members of IALA to a new Organization. Indeed, because of the change in the legal nature of the Organization, changes in the structure, such as the membership of an Intergovernmental Organization, will be needed (note in section IV.6). In this context, it is understood that a balance must be reached between the objectives and functions of the current IALA and the necessary changes that must be made due to the change in the legal nature of IALA.

## **Comentarios de la República Argentina al texto del proyecto de Convenio y del Reglamento General de IALA**

En cuanto al proyecto de Convenio, la República Argentina formula las siguientes consideraciones:

### 1. Denominación de la Organización

IALA tiene una denominación francesa "Association Internationale de Signalisation Maritime" cuya traducción al castellano es "Asociación Internacional de Señalización Marítima". Por su parte, en inglés se denomina "International Association of Marine Aids to Navigation and Lighthouse Authorities" traduciendo al español como "Asociación Internacional de Ayudas a la Navegación Marítima y Autoridades de Faros". En efecto, en 1998 en la Asamblea General de la organización se adoptó la citada denominación inglesa decidiéndose que este cambio no incide en la denominación francesa la cual se mantiene.

Como puede observarse, la denominación de la organización en inglés y en francés difiere. En virtud de ello, el nombre de IALA en español varía dependiendo de cual sea el idioma desde el cual se efectúa la traducción. En este sentido, cabría homogeneizar la denominación en español del organismo.

A estos efectos, la República Argentina apoya la denominación proveniente del idioma inglés, esto es "Asociación Internacional de Ayudas a la Navegación Marítima y Autoridades de Faros", por considerarla más amplia y abarcativa en lo que a ayudas a la navegación se refiere.

En virtud de ello, se propone que se adopte dicha denominación para el caso del idioma español. Se hace presente que estas consideraciones son de aplicación tanto para el título como para el articulado del proyecto.

2. Por otra parte, se hace presente que la versión en español del proyecto de Convenio contiene errores en algunos artículos por lo que debiera cotejarse su traducción.

A título de ejemplo, cabe destacar el quinto párrafo del preámbulo que refiere a la Convención de las Naciones Unidas sobre el Derecho del Mar (CONVEMAR) y a la Convención Internacional para la Seguridad de la Vida Humana en el Mar (SOLAS) "tales como han sido enmendadas". La referencia a la enmienda resulta pertinente únicamente respecto del último Convenio. Ello, si se encuentra correctamente reflejado en la traducción al inglés que expresa "as amended".

3. El cuarto párrafo del preámbulo reconoce el papel de la IALA. En este sentido, y en tanto que dicho preámbulo toma de base el artículo 2.1 del Convenio de IALA se sugiere que se agregue al final del párrafo la siguiente frase "for the benefit of the maritime community and the protection of the environment".

4. Se hace presente que en varios artículos del proyecto se emplea la expresión "gobierno" como término genérico. En este sentido, se sugiere el uso de la expresión "Estados".

5. El artículo 1.3 refiere a los idiomas de la Organización. A este respecto, dispone que las lenguas oficiales serán el francés, el inglés y el español, mientras que las lenguas de trabajo comprenden solo el inglés y el francés. Al respecto, se solicitan mayores precisiones sobre qué base se excluiría al español de los idiomas de trabajo. Sin perjuicio de ello, la República Argentina propone la inclusión del español como idioma de trabajo.

6. El artículo 4 establece quienes podrán ser Miembros de la Organización. En este sentido, prevé que la Organización se compondrá de Estados (Partes Contratantes) y miembros asociados y miembros afiliados. Acorde a la propuesta, los miembros asociados serán a) territorios o grupos de territorios bajo responsabilidad de una Parte Contratante y con responsabilidad para la regulación, provisión, mantenimiento y/o operación de ayudas a la navegación marítima; y b) los miembros nacionales de la actual IALA. Por su parte, los miembros afiliados serían los actuales miembros asociados e industriales de IALA.

A este respecto, y sin perjuicio de la cuestión de los territorios que se desarrollará en el apartado IV.7, se entiende que las categorías propuestas no resultan prácticas. En efecto, el proyecto presentado propone un enfoque en razón del cual los actuales miembros de IALA se incorporarían junto con los Estados a la Organización Internacional que se cree. Acorde al supuesto que se plantea dentro de la Organización podría estar representado un Estado por una parte y una repartición gubernamental de ese país por el otro lado.

En este marco, atento a la naturaleza de la Organización se entiende que los miembros deben ser los Estados. Por otra parte, se podrían evaluar distintas alternativas para la participación de miembros industriales u organizaciones vinculadas al trabajo de la organización como ocurre en el caso de OMI.

7. En el artículo 4.3 del borrador de Convención, se estipula que cualquier Parte Contratante puede solicitar, por escrito ante el Secretario General de la Organización, la admisión en calidad de miembro asociado de un territorio o grupo de territorios que dependen de su responsabilidad, legalmente responsable para la reglamentación, el suministro, el mantenimiento y/o el funcionamiento de ayudas a la navegación marítima. Una disposición similar se encuentra en los Art. 2.1 y 3.2.b del Reglamento.

En ese sentido, la República Argentina rechaza estas cláusulas destinadas a que territorios de ultramar participen de la Organización en calidad de miembro asociado. Además, resulta oportuno mencionar que tal posibilidad no está prevista en la actual estructura de IALA ni en ninguna de las organizaciones en las que se inspira el proyecto de Convenio (OMI y OHI).

En este marco, se entiende que en razón de la naturaleza intergubernamental de la Organización la participación en ella corresponde a los Estados. Asimismo, se destaca que acorde a la práctica dentro de organizaciones internacionales no resulta conducente la incorporación de territorios.

8. Con relación a las disposiciones vinculadas a cuotas y aportes que se encuentran en la Constitución (Art. 10), Reglamento (Art. 2.5 y 2.6) y Regulaciones financieras (Art. 9 y 10) y Reporte de cuestiones financieras, la República Argentina precisaría contar con

información precisa respecto de la contribución financiera que debería efectuar al organismo a ser creado, dado que esa información no surge con claridad de los documentos mencionados.

9. El artículo 6.2 y 7.5 refieren a la designación de delegados para la Asamblea General, y el Consejo respectivamente. En este sentido, y sin perjuicio de tenerse presente la naturaleza eminentemente técnica de la Organización y de sus debates, se entiende que el instrumento constitutivo de una Organización Internacional no debiera adentrarse en regulaciones acerca de como será la composición de la delegación de cada Estado.

Por otra parte, y en base a las disposiciones contenidas en otros Convenios de naturaleza técnica, podrá evaluarse cual sería el mejor modo de reflejar la representación técnica que requeriría la Organización, tal como ser un punto focal técnico específico o el establecimiento de una representación particular para estos aspectos.

10. El artículo 7 prevé el establecimiento de un Consejo como órgano ejecutivo de la Organización, el cual se compondrá por un máximo de 23 miembros electos y 1 miembro no electo (Francia en su calidad de país anfitrión). A este respecto, la Argentina entiende que se debiera explorar el modo de asegurar un balance en la conformación del Consejo. Por ejemplo, la posibilidad de un balance regional.

11. El artículo 11 contiene disposiciones relativas a la personalidad jurídica, privilegios e inmunidades.

a. Con relación al inciso 1 del artículo 11 se entiende que estas disposiciones refieren primariamente a cuestiones de operatoria interna de la Organización dentro del país sede. Cabe destacar que conforme el artículo 1 del proyecto de Convenio se establece una organización internacional, la cual en razón de su naturaleza jurídica tiene personalidad jurídica. Se entiende que esta cuestión puede especificarse. Sin embargo la redacción empleada no resulta la más conducente en tanto que, tal como se destacara, ella se vincula a cuestiones de operatoria interna.

b. En cuanto al inciso 2 del artículo 11, se hace presente que él prevé que se celebre un Acuerdo con cada Parte Contratante de modo de regular los privilegios e inmunidades de la Organización en su territorio. A este respecto, cabe destacar que lo más conveniente de acuerdo a la práctica internacional es elaborar un acuerdo genérico que después será adoptado por los Estados Miembros. Por su parte, el inciso 3 prevé que la Organización podrá cooperar con los gobiernos, organizaciones y otras estructuras de modo de concluir acuerdos.

En este marco, se entiende que lo más conducente sería emplear una redacción general que refiera a la personalidad jurídica de la Organización así como al hecho de que ella tendrá en el territorio de sus Partes Contratantes los privilegios e inmunidades que fueran necesarios para el ejercicio de sus funciones y el cumplimiento de sus objetivos en conformidad al acuerdo que se celebre con sus Partes Contratantes. En este sentido, podría explorarse un redacción que siga la línea de lo previsto en el artículo XIII del Convenio Constitutivo de la OHI, la cual podría expresar: "The Organization shall have legal personality. In the territory of each Contracting Party it shall enjoy, subject to a separate agreement with its Contracting Parties, such privileges and immunities as may be necessary for the exercise of its functions and the fulfillment of its object"

c. La segunda parte del inciso 2 prevé que en el territorio de un Estado Parte de la Convención sobre Prerrogativas e Inmunidades de los Organismos Especializados de las Naciones Unidas de 1947 la personalidad jurídica, los privilegios e inmunidades son los definidos en dicha Convención. Se entiende que cabría analizar con mayor detalle si resultaría conducente otorgar a la Organización los privilegios e inmunidades allí previstos para Organismos Especializados. Por otra parte, cabe tener presente que se otorgarían distintos privilegios e inmunidades dependiendo si el Estado es Parte o no en la citada Convención. A este respecto, debiera procurarse que se establezca una regulación común para todas las Partes Contratantes.

12. En cuanto al Depositario del Convenio, se hace presente que varios artículos mencionan entre corchetes al gobierno de Francia como posible Depositario. A este respecto, merece destacarse que en la esfera internacional hay tratados en los cuales el Depositario es un Estado como ser el caso de Mónaco en la OHI. A su vez, en un gran número de Convenios se establece como Depositario al Secretario General de las Naciones Unidas. En la práctica resulta más beneficiosa la designación del Secretario General como Depositario en tanto que ello permite asegurar que se adopte un sistema homogéneo y eficaz para la registración y distribución de información. Asimismo, tal designación permite evitar inconvenientes al momento de presentarse notificaciones de entidades no reconocidas como Estado por el país Depositario. En este marco, y a la luz de lo expresado precedentemente se entiende que las delegaciones participantes debieran debatir quién asumirá el rol de Depositario.

Por otra parte, y sin perjuicio de en quién recaiga dicho rol se entiende que sería conveniente incluir una cláusula de designación del Depositario.

13. El artículo 18 contiene "Disposiciones transitorias" que se prevé operen a razón del cambio de estatus de la Organización. Se entiende que resulta positivo contar con claridad acerca de algunas cuestiones que hacen al período de transición y a las necesarias actividades que deberán desarrollarse en consecuencia. Sin perjuicio de ello, los arreglos de transición no pueden implicar un mero traspaso de la anterior estructura y miembros de la IALA a una nueva Organización. En efecto, en razón del cambio en la naturaleza jurídica de la Organización también deberán operar modificaciones en la estructura, como ser la distinta membresía al tratarse de una Organización Intergubernamental (se destaca a este respecto lo señalado en el apartado IV.6). En este marco, se entiende que deberá alcanzarse un equilibrio entre los objetivos y funciones de la actual IALA y los necesarios cambios que deberán efectuarse en razón del cambio en la naturaleza jurídica del Organismo.

## Australia's comments in relation to the draft IALA Convention text

### General Comments

- 1 Convention would benefit from a definitions clause. Technical terms or ambiguous terms should be defined at the start of the Convention. All capitalised terms in the document should be included as a defined term.
- 2 References to 'and/or' should be clarified to ensure it is properly used. For example:
  - o the use of 'and/or' in Art 2(3) is redundant and could be substituted with 'and';
  - o the use of 'and/or' in Art 4(3) is inconsistent with the use of 'or' in Art 6(2).
- 3 Capitalisation should be consistent for sub-headings and for words with a precise meaning (i.e. members). For instance, sub-paragraphs such as Art 6(7) should either all be lower-case or upper-case.

### Specific Comments

Item	Text	Comments
Art 4(2)	Members <b>shall include</b> , and the General Regulation may make provision for all matters related to, associate and affiliate members.	Suggested reword: Members may be Associate members or Affiliate members. The General Regulations may make provisions for all matters related to members.
Art 6(6)	The General Assembly shall be chaired by the President or the Vice President and operate in accordance with this Convention and the General Regulations.	The General Assembly cannot act in accordance with the General Regulations whilst it is making the first General Regulation. Suggest addition of transition provision in relation to existing General Regulations.
Throughout, but for Art 12(4), first occurring, and Art 16	Change 'Contracting Parties' to 'Parties'.	In accordance with the Vienna Convention on Treaties 'Parties' consent to be bound when the treaty is in force for them.

Item	Text	Comments
Art 12(4), first occurring and Art 16	Change 'Contracting Parties to 'Contracting States'	In accordance with the Vienna Convention on Treaties, 'Contracting States' consent to be bound whether or not the treaty is in force for them.
Art 18(1)	Capitalise 'Members'	Minor editorial
Art 18(2)	Capitalise 'Member', 'Members', 'Associate' and 'Industrial' Change 'their' to 'the party's'	Minor editorial
Art 18(6)	Reword as follows: In the event that a State which has Associate membership under this Convention becomes a Contracting State the Associate membership will cease on the date on which the Convention enters into force for that State. In the case of a Contracting State having more than one Associate membership under this Convention that State may decide to retain additional Associate memberships.	This change recognises that (different) 'Associate' membership exist under the old Association arrangements and under the new Convention, and clarifies which is the subject of the clause.
Art 18(8)	Add text so that the General Regulations of the IALA Association shall serve as the General Regulation for the Organisation until the first General Assembly.	This is required so that there are arrangements in place that will provide for the running of the first General Assembly of the Organisation at which the General Regulations for the Organisation can be adopted.

**Australia's position on issues raised at the first Pre-Diplomatic Conference:**

<b>Topic</b>	<b>Issue</b>	<b>Australia's comments</b>
<b>Membership categories</b>	<p>Associate and Affiliate member categories were questioned: suggestions were made to have, in addition to Member States, only one other category, which could be "Observers".</p> <p>Another suggestion was to limit Associate membership to the current National members and to other IGOs, and to call Affiliate members "partners".</p> <p>Generally, the terms Associate and Affiliate members should be better defined.</p>	<p>The direction of IALA Council was for the draft Convention text to mirror, as much as is possible, the way the current association works. This has been done by use of membership categories.</p> <p>It is accepted that the method chosen is different from that used in other treaty instruments, but there is no legal impediment to doing this.</p> <p>Industrial members are an essential element of IALA's operating model and it is equally essential that they be afforded recognition by way of non-voting membership.</p> <p>The current structure is supported but Australia is open to suggestions that would allow this issue to be resolved.</p>
<b>Languages</b>	<p>The more languages the Organization will have the more costly its operation will be.</p> <p>English was proposed as the sole official and working language. This would ease the work while considerably reducing costs.</p> <p>It was suggested by some participants that Spanish should be an additional working language.</p> <p>Arabic may be added at a later stage, by decision of the General Assembly, if and when appropriate</p>	<p>IALA should have one working language (English).</p> <p>Official languages are used in limited circumstances and as an international organisation should be as encompassing as possible.</p> <p>The use of English, French and Spanish as official languages is supported.</p>

<p><b>Finance</b></p>	<p><b>Contributions</b></p> <p>The amount of annual contributions by States should not depend on the number of States that are Contracting Parties to the IALA Convention.</p> <p>There is a need for more clarity in the calculation of the annual contributions.</p> <p>Having the same amount for all States may not be the best solution: this amount can be significant for one State and negligible for another.</p> <p>Contributions and fees may increase to meet increased finance obligations.</p> <p><b>Budget</b></p> <p>The annual budget should be approved by the General Assembly, or at least limits should be set to annual variations in the budget.</p> <p><b>Arrears</b></p> <p>Non-payment of contributions might result from technical issues outside the control of the State concerned, and other IGOs do not charge interests to States that have fallen into arrears. Removing interest payments should be considered.</p>	<p>The basis on which the rate of contributions will be determined could be described in Art 4 of the Convention text.</p> <p>It could, consistent with the approach taken to drafting the text generally, describe the current approach (same fee for all members of each membership category) but the article should allow for Council to set the actual rate in accordance with the General Regulations (which themselves could be expanded on this point).</p> <p>General Assembly should approve a rolling budget which is streamlined and managed on an annual basis by Council.</p> <p>Australia has no fixed position on charging interest.</p>
<p><b>Procedural matters</b></p>	<p>There is a need to provide for <b>reservations</b>.</p> <p>The clause on <b>disputes</b> might be revised, leaving the Contracting Parties concerned to decide on the best way to solve any dispute between them.</p>	<p>There is no subject matter in the draft convention that should give rise to the need for reservations. Therefore, this amendment is not supported.</p> <p>The current clause allows the disputing parties to consult and negotiate, then to refer to Council. The matter can then be referred to arbitration unless the parties choose another mechanism. The Current clause provides sufficient flexibility.</p>

## COMMENTS FROM CANADA ON THE DRAFT IALA CONVENTION

The analysis that follows pertains to the draft document, Annex - Draft Convention on the International Organization for Marine Aids to Navigation (IALA) (December 2016). The supporting document, Draft General Regulations for the International Organization for Marine Aids to Navigation (IALA) is addressed in a separate document.

ARTICLE	COMMENT	PROPOSED ACTION
<p><b>Preamble</b></p> <p>The States party to this Convention, hereafter referred to as the Contracting Parties:</p>		
<p><b>RECALLING</b> that the International Association of Lighthouse Authorities was established on 1st July 1957 following a conference of national lighthouse authorities held in Scheveningen, Netherlands;</p>	<p>Very detailed. Question whether all the information is useful.</p>	<p>Shorten and merge with the next paragraph.</p>
<p><b>NOTING</b> that the International Association of Lighthouse Authorities was renamed the International Association of Marine Aids to Navigation and Lighthouse Authorities by its General Assembly in Hamburg, Germany in 1998;</p>	<p>Very detailed. Question whether all the information is useful.</p>	<p>Shorten and merge with the above paragraph, to say  “RECALLING that the International Association of Lighthouse Authorities was established on 1st July 1957 and renamed the International Association of Marine Aids to Navigation and Lighthouse Authorities in 1998;”.</p>
<p><b>RECOGNISING</b> the role of the International Association of Marine Aids to Navigation and Lighthouse Authorities in the improvement and continued harmonisation of marine aids to navigation for the safe, economic and efficient movement of vessels;</p>	<p>This refers to the old IALA and is rather detailed. Question whether the information is useful.</p>	<p>Consider deleting.</p>
<p><b>IN FURTHERANCE</b> of the provisions of the United Nations Convention on the Law of the Sea, 1982 and the International Convention for the Safety of Life at Sea, 1974, as amended;</p>		

ARTICLE	COMMENT	PROPOSED ACTION
<p><b>CONSIDERING</b> that the International Association of Marine Aids to Navigation and Lighthouse Authorities is formed as an association under French law; and</p>	<p>This speaks to the old IALA not the new IALA.</p> <p>If this clause is supposed to be referring to the new IALA, it seems to contradict para. 1(2).</p>	<p>Consider removing the paragraph given it speaks to the old IALA.</p> <p>If a strong desire to keep the paragraph, at a minimum change “is” to “was” to make this an historical statement, that is “CONSIDERING that the International Association of Marine Aids to Navigation and Lighthouse Authorities <b>was</b> formed as an association under French law;”.</p>
<p><b>CONSIDERING FURTHER</b> that the Contracting Parties agree that the will of Governments to develop, improve and harmonise marine aids to navigation for the benefit of the maritime community and the protection of the environment is best coordinated by one responsible international organisation;</p> <p><b>HAVE AGREED</b> as follows:</p>	<p>Delete the unusual wording about the will of Governments.</p> <p>This paragraph raises the question of IALA’s relationship with the IMO. Is IALA’s role reflected accurately here? Consider whether and where in the Convention IMO’s role vs IALA’s role could be clarified.</p>	<p>Change to the following:</p> <p>“CONSIDERING FURTHER that <del>the Contracting Parties agree that the will of Governments to develop</del><b>ing</b>, <b>improving</b> and <b>harmonising</b> marine aids to navigation for the benefit of the maritime community and the protection of the environment is best coordinated by one responsible international organisation;”.</p>
<p><b>Article 1 - Establishment of the International Organization</b></p> <p>1. The International Organization for Marine Aids to Navigation is hereby established as an international organization and shall be known as IALA (hereinafter ‘the Organization’).</p>	<p>According to para. 1(1), the acronym of the new International Organization for Marine Aids to Navigation is “IALA.” This is the same acronym as the existing NGO. The NGO and the new organization are supposed to coexist during a transition period described in Art. 18. It may be confusing if the two bodies simultaneously have the same acronym.</p>	<p>It would be preferable to come up with a new acronym for the organisation to distinguish it from the NGO. It would be clearer to have an acronym that better links to the new title of the organization and is more reflective of the modern content of the subject matter. Consider, for example IOMAtON.</p>
<p>2. The Organization shall have its seat in France unless otherwise decided by the General Assembly.</p>		
<p>3. The official languages of the Organization shall be English, French and Spanish. The working languages of the Organization shall be English and French.</p>		
<p>4. The operation of the Organization shall be as set out in the General Regulations.<sup>i</sup></p>	<p>“Operation” may not be appropriate wording.</p>	<p>Consider replacing “operation” with “<b>functioning</b>.”</p>

ARTICLE	COMMENT	PROPOSED ACTION
<p><b>Article 2 – Aims</b></p> <p>1. The Organization shall have a consultative and technical nature.</p>	<p>Article 2 on Aims is fundamental as it represents the building blocks of IALA. Given it is easier to reword on the front end than to amend the Convention later, there should be careful review. Also, the relationship with and role of the IMO should be made clear in this Convention, and this may be appropriate for Article 2.</p> <p>“Consultative” can be interpreted to mean non-decisional, and “technical” to mean non-policy. Is a different meaning intended?</p> <p>Also, para. 2(1) may fit better under Art. 3 Functions of the Organization.</p>	<p>Carefully review Aims to ensure understanding and agreement.</p> <p>Consider clarifying.</p> <p>Suggest moving to Art. 3. This could be para. 3(1), and the existing text could be para. 3(2)(a) to (g).</p>
<p>2. The aims of the Organization are to:</p> <ul style="list-style-type: none"> <li>a) foster the safe and efficient movement of vessels through the improvement and harmonisation of marine aids to navigation worldwide and by other appropriate means;</li> <li>b) bring together governments, services and organisations concerned with the regulation, provision, maintenance or operation of marine aids to navigation and allied activities;</li> <li>c) promote access to technical cooperation on all matters related to development and transfer of expertise, science and technology in relation to marine aids to navigation;</li> <li>d) encourage and facilitate the general adoption of the highest practicable standards in matters concerning marine aids to navigation; and</li> <li>e) provide for the exchange of information among governments and intergovernmental organizations on matters under consideration by the Organization.</li> </ul>	<p>Para. 2(b) seems to fit better when integrated into the chapeau.</p>	<p>Collapse para. 2(b) into the chapeau of Article 2, to say the following, with appropriate lettering:</p> <p>“2. The aims of the Organization are to bring together governments, services and organisations concerned with the regulation, provision, maintenance or operation of marine aids to navigation and allied activities, <u>with a view</u> to: (a) fostering ..., (c) promoting ..., (d) encouraging and facilitating ..., and (e) providing for ...”</p>

ARTICLE	COMMENT	PROPOSED ACTION
<p>3. For the purposes of this Convention the term ‘marine aids to navigation’ means a device, system or service, external to a vessel, designed and operated to enhance safe and efficient navigation of all vessels and/or vessel traffic.</p>	<p>“Marine aids to navigation” is the only term defined. Are there other terms that should be defined? It is common in conventions to have a separate article on definitions.</p> <p>In this context, does vessel traffic add anything to navigation of all vessels? That is, is vessel traffic needed? If it is needed, consider a clearer phrasing.</p>	<p>Review the Convention for other potential terms to define, and if appropriate, create a separate article on definitions.</p> <p>Consider striking out “and/or vessel traffic.”</p> <p>Or, consider “...designed and operated to enhance <u>the safety and efficiency of vessel traffic and vessel navigation.</u>”</p>
<p><b>Article 3 - Functions of the Organization</b> The functions of the Organization, to achieve the aims referred to in Article 2, are to:</p> <p>a) provide standards, recommendations, guidelines and manuals or other suitable instruments and to commend these to governments, intergovernmental organizations and members as appropriate;</p>	<p>It seems a similar formulation to art. 3(b) would be appropriate.</p> <p>The text refers broadly to “governments” rather than Contracting Parties, and to “members.” Is this appropriate?</p> <p>How does para. 3(a) compare to the role of the IMO?</p> <p>Does the relationship with the IMO have to be spelled out, and if so here, or in Article 2?</p>	<p>Consider instead “a) <u>develop and make recommendations on voluntary</u> standards, guidelines, manuals, and other suitable <u>voluntary</u> instruments, and commend these to governments, intergovernmental organizations, and members as appropriate.”</p> <p>Determine whether “governments” and “members” should be changed, and if so, make the changes.</p>
<p>b) consider and make recommendations on standards, recommendations, guidelines and other documents that may be remitted to it by members, by any organ or specialised agency of the United Nations or by any other intergovernmental organization;</p>	<p>“Recommendations” is repeated in para. 3(b).</p> <p>Add “manuals” and “instruments” for consistency with (a).</p> <p>Here too should the caveat “voluntary” be inserted, or would IALA review incoming non-voluntary items but only “commend” voluntary items?</p>	<p>Consider instead the following:</p> <p>“b) Consider and make recommendations on <u>voluntary</u> standards, guidelines, <u>manuals</u>, and other <u>voluntary instruments</u> that may be <u>provided to the Organization</u> by any organ or specialised agency of the United Nations, or by any other intergovernmental organization.”</p>

ARTICLE	COMMENT	PROPOSED ACTION
c) provide mechanisms for consultation and exchange of information including about the activities of Contracting Parties, members and recent developments;	Para. 3(c) refers to “information, including about the activities of Contracting Parties, members, and recent developments.” The word “activities” cannot apply to “members” without also applying to “recent developments.” It does not make sense, however, to say “the activities of [...] recent developments.”	Suggest redrafting to say the following:  “provide mechanisms for consultation and exchange of information, including about <u>recent developments and</u> the activities of Contracting Parties <u>and</u> members.”
d) develop international cooperation by promoting close working relationships and assistance between its Contracting Parties and members;		
e) facilitate assistance to governments, services and other organizations requesting help with marine aids to navigation, whether technical, organisational or training;	What is envisioned by technical assistance, organisational assistance, and training assistance? Given this could result in potentially costly expenditures, consider a requirement for Council approval.	Consider adding the following at the end of para. 3(e):  “ <u>, as approved by Council;</u> ”
f) organise conferences, symposia, seminars, workshops and other events relevant to its work; and		
g) liaise and cooperate with relevant intergovernmental, international and other organisations, offering specialised advice where appropriate.		
<p><b>Article 4 – Membership</b></p> <p>1. The Organization shall be comprised of Contracting Parties and members as described in Article 4.2.</p>		

ARTICLE	COMMENT	PROPOSED ACTION
<p>2. Members shall include, and the General Regulation may make provision for all matters related to, associate<sup>ii</sup> and affiliate<sup>iii</sup> members.</p>	<p>“Include” implies there may be membership categories in addition to associate and affiliate. Is this accurate? Also, break para. 4(2) into two thoughts, for precision.</p> <p>“General Regulation” is singular here but plural throughout the rest of the text. Suggest pluralizing.</p> <p>“provision for all matters related to” is a very broad formulation. What is intended to be captured by this, and can this be reworded to be more precise?</p> <p>Given the footnotes, does para. 4(2) allow for <i>new</i> associate and affiliate members? General Regulation 2.1 is clearer than the footnotes that new associate and affiliate members are intended to be captured in para. 4(2).</p> <p>The use of footnotes should generally be avoided in a treaty.</p>	<p>Consider instead a new 4(2): “<u>The two categories of members are</u> associate<sup>ii</sup> and affiliate<sup>iii</sup> members.”</p> <p>Consider a new 4(3): “<del>Members shall include, and</del> <u>The General Regulations</u> may make provision for all matters related to associate<sup>ii</sup> and affiliate<sup>iii</sup> members.”</p> <p>Reword, based on what is intended to be captured.</p> <p>Review the footnotes with this in mind and specify that new members are to be captured in para. 4(2).</p> <p>Incorporate the content of the footnotes in the body of the Convention.</p>

ARTICLE	COMMENT	PROPOSED ACTION
<p>3. Any Contracting Party may claim Associate membership for a territory or group of territories for which it has responsibility and which is legally responsible for the regulation, provision, maintenance and/or operation of marine aids to navigation, by notification in writing to the Secretary-General of the Organization.</p>	<p>In order to keep a form of control over membership, it may be more appropriate to have Contracting Parties “submit” names for consideration, rather than having any Contracting Party <u>claiming</u> such status. See Article 18(1) which does that, for the transition.</p> <p>How will Affiliate members be approved to join IALA?</p> <p>Should there not be the ability for Contracting Parties to terminate their membership?</p> <p>How can Associate and Affiliate members terminate memberships?</p>	<p>Instead consider saying the following:</p> <p>“Any Contracting Party may <u>submit to the Council requests for</u> <del>claim</del> Associate membership <u>to be granted</u> for a territory or group of territories for which it has responsibility and which is legally responsible for the regulation, provision, maintenance <del>and/or</del> operation of marine aids to navigation, by notification in writing to the Secretary-General of the Organization.”</p> <p>Consider adding language to make clearer. See some clarity in draft General Regulation 2.3.</p> <p>Consider adding language on this point.</p> <p>Consider adding clarity from draft General Regulation 2.7.</p>

ARTICLE	COMMENT	PROPOSED ACTION
<p>4. Each Contracting Party shall pay a contribution<sup>iv</sup> to the Organization on an annual basis in the amount determined in accordance with in Article 7.6 (e) and Article 10.</p>	<p>The adoption of funding decisions is identified as being done by majority. Rather than by simple majority, the adoption of funding decisions should be by a higher standard, such as consensus.</p> <p>The General Regulations should also address payments of fees by members.</p> <p>Footnote iv states “contributions to be according to the principle of equal sharing, which will be specified in the General Regulations.” Equal sharing is not addressed in the General Regulations.</p>	<p>Redraft to say the following:</p> <p>“Each Contracting Party shall pay a contribution<sup>iv</sup> to the Organization on an annual basis in the amount determined <u>by consensus decision</u> in accordance with in Article <u>[XX]</u> and Article 10.”</p> <p>Suggest adding to para. 4(4) “<u>The General Regulations shall also provide for the payments of fees by members.</u>”</p> <p>Consider whether all prospective Contracting Parties would support the payment of contributions amounting to equal sharing, however the term may be defined. If so, suggest including the concept equal sharing in the General Regulations along with its explanation, and remove the reference from Footnote iv.</p>
<p>5. Contracting Party contributions and member fees shall be due and payable in accordance with the General Regulations.</p>	<p>Prior to para. 4(5), the concept of member fees should be introduced, as was done in para. 4(4) for contributions.</p>	<p>Include a paragraph to introduce member fees, such as the following:</p> <p>“<u>Each member shall pay fees to the Organization ...</u>”</p>
<p>6. Failure to make a contribution when such payment becomes due may result in the Contracting Party being charged interest, the rate of which will be determined by the Council.</p>		
<p>7. Any Contracting Party which is two years in arrears in making contributions shall, after notification, be denied the rights and benefits conferred on Contracting Parties by this Convention until such time as the outstanding contributions have been paid.</p>		

ARTICLE	COMMENT	PROPOSED ACTION
<p>8. No Contracting Party or member shall be liable, by reason of its status or participation in the Organization, for acts, omissions or obligations of the Organization.</p>		
<p><b>Article 5 - Structure of the Organization</b></p> <p>1. The Organization shall have as its organs:</p> <ul style="list-style-type: none"> <li>a) the General Assembly;</li> <li>b) the Council;</li> <li>c) Committees and other subsidiary bodies necessary to support the Organization’s activities; and</li> <li>d) the Secretariat.</li> </ul>	<p>Who can create “Committees and other subsidiary bodies necessary to support the Organization’s activities”? See comments on Article 8 on this point. Also consider also the cost implications of creating the bodies, and having the General Assembly rather than Council have this ability.</p>	<p>Consider and ensure clarity on who, the General Assembly or Council, can create Committees and other subsidiary bodies.</p>
<p>2. There shall be a President and a Vice President of the Organization elected in accordance with Article 7.</p>	<p>Is the intention to have a President and a Vice President of the General Assembly? Or of Council? Or of both? Or be the President and a Vice President of both? This is not clear from the General Regulations either.</p>	<p>Consider indicating the following:            “There shall be a President and a Vice President of the <u>General Assembly...</u>”</p>

ARTICLE	COMMENT	PROPOSED ACTION
<p>3. Where decisions of the General Assembly or the Council cannot be reached by consensus, the following provisions shall apply:</p> <p>a) Only Contracting Parties have voting rights, which will be executed by the representative designated by each Contracting Party;</p> <p>b) Except where otherwise specified, decisions are taken on a simple majority of the votes cast.</p>	<p>Strengthen the text on reaching consensus to make clear that all efforts should be made to attain consensus.</p> <p>Should decisions of Committees and other subsidiary bodies also be included, or will terms of reference cover this?</p> <p>While it is appropriate to specify that only Contracting Parties have voting rights, execution by a designated representative is not needed.</p> <p>For decisions to the exclusion of budgetary matters, the preference is for at least a 2/3 majority. Also, different decisions could have different thresholds, but 2/3 should be the minimum majority.</p>	<p>Add to the start of para. 5(3) the following:</p> <p><u>“All efforts shall be made for the General Assembly and the Council to make decisions by consensus.”</u></p> <p>Consider adding the following:</p> <p>“Where decisions of the General Assembly, <u>Council, committees, or other subsidiary bodies</u> cannot be reached by consensus...”</p> <p>Remove the last part from para. 5(3)(a): “Only Contracting Parties have voting rights, <del>which will be executed by the representative designated by each Contracting Party.</del>”</p> <p>The text further down in the Convention should reflect that consensus rather than a simple majority should be applied to decisions on budgetary matters. Also consider a blanket change for at least a 2/3 majority for all decisions.</p>
<p>4. The General Regulations shall detail the Rules of Procedure that will apply for each organ.</p>		

ARTICLE	COMMENT	PROPOSED ACTION
<p><b>Article 6 - The General Assembly</b></p> <p>1. The General Assembly is the principal decision-making organ of the Organization and attendance shall be open to all Contracting Parties and members.</p>	<p>For a more clear text, divide para. 6(1) into 2 paragraphs, and merge the second part of the current para. 6(1) with the current para. 6(2).</p>	<p>Consider redrafting paras. 6(1) and (2) as follows:</p> <p>“1. The General Assembly is the principal decision-making organ of the Organization.</p> <p><u>2.</u> Attendance shall be open to all Contracting Parties and members. <del>2-</del> Each Contracting Party shall designate one of its delegates, preferably the head of a national authority legally responsible for the regulation, provision, maintenance or operation of marine aids to navigation, or his or her representative, as its principal delegate at the General Assembly.”</p>
<p>2. Each Contracting Party shall designate one of its delegates, preferably the head of a national authority legally responsible for the regulation, provision, maintenance or operation of marine aids to navigation, or his or her representative, as its principal delegate at the General Assembly.</p>		
<p>3. Regular sessions of the General Assembly shall take place at least once every four years.</p>		
<p>4. Extraordinary sessions shall be convened whenever one third of the Contracting Parties give notice to the Secretary-General that they desire a session to be arranged, or at any time if deemed necessary by the Council, after a notice of ninety days.</p>		

ARTICLE	COMMENT	PROPOSED ACTION
5. A majority of the Contracting Parties excluding any Contracting Party denied by Article 4.7 the rights and benefits conferred on Contracting Parties, shall constitute a quorum for the sessions of the General Assembly.		
6. The General Assembly shall be chaired by the President or the Vice President and operate in accordance with this Convention and the General Regulations.		

ARTICLE	COMMENT	PROPOSED ACTION
<p>7. The General Assembly shall:</p> <p>a) Decide the overall policy and the strategic vision of the Organization;</p> <p>b) Determine the General Regulations of the Organization and the rules of procedure of the General Assembly, Council, Committees and other subsidiary bodies of the Organization;</p> <p>c) Elect the Council in accordance with Article 7;</p> <p>d) Determine and review the financial arrangements of the Organization;</p> <p>e) Consider the reports and proposals put to it by any Contracting Party, the Council or the Secretary-General;</p> <p>f) Adopt standards;</p> <p>g) Make recommendations to Contracting Parties and members on matters within the scope of the Organization;</p> <p>h) Decide on any other matters within the scope of the Organization; and</p> <p>i) Delegate, where appropriate and necessary, responsibilities to the Council.</p>	<p>Re para. 6(7): Remove mandatory language of “shall.”</p> <p>Re para. 6(7): As written, it is not clear that the General Assembly creates or terminates committees and other subsidiary bodies. Suggest inserting text on this point.</p> <p>Re para. 6(7)(b): The General Assembly ought to be characterized as taking on adopting and reviewing functions, rather than determining.</p> <p>Re para. 6(7)(c): See comments on para. 7(3) below</p> <p>Re para. 6(7)(d): The General Assembly ought to be characterized as taking on adopting and reviewing functions, rather than determining.</p> <p>Re para. 6(7)(d): What is meant by “financial arrangements”? The expression “financial arrangements” is used in the IMO Convention where it says that the IMO Assembly shall “vote the budget and determine the financial arrangements of the organization” (Art. 15). This ensures the IMO Assembly has a clear role in financial oversight. What is the role being conferred on the General Assembly of IALA? Does “determine” and “review” mean that there will be a vote? Para. 7(6)(c) refers to “budget estimates, as decided by the General Assembly,” suggesting the GA will decide (vote) on the budget, but this information is indirect as Art. 7 is about the Council, not the GA.</p> <p>Re para. 6(7)(f): What is meant by “standards”? Does this refer to the standards in paras. 3(a) and (b), which we suggest should be voluntary? If referring to paras. 3(a) and (b), what about guidelines, manuals, other documents, and other suitable voluntary instruments also mentioned? How do the standards link to para. 7(6)(k) “the Council shall ... Approve recommendations, guidelines, manuals and other appropriate papers”?</p> <p>Re para. 6(7)(g): Similar comment as for para. 6(7)(f).</p> <p>Re para. 6(7)(i): When would it be “and necessary” to delegate to Council, a group of 24? “Where appropriate” seems fine on its own, without “and necessary.”</p>	<p>Re para. 6(7): “The General Assembly shall:”            Re para. 6(7): Turn the opening verb of each para. into the following: (a) “Decides,” (b) “Adopts and reviews,” (c) “Elects,” (d) “Adopts and reviews,” (e) “Considers,” (f) “Adopts,” (g) “Makes,” (h) “Decides,” and (i) “Delegates.”</p> <p>Re para. 6(7): Suggest inserting a new para., that is “<u>Creates or terminates committees and other subsidiary bodies of the Organization.</u>”</p> <p>Re para. 6(7)(b): Suggest changing to say “<u>Determine Adopt and review</u> the General Regulations of the Organization and the rules of procedure of the General Assembly, Council, Committees and other subsidiary bodies of the Organization;”</p> <p>Re para. 6(7)(d): Change to say “<u>Determine Adopt</u> and review the financial arrangements of the Organization;”</p> <p>Re para. 6(7)(d): Determine what is meant by “financial arrangements” and use more precise wording.</p> <p>Re para. 6(7)(d): Overall a clearer definition of the General Assembly’s financial role is desirable.</p> <p>Re para. 6(7)(f): Consider how to redraft.</p> <p>Re para. 6(7)(g): Consider the same redraft as for para. 6(7)(f), in line with the wording of Art. 3.</p> <p>Re para. 6(7)(i): Delete “<del>and necessary...</del>”</p>

ARTICLE	COMMENT	PROPOSED ACTION
<p><b>Article 7 - The Council</b></p> <p>1. The Council is the executive organ of the Organization and shall be responsible for directing the activities of the Organization.</p>	<p>Ensure that the role of the General Assembly is reflected.</p>	<p>Consider adding “, <a href="#">pursuant to the guidance of the General Assembly.</a>”</p>
<p>2. The Council shall consist of up to twenty three (23) Councillors elected from amongst the Contracting Parties and one (1) non-elected Councillor.</p>	<p>If the majority rule from para. 5(3)(b) was maintained, para. 7(2) means 13 or fewer Councillors (depending how many Councillors are elected from the Contracting Parties) could impose decisions on all Parties.</p> <p>Also, given the potential growth of IALA as an IGO, this may be a provision that Contracting Parties may wish to be able to change more easily than via Convention amendment.</p>	<p>Suggest at least a 2/3 majority as the minimum required for decision-making.</p> <p>Consider removing from the Convention and inserting in the General Regulations.</p>
<p>3. Elected Councillors shall be elected by ballot by the General Assembly in accordance with the General Regulations.</p>	<p>Neither Art. 6 nor Art. 7 actually explain when the Council is to be elected, but the General Regulations at para. 3.5 do, suggesting Council is elected at each General Assembly meeting. These meetings are expected to take place “at least once every four years,” but according to Convention para. 6(4) it is also possible to have an “extraordinary session” of the General Assembly. An extraordinary session would presumably not trigger new elections. It would be useful to insert a provision explaining when elections take place and for how long the elected Council members stay in office. By virtue of being housed in the General Regulations, these important elements of IALA’s structure would be open to change without amending the Convention. As it stands, it seems the General Regulations could be changed by a simple majority vote. The election method for Councillors provided in para. 7(3) is similarly vague and subject to the content of the General Regulations.</p> <p>If the intention is for elections to be at regular sessions only, reflect that elections by ballot will be at regular sessions of the General Assembly.</p>	<p>Consider inserting provisions explaining when elections to Council are to take place, and other important provisions on elections, rather than having them in the General Regulations. Consider adding “<a href="#">Council will be elected at each regular meeting of the General Assembly.</a>”</p> <p>Consider inserting “Elected Councillors shall be elected by ballot <a href="#">at regular sessions of the</a> General Assembly in accordance with the General Regulations.”</p>
<p>4. The Contracting Party of the State in which the seat of the Organization is located (“Host Nation”) shall be the non-elected Councillor.</p>		

ARTICLE	COMMENT	PROPOSED ACTION
<p>5. At the Council Contracting Parties shall preferably be represented by the head of a national authority legally responsible for the <b>regulation</b>, provision, maintenance or operation of marine aids to navigation of that Contracting Party, or his or her representative.</p>	<p>The inclusion of the word “regulation” does not appear appropriate or necessary. It may also serve to confuse the role of IALA versus the IMO.</p> <p>For example, the Canadian Coast Guard does not have regulatory powers. However, the Canadian Coast Guard is the appropriate participant at IALA, given the technical and consultative nature of the organization.</p>	<p>Suggest that the word “<del>regulation</del>” be deleted.</p>
<p><b>Suggested new sub-paragraph on attendees at Council meetings</b></p>	<p>Who, if anyone, can attend Council meetings apart from Council members? Any observers from Contracting Parties who are not Council members? Any other observers? This would be appropriate to include in Article 7, at least in general terms, to be elaborated on in the General Regulations. The General Regulations do not seem to address this.</p>	<p>Insert text specifying who can attend Council meetings as observers.</p>

ARTICLE	COMMENT	PROPOSED ACTION
<p>6. The Council shall:</p> <ul style="list-style-type: none"> <li>a) Elect the President and the Vice President from amongst its members;</li> <li>b) Exercise such responsibilities as may be delegated to it by the General Assembly;</li> <li>c) Coordinate the activities of the Organization within the framework of the overall policy, the strategic vision and the budget estimates, as decided by the General Assembly;</li> <li>d) Approve the annual budget and accounts and the annual report;</li> <li>e) Determine the rate of contributions for Contracting Parties and members;</li> <li>f) Convene the General Assembly;</li> <li>g) Report to the General Assembly on the work of the Organization;</li> <li>h) Appoint a Secretary-General in accordance with the General Regulations;</li> <li>i) Review proposals submitted to it in accordance with the General Regulations;</li> <li>j) Refer to the General Assembly all matters requiring decision by the General Assembly;</li> <li>k) Approve recommendations, guidelines, manuals and other appropriate papers;</li> <li>l) Approve submissions to other organizations;</li> <li>m) Determine the terms of reference for committees and other subsidiary bodies;</li> <li>n) Approve and review the work programmes of the Committees; and</li> <li>o) Decide the venue and the year of the Organization's Conferences and symposia as described in the General Regulations.</li> </ul>	<p>Re para. 7(6)(a): There may be confusion in using the term "member."</p> <p>Re para. 7(6)(d): It does not seem appropriate to have a small group of Councillors adopt the budget, with funding implications for all Contracting Parties. Also, clarify what the relationship is between the annual budgets (approved by Council, para. 7(6)(d)) and the budget estimates to be "decided" by the General Assembly (para. 7(6)(c)). Note para. 10(2) says "The budget estimates and the financial statements on the accounts of the Organization shall be <b>approved</b> by the Council."</p> <p>Re para. 7(6)(e): Throughout the draft Convention a distinction is made between the "contributions" paid by "Contracting Parties" and the "fees" paid by members. It seems this is the only provision where it says "members" pay "contributions."</p> <p>Re para. 7(6)(f): Rather than Council, should it not be the Secretary- General who convenes the General Assembly?</p> <p>Re para. 7(6)(h): Should the General Assembly not Council appoint a Secretary-General?</p> <p>Re para. 7(6)(i): Proposals on what? As this Council is a limited group, there should be more clarity on its powers.</p> <p>Re para. 7(6)(k): How does that relate to para. 6(7)(f), which indicates the General Assembly is to adopt standards? Are standards meant to be separate? Ensure consistency with the wording chosen for Art. 3.</p> <p>Re para. 7(6)(m): This is to be read in parallel with para. 6(7)(b) and Art. 8. Should this be clarified?</p>	<p>Re para. 7(6)(a): "Members" does not seem appropriate in para. 7(6)(a). Suggest changing para. 7(6)(a) to "Elect the President and the Vice President from amongst its <del>members</del> <u>Councillors</u>." Also suggest including text clarifying which members can attend Council.</p> <p>Re para. 7(6)(d): Consider consensus as the standard required for budgetary decisions and draft the necessary changes. Also revisit the text on annual budgets and budget estimates.</p> <p>Re para. 7(6)(e): To ensure consistency and clarity, consider changing to "Determine the rate of contributions for Contracting Parties and <u>the fees for members</u>." Also, what is the interface with footnote iv which identifies equal sharing? Also recall that equal sharing does not appear in the General Regulations.</p> <p>Re para. 7(6)(f): If so, draft into the Secretary-General's functions, perhaps in Article 9. Also, perhaps Council could convene extraordinary sessions of the General Assembly, meaning in para. 7(6)(f) insert "<u>extraordinary sessions of the General Assembly</u>."</p> <p>Re para. 7(6)(h): If so, draft into the Secretary-General's functions, perhaps in Article 9.</p> <p>Re para. 7(6)(i): Redraft to specify what the proposals relate to.</p> <p>Re para. 7(6)(k): If these are responsibilities for the General Assembly, then remove from Council's list of responsibilities. Also ensure consistency with wording from Art. 3, no matter what the wording ends up being for Art. 3.</p> <p>Re para. 7(6)(m): Review para. 6(7)(b) and Art. 8, and bring further clarity to para. 7(6)(m).</p>

ARTICLE	COMMENT	PROPOSED ACTION
<p><b>Article 8 - Committees and Other Subsidiary Bodies</b></p> <p>Committees and other subsidiary bodies may be established by the General Assembly or the Council to support the endeavours of the Organization and shall operate in accordance with this Convention and the General Regulations.</p>	<p>This must be consistent with paras. 6(7)(b) and 7(6)(m). As currently written, the Convention allows the General Assembly to “Determine the General Regulations of the Organization and the rules of procedure of the General Assembly, Council, Committees and other subsidiary bodies of the Organization” (para. 6(7)(b)), but only Council can “Determine the terms of reference for committees and other subsidiary bodies” (para.7(6)(m)). Art. 8 seems to contradict this. Also, what if anything is the difference between rules of procedure and terms of reference?</p>	<p>Ensure the Convention is consistent and clear on whom, whether the General Assembly or Council, may establish committees and other subsidiary bodies, as well as for the adoption of their respective terms of reference.</p>
<p><b>Article 9 - Secretariat</b></p> <p>1. The permanent Secretariat of the Organization shall be comprised of the Secretary-General and such technical and administrative staff as may be required for the work of the Organization.</p> <p>a) The Secretary-General shall be appointed for a term of four years and may be reappointed for one additional term not exceeding four years;</p> <p>b) The Secretary-General shall be responsible for the day to day management of the Organization, subject to any guidance issued by the Council or the General Assembly;</p>	<p>Para. 9(1) suggests a wide ability to hire as deemed fit. Considering the potentially high budgetary implications, suggest including a reference to budgetary considerations or something similar, to act as an appropriate parameter.</p> <p>See comments on para. 7(6)(h). Should the General Assembly not Council appoint a Secretary-General?</p>	<p>Suggest adding to para. 9(1) the following:</p> <p>“The permanent Secretariat of the Organization shall be comprised of the Secretary-General and such technical and administrative staff as may be required for the work of the Organization, <u>within the approved budgetary framework.</u>”</p> <p>Wherever it is indicated who will be doing the appointment, consider a cross-reference at para. 9(1)(a) to the paragraph where that is indicated.</p>

ARTICLE	COMMENT	PROPOSED ACTION
<p>2. The staff of the Secretariat shall be appointed by the Secretary-General on such terms and to perform such duties as the Secretary-General may determine.</p>	<p>To appropriately qualify para. 9(2), suggest adding qualifying text.</p>	<p>Consider adding “...may determine, <u>to fulfil the aims and functions of the Organization.</u>”</p>
<p>3. The Secretariat shall:</p> <ul style="list-style-type: none"> <li>a) Maintain all such records as may be necessary for the efficient discharge of the work of the Organization and shall prepare, collect, and circulate any documentation that may be required;</li> <li>b) Manage the Organization’s finances under the direction of the Council, in accordance with the General Regulations;</li> <li>c) Prepare the annual budget and accounts for submission to the Council;</li> <li>d) Keep Contracting Parties and members informed with respect to the activities of the Organization;</li> <li>e) Organize and support meetings of the General Assembly, the Council and Committees and other subsidiary bodies;</li> <li>f) Organize conferences and symposia, seminars, workshops and other events; and</li> <li>g) Perform such other tasks as may be assigned by the Convention, the General Regulations, the General Assembly or the Council.</li> </ul>	<p>The Secretariat would prepare the annual budget <i>proposal</i>. The budget later would have to be approved. See earlier comments on the adoption of the budget at paras. 5(3)(b) and 7(6)(d).</p> <p>To qualify this role, add language.</p>	<p>Add the following to para. 9(3)(c): “Prepare the annual budget <u>proposal</u> and accounts for submission to <u>[XX]</u>.” Do these go to Council, or to the General Assembly? See the comment at para. 10(2).</p> <p>Consider adding “Organize conferences and symposia, seminars, workshops and other events, <u>as approved by Council.</u>”</p>

ARTICLE	COMMENT	PROPOSED ACTION
<p><b>Article 10 - Funding and Expenditure</b></p> <p>1. The expenditure available for the functioning of the Organization shall meet the amount of financial resources provided by:</p> <ul style="list-style-type: none"> <li>a) Contracting Party contributions;</li> <li>b) member annual fees;</li> <li>c) donations, bequests, grants, gifts; and</li> <li>d) other sources approved by the Secretary-General.</li> </ul>	<p>“...the amount of financial resources...” is an unfamiliar formulation.</p> <p>What is “other sources” intended to capture? Could this be carry-overs from previous years and interest gains, for example?</p>	<p>Consider redrafting to “The expenditure available for the functioning of the Organization shall <del>meet the amount of</del> <u>be met by the</u> financial resources provided by...”</p> <p>Consider whether to specify potential other sources. Determine whether approval should be specified to be by the Secretary-General, or whether approval by Council would be more appropriate.</p>
<p>2. The budget estimates and the financial statements on the accounts of the Organization shall be approved by the Council.</p>	<p>More clarity is needed on budgetary and financial matters, including terminology and roles played by Council and the General Assembly.</p> <p>Para. 10(2) refers to budget estimates and financial statements (not clear on the meaning of budget estimates and financial statements). Para. 7(6)(d) indicates Council shall “Approve the annual budget and accounts and the annual report.” Para. 7(6)(c) indicates Council shall “Coordinate the activities of the Organization within the framework of the overall policy, the strategic vision and the budget estimates, as decided by the General Assembly,” which seems to entrust the adoption of budget estimates (not sure what budget estimates are) to the General Assembly. Para. 6(7)(d) indicates the General Assembly shall “Determine and review the financial arrangements of the Organization” (not sure what financial arrangements are).</p>	<p>Once there is clarity on terminology and the roles that are to be played by Council and the General Assembly, consider redrafting for clarity accordingly.</p>
<p>3. Following the Council’s approval of the Organization’s audited financial statements those statements shall be distributed to all Contracting Parties and members by the Secretariat.</p>	<p>Para. 10(3) refers to Council’s approval of “the Organization’s audited financial statements.” This is the only reference in the Convention to financial statements being audited. Suggest there be a general statement indicating the requirement that an audit be carried out.</p>	<p>Consider drafting text for addition to the Convention on the requirement that an audit be carried out.</p>

ARTICLE	COMMENT	PROPOSED ACTION
<p><b>Article 11 - Legal Personality, Privileges and Immunities</b></p> <p>1. The Organization has international legal personality and has the capacity to:</p> <ul style="list-style-type: none"> <li>a) contract;</li> <li>b) acquire and dispose of immovable and movable property; and</li> <li>c) institute legal proceedings.</li> </ul>		
<p>2. Subject to the agreement of each Contracting Party, the Organization shall enjoy in the territory of the Contracting Party such privileges and immunities as may be necessary for the fulfilment of its aim and for the exercise of its functions. In the territory of any state which is party to the Convention on the Privileges and Immunities of the Specialized Agencies adopted by the General Assembly of the United Nations on 21 November 1947, such legal capacity, privileges and immunities shall be those defined in the said Convention.</p>	<p>How useful or relevant is it to seek privileges and immunities on the territories of all Contracting Parties? Put another way, is there a need for this? Also, are there experts, and are they too in need of protection? Also, of interest, note that Canada is not a party to the convention identified, so that part of para. 11(2) would not apply to Canada.</p> <p>Rather than the suggested para. 11(2), it seems that a provision on a headquarters agreement could be included.</p>	<p>Consider deleting para. 11(2) outright or replacing it with the following:</p> <p><u>“The privileges and immunities which the Organization and its officers shall enjoy in the territory of a Contracting Party shall be subject to agreement between the Organization and the Contracting Party including, in particular, a headquarters agreement between the Organization and the host Contracting Party.”</u></p>
<p>3. The Organization may cooperate with governments, organisations and other bodies, and conclude agreements with them.</p>		
<p><b>Article 12 – Amendments</b></p> <p>1. Any Contracting Party may propose an amendment to this Convention, in writing, to [the Government of France, in its role as] the Depository.</p>	<p>Art. 12 contains the first use of the term “Depository.” At an appropriate place in the Convention, recommend inserting an additional article entitled “Depository,” specifying who the depository is. Also, throughout, the preference is to refer to “the Depository” (rather than the Government of X state) since it is the function that is important, rather than which state happens to hold that role.</p>	<p>Suggest adding an article saying the following:</p> <p><u>“The Depository of the present Convention is the Government of France.”</u></p> <p>Also, delete references to the Government of France that appear otherwise.</p>

ARTICLE	COMMENT	PROPOSED ACTION
2. The Depositary [Government of France] shall circulate the amendment proposal to all Contracting Parties and the Secretary-General at least six months in advance of its consideration by the General Assembly.	This is acceptable, with the understanding that the General Assembly could consider and eventually approve the proposed amendment, but that State Parties would subsequently have to formally accept the amendment to make it applicable to them.	Please confirm our understanding.
3. The proposed amendment shall be accepted by vote of the General Assembly upon approval by a two-thirds majority of Contracting Parties present and voting, excluding Contracting Parties denied by Article 4.7.	<p>Paras. 12(3) and 12(4) use problematic language. Para. 12(3) starts by saying that amendments shall be “accepted” by a 2/3<sup>rd</sup> majority of Contracting Parties at the General Assembly, but para. 12(4) then talks about amendments being “adopted.” The switch from “accepted” to “adopted” is problematic because para. 12(4) goes on to say that an amendment is deemed “accepted” at the end of a period of 12 months. “Adopted” should be used for what happens at the General Assembly and “accepted” should be used to describe the situation after the 12 months waiting period. This is important for Canada (and potentially other Contracting Parties) because “acceptance” has the legal implication that Canada consents to be bound, and Canada would not want to be bound simply by a vote at the General Assembly. Canada needs the 12 month period to complete the necessary internal procedures.</p> <p>Also, para. 12(3) can be simplified. See the suggested text.</p>	<p>Suggest redrafting para. 12(3) to the following:</p> <p>“The proposed amendment shall be <del>accepted</del> <b>adopted</b> <del>by vote of the</del> <b>at the</b> General Assembly <del>upon approval</del> by a two thirds majority of Contracting Parties present and voting, excluding Contracting Parties denied by Article 4.7.”</p>
4. Any amendment adopted in accordance with Article 12.3 shall be notified by the Depositary [Government of France] to all Contracting Parties and the Secretary General. The amendment shall be deemed to have been accepted at the end of a period of twelve months after the date of notification, unless within that period not less than one-fourth of the States that were Contracting Parties at the time of the adoption of the amendment have communicated to the Depositary that they do not accept the amendment, in which case the amendment is rejected and shall have no effect.	Is there a strong justification to proceed as set out in paras. 12(4) and (5), which reflects a highly exceptional approach? The preferred approach, which is the more standard approach, is to have amendments come into force only for those Contracting Parties having accepted the amendments, subsequent to their adoption by the General Assembly.	<p>Delete “<del>The amendment shall be deemed to have been accepted at the end of a period of twelve months after the date of notification, unless within that period not less than one-fourth of the States that were Contracting Parties at the time of the adoption of the amendment have communicated to the Depositary that they do not accept the amendment, in which case the amendment is rejected and shall have no effect.</del>”</p> <p>See below for a suggested redraft.</p>

ARTICLE	COMMENT	PROPOSED ACTION
<p>5. An amendment deemed to have been accepted in accordance with Article 12.4 shall enter into force six months after its acceptance.</p>	<p>See the comment immediately above.</p> <p>Suggest paras. 12(4) and 12(5) be redrafted to something akin to the text immediately to the right.</p>	<p>Suggest redrafting to something akin to the following:</p> <p><u>“An amendment to this Convention shall come into force for Contracting Parties having accepted the amendment six months after written notification of acceptance to the Depositary by ¾ of Contracting Parties and thereafter for each remaining Contracting Party upon acceptance by it.”</u></p>
<p><b>Article 13 - Interpretation and Disputes</b></p> <p>Any question or dispute concerning the interpretation or application of the present Convention arising between or amongst Contracting Parties which is not settled through consultation or negotiation or by the good offices of the Council may be referred to a panel of three independent arbitrators appointed by the Secretary-General of the Permanent Court of Arbitration, unless the parties to the dispute agree upon another mode of settlement.</p>	<p>This dispute settlement provision is not clear on whether the dispute settlement scheme is intended to be mandatory or not mandatory (that is, do both/all parties to the dispute have to agree to go to arbitration or can only one party make the dispute go to arbitration), and whether the dispute settlement scheme is intended to result in decisions that are binding or non-binding on the parties.</p> <p>Considering the content of the Convention, there does not seem to be the need for a mandatory and binding scheme. There also does not seem to be a need for a mandatory or a binding dispute settlement mechanism.</p>	<p>Consider redrafting Article 13 to the following:</p> <p><u>“Contracting Parties shall make every effort to prevent disputes, and shall use their best efforts to resolve any disputes by amicable means which may include consultation and negotiation with each other. Disputes that remain unresolved may, with the agreement of all parties to the dispute, be referred to a panel of three independent arbitrators appointed by the Secretary-General of the Permanent Court of Arbitration for a non-binding resolution, unless the parties to the dispute agree upon another mode of dispute settlement.”</u></p>
<p><b>Article 14 - Signature, Ratification and Accession</b></p> <p>1. This Convention shall open for signature by Members of the United Nations at [xxx] and remain open until [xxx].</p>		
<p>2. This Convention is subject to ratification, acceptance or approval by the signatory States.</p>	<p>Is para. 14(2) accurate, that is while ratification is appropriate for signatory states, are acceptance and approval also appropriate for signatory states?</p>	<p>Confirm whether acceptance and approval are also accurate in the context of signatory states.</p>

ARTICLE	COMMENT	PROPOSED ACTION
<p>3. This Convention shall be open for accession by any Member of the United Nations which has not signed the Convention from the day after the date on which the Convention closes for signature.</p>		
<p>4. Instruments of ratification, acceptance, approval or accession shall be deposited with the Depositary [Government of France], who shall then notify each Contracting Party and the Secretary-General thereof.</p>		
<p>5. Ratification, acceptance, or approval of, or accession to, this Convention shall be without reservation.</p>	<p>This seems to be a complicated formulation, and there is a simpler way to say this. Also, such provisions are usually found in a separate Article.</p>	<p>Consider instead saying, in a new Article titled "<a href="#">Reservations</a>," the following:  "<a href="#">No reservation can be made to this Convention.</a>"</p>
<p><b>Recommended new article</b></p> <p><a href="#">Reservations</a></p>	<p>Insert a new article on Reservations.</p>	<p>Consider the following text: "<a href="#">No reservation can be made to this Convention.</a>"</p>
<p><b>Article 15 - Entry into Force</b></p> <p>1. The present Convention shall enter into force on the thirtieth day after the date of deposit of the 30th<sup>y</sup> instrument of ratification, acceptance, approval or accession.</p>		
<p>2. For each State ratifying, accepting, approving or acceding to the Convention after its entry into force the Convention shall enter into force on the thirtieth day after the deposit of its instrument of ratification, acceptance, approval or accession.</p>		

ARTICLE	COMMENT	PROPOSED ACTION
<p><b>Article 16 – Withdrawal</b></p> <p>1. Any Contracting Party may withdraw from this Convention by giving at least twelve month written notice to the Depositary [Government of France], who will immediately inform all Contracting Parties of such notification.</p> <p>2. Notification of withdrawal may be given at any time after the expiration of twelve months from the date on which the Convention has come into force.</p> <p>3. The withdrawal shall take effect on 31 December following the expiration of the notice.</p>	<p>Reading paras. 16(2) and (3) together, it could take almost 2 years before the notice of withdrawal takes effect. This does not seem appropriate.</p>	<p>Consider redrafting to shorten the timeframe in which a withdrawal from the Convention will be effective, for example by merging paras. 16(1), (2), and (3) to say the following:</p> <p><u>“A Contracting Party may, by written notification addressed to the Depositary, withdraw from this Convention. The Depositary will immediately inform all Contracting Parties of such notification. The withdrawal shall take effect 1 year after the date of receipt of the notification by the Depositary.”</u> (Can end it here or add <u>“unless the notification specifies a later date.”</u>)</p>
<p><b>Article 17 – Termination</b></p> <p>1. This Convention may be terminated by decision of the General Assembly upon a two-thirds majority of Contracting Parties present and voting, excluding any Contracting Party denied by Article 4.7 the rights and benefits conferred on Contracting Parties.</p>		

ARTICLE	COMMENT	PROPOSED ACTION
<p>2. The date of termination will be twelve months after the date of the above decision and in the intervening period the Council shall be responsible for the winding up of the Organization in accordance with the General Regulations.</p>		
<p><b>Article 18 - Transitional Arrangements</b></p> <p>1. Upon the entry into force of this Convention all National members of the International Association of Marine Aids to Navigation and Lighthouse Authorities, who are not Contracting Parties, shall, with the approval of the Council and subject to their agreement, become Associate members of the Organization.</p>	<p>Remove “<del>Upon the entry into force of this Convention</del>” due to a redundancy. If kept, this contradicts this happening with approval, because implies this will happen as of right, which is not the desire.</p>	<p>Remove “<del>Upon the entry into force of this Convention</del>” and start at “All National members ....”</p>
<p>2. Upon the entry into force of this Convention all parties holding financial, non-suspended status as an associate member or industrial member of the International Association of Marine Aids to Navigation and Lighthouse Authorities, shall, with the approval of the Council and subject to their agreement become Affiliate members of the Organization, in accordance with the General Regulations.</p>	<p>“...all parties” should read “all entities” because associate and industrial members are more appropriately referred to as entities not parties.</p> <p>Given it is likely the General Regulations will not exist at the time of the transition referred to in para. 18(2), delete the reference to General Regulations.</p>	<p>Change para. 18(2) to say “Upon the entry into force of this Convention all <del>parties</del> <b>entities</b> holding financial, ...”</p> <p>Delete the reference to “<del>in accordance with the General Regulations</del>” from para. 18(2).</p>

ARTICLE	COMMENT	PROPOSED ACTION
<p>3. Upon the entry into force of this Convention the Council of the International Association of Marine Aids to Navigation and Lighthouse Authorities shall become the transitional Council of the Organization and will operate as such until the first General Assembly convened under this Convention, which must be within a period not exceeding six (6) months.</p>	<p>Wording changes are required for accuracy.</p> <p>Also, consider what is to happen should the first General Assembly not be ready to be convened within 6 months of entry into force of the Convention.</p>	<p>Suggested changes to para. 18(3):</p> <p>“Upon the entry into force of this Convention the Council of the International Association of Marine Aids to Navigation and Lighthouse Authorities shall <del>become</del> <u>the act as a</u> transitional Council of the Organization and <del>will</del> operate as such until the first General Assembly convened under this Convention, which must be within a period not exceeding six (6) months.”</p> <p>Consider whether to amend the time frame criteria to accommodate potential delays in readiness.</p>
<p>4. For the duration of the transitional Council Associate members will be permitted to engage in the work of the Council for the benefit of the Organization.</p> <p>5. The Committees of the International Association of the Marine Aids to Navigation and Lighthouse Authorities shall become the transitional Committees of the Organization and will operate until the equivalent Committees are established under this Convention.</p>	<p>How does this relate to paras. 18(1) and (2)? Does this cover only those who are identified as approved by para. 18(1)?</p> <p>Delete “<del>the</del>” between “of” and “Marine Aids,” and a wording change is recommended for consistency. Also, reflect that Council can decide on the status of the Committees.</p>	<p>Suggested change to para. 18(5):</p> <p>“The Committees of the International Association of the Marine Aids to Navigation and Lighthouse Authorities shall become the transitional Committees of the Organization and <u>shall</u> <del>will</del> operate until <del>the equivalent Committees are established under this Convention</del> <u>a decision is made by Council on their status under the Convention.</u>”</p>

ARTICLE	COMMENT	PROPOSED ACTION
<p>6. In the event that a State which has Associate membership becomes a Contracting Party the Associate membership will cease on the date on which the Convention enters into force for that State. In the case of a Contracting Party having more than one Associate membership that Contracting Party may decide to retain Associate memberships.</p>	<p>It is not clear on how a State which has an Associate membership becomes a Contracting Party. This is referenced in para. 18(6) but does not seem to be explained in the Convention or General Regulations.</p> <p>Also, see one wording change for consistency.</p> <p>Overall, it is not clear who and what are associate members. There are references to states, territories, and “more than one” membership. Also, there should not be the ability for a province to become a member, which could also be interpreted here.</p>	<p>Partial suggested change to para. 18(6):</p> <p>“In the event that a [State – need to clarify what is meant here] which has Associate membership becomes a Contracting Party the Associate membership <del>will</del> <u>shall</u> cease on the date on which the Convention enters into force for that State. In the case of a Contracting Party having more than one Associate membership that Contracting Party may decide to retain Associate memberships.”</p>
<p>7. After the entry into force of this Convention the transitional Council shall initiate negotiations with the International Association of Marine Aids to Navigation and Lighthouse Authorities on the transfer of the latter’s activities, records, documents, publications, archives, rights, interests, funds, assets and liabilities to the Organization.</p>	<p>What does para. 18(7) mean, and is “negotiate” appropriate here? Para. 18(7) says that after the Convention comes into force the transitional Council, which is the Council of the old IALA, will negotiate with the old IALA the transfer of the old IALA’s activities, records, documents, publications, archives, rights, interests, funds, assets and liabilities to the new IALA. What does this list include, and does the new IALA want to take all of the above on?</p> <p>Note that “Organization” is IALA, as set out in para. 1(1).</p>	<p>Para. 1(1) ought to be redrafted once its purpose, and the meaning of each of “activities, records, documents, publications, archives, rights, interests, funds, assets and liabilities,” is clarified.</p> <p>Consider whether it would be more appropriate for para. 18(7) to say the following:</p> <p>“After the entry into force of this Convention, the <u>International Association of Marine Aids to Navigation and Lighthouse Authorities, facilitated by</u> the transitional Council, <u>will work in cooperation with the Organization to transfer its</u> [activities, records, documents, publications, archives, rights, interests, funds, assets and liabilities]to the Organization.”</p>

ARTICLE	COMMENT	PROPOSED ACTION
<p>8. 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 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 Council appoints the Secretary-General in accordance with Article 7.</p>		
<p><b>IN WITNESS WHEREOF</b> the undersigned, being duly authorised by their respective Governments, have signed the present Convention.</p> <p><b>DONE</b> at [xxx] on [xxx] in the English, French and Spanish languages, each text being equally authentic, the original of which shall be deposited in the archives of the [Government of France] Depositary. The Depositary [Government of France] shall transmit certified copies thereof to all the [signatory and acceding] Governments and to the Secretary-General of the Organization.</p>		
<p><b>Notes:</b></p> <ul style="list-style-type: none"> <li>i. General Regulations will include Financial Regulations.</li> <li>ii. Associate members are territories or groups of territories and current IALA national members transferred in accordance with Article 18.</li> <li>iii. Affiliate members are associate and industrial members of the current IALA.</li> <li>iv. Contributions to be according to the principle of equal sharing, which will be specified in the General Regulations.</li> <li>v. 30 signatures have been proposed in order to have enough members to elect and form a Council of up to 24 members in accordance with article 7.2.</li> </ul>	<p>The use of footnotes should generally be avoided in a treaty.</p>	<p>Review, and incorporate the content of the footnotes into the body of the Convention.</p>

**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).

Text of Draft Convention by article	Reference	Comments	Comments from China	Remarks
<p><b>Article 1</b>  <b>Establishment of the International Organization</b></p> <p>1. The International Organization for Marine Aids to Navigation is hereby established as an international organization and shall be known as IALA (hereinafter ‘the Organization’).</p> <p>2. The Organization shall have its seat in France unless otherwise decided by the General Assembly.</p> <p>3. The official languages of the Organization shall be English, French and Spanish. The working languages of the Organization shall be English and French.</p> <p>4. The operation of the Organization shall be as set out in the General Regulations.</p>		<p>General Regulations will include Financial Regulations.</p>	<p>English, French, Spanish, Chinese, Arabic, and Russian</p>	<p>To make the official languages of the Organization same as that of UN.</p>
<p><b>Article 2</b>  <b>Aims</b></p> <p>1. The Organization shall have a consultative and technical nature.</p> <p>2. The aims of the Organization are to:</p> <p>(a) foster the safe and efficient movement of vessels through the improvement and harmonisation of marine aids to navigation worldwide and by other appropriate means;</p> <p>(b) bring together governments, services and organisations concerned with the regulation, provision, maintenance or operation of marine aids to navigation and allied activities;</p> <p>(c) promote access to technical cooperation on all matters related to development and transfer of expertise, science and technology in relation to marine aids to navigation;</p> <p>(d) encourage and facilitate the general adoption of the highest practicable standards in matters concerning marine aids to navigation; and</p> <p>(e) provide for the exchange of information among</p>				

<p>governments and intergovernmental organizations on matters under consideration by the Organization.</p> <p>3. For the purposes of this Convention the term 'marine aids to navigation' means a device, system or service, external to a vessel, designed and operated to enhance safe and efficient navigation of all vessels and/or vessel traffic.</p>				
<p><b>Article 3</b>  <b>Functions of the Organization</b>  The functions of the Organization, to achieve the aims referred to in Article 2, are to:</p> <ul style="list-style-type: none"> <li>(a) provide standards, recommendations, guidelines and manuals or other suitable instruments and to commend these to governments, intergovernmental organizations and members as appropriate;</li> <li>(b) consider and make recommendations on standards, recommendations, guidelines and other documents that may be remitted to it by members, by any organ or specialised agency of the United Nations or by any other intergovernmental organization;</li> <li>(c) provide mechanisms for consultation and exchange of information including about the activities of Contracting Parties, members and recent developments;</li> <li>(d) develop international cooperation by promoting close working relationships and assistance between its Contracting Parties and members;</li> <li>(e) facilitate assistance to governments, services and other organizations requesting help with marine aids to navigation, whether technical, organisational or training;</li> <li>(f) organise conferences, symposia, seminars, workshops and other events relevant to its work; and</li> <li>(g) liaise and cooperate with relevant intergovernmental, international and other organisations, offering specialised advice where appropriate.</li> </ul>				

<p><b>Article 4</b> <b>Membership</b></p> <ol style="list-style-type: none"> <li>1. The Organization shall be comprised of Contracting Parties and members as described in Article 4.2.</li> <li>2. Members shall include, and the General Regulation may make provision for all matters related to, associate<sup>ii</sup> and affiliate<sup>iii</sup> members.</li> <li>3. Any Contracting Party may claim Associate membership for a territory or group of territories for which it has responsibility and which is legally responsible for the regulation, provision, maintenance and/or operation of marine aids to navigation, by notification in writing to the Secretary-General of the Organization.</li> <li>4. Each Contracting Party shall pay a contribution<sup>iv</sup> to the Organization on an annual basis in the amount determined in accordance with in Article 7.6 (e) and Article 10.</li> <li>5. Contracting Party contributions and member fees shall be due and payable in accordance with the General Regulations.</li> <li>6. Failure to make a contribution when such payment becomes due may result in the Contracting Party being charged interest, the rate of which will be determined by the Council.</li> <li>7. Any Contracting Party which is two years in arrears in making contributions shall, after notification, be denied the rights and benefits conferred on Contracting Parties by this Convention until such time as the outstanding contributions have been paid.</li> <li>8. No Contracting Party or member shall be liable, by reason of its status or participation in the Organization, for acts, omissions or obligations of the Organization.</li> </ol>		<p>Associate members are territories or groups of territories and current IALA national members transferred in accordance with Article 18.</p> <p>Affiliate members are associate and industrial members of the current IALA.</p> <p>Contributions to be according to the principle of equal sharing, which will be specified in the General Regulations.</p>	<p>None but Contracting Parties to the IALA Convention or former National Members of the IALA whose country is not party to the IALA Convention can</p>	
<p><b>Article 5</b> <b>Structure of the Organization</b></p> <ol style="list-style-type: none"> <li>1. The Organization shall have as its organs: <ol style="list-style-type: none"> <li>(a) the General Assembly;</li> <li>(b) the Council;</li> </ol> </li> </ol>				

<p>(c) Committees and other subsidiary bodies necessary to support the Organization’s activities; and</p> <p>(d) the Secretariat.</p> <p>2. There shall be a President and a Vice President of the Organization elected in accordance with Article 7.</p> <p>3. Where decisions of the General Assembly or the Council cannot be reached by consensus, the following provisions shall apply:</p> <p>(a) Only Contracting Parties have voting rights, which will be executed by the representative designated by each Contracting Party;</p> <p>(b) Except where otherwise specified, decisions are taken on a simple majority of the votes cast.</p> <p>4. The General Regulations shall detail the Rules of Procedure that will apply for each organ.</p>				
<p><b>Article 6</b>  <b>The General Assembly</b></p> <p>1. The General Assembly is the principal decision-making organ of the Organization and attendance shall be open to all Contracting Parties and members.</p> <p>2. Each Contracting Party shall designate one of its delegates, preferably the head of a national authority legally responsible for the regulation, provision, maintenance or operation of marine aids to navigation, or his or her representative, as its principal delegate at the General Assembly.</p> <p>3. Regular sessions of the General Assembly shall take place at least once every four years.</p> <p>4. Extraordinary sessions shall be convened whenever one third of the Contracting Parties give notice to the Secretary-General that they desire a session to be arranged, or at any time if deemed necessary by the Council, after a notice of ninety days.</p> <p>5. A majority of the Contracting Parties excluding any Contracting Party denied by Article 4.7 the rights and benefits conferred on</p>				

<p>Contracting Parties, shall constitute a quorum for the sessions of the General Assembly.</p> <p>6. The General Assembly shall be chaired by the President or the Vice President and operate in accordance with this Convention and the General Regulations.</p> <p>7. The General Assembly shall:</p> <ul style="list-style-type: none"> <li>(a) Decide the overall policy and the strategic vision of the Organization;</li> <li>(b) Determine the General Regulations of the Organization and the rules of procedure of the General Assembly, Council, Committees and other subsidiary bodies of the Organization;</li> <li>(c) Elect the Council in accordance with Article 7;</li> <li>(d) Determine and review the financial arrangements of the Organization;</li> <li>(e) Consider the reports and proposals put to it by any Contracting Party, the Council or the Secretary-General;</li> <li>(f) Adopt standards;</li> <li>(g) Make recommendations to Contracting Parties and members on matters within the scope of the Organization;</li> <li>(h) Decide on any other matters within the scope of the Organization; and</li> <li>(i) Delegate, where appropriate and necessary, responsibilities to the Council.</li> </ul>				
<p><b>Article 7</b> <b>The Council</b></p> <p>1. The Council is the executive organ of the Organization and shall be responsible for directing the activities of the Organization.</p> <p>2. The Council shall consist of up to twenty three (23) Councillors elected from amongst the Contracting Parties and one (1) non-elected Councillor.</p> <p>3. Elected Councillors shall be elected by ballot by the General Assembly in accordance with the General Regulations.</p>				

<p>4. The Contracting Party of the State in which the seat of the Organization is located (“Host Nation”) shall be the non-elected Councillor.</p> <p>5. At the Council Contracting Parties shall preferably be represented by the head of a national authority legally responsible for the regulation, provision, maintenance or operation of marine aids to navigation of that Contracting Party, or his or her representative.</p> <p>6. The Council shall:</p> <ul style="list-style-type: none"> <li>(a) Elect the President and the Vice President from amongst its members;</li> <li>(b) Exercise such responsibilities as may be delegated to it by the General Assembly;</li> <li>(c) Coordinate the activities of the Organization within the framework of the overall policy, the strategic vision and the budget estimates, as decided by the General Assembly;</li> <li>(d) Approve the annual budget and accounts and the annual report;</li> <li>(e) Determine the rate of contributions for Contracting Parties and members;</li> <li>(f) Convene the General Assembly;</li> <li>(g) Report to the General Assembly on the work of the Organization;</li> <li>(h) Appoint a Secretary-General in accordance with the General Regulations;</li> <li>(i) Review proposals submitted to it in accordance with the General Regulations;</li> <li>(j) Refer to the General Assembly all matters requiring decision by the General Assembly;</li> <li>(k) Approve recommendations, guidelines, manuals and other appropriate papers;</li> <li>(l) Approve submissions to other organizations;</li> <li>(m) Determine the terms of reference for committees and</li> </ul>				
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<p>other subsidiary bodies;</p> <p>(n) Approve and review the work programmes of the Committees; and</p> <p>(o) Decide the venue and the year of the Organization's Conferences and symposia as described in the General Regulations.</p>				
<p><b>Article 8</b>  <b>Committees and Other Subsidiary Bodies</b>  Committees and other subsidiary bodies may be established by the General Assembly or the Council to support the endeavours of the Organization and shall operate in accordance with this Convention and the General Regulations.</p>				
<p><b>Article 9</b>  <b>Secretariat</b></p> <p>1. The permanent Secretariat of the Organization shall be comprised of the Secretary-General and such technical and administrative staff as may be required for the work of the Organization.</p> <p>(a) The Secretary-General shall be appointed for a term of four years and may be reappointed for one additional term not exceeding four years;</p> <p>(b) The Secretary-General shall be responsible for the day to day management of the Organization, subject to any guidance issued by the Council or the General Assembly;</p> <p>2. The staff of the Secretariat shall be appointed by the Secretary-General on such terms and to perform such duties as the Secretary-General may determine.</p> <p>3. The Secretariat shall:</p> <p>(a) Maintain all such records as may be necessary for the efficient discharge of the work of the Organization and shall prepare, collect, and circulate any documentation that may be required;</p> <p>(b) Manage the Organization's finances under the direction</p>				

<p>of the Council, in accordance with the General Regulations;</p> <ul style="list-style-type: none"> <li>(c) Prepare the annual budget and accounts for submission to the Council;</li> <li>(d) Keep Contracting Parties and members informed with respect to the activities of the Organization;</li> <li>(e) Organize and support meetings of the General Assembly, the Council and Committees and other subsidiary bodies;</li> <li>(f) Organize conferences and symposia, seminars, workshops and other events; and</li> <li>(g) Perform such other tasks as may be assigned by the Convention, the General Regulations, the General Assembly or the Council.</li> </ul>				
<p><b>Article 10</b> <b>Funding and Expenditure</b></p> <ol style="list-style-type: none"> <li>1. The expenditure available for the functioning of the Organization shall meet the amount of financial resources provided by: <ul style="list-style-type: none"> <li>(a) Contracting Party contributions;</li> <li>(b) member annual fees;</li> <li>(c) donations, bequests, grants, gifts; and</li> <li>(d) other sources approved by the Secretary-General.</li> </ul> </li> <li>2. The budget estimates and the financial statements on the accounts of the Organization shall be approved by the Council.</li> <li>3. Following the Council's approval of the Organization's audited financial statements those statements shall be distributed to all Contracting Parties and members by the Secretariat.</li> </ol>				
<p><b>Article 11</b> <b>Legal Personality, Privileges and Immunities</b></p> <ol style="list-style-type: none"> <li>1. The Organization has international legal personality and has the capacity to: <ul style="list-style-type: none"> <li>(a) contract;</li> <li>(b) acquire and dispose of immovable and movable property;</li> </ul> </li> </ol>				

<p>and</p> <p>(c) institute legal proceedings.</p> <p>2. Subject to the agreement of each Contracting Party, the Organization shall enjoy in the territory of the Contracting Party such privileges and immunities as may be necessary for the fulfilment of its aim and for the exercise of its functions. In the territory of any state which is party to the Convention on the Privileges and Immunities of the Specialized Agencies adopted by the General Assembly of the United Nations on 21 November 1947, such legal capacity, privileges and immunities shall be those defined in the said Convention.</p> <p>3. The Organization may cooperate with governments, organisations and other bodies, and conclude agreements with them.</p>				
<p><b>Article 12</b></p> <p><b>Amendments</b></p> <p>1. Any Contracting Party may propose an amendment to this Convention, in writing, to [the Government of France, in its role as] the Depositary.</p> <p>2. The Depositary [Government of France] shall circulate the amendment proposal to all Contracting Parties and the Secretary-General at least six months in advance of its consideration by the General Assembly.</p> <p>3. The proposed amendment shall be accepted by vote of the General Assembly upon approval by a two-thirds majority of Contracting Parties present and voting, excluding Contracting Parties denied by Article 4.7.</p> <p>4. Any amendment adopted in accordance with Article 12.3 shall be notified by the Depositary [Government of France] to all Contracting Parties and the Secretary General. The amendment shall be deemed to have been accepted at the end of a period of twelve months after the date of notification, unless within that period not less than one-fourth of the States that were</p>				

<p>Contracting Parties at the time of the adoption of the amendment have communicated to the Depositary that they do not accept the amendment, in which case the amendment is rejected and shall have no effect.</p> <p>5. An amendment deemed to have been accepted in accordance with Article 12.4 shall enter into force six months after its acceptance.</p>				
<p><b>Article 13</b> <b>Interpretation and Disputes</b></p> <p>Any question or dispute concerning the interpretation or application of the present Convention arising between or amongst Contracting Parties which is not settled through consultation or negotiation or by the good offices of the Council may be referred to a panel of three independent arbitrators appointed by the Secretary-General of the Permanent Court of Arbitration, unless the parties to the dispute agree upon another mode of settlement.</p>			<p>The Convention shall be interpreted in good faith pursuant to the Vienna Convention on the Law of Treaties.</p> <p>as composed in accordance with the Rules of Procedure</p>	
<p><b>Article 14</b> <b>Signature, Ratification and Accession</b></p> <p>1. This Convention shall open for signature by Members of the United Nations at [xxx] and remain open until [xxx].</p> <p>2. This Convention is subject to ratification, acceptance or approval by the signatory States.</p> <p>3. This Convention shall be open for accession by any Member of the United Nations which has not signed the Convention from the day after the date on which the Convention closes for signature.</p> <p>4. Instruments of ratification, acceptance, approval or accession shall be deposited with the Depositary [Government of France], who shall then notify each Contracting Party and the Secretary-General thereof.</p> <p>5. Ratification, acceptance, or approval of, or accession to, this Convention shall be without reservation.</p>			<p>No reservation may be made if such reservation is incompatible with the object and purpose of the Convention</p> <p>delete</p>	

<p><b>Article 15</b> <b>Entry into Force</b></p> <ol style="list-style-type: none"> <li>1. The present Convention shall enter into force on the thirtieth day after the date of deposit of the 30th instrument of ratification, acceptance, approval or accession.</li> <li>2. For each State ratifying, accepting, approving or acceding to the Convention after its entry into force the Convention shall enter into force on the thirtieth day after the deposit of its instrument of ratification, acceptance, approval or accession.</li> </ol>		<p>30 signatures have been proposed in order to have enough members to elect and form a Council of up to 24 members in accordance with article 7.2.</p>		
<p><b>Article 16</b> <b>Withdrawal</b></p> <ol style="list-style-type: none"> <li>1. Any Contracting Party may withdraw from this Convention by giving at least twelve month written notice to the Depositary [Government of France], who will immediately inform all Contracting Parties of such notification.</li> <li>2. Notification of withdrawal may be given at any time after the expiration of twelve months from the date on which the Convention has come into force.</li> <li>3. The withdrawal shall take effect on 31 December following the expiration of the notice.</li> </ol>				
<p><b>Article 17</b> <b>Termination</b></p> <ol style="list-style-type: none"> <li>1. This Convention may be terminated by decision of the General Assembly upon a two-thirds majority of Contracting Parties present and voting, excluding any Contracting Party denied by Article 4.7 the rights and benefits conferred on Contracting Parties.</li> <li>2. The date of termination will be twelve months after the date of the above decision and in the intervening period the Council shall be responsible for the winding up of the Organization in accordance with the General Regulations.</li> </ol>				
<p><b>Article 18</b></p>				

<p><b>Transitional Arrangements</b></p> <ol style="list-style-type: none"><li>1. Upon the entry into force of this Convention all National members of the International Association of Marine Aids to Navigation and Lighthouse Authorities, who are not Contracting Parties, shall, with the approval of the Council and subject to their agreement, become Associate members of the Organization.</li><li>2. Upon the entry into force of this Convention all parties holding financial, non-suspended status as an associate member or industrial member of the International Association of Marine Aids to Navigation and Lighthouse Authorities, shall, with the approval of the Council and subject to their agreement become Affiliate members of the Organization, in accordance with the General Regulations.</li><li>3. Upon the entry into force of this Convention the Council of the International Association of Marine Aids to Navigation and Lighthouse Authorities shall become the transitional Council of the Organization and will operate as such until the first General Assembly convened under this Convention, which must be within a period not exceeding six (6) months.</li><li>4. For the duration of the transitional Council Associate members will be permitted to engage in the work of the Council for the benefit of the Organization.</li><li>5. The Committees of the International Association of the Marine Aids to Navigation and Lighthouse Authorities shall become the transitional Committees of the Organization and will operate until the equivalent Committees are established under this Convention.</li><li>6. In the event that a State which has Associate membership becomes a Contracting Party the Associate membership will cease on the date on which the Convention enters into force for that State. In the case of a Contracting Party having more than one Associate membership that Contracting Party may decide to</li></ol>				
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<p>retain Associate memberships.</p> <p>7. After the entry into force of this Convention the transitional Council shall initiate negotiations with the International Association of Marine Aids to Navigation and Lighthouse Authorities on the transfer of the latter's activities, records, documents, publications, archives, rights, interests, funds, assets and liabilities to the Organization.</p> <p>8. 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 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 Council appoints the Secretary-General in accordance with Article 7.</p>				
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IN WITNESS WHEREOF the undersigned, being duly authorised by their respective Governments, have signed the present Convention.  
 DONE at [xxx] on [xxx] in the English, French and Spanish languages, each text being equally authentic, the original of which shall be deposited in the archives of the [Government of France] Depositary. The Depositary [Government of France] shall transmit certified copies thereof to all the [signatory and acceding] Governments and to the Secretary-General of the Organization.



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

Text of General Regulations by article	Reference	Comments	Comments from China	Remarks
<p><b>Article 1</b></p> <p><b>Application</b></p> <p><b>1.1</b> These General Regulations together with the Financial Regulations annexed hereto, as ANNEX A, are determined in accordance with Article 6. 7 of the Convention on the International Organization for Marine Aids to Navigation (IALA) and shall apply to the operations of IALA.</p> <p><b>1.2</b> The General Regulations are subject to the provisions of the IALA Convention. Where there is a conflict between the Convention and the General Regulations or any other IALA basic documents covering the governance of the Organization, the Convention shall prevail. Where there is a conflict between the General Regulations and any of the other IALA basic documents, the General Regulations shall prevail; any conflict between any of the other IALA basic documents should be brought to the attention of the Council.</p>		<p>Establishes a hierarchy between the basic documents as follows:</p> <ol style="list-style-type: none"><li>1. Convention</li><li>2. General Regulations (including RoPs)</li><li>3. Other basic documents such as Terms of Reference</li></ol>		
<p><b>Article 2</b></p> <p><b>Membership of IALA</b></p> <p><b>2.1 Membership Categories</b></p> <p>The Organization shall be comprised of Contracting Parties and associate and affiliate members as stipulated below:</p> <p>Associate membership shall be open for:</p>	<p>Convention art. 4.2</p>			



<ul style="list-style-type: none"><li>i. a territory or groups of territories for which a Contracting Party has responsibility in accordance with Article 4.3 of the IALA Convention; and</li><li>ii. former National Members of the International Association of Marine Aids to Navigation and Lighthouse Authorities whose country is not party to the IALA Convention, in accordance with Article 18.1 and 18.6 of the IALA Convention.</li></ul>	<p>Convention art. 4.3</p> <p>Convention art. 18.1 and 18.6</p>	<p>Text of numbers i. taken from current IALA Constitution article 5. Makes clear that Industrial members are a sub category of affiliate membership.</p> <p>Honorary membership not continued, in keeping with legal advice from dr. Rosalie Balkin.</p>		
<p>Affiliate membership shall be open to:</p> <ul style="list-style-type: none"><li>i. manufacturers and distributors of marine aids to navigation equipment for sale, or organisations providing marine aids to navigation services or technical advice under contract. These affiliates will be known as Industrial members;</li><li>ii. any other service, organisation or scientific agency that is concerned with aids to navigation or related matters; and</li><li>iii. former Industrial and Associate members of the International Association of Marine Aids to Navigation and Lighthouse Authorities, in accordance with Article 18.2 of the IALA Convention.</li></ul>	<p>Convention art. 18.2</p>			
<p><b>2.2 Contact point for Contracting Parties</b></p> <p>Contracting Parties shall designate a contact point, preferably the national authority legally responsible for the regulation, provision, maintenance or operation of marine aids to navigation.</p>	<p>Convention art. 6.2 and 7.5</p>			



### 2.3 Application for membership

(a) Application for Associate and Affiliate membership must be made in writing to the Secretariat and should be accompanied by the following documentation:

- i. the IALA Membership Application form; and
- ii. additional information about the activity of the applicant to determine the appropriate membership category if requested by the Secretariat.

(b) The Secretariat will submit all applications for membership to the Council for acceptance.

(c) Accepted applications will take effect as of 1<sup>st</sup> January if the application is accepted between 1<sup>st</sup> January and 30<sup>th</sup> June and as of 1<sup>st</sup> July if the application is accepted between 1<sup>st</sup> July and 31<sup>st</sup> December.

(d) The Council may require or a Contracting Party may request that aspects of an application for Affiliate membership be reviewed by the Contracting Party (or Parties) where the applicant carries out its activities or has its principal place of business or registered office. If supported by the Contracting Party (or all Parties), who requested the review, the Council shall decide accordingly.

### 2.4 Membership Rights and Benefits

(a) Membership rights and benefits are listed in Annex B.

(b) In addition to those rights and benefits, Industrial members are represented by the Industrial Members Committee, in accordance with its constitution and bye-laws as approved by the General Assembly of

Convention art.  
4.2

2.3 does not apply to Contracting Parties, as such membership follows automatically from a country's ratification, acceptance, approval or accession to the IALA Convention.

Membership transfer in accordance with Convention art. 18 nos 1 and 2 is covered by the Convention.

The Contracting Parties, if applicable, shall endeavor to reach consensus among themselves to facilitate the decision by the Council.



<p>Industrial Members.</p> <p><b>2.5 Contributions and Fees</b></p> <p>(a) Contracting Parties shall pay contributions to IALA on an annual basis in the amount determined by the Council on recommendation from the Finance and Audit Committee. Contracting Party contributions shall be the same for each Contracting Party.</p> <p>(b) Members shall pay fees to IALA on an annual basis in the amount determined by the Council on recommendation from the Finance and Audit Committee. Member fees may be determined as different amounts for each membership category but shall be the same for each member within each membership category.</p> <p>(c) Contributions and fees are charged in accordance with the IALA Financial Regulations.</p> <p>(d) Overdue contributions or fees will be subject to a rate of interest which will be determined by the Council annually and recorded in the IALA Financial Regulations.</p> <p>(e) Associate and affiliate members who fail to pay fees by the due date may also be subject to suspension of membership rights and benefits in accordance with Article 2.6.</p> <p><b>2.6 Suspension and Reinstatement of Associate and Affiliate Membership</b></p> <p>(a) The Secretary-General may recommend that the Council suspend, and the Council may suspend, an Associate or Affiliate membership for non-payment of fees according to the escalation procedure established in the IALA Financial Regulations.</p>	<p>Convention art. 4.4, 4.5 and 7.6 (e) as regards Contracting Parties</p> <p>Convention art. 4.5</p> <p>Convention art. 4.6</p> <p>Convention art. 4.7</p> <p>Convention art. 4.7</p>	<p>Equal sharing means the same amount for each membership category.</p> <p>Conf. comment from CoS2 to draft convention as presented to Council 61 that contributions should be according to the principle of equal sharing.</p>		
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(b) The Secretary-General may recommend that the Council suspend, and the Council may suspend, an Associate or Affiliate membership for any justifiable cause in the best interest of IALA.

(c) The Secretary-General may reinstate an Associate or Affiliate membership suspended under Article 2.6(a) when the member has paid advised arrears of fees. The Secretary-General must advise the Council of such action at the next Council meeting.

(d) The Council may reinstate an Associate or Affiliate membership suspended under 2.6(b) when the member has met the requirements of the Council.

### **2.7 Termination of Associate and Affiliate Membership**

Associate or Affiliate membership may be terminated:

(a) by the member by notice in writing to the Secretariat at any time noting that no refund of fees already made will be given. Such termination will take effect:

- i. on the date specified in the notice of termination; or
- ii. if no date is specified, thirty calendar days after the notice is received by the Secretariat;

(b) by the Council where a suspended member has not paid fees within six months of suspension for that non-payment:

- i. the Secretary-General will notify the Council of any such qualifying event at its next meeting; and
- ii. such termination will take effect from the date of





country.

(e) The Council may, after a notice of ninety calendar days, convene an extraordinary session of the General Assembly at which time and place as it determines.

(f) The Secretary-General shall, after a notice of ninety calendar days, convene an extraordinary session of the General Assembly within four months of receipt by the Secretary-General of requests to do so from one third of the Contracting Parties, the time and place of which session will be determined by the Secretary-General.

### 3.2 Attendance

(a) Contracting Parties and members of IALA are entitled to attend the General Assembly and are responsible for their own travelling and accommodation expenses should they choose to attend.

(b) The Secretary-General is authorised to invite, on behalf of the Council and subject to consent of the Contracting Parties, observers from:

- i. governments that are not parties to the Convention if proposed by a Contracting Party or the Council;
- ii. international organizations whose activities are connected with those of IALA; or
- iii. national organizations of Contracting Parties which have had or are likely to have occasion to collaborate with IALA.

(c) Each Contracting Party shall communicate in writing, in accordance with its own practice, to the

Convention art.  
6.4

IHO General  
Regulations art.  
6

Convention art.  
6.2

Leave out rules on signature of credentials since the states being contracting Parties may have different procedures.



Secretary-General thenames of the persons composing its delegation to the General Assembly,indicating which of these is to be regarded as its designated representative executing voting rights. Thiscommunication will be regarded as appropriate credentials for the participation of the named individuals in all activities of the General Assembly.

(d) Each member shall communicate in writing to the Secretary-General thenames of the persons attending the General Assembly.

### **3.3 Organisation**

(a) The General Assembly is to be prepared and organised by the Secretary-Generalusing the resources of the Secretariat and those other resources as agreed inwriting with the Host Nation.

Convention art.  
6.6

(b) The business of the General Assembly shall be conducted in the English, Frenchand Spanish languages.

Convention art.  
1.3

(c) Six months before the opening of the General Assembly the Secretariat shall inviteContracting Parties to submit proposals that they wish to discuss at the GeneralAssembly. These will be received by the Secretariat for the followingsixty calendar days.

(d) Four months before the opening of the General Assembly submitted proposalstogether with those prepared by the Council shall be circulated to all Contracting Parties and members, who shall be invited to forward their comments to the Secretariatwithin sixty calendar days. After this date 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.

(e) All final papers, including the provisional agenda but excluding any amending or alternative proposals, shall be circulated to Contracting Parties and members at least sixty calendar days before the opening of the General Assembly.

(f) The provisional agenda for an ordinary session of General Assembly shall be prepared by the Secretariat for approval by the Council and shall normally include:

- i. Approval of the Agenda;
- ii. Report of the President/Secretary-General;
- iii. Finance Report;
- iv. Outline budget for the next four year period;
- v. Approval of amendments to the General Regulations and the rules of procedures of the General Assembly, Council, Committees and other subsidiary bodies of the Organization;
- vi. Approval of the Strategic Vision;
- vii. Adoption of Standards;
- viii. Consideration of reports and proposals received from Contracting Parties and members;
- ix. Election of the Council; and

Convention art.  
6.7

Convention art.  
6.4

New letter (h) is to reflect that calling of GA by one third of the Contracting States is an action independent from the Council.



x. Any other business.

(g) The provisional agenda for an extraordinary session of General Assembly called by the Council shall be prepared by the Secretariat for approval by the Council and shall include consideration of the question(s) for which the session was convened.

(h) The provisional agenda for an extraordinary session of General Assembly called by the Contracting Parties shall be prepared by the Secretariat for approval by the Secretary General and shall include consideration of the question(s) for which the session was convened.

### **3.4 Rules of Procedure**

The following Rules of Procedure shall apply to the conduct of the business of the General Assembly:

#### **3.4.1 The Role of the Chair**

(a) The President, or in his/her absence, the Vice President, shall be the Chair of the General Assembly.

(b) The Chair will open and close the meeting, direct discussions, ensure the observance of the procedures in the IALA Convention and these General Regulations, accord the right to speak, put questions to the vote and announce decisions.

(c) The Chair will have control over the proceedings and may rule on points of order and shall have the power to propose adjournment or closure of debates or adjournment or suspension of the meeting.

#### **3.4.2 Conduct of meetings**

(a) No person may address the General Assembly

Convention art.  
6.6



without having previously obtained the permission of the Chair. Subject to this rule and rules b), g) and i) below, the Chair shall call upon speakers in the order in which they signify their desire to speak. The Chair may call a speaker to order if the remarks of such speaker are not relevant to the subject under discussion.

(b) The Chair of a committee or his or her representative, or the delegate of a subsidiary body may be accorded precedence for the purpose of explaining the conclusion arrived at by that committee or subsidiary body.

(c) During the discussion of any matter, a delegate may rise to a point of order and the point of order shall immediately be decided by the Chair. A delegate may appeal against the ruling of the Chair. The appeal shall immediately be put to the vote and the Chair's ruling shall stand unless overruled by the majority of the designated representatives present and voting. A delegate rising to a point of order may not speak on the substance of the matter under discussion.

(d) The General Assembly may, on the proposal of the Chair, limit the time to be allowed to each speaker on any particular subject under discussion. When the debate is limited and a delegate has spoken for the allotted time, the Chair shall call such delegate to order without delay.

(e) During the course of a debate, the Chair may announce the list of speakers and, with the consent of the General Assembly, declare the list closed. The Chair may, however, accord the right of reply to any delegate if a speech delivered after the closure of the list makes this desirable.

(f) During the discussion of any matter, a delegate may

Designated in accordance with article 3.2(c) and IALA Convention article 5.3(b).



move the adjournment of the debate on the question under discussion. In addition to the proposer of the motion, two delegates may speak in favour of, and two against, the motion, after which the motion shall immediately be put to the vote. The Chair may limit the time to be allowed to speakers under this rule.

(g) A delegate may, at any time, move the closure of the debate on the question under discussion, whether or not any other representative has signified his wish to speak. Permission to speak on the closure of the debate shall be accorded only to two speakers opposing the closure, after which the motion shall be immediately put to the vote. If the General Assembly is in favour of the closure, the Chair shall declare the closure of the debate. The Chair may limit the time to be allowed to speakers under this rule.

(h) During the discussion of any matter, a delegate may move the suspension or the adjournment of the meeting. Such motions shall not be debated, but shall be immediately put to the vote. The Chair may limit the time to be allowed to the speaker moving the suspension or adjournment.

(i) Subject to rule f) above, the following motions shall have precedence in the following order over all the other proposals or motions before the meeting:

- i. to suspend the meeting;
- ii. to adjourn the meeting;
- iii. to adjourn the debate on the question under discussion; and
- iv. for the closure of the debate on the question under discussion.



(j) Subject to rule f) above, any motion calling for a decision on the competence of the General Assembly to discuss any matter or to adopt a proposal or an amendment submitted to it shall be put to the vote before the matter is discussed or a vote is taken on the proposal or amendment in question.

(k) A motion may be withdrawn by its proposer at any time before voting on it has commenced, provided that the motion has not been amended or that an amendment to it is not under discussion. A motion which has thus been withdrawn may be reintroduced by any delegate.

(l) When a proposal has been adopted or rejected it may not be reconsidered unless the General Assembly, by a two-thirds majority of the designated representatives present and voting, so decides. Permission to speak on a motion to reconsider shall be accorded only to the mover and one other supporter and to two speakers opposing the motion, after which it shall be put immediately to the vote.

### **3.4.3 Voting during meetings**

(a) The General Assembly will normally vote by show of hands overseen by scrutineers. However, any Contracting Party may request a roll-call vote, which shall be taken in English alphabetical order of the name of Contracting Parties present, commencing with the Contracting Party whose name is drawn by lot by the Chair. The vote of each Contracting Party in any roll-call shall be noted in the meeting record.

(b) A representative of one Contracting Party shall not vote on behalf of another Contracting Party.



### 3.4.4 Decision making and reporting

(a) Where the General Assembly is requested to make a decision, that request shall be put to the meeting in the form of a General Assembly Resolution. Each Resolution should include an implementation date, if relevant, and for convenience, the Chair may aggregate Resolutions for approval and reporting purposes.

(b) The Secretariat shall arrange for the substance of all discussions of the General Assembly to be recorded in a general summary of the work of the meeting. These minutes shall be distributed to those Contracting Parties and members attending, which may submit their proposed corrections in writing to the Chair. Any disagreement on the proposed corrections shall be decided by the Chair after consultation with the Contracting Parties and members concerned.

(c) The minutes will be adopted by the General Assembly in session, or if necessary, by correspondence.

(d) Contracting Parties and members who made statements during debate may request that such statement be attached to the minutes.

(e) The minutes, together with all relevant documents, shall be made available to the Contracting Parties and members within two weeks after their approval by the General Assembly.

(f) Audio recordings of General Assembly sessions may be made and shall be retained by the Secretariat for record purposes.

### 3.5 Election of the Council

Convention art.





(e) A vote to elect Councillors from among those nominated will be conducted by secret ballot.

(f) The Secretariat shall produce a ballot form for nominees for the Council and each designated representative shall have one vote for each vacant seat on the Council.

(g) The Chair shall appoint two scrutineers from amongst the Contracting Parties who have not been nominated for the Council, who shall proceed to scrutinise the votes cast and the counting of votes by the Secretariat.

(h) If two or more candidates obtain the same number for the last seat or seats to be filled, there shall be a further ballot from among these candidates only. Should the votes again be divided equally, the Chair shall draw by ballot the name of the candidate to be eliminated in the subsequent ballot.

(i) When voting and counting are completed the Chair shall confirm the election and invite the newly elected Council to take up their duties.

(j) The term of the Council is from confirmation of its election until the election of a new Council at the following ordinary General Assembly.

(k) Should a Contracting Party elected to the Council advise at some time during the term of that the Council, being more than two years from the next General Assembly, that they are unable to continue to serve on the Council, the Secretary-General may conduct a by-election to fill the vacancy. The Secretary-General shall invite nominations from all eligible Contracting Parties, conduct the vote electronically and rules g) - j)



<p>above will apply. The term of office of any Contracting Party soelected will be the same as that of the Contracting Party being replaced.</p> <p>(I) Contracting Parties are to advise the Secretary-General in cases where the personrepresenting the Contracting Party at the Council changes.</p>				
<p><b>Article 4</b></p> <p><b>The Council</b></p> <p><b>4.1 Functions of the Council</b></p> <p>(a) The Council, in fulfilling its obligation to administer IALA will carry out thefunctions assigned to it by Article 7.6 of the IALA Convention.</p> <p>(b) In the period between General Assemblies, should no appropriate provisionbe made in the IALA Convention or these General Regulations, the Council shallmake any administrative or technical decision which may be necessary, unless such decision falls exclusively within the jurisdiction of the General Assembly under the Convention. Any suchdecision must be referred to the next General Assembly for confirmation.</p> <p>(c) The Council shall be guided by the overall policy and IALA Strategic Vision as decided by the General Assembly.</p> <p>(d) If the Council considers that any question or issue should be referred to Contracting Parties, it shall direct the Secretary-General to send a circular to each Contracting Party requesting them to notify theSecretariat of their opinion on the matter. The Council shall then decide thematter.</p>				



#### **4.2 Convening the Council**

(a) The Council will be convened, ordinarily twice a year by notice in writing by any of the following:

- i. the President or the Vice President;
- ii. the Secretary-General; or
- iii. at the request of two Councillors.

(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 IALA Headquarters unless the Council agrees alternate arrangements, or if the meeting is to be held electronically.

(c) The date of an extraordinary meeting of the Council will be not less than ten calendar days from the date of notification, and the location will be the IALA Headquarters unless otherwise agreed by the President and the Secretary-General, or if the meeting is to be held electronically.

(d) The quorum for a Council meeting is two thirds of Councillors, at least one of which must be the President or Vice President, who will chair the meeting, and one member of the Finance and Audit Committee.

(e) Any Contracting Party may be present at Council meetings.

(f) Council may also determine that a representative of any Committee or other body established by it or of another organization may be present at a Council meeting.



### 4.3 Organisation of Council meetings

(a) Council meetings are to be prepared and organised by the Secretary-General using the resources of the Secretariat.

(b) The business of the Council shall be conducted in English, including output documents. Input documents may be submitted in **French** and shall be translated by the Secretariat.

(c) Sixty calendar days before a scheduled Council meeting the Secretariat shall invite Councillors, Contracting Parties and members to submit papers addressing matters that they wish to discuss at the Council. These will be received by the Secretariat for the next two weeks.

(d) Six weeks before the opening of the Council submitted papers together with those prepared by the Secretariat shall be made available to all Councillors, Contracting Parties and members who have requested them, and they shall be invited to forward their comments to the Secretariat within two weeks.

(e) Four weeks before the Council the Secretariat shall make all papers and the provisional agenda for the meeting available to Councillors, Contracting Parties and members.

(f) The provisional agenda for an ordinary meeting of the Council shall normally include:

- i. Approval of the Agenda;
- ii. Report of the President/Secretary-General;
- iii. Report of the Finance and Audit Committee;

Convention art.  
1.3

and Spanish



- iv. Committee Reports;
- v. Any other business; and
- vi. Date and time of next meeting.

(g) The provisional agenda for an extraordinary meeting of the Council shall normally include consideration of the question(s) for which the meeting was convened.

#### **4.4 Rules of Procedure for Council meetings**

The following Rules of Procedure shall apply to the conduct of the business of the Council:

##### **4.4.1 The Role of the Chair**

(a) The President, or in his/her absence, the Vice President, shall be the Chair of the Council.

(b) The Chair will open and close the meeting, direct discussions, ensure the observance of the procedures in the IALA Convention and the General Regulations, accord the right to speak, put questions to the vote and announce decisions.

(c) The Chair will have control over the proceedings and may rule on points of order and shall have the power to propose adjournment or closure of debates or adjournment or suspension of the meeting.

##### **4.4.2 Conduct of meetings**

(a) No person may address the Council without having obtained the permission of the Chair. Subject to rules b), e), f) and g) below, the Chair shall call upon speakers in the order in which they signify their desire to speak. The Chair may call a speaker to order if the remarks of such speaker are not relevant to the subject under discussion.



(b) During the discussion of any matter, a Councillor may rise to a point of order and the point of order shall immediately be decided by the Chair. A Councillor may appeal against the ruling of the Chair. The appeal shall immediately be put to the vote and the Chair's ruling shall stand unless overruled by the majority of the Council present and voting. A Councillor rising to a point of order may not speak on the substance of the matter under discussion.

(c) The Council may, on the proposal of the Chair, limit the time to be allowed to each speaker on any particular subject under discussion. When the debate is limited and a Councillor has spoken for the allotted time, the Chair shall call the Councillor to order without delay.

(d) During the course of a debate, the Chair may announce the list of speakers and, with the consent of the Council, declare the list closed. The Chair may, however, accord the right of reply to any Councillor if a speech delivered after the closure of the list makes this desirable.

(e) During the discussion of any matter, a Councillor may move the adjournment of the debate on the question under discussion. In addition to the proposer of the motion, two Councillors may speak in favour of, and two against, the motion, after which the motion shall immediately be put to the vote. The Chair may limit the time to be allowed to speakers under this rule.

(f) A Councillor may, at any time, move the closure of the debate on the question under discussion, whether or not any other Councillor has signified his wish to speak. Permission to speak on the closure of the debate shall be



accorded only to two speakers opposing the closure, after which the motion shall be immediately put to the vote. If the Council is in favour of the closure, the Chair shall declare the closure of the debate. The Chair may limit the time to be allowed to speakers under this rule.

(g) During the discussion of any matter, a Councillor may move the suspension or the adjournment of the meeting. Such motions shall not be debated, but shall be immediately put to the vote. The Chair may limit the time to be allowed to the speaker moving the suspension or adjournment.

(h) Subject to rule e) above, the following motions shall have precedence in the following order over all the other proposals or motions before the meeting:

- i. to suspend the meeting;
- ii. to adjourn the meeting;
- iii. to adjourn the debate on the question under discussion; and
- iv. for the closure of the debate on the question under discussion.

(i) Subject to rule e) above, any motion calling for a decision on the competence of the Council to discuss any matter or to adopt a proposal submitted to it shall be put to the vote before the matter is discussed or a vote is taken on the proposal in question.

(j) A motion may be withdrawn by its proposer at any time before voting on it has commenced, provided that the motion has not been amended or that an amendment to it is not under discussion. A motion which has thus been withdrawn may be reintroduced by any

Convention art.  
5.3(b)



Councillor.

(k) When a proposal has been adopted or rejected it may not be reconsidered unless the Council, by a two-thirds majority of the Councillors present and voting, so decides. Permission to speak on a motion to reconsider shall be accorded only to the mover and one other supporter and to two speakers opposing the motion, after which it shall be put immediately to the vote.

#### **4.4.3 Voting**

(a) In ordinary meetings the Council shall vote by show of hands and otherwise in accordance with Article 5.3 of the IALA Convention.

(b) The Chair may decide to call an out of session postal or electronic vote by the Council. Postal or electronic votes will be determined by simple majority of votes cast, with nil returns being counted as votes in favour of the proposal, unless otherwise notified when the vote is called.

#### **4.4.4 Decision making and reporting**

(a) Where the Council is requested to make a decision, that request may be put to the meeting in the form of a proposed Council Resolution. Each Resolution should include an action date, if relevant, and for convenience, the Chair may aggregate Resolutions for approval and reporting purposes.

(b) The Secretary-General shall arrange for the substance of all discussions of the Council to be recorded in a general summary of the work of the meeting. The minutes shall be distributed to all Councillors present at the meeting, who may submit their proposed



<p>corrections in writing to the Chair. Any disagreement on the proposed corrections shall be decided by the Chair after consultation with the Councillor(s) concerned.</p> <p>(c) The minutes will be approved by the Council in meeting, or, if necessary, by correspondence. The approved minutes, including the text of all Resolutions, will be made available to Councillors, Contracting Parties and members.</p> <p>(d) Documents relevant to the implementation of decisions shall be distributed to Councillors, Contracting Parties and members as relevant.</p> <p><b>4.5 Election of the President and Vice President of IALA</b></p> <p>(a) The Council shall, upon its election or as necessary, from among its Councillors select the President and Vice President of IALA.</p> <p>(b) The election will be by secret ballot, which shall be conducted by the Secretary-General.</p> <p>(c) All Councillors will be eligible for election upon indication of their willingness to stand for election.</p> <p>(d) There shall be two ballots, one to elect the President and the other to elect the Vice President.</p> <p>(e) Each Councillor is entitled to cast one vote in each ballot.</p> <p>(f) Election will be the majority of votes cast, the counting of which will be done by the Secretary-General in view of the Council.</p> <p>(g) If no candidate in either ballot in accordance with (d) above obtains a majority in the first ballot, a second ballot shall be taken confined normally to the two</p>	<p>Convention art. 7.6(a)</p>			
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and the IALA Financial Regulations.

(c) The Finance and Audit Committee shall assist the Council in the supervision of the financial administration of IALA.

## **5.2 Election**

(a) The Council shall, from among its Councillors elect at least three and no more than five Councillors to sit on the Finance and Audit Committee. The Council will then elect one of these Councillors, on a personal basis, to act as Treasurer and Committee Chair.

(b) The election will be by secret ballot, which shall be conducted by the Secretary-General.

(c) All Councillors will be eligible for election upon indication of their willingness to stand for election.

(d) There shall be two ballots, the first to elect the Committee members and the second to elect the Treasurer.

(e) Each Councillor is entitled to cast one vote in each ballot.

(f) Election will be simple majority of votes cast, the counting of which will be done by the Secretary-General in view of the Council.

(g) If the votes are equally divided for one or more of the positions as Committee member, a second ballot shall be taken confined to the number of positions not filled as a result of the first ballot. If in the second ballot the votes are equally divided, the Chairman shall decide between the candidates by drawing lots.

(h) Should the number of candidates nominated be the



same as the number of positions to be filled, those candidates will be appointed to the Committee without ballot.

(i) The Committee and the Treasurer shall hold office for the term of the Council unless replaced earlier by decision of the Council or through resignation.

(j) Should the Treasurer or a member of the Finance and Audit Committee resign and the remaining committee then have less than three members the Secretary-General shall call for nominations to fill the vacant position and will conduct a ballot, either in session or electronically, in accordance with the provisions above.

(g) If the Treasurer cannot attend a meeting of the Finance and Audit Committee the Treasurer shall arrange for another member of the Committee to chair the meeting.

### **5.3 Convening the Finance and Audit Committee**

(a) The Finance and Audit Committee will be convened, ordinarily twice a year by notice in writing by any of the following:

- i. the President or Vice President;
- ii. the Treasurer;
- iii. the Secretary-General; or
- iv. at the request of two Councillors.

(b) The date and location of the meeting of the Finance and Audit Committee in ordinary meeting will be determined by decision of the Treasurer, however such meetings will generally run at the same location and



<p>prior to Council meetings.</p> <p>(c) The date of an extraordinary meeting of the Finance and Audit Committee will be not less than one week from the date of notification, and the location will be the IALA Headquarters unless alternate arrangements are agreed by the Treasurer, the Secretary-General and the President, or if the meeting is to be held electronically.</p> <p>(d) In the event that the Finance and Audit Committee cannot meet in regular or extraordinary meeting and approvals are required, the Committee may convene out of session by electronic means.</p> <p>(e) The business of the Finance and Audit Committee shall be conducted in English, including output documents. Input documents may be submitted in French and shall be translated by the Secretariat.</p>	<p>Convention art. 1.3</p>			
<p><b>Article 6</b></p> <p><b>Committees and Other Bodies</b></p> <p><b>6.1 Establishment and functions of committees and other bodies</b></p> <p>(a) The General Assembly or the Council may establish the committees and other bodies it deems necessary to support the endeavours of IALA. The Council will approve Terms of Reference for the committee or other body, and all activity of the committee or other body shall be conducted within those Terms of Reference.</p> <p>(b) Committees or other bodies may:</p> <ul style="list-style-type: none"><li>i. study matters relevant to the aims of IALA, with the objective of preparing Standards, Recommendations, Guidelines and Manuals, and</li></ul>	<p>Convention art 5.4 and art. 8</p> <p>Convention art. 6.7(i), 7.6(m) and art. 8</p>			



submissions to other organizations in accordance with the Work Programme approved by the Council; or

- ii. address other objectives as established by the General Assembly or the Council.

(c) Contracting Parties and members are eligible to participate in the committees established by the General Assembly or the Council.

(d) The Council will determine participation in other bodies as part of the development of the Terms of Reference for those bodies.

(e) The business of the committees and other bodies shall be conducted in English, including output documents. Input documents may be submitted in French and shall be translated by the Secretariat.

## **6.2 Appointment of Chair and Vice Chair**

(a) Each committee will have a Chair and Vice Chair appointed by the Council.

(b) Nominations for these positions may be made by Contracting Parties or the Secretary-General. When a vacancy arises, the Secretariat will inform Contracting Parties of the vacancy and seek nominations in an open and timely manner, including providing advice to Contracting Parties of the process for selection of the successful candidate. The Secretariat will inform the Council of all nominations and the Council will determine the successful candidate.

(c) Chairs and Vice Chairs of working groups shall normally be provided by Contracting Parties and

Convention art.  
1.3



appointed by the Chair of the committee. However, where appropriate, they may be drawn from members or sister organizations. The appointment of the working group Chair and ViceChair are at the discretion of the committee Chair.

### 6.3 Rules of Procedure

#### 6.3.1 Meetings

(a) Committee meetings shall normally be held twice a year at the IALA Headquarters. Exceptionally they may be held elsewhere, with the approval of the Secretary-General.

(b) The duration of a committee meeting shall normally be five days, with the daily schedule being decided by the committee Chair.

(c) The Secretariat will inform all Contracting Parties and members of the date of each committee meeting by email. Notices will be sent ninety calendar days in advance and again thirty calendar days in advance. Dates will also be available on the IALA website.

(d) Every Contracting Party and member may send one or more representatives to participate in a committee meeting.

(e) Contracting Parties and members intending to send participants to a meeting should advise the Secretariat of the participants' details.

(f) When it would be beneficial to the work of a committee, individuals from academic, scientific, research or other relevant organizations may be invited

WMO Basic Documents Regulation 18

WMO GR Regulation 21



by the Secretary-General to attend a meeting for a specific purpose.

(g) Participants are responsible for arranging their own accommodation and transport during a committee meeting, but the Secretariat will advise of accommodation options and of special rates if available.

(h) Committee members should ensure that they:

- i. act honestly and in good faith, with a view to upholding the best interests and purpose of IALA;
- ii. advise the committee of a perceived, potential, or actual conflict of interest and withdraw from discussion of that particular item, if appropriate;
- iii. do not conduct any commercial activity within IALA HQ; and
- iv. keep IALA products free from unresolved or unreasonable intellectual property rights issues and claims.

### **6.3.2 Work of the Committees**

(a) Each committee shall develop and work to a work programme. The following factors shall be taken into account when the work programme is developed:

- i. the Strategic Vision;
- ii. the number of meetings available to the committee during the four-year work period, which is the time between regular sessions of the General Assembly;



- iii. the order in which the work should be undertaken; and
- iv. any other matters relevant to the work of the committee.

(b) A committee work programme, or changes thereto, shall be submitted to the Council for approval.

(c) The work of a committee may be facilitated by the use of working groups. The creation of a working group is at the discretion of the committee Chair.

(d) A working group will be an integral part of its parent committee and will meet during the same week as the committee.

(e) An inter-sessional meeting of a working group (that is a working group meeting held between two meetings of the parent committee) may be used to enable faster progress of a specific work item.

(f) An inter-sessional meeting of a working group requires the approval of the Secretary-General. The meeting should be held at the IALA Headquarters unless an alternative location is approved by the Secretary-General.

(g) With the approval of the committee, the Chair may appoint rapporteurs to regularly provide advice to the committee on specific matters that have an impact on or influence the work of the committee and the provision of aids to navigation services.

### **6.3.3 Decisions**

If a consensus on a specific matter cannot be reached, a



committee shall decide by a simple majority of the Contracting Parties represented at the meeting. There shall be only one vote per Contracting Party. The Chair has a casting vote if necessary.

#### **6.3.4 Agenda and documents**

(a) Agenda items will depend upon the specific topics to be addressed during the particular meeting to which the agenda refers. The topics to be addressed will be determined by the Chair, assisted by the Vice Chair and the secretary to the committee, taking into account the Strategic Vision, the committee structure, and the work programme of the committee.

(b) Input documents for a committee meeting should be sent to the Secretariat not later than two weeks before the meeting and will be published on the relevant section of the IALA web site. Documents should conform to the standard template, input documents.

(c) Documents for consideration at a meeting will be numbered by the Secretariat in a way that indicates the meeting number, the agenda item to which they refer and the description.

(d) Any Contracting Party or member may submit a document addressing any item on the work programme of a committee.

(e) Working documents are documents to be carried over to a subsequent meeting.

(f) Output documents are documents completed by the committee. They include draft standards, recommendations, guidelines, and other documents for submission to the Council for approval.



(g) The report of a committee meeting shall be approved by the committee, endorsed by the Chair, and made available for members on the website by the Secretariat without delay.

(h) Input documents and reports shall follow the respective template formats.

(i) Draft standards, recommendations, guidelines, and similar created by a committee shall follow a quality assurance process to ensure that both content and presentation reflect expected standard. This process has the following steps:

- i. The Chair and Vice-Chair of the committee shall be actively involved throughout the development process. The IALA Secretariat (secretary to the committee) shall be involved throughout the development process for format and editorial review.
- ii. Once completed by a committee, an output document shall proceed through a quality assurance check via the Secretariat including final formatting, and shall then be sent to Council for review and approval.
- iii. Before approval by Council or the General Assembly in the case of standards, an output document must be watermarked "Draft" on each page.
- iv. After approval by Council or the General Assembly as appropriate, the document shall be placed on



<p>the IALA Website with public access.</p> <p>v. Contracting Parties and members shall be notified of newly approved documents.</p>				
<p><b>Article 7</b></p> <p><b>The Secretary-General and the Secretariat</b></p> <p><b>7.1 Appointment of the Secretary-General</b></p> <p>(a) In accordance with the IALA Convention Article 7.6 (h) the Council will appoint a Secretary-General to act as legal representative and Chief Executive of IALA for a term of four years and may reappoint the Secretary-General for one additional term not exceeding four years.</p> <p>(b) The Council, upon advice of a forthcoming vacancy in the position of Secretary-General, will empower a panel of Councillors to act as Selection Panel to fill that vacancy.</p> <p>(c) The Selection Panel shall consist of the President, the Vice President, the Treasurer and two other Councillors, which shall be assisted by a suitably qualified member of the staff of the Secretariat appointed by the incumbent Secretary-General.</p> <p>(d) The Selection Panel will:</p> <ul style="list-style-type: none"><li>i. review the existing position description and salary by comparison with like positions in other organizations;</li><li>ii. prepare an updated position description, vacancy notice, selection criteria, candidate assessment matrix and interview process;</li></ul>	<p>Convention art. 9</p> <p>Convention art. 9.1 (a)</p>			



- iii. consult with the Finance and Audit Committee to establish a remuneration and benefits package for the position;
- iv. publish the vacancy notice on the IALA website and in other media as appropriate;
- v. determine and implement interview arrangements;
- vi. individually evaluate applications against the selection criteria using the candidate assessment matrix;
- vii. collectively identify candidates for interview based on completion of a combined candidate assessment matrix;
- viii. conduct interviews;
- ix. collectively assess and rank each candidate against the selection criteria based on application and interview performance;
- x. undertake consultation with referees for short-listed candidates;
- xi. enter without prejudice negotiations with the preferred candidate, inter alia in relation to the position description, employment conditions and remuneration and benefits package; and
- xii. document its conduct of the above process, including a comparative assessment of short-listed candidates, and report to the Council, nominating a preferred candidate.

(e) The Council will consider the report and nomination



of the Selection Panel, meeting in extraordinary session if required, and unless there is evidence of lack of good faith or dereliction of duty on the part of the Selection Panel, confirm the nomination.

(f) The President will then take all necessary steps to finalise the appointment.

(g) Upon the commencement of duty by the new Secretary-General the President and the Treasurer shall meet with the Secretary-General to discuss expectations, performance requirements, powers and responsibilities and to commence an induction into the operation of the organs of IALA and management of the Secretariat.

(h) The Secretary-General shall be subject to the Staff Rules and the Secretariat Procedures to the extent that this is appropriate.

### **7.2 Appointment and management of staff**

The Secretary-General shall:

- (a) determine the requirement for, and functional organisation of, the staff of the Secretariat;
- (b) prepare Staff Rules for approval by the Council;
- (c) select and engage the staff of the Secretariat in accordance with the Staff Rules; and
- (d) manage the performance of the staff of the Secretariat in accordance with the Staff Rules.

### **7.3 Function of the Secretariat**

In the performance of their duties the staff of the Secretariat shall not seek or accept instructions from any

Convention art.  
9.2

Consider appointment rules for Deputy Secretary-General [CoS to consider]



authority external to the Organization. They shall refrain from any action which might adversely reflect on their position in the Organization as international officers.

The Secretariat, under the direction of the Secretary-General, and in accordance with the Secretariat Procedures, shall:

(a) handle all day-to-day administration of IALA, including the flow of information between the Secretariat and Contracting Parties and members;

(b) organise and support meetings of the General Assembly and the Council;

(c) prepare Terms of Reference for Committees and other bodies for approval by the Council;

(d) organise and support Committee and other body meetings in accordance with the Work Programme approved by the Council, by (as required):

- i. hosting the meetings;
- ii. providing secretarial and technical support;
- iii. preparing and submitting related documents to the Council; and
- iv. circulating meeting documents;

(e) establish Rules of Procedure for participation in conferences and symposia for approval by the Council;

(f) organise conferences, symposia, seminars, workshops and other events;

(g) manage IALA finances under the direction of the Council and in accordance with the Financial Regulations;

Convention  
art.9.1 (b)

Convention art.  
9.3

Convention art.  
1.3



(h) prepare the annual budget and accounts for submission to the Finance and Audit Committee;

(i) produce the Annual Report;

(j) receive, print, file and/or circulate/publish documents, and in so doing, ensure that all IALA standards, recommendations, guidelines and manuals upon their publication are made available in all the official languages of the Organization;

(k) establish, maintain and have custody of documents in the IALA archive; and

(l) generally perform all other work that may be required to support IALA's endeavours.

#### **7.4 Secretariat Procedures**

(a) The conduct of business of the Secretariat shall be governed by Secretariat Procedures established by the Secretary-General, which shall be reviewed and kept updated to ensure efficient operations are maintained.

(b) The Secretariat Procedures shall be made available to all IALA staff.

(c) The staff are required to implement the Secretariat Procedures applicable to them and to work with the Secretary-General to ensure that the Secretariat Procedures reflect safe, clear, open and sustainable working practice.

#### **7.5 IALA World-Wide Academy**

The IALA World Wide Academy ("the Academy"), the vehicle by which IALA delivers training and capacity building, shall be an integral part of the IALA Secretariat.

Convention art. 3.1 (e)

In IALA IGO WWA will be established by the GR as adopted by GA. New GR will



<p>(a) The Academy shall be administered by the Secretary-General as advised by a Dean supported by an Advisory Board (“the Board”).</p> <p>(b) The role of the Board shall be:</p> <ul style="list-style-type: none"><li>i. to maintain a global view of maritime aids to navigation training and capacity building needs; and</li><li>ii. to recommend and oversee the strategy and delivery of the Academy’s key deliverables of training and capacity building and annual programme.</li></ul> <p>(c) The Board shall consist of:</p> <ul style="list-style-type: none"><li>i. a Chair nominated by the Council from among the Board Members;</li><li>ii. the Secretary-General</li><li>iii. the Dean of the Academy;</li><li>iv. iii. up to six (6) members appointed by the IALA Council for a period of 4 years and who may be re-appointed.</li></ul> <p>(d) The Board shall meet twice a year, at least thirty calendar days before the next Council meeting.</p> <p>(e) The Dean shall be a member of the IALA staff.</p>		<p>then replace Council decision adopted the 11<sup>th</sup> of December 2015 as basis for WWA.</p>		
<p><b>Article 8</b></p> <p><b>Conferences and Symposia</b></p> <p>8.1 Definition</p> <p>(a) IALA Conference is a meeting that has, as its principle objective, the exchange of and information relative to all</p>	<p>IALA Guideline for the</p>	<p>This revision is made in reference to the definition in</p>		



types of marine aids to navigation.

(b) IALA Symposium is a meeting to consider and discuss a set of contributions on specific subjects relating to marine aids to navigation.

**8.2 Attendance**

(a) Conferences shall be open to:

- i. all IALA Contracting Parties and members;
- ii. other international organizations and associations, Aids to Navigation Authorities, VTS Authorities and official bodies as approved by the Council; and,
- iii. international organizations and associations designated by the Council.

(b) Symposia shall be open to international organizations, companies or individuals working in the field or having an interest associated with the subject addressed by the Symposium, upon registration.

Preparation of a Conference or Symposium

IALA Guideline for the Preparation of a Conference or Symposium

the Guideline, with an emphasis on the technical nature of the Conference.

Please note, there is no clear definition on how often a Conference or Symposium should be organized, except in Article 3.1(b). Considering the technical nature of the Conference, is it better to separate General Assembly and the Conference?

Other technical international organizations and associations,

Technical international organizations and associations

Need more clarification what kind of organizations and associations can attend.



<p><b>8.3 Exhibitions</b></p> <p>(a) At Conferences</p> <p>An exhibition of aids to navigation equipment will be organised during each Conference period. Only those Industrial members who have paid the equivalent of the fees for the two years immediately after the year of the Conference, plus the year of the Conference, will have the right to exhibit.</p> <p>(b) At Symposia</p> <p>An exhibition of aids to navigation equipment will be organised during each Symposium. The exhibition will be open to any entity operating in the aids to navigation field, upon registration.</p> <p><b>8.4 Preparations for Conferences and Symposia</b></p> <p>(a) The Secretariat shall develop, for approval by the Council, guidelines for preparations for Conferences and Symposia. The guidelines shall assist the Secretariat and the host in the planning and preparation for convening, and conduct of, Conferences and Symposia.</p> <p>(b) The guidelines shall be made available to Contracting Parties and members considering hosting a Conference or Symposium.</p>	<p>Requested by IMC</p>	<p>Consider whether a reference to the Guidelines should be incorporated herein. Because the Guideline used in IALA as NGO may not be transplanted directly to IALA as IGO, if not clearly stipulated anywhere, like in the Convention or the General Regulations. Or suppose the new IALA will establish a set of new working procedures and guidelines on the basis of the old ones.</p>		
<p><b>Article 9</b></p> <p><b>Amendments to the General Regulations</b></p> <p><b>9.1</b> These General Regulations may be amended by the</p>				



<p>General Assembly.</p> <p><b>9.2</b> The Council and any Contracting Party to the IALA Convention may propose an amendment to these General Regulations, in accordance with Article 3.</p> <p><b>9.3</b> Decisions of the General Assembly relating to matters covered by these General Regulations shall be incorporated therein.</p>				
<p><b>Article 10</b> <b>10. Termination</b></p> <p>In the event of the termination of the Organization the Council shall make the necessary arrangements for the winding up of the Organization, including</p> <ul style="list-style-type: none"><li>i. determining the assets of the Organization and returning any property not belonging to the Organization;</li><li>ii. determining and settling any claims against the Organization and any sums owed by the Organization including costs associated with the winding up of the Organization;</li><li>iii. dividing the balance of the accounts amongst the Contracting Parties [and members] in accordance with the Financial Regulations.</li></ul>				

**ANNEX A Financial Regulationsof the International Organization for Marine Aids to Navigation (IALA)**

Text of Financial Regulations by article	Reference	Comments	Comments from China	Remarks
<p><b>Article 1</b></p> <p><b>Application</b></p> <p>These FinancialRegulations shall govern the financial administration of the International Organization forMarine Aids to Navigation (IALA).</p>				
<p><b>Article 2</b></p> <p><b>Financial Governance</b></p> <p><b>2.1</b> The General Assembly, upon advice of the Council:</p> <p>(a) shall determine and review the financial arrangements and endorse the Finance Report. The Finance Report shall cover the preceding four year period in respect of:</p> <ul style="list-style-type: none"> <li>i. balance sheet;</li> <li>ii. income statement;</li> <li>iii. IALA cash reserve; and</li> <li>iv. outstanding contributions and fees and interest due; and</li> </ul> <p>(b) shall approve the outline budget for the next four year period.</p> <p><b>2.2</b> The Council, upon advice of the Finance and Audit Committee (“FAC”) and the external auditor, shall:</p> <p>(a) approve the budget for the current year and reviewthe forecast for the following three years;</p> <p>(b) approve the balance sheet;</p> <p>(c) close the annual accounts;</p> <p>(d) determine rates of contributions and fees in accordance with the</p>	<p>GR art. 3.3 (f) iii.</p>			

General Regulations Article 2.5; and

(e) decide on suspension and termination of Associate and Affiliate membership for non-payment of fees.

**2.3** The FAC shall:

- i. review the audited financial statements for the previous year and advise the Council on the approval of the annual accounts;
- ii. review the draft annual budget for the coming year for consideration by the Council;
- iii. **approve** a four year budget on an annual basis for noting by the Council;
- iv. provide advice to the Council and to the Secretary-General on any audit observations or findings related to IALA's finances;
- v. recommend the rates of contributions and fees for the next year ;
- vi. recommend potential termination of membership, in respect of contributions and fees in arrears; and
- vii. consider any other matters referred to it by the Council.

**2.4** The Treasurer:

(a) shall examine the accounts and submit them to the FAC; and

(b) may authorize expenses not provided for in the budget, within approved limits.

**2.5** The IALA Secretariat, in accordance with the Secretariat Procedures, shall:

(a) maintain the accounts;

(b) prepare the financial report and the financial statements;

(c) control the financial records, including records of income and expenditure;

(d) manage the audit; and

review

Should be Council  
to approve  
according to Article  
2.3 (c)

Finance Report  
added.

<p>(e) advise the Secretary-General on financial matters.</p> <p><b>2.6</b> An external auditor must be engaged to check the financial management and a chartered accountant shall be engaged to assist the Secretariat with management accounting.</p> <p>2.7 The operating currency shall be the Euro.</p>				
<p><b>Article 3</b></p> <p><b>The Financial Period</b></p> <p><b>3.1</b> The financial year shall run from 1<sup>st</sup> January to 31<sup>st</sup> December.</p> <p><b>3.2</b> The budget shall be drawn up on a four-year basis. Budget estimates for each year shall be shown separately.</p>				
<p><b>Article 4</b></p> <p><b>Budget</b></p> <p><b>4.1</b> The Secretary-General shall operate within the limits of the annual budget. However the Secretary-General may adjust allocations within the approved budget, especially in the case of major unplanned expenditure or substantial change in the number of members.</p> <p><b>4.2</b> Any transfers of allocations between different categories of expenditure specified in the budget shall be reported, with the necessary justification, to the FAC.</p> <p><b>4.3</b> No further commitment to expenditure against the approved budget may be incurred after the close of the financial period. Outstanding obligations against the approved budget must be met within ninety calendar days of the close of the financial year.</p>		<p>GA approve Financial Report with 4 year budget.</p>		
<p><b>Article 5</b></p> <p><b>Income &amp; Expenditure</b></p> <p><b>5.1</b> Details of income and expenditure shall be shown separately in the</p>				

<p>financial records of the Organization.</p> <p>IALA shall primarily be funded from contributions and fees.</p> <p><b>5.2</b> The expenses shall be comprised of budget headings, as follows:</p> <p>(a) Personnel costs;</p> <p>(b) Operating costs; and</p> <p>(c) Capital costs.</p> <p>Each heading may be further subdivided, as necessary.</p> <p><b>5.3</b> Full and accurate records of all income and expenditure, including supporting documentation for expenditure, shall be kept. These records shall conform to standard accounting practices. The Secretariat shall maintain an archive of financial records for production to the Secretary-General, the FAC or an auditor.</p> <p><b>5.4</b> No payment greater than permitted by the law of the Host Nation shall be accepted in cash.</p>				
<p><b>Article 6</b></p> <p><b>Procurement</b></p> <p><b>6.1</b> All funds shall be under the operational control of the Secretary-General.</p> <p><b>6.2</b> The Secretary-General may designate, in writing, members of the Secretariat as line managers for the purpose of these Financial Regulations.</p>				
<p><b>Article 7</b></p> <p><b>Financial Statements</b></p> <p><b>7.1</b> The financial statements shall be the budget, the income and expenditure accounts and the balance sheet.</p>				
<p><b>7.2</b> The financial statements of IALA shall cover the Secretariat</p>				

<p>including the Academy. They shall be presented in a consolidated form and separately.</p> <p><b>7.3</b> The Treasurer shall submit the financial statements to the FAC, not later than two weeks prior to a FAC meeting.</p>				
<p><b>Article 8</b></p> <p><b>Cash Reserve</b></p> <p>To ensure the financial stability of IALA and to avoid any financial difficulties, IALA shall maintain a cash reserve according to IALA financial requirements as approved by the Secretary-General and the FAC. The value of the cash reserve shall be no less than four months of the annual budget.</p>				
<p><b>Article 9</b></p> <p><b>Annual Contributions and Fees</b></p> <p><b>9.1</b> Annual contributions and fees represent the main source of income for the functioning of IALA.</p> <p><b>9.2</b> The FAC should take the following matters into account when recommending the rates of contribution and fees:</p> <ul style="list-style-type: none"> <li>(a) the requirement that the revenue and the expenditure in the budget should be balanced;</li> <li>(b) the percentage of invoices for contributions and fees likely to be settled on time;</li> <li>(c) the global economic situation;</li> <li>(d) the rate of inflation in the Host Nation; and</li> <li>(e) the planned or anticipated exceptional expenditure.</li> </ul> <p><b>9.3</b> The Secretariat, in accordance with the Secretariat Procedures, after the Council has approved the rate and no later than 31<sup>st</sup> October each year, shall send an invoice for annual contributions or fees for the</p>		<p>Will probably be a discussion if that should be GA.</p>		

following year to each Contracting Party and member.

**9.4** For new Contracting Parties and members the following rates of contribution or feeshall apply:

(a) A Contracting Partyshall be required to pay a full annual contribution regardless of the date on which the Convention enters into force for that Contracting Party.

(b) Associate and affiliate members shall pay:

- i. a full annual fee for applications approved by the Council between 1<sup>st</sup>January and 30<sup>th</sup>June; or
- ii. half the annual fee for applications approved by the Council between 1<sup>st</sup>July and 31<sup>st</sup>December.

**9.5** In the event of the resignation of a member the fee shall not be due if a letter of resignation is received before 31<sup>st</sup> March of the current year.

**Article 10**

**Unpaid Contributions and Fees**

**10.1** In the case of unpaid contributions or fees the Secretariat, in accordance with the relevant Secretariat Procedures, shall apply the following arrangements:

(a) For Contracting Parties:

- i. charge a 3% per annum interest rate on contributions remaining unpaid on 31<sup>st</sup> July of the financial year;
- ii. in the event of paragraph i. request payment by 1<sup>st</sup>October of the financial year;

If no payment is received by 1<sup>st</sup>November the Secretary-General shall contact the Contracting Party, requesting payment and inviting the Contracting Party to discuss any difficulties that would justify IALA considering a payment plan; and

Convention art. 4.6

3% is based on current IALA Basic Documents

<p>iii. if the contribution remains unpaid and an agreement has not been reached with the Contracting Party regarding payment, suspend membership rights and benefits with effect from twenty-four months after the due date for payment, in accordance with the Convention.</p> <p>(b) For Associate and affiliate members, IALA shall:</p> <ul style="list-style-type: none"> <li>i. charge a 3% per annum interest rate on fees remaining unpaid on 1<sup>st</sup> May of the financial year;</li> <li>ii. on approval by the Council, suspend membership rights in accordance with the table at Annex B of the General Regulations if no payment is received by 1<sup>st</sup> July of the financial year;</li> <li>iii. advise the Council, at its second annual session, of unpaid fees; and</li> <li>iv. on approval by the Council, after notification, terminate membership if fees remain unpaid after membership rights have been suspended for six months and the member has not agreed a payment schedule.</li> </ul> <p><b>10.2</b> Outstanding contributions and fees and interest due will be shown in tables annexed to the financial statements. Provision for bad debts arising from non-payment of contributions and fees shall be made in the annual balance sheet.</p>				
<p><b>Article 11</b></p> <p><b>Dedicated Funds</b></p> <p><b>11.1</b> Dedicated funds may be established by the Secretary-General for the execution of specific programmes or projects, provided that the purposes are consistent with the aim and functions of the Organization. The purpose and limits of each dedicated fund shall be clearly reported to the Council.</p>				

<p><b>11.2</b> The financial resources needed to establish a dedicated fund may come from grants, donations, bequests, gifts or other sources as approved by the Secretary-General. The precise terms and conditions governing such income shall be formalized.</p> <p><b>11.3</b> Any monies remaining unused when a programme or project is terminated should be used as stipulated, and if not so stipulated, for the general purposes of IALA unless the Secretary-General determines otherwise.</p> <p><b>11.4</b> A specific budget should be prepared for each fund for approval of the Council and the final result for the year for each dedicated fund should be shown separately in the financial statements.</p> <p><b>11.5</b> Any dedicated fund should be audited in accordance with the relevant provisions in Article 12.</p>				
<p><b>Article 12</b></p> <p><b>External Audit</b></p> <p><b>12.1</b> An external auditor shall be appointed by the FAC and carry out such work as required by applicable accounting practices.</p> <p><b>12.2</b> The appointment is for a period of six years and may be renewed.</p> <p><b>12.3</b> The external auditor may make observations with respect to the efficiency of the financial procedures, the accounting system, internal financial controls and, in general, the administration and financial management of the Organization.</p> <p><b>12.4</b> In addition to the above, the Council may request the external auditor to perform specific investigations and issue separate reports on the results.</p> <p><b>12.5</b> Draft final accounts will be submitted by the external auditor to the first Council meeting each year.</p>	<p>IHO FR art. 20. FAC appoints the Auditor.</p>			

<p><b>12.6</b> The Council may close the accounts after examination of particular Contracting Party and member situations and after decision to authorize the writing-off of arrears of contributions and fees or other bad debts as required.</p> <p><b>12.7</b> The audit report shall be made available to Contracting Parties and members via the annual report and the website.</p>				
<p><b>Article 13</b></p> <p><b>Termination</b></p> <p>In the event of termination of the Organization, the balance of the accounts (credit or debit) shall be divided amongst the Contracting Parties and members on the day when the Convention ceases to have effect, in proportion to their last annual contribution and fee.</p>	IHO FR art.21.			

**ANNEX B      Membership Rights and Benefits**

<b>RIGHTS</b>	<b>CONTRACTING PARTIES</b>	<b>ASSOCIATE MEMBERS</b>	<b>AFFILIATE MEMBERS</b>
Vote at IALA General Assembly	Yes	No	No
Attend IALA General Assembly	Yes	Yes	Yes
Be elected on the IALA Council	Yes	No	No
Participate in IALA Committee meetings	Yes	Yes	Yes
Participate in IALA Workshops/Seminars	Yes	Yes	Yes
Participate in IALA Conferences	Yes	Yes	Yes
Take part in industrial exhibitions	No	No	Yes <sup>1</sup>
Sponsor IALA social events	Yes	Yes	Yes
Receive one free copy of the IALA Bulletin	Yes	Yes	Yes
Advertise in the IALA Bulletin	No	No	Yes
Submit editorial articles to IALA Bulletin	Yes	Yes	Yes
Sponsor developing countries' participation in IALA events	Yes	Yes	Yes
Access restricted area of the IALA Website	Yes	Yes	Yes

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<sup>1</sup>Participation in the industrial exhibition is subject to the Industrial member having been a member for 2 years before the year of the Conference or having paid an amount of money equivalent to the membership fees for those 2 years plus the year of the Conference

IALA-AISM Secretary  
E-mail: [contact@iala-aism.org](mailto:contact@iala-aism.org)

26 September 2017

**Our reference:**

File 2017013593

### **Comments on the draft IALA convention and draft General Regulations**

Denmark confirms its support for IALA's status being elevated to that of an IGO. However, Denmark is permitted to submit the following remarks to the draft IALA convention and the draft General Regulations.

Regarding the contributions and fees paid to the Organization by the Contracting Parties and Members. Denmark shall recommend that the annual payment of contributions to the Organization continues at the same level as previously and determined in accordance with current principles.

As a result of economic and administrative considerations Denmark recommends that the business of IALA shall be conducted in as few languages as possible.

Denmark will recommend that the membership number of the council should be accurately defined.

Finally, Denmark recommends that the legal provision regarding membership of IALA and the various types of member groups should be a part of the IALA Constitution.

Yours sincerely,



Jakob Ejlers

Deputy Director General

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MINISTRY OF INDUSTRY, BUSINESS AND

FINANCIAL AFFAIRS



FINLAND

## Draft Convention on the International Organization for Marine Aids to Navigation (IALA)

### Preamble

The States party to this Convention, hereafter referred to as the Contracting Parties:

**RECALLING** that the International Association of Lighthouse Authorities was established on 1st July 1957 following a conference of national lighthouse authorities held in Scheveningen, Netherlands;

**NOTING** that the International Association of Lighthouse Authorities was renamed the International Association of Marine Aids to Navigation and Lighthouse Authorities by its General Assembly in Hamburg, Germany in 1998;

**RECOGNISING** the role of the International Association of Marine Aids to Navigation and Lighthouse Authorities in the improvement and continued harmonisation of marine aids to navigation for the safe, economic and efficient movement of vessels;

**IN FURTHERANCE** of the provisions of the United Nations Convention on the Law of the Sea, 1982 and the International Convention for the Safety of Life at Sea, 1974, as amended;

**CONSIDERING** that the International Association of Marine Aids to Navigation and Lighthouse Authorities is formed as an association under French law; and

**CONSIDERING FURTHER** that the Contracting Parties agree that the will of Governments to develop, improve and harmonise marine aids to navigation for the benefit of the maritime community and the protection of the environment is best coordinated by one responsible international organisation;

**HAVE AGREED** as follows:

### Article 1 Establishment of the International Organization

1. The International Organization for Marine Aids to Navigation is hereby established as an international organization and shall be known as IALA (hereinafter 'the Organization').
2. The Organization shall have its seat in France unless otherwise decided by the General Assembly.
3. The official languages of the Organization shall be English, French and Spanish. The working languages of the Organization shall be English and French.
4. The operation of the Organization shall be as set out in the General Regulations.<sup>1</sup>
5. The Depository of this Convention shall be [the Government of France].

**Commenté [FIN1]:** Observation: the abbreviation IALA no longer represents the name correctly (International Organization for Marine Aids to Navigation).

**Commenté [FIN2]:** The more there are working languages, the higher the administrative costs will be. Finland would prefer English only, as the official language and working language. However, because also French and Spanish are mentioned in the current General Regulations as languages used in General Assembly meetings, Finland can accept French and Spanish as official languages.

**Commenté [FIN3]:** Depository could be defined already here in the first article.

### Article 2 Aims

1. The Organization shall have a consultative and technical nature.
2. The aims of the Organization are to:
  - (a) foster the safe and efficient movement of vessels through the improvement and harmonisation of marine aids to navigation worldwide and by other appropriate means;

- (b) bring together governments, services and organisations concerned with the regulation, provision, maintenance or operation of marine aids to navigation and allied activities;
  - (c) promote access to technical cooperation on all matters related to development and transfer of expertise, science and technology in relation to marine aids to navigation;
  - (d) encourage and facilitate the general adoption of the highest practicable standards in matters concerning marine aids to navigation; and
  - (e) provide for the exchange of information among governments and intergovernmental organizations on matters under consideration by the Organization.
3. For the purposes of this Convention the term 'marine aids to navigation' means a device, system or service, external to a vessel, designed and operated to enhance safe and efficient navigation of all vessels and/or vessel traffic.

### Article 3 Functions of the Organization

The functions of the Organization, to achieve the aims referred to in Article 2, are to:

- (a) provide standards, recommendations, guidelines and manuals or other suitable instruments and to commend these to governments, intergovernmental organizations and members as appropriate;
- (b) consider and make recommendations on standards, recommendations, guidelines and other documents that may be remitted to it by members, by any organ or specialised agency of the United Nations or by any other intergovernmental organization;
- (c) provide mechanisms for consultation and exchange of information including about the activities of Contracting Parties, members and recent developments;
- (d) develop international cooperation by promoting close working relationships and assistance between its Contracting Parties and members;
- (e) facilitate assistance to governments, services and other organizations requesting help with marine aids to navigation, whether technical, organisational or training;
- (f) organise conferences, symposia, seminars, workshops and other events relevant to its work; and
- (g) liaise and cooperate with relevant intergovernmental, international and other organisations, offering specialised advice where appropriate.

### Article 4 Membership

1. The Organization shall be comprised of Contracting Parties and members as described in Article 4.2.
2. Members shall include, and the General Regulation may make provision for all matters related to, ~~a~~Associate<sup>ii</sup> and ~~a~~Affiliate<sup>iii</sup> members.
3. Any Contracting Party may claim Associate membership for a territory or group of territories for which it has responsibility and which is legally responsible for the regulation, provision, maintenance and/or operation of marine aids to navigation, by notification in writing to the Secretary-General of the Organization.
4. Each Contracting Party shall pay a contribution<sup>iv</sup> to the Organization on an annual basis in the amount determined in accordance with in Article 7.6 (e) and Article 10.
- ~~5.~~ **Each Associate member and each Affiliate member shall pay an annual fee.**
- ~~6.~~ Contracting Party contributions and member fees shall be due and payable in accordance with the General Regulations.
- ~~7.~~ Failure to make a contribution when such payment becomes due may result in the Contracting Party being charged interest, the rate of which will be determined by the Council.

**Commenté [FIN4]:** For clarity

- 87.** Any Contracting Party which is two years in arrears in making contributions shall, after notification, be denied the rights and benefits conferred on Contracting Parties by this Convention until such time as the outstanding contributions have been paid.
- 98.** No Contracting Party or member shall be liable, by reason of its status or participation in the Organization, for acts, omissions or obligations of the Organization.

#### Article 5 Structure of the Organization

1. The Organization shall have as its organs:
  - (a) the General Assembly;
  - (b) the Council;
  - (c) Committees and other subsidiary bodies necessary to support the Organization's activities; and
  - (d) the Secretariat.
2. There shall be a President and a Vice President of the Organization elected in accordance with Article 7.
3. Where decisions of the General Assembly or the Council cannot be reached by consensus, the following provisions shall apply:
  - (a) Only Contracting Parties have voting rights, which will be executed by the representative designated by each Contracting Party;
  - (b) Except where otherwise specified, decisions are taken on a simple majority of the votes cast.
4. The General Regulations shall detail the Rules of Procedure that will apply for each organ.

#### Article 6 The General Assembly

1. The General Assembly is the principal decision-making organ of the Organization and attendance shall be open to all Contracting Parties and members.
2. Each Contracting Party shall designate one of its delegates, preferably the head of a national authority legally responsible for the regulation, provision, maintenance or operation of marine aids to navigation, or his or her representative, as its principal delegate at the General Assembly.
3. Regular sessions of the General Assembly shall take place at least once every four years.
4. Extraordinary sessions shall be convened whenever one third of the Contracting Parties give notice to the Secretary-General that they desire a session to be arranged, or at any time if deemed necessary by the Council, after a notice of ninety days.
5. A majority of the Contracting Parties excluding any Contracting Party denied by Article 4.7 the rights and benefits conferred on Contracting Parties, shall constitute a quorum for the sessions of the General Assembly.
6. The General Assembly shall be chaired by the President or the Vice President and operate in accordance with this Convention and the General Regulations.
7. **The General Assembly shall:**
  - (a) Decide the overall policy and the strategic vision of the Organization;
  - (b) Determine the General Regulations of the Organization and the rules of procedure of the General Assembly, Council, Committees and other subsidiary bodies of the Organization;
  - (c) Elect the Council in accordance with Article 7;
  - (d) Determine and review the financial arrangements of the Organization;
  - (e) Consider the reports and proposals put to it by any Contracting Party, the Council or the Secretary-General;

**Commenté [FIN5]:** Should be noted that in the article 6.7 Contracting Parties might be delegating powers to accept international obligations to the Organisation

- (f) Adopt standards;
- (g) Make recommendations to Contracting Parties and members on matters within the scope of the Organization;
- (h) Decide on any other matters within the scope of the Organization; and
- (i) Delegate, where appropriate and necessary, responsibilities to the Council.

#### Article 7 The Council

1. The Council is the executive organ of the Organization and shall be responsible for directing the activities of the Organization.
2. The Council shall consist of up to twenty three (23) Councillors elected from amongst the Contracting Parties and one (1) non-elected Councillor.
3. Elected Councillors shall be elected by ballot by the General Assembly in accordance with the General Regulations.
4. The Contracting Party of the State in which the seat of the Organization is located ("Host Nation") shall be the non-elected Councillor.
5. At the Council Contracting Parties shall preferably be represented by the head of a national authority legally responsible for the regulation, provision, maintenance or operation of marine aids to navigation of that Contracting Party, or his or her representative.
6. The Council shall:
  - (a) Elect the President and the Vice President from amongst its members;
  - (b) Exercise such responsibilities as may be delegated to it by the General Assembly;
  - (c) Coordinate the activities of the Organization within the framework of the overall policy, the strategic vision and the budget estimates, as decided by the General Assembly;
  - (d) Approve the annual budget and accounts and the annual report;
  - (e) Determine the rate of contributions for Contracting Parties and annual fees for members;
  - (f) Convene the General Assembly;
  - (g) Report to the General Assembly on the work of the Organization;
  - (h) Appoint a Secretary-General in accordance with the General Regulations;
  - (i) Review proposals submitted to it in accordance with the General Regulations;
  - (j) Refer to the General Assembly all matters requiring decision by the General Assembly;
  - (k) Approve recommendations, guidelines, manuals and other appropriate papers;
  - (l) Approve submissions to other organizations;
  - (m) Determine the terms of reference and nominate chair persons for committees and other subsidiary bodies;
  - (n) Approve and review the work programmes of the Committees; and
  - (o) Decide the venue and the year of the Organization's Conferences and symposia as described in the General Regulations.

**Commenté [FIN6]:** In IHO, Secretary General is (s)lected by General Assembly. In that way all Contracting Parties are involved in the process.

#### Article 8 Committees and Other Subsidiary Bodies

Committees and other subsidiary bodies may be established by the General Assembly or the Council to support the endeavours of the Organization and shall operate in accordance with this Convention and the General Regulations.

### Article 9 Secretariat

1. The permanent Secretariat of the Organization shall be comprised of the Secretary-General and such technical and administrative staff as may be required for the work of the Organization.
  - (a) The Secretary-General shall be appointed for a term of four years and may be reappointed for one additional term not exceeding four years;
  - (b) The Secretary-General shall be responsible for the day to day management of the Organization, subject to any guidance issued by the Council or the General Assembly;
2. The staff of the Secretariat shall be appointed by the Secretary-General on such terms and to perform such duties as the Secretary-General may determine.
3. The Secretariat shall:
  - (a) Maintain all such records as may be necessary for the efficient discharge of the work of the Organization and shall prepare, collect, and circulate any documentation that may be required;
  - (b) Manage the Organization's finances under the direction of the Council, in accordance with the General Regulations;
  - (c) Prepare the annual budget and accounts for submission to the Council;
  - (d) Keep Contracting Parties and members informed with respect to the activities of the Organization;
  - (e) Organize and support meetings of the General Assembly, the Council and Committees and other subsidiary bodies;
  - (f) Organize conferences and symposia, seminars, workshops and other events; and
  - (g) Perform such other tasks as may be assigned by the Convention, the General Regulations, the General Assembly or the Council.

**Commenté [FIN7]:** WWA and its tasks are not mentioned in this article. It there need for that?

### Article 10 Funding and Expenditure

1. The expenditure available for the functioning of the Organization shall meet the amount of financial resources provided by:
  - (a) Contracting Party contributions;
  - (b) member annual fees;
  - (c) donations, bequests, grants, gifts; and
  - (d) other sources approved by the Secretary-General.
2. The budget estimates and the financial statements on the accounts of the Organization shall be approved by the Council.
3. Following the Council's approval of the Organization's audited financial statements those statements shall be distributed to all Contracting Parties and members by the Secretariat.

### Article 11 Legal Personality, Privileges and Immunities

1. The Organization has international legal personality and has the capacity to:
  - (a) contract;
  - (b) acquire and dispose of immovable and movable property; and
  - (c) institute legal proceedings.
2. Subject to the agreement of each Contracting Party, the Organization shall enjoy in the territory of the Contracting Party such privileges and immunities as may be necessary for the fulfilment of its aim and for the exercise of its functions. In the territory of any state which is party to the

Convention on the Privileges and Immunities of the Specialized Agencies adopted by the General Assembly of the United Nations on 21 November 1947, such legal capacity, privileges and immunities shall be those defined in the said Convention.

3. Representatives of Contracting Parties, officers and officials of the Organization, as well as members of the Council, shall similarly enjoy such privileges and immunities as are necessary for the independent exercise of their functions in connection with the Organization.
43. The Organization may cooperate with governments, organisations and other bodies, and conclude agreements with them.

**Commenté [FIN8]:** This should be added to make sure that representatives of Contracting Parties can attend for example General Assembly meetings (ref. Article 3 (d) of the General Regulations)  
Additionally, the need to define the position of possible Permanent representatives (as in IMO) should be considered.

#### Article 12 Amendments

1. Any Contracting Party may propose an amendment to this Convention, in writing, to [the Government of France, in its role as] the Depositary.
2. The Depositary [Government of France] shall circulate the amendment proposal to all Contracting Parties and the Secretary-General at least six months in advance of its consideration by the General Assembly.
3. The proposed amendment shall be accepted by vote of the General Assembly upon approval by a two-thirds majority of Contracting Parties present and voting, excluding Contracting Parties denied by Article 4.7.
4. Any amendment adopted in accordance with Article 12.3 shall be notified by the Depositary [Government of France] to all Contracting Parties and the Secretary General. ~~The amendment shall be deemed to have been accepted at the end of a period of twelve months after the date of notification, unless within that period not less than one-fourth of the States that were Contracting Parties at the time of the adoption of the amendment have communicated to the Depositary that they do not accept the amendment, in which case the amendment is rejected and shall have no effect.~~ The amendment shall enter into force for each Contracting Party that has deposited its instrument of ratification, acceptance or approval for that amendment, six months after the date of deposit of the instruments of ratification, acceptance or approval by a majority of the number of Contracting Parties at the time of the adoption of the amendment. Thereafter, it shall enter into force for any remaining Contracting Party six months after the date of deposit of its instrument of ratification, acceptance or approval for that amendment.
5. ~~An amendment deemed to have been accepted in accordance with Article 12.4 shall enter into force six months after its acceptance.~~

**Commenté [FIN9]:** Amendments to the Convention should come into force in the same way than the original Convention (only after an agreed number of countries has ratified it).

#### Article 13 Interpretation and Disputes

Any question or dispute concerning the interpretation or application of the present Convention arising between or amongst Contracting Parties which is not settled through consultation or negotiation or by the good offices of the Council may be referred to a panel of three independent arbitrators appointed by the Secretary-General of the Permanent Court of Arbitration, unless the parties to the dispute agree upon another mode of settlement.

#### Article 14 Signature, Ratification and Accession

1. This Convention shall open for signature by Members of the United Nations at [xxx] and remain open until [xxx].
2. This Convention is subject to ratification, acceptance or approval by the signatory States.

3. This Convention shall be open for accession by any Member of the United Nations which has not signed the Convention from the day after the date on which the Convention closes for signature.
4. Instruments of ratification, acceptance, approval or accession shall be deposited with the Depository [Government of France], who shall then notify each Contracting Party and the Secretary-General thereof.
5. Ratification, acceptance, or approval of, or accession to, this Convention shall be without reservation.

**Article 15**  
**Entry into Force**

1. The present Convention shall enter into force on the thirtieth day after the date of deposit of the 30th<sup>y</sup> instrument of ratification, acceptance, approval or accession.
2. For each State ratifying, accepting, approving or acceding to the Convention after its entry into force the Convention shall enter into force on the thirtieth day after the deposit of its instrument of ratification, acceptance, approval or accession.

**Article 16**  
**Withdrawal**

1. Any Contracting Party may withdraw from this Convention by giving at least twelve month written notice to the Depository [Government of France], who will immediately inform all Contracting Parties of such notification.
2. Notification of withdrawal may be given at any time after the expiration of twelve months from the date on which the Convention has come into force.
3. The withdrawal shall take effect on 31 December following the expiration of the notice.

**Article 17**  
**Termination**

1. This Convention may be terminated by decision of the General Assembly upon a two-thirds majority of Contracting Parties present and voting, excluding any Contracting Party denied by Article 4.7 the rights and benefits conferred on Contracting Parties.
2. The date of termination will be twelve months after the date of the above decision and in the intervening period the Council shall be responsible for the winding up of the Organization in accordance with the General Regulations.

**Article 18**  
**Transitional Arrangements**

1. Upon the entry into force of this Convention all National members of the International Association of Marine Aids to Navigation and Lighthouse Authorities, who are not Contracting Parties, shall, with the approval of the Council and subject to their agreement, become Associate members of the Organization.
2. Upon the entry into force of this Convention all parties holding financial, non-suspended status as an associate member or industrial member of the International Association of Marine Aids to Navigation and Lighthouse Authorities, shall, with the approval of the Council and subject to their agreement become Affiliate members of the Organization, in accordance with the General Regulations.

**Commenté [FIN10]:** Is there a need for provisional application for any of the Convention provisions, e.g. Article 11 on legal personality and privileges and immunities?

**Commenté [FIN11]:** Council approval should not be required.

**Commenté [FIN12]:** Council approval should not be required

FINLAND

3. Upon the entry into force of this Convention the Council of the International Association of Marine Aids to Navigation and Lighthouse Authorities shall become the transitional Council of the Organization and will operate as such until the first General Assembly convened under this Convention, which must be within a period not exceeding six (6) months.
4. For the duration of the transitional Council Associate members will be permitted to engage in the work of the Council for the benefit of the Organization.
5. The Committees of the International Association of the Marine Aids to Navigation and Lighthouse Authorities shall become the transitional Committees of the Organization and will operate until the equivalent Committees are established under this Convention.
6. In the event that a State which has Associate membership becomes a Contracting Party the Associate membership will cease on the date on which the Convention enters into force for that State. In the case of a Contracting Party having more than one Associate membership that Contracting Party may decide to retain Associate memberships.
7. After the entry into force of this Convention the transitional Council shall initiate negotiations with the International Association of Marine Aids to Navigation and Lighthouse Authorities on the transfer of the latter's activities, records, documents, publications, archives, rights, interests, funds, assets and liabilities to the Organization.
8. 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 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 Council appoints the Secretary-General in accordance with Article 7.

IN WITNESS WHEREOF the undersigned, being duly authorised by their respective Governments, have signed the present Convention.

DONE at [xxx] on [xxx] in the English, French and Spanish languages, each text being equally authentic, the original of which shall be deposited in the archives of the [Government of France] Depository. The Depository [Government of France] shall transmit certified copies thereof to all the [signatory and acceding] Governments and to the Secretary-General of the Organization.

<sup>i</sup> General Regulations will include Financial Regulations.

<sup>ii</sup> Associate members are territories or groups of territories and current IALA national members transferred in accordance with Article 18.

<sup>iii</sup> Affiliate members are associate and industrial members of the current IALA.

<sup>iv</sup> Contributions to be according to the principle of equal sharing, which will be specified in the General Regulations.

<sup>v</sup> 30 signatures have been proposed in order to have enough members to elect and form a Council of up to 24 members in accordance with article 7.2.



FINLAND  
December 2016

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

### Article 1 Application

1.1 These General Regulations together with the Financial Regulations annexed hereto, as ANNEX A, are determined in accordance with Article 6.7 of the Convention on the International Organization for Marine Aids to Navigation (IALA) and shall apply to the operations of IALA.

1.2 The General Regulations are subject to the provisions of the Convention. Where there is a conflict between the Convention and the General Regulations or any other basic documents covering the governance of the Organization, the Convention shall prevail. Where there is a conflict between the General Regulations and any of the other basic documents, the General Regulations shall prevail; any conflict between any of the other basic documents should be brought to the attention of the Council.

**Commenté [FIN1]:** Is Council also be the body who solves the conflict?

### Article 2 Membership of IALA

#### 2.1 Membership Categories

The Organization shall be comprised of Contracting Parties and Associate and Affiliate members as stipulated below:

Associate membership shall be open for:

- (a) a territory or groups of territories for which a Contracting Party has responsibility in accordance with Article 4.3 of the IALA Convention; and
- (b) former National Members of the International Association of Marine Aids to Navigation and Lighthouse Authorities whose country is not party to the IALA Convention, in accordance with Article 18.1 and 18.6 of the IALA Convention.

Affiliate membership shall be open to:

- (a) manufacturers and distributors of marine aids to navigation equipment for sale, or organisations providing marine aids to navigation services or technical advice under contract. These affiliates will be known as Industrial members;
- (b) any other service, organisation or scientific agency that is concerned with aids to navigation or related matters; and
- (c) former Industrial and Associate members of the International Association of Marine Aids to Navigation and Lighthouse Authorities, in accordance with Article 18.2 of the Convention.

**Commenté [FIN2]:** This might introduce a sub category for the category Affiliate Member. Is there need for other sub categories?

## 2.2 Contact Point for Contracting Parties

Contracting Parties shall designate a contact point, preferably the national authority legally responsible for the regulation, provision, maintenance or operation of marine aids to navigation. Each Contracting Party provides the Secretariat with the name and contact details of the contact point in Member country. All official documentation of the meetings, as well as information on IALA to be distributed within each Member country are sent to the focal points and to the Embassies of Members in [France].

**Commenté [FIN3]:** In some international organisations it is required to send information also to the Embassies

## 2.3 Application for Membership

(a) Application for Associate and Affiliate membership must be made in writing to the Secretariat and should be accompanied by the following documentation:

- i. the IALA Membership Application form; and
- ii. additional information about the activity of the applicant to determine the appropriate membership category if requested by the Secretariat.

(b) The Secretariat will submit all applications for membership to the Council for acceptance.

(c) Accepted applications will take effect as of 1<sup>st</sup> January if the application is accepted between 1<sup>st</sup> January and 30<sup>th</sup> June and as of 1<sup>st</sup> July if the application is accepted between 1<sup>st</sup> July and 31<sup>st</sup> December.

(d) The Council may require or a Contracting Party may request that aspects of an application for Affiliate membership be reviewed by the Contracting Party (or Parties) where the applicant carries out its activities or has its principal place of business or registered office. If supported by the Contracting Party (or all Parties), who requested the review, the Council shall decide accordingly.

## 2.4 Membership Rights and Benefits

(a) Membership rights and benefits are listed in Annex B.

(b) In addition to those rights and benefits, Industrial members are represented by the Industrial Members Committee, in accordance with its constitution and bye-laws as approved by the General Assembly of Industrial Members.

**Commenté [FIN4]:** How are Industrial Members differentiated from other Affiliate members? Industrial members are not recognized as a separate membership class in the Constitution. Maybe a sub category could be introduced. Is there need for also other sub categories?

## 2.5 Contributions and Fees

(a) Contracting Parties shall pay contributions to the Organization on an annual basis in the amount determined by the Council on recommendation from the Finance and Audit Committee. Contracting Party contribution shall be the same for each Contracting Party.

(b) Members shall pay fees to the Organization on an annual basis in the amount determined by the Council on recommendation from the Finance and Audit Committee. Member fees may be determined as different amounts for each membership category but shall be the same for each member within each membership category.

(c) Contributions and fees are charged in accordance with the Financial Regulations.

(d) Overdue contributions or fees will be subject to a rate of interest which will be recorded in the Financial Regulations.

(e) Associate and Affiliate members who fail to pay fees by the due date may also be subject to suspension of membership rights and benefits in accordance with Article 2.6.

## **2.6 Suspension and Reinstatement of Associate and Affiliate Membership**

(a) The Secretary-General may recommend that the Council suspend, and the Council may suspend, an Associate or Affiliate membership for non-payment of fees according to the escalation procedure established in the Financial Regulations.

(b) The Secretary-General may recommend that the Council suspend, and the Council may suspend, an Associate or Affiliate membership for any justifiable cause in the best interest of the Organization.

(c) The Secretary-General may reinstate an Associate or Affiliate membership suspended under Article

2.6 (a) when the member has paid advised arrears of fees. The Secretary-General must advise the Council of such action at the next Council meeting.

(d) The Council may reinstate an Associate or Affiliate membership suspended under 2.6 (b) when the member has met the requirements of the Council.

## **2.7 Termination of Associate and Affiliate Membership**

Associate or Affiliate membership may be terminated:

(a) by the member by notice in writing to the Secretariat at any time noting that no refund of fees already made will be given. Such termination will take effect:

- i. on the date specified in the notice of termination; or
- ii. if no date is specified, thirty calendar days after the notice is received by the Secretariat;

(b) by the Council where a suspended member has not paid fees within six months of suspension for that non-payment:

- i. the Secretary-General will notify the Council of any such qualifying event at its next meeting; and
- ii. such termination will take effect from the date of the meeting at which the Council terminates the membership; or

(c) by the Council, for any justifiable cause in the best interest of the Organization.

In the case of a decision by the Council the Secretary-General must notify the member of the reason for termination and the date of effect of termination within thirty calendar days of the termination taking effect.

## **Article 3 The General Assembly**

### **3.1 Convening the General Assembly**

(a) The General Assembly shall ordinarily be convened at least once every four years by order of the Council in accordance with the Council's Rules of Procedure.

(b) The General Assembly shall, where possible, be convened during the same period and at the same location as an IALA conference, but in any case must be held no earlier than June of the General Assembly year.

(c) 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.

(d) It shall be a condition for convening the General Assembly at a location other than the IALA Headquarters that the Contracting Party in whose territory it is proposed to hold the General Assembly

gives assurances that, at the time of the offer, no Contracting Party or member of the Organization will be prevented from entering the host country.

(e) The Council may, after a notice of ninety calendar days, convene an extraordinary session of the General Assembly at which time and place as it determines.

(f) The Secretary-General shall, after a notice of ninety calendar days, convene an extraordinary session of the General Assembly within four months of receipt by the Secretary-General of requests to do so from one third of the Contracting Parties, the time and place of which session will be determined by the Secretary-General.

### **3.2 Attendance**

(a) Contracting Parties and members of the Organization are entitled to attend the General Assembly and are responsible for their own travelling and accommodation expenses should they choose to attend.

(b) The Secretary-General is authorised to invite, on behalf of the Council and subject to consent of the Contracting Parties, observers from:

- i. governments that are not parties to the Convention if proposed by a Contracting Party or the Council;
- ii. international organizations whose activities are connected with those of IALA; or
- iii. national organizations of Contracting Parties which have had or are likely to have occasion to collaborate with the Organization.

(c) Each Contracting Party shall communicate in writing, in accordance with its own practice, to the Secretary-General the names of the persons composing its delegation to the General Assembly, indicating which of these is to be regarded as its designated representative executing voting rights. This communication will be regarded as appropriate credentials for the participation of the named individuals in all activities of the General Assembly.

(d) Each member shall communicate in writing to the Secretary-General the names of the persons attending the General Assembly.

### **3.3 Organisation**

(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 host country.

(b) The business of the General Assembly shall be conducted in the English, French and Spanish languages.

(c) Six months before the opening of the General Assembly the Secretariat shall invite Contracting Parties to submit proposals that they wish to discuss at the General Assembly. These will be received by the Secretariat for the following sixty calendar days.

(d) Four months before the opening of the General Assembly submitted proposals together with those prepared by the Council shall be circulated to all Contracting Parties and members, who shall be invited to forward their comments to the Secretariat within sixty calendar days. After this date 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.

(e) All final papers, including the provisional agenda but excluding any amending or alternative proposals, shall be circulated to Contracting Parties and members at least sixty calendar days before the opening of the General Assembly.

(f) The provisional agenda for an ordinary session of General Assembly shall be prepared by the Secretariat for approval by the Council and shall normally include:

- i. Approval of the Agenda;
- ii. Report of the President/Secretary-General;
- iii. Finance Report;
- iv. Outline budget for the next four year period;
- v. Approval of amendments to the General Regulations and the rules of procedures of the General Assembly, the Council, Committees and other subsidiary bodies of the Organization;
- vi. Approval of the Strategic Vision;
- vii. Adoption of Standards;
- viii. Consideration of reports and proposals received from Contracting Parties and members;
- ix. Election of the Council; and
- x. Any other business.

(g) The provisional agenda for an extraordinary session of General Assembly called by the Council shall be prepared by the Secretariat for approval by the Council and shall include consideration of the question(s) for which the session was convened.

(h) The provisional agenda for an extraordinary session of General Assembly called by the Contracting Parties shall be prepared by the Secretariat for approval by the Secretary General and shall include consideration of the question(s) for which the session was convened.

### **3.4 Rules of Procedure**

The following Rules of Procedure shall apply to the conduct of the business of the General Assembly:

#### **3.4.1 The Role of the Chair**

(a) The President, or in his/her absence, the Vice President, shall be the Chair of the General Assembly.

(b) The Chair will open and close the meeting, direct discussions, ensure the observance of the procedures in the IALA Convention and these General Regulations, accord the right to speak, put questions to the vote and announce decisions.

(c) The Chair will have control over the proceedings and may rule on points of order and shall have the power to propose adjournment or closure of debates or adjournment or suspension of the meeting.

#### **3.4.2 Conduct of Meetings**

(a) No person may address the General Assembly without having previously obtained the permission of the Chair. Subject to this rule and rules b), c), g) and i) below, the Chair shall call upon speakers in the order in which they signify their desire to speak. The Chair may call a speaker to order if the remarks of such speaker are not relevant to the subject under discussion.

(b) The Chair of a Committee or his or her representative, or the delegate of a subsidiary body may be accorded precedence for the purpose of explaining the conclusion arrived at by that Committee or subsidiary body.

(c) During the discussion of any matter, a delegate may rise to a point of order and the point of order shall immediately be decided by the Chair. A delegate may appeal against the ruling of the Chair. The appeal shall immediately be put to the vote and the Chair's ruling shall stand unless overruled by the majority of the designated representatives present and voting. A delegate rising to a point of order may not speak on the substance of the matter under discussion.

(d) The General Assembly may, on the proposal of the Chair, limit the time to be allowed to each speaker on any particular subject under discussion. When the debate is limited and a delegate has spoken for the allotted time, the Chair shall call such delegate to order without delay.

(e) During the course of a debate, the Chair may announce the list of speakers and, with the consent of the General Assembly, declare the list closed. The Chair may, however, accord the right of reply to any delegate if a speech delivered after the closure of the list makes this desirable.

(f) During the discussion of any matter, a delegate may move the adjournment of the debate on the question under discussion. In addition to the proposer of the motion, two delegates may speak in favour of, and two against, the motion, after which the motion shall immediately be put to the vote. The Chair may limit the time to be allowed to speakers under this rule.

(g) A delegate may, at any time, move the closure of the debate on the question under discussion, whether or not any other representative has signified his wish to speak. Permission to speak on the closure of the debate shall be accorded only to two speakers opposing the closure, after which the motion shall be immediately put to the vote. If the General Assembly is in favour of the closure, the Chair shall declare the closure of the debate. The Chair may limit the time to be allowed to speakers under this rule.

(h) During the discussion of any matter, a delegate may move the suspension or the adjournment of the meeting. Such motions shall not be debated, but shall be immediately put to the vote. The Chair may limit the time to be allowed to the speaker moving the suspension or adjournment.

(i) Subject to rule f) above, the following motions shall have precedence in the following order over all the other proposals or motions before the meeting:

- i. to suspend the meeting;
- ii. to adjourn the meeting;
- iii. to adjourn the debate on the question under discussion; and
- iv. for the closure of the debate on the question under discussion.

(j) Subject to rule f) above, any motion calling for a decision on the competence of the General Assembly to discuss any matter or to adopt a proposal or an amendment submitted to it shall be put to the vote before the matter is discussed or a vote is taken on the proposal or amendment in question.

(k) A motion may be withdrawn by its proposer at any time before voting on it has commenced, provided that the motion has not been amended or that an amendment to it is not under discussion. A motion which has thus been withdrawn may be reintroduced by any delegate.

(l) When a proposal has been adopted or rejected it may not be reconsidered unless the General Assembly, by a two-thirds majority of the designated representatives present and voting, so decides. Permission to speak on a motion to reconsider shall be accorded only to the mover and one other supporter and to two speakers opposing the motion, after which it shall be put immediately to the vote.

#### **3.4.3 Voting During Meetings**

(a) The General Assembly will normally vote by show of hands overseen by scrutineers. However, any Contracting Party may request a roll-call vote, which shall be taken in English alphabetical order of the name of Contracting Parties present, commencing with the Contracting Party whose name is drawn by lot by the Chair. The vote of each Contracting Party in any roll-call shall be noted in the meeting record.

(b) A representative of one Contracting Party shall not vote on behalf of another Contracting Party.

#### **3.4.4 Decision Making and Reporting**

(a) Where the General Assembly is requested to make a decision, that request shall be put to the meeting in the form of a General Assembly Resolution. Each Resolution should include an implementation date, if relevant, and for convenience, the Chair may aggregate Resolutions for approval and reporting purposes.

(b) The Secretariat shall arrange for the substance of all discussions of the General Assembly to be recorded in a general summary of the work of the meeting. These minutes shall be distributed to those Contracting Parties and members attending, which may submit their proposed corrections in writing to the Chair. Any disagreement on the proposed corrections shall be decided by the Chair after consultation with the Contracting Parties and members concerned.

(c) The minutes will be adopted by the General Assembly in session, or if necessary, by correspondence.

(d) Contracting Parties and members who made statements during debate may request that such statement be attached to the minutes.

(e) The minutes, together with all relevant documents, shall be made available to the Contracting Parties and members within two weeks after their approval by the General Assembly.

(f) Audio recordings of General Assembly sessions may be made and shall be retained by the Secretariat for record purposes.

#### **3.5 Election of the Council**

The election of Councillors shall be conducted as follows:

(a) The Secretary-General will invite Contracting Parties to declare their candidacy for the Council, according to Article 7 of the Convention six months before the opening of the General Assembly. Nominations will be received by the Secretariat for the following four months. Nominations should include:

- i. the name of the Contracting Party being nominated;

- ii. a statement, in the form approved by the Council and provided by the Secretariat, outlining the credentials of the Contracting Party for a position on the Council; and
- iii. a statement, in the form approved by the Council and provided by the Secretariat, outlining the credentials of the person to represent the Contracting Party.

(b) Councillors should, as far as possible, be drawn from different parts of the world with a view to achieving as widespread a representation as possible.

(c) The Contracting Party having the non-elected councillor in accordance with Article 7 of the IALA Convention cannot be nominated for election.

(d) Sixty calendar days before the opening of the General Assembly all nominations shall be collated and circulated to all Contracting Parties by the Secretariat. After this date no nominations shall be accepted unless there are exceptional circumstances, in which case the nomination should be approved by the General Assembly for inclusion in the election.

(e) A vote to elect Councillors from among those nominated will be conducted by secret ballot.

(f) The Secretariat shall produce a ballot form for nominees for the Council and each designated representative shall have one vote for each vacant seat on the Council.

(g) The Chair shall appoint two scrutineers from amongst the Contracting Parties who have not been nominated for the Council, who shall proceed to scrutinise the votes cast and the counting of votes by the Secretariat.

(h) If two or more candidates obtain the same number for the last seat or seats to be filled, there shall be a further ballot from among these candidates only. Should the votes again be divided equally, the Chair shall draw by lot the name of the candidate to be eliminated in any subsequent ballots.

(i) When voting and counting are completed the Chair shall confirm the election and invite the newly elected Council to take up their duties.

(j) The term of the Council is from confirmation of its election until the election of a new Council at the following ordinary General Assembly.

(k) Should a Contracting Party elected to the Council advise at some time during the term of that the Council, being more than two years from the next General Assembly, that they are unable to continue to serve on the Council, the Secretary-General may conduct a by-election to fill the vacancy. The Secretary-General shall invite nominations from all eligible Contracting Parties, conduct the vote electronically and rules g) - j) above will apply. The term of office of any Contracting Party so elected will be the same as that of the Contracting Party being replaced.

(l) Contracting Parties are to advise the Secretary-General in cases where the person representing the Contracting Party at the Council changes.

## **Article 4 The Council**

### **4.1 Functions of the Council**

(a) The Council, in fulfilling its obligation to administer the Organization will carry out the functions assigned to it by Article 7.6 of the IALA Convention.

(b) In the period between General Assemblies, should no appropriate provision be made in the IALA Convention or these General Regulations, the Council shall make any administrative or technical decision which may be necessary, unless such decision falls exclusively within the jurisdiction of the General

Assembly under the Convention. Any such decision must be referred to the next General Assembly for confirmation.

(c) The Council shall be guided by the overall policy and Strategic Vision as decided by the General Assembly.

(d) If the Council considers that any question or issue should be referred to Contracting Parties, it shall direct the Secretary-General to send a circular to each Contracting Party requesting them to notify the Secretariat of their opinion on the matter. The Council shall then decide the matter.

#### 4.2 Convening the Council

(a) The Council will be convened, ordinarily twice a year by notice in writing by any of the following:

- i. the President or the Vice President;
- ii. the Secretary-General; or
- iii. at the request of two Councillors.

(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 IALA Headquarters unless the Council agrees alternate arrangements, or if the meeting is to be held electronically.

(c) The date of an extraordinary meeting of the Council will be not less than ten calendar days from the date of notification, and the location will be the IALA Headquarters unless otherwise agreed by the President and the Secretary-General, or if the meeting is to be held electronically.

(d) The quorum for a Council meeting is two thirds of Councillors, at least one of which must be the President or Vice President, who will chair the meeting, and one member of the Finance and Audit Committee.

(e) Any Contracting Party may be present at a Council meeting.

(f) The Council may also determine that a representative of any Committee or other body established by it or of another organization may be present at a Council meeting.

#### 4.3 Organisation of Council Meetings

(a) Council meetings are to be prepared and organised by the Secretary-General using the resources of the Secretariat.

(b) The business of the Council shall be conducted in English, including output documents. Input documents may be submitted in French and shall be translated by the Secretariat.

(c) Sixty calendar days before a scheduled Council meeting the Secretariat shall invite Councillors, Contracting Parties and members to submit papers addressing matters that they wish to discuss at the Council. These will be received by the Secretariat for the next two weeks.

(d) Six weeks before the opening of the Council submitted papers together with those prepared by the Secretariat shall be made available to all Councillors, Contracting Parties and members who have requested them, and they shall be invited to forward their comments to the Secretariat within two weeks.

(e) Four weeks before the Council the Secretariat shall make all papers and the provisional agenda for the meeting available to Councillors, Contracting Parties and members.

(f) The provisional agenda for an ordinary meeting of the Council shall normally include:

- i. Approval of the Agenda;
- ii. Report of the President/Secretary-General;

**Commenté [FIN5]:** Is this standard practice and necessary requirement?

- iii. Report of the Finance and Audit Committee;
- iv. Committee Reports;
- v. Any other business; and
- vi. Date and time of next meeting.

(g) The provisional agenda for an extraordinary meeting of the Council shall normally include consideration of the question(s) for which the meeting was convened.

#### **4.4 Rules of Procedure for Council Meetings**

The following Rules of Procedure shall apply to the conduct of the business of the Council:

##### **4.4.1 The Role of the Chair**

- (a) The President, or in his/her absence, the Vice President, shall be the Chair of the Council.
- (b) The Chair will open and close the meeting, direct discussions, ensure the observance of the procedures in the Convention and the General Regulations, accord the right to speak, put questions to the vote and announce decisions.
- (c) The Chair will have control over the proceedings and may rule on points of order and shall have the power to propose adjournment or closure of debates or adjournment or suspension of the meeting.

##### **4.4.2 Conduct of meetings**

- (a) No person may address the Council without having obtained the permission of the Chair. Subject to rules b), f) and h) below, the Chair shall call upon speakers in the order in which they signify their desire to speak. The Chair may call a speaker to order if the remarks of such speaker are not relevant to the subject under discussion.
- (b) During the discussion of any matter, a Councillor may rise to a point of order and the point of order shall immediately be decided by the Chair. A Councillor may appeal against the ruling of the Chair. The appeal shall immediately be put to the vote and the Chair's ruling shall stand unless overruled by the majority of the Council present and voting. A Councillor rising to a point of order may not speak on the substance of the matter under discussion.
- (c) The Council may, on the proposal of the Chair, limit the time to be allowed to each speaker on any particular subject under discussion. When the debate is limited and a Councillor has spoken for the allotted time, the Chair shall call the Councillor to order without delay.
- (d) During the course of a debate, the Chair may announce the list of speakers and, with the consent of the Council, declare the list closed. The Chair may, however, accord the right of reply to any Councillor if a speech delivered after the closure of the list makes this desirable.
- (e) During the discussion of any matter, a Councillor may move the adjournment of the debate on the question under discussion. In addition to the proposer of the motion, two Councillors may speak in favour of, and two against, the motion, after which the motion shall immediately be put to the vote. The Chair may limit the time to be allowed to speakers under this rule.
- (f) A Councillor may, at any time, move the closure of the debate on the question under discussion, whether or not any other Councillor has signified his wish to speak. Permission to speak on the closure of the debate shall be accorded only to two speakers opposing the closure, after which the motion shall be immediately put to the vote. If the Council is in favour of the closure, the Chair shall declare the closure of the debate. The Chair may limit the time to be allowed to speakers under this rule.

(g) During the discussion of any matter, a Councillor may move the suspension or the adjournment of the meeting. Such motions shall not be debated, but shall be immediately put to the vote. The Chair may limit the time to be allowed to the speaker moving the suspension or adjournment.

(h) Subject to rule e) above, the following motions shall have precedence in the following order over all the other proposals or motions before the meeting:

- i. to suspend the meeting;
- ii. to adjourn the meeting;
- iii. to adjourn the debate on the question under discussion; and
- iv. for the closure of the debate on the question under discussion.

(i) Subject to rule e) above, any motion calling for a decision on the competence of the Council to discuss any matter or to adopt a proposal submitted to it shall be put to the vote before the matter is discussed or a vote is taken on the proposal in question.

(j) A motion may be withdrawn by its proposer at any time before voting on it has commenced, provided that the motion has not been amended or that an amendment to it is not under discussion. A motion which has thus been withdrawn may be reintroduced by any Councillor.

(k) When a proposal has been adopted or rejected it may not be reconsidered unless the Council, by a two-thirds majority of the Councillors present and voting, so decides. Permission to speak on a motion to reconsider shall be accorded only to the mover and one other supporter and to two speakers opposing the motion, after which it shall be put immediately to the vote.

#### **4.4.3 Voting**

(a) In ordinary meetings the Council shall vote by show of hands and otherwise in accordance with Article 5.3 of the Convention.

(b) The Chair may decide to call an out of session postal or electronic vote by the Council. Postal or electronic votes will be determined by simple majority of votes cast, with nil returns being counted as votes in favour of the proposal, unless otherwise notified when the vote is called.

#### **4.4.4 Decision Making and Reporting**

(a) Where the Council is requested to make a decision, that request may be put to the meeting in the form of a proposed Council Resolution. Each Resolution should include an action date, if relevant, and for convenience, the Chair may aggregate Resolutions for approval and reporting purposes.

(b) The Secretary-General shall arrange for the substance of all discussions of the Council to be recorded in a general summary of the work of the meeting. The minutes shall be distributed to all Councillors present at the meeting, who may submit their proposed corrections in writing to the Chair. Any disagreement on the proposed corrections shall be decided by the Chair after consultation with the Councillor(s) concerned.

(c) The minutes will be approved by the Council in meeting, or, if necessary, by correspondence. The approved minutes, including the text of all Resolutions, will be made available to Councillors, Contracting Parties and members.

(d) Documents relevant to the implementation of decisions shall be distributed to Councillors, Contracting Parties and members as relevant.

#### **4.5 Election of the President and Vice President of IALA**

(a) The Council shall, upon its election or as necessary, from among its Councillors elect the President and Vice President of the Organization.

(b) The election will be by secret ballot, which shall be conducted by the Secretary- General.

(c) All Councillors will be eligible for election upon indication of their willingness to stand for election.

(d) There shall be two ballots, one to elect the President and the other to elect the Vice President.

(e) Each Councillor is entitled to cast one vote in each ballot.

(f) Election will be the majority of votes cast, the counting of which will be done by the Secretary-General in view of the Council.

(g) If no candidate in either ballot in accordance with (d) above obtains a majority in the first ballot, a second ballot shall be taken confined normally to the two candidates obtaining the largest number of votes. If in the second ballot the votes are equally divided, the Secretary-General shall decide between the candidates by drawing lots.

(h) The President and the Vice President shall hold office for one term between General Assemblies unless resigning earlier. They shall not be eligible for immediate re-election and shall not hold office for more than two terms in total.

(i) The President and Vice President hold these positions on a personal basis. Should either cease to be the designated representative of their Contracting Party, the position will fall vacant from date of them so ceasing.

(j) Should the position of President become vacant the Vice President will assume this role and the position of Vice President will become vacant instead. In this event, the Secretary-General shall call for nominations to fill the vacant position and will conduct a ballot, either in session or electronically, in accordance with the provisions above.

### **Article 5 Finance and Audit Committee**

#### **5.1 Function of the Finance and Audit Committee**

(a) The Council shall, upon election or as necessary, establish a Finance and Audit Committee to provide advice to the Council.

(b) The finances of the Organization shall be managed by the Council, the Finance and Audit Committee and the Secretary-General in accordance with the financial arrangements as determined by the General Assembly and the Financial Regulations.

(c) The Finance and Audit Committee shall assist the Council in the supervision of the financial administration of the Organization.

## 5.2 Election

(a) The Council shall, from among its Councillors elect at least three and no more than five Councillors to sit on the Finance and Audit Committee. The Council will then elect one of these Councillors, on a personal basis, to act as Treasurer and Committee Chair.

(b) The election will be by secret ballot, which shall be conducted by the Secretary- General.

(c) All Councillors will be eligible for election upon indication of their willingness to stand for election.

**Commenté [FIN6]:** Does this include also elected President and Vice-President?

(d) There shall be two ballots, the first to elect the Committee members and the second to elect the Treasurer.

(e) Each Councillor is entitled to cast one vote in each ballot.

(f) Election will be simple majority of votes cast, the counting of which will be done by the Secretary- General in view of the Council.

(g) If the votes are equally divided for one or more of the positions as Committee member, a second ballot shall be taken confined to the number of positions not filled as a result of the first ballot. If in the second ballot the votes are equally divided, the Chair shall decide between the candidates by drawing lots.

(h) Should the number of candidates nominated be the same as the number of positions to be filled, those candidates will be appointed to the Committee without ballot.

(i) The Committee and the Treasurer shall hold office for the term of the Council unless replaced earlier by decision of the Council or through resignation.

(j) Should the Treasurer or a member of the Finance and Audit Committee resign and the remaining Committee then have less than three members the Secretary- General shall call for nominations to fill the vacant position and will conduct a ballot, either in session or electronically, in accordance with the provisions above.

(k) If the Treasurer cannot attend a meeting of the Finance and Audit Committee the Treasurer shall arrange for another member of the Committee to chair the meeting.

## 5.3 Convening the Finance and Audit Committee

(a) The Finance and Audit Committee will be convened, ordinarily twice a year by notice in writing by any of the following:

- i. the President or Vice President;
- ii. the Treasurer;
- iii. the Secretary-General; or
- iv. at the request of two Councillors.

(b) The date and location of the meeting of the Finance and Audit Committee in ordinary meeting will be determined by decision of the Treasurer, however such meetings will generally run at the same location and prior to Council meetings.

(c) The date of an extraordinary meeting of the Finance and Audit Committee will be not less than one week from the date of notification, and the location will be the IALA Headquarters unless alternate arrangements are agreed by the Treasurer, the Secretary-General and the President, or if the meeting is to be held electronically.

(d) In the event that the Finance and Audit Committee cannot meet in regular or extraordinary meeting and approvals are required, the Committee may convene out of session by electronic means.

(e) The business of the Finance and Audit Committee shall be conducted in English, including output documents. Input documents may be submitted in French and shall be translated by the Secretariat.

## **Article 6 Committees and Other Bodies**

### **6.1 Establishment and Functions of Committees and Other Bodies**

(a) The General Assembly or the Council may establish Committees and other bodies it deems necessary to support the endeavours of IALA. The Council will approve Terms of Reference for Committees and other bodies, and all activity of the Committees and other bodies shall be conducted within those Terms of Reference.

(b) Committees and/or other bodies may:

- i. study matters relevant to the aims of IALA, with the objective of preparing Standards, Recommendations, Guidelines and Manuals, and submissions to other organizations in accordance with the Work Programme approved by the Council; or
- ii. address other objectives as established by the General Assembly or the Council.

(c) Contracting Parties and members are eligible to participate in the Committees established by the General Assembly or the Council.

(d) The Council will determine participation in other bodies as part of the development of the Terms of Reference for those bodies.

(e) The business of the Committees and other bodies shall be conducted in English, including output documents. Input documents may be submitted in French and shall be translated by the Secretariat.

### **6.2 Appointment of Chair and Vice Chair**

(a) Each Committee will have a Chair and Vice Chair appointed by the Council for a period of four years.

(b) Nominations for these positions may be made by Contracting Parties or the Secretary-General. When a vacancy arises, the Secretariat will inform Contracting Parties of the vacancy and seek nominations in an open and timely manner, including providing advice to Contracting Parties of the process for selection of the successful candidate. The Secretariat will inform the Council of all nominations and the Council will determine the successful candidate.

(c) Chairs and Vice Chairs of working groups shall normally be provided by Contracting Parties and appointed by the Chair of the Committee. However, where appropriate, they may be drawn from members or sister organizations. The appointment of the working group Chair and Vice Chair are at the discretion of the Committee Chair.

### **6.3 Rules of Procedure**

#### **6.3.1 Meetings**

(a) Committee meetings shall normally be held twice a year at the IALA Headquarters. Exceptionally they may be held elsewhere, with the approval of the Secretary-General.

(b) The duration of a Committee meeting shall normally be five days, with the daily schedule being decided by the Committee Chair.

(c) The Secretariat will inform all Contracting Parties and members of the date of each Committee meeting by email. Notices will be sent ninety calendar days in advance and again thirty calendar days in advance. Dates will also be available on the IALA website.

(d) Every Contracting Party and member may send one or more representatives to participate in a Committee meeting.

(e) Contracting Parties and members intending to send participants to a Committee meeting should advise the Secretariat of the participants' details.

(f) When it would be beneficial to the work of a Committee, individuals from academic, scientific, research or other relevant organizations may be invited by the Secretary-General to attend a Committee meeting for a specific purpose.

(g) Participants are responsible for arranging their own accommodation and transport during a Committee meeting, but the Secretariat will advise of accommodation options and of special rates if available.

(h) Committee participants should ensure that they:

- i. act honestly and in good faith, with a view to upholding the best interests and purpose of the Organization;
- ii. advise the Committee of a perceived, potential, or actual conflict of interest and withdraw from discussion of that particular item, if appropriate;
- iii. do not conduct any commercial activity within the IALA Headquarters; and
- iv. keep IALA products free from unresolved or unreasonable intellectual property rights issues and claims.

### **6.3.2 Work of the Committees**

(a) Each Committee shall develop and work to a work programme. The following factors shall be taken into account when the work programme is developed:

- i. the Strategic Vision;
- ii. the number of meetings available to the Committee during the four-year work period, which is the time between regular sessions of the General Assembly;
- iii. the order in which the work should be undertaken; and
- iv. any other matters relevant to the work of the Committee.

(b) A Committee work programme, or changes thereto, shall be submitted to the Council for approval.

(c) The work of a Committee may be facilitated by the use of working groups. The creation of a working group is at the discretion of the Committee Chair.

(d) A working group will be an integral part of its parent Committee and will meet during the same week as the Committee.

(e) An inter-sessional meeting of a working group (that is a working group meeting held between two meetings of the parent Committee) may be used to enable faster progress of a specific work item.

(f) An inter-sessional meeting of a working group requires the approval of the Secretary-General. The meeting should be held at the IALA Headquarters unless an alternative location is approved by the Secretary-General.

(g) With the approval of the Committee, the Chair may appoint rapporteurs to regularly provide advice to the Committee on specific matters that have an impact on or influence the work of the Committee and the provision of aids to navigation services.

### 6.3.3 Decisions

If a consensus on a specific matter cannot be reached, a Committee shall decide by a simple majority of the Contracting Parties represented at the meeting. There shall be only one vote per Contracting Party. The Chair has a casting vote if necessary.

### 6.3.4 Agenda and Documents

(a) Agenda items will depend upon the specific topics to be addressed during the particular Committee meeting to which the agenda refers. The topics to be addressed will be determined by the Chair, assisted by the Vice Chair and the secretary to the Committee, taking into account the Strategic Vision, the Committee structure, and the work programme of the Committee.

(b) Input documents for a Committee meeting should be sent to the Secretariat not later than two weeks before the meeting and will be published on the relevant section of the IALA website. Documents should conform to the standard template, input documents.

(c) Documents for consideration at a Committee meeting will be numbered by the Secretariat in a way that indicates the meeting number, the agenda item to which they refer and the description.

(d) Any Contracting Party or member may submit a document addressing any item on the work programme of a Committee.

(e) Working documents are documents to be carried over to a subsequent meeting.

(f) Output documents are documents completed by the Committee. They include draft Standards, Recommendations, Guidelines, and other documents for submission to the Council for approval.

(g) The report of a Committee meeting shall be approved by the Committee, endorsed by the Chair, and made available for Contracting Parties and members on the website by the Secretariat without delay.

(h) ~~Output~~~~Input~~ documents and reports shall follow the respective template formats.

(i) Draft Standards, Recommendations, Guidelines, and similar created by a Committee shall follow a quality assurance process to ensure that both content and presentation reflect the expected standard. This process has the following steps:

- i. The Chair and Vice-Chair of the Committee shall be actively involved throughout the development process. The IALA Secretariat (secretary to the Committee) shall be involved throughout the development process for format and editorial review.
- ii. Once completed by a Committee, an output document shall proceed through a quality assurance check via the Secretariat including final formatting, and shall then be sent to the Council for review and approval.
- iii. Before approval by the Council or the General Assembly in the case of Standards, an output document must be watermarked "Draft" on each page.

- iv. After approval by the Council or the General Assembly as appropriate, the document shall be placed on the IALA website with public access.
- v. Contracting Parties and members shall be notified of newly approved documents.

## Article 7

### The Secretary-General and the Secretariat

#### 7.1 Appointment of the Secretary-General

(a) In accordance with the Convention Article 7.6 (h) the Council will appoint a Secretary-General to act as legal representative and Chief Executive of IALA for a term of four years and may reappoint the Secretary-General for one additional term not exceeding four years.

(b) The Council, upon advice of a forthcoming vacancy in the position of Secretary- General, will empower a panel of Councillors to act as Selection Panel to fill that vacancy.

(c) The Selection Panel shall consist of the President, the Vice President, the Treasurer and two other Councillors, which shall be assisted by a suitably qualified member of the staff of the Secretariat appointed by the incumbent Secretary-General.

**Commenté [FIN7]:** Compared to IHO, there seems to be very few people involved in the selection of the Secretary General.

(d) The Selection Panel will:

- i. review the existing position description and salary by comparison with like positions in other organizations;
- ii. prepare an updated position description, vacancy notice, selection criteria, candidate assessment matrix and interview process;
- iii. consult with the Finance and Audit Committee to establish a remuneration and benefits package for the position;
- iv. publish the vacancy notice on the IALA website and in other media as appropriate;
- v. determine and implement interview arrangements;
- vi. individually evaluate applications against the selection criteria using the candidate assessment matrix;
- vii. collectively identify candidates for interview based on completion of a combined candidate assessment matrix;
- viii. conduct interviews;
- ix. collectively assess and rank each candidate against the selection criteria based on application and interview performance;
- x. undertake consultation with referees for short-listed candidates;
- xi. enter without prejudice negotiations with the preferred candidate, inter alia in relation to the position description, employment conditions and remuneration and benefits package; and

- xii. document its conduct of the above process, including a comparative assessment of short-listed candidates, and report to the Council, nominating a preferred candidate.

(e) The Council will consider the report and nomination of the Selection Panel, meeting in extraordinary session if required, and unless there is evidence of lack of good faith or dereliction of duty on the part of the Selection Panel, confirm the nomination.

(f) The President will then take all necessary steps to finalise the appointment.

(g) Upon the commencement of duty by the new Secretary-General the President and the Treasurer shall meet with the Secretary-General to discuss expectations, performance requirements, powers and responsibilities and to commence an induction into the operation of the organs of the Organization and management of the Secretariat.

(h) The Secretary-General shall be subject to the Staff Rules and the Secretariat Procedures to the extent that this is appropriate.

### **7.2 Appointment and Management of Staff**

The Secretary-General shall:

- (a) determine the requirement for, and functional organisation of, the staff of the Secretariat;
- (b) prepare Staff Rules for approval by the Council;
- (c) select and engage the staff of the Secretariat in accordance with the Staff Rules; and
- (d) manage the performance of the staff of the Secretariat in accordance with the Staff Rules.

### **7.3 Function of the Secretariat**

In the performance of their duties the staff of the Secretariat shall not seek or accept instructions from any authority external to the Organization. They shall refrain from any action which might adversely reflect on their position in the Organization as international officers.

The Secretariat, under the direction of the Secretary-General, and in accordance with the Secretariat Procedures, shall:

- (a) handle all day-to-day administration of the Organization, including the flow of information between the Secretariat and Contracting Parties and members;
- (b) organise and support meetings of the General Assembly and the Council;
- (c) prepare Terms of Reference for Committees and other bodies for approval by the Council;
- (d) organise and support the Committees and other bodies in accordance with the Work Programme approved by the Council, by (as required):
  - i. hosting the meetings;
  - ii. providing secretarial and technical support;
  - iii. preparing and submitting related documents to the Council; and
  - iv. circulating meeting documents;
- (e) establish Rules of Procedure for participation in Conferences and Symposia for approval by the Council;
- (f) organise Conferences, Symposia, seminars, workshops and other events;
- (g) manage finances under the direction of the Council and in accordance with the Financial Regulations;

- (h) prepare the annual budget and accounts for submission to the Finance and Audit Committee;
- (i) produce the Annual Report;
- (j) receive, print, file and/or circulate/publish documents, and in so doing, ensure that all Standards, Recommendations, Guidelines and Manuals upon their publication are made available in all the official languages of the Organization;
- (k) establish, maintain and have custody of documents in the archive; and
- (l) generally perform all other work that may be required to support the endeavours of the Organization.

#### 7.4 Secretariat Procedures

- (a) The conduct of business of the Secretariat shall be governed by Secretariat Procedures established by the Secretary-General, which shall be reviewed and kept updated to ensure efficient operations are maintained.
- (b) The Secretariat Procedures shall be made available to all staff.
- (c) The staff are required to implement the Secretariat Procedures applicable to them and to work with the Secretary-General to ensure that the Secretariat Procedures reflect safe, clear, open and sustainable working practice.

#### 7.5 IALA World-Wide Academy

The IALA World Wide Academy (“the Academy”), the vehicle by which the Organization delivers training and capacity building, shall be an integral part of the Secretariat.

- (a) The Academy shall be administered by the Secretary-General as advised by a Dean supported by an Advisory Board (“the Board”).
- (b) The role of the Board shall be:
  - i. to maintain a global view of maritime aids to navigation training and capacity building needs; and
  - ii. to recommend and oversee the strategy and delivery of the Academy’s key deliverables of training and capacity building and annual programme.
- (c) The Board shall consist of:
  - i. a Chair nominated by the Council from among the Board Members;
  - ii. the Secretary-General
  - iii. the Dean of the Academy;
  - iv. up to six (6) members appointed by the Council for a period of four (4) years and who may be re-appointed.
- (d) The Board shall meet twice a year, at least thirty calendar days before the next Council meeting.
- (e) The Dean shall be a member of the staff.

**Commenté [FIN8]:** IALA World-Wide Academy is not mentioned in the Constitution. Is there need for that?

## **Article 8 Conferences and Symposia**

### **8.1 Definition**

(a) A Conference is a meeting that has, as its principle objective, the exchange of and information relative to all types of marine aids to navigation.

(b) A Symposium is a meeting to consider and discuss a set of contributions on specific subjects relating to marine aids to navigation.

### **8.2 Attendance**

(a) Conferences shall be open to:

- i. all Contracting Parties and members;
- ii. other international organizations and associations, aids to navigation Authorities, VTS Authorities and official bodies as approved by the Council; and,
- iii. international organizations and associations designated by the Council.

(b) Symposia shall be open to international organizations, companies or individuals working in the field or having an interest associated with the subject addressed by the Symposium, upon registration.

### **8.3 Exhibitions**

(a) At Conferences

An exhibition of aids to navigation equipment will be organised during each Conference period. Only those Industrial members who have paid the equivalent of the fees for the two years immediately prior to the year of the Conference, plus the year of the Conference, will have the right to exhibit.

(b) At Symposia

An exhibition of aids to navigation equipment will be organised during each Symposium. The exhibition will be open to any entity operating in the aids to navigation field, upon registration.

### **8.4 Preparations for Conferences and Symposia**

(a) The Secretariat shall develop, for approval by the Council, guidelines for preparations for Conferences and Symposia. The guidelines shall assist the Secretariat and the host in the planning and preparation for convening, and conduct of, Conferences and Symposia.

(b) The guidelines shall be made available to Contracting Parties and members considering hosting a Conference or a Symposium.

## **Article 9 Amendments to the General Regulations**

**9.1** These General Regulations may be amended by the General Assembly.

**9.2** The Council and any Contracting Party to the Convention may propose an amendment to these General Regulations, in accordance with Article 3.

**9.3** Decisions of the General Assembly relating to matters covered by these General Regulations shall be incorporated therein.

**Article 10**  
**Termination**

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

- (a) determining the assets of the Organization and returning any property not belonging to the organization;
- (b) determining and settling any claims against the Organization and any sums owed by the Organization including costs associated with the winding up of the Organization; and
- (c) dividing the balance of the accounts amongst the Contracting Parties [and members] in accordance with the Financial Regulations.

## **ANNEX A Financial Regulations of the International Organization for Marine Aids to Navigation (IALA)**

### **Article 1 Application**

These Financial Regulations shall govern the financial administration of the International Organization for Marine Aids to Navigation (IALA).

### **Article 2 Financial Governance**

**2.1** The General Assembly, upon advice of the Council:

(a) shall determine and review the financial arrangements and endorse the Finance Report. The Finance Report shall cover the preceding four year period in respect of:

- i. balance sheet;
- ii. income statement;
- iii. cash reserve; and
- iv. outstanding contributions and fees and interest due; and

(b) shall approve the outline budget for the next four year period.

**2.2** The Council, upon advice of the Finance and Audit Committee ("FAC") and the external auditor, shall:

- (a) approve the budget for the current year and review the forecast for the following three years;
- (b) approve the balance sheet;
- (c) close the annual accounts;
- (d) determine rates of contributions and fees in accordance with the General Regulations Article 2.5; and
- (e) decide on suspension and termination of Associate and Affiliate membership for non-payment of fees.

**2.3** The FAC shall:

- (a) review the audited financial statements for the previous year and advise the Council on the approval of the annual accounts;
- (b) review the draft annual budget for the coming year for consideration by the Council;
- (c) approve a four year budget on an annual basis for noting by the Council;
- (d) provide advice to the Council and to the Secretary-General on any audit observations or findings related to finances;
- (e) recommend the rates of contributions and fees for the next year;
- (f) recommend potential termination of membership, in respect of fees in arrears; and
- (g) consider any other matters referred to it by the Council.

**2.4** The Treasurer:

- (a) shall examine the accounts and submit them to the FAC; and
- (b) may authorize expenses not provided for in the budget, within approved limits.

**Commenté [FIN9]:** The body approving these limits should be defined

**2.5** The Secretariat, in accordance with the Secretariat Procedures, shall:

- (a) maintain the accounts;
- (b) prepare the finance report and the financial statements;
- (c) control the financial records, including records of income and expenditure;
- (d) manage the audit; and
- (e) advise the Secretary-General on financial matters.

**2.6** An external auditor must be engaged to check the financial management and a chartered accountant shall be engaged to assist the Secretariat with management accounting.

**2.7** The operating currency shall be the Euro.

**Article 3  
The Financial Period**

**3.1** The financial year shall run from 1st January to 31st December.

**3.2** The budget shall be drawn up on a four year basis. Budget estimates for each year shall be shown separately.

**Article 4  
Budget**

**4.1** The Secretary-General shall operate within the limits of the annual budget. However the Secretary-General may adjust allocations within the approved budget, especially in the case of major unplanned expenditure or substantial change in the number of members.

**4.2** Any transfers of allocations between different categories of expenditure specified in the budget shall be reported, with the necessary justification, to the FAC.

**4.3** No further commitment to expenditure against the approved budget may be incurred after the close of the financial period. Outstanding obligations against the approved budget must be met within ninety calendar days of the close of the financial year.

**Article 5  
Income and Expenditure**

**5.1** Details of income and expenditure shall be shown separately in the financial records of the Organization.

The Organization shall primarily be funded from contributions and fees.

**5.2** The expenses shall be comprised of budget headings, as follows:

- (a) Personnel costs;

(b) Operating costs; and

(c) Capital costs.

Each heading may be further subdivided, as necessary.

**5.3** Full and accurate records of all income and expenditure, including supporting documentation for expenditure, shall be kept. These records shall conform to standard accounting practices. The Secretariat shall maintain an archive of financial records for production to the Secretary-General, the FAC or an auditor.

**5.4** No payment greater than permitted by the law of the Host Nation shall be accepted in cash.

#### **Article 6 Procurement**

**6.1** All funds shall be under the operational control of the Secretary-General.

**6.2** The Secretary-General may designate, in writing, members of the Secretariat as line managers for the purpose of these Financial Regulations.

#### **Article 7 Financial Statements**

**7.1** The financial statements shall be the budget, the income and expenditure accounts and the balance sheet.

**7.2** The financial statements of the Organization shall cover the Secretariat including the Academy. They shall be presented in a consolidated form and separately.

**7.3** The Treasurer shall submit the financial statements to the FAC, not later than two weeks prior to a FAC meeting.

#### **Article 8 Cash Reserve**

To ensure the financial stability of the Organization and to avoid any financial difficulties, the Organization shall maintain a cash reserve according to the financial requirements as approved by the Secretary-General and the FAC. The value of the cash reserve shall be no less than four months of the annual budget.

#### **Article 9 Annual Contributions and Fees**

**9.1** Annual contributions and fees represent the main source of income for the functioning of the Organization.

**9.2** The FAC should take the following matters into account when recommending the rates of contribution and fees:

(a) the requirement that the revenue and the expenditure in the budget should be balanced;

(b) the percentage of invoices for contributions and fees likely to be settled on time;

(c) the global economic situation;

- (d) the rate of inflation in the Host Nation; and
- (e) the planned or anticipated exceptional expenditure.

**9.3** The Secretariat, in accordance with the Secretariat Procedures, after the Council has approved the rate and no later than 31<sup>st</sup> October each year, shall send an invoice for annual contributions or fees for the following year to each Contracting Party and member.

**9.4** For new Contracting Parties and members the following rates of contribution or fee shall apply:

(a) A Contracting Party shall be required to pay a full annual contribution regardless of the date on which the Convention enters into force for that Contracting Party.

(b) Associate and affiliate members shall pay:

- i. a full annual fee for applications approved by the Council between 1<sup>st</sup> January and 30<sup>th</sup> June; or
- ii. half the annual fee for applications approved by the Council between 1<sup>st</sup> July and 31<sup>st</sup> December.

**9.5** In the event of the resignation of a member the fee shall not be due if a letter of resignation is received before 31<sup>st</sup> March of the current year.

#### **Article 10 Unpaid Contributions and Fees**

**10.1** In the case of unpaid contributions or fees the Secretariat, in accordance with the relevant Secretariat Procedures, shall apply the following arrangements:

(a) For Contracting Parties:

- i. charge a 3% per annum interest rate on contributions remaining unpaid on 31<sup>st</sup> July of the financial year;
- ii. in the event of paragraph i. request payment by 1<sup>st</sup> October of the financial year;  
If no payment is received by 1<sup>st</sup> November the Secretary-General shall contact the Contracting Party, requesting payment and inviting the Contracting Party to discuss any difficulties that would justify the Organization considering a payment plan; and
- iii. if the contribution remains unpaid and an agreement has not been reached with the Contracting Party regarding payment, suspend membership rights and benefits with effect from twenty-four months after the due date for payment, in accordance with the Convention.

(b) For Associate and affiliate members, the Organization shall:

- i. charge a 3% per annum interest rate on fees remaining unpaid on 1<sup>st</sup> May of the financial year;
- ii. on approval by the Council, suspend membership rights in accordance with the table at Annex B of the General Regulations if no payment is received by 1<sup>st</sup> July of the financial year;
- iii. advise the Council, at its second annual session, of unpaid fees; and

- iv. on approval by the Council, after notification, terminate membership if fees remain unpaid after membership rights have been suspended for six months and the member has not agreed a payment schedule.

**10.2** Outstanding contributions and fees and interest due will be shown in tables annexed to the financial statements. Provision for bad debts arising from non-payment of contributions and fees shall be made in the annual balance sheet.

#### **Article 11 Dedicated Funds**

**11.1** Dedicated funds may be established by the Secretary-General for the execution of specific programmes or projects, provided that the purposes are consistent with the aim and functions of the Organization. The purpose and limits of each dedicated fund shall be clearly reported to the Council.

**11.2** The financial resources needed to establish a dedicated fund may come from grants, donations, bequests, gifts or other sources as approved by the Secretary-General. The precise terms and conditions governing such income shall be formalized.

**11.3** Any monies remaining unused when a programme or project is terminated should be used as stipulated, and if not so stipulated, for the general purposes of the Organization unless the Secretary-General determines otherwise.

**11.4** A specific budget should be prepared for each fund for approval of the Council and the final result for the year for each dedicated fund should be shown separately in the financial statements.

**11.5** Any dedicated funds should be audited in accordance with the relevant provisions in Article 12.

#### **Article 12 External Audit**

**12.1** An external auditor shall be appointed by the FAC and carry out such work as required by applicable accounting practices.

**12.2** The appointment is for a period of six (6) years and may be renewed.

**12.3** The external auditor may make observations with respect to the efficiency of the financial procedures, the accounting system, internal financial controls and, in general, the administration and financial management of the Organization.

**12.4** In addition to the above, the Council may request the external auditor to perform specific investigations and issue separate reports on the results.

**12.5** Draft final accounts will be submitted by the external auditor to the first Council meeting each year.

**12.6** The Council may close the accounts after examination of particular Contracting Party and member situations and after decision to authorize the writing-off of arrears of contributions and fees or other bad debts as required.

**12.7** The audit report shall be made available to Contracting Parties and members via the annual report and the website.

**Article 13**  
**Termination**

In the event of termination of the Organization, the balance of the accounts (credit or debit) shall be divided amongst the Contracting Parties and members on the day when the Convention ceases to have effect, in proportion to their last annual contribution and fee.

## ANNEX B Membership Rights and Benefits

RIGHTS	CONTRACTING PARTIES	ASSOCIATE MEMBERS	AFFILIATE MEMBERS
Vote at IALA General Assembly	Yes	No	No
Attend IALA General Assembly	Yes	Yes	Yes
Be elected on the IALA Council	Yes	No	No
Participate in IALA Conferences	Yes	Yes	Yes
Participate in IALA Symposia	Yes	Yes	Yes
Participate in IALA Committee meetings	Yes	Yes	Yes
Participate in IALA Workshops/Seminars	Yes	Yes	Yes
Take part in industrial exhibitions	No	No	Yes <sup>1</sup>
Sponsor IALA social events	Yes	Yes	Yes
Sponsor developing countries' participation in IALA events	Yes	Yes	Yes
Access restricted area of the IALA Website	Yes	Yes	Yes

<sup>1</sup> Participation in the industrial exhibition is subject to the Industrial member having been a member for 2 years before the year of the Conference or having paid an amount of money equivalent to the membership fees for those 2 years plus the year of the Conference in accordance with Article 8.3 (a).

### Compte-rendu réunion MAE/DAM (réunions du 12.09 et 22.09)

Etudier le texte au regard de la compétence de l'Union européenne en termes de signalisation maritime.

Il faut revoir l'Organisation des compétences entre le Conseil et l'Assemblée Générale => regarder quelles sont les répartitions des pouvoirs au sein de la Convention OHI.

N'est-ce pas le rôle de l'Assemblée générale d'accepter ou refuser des membres?

#### I- Préambule :

Proposition de remplacer le considérant suivant "Considérant que l'Association Internationale de Signalisation maritime est constituée en association en vertu de la législation française" par "**Considérant la décision de l'Assemblée général de la Corogne de mai 2014 de transformer l'Association Internationale de Signalisation maritime en organisation internationale**".

#### II- Texte de la Convention :

Articles	Propositions de modifications	Commentaires
Article 1er : <b>Création de l'Organisation Internationale</b> 1. L'Organisation Internationale pour les Aides à la Navigation Maritime est créée en tant qu'organisation internationale par la pr	Article 1er : <b>Création de l'Organisation Internationale</b> 1. L'Organisation Internationale pour les Aides à la Navigation Maritime est créée en tant qu'organisation internationale par la présente Convention et dén	1. Mettre en cohérence le nouveau nom de l'OI en français.  2. Prévoir dans le règlement la possibilité pour l'AG de modifier le siège

<p>présente Convention et dénommée "AISM" (ci-après désignée "l'Organisation").</p> <p>2. L'Organisation a son siège en France à moins que l'Assemblée générale en décide autrement,</p> <p>3. Les langues officielles de l'Organisation sont le français, l'anglais et l'espagnol. Les langues de travail de l'Organisation sont le français et l'anglais</p> <p>4. Les modalités de fonctionnement de l'Organisation sont définies par le Règlement général.</p>	<p>dénommée "<b>OISM</b>" (ci-après désignée "l'Organisation")</p> <p>2. L'Organisation a son siège en France <b>à moins que l'Assemblée générale en décide autrement,</b></p> <p>3. Les langues officielles de l'Organisation sont le français, l'anglais et l'espagnol. Les langues de travail de l'Organisation sont le français et l'anglais</p> <p><b>4. Les modalités de fonctionnement de l'Organisation sont définies par le Règlement général.</b></p>	<p>3. Attention à la mise en cohérence avec les langues de travail du règlement</p>
<p>Article 2</p> <p><b>Objet</b></p> <p>1. L'Organisation a un caractère consultatif et technique.</p> <p>2. L'Organisation a pour buts :</p> <p>(a) de veiller à ce que les mouvements des navires soient sûrs, économiques et efficaces, par l'amélioration et l'harmonisation des aides à la navigation au niveau mondial, et par tous autres moyens appropriés;</p> <p>(b) de rassembler les gouvernements, les services et les organisations concernés par la réglementation, la fourniture, l'entretien ou le fonctionnement des aides à la navigation maritime ou d'autres activités connexes ;</p>	<p>Article 2</p> <p><b>Objet</b></p> <p>1. L'Organisation a un caractère consultatif et technique.</p> <p>2. L'Organisation a pour buts :</p> <p>(a) de veiller à ce que les mouvements des navires soient sûrs, économiques et efficaces, par l'amélioration et l'harmonisation des aides à la navigation au niveau mondial, et par tous autres moyens appropriés;</p> <p>(b) de rassembler les gouvernements, les services et les organisations concernés par la réglementation, la fourniture, l'entretien ou le fonctionnement des aides à la navigation maritime ou d'autres activités connexes ;</p> <p>(c) de promouvoir l'accès à la coopération technique en toutes matières liées au développement et a</p>	<p>Soit une OI prend des décisions, soit elle édicte des recommandations.</p>

<p>(c) de promouvoir l'accès à la coopération technique en toutes matières liées au développement et au transfert d'expertise, de science et de technologie en rapport avec les aides à la navigation maritime;</p> <p>(d) d'encourager et faciliter l'adoption généralisée des normes le plus élevées possibles en matières d'aides à la navigation maritime ; et</p> <p>(e) de donner un cadre à l'échange d'informations entre gouvernements et entre organisations inter-gouvernementales sur des sujets traités par l'Organisation.</p> <p>3. Pour les besoins de cette Convention le terme "aide à la navigation maritime" s'entend comme tout dispositif système ou service extérieur au navire, conçu et utilisé dans le but d'améliorer les conditions de sécurité et d'efficacité de tous les navires et/ou du trafic maritime.</p>	<p>t au transfert d'expertise, de science et de technologie en rapport avec les aides à la navigation maritime;</p> <p>(d) d'encourager et faciliter l'adoption généralisée des normes le plus élevées possibles en matières d'aides à la navigation maritime ; et</p> <p>(e) de donner un cadre à l'échange d'informations entre gouvernements et entre organisations inter-gouvernementales sur des sujets traités par l'Organisation.</p> <p><b>(f) L'organisation édicte à cet effet des recommandations</b></p> <p>3. Pour les besoins de cette Convention le terme "aide à la navigation maritime" s'entend comme tout dispositif système ou service extérieur au navire, conçu et utilisé dans le but d'améliorer les conditions de sécurité et d'efficacité de tous les navires et/ou du trafic maritime.</p>	
<p>Article 3</p> <p><b>Fonctions de l'Organisation</b></p> <p>Les fonctions par lesquelles l'Organisation atteint les buts mentionnés à l'article 2 sont définies comme suit :</p> <p>(a) fournir des normes, recommandations, guides et manuels ou autres instruments appropriés et les porter à l'attention des</p>	<p>Article 3</p> <p><b>Fonctions de l'Organisation</b></p> <p>Les fonctions par lesquelles l'Organisation atteint les buts mentionnés à l'article 2 sont définies comme suit :</p> <p><b>(a) élabore des normes, recommandations, guides et manuels ou autres instruments appropriés et les porter à l'attention des gouvernements</b></p>	<p>Est-il nécessaire de faire une distinction entre le a et le b?</p>

<p>des gouvernements, des organisations inter-gouvernementales et de ses membres, en tant que de besoin ;</p> <p>(b) étudier et recommander des normes, recommandations, guides et autres documents auxquels peuvent se référer les membres, tout organe ou institution spécialisée des Nations Unies ou de tout autre organisation inter-gouvernementale;</p> <p>(c) prévoir des mécanismes de consultation et d'échange d'informations, y compris sur les activités des Parties Contractantes et des membres et les développements récents ;</p> <p>(d) développer la coopération internationale par la promotion de relations de travail étroites et d'assistance entre les parties contractantes et les membres;</p> <p>(e) faciliter l'aide aux gouvernements, services et autres organisations sollicitant une assistance sur des sujets en rapport avec les aides à la navigation maritime, que ces sujets soient de nature technique, organisationnelle ou de formation ;</p> <p>(f) organiser des conférences, symposiums, séminaires, ateliers et autres manifestations en rapport avec ses travaux; et</p> <p>(g) correspondre et coopérer avec les organisations inter-gouvernementales, internationales ou autres organisations appropriées</p>	<p><b>nements, des organisations inter-gouvernementales et de ses membres, en tant que de besoin ;</b></p> <p><b>(b) étudier et recommander des normes, recommandations, guides et autres documents auxquels peuvent se référer les membres, tout organe ou institution spécialisée des Nations Unies ou de tout autre organisation inter-gouvernementale;</b></p> <p>(c) prévoir des mécanismes de consultation et d'échange d'informations, y compris sur les activités des Parties Contractantes et des membres et les développements récents ;</p> <p>(d) développer la coopération internationale par la promotion de relations de travail étroites et d'assistance entre les parties contractantes et les membres;</p> <p>(e) faciliter l'aide aux gouvernements, services et autres organisations sollicitant une assistance sur des sujets en rapport avec les aides à la navigation maritime, que ces sujets soient de nature technique, organisationnelle ou de formation ;</p> <p>(f) organiser des conférences, symposiums, séminaires, ateliers et autres manifestations en rapport avec ses travaux; et</p> <p>(g) correspondre et coopérer avec les organisations inter-gouvernementales, internationales ou autres organisations appropriées, en proposant le cas échéant des conseils spécialisés.</p>	
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<p>priées, en proposant le cas échéant des conseils spécialisés.</p>		
<p>Article 4 <b>Membres</b></p> <p>1. L'Organisation comprend des Parties Contractantes et des membres tels que décrits dans la section 4.2 du présent article.</p> <p>2. Les membres comprennent des membres associés et des membres affiliés; les modalités de fonctionnement les concernant sont définies dans le Règlement général.</p> <p>3. Toute Partie Contractante peut solliciter par écrit auprès du Secrétaire général de l'Organisation, l'admission en qualité de membre associé d'un territoire ou groupe de territoires relevant de sa responsabilité, légale et responsable pour la réglementation, la fourniture, l'entretien et/ou le fonctionnement d'aides à la navigation maritime.</p> <p>4. Chaque Partie Contractante est tenue de verser annuellement à l'Organisation une contribution dont le montant est déterminé en fonction de l'article 7.6(e) et de l'article 10.</p> <p>5. Les contributions financières des Parties Contractantes et les cotisations des mem</p>	<p>Article 4 <b>Membres</b></p> <p>1. L'Organisation comprend des Parties Contractantes et des membres tels que décrits dans la section 4.2 du présent article.</p> <p>2. Les membres comprennent des membres associés et des membres affiliés; <del>les modalités de fonctionnement les concernant sont définies dans le Règlement général.</del></p> <p>3. Toute Partie Contractante peut solliciter par écrit auprès du Secrétaire général de l'Organisation, l'admission en qualité de membre associé d'un territoire ou groupe de territoires relevant de sa responsabilité, légale et responsable pour la réglementation, la fourniture, l'entretien et/ou le fonctionnement d'aides à la navigation maritime.</p> <p><del>4. Chaque Partie Contractante est tenue de verser annuellement à l'Organisation une contribution dont le montant est déterminé en fonction de l'article 7.6(e) et de l'article 10.</del></p> <p><del>5. Les contributions financières des Parties Contractantes et les cotisations des membres sont exigibles et payables selon les dispositions du Règlement général.</del></p> <p>6. Les Parties Contractantes qui ne s'acquittent pas de leurs contributions dans les délais de paiem</p>	<p>Définition de ce que sont les membres associés et affiliés doit apparaître dans le texte de la Convention</p> <p>Proposition de la manière dont l'adhésion peut se faire en continuité avec le Conseil.</p> <p>Que recouvre le point 8 de cet article</p>

<p>membres sont exigibles et payables selon les dispositions du Règlement général.</p> <p>6. Les Parties Contractantes qui ne s'acquittent pas de leurs contributions dans les délais de paiement impartis s'exposent à des intérêts de retard dont le taux est déterminé par le Conseil.</p> <p>7. Toute partie Contractante qui est en retard de deux ans dans le versement de ses contributions est privée, après en avoir été notifiée, des prérogatives et avantages accordés aux Parties Contractantes aux termes de la présente Convention, jusqu'au versement de ses contributions échues.</p> <p>8. Aucune Partie Contractante et aucun membre ne sera tenu pour responsable, du fait de son statut ou de sa participation à l'Organisation, des actes, manquements ou obligations de l'Organisation.</p>	<p>aiement impartis s'exposent à des intérêts de retard dont le taux est déterminé par le Conseil.</p> <p>7. Toute partie Contractante qui est en retard de deux ans dans le versement de ses contributions est privée, après en avoir été notifiée, des prérogatives et avantages accordés aux Parties Contractantes aux termes de la présente Convention, jusqu'au versement de ses contributions échues.</p> <p><b>8. Aucune Partie Contractante et aucun membre ne sera tenu pour responsable, du fait de son statut ou de sa participation à l'Organisation, des actes, manquements ou obligations de l'Organisation.????</b></p>	
<p>Article 5 <b>Structure de l'Organisation</b></p> <p>1. Les organes de l'Organisation sont :</p> <p>(a) l'Assemblée Générale;</p> <p>(b) le Conseil ;</p> <p>(c) les Commissions et tout organe subsidiaire nécessaire aux activités de l'Organisation</p> <p>(d) le Secrétariat.</p>	<p>Article 5 <b>Structure de l'Organisation</b></p> <p>1. Les organes de l'Organisation sont :</p> <p>(a) l'Assemblée Générale;</p> <p>(b) le Conseil ;</p> <p>(c) les Commissions et tout organe subsidiaire nécessaires aux activités de l'Organisation</p> <p>(d) le Secrétariat.</p>	<p>Les fonctions de Président et de Vice Président peuvent être supprimées et c'est l'AG qui peut élire en son sein un Président pour trois ans.</p>

<p>2. L'Organisation est dotée d'un Président, d'un Vice-président élus selon les dispositions de l'article 7.</p> <p>3. Dans les cas où les décisions de l'Assemblée générale ou du Conseil ne peuvent être prises par consensus, les dispositions suivantes s'appliquent :</p> <p>(a) Seules les Parties Contractantes ont le droit de vote, lequel est exercé par le représentant désigné par chacune des Parties Contractantes;</p> <p>(b) Sauf autrement spécifié, les décisions sont prises à la majorité simple des voix</p> <p>4. Le Règlement général détermine les règles de fonctionnement applicables à chaque organe.</p>	<p><del>2. L'Organisation est dotée d'un Président, d'un Vice-président élus selon les dispositions de l'article 7.</del></p> <p><b>Le Président de l'Assemblée générale est élu par l'Assemblée générale au début de la session et reste élu trois ans.</b></p> <p><del>3. Dans les cas où les décisions de l'Assemblée générale ou du Conseil ne peuvent être prises par consensus, les dispositions suivantes s'appliquent:</del></p> <p><b>Dans la mesure du possible les décisions de l'Assemblée générale et du Conseil se prennent par consensus des Parties contractantes, des membres associés, et des membres affiliés. Dans le cas où un consensus est impossible, il peut être recouru au vote, à la majorité simple des voix, des seules Parties Contractantes.</b></p> <p><del>(a) Seules les Parties Contractantes ont le droit de vote, lequel est exercé par le représentant désigné par chacune des Parties Contractantes;</del></p> <p><del>(b) Sauf autrement spécifié, les décisions sont prises à la majorité simple des voix</del></p> <p>4. Le Règlement général détermine les règles de fonctionnement applicables à chaque organe <b>adopté par l'Assemblée générale à sa première session..</b></p>	
<p>Article 6 <b>Assemblée générale</b></p>	<p>Article 6 <b>Assemblée générale</b></p>	

<p>1. L'Assemblée est l'organe de décision principal de l'Organisation et tous les membres peuvent assister à ses sessions</p> <p>2. Chaque Partie Contractante désigne un de ses délégués, de préférence le directeur d'un service légalement responsable de la réglementation, la fourniture, l'entretien ou le fonctionnement d'aides à la navigation maritime, comme son délégué principal à l'Assemblée générale.</p> <p>3. Les sessions ordinaires de l'Assemblée générale ont lieu au moins une fois tous les quatre ans ; leur fonctionnement est déterminé par le Règlement général.</p> <p>4. Les sessions extraordinaires peuvent être convoquées si le Secrétaire général est notifié par un tiers des Parties Contractantes de leur désir de tenir une session, ou à n'importe quel moment lorsque le Conseil le juge nécessaire, en respectant un préavis de quatre-vingt-dix-jours.</p> <p>5. Le quorum d'une session d'Assemblée générale est constitué d'une majorité des Parties Contractantes, à l'exclusion des Parties Contractantes privées de leurs prérogatives au titre de l'article 4.7.</p> <p>6. L'Assemblée générale est présidée par le Président ou le Vice président agit selon</p>	<p>1. L'Assemblée est l'organe de décision principal de l'Organisation et tous les membres peuvent assister à ses sessions</p> <p><b>2. Chaque Partie Contractante désigne un de ses délégués, de préférence le directeur d'un service légalement responsable de la réglementation, la fourniture, l'entretien ou le fonctionnement d'aides à la navigation maritime, comme son délégué principal à l'Assemblée générale.</b></p> <p>3. Les sessions ordinaires de l'Assemblée générale ont lieu au moins une fois tous les <del>quatre- trois</del> ans ; leur fonctionnement est déterminé par le Règlement général.</p> <p>4. Les sessions extraordinaires peuvent être convoquées si le Secrétaire général est notifié par un tiers des Parties Contractantes de leur désir de tenir une session, ou à n'importe quel moment lorsque le Conseil le juge nécessaire, en respectant un préavis de quatre-vingt-dix-jours.</p> <p>5. Le quorum d'une session d'Assemblée générale est constitué d'une majorité des Parties Contractantes, à l'exclusion des Parties Contractantes privées de leurs prérogatives au titre de l'article 4.7.</p> <p><del>6. L'Assemblée générale est présidée par le Président ou le Vice président agit selon les termes de la présente Convention et du Règlement général.</del></p>	<p>=&gt; Supprimer ou déplacer dans le règlement général</p>
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<p>elon les termes de la présente Convention on et du Règlement général.</p> <p>7. L'Assemblée générale :</p> <p>(a) décide de l'orientation générale et de la vision stratégique de l'Organisation ;</p> <p>(b) établit le Règlement générale de l'Organisation et les Règles de procédure de l'Assemblée générale, du Conseil, des Commissions et des autres organes subsidiaires de l'Organisation ;</p> <p>(c) élit le Conseil selon les termes de l'article 7 ;</p> <p>(d) détermine et révisé les dispositions financières de l'Organisation ;</p> <p>(e) examine les rapports et propositions qui lui sont présentés par des Parties Contractantes, par le Conseil ou par le Secrétaire général ;</p> <p>(f) adopte les normes ;</p> <p>(g) formule des recommandations aux Parties Contractantes et aux membres sur tout sujet qui relève de la compétence de l'Organisation ;</p> <p>(h) prend toute décision sur tout sujet relevant de la compétence de l'Organisation ; et</p> <p>(i) délègue, lorsque cela est approprié et nécessaire, des responsabilités du Conseil.</p>	<p><b>L'Assemblée générale élit son Président pour trois ans.</b></p> <p>7. L'Assemblée générale :</p> <p>(a) décide de l'orientation générale et de la vision stratégique de l'Organisation ;</p> <p>(b) établit le Règlement générale de l'Organisation et les Règles de procédure de l'Assemblée générale, du Conseil, des Commissions et des autres organes subsidiaires de l'Organisation ;</p> <p>(c) élit le Conseil selon les termes de l'article 7 ;</p> <p>(d) <del>détermine et révisé les dispositions financières de l'Organisation ;</del> <b>vote le budget et vérifie son exécution.</b></p> <p>(e) examine les rapports et propositions qui lui sont présentés par des Parties Contractantes, par le Conseil ou par le Secrétaire général ;</p> <p>(f) adopte les normes <b>et</b></p> <p><del>(g)</del> formule des recommandations aux Parties Contractantes et aux membres sur tout sujet qui relève de la compétence de l'Organisation ;</p> <p>(h) prend toute décision sur tout sujet <del>relevant de la compétence relatif au fonctionnement</del> <b>de l'Organisation</b> ; et</p> <p>(i) délègue, lorsque cela est approprié et nécessaire, des responsabilités du Conseil.</p>	
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<p>Article 7 <b>Conseil</b></p> <p>1. Le Conseil est l'organe exécutif de l'Organisation et est responsable de la direction des activités de l'Organisation</p> <p>2. Le Conseil est composé d'un maximum de vingt-trois (23) membres élus et d'un (1<sup>o</sup>) membre non élus.</p> <p>3. Les membres du Conseil élus le sont par scrutin par l'Assemblée générale aux termes du Règlement général.</p> <p>4. La Partie Contractante de l'Etat dans lequel l'Organisation a son siège "Etat hôte" est le membre non-élu du Conseil.</p> <p>5. Au Conseil, les Parties Contractantes devraient de référence être représentées soit par le directeur d'un service légalement responsable de la réglementation, la fourniture, l'entretien ou le fonctionnement d'aides à la navigation maritime, soit par son représentant ou sa représentante.</p> <p>6. le Conseil :</p> <p>(a) élit parmi ses membres le Président et le Vice-Président;</p> <p>(b) exerce les responsabilités qui peuvent lui être déléguées par l'Assemblée générale (c) coordonne les activités de l'Organisation dans le cadre de l'orientation, de la vision stratégique et du budget prévus</p>	<p>Article 7 <b>Conseil</b></p> <p>1. Le Conseil est l'organe exécutif de l'Organisation et est responsable de la direction des activités de l'Organisation</p> <p>2. Le Conseil est composé d'un maximum de vingt-trois (23) membres élus et d'un (1<sup>o</sup>) membre non élus</p> <p>3. Les membres du Conseil élus le sont par scrutin par l'Assemblée générale aux termes du Règlement général.</p> <p>4. La Partie Contractante de l'Etat dans lequel l'Organisation a son siège "Etat hôte" est le membre non-élu du Conseil.</p> <p>5. Au Conseil, les Parties Contractantes devraient de référence être représentées soit par le directeur d'un service légalement responsable de la réglementation, la fourniture, l'entretien ou le fonctionnement d'aides à la navigation maritime, soit par son représentant ou sa représentante.</p> <p>6. le Conseil :</p> <p>(a) élit parmi ses membres le Président et le Vice-Président;</p> <p>(b) exerce les responsabilités qui peuvent lui être déléguées par l'Assemblée générale (c) coordonne les activités de l'Organisation dans le cadre de l'orientation, de la vision stratégique et du budget prévisionnel décidés par l'Assemblée générale ;</p>	<p>Proposer le renouvellement du Conseil pour moitié tous les 2 ans en même temps que l'élection de l'AG.</p>
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<p>         évisionnel décidés par l'Assemblée générale ;          (d) approuve le budget annuel, les comptes et le rapport annuel ;          (e) décide du montant des contributions financières des Parties Contractantes et des membres ;          (f) convoque l'Assemblée générale ;          (g) fait rapport à l'Assemblée générale du travail accompli par l'Organisation ;          (h) nomme un Secrétaire général, conformément au Règlement général;          (i) examine les propositions qui lui sont présentées, conformément au Règlement général ;          (j) soumet à l'Assemblée générale toute question appelant une décision d'Assemblée générale ;          (k) approuve les recommandations, guides, manuels et autres documents appropriés ;            (l) approuve les soumissions aux autres organisations ;          (m) décide des mandats des Commissions et des organes subsidiaires ;          (n) approuve et révisé les programmes de travail des Commissions ; et          (o) décide du lieu et de l'année des conférences et symposiums tel que stipulé dans le Règlement général.       </p>	<p>         (d) approuve le budget annuel, les comptes et le rapport annuel ;          (e) décide du montant des contributions financières des Parties Contractantes et des membres ;          (f) convoque l'Assemblée générale ;          (g) fait rapport à l'Assemblée générale du travail accompli par l'Organisation ;          (h) nomme un Secrétaire général, conformément au Règlement général;          (i) examine les propositions qui lui sont présentées, conformément au Règlement général ;          (j) soumet à l'Assemblée générale toute question appelant une décision d'Assemblée générale ;          (k) approuve les recommandations, guides, manuels et autres documents appropriés ;          (l) approuve les soumissions aux autres organisations ;          (m) décide des mandats des Commissions et des organes subsidiaires ;          (n) approuve et révisé les programmes de travail des Commissions ; et          (o) décide du lieu et de l'année des conférences et symposiums tel que stipulé dans le Règlement général.       </p>	
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<p>Article 8</p> <p><b>Commissions et autres organes subsidiaires</b></p> <p>Des Commissions et autres organes subsidiaires peuvent être établis par l'Assemblée générale ou le Conseil en appui à la réalisation des buts de l'Organisation; ils agissent en accord avec la présente Convention et le Règlement général.</p>		
<p>Article 9</p> <p><b>Secrétariat</b></p> <p>1. Le Secrétariat permanent de l'Organisation comprend le Secrétaire général et du personnel technique et administratif que l'exigent les travaux de l'Organisation.</p> <p>(a) le Secrétaire général est nommé pour une période de quatre ans et peut voir son mandat renouvelé une fois pour une nouvelle période n'excédant pas quatre années ;</p> <p>(b) le Secrétaire général est responsable de la gestion courante de l'Organisation, en fonction des directives édictées par le Conseil ou l'Assemblée générale.</p> <p>2. Le personnel du Secrétariat est engagé par le Secrétaire général, qui détermine les termes d'engagement et les tâches à effectuer.</p> <p>3. Le Secrétariat :</p>		

<p>(a) tient à jour tous les enregistrements nécessaires à l'accomplissement des tâches de l'Organisation et prépare, recueille et distribue tous les renseignements qui peuvent être demandés;</p> <p>(b) sous la direction du Conseil, gère les finances de l'Organisation en accord avec le Règlement général ;</p> <p>(c) prépare le budget annuel et les comptes</p>		
<p>Article 10</p> <p><b>Financement et dépenses</b></p> <p>1. Les dépenses nécessaires au fonctionnement de l'Organisation doivent correspondre au montant des ressources constituées par :</p> <p>(a) les contributions des Parties Contractantes ;</p> <p>(b) les cotisations annuelles des membres ;</p> <p>(c) des dons, legs, subventions, cadeaux; et</p> <p>(d) toutes autres sources autorisées par le Secrétaire général.</p> <p>2. Les prévisions budgétaires et les états financiers sont approuvés par le Conseil.</p> <p>3. Après approbation par le Conseil des états financiers certifiés, le Secrétariat com</p>		

<p>mmunique ces états aux Parties Contractantes et aux membres, en accord avec le Règ le Règlement général.</p>		
<p>Article 11 Personnalité juridique, privilèges et immunités</p> <p>1. L'Organisation possède une personnalité juridique internationale et est capable de :</p> <p>(a) conclure des contrats ; (b) acquérir et aliéner des biens meubles et immeubles liés à son activité; et (c) ester en justice.</p> <p>2. Sous réserve de l'accord de chaque Partie Contractante, l'Organisation jouit sur le territoire de la Partie Contractantes des privilèges et immunités qui sont nécessaires à l'atteinte de ses objectifs et à l'exercice de ses fonctions. Sur le territoire de tout Etat partie à la Convention sur les privilèges et immunités des institutions spécialisées adoptée par l'Assemblée générale des Nations Unies le 21 novembre 1947, ce statut juridique, ces privilèges et ces immunités sont ceux qui sont définis dans ladite Convention.</p> <p>3; l'Organisation peut coopérer avec des gouvernements, des organisations et d'autres structures, et conclure des accord avec eux.</p>		

<p>Article 12</p> <p><b>Amendements</b></p> <p>1. Toute Partie Contractante peut proposer [au gouvernement de la France en sa qualité de] Dépositaire, par écrit, un amendement à la présente Convention.</p> <p>2. Le Dépositaire [le gouvernement de la France] doit adresser la proposition d'amendement à toutes les Parties Contractantes et au Secrétaire général six mois au moins avant son examen par l'Assemblée Générale.</p> <p>3. La proposition d'amendement est acceptée par scrutin de l'Assemblée Générale sous réserve de son approbation par une majorité des deux-tiers des Parties Contractantes présentes et votantes, à l'exclusion des Parties Contractantes privées de leurs prérogatives au titre de l'article 4.7. Le Dépositaire [le gouvernement de la France] communique aux Parties Contractantes et au Secrétaire général tout amendement ainsi accepté.</p> <p>4. Tout amendement adopté selon les termes de l'article 12.3 est communiqué par le Dépositaire [le gouvernement de la France] à toutes les Parties Contractantes et au Secrétaire général. L'amendement est considéré comme accepté au terme d'une période de douze mois après la</p>	<p>Article 12</p> <p><b>Amendements</b></p> <p>1. Toute Partie Contractante peut proposer <del>[au gouvernement de la France en sa qualité de]</del> Dépositaire, par écrit, un amendement à la présente Convention.</p> <p>2. Le Dépositaire <b>[le gouvernement de la France]</b> doit adresser la proposition d'amendement à toutes les Parties Contractantes et au Secrétaire général six mois au moins avant son examen par l'Assemblée Générale.</p> <p>3. La proposition d'amendement est acceptée par scrutin de l'Assemblée Générale sous réserve de son approbation par une majorité des deux-tiers des Parties Contractantes présentes et votantes, à l'exclusion des Parties Contractantes privées de leurs prérogatives au titre de l'article 4.7. Le Dépositaire [le gouvernement de la France] communique aux Parties Contractantes et au Secrétaire général tout amendement ainsi accepté.</p> <p>4. Tout amendement adopté selon les termes de l'article 12.3 est communiqué par le Dépositaire [le gouvernement de la France] à toutes les Parties Contractantes et au Secrétaire général. L'amendement est considéré comme accepté au terme d'une période de douze mois après la date de sa communication, sauf à ce que durant cette période un quart au moins des Etats Parties à la Convention au moment de l'adoption de cet</p>	<p>Faut-il une phrase pour lier dépositaire ou Etat hôte de manière à ce que les deux soient liés?</p> <p>Dans tous les cas il ne vaut mieux pas notifier "le gouvernement de la France" en cas de changement de siège.</p>
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<p>s la date de sa communication , sauf à ce que durant cette période un quart au moins des Etats Parties à la Convention au moment de l'adoption de cet amendement ait fait savoir au Dépositaire qu'ils ne l'approuvaient pas ; dans un tel cas l'amendement est rejeté et sans effet.</p> <p>5. Un amendement tenu pour accepté selon les termes de l'article 12.4 entre en vigueur six mois après son acceptation.</p>	<p>e cet amendement ait fait savoir au Dépositaire qu'ils ne l'approuvaient pas ; dans un tel cas l'amendement est rejeté et sans effet.</p> <p>5. Un amendement tenu pour accepté</p>	
<p>Article 13</p> <p><b>Interprétations et litiges</b></p> <p>Toute question ou litige concernant l'interprétation ou l'application de la présente Convention se faisant jour entre ou parmi les Parties Contractantes, qui n'est pas résolu par la négociation ou grâce aux bons offices du Conseil, peut être soumis à une assemblée de trois arbitres indépendants nommés par le Secrétaire général de la Cour permanente d'arbitrage, à moins que les parties en conflit ne conviennent d'un autre mode de règlement.</p>		
<p>Article 14</p> <p>Signature, Ratification et Adhésion</p>		
<p>Article 15</p> <p><b>Entrée en vigueur</b></p>		

<p>Article 16 <b>Dénonciation</b></p>		
<p>Article 17 <b>Fin de la Convention</b></p> <p>1. Il pourra être mis fin à la présente Convention par décision de l'Assemblée générale prise à la majorité des deux tiers des Parties Contractantes présentes et votantes, à l'exception des Parties Contractantes privées de leurs prérogatives au titre de l'article 4.7.</p> <p>2. La date de la fin de la présente Convention interviendra douze mois après la date de la décisions ci-dessus mentionnée et pendant la période séparant ces deux dates le Conseil sera responsable de la liquidation de l'Organisation conformément au Règlement général.</p>	<p>Article 17 <b>Fin de la Convention</b></p> <p>1. Il pourra être mis fin à la présente Convention par décision de l'Assemblée générale prise à la majorité des deux tiers des Parties Contractantes présentes et votantes, <del>à l'exception des Parties Contractantes privées de leurs prérogatives au titre de l'article 4.7.</del></p>	<p>Poser la question à l'AIMS de l'idée de rrière laquelle "présentes et votantes" =&gt; quid du vote électronique? peut-il être pris en compte.</p>
<p>Article 18 <b>Dispositions transitoires</b></p> <p>1. A l'entrée en vigueur de la présente Convention tous les membres nationaux de l'Association internationale de Signalisation Maritime qui ne sont pas parties Contractantes pourront, sous réserve d'approbation par le Conseil et avec leur accord, devenir membres associés de l'Organisation.</p>		<p>Dans les autres OI, à partir du moment où une Partie Contractante est déjà membre d'une autre OI, le pays hôte reçoit la demande et la diffuse à l'ensemble et c'est réputé accepté.</p>

<p>En foi de quoi les soussignés, étant dûment autorisés par leurs gouvernements respectifs, ont signé la présente Convention.</p> <p>Fait à .... le ..... en langue française, en langue anglaise et en langue espagnole, chaque texte étant également authentique, dont les originaux seront déposés aux archives du [gouvernement de la France] Dépositaire. Le Dépositaire [gouvernement de la France] en transmettra une copie certifiée conforme à tous les gouvernements [signataires et adhérents], et au Secrétaire général de l'Organisation.</p>	<p>En foi de quoi les soussignés, étant dûment autorisés par leurs gouvernements respectifs, ont signé la présente Convention.</p> <p>Fait à .... le ..... en langue française, en langue anglaise et en langue espagnole, chaque texte <b>étant également authentique, faisant foi,</b> dont les originaux seront déposés aux archives du [gouvernement de la France] Dépositaire. Le Dépositaire [gouvernement de la France] en transmettra une copie certifiée conforme à tous les gouvernements [signataires et adhérents], et au Secrétaire général de l'Organisation.</p>	
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### **III- Règlement général**

Veiller à la manière dont le Règlement général est adopté :

- qui?
- en fonction de quelles modalités?

Si le règlement est une annexe de la Convention, bien l'inscrire en tant que tel, en revanche s'il n'est pas une annexe, il n'est pas nécessaire de l'adopter en même temps que la Convention, discussion qui pourra être indépendante.



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78100  
St Germain en Laye

France

**Subject: comments of Germany on IALA's status change**

Ref.: Final report of the 1<sup>st</sup> pre-diplomatic conference  
Our ref.: WS 12/528.2/2.1.1-IALA  
Date: Bonn, 31 August 2017  
Page 1 of 2

Dear Sir or Madam,

Germany would like to comment on the Draft Convention and the General Regulations before the end of the deadline on 30 September 2017 as follows:

Comments:

- Germany is supporting the successful work of the IALA as an NGO. The practical benefits of standardisation as well as the smooth and direct cooperation of experts within the NGO framework are assessed positively.
- However, Germany considers the status change problematical for the following reasons:
  - Coordination efforts in an IGO framework are higher because cooperation processes at international level are more complex
  - Membership contributions could increase (Germany rejects higher contributions)
  - Operating costs of an IGO are higher (e. g. interpreting costs for the working languages) and, as a result, membership contributions are higher

Reinhard Klingen  
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- Private companies might no longer be able to make important contributions in the future because of status change
- Benefits and added value of a status change not understandable for the members and for Germany
- IALA needs to provide more convincing arguments for the status change to remove existing concerns
- Participation in a diplomatic conference without signing the final act does not result in a political obligation to ratify

Kind regards,  
For the Federal Ministry of Transport and Digital Infrastructure

(sgd) Reinhard Kligen



भारत सरकार / Government of India  
पोत परिवहन मंत्रालय / Ministry of Shipping  
दीपस्तंभ और दीपपोत महानिदेशालय  
Directorate General of Lighthouses and Lightships

No. 1/2/2008-D&P

Dated 25.10.2017

To

Mr. Francis Zachariae  
IALA Secretary-General  
10,rue-des Gaudines – 78100  
Saint-Germain-en-Laye, France  
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E-mail: francis.zachariae@iala-aism.org

Sub: Comments on Draft IALA Convention.

Dear Sir,

Kind reference is invited to your letter no. GOV/IGO/Pre-Dipcon/17-150 dated 11<sup>th</sup> May 2017.

I have great pleasure to inform you that Government of India has approved to forward consent to IALA for change of its status to an Inter-Governmental Organization (IGO) with an observation, as appended hereunder, in respect of Article 13 of IALA Convention. Director General of Lighthouses and Lightships shall sign IALA Convention on behalf of Government of India.

On Article 13 of the IALA Convention the comments are as follows:

"Keeping in view the consultative and cooperative nature of IALA, arbitration as a mode of dispute settlement does not seem appropriate in Article 13 of the convention. Any question or dispute concerning the interpretation or application of the Convention may be settled through consultation or negotiation or by the good offices of the council of IALA".

With best regards,

(J S CHAUHAN )  
DIRECTOR GENERAL



IN THE NAME OF GOD

Ministry of Road & Urban Development  
**Ports and Maritime Organization**

No.: 24151

Date: .....

Ref.: 20.9.2017

**To: IALA Secretariat**

**E-mail: [secgen@iala-aism.org](mailto:secgen@iala-aism.org)**

**Subject: *Iranian Comments on Draft IALA Convention***

Dear Sir,

On behalf of the Iranian maritime community, we would like to express our gratitude for the hospitality of the French Government during the Pre-Diplomatic Conference, and the tireless efforts of the Secretariat in regard to transforming IALA from a non-governmental organization into an intergovernmental entity.

We would also like to propose the following comments on the Draft IALA Convention, which were also presented by the Iranian delegation during the Pre-Diplomatic Conference:

- 1. Definition:** In order to maintain consistency with other international instruments, it is proposed that a separate article be dedicated at the beginning of the Convention to defining the terms and expressions used in the text that require further clarification. For instance, the terms "marine aids to navigation" or "affiliated or associated or industrial members" have been defined within other articles, which highlight the need for a special article for definitions.
- 2. Membership (Article 4):** In some cases where a member government is unable to pay its contribution due to technical problems beyond its control, namely banking issues, it is proposed that the Secretariat attempt to find a solution and resolve the issue. Moreover, similar to international organizations such as IMO, the right of "waiver" is proposed to be granted to those states that are not in a position to pay their outstanding contribution in due time.

In many international organizations including IMO, IHO, IAPH, etc, no interest is levied on overdue contributions, and the charging of the interest itself may cause further problems for the member government involved. It is therefore proposed that the charging of the interest referred to in paragraph 6 be deleted.



IN THE NAME OF GOD

Ministry of Road & Urban Development  
**Ports and Maritime Organization**

No.: .....

Date: .....

Ref.: .....

**3. Rule of Procedure and Structure of the Organization (Articles 5 and 7):** With regard to the organizational chart and the administrative structure of the IALA, it is proposed that the procedures followed by other international organizations, such as IMO be adopted for the appointment of Secretary-General, administration of the Secretariat, election of the President and Vice-President, chairpersons, and the like.

**4. Composition of the Council (Article 7):** In order to provide a basis for all contracting parties in different areas of the world to take part in the decision-making process of the Council, it is proposed that the need to observe the "geographical distribution principle" be clearly stated in the text of the Convention.

With regard to paragraphs 2 and 4 of the same article, it is proposed that some clarification be provided about the seats of the Council, and that the procedures of similar international organizations such as IMO and IHO for designating a seat for the hosting State be taken into consideration.

**5. Reservation (Article 14):** Governments have different legal systems for accession and ratification of the IALA Convention, and their rights in this regard needs to be respected, taking into account the fact that "one size cannot fit all". The Islamic Republic of Iran thus expresses its concern about the absence of a reservation right at the time of ratification, acceptance, approval or the accession to the IALA Convention.

**6. Transitional Arrangements (Article 18):** In connection with transitional arrangements, it is proposed that all existing national members of the IALA become associate members of the Organization, solely subject to their request and agreement. This would render the Council's approval not required for the transitional period. Likewise, a similar procedure is proposed to be applied to paragraph 2 with regard to affiliate members and industrial members of the IALA.

**7. Technical Assistance and Capacity Building:** Taking into account the importance and role of technical assistance and capacity building for the contracting governments, especially those of developing technological knowledge transfer, it is proposed that a separate article be dedicated for this purpose, while



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clearly stating that such technical assistance would be provided to the contracting governments upon their request, with due regard to the priorities and requirements of each requesting party. The following text can be proposed as a draft to build upon:

***"Article X: Technical Assistance and Capacity Building***

*The Parties shall promote support for those Parties which request technical assistance for the following aspects, in consultation with the Organization and other international bodies, and in cooperation with affiliate members active in technical, operational and industrial fields:*

- a) the training of technical and scientific personnel;*
- b) the supply of necessary equipment and facilities;*
- c) the encouragement of research; and*
- d) visits to the related industrial, research and operation centers and complexes;*

*preferably within the countries concerned, so furthering the aims and purposes of the present Convention."*

Sincerely yours,

***H. Haghshenas***  
***Deputy Managing Director***  
***For Maritime Affairs***  
***Ports and Maritime Organization***  
***Tehran, Iran***  
***Fax: +98 21 84932041***

## IALA's Initiative to Change its Status

(Draft Convention dated December 2015)  
(Report on Financial Issues (doc CoS2-6.3.1))

### Comments from Ireland

(Department of Transport, Tourism and Sport)

#### General Comments

1. We are not convinced by the case made for the proposed change in status (ie to an international organisation) given, in particular :
  - i. that the nature of the organisation as a consultative, technical association will remain fundamentally the same, and
  - ii. the financial implications for potential Contracting States and for the organisation itself (see below)
  
2. We note the preference in Articles 6 & 7 for representation at the General Assembly to be focused on existing national authority members : the norm is that the Contracting State itself leads the delegation and decides on membership, and in our view there is no reason to change that, including by stating a preference in the draft Agreement.
  
3. Countries vary in the structure of their Aids to Navigation authorities (current national authority members), the different status of these authorities (eg part of Ministries or Regional Authorities, separate state agencies, cross-border as in the case of the national member for Ireland), and possibly their funding models. Such a scenario causes difficulties in :
  - i. changing the structure of the organisation itself to one primarily focused on Contracting States, and
  - ii. retaining the value of the organisation in its current form as a consultative and technical association with a specific focus on aids to navigation.
  
4. Given the core nature of the organisation, and the differences in AtoN authorities, it is not clear why some Contracting State should or would wish to directly replace the existing national authority (as envisaged in Article 18.) Neither is it clear why , in the case of having more than one national associate member prior to becoming a Party, only those Contracting States would be allowed under Article 18.6 to retain one or more (ie potentially all) associate members.

5. On financial matters, there are a number of related issues :
- (i) it is inevitable that a new, larger international organisation will have greater costs, and this will also apply to IALA;
  - (ii) the expected level of contributions from Contracting States under the various scenarios in the Report on Financial Issues document show a substantial increase on current contributions, no matter which scenario is followed: this is hardly an incentive for States to become Contracting Parties, particularly when the nature of the organisation and the existing national members will remain fundamentally the same;
  - (iii) it would also be useful if the financial scenarios were based on the number of States which would bring the Agreement into force under Article 15;
  - (iv) States themselves are different, in both size and maritime fleets, so why not base the contributions of Contracting Parties on a formula, as is frequently seen in other Conventions, rather than have a fixed amount?
  - (v) some AtoN authorities are funded in one way or another by the State or from the public purse, and a potential duplication of membership (ie the AtoN authority and the State as a Contracting Party) for the same result is of questionable benefit.
6. It is not clear what would be IALA's future relationship with the IMO, the IHO, the ITU and the WMO, and how it will be different from, and better than, the current relationship. The already productive partnership was referred to at the Pre-Diplomatic conference by the IMO Secretary-General as a "trinity of excellence", and he expected there would be no change in these relationships following a change in status because of their productive collaboration.

### Other Comments

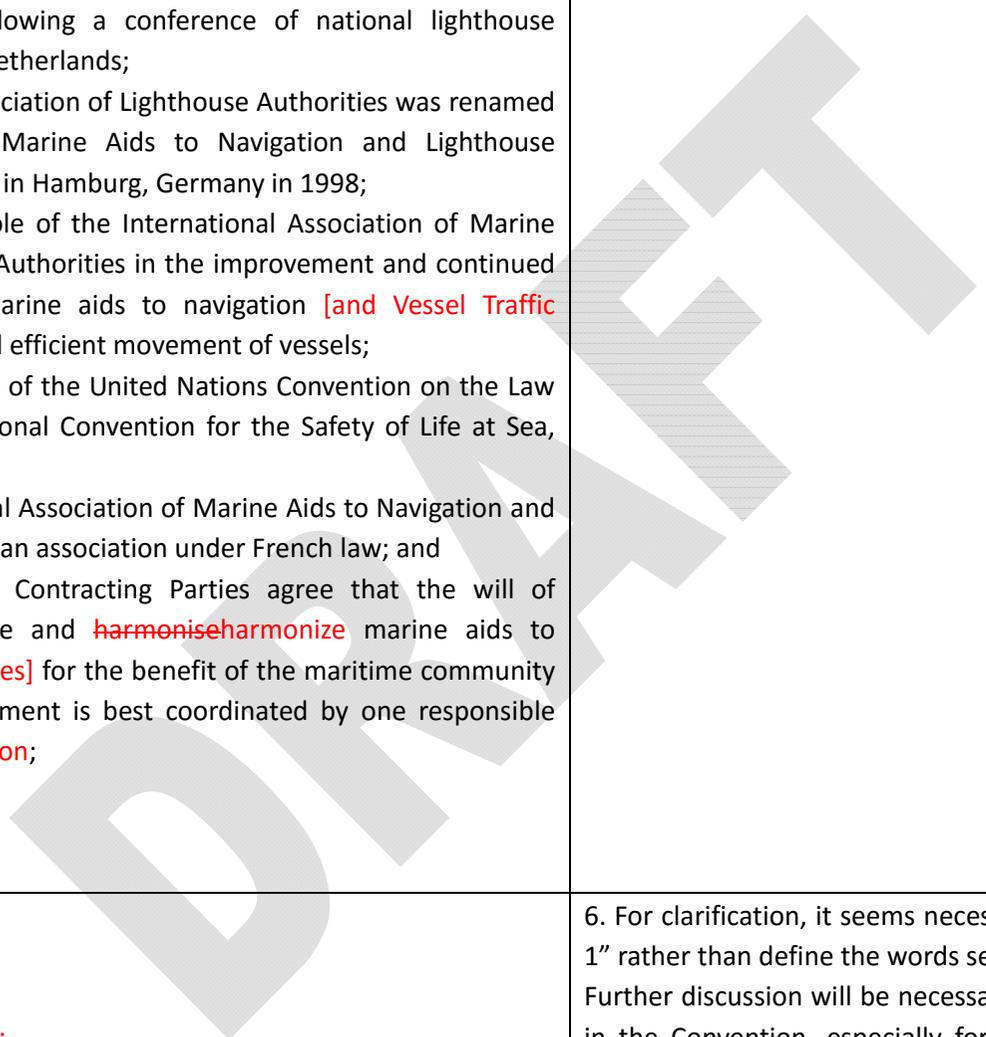
7. *Article 6 – General Assembly* : a meeting every 4 years (normally) seems infrequent for the "principal decision making body"
8. *Article 7 – Council* : a council of up to 23 members seems large and potentially unwieldy. Has any consideration been given to ensuring some kind of balanced regional representation on the Council, which should not be dependent on the General Regulations.

9. *Article 15 – Entry into Force* : To take account of the various transfers under Article 18, a longer period than *30 days* after date of deposit would be needed
  
10. *Article 16 – Withdrawal* : Twelve months notice of withdrawal is a long period – suggest 6 months. The coming into force of the Convention, if 30 Contracting States are required, could take some time. Notification of withdrawal should not be limited to “any time after the expiration of 12 months from the date on which the Convention has come into force”.
  
11. *Article 18 – Transitional Arrangements* : There seems to be something missing. Article 18 provides for the transfer into the new organisation of members, the Council and Committees, and the Secretariat, and for the *initiation* of negotiations re transfer of assets, liabilities, records etc. “Initiation” is only the beginning of a process, where is the end, the actual transfer to the new body and the formal dissolution or ceasing to exist of the old IALA? It is also unusual that the various transfers under Art 18.7 wouldn’t take place with effect from the date of entry into force.

Department of Transport, Tourism & Sport  
Dublin, October 2017

JAPAN – DRAFT CONVENTION

<i>Text of Convention by Article</i>	<i>Comments</i>
	<p>1. At the 1<sup>st</sup> Preparatory Diplomatic Conference meeting, some important points concerning issues such as languages, election of members of the Council, appointment of Secretary-General were made. Unless a consensus is made on these points after a sufficient discussion, the draft Convention text cannot be fixed. Therefore, the following comments are provisional ones, and Japan retains its right to submit further comments during future negotiations.</p> <p>2. In draft texts, spelling of British English and that of American English are mixed (e.g. “organisation/organization”, “harmonisation/harmonization”, “endeavour/endeavor”, etc.). It is therefore necessary to decide which rule is to be applied, and modify related words in the texts.</p>
<p><b>Draft Convention on the International Organization for Marine Aids to Navigation [and Vessel Traffic Services] (IALA[IOMAN])</b></p>	<p>3. If the definition of “marine aids to navigation” is modified in order to keep consistency with SOLAS (see comment 14), the name of the organization should also be re-considered (it should be necessary to add “and Vessel Traffic Services”). (Same modification is required for each subsequent article/paragraph.)</p> <p>4. The acronym “IALA” should be replaced by “IOMAN” with bracket, in order to make acronym consistent with the full name of the Organization. (If full name is modified, the acronym should be reconsidered.) (Same modification is required for each subsequent article/paragraph.)</p>
<p><b>Preamble</b></p> <p>The States party to this Convention, <del>hereafter referred to as the Contracting Parties:</del></p>	<p>5. Definition of “Contracting Party” should be separately stipulated in an article for definition to be inserted (see comment 6).</p>

<p><b>RECALLING</b> that the International Association of Lighthouse Authorities was established on 1st July 1957 following a conference of national lighthouse authorities held in Scheveningen, Netherlands;</p> <p><b>NOTING</b> that the International Association of Lighthouse Authorities was renamed the International Association of Marine Aids to Navigation and Lighthouse Authorities by its General Assembly in Hamburg, Germany in 1998;</p> <p><del>RECOGNISING</del><b>RECOGNIZING</b> the role of the International Association of Marine Aids to Navigation and Lighthouse Authorities in the improvement and continued <del>harmonisation</del><b>harmonization</b> of marine aids to navigation [<del>and Vessel Traffic Services</del>]<b>Services</b>] for the safe, economic and efficient movement of vessels;</p> <p><b>IN FURTHERANCE</b> of the provisions of the United Nations Convention on the Law of the Sea, 1982 and the International Convention for the Safety of Life at Sea, 1974, as amended;</p> <p><b>CONSIDERING</b> that the International Association of Marine Aids to Navigation and Lighthouse Authorities is formed as an association under French law; and</p> <p><b>CONSIDERING FURTHER</b> that the Contracting Parties agree that the will of Governments to develop, improve and <del>harmonise</del><b>harmonize</b> marine aids to navigation [<del>and Vessel Traffic Services</del>]<b>Services</b>] for the benefit of the maritime community and the protection of the environment is best coordinated by one responsible international <del>organisation</del><b>organization</b>;</p> <p><b>HAVE AGREED</b> as follows:</p>	
<p><b>Article X</b> <b>Definition</b></p> <p>For the Purposes of this Convention:</p>	<p>6. For clarification, it seems necessary to insert an article for definition as “Article 1” rather than define the words separately in some articles (in alphabetical order). Further discussion will be necessary to decide what words and how to be defined in the Convention, especially for the definition of “marine aids to navigation”,</p>

**“Affiliate Member”** means any party holding Affiliate membership, which shall be open to:

- (a) manufacturers and distributors of marine aids to navigation [or Vessel Traffic Services] equipment for sale, or organizations providing marine aids to navigation services [or Vessel Traffic Services] or technical advice under contract. These affiliates will be known as Industrial Members;
- (b) any other services, organizations or scientific agencies concerned with aids to navigation [or Vessel Traffic Services] or related matters; and
- (c) former Industrial and Associate members of the International Association of Marine Aids to Navigation and Lighthouse Authorities, in accordance with Article 18.2.”

**“Associate Member”** means any party holding Associate membership, which shall be open to:

- (a) a territory or groups of territories for which a Contracting Party has responsibility in accordance with Article 4.3; and
- (b) former National Members of the International Association of Marine Aids to Navigation and Lighthouse Authorities whose country is not party to this Convention, in accordance with Article 18.1 and 18.6.

**“Contracting Party”** means any State party to this Convention.

**“marine aids to navigation”** means [a visual or radio device, system or service, external to a vessel, designed and operated to enhance safe and efficient navigation of all vessels.]

**“the Organization”** means the International Organization for Marine Aids to Navigation [and Vessel Traffic Services].

**“Vessel Traffic Services”** means a service implemented by a Competent Authority, designed to improve the safety and efficiency of vessel traffic and to protect the environment. The service should have the capability to interact with the traffic and to respond to traffic situations developing in the Vessel Traffic

**“Vessel Traffic Services”** and **“the Organization”** (see comments 3, 4 and 14).  
In this case, the numbering of the following Articles should be modified.

<p>Services area.]</p> <p><b>Article 1</b> <b>Establishment of the International Organization</b></p> <p>1. The <del>International</del> Organization <del>for Marine Aids to Navigation</del> is hereby established as an international organization and shall be known as “<del>IALA</del>[IOMAN]” <del>(hereinafter ‘the Organization’)</del>.</p> <p>2. The Organization shall have its seat in France unless otherwise decided by the General Assembly.</p> <p>3. The official languages of the Organization shall be English, French and Spanish. The working languages of the Organization shall be English [and French].</p> <p>4. The operation of the Organization shall be as set out in the General Regulations.<sup>i</sup> <del>The General Regulations are subject to the provisions of this Convention. Where there is a conflict between the Convention and the General Regulations or any other basic documents covering the governance of the Organization, the Convention shall prevail.</del></p>	<p>7. 1.1: Definition of “the Organization” should be transferred to an article for definition to be inserted (see comment 6). .</p> <p>8. 1.3: From the point of view of administration cost and efficiency, the working language should be only English.</p> <p>9. 1.4: Relationship between the Convention and the GR (and any other documents) should be stipulated in the Convention, and not in the GR. Therefore, add at the last of paragraph 4 following texts: “The General Regulations are subject to the provisions of this Convention. Where there is a conflict between the Convention and the General Regulations or any other basic documents covering the governance of the Organization, the Convention shall prevail.”</p> <p>10. 1.4: Our understanding is that the GR is not a legally-binding document (see our comments on GR). In case the GR legally binds the Contracting Parties, this point should be stipulated in the Convention as legal justification, so that it could manifest the consent of each Contracting Party to be bound by the GR (In this case, it seems better to insert an article specialized in the nature of GR). However, even in the above-mentioned case, the GR should not require the process of conclusion by each Contracting Party as the Convention.</p>
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	<p>11. Regarding notes (i to v), we understand that they are provisionally inserted as reference for the consideration of texts, and will not be included in the final text (certified copy).</p>
<p><b>Article 2</b> <b>AimsObjectives</b></p> <p>1. The Organization shall have a consultative and technical nature.</p> <p>2. The <del>aims</del>objectives of the Organization are to:</p> <p>(a) foster the safe and efficient movement of vessels through the improvement and <del>harmonisation</del>harmonization of marine aids to navigation [and Vessel Traffic Services] worldwide and by other appropriate means;</p> <p>(b) bring together governments, services and <del>organisations</del>organizations concerned with the regulation, provision, maintenance or operation of marine aids to navigation[, Vessel Traffic Services] and allied activities;</p> <p>(c) promote access to technical cooperation on all matters related to development and transfer of expertise, science and technology in relation to marine aids to navigation [and Vessel Traffic Services];</p> <p>(d) encourage and facilitate the general adoption of the highest practicable standards in matters concerning marine aids to navigation [and Vessel Traffic Services]; and</p> <p>(e) provide for the exchange of information among governments and intergovernmental organizations on matters under consideration by the Organization.</p> <p><del>3. For the purposes of this Convention the term ‘marine aids to navigation’ means a device, system or service, external to a vessel, designed and operated to enhance safe and efficient navigation of all vessels and/or vessel</del></p>	<p>12. 2.1: It is crucial to keep this paragraph, so as to prevent the Organization from becoming IGO dealing with political issue.</p> <p>13. 2.2: As many of other international treaties, replace “aims” by “objectives” (or “purposes”). (Modification is required for each subsequent article.)</p> <p>14. 2.3: The definition of “marine aids to navigation” should be transferred to an article for definition to be inserted (see comment 6). It also should be more accurate, considering that under the present draft, other services such as</p>

<p><del>traffic.</del></p>	<p>Meteorological services (SOLAS V/5), Ice Patrol Service (SOLAS V/6), Search and rescue services (SOLAS V/7) or Hydrographic services (SOLAS V/8), might be included in “marine aids to navigation”. The definition here also should be consistent with SOLAS Convention, under which regulation regarding “Vessel traffic services (VTS)” (Chapter V, Regulation 12) is not included in “aids to navigation” (Chapter V, Regulation 13) and separately stipulated. Considering these points, revised definition of “marine aids to navigation” should be, for example, as following (tbd):</p> <p>““marine aids to navigation” means a <u>visual or radio</u> device, system or service, external to a vessel, designed and operated to enhance safe and efficient navigation of all vessels.”</p> <p>The definition of VTS should also be stipulated (tbd).</p>
<p><b>Article 3</b>  <b>Functions of the Organization</b></p> <p>In order to achieve the objectives set out in Article 2, <del>the</del> functions of the Organization, <del>to achieve the aims referred to in Article 2, are to</del> shall be :</p> <p>(a) <del>to</del> provide standards, recommendations, guidelines <del>and</del>, manuals or other suitable instruments <del>and to commend these to governments, intergovernmental organizations and members</del> Contracting Parties, Associate Members, Affiliate Members and any organization, association or person engaged in maritime affairs as appropriate;</p> <p>(b) <del>to</del> consider and make recommendations on standards, recommendations, guidelines and other documents that may be remitted to <del>the</del> Organization by <del>members-Associate Members or Affiliate Members</del>, by any organ or <del>specialised</del> specialized agency of the United Nations or by any other intergovernmental organization;</p>	<p>15. 3: As many of other international treaties, replace the first sentence by “In order to achieve the objectives (or “purposes”) set out in Article 2, the functions of the Organization shall be:” In this case, it is necessary to add “to” to the beginning of each sub paragraph ((a) to (g)).</p> <p>16. 3(a): Replace “and manuals” by “, manuals” (consistency with article 7). Delete “and to commend these” and replace “governments, intergovernmental organizations and members” by “Contracting Parties, Associate Members, Affiliate Members and any organization, association or person engaged in maritime affairs”, as all IALA’s documents are currently available freely on its website.</p> <p>17. 3(b): Replace “it” by “the Organization” and “members” by “Associate Members or Affiliate Members”, as these words should be defined. (Same modification is required for each subsequent article/paragraph.)</p>

<p>(c) to provide mechanisms for consultation and exchange of information including <del>the one</del> about the activities of Contracting Parties, <del>members</del> <b>Associate Members, Affiliate Members</b> and recent developments;</p> <p>(d) to develop international cooperation by promoting close working relationships and assistance between <del>its</del> Contracting Parties and <del>members</del> <b>Associate Members and Affiliate Members</b>;</p> <p>(e) to facilitate assistance, <b>whether technical, organizational or training</b>, to governments, services and other organizations requesting help with marine aids to navigation <del>[and Vessel Traffic Services], whether technical, organisational or training</del>;</p> <p>(f) to <del>organise</del> <b>organize</b> conferences, symposia, seminars, workshops and other events relevant to <del>the work of the Organization</del>; and</p> <p>(g) to liaise and cooperate with relevant intergovernmental, international and other <del>organisations</del> <b>organizations</b>, offering <del>specialised</del> <b>specialized</b> advice where appropriate.</p>	<p>18. 3(c): Add “the one” between “including” and “about” for the clarification.</p> <p>19. 3(d): Delete “its” as the word “Contracting Party” should be defined.</p> <p>20. 3(e): For clarification, add “, whether technical, organizational or training,” between “facilitate assistance” and “to governments, (...)” and delete “, whether technical, organizational or training”.</p> <p>21. 3(f): Replace “its work” by “the work of the Organization”, as the word “the Organization” should be defined.</p>
<p><b>Article 4</b> <b>Membership</b></p> <p>1. The Organization shall be comprised of Contracting Parties <del>and members as described in Article 4.2</del>, <b>Associate Members and Affiliate Members</b>.</p> <p><del>2. ——— Members shall include, and the General Regulation may make provision for all matters related to, associate<sup>#</sup> —and affiliate<sup>##</sup> —members.—</del></p> <p><del>3.2.</del> Any Contracting Party may claim Associate membership for a territory or group of territories for which it has responsibility and which is legally responsible for the regulation, provision, maintenance and/or operation of marine aids to navigation <del>[or Vessel Traffic Services]</del>, by notification in writing to the</p>	<p>22. 4.1: Replace “and members as described in Article 4.2” by “Associate Members and Affiliate Members”, as these word should be defined.</p> <p>23. 4.2: Delete this paragraph. Considering the importance of membership categories, definitions related to this issue should be clearly stipulated in the Convention, and not in GR (see the examples such as the Convention on the IMO and Statutes of UNWTO). The word “Associate Member” and “Affiliate Member” should be defined in an article for definition to be inserted in using current draft</p>

<p>Secretary-General of the Organization.</p> <p><b>43.(a)</b> Each Contracting Party shall pay a contribution<sup>iv</sup> to the Organization on an annual basis in the amount determined in accordance with <del>in</del> Article 7.6 (e) and Article 10. <b>The rate of contribution shall be the same for each Contracting Party.</b></p> <p><b>5.(b)</b> Contracting Party contributions <del>and member fees</del> shall be due and payable in accordance with the General Regulations.</p> <p><b>6.(c)</b> Failure to make a contribution <b>by any Contracting Party</b> when such payment becomes due may result in <del>the</del><b>that</b> Contracting Party being charged interest, the rate of which will be determined by the Council.</p> <p><b>7.(d)</b> Any Contracting Party which is two years in arrears in making contributions shall, after notification <b>[by the Secretary-General of the Organization]</b>, be denied the rights and benefits conferred on Contracting Parties by this Convention until such time as the outstanding contributions have been paid.</p> <p><b>84.</b> No Contracting Party or member shall be liable, by reason of its status or participation in the Organization, for acts, omissions or obligations of the Organization.</p>	<p>texts of GR (see comment 6).</p> <p>24. 4.4-4.8: For more clarification, it seems better to put provisions in this Article regarding contribution in a same paragraph (4.4) with sub-paragraphs, with following modifications.</p> <ul style="list-style-type: none"> <li>- 4.4: Delete “in” before “Article 7.6(e)” (grammatical point of view).</li> <li>- 4.4: Add “The rate of contribution shall be the same for each Contracting Party” at the last of the paragraph, considering that it is necessary to stipulate here a principle regarding how to share the contribution among Contracting Parties. It should be the same rule as the present IALA (the same amount for each Contracting Party).</li> <li>- 4.5: Delete “member fees”, considering that it is only Contracting Parties that are legally bound by the Convention.</li> <li>-4.6: For clarification, insert “by any Contracting Party” after “Failure to make a contribution”, and replace “may result in the Contracting Party” by “may result in that Contracting Party”.</li> <li>-4.7: Add “by the Secretary-General of the Organization” with a bracket after “notification” to clarify who will send a notification in question (to be discussed).</li> </ul>
<p><b>Article 5</b></p> <p><b>Structure of the Organization</b></p> <p>1. The Organization shall have as its organs:</p> <ul style="list-style-type: none"> <li>(a) the General Assembly;</li> <li>(b) the Council;</li> <li>(c) Committees and other subsidiary bodies necessary to support the Organization’s activities; and</li> </ul>	

<p>(d) <b>the Secretary-General and</b> the Secretariat.</p> <p>2. There shall be a President and a Vice President of the Organization elected in accordance with Article 7.</p> <p>3. Where decisions of the General Assembly or the Council cannot be reached by consensus, the following provisions shall apply:</p> <p>(a) Only Contracting Parties have voting rights, which will be executed by the representative designated by each Contracting Party;</p> <p>(b) Except where otherwise specified, decisions are taken on a simple majority of the votes cast.</p> <p>4. The General Regulations shall detail the Rules of Procedure that will apply for each organ.</p>	<p>25. 5.1 (d): Add “the Secretary-General and” before “the Secretariat” (consistency with GR).</p> <p>26.5.2: (Question) To which organ the President and the Vice President belong? What are the reasons to have President and Vice President?</p> <p>27. 5.3: We understand that “consensus” in this paragraph means consensus among Contracting Parties, and not includes Associate Members and Affiliate Members. It is necessary to clarify this point at the next meeting.</p>
<p><b>Article 6</b> <b>The General Assembly</b></p> <p>1. The General Assembly is the principal decision-making organ of the Organization and attendance shall be open to all Contracting Parties <del>and members, Associate Members and Affiliate Members.</del></p> <p>2. Each Contracting Party shall designate one of its delegates, preferably the head of a national authority legally responsible for the regulation, provision, maintenance or operation of marine aids to navigation [or Vessel Traffic Services], or his or her representative, as its principal delegate at the General Assembly.</p> <p>3. Regular sessions of the General Assembly shall take place at least once every four years <b>at the seat of the Organization, unless the Council decides otherwise.</b></p> <p>4. Extraordinary sessions shall be convened whenever one third of the Contracting Parties give notice to the Secretary-General <b>of the Organization</b> that</p>	<p>28. 6.3: From the point of view of administration cost and efficiency, it is better to have the regular venue for the regular session of GA. Therefore, add “at the seat of the Organization, unless the Council decides otherwise” at the last of the paragraph.</p> <p>29. 6.4, 6.7(e): Add “of the Organization” after “the Secretary-General” for clarification.</p>

they desire a session to be arranged, or at any time if deemed necessary by the Council, after a notice of ninety days.

5. A majority of the Contracting Parties excluding any Contracting Party denied by Article 4.7 the rights and benefits conferred on Contracting Parties, shall constitute a quorum for the sessions of the General Assembly.

6. The General Assembly shall be chaired by the President or the Vice President and operate in accordance with this Convention and the General Regulations.

7. The General Assembly shall:

(a) Decide the overall policy and the strategic vision of the Organization;

(b) Determine the General Regulations of the Organization ~~and the rules of procedure of the General Assembly, Council, Committees and other subsidiary bodies of the Organization;~~

(c) **Elect the President and the Vice President from amongst members of the Council;**

(d) Elect **members** of the Council in accordance with Article 7;

~~(d)~~(e) Determine and review the financial arrangements of the Organization, **including the rate of contributions for Contracting Parties and Member fees for Associate Members and Affiliate Members;**

~~(e)~~(f) Consider the reports and proposals put to it by any Contracting Party, the Council or the Secretary-General **of the Organization;**

~~(f)~~(g) **Adopt**Approve standards;

~~(g)~~(h) Make recommendations to Contracting Parties ~~and members, Associate Members and Affiliate Members~~ on matters within the scope of the Organization;

(i) **Determine the Terms of Reference for Committees and other subsidiary bodies;**

~~(h)~~(j) Decide on any other matters within the scope of the Organization; and

~~(j)~~(k) Delegate, where appropriate and necessary, responsibilities to the

30. 6.6: If the President or Vice President chairs GA, the President and Vice President should be elected or appointed by GA, not by the Council. Therefore, add “Elect the President and the Vice President from amongst members of the Council;” as subparagraph (c), and modify subsequent numbering.

31. 6.7 (b): Delete “and the rules of procedure of the General Assembly, (...) of the Organization”, because the General Regulations includes in itself the rules of procedure of each body..

32. 6.7 (c): Add “members of” before “the Council” for clarification.

33. 6.7 (d): Regarding the financial arrangement, the rate of contributions and fees should be determined by the GA, not by the Council, considering that it is a crucial matter for all Parties, and that the GA is the only organ where every Contracting Party, Associate Members and Affiliate Members can attend. Therefore, insert “, including the rate of contributions for Contracting Parties and Member fees for Associate Members and Affiliate Members” at the last of the sentence.

34. 6.7 (f): Since standards are non-legal-binding documents, replace “Adopt” by “Approve”.

35. 6.7: Add “Determine the Terms of Reference for Committees and other subsidiary bodies;”, because it should be decided by the GA, not by the Council, as the ToR of Committees directly affects the budget and finance of the Organization.

<p>Council.</p>	
<p><b>Article 7</b> <b>The Council</b></p> <p>1. The Council is the executive organ of the Organization and shall be responsible for directing the activities of the Organization.</p> <p>2. The Council shall consist of up to twenty three (23) Councillors elected from amongst the Contracting Parties and one (1) non-elected Councillor.</p> <p>3. Elected Councillors shall be elected by ballot by the General Assembly in accordance with the General Regulations.</p> <p>4. The Contracting Party of the State in which the seat of the Organization is located (“Host Nation”) shall be the non-elected Councillor.</p> <p>5. At the Council, Contracting Parties shall preferably be represented by the head of a national authority legally responsible for the regulation, provision, maintenance or operation of marine aids to navigation [or Vessel Traffic Services] of that Contracting Party, or his or her representative.</p> <p>6. The Council shall invite any Contracting Party which is not a Council member to participate, without vote, in its deliberations on any matter of particular concern to that Contracting Party.</p> <p>67. The Council shall:</p> <p><del>(a) Elect the President and the Vice President from amongst its members;</del></p> <p><del>(b)</del>(a) Exercise such responsibilities as may be delegated to it by the General Assembly;</p> <p><del>(c)</del>(b) Coordinate the activities of the Organization within the framework of the overall policy, the strategic vision and the budget estimates, as decided by the General Assembly;</p>	<p>36. 7.5: Add “/” after “At the Council” for clarification.</p> <p>37. The Council should be open to any Contracting Party which is not a member of the Council but has a particular interest to the matter to be discussed at the Council. Therefore, a new paragraph should be added as 7.6 as following (e.g. article 20 of the Convention on the IMO): “The Council shall invite any Contracting Party which is not a Council member to participate, without vote, in its deliberations on any matter of particular concern to that Contracting Party.” In this case, it is necessary to modify the numbering of a subsequent paragraph.</p> <p>38. 7.6 (a): Delete subparagraph (a), because the President and the Vice President should be elected by the GA, not by the Council (see comment 30). Modify also the numbering of each subsequent sub-paragraph.</p>

<p><del>(d)</del>(c) Approve the annual budget and accounts and the annual report;</p> <p><del>(e)</del> <del>Determine the rate of contributions for Contracting Parties and members;</del></p> <p><del>(f)</del>(d) Convene the General Assembly;</p> <p><del>(g)</del>(e) Report to the General Assembly on the work of the Organization;</p> <p><del>(h)</del>(f) Appoint a Secretary-General <b>of the Organization</b> in accordance with the General Regulations;</p> <p><del>(i)</del>(g) Review proposals submitted to it in accordance with the General Regulations;</p> <p><del>(j)</del>(h) Refer to the General Assembly all matters requiring decision by the General Assembly;</p> <p><del>(k)</del>(i) Approve recommendations, guidelines, manuals and other <del>appropriate papers</del><b>suitable instruments</b>;</p> <p><del>(l)</del>(j) Approve submissions to other organizations;</p> <p><del>(m)</del> <del>Determine the terms of reference for committees and other subsidiary bodies;</del></p> <p><del>(n)</del>(l) Approve and review the work <del>programmes</del><b>programs</b> of the Committees; and</p> <p><del>(o)</del>(m) Decide the venue and the year of the Organization’s Conferences and symposia as described in the General Regulations.</p>	<p>39. 7.6 (d): Delete subparagraph (e), because the rate of contributions and Member fees should be determined by the GA, not by the Council (see comment 33). Modify also the numbering of each subsequent sub-paragraph.</p> <p>40. 7.6 (h): Add “of the Organization” after “a Secretary-General” for clarification.</p> <p>41. 7.6 (k): Replace “appropriate papers” by “suitable instruments” (consistency with article 3).</p> <p>42. 7.6 (m): Delete subparagraph (m), because the ToR for Committees and other subsidiary bodies should be decided by the GA, not by the Council (see comment 35).</p>
<p><b>Article 8</b>  <b>Committees and Other Subsidiary Bodies</b></p> <p>Committees and other subsidiary bodies may be established by the General Assembly <del>or the Council</del> to support the <del>endeavours</del><b>endeavors</b> of the Organization and shall operate in accordance with this Convention and the General Regulations.</p>	<p>43. 8: As the number of Committees directly affects the budget and finance of the Organization, Committees should be established by GA. Therefore, delete “or the Council” after “by the General Assembly” (see comment 35).</p>

<p><b>Article 9</b> <b>Secretariat</b></p> <p>1. The permanent Secretariat of the Organization shall be comprised of the Secretary-General and such technical and administrative staff as may be required for the work of the Organization. <b>In the performance of their duties, the Secretary-General and the staff shall not seek or receive instructions from any Government or from any authority external to the Organization. They shall refrain from any action which might reflect on their position as international officials. Each Contracting Party on its part undertakes to respect the exclusively international character of the responsibilities of the Secretary-General and the staff and not to seek to influence them in the discharge of their responsibilities.</b></p> <p>(a) The Secretary-General shall be appointed for a term of four years and may be reappointed for one additional term not exceeding four years;</p> <p>(b) The Secretary-General shall be responsible for the day to day management of the Organization, subject to any guidance issued by the Council or the General Assembly;</p> <p><del>2-</del>(c) The staff of the Secretariat shall be appointed by the Secretary-General on such terms and to perform such duties as the Secretary-General may determine.</p> <p><del>3-</del>2. The Secretariat shall:</p> <p>(a) Maintain all such records as may be necessary for the efficient discharge of the work of the Organization and shall prepare, collect, and circulate any documentation that may be required;</p> <p>(b) Manage the Organization's finances under the direction of the Council, in accordance with the General Regulations;</p>	<p>44. 9.1: It is important to keep the neutrality of the Secretariat. Therefore, add the following texts at the last of the paragraph 1 (e.g. article 56 of the Convention on the IMO):</p> <p>“In the performance of their duties, the Secretary-General and the staff shall not seek or receive instructions from any Government or from any authority external to the Organization. They shall refrain from any action which might reflect on their position as international officials. Each Contracting Party on its part undertakes to respect the exclusively international character of the responsibilities of the Secretary-General and the staff and not to seek to influence them in the discharge of their responsibilities.”</p> <p>45. 9.2: The composition of the article of the draft texts seems not appropriate, because the provisions about the Secretary-General are stipulated as sub-paragraph (a) and (b) of the paragraph1, and the one about the staff is separated as paragraph2, while the Secretary-General and the staff are both parts of the Secretary. Therefore, actual paragraph 2 should be sub-paragraph (c) of the paragraph1. Modify also the numbering of the subsequent paragraph.</p>
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<p>(c) Prepare the annual budget and accounts for submission to the Council;</p> <p>(d) Keep Contracting Parties <del>and members, Associate Members and Affiliate Members</del> informed with respect to the activities of the Organization;</p> <p>(e) Organize and support meetings of the General Assembly, the Council and Committees and other subsidiary bodies;</p> <p>(f) Organize conferences and symposia, seminars, workshops and other events; and</p> <p>(g) Perform such other tasks as may be assigned by <del>the</del><del>this</del> Convention, the General Regulations, the General Assembly or the Council.</p>	<p>46. Replace “the Convention” by “this Convention”.</p>
<p><b>Article 10</b> <b>Funding and Expenditure</b></p> <p>1. The expenditure available for the functioning of the Organization shall meet the amount of financial resources provided by:</p> <p>(a) <del>Contracting Party</del> contributions of Contracting Parties;</p> <p>(b) <del>member</del>—annual Member fees of Associate Members and Affiliate Members;</p> <p>(c) donations, bequests, grants, gifts; and</p> <p>(d) other sources approved by the Secretary-General of the Organization.</p> <p>2. The budget estimates and the financial statements on the accounts of the Organization shall be approved by the Council.</p> <p>3. Following the Council’s approval of the Organization’s audited financial statements, those statements shall be distributed to all Contracting Parties <del>and members, Associate Members and Affiliate Members</del> by the Secretariat of the Organization.</p>	<p>47. 10.1 (a): Replace “Contracting Party contributions” by “contributions of Contracting Parties” for clarification.</p> <p>48. 10.1 (b): Replace “member annual fees” by “annual Member fees of Associate Members and Affiliate Members” for clarification.</p> <p>49. 10.1 (d): Add “of the Organization” after “the Secretary-General” for clarification.</p> <p>50. 10.3: Add “,” after “financial statements” and “of the Organization” at the last of the sentence, for clarification.</p>

<p><b>Article 11</b> <b>Legal Personality, Privileges and Immunities</b></p> <p>1. The Organization has international legal personality and has the capacity to:</p> <ul style="list-style-type: none"> <li>(a) contract;</li> <li>(b) acquire and dispose of immovable and movable property; and</li> <li>(c) institute legal proceedings.</li> </ul> <p>2. Subject to the agreement of each Contracting Party, the Organization shall enjoy in the territory of the Contracting Party such privileges and immunities as may be necessary for the fulfilment of its <del>aim</del> objectives and for the exercise of its functions. <del>In the territory of any state which is party to the Convention on the Privileges and Immunities of the Specialized Agencies adopted by the General Assembly of the United Nations on 21 November 1947, such legal capacity, privileges and immunities shall be those defined in the said Convention.</del></p> <p>3. The Organization may cooperate with governments, <del>organisations</del> organizations and other bodies, and conclude agreements with them.</p>	<p>51. 11.2: Delete the second sentence from this paragraph. Privileges and immunities to be granted to the Organization may vary from State to State depending on the agreement between that State and the Organization. It is better to have flexibility on the content of the privileges and immunities rather than fix it in this Convention.</p>
<p><b>Article 12</b> <b>Amendments</b></p> <p>1. Any Contracting Party may propose an amendment to this Convention, in writing, to [<del>the Secretary-General of the Organization</del>the Government of France, <del>in its role as</del>] the Depository.</p> <p>2. The <del>Depository</del> [<del>Secretary-General of the Organization</del>Government of France] shall circulate the amendment proposal to all Contracting Parties <del>and the</del></p>	<p>52. 12.1-12.4: According to the Conventions of other international organization such as IMO, ITU, WMO, IHO, the proposal of amendment should be sent to the Secretary-General, not to the Depository. Then the Secretary-General circulate the amendment proposal to the Contracting Parties. After the acceptance of the amendment proposal by the GA, the amended text should be send from the</p>

<p><del>Secretary-General</del> at least six months in advance of its consideration by the General Assembly.</p> <p>3. The proposed amendment shall be accepted by vote of the General Assembly upon approval by a two-thirds majority of Contracting Parties present and voting, excluding Contracting Parties denied by Article 4.7.</p> <p>4. Any amendment adopted in accordance with Article 12.3 shall be <del>[sent from the Secretary-General of the Organization to the Government of France acting as the Depositary of this Convention. The latter shall notify the fact, specifying the date of entry into force of the amendment, notified by the Depositary [Government of France]</del> to all Contracting Parties and the Secretary General <del>of the Organization</del>. The amendment shall be deemed to have been accepted at the end of a period of twelve months after the date of the notification, unless within that period not less than one-fourth of the States that were Contracting Parties at the time of the adoption of the amendment have communicated to the <del>Depositary [Government of France]</del> that they do not accept the amendment, in which case the amendment is rejected and shall have no effect.</p> <p>5. An amendment deemed to have been accepted in accordance with Article 12.4 shall enter into force <del>for all Contracting Parties</del> six months after its acceptance.</p>	<p>Secretary-General to the Depositary, who then notifies it specifying the date of entry into force of the amendment to all Contracting Parties and the Secretary-General. Modify therefore the procedures with bracket. This matter should be discussed at the next meeting.</p> <p>53. 12.5: Add “for all Contracting Parties” after “shall enter into force”, because the amendment entering into force should legally-bind all Contracting Parties, including those which voted against at the time of its adoption as well as those which notified to the Depositary that they did not accept it (e.g. Conventions on the IMO).</p>
<p><b>Article 13</b> <b>Interpretation and Disputes</b></p> <p>Any question or dispute concerning the interpretation or application of the present Convention arising between or amongst Contracting Parties which is not</p>	

<p>settled through consultation or negotiation or by the good offices of the Council may be referred to a panel of three independent arbitrators appointed by the Secretary-General of the Permanent Court of Arbitration, unless the parties to the dispute agree upon another mode of settlement.</p>	
<p><b>Article 14</b> <b>Signature, Ratification and Accession</b></p> <p>1. This Convention shall open for signature by Members of the United Nations at [xxx] and remain open until [xxx].</p> <p>2. This Convention is subject to ratification, acceptance or approval by the signatory States.</p> <p>3. This Convention shall be open for accession by any Member of the United Nations which has not signed the Convention from the day after the date on which the Convention closes for signature.</p> <p>4. Instruments of ratification, acceptance, approval or accession shall be deposited with the <del>Depository</del> [Government of France], who shall then notify each Contracting Party and the Secretary-General <del>of the Organization</del> thereof.</p> <p>5. Ratification, acceptance, or approval of, or accession to, this Convention shall be without reservation.</p>	<p>54. 14.4: Delete “Depository” if the Government of France acts as the Depository. (Same modification is required for each subsequent article/paragraph.) Also add “of the Organization” after “the Secretary General” for clarification.</p>
<p><b>Article 15</b> <b>Entry into Force</b></p> <p>1. The present Convention shall enter into force on the thirtieth day after the date of deposit of the <del>[30th]</del><del>thirtieth</del> [v] instrument of ratification, acceptance, approval or accession.</p>	<p>55. 15.1: Replace “30<sup>th</sup>” by “thirtieth”, and add bracket because this number should be reconsidered. Japan considers that it should be at least the one equivalent to two-thirds of the number of the national member of the present IALA, in order to avoid sudden increase of Contribution for initial Contracting</p>

<p>2. For each State ratifying, accepting, approving or acceding to <del>the</del> this Convention after its entry into force, the Convention shall enter into force on the thirtieth day after the deposit of its instrument of ratification, acceptance, approval or accession.</p>	<p>Parties after the entry into force of the Convention.</p> <p>56. 15.2: Replace “the Convention” in the first line by “this Convention” and add “,” between “force” and “the” in the second line, for clarification.</p>
<p><b>Article 16</b> <b>Withdrawal</b></p> <p>1. Any Contracting Party may withdraw from this Convention by giving at least twelve month written notice to the <del>Depositary</del> [Government of France], who will immediately inform all Contracting Parties of such notification.</p> <p>2. Notification of withdrawal may be given at any time after the expiration of twelve months from the date on which <del>the</del> this Convention has come into force.</p> <p>3. The withdrawal shall take effect on 31 December following the expiration of the notice.</p>	<p>57. 16.2: Replace “the Convention” by “this Convention”.</p>
<p><b>Article 17</b> <b>Termination</b></p> <p>1. This Convention may be terminated by decision of the General Assembly upon a two-thirds majority of Contracting Parties present and voting, excluding any Contracting Party denied by Article 4.7 the rights and benefits conferred on Contracting Parties.</p> <p>2. The date of termination will be twelve months after the date of the above decision, and in the intervening period the Council shall be responsible for the winding up of the Organization in accordance with the General Regulations.</p>	<p>58. 17.2: Add “,” after “decision” for clarification.</p>

**[Article 18**

**Transitional Arrangements**

1. Upon the entry into force of this Convention, all National members of the International Association of Marine Aids to Navigation and Lighthouse Authorities, who are not Contracting Parties, shall, with the approval of the Council and subject to their ~~agreement~~consent, become Associate ~~M~~Members of the Organization.

2. Upon the entry into force of this Convention, all parties holding financial, non-suspended status as an associate member or industrial member of the International Association of Marine Aids to Navigation and Lighthouse Authorities, shall, with the approval of the Council and subject to their ~~agreement~~consent, become Affiliate ~~M~~Members of the Organization, in accordance with the General Regulations.

3. Upon the entry into force of this Convention, the Council of the International Association of Marine Aids to Navigation and Lighthouse Authorities shall become the transitional Council of the Organization and will operate as such until the first General Assembly convened under this Convention, which must be within a period not exceeding six (6) months.

4. For the duration of the transitional Council, Associate ~~M~~Members will be permitted to engage in the work of the Council for the benefit of the Organization.

5. The Committees of the International Association of the Marine Aids to Navigation and Lighthouse Authorities shall become the transitional Committees of the Organization and will operate until the equivalent Committees are established under this Convention.

6. In the event that a State which has Associate membership becomes a Contracting Party, the Associate membership will cease on the date on which ~~the~~this Convention enters into force for that State. In the case of a Contracting

59. 18: Add bracket to the article, because further discussion is needed on its necessity. Considering that the rules concerning transitional arrangement should be applied also to the Parties that have not yet concluded the Convention, such rules are to be decided outside of the Convention and within the framework of actual IALA (by its resolution or other form of non-legally-binding instruments).

60. 18.1: Replace “agreement” by “consent” (because the wording “agreement” should be used for a legally binding international agreement). Add “,” after “Convention” for clarification.

61. 18.2: Replace “agreement” by “consent”. Add “,” after “Convention” as well as before “become”, for clarification.

62. 18.3: Add “,” after “Convention” in the first line, for clarification.

63. 18.4: Add “,” after “Council” in the first line, for clarification.

64. 18.6: Add “,” after “Contracting Party” in the second line as well as after “membership” in the fourth line, for clarification. Replace also “the Convention” by “this Convention”.

<p>Party having more than one Associate membership, that Contracting Party may decide to retain Associate memberships.</p> <p>7. After the entry into force of this Convention, the transitional Council shall initiate negotiations with the International Association of Marine Aids to Navigation and Lighthouse Authorities on the transfer of the latter’s activities, records, documents, publications, archives, rights, interests, funds, assets and liabilities to the Organization.</p> <p>8. 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 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 Council appoints the Secretary-General in accordance with Article 7.]</p>	<p>65. 18.7: Add “,” after “Convention” for clarification.</p> <p>66. 18.8: Add “,” after “established” for clarification.</p>
<p>IN WITNESS WHEREOF the undersigned, being duly <del>authorised</del>authorized by their respective Governments, have signed the present Convention.</p> <p>DONE at [xxx] on [xxx] in the English, French and Spanish languages, each text being equally authentic, the original of which shall be deposited in the archives of the [Government of France]-<del>Depositary</del>. The <del>Depositary</del> [Government of France] shall transmit certified copies thereof to all the [signatory and acceding] Governments and to the Secretary-General of the Organization.</p>	

<sup>i</sup>General Regulations will include Financial Regulations.

<sup>ii</sup>Associate members are territories or groups of territories and current IALA national members transferred in accordance with Article 18.

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iii Affiliate members are associate and industrial members of the current IALA.

iv Contributions to be according to the principle of equal sharing, which will be specified in the General Regulations.

v 30 signatures have been proposed in order to have enough members to elect and form a Council of up to 24 members in accordance with article 7.2.

DRAFT

JAPAN – DRAFT FINANCIAL REGULATIONS

Text of Financial Regulations by <i>Article Clause</i>	Comments
	<p>1. Necessary to wait for the accomplishment of drafting work of the Convention to examine actual draft GR as well as Financial Regulations. (see Japanese comment 1 to the GR).</p> <p>2. Japan’s following comments are provisional ones on the basis of above-mentioned idea, and Japan retains its right to submit further comments at the future meetings and occasions.</p> <p>3. Our understanding is that the Financial Regulations, as annex to the GR, is not a legally-binding document. It is therefore necessary to avoid using some wordings such as “shall”, “agree”, “article”, etc., which are usually used only in legally-binding documents and may thus cause a misunderstanding on the legal status of the Financial Regulations, and replace them by appropriate wordings such as “should”, “decide”, etc.</p>
<p><b>ANNEX A Financial Regulations of the International Organization for Marine Aids to Navigation [and Vessel Traffic Services] (IALA [IOMAN])</b></p>	<p>4. See Japanese comments 3 and 4 to the Convention (modification of the title and abbreviation of the Convention). (Same modification is required for each subsequent clause/paragraph.)</p>
<p><b>Article-1</b>  <b>Application</b>            These Financial Regulations <del>shall</del><b>should</b> govern the financial administration of the International Organization for Marine Aids to Navigation [and Vessel Traffic Services] (IALA[IOMAN]) (hereinafter referred to as “the Organization”).</p>	<p>5. 1: Add “(hereinafter referred to as “the Organization”).” for clarification.</p>
<p><b>Article-2</b>  <b>Financial Governance</b></p>	

**2.1** The General Assembly, upon advice of the Council:

(a) ~~shall~~should determine and review the financial arrangements and endorse the Finance Report. The Finance Report ~~shall~~should cover the preceding four year period in respect of:

- i. balance sheet;
- ii. income statement;
- iii. cash reserve; and
- iv. outstanding contributions and Member fees and interest due; and

(b) ~~shall~~should approve the outline budget, including rates of contributions and Member fees, for the next four year period.

**2.2** The Council, upon advice of the Finance and Audit Committee (“FAC”) and the external auditor, ~~shall~~should:

(a) approve the budget for the current year and review the forecast for the following three years;

(b) approve the balance sheet;

(c) close the annual accounts;

~~(d) determine rates of contributions and fees in accordance with the General Regulations Article 2.5; and~~

~~(e)~~(d) decide on suspension and termination of Associate and Affiliate membership for non-payment of Member fees.

**2.3** The FAC ~~shall~~should:

(a) review the audited financial statements for the previous year and advise the Council on the approval of the annual accounts;

(b) review the draft annual budget for the coming year for consideration by the Council;

(c) approve a four year budget on an annual basis for noting by the Council;

(d) provide advice to the Council and to the Secretary-General on any audit observations or findings related to finances;

6. 2.1 (a) iv: Replace “fees” by “Member fees” for clarification. (Same modification is required for each subsequent clause/paragraph.)

7. 2.1 (b): Insert “, including rates of contributions and Member fees,” between “budget” and “for the next four year period”. (See Japanese comment 33 to the Convention.)

8. 2.2 (d): Delete subparagraph (d) because the rate of contributions and Member fees should be decided by the GA, not by the Council. Modify also the numbering of a subsequent subparagraph.

<p>(e) recommend the rates of contributions and <b>Member</b> fees for the next <b>four</b> year;          (f) recommend potential termination of membership, in respect of <b>Member</b> fees in arrears; and          (g) consider any other matters referred to it by the Council.</p> <p><b>2.4</b> The Treasurer:          (a) <del>shall</del><b>should</b> examine the accounts and submit them to the FAC; and          (b) may authorize expenses not provided for in the budget, within approved limits.</p> <p><b>2.5</b> The Secretariat, in accordance with the Secretariat Procedures, <del>shall</del><b>should</b>:          (a) maintain the accounts;          (b) prepare the finance report and the financial statements;          (c) control the financial records, including records of income and expenditure;          (d) manage the audit; and          (e) advise the Secretary-General on financial matters.</p> <p><b>2.6</b> An external auditor must be engaged to check the financial management and a chartered accountant <del>shall</del><b>should</b> be engaged to assist the Secretariat with management accounting.</p> <p><b>2.7</b> The operating currency <del>shall</del><b>should</b> be the Euro.</p>	<p>9. 2.3 (e): Insert “four” between “next” and “year”</p>
<p><b>Article 3</b>  <b>The Financial Period</b>  <b>3.1</b> The financial year <del>shall</del><b>should</b> run from 1st January to 31st December.  <b>3.2</b> The budget <del>shall</del><b>should</b> be drawn up on a four year basis. Budget estimates for each year <del>shall</del><b>should</b> be shown separately.</p>	
<p><b>Article 4</b>  <b>Budget</b>  <b>4.1</b> The Secretary-General <del>shall</del><b>should</b> operate within the limits of the annual</p>	

budget. However the Secretary-General may adjust allocations within the approved budget, especially in the case of major unplanned expenditure or substantial change in the number of members.

**4.2** Any transfers of allocations between different categories of expenditure specified in the budget ~~shall~~should be reported, with the necessary justification, to the FAC.

**4.3** No further commitment to expenditure against the approved budget may be incurred after the close of the financial period. Outstanding obligations against the approved budget must be met within ninety calendar days of the close of the financial year.

#### **Article 5**

##### **Income and Expenditure**

**5.1** Details of income and expenditure ~~shall~~should be shown separately in the financial records of the Organization.

The Organization ~~shall~~should primarily be funded from contributions and Member fees.

**5.2** The expenses ~~shall~~should be comprised of budget headings, as follows:

- (a) Personnel costs;
- (b) Operating costs; and
- (c) Capital costs.

Each heading may be further subdivided, as necessary.

**5.3** Full and accurate records of all income and expenditure, including supporting documentation for expenditure, ~~shall~~should be kept. These records ~~shall~~should conform to standard accounting practices. The Secretariat ~~shall~~should maintain an archive of financial records for production to the Secretary-General, the FAC or an auditor.

JAPAN – DRAFT FINANCIAL REGULATIONS

<p><b>5.4</b> No payment greater than permitted by the law of the <del>Contracting Party of the State in which the seat of the Organization is located</del> (“Host Nation”) <del>shall</del>should be accepted in cash.</p>	<p>10. 5.4: Replace “Host Nation” by “the Contracting Party of the State in which the seat of the Organization is located (‘Host Nation’)” for clarification.</p>
<p><del>Article 6</del>  <b>Procurement</b>  <b>6.1</b> All funds <del>shall</del>should be under the operational control of the Secretary-General.  <b>6.2</b> The Secretary-General may designate, in writing, members of the Secretariat as line managers for the purpose of these Financial Regulations.</p>	
<p><del>Article 7</del>  <b>Financial Statements</b>  <b>7.1</b> The financial statements <del>shall</del>should be the budget, the income and expenditure accounts and the balance sheet.  <b>7.2</b> The financial statements of the Organization <del>shall</del>should cover the Secretariat including the Academy. They <del>shall</del>should be presented in a consolidated form and separately.  <b>7.3</b> The <del>Treasurer</del>Secretariat <del>shall</del>should submit the financial statements to the FAC, not later than two weeks prior to a FAC meeting.</p>	<p>11. 7.3: According to 2.4 and 2.5 of the Financial Regulations, the financial statements are prepared by the Secretariat, not by the Treasure. Replace therefore “The Treasure” by “The Secretariat”. If the financial statements are to be submitted by the Treasure, 2.4 and 2.5 should be modified.</p>
<p><del>Article 8</del>  <b>Cash Reserve</b>  To ensure the financial stability of the Organization and to avoid any financial difficulties, the Organization <del>shall</del>should maintain a cash reserve according to the</p>	

<p>financial requirements as approved by the Secretary-General and the FAC. The value of the cash reserve <del>shall</del>should be no less than four months of the annual budget.</p>	
<p><b>Article 9</b>  <b>Annual Contributions and Member Fees</b>  <b>9.1</b> Annual contributions and <b>Member</b> fees represent the main source of income for the functioning of the Organization.  <b>9.2</b> The FAC should take the following matters into account when recommending the rates of contribution and <b>Member</b> fees:  (a) the requirement that the revenue and the expenditure in the budget should be balanced;  (b) the percentage of invoices for contributions and <b>Member</b> fees likely to be settled on time;  (c) the global economic situation;  (d) the rate of inflation in the Host Nation; and  (e) the planned or anticipated exceptional expenditure.  <b>9.3</b> The Secretariat, in accordance with the Secretariat Procedures, after the <del>Council</del><b>General Assembly</b> has approved the rate and no later than 31<sup>st</sup> October each year, <del>shall</del>should send an invoice for annual contributions or <b>Member</b> fees for the following year to each Contracting Party <del>and member, Associate Member and Affiliate Member</del>.  <b>9.4</b> For new Contracting Parties <del>and members, Associate Members and Affiliate Members</del>, the following rates of contribution or <b>Member</b> fee <del>shall</del>should apply:  (a) A Contracting Party <del>shall</del>should be required to pay a full annual contribution regardless of the date on which the Convention enters into force for that Contracting Party.</p>	<p>12. 9.3: Replace “the Council” by “the General Assembly” (See Japanese comment 33 to the Convention). Replace also “and member” by “, Associate Member and Affiliate Member” for clarification.</p> <p>13. 9.4: Replace “and members” by “, Associate Members and Affiliate Members,”.</p>

<p>(b) Associate <del>Members</del> and <del>a</del>Affiliate <del>m</del>Members <del>shall</del>should pay:</p> <p>i. a full annual fee for applications approved by the <del>Council</del>General <del>Assembly</del> between 1<sup>st</sup> January and 30<sup>th</sup> June; or</p> <p>ii. half the annual fee for applications approved by the <del>Council</del>General <del>Assembly</del> between 1<sup>st</sup> July and 31<sup>st</sup> December.</p> <p><b>9.5</b> In the event of the resignation of a member, the <del>Member</del> fee <del>shall</del>should not be due if a letter of resignation is received before 31<sup>st</sup> March of the current year.</p>	<p>14. 9.4 (b): Replace “Associate and affiliate members” by “Associate Members and Affiliate Members”. (Same modification is required for each subsequent clause/paragraph.)</p> <p>15. 9.4 (b) i and ii: Replace “the Council” by “the General Assembly” (twice.).</p> <p>16. 9.5: Add “,” after “the resignation of a member” for clarification.</p>
<p><b>Article 10</b></p> <p><b>Unpaid Contributions and Member Fees</b></p> <p><b>10.1</b> In the case of unpaid contributions or <del>Member</del> fees, the Secretariat, in accordance with the relevant Secretariat Procedures, <del>shall</del>should apply the following arrangements:</p> <p>(a) For Contracting Parties:</p> <p>i. charge a [3%] per annum interest rate on contributions remaining unpaid on 31<sup>st</sup> July of the financial year;</p> <p>ii. in the event of paragraph i. request payment by 1<sup>st</sup> October of the financial year;</p> <p>iii. If no payment is received by 1<sup>st</sup> November, the Secretary-General <del>shall</del>should contact the Contracting Party, requesting payment and inviting the Contracting Party to discuss any difficulties that would justify the Organization considering a payment plan; and</p> <p>iiii. if the contribution remains unpaid and <del>an agreement</del>a consensus has not been reached with the Contracting Party regarding payment, suspend membership rights and benefits with effect from twenty-four months after the due date for payment, in accordance with the Convention.</p> <p>(b) For Associate <del>Members</del> and <del>a</del>Affiliate <del>m</del>Members, the Organization</p>	<p>17. 10.1: Add “,” after “or Member fees” for clarification.</p> <p>18. 10.1 (a) i and (b) i: Add bracket to “3%”, because further discussion is needed to consider if this percentage is appropriate as interest rate. Interest rate in other international organizations should also be taken into account.</p> <p>19. 10.1 (a) ii: Add “,” after “1<sup>st</sup> November” for clarification. Also, the second sentence should be numbered as subparagraph (iii), and actual subparagraph (iii) should be numbered as subparagraph (iv).</p> <p>20. 10.1 (a) (iii): Replace “an agreement” by “a consensus”.</p>

<p><del>shall</del>should:</p> <p>i. charge a [3%] per annum interest rate on Member fees remaining unpaid on 1<sup>st</sup> May of the financial year;</p> <p>ii. on approval by the Council, suspend membership rights in accordance with the table at Annex B of the General Regulations if no payment is received by 1<sup>st</sup> July of the financial year;</p> <p>iii. advise the Council, at its second annual session, of unpaid Member fees; and</p> <p>iv. on approval by the Council, after notification, terminate membership if Member fees remain unpaid after membership rights have been suspended for six months and the <del>member</del>Associate Member or Affiliate Member has not <del>agreed</del>submitted a payment schedule.</p> <p><b>10.2</b> Outstanding contributions and Member fees and interest due will be shown in tables annexed to the financial statements. Provision for bad debts arising from non-payment of contributions and Member fees <del>shall</del>should be made in the annual balance sheet.</p>	<p>21. 10.1 (b) (iv): Replace “agreed” by “submitted”. Replace also “the member” by “the Associate Member or Affiliate Member”.</p>
<p><b>Article-11</b></p> <p><b>Dedicated Funds</b></p> <p><b>11.1</b> Dedicated funds may be established by the Secretary-General for the execution of specific <del>programmes</del>programs or projects, provided that the purposes are consistent with the <del>aim</del>objectives and functions of the Organization. The purpose and limits of each dedicated fund <del>shall</del>should be clearly reported to the Council.</p> <p><b>11.2</b> The financial resources needed to establish a dedicated fund may come from grants, donations, bequests, gifts or other sources as approved by the Secretary-General. The precise terms and conditions governing such income</p>	<p>22. 11.1: Replace “the aim” by “the objectives”. (See Japanese comment 13 to the Convention.</p>

<p><del>shall</del>should be formalized.</p> <p><b>11.3</b> Any monies remaining unused when a <del>programme</del>program or project is terminated should be used as stipulated, and if not so stipulated, for the general <del>purposes</del>objectives of the Organization unless the Secretary-General determines otherwise.</p> <p><b>11.4</b> A specific budget should be prepared for each fund for approval of the Council and the final result for the year for each dedicated fund should be shown separately in the financial statements.</p> <p><b>11.5</b> Any dedicated funds should be audited in accordance with the relevant provisions in <del>Article</del>-12.</p>	<p>23. 11.3: Replace “the general purposes” by “the general objectives”. (Consistency with the Convention.)</p>
<p><b>Article-12</b></p> <p><b>External Audit</b></p> <p><b>12.1</b> An external auditor <del>shall</del>should be appointed by the FAC and carry out such work as required by applicable accounting practices.</p> <p><b>12.2</b> The appointment is for a period of six (6) years and may be renewed.</p> <p><b>12.3</b> The external auditor may make observations with respect to the efficiency of the financial procedures, the accounting system, internal financial controls and, in general, the administration and financial management of the Organization.</p> <p><b>12.4</b> In addition to the above, the Council may request the external auditor to perform specific investigations and issue separate reports on the results.</p> <p><b>12.5</b> Draft final accounts will be submitted by the external auditor to the first Council meeting each year.</p> <p><b>12.6</b> The Council may close the accounts after examination of particular Contracting Party <del>and—member,</del> Associate Member and Affiliate Member situations and after decision to authorize the writing-off of arrears of contributions and <del>Member</del> fees or other bad debts as required.</p>	<p>24. 12.6: Is the paragraph 12.6 related to the external audit? If not, it should be moved to different clause.</p>

<p><b>12.7</b> The audit report <del>shall</del>should be made available to Contracting Parties <del>and members, Associate Members and Affiliate Members</del> via the annual report and the website of the Organization.</p>	<p>25. 12.7: Add “of the Organization” after “the website” for clarification.</p>
<p><del>Article 13</del>  <b>Termination</b>                  In the event of termination of the Organization, the balance of the accounts (credit or debit) <del>shall</del>should be divided amongst the Contracting Parties <del>and members, Associate Members and Affiliate Members</del> on the day when the Convention ceases to have effect, in proportion to their last annual contribution and Member fee.</p>	

DRAFT

JAPAN – DRAFT GENERAL REGULATIONS

<i>Text of General Regulations by Article Clause</i>	<i>Comments</i>
	<p>1. The text of the General Regulations (GR) should be drafted in accordance with the draft Convention text. At the 1<sup>st</sup> Preparatory Diplomatic Conference meeting, some important points concerning issues such as languages, election of members of the Council, appointment of Secretary-General were made. Unless a consensus is made on these points after a sufficient discussion, the draft Convention text cannot be fixed. Therefore, Japan proposes to wait for the accomplishment of drafting work of the Convention to examine actual draft GR.</p> <p>2. Japan's following comments are provisional ones on the basis of above-mentioned idea, and Japan retains its right to submit further comments at the future meetings and occasions.</p> <p>3. The legal status of GR should be clarified. Our understanding is that the GR is not a legally-binding document, as the French Ministry of Foreign Affairs expressed in response to a question made by the Congolese delegation during the 1<sup>st</sup> Preparatory Diplomatic Conference meeting. It is therefore necessary to avoid using some wordings such as "shall", "agree", "article", etc., which are usually used only in legally-binding documents and may thus cause a misunderstanding on the legal status of the GR, and replace them by appropriate wordings such as "should", "decide", etc. In case the GR legally binds the Contracting Parties, this point should be stipulated in the Convention as legal justification, so that it could manifest the consent of each Contracting Party to be bound by the GR. However, even in the above-mentioned case, the GR should not require the process of conclusion by each Contracting Party as the Convention.</p> <p>4. In draft texts, spelling of British English and that of American English are mixed</p>

JAPAN – DRAFT GENERAL REGULATIONS

	<p>(e.g. “organisation/organization”, “harmonisation/harmonization”, “endeavour/endeavor”). It is therefore necessary to decide which rule is to be used, and modify related words in the texts.</p>
<p><b>Draft General Regulations for the International Organization for Marine Aids to Navigation [and Vessel Traffic Services] (IALA[IOMAN])</b></p>	<p>5. See Japanese comments 3 and 4 to the Convention (modification of the title and abbreviation of the Convention). (Same modification is required for each subsequent clause/paragraph.)</p>
<p><b>Article 1</b>  <b>Application</b>  <b>1.1</b> These General Regulations together with the Financial Regulations <del>annexed hereto, as ANNEX A,</del> are determined in accordance with Article 6.7 of the Convention on the International Organization for Marine Aids to Navigation [and Vessel Traffic Services] (IALA[IOMAN]) (hereinafter referred to as “the Convention”) and <del>shall</del>should apply to the operations of <del>IALA</del>the International Organization for Marine Aids to Navigation [and Vessel Traffic Services] [IOMAN] (hereinafter referred to as “the Organization”).  <b>1.2</b> <del>The General Regulations are subject to the provisions of the Convention. Where there is a conflict between the Convention and the General Regulations or any other basic documents covering the governance of the Organization, the Convention shall prevail.</del> Where there is a conflict between the General Regulations and any of the other basic documents, the General Regulations <del>shall</del>should prevail; any conflict between any of the other basic documents should be brought to the attention of the Council.</p>	<p>6. 1.1: Delete “annexed hereto, as ANNEX A,” because the GR and Financial Regulations are not legal-binding documents (see comment 3), so should not annexed to the certified copy of the Convention, which is to be concluded by each Member Country. The GR, Financial Regulations and actual Annex B, therefore, should be approved as separated documents.  Also, add “(hereinafter referred to as “the Convention”)” and “the International Organization for Marine Aids to Navigation [and Vessel Traffic Services] [IOMAN] (hereinafter referred to as “the Organization”).” for clarification.</p> <p>7. 1.2: The relationship between the Convention and the GR (and any other documents) should be stipulated in the Convention, not in the GR. See Japanese comment 9 to the Convention.</p>
<p><b>Article 2</b>  <b>Membership of IALAthe Organization</b></p>	

**2.1 Membership Categories**

The Organization ~~shall~~should be comprised of Contracting Parties ~~and Associate and Affiliate members~~, Associate Members and Affiliate Members as stipulated ~~below~~ in the Convention.

Associate membership shall be open for:

- ~~(a) a territory or groups of territories for which a Contracting Party has responsibility in accordance with Article 4.3 of the IALA Convention; and~~
- ~~(b) former National Members of the International Association of Marine Aids to Navigation and Lighthouse Authorities whose country is not party to the IALA Convention, in accordance with Article 18.1 and 18.6 of the IALA Convention.~~

Affiliate membership shall be open to:

- ~~(a) manufacturers and distributors of marine aids to navigation equipment for sale, or organisations providing marine aids to navigation services or technical advice under contract. These affiliates will be known as Industrial members;~~
- ~~(b) any other service, organisation or scientific agency that is concerned with aids to navigation or related matters; and~~
- ~~(c) former Industrial and Associate members of the International Association of Marine Aids to Navigation and Lighthouse Authorities, in accordance with Article 18.2 of the Convention.~~

**~~2.2 Contact Point for Contracting Parties~~**

~~Contracting Parties shall designate a contact point, preferably the national authority legally responsible for the regulation, provision, maintenance or operation of marine aids to navigation.~~

**~~2.3.2 Application for Membership~~**

(a) Application for Associate and Affiliate membership must be made in writing to the Secretariat and should be accompanied by the following documentation:

- i. the ~~IALA~~[IOMAN] Membership Application form; and
- ii. additional information about the activity of the applicant to determine

8. 2.1: Considering the importance of membership categories, definitions related to this issue should be clearly stipulated in the Convention, and not in GR. See Japanese comments 6 and 23 to the Convention.

9. 2.1 (c): (Question) When a former associate member becomes Affiliate Member of the Organization, there is a possibility of sudden increase of its Member fee (e.g. the present industry member fee for 2017 is EUR 6,170 and associate member fee for 2017 is EUR 2,900). Do the present IALA associate members know this fact and do they agree?

10. 2.2: Contact point for an international organization should be the diplomatic authority of each Contracting Party, so this paragraph is not necessary.

the appropriate membership category if requested by the Secretariat.

(b) The Secretariat will submit all applications for membership to the Council for acceptance.

(c) Accepted applications will take effect as of 1<sup>st</sup> January if the application is accepted between 1<sup>st</sup> January and 30<sup>th</sup> June and as of 1<sup>st</sup> July if the application is accepted between 1<sup>st</sup> July and 31<sup>st</sup> December.

(d) The Council may require or a Contracting Party may request that aspects of an application for Affiliate membership be reviewed by the Contracting Party (or Parties) where the applicant carries out its activities or has its principal place of business or registered office. ~~If supported by the Contracting Party (or all Parties), who requested the review, the Council shall decide accordingly.~~ **The Council should make a decision taking into account of the answer from the Contracting Party (or Parties).**

#### 2.4 Membership Rights and Benefits

(a) Membership rights and benefits are listed in ~~the Annex-B.~~

(b) In addition to those rights and benefits, Industrial members are represented by the Industrial Members Committee, in accordance with its constitution and ~~bye-laws~~ **bylaws** as approved by the General Assembly of Industrial Members.

#### 2.5 Contributions and Member Fees

(a) Contracting Parties ~~shall~~ **should** pay contributions to the Organization on an annual basis in the amount determined by the ~~Council~~ **General Assembly** on recommendation from the Finance and Audit Committee ~~and in accordance with the Convention. Contracting Party contribution shall be the same for each Contracting Party.~~

(b) ~~Associate Members and Affiliate~~ **Members** ~~shall~~ **should** pay **Member** fees to the Organization on an annual basis in the amount determined by the ~~Council~~ **General Assembly** on recommendation from the Finance and Audit Committee. Member fees may be determined as different amounts for each membership category, but

11. 2.3 (d): In order to keep the independence of the Council, replace the last sentence by “The Council should make a decision taking into account of the answer(s) from the Contracting Party (or Parties).”

12. 2.4 (a) Replace “Annex B” by “the Annex”, because the list should be annexed to the GR, not to the Convention which is legal-binding document. Regarding the content of the Annex, it is necessary to add a line for “Vote at Committee meetings” (“Yes” for Contracting Parties, and “No” for Associate Members and Affiliate Members) in order to make the list consistent with GR 6.3.3, according to which only Contracting Parties have the right to vote at the Committee.

13. 2.4 (b): Replace “bye-laws” by “bylaws”.

14. 2.5: Replace “Fees” by “Member Fees” for clarification. (Same modification is required for each subsequent clause/paragraph.)

15. 2.5 (a), (b): Since the amount of contribution affects all Contracting Parties, the amount should be decided by the General Assembly (GA), not by the Council (see Japanese comment 33 to the Convention). In addition, delete the second sentence, as it should be stipulated in the Convention (see Japanese comment 24 to the Convention).

~~shall~~should be the same for each member within each membership category.

(c) Contributions and **Member** fees are charged in accordance with the Financial Regulations.

(d) Overdue contributions or **Member** fees will be subject to a rate of interest which will be recorded in the Financial Regulations.

(e) Associate **Members** and Affiliate ~~members~~**Members** who fail to pay **Member** fees by the due date may also be subject to suspension of membership rights and benefits in accordance with **Article 2.6**.

#### **2.6 Suspension and Reinstatement of Associate and Affiliate Membership**

(a) The Secretary-General may recommend that the Council suspend, and the Council may suspend, an Associate or Affiliate membership for non-payment of **Member** fees according to the escalation procedure established in the Financial Regulations.

(b) The Secretary-General may recommend that the Council suspend, and the Council may suspend, an Associate or Affiliate membership for any justifiable cause in the best interest of the Organization.

(c) The Secretary-General may reinstate an Associate or Affiliate membership suspended under ~~Article~~2.6 (a) when the member has paid advised arrears of **Member** fees. The Secretary-General must advise the Council of such action at the next Council meeting.

(d) The Council may reinstate an Associate or Affiliate membership suspended under 2.6 (b) when the member has met the requirements of the Council.

#### **2.7 Termination of Associate and Affiliate Membership**

Associate or Affiliate membership may be terminated:

(a) by the member by notice in writing to the Secretariat at any time noting that no refund of **Member** fees already made will be given. Such termination will take effect:

i. on the date specified in the notice of termination; or

<p>ii. if no date is specified, thirty calendar days after the notice is received by the Secretariat;</p> <p>(b) by the Council where a suspended member has not paid <b>Member</b> fees within six months of suspension for that non-payment:</p> <p>i. the Secretary-General will notify the Council of any such qualifying event at its next <del>–</del>meeting; and</p> <p>ii. such termination will take effect from the date of the meeting at which the Council terminates the membership; or</p> <p>(c) by the Council, for any justifiable cause in the best interest of the Organization. In the case of a decision by the Council the Secretary-General must notify the member of the reason for termination and the date of effect of termination within thirty calendar days of the termination taking effect.</p>	<p>16. 2.7 (b) (i): Delete an extra space between “next” and “meeting”.</p>
<p><b>Article 3</b></p> <p><b>The General Assembly</b></p> <p><b>3.1 Convening the General Assembly</b></p> <p>(a) The General Assembly <del>shall</del><b>should</b> ordinarily be convened at least once every four years by order of the Council in accordance with the Council’s Rules of Procedure.</p> <p>(b) The General Assembly <del>shall</del><b>should</b>, where possible, be convened during the same period <del>and at the same location</del> as an IALA[IOMAN] conference, but in any case must be held no earlier than June of the General Assembly year.</p> <p>(c) For reasons of necessity, the Council may determine an alternate time, <del>in which case the General Assembly will be convened at a location determined by the Council.</del></p> <p>(d) It <del>shall</del><b>should</b> be a condition for convening the General Assembly, <del>exceptionally by the decision of the Council,</del> at a location other than <del>the seat of the</del></p>	<p>17. 3.1 (b), (c), (d): The GA should take place at the seat of the Organization unless the Council decides otherwise (see Japanese comment 28 to the Convention). In addition, we propose some modifications of the wording in paragraph (d) for more clarification.</p> <p>It should also be noted that the registration fee of the recent IALA conference is becoming expensive (e.g. the registration fee of 2018 Conference is EUR 1,850), which discourages wide participation, especially of National members, in the GA.</p>

~~Organization~~~~the IALA Headquarters~~ that the Contracting Party in whose territory it is proposed to hold the General Assembly gives assurances that, at the time of the offer, no ~~other~~ Contracting Party nor member of the Organization will be prevented from entering ~~the host country~~that Contracting Party.

(e) The Council may, after a notice of ninety calendar days, convene an extraordinary session of the General Assembly at which time ~~and place~~as it determines.

(f) The Secretary-General ~~shall~~should, after a notice of ninety calendar days, convene an extraordinary session of the General Assembly within four months of receipt by the Secretary-General of requests to do so from one third of the Contracting Parties, the time ~~and place~~of which session will be determined by the Secretary-General.

### 3.2 Attendance

(a) Contracting Parties ~~and members, Associate Members and Affiliate Members~~ of the Organization are entitled to attend the General Assembly and are responsible for their own travelling and accommodation expenses should they choose to attend.

(b) The Secretary-General is ~~authorised~~authorized to invite, on behalf of the Council and subject to consent of the Contracting Parties, observers from:

- i. governments that are not parties to the Convention if proposed by a Contracting Party or the Council;
- ii. international organizations whose activities are connected with those of ~~IALA~~the Organization; or
- iii. national organizations of Contracting Parties which ~~have~~, have had or are likely to have occasion to collaborate with the Organization.

(c) Each Contracting Party ~~shall~~should communicate in writing, in accordance with its own practice, to the Secretary-General the names of the persons composing its delegation to the General Assembly, indicating which of these is to be regarded as

18. 3.2 (a): Replace “and members” by “, Associate Members and Affiliate Members” for clarification. (Same modification is required for each subsequent clause/paragraph.)

19. 3.2 (b) (iii): Add “have,” before “have had or are likely to have” (grammatical point of view).

its designated representative executing voting rights. This communication will be regarded as appropriate credentials for the participation of the named individuals in all activities of the General Assembly.

(d) Each ~~member of~~ Associate Member and Affiliate Member ~~shall~~ should communicate in writing to the Secretary-General the names of the persons attending the General Assembly.

**3.3 ~~Organisation~~ Organization**

(a) The General Assembly is to be prepared and ~~organised~~ organized by the Secretary-General using the resources of the Secretariat and those other resources as ~~agreed~~ decided in writing with the host country.

(b) The business of the General Assembly ~~shall~~ should be conducted in the English, French and Spanish languages.

(c) Six months before the opening of the General Assembly the Secretariat ~~shall~~ should invite Contracting Parties to submit proposals that they wish to discuss at the General Assembly. These will be received by the Secretariat for the following sixty calendar days.

(d) Four months before the opening of the General Assembly submitted proposals together with those prepared by the Council ~~shall~~ should be circulated to all Contracting Parties ~~and members, Associate Members and Affiliate Members~~, who ~~shall~~ should be invited to forward their comments to the Secretariat within sixty calendar days. After this date no proposals ~~shall~~ should 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.

(e) All final papers, including the provisional agenda but excluding any amending or alternative proposals, ~~shall~~ should be circulated to Contracting Parties ~~and~~

20. 3.3 (a): Replace “agreed” by “decided”.

~~members, Associate Members and Affiliate Members~~ at least sixty calendar days before the opening of the General Assembly.

(f) The provisional agenda for an ordinary session of General Assembly ~~shall~~should be prepared by the Secretariat for approval by the Council and ~~shall~~should normally include:

- i. Approval of the Agenda;
- ii. Report of the President/Secretary-General;
- iii. Finance Report;
- iv. Outline budget for the next four year period;
- v. Approval of amendments to the General Regulations and the rules of procedures of the General Assembly, the Council, Committees and other subsidiary bodies of the Organization;
- vi. Approval of the Strategic Vision;
- vii. Adoption of Standards;
- viii. Consideration of reports and proposals received from Contracting Parties ~~and members, Associate Members and Affiliate Members;~~
- ix. Election of the Council; and
- x. Any other business.

(g) The provisional agenda for an extraordinary session of General Assembly called by the Council ~~shall~~should be prepared by the Secretariat for approval by the Council and ~~shall~~should include consideration of the question(s) for which the session was convened.

(h) The provisional agenda for an extraordinary session of General Assembly called by the Contracting Parties ~~shall~~should be prepared by the Secretariat for approval by the Secretary General and ~~shall~~should include consideration of the question(s) for which the session was convened.

### **3.4 Rules of Procedure**

The following Rules of Procedure ~~shall~~should apply to the conduct of the business

of the General Assembly:

**3.4.1 The Role of the Chair**

(a) The President, or in his/her absence, the Vice President, ~~shall~~should be the Chair of the General Assembly.

(b) The Chair will open and close the meeting, direct discussions, ensure the observance of the procedures in the ~~IALA~~Convention and these General Regulations, accord the right to speak, put questions to the vote and announce decisions.

(c) The Chair will have control over the proceedings and may rule on points of order and ~~shall~~should have the power to propose adjournment or closure of debates or adjournment or suspension of the meeting.

**3.4.2 Conduct of Meetings**

(a) No person may address the General Assembly without having previously obtained the permission of the Chair. Subject to this rule and rules b), c), g) and i) below, the Chair ~~shall~~should call upon speakers in the order in which they signify their desire to speak. The Chair may call a speaker to order if the remarks of such speaker are not relevant to the subject under discussion.

(b) The Chair of a Committee or his or her representative, or the delegate of a subsidiary body may be accorded precedence for the purpose of explaining the conclusion arrived at by that Committee or subsidiary body.

(c) During the discussion of any matter, a delegate may rise to a point of order and the point of order ~~shall~~should immediately be decided by the Chair. A delegate may appeal against the ruling of the Chair. The appeal ~~shall~~should immediately be put to the vote and the Chair’s ruling ~~shall~~should stand unless overruled by the majority of the designated representatives present and voting. A delegate rising to a point of order may not speak on the substance of the matter under discussion.

(d) The General Assembly may, on the proposal of the Chair, limit the time to be allowed to each speaker on any particular subject under discussion. When the

21. 3.4.1 (a): The Chair of GA should be elected by GA, not by the Council (see Japanese comment 30 to the Convention).

22. 3.4.1 (b): Replace “the IALA Convention” by “the Convention” because this word should be defined. (Same modification is required for each subsequent clause/paragraph.)

debate is limited and a delegate has spoken for the allotted time, the Chair ~~shall~~should call such delegate to order without delay.

(e) During the course of a debate, the Chair may announce the list of speakers and, with the consent of the General Assembly, declare the list closed. The Chair may, however, accord the right of reply to any delegate if a speech delivered after the closure of the list makes this desirable.

(f) During the discussion of any matter, a delegate may move the adjournment of the debate on the question under discussion. In addition to the proposer of the motion, two delegates may speak in favour of, and two against, the motion, after which the motion ~~shall~~should immediately be put to the vote. The Chair may limit the time to be allowed to speakers under this rule.

(g) A delegate may, at any time, move the closure of the debate on the question under discussion, whether or not any other representative has signified his wish to speak. Permission to speak on the closure of the debate ~~shall~~should be accorded only to two speakers opposing the closure, after which the motion ~~shall~~should be immediately put to the vote. If the General Assembly is in favour of the closure, the Chair ~~shall~~should declare the closure of the debate. The Chair may limit the time to be allowed to speakers under this rule.

(h) During the discussion of any matter, a delegate may move the suspension or the adjournment of the meeting. Such motions ~~shall~~should not be debated, but ~~shall~~should be immediately put to the vote. The Chair may limit the time to be allowed to the speaker moving the suspension or adjournment.

(i) Subject to rule f) above, the following motions ~~shall~~should have precedence in the following order over all the other proposals or motions before the meeting:

- i. to suspend the meeting;
- ii. to adjourn the meeting;
- iii. to adjourn the debate on the question under discussion; and
- iv. for the closure of the debate on the question under discussion.

(j) Subject to rule f) above, any motion calling for a decision on the competence of the General Assembly to discuss any matter or to adopt a proposal or an amendment submitted to it ~~shall~~should be put to the vote before the matter is discussed or a vote is taken on the proposal or amendment in question.

(k) A motion may be withdrawn by its proposer at any time before voting on it has commenced, provided that the motion has not been amended or that an amendment to it is not under discussion. A motion which has thus been withdrawn may be reintroduced by any delegate.

(l) When a proposal has been adopted or rejected it may not be reconsidered unless the General Assembly, by a two-thirds majority of the designated representatives present and voting, so decides. Permission to speak on a motion to reconsider ~~shall~~should be accorded only to the mover and one other supporter and to two speakers opposing the motion, after which it ~~shall~~should be put immediately to the vote.

#### **3.4.3 Voting During Meetings**

(a) The General Assembly will normally vote by show of hands overseen by scrutineers. However, any Contracting Party may request a roll-call vote, which ~~shall~~should be taken in English alphabetical order of the name of Contracting Parties present, commencing with the Contracting Party whose name is drawn by lot by the Chair. The vote of each Contracting Party in any roll-call ~~shall~~should be noted in the meeting record.

(b) A representative of one Contracting Party ~~shall~~should not vote on behalf of another Contracting Party.

#### **3.4.4 Decision Making and Reporting**

(a) Where the General Assembly is requested to make a decision, that request ~~shall~~should be put to the meeting in the form of a General Assembly Resolution. Each Resolution should include an implementation date, if relevant, and for convenience, the Chair may aggregate Resolutions for approval and reporting

purposes.

(b) The Secretariat ~~shall~~should arrange for the substance of all discussions of the General Assembly to be recorded in a general summary of the work of the meeting. These minutes ~~shall~~should be distributed to those Contracting Parties ~~and members, Associate Members and Affiliate Members~~ attending, which may submit their proposed corrections in writing to the Chair. Any disagreement on the proposed corrections ~~shall~~should be decided by the Chair after consultation with the Contracting Parties ~~and members, Associate Members and Affiliate Members~~ concerned.

(c) The minutes will be adopted by the General Assembly in session, or if necessary, by correspondence.

(d) Contracting Parties ~~and members, Associate Members and Affiliate Members~~ who made statements during debate may request that such statement be attached to the minutes.

(e) The minutes, together with all relevant documents, ~~shall~~should be made available to the Contracting Parties ~~and members, Associate Members and Affiliate Members~~ within two weeks after their approval by the General Assembly.

(f) Audio recordings of General Assembly sessions may be made and ~~shall~~should be retained by the Secretariat for record purposes.

### **3.5 Election of the Council**

The election of Councillors ~~shall~~should be conducted as follows:

(a) The Secretary-General will invite Contracting Parties to declare their candidacy for the Council, according to Article 7 of the Convention six months before the opening of the General Assembly. Nominations will be received by the Secretariat for the following four months. Nominations should include:

- i. the name of the Contracting Party being nominated;
- ii. a statement, in the form approved by the Council and provided by the Secretariat, outlining the credentials of the Contracting Party for a position on the

Council; and

iii. a statement, in the form approved by the Council and provided by the Secretariat, outlining the credentials of the person to represent the Contracting Party.

~~(b) Councillors should, as far as possible, be drawn from different parts of the world with a view to achieving as widespread a representation as possible.~~

~~(c)~~(b) The Contracting Party having the non-elected councillor in accordance with Article 7 of the IALA-Convention cannot be nominated for election.

~~(d)~~(c) Sixty calendar days before the opening of the General Assembly all nominations shall~~should~~ be collated and circulated to all Contracting Parties by the Secretariat. After this date no nominations shall~~should~~ be accepted unless there are exceptional circumstances, in which case the nomination should be approved by the General Assembly for inclusion in the election.

~~(e)~~(d) A vote to elect Councillors from among those nominated will be conducted by secret ballot.

~~(f)~~(e) The Secretariat shall~~should~~ produce a ballot form for nominees for the Council and each designated representative shall~~should~~ have one vote for each vacant seat on the Council.

~~(g)~~(f) The ~~Chair~~Secretary-General shall~~should~~ appoint two scrutineers from amongst the Contracting Parties who have not been nominated for the Council, who shall~~should~~ proceed to ~~scrutinise~~scrutinize the votes cast and the counting of votes by the Secretariat.

~~(h)~~(g) If two or more candidates obtain the same number for the last seat or seats to be filled, there shall~~should~~ be a further ballot from among these candidates only. Should the votes again be divided equally, the ~~Chair~~Secretary-General shall~~should~~ draw by lot the name of the candidate to be eliminated in any subsequent ballots.

~~(i)~~(h) When voting and counting are completed the ~~Chair~~Secretary-General

23. 3.5 (b): Delete this subparagraph, because the application of regional balance rule to the election of Councillors seems difficult to achieve, and should be carefully considered. Modify also the numbering of each subsequent subparagraph.

24. 3.5 (g), (h) and (i): If the Chair can become a candidate for the Councillor for a next term, the election should be chaired by the Secretary-General. Replace “the Chair”, therefore, by “the Secretary-General” in (g), (h) and (i).

<p><del>shall</del>should confirm the election and invite the newly elected Council to take up their duties.</p> <p><del>(j)</del>(i) The term of the Council is from confirmation of its election until the election of a new Council at the following ordinary General Assembly.</p> <p><del>(k)</del>(j) Should a Contracting Party elected to the Council advise, at some time during the term of <del>that</del> the Council, being more than two years from the next General Assembly, that <del>they are</del> it is unable to continue to serve on the Council, the Secretary-General may conduct a by-election to fill the vacancy. The Secretary-General <del>shall</del>should invite nominations from all eligible Contracting Parties, conduct the vote [electronically] and rules g) - j) above will apply. The term of office of any Contracting Party so elected will be the same as that of the Contracting Party being replaced.</p> <p><del>(k)</del>(k) Contracting Parties are to advise the Secretary-General in cases where the person representing the Contracting Party at the Council changes.</p>	<p>25. 3.5 (k): Replace the first sentence by the following (from a grammatical point of view):          “Should a Contracting Party elected to the Council advise, at some time during the term of the Council being more than two years from the next General Assembly, that it is unable to continue to serve on the Council, the Secretary - General may conduct a by-election to fill the vacancy.”</p> <p>It is also necessary to reconsider the feasibility of electronic voting, so add a bracket to the word “electronically”.</p>
<p><b>Article 4</b></p> <p><b>The Council</b></p> <p><b>4.1 Functions of the Council</b></p> <p>(a) The Council, in fulfilling its obligation to administer the Organization will carry out the functions assigned to it by Article 7.6 of the <del>IALA</del> Convention.</p> <p>(b) In the period between General Assemblies, should no appropriate provision be made in the <del>IALA</del> Convention or these General Regulations, the Council <del>shall</del>should make any administrative or technical decision which may be necessary, unless such decision falls exclusively within the jurisdiction of the General Assembly under the Convention. Any such decision must be referred to the next General Assembly for confirmation.</p> <p>(c) The Council <del>shall</del>should be guided by the overall policy and Strategic Vision as</p>	

decided by the General Assembly.

(d) If the Council considers that any question or issue should be referred to Contracting Parties, it ~~shall~~should direct the Secretary-General to send a circular to each Contracting Party requesting them to notify the Secretariat of their opinion on the matter. The Council ~~shall~~should then decide the matter.

#### 4.2 Convening the Council

(a) The Council will be convened, ordinarily twice a year by notice in writing by any of the following:

- i. the President or the Vice President;
- ii. the Secretary-General; or
- iii. at the request of two Councillors.

(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 ~~IALA Headquarters~~seat of the Organization unless the Council ~~agrees alternate arrangements~~ decides otherwise, or if the meeting is to be held electronically.

(c) The date of an extraordinary meeting of the Council will be not less than ten calendar days from the date of notification, and the location will be the ~~IALA Headquarters~~seat of the Organization unless ~~otherwise agreed by~~ the President and the Secretary-General ~~decide otherwise~~, or if the meeting is to be held electronically.

(d) The quorum for a Council meeting is two thirds of Councillors, at least one of which must be the President or Vice President, who will chair the meeting, and one member of the Finance and Audit Committee.

(e) ~~The Council shall invite any Contracting Party which is not a Council member to participate, without vote, in its deliberations on any matter of particular concern to that Contracting Party, in accordance with Article 7.6 of the Convention.~~ Any other Contracting Party may be present at a Council meeting.

(f) The Council may also determine that a representative of any Committee or

26. 4.2(b): Replace “agrees alternate arrangements” by “decides otherwise”.

27. 4.2(c): Replace “unless otherwise agreed by the President and the Secretary-General” by “unless the President and the Secretary-General decide otherwise”.

28. 4.2(e): Add “The Council shall invite any Contracting Party which is not a Council member to participate, without vote, in its deliberations on any matter of particular concern to that Contracting Party, in accordance with Article 7.6 of the Convention.” Add also “other” between “Any” and “Contracting Party”. (See Japanese comment 37 to the Convention.)

other body established by it or of another organization may be present at a Council meeting.

#### 4.3 ~~Organisation~~ **Organization of Council Meetings**

(a) Council meetings are to be prepared and ~~organised~~ **organized** by the Secretary-General using the resources of the Secretariat.

(b) The business of the Council ~~shall~~ **should** be conducted in English, including output documents. Input documents may be submitted in French and ~~shall~~ **should** be translated by the Secretariat.

(c) Sixty calendar days before a scheduled Council meeting the Secretariat ~~shall~~ **should** invite Councillors, Contracting Parties ~~and members~~, **Associate Members and Affiliate Members** to submit papers addressing matters that they wish to discuss at the Council. These will be received by the Secretariat for the next two weeks.

(d) Six weeks before the opening of the Council submitted papers together with those prepared by the Secretariat ~~shall~~ **should** be made available to all Councillors, Contracting Parties ~~and members~~, **Associate Members and Affiliate Members** who have requested them, and they ~~shall~~ **should** be invited to forward their comments to the Secretariat within two weeks.

(e) Four weeks before the Council the Secretariat ~~shall~~ **should** make all papers and the provisional agenda for the meeting available to Councillors, Contracting Parties ~~and members~~, **Associate Members and Affiliate Members**.

(f) The provisional agenda for an ordinary meeting of the Council ~~shall~~ **should** normally include:

- i. Approval of the Agenda;
- ii. Report of the President/Secretary-General;
- iii. Report of the Finance and Audit Committee;
- iv. Committee Reports;
- v. Any other business; and

vi. Date and time of next meeting.

(g) The provisional agenda for an extraordinary meeting of the Council ~~shall~~should normally include consideration of the question(s) for which the meeting was convened.

#### **4.4 Rules of Procedure for Council Meetings**

The following Rules of Procedure ~~shall~~should apply to the conduct of the business of the Council:

##### **4.4.1 The Role of the Chair**

(a) The President, or in his/her absence, the Vice President, ~~shall~~should be the Chair of the Council.

(b) The Chair will open and close the meeting, direct discussions, ensure the observance of the procedures in the Convention and the General Regulations, accord the right to speak, put questions to the vote and announce decisions.

(c) The Chair will have control over the proceedings and may rule on points of order and ~~shall~~should have the power to propose adjournment or closure of debates or adjournment or suspension of the meeting.

##### **4.4.2 Conduct of meetings**

(a) No person may address the Council without having obtained the permission of the Chair. Subject to rules b), f) and h) below, the Chair ~~shall~~should call upon speakers in the order in which they signify their desire to speak. The Chair may call a speaker to order if the remarks of such speaker are not relevant to the subject under discussion.

(b) During the discussion of any matter, a Councillor may rise to a point of order and the point of order ~~shall~~should immediately be decided by the Chair. A Councillor may appeal against the ruling of the Chair. The appeal ~~shall~~should immediately be put to the vote and the Chair's ruling ~~shall~~should stand unless overruled by the majority of the Council present and voting. A Councillor rising to a point of order may not speak on the substance of the matter under discussion.

(c) The Council may, on the proposal of the Chair, limit the time to be allowed to each speaker on any particular subject under discussion. When the debate is limited and a Councillor has spoken for the allotted time, the Chair ~~shall~~should call the Councillor to order without delay.

(d) During the course of a debate, the Chair may announce the list of speakers and, with the consent of the Council, declare the list closed. The Chair may, however, accord the right of reply to any Councillor if a speech delivered after the closure of the list makes this desirable.

(e) During the discussion of any matter, a Councillor may move the adjournment of the debate on the question under discussion. In addition to the proposer of the motion, two Councillors may speak in favour of, and two against, the motion, after which the motion ~~shall~~should immediately be put to the vote. The Chair may limit the time to be allowed to speakers under this rule.

(f) A Councillor may, at any time, move the closure of the debate on the question under discussion, whether or not any other Councillor has signified his wish to speak. Permission to speak on the closure of the debate ~~shall~~should be accorded only to two speakers opposing the closure, after which the motion ~~shall~~should be immediately put to the vote. If the Council is in favour of the closure, the Chair ~~shall~~should declare the closure of the debate. The Chair may limit the time to be allowed to speakers under this rule.

(g) During the discussion of any matter, a Councillor may move the suspension or the adjournment of the meeting. Such motions ~~shall~~should not be debated, but ~~shall~~should be immediately put to the vote. The Chair may limit the time to be allowed to the speaker moving the suspension or adjournment.

(h) Subject to rule e) above, the following motions ~~shall~~should have precedence in the following order over all the other proposals or motions before the meeting:

- i. to suspend the meeting;
- ii. to adjourn the meeting;

- iii. to adjourn the debate on the question under discussion; and
  - iv. for the closure of the debate on the question under discussion.
- (i) Subject to rule e) above, any motion calling for a decision on the competence of the Council to discuss any matter or to adopt a proposal submitted to it ~~shall~~should be put to the vote before the matter is discussed or a vote is taken on the proposal in question.
- (j) A motion may be withdrawn by its proposer at any time before voting on it has commenced, provided that the motion has not been amended or that an amendment to it is not under discussion. A motion which has thus been withdrawn may be reintroduced by any Councillor.
- (k) When a proposal has been adopted or rejected it may not be reconsidered unless the Council, by a two-thirds majority of the Councillors present and voting, so decides. Permission to speak on a motion to reconsider ~~shall~~should be accorded only to the mover and one other supporter and to two speakers opposing the motion, after which it ~~shall~~should be put immediately to the vote.
- 4.4.3 Voting**
- (a) In ordinary meetings the Council ~~shall~~should vote by show of hands and otherwise in accordance with Article 5.3 of the Convention.
- (b) The Chair may decide to call an out of session postal or electronic vote by the Council. Postal or electronic votes will be determined by simple majority of votes cast, with nil returns being counted as votes in favour of the proposal, unless otherwise notified when the vote is called.
- 4.4.4 Decision Making and Reporting**
- (a) Where the Council is requested to make a decision, that request may be put to the meeting in the form of a proposed Council Resolution. Each Resolution should include an action date, if relevant, and for convenience, the Chair may aggregate Resolutions for approval and reporting purposes.
- (b) The Secretary-General ~~shall~~should arrange for the substance of all discussions

of the Council to be recorded in a general summary of the work of the meeting. The minutes ~~shall~~should be distributed to all Councillors present at the meeting, who may submit their proposed corrections in writing to the Chair. Any disagreement on the proposed corrections ~~shall~~should be decided by the Chair after consultation with the Councillor(s) concerned.

(c) The minutes will be approved by the Council in meeting, or, if necessary, by correspondence. The approved minutes, including the text of all Resolutions, will be made available to Councillors, Contracting Parties ~~and members~~, Associate Members and Affiliate Members.

(d) Documents relevant to the implementation of decisions ~~shall~~should be distributed to Councillors, Contracting Parties ~~and members~~, Associate Members and Affiliate Members as relevant.

**4.5 Election of the President and Vice President of ~~IALA~~the Organization**

(a) The Council ~~shall~~should, upon its election or as necessary, from among its Councillors elect the President and Vice President of the Organization.

(b) The election will be by secret ballot, which ~~shall~~should be conducted by the Secretary- General.

(c) All Councillors will be eligible for election upon indication of their willingness to stand for election.

(d) There ~~shall~~should be two ballots, one to elect the President and the other to elect the Vice President.

(e) Each Councillor is entitled to cast one vote in each ballot.

(f) Election will be the majority of votes cast, the counting of which will be done by the Secretary-General in view of the Council.

(g) If no candidate in either ballot in accordance with (d) above obtains a majority in the first ballot, a second ballot ~~shall~~should be taken confined normally to the two candidates obtaining the largest number of votes. If in the second ballot the votes are equally divided, the Secretary-General ~~shall~~should decide between the

<p>candidates by drawing lots.</p> <p>(h) The President and the Vice President <del>shall</del>should hold office for one term between General Assemblies unless resigning earlier. They <del>shall</del>should not be eligible for immediate re-election and <del>shall</del>should not hold office for more than two terms in total.</p> <p>(i) The President and Vice President hold these positions on a personal basis. Should either cease to be the designated representative of their Contracting Party, the position will fall vacant from date of them so ceasing.</p> <p>(j) Should the position of President become vacant, the Vice President will assume this role and the position of Vice President will become vacant instead. In this event, the Secretary-General <del>shall</del>should call for nominations to fill the vacant position and will conduct a ballot, either in session or electronically, in accordance with the provisions above.</p>	<p>29. 4.5 (j): Add “,” between “vacant” and “the Vice President” for clarification.</p>
<p><b>Article-5</b></p> <p><b>Finance and Audit Committee</b></p> <p><b>5.1 Function of the Finance and Audit Committee</b></p> <p>(a) The Council <del>shall</del>should, upon election or as necessary, establish a Finance and Audit Committee to provide advice to the Council.</p> <p>(b) The finances of the Organization <del>shall</del>should be managed by the Council, the Finance and Audit Committee and the Secretary-General in accordance with the financial arrangements as determined by the General Assembly and the Financial Regulations.</p> <p>(c) The Finance and Audit Committee <del>shall</del>should assist the Council in the supervision of the financial administration of the Organization.</p> <p><b>5.2 Election</b></p> <p>(a) The Council <del>shall</del>should, from among its Councillors elect at least three and no</p>	<p>30. 5: There is no clause regarding Rules of Procedures of the Finance and Audit Committee. Necessity of such a clause (as 5.2) should be considered at the next meeting.</p>

more than five Councillors to sit on the Finance and Audit Committee. The Council will then elect one of these Councillors, on a personal basis, to act as Treasurer and Committee Chair.

(b) The election will be by secret ballot, which ~~shall~~should be conducted by the Secretary- General.

(c) All Councillors will be eligible for election upon indication of their willingness to stand for election.

(d) There ~~shall~~should be two ballots, the first to elect the Committee members and the second to elect the Treasurer.

(e) Each Councillor is entitled to cast one vote in each ballot.

(f) Election will be simple majority of votes cast, the counting of which will be done by the Secretary-General in view of the Council.

(g) If the votes are equally divided for one or more of the positions as Committee member, a second ballot ~~shall~~should be taken confined to the number of positions not filled as a result of the first ballot. If in the second ballot the votes are equally divided, the Chair ~~shall~~should decide between the candidates by drawing lots.

(h) Should the number of candidates nominated be the same as the number of positions to be filled, those candidates will be appointed to the Committee without ballot.

(i) The Committee and the Treasurer ~~shall~~should hold office for the term of the Council unless replaced earlier by decision of the Council or through resignation.

(j) Should the Treasurer or a member of the Finance and Audit Committee resign and the remaining Committee then have less than three members the Secretary-General ~~shall~~should call for nominations to fill the vacant position and will conduct a ballot, either in session or electronically, in accordance with the provisions above.

(k) If the Treasurer cannot attend a meeting of the Finance and Audit Committee the Treasurer ~~shall~~should arrange for another member of the Committee to chair

31. 5.2 (c): (Question) Are the President and Vice-President eligible for the election?

32. 5.2 (j): Considering that the Treasurer is elected on a personal basis (5.2 (a)) because of its special position in the FAC, consideration is needed if such a sub-paragraph as 4.5 (i) of GR should be inserted. In such a case, actual 5.2 (j) should be reconsidered.

<p>the meeting.</p> <p><b>5.3 Convening the Finance and Audit Committee</b></p> <p>(a) The Finance and Audit Committee will be convened, ordinarily twice a year by notice in writing by any of the following:</p> <ul style="list-style-type: none"> <li>i. the President or Vice President;</li> <li>ii. the Treasurer;</li> <li>iii. the Secretary-General; or</li> <li>iv. at the request of two Councillors.</li> </ul> <p>(b) The date and location of the meeting of the Finance and Audit Committee in ordinary meeting will be determined by decision of the Treasurer, however such meetings will generally run at the same location and prior to Council meetings.</p> <p>(c) The date of an extraordinary meeting of the Finance and Audit Committee will be not less than one week from the date of notification, and the location will be the <del>IALA Headquarters</del> <b>seat of the Organization</b> unless <del>alternate arrangements are agreed by</del> the Treasurer, the Secretary-General and the President <del>decide otherwise</del>, or if the meeting is to be held electronically.</p> <p>(d) In the event that the Finance and Audit Committee cannot meet in regular or extraordinary meeting and approvals are required, the Committee may convene out of session by electronic means.</p> <p>(e) The business of the Finance and Audit Committee <del>shall</del> <b>should</b> be conducted in English, including output documents. Input documents may be submitted in French and <del>shall</del> <b>should</b> be translated by the Secretariat.</p>	<p>33. 5.3 (a) iv: (Question) “Two Councillors” here means two amongst those of FAC Councillors? (In that case, the word should be replaced by “two Councillors of the Finance and Audit Committee” for clarification.)</p> <p>Or it means two amongst all of the Councillors? (In this case, can these two Councillors attend by themselves the FAC?)</p> <p>34. 5.3(c): Replace “unless alternate arrangements are agreed by the Treasure, the Secretary-General and the President” by “unless the Treasure, the Secretary-General and the President decide otherwise”.</p>
<p><b>Article 6</b></p> <p><b>Committees and Other <b>Subsidiary Bodies</b></b></p> <p><b>6.1 Establishment and Functions of Committees and Other <b>Subsidiary Bodies</b></b></p> <p>(a) The General Assembly <del>or the Council</del> may establish <del>C</del>committees and other</p>	<p>35. 6.: Replace “Other Bodies” by “Other Subsidiary Bodies” (consistency with the Convention). (Same modification is required for each subsequent clause/paragraph.)</p>

subsidary bodies it deems necessary to support the ~~endeavours~~endeavors of ~~IALA~~the Organization. The ~~Council~~General Assembly will approve Terms of Reference for ~~C~~committees and other subsidary bodies, and all ~~activity~~activities of the ~~C~~committees and other subsidary bodies ~~shall~~should be conducted within those Terms of Reference.

(b) Committees and/or other subsidary bodies may:

- i. study matters relevant to the ~~aims~~objectives of ~~IALA~~the Organization, with the ~~objective~~purpose of preparing ~~S~~standards, ~~R~~recommendations, ~~G~~uidelines and ~~M~~anuals, and submissions to other organizations in accordance with the ~~Work Programme~~work program approved by the Council; or
- ii. address other objectives as established by the General Assembly or the Council.

(c) Contracting Parties ~~and members, Associate Members and Affiliate Members~~ are eligible to participate in the Committees established by the General Assembly ~~or the Council~~.

(d) The Council will determine participation in other subsidary bodies ~~as part of the development of~~in accordance with the Terms of Reference for those bodies.

(e) The business of the Committees and other subsidary bodies ~~shall~~should be conducted in English, including output documents. Input documents may be submitted in French and ~~shall~~should be translated by the Secretariat.

## 6.2 Appointment of Chair and Vice Chair

(a) Each Committee will have a Chair and Vice Chair appointed by the Council for a period of four years.

(b) Nominations for these positions may be made by Contracting Parties or the Secretary-General. When a vacancy arises, the Secretariat will inform Contracting Parties of the vacancy and seek nominations in an open and timely manner, including providing advice to Contracting Parties of the process for selection of the successful candidate. The Secretariat will inform the Council of all nominations

36. 6.1 (a): Establishment of committee, including its Terms of Reference, should be decided by the GA, not by the Council. See Japanese Comment 42 to the Convention. (Same modification is required for each subsequent clause/paragraph.)

37. 6.1 (b) (i): Replace “aims” by “objectives” (see Japanese comment 13 to the Convention) and “objective” by “purpose” accordingly. Replace “Standards, Recommendations, Guidelines and Manuals” by “standards, recommendations, guidelines and manuals” (consistency with the Convention. Same modification is required for each subsequent clause/paragraph). Replace “Work Programme” by “work program” (consistency with other provisions, use of American English spelling).

38. 6.1 (d): Replace “as part of the development of the Terms of Reference” by “in accordance with the Terms of Reference”, because the ToR should be determined by the GA, not by the Council. See Japanese comment 42 to the Convention.

and the Council will determine the successful candidate.

(c) Chairs and Vice Chairs of working groups ~~shall~~should normally be provided by Contracting Parties and appointed by the Chair of the Committee. However, where appropriate, they may be drawn from members or sister organizations. The appointment of the working group Chair and Vice Chair are at the discretion of the Committee Chair.

### 6.3 Rules of Procedure

#### 6.3.1 Meetings

(a) Committee meetings ~~shall~~should normally be held twice a year at the ~~IALA Headquarters~~seat of the Organization. Exceptionally they may be held elsewhere, with the approval of the Secretary-General.

(b) The duration of a Committee meeting ~~shall~~should normally be five days, with the daily schedule being decided by the Committee Chair.

(c) The Secretariat will inform all Contracting Parties ~~and members, Associate Members and Affiliate Members~~ of the date of each Committee meeting by email. Notices will be sent ninety calendar days in advance and again thirty calendar days in advance. Dates will also be available on the ~~IALA~~website of the Organization.

(d) Every Contracting Party and member may send one or more representatives to participate in a Committee meeting.

(e) Contracting Parties ~~and members, Associate Members and Affiliate Members~~ intending to send participants to a Committee meeting should advise the Secretariat of the participants' details.

(f) When it would be beneficial to the work of a Committee, individuals from academic, scientific, research or other relevant organizations may be invited by the Secretary-General to attend a Committee meeting for a specific purpose.

(g) Participants are responsible for arranging their own accommodation and transport during a Committee meeting, but the Secretariat will advise of accommodation options and of special rates if available.

- (h) Committee participants should ensure that they:
- i. act honestly and in good faith, with a view to upholding the best interests and purpose of the Organization;
  - ii. advise the Committee of a perceived, potential, or actual conflict of interest and withdraw from discussion of that particular item, if appropriate;
  - iii. do not conduct any commercial activity within the ~~IALA Headquarters~~ **seat of the Organization**; and
  - iv. keep ~~IALA~~ **products of the Organization** free from unresolved or unreasonable intellectual property rights issues and claims.

**6.3.2 Work of the Committees**

(a) Each Committee ~~shall~~ **should** develop and work to a work ~~programme~~ **program**. The following factors ~~shall~~ **should** be taken into account when the work ~~programme~~ **program** is developed:

- i. the Strategic Vision;
- ii. the number of meetings available to the Committee during the four-year work period, which is the time between regular sessions of the General Assembly;
- iii. the order in which the work should be undertaken; and
- iv. any other matters relevant to the work of the Committee.

(b) A Committee work ~~programme~~ **program**, or changes thereto, ~~shall~~ **should** be submitted to the Council for approval.

(c) The work of a Committee may be facilitated by the use of working groups. The creation of a working group is at the discretion of the Committee Chair.

(d) A working group will be an integral part of its parent Committee and will meet during the same week as the Committee.

(e) An inter-sessional meeting of a working group (that is a working group meeting held between two meetings of the parent Committee) may be used to enable faster progress of a specific work item.

(f) An inter-sessional meeting of a working group requires the approval of the

Secretary-General. The meeting should be held at the ~~IALA Headquarters~~ **seat of the Organization** unless an alternative location is approved by the Secretary-General.

(g) With the approval of the Committee, the Chair may appoint rapporteurs to regularly provide advice to the Committee on specific matters that have an impact on or influence the work of the Committee and the provision of aids to navigation services **or Vessel Traffic Services**.

**6.3.3 Decisions**

If a consensus on a specific matter cannot be reached, a Committee ~~shall~~ **should** decide by a simple majority of the Contracting Parties represented at the meeting. There ~~shall~~ **should** be only one vote per Contracting Party. The Chair has a casting vote if necessary.

**6.3.4 Agenda and Documents**

(a) Agenda items will depend upon the specific topics to be addressed during the particular Committee meeting to which the agenda refers. The topics to be addressed will be determined by the Chair, assisted by the Vice Chair and the secretary to the Committee, taking into account the Strategic Vision, the Committee structure, and the work ~~programme~~ **program** of the Committee.

(b) Input documents for a Committee meeting should be sent to the Secretariat not later than ~~two weeks~~ **one month** before the meeting and will be published on the relevant section of the ~~IALA website~~ **of the Organization**. Documents should conform to the standard template, ~~input documents~~.

(c) Documents for consideration at a Committee meeting will be numbered by the Secretariat in a way that indicates the meeting number, the agenda item to which they refer and the description.

(d) Any Contracting Party or member may submit a document addressing any item on the work ~~programme~~ **program** of a Committee.

(e) Working documents are ~~documents~~ to be carried over to a subsequent

39. 6.3.4 (b): Bulky input paper needs more time to reviewed, so replace “two weeks” by “one month” to assure sufficient time of consideration prior to the meeting. Also, delate “, input documents” at the last of the subparagraph.

40. 6.3.4 (e): delate second “documents” (grammatical point of view).

meeting.

(f) Output documents are ~~documents to be~~ completed by the Committee. They include draft ~~S~~standards, ~~R~~recommendations, ~~G~~guidelines, and other documents for submission to the Council for approval.

(g) The report of a Committee meeting ~~shall~~should be approved by the Committee, endorsed by the Chair, and made available for Contracting Parties ~~and members, Associate Members and Affiliate Members~~ on the website by the Secretariat without delay. ~~The Committee should report to the General Assembly after completion of its work.~~

(h) Input documents and reports ~~shall~~should follow the respective template formats.

(i) Draft ~~S~~standards, ~~R~~recommendations, ~~G~~guidelines, and similar ~~documents~~ created by a Committee ~~shall~~should follow a quality assurance process to ensure that both content and presentation reflect the expected standard. This process has the following steps:

i. The Chair and Vice-Chair of the Committee ~~shall~~should be actively involved throughout the development process. ~~The IALA-Secretariat of the Organization~~ (secretary to the Committee) ~~shall~~should be involved throughout the development process for format and editorial review.

ii. Once completed by a Committee, an output document ~~shall~~should proceed through a quality assurance check via the Secretariat including final formatting, and ~~shall~~should then be sent to the Council for review and approval.

iii. Before approval by the Council or the General Assembly in the case of Standards, an output document must be watermarked “Draft” on each page.

iv. After approval by the Council or the General Assembly as appropriate, the document ~~shall~~should be placed on the ~~IALA~~ website ~~of the Organization~~ with public access.

v. Contracting Parties ~~and members, Associate Members and Affiliate~~

41. 6.3.4 (f): Replace “are documents completed” by “are to be completed” (grammatical point of view).

42. 6.3.4 (g): Add “the Committee should report to the General Assembly after the completion of its work” at the last of subparagraph (g).

43.6.3.4 (i): Replace “, and similar” by “and similar documents” (grammatical point of view).

<p>Members <del>shall</del>should be notified of newly approved documents.</p>	
<p><b>Article-7</b>  <b>The Secretary-General and the Secretariat</b>  <b>7.1 Appointment of the Secretary-General</b>          (a) In accordance with <b>Article 7.6 (h)</b> of the Convention, <del>Article 7.6 (h)</del> the Council will appoint a Secretary-General to act as legal representative and Chief Executive of <del>IALA</del>the Organization for a term of four years and may reappoint the Secretary-General for one additional term not exceeding four years.          (b) The Council, upon advice of a forthcoming vacancy in the position of Secretary-General, will empower a panel of Councillors to act as Selection Panel to fill that vacancy.          [(c) The Selection Panel <del>shall</del>should consist of the President, the Vice President, the Treasurer and two other Councillors, which <del>shall</del>should be assisted by a suitably qualified member of the staff of the Secretariat appointed by the incumbent Secretary-General.          (d) The Selection Panel will:          i. review the existing position description and salary by comparison with like positions in other organizations;          ii. prepare an updated position description, vacancy notice, selection criteria, candidate assessment matrix and interview process;          iii. consult with the Finance and Audit Committee to establish a remuneration and benefits package for the position;          iv. publish the vacancy notice on the <del>IALA</del> website of the Organization and in other media as appropriate;          v. determine and implement interview arrangements;          vi. individually evaluate applications against the selection criteria using the</p>	<p>44. 7.1 (a): Replace “the Convention Article 7.6 (h)” by “Article 7.6 (h) of the Convention,” for clarification.</p> <p>45. 7.1 (c), (d), and (e): Add bracket to subparagraph (c), (d) and (e), because more detailed discussion is required to consider if the selection panel is the best way to appoint the Secretary-General.</p>

- candidate assessment matrix;
- vii. collectively identify candidates for interview based on completion of a combined candidate assessment matrix;
  - viii. conduct interviews;
  - ix. collectively assess and rank each candidate against the selection criteria based on application and interview performance;
  - x. undertake consultation with referees for short-listed candidates;
  - xi. enter without prejudice negotiations with the preferred candidate, inter alia in relation to the position description, employment conditions and remuneration and benefits package; and
  - xii. document its conduct of the above process, including a comparative assessment of short-listed candidates, and report to the Council, nominating a preferred candidate.
- (e) The Council will consider the report and nomination of the Selection Panel, meeting in extraordinary session if required, and unless there is evidence of lack of good faith or dereliction of duty on the part of the Selection Panel, confirm the nomination.
- (f) The President will then take all necessary steps to ~~finalise~~finalize the appointment.
- (g) Upon the commencement of duty by the new Secretary-General the President and the Treasurer ~~shall~~should meet with the Secretary-General to discuss expectations, performance requirements, powers and responsibilities and to commence an induction into the operation of the organs of the Organization and management of the Secretariat.
- (h) The Secretary-General ~~shall~~should be subject to the Staff Rules and the Secretariat Procedures to the extent that this is appropriate.

**7.2 Appointment and Management of Staff**

The Secretary-General ~~shall~~should:

- (a) determine the requirement for, and functional ~~organisation~~organization of, the staff of the Secretariat;
- (b) prepare Staff Rules for approval by the Council;
- (c) select and engage the staff of the Secretariat in accordance with the Staff Rules; and
- (d) manage the performance of the staff of the Secretariat in accordance with the Staff Rules.

**7.3 Function of the Secretariat**

In the performance of their duties the staff of the Secretariat ~~shall~~should not seek or accept instructions from any authority external to the Organization. They ~~shall~~should refrain from any action which might adversely reflect on their position in the Organization as international officers.

The Secretariat, under the direction of the Secretary-General, and in accordance with the Secretariat Procedures, ~~shall~~should:

- (a) handle all day-to-day administration of the Organization, including the flow of information between the Secretariat and Contracting Parties ~~and members,~~ Associate Members and Affiliate Members;
- (b) ~~organise~~organize and support meetings of the General Assembly and the Council;
- (c) prepare Terms of Reference for Committees and other ~~subsidiary~~ subsidiary bodies for approval by ~~the Council~~the General Assembly;
- (d) ~~organise~~organize and support the Committees and other ~~subsidiary~~ subsidiary bodies in accordance with the ~~Work Program~~work program approved by the Council, by (as required):
  - i. hosting the meetings;
  - ii. providing secretarial and technical support;
  - iii. preparing and submitting related documents to the Council; and
  - iv. circulating meeting documents;

46. 7.2 (c): The appointment of executives of Secretariat such as Deputy Secretary-General and Dean of WWA should be approved by the Council.

47. 7.3 (c): Replace “the Council” by “the General Assembly”, because ToR for Committees and other subsidiary bodies should be approved by the GA, not by the Council (see Japanese comment 35 to the Convention).

- (e) establish Rules of Procedure for participation in Conferences and Symposia for approval by the Council;
- (f) ~~organise~~organize Conferences, Symposia, seminars, workshops and other events;
- (g) manage finances under the direction of the Council and in accordance with the Financial Regulations;
- (h) prepare the annual budget and accounts for submission to the Finance and Audit Committee;
- (i) produce the Annual Report;
- (j) receive, print, file and/or circulate/publish documents, and in so doing, ensure that all ~~S~~standards, ~~R~~recommendations, ~~G~~guidelines and ~~M~~manuals upon their publication are made available in all the official languages of the Organization;
- (k) establish, maintain and have custody of documents in the archive; and
- (l) generally perform all other work that may be required to support the ~~endeavours~~endeavors of the Organization.

**7.4 Secretariat Procedures**

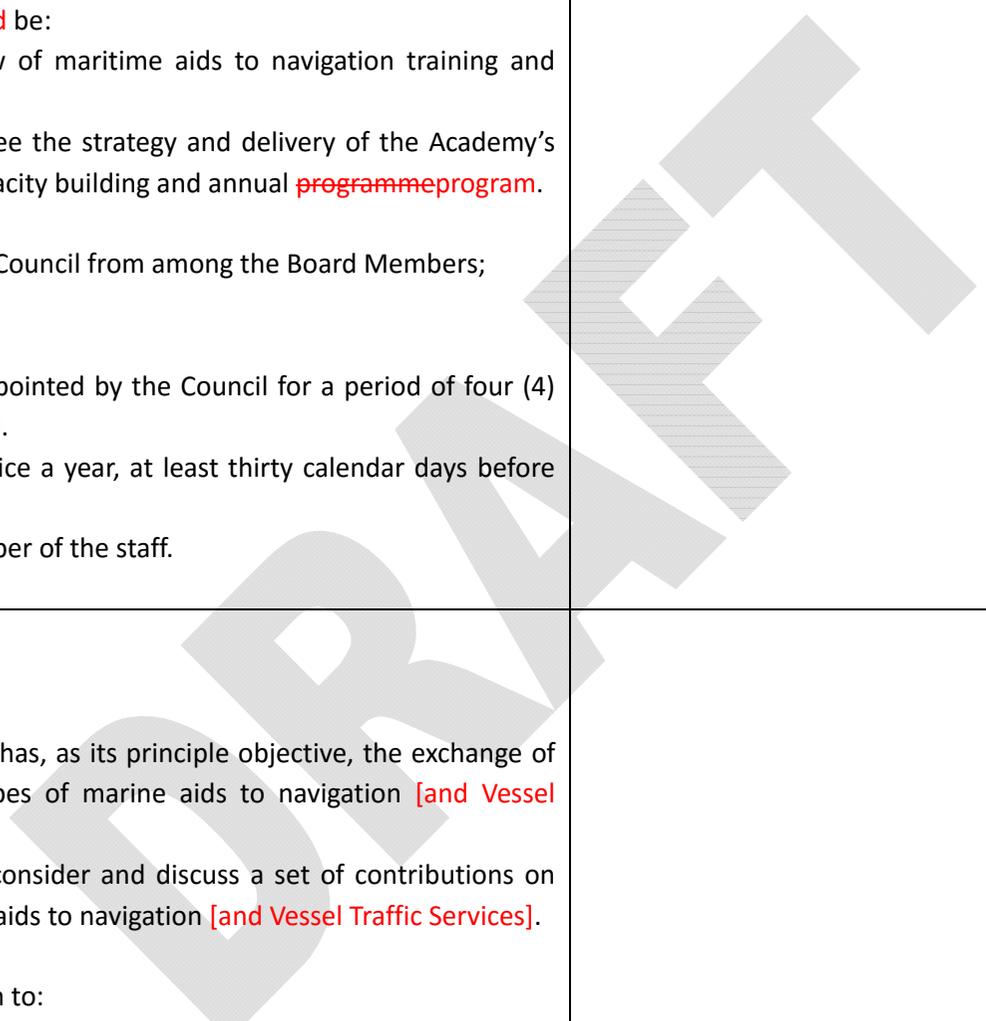
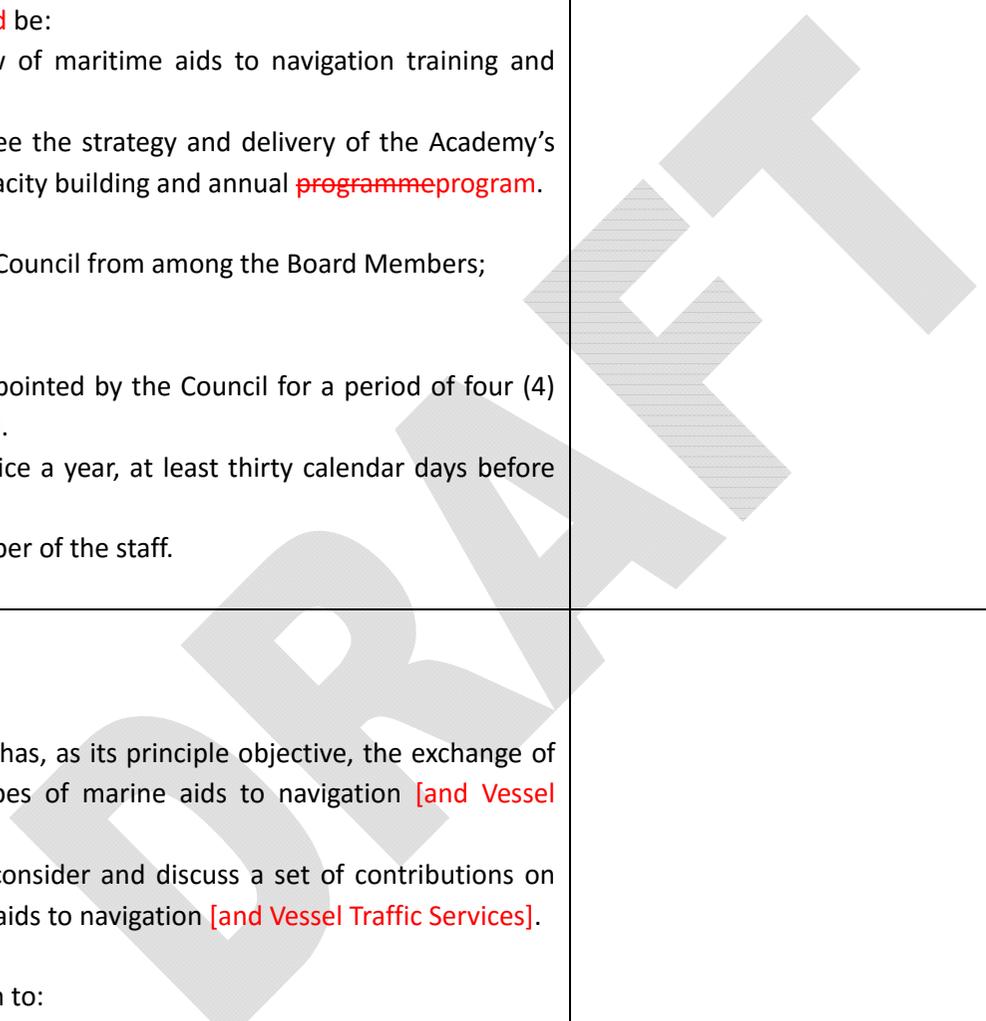
- (a) The conduct of business of the Secretariat ~~shall~~should be governed by Secretariat Procedures established by the Secretary-General, which ~~shall~~should be reviewed and kept updated to ensure efficient operations are maintained.
- (b) The Secretariat Procedures ~~shall~~should be made available to all staff.
- (c) The staff ~~are~~is required to implement the Secretariat Procedures applicable to them and to work with the Secretary-General to ensure that the Secretariat Procedures reflect safe, clear, open and sustainable working practice.

**7.5 ~~IALA~~[IOMAN] World-Wide Academy**

The ~~IALA~~[IOMAN] World Wide Academy (“the Academy”), the vehicle by which the Organization delivers training and capacity building, ~~shall~~should be an integral part of the Secretariat.

- (a) The Academy ~~shall~~should be administered by the Secretary-General as advised

48. 7.4 (c): Replace “are” by “is” (grammatical point of view).

<p>by a Dean supported by an Advisory Board (“the Board”).</p> <p>(b) The role of the Board <del>shall</del>should be:</p> <ul style="list-style-type: none"> <li>i. to maintain a global view of maritime aids to navigation training and capacity building needs; and</li> <li>ii. to recommend and oversee the strategy and delivery of the Academy’s key deliverables of training and capacity building and annual <del>programme</del>program.</li> </ul> <p>(c) The Board <del>shall</del>should consist of:</p> <ul style="list-style-type: none"> <li>i. a Chair nominated by the Council from among the Board Members;</li> <li>ii. the Secretary-General</li> <li>iii. the Dean of the Academy;</li> <li>iv. up to six (6) members appointed by the Council for a period of four (4) years and who may be re-appointed.</li> </ul> <p>(d) The Board <del>shall</del>should meet twice a year, at least thirty calendar days before the next Council meeting.</p> <p>(e) The Dean <del>shall</del>should be a member of the staff.</p>	
<p><b>Article 8</b></p> <p><b>Conferences and Symposia</b></p> <p><b>8.1 Definition</b></p> <p>(a) A Conference is a meeting that has, as its principle objective, the exchange of and information relative to all types of marine aids to navigation [<del>and Vessel Traffic Services</del>].</p> <p>(b) A Symposium is a meeting to consider and discuss a set of contributions on specific subjects relating to marine aids to navigation [<del>and Vessel Traffic Services</del>].</p> <p><b>8.2 Attendance</b></p> <p>(a) Conferences <del>shall</del>should be open to:</p> <ul style="list-style-type: none"> <li>i. all Contracting Parties <del>and members</del>, Associate Members and Affiliate</li> </ul>	

**Members;**

- ii. other international organizations and associations, aids to navigation Authorities, VTS Authorities and official bodies as approved by the Council; and,
- iii. international organizations and associations designated by the Council.

(b) Symposia ~~shall~~**should** be open to international organizations, companies or individuals working in the field or having an interest associated with the subject addressed by the Symposium, upon registration.

**8.3 Exhibitions**

(a) At Conferences

An exhibition of aids to navigation equipment will be ~~organised~~**organized** during each Conference period. Only those Industrial members who have paid the equivalent of the fees for the two years immediately prior to the year of the Conference, plus the year of the Conference, will have the right to exhibit.

(b) At Symposia

An exhibition of aids to navigation equipment will be ~~organised~~**organized** during each Symposium. The exhibition will be open to any entity operating in the aids to navigation field, upon registration.

**8.4 Preparations for Conferences and Symposia**

(a) The Secretariat ~~shall~~**should** develop, for approval by the Council, guidelines for preparations for Conferences and Symposia. The guidelines ~~shall~~**should** assist the Secretariat and the host in the planning and preparation for convening, and conduct of, Conferences and Symposia.

(b) The guidelines ~~shall~~**should** be made available to Contracting Parties ~~and members, Associate Members and Affiliate Members~~ considering hosting a Conference or a Symposium.

**Article 9**

<p><b>Amendments to the General Regulations</b></p> <p><b>9.1</b> These General Regulations may be amended by the General Assembly.</p> <p><b>9.2</b> The Council and any Contracting Party to the Convention may propose an amendment to these General Regulations, in accordance with 3.</p> <p><b>9.3</b> Decisions of the General Assembly relating to matters covered by these General Regulations <del>shall</del><b>should</b> be incorporated therein.</p>	
<p><b>Article-10</b></p> <p><b>Termination</b></p> <p>In the event of the termination of the Organization, the Council <del>shall</del><b>should</b> make the necessary arrangements for the winding up of the Organization, including:</p> <p>(a) determining the assets of the Organization and returning any property not belonging to the <del>e</del>Organization;</p> <p>(b) determining and settling any claims against the Organization and any sums owed by the Organization including costs associated with the winding up of the Organization; and</p> <p>(c) dividing the balance of the accounts amongst the Contracting Parties [<del>and members, Associate Members and Affiliate Members</del>] in accordance with the Financial Regulations.</p>	<p>49. 10: Add “,” between “the Organization” and “the Council” for clarification.</p> <p>50. 10.(a): Replace “organization” by “Organization”.</p>

# Proyecto de Convenio sobre la Organización Internacional para las Ayudas a la Navegación Marítima (IALA)

## Artículos

## COMENTARIOS MEXICO

## TRANSLATION IN ENGLISH

### Comentarios Generales

Se encontraron múltiples inconsistencias en la versión en español relacionadas con la traducción, errores de tipografía y sintaxis, por lo que sería pertinente insistir en que se efectúe una revisión integral de todos los documentos.

Los documentos de trabajo previamente "aprobados" requieren de un análisis puntual de todos los países que actualmente integran la Asociación, puesto que en sus términos actuales NO es viable considerar su adopción y apertura a firma en la Conferencia Diplomática que se pretende celebrar en Corea en 2018.

En la medida en que se lleve a cabo un análisis minucioso que considere las opiniones y sugerencias de los países, y se consoliden textos que reflejen la práctica internacional seguida en la constitución de organizaciones intergubernamentales similares, será más factible determinar la conveniencia de que el Estado mexicano eventualmente se vinculara a un tratado de esta naturaleza.

LOS Estados partes en el presente Convenio, designados a continuación "Partes contratantes":

**RECORDANDO** que la Asociación Internacional de Señalización Marítima fue creada el 1° de julio de 1957 a continuación de la Conferencia de Servicios de Señalización Marítima que fue celebrada en Scheveningen, en los Países Bajos;

**NOTANDO** que la denominación inglesa de la Asociación Internacional de Señalización Marítima fue modificada como International Association of Marine Aids to Navigation and Lighthouse Authorities por la Asamblea General en Hamburgo, Alemania, en 1998, sin incidencia sobre la denominación francesa.

**RECONOCIENDO** el papel de la Asociación Internacional de Señalización Marítima en la mejora y la armonización continua de las ayudas a la navegación para que los movimientos de buques

\*En el Reglamento General se establecen las categorías de los miembros de la Organización; considerándose necesario que en el convenio se establezca a quienes les corresponde cada categoría; circunstancia que a su vez permitirá que se utilicen los conceptos de manera uniforme, tanto en el Convenio como el Reglamento.

\*En cuanto a la toma de decisiones; se considera necesario establecer en qué casos las decisiones tomadas por la organización internacional serán vinculatorias para los Estados parte. En ese sentido, es conveniente que los Estados parte, tengan participación activa y decisiva como miembros de la propia Asamblea General, en el entendido que tendría que ser equitativo y que si bien, no cabría la posibilidad de que sea un representante por Estado, se designaría un representante regional.

\*En el proyecto no existe un capítulo sobre "definiciones", únicamente notas al pie de la última página, por lo que se sugiere que haya un apartado de "definiciones", lo que haría un texto más explícito, en el que se contemple, entre otras, quienes serán las partes contratantes, quien es los miembros socios y si hay similitud con los miembros asociados, entre otras.

(-) In the General Regulations, membership categories are established; considering to be necessary to establish in the agreement to whom it belongs each category, which in turn will allow the use of the terms in a uniform manner, for both the Agreement and the Regulations.

(-)Referring decision making, it is considered necessary to specify in which cases the decisions taken by the International Organization shall be binding on the States Parties. In this purpose, it is convient for States Parties to have an active and decisive participation as members of the General Assembly, assuming that in order for this participation to be equitable a State representative should be chosen, or failling to do so, a Regional representative.

(-)Throughout the document, a "Concepts" chapter does not exist. Despite the existence of foot notes, it is suggested to create a section for "concepts", this way the text would be more explicit, since it is believed to be necessary to define some terms such as contracting parties, affiliate members, associate members, and their similarities.

**Artículo 1  
Creación de la  
Organización  
Internacional**

1. La Organización Internacional para las Ayudas a la Navegación Marítima es creada como organización internacional por el presente Convenio y llamada "IALA" (a continuación designada "la Organización").
2. La Organización tiene su sede en Francia, a menos que la Asamblea general decida otra cosa;
3. Las lenguas oficiales de la Organización son el francés, el inglés y el español. La lengua de trabajo de la Organización es el inglés.
4. Las modalidades de funcionamiento de la Organización son definidas por el Reglamento general. i

Conforme a la motivación que sustenta el presente instrumento, se tiene que el objetivo es cambiar de estatus a Organización Internacional, por lo que se estima conveniente asentarlos así en texto del primer párrafo del artículo 1, además, se considera que en la denominación que se le da, queda inmerso el carácter internacional de la misma por lo tanto, se sugiere la siguiente redacción:

- El presente Convenio crea la Organización Internacional para las Ayudas a la Navegación Marítima, la cual se denominará "IALA", para efectos del presente instrumento se denominará "la Organización".

According to the motivation that underlies the current instrument, which is to change status of the organization to an International Organization, it is convenient to make it explicit on the document on the first paragraph of Article 1. Additionally, it is considered that in the denomination it is immersed the international character of it, therefore, the following quote is suggested: " This agreement establishes the International Organization for Marine Aids to Navigation, which will be denominated as "IALA", and for the purposes of this document it shall be referred to as "the Organization"

**Artículo 2  
Objetivo**

1. La Organización tiene un carácter consultativo y técnico.
2. Los objetivos de la Organización son:
  - (a) procurar que los movimientos de los buques sean seguros, económicos y eficaces, mejorando y armonizando las ayudas a la navegación a nivel mundial, y por todos los demás medios apropiados;
  - (b) reunir los gobiernos, los servicios y las organizaciones concernidas por la reglamentación, el suministro, el mantenimiento o el funcionamiento de las ayudas a la navegación marítima o de otras actividades conexas;
  - (c) promover el acceso a la cooperación técnica en todas las cuestiones vinculadas con el desarrollo y la transferencia de conocimientos, ciencia y tecnología relacionadas con las ayudas a la navegación marítima;
  - (d) fomentar y facilitar la adopción generalizada de las normas más elevadas posibles en materia de ayudas a la navegación marítima; y
  - (e) brindemos un marco al intercambio de informaciones entre gobiernos y entre organizaciones intergubernamentales sobre temas tratados por la Organización.

3. Para atender las necesidades de este Convenio el término "ayuda a la navegación marítima" se entiende como cualquier dispositivo, sistema o servicio exterior al buque, diseñado y utilizado con el propósito de mejorar las condiciones de seguridad y de eficacia de todos los buques y/o del tráfico marítimo. Las funciones por las cuales la Organización alcanza los objetivos mencionados en el artículo 2 son definidas a continuación:

- (a) proporcionar normas, recomendaciones, guías y manuales u otros instrumentos apropiados y llevarlos a la atención de gobiernos, organizaciones intergubernamentales y de sus miembros, cuando sea necesario;
- (b) estudiar y recomendar normas, recomendaciones, guías y otros documentos a los cuales puedan referirse los miembros, cualquier órgano o institución especializada de las Naciones Unidas o cualquier otra organización intergubernamental;

**Artículo 3  
Funciones de la  
Organización**

En este artículo, se establecen los objetivos de la Organización, se considera que por la naturaleza del contenido del párrafo 1, este deberá ser parte del artículo 1. Del contenido de los documentos enviados por las autoridades francesas, se desprende que uno de los objetivos de la futura organización será fomentar y facilitar la adopción generalizada de las normas en materia de ayudas a la navegación marítima. Si bien este propósito se refleja íntegramente en el Artículo 2, párrafo 2, inciso (d), del proyecto de Convenio, queda pendiente definir claramente los mecanismos que se emplearán para impulsar la instrumentación plena y efectiva de las mismas, tomando en cuenta que adquirirán la forma de recomendaciones, guías y manuales cuyo carácter no será vinculante.

This article sets out the objectives of the Organization, so with this mean, the content should be part of the first paragraph, belonging to the Article 1. From the content of the documents sent by the french authorities, it is perceived that one of the objectives of the future organization will be to encourage and facilitate the widespread adoption of rules for marine aids. While this purpose is fully reflected in the Article 2, paragraph 2, subparagraph d, of the draft convention, it remains to clearly define the mechanisms that will be used to promote their fully implementation, considering that they will acquire the form of recommendations, guides and manuals, whose character will no be binding.

como los descritos en la sección 4.2 del presente artículo.

2. Los miembros comprenden miembros sociosii y miembros afiliadosiii; las modalidades de funcionamiento que les concierne son definidas en el Reglamento general.

3. Cualquier Parte Contratante puede solicitar, por escrito ante el Secretario general de la Organización, la admisión en calidad de miembro asociado de un territorio o grupo de territorios que dependen de su responsabilidad, legalmente responsable para la reglamentación, el suministro, el mantenimiento y/o el funcionamiento de ayudas a la navegación marítima.

4. Cada Parte Contratante tiene la obligación de pagar anualmente a la Organización una contribucióniv cuyo importe es determinado en función del artículo 7.6 (e) y del artículo 10.

5. Las contribuciones financieras de las Partes Contratantes y las cuotas de los miembros son exigibles y pagaderas según las disposiciones del Reglamento general.

6. Las Partes Contratantes que no cumplen con sus contribuciones en los plazos de pago impartidos se exponen a deber pagar intereses de demora cuya tasa es determinada por el Consejo.

7. Cualquier Parte Contratante que tiene un retraso de dos años respecto al pago de sus contribuciones es privada, después de haber sido notificada, de las prerrogativas y ventajas concedidas a las Partes Contratantes según los términos del presente convenio, hasta el pago de sus contribuciones vencidas.

8. Ninguna Parte Contratante ni ningún miembro será considerado responsable, debido a su estatuto o a su participación a la Organización, de los actos, incumplimientos u obligaciones de la

1. Los órganos de la Organización son:

(a) la Asamblea General

(b) el Consejo

(c) las Comisiones y cualquier órgano subsidiario necesario a las actividades de la Organización;

(d) la Secretaría.

2. La Organización está dotada de un Presidente y de un Vice-presidente elegido según las disposiciones del artículo 7.

3. En los casos en que las decisiones de la Asamblea general o del Consejo no pueden ser tomadas por consenso, las disposiciones siguientes se aplican:

(a) Únicamente las Partes Contratantes tienen derecho a voto, que es ejercido por el representante designado por cada una de las Partes Contratantes;

(b) Salvo especificado de otra manera, las decisiones son tomadas a la mayoría simple de votos.

4. El Reglamento general determina las reglas de funcionamiento aplicables a cada órgano.

#### Artículo 4 Miembros

#### Artículo 5 Estructura de la Organización

\*A diferencia de otros tratados constitutivos, el proyecto de Convenio carece de una disposición específica concerniente al financiamiento, ya que el tema de las contribuciones únicamente está referido en el Artículo 4 denominado "Miembros". Asimismo, se incorporan los términos "contribuciones" y "cuotas", situación que en la práctica generaría desconcierto. Igualmente, en esta disposición se indica que las Partes Contratantes que incumplan con el pago de las contribuciones deberán pagar intereses, lo cual es contrario a la práctica internacional y a la postura que el Estado mexicano ha defendido en otras organizaciones. No queda definido el carácter que tendrán los miembros honorarios de la IALA.

De la lectura del Artículo 5 "Estructura de la Organización", párrafo 3, se deduce que los miembros (socios y afiliados) NO podrían participar en la toma de decisiones de la Asamblea General o del Consejo. Este asunto requiere especial análisis, ya que es incoherente que los miembros contribuyan al financiamiento de la Organización pero se limite su injerencia en el funcionamiento y operación de la misma.

Unlike other constitutional treaties, the draft Convention lacks a specific disposition concerning its financing, since the subject is only referred to in the Article 4 called "Members". Likewise, the existence of terms such as "contributions" and "quotas" lead to a certain confusion. Furthermore, this provision indicates that Contracting Parties that fail to pay contributions must pay interest, which is opposite to the international practice, and to which, the Mexican State has defended its posture in other organizations. Finally, it is not well defined what would the character of honorary members should be.

After the reading of Article 5 "Structure of the Organization", paragraph 3, it is implied that the members (associate and affiliate) can NOT participate in the decision-making at the General Assembly nor the Council. This matter requires an special analysis, since it is inconsistent that these members contribute to the financing of the organization, but that their operational and functional interventions are limited.

Organización y todos los miembros pueden asistir a sus sesiones.

**2.** Cada Parte Contratante designa uno de sus delegados, preferentemente el director de un servicio legalmente responsable de la reglamentación, el suministro, el mantenimiento o el funcionamiento de ayudas a la navegación marítima, como su delegado principal en la Asamblea general.

**3.** Las sesiones ordinarias de la Asamblea general tienen lugar al menos una vez cada cuatro años; su funcionamiento es determinado por el Reglamento general.

**4.** Las sesiones extraordinarias pueden ser convocadas si el Secretario general es notificado por una tercera parte de las Partes Contratantes de su deseo de celebrar una sesión, o en cualquier momento cuando el Consejo lo requiera, respetando un preaviso de noventa días.

**5.** El quorum de una sesión de Asamblea general es constituido por una mayoría de las Partes Contratantes, con excepción de las Partes Contratantes privadas de sus prerrogativas por concepto del artículo 4.7.

**6.** La Asamblea general es presidida por el Presidente o el Vice-presidente y actúa según los términos del presente Convenio y del Reglamento general.

**7.** La Asamblea General:

**(a)** decidirá la orientación general y la visión estratégica de la Organización;

**(b)** establecerá el Reglamento general de la Organización y las Reglas de procedimiento de la Asamblea general, del Consejo, de las Comisiones y otros órganos subsidiarios de la Organización;

**1.** El Consejo es el órgano ejecutivo de la Organización y es responsable de la dirección de las actividades de la Organización.

**2.** El Consejo está compuesto por un máximo de veintitrés (23) miembros elegidos y por un (1) miembro no electo.

**3.** Los miembros del Consejo son elegidos por un escrutinio por la Asamblea general según los términos del Reglamento general.

**4.** La Parte Contratante del Estado en el cual la Organización tiene su sede "Estado huésped" es el miembro no elegido del Consejo.

**5.** En el Consejo, las Partes Contratantes deberían ser representadas preferentemente ya sea por el director de un servicio legalmente responsable de la reglamentación, el suministro, el mantenimiento o el funcionamiento de las ayudas a la navegación marítima, o bien por su representante.

**6.** El Consejo:

**(a)** el Presidente y el Vice-presidente es elegido entre sus miembros;  
**(b)** ejerce las responsabilidades que pueden serle delegadas por la Asamblea general;

**(c)** coordina las actividades de la Organización en el marco de la orientación, de la visión estratégica y del presupuesto previsional decidido por la Asamblea general;

**(d)** Aprueba el presupuesto anual, las cuentas y el informe anual;

**(e)** decide el importe de las contribuciones financieras de las Partes Contratantes y de los miembros;

**(f)** convoca la Asamblea general;

**(g)** informa el trabajo realizado por la Organización a la Asamblea General.

**(h)** nombra a un Secretario general. de conformidad con el

## Artículo 6 Asamblea General

En el Artículo 6 "Asamblea General", párrafo 1, se indica que éste será el órgano principal de decisión y que todos los "miembros" pueden asistir a sus sesiones, sin aludir expresamente a las Partes Contratantes que evidentemente tendrían que ser representadas en la misma.

Article 6 "General Assembly", paragraph 1, indicates that this will be the main and principal decision-making body and that all "members" may attend to their sessions, without expressly mentioning to Contracting Parties that they must be represented in the same meeting.

## Artículo 7 Consejo

Por lo que se refiere al Artículo 7 "Consejo", si bien se menciona que estará compuesto con un máximo de 23 integrantes y uno no electo, se alude indistintamente a "miembros", lo cual genera una confusión puesto que pareciera dejar fuera a las propias Partes Contratantes, a las cuales sí se considera elegibles en el Reglamento General. Del mismo modo, ni esta disposición ni el propio Reglamento General señalan si existiría una representación regional proporcional dentro del Consejo, tal como sucede en otras organizaciones.

Asimismo, se atribuye al Consejo la facultad de aprobar el presupuesto anual, las cuentas y el informe anual de gastos elaborado por el Comité Financiero y de Auditoría. No obstante, llama la atención de esta Consultoría Jurídica que se haya optado por esta alternativa, tomando en cuenta que la tendencia reciente en otros tratados constitutivos es que las auditorías se realicen de manera externa e independiente para favorecer la transparencia y rendición de cuentas, quedando a cargo del órgano principal la aprobación de sus resultados. En cuanto al presupuesto, sería idóneo que el proyecto fuese elaborado por el Consejo para que posteriormente el Secretariado lo sometiera a la aprobación de la Asamblea General.

(-)Regarding Article 7 "Council", although it is mentioned that it will be composed of a maximum of 23 members and an unelected one, it refers to "members", which creates a confusion since it seems to leave out the Contracting Parties, whom are considered eligible under the General Regulations. Likewise, neither this provision nor the General Regulation itself indicates the existence or not of a proportional regional representation within the Council, as it occurs in other organizations.

(-)The Council is empowered to approve the annual budget, accounts and the annual expenditure report prepared by the Finance and Audit Committee. Nonetheless, it is worth pointing out that this Juridic Consultancy, finds particular this decision, since lately there is a recent trend in other constitutional treaties where audits are carried out externally and independently to promote transparency and accountability.

(-) As for the budget, it would be appropriate for the draft to be elaborated by the Council so that the Secretariat could subsequently submit its approval by the General Assembly.

**Artículo 8 Comisiones y otros órganos subsidiarios** La Asamblea general o el Consejo pueden establecer Comisiones y otros órganos para apoyar la realización de los objetivos de la Organización; actúan en acuerdo con el presente Convenio y el Reglamento general.

Secretario general y personal técnico y administrativo tal como lo exigen los trabajos de la Organización.

**(a)** el Secretario general es nombrado por un período de cuatro años y su mandato puede ser renovado una vez durante un nuevo período que no puede exceder cuatro años;

**(b)** el Secretario general es responsable de la gestión corriente de la Organización, en función de las directivas establecidas por el Consejo o la Asamblea general.

**2.** El personal de la Secretaría es empleado por el Secretario general, que determina los términos del empleo y de las tareas a realizar.

**3.** La Secretaría:

**Artículo 9 Secretaría** **(a)** mantiene al día todos los registros necesarios para cumplir con las tareas de la Organización y prepara, recoge y distribuye todas las informaciones que puedan ser solicitadas.

**(b)** bajo la dirección del Consejo, administra las finanzas de la Organización de acuerdo con el Reglamento general;

**(c)** Prepara el presupuesto anual y las cuentas para someterlos al Consejo;

**(d)** informa a las Partes Contratantes y a los miembros sobre las actividades de la Organización;

**(e)** organiza y aporta su ayuda en las reuniones de la Asamblea general, del Consejo, de las Comisiones y de otros órganos subsidiarios;

**(f)** organiza las conferencias y los simposios;

**(g)** asume todas las demás tareas que pueden serle atribuidas por el presente Convenio, el Reglamento general, la Asamblea general o el

En cuanto a las funciones de la Secretaría, contenidas en el Artículo 9, se considera que la administración de las finanzas tendría que encargarse a una instancia independiente, de tal manera que sea posible fiscalizar los gastos en que incurra la propia Secretaría en el ejercicio de sus atribuciones.

Regarding the functions of the Secretariat, contained in Article 9, it is considered that the administration of finances should have to be entrusted to an independent body, in such a way that it would be possible to control the expenses incurred by the Secretariat itself in the exercise of their powers.

**Artículo 10 Financiación y gastos** **(a)** las contribuciones de las Partes Contratantes; **(b)** las cuotas anuales de los miembros; **(c)** las donaciones, legados, subsidios, regalos; y **(d)** todas las demás fuentes autorizadas por el Secretario general.

**2.** Las previsiones presupuestarias y los estados financieros son aprobados por el Consejo.

**3.** Después de la aprobación por el Consejo de los financieros certificados, el Secretario comunica estos estados a las Partes Contratantes y a los miembros, de acuerdo con el Reglamento general.

No queda determinado quien será la parte contratante y los miembros (artículo 10) en cuanto al pago de contribución o cuota anual, ya que no hay una determinación de quien será la parte contratante, si los actuales miembros nacionales pasaran a ser miembros asociados, conforme a los artículos 4.2 y 18.1. Concatenado a la aprobación del presupuesto anual por parte de la Asamblea General quedaría la validación de los estados financieros, que conforme al Artículo 10 "Financiación y gastos" del Convenio, se encarga al Consejo y no al órgano principal de decisión.

(-) It is not determined who will be the contracting party and the members (article 10) regarding the payment of contribution or annual fee, since there is no determination of who will be the contracting party, if the current national members become associate members, as to articles 4.2 and 18.1.

(-) Concatenated to the approval of the annual budget by the General Assembly would be the validation of the financial statements, which according to Article 10 "Financing and expenses" of the Convention, is asked to Council to be in charge and not to the main decision-making body.

<p><b>Artículo 11</b> <b>Personalidad jurídica, privilegios e inmunidades</b></p>	<p>1. La Organización posee una personalidad jurídica internacional y es capaz de:  <b>(a)</b> concluir contratos ;  <b>(b)</b> adquirir y enajenar bienes muebles e inmuebles relacionados con su actividad; y  <b>(c)</b> demandar y litigar.</p> <p>2 Siempre y cuando cada Parte Contratante esté de acuerdo, la Organización goza en el territorio de la Parte Contratante de los privilegios e inmunidades que son necesarios para alcanzar sus objetivos y ejercer sus funciones. En el territorio de cualquier Estado parte en el Convenio sobre los privilegios e inmunidades de las instituciones especializadas adoptado por la Asamblea general de las Naciones Unidas el 21 de noviembre de 1947, este estatuto jurídico, esos privilegios y esas inmunidades son los que están definidos en dicho Convenio.</p> <p>3 La Organización puede cooperar con gobiernos, organizaciones y otras estructuras, y concluir acuerdos con ellos.</p>	<p>Respecto al Artículo 11 “Personalidad jurídica, privilegios e inmunidades”, es inusitado que se omita la referencia a la celebración del Acuerdo de Sede que tendría que signar la organización con el Gobierno francés. Si bien hasta donde esta Oficina tiene conocimiento, el edificio que actualmente es sede de la IALA fue donando en su momento por las autoridades francesas, no es claro si estas mismas instalaciones serían utilizadas por la nueva organización, y en todo caso si éstas formarían parte de la contribución inicial que Francia realizaría como Parte Contratante.</p> <p>Conforme a los privilegios e inmunidades enunciados en el artículo 11, el Estado mexicano no es Parte Contratante de la Convención sobre los Privilegios e Inmunidades de los Organismos Especializados de 1947, por lo que se deberá cuestionar que alternativas se podrían seguir, ya que el artículo 14.5 señala que: “La ratificación, aceptación o aprobación o adhesión a dicho Convenio se entiende sin reservas.”</p> <p>Conforme al párrafo 2 del Artículo 11, se pretende que la organización goce de los privilegios e inmunidades que confiere la Convención de las Naciones Unidas sobre Privilegios e Inmunidades de los Organismos Especializados de 1947. Como es de su apreciable conocimiento, México NO es Estado Parte de dicho tratado internacional, toda vez que aplica mutatis mutandis a las agencias de Naciones Unidas la Convención de 1946. En ese sentido, sería pertinente contar con alguna posible alternativa, toda vez que existen diversos países que se encuentran en la misma situación que el nuestro, y que actualmente son miembros de la IALA, entre ellos Canadá, Estados Unidos de América, Perú, Venezuela, Turquía, Israel, por mencionar algunos.</p>	<p><b>(-) Regarding Article 11 "Legal personality, privileges and immunities", it is unusual to omit reference to the conclusion of the Headquarters Agreement which the organization would have to sign with the French Government</b></p> <p>Although the Office is aware of the fact that the building that is currently the headquarters of the IALA was donated by the French authorities, it is not clear if these same facilities would be used by the new organization, and in any case if they would be part of the initial contribution that France would make as a Contracting Party.</p> <p>(-) In accordance with the privileges and immunities set forth in Article 11, the Mexican State is not a Contracting Party to the Convention on the Privileges and Immunities of the Specialized Agencies of 1947, and it will be necessary to question what alternatives could be followed, since Article 14.5 states that: "Ratification, acceptance, approval or accession to this Convention shall be understood without reservation."</p> <p>(-) In accordance with Article 11, paragraph 2, the organization is to enjoy the privileges and immunities conferred by the United Nations Convention on the Privileges and Immunities of the Specialized Agencies of 1947. As is well known, Mexico is NOT a State Party of that international treaty, since it applies mutatis mutandis to the United Nations agencies the 1946 Convention. In that sense, it would be pertinent to have some possible alternative, since there are several countries that are in the same situation as ours , and are currently members of IALA, including Canada, United States of America, Peru, Venezuela, Turkey, Israel, to name a few.</p> <p>(-)It should be noted that paragraph 3 of Article 11, where it is established that the organization is allowed to cooperate with other governments, organizations and structures, does not correspond to the issue of privileges and immunities, for which it should be considered in a separate provision .</p>
<p><b>Artículo 12</b> <b>Enmiendas</b></p>	<p>1. Cualquier Parte Contratante puede proponerle al [gobierno de Francia en su calidad de] Depositario, por escrito, una enmienda al presente Convenio.</p> <p>2. El Depositario [gobierno de Francia] debe enviar la propuesta de enmienda a todas las Partes Contratantes y al Secretario general por lo menos seis meses antes de ser examinado por la Asamblea General.</p> <p>3. La propuesta de enmienda es aceptada por escrutinio de la Asamblea General a reserva de su aprobación por una mayoría de dos tercios partes de las Partes Contratantes presentes y del presente Convenio derivado entre las Partes Contratantes, que no es resuelto por la negociación o gracias a los buenos oficios del Consejo, puede ser sometido a una asamblea de tres árbitros</p>	<p>El párrafo 2, esta Oficina considera que el Gobierno francés excedería las funciones que le corresponden como depositario, en términos de lo previsto en el Artículo 77 de la Convención de Viena sobre el Derecho de los Tratados de 1969. Toda vez que la distribución de los proyectos de enmienda para su análisis constituye una labor eminentemente administrativa que en todo caso tendría que estar a cargo del Secretariado.</p>	<p>On Paragraph 2, this Office considers that the French Government would exceed its functions as depositary in terms of Article 77 of the Vienna Convention on the Law of Treaties of 1969. <b>Since the distribution of draft amendments for analysis are an eminently administrative task, it should be handled to the Secretariat for them to be in charge.</b></p>
<p><b>Artículo 13</b> <b>Interpretaciones y litigios</b></p>	<p>1. El presente Convenio es abierto para las firmas de los miembros de las Naciones Unidas en [lugar] y [fecha] y queda abierta hasta [xxx].</p>		
<p><b>Artículo 14</b> <b>Firma, Ratificación y Adhesión</b></p>	<p>2. El presente Convenio está sometido a ratificación, aceptación o aprobación por los Estados signatarios.</p> <p>3. El presente Convenio estará abierto a la adhesión de cualquier</p>		
<p><b>Artículo 15</b> <b>Entrada en vigor</b></p>	<p>1. El presente Convenio entrará en vigor el trigésimo día a partir de la fecha en que fue depositado el 30° instrumento de ratificación, aceptación, aprobación o adhesión.</p> <p>2. Para cada Estado que ratifica, acepta, aprueba o adhiere al presente Convenio después de su entrada en vigor, el Convenio será vigente el trigésimo día después del depósito de sus instrumentos de ratificación, aceptación, aprobación o adhesión.</p>		

**Artículo 16**

**Denuncia**

1. Cualquier Parte Contratante puede denunciar el presente Convenio con un preaviso de doce meses dados por escrito al Depositario [gobierno de Francia], que informará inmediatamente a todas las Partes Contratantes.

2. El aviso previo de la denuncia puede hacerse en cualquier momento después de la expiración de un plazo de [doce meses] después de la fecha de entrada en vigor del presente Convenio.

3. La denuncia tomará efecto el 31 de diciembre siguiente a la expiración del plazo de preaviso.

4. Se podrá poner un término al presente Convenio por decisión de la Asamblea general tomada a la mayoría de dos terceras partes de las Partes Contratantes presentes y votantes, con excepción de las Partes Contratantes privadas de sus prerrogativas por concepto del artículo 4.7.

**Artículo 17**

**Resolución**

5. La fecha de resolución del presente Convenio intervendrá doce meses después de la fecha de la decisión mencionada arriba y durante el período que separa estas dos fechas el Consejo será responsable de la liquidación de la Organización con arreglo al Reglamento general.

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nacionales de la Asociación Internacional de Señalización Marítima que no son Partes Contratantes podrán, a reserva de aprobación por el Consejo y con su consentimiento, hacerse miembros asociados de la Organización.

2. A la entrada en vigor del presente Convenio todas las partes miembros asociados o industriales de la Asociación Internacional de Señalización Marítima que no están privadas de sus prerrogativas por razón financiera o por cualquier otro motivo podrán, a reserva de aprobación del Consejo y con su consentimiento, hacerse miembros afiliados de la Organización, según los términos del Reglamento general.

**Artículo 18**

**Disposiciones transitorias**

3. A la entrada en vigor del presente Convenio el Consejo de la Asociación Internacional de Señalización Marítima será el Consejo transitorio de la Organización y actuará como tal hasta la primera Asamblea general convocada para el Convenio, que deberá celebrarse en un plazo que no exceda seis (6) meses.

4. Durante el periodo de existencia del Consejo transitorio los miembros asociados serán autorizados a participar a los trabajos del Consejo, para beneficio de la Organización.

5. Las Comisiones de la Asociación Internacional de Señalización Marítima se convertirán en Comisiones transitorias de la Organización y actuarán como tales hasta la creación de Comisiones equivalentes para el presente Convenio.

6. En caso de que un Estado haya adherido como miembro asociado se vuelva Parte Contratante, la calidad de miembro asociado se termina en la fecha en la cual el Convenio entra en vigor para dicho Estado. En caso de que una Parte Contratante cuente con más de un

EN FE DE LO CUAL los abajo firmantes, estando debidamente autorizados por sus gobiernos respectivos, firmaron el presente Convenio.

HECHO en [lugar] [fecha] en francés, inglés y español, cada texto es también auténtico, cuyos originales serán depositados en los archivos del [gobierno de Francia] Depositario. El Depositario [gobierno de Francia] transmitirá una copia auténtica a todos los gobiernos [firmantes y miembros], y al Secretario general de la Organización.

i El Reglamento general incluirá el Reglamento financiero.

ii Los miembros asociados son territorios o grupos de territorios y los miembros nacionales de la actual AISM cuya transferencia se hace con arreglo a los términos del artículo 18.

iii Los miembros afiliados son los miembros asociados y los miembros industriales de la actual AISM.

iii Un principio de partes iguales se aplica al importe de las contribuciones, como se especificará en el Reglamento general.

iii Se propusieron 30 firmas para tener suficientes miembros con el fin de formar un Consejo de 24 miembros.

# ANNEX A Financial Regulations of the International Organization for Marine

## Artículos

## COMENTARIOS MEXICO

## TRANSLATION IN ENGLISH

### Comentarios Generales

En términos generales se considera que el proyecto de Reglamento Financiero carece de medidas de control, rendición de cuentas, transparencia y manejo de riesgos y no se encuentra en línea con las mejores prácticas de los organismos internacionales. No obstante, a continuación se señalan algunos de los puntos más relevantes, a saber:

#### Article 1 Application

These Financial Regulations shall govern the financial administration of the International Organization for Marine Aids to Navigation (IALA).

(a) shall determine and review the financial arrangements and endorse the Finance Report. The Finance

Report shall cover the preceding four year period in respect of:

- i. balance sheet;
- ii. income statement;
- iii. cash reserve; and
- iv. outstanding contributions and fees and interest due; and

(b) shall approve the outline budget for the next four year period.

**2.2** The Council, upon advice of the Finance and Audit Committee ("FAC") and the external auditor, shall:

(a) approve the budget for the current year and review the forecast for the following three years;

(b) approve the balance sheet;

(c) close the annual accounts;

(d) determine rates of contributions and fees in accordance with the General Regulations Article 2.5; and

(e) decide on suspension and termination of Associate and Affiliate membership for non-payment of fees.

#### **2.3 The FAC shall:**

(a) review the audited financial statements for the previous year and advise the Council on the approval of the annual accounts;

(b) review the draft annual budget for the coming year for consideration by the Council;

(c) approve a four year budget on an annual basis for noting by the Council;

(d) provide advice to the Council and to the Secretary-General on any audit observations or findings related to finances;

(e) recommend the rates of contributions and fees for the next year;

(f) recommend potential termination of membership, in respect of fees in arrears; and

#### **2.4 The Treasurer:**

(a) shall examine the accounts and submit them to the FAC; and

(b) may authorize expenses not provided for in the budget, within approved limits.

#### **2.5 The Secretariat, in accordance with the Secretariat Procedures, shall:**

(a) maintain the accounts;

(b) prepare the finance report and the financial statements;

(c) control the financial records, including records of income and expenditure;

(d) manage the audit; and

(e) advise the Secretary-General on financial matters.

#### **2.6 An external auditor must be engaged to check the financial management and a chartered accountant**

shall be engaged to assist the Secretariat with management accounting.

#### **2.7 The operating currency shall be the Euro.**

**3.1** The financial year shall run from 1st January to 31st December.

#### Article 3 The Financial Period

**3.2** The budget shall be drawn up on a four year basis. Budget estimates for each year shall be shown separately.

La atribución de la aprobación del presupuesto debe de ser transferido del Consejo a la Asamblea General, por lo cual deberá de ser incluido como el inciso (a) y ser eliminado como inciso (c) del punto 2.3.

The attribution of the budget approval must be transferred from the Council to the General Assembly, so it must be included as subsection (a) and be eliminated as subsection (c) of Article 2.3.

Article 4 Budget	<p>4.1 The Secretary-General shall operate within the limits of the annual budget. However the Secretary-General may adjust allocations within the approved budget, especially in the case of major unplanned expenditure or substantial change in the number of members.</p> <p>4.2 Any transfers of allocations between different categories of expenditure specified in the budget shall be reported, with the necessary justification, to the FAC.</p> <p>4.3 No further commitment to expenditure against the approved budget may be incurred after the close of the financial period. Outstanding obligations against the approved budget must be met within ninety calendar days of the close of the financial year.</p> <p><b>5.1 Details of income and expenditure shall be shown separately in the financial records of the Organization.</b></p> <p>The Organization shall primarily be funded from contributions and fees.</p> <p><b>5.2 The expenses shall be comprised of budget headings, as follows:</b></p> <p>(a) Personnel costs; (b) Operating costs; and (c) Capital costs.</p> <p>Each heading may be further subdivided, as necessary.</p> <p>5.3 Full and accurate records of all income and expenditure, including supporting documentation for expenditure, shall be kept. These records shall conform to standard accounting practices. The Secretariat shall maintain an archive of financial records for production to the Secretary-General, the FAC or an</p>	Bajo el punto 4.2 relativo a las transferencias entre partidas de gasto, al final se debe de incluir la previsión que las mismas serán sometidas a aprobación del Consejo.	Under Article 4.2 on transfers between items of expenditure, the forecast should be included at the end, which will be submitted for approval by the Council.
Article 5 Income and Expenditure	<p>(a) Personnel costs; (b) Operating costs; and (c) Capital costs.</p> <p>Each heading may be further subdivided, as necessary.</p> <p>5.3 Full and accurate records of all income and expenditure, including supporting documentation for expenditure, shall be kept. These records shall conform to standard accounting practices. The Secretariat shall maintain an archive of financial records for production to the Secretary-General, the FAC or an</p>	En el punto 5.1 se señala que los ingresos principales de la Organización será las contribuciones y cuotas. Sin embargo, no se hace mención a otros tipos de ingresos previstos, por lo cual aportaciones voluntarias, donativos e intereses bancarios, por ejemplo, deberán de ser incluidos. Refiere el artículo 5.2 del Reglamento: "Los gastos de personal", sin embargo, no determina los gastos que se requieren, siendo estos los que hacen a los organismos internacionales tan caros (gastos médicos, educación, repatriación, sistema de pensiones, escalas de sueldos, ajustes por lugar de destino del personal, sistema capacitación, entre otras).	(-) Article 5.1 states that the main income of the Organization will be contributions and fees. However, no other type of expected income are mentioned, such as voluntary contributions, donations and bank interest, so they must be included. (-) Refers to article 5.2 of the Regulation: "Personnel expenses", however, it does not specify some required expenses that tend to make international agencies so expensive (such as medical expenses, education, repatriation, pension system, salaries, post adjustment of personnel, training system, among others).
Article 6 Procurement	<p>6.1 All funds shall be under the operational control of the Secretary-General.</p> <p>6.2 The Secretary-General may designate, in writing, members of the Secretariat as line managers for the purpose of these Financial Regulations. and the balance sheet.</p>	El artículo no hace referencia alguna al proceso de adquisiciones, tanto contempla medidas de rendiciones de cuentas tales como declaraciones patrimoniales encargados de las adquisiciones o políticas anti-fraude.	The article makes no reference to the procurement process, whether it involves accountability measures such as procurement declarations or anti-fraud policies.
Article 7 Financial Statements	<p>7.2 The financial statements of the Organization shall cover the Secretariat including the Academy. They shall be presented in a consolidated form and separately.</p> <p>7.3 The Treasurer shall submit the financial statements to the FAC, not later than two weeks prior to a FAC meeting.</p>	No se hace mención a la revisión de los estados financieros por parte del Auditor Externo, ni se establecen mecanismos para la aprobación de los mismos.	No mention is made for the review of the financial statements by External Auditors, nor are mechanisms established for the approval of the same.
Article 8 Cash Reserve	To ensure the financial stability of the Organization and to avoid any financial difficulties, the Organization shall maintain a cash reserve according to the financial requirements as approved by the Secretary-General and the FAC. The value of the cash reserve shall be no less than four months of the annual budget.		

9.1 Annual contributions and fees represent the main source of income for the functioning of the Organization.

9.2 The FAC should take the following matters into account when recommending the rates of contribution and fees:

(a) the requirement that the revenue and the expenditure in the budget should be balanced;

(b) the percentage of invoices for contributions and fees likely to be settled on time;

(c) the global economic situation;

(d) the rate of inflation in the Host Nation; and

(e) the planned or anticipated exceptional expenditure.

**Article 9  
Annual Contributions  
and Fees**

9.3 The Secretariat, in accordance with the Secretariat Procedures, after the Council has approved the rate and no later than 31st October each year, shall send an invoice for annual contributions or fees for the following year to each Contracting Party and member.

9.4 For new Contracting Parties and members the following rates of contribution or fee shall apply:

(a) A Contracting Party shall be required to pay a full annual contribution regardless of the date on which the Convention enters into force for that Contracting Party.

(b) Associate and affiliate members shall pay:

i. a full annual fee for applications approved by the Council between 1st January and 30th June; or

ii. half the annual fee for applications approved by the Council between 1st July and 31st December.

9.5 In the event of the resignation of a member the fee shall not be due if a letter of resignation is received before 31st March of the current year.

relevant Secretariat Procedures, shall apply the following arrangements:

(a) For Contracting Parties:

i. charge a 3% per annum interest rate on contributions remaining unpaid on 31st July of the financial year;

ii. in the event of paragraph i. request payment by 1st October of the financial year; if no payment is received by 1st November the Secretary-General shall contact the Contracting Party, requesting payment and inviting the Contracting Party to discuss any difficulties that would justify the Organization considering a payment plan; and

iii. if the contribution remains unpaid and an agreement has not been reached with the Contracting Party regarding payment, suspend membership rights and benefits with effect from twenty-four months after the due date for payment, in accordance with the Convention.

(b) For Associate and affiliate members, the Organization shall:

i. charge a 3% per annum interest rate on fees remaining unpaid on 1st May of the financial year;

ii. on approval by the Council, suspend membership rights in accordance with the table at Annex B of the General Regulations if no payment is received by 1st July of the financial year;

iii. advise the Council, at its second annual session, of unpaid fees; and

iv. on approval by the Council, after notification, terminate membership if fees remain unpaid after membership rights have been suspended for six months and the member has not agreed a payment schedule.

10.2 Outstanding contributions and fees and interest due will be shown in tables annexed to the financial

statements. Provision for bad debts arising from non-payment of contributions and fees shall be made in

**Article 10  
Unpaid  
Contributions and  
Fees**

• Por lo que respecta a la contribución, deberá considerarse si el Estado mexicano es parte Contratante o Miembro Asociado, de lo cual dependerá la fecha límite para el pago de la anualidad (artículo 9 y 10).

Para el Gobierno de México resulta inaceptable el pago de intereses por concepto de contribuciones adeudadas como señalado en los comentarios relativos al artículo del Reglamento General, por lo cual se deberá buscar que esta previsión sea eliminada del reglamento financiero.

Regarding the contribution, it should be considered whether the Mexican State is a Contracting Party or an Associate Member, since the deadline for the payment of the annuity depends on the specificity (articles 9 and 10).

For the Government of Mexico, it is unacceptable to pay interest on contributions as it is indicated in the comments related to the article of the General Regulations, so this provision should be removed from the financial regulation.

specific programmes or projects, provided that the purposes are consistent with the aim and functions of the Organization. The purpose and limits of each dedicated fund shall be clearly reported to the Council.

**Article 11  
Dedicated Funds**

**11.2** The financial resources needed to establish a dedicated fund may come from grants, donations, bequests, gifts or other sources as approved by the Secretary-General. The precise terms and conditions

governing such income shall be formalized.

**11.3** Any monies remaining unused when a programme or project is terminated should

**12.1** An external auditor shall be appointed by the FAC and carry out such work as required by applicable accounting practices.

**12.2** The appointment is for a period of six (6) years and may be renewed.

**12.3** The external auditor may make observations with respect to the efficiency of the financial procedures, the accounting system, internal financial controls and, in general, the administration and financial management of the Organization.

**12.4** In addition to the above, the Council may request the external auditor to perform specific investigations and issue separate reports on the results.

**12.5** Draft final accounts will be submitted by the external auditor to the first Council meeting each year.

**12.6** The Council may close the accounts after examination of particular Contracting Party and member situations and after decision to authorize the writing-off of arrears of contributions and fees or other bad debts as required.

**12.7** The audit report shall be made available to Contracting Parties and members via the annual report and the website.

**Article 11  
Dedicated Funds**

In the event of termination of the Organization, the balance of the accounts (credit or debit) shall be divided amongst the Contracting Parties and members on the day when the Convention ceases to have effect, in proportion to their last annual contribution and fee.

**Article 13  
Termination**

No se contemplan mecanismos de control o aprobación por órganos rectores o de gobierno, y únicamente pueden ser creados bajo la autoridad del Secretario General. Se deben de contemplar procedimientos para la autorización de la membresía.

No control or approval mechanisms are contemplated by governing or governing bodies, and they can only be created under the authority of the Secretary General. Procedures must be considered for the authorization of membership.

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

## Artículos

## COMENTARIOS MEXICO

## TRANSLATION IN ENGLISH

### Comentarios Generales

Tras analizar el documento "Draft General Regulations for the International Organization for Marine Aids to Navigation (IALA)", se identificó una cantidad significativa de cláusulas que requieren de modificación o eliminación a fin de poder ser aceptables para el Gobierno de México, y por ende resulta improbable que nuestro país pueda acompañar cualquier intento de buscar la aprobación de los participante de la Conferencia Diplomática al texto de referencia.

Asimismo, y si bien la Dirección de Asuntos Financieros de la Dirección General para la Organización de las Naciones Unidas, únicamente se centró en los aspectos administrativos y financieros del documento en cuestión, se estima oportuno la creación de un grupo de trabajo encargado de redactar una nueva versión del documento, al tiempo de realizar consultas con otros organismos internacionales con sede en París, con la finalidad de alinear tanto el lenguaje como el contenido a las mejores prácticas internacionales.

1.1 These General Regulations together with the Financial Regulations annexed hereto, as ANNEX A, are determined in accordance with Article 6.7 of the Convention on the International Organization for Marine Aids to Navigation (IALA) and shall apply to the operations of IALA

1.2 The General Regulations are subject to the provisions of the Convention. Where there is a conflict between the Convention and the General Regulations or any other basic documents covering the governance of the Organization, the Convention shall prevail. Where there is a conflict between the General Regulations and any of the other basic documents, the General Regulations shall prevail; any conflict between any of the other basic documents should be brought to the attention of the Council.

### 2.1 Membership Categories

The Organization shall be comprised of Contracting Parties and Associate and Affiliate members as stipulated below:

Associate membership shall be open for:

- (a) a territory or groups of territories for which a Contracting Party has responsibility in accordance with Article 4.3 of the IALA Convention; and
- (b) former National Members of the International Association of Marine Aids to Navigation and Lighthouse Authorities whose country is not party to the IALA Convention, in accordance with Article 18.1 and 18.6 of the IALA Convention.

Affiliate membership shall be open to:

- (a) manufacturers and distributors of marine aids to navigation equipment for sale, or organisations providing marine aids to navigation services or technical advice under contract. These affiliates will be known as Industrial members;
- (b) any other service, organisation or scientific agency that is concerned with aids to navigation or related matters; and
- (c) former Industrial and Associate members of the International Association of Marine Aids to Navigation and Lighthouse Authorities, in accordance with Article 18.2 of the Convention.

### 2.2 Contact Point for Contracting Parties

Contracting Parties shall designate a contact point, preferably the national authority legally responsible for the regulation, provision, maintenance or operation of marine aids to navigation.

En el Reglamento General se establecen las categorías de los miembros de la Organización; considerándose necesario que en el convenio se establezca a quienes les corresponde cada categoría; circunstancia que a su vez permitirá que se utilicen los conceptos de manera uniforme, tanto en el Convenio como el Reglamento.

The General Regulations establish the membership categories of the Organization; considering that it is necessary for the agreement to establish to whom each category belongs; which in turn will allow the concepts to be used in a uniform manner, both in the Convention and in the Regulations.

### Article 1 Application

• Al igual que en el proyecto de Convenio, no existe una definición clara de la Parte Contratante.

As in the draft Convention, there is no clear definition of the Contracting Parties.

### **2.3 Application for Membership**

**(a)** Application for Associate and Affiliate membership must be made in writing to the Secretariat and should be accompanied by the following documentation:

i. the IALA Membership Application form; and ii. additional information about the activity of the applicant to determine the appropriate membership category if requested by the Secretariat.

**(b)** The Secretariat will submit all applications for membership to the Council for acceptance.

**(c)** Accepted applications will take effect as of 1st January if the application is accepted between 1st January and 30th June and as of 1st July if the application is accepted between 1st July and 31st December.

**(d)** The Council may require or a Contracting Party may request that aspects of an application for Affiliate membership be reviewed by the Contracting Party (or Parties) where the applicant carries out its activities or has its principal place of business or registered office. If supported by the Contracting Party (or all Parties), who requested the review, the Council shall decide accordingly.

### **2.4 Membership Rights and Benefits**

**(a)** Membership rights and benefits are listed in Annex B.

**(b)** In addition to those rights and benefits, Industrial members are represented by the Industrial Members Committee, in accordance with its constitution and bye-laws as approved by the General Assembly of Industrial Members.

### **2.5 Contributions and Fees**

**(a)** Contracting Parties shall pay contributions to the Organization on an annual basis in the amount determined by the Council on recommendation from the Finance and Audit Committee. Contracting Party contribution shall be the same for each Contracting Party.

**(b)** Members shall pay fees to the Organization on an annual basis in the amount determined by the Council on recommendation from the Finance and Audit Committee. Member fees may be determined as different amounts for each membership category but shall be the same for each member within each membership category.

**(c)** Contributions and fees are charged in accordance with the Financial Regulations.

**(d)** Overdue contributions or fees will be subject to a rate of interest which will be recorded in the Financial Regulations.

**(e)** Associate and Affiliate members who fail to pay fees by the due date may also be subject to suspension of membership rights and benefits in accordance with Article 2.6.

### **2.6 Suspension and Reinstatement of Associate and Affiliate Membership**

**(a)** The Secretary-General may recommend that the Council suspend, and the Council may suspend, an Associate or Affiliate membership for non-payment of fees according to the escalation procedure established in the Financial Regulations.

**(b)** The Secretary-General may recommend that the Council suspend, and the Council may suspend, an Associate or Affiliate membership for any justifiable cause in the best interest of the Organization.

**(c)** The Secretary-General may reinstate an Associate or Affiliate membership suspended under Article 2.6 **(a)** when the member has paid advised arrears of fees. The Secretary-General must advise the Council of such action at the next Council meeting.

**(d)** The Council may reinstate an Associate or Affiliate membership suspended under 2.6 **(b)** when the member has met the requirements of the Council.

## **Article 2 Membership of IALA**

La Delegamex deberá buscar la eliminación de inciso d) del punto 2.5, toda vez que la legislación nacional no permite el pago de intereses a organismos internacionales por concepto de atraso en el pago de sus contribuciones contractuales.

Delegamex should seek the removal of subsection d) from Article 2.5, since the national legislation does not allow the payment of interest to international organizations for late payment of their contractual contributions.

## **2.7 Termination of Associate and Affiliate Membership**

Associate or Affiliate membership may be terminated:

- (a)** by the member by notice in writing to the Secretariat at any time noting that no refund of fees already made will be given. Such termination will take effect:
    - i. on the date specified in the notice of termination; or
    - ii. if no date is specified, thirty calendar days after the notice is received by the Secretariat;
  - (b)** by the Council where a suspended member has not paid fees within six months of suspension for that non-payment:
    - i. the Secretary-General will notify the Council of any such qualifying event at its next meeting; and
    - ii. such termination will take effect from the date of the meeting at which the Council terminates the membership; or
  - (c)** by the Council, for any justifiable cause in the best interest of the Organization.
- In the case of a decision by the Council the Secretary-General must notify the member of the reason for termination and the date of effect of termination within thirty calendar days of the termination taking effect.

## **3.1 Convening the General Assembly**

- (a)** The General Assembly shall ordinarily be convened at least once every four years by order of the Council in accordance with the Council's Rules of Procedure.
- (b)** The General Assembly shall, where possible, be convened during the same period and at the same location as an IALA conference, but in any case must be held no earlier than June of the General Assembly year.
- (c)** 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.
- (d)** It shall be a condition for convening the General Assembly at a location other than the IALA Headquarters that the Contracting Party in whose territory it is proposed to hold the General Assembly gives assurances that, at the time of the offer, no Contracting Party or member of the Organization will be prevented from entering the host country.
- (e)** The Council may, after a notice of ninety calendar days, convene an extraordinary session of the General Assembly at which time and place as it determines.
- (f)** The Secretary-General shall, after a notice of ninety calendar days, convene an extraordinary session of the General Assembly within four months of receipt by the Secretary-General of requests to do so from one third of the Contracting Parties, the time and place of which session will be determined by the Secretary General.

## **3.2 Attendance**

- (a)** Contracting Parties and members of the Organization are entitled to attend the General Assembly and are responsible for their own travelling and accommodation expenses should they choose to attend.
- (b)** The Secretary-General is authorised to invite, on behalf of the Council and subject to consent of the Contracting Parties, observers from:
  - i. governments that are not parties to the Convention if proposed by a Contracting Party or the Council;
  - ii. international organizations whose activities are connected with those of IALA; or
  - iii. national organizations of Contracting Parties which have had or are likely to have occasion to collaborate with the Organization.
- (c)** Each Contracting Party shall communicate in writing, in accordance with its own practice, to the Secretary-General the names of the persons composing its delegation to the General Assembly, indicating which of these is to be regarded as its designated representative executing voting rights. This communication will be regarded as appropriate credentials for the participation of the named individuals in all activities of the General Assembly.
- (d)** Each member shall communicate in writing to the Secretary-General the names of the persons attending the General Assembly.

### **3.3 Organisation**

- (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 host country.
- (b) The business of the General Assembly shall be conducted in the English, French and Spanish languages.
- (c) Six months before the opening of the General Assembly the Secretariat shall invite Contracting Parties to submit proposals that they wish to discuss at the General Assembly. These will be received by the Secretariat for the following sixty calendar days.
- (d) Four months before the opening of the General Assembly submitted proposals together with those prepared by the Council shall be circulated to all Contracting Parties and members, who shall be invited to forward their comments to the Secretariat within sixty calendar days. After this date 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.
- (e) All final papers, including the provisional agenda but excluding any amending or alternative proposals, shall be circulated to Contracting Parties and members at least sixty calendar days before the opening of the General Assembly.
- (f) The provisional agenda for an ordinary session of General Assembly shall be prepared by the Secretariat for approval by the Council and shall normally include:
- i. Approval of the Agenda;
  - ii. Report of the President/Secretary-General;
  - iii. Finance Report;
  - iv. Outline budget for the next four year period;
  - v. Approval of amendments to the General Regulations and the rules of procedures of the General Assembly, the Council, Committees and other subsidiary bodies of the Organization;
  - vi. Approval of the Strategic Vision;

### **3.4 Rules of Procedure**

The following Rules of Procedure shall apply to the conduct of the business of the General Assembly:

#### **3.4.1 The Role of the Chair**

- (a) The President, or in his/her absence, the Vice President, shall be the Chair of the General Assembly.
- (b) The Chair will open and close the meeting, direct discussions, ensure the observance of the procedures in the IALA Convention and these General Regulations, accord the right to speak, put questions to the vote and announce decisions.
- (c) The Chair will have control over the proceedings and may rule on points of order and shall have the power to propose adjournment or closure of debates or adjournment or suspension of the meeting.

Chair. Subject to this rule and rules b), c), g) and i) below, the Chair shall call upon speakers in the order in which they signify their desire to speak. The Chair may call a speaker to order if the remarks of such speaker are not relevant to the subject under discussion.

**(b)** The Chair of a Committee or his or her representative, or the delegate of a subsidiary body may be accorded precedence for the purpose of explaining the conclusion arrived at by that Committee or subsidiary body.

**(c)** During the discussion of any matter, a delegate may rise to a point of order and the point of order shall immediately be decided by the Chair. A delegate may appeal against the ruling of the Chair. The appeal shall immediately be put to the vote and the Chair's ruling shall stand unless overruled by the majority of the designated representatives present and voting. A delegate rising to a point of order may not speak on the substance of the matter under discussion.

**(d)** The General Assembly may, on the proposal of the Chair, limit the time to be allowed to each speaker on any particular subject under discussion. When the debate is limited and a delegate has spoken for the allotted time, the Chair shall call such delegate to order without delay.

**(e)** During the course of a debate, the Chair may announce the list of speakers and, with the consent of the General Assembly, declare the list closed. The Chair may, however, accord the right of reply to any delegate if a speech delivered after the closure of the list makes this desirable.

**(f)** During the discussion of any matter, a delegate may move the adjournment of the debate on the question under discussion. In addition to the proposer of the motion, two delegates may speak in favour of, and two against, the motion, after which the motion shall immediately be put to the vote. The Chair may limit the time to be allowed to speakers under this rule.

**(g)** A delegate may, at any time, move the closure of the debate on the question under discussion, whether or not any other representative has signified his wish to speak. Permission to speak on the closure of the debate shall be accorded only to two speakers opposing the closure, after which the motion shall be immediately put to the vote. If the General Assembly is in favour of the closure, the Chair shall declare the closure of the debate. The Chair may limit the time to be allowed to speakers under this rule.

**(h)** During the discussion of any matter, a delegate may move the suspension or the adjournment of the meeting. Such motions shall not be debated, but shall be immediately put to the vote. The Chair may limit the time to be allowed to the speaker moving the suspension or adjournment.

**(i)** Subject to rule f) above, the following motions shall have precedence in the following order over all the other proposals or motions before the meeting:

- i. to suspend the meeting;
- ii. to adjourn the meeting;
- iii. to adjourn the debate on the question under discussion; and
- iv. for the closure of the debate on the question under discussion.

### Article 3

#### The General Assembly

**(j)** Subject to rule f) above, any motion calling for a decision on the competence of the General Assembly to discuss any matter or to adopt a proposal or an amendment submitted to it shall be put to the vote before the matter is discussed or a vote is taken on the proposal or amendment in question.

**(k)** A motion may be withdrawn by its proposer at any time before voting on it has commenced, provided that the motion has not been amended or that an amendment to it is not under discussion. A motion which has thus been withdrawn may be reintroduced by any delegate.

**(l)** When a proposal has been adopted or rejected it may not be reconsidered unless the General Assembly, by a two-thirds majority of the designated representatives present and voting, so decides. Permission to speak on a motion to reconsider shall be accorded only to the mover and one other supporter and to two speakers opposing the motion, after which it shall be put immediately to the vote.

#### 3.4.3 Voting During Meetings

**(a)** The General Assembly will normally vote by show of hands overseen by scrutineers. However, any Contracting Party may request a roll-call vote, which shall be taken in English alphabetical order of the name of Contracting Parties present, commencing with the Contracting Party whose name is drawn by lot by the Chair. The vote of each Contracting Party in any roll-call shall be noted in the meeting record.

**(b)** A representative of one Contracting Party shall not vote on behalf of another Contracting Party.

#### 3.4.4 Decision Making and Reporting

(a) Where the General Assembly is requested to make a decision, that request shall be put to the meeting in the form of a General Assembly Resolution. Each Resolution should include an implementation date, if relevant, and for convenience, the Chair may aggregate Resolutions for approval and reporting purposes.

(b) The Secretariat shall arrange for the substance of all discussions of the General Assembly to be recorded in a general summary of the work of the meeting. These minutes shall be distributed to those Contracting Parties and members attending, which may submit their proposed corrections in writing to the Chair. Any disagreement on the proposed corrections shall be decided by the Chair after consultation with the Contracting Parties and members concerned.

(c) The minutes will be adopted by the General Assembly in session, or if necessary, by correspondence.

(d) Contracting Parties and members who made statements during debate may request that such statement be attached to the minutes.

(e) The minutes, together with all relevant documents, shall be made available to the Contracting Parties and members within two weeks after their approval by the General Assembly.

(f) Audio recordings of General Assembly sessions may be made and shall be retained by the Secretariat for record purposes.

#### 3.5 Election of the Council

The election of Councillors shall be conducted as follows:

(a) The Secretary-General will invite Contracting Parties to declare their candidacy for the Council, according to Article 7 of the Convention six months before the opening of the General Assembly. Nominations will be received by the Secretariat for the following four months. Nominations should include:

- i. the name of the Contracting Party being nominated;
- ii. a statement, in the form approved by the Council and provided by the Secretariat, outlining the credentials of the Contracting Party for a position on the Council; and
- iii. a statement, in the form approved by the Council and provided by the Secretariat, outlining the credentials of the person to represent the Contracting Party.

1.El párrafo preambular hace referencia a la elección de “Consejeros” y no de miembros del Consejo, por lo cual no es claro si la elección en a título de país o a título personal, por lo cual se estima que para evitar confusiones y mantener el carácter de órgano rector que se le pretende dar al Consejo, se debe de eliminar toda referencia as “Consejeros”.

2. El inciso (a) no especifica el número exacto de miembros que conforman el Consejo, la información es substituida con una mención al artículo 7 de la Convención mediante la cual se crea la IALA. Se considera que como práctica y para mayor transparencia, el párrafo debe ser modificado para especificar el número preciso (23) que conforman el Consejo.

Subparagraph (a) is not specific regarding the exact number of members of the Council, yet the information is replaced by a reference to Article 7 of the Convention establishing the IALA. It is considered that as a practice and for greater transparency, the paragraph should be modified to specify the precise number (23) that make up the Council.

**(b)** Councillors should, as far as possible, be drawn from different parts of the world with a view to achieving as widespread a representation as possible.

De igual manera, a diferencia de los organismos internacionales, el inciso (b) únicamente busca que "en la medida de lo posible" se cuente con representación de diferentes partes del mundo. Ello resulta inaceptable para el Gobierno de México, toda vez que debe existir la distribución geográfica equitativa, y para ello deberá haber por lo menos un miembro de cada región, preferentemente basado en las Naciones Unidas, o bien en algún otro organismo internacional con composición o propósito similar.

Similarly, unlike international organisms, subsection (b) seeks only that "as far as possible" a global representation occurs. This is unacceptable for the Government of Mexico, since there must be an equitable geographical distribution, and there must be at least one member from each region, preferably based in the United Nations, or in another composition or similar purpose.

**(c)** The Contracting Party having the non-elected councillor in accordance with Article 7 of the IALA Convention cannot be nominated for election.

**(d)** Sixty calendar days before the opening of the General Assembly all nominations shall be collated and circulated to all Contracting Parties by the Secretariat. After this date no nominations shall be accepted unless there are exceptional circumstances, in which case the nomination should be approved by the General Assembly for inclusion in the election.

**(e)** A vote to elect Councillors from among those nominated will be conducted by secret ballot.

**(f)** The Secretariat shall produce a ballot form for nominees for the Council and each designated representative shall have one vote for each vacant seat on the Council.

**(g)** The Chair shall appoint two scrutineers from amongst the Contracting Parties who have not been nominated for the Council, who shall proceed to scrutinise the votes cast and the counting of votes by the Secretariat.

**(h)** If two or more candidates obtain the same number for the last seat or seats to be filled, there shall be a further ballot from among these candidates only. Should the votes again be divided equally, the Chair shall draw by lot the name of the candidate to be eliminated in any subsequent ballots.

**(i)** When voting and counting are completed the Chair shall confirm the election and invite the newly elected Council to take up their duties.

No es claro al que presidente se refieren en el inciso (i), por lo cual deberá de ser modificado para brindar mayor claridad sobre el órgano responsable de la elección de los miembros del Consejo, toda vez que en ningún de los incisos se especifica que instancia es la encargada de la elección que nos ocupa. En este sentido, y si bien, se asume que será la Asamblea General que llevará a cabo las elecciones, por encontrarse el punto bajo el artículo 3, se estima que para mayor claridad y transparencia, se debe de incluir la mención específica en los incisos ( e ) y (i).

It is not clear to which president it is referred to in subsection (i), so it must be modified to provide greater clarity on the body responsible for the election of the members of the Council, since in none of the subsections it is specified which instance is in charge of the election that concerns us. In this sense, although it is assumed that it will be the General Assembly who will carry out the elections, under article 3 it is estimated that for clarity and transparency, the specific mention must be included in the subsections (e) and (i).

**(j)** The term of the Council is from confirmation of its election until the election of a new Council at the following ordinary General Assembly.

El inciso (j) deberá de ser más preciso en cuando a la duración del mandato de los miembros del Consejo. Se considera apropiado que el periodo de membresía sea conforme al año calendario, dando inicio el 1° de enero del años xx al 31 de diciembre del años xx, con duración de cuatro años.

Subsection (j) must be more precise in terms of the mandate length' of the members of the Board. It is considered appropriate that the membership period should be consistent with the calendar year, beginning on January 1 of the years xx to December 31 of the year xx, with a duration of four years.

(k) Should a Contracting Party elected to the Council advise at some time during the term of that the Council, being more than two years from the next General Assembly, that they are unable to continue to serve on the Council, the Secretary-General may conduct a by-election to fill the vacancy. The Secretary- General shall invite nominations from all eligible Contracting Parties, conduct the vote electronically and rules g) - j) above will apply. The term of office of any Contracting Party so elected will be the same as that of the Contracting Party being replaced.

Se estima que a fin de mantener el principio de distribución geográfica equitativa, en el inciso (k) deberá de ser modificado, permitiendo únicamente la participación de miembros de la misma región en caso de renuncia de algún miembro del Consejo.

It is estimated that in order to maintain the principle of equitable geographical distribution, subsection (k) must be modified, allowing only the participation of members from the same region in case of resignation of any member of the Council.

(l) Contracting Parties are to advise the Secretary-General in cases where the person representing the Contracting Party at the Council changes.

#### 4.1 Functions of the Council

(a) The Council, in fulfilling its obligation to administer the Organization will carry out the functions assigned to it by Article 7.6 of the IALA Convention.

(b) In the period between General Assemblies, should no appropriate provision be made in the IALA Convention or these General Regulations, the Council shall make any administrative or technical decision which may be necessary, unless such decision falls exclusively within the jurisdiction of the General Assembly under the Convention. Any such decision must be referred to the next General Assembly for confirmation.

(c) The Council shall be guided by the overall policy and Strategic Vision as decided by the General Assembly.

(d) If the Council considers that any question or issue should be referred to Contracting Parties, it shall direct the Secretary-General to send a circular to each Contracting Party requesting them to notify the Secretariat of their opinion on the matter. The Council shall then decide the matter.

El inciso (a) establece que el Consejo administrará la Organización, de conformidad con el artículo 7.6 de la Convención que le otorga la facultad al Consejo para aprobar el presupuesto de la Organización, lo cual se considera inapropiado, toda vez que debe de ser el órgano supremo y universal quien decide sobre la provisiones presupuestales, por lo cual se deberá eliminar de las atribuciones del Consejo toda facultad de decidir sobre asuntos financieros y presupuestales y ser transferidos a la Asamblea General, mientras que los asuntos administrativos podrán ser decididos por el Consejo, siempre y cuando no tengan implicaciones financieras.

Subsection (a) states that the Council shall administer the Organization, in accordance with Article 7.6 of the Convention, which empowers the Council to approve the budget of the Organization, which is considered inappropriate, since it must be the supreme and universal body that decides on the budget provisions. By which it should be removed from the attributions of the Board any power to decide on financial and budgetary matters and it should be transferred to the General Assembly, whereas the administrative matters can be decided by the Council, as long as they have no financial implications.

#### 4.2 Convening the Council

(a) The Council will be convened, ordinarily twice a year by notice in writing by any of the following:

- i. the President or the Vice President;
- ii. the Secretary-General; or
- iii. at the request of two Councillors.

(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 IALA Headquarters unless the Council agrees alternate arrangements, or if the meeting is to be held electronically.

(c) The date of an extraordinary meeting of the Council will be not less than ten calendar days from the date of notification, and the location will be the IALA Headquarters unless otherwise agreed by the President and the Secretary-General, or if the meeting is to be held electronically.

(d) The quorum for a Council meeting is two thirds of Councillors, at least one of which must be the President or Vice President, who will chair the meeting, and one member of the Finance and Audit Committee.

- (e) Any Contracting Party may be present at a Council meeting.
- (f) The Council may also determine that a representative of any Committee or other body established by it or of another organization may be present at a Council meeting.

#### **4.3 Organisation of Council Meetings**

- (a) Council meetings are to be prepared and organised by the Secretary-General using the resources of the Secretariat.
- (b) The business of the Council shall be conducted in English, including output documents. Input documents may be submitted in French and shall be translated by the Secretariat.
- (c) Sixty calendar days before a scheduled Council meeting the Secretariat shall invite Councillors, Contracting Parties and members to submit papers addressing matters that they wish to discuss at the Council. These will be received by the Secretariat for the next two weeks.
- (d) Six weeks before the opening of the Council submitted papers together with those prepared by the Secretariat shall be made available to all Councillors, Contracting Parties and members who have requested them, and they shall be invited to forward their comments to the Secretariat within two weeks.
- (e) Four weeks before the Council the Secretariat shall make all papers and the provisional agenda for the meeting available to Councillors, Contracting Parties and members.
- (f) The provisional agenda for an ordinary meeting of the Council shall normally include:
  - i. Approval of the Agenda;
  - ii. Report of the President/Secretary-General;
  - iii. Report of the Finance and Audit Committee;
  - iv. Committee Reports;
  - v. Any other business; and
  - vi. Date and time of next meeting.
- (g) The provisional agenda for an extraordinary meeting of the Council shall normally include consideration of the question(s) for which the meeting was convened.

The following Rules of Procedure shall apply to the conduct of the business of the Council:

##### **4.4.1 The Role of the Chair**

- (a) The President, or in his/her absence, the Vice President, shall be the Chair of the Council.
- (b) The Chair will open and close the meeting, direct discussions, ensure the observance of the procedures in the Convention and the General Regulations, accord the right to speak, put questions to the vote and announce decisions.
- (c) The Chair will have control over the proceedings and may rule on points of order and shall have the power

##### **4.4.2 Conduct of meetings**

- (a) No person may address the Council without having obtained the permission of the Chair. Subject to rules b), f) and h) below, the Chair shall call upon speakers in the order in which they signify their desire to speak. The Chair may call a speaker to order if the remarks of such speaker are not relevant to the subject under discussion.
- (b) During the discussion of any matter, a Councillor may rise to a point of order and the point of order shall immediately be decided by the Chair. A Councillor may appeal against the ruling of the Chair. The appeal shall immediately be put to the vote and the Chair's ruling shall stand unless overruled by the majority of the Council present and voting. A Councillor rising to a point of order may not speak on the substance of the matter under discussion.
- (c) The Council may, on the proposal of the Chair, limit the time to be allowed to each speaker on any particular subject under discussion. When the debate is limited and a Councillor has spoken for the allotted time, the Chair shall call the Councillor to order without delay.
- (d) During the course of a debate, the Chair may announce the list of speakers and, with the consent of the
- (g) During the discussion of any matter, a Councillor may move the suspension or the adjournment of the meeting. Such motions shall not be debated, but shall be immediately put to the vote. The Chair may limit the time to be allowed to the speaker moving the suspension or adjournment.
- (h) Subject to rule e) above, the following motions shall have precedence in the following order over all the other proposals or motions before the meeting:
  - i. to suspend the meeting;
  - ii. to adjourn the meeting;
  - iii. to adjourn the debate on the question under discussion; and
  - iv. for the closure of the debate on the question under discussion.
- (i) Subject to rule e) above, any motion calling for a decision on the competence of the Council to discuss any matter or to adopt a proposal submitted to it shall be put to the vote before the matter is discussed or a vote is taken on the proposal in question.
- (j) A motion may be withdrawn by its proposer at any time before voting on it has commenced, provided that the motion has not been amended or that an amendment to it is not under discussion. A motion which has

#### **4.4.3 Voting**

- (a)** In ordinary meetings the Council shall vote by show of hands and otherwise in accordance with Article 5.3 of the Convention.
- (b)** The Chair may decide to call an out of session postal or electronic vote by the Council. Postal or electronic votes will be determined by simple majority of votes cast, with nil returns being counted as votes in favour of the proposal, unless otherwise notified when the vote is called.

#### **4.4.4 Decision Making and Reporting**

- (a)** Where the Council is requested to make a decision, that request may be put to the meeting in the form of a proposed Council Resolution. Each Resolution should include an action date, if relevant, and for convenience, the Chair may aggregate Resolutions for approval and reporting purposes.
- (b)** The Secretary-General shall arrange for the substance of all discussions of the Council to be recorded in a general summary of the work of the meeting. The minutes shall be distributed to all Councillors present at the meeting, who may submit their proposed corrections in writing to the Chair. Any disagreement on the proposed corrections shall be decided by the Chair after consultation with the Councillor(s) concerned.
- (c)** The minutes will be approved by the Council in meeting, or, if necessary, by correspondence. The approved minutes, including the text of all Resolutions, will be made available to Councillors, Contracting Parties and members.
- (d)** Documents relevant to the implementation of decisions shall be distributed to Councillors, Contracting Parties and members as relevant.

#### **4.5 Election of the President and Vice President of IALA**

- (a)** The Council shall, upon its election or as necessary, from among its Councillors elect the President and Vice President of the Organization.
- (b)** The election will be by secret ballot, which shall be conducted by the Secretary-General.
- (c)** All Councillors will be eligible for election upon indication of their willingness to stand for election.
- (d)** There shall be two ballots, one to elect the President and the other to elect the Vice President.
- (e)** Each Councillor is entitled to cast one vote in each ballot.
- (f)** Election will be the majority of votes cast, the counting of which will be done by the Secretary-General in view of the Council.
- (g)** If no candidate in either ballot in accordance with (d) above obtains a majority in the first ballot, a second ballot shall be taken confined normally to the two candidates obtaining the largest number of votes. If in the second ballot the votes are equally divided, the Secretary-General shall decide between the candidates by drawing lots.
- (h)** The President and the Vice President shall hold office for one term between General Assemblies unless resigning earlier. They shall not be eligible for immediate re-election and shall not hold office for more than two terms in total.
- (i)** The President and Vice President hold these positions on a personal basis. Should either cease to be the designated representative of their Contracting Party, the position will fall vacant from date of them so ceasing.
- (j)** Should the position of President become vacant the Vice President will assume this role and the position of Vice President will become vacant instead. In this event, the Secretary-General shall call for nominations to fill the vacant position and will conduct a ballot, either in session or electronically, in accordance with the provisions above.

### 5.1 Function of the Finance and Audit Committee

- (a) The Council shall, upon election or as necessary, establish a Finance and Audit Committee to provide advice to the Council.
- (b) The finances of the Organization shall be managed by the Council, the Finance and Audit Committee and the Secretary-General in accordance with the financial arrangements as determined by the General Assembly and the Financial Regulations.
- (c) The Finance and Audit Committee shall assist the Council in the supervision of the financial administration of the Organization.

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- (a) The Council shall, from among its Councillors elect at least three and no more than five Councillors to sit on the Finance and Audit Committee. The Council will then elect one of these Councillors, on a personal basis, to act as Treasurer and Committee Chair.
- (b) The election will be by secret ballot, which shall be conducted by the Secretary-General.
- (c) All Councillors will be eligible for election upon indication of their willingness to stand for election.
- (d) There shall be two ballots, the first to elect the Committee members and the second to elect the Treasurer.
- (e) Each Councillor is entitled to cast one vote in each ballot.
- (f) Election will be simple majority of votes cast, the counting of which will be done by the Secretary-General in view of the Council.
- (g) If the votes are equally divided for one or more of the positions as Committee member, a second ballot shall be taken confined to the number of positions not filled as a result of the first ballot. If in the second ballot the votes are equally divided, the Chair shall decide between the candidates by drawing lots.
- (h) Should the number of candidates nominated be the same as the number of positions to be filled, those candidates will be appointed to the Committee without ballot.
- (i) The Committee and the Treasurer shall hold office for the term of the Council unless replaced earlier by decision of the Council or through resignation.

### Article 5

#### Finance and Audit Committee

### 5.3 Convening the Finance and Audit Committee

- (a) The Finance and Audit Committee will be convened, ordinarily twice a year by notice in writing by any of the following:
- i. the President or Vice President;
  - ii. the Treasurer;
  - iii. the Secretary-General; or
  - iv. at the request of two Councillors.
- (b) The date and location of the meeting of the Finance and Audit Committee in ordinary meeting will be determined by decision of the Treasurer, however such meetings will generally run at the same location and prior to Council meetings.
- (c) The date of an extraordinary meeting of the Finance and Audit Committee will be not less than one week from the date of notification, and the location will be the IALA Headquarters unless alternate arrangements are agreed by the Treasurer, the Secretary-General and the President, or if the meeting is to be held electronically.
- (d) In the event that the Finance and Audit Committee cannot meet in regular or extraordinary meeting and approvals are required, the Committee may convene out of session by electronic means.
- (e) The business of the Finance and Audit Committee shall be conducted in English, including output documents. Input documents may be submitted in French and shall be translated by the Secretariat.

1. Se considera que los miembros del Comité de Finanzas y Auditoría deberá de ser mediante elección y no/no compuesto por los miembros del Consejo, sino mediante procesos separados, por lo cual se deberán modificar los incisos (a) del punto 5.1 e inciso (a) del punto 5.2.

2. Resulta inaceptable que las finanzas de la Organización sean manejadas por el Consejo, el Comité de Finanzas y Auditoría y el Secretario General como se establece en el inciso (b), toda vez que ni los miembros del Consejo ni del Comité de Finanzas y Auditoría tienen vínculo jurídico alguno con la Organización. El Secretario General como el más alto funcionario de la Organización debe de ser el encargado de la administración y finanzas de la Organización, responsable ante la membresía por el manejo transparente, eficiente y eficaz de los recursos.

(-) It is considered that the members of the Finance and Audit Committee shall be elected and not composed by the members of the Board, by separated processes, therefore subsections (a) from Article 5.1 and subsection (a) from Article 5.2 should be modified.

(-) It is unacceptable that the finances of the Organization are to be managed by the Council, the Finance and Audit Committee and the Secretary-General as set out in subparagraph (b), since neither the members of the Board nor the Finance and Audit Committee have any legal relationship with the Organization. The Secretary General as the highest official of the Organization should be in charge of the administration and finances of the Organization, responsible to the membership for the transparent, efficient and effective management of resources.

Como órgano asesor del Consejo el CFA debe de tener una composición definida, 5 miembros resulta ser el número adecuado al poder contar con la presentación geográfica adecuada, asimismo existen inconvenientes en que los miembros del Comité sean los propios miembros del Consejo (véase párrafo 1 punto 5.1). Se tienen fuertes objeciones con el nombramiento de uno de los miembros del CFA como tesorero de la Organización. El puesto de Tesorero debe de recaer en un funcionario de la Organización con vínculos jurídicos con la institución, por lo cual toda mención o facultad del tesorero deben de ser eliminados del texto.

As an advisory body to the Council, the CFA must have a defined composition, 5 members is the appropriate number to have the right geographical representation, also there are some inconveniences in the fact that some members of the Committee are as well members of the Council itself (see paragraph 1 5.1). There are strong objections in the appointment of one of the members of the CFA as treasurer of the Organization. The position of Treasurer must fall to an official of the Organization with legal ties with the institution, for which any mention or faculty of the treasurer should be removed from the text.

#### **6.1 Establishment and Functions of Committees and Other Bodies**

**(a)** The General Assembly or the Council may establish Committees and other bodies it deems necessary to support the endeavours of IALA. The Council will approve Terms of Reference for Committees and other bodies, and all activity of the Committees and other bodies shall be conducted within those Terms of Reference.

**(b)** Committees and/or other bodies may:

- i. study matters relevant to the aims of IALA, with the objective of preparing Standards, Recommendations, Guidelines and Manuals, and submissions to other organizations in accordance with the Work Programme approved by the Council; or
- ii. address other objectives as established by the General Assembly or the Council.

**(c)** Contracting Parties and members are eligible to participate in the Committees established by the General Assembly or the Council.

**(d)** The Council will determine participation in other bodies as part of the development of the Terms of Reference for those bodies.

**(e)** The business of the Committees and other bodies shall be conducted in English, including output documents. Input documents may be submitted in French and shall be translated by the Secretariat.

#### **6.2 Appointment of Chair and Vice Chair**

**(a)** Each Committee will have a Chair and Vice Chair appointed by the Council for a period of four years.

**(b)** Nominations for these positions may be made by Contracting Parties or the Secretary-General. When a vacancy arises, the Secretariat will inform Contracting Parties of the vacancy and seek nominations in an open and timely manner, including providing advice to Contracting Parties of the process for selection of the successful candidate. The Secretariat will inform the Council of all nominations and the Council will determine the successful candidate.

**(c)** Chairs and Vice Chairs of working groups shall normally be provided by Contracting Parties and appointed by the Chair of the Committee. However, where appropriate, they may be drawn from members or sister organizations. The appointment of the working group Chair and Vice Chair are at the discretion of the Committee Chair.

#### **6.3 Rules of Procedure**

##### **6.3.1 Meetings**

**(a)** Committee meetings shall normally be held twice a year at the IALA Headquarters. Exceptionally they may be held elsewhere, with the approval of the Secretary-General.

**(b)** The duration of a Committee meeting shall normally be five days, with the daily schedule being decided by the Committee Chair.

**(c)** The Secretariat will inform all Contracting Parties and members of the date of each Committee meeting by email. Notices will be sent ninety calendar days in advance and again thirty calendar days in advance. Dates will also be available on the IALA website.

**(d)** Every Contracting Party and member may send one or more representatives to participate in a Committee meeting.

**(e)** Contracting Parties and members intending to send participants to a Committee meeting should advise the Secretariat of the participants' details.

**(f)** When it would be beneficial to the work of a Committee, individuals from academic, scientific, research or other relevant organizations may be invited by the Secretary-General to attend a Committee meeting for a specific purpose.

**(g)** Participants are responsible for arranging their own accommodation and transport during a Committee meeting, but the Secretariat will advise of accommodation options and of special rates if available.

**(h)** Committee participants should ensure that they:

- i. act honestly and in good faith, with a view to upholding the best interests and purpose of the Organization;
- ii. advise the Committee of a perceived, potential, or actual conflict of interest and withdraw from discussion of that particular item, if appropriate;
- iii. do not conduct any commercial activity within the IALA Headquarters; and
- iv. keep IALA products free from unresolved or unreasonable intellectual property rights issues and claims.

#### **Article 6 Committees and Other Bodies**

### **6.3.2 Work of the Committees**

(a) Each Committee shall develop and work to a work programme. The following factors shall be taken into account when the work programme is developed:

- i. the Strategic Vision;
- ii. the number of meetings available to the Committee during the four-year work period, which is the time between regular sessions of the General Assembly;
- iii. the order in which the work should be undertaken; and
- iv. any other matters relevant to the work of the Committee.

(b) A Committee work programme, or changes thereto, shall be submitted to the Council for approval.

(c) The work of a Committee may be facilitated by the use of working groups. The creation of a working group is at the discretion of the Committee Chair.

(d) A working group will be an integral part of its parent Committee and will meet during the same week as the Committee.

(e) An inter-sessional meeting of a working group (that is a working group meeting held between two meetings of the parent Committee) may be used to enable faster progress of a specific work item.

(f) An inter-sessional meeting of a working group requires the approval of the Secretary-General. The meeting should be held at the IALA Headquarters unless an alternative location is approved by the Secretary-General.

(g) With the approval of the Committee, the Chair may appoint rapporteurs to regularly provide advice to the Committee on specific matters that have an impact on or influence the work of the Committee and the provision of aids to navigation services

### **6.3.3 Decisions**

If a consensus on a specific matter cannot be reached, a Committee shall decide by a simple majority of the Contracting Parties represented at the meeting. There shall be only one vote per Contracting Party. The Chair has a casting vote if necessary.

(a) Agenda items will depend upon the specific topics to be addressed during the particular Committee meeting to which the agenda refers. The topics to be addressed will be determined by the Chair, assisted by the Vice Chair and the secretary to the Committee, taking into account the Strategic Vision, the Committee structure, and the work programme of the Committee.

(b) Input documents for a Committee meeting should be sent to the Secretariat not later than two weeks before the meeting and will be published on the relevant section of the IALA website. Documents should conform to the standard template, input documents.

(c) Documents for consideration at a Committee meeting will be numbered by the Secretariat in a way that indicates the meeting number, the agenda item to which they refer and the description.

(d) Any Contracting Party or member may submit a document addressing any item on the work programme of a Committee.

(e) Working documents are documents to be carried over to a subsequent meeting.

(f) Output documents are documents completed by the Committee. They include draft Standards, Recommendations, Guidelines, and other documents for submission to the Council for approval.

(g) The report of a Committee meeting shall be approved by the Committee, endorsed by the Chair, and made available for Contracting Parties and members on the website by the Secretariat without delay.

(h) Input documents and reports shall follow the respective template formats.

(i) Draft Standards, Recommendations, Guidelines, and similar created by a Committee shall follow a quality

- (a) In accordance with the Convention Article 7.6 (h) the Council will appoint a Secretary-General to act as legal representative and Chief Executive of IALA for a term of four years and may reappoint the Secretary General for one additional term not exceeding four years.
- (b) The Council, upon advice of a forthcoming vacancy in the position of Secretary- General, will empower a panel of Councillors to act as Selection Panel to fill that vacancy.
- (c) The Selection Panel shall consist of the President, the Vice President, the Treasurer and two other Councillors, which shall be assisted by a suitably qualified member of the staff of the Secretariat appointed by the incumbent Secretary-General.
- (d) The Selection Panel will:
- i. review the existing position description and salary by comparison with like positions in other organizations;
  - ii. prepare an updated position description, vacancy notice, selection criteria, candidate assessment matrix and interview process;
  - iii. consult with the Finance and Audit Committee to establish a remuneration and benefits package for the position;
  - iv. publish the vacancy notice on the IALA website and in other media as appropriate;
  - v. determine and implement interview arrangements;
  - vi. individually evaluate applications against the selection criteria using the candidate assessment matrix;
  - vii. collectively identify candidates for interview based on completion of a combined candidate assessment matrix;
  - viii. conduct interviews;
  - ix. collectively assess and rank each candidate against the selection criteria based on application and interview performance;
  - x. undertake consultation with referees for short-listed candidates;
  - xi. enter without prejudice negotiations with the preferred candidate, inter alia in relation to the position description, employment conditions and remuneration and benefits package; and
  - xii. document its conduct of the above process, including a comparative assessment of shortlisted candidates, and report to the Council, nominating a preferred candidate.

#### 7.2 Appointment and Management of Staff

The Secretary-General shall:

- (a) determine the requirement for, and functional organisation of, the staff of the Secretariat;
- (b) prepare Staff Rules for approval by the Council;
- (c) select and engage the staff of the Secretariat in accordance with the Staff Rules; and
- (d) manage the performance of the staff of the Secretariat in accordance with the Staff Rules.

- Respecto al personal, únicamente señala que el Secretario General preparará el Reglamento de Personal, mismo que será aprobado por el Consejo (artículo 7.2.), sin definir tipo de personal requerido (técnico o administrativo).
- (-) Regarding the staff, it only points out that the Secretary General will prepare the Staff Regulations, which will be approved by the Council (Article 7.2), without defining the type of personnel required (technical or administrative)

#### 7.3 Function of the Secretariat

In the performance of their duties the staff of the Secretariat shall not seek or accept instructions from any authority external to the Organization. They shall refrain from any action which might adversely reflect on their position in the Organization as international officers. The Secretariat, under the direction of the Secretary-General, and in accordance with the Secretariat Procedures, shall:

- (a) handle all day-to-day administration of the Organization, including the flow of information between the Secretariat and Contracting Parties and members;
- (b) organise and support meetings of the General Assembly and the Council;
- (c) prepare Terms of Reference for Committees and other bodies for approval by the Council;
- (d) organise and support the Committees and other bodies in accordance with the Work Programme approved by the Council, by (as required):
  - i. hosting the meetings;
  - ii. providing secretarial and technical support;
  - iii. preparing and submitting related documents to the Council; and
  - iv. circulating meeting documents;
- (e) establish Rules of Procedure for participation in Conferences and Symposia for approval by the Council;
- (f) organise Conferences, Symposia, seminars, workshops and other events;
- (g) manage finances under the direction of the Council and in accordance with the Financial Regulations;
- (h) prepare the annual budget and accounts for submission to the Finance and Audit Committee;
- (i) produce the Annual Report;
- (j) receive, print, file and/or circulate/publish documents, and in so doing, ensure that all Standards, Recommendations, Guidelines and Manuals upon their publication are made available in all the official languages of the Organization;
- (k) establish, maintain and have custody of documents in the archive; and
- (l) generally perform all other work that may be required to support the endeavours of the Organization.

#### Article 7 The Secretary-General and the Secretariat

#### **7.4 Secretariat Procedures**

- (a) The conduct of business of the Secretariat shall be governed by Secretariat Procedures established by the Secretary-General, which shall be reviewed and kept updated to ensure efficient operations are maintained.
- (b) The Secretariat Procedures shall be made available to all staff.
- (c) The staff are required to implement the Secretariat Procedures applicable to them and to work with the Secretary-General to ensure that the Secretariat Procedures reflect safe, clear, open and sustainable working practice.

#### **7.5 IALA World-Wide Academy**

The IALA World Wide Academy ("the Academy"), the vehicle by which the Organization delivers training and capacity building, shall be an integral part of the Secretariat.

- (a) The Academy shall be administered by the Secretary-General as advised by a Dean supported by an Advisory Board ("the Board").
- (b) The role of the Board shall be:
  - i. to maintain a global view of maritime aids to navigation training and capacity building needs; and
  - ii. to recommend and oversee the strategy and delivery of the Academy's key deliverables of training and capacity building and annual programme.
- (c) The Board shall consist of:
  - i. a Chair nominated by the Council from among the Board Members;
  - ii. the Secretary-General
  - iii. the Dean of the Academy;
  - iv. up to six (6) members appointed by the Council for a period of four (4) years and who may be re-appointed.
- (d) The Board shall meet twice a year, at least thirty calendar days before the next Council meeting.
- (e) The Dean shall be a member of the staff.

#### **8.1 Definition**

- (a) A Conference is a meeting that has, as its principle objective, the exchange of and information relative to all types of marine aids to navigation.
- (b) A Symposium is a meeting to consider and discuss a set of contributions on specific subjects relating to marine aids to navigation.

#### **8.2 Attendance**

- (a) Conferences shall be open to:
  - i. all Contracting Parties and members;
  - ii. other international organizations and associations, aids to navigation Authorities, VTS Authorities and official bodies as approved by the Council; and,
  - iii. international organizations and associations designated by the Council.
- (b) Symposia shall be open to international organizations, companies or individuals working in the field or having an interest associated with the subject addressed by the Symposium, upon registration.

#### **Article 8 Conferences and Symposia**

#### **8.3 Exhibitions**

- (a) At Conferences  
An exhibition of aids to navigation equipment will be organised during each Conference period. Only those Industrial members who have paid the equivalent of the fees for the two years immediately prior to the year of the Conference, plus the year of the Conference, will have the right to exhibit.
- (b) At Symposia  
An exhibition of aids to navigation equipment will be organised during each Symposium. The exhibition will be open to any entity operating in the aids to navigation field, upon registration.

#### **8.4 Preparations for Conferences and Symposia**

- (a) The Secretariat shall develop, for approval by the Council, guidelines for preparations for Conferences and Symposia. The guidelines shall assist the Secretariat and the host in the planning and preparation for convening, and conduct of, Conferences and Symposia.
- (b) The guidelines shall be made available to Contracting Parties and members considering hosting a Conference or a Symposium.

#### **Article 9 Amendments to the General Regulations**

- 9.1 These General Regulations may be amended by the General Assembly.
- 9.2 The Council and any Contracting Party to the Convention may propose an amendment to these General Regulations, in accordance with Article 3.
- 9.3 Decisions of the General Assembly relating to matters covered by these General Regulations shall be incorporated therein.

**Article 10**  
**Termination**

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

- (a) determining the assets of the Organization and returning any property not belonging to the organization;
- (b) determining and settling any claims against the Organization and any sums owed by the Organization including costs associated with the winding up of the Organization; and
- (c) dividing the balance of the accounts amongst the Contracting Parties [and members] in accordance with the Financial Regulations.



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International Association on Marine Aids to Navigation and  
Lighthouse Authorities  
T.a.v. Mr. F. Zachariae  
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Date 27 September 2017  
Subject Comments on Draft Convention and Draft General  
Regulations

**Bestuurskern**  
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**Our reference**  
IENM/BSK-2017/237314

Dear Mr. Zachariae

With reference to your letter of 11 May last, I have the honor to give you some comments of the Netherlands' delegation to the Draft Convention and the Draft General Regulations.

First of all, I would like to acknowledge that in the 60 years of its existence IALA has played an important role in developing, improving and harmonizing worldwide marine aids to navigation.

The IALA Maritime Buoyage is universally recognized and implemented. IALA has a leading role in the development of recommendations and guidelines relating to Vessel traffic Services. Many IALA members are principal stakeholders in Vessel Traffic Services in ports a waterways around the world.

As NGO with consultative status at IMO, IALA's input into IMO's work on safety and efficiency of navigation systems had been significant. Likewise, the role of IALA in the development of the Automatic Identification System (AIS) and the Worldwide Radio Navigation Systems – including the various Global Navigation Satellite Systems, terrestrial differential services and augmentation systems -, and the development of the e-navigation concept has been outstanding and is highly appreciated by the Netherlands

This high quality output of IALA systems stem from its technical expertise in marine devices, systems and services that are external to a chip as provided by the competent authorities of its National Member, its Associate Members and its technical service providers.

In view of the quality of the work of IALA the international community and maritime stakeholders have the confidence that they can rely on IALA's expertise and guidance and consider its publications as authoritative reference material. IALA's role and impact has been undisputed and is worldwide highly appreciated. The international influence of this organization is determined by the quality of its work, but not necessarily by its status.



Secondly, as you may be well aware, the Netherlands is, in general, reticent establishing new international organizations. Taking into account the current impact of IALA on the improvement and harmonization of marine aids to navigation, it is the view of the Netherlands that the absolute necessity and added value of a new international organization still needs to be more clearly demonstrated. In our view an improvement of IALA's capabilities to act as an International Organization compared to its actual status as a private body under French commercial law, in itself may not necessarily be a justification for a change of status.

Furthermore, as a European Member State the Netherlands is bound by article 218, paragraph 9 of the Treaty on the Functioning of the European Union. If IALA becomes an International Governmental Organization, European Members may be required by the European commission to coordinate and formulate their common position within the European Union before taking a position in IALA as in international organization set up by agreement. This will certainly be the case as the adoption of standards by IALA may well be deemed by the European Commission as acts of having legal effects.

The European Commission may point out that EU regulation in the field of marine aids is in place and that therefore EU competence in this field exists. The Netherlands wonders whether the transformation of IALA into an International Governmental Organization might have the effect that the creative and constructive contributions of EU Member States in IALA may be jeopardized.

Turning IALA in an International Organization may also have other detrimental effects. There is a distinct possibility that in IALA, as an international organization, an unperceived shift might take place towards more political and bureaucratic aspects. Discussions on language regimes and contribution scales may drift IALA away from a its global and unique technical expertise network, which now so determines the quality of the work of IALA. In a formal International Organization national representatives of central authorities may predominate the technical discussions in IALA. It is for this very reason that the Netherlands has underscored from the very beginning, that Associate Members and Industrial Members should be able to continue their pivotal role and maintain their rights and privileges in a future IALA. If changing the status of IALA results in diminishing the influence, input and participation of these members, it would be appropriate to reconsider our next steps.

It is the view of the Netherlands that the above-mentioned questions should be addressed prior to the final formulation of the Draft Convention. At this stage the Netherlands will reserve its position on the Draft Convention, with the exception of article 18 (Transitional Arrangements) of the Draft. This article should be deleted from the Convention. The Netherlands is of the opinion that the transitional arrangements should be formulated in a transition protocol to be adopted by IALA in its current status.

**Bestuurskern**  
Dir Maritime Affairs

**Date**  
27 September 2017

**Our reference**  
IENM/BSK-2017/237314



The Netherlands delegation is looking forward to the Second Preparatory Diplomatic Conference in February 2018 where it expects that the issues raised above will be discussed. Pending the outcome of that meeting the Netherlands reserves its final position on the change of status of IALA.

Yours sincerely,

Ministry of Infrastructure and the Environment  
Director Maritime Affairs

Mrs. Brigit Gijsbers  
Member of the IALA Council for the Netherlands

**Bestuurskern**  
Dir Maritime Affairs

**Date**  
27 September 2017

**Our reference**  
IENM/BSK-2017/237314



ROYAL NORWEGIAN MINISTRY  
OF TRANSPORT AND COMMUNICATIONS

IALA Secretariat

Your ref

Our ref

Date

15/2255

27 September 2017

**Follow-up to the First Preparatory Diplomatic Conference - IALA Pre-Diplomatic Conference follow up letter**

Secretary-General,

Norway refers to the Pre-Diplomatic Conference held in Paris on 18 and 19 April 2017 regarding the change of status of IALA and the invitation to forward written comments to the draft Convention.

We would like to draw your attention to the following points:

**Article 1.3.** of the draft convention regarding the **working languages** of the Organization: In the process of transforming IALA to an IGO, it is important to focus on maintaining the level of costs, as far as possible, at the same level as today. We are therefore concerned when an additional working language is introduced (French). In our view, additional working languages would undoubtedly require extensive translation services which again would impact on the budget of IALA and the member fees/contributions. By adding one additional language, there may also be a demand for adding even more working languages, potentially all six official languages of the UN. In order to avoid this situation, we propose to continue as of today with English as the only working language of IALA.

**Articles 7.2. and 7.3.** of the draft convention ensure that the host nation of IALA has a **permanent seat in the IALA Council**:

To the best of our knowledge, such a provision is unusual in other relevant international Organizations, and Norway is not aware of any other relevant organization with such permanent representation for the host country in that capacity. We therefore propose that

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Article 7 be amended to ensure that all Councillors are elected on an equal basis. This will also contribute towards achieving an equitable regional distribution of the Council seats.

Thus, we propose that articles 7.2 and 7.3. read as follows:

2. The Council shall consist of the President and the Vice President and up to twenty two (22) Councillors elected from amongst the Contracting Parties.
3. Councillors shall be elected by ballot by the General Assembly in accordance with the General Regulations.

We also propose that article 7.4. be deleted.

**Article 7.6.(a)** stipulates that the **President and the Vice President** shall be elected from amongst the members of Council. In our opinion, it would be preferable that the President and the Vice President are elected by the General Assembly from amongst the Contracting Governments.

We therefore suggest deleting art. 7.6.(a) and amending Article 6.7 to insert a new paragraph 6.7.(c) that reads as follows:

6.7.

- (c) Elect the President and the Vice President from amongst the Contracting Governments.

As a consequence, it will be necessary to renumber the following subparagraphs in article 6.7.

**Article 11.2**, 1<sup>st</sup> sentence of the draft convention states that the organization shall, subject to the agreement of each contracting party, enjoy such **privileges and immunities** that are necessary for the fulfilment of its aim and for the exercise of its functions. In Norway's view, the words "subject to the agreement of each contracting party" also refers to the second sentence of draft Article 11.2, which stipulates that, in the territory of any state which is party to the 1947 Convention on the Privileges and Immunities of the Specialized Agencies of the United Nations, such legal capacity, privileges and immunities shall be those defined in the said Convention.

However, in order to clarify the matter, Norway would propose to specify this also in Article 11.2, 2<sup>nd</sup> sentence, which would then read as follows:

"In the territory of any state which is party to the Convention on the Privileges and Immunities of the Specialized Agencies adopted by the General Assembly of the United Nations on 21 November 1947, such legal capacity, privileges and immunities shall, subject to the agreement of the Contracting Party in question, be those defined in the said Convention".

Furthermore, in Norway's view, draft Article 11 regulates the legal capacity, privileges and immunities of the organization as such, and not tax related privileges and immunities for the officials of the organization.

**Article 12.4** of the draft convention regarding **amendments** introduces the tacit-acceptance procedure to ensure effective entry into force of amendments. We agree that such a mechanism is useful and unbureaucratic and we support this in principle. However, we are concerned that the article, as it now reads, does not allow a Contracting Government to make reservations by objecting to an amendment. Elements in article VIII of the SOLAS-Convention regarding amendments may be used to redraft the proposed article 12.4 in the IALA Convention.

We propose that article 12, paragraph 4 read as follows:

4. Any amendment adopted in accordance with Article 12.3. shall be notified by the Depository (Government of France) to all Contracting Parties and the Secretary General. The amendment shall be deemed to have been accepted at the end of a period of twelve months after the date of notification.

In addition, we propose to insert a new paragraph 5 to make it clear that amendments to the Convention only apply to those Contracting Governments which have accepted it. We propose that the new paragraph 5 read as follows:

5. An amendment to the Convention shall enter into force with respect to those Contracting Governments which have accepted it six months after the date on which it is deemed to have been accepted, and with respect to each Contracting Government which accepts it after that date, six months after the date of that Contracting Government's acceptance.

Regarding **article 13 on Interpretation and Disputes** we propose some minor changes in the heading and the text itself. The proposed modifications are meant to underscore that the main rule should be that any dispute is to be settled through consultation or negotiation between the parties. A panel of arbitrators should only be established in cases where such consultations or negotiations have failed. A time limit of three months is also meant to ensure that the parties try to settle the dispute through consultation or negotiation before the dispute is being referred to a panel of arbitrators. We propose that article 13 read as follows:

Article 13  
Settlement of Disputes

Any question or dispute concerning the interpretation or application of the present Convention arising between or amongst Contracting Parties shall be settled through

consultation or negotiation, and if necessary by the good offices of the Council. If the dispute is not settled through consultation or negotiation within a period of three months it may be referred to a panel of three independent arbitrators appointed by the Secretary-General of the Permanent Court of Arbitration, unless the parties to the dispute agree upon another mode of settlement.

**Article 14.5.** makes it clear that ratification, acceptance or approval of, or accession to, the Convention shall be **without reservation**. We refer to our concern above regarding article 12.4. which also applies here. Moreover, the possibility to make reservations, provided that they are not incompatible with the object and purpose of the treaty, would most likely lower the threshold of becoming a party to a future convention.

We propose that article 14.5 be deleted.

Yours sincerely

Petter Meier  
Deputy Director General

Bente Lund Michaelsen  
Senior Adviser

*This document is signed electronically and has therefore no handwritten signature*

Copy:  
Norwegian Ministry of Foreign Affairs  
Norwegian Coastal Administration

# **COMMENTS ON THE DRAFT CONVENTION ON THE INTERNATIONAL ORGANIZATION FOR MARINE AIDS TO NAVIGATION (IALA)**

## **1. General Remarks**

The Republic of Korea (hereinafter referred to as “Korea”) appreciates the hard work done by the IALA Secretariat, the Secretary-General, and the Legal Advisory Panel in preparing the draft Convention on the International Organization for Marine Aids to Navigation (IALA), and welcomes this opportunity to provide comments on the draft Convention. As this draft is only the first draft, Korea expects that minor technical issues found in the draft Convention will be corrected in due course. With that in mind, Korea focuses its comments on the substance of the specific provisions. As for the other provisions not mentioned here, Korea in principle has no particular objections. Notwithstanding the comments made here, Korea reserves its right to make additional comments on any revised draft Conventions in the future.

## **2. Comments on Specific Provisions**

### **Title: Draft Convention on the International Organization of Marine Aids to Navigation (IALA)**

Since IALA has been used as the acronym for the former non-intergovernmental organization, Korea suggests using a different acronym that better reflects the title of the new organization. It is also unusual to include the acronym of the organization in the title of the convention. Korea therefore suggests deleting the acronym from the title.

### **Article 1: Establishment of the International Organization**

*1.3. The official languages of the Organization shall be English, French and Spanish. The working languages of the Organization shall be English and French.*

Having 3 official languages and 2 working languages would result in high operating cost. In the interest of cost and efficiency of the operation, Korea suggests designating English as the sole official and working language.

*1.4. The operation of the Organization shall be as set out in the General Regulations.*

Article 1.4 seems unrelated to the establishment of the Organization. Korea suggests moving this provision to Article 5.

### **Article 4: Membership**

*4.2. Members shall include, and the General Regulation may make provision for all matters related to, Associate and affiliate members.*

According to Article 4.2, the rules regarding the membership are to be found in the draft General Regulations. Since membership constitutes an essential component of the structure of the Organization, the rules regarding it should be stipulated in the draft Convention itself.

*4.4. Each Contracting Party shall pay a contribution to the Organization on an annual basis in the amount determined in accordance with in Article 7.6 (e) and Article 10.*

*4.5. Contracting Party contributions and member fees shall be due and payable in accordance with the General Regulations.*

*4.6. Failure to make a contribution when such payment becomes due may result in the Contracting Party being charged interest, the rate of which will be determined by the Council.*

*4.7. Any Contracting Party which is two years in arrears in making contributions shall, after notification, be denied the rights and benefits conferred on Contracting Parties by this Convention until such time as the outstanding contributions have been paid.*

Articles 4.4-4.7 are concerned with contributions and member fees, which are the primary source of funding. Korea therefore suggests placing them under Article 10 or making a separate article on finances.

Article 4.7 states the consequences of failing to make contributions on time. There may be situations in which a State is unable to pay contributions due to exceptional circumstances outside of its control. In order to take into account such situations, the draft Convention should also contain a process for relief by the General Assembly.

## **Article 5: Structure of the Organization**

*5.2. There shall be a President and a Vice President of the Organization elected in accordance with Article 7.*

Article 5 should stipulate clearly that the President and the Vice President of the Organization chair both the General assembly and the Council.

Considering the importance of the Organization's technical expertise, the candidacy for president and vice president should be limited to the representatives of the States' relevant authorities for the marine aids to navigation.

## **Article 6: The General Assembly**

Crucial issues regarding the General Assembly such as the composition, functions, authority, and rules of procedure (including voting and decision making) should be stipulated clearly in the draft Convention.

The General Assembly should have the power to decide on the location of the secretariat.

## **Article 7: The Council**

Crucial issues regarding the Council such as the composition, sessions, functions, authority, and rules of procedure (including voting and decision making) should be stipulated clearly in the draft Convention.

Article 7 should contain a paragraph on the councillor's term of office and the possibility of re-election.

*7.2. The Council shall consist of up to twenty three (23) Councillors elected from amongst the Contracting Parties and one (1) non-elected Councillor.*

*7.4. The Contracting Party of the State in which the seat of the Organization is located ("Host Nation") shall be the non-elected Councillor.*

Articles 7.2 and 7.4 state that the Host Nation shall be a non-elected councillor. It is difficult to find precedents regarding non-elected councillors in an intergovernmental organization. Korea suggests that the provisions regarding non-elected councillor be deleted.

*7.5. At the Council Contracting Parties shall preferably be represented by the head of a national authority legally responsible for the regulation, provision, maintenance or operation of marine aids to navigation of that Contracting Party, or his or her representative.*

Considering the technical nature of the Organization, Korea suggests deleting the word 'preferably' from Article 7.5 and making the attendance of the head of a national authority responsible for the regulation of marine aids to navigation, or his or her representative mandatory.

*7.6. The Council shall:*

*(a) Elect the President and the Vice President from amongst its members;*

According to Article 7.6(a) the President and the Vice President are to be elected by the Council. However, considering the importance of such positions, they should be elected through the General Assembly.

*7.6. The Council shall:*

*(h) Appoint a Secretary-General in accordance with the General Regulations;*

Currently, the draft General Regulations regulates the appointment of the Secretary-General. Considering the importance of the matter, Korea suggests the procedure for the appointment of the Secretary-General be stipulated in the draft Convention.

## **Article 9: Secretariat**

*9.2. The staff of the Secretariat shall be appointed by the Secretary-General on such terms and to perform such duties as the Secretary-General may determine.*

It is essential that there is oversight of the Secretary-General's staffing. Korea suggests that the draft Convention require the Secretary-General to seek approval of the Council regarding its appointment of the staff.

The Secretary-general and the staff of the Secretariat's duty to act in good faith should be clearly stipulated in the draft Convention.

## **Article 10: Funding and Expenditure**

*10.1. The expenditure available for the functioning of the Organization shall meet the amount of*

*financial resources provided by:*

*(d) other sources approved by the Secretary-General.*

Considering the importance of funding and expenditure, the approval of other sources in Article 10.1(d) should be from the Council rather than the Secretary-General. Korea therefore suggests changing the phrase 'by the Secretary-General' in Article 10.1(d) to 'by the Council'.

The draft Convention should clearly delineate the General Assembly's and the Council's power with regard to the handling of the budget.

## **Article 11: Legal Personality, Privileges and Immunities**

*11.3. The Organization may cooperate with governments, organisations and other bodies, and conclude agreements with them.*

Article 11.3 seems unrelated to legal personality or privileges and immunities. Korea suggests inserting a separate article regulating the Organization's relations with other organizations.

## **Article 12: Amendments**

*12.1. Any Contracting Party may propose an amendment to this Convention, in writing, to [the Government of France, in its role as] the Depositary.*

*12.2. The Depositary [Government of France] shall circulate the amendment proposal to all Contracting Parties and the Secretary-General at least six months in advance of its consideration by the General Assembly.*

With regard to Articles 12.1 and 12.2, amendments should be proposed to and circulated by the Secretariat in the interest of efficiency.

*12.4. Any amendment adopted in accordance with Article 12.3 shall be notified by the Depositary [Government of France] to all Contracting Parties and the Secretary General. The amendment shall be deemed to have been accepted at the end of a period of twelve months after the date of notification, unless within that period not less than one-fourth of the States that were Contracting Parties at the time of the adoption of the amendment have communicated to the Depositary that they do not accept the amendment, in which case the amendment is rejected and shall have no effect.*

The amendment procedure stipulated in Art. 12.4 of the draft Convention seems to allow for an easier amendment process compared to other conventions of similar nature. Whereas many other conventions require the consent to be bound by more than two-thirds of the States for an amendment, the draft Convention allows for an amendment simply after a period of 12 months after the date of notification, unless not less than one-fourth of the States have notified their disagreements. Korea suggests modifying the amendment procedure to be more in line with other conventions.

## **Article 13: Interpretation and Disputes**

*13. Any question or dispute concerning the interpretation or application of the present Convention arising between or amongst Contracting Parties which is not settled through consultation or negotiation or by the good offices of the Council may be referred to a panel of three independent arbitrators appointed by the Secretary-General of the Permanent Court of Arbitration, unless the*

*parties to the dispute agree upon another mode of settlement.*

Korea suggests that, in the interest of efficiency, questions and disputes be referred to an independent arbitrator appointed by the President of the International Court of Justice, rather than a panel of three arbitrators appointed by the Secretary-General of the Permanent Court of Arbitration.

## **Article 16: Withdrawal**

*16.1. Any Contracting Party may withdraw from this Convention by giving at least twelve month written notice to the Depositary [Government of France], who will immediately inform all Contracting Parties of such notification.*

In the interest of efficiency, a written notice of withdrawal should be sent to the Secretariat, rather than the Depositary.

## ROMANIA

### Draft Convention on the International Organization for Marine Aids to Navigation (IALA)

#### Preamble

The States party to this Convention, hereafter referred to as the Contracting Parties:

RECALLING that the International Association of Lighthouse Authorities was established on 1st July 1957 following a conference of national lighthouse authorities held in Scheveningen, Netherlands;

NOTING that the International Association of Lighthouse Authorities was renamed the International Association of Marine Aids to Navigation and Lighthouse Authorities by its General Assembly in Hamburg, Germany in 1998;

RECOGNISING the role of the International Association of Marine Aids to Navigation and Lighthouse Authorities in the improvement and continued harmonisation of marine aids to navigation for the safe, economic and efficient movement of vessels;

IN FURTHERANCE of the provisions of the United Nations Convention on the Law of the Sea, 1982 and the International Convention for the Safety of Life at Sea, 1974, as amended;

CONSIDERING that the International Association of Marine Aids to Navigation and Lighthouse Authorities is formed as an association under French law;

and CONSIDERING FURTHER that the Contracting Parties agree that the will of Governments to develop, improve and harmonise marine aids to navigation for the benefit of the maritime community and the protection of the environment is best coordinated by one responsible international organisation;

HAVE AGREED as follows:

#### Article 1

##### Establishment of the International Organization

1. The International Organization for Marine Aids to Navigation is hereby established as an international organization and shall be known as IALA (hereinafter 'the Organization').
2. The Organization shall have its seat in France unless otherwise decided by the General Assembly.
3. The official languages of the Organization shall be English, French and Spanish. The working languages of the Organization shall be English and French.
4. The operation of the Organization shall be as set out in the General Regulations.

#### Article 2

##### Aims

1. The Organization shall have a consultative and technical nature.
2. The aims of the Organization are to:

**Commenté [MP1]:** -The level of concluding the Convention (either States or Governments) should determine a unitary language (ex. the Preamble starts as having the Convention concluded at States level, but in its last paragraph, there is a mention to the "will of Governments"; similarly, there are other references to Governments in the last articles of the Convention);

**Commenté [2]:** Provision on establishing the location: this paragraph should establish, on one hand, the precise location, and on the other hand, the possibility to change it, through a decision of the General Assembly (under a defined procedure); maybe a separate article could be dedicated to this issue.

## ROMANIA

(a) foster the safe and efficient movement of vessels through the improvement and harmonisation of marine aids to navigation worldwide and by other appropriate means;

(b) bring together governments, services and organisations concerned with the regulation, provision, maintenance or operation of marine aids to navigation and allied activities;

(c) promote access to technical cooperation on all matters related to development and transfer of expertise, science and technology in relation to marine aids to navigation;

(d) encourage and facilitate the general adoption of the highest practicable standards in matters concerning marine aids to navigation;

and (e) provide for the exchange of information among governments and intergovernmental organizations on matters under consideration by the Organization.

3. For the purposes of this Convention the term 'marine aids to navigation' means a device, system or service, external to a vessel, designed and operated to enhance safe and efficient navigation of all vessels and/or vessel traffic.

### Article 3

#### Functions of the Organization

The functions of the Organization, to achieve the aims referred to in Article 2, are to:

(a) provide standards, recommendations, guidelines and manuals or other suitable instruments and to commend these to governments, intergovernmental organizations and members as appropriate;

(b) consider and make recommendations on standards, recommendations, guidelines and other documents that may be remitted to it by members, by any organ or specialised agency of the United Nations or by any other intergovernmental organization;

(c) provide mechanisms for consultation and exchange of information including about the activities of Contracting Parties, members and recent developments;

(d) develop international cooperation by promoting close working relationships and assistance between its Contracting Parties and members;

(e) facilitate assistance to governments, services and other organizations requesting help with marine aids to navigation, whether technical, organisational or training;

(f) organise conferences, symposia, seminars, workshops and other events relevant to its work;

and (g) liaise and cooperate with relevant intergovernmental, international and other organizations, offering specialised advice where appropriate.

### Article 4

#### Membership

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1. The Organization shall be comprised of Contracting Parties and members as described in Article 4.2.
2. Members shall include, and the General Regulation may make provision for all matters related to, associate and affiliate members.
3. Any Contracting Party may claim Associate membership for a territory or group of territories for which it has responsibility and which is legally responsible for the regulation, provision, maintenance and/or operation of marine aids to navigation, by notification in writing to the Secretary-General of the Organization.
4. Each Contracting Party shall pay a contribution to the Organization on an annual basis in the amount determined in accordance with in Article 7.6 (e) and Article 10.
5. Contracting Party contributions and member fees shall be due and payable in accordance with the General Regulations.
6. Failure to make a contribution when such payment becomes due may result in the Contracting Party being charged interest, the rate of which will be determined by the Council.
7. Any Contracting Party which is two years in arrears in making contributions shall, after notification, be denied the rights and benefits conferred on Contracting Parties by this Convention until such time as the outstanding contributions have been paid.
8. No Contracting Party or member shall be liable, by reason of its status or participation in the Organization, for acts, omissions or obligations of the Organization.

### Article 5

#### Structure of the Organization

1. The Organization shall have as its organs: (a) the General Assembly; (b) the Council; (c) Committees and other subsidiary bodies necessary to support the Organization's activities; and (d) the Secretariat.
2. There shall be a President and a Vice President of the Organization elected in accordance with Article 7.
3. Where decisions of the General Assembly or the Council cannot be reached by consensus, the following provisions shall apply: (a) Only Contracting Parties have voting rights, which will be executed by the representative designated by each Contracting Party; (b) Except where otherwise specified, decisions are taken on a simple majority of the votes cast.
4. The General Regulations shall detail the Rules of Procedure that will apply for each organ.

### Article 6

#### The General Assembly

1. The General Assembly is the principal decision-making organ of the Organization and attendance shall be open to all Contracting Parties and members.

**Commenté [MP3]:** -The need for a clearly defined and unitary language as far as membership is concerned. Should the term "Member States" prevail over the term "Contracting Parties", in reference to States/Governments party to the Convention, the other two categories (currently defined in the project as associate and affiliate members) should be very clearly defined, preferably in the text of the Convention, not in the General Regulations.

**Commenté [MP4]:** Provisions related to financial contributions should be included in a separate article

**Commenté [MP5]:** General comment: establishing the budget contribution of each category of the members, with a view to take into consideration the budgetary concerns of the countries willing to participate at the new organisation

**Commenté [MP6]:** -When establishing the different organs of the future organisation, due consideration should be given to specific mandates of the respective bodies, with a view to avoid overlapping and unnecessary procedures (for example, some of the tasks proposed to be attributed to the Council, as proscribed in art. 7, could be performed by the Secretariat or different other Committees/bodies;

## ROMANIA

2. Each Contracting Party shall designate one of its delegates, preferably the head of a national authority legally responsible for the regulation, provision, maintenance or operation of marine aids to navigation, or his or her representative, as its principal delegate at the General Assembly.
3. Regular sessions of the General Assembly shall take place at least once every four years.
4. Extraordinary sessions shall be convened whenever one third of the Contracting Parties give notice to the Secretary General that they desire a session to be arranged, or at any time if deemed necessary by the Council, after a notice of ninety days.
5. A majority of the Contracting Parties excluding any Contracting Party denied by Article 4.7 the rights and benefits conferred on Contracting Parties, shall constitute a quorum for the sessions of the General Assembly.
6. The General Assembly shall be chaired by the President or the Vice President and operate in accordance with this Convention and the General Regulations.
7. The General Assembly shall:
  - (a) Decide the overall policy and the strategic vision of the Organization;
  - (b) Determine the General Regulations of the Organization and the rules of procedure of the General Assembly, Council, Committees and other subsidiary bodies of the Organization;
  - (c) Elect the Council in accordance with Article 7;
  - (d) Determine and review the financial arrangements of the Organization;
  - (e) Consider the reports and proposals put to it by any Contracting Party, the Council or the Secretary General;
  - (f) Adopt standards;
  - (g) Make recommendations to Contracting Parties and members on matters within the scope of the Organization;
  - (h) Decide on any other matters within the scope of the Organization; and
  - (i) Delegate, where appropriate and necessary, responsibilities to the Council.

### Article 7 The Council

1. The Council is the executive organ of the Organization and shall be responsible for directing the activities of the Organization.
2. The Council shall consist of up to twenty three (23) Councillors elected from amongst the Contracting Parties and one (1) non-elected Councillor.
3. Elected Councillors shall be elected by ballot by the General Assembly in accordance with the General Regulations.
4. The Contracting Party of the State in which the seat of the Organization is located ("Host Nation") shall be the non-elected Councillor.
5. At the Council Contracting Parties shall preferably be represented by the head of a national authority legally responsible for the regulation, provision, maintenance or operation of marine aids to navigation of that Contracting Party, or his or her representative.
6. The Council shall:
  - (a) Elect the President and the Vice President from amongst its members;

## ROMANIA

- (b) Exercise such responsibilities as may be delegated to it by the General Assembly;
- (c) Coordinate the activities of the Organization within the framework of the overall policy, the strategic vision and the budget estimates, as decided by the General Assembly;
- (d) Approve the annual budget and accounts and the annual report;
- (e) Determine the rate of contributions for Contracting Parties and members;
- (f) Convene the General Assembly;
- (g) Report to the General Assembly on the work of the Organization;
- (h) Appoint a Secretary-General in accordance with the General Regulations;
- (i) Review proposals submitted to it in accordance with the General Regulations;
- (j) Refer to the General Assembly all matters requiring decision by the General Assembly;
- (k) Approve recommendations, guidelines, manuals and other appropriate papers;
- (l) Approve submissions to other organizations;
- (m) Determine the terms of reference for committees and other subsidiary bodies;
- (n) Approve and review the work programmes of the Committees;
- and (o) Decide the venue and the year of the Organization's Conferences and symposia as described in the General Regulations.

### Article 8

#### Committees and Other Subsidiary Bodies

Committees and other subsidiary bodies may be established by the General Assembly or the Council to support the endeavours of the Organization and shall operate in accordance with this Convention and the General Regulations.

### Article 9 Secretariat

1. The permanent Secretariat of the Organization shall be comprised of the Secretary-General and such technical and administrative staff as may be required for the work of the Organization. (a) The Secretary-General shall be appointed for a term of four years and may be reappointed for one additional term not exceeding four years; (b) The Secretary-General shall be responsible for the day to day management of the Organization, subject to any guidance issued by the Council or the General Assembly;

2. The staff of the Secretariat shall be appointed by the Secretary-General on such terms and to perform such duties as the Secretary-General may determine.

**Commenté [MP7]:** - General Assembly should have the decisive role in adopting the budget

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3. The Secretariat shall: (a) Maintain all such records as may be necessary for the efficient discharge of the work of the Organization and shall prepare, collect, and circulate any documentation that may be required; (b) Manage the Organization's finances under the direction of the Council, in accordance with the General Regulations; (c) Prepare the annual budget and accounts for submission to the Council; (d) Keep Contracting Parties and members informed with respect to the activities of the Organization; (e) Organize and support meetings of the General Assembly, the Council and Committees and other subsidiary bodies; (f) Organize conferences and symposia, seminars, workshops and other events; and (g) Perform such other tasks as may be assigned by the Convention, the General Regulations, the General Assembly or the Council.

### Article 10

#### Funding and Expenditure

1. The expenditure available for the functioning of the Organization shall meet the amount of financial resources provided by: (a) Contracting Party contributions; (b) member annual fees; (c) donations, bequests, grants, gifts; and (d) other sources approved by the Secretary General.

2. The budget estimates and the financial statements on the accounts of the Organization shall be approved by the Council.

3. Following the Council's approval of the Organization's audited financial statements those statements shall be distributed to all Contracting Parties and members by the Secretariat.

### Article 11

#### Legal Personality, Privileges and Immunities

1. The Organization has international legal personality and has the capacity to: (a) contract; (b) acquire and dispose of immovable and movable property; and (c) institute legal proceedings.

2. Subject to the agreement of each Contracting Party, the Organization shall enjoy in the territory of the Contracting Party such privileges and immunities as may be necessary for the fulfilment of its aim and for the exercise of its functions. In the territory of any state which is party to the Convention on the Privileges and Immunities of the Specialized Agencies adopted by the General Assembly of the United Nations on 21 November 1947, such legal capacity, privileges and immunities shall be those defined in the said Convention.

3. The Organization may cooperate with governments, organisations and other bodies, and conclude agreements with them.

### Article 12

#### Amendments

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1. Any Contracting Party may propose an amendment to this Convention, in writing, to [the Government of France, in its role as] the Depositary.
2. The Depositary [Government of France] shall circulate the amendment proposal to all Contracting Parties and the Secretary General at least six months in advance of its consideration by the General Assembly.
3. The proposed amendment shall be accepted by vote of the General Assembly upon approval by a two-thirds majority of Contracting Parties present and voting, excluding Contracting Parties denied by Article 4.7.
4. Any amendment adopted in accordance with Article 12.3 shall be notified by the Depositary [Government of France] to all Contracting Parties and the Secretary General. The amendment shall be deemed to have been accepted at the end of a period of twelve months after the date of notification, unless within that period not less than one-fourth of the States that were Contracting Parties at the time of the adoption of the amendment have communicated to the Depositary that they do not accept the amendment, in which case the amendment is rejected and shall have no effect.
5. An amendment deemed to have been accepted in accordance with Article 12.4 shall enter into force six months after its acceptance.

### Article 13

#### Interpretation and Disputes

Any question or dispute concerning the interpretation or application of the present Convention arising between or amongst Contracting Parties which is not settled through consultation or negotiation or by the good offices of the Council may be referred to a panel of three independent arbitrators appointed by the Secretary General of the Permanent Court of Arbitration, unless the parties to the dispute agree upon another mode of settlement.

### Article 14

#### Signature, Ratification and Accession

1. This Convention shall open for signature by Members of the United Nations at [xxx] and remain open until [xxx].
2. This Convention is subject to ratification, acceptance or approval by the signatory States.
3. This Convention shall be open for accession by any Member of the United Nations which has not signed the Convention from the day after the date on which the Convention closes for signature.
4. Instruments of ratification, acceptance, approval or accession shall be deposited with the Depositary [Government of France], who shall then notify each Contracting Party and the Secretary General thereof.

**Commenté [8]:** A more coherent procedure should be elaborated for the adoption and the rejection of an amendment (the difference between 2/3 majority vs. 1/4 majority)

## ROMANIA

5. Ratification, acceptance, or approval of, or accession to, this Convention shall be without reservation.

### Article 15

#### Entry into Force

1. The present Convention shall enter into force on the thirtieth day after the date of deposit of the 30th instrument of ratification, acceptance, approval or accession.
2. For each State ratifying, accepting, approving or acceding to the Convention after its entry into force the Convention shall enter into force on the thirtieth day after the deposit of its instrument of ratification, acceptance, approval or accession.

### Article 16

#### Withdrawal

1. Any Contracting Party may withdraw from this Convention by giving at least twelve months written notice to the Depositary [Government of France], who will immediately inform all Contracting Parties of such notification.
2. Notification of withdrawal may be given at any time after the expiration of twelve months from the date on which the Convention has come into force.
3. The withdrawal shall take effect on 31 December following the expiration of the notice.

### Article 17

#### Termination

1. This Convention may be terminated by decision of the General Assembly upon a two-thirds majority of Contracting Parties present and voting, excluding any Contracting Party denied by Article 4.7 the rights and benefits conferred on Contracting Parties.
2. The date of termination will be twelve months after the date of the above decision and in the intervening period the Council shall be responsible for the winding up of the Organization in accordance with the General Regulations.

### Article 18

#### Transitional Arrangements

1. Upon the entry into force of this Convention all National members of the International Association of Marine Aids to Navigation and Lighthouse Authorities, who are not Contracting Parties, shall, with the approval of the Council and subject to their agreement, become Associate members of the Organization.
2. Upon the entry into force of this Convention all parties holding financial, non-suspended status as an associate member or industrial member of the International Association

**Commenté [MP9]:** -Article 17, regulating the termination of the Convention: such a decision should be taken by a more representative majority (ex. 2/3 majority of the Contracting Parties), rather than 2/3 of the present and voting Contracting Parties

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on of Marine Aids to Navigation and Lighthouse Authorities, shall, with the approval of the Council and subject to their agreement become Affiliate members of the Organization, in accordance with the General Regulations.

3. Upon the entry into force of this Convention the Council of the International Association of Marine Aids to Navigation and Lighthouse Authorities shall become the transitional Council of the Organization and will operate as such until the first General Assembly convened under this Convention, which must be within a period not exceeding six (6) months.

4. For the duration of the transitional Council Associate members will be permitted to engage in the work of the Council for the benefit of the Organization.

5. The Committees of the International Association of the Marine Aids to Navigation and Lighthouse Authorities shall become the transitional Committees of the Organization and will operate until the equivalent Committees are established under this Convention.

6. In the event that a State which has Associate membership becomes a Contracting Party the Associate membership will cease on the date on which the Convention enters into force for that State. In the case of a Contracting Party having more than one Associate membership that Contracting Party may decide to retain Associate memberships.

7. After the entry into force of this Convention the transitional Council shall initiate negotiations with the International Association of Marine Aids to Navigation and Lighthouse Authorities on the transfer of the latter's activities, records, documents, publications, archives, rights, interests, funds, assets and liabilities to the Organization.

8. 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 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 Council appoints the Secretary General in accordance with Article 7.

IN WITNESS WHEREOF the undersigned, being duly authorised by their respective Governments, have signed the present Convention.

DONE at [xxx] on [xxx] in the English, French and Spanish languages, each text being equally authentic, the original of which shall be deposited in the archives of the [Government of France] Depository

. The Depository [Government of France] shall transmit certified copies thereof to all the [signature and acceding] Governments and to the Secretary General of the Organization.

**Commenté [MP10]:** -There should be more clarity in art. 18 – referring to transitional arrangements, the relation between the new international organisation and the former IALA, especially with a view to the fact that the main organs of IALA (Council, Secretariat, Committee) become transitional organs within the new organisation.

**Commenté [11]:** We suggest the replacement of the “each text” with “all texts”



DEPARTMENT OF NAVIGATION  
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Francis Zachariae  
Secretary General  
IALA

September 14, 2017

Dear Mr. Zachariae,

Department of Navigation and Oceanography of the Ministry of Defence of the Russian Federation in cooperation with the Ministry of Foreign Affairs have prepared proposals for the documents on the new status of IALA.

Please consider these documents during the LAP meeting and take in account our proposals when working out the new edition of draft IALA Convention, IALA General Regulations and IALA Financial Regulations.

With best regards,

Deputy Head of Department of Navigation and Oceanography  
of the Ministry of Defence of the Russian Federation

Captain 1<sup>st</sup> Rank

O.Osipov

**Proposals**  
**of the Department of Navigation and Oceanography of the Ministry of**  
**Defense of the Russian Federation and the Ministry of Foreign Affairs of**  
**Russia to the draft Convention on the International Organization for Marine**  
**Aids to Navigation (IALA), as well as to the General and Financial**  
**Regulations of the Association.**

**The Convention on the IALA**

1. It is suggested that an additional Article called "Basic concepts of the Convention" is included, in which the definition of the Organization will be provided, as well as the definition of the category "marine aids to navigation", which is now included in Article 2.3 (we believe it is inappropriate to give a definition in this Article).

2. In Article 1.1, it is suggested that not simply a phrase "...the Organization... is hereby established as an international organization" is included in this Article, but it should be mentioned that it will be an "intergovernmental international organization".

3. In the text of the Convention, is important to confirm the legal nature of "General Regulations of the Organization", and to prescribe whether they are an Annex to the Convention or a document to be approved by the General Assembly (Article 1.4).

4. In order to keep uniformity, it is necessary to change the title of Article 2 for "Aims of the Organization", and the title of Article 4 for "Membership in the Organization" (in the titles like that it is appropriate to add the words "organization" or "convention").

5. In Article 3, "Functions of the Organization", it would be reasonable to change the order of Items, particularly, move Item "d" to the beginning of the Article and then in the following order: "e", "c", "b", "a", "g".

6. The definition of "Associate" and "Affiliated" members should be included in Article 4 "Membership" of the Convention, not in the General Regulations of the Organization. In general, the Convention should contain definitions of all the members, including those not to be elected. Grounds for termination and suspension of membership should be stated in a separate Article of the Convention, but not in the General Regulations of the Organization.

7. In Article 4.3, is not clear from the wording "any Contracting Party may claim Associate membership for a territory or group of territories for which it has responsibility" whether it is mandated territories of countries (islands, etc.), or other categories.

8. It would be appropriate to devote a separate Article to contributions. Accordingly, Items 4, 5, 6 and 7 of Article 4 will go to a separate Article "Contributions to the Organization," which will follow Article 10 "Funding and Expenditure".

9. Item 3 of Article 5 could be put in a separate Article "Decision Making Procedures of the Organization."

10. Articles, which are devoted to the powers (authority) of IALA bodies, must contain general provisions for them. It is necessary to distinguish between general provisions for the bodies and the procedural aspects (for example, the procedure for the appointment of extraordinary sessions). The latter should be regulated by General Regulations of the Organization.

11. The problem of distinguishing between issues of substance and procedure is relevant in financial matters as well. For example, both the Convention and the Financial Regulations prescribe the regime of sanctions for nonpayment of fees, which seems to be too rigid: it is charging interest on the amount due (Article 4.6), loss of vote and other rights and privileges granted to the member States of the future Convention (Article 4.7). We believe that Item 6 of Article 4 could be deleted without affecting the new structure.

12. Clarifications are necessary in the issue of relationship between the powers of the General Assembly and of the Council of IALA in the context of the financial management of the General Assembly, including the determination of contribution rates - Article 6.7 (d) (powers of the General Assembly) and Article 7.6 (e) and (d) (powers of Council).

13. In Article 6.7 (f) "General Assembly", it is necessary to clarify, for what kind of issues the General Assembly will adopt standards, and what legal power they will have.

14. It is necessary to specify what will be the range of issues covered by recommendations and guidelines, which are endorsed by the authority of the Council in Article 7, and what legal power they will have. Also, we consider it appropriate to prescribe it in the Article "General Assembly", that these recommendations and guidelines are adopted by the General Assembly, in case it is meant that this is part of the Assembly powers. Otherwise, there is little understanding about which body is the main one in taking the final decision on these issues, and which authority develops these guidelines.

15. We believe that the issue of the election procedure of the Secretary-General, as well as the election of the President an organization should be within the competence of the General Assembly.

16. Function 6 (m) of Article 7 of the Council of determining the terms of reference for committees and other subsidiary bodies seems to be arguable (typically committees and bodies determine it themselves in their documents).

17. The situation with creation of committees and other subsidiary bodies (Article 8) is not clear. In the current edition, the General Assembly and the Council of IALA have equal rights to establish them. We believe that a mechanism of subordination between them, with taking in account provisions of Item 6 (m) of Article 7, should be integrated into the draft Convention.

18. We would suggest to revise the wording of Item 1(b) of Article 9 "Secretariat" and Item 3 "a", and replace the phrase "management of the Organization" by the wording "chief administrative officer", and use derived from this wording formulation of function as "to administer".

19. Regarding privileges and immunities (Article 11 "Legal Personality, Privileges and Immunities"), we believe that in general, reference to the Convention on the Privileges and Immunities of the Specialized Agencies 1947 is valid. However, it is necessary to include in this phrase that the Convention will be applied *mutatis mutandis*. It is also necessary to clarify what was meant by "subject to the agreement of each Contracting Party" (Item 2 of Article 11). If this means that providing the appropriate level of privileges and immunities will be determined on the basis of a separate "agreement" with each member state, it is necessary to prescribe it appropriately.

20. We believe that Item 8 of Article 4 should be included in Article 11.

21. We consider it appropriate to change the title of Article 13 for "Settlement of Disputes over Interpretation and Application of the Convention." Here, it is also important to agree whether the conditions that must be fulfilled before submission of the dispute to independent arbitrators, in the event of any dispute over interpretation or application of the Convention, will alternative, dispositive, or imperative (that is, when a dispute arises, should the parties conduct both consultations and negotiations, and go through the Council mediation procedure, or fulfillment of one of these conditions will be enough). We believe it is extremely important to work out this article, to avoid future disputes of the parties over the fulfillment of all the necessary conditions for submission of a dispute to arbitration.

#### **IALA General Regulations**

1. We believe that detailed work on the General Regulations of the Organization can be started only after approval of the text of the Convention and elimination of duplication of the provisions contained in the Convention and General Regulations.

2. The article about the categories of membership of the Organization should be moved to the Convention. It should be noted that the articles devoted to the application procedure for membership in the Organization, procedure of membership fees, etc. should be included exactly in the General Regulations of the Organization.

3. Articles on bodies of the Organization should be listed in a uniform manner (where possible, e.g. articles on the General Assembly, the Council, Committees, the Secretariat).

#### **IALA Financial Regulations**

1. The provisions contained in the Convention and the Financial Regulations should not be duplicated.

2. In Article 9 of the Financial Regulations "Members' Annual Contributions", it is necessary to incorporate the principles of calculating the contributions of members of the Organization, which should be based on objective indicators.

3. It is necessary to remove reference to specific dates of payment of contributions and interest rate for delay of their payment from Article 10 "Unpaid Contributions".

4. Prescribed in Article 4 “Budget” transfer of allocations between various categories of expenditure according to the decision of the Secretary General of the Organization does not provide any procedures for approval of such transfers by the members of the Organization. This practice actually provides the Secretary General with unlimited powers to manage the assets of the IALA and needs to be reviewed. It should be prescribed that the approval of the proposals of the Secretary-General is carried out by the governing bodies of IALA following an independent peer review, for example by the Financial and Audit Committee.

5. In order to improve the effectiveness of control over the financial activity of the organization, we believe it is appropriate to add a provision about necessity of preparation and submission of its accounting documents in accordance with international accounting standards in the public sector ("International Public Sector Accounting Standards", "IPSAS") to Item 5.3. (Article 5 "Income & Expenditure").

6. The draft Financial Regulations have no prescribed mechanism on the use of the balance of contributions/payments of the members of the Organization. According to the practice in other international organizations, they should be returned to the participants (in proportion to their contributions/payments).

7. In the matter of the suspension of the participation in the organization of Associate and Affiliated members (Item 2.6. "Suspension and Reinstatement of Associate and Affiliated members" of the "General Regulations"), we believe it is necessary to specify the used in this context term "justifiable cause") in order to avoid loose interpretation. The same term, moreover, is found in other articles.



transport

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Secretary-General  
International Association of Marine Aids to Navigation and Lighthouse  
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22 September 2017

Dear IALA Secretary-General

**IALA IGO Project: Input on draft Convention and General Regulations text on the International Organization for Marine Aids to Navigation (IALA)**

Your letter Ref: GOV/IGO/Pre-Dipcon/17-150 dated 11 May 2017, refers.

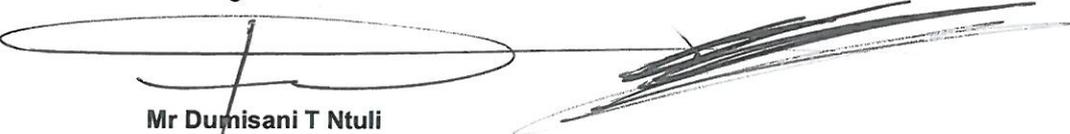
Herewith please find the input from South Africa for consideration.

Since IALA's establishment on 1 July 1957, it is recognised globally to be the only international organisation that deals with Marine Aids to Navigation (AtoN) and related matters and has successfully been bringing together services and organisations concerned with the provision or maintenance of marine AtoN systems and allied activities. It has also expanded its service offerings with the advent of new technologies and capacity-building through the IALA World-Wide Academy, thereby and has expanded its global footprint.

With IALA now entering a new era as an Intergovernmental Organization, it is South Africa's belief that it is now the right time for IALA to further expand on its aim to foster the safe and efficient movement of vessels by the improvement and harmonisation of marine AtoN worldwide, and by other appropriate means including promotion of enhanced regional co-operation and co-ordination as proposed in this submission. It is South Africa's view that this would contribute in ensuring that IALA becomes an international organisation that further contributes towards the co-ordination, enhanced co-operation and capacity-building on marine AtoN and the protection of the marine environment for all coastal and land-locked states. This could also lead to expanding its membership even more.

We take the opportunity to express our gratitude and appreciation for the invitation to submit our comments and input to what will become a historic evolution for IALA. Thank you in advance for granting due consideration of our input.

Kind regards



**Mr Dumisani T Ntuli**  
**Acting Chief Director: Maritime Policy and Legislation**

**Annexes**

- Annex A South Africa's input on the draft Convention text
- Annex B South Africa's comments on draft IALA General Regulations text
- Annex C IALA Contracting Parties' Contracting Parties' Contributions
- Annex D Navigable inland waters on the African Continent

**Annex A**

**South Africa's input on the draft Convention text on the International Organization for Marine Aids to Navigation (IALA)**

	Articles / Other references	Article sub number / Other references	Proposed Amendments	Remarks
1.	Article 2 Aims	2(f) – additional sub number	To be included as 2(f): “enhance co-operation and capacity-building on marine aids to navigation and the protection of the marine environment for coastal and land-locked states on a regional basis”	<p>1. There is a need for sustained regional co-operation in Africa to support national authorities with the improvement of safety of navigation and the protection of the marine environment, as well as networking, sharing of information and resources and capacity-building.</p> <p>2. Regional co-operation on safety of navigation can only be successful having IALA as a parent international organisation.</p> <p>3. A regional body within the IALA structure would:</p> <p>3.1. Contribute towards the appropriate level of the attendees at meetings</p> <p>3.2. Authenticate the prospective attendee's need to convince their Administration decision-makers to participate within the relevant regional group</p> <p>4. Heads of Administrations responsible for maritime safety and safety of navigation in the region have to be made aware of their responsibilities with respect to improvement of safety of navigation and the protection of the marine environment.</p> <p><b>Note:</b> Refer to <b>Annex D</b> in terms of navigable inland waters and land-locked maritime states.</p>

	Articles / Other references	Article sub number / Other references	Proposed Amendments	Remarks
2.	Article 4 Membership	4	<p>Include "and member" between "Contracting Party" and "shall pay"  <u>Sentence to read:</u>            "Each Contracting Party and member shall pay a contribution to the Organization on an annual basis in the amount determined in accordance with Article 7.6 (e) and Article 10."</p>	All inclusive
3.	Article 4 Membership	6	<p>Include "or member" between "Contracting Party" and "being charged interest, ..."  <u>Sentence to read:</u>            "Failure to make a contribution when such payment becomes due may result in the Contracting Party or member being charged interest, the rate of which will be determined by the Council."</p>	All inclusive
4.	Article 4 Membership	7	<p>Include "or member" between "Contracting Party" and "which is two years ..."  <u>Sentence to read:</u>            "Any Contracting Party or member which is two years in arrears in making contributions shall, after notification, be denied the rights and benefits conferred on Contracting Parties by this Convention until such time as the outstanding contributions have been paid."</p>	All inclusive
5.	Article 6 The General Assembly	5	<p>Include a comma between "Contracting Party" and "excluding any Contracting Party ..."  <u>Sentence to read:</u>            "A majority of the Contracting Parties, excluding any Contracting Party denied by Article 4.7 the rights and benefits conferred on Contracting Parties, shall constitute a quorum for the sessions of the General Assembly.?"</p>	Editorial
6.	Article 9 Secretariat	3(c)	<p>6.1. Include a comma after "Keep Contracting Parties ..."            6.2. Delete "and" before "members"            6.3. Include "and other related organizations" between "members" and "informed"  <u>Sentence to read:</u>            "Keep Contracting Parties, members and other related organizations informed with respect to the activities of the Organization;"</p>	6.1.1 Editorial 6.2.1 Editorial 6.3.1 All inclusive

	Articles / Other references	Article sub number / Other references	Proposed Amendments	Remarks
7.	Footers on last page	Footer no. iv	<p>7.1. Include "Contracting Parties" at the start of the sentence</p> <p>7.2. Change the first letter of "Contributions" to lower casing</p> <p>7.3. Replace "principle of equal sharing" with "scale of the tonnage of their fleets ..." <u>Sentence to read:</u> "Contracting Parties' contributions to be according to the scale of the tonnage of their fleets, which will be specified in the General Regulations"</p>	<p>7.1.1 Editorial</p> <p>7.2.1 Editorial</p> <p>7.3.1 Refer to <b>Annex C</b></p>
8.	Footers on last page	New footer no.	<p>Include new footer no. "v" to read: "Members' contributions will be specified in the Financial Regulations.</p>	<p>Reference to Members' contributions needs to be included</p>
9.	Footers on last page	Footer no. v	<p>Change footer no. "v" to "vi"</p>	<p>Editorial</p>

**Notes:**

**1. Proportional Council representation post IALA becoming an IGO**

- 1.1. The proposal for Article 2 to be expanded to include the co-ordination, enhanced co-operation and capacity-building on marine aids to navigation and the protection of the marine environment for coastal and land-locked maritime states on a regional basis, refers.
- 1.1.1. South Africa will be submitting its comments on the Strategic Vision for IALA for the period 2014-2026 (to be effective post IALA becoming an IGO) to include the co-ordination, enhanced co-operation and capacity-building on marine aids to navigation and the protection of the marine environment for coastal and land-locked maritime states on a regional basis.
- 1.1.2. Depending on the development of the future IALA Strategy, as reflected in 1.1.1. above, that would need to be developed to address Regional Groups, the Constitution may need to be reviewed in future to make provision:
- 1.1.2.1. Council to seek proportional regional representation
- It should be pointed out that this may be the best way to ensure a much more global representation at a Council level.

**2. Number of Votes**

- 2.1. The proposal for the footer on the last page to be amended to read "Contracting Parties' contributions to be according to the scale of the tonnage of their fleets, which will be specified in the General Regulations", refers.

South Africa's comments on draft IALA General Regulations text on the International Organization for Marine Aids to Navigation (IALA)

	Articles / Other references	Article sub number / Other references	Proposed Amendments	Explanatory Notes / Motivation
1.	Article 2 Membership of IALA	2.5 Contributions and Fees 2.5(a) - 2 <sup>nd</sup> sentence	Replace "the same for the Contracting Party" with "in accordance with the scale as established in relation to the tonnage of their fleets" <u>Sentence to read:</u> "Contracting Party contribution shall be in accordance with the scale as established in relation to the tonnage of their fleets."	The same as Annex A, item 8, column "Explanatory Notes / Motivation"
2.	Article 2 Membership of IALA	2.6 Suspension and Reinstatement of Associate and Affiliate Membership 26(a)	2.1. Delete comma after "Council may suspend, ..." <u>Sentence to read:</u> "(a) The Secretary-General may recommend that the Council suspend, and the Council may suspend an Associate or Affiliate membership for non-payment of fees according to the escalation procedure established in the Financial Regulations." 2.2. If the terms to suspend and reinstate a Contracting Party are different than that of Associate or Affiliate membership, include the relevant terms as applicable.	2.1.1 Editorial  2.2.1 All inclusive
3.	Additional Article	Include where appropriate	3.1. Regional co-operation in Aids to Navigation IALA shall promote the establishment of Regional Groups 3.2. Regional Aids to Navigation Groups are regional bodies, established by Member States and recognized by the Assembly	This relates to the inclusion in the Constitution Article 2 (2)(f) "co-ordination, enhance co-operation and capacity-building on marine aids to navigation and the protection of the marine environment for coastal and land-locked maritime states on a regional basis", SOLAS Chapter V, Regulation 13, amongst others, make provision for co-operation amongst Contracting

	Articles / Other references	Article sub number / Other references	Proposed Amendments	Explanatory Notes / Motivation
4.	ANNEX A; Financial Regulations of the International Organization for Marine Aids to Navigation (IALA)	Article 9 Annual Contributions and Fees Addition	<p>3.3. Improve regional co-ordination and enhanced co-operation</p> <p>3.4. Promote and support capacity-building on marine aids to navigation and the protection of the marine environment for coastal and land-locked maritime states on a regional basis.</p> <p>3.5. Regional Aids to Navigation Groups shall be established by an agreement of their members.</p> <p>3.6. Regional Aids to Navigation Groups membership include Contracting Parties and other members, both willing to contribute to the objectives of IALA in the region concerned.</p> <p>3.7. Other States and international organizations active in the Region concerned may be invited by the Regional Aids to Navigation Groups to participate as observers.</p> <p>Where relevant, include a scale relating to the tonnage of fleets for Contracting Parties:</p>	<p>Governments in terms of the provision of aids to navigation as the volume of traffic justifies and the degree of risk requires.</p> <p>This relates to the proposed amendment to footer no. (iv) in the Constitution (refers to Annex A, point 7.3 above) relating to Contracting Parties' contributions to be according to the scale of the tonnage of their fleets, which will be specified in the General Regulations</p>

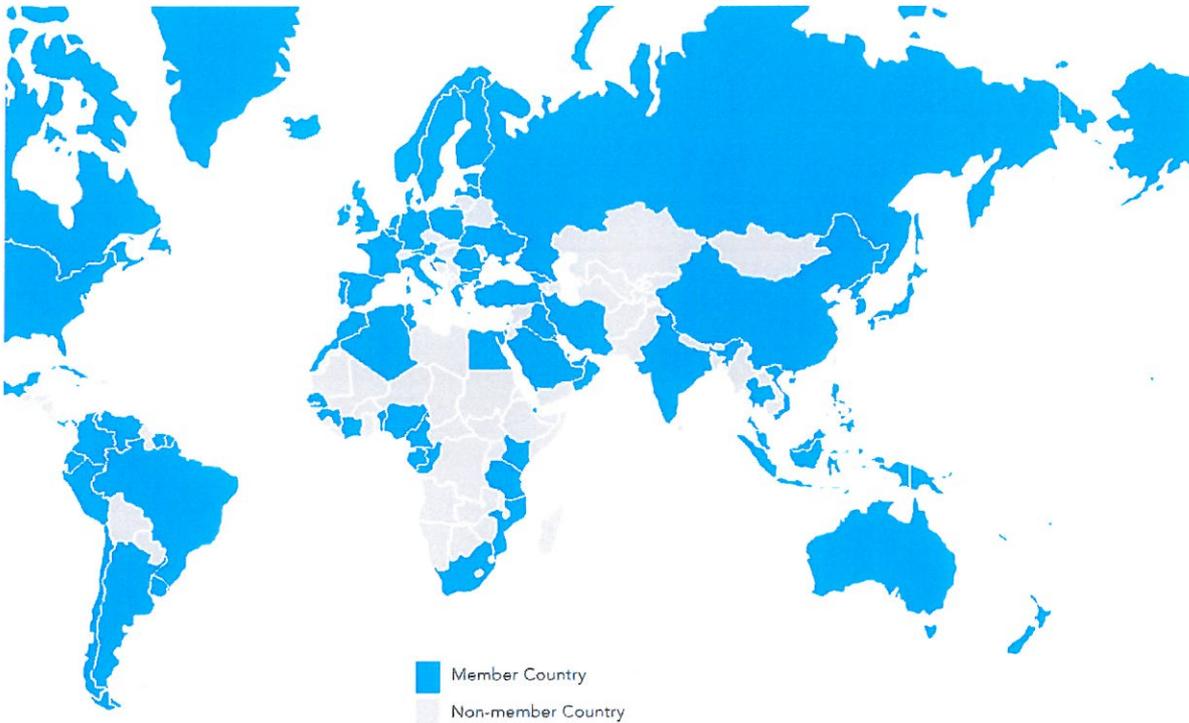
**Notes:**

1. The Notes 1 and 2 at the end of Annex A above would have a bearing on the future General Regulations post IALA becoming an IGO.

**IALA Contracting Parties' Contracting Parties' Contributions**

South Africa believes that the IALA Contracting Parties' contributions should not be equal, but according to the scale of the tonnage of their fleets.

The International Maritime Organization (IMO), the International Hydrographic Organization (IHO), and IALA all serve the same maritime community. Maritime Transport is the jugular vein of most maritime states' economies as sea borne trade accounts for a very high percentage of most of these economies.



Compared with the rest of the world, percentage wise, Africa has the least number of IALA members per continent. States on the African Continent are developing countries in their own rights and do not have the financial resources as their developed global counterparts.

Both Intergovernmental Organisations (IGO), the International Maritime Organization (IMO) and the International Hydrographic Organization (IHO) contracting parties' contributions are according to the scale of the tonnage of their fleets. With IALA now moving towards becoming an IGO, it should follow suit and apply the same principle. This would go far in attracting more IALA Members, especially from the African Continent. And with IALA Regional Groups being established as proposed, would contribute towards addressing the lack of and/or poorly maintained aids to navigation ..... and maritime safety information in a number of African Union (AU) Member States, as per the Ministerial Declarations that are being referred to earlier in this submission.

IALA World-Wide Academy delivers both training and capacity-building activity in five key maritime regions, Africa being one of these. IALA delivers this activity in partnership with members of the Joint Capacity-building Group (principally the IMO and IHO) as part of the United Nations "Delivering As One" capacity.

Navigable inland waters on the African Continent



1. Navigable Lakes
    - 1.1. Tumba
    - 1.2. Mai-Ndombe
    - 1.3. Volta
    - 1.4. Turkana
    - 1.5. Albert
    - 1.6. Edward
    - 1.7. Victoria
    - 1.8. Tanganyika
    - 1.9. Rukwa
    - 1.10. Mweru Wantipa
    - 1.11. Mweru
    - 1.12. Bangweulu
    - 1.13. Kampolombo
    - 1.14. Malawi
    - 1.15. Tshangalete
    - 1.16. Cahora Bassa
    - 1.17. Kariba
  2. Navigable Rivers
    - 2.1. Senegal
    - 2.2. Nile
    - 2.3. Congo
    - 2.4. Niger
    - 2.5. Ubangi
    - 2.6. Kasai
    - 2.7. Zambezi
    - 2.8. Limpopo
- Note:**
- (i) The list above may not be complete
  - (ii) Certain lakes and rivers may only be navigable for small vessels



Draft Convention proposal	Alternative draft Convention as suggested by Spain	Remarks
<p><b>Draft Convention on the International Organization for Marine Aids to Navigation (IALA)</b></p> <p><b>Preamble</b></p> <p>The States party to this Convention, hereafter referred to as the Contracting Parties:</p> <p><b>RECALLING</b> that the International Association of Lighthouse Authorities was established on 1st July 1957 following a conference of national lighthouse authorities held in Scheveningen, Netherlands;</p> <p><b>NOTING</b> that the International Association of Lighthouse Authorities was renamed the International Association of Marine Aids to Navigation and Lighthouse Authorities by its General Assembly in Hamburg, Germany in 1998;</p> <p><b>RECOGNISING</b> the role of the International Association of Marine Aids to Navigation and Lighthouse Authorities in the improvement and continued harmonisation of marine aids to navigation for the safe, economic and efficient movement of vessels;</p> <p><b>IN FURTHERANCE</b> of the provisions of the United Nations Convention on the Law of the Sea, 1982 and the International Convention for the Safety of Life at Sea, 1974, as amended;</p> <p><b>CONSIDERING</b> that the International Association of Marine Aids to Navigation and Lighthouse Authorities is formed as an association under French law; and</p> <p><b>CONSIDERING FURTHER</b> that the Contracting Parties agree that the will of Governments to develop, improve and harmonise marine aids to navigation for the benefit of the maritime community and the protection of the environment is best coordinated by one responsible international</p>		



<p>organisation; <b>HAVE AGREED</b> as follows:</p>		
<p style="text-align: center;"><b>Article 1 Establishment of the International Organization</b></p> <p>1. The International Organization for Marine Aids to Navigation is hereby established as an international organization and shall be known as IALA (hereinafter 'the Organization').</p> <p>2. The Organization shall have its seat in France unless otherwise decided by the General Assembly.</p> <p>3. The official languages of the Organization shall be English, French and Spanish. The working languages of the Organization shall be English and French.</p> <p>4. The operation of the Organization shall be as set out in the General Regulations.<sup>i</sup></p>	<p style="text-align: center;"><b>Article 1 Establishment of the International Organization</b></p> <p>1. The International Organization for Marine Aids to Navigation is hereby established as an international organization and shall be known as IALA (hereinafter 'the Organization').</p> <p>2. The Organization shall have its seat in France unless otherwise decided by <del>the a</del> <b>three/fifths</b> qualified majority of the General Assembly.</p> <p>3. The official languages of the Organization shall be English, French and Spanish. <del>The working languages of the Organization shall be English, French.</del></p> <p>4. The operation of the Organization shall be as set out in the General Regulations.<sup>ii</sup></p>	<p>Article 1.2 refers to a "qualified majority of the General Assembly", without specification. It is suggested a 3/5 majority, in order to give clarity to which majority are we here referring to.</p> <p>As for the working languages (1.3), seldom do international conventions refer to them. It is simpler just to leave a mention to the official languages, without further elaboration, which belongs to the Regulations. In any case, Spain will not accept a diminished status for the Spanish language.</p>
<p style="text-align: center;"><b>Article 2 Aims</b></p> <p>1. The Organization shall have a consultative and technical nature.</p> <p>2. The aims of the Organization are to:</p> <p style="margin-left: 20px;">(a) foster the safe and efficient movement of vessels through the improvement and harmonisation of marine aids to navigation worldwide and by other appropriate means;</p> <p style="margin-left: 20px;">(b) bring together governments, services and organisations concerned with the regulation, provision, maintenance or operation of marine aids to navigation and</p>		<p>Agreed</p>



<p>(c) allied activities; promote access to technical cooperation on all matters related to development and transfer of expertise, science and technology in relation to marine aids to navigation;</p> <p>(d) encourage and facilitate the general adoption of the highest practicable standards in matters concerning marine aids to navigation; and</p> <p>(e) provide for the exchange of information among governments and intergovernmental organizations on matters under consideration by the Organization.</p> <p>3. For the purposes of this Convention the term 'marine aids to navigation' means a device, system or service, external to a vessel, designed and operated to enhance safe and efficient navigation of all vessels and/or vessel traffic.</p>		
<p style="text-align: center;"><b>Article 3 Functions of the Organization</b></p> <p>The functions of the Organization, to achieve the aims referred to in Article 2, are to:</p> <p>(a) provide standards, recommendations, guidelines and manuals or other suitable instruments and to commend these to governments, intergovernmental organizations and members as appropriate;</p> <p>(b) consider and make recommendations on standards,</p>	<p style="text-align: center;"><b>Article 3 Functions of the Organization</b></p> <p>The functions of the Organization, to achieve the aims referred to in Article 2, are to:</p> <p>(a) provide <b>international legally valid</b> standards, recommendations, guidelines and manuals or other suitable instruments and to <b>commend forward</b> these to governments, intergovernmental organizations and <del>members</del> <b>Partners</b> in order to be incorporated in the respective regulatory frameworks as appropriate;</p> <p>(b) consider and make</p>	<p>If the new International Organization is to be useful for its Members, it should be able to approve legally binding texts for its Member States and Partners (not "members"). The IALA normative production should have an effect on the maritime life, not just be an academic forum.</p> <p>As it will be more clearly explained later, Spain believes that the term "Contracting Parties" is adequate when referring to those signing and engaged by a Treaty. But once that Treaty creates an International Organization, its constituents are Member States, which is the same denomination that they receive at the UN and most International Organizations. As for the other entities belonging to IALA, and for the sake of clarity, Spain proposes the</p>



<p>recommendations, guidelines and other documents that may be remitted to it by members, by any organ or specialised agency of the United Nations or by any other intergovernmental organization;</p> <p>(c) provide mechanisms for consultation and exchange of information including about the activities of Contracting Parties, members and recent developments;</p> <p>(d) develop international cooperation by promoting close working relationships and assistance between its Contracting Parties and members;</p> <p>(e) facilitate assistance to governments, services and other organizations requesting help with marine aids to navigation, whether technical, organisational or training;</p> <p>(f) organise conferences, symposia, seminars, workshops and other events relevant to its work; and</p> <p>(g) liaise and cooperate with relevant intergovernmental, international and other organisations, offering specialised advice where appropriate.</p>	<p>recommendations on standards, recommendations, guidelines and other documents that may be remitted to it by members, by any organ or specialised agency of the United Nations or by any other intergovernmental organization;</p> <p>(c) provide mechanisms for consultation and exchange of information including about the activities of <del>Contracting Parties, members</del> <b>Member States, Partners</b> and recent developments;</p> <p>(d) develop international cooperation by promoting close working relationships and assistance between its <del>Contracting Parties and members</del>;</p> <p>(e) facilitate assistance to governments, services and other organizations requesting help with marine aids to navigation, whether technical, organisational or training;</p> <p>(f) organise conferences, symposia, seminars, workshops and other events relevant to its work; and</p> <p>(g) liaise and cooperate with relevant intergovernmental, international and other organisations, offering specialised advice where appropriate</p>	<p>term "Partners", in order, both, to distinguish their nature from that of the Member States, while at the same time, recognizing their important contribution to the works and the viability of the Organization.</p>
<p><b>Article 4 Membership</b></p>	<p><b>Article 4 Membership <b>and Partnership</b></b></p>	<p>Spain proposes that Article 4 clearly establishes the different paths to integration into the Organization, by</p>



<p>1. The Organization shall be comprised of Contracting Parties and members as described in Article 4.2.</p> <p>2. Members shall include, and the General Regulation may make provision for all matters related to, associate<sup>iii</sup> and affiliate<sup>iv</sup> members.</p> <p>3. Any Contracting Party may claim Associate membership for a territory or group of territories for which it has responsibility and which is legally responsible for the regulation, provision, maintenance and/or operation of marine aids to navigation, by notification in writing to the Secretary-General of the Organization.</p> <p>4. Each Contracting Party shall pay a contribution<sup>v</sup> to the Organization on an annual basis in the amount determined in accordance with in Article 7.6 (e) and Article 10.</p> <p>5. Contracting Party contributions and member fees shall be due and payable in accordance with the General Regulations.</p> <p>6. Failure to make a contribution when such payment becomes due may result in the Contracting Party being charged interest, the rate of which will be determined by the Council.</p> <p>7. Any Contracting Party which is two years in arrears in making contributions shall, after notification, be denied the rights and benefits conferred on Contracting Parties by this Convention until such time as the outstanding contributions have been paid.</p> <p>8. No Contracting Party or member shall be liable, by reason of its status or participation in the Organization, for acts, omissions or obligations of the Organization.</p>	<p>1. The Organization shall be comprised of <del>Contracting Parties and members</del> <b>Member States and Partners</b> as described in Article <del>this</del> Convention.</p> <p>2. <del>Members shall include, and the General Regulation may make provision for all matters related to, associate<sup>vi</sup></del> <b>Any Member State of the United Nations expressing a desire to join the Organization could become a Member State.</b></p> <p>3. Any <del>Contracting Party</del> <b>Member State</b> may claim <b>Associate Partnership</b> for a territory or group of territories for which it has responsibility and which is legally responsible for the regulation, provision, maintenance and/or operation of marine aids to navigation, by notification in writing to the Secretary-General of the Organization.</p> <p>4. Each <del>Contracting Party</del> <b>Member State</b> shall pay a contribution<sup>vii</sup> to the Organization on an annual basis in the amount determined in accordance with in Article 7.6 (e) and Article 10.</p> <p>5. <del>Contracting Party</del> <b>Member States</b> contributions <del>member</del> <b>Partnership</b> fees shall be due and payable in accordance with the General Regulations.</p> <p>6. Failure to make a contribution or, when appropriate, a partnership fee when such payment becomes due may result in the <del>Contracting Party</del> <b>Member State or, when appropriate, the Partner</b> being charged interest, the rate of which will be determined by the Council.</p> <p>7. Any <del>Contracting Party or member</del> <b>Member State</b> which is two years in arrears in making contributions, <b>or, when appropriate, any Partner</b>, shall, after notification, be denied the rights and benefits conferred on <del>Contracting Parties</del> <b>Member States or Partners</b> by this Convention until such time as the outstanding</p>	<p>distinguishing between Member States, i.e., sovereign, independent States; and Partners, which are other entities, whether regulated by Public or Private Law, including, naturally, those who today are members of the current IALA; that may also join the Organization as Partners and enjoy its benefits while contributing to its works.</p>
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	<p>8. contributions <b>or partnership fees</b> have been paid. No <del>Contracting Party or member</del> <b>Member State or Partner</b> shall be liable, by reason of its status or participation in the Organization, for acts, omissions or obligations of the Organization.</p>	
<p style="text-align: center;"><b>Article 5</b> <b>Structure of the Organization</b></p> <p>1. The Organization shall have as its organs:</p> <ul style="list-style-type: none"> <li>(a) the General Assembly;</li> <li>(b) the Council;</li> <li>(c) Committees and other subsidiary bodies necessary to support the Organization's activities; and</li> <li>(d) the Secretariat.</li> </ul> <p>2. There shall be a President and a Vice President of the Organization elected in accordance with Article 7.</p> <p>3. Where decisions of the General Assembly or the Council cannot be reached by consensus, the following provisions shall apply:</p> <ul style="list-style-type: none"> <li>(a) Only Contracting Parties have voting rights, which will be executed by the representative designated by each Contracting Party;</li> <li>(b) Except where otherwise specified, decisions are taken on a simple majority of the votes cast.</li> </ul> <p>4. The General Regulations shall detail the Rules of Procedure that will apply for each organ.</p>	<p style="text-align: center;"><b>Article 5</b> <b>Structure of the Organization</b></p> <p>1. The Organization shall have as its organs:</p> <ul style="list-style-type: none"> <li>(a) the General Assembly;</li> <li>(b) the Council;</li> <li>(c) Committees and other subsidiary bodies necessary to support the Organization's activities; and</li> <li>(d) the Secretariat.</li> </ul> <p>2. There shall be a President and a Vice President of the Organization elected in accordance with Article 7.</p> <p>3. Where decisions of the General Assembly or the Council cannot be reached by consensus, the following provisions shall apply:</p> <ul style="list-style-type: none"> <li>(a) Only <del>Contracting Parties</del> <b>Member States</b> have voting rights, which will be executed by the representative designated by each <del>Contracting Party</del> <b>Member State</b>;</li> <li>(b) Except where otherwise specified, decisions are taken on a simple majority of the votes cast.</li> </ul> <p>4. The General Regulations shall detail the Rules of Procedure that will apply for each organ.</p>	<p>Terminology amendment</p>
<p style="text-align: center;"><b>Article 6</b> <b>The General Assembly</b></p>	<p style="text-align: center;"><b>Article 6</b> <b>The General Assembly</b></p>	<p>Spain proposes alternative drafting, in order to establish the primacy of the</p>



<p>1. The General Assembly is the principal decision-making organ of the Organization and attendance shall be open to all Contracting Parties and members.</p> <p>2. Each Contracting Party shall designate one of its delegates, preferably the head of a national authority legally responsible for the regulation, provision, maintenance or operation of marine aids to navigation, or his or her representative, as its principal delegate at the General Assembly.</p> <p>3. Regular sessions of the General Assembly shall take place at least once every four years.</p> <p>4. Extraordinary sessions shall be convened whenever one third of the Contracting Parties give notice to the Secretary-General that they desire a session to be arranged, or at any time if deemed necessary by the Council, after a notice of ninety days.</p> <p>5. A majority of the Contracting Parties excluding any Contracting Party denied by Article 4.7 the rights and benefits conferred on Contracting Parties, shall constitute a quorum for the sessions of the General Assembly.</p> <p>6. The General Assembly shall be chaired by the President or the Vice President and operate in accordance with this Convention and the General Regulations.</p> <p>7. The General Assembly shall:</p> <p>(a) Decide the overall policy and the strategic vision of the Organization;</p> <p>(b) Determine the General Regulations of the Organization and the rules of procedure of the General Assembly, Council, Committees and other subsidiary</p>	<p>1. The General Assembly is the principal decision-making organ of the Organization and attendance shall be open to all <del>Contracting Parties and members</del> <b>Member States. Associated and Affiliated Partners can also attend to and participate at the General Assembly. Only Member States have the right to vote at the Assembly.</b></p> <p>2. Each <del>Contracting Party</del> <b>Member State</b> shall designate one of its delegates, preferably the head of a national authority legally responsible for the regulation, provision, maintenance or operation of marine aids to navigation, or his or her representative, as its principal delegate at the General Assembly.</p> <p>3. Regular sessions of the General Assembly shall take place at least once every four years.</p> <p>4. Extraordinary sessions shall be convened whenever one third of the Member States give notice to the Secretary-General that they desire a session to be arranged, or at any time if deemed necessary by the Council, after a notice of ninety days.</p> <p>5. A majority of the <del>Contracting Parties</del> <b>Member States</b> excluding any <del>Contracting Party</del> <b>Member State</b> denied by Article 4.7 the rights and benefits conferred on <del>Contracting Parties</del> <b>Member States</b>, shall constitute a quorum for the sessions of the General Assembly.</p> <p>6. The General Assembly shall be chaired by the President or the Vice President and operate in accordance with this Convention and the General Regulations.</p> <p>7. The General Assembly shall:</p> <p>(a) Decide the overall policy and the strategic vision of the Organization;</p> <p>(b) Determine the</p>	<p>Member States within the framework of the Organization, by clearly establishing their exclusive right to vote; and further proposes that the Secretary General be also elected by the General Assembly. The General Assembly should clearly be the organ approving the budget of the Organization, including its multi-year perspectives.</p>
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<p>bodies of the Organization;</p> <p>(c) Elect the Council in accordance with Article 7;</p> <p>(d) Determine and review the financial arrangements of the Organization;</p> <p>(e) Consider the reports and proposals put to it by any Contracting Party, the Council or the Secretary-General;</p> <p>(f) Adopt standards;</p> <p>(g) Make recommendations to Contracting Parties and members on matters within the scope of the Organization;</p> <p>(h) Decide on any other matters within the scope of the Organization; and</p> <p>(i) Delegate, where appropriate and necessary, responsibilities to the Council.</p>	<p>General Regulations of the Organization and the rules of procedure of the General Assembly, Council, Committees and other subsidiary bodies of the Organization;</p> <p>(c) Elect the Council in accordance with Article 7;</p> <p><b>(d) Elect the Secretary General, in accordance with the Regulations.</b></p> <p><b>(d e)</b> Determine and review the financial arrangements of the Organization, <b>approve of the budget;</b></p> <p><b>(e f)</b> Consider the reports and proposals put to it by any <del>Contracting Party</del> <b>Member State</b>, the Council or the Secretary-General;</p> <p><b>(f g)</b> Adopt standards;</p> <p><b>(g h)</b> Make recommendations to <del>Contracting Parties or members</del> <b>Member States or Partners</b> on matters within the scope of the Organization;</p> <p><b>(h i)</b> Decide on any other matters within the scope of the Organization; and</p> <p><b>(i j)</b> Delegate, where appropriate and necessary, responsibilities to the Council.</p>	
<p style="text-align: center;"><b>Article 7</b> <b>The Council</b></p> <p>1. The Council is the executive organ of the Organization and shall be responsible for directing the activities of the Organization.</p> <p>2. The Council shall consist of up to twenty three (23) Councillors elected from amongst the Contracting Parties and one (1) non-elected Councillor.</p> <p>3. Elected Councillors shall be elected by ballot by the</p>	<p style="text-align: center;"><b>Article 7</b> <b>The Council</b></p> <p>1. The Council is the executive organ of the Organization and shall be responsible for directing the activities of the Organization.</p> <p>2. The Council shall consist of up to twenty <del>three</del> <b>four (23)</b> <del>Councillors</del> <b>Member States</b>, elected from amongst the <b>IALA Member States</b> and one <del>(1)</del> non-elected <del>Councillor</del> <b>Member State, which shall be the hosting country of the</b></p>	<p>Spain proposes to increase the number of Council members by one. The aim being to prevent the possibility of a draw at votations when there is an even number of Council members. By increasing the number by one, the representation at the Council is also enhanced.</p> <p>Spain further notes at 7.6.i that a reference to the Convention points out to specific instances where the Council should be consulted.</p> <p>Spain wishes to increase the budgetary control of the Organization by the</p>



<p>General Assembly in accordance with the General Regulations.</p> <p>4. The Contracting Party of the State in which the seat of the Organization is located ("Host Nation") shall be the non-elected Councillor.</p> <p>5. At the Council Contracting Parties shall preferably be represented by the head of a national authority legally responsible for the regulation, provision, maintenance or operation of marine aids to navigation of that Contracting Party, or his or her representative.</p> <p>6. The Council shall:</p> <p>(a) Elect the President and the Vice President from amongst its members;</p> <p>(b) Exercise such responsibilities as may be delegated to it by the General Assembly;</p> <p>(c) Coordinate the activities of the Organization within the framework of the overall policy, the strategic vision and the budget estimates, as decided by the General Assembly;</p> <p>(d) Approve the annual budget and accounts and the annual report;</p> <p>(e) Determine the rate of contributions for Contracting Parties and members;</p> <p>(f) Convene the General Assembly;</p> <p>(g) Report to the General Assembly on the work of the Organization;</p> <p>(h) Appoint a Secretary-General in accordance with the General Regulations;</p> <p>(i) Review proposals submitted to it in accordance with the General Regulations;</p> <p>(j) Refer to the General Assembly all matters requiring decision by the General Assembly;</p> <p>(k) Approve</p>	<p><b>Organization. All will be denominated Council members.</b></p> <p>3. <del>Elected Councillors</del> <b>Council members</b> shall be elected by ballot by the General Assembly in accordance with the General Regulations.</p> <p>4. <del>The Contracting Party of the State in which the seat of the Organization is located ("Host Nation") shall be the non-elected Councillor.</del></p> <p>5. <del>At the Council Contracting Parties</del> <b>Council members</b> shall preferably be represented by the head of a national authority legally responsible for the regulation, provision, maintenance or operation of marine aids to navigation of that Member State, or his or her representative.</p> <p>6. The Council shall:</p> <p>(a) Elect the President and the Vice President from amongst its members;</p> <p>(b) Exercise such responsibilities as may be delegated to it by the General Assembly;</p> <p>(c) Coordinate the activities of the Organization within the framework of the overall policy, the strategic vision and the budget estimates, as decided by the General Assembly;</p> <p>(d) Approve the annual budget and accounts and the annual report;</p> <p>(e) <del>Determine the rate of contributions for Contracting Parties and members;</del> <b>approve the multi annual budget framework with a horizon of four years and review the degree of compliance of the framework to the previous period</b></p> <p>(e f) <del>Convene the General Assembly;</del> <b>approve the rate of contributions for Contracting Parties Member States and fees for members Partners to</b></p>	<p>Member States, in order to ensure that contributions and fees are kept under supervision by the Member States; that are increasable only in a controlled way, limiting the maximum increase which is feasible every time; that the Member States control of the budget through the General Assembly and the Council and are in a position to verify whether It is properly managed, the resources are correctly allocated and are sufficient; and other measures intended for transparency and accountability.</p>
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<p>recommendations, guidelines, manuals and other appropriate papers;</p> <p>(l) Approve submissions to other organizations;</p> <p>(m) Determine the terms of reference for committees and other subsidiary bodies;</p> <p>(n) Approve and review the work programmes of the Committees; and</p> <p>(o) Decide the venue and the year of the Organization's Conferences and symposia as described in the General Regulations.</p>	<p>be incorporated in the multiannual budget project, which cannot be modified during the period of validity of the mentioned draft, and cannot get over a percentage of 20 % of those approved for the previous period;</p> <p><del>(f g) Report to the General Assembly on the work of the Organization; Convene the General Assembly;</del></p> <p><del>(g h) Appoint a Secretary-General in accordance with the General Regulations;</del></p> <p>Report to the General Assembly on the work of the Organization;</p> <p>(i) Review proposals submitted to it in accordance with this Convention and the General Regulations;</p> <p>(j) Refer to the General Assembly all matters requiring decision by the General Assembly;</p> <p>(k) Approve recommendations, guidelines, manuals and other appropriate papers;</p> <p>(l) Approve submissions to other organizations;</p> <p>(m) Determine the terms of reference for committees and other subsidiary bodies;</p> <p>(n) Approve and review the work programmes of the Committees; and</p> <p>(o) Decide the venue and the year of the Organization's Conferences and symposia as described in the General Regulations.</p>	
<p style="text-align: center;"><b>Article 8</b> <b>Committees and Other Subsidiary Bodies</b></p> <p>Committees and other subsidiary bodies may be established by the General Assembly or the Council to support the endeavours of the Organization and shall operate in accordance with this Convention and the General Regulations.</p>	<p style="text-align: center;"><b>Article 8</b> <b>Committees and Other Subsidiary Bodies</b></p> <p>Committees and other subsidiary bodies may be established by the General Assembly or the Council to support the endeavours of the Organization and shall operate in accordance with this Convention and the General Regulations. <b>When</b></p>	<p>Spain believes it is in the interest of the Organization to facilitate the participation of the Member States, as well as to expose the relevant national authorities to the national experiences and circumstances of others. It is, therefore, deemed to be useful, to facilitate when feasible the undertaking of meetings in different locations.</p>



	feasible, they will all be located or hold sessions in different Member States	
<p style="text-align: center;"><b>Article 9 Secretariat</b></p> <p>1. The permanent Secretariat of the Organization shall be comprised of the Secretary-General and such technical and administrative staff as may be required for the work of the Organization.</p> <p>(a) The Secretary-General shall be appointed for a term of four years and may be reappointed for one additional term not exceeding four years;</p> <p>(b) The Secretary-General shall be responsible for the day to day management of the Organization, subject to any guidance issued by the Council or the General Assembly;</p> <p>2. The staff of the Secretariat shall be appointed by the Secretary-General on such terms and to perform such duties as the Secretary-General may determine.</p> <p>3. The Secretariat shall:</p> <p>(a) Maintain all such records as may be necessary for the efficient discharge of the work of the Organization and shall prepare, collect, and circulate any documentation that may be required;</p> <p>(b) Manage the Organization's finances under the direction of the Council, in accordance with the General Regulations;</p> <p>(c) Prepare the annual budget and accounts for submission to the Council;</p>	<p style="text-align: center;"><b>Article 9 Secretariat</b></p> <p>1. The permanent Secretariat of the Organization shall be comprised of the Secretary-General and such technical and administrative staff as may be required for the work of the Organization, <b>if approved, case by case, by the Council.</b></p> <p>(a) The Secretary-General shall be <del>appointed</del> <b>elected by the Member States at the General Assembly</b> for a term of four years and may be reappointed for one additional term not exceeding four years;</p> <p>(b) The Secretary-General shall be responsible for the day to day management of the Organization, subject to any guidance issued by the Council or the General Assembly;</p> <p>(c) <b>There will be geographical rotation for the position of Secretary General;</b></p> <p>(d) <b>The Council members shall not be able to present candidates for the position of Secretary General.</b></p> <p>2. The staff of the Secretariat shall be appointed by the Secretary-General on such terms and to perform such duties as the Secretary-General may determine.</p> <p>3. The Secretariat shall:</p> <p>(a) Maintain all such records as may be necessary for the efficient discharge of the work of the Organization and shall prepare, collect,</p>	<p>Spain proposes that the Secretary General be elected by the Member States in competitive elections, where regional diversity and wide participation are protected</p> <p>Spain further proposes maximum implication of the Member States in the design and implementation of measures concerning the Secretariat, as a way to, both, increase the control of the expenses of the Secretariat while giving an enhanced authority to it through the direct support of the Council members to its activities.</p>



<p>(d) Keep Contracting Parties and members informed with respect to the activities of the Organization;</p> <p>(e) Organize and support meetings of the General Assembly, the Council and Committees and other subsidiary bodies;</p> <p>(f) Organize conferences and symposia, seminars, workshops and other events; and</p> <p>(g) Perform such other tasks as may be assigned by the Convention, the General Regulations, the General Assembly or the Council.</p>	<p>and circulate any documentation that may be required;</p> <p>(b) Manage the Organization's finances under the direction of the Council, in accordance with the General Regulations;</p> <p>(c) Prepare the annual budget and accounts for submission to the Council;</p> <p>(d) Keep Contracting Parties and members informed with respect to the activities of the Organization;</p> <p>(e) Organize and support meetings of the General Assembly, the Council and Committees and other subsidiary bodies;</p> <p>(f) Organize conferences and symposia, seminars, workshops and other events; and</p> <p>(g) Perform such other tasks as may be assigned by the Convention, the General Regulations, the General Assembly or the Council.</p>	
<p style="text-align: center;"><b>Article 10</b> <b>Funding and Expenditure</b></p> <p>1. The expenditure available for the functioning of the Organization shall meet the amount of financial resources provided by:</p> <p>(a) Contracting Party contributions;</p> <p>(b) member annual fees;</p> <p>(c) donations, bequests, grants, gifts; and</p> <p>(d) other sources approved by the Secretary-General.</p> <p>2. The budget estimates and the financial statements on the accounts of the Organization</p>	<p style="text-align: center;"><b>Article 10</b> <b>Funding and Expenditure</b></p> <p>1. The expenditure available for the functioning of the Organization shall meet the amount of financial resources provided by:</p> <p>(a) <del>Contracting Parties</del> <b>Member States</b> contributions;</p> <p>(b) <del>member</del> <b>Partners</b> annual fees;</p> <p>(c) donations, bequests, grants, gifts <b>accepted by the Council</b>; and</p> <p>(d) other sources approved by the <b>Council on the suggestion of the</b> Secretary-General.</p>	<p>In order to keep with the principle of control and direct implication of the Member States in the Organization finances, Spain proposes some amendments which aim, among other things, to protect as well the independence of the Organization by making necessary for the acceptance of donations a decision by the Council.</p>



<p>3. shall be approved by the Council. Following the Council's approval of the Organization's audited financial statements those statements shall be distributed to all Contracting Parties and members by the Secretariat.</p>	<p>2. The budget estimates and the financial statements on the accounts of the Organization shall be approved by the Council. 3. Following the Council's approval of the Organization's audited financial statements those statements shall be distributed to all Contracting Parties and members by the Secretariat.</p>	
<p style="text-align: center;"><b>Article 11</b> <b>Legal Personality, Privileges and Immunities</b></p> <p>1. The Organization has international legal personality and has the capacity to: (a) contract; (b) acquire and dispose of immovable and movable property; and (c) institute legal proceedings.</p> <p>2. Subject to the agreement of each Contracting Party, the Organization shall enjoy in the territory of the Contracting Party such privileges and immunities as may be necessary for the fulfilment of its aim and for the exercise of its functions. In the territory of any state which is party to the Convention on the Privileges and Immunities of the Specialized Agencies adopted by the General Assembly of the United Nations on 21 November 1947, such legal capacity, privileges and immunities shall be those defined in the said Convention.</p> <p>3. The Organization may cooperate with governments, organisations and other bodies, and conclude agreements with them.</p>	<p style="text-align: center;"><b>Article 11</b> <b>Legal Personality, Privileges and Immunities</b></p> <p>1. The Organization has international legal personality and has the capacity to: (a) contract; (b) acquire and dispose of immovable and movable property; and (c) institute legal proceedings.</p> <p>2. Subject to the agreement of each <del>Contracting Party</del> <b>Member State</b>, the Organization shall enjoy in the territory of the <del>Contracting Party</del> <b>Member State</b> such privileges and immunities as may be necessary for the fulfilment of its aim and for the exercise of its functions. In the territory of any state which is party to the Convention on the Privileges and Immunities of the Specialized Agencies adopted by the General Assembly of the United Nations on 21 November 1947, such legal capacity, privileges and immunities shall be those defined in the said Convention.</p> <p>3. The Organization may cooperate with governments, organisations and other bodies, and conclude agreements with them.</p>	<p>Terminology amendment</p>
<p style="text-align: center;"><b>Article 12</b> <b>Amendments</b></p>	<p style="text-align: center;"><b>Article 12</b> <b>Amendments</b></p>	<p>Terminology amendment</p>



<p>1. Any Contracting Party may propose an amendment to this Convention, in writing, to [the Government of France, in its role as] the Depositary.</p> <p>2. The Depositary [Government of France] shall circulate the amendment proposal to all Contracting Parties and the Secretary-General at least six months in advance of its consideration by the General Assembly.</p> <p>3. The proposed amendment shall be accepted by vote of the General Assembly upon approval by a two-thirds majority of Contracting Parties present and voting, excluding Contracting Parties denied by Article 4.7.</p> <p>4. Any amendment adopted in accordance with Article 12.3 shall be notified by the Depositary [Government of France] to all Contracting Parties and the Secretary General. The amendment shall be deemed to have been accepted at the end of a period of twelve months after the date of notification, unless within that period not less than one-fourth of the States that were Contracting Parties at the time of the adoption of the amendment have communicated to the Depositary that they do not accept the amendment, in which case the amendment is rejected and shall have no effect.</p> <p>5. An amendment deemed to have been accepted in accordance with Article 12.4 shall enter into force six months after its acceptance.</p>	<p>1. Any <del>Contracting Party</del> <b>Member State</b> may propose an amendment to this Convention, in writing, to [the Government of France, in its role as] the Depositary.</p> <p>2. The Depositary [Government of France] shall circulate the amendment proposal to all Contracting Parties and the Secretary-General at least six months in advance of its consideration by the General Assembly.</p> <p>3. The proposed amendment shall be accepted by vote of the General Assembly upon approval by a two-thirds majority of <del>Contracting Parties</del> <b>Member States</b> present and voting, excluding <del>Contracting Parties</del> <b>Member States</b> denied by Article 4.7.</p> <p>4. Any amendment adopted in accordance with Article 12.3 shall be notified by the Depositary [Government of France] to all <del>Contracting Parties</del> <b>Member States</b> and the Secretary General. The amendment shall be deemed to have been accepted at the end of a period of twelve months after the date of notification, unless within that period not less than one-fourth of the States that were <del>Contracting Parties</del> <b>Member States</b> at the time of the adoption of the amendment have communicated to the Depositary that they do not accept the amendment, in which case the amendment is rejected and shall have no effect.</p> <p>5. An amendment deemed to have been accepted in accordance with Article 12.4 shall enter into force six months after its acceptance.</p>	
<p align="center"><b>Article 13</b> <b>Interpretation and Disputes</b></p> <p>Any question or dispute concerning the</p>	<p align="center"><b>Article 13</b> <b>Interpretation and Disputes</b></p> <p>Any question or dispute concerning the</p>	<p align="center">Terminology amendment</p>



<p>interpretation or application of the present Convention arising between or amongst Contracting Parties which is not settled through consultation or negotiation or by the good offices of the Council may be referred to a panel of three independent arbitrators appointed by the Secretary-General of the Permanent Court of Arbitration, unless the parties to the dispute agree upon another mode of settlement.</p>	<p>interpretation or application of the present Convention arising between or amongst <del>Contracting Parties</del> <b>Member States</b> which is not settled through consultation or negotiation or by the good offices of the Council may be referred to a panel of three independent arbitrators appointed by the Secretary-General of the Permanent Court of Arbitration, unless the parties to the dispute agree upon another mode of settlement.</p>	
<p style="text-align: center;"><b>Article 14</b> <b>Signature, Ratification and Accession</b></p> <ol style="list-style-type: none"> <li>1. This Convention shall open for signature by Members of the United Nations at [xxx] and remain open until [xxx].</li> <li>2. This Convention is subject to ratification, acceptance or approval by the signatory States.</li> <li>3. This Convention shall be open for accession by any Member of the United Nations which has not signed the Convention from the day after the date on which the Convention closes for signature.</li> <li>4. Instruments of ratification, acceptance, approval or accession shall be deposited with the Depositary [Government of France], who shall then notify each Contracting Party and the Secretary-General thereof.</li> <li>5. Ratification, acceptance, or approval of, or accession to, this Convention shall be without reservation.</li> </ol>	<p style="text-align: center;"><b>Article 14</b> <b>Signature, Ratification and Accession</b></p> <ol style="list-style-type: none"> <li>1. This Convention shall open for signature by Members of the United Nations at [xxx] and remain open until [xxx].</li> <li>2. This Convention is subject to ratification, acceptance or approval by the signatory States.</li> <li>3. This Convention shall be open for accession by any Member of the United Nations which has not signed the Convention from the day after the date on which the Convention closes for signature.</li> <li>4. Instruments of ratification, acceptance, approval or accession shall be deposited with the Depositary [Government of France], who shall then notify each Member State and the Secretary-General thereof.</li> <li>5. Ratification, acceptance, or approval of, or accession to, this Convention shall be without reservation.</li> </ol>	<p>Agreed</p>
<p style="text-align: center;"><b>Article 15</b> <b>Entry into Force</b></p> <ol style="list-style-type: none"> <li>1. The present Convention shall enter into force on the thirtieth day after the date of deposit of the 30th<sup>viii</sup> instrument of ratification, acceptance, approval or accession.</li> <li>2. For each State ratifying, accepting, approving or acceding to the Convention</li> </ol>	<p style="text-align: center;"><b>Article 15</b> <b>Entry into Force</b></p> <ol style="list-style-type: none"> <li>1. The present Convention shall enter into force on the thirtieth day after the date of deposit of the 30th<sup>ix</sup> instrument of ratification, acceptance, approval or accession.</li> <li>2. For each State ratifying, accepting, approving or acceding to the Convention</li> </ol>	<p>Agreed</p>



<p>after its entry into force the Convention shall enter into force on the thirtieth day after the deposit of its instrument of ratification, acceptance, approval or accession.</p>	<p>after its entry into force the Convention shall enter into force on the thirtieth day after the deposit of its instrument of ratification, acceptance, approval or accession.</p>	
<p style="text-align: center;"><b>Article 16 Withdrawal</b></p> <p>1. Any Contracting Party may withdraw from this Convention by giving at least twelve month written notice to the Depository [Government of France], who will immediately inform all Contracting Parties of such notification.</p> <p>2. Notification of withdrawal may be given at any time after the expiration of twelve months from the date on which the Convention has come into force.</p> <p>3. The withdrawal shall take effect on 31 December following the expiration of the notice.</p>	<p style="text-align: center;"><b>Article 16 Withdrawal</b></p> <p>1. Any <del>Contracting Party</del> <b>Member State</b> may withdraw from this Convention by giving at least twelve month written notice to the Depository [Government of France], who will immediately inform all <del>Contracting Parties</del> <b>Member State</b> of such notification.</p> <p>2. Notification of withdrawal may be given at any time after the expiration of twelve months from the date on which the Convention has come into force.</p> <p>3. The withdrawal shall take effect on 31 December following the expiration of the notice.</p>	<p>Terminology amendment</p>
<p style="text-align: center;"><b>Article 17 Termination</b></p> <p>1. This Convention may be terminated by decision of the General Assembly upon a two-thirds majority of Contracting Parties present and voting, excluding any Contracting Party denied by Article 4.7 the rights and benefits conferred on Contracting Parties.</p> <p>2. The date of termination will be twelve months after the date of the above decision and in the intervening period the Council shall be responsible for the winding up of the Organization in accordance with the General Regulations.</p>	<p style="text-align: center;"><b>Article 17 Termination</b></p> <p>1. This Convention may be terminated by decision of the General Assembly upon a two-thirds majority of <del>Contracting Parties</del> <b>Member States</b> present and voting, excluding any <del>Contracting Party</del> <b>Member State</b> denied by Article 4.7 the rights and benefits conferred on Member States.</p> <p>2. The date of termination will be twelve months after the date of the above decision and in the intervening period the Council shall be responsible for the winding up of the Organization in accordance with the General Regulations.</p>	<p>Terminology amendment</p>
<p style="text-align: center;"><b>Article 18 Transitional Arrangements</b></p> <p>1. Upon the entry into force of this Convention all National</p>	<p style="text-align: center;"><b>Article 18 Transitional Arrangements</b></p> <p>1. Upon the entry into force of this Convention all National</p>	<p>Terminology amendment</p>



<p>2. members of the International Association of Marine Aids to Navigation and Lighthouse Authorities, who are not Contracting Parties, shall, with the approval of the Council and subject to their agreement, become Associate members of the Organization. Upon the entry into force of this Convention all parties holding financial, non-suspended status as an associate member or industrial member of the International Association of Marine Aids to Navigation and Lighthouse Authorities, shall, with the approval of the Council and subject to their agreement become Affiliate members of the Organization, in accordance with the General Regulations.</p> <p>3. Upon the entry into force of this Convention the Council of the International Association of Marine Aids to Navigation and Lighthouse Authorities shall become the transitional Council of the Organization and will operate as such until the first General Assembly convened under this Convention, which must be within a period not exceeding six (6) months.</p> <p>4. For the duration of the transitional Council Associate members will be permitted to engage in the work of the Council for the benefit of the Organization.</p> <p>5. The Committees of the International Association of the Marine Aids to Navigation and Lighthouse Authorities shall become the transitional Committees of the Organization and will operate until the equivalent Committees are established under this Convention.</p> <p>6. In the event that a State which has Associate membership becomes a Contracting Party the Associate membership will</p>	<p>2. members of the International Association of Marine Aids to Navigation and Lighthouse Authorities, who are not Member States, shall, with the approval of the Council and subject to their agreement, become Associate <del>members</del> <b>Partners</b> of the Organization. Upon the entry into force of this Convention all parties holding financial, non-suspended status as an associate member or industrial member of the International Association of Marine Aids to Navigation and Lighthouse Authorities, shall, with the approval of the Council and subject to their agreement become Affiliate <del>members</del> <b>Partners</b> of the Organization, in accordance with the General Regulations.</p> <p>3. Upon the entry into force of this Convention the Council of the International Association of Marine Aids to Navigation and Lighthouse Authorities shall become the transitional Council of the Organization and will operate as such until the first General Assembly convened under this Convention, which must be within a period not exceeding six (<del>6</del>) months.</p> <p>4. For the duration of the transitional Council Associate members will be permitted to engage in the work of the Council for the benefit of the Organization.</p> <p>5. The Committees of the International Association of the Marine Aids to Navigation and Lighthouse Authorities shall become the transitional Committees of the Organization and will operate until the equivalent Committees are established under this Convention.</p> <p>6. In the event that a State which has Associate <del>membership</del> <b>Partnership</b> becomes a <del>Contracting Party</del> <b>Member</b></p>	
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<p>cease on the date on which the Convention enters into force for that State. In the case of a Contracting Party having more than one Associate membership that Contracting Party may decide to retain Associate memberships.</p> <p>7. After the entry into force of this Convention the transitional Council shall initiate negotiations with the International Association of Marine Aids to Navigation and Lighthouse Authorities on the transfer of the latter's activities, records, documents, publications, archives, rights, interests, funds, assets and liabilities to the Organization.</p> <p>8. 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 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 Council appoints the Secretary-General in accordance with Article 7.</p>	<p><del>State the Associate membership-Partnership</del> will cease on the date on which the Convention enters into force for that State. In the case of a <del>Contracting Party</del> <b>Member State</b> having more than one Associate <del>membership</del> <b>Partnership</b> that <del>Contracting Party</del> <b>Member State</b> may decide to retain Associate Partnership.</p> <p>7. After the entry into force of this Convention the transitional Council shall initiate negotiations with the International Association of Marine Aids to Navigation and Lighthouse Authorities on the transfer of the latter's activities, records, documents, publications, archives, rights, interests, funds, assets and liabilities to the Organization.</p> <p>8. 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 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 Council appoints the Secretary-General in accordance with Article 7.</p>	
<p>IN WITNESS WHEREOF the undersigned, being duly authorised by their respective Governments, have signed the present Convention.</p> <p>DONE at [xxx] on [xxx] in the English, French and Spanish languages, each text being equally authentic, the original of which shall be deposited in the archives of the [Government of France] Depositary. The Depositary [Government of France] shall transmit certified copies thereof to all the [signatory and acceding] Governments</p>		<p>Agreed</p>



and to the Secretary-General of the Organization.		

<sup>i</sup> General Regulations will include Financial Regulations.

<sup>ii</sup> General Regulations will include Financial Regulations.

<sup>iii</sup> Associate members are territories or groups of territories and current IALA national members transferred in accordance with Article 18.

<sup>iv</sup> Affiliate members are associate and industrial members of the current IALA.

<sup>v</sup> Contributions to be according to the principle of equal sharing, which will be specified in the General Regulations.

<sup>vi</sup> Associate members are territories or groups of territories and current IALA national members transferred in accordance with Article 18.

<sup>vii</sup> Contributions to be according to the principle of equal sharing, which will be specified in the General Regulations.

<sup>viii</sup> 30 signatures have been proposed in order to have enough members to elect and form a Council of up to 24 members in accordance with article 7.2.

<sup>ix</sup> 30 signatures have been proposed in order to have enough members to elect and form a Council of up to 24 members in accordance with article 7.2.



Draft General Regulations for the International Organization for Marine Aids to Navigation (IALA)	Spanish proposal for a Draft General Regulations for the International Organization for Marine Aids to Navigation (IALA)	Remarks
<p><b>Article 1</b> <b>Application</b></p> <p>1.1 These General Regulations together with the Financial Regulations annexed hereto, as ANNEX A, are determined in accordance with Article 6.7 of the Convention on the International Organization for Marine Aids to Navigation (IALA) and shall apply to the operations of IALA.</p> <p>1.2 The General Regulations are subject to the provisions of the Convention. Where there is a conflict between the Convention and the General Regulations or any other basic documents covering the governance of the Organization, the Convention shall prevail. Where there is a conflict between the General Regulations and any of the other basic documents, the General Regulations shall prevail; any conflict between any of the other basic documents should be brought to the attention of the Council.</p>	<p><b>Article 1</b> <b>Application</b></p>	<p>Agreed.</p> <p>These General Regulations are approved by the General Assembly (Art. 6.7 of the Convention). The General Assembly decides by simple majority (art. 5.3 b) of the Convention) in the event that there is no consensus.</p>
<p><b>Article 2</b> <b>Membership of IALA</b></p> <p><b>2.1 Membership Categories</b></p> <p>The Organization shall be comprised of Contracting Parties and Associate and Affiliate members as stipulated below: Associate membership shall be open for:</p> <p>(a) a territory or groups of territories for which a Contracting Party has responsibility in accordance with Article 4.3 of the IALA Convention; and</p> <p>(b) former National Members of the International Association of Marine Aids to Navigation and Lighthouse Authorities whose country is not party to the IALA Convention, in accordance with Article 18.1 and 18.6 of the IALA Convention.</p>	<p><b>Article 2</b> <b>Membership of IALA</b></p> <p><b>2.1 Membership Categories</b></p> <p>The Organization shall be comprised of <del>Contracting Parties</del> <b>Member States</b> and Associate and Affiliate <del>members</del> <b>Partners</b> as stipulated below:</p> <p><b>Only Member States of the United Nations shall be eligible to become Member States of the Convention.</b></p> <p>Associate <del>membership</del> <b>Partnership</b> shall be open for:</p> <p>(a) a territory or groups of territories for which a <del>Contracting Party</del> <b>Member State</b> has responsibility in accordance with Article 4.3 of the IALA Convention; and</p> <p>(b) former National Members of the International Association of Marine Aids</p>	<p>Spain prefers the use of "Member States", as this is the denomination most International Organizations use to refer to its constituents, and is in line with the "Membership" caption. On the other hand, Contracting Parties is the usual denomination of the States signing an international Treaty. It is, therefore, advisable to use "Contracting Parties" at the Preamble of the founding IALA Convention, as that is the document creating an International Organization, while using "Member States" in the Convention itself, as that refers to the IALA constituents.</p> <p>Spain further believes that the</p>



<p>Affiliate membership shall be open to:</p> <p>(a) manufacturers and distributors of marine aids to navigation equipment for sale, or organisations providing marine aids to navigation services or technical advice under contract. These affiliates will be known as Industrial members;</p> <p>(b) any other service, organisation or scientific agency that is concerned with aids to navigation or related matters; and</p> <p>(c) former Industrial and Associate members of the International Association of Marine Aids to Navigation and Lighthouse Authorities, in accordance with Article 18.2 of the Convention.</p>	<p>to Navigation and Lighthouse Authorities whose country is not party to the IALA Convention, in accordance with Article 18.1 and 18.6 of the IALA Convention.</p> <p>Affiliate <del>membership</del> <b>Partnership</b> shall be open to:</p> <p>(a) manufacturers and distributors of marine aids to navigation equipment for sale, or organisations providing marine aids to navigation services or technical advice under contract. These affiliates will be known as Industrial <del>members</del> <b>Partners</b>;</p> <p>(b) any other service, organisation or scientific agency that is concerned with aids to navigation or related matters; and</p> <p>(c) former Industrial and Associate members of the International Association of Marine Aids to Navigation and Lighthouse Authorities, in accordance with Article 18.2 of the Convention.</p>	<p>provisions of the Draft Regulations might be included in the Convention, as they have a "constitutional" nature. In fact, the "Associated Partners" and "Affiliated Partners" are mentioned at the Convention, but their nature is not clarified in it.</p> <p>It is suggested to use the term "Partners", with capital "P", in order to emphasize that, while they should not be considered "Members" of the Organization, they also play an important role which is to be welcomed and protected, and their support to the aims and means of the Organization make them useful and necessary too.</p>
<p><b>2.2 Contact Point for Contracting Parties</b></p> <p>Contracting Parties shall designate a contact point, preferably the national authority legally responsible for the regulation, provision, maintenance or operation of marine aids to navigation.</p>		Agreed
<p><b>2.3 Application for Membership</b></p> <p>(a) Application for Associate and Affiliate membership must be made in writing to the Secretariat and should be accompanied by the following documentation:</p> <p>i. the IALA Membership Application form; and</p> <p>ii. additional information about the activity of the applicant to determine the appropriate membership category if requested by the Secretariat.</p> <p>(b) The Secretariat will submit all applications for membership to the Council for acceptance.</p> <p>(c) Accepted applications will take effect as of 1<sup>st</sup> January if the application is accepted between 1<sup>st</sup> January and 30<sup>th</sup> June and as of 1<sup>st</sup> July if the application is accepted between 1<sup>st</sup> July and 31<sup>st</sup> December.</p> <p>(d) The Council may require or a</p>	<p><b>2.3 Application for Membership or Partnership</b></p> <p><b>(a) Member States of the United Nations willing to join the Organization can follow the procedures established by Article 14 of the Convention.</b></p> <p><b>(a b) Application for Associate and Affiliate <del>membership</del> Partnership must be made in writing to the Secretariat and should be accompanied by the following documentation:</b></p> <p>i. the IALA Membership Application form; and</p> <p>ii. additional information about the activity of the applicant to determine the appropriate <del>membership</del> <b>partnership</b> category, <b>whether Associated or Affiliated</b>, if requested by the Secretariat.</p> <p><b>(b c) The Secretariat will submit all applications for <del>membership</del> partnership to the Council for its</b></p>	<p>A new caption is suggested, in order to make clear the two different categories of participation in the Organization: membership and partnership. As Member States were not mentioned in the original draft, a new (a) item has been found to be needed, even if it only stated the obvious reference to the Convention.</p> <p><b>Regarding new b): the word "membership" has been eliminated so as to add consistency to our draft proposal</b></p> <p><b>At b) ii receives minor amendments, to precise the different partnership categories</b></p> <p>New item (c) introduces unanimity at the Council for new admissions. That rule is suggested as a way to hinder the introduction of divisive issues or</p>



<p>Contracting Party may request that aspects of an application for Affiliate membership be reviewed by the Contracting Party (or Parties) where the applicant carries out its activities or has its principal place of business or registered office. If supported by the Contracting Party (or all Parties), who requested the review, the Council shall decide accordingly.</p>	<p><b>unanimous</b> acceptance. (<del>e</del> <b>d</b>) Accepted applications will take effect as of 1<sup>st</sup> January if the application is accepted between 1<sup>st</sup> January and 30<sup>th</sup> June and as of 1<sup>st</sup> July if the application is accepted between 1<sup>st</sup> July and 31<sup>st</sup> December. (<del>d</del> <b>e</b>) The Council may require or a <del>Contracting Party</del> <b>Member State</b> may request that aspects of an application for Affiliate membership <del>Partnership</del> be reviewed by the <del>Contracting Party</del> <b>Member State</b> (or <del>Parties</del> <b>States</b>) where the applicant carries out its activities or has its principal place of business or registered office. If supported by the <del>Contracting Party</del> <b>Member States</b> (or all <del>Parties</del> <b>States</b>), who requested the review, the Council shall decide accordingly.</p>	<p>admissions in the Organization that might polarize it; distracting her from fulfilling her task as a technical and expert Organization dedicated to assist its Member States and Partners in the marine aids to navigation field.</p> <p>On the other hand, membership does not require approval by the Council (art. 14 of the Convention), since all United Nations Member States are eligible for IALA membership upon unilateral fulfillment of the regulations.</p>
<p><b>2.4 Membership Rights and Benefits</b> (a) Membership rights and benefits are listed in Annex B. (b) In addition to those rights and benefits, Industrial members are represented by the Industrial Members Committee, in accordance with its constitution and bye-laws as approved by the General Assembly of Industrial Members.</p>	<p><b>2.4 Membership Rights and Benefits</b> (a) Membership rights and benefits are listed in Annex B. (b) In addition to those rights and benefits, Industrial <del>members</del> <b>Partners</b> are represented by the Industrial <del>Members</del> <b>Partners</b> Committee, in accordance with its constitution and bye-laws as approved by the General Assembly of Industrial <del>Members</del> <b>Partners</b>.</p>	<p>Terminology amendment</p>
<p><b>2.5 Contributions and Fees</b> (a) Contracting Parties shall pay contributions to the Organization on an annual basis in the amount determined by the Council on recommendation from the Finance and Audit Committee. Contracting Party contribution shall be the same for each Contracting Party. (b) Members shall pay fees to the Organization on an annual basis in the amount determined by the Council on recommendation from the Finance and Audit Committee. Member fees may be determined as different amounts for each membership category but shall be the same for each member within each membership category. (c) Contributions and fees are charged in accordance with the Financial Regulations. (d) Overdue contributions or fees will be subject to a rate of interest which will be recorded in the Financial Regulations.</p>	<p><b>2.5 Contributions and Fees</b> (a) <del>Contracting Parties</del> <b>Member States</b> shall pay contributions to the Organization on an annual basis in the amount determined by the Council on recommendation from the Finance and Audit Committee. <del>Contracting Party</del> <b>Member States</b> contribution shall be the same for each <del>Contracting Party</del> <b>Member State</b>. (b) <del>Members</del> <b>Partners</b> shall pay fees to the Organization on an annual basis in the amount determined by the Council on recommendation from the Finance and Audit Committee. <del>Member</del> <b>Partners</b> fees may be determined as different amounts for each <del>membership</del> <b>Partnership</b> category but shall be the same for each <del>member</del> <b>Partner</b> within each <del>membership</del> <b>Partnership</b> category. (c) Contributions and fees are charged in accordance with the Financial Regulations.</p>	<p>Terminology amendment.</p>



<p>(e) Associate and Affiliate members who fail to pay fees by the due date may also be subject to suspension of membership rights and benefits in accordance with Article 2.6.</p>	<p>(d) Overdue contributions or fees will be subject to a rate of interest which will be recorded in the Financial Regulations. (e) Associate and Affiliate <del>members</del> <b>Partners</b> who fail to pay fees by the due date may also be subject to suspension of <del>membership</del> <b>Partnership</b> rights and benefits in accordance with Article 2.6.</p>	
<p><b>2.6 Suspension and Reinstatement of Associate and Affiliate Membership</b></p> <p>(a) The Secretary-General may recommend that the Council suspend, and the Council may suspend, an Associate or Affiliate membership for non-payment of fees according to the escalation procedure established in the Financial Regulations. (b) The Secretary-General may recommend that the Council suspend, and the Council may suspend, an Associate or Affiliate membership for any justifiable cause in the best interest of the Organization. (c) The Secretary-General may reinstate an Associate or Affiliate membership suspended under Article 2.6 (a) when the member has paid advised arrears of fees. The Secretary-General must advise the Council of such action at the next Council meeting. (d) The Council may reinstate an Associate or Affiliate membership suspended under 2.6 (b) when the member has met the requirements of the Council.</p>	<p><b>2.6 Suspension and Reinstatement of Associate and Affiliate Membership</b></p> <p>(a) The Secretary-General may recommend that the Council suspend, and the Council may suspend, an Associate or Affiliate <del>membership</del> <b>Partnership</b> for non-payment of fees according to the escalation procedure established in the Financial Regulations. (b) The Secretary-General may recommend that the Council suspend, and the Council may suspend, an Associate or Affiliate <del>membership</del> <b>Partnership</b> for any justifiable cause in the best interest of the Organization. (c) The Secretary-General may reinstate an Associate or Affiliate <del>membership</del> <b>Partnership</b> suspended under Article 2.6 (a) when the <del>member</del> <b>Partner</b> has paid advised arrears of fees. The Secretary-General must advise the Council of such action at the next Council meeting. (d) The Council may reinstate an Associate or Affiliate <del>membership</del> <b>Partnership</b> suspended under 2.6 (b) when the <del>member</del> <b>Partner</b> has met the requirements of the Council.</p>	Terminology amendment
<p><b>2.7 Termination of Associate and Affiliate Membership</b> Associate or Affiliate membership may be terminated:</p> <p>(a) by the member by notice in writing to the Secretariat at any time noting that no refund of fees already made will be given. Such termination will take effect:</p> <ol style="list-style-type: none"> <li>i. on the date specified in the notice of termination; or</li> <li>ii. if no date is specified, thirty calendar days after the notice is received by the Secretariat;</li> </ol>	<p><b>2.7 Termination of Associate and Affiliate Membership</b> Associate or Affiliate <del>membership</del> <b>Partnership</b> may be terminated:</p> <p>(a) by the <del>member</del> <b>Partner</b> by notice in writing to the Secretariat at any time noting that no refund of fees already made will be given. Such termination will take effect:</p> <ol style="list-style-type: none"> <li>i. on the date specified in the notice of termination; or</li> <li>ii. if no date is specified, thirty calendar days after the notice is received by the Secretariat;</li> </ol>	Terminology amendment



<p>(b) by the Council where a suspended member has not paid fees within six months of suspension for that non-payment:  i. the Secretary-General will notify the Council of any such qualifying event at its next meeting; and  ii. such termination will take effect from the date of the meeting at which the Council terminates the membership; or  (c) by the Council, for any justifiable cause in the best interest of the Organization.  In the case of a decision by the Council the Secretary-General must notify the member of the reason for termination and the date of effect of termination within thirty calendar days of the termination taking effect.</p>	<p>(b) by the Council where a suspended <del>member</del> <b>Partner</b> has not paid fees within six months of suspension for that non-payment:  i. the Secretary-General will notify the Council of any such qualifying event at its next meeting; and  ii. such termination will take effect from the date of the meeting at which the Council terminates the <del>membership</del> <b>Partnership</b>; or  (c) by the Council, for any justifiable cause in the best interest of the Organization.  In the case of a decision by the Council the Secretary-General must notify the <del>member</del> <b>Partner</b> of the reason for termination and the date of effect of termination within thirty calendar days of the termination taking effect.</p>	
<p><b>Article 3</b>  <b>The General Assembly</b></p> <p><b>3.1 Convening the General Assembly</b>  (a) The General Assembly shall ordinarily be convened at least once every four years by order of the Council in accordance with the Council's Rules of Procedure.  (b) The General Assembly shall, where possible, be convened during the same period and at the same location as an IALA conference, but in any case must be held no earlier than June of the General Assembly year.  (c) 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.  (d) It shall be a condition for convening the General Assembly at a location other than the IALA Headquarters that the Contracting Party in whose territory it is proposed to hold the General Assembly gives assurances that, at the time of the offer, no Contracting Party or member of the Organization will be prevented from entering the host country.  (e) The Council may, after a notice of ninety calendar days, convene an extraordinary session of the General Assembly at which time and place as it determines.</p>	<p><b>Article 3</b>  <b>The General Assembly</b></p> <p><b>3.1 Convening the General Assembly</b>  (a) The General Assembly shall ordinarily be convened at least once every four years by order of the Council in accordance with the Council's Rules of Procedure.  (b) The General Assembly shall, where possible, be convened during the same period and at the same location as an IALA conference, but in any case must be held no earlier than June of the General Assembly year.  (c) 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.  (d) It shall be a condition for convening the General Assembly at a location other than the IALA Headquarters that the <del>Contracting Party</del> <b>Member State</b> in whose territory it is proposed to hold the General Assembly gives assurances that, at the time of the offer, no <del>Contracting Party or member</del> <b>Member State or Partner</b> of the Organization will be prevented from entering the host country.  (e) The Council may, after a notice of ninety calendar days, convene an extraordinary session of the General Assembly at which time and place as it</p>	<p>Ajuste terminológico</p>



<p>(f) The Secretary-General shall, after a notice of ninety calendar days, convene an extraordinary session of the General Assembly within four months of receipt by the Secretary-General of requests to do so from one third of the Contracting Parties, the time and place of which session will be determined by the Secretary-General.</p>	<p>determines. (f) The Secretary-General shall, after a notice of ninety calendar days, convene an extraordinary session of the General Assembly within four months of receipt by the Secretary-General of requests to do so from one third of the <del>Contracting Parties</del> <b>Member States</b>, the time and place of which session will be determined by the Secretary-General.</p>	
<p><b>3.2 Attendance</b> (a) Contracting Parties and members of the Organization are entitled to attend the General Assembly and are responsible for their own travelling and accommodation expenses should they choose to attend. (b) The Secretary-General is authorised to invite, on behalf of the Council and subject to consent of the Contracting Parties, observers from: i. governments that are not parties to the Convention if proposed by a Contracting Party or the Council; ii. international organizations whose activities are connected with those of IALA; or iii. national organizations of Contracting Parties which have had or are likely to have occasion to collaborate with the Organization. (c) Each Contracting Party shall communicate in writing, in accordance with its own practice, to the Secretary-General the names of the persons composing its delegation to the General Assembly, indicating which of these is to be regarded as its designated representative executing voting rights. This communication will be regarded as appropriate credentials for the participation of the named individuals in all activities of the General Assembly. (d) Each member shall communicate in writing to the Secretary-General the names of the persons attending the General Assembly.</p>	<p><b>3.2 Attendance</b> (a) <del>Contracting Parties and members</del> <b>Member States and Partners</b> of the Organization are entitled to attend the General Assembly and are responsible for their own travelling and accommodation expenses should they choose to attend. (b) The Secretary-General is authorised to invite, on behalf of the Council and subject to consent of the <del>Contracting Parties</del> <b>Member States</b>, observers from: i. governments that are not parties to the Convention if proposed by a <del>Contracting Party</del> <b>Member State</b> or the Council; ii. international organizations whose activities are connected with those of IALA; or iii. national organizations of <del>Contracting Parties</del> <b>Member States</b> which have had or are likely to have occasion to collaborate with the Organization. (c) Each <del>Contracting Party</del> <b>Member States</b> shall communicate in writing, in accordance with its own practice, to the Secretary-General the names of the persons composing its delegation to the General Assembly, indicating which of these is to be regarded as its <b>Head of Delegation and</b> designated representative executing voting rights, <b>as well as its Alternate and other members of the Delegation</b>. This communication will be regarded as appropriate credentials for the participation of the named individuals in all activities of the General Assembly. (d) Each member shall communicate in writing to the Secretary-General the names of the persons attending the General Assembly.</p>	<p>Terminology amendment.  At international conferences participate national delegations whose members must be included in a document issued by their relevant Ministry of Foreign Affairs, whereby each member is placed in a specific position within the delegation. The person who heads the delegation (and, perhaps, the alternate head of delegation), are given plenipotentiary powers at the conference, and therefore, who is eligible to cast the vote of his/her country or head negotiations with the other Parties.</p>



<p><b>3.3 Organisation</b></p> <p>(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 host country.</p> <p>(b) The business of the General Assembly shall be conducted in the English, French and Spanish languages.</p> <p>(c) Six months before the opening of the General Assembly the Secretariat shall invite Contracting Parties to submit proposals that they wish to discuss at the General Assembly. These will be received by the Secretariat for the following sixty calendar days.</p> <p>(d) Four months before the opening of the General Assembly submitted proposals together with those prepared by the Council shall be circulated to all Contracting Parties and members, who shall be invited to forward their comments to the Secretariat within sixty calendar days. After this date no proposals shall be accepted unless:</p> <ol style="list-style-type: none"> <li>i. there are exceptional circumstances, in which case the proposal should be approved by the General Assembly for inclusion; or</li> <li>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.</li> </ol> <p>(e) All final papers, including the provisional agenda but excluding any amending or alternative proposals, shall be circulated to Contracting Parties and members at least sixty calendar days before the opening of the General Assembly.</p> <p>(f) The provisional agenda for an ordinary session of General Assembly shall be prepared by the Secretariat for approval by the Council and shall normally include:</p> <ol style="list-style-type: none"> <li>i. Approval of the Agenda;</li> <li>ii. Report of the President/Secretary-General;</li> <li>iii. Finance Report;</li> <li>iv. Outline budget for the next four year period;</li> <li>v. Approval of amendments to the General Regulations and the rules</li> </ol>	<p><b>3.3 Organisation</b></p> <p>(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 host country.</p> <p>(b) The business of the General Assembly shall be conducted in the English, French and Spanish languages.</p> <p>(c) Six months before the opening of the General Assembly the Secretariat shall invite <del>Contracting Parties</del> <b>Member States</b> to submit proposals that they wish to discuss at the General Assembly. These will be received by the Secretariat for the following sixty calendar days.</p> <p>(d) Four months before the opening of the General Assembly submitted proposals together with those prepared by the Council shall be circulated to all <del>Contracting Parties</del> <b>Member States</b> and <del>members</del> <b>Partners</b>, who shall be invited to forward their comments to the Secretariat within sixty calendar days. After this date no proposals shall be accepted unless:</p> <ol style="list-style-type: none"> <li>i. there are exceptional circumstances, in which case the proposal should be approved by the General Assembly for inclusion; or</li> <li>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.</li> </ol> <p>(e) All final papers, including the provisional agenda but excluding any amending or alternative proposals, shall be circulated to <del>Contracting Parties</del> <b>Member States</b> and <del>members</del> <b>Partners</b> at least sixty calendar days before the opening of the General</p>	<p>Terminology amendment.</p> <p>Comments on 3.3 f) v: It is to be understood, that the General Assembly rules of procedure are a different document from these Draft Regulations. If they were not, then a new drafting would be needed.</p>
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<p>of procedures of the General Assembly, the Council, Committees and other subsidiary bodies of the Organization;</p> <p>vi. Approval of the Strategic Vision;</p> <p>vii. Adoption of Standards;</p> <p>viii. Consideration of reports and proposals received from Contracting Parties and members;</p> <p>ix. Election of the Council; and</p> <p>x. Any other business.</p> <p>(g) The provisional agenda for an extraordinary session of General Assembly called by the Council shall be prepared by the Secretariat for approval by the Council and shall include consideration of the question(s) for which the session was convened.</p> <p>(h) The provisional agenda for an extraordinary session of General Assembly called by the Contracting Parties shall be prepared by the Secretariat for approval by the Secretary General and shall include consideration of the question(s) for which the session was convened.</p>	<p>Assembly.</p> <p>(f) The provisional agenda for an ordinary session of General Assembly shall be prepared by the Secretariat for approval by the Council and shall normally include:</p> <p>i. Approval of the Agenda;</p> <p>ii. Report of the President/Secretary-General;</p> <p>iii. Finance Report;</p> <p>iv. Outline budget for the next four year period;</p> <p>v. Approval of amendments to the General Regulations and the rules of procedures of the General Assembly, the Council, Committees and other subsidiary bodies of the Organization;</p> <p>vi. Approval of the Strategic Vision;</p> <p>vii. Adoption of Standards;</p> <p>viii. Consideration of reports and proposals received from <del>Contracting Parties</del> <b>Member States</b> and <del>members</del> <b>Partners</b>;</p> <p>ix. Election of the Council; and</p> <p>x. Any other business.</p> <p>(g) The provisional agenda for an extraordinary session of General Assembly called by the Council shall be prepared by the Secretariat for approval by the Council and shall include consideration of the question(s) for which the session was convened.</p> <p>(h) The provisional agenda for an extraordinary session of General Assembly called by the <del>Contracting Parties</del> <b>Member States</b> shall be prepared by the Secretariat for approval by the Secretary General and shall include consideration of the question(s) for which the session was</p>	
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	convened.	
<p><b>3.4 Rules of Procedure</b> The following Rules of Procedure shall apply to the conduct of the business of the General Assembly:</p> <p><b>3.4.1 The Role of the Chair</b> (a) The President, or in his/her absence, the Vice President, shall be the Chair of the General Assembly. (b) The Chair will open and close the meeting, direct discussions, ensure the observance of the procedures in the IALA Convention and these General Regulations, accord the right to speak, put questions to the vote and announce decisions. (c) The Chair will have control over the proceedings and may rule on points of order and shall have the power to propose adjournment or closure of debates or adjournment or suspension of the meeting.</p> <p><b>3.4.2 Conduct of Meetings</b> (a) No person may address the General Assembly without having previously obtained the permission of the Chair. Subject to this rule and rules b), c), g) and i) below, the Chair shall call upon speakers in the order in which they signify their desire to speak. The Chair may call a speaker to order if the remarks of such speaker are not relevant to the subject under discussion. (b) The Chair of a Committee or his or her representative, or the delegate of a subsidiary body may be accorded precedence for the purpose of explaining the conclusion arrived at by that Committee or subsidiary body. (c) During the discussion of any matter, a delegate may rise to a point of order and the point of order shall immediately be decided by the Chair. A delegate may appeal against the ruling of the Chair. The appeal shall immediately be put to the vote and the Chair's ruling shall stand unless overruled by the majority of the designated representatives present and voting. A delegate rising to a point of order may not speak on the substance of the matter under discussion. (d) The General Assembly may, on the</p>	<p><b>3.4 Rules of Procedure</b> The following Rules of Procedure shall apply to the conduct of the business of the General Assembly:</p> <p><b>3.4.1 The Role of the Chair</b> (a) The President, or in his/her absence, the Vice President, shall be the Chair of the General Assembly. (b) The Chair will open and close the meeting, direct discussions, ensure the observance of the procedures in the IALA Convention and these General Regulations, accord the right to speak, put questions to the vote and announce decisions. (c) The Chair will have control over the proceedings and may rule on points of order and shall have the power to propose adjournment or closure of debates or adjournment or suspension of the meeting.</p> <p><b>3.4.2 Conduct of Meetings</b> (a) No person may address the General Assembly without having previously obtained the permission of the Chair. Subject to this rule and rules b), c), g) and i) below, the Chair shall call upon speakers in the order in which they signify their desire to speak. The Chair may call a speaker to order if the remarks of such speaker are not relevant to the subject under discussion. (b) The Chair of a Committee or his or her representative, or the delegate of a subsidiary body may be accorded precedence for the purpose of explaining the conclusion arrived at by that Committee or subsidiary body. (c) During the discussion of any matter, a delegate may rise to a point of order and the point of order shall immediately be decided by the Chair. A delegate may appeal against the ruling of the Chair. The appeal shall immediately be put to the vote and the Chair's ruling shall stand unless overruled by the majority of the designated representatives present and voting. A delegate rising to a point of order may not speak on the substance of the matter under discussion. (d) The General Assembly may, on the</p>	<p>Agreed. Terminology amendments.</p>



proposal of the Chair, limit the time to be allowed to each speaker on any particular subject under discussion. When the debate is limited and a delegate has spoken for the allotted time, the Chair shall call such delegate to order without delay.

(e) During the course of a debate, the Chair may announce the list of speakers and, with the consent of the General Assembly, declare the list closed. The Chair may, however, accord the right of reply to any delegate if a speech delivered after the closure of the list makes this desirable.

(f) During the discussion of any matter, a delegate may move the adjournment of the debate on the question under discussion. In addition to the proposer of the motion, two delegates may speak in favour of, and two against, the motion, after which the motion shall immediately be put to the vote. The Chair may limit the time to be allowed to speakers under this rule.

(g) A delegate may, at any time, move the closure of the debate on the question under discussion, whether or not any other representative has signified his wish to speak. Permission to speak on the closure of the debate shall be accorded only to two speakers opposing the closure, after which the motion shall be immediately put to the vote. If the General Assembly is in favour of the closure, the Chair shall declare the closure of the debate. The Chair may limit the time to be allowed to speakers under this rule.

(h) During the discussion of any matter, a delegate may move the suspension or the adjournment of the meeting. Such motions shall not be debated, but shall be immediately put to the vote. The Chair may limit the time to be allowed to the speaker moving the suspension or adjournment.

(i) Subject to rule f) above, the following motions shall have precedence in the following order over all the other proposals or motions before the meeting:

- i. to suspend the meeting;
- ii. to adjourn the meeting;
- iii. to adjourn the debate on the question under discussion; and
- iv. for the closure of the debate

proposal of the Chair, limit the time to be allowed to each speaker on any particular subject under discussion. When the debate is limited and a delegate has spoken for the allotted time, the Chair shall call such delegate to order without delay.

(e) During the course of a debate, the Chair may announce the list of speakers and, with the consent of the General Assembly, declare the list closed. The Chair may, however, accord the right of reply to any delegate if a speech delivered after the closure of the list makes this desirable.

(f) During the discussion of any matter, a delegate may move the adjournment of the debate on the question under discussion. In addition to the proposer of the motion, two delegates may speak in favour of, and two against, the motion, after which the motion shall immediately be put to the vote. The Chair may limit the time to be allowed to speakers under this rule.

(g) A delegate may, at any time, move the closure of the debate on the question under discussion, whether or not any other representative has signified his wish to speak. Permission to speak on the closure of the debate shall be accorded only to two speakers opposing the closure, after which the motion shall be immediately put to the vote. If the General Assembly is in favour of the closure, the Chair shall declare the closure of the debate. The Chair may limit the time to be allowed to speakers under this rule.

(h) During the discussion of any matter, a delegate may move the suspension or the adjournment of the meeting. Such motions shall not be debated, but shall be immediately put to the vote. The Chair may limit the time to be allowed to the speaker moving the suspension or adjournment.

(i) Subject to rule f) above, the following motions shall have precedence in the following order over all the other proposals or motions before the meeting:

- i. to suspend the meeting;
- ii. to adjourn the meeting;
- iii. to adjourn the debate on the question under discussion; and
- iv. for the closure of the debate



on the question under discussion.

(j) Subject to rule f) above, any motion calling for a decision on the competence of the General Assembly to discuss any matter or to adopt a proposal or an amendment submitted to it shall be put to the vote before the matter is discussed or a vote is taken on the proposal or amendment in question.

(k) A motion may be withdrawn by its proposer at any time before voting on it has commenced, provided that the motion has not been amended or that an amendment to it is not under discussion. A motion which has thus been withdrawn may be reintroduced by any delegate.

(l) When a proposal has been adopted or rejected it may not be reconsidered unless the General Assembly, by a two-thirds majority of the designated representatives present and voting, so decides. Permission to speak on a motion to reconsider shall be accorded only to the mover and one other supporter and to two speakers opposing the motion, after which it shall be put immediately to the vote.

#### 3.4.3 Voting During Meetings

(a) The General Assembly will normally vote by show of hands overseen by scrutineers. However, any Contracting Party may request a roll-call vote, which shall be taken in English alphabetical order of the name of Contracting Parties present, commencing with the Contracting Party whose name is drawn by lot by the Chair. The vote of each Contracting Party in any roll-call shall be noted in the meeting record.

(b) A representative of one Contracting Party shall not vote on behalf of another Contracting Party.

#### 3.4.4 Decision Making and Reporting

(a) Where the General Assembly is requested to make a decision, that request shall be put to the meeting in the form of a General Assembly Resolution. Each Resolution should include an implementation date, if relevant, and for convenience, the Chair may aggregate Resolutions for approval and reporting purposes.

(b) The Secretariat shall arrange for the

on the question under discussion.

(j) Subject to rule f) above, any motion calling for a decision on the competence of the General Assembly to discuss any matter or to adopt a proposal or an amendment submitted to it shall be put to the vote before the matter is discussed or a vote is taken on the proposal or amendment in question.

(k) A motion may be withdrawn by its proposer at any time before voting on it has commenced, provided that the motion has not been amended or that an amendment to it is not under discussion. A motion which has thus been withdrawn may be reintroduced by any delegate.

(l) When a proposal has been adopted or rejected it may not be reconsidered unless the General Assembly, by a two-thirds majority of the designated representatives present and voting, so decides. Permission to speak on a motion to reconsider shall be accorded only to the mover and one other supporter and to two speakers opposing the motion, after which it shall be put immediately to the vote.

#### 3.4.3 Voting During Meetings

(a) The General Assembly will normally vote by show of hands overseen by scrutineers. However, any ~~Contracting Party~~ **Member State** may request a roll-call vote, which shall be taken in English alphabetical order of the name of ~~Contracting Parties~~ **Member States** present, commencing with the ~~Contracting Party~~ **Member State** whose name is drawn by lot by the Chair. The vote of each ~~Contracting Party~~ **Member State** in any roll-call shall be noted in the meeting record.

(b) A representative of one ~~Contracting Party~~ **Member State** shall not vote on behalf of another ~~Contracting Party~~ **Member State**.

#### 3.4.4 Decision Making and Reporting

(a) Where the General Assembly is requested to make a decision, that request shall be put to the meeting in the form of a General Assembly Resolution. Each Resolution should include an implementation date, if relevant, and for convenience, the Chair may aggregate Resolutions for



<p>substance of all discussions of the General Assembly to be recorded in a general summary of the work of the meeting. These minutes shall be distributed to those Contracting Parties and members attending, which may submit their proposed corrections in writing to the Chair. Any disagreement on the proposed corrections shall be decided by the Chair after consultation with the Contracting Parties and members concerned.</p> <p>(c) The minutes will be adopted by the General Assembly in session, or if necessary, by correspondence.</p> <p>(d) Contracting Parties and members who made statements during debate may request that such statement be attached to the minutes.</p> <p>(e) The minutes, together with all relevant documents, shall be made available to the Contracting Parties and members within two weeks after their approval by the General Assembly.</p> <p>(f) Audio recordings of General Assembly sessions may be made and shall be retained by the Secretariat for record purposes.</p>	<p>approval and reporting purposes.</p> <p>(b) The Secretariat shall arrange for the substance of all discussions of the General Assembly to be recorded in a general summary of the work of the meeting. These minutes shall be distributed to those <del>Contracting Parties</del> <b>Member States</b> and <del>members</del> <b>Partners</b> attending, which may submit their proposed corrections in writing to the Chair. Any disagreement on the proposed corrections shall be decided by the Chair after consultation with the <del>Contracting Parties</del> <b>Member States</b> and <del>members</del> <b>Partners</b> concerned.</p> <p>(c) The minutes will be adopted by the General Assembly in session, or if necessary, by correspondence.</p> <p>(d) <del>Contracting Parties</del> <b>Member States</b> and <del>members</del> <b>Partners</b> who made statements during debate may request that such statement be attached to the minutes.</p> <p>(e) The minutes, together with all relevant documents, shall be made available to the <del>Contracting Parties</del> <b>Member States</b> and <del>members</del> <b>Partners</b> within two weeks after their approval by the General Assembly.</p> <p>(f) Audio recordings of General Assembly sessions may be made and shall be retained by the Secretariat for record purposes.</p>	
<p><b>3.5 Election of the Council</b> The election of Councillors shall be conducted as follows:</p> <p>(a) The Secretary-General will invite Contracting Parties to declare their candidacy for the Council, according to Article 7 of the Convention six months before the opening of the General Assembly. Nominations will be received by the Secretariat for the following four months. Nominations should include:</p> <p>i. the name of the Contracting Party being nominated;</p> <p>ii. a statement, in the form approved by the Council and provided by the Secretariat, outlining the credentials of the Contracting Party for a position on the Council; and</p> <p>iii. a statement, in the form approved by the Council and provided by the Secretariat, outlining the credentials of the person to represent</p>	<p><b>3.5 Election of the Council</b> The election of <del>Councillors</del> <b>members of the Council</b> shall be conducted as follows:</p> <p>(a) The Secretary-General will invite <del>Contracting Parties</del> <b>Member States</b> to declare their candidacy for the Council, according to Article 7 of the Convention six months before the opening of the General Assembly. Nominations will be received by the Secretariat for the following four months. Nominations should include:</p> <p>i. the name of the <del>Contracting Party</del> <b>Member State</b> being nominated;</p> <p>ii. a statement, in the form approved by the Council and provided by the Secretariat, outlining the credentials of the <del>Contracting Party</del> <b>Member State</b> for a position on the Council; and</p> <p>iii. a statement, in the form</p>	<p>Terminology amendments</p> <p><b>Spain prefers that the members of the Council be Member States and not individuals as such. As a consequence, 3.5.a.iii should be deleted.</b></p> <p><b>Comments on 3.5.k: Candidates should meet the criteria set out in 3.5.a; while rule j) does not apply.</b></p>



<p>the Contracting Party.</p> <p>(b) Councillors should, as far as possible, be drawn from different parts of the world with a view to achieving as widespread a representation as possible.</p> <p>(c) The Contracting Party having the non-elected councillor in accordance with Article 7 of the IALA Convention cannot be nominated for election.</p> <p>(d) Sixty calendar days before the opening of the General Assembly all nominations shall be collated and circulated to all Contracting Parties by the Secretariat. After this date no nominations shall be accepted unless there are exceptional circumstances, in which case the nomination should be approved by the General Assembly for inclusion in the election.</p> <p>(e) A vote to elect Councillors from among those nominated will be conducted by secret ballot.</p> <p>(f) The Secretariat shall produce a ballot form for nominees for the Council and each designated representative shall have one vote for each vacant seat on the Council.</p> <p>(g) The Chair shall appoint two scrutineers from amongst the Contracting Parties who have not been nominated for the Council, who shall proceed to scrutinise the votes cast and the counting of votes by the Secretariat.</p> <p>(h) If two or more candidates obtain the same number for the last seat or seats to be filled, there shall be a further ballot from among these candidates only. Should the votes again be divided equally, the Chair shall draw by lot the name of the candidate to be eliminated in any subsequent ballots.</p> <p>(i) When voting and counting are completed the Chair shall confirm the election and invite the newly elected Council to take up their duties.</p> <p>(j) The term of the Council is from confirmation of its election until the election of a new Council at the following ordinary General Assembly.</p> <p>(k) Should a Contracting Party elected to the Council advise at some time during the term of that the Council, being more than two years from the next General Assembly, that they are unable to continue to serve on the Council, the Secretary-General may</p>	<p><del>approved by the Council and provided by the Secretariat, outlining the credentials of the person to represent the Contracting Party.</del></p> <p>(b) <del>Councillors</del> <b>Members of the Council</b> should, as far as possible, be drawn from different parts of the world with a view to achieving as widespread a representation as possible.</p> <p>(c) <del>The Contracting Party</del> <b>Member States</b> having the non-elected <del>councillor</del> <b>Council member</b> in accordance with Article 7 of the IALA Convention cannot be nominated for election.</p> <p>(d) Sixty calendar days before the opening of the General Assembly all nominations shall be collated and circulated to all <del>Contracting Parties</del> <b>Member State</b> by the Secretariat. After this date no nominations shall be accepted unless there are exceptional circumstances, in which case the nomination should be approved by the General Assembly for inclusion in the election.</p> <p>(e) A vote to elect <del>Councillors</del> <b>Council members</b> from among those nominated will be conducted by secret ballot.</p> <p>(f) The Secretariat shall produce a ballot form for nominees for the Council and each designated representative shall have one vote for each vacant seat on the Council.</p> <p>(g) The Chair shall appoint two scrutineers from amongst the <del>Contracting Parties</del> <b>Member States</b> who have not been nominated for the Council, who shall proceed to scrutinise the votes cast and the counting of votes by the Secretariat.</p> <p>(h) If two or more candidates obtain the same number for the last seat or seats to be filled, there shall be a further ballot from among these candidates only. Should the votes again be divided equally, the Chair shall draw by lot the name of the candidate to be eliminated in any subsequent ballots.</p> <p>(i) When voting and counting are completed the Chair shall confirm the election and invite the newly elected Council to take up their duties.</p> <p>(j) The term of the Council is from confirmation of its election until the election of a new Council at the following ordinary General Assembly.</p>	
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<p>conduct a by-election to fill the vacancy. The Secretary-General shall invite nominations from all eligible Contracting Parties, conduct the vote electronically and rules g) - j) above will apply. The term of office of any Contracting Party so elected will be the same as that of the Contracting Party being replaced.</p> <p>(l) Contracting Parties are to advise the Secretary-General in cases where the person representing the Contracting Party at the Council changes.</p>	<p>(k) Should a <del>Contracting Party</del> <b>Member State</b> elected to the Council advise at some time during the term of that the Council, being more than two years from the next General Assembly, that they are unable to continue to serve on the Council, the Secretary-General may conduct a by-election to fill the vacancy. The Secretary-General shall invite nominations from all eligible <del>Contracting Parties</del> <b>Member States</b>, conduct the vote electronically and rules g) - j) <b>i)</b> above will apply. The term of office of any <del>Contracting Party</del> <b>Member State</b> so elected will be the same as that of the <del>Contracting Party</del> <b>Member State</b> being replaced.</p> <p>(l) <del>Contracting Parties</del> <b>Member States</b> are to advise the Secretary-General in cases where the person representing the <del>Contracting Party</del> <b>Member States</b> at the Council changes.</p>	
<p><b>Article 4</b> <b>The Council</b></p> <p><b>4.1 Functions of the Council</b></p> <p>(a) The Council, in fulfilling its obligation to administer the Organization will carry out the functions assigned to it by Article 7.6 of the IALA Convention.</p> <p>(b) In the period between General Assemblies, should no appropriate provision be made in the IALA Convention or these General Regulations, the Council shall make any administrative or technical decision which may be necessary, unless such decision falls exclusively within the jurisdiction of the General Assembly under the Convention. Any such decision must be referred to the next General Assembly for confirmation.</p> <p>(c) The Council shall be guided by the overall policy and Strategic Vision as decided by the General Assembly.</p> <p>(d) If the Council considers that any question or issue should be referred to Contracting Parties, it shall direct the Secretary-General to send a circular to each Contracting Party requesting them to notify the Secretariat of their opinion on the matter. The Council shall then decide the matter.</p>	<p><b>Article 4</b> <b>The Council</b></p> <p><b>4.1 Functions of the Council</b></p> <p>(a) The Council, in fulfilling its obligation to administer the Organization will carry out the functions assigned to it by Article 7.6 of the IALA Convention.</p> <p>(b) In the period between General Assemblies, should no appropriate provision be made in the IALA Convention or these General Regulations, the Council shall make any administrative or technical decision which may be necessary, unless such decision falls exclusively within the jurisdiction of the General Assembly under the Convention. Any such decision must be referred to the next General Assembly for confirmation , <b>but shall be fully applicable until the General Assembly decides otherwise.</b></p> <p>(c) The Council shall be guided by the overall policy and Strategic Vision as decided by the General Assembly.</p> <p>(d) If the Council considers that any question or issue should be referred to <del>Contracting Parties</del> <b>Member States</b>, it shall direct the Secretary-General to send a circular to each <del>Contracting Party</del> <b>Member State</b> requesting them to notify the Secretariat of their opinion on the matter. The Council shall then decide the matter.</p>	<p>Terminology amendment</p> <p>Spain introduces language at 4.1 meant to increase the legal certainty of the measures taken by the Council.</p>



<p><b>4.2 Convening the Council</b>                  (a) The Council will be convened, ordinarily twice a year by notice in writing by any of the following:                  i. the President or the Vice President;                  ii. the Secretary-General; or                  iii. at the request of two Councillors.                  (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 IALA Headquarters unless the Council agrees alternate arrangements, or if the meeting is to be held electronically.                  (c) The date of an extraordinary meeting of the Council will be not less than ten calendar days from the date of notification, and the location will be the IALA Headquarters unless otherwise agreed by the President and the Secretary-General, or if the meeting is to be held electronically.                  (d) The quorum for a Council meeting is two thirds of Councillors, at least one of which must be the President or Vice President, who will chair the meeting, and one member of the Finance and Audit Committee.                  (e) Any Contracting Party may be present at a Council meeting.                  (f) The Council may also determine that a representative of any Committee or other body established by it or of another organization may be present at a Council meeting.</p>	<p><b>4.2 Convening the Council</b>                  (a) The Council will be convened, ordinarily twice a year by notice in writing by any of the following:                  i. the President or the Vice President;                  ii. the Secretary-General; or                  iii. at the request of two <del>Councillors</del> <b>members of the Council</b>.                  (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 IALA Headquarters unless the Council agrees alternate arrangements, or if the meeting is to be held electronically.                  (c) The date of an extraordinary meeting of the Council will be not less than ten calendar days from the date of notification, and the location will be the IALA Headquarters unless otherwise agreed by the President and the Secretary-General, or if the meeting is to be held electronically.                  (d) The quorum for a Council meeting is two thirds of <del>Councillors</del> <b>Council members</b>, at least one of which must be the President or Vice President, who will chair the meeting, and one member of the Finance and Audit Committee.                  (e) Any <del>Contracting Party</del> <b>Member State</b> may be present at a Council meeting.                  (f) The Council may also determine that a representative of any Committee or other body established by it or of another organization may be present at a Council meeting.</p>	<p>Terminology amendment.</p>
<p><b>4.3 Organisation of Council Meetings</b>                  (a) Council meetings are to be prepared and organised by the Secretary-General using the resources of the Secretariat.                  (b) The business of the Council shall be conducted in English, including output documents. Input documents may be submitted in French and shall be translated by the Secretariat.                  (c) Sixty calendar days before a scheduled Council meeting the Secretariat shall invite Councillors, Contracting Parties and members to submit papers addressing matters that they wish to discuss at the Council.</p>	<p><b>4.3 Organisation of Council Meetings</b>                  (a) Council meetings are to be prepared and organised by the Secretary-General using the resources of the Secretariat.                  (b) The business of the Council shall be conducted in English, including output documents. Input documents may be submitted in French <b>or Spanish</b> and shall be translated by the Secretariat.                  (c) Sixty calendar days before a scheduled Council meeting the Secretariat shall invite <del>Councillors</del> <b>members of the Council</b>, <del>Contracting Parties</del> <b>Member States</b> and <del>members</del> <b>Partners</b> to submit papers addressing</p>	<p>(b) If the Spanish language is one of the three official languages of the Organization, Member States and Partners should also be able to submit documents in Spanish to the Council, under the same rules than those applicable to the other two official languages.</p>



<p>These will be received by the Secretariat for the next two weeks.</p> <p>(d) Six weeks before the opening of the Council submitted papers together with those prepared by the Secretariat shall be made available to all Councillors, Contracting Parties and members who have requested them, and they shall be invited to forward their comments to the Secretariat within two weeks.</p> <p>(e) Four weeks before the Council the Secretariat shall make all papers and the provisional agenda for the meeting available to Councillors, Contracting Parties and members.</p> <p>(f) The provisional agenda for an ordinary meeting of the Council shall normally include:</p> <ol style="list-style-type: none"> <li>i. Approval of the Agenda;</li> <li>ii. Report of the President/Secretary-General;</li> <li>iii. Report of the Finance and Audit Committee;</li> <li>iv. Committee Reports;</li> <li>v. Any other business; and</li> <li>vi. Date and time of next meeting.</li> </ol> <p>(g) The provisional agenda for an extraordinary meeting of the Council shall normally include consideration of the question(s) for which the meeting was convened.</p>	<p>matters that they wish to discuss at the Council. These will be received by the Secretariat for the next two weeks.</p> <p><b>Member States willing to send representatives to the Council should notify the Secretariat name and position of the delegates.</b></p> <p>(d) Six weeks before the opening of the Council submitted papers together with those prepared by the Secretariat shall be made available to all <del>Councillors</del> <b>Council members</b>, <del>Contracting Parties</del> <b>Member States</b> and <del>members</del> <b>Partners</b> who have requested them, and they shall be invited to forward their comments to the Secretariat within two weeks.</p> <p>(e) Four weeks before the Council the Secretariat shall make all papers and the provisional agenda for the meeting available to <del>Councillors</del> <b>Council members</b>, <del>Contracting Parties</del> <b>Member States</b> and <del>members</del> <b>Partners</b>.</p> <p>(f) The provisional agenda for an ordinary meeting of the Council shall normally include:</p> <ol style="list-style-type: none"> <li>i. Approval of the Agenda;</li> <li>ii. Report of the President/Secretary-General;</li> <li>iii. Report of the Finance and Audit Committee;</li> <li>iv. Committee Reports;</li> <li>v. Any other business; and</li> <li>vi. Date and time of next meeting.</li> </ol> <p>(g) The provisional agenda for an extraordinary meeting of the Council shall normally include consideration of the question(s) for which the meeting was convened.</p>	
<p><b>4.4 Rules of Procedure for Council Meetings</b></p> <p>The following Rules of Procedure shall apply to the conduct of the business of the Council:</p> <p><b>4.4.1 The Role of the Chair</b></p> <p>(a) The President, or in his/her absence, the Vice President, shall be the Chair of the Council.</p> <p>(b) The Chair will open and close the meeting, direct discussions, ensure the observance of the procedures in the Convention and the General Regulations, accord the right to speak, put questions to the vote and announce decisions.</p> <p>(c) The Chair will have control over the</p>	<p><b>4.4 Rules of Procedure for Council Meetings</b></p> <p>The following Rules of Procedure shall apply to the conduct of the business of the Council:</p> <p><b>4.4.1 The Role of the Chair</b></p> <p>(a) The President, or in his/her absence, the Vice President, shall be the Chair of the Council.</p> <p>(b) The Chair will open and close the meeting, direct discussions, ensure the observance of the procedures in the Convention and the General Regulations, accord the right to speak, put questions to the vote and announce decisions.</p> <p>(c) The Chair will have control over the</p>	<p>Terminology amendment.</p> <p>At 4.4.3 the intention is to keep symmetry with what was prescribed for the General Assembly.</p> <p>At 4.4.4 d), the proposal is intended to keep symmetry again with the General Assembly regime.</p>



proceedings and may rule on points of order and shall have the power to propose adjournment or closure of debates or adjournment or suspension of the meeting.

#### 4.4.2 Conduct of meetings

(a) No person may address the Council without having obtained the permission of the Chair. Subject to rules b), f) and h) below, the Chair shall call upon speakers in the order in which they signify their desire to speak. The Chair may call a speaker to order if the remarks of such speaker are not relevant to the subject under discussion.

(b) During the discussion of any matter, a Councillor may rise to a point of order and the point of order shall immediately be decided by the Chair. A Councillor may appeal against the ruling of the Chair. The appeal shall immediately be put to the vote and the Chair's ruling shall stand unless overruled by the majority of the Council present and voting. A Councillor rising to a point of order may not speak on the substance of the matter under discussion.

(c) The Council may, on the proposal of the Chair, limit the time to be allowed to each speaker on any particular subject under discussion. When the debate is limited and a Councillor has spoken for the allotted time, the Chair shall call the Councillor to order without delay.

(d) During the course of a debate, the Chair may announce the list of speakers and, with the consent of the Council, declare the list closed. The Chair may, however, accord the right of reply to any Councillor if a speech delivered after the closure of the list makes this desirable.

(e) During the discussion of any matter, a Councillor may move the adjournment of the debate on the question under discussion. In addition to the proposer of the motion, two Councillors may speak in favour of, and two against, the motion, after which the motion shall immediately be put to the vote. The Chair may limit the time to be allowed to speakers under this rule.

(f) A Councillor may, at any time, move the closure of the debate on the question under discussion, whether or not any other Councillor has signified

proceedings and may rule on points of order and shall have the power to propose adjournment or closure of debates or adjournment or suspension of the meeting.

#### 4.4.2 Conduct of meetings

(a) No person may address the Council without having obtained the permission of the Chair. Subject to rules b), f) and h) below, the Chair shall call upon speakers in the order in which they signify their desire to speak. The Chair may call a speaker to order if the remarks of such speaker are not relevant to the subject under discussion.

(b) During the discussion of any matter, a ~~Councillor~~ **Council member** may rise to a point of order and the point of order shall immediately be decided by the Chair. A ~~Councillor~~ **Council member** may appeal against the ruling of the Chair. The appeal shall immediately be put to the vote and the Chair's ruling shall stand unless overruled by the majority of the Council present and voting. A ~~Councillor~~ **Council member** rising to a point of order may not speak on the substance of the matter under discussion.

(c) The Council may, on the proposal of the Chair, limit the time to be allowed to each speaker on any particular subject under discussion. When the debate is limited and a ~~Councillor~~ **Council member** has spoken for the allotted time, the Chair shall call the ~~Councillor~~ **Council member** to order without delay.

(d) During the course of a debate, the Chair may announce the list of speakers and, with the consent of the Council, declare the list closed. The Chair may, however, accord the right of reply to any ~~Councillor~~ **Council member** if a speech delivered after the closure of the list makes this desirable.

(e) During the discussion of any matter, a ~~Councillor~~ **Council member** may move the adjournment of the debate on the question under discussion. In addition to the proposer of the motion, two ~~Councillors~~ **member of the Council** may speak in favour of, and two against, the motion, after which the motion shall immediately be put to the vote. The Chair may limit the time to be allowed to speakers under this rule.



his wish to speak. Permission to speak on the closure of the debate shall be accorded only to two speakers opposing the closure, after which the motion shall be immediately put to the vote. If the Council is in favour of the closure, the Chair shall declare the closure of the debate. The Chair may limit the time to be allowed to speakers under this rule.

(g) During the discussion of any matter, a Councillor may move the suspension or the adjournment of the meeting. Such motions shall not be debated, but shall be immediately put to the vote. The Chair may limit the time to be allowed to the speaker moving the suspension or adjournment.

(h) Subject to rule e) above, the following motions shall have precedence in the following order over all the other proposals or motions before the meeting:

- i. to suspend the meeting;
- ii. to adjourn the meeting;
- iii. to adjourn the debate on the question under discussion; and
- iv. for the closure of the debate on the question under discussion.

(i) Subject to rule e) above, any motion calling for a decision on the competence of the Council to discuss any matter or to adopt a proposal submitted to it shall be put to the vote before the matter is discussed or a vote is taken on the proposal in question.

(j) A motion may be withdrawn by its proposer at any time before voting on it has commenced, provided that the motion has not been amended or that an amendment to it is not under discussion. A motion which has thus been withdrawn may be reintroduced by any Councillor.

(k) When a proposal has been adopted or rejected it may not be reconsidered unless the Council, by a two-thirds majority of the Councillors present and voting, so decides. Permission to speak on a motion to reconsider shall be accorded only to the mover and one other supporter and to two speakers opposing the motion, after which it shall be put immediately to the vote.

#### 4.4.3 Voting

(a) In ordinary meetings the Council shall vote by show of hands and

(f) A ~~Councillor~~ Council member may, at any time, move the closure of the debate on the question under discussion, whether or not any other ~~Councillor~~ Council member has signified his or her wish to speak.

Permission to speak on the closure of the debate shall be accorded only to two speakers opposing the closure, after which the motion shall be immediately put to the vote. If the Council is in favour of the closure, the Chair shall declare the closure of the debate. The Chair may limit the time to be allowed to speakers under this rule.

(g) During the discussion of any matter, a ~~Councillor~~ Council member may move the suspension or the adjournment of the meeting. Such motions shall not be debated, but shall be immediately put to the vote. The Chair may limit the time to be allowed to the speaker moving the suspension or adjournment.

(h) Subject to rule e) above, the following motions shall have precedence in the following order over all the other proposals or motions before the meeting:

- i. to suspend the meeting;
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- iv. for the closure of the debate on the question under discussion.

(i) Subject to rule e) above, any motion calling for a decision on the competence of the Council to discuss any matter or to adopt a proposal submitted to it shall be put to the vote before the matter is discussed or a vote is taken on the proposal in question.

(j) A motion may be withdrawn by its proposer at any time before voting on it has commenced, provided that the motion has not been amended or that an amendment to it is not under discussion. A motion which has thus been withdrawn may be reintroduced by any ~~Councillor~~ Council member.

(k) When a proposal has been adopted or rejected it may not be reconsidered unless the Council, by a two-thirds majority of the ~~Councillors~~ Council members present and voting, so decides. Permission to speak on a motion to reconsider shall be accorded



<p>otherwise in accordance with Article 5.3 of the Convention.</p> <p>(b) The Chair may decide to call an out of session postal or electronic vote by the Council. Postal or electronic votes will be determined by simple majority of votes cast, with nil returns being counted as votes in favour of the proposal, unless otherwise notified when the vote is called.</p> <p><b>4.4.4 Decision Making and Reporting</b></p> <p>(a) Where the Council is requested to make a decision, that request may be put to the meeting in the form of a proposed Council Resolution. Each Resolution should include an action date, if relevant, and for convenience, the Chair may aggregate Resolutions for approval and reporting purposes.</p> <p>(b) The Secretary-General shall arrange for the substance of all discussions of the Council to be recorded in a general summary of the work of the meeting. The minutes shall be distributed to all Councillors present at the meeting, who may submit their proposed corrections in writing to the Chair. Any disagreement on the proposed corrections shall be decided by the Chair after consultation with the Councillor(s) concerned.</p> <p>(c) The minutes will be approved by the Council in meeting, or, if necessary, by correspondence. The approved minutes, including the text of all Resolutions, will be made available to Councillors, Contracting Parties and members.</p> <p>(d) Documents relevant to the implementation of decisions shall be distributed to Councillors, Contracting Parties and members as relevant.</p>	<p>only to the mover and one other supporter and to two speakers opposing the motion, after which it shall be put immediately to the vote.</p> <p><b>4.4.3 Voting</b></p> <p>(a) In ordinary meetings the Council shall vote by show of hands and otherwise in accordance with Article 5.3 of the Convention. <b>The delegation of the vote will not be permissible.</b></p> <p>(b) The Chair may decide to call an out of session postal or electronic vote by the Council. Postal or electronic votes will be determined by simple majority of votes cast, with nil returns being counted as votes in favour of the proposal, unless otherwise notified when the vote is called.</p> <p><b>4.4.4 Decision Making and Reporting</b></p> <p>(a) Where the Council is requested to make a decision, that request may be put to the meeting in the form of a proposed Council Resolution. Each Resolution should include an action date, if relevant, and for convenience, the Chair may aggregate Resolutions for approval and reporting purposes.</p> <p>(b) The Secretary-General shall arrange for the substance of all discussions of the Council to be recorded in a general summary of the work of the meeting. The minutes shall be distributed to all <del>Councillors</del> <b>Council members</b> present at the meeting, who may submit their proposed corrections in writing to the Chair. Any disagreement on the proposed corrections shall be decided by the Chair after consultation with the <del>Councillor</del> <b>Council member</b>(s) concerned.</p> <p>(c) The minutes will be approved by the Council in meeting, or, if necessary, by correspondence.</p> <p><b>(d) The approved minutes, including the text of all Resolutions, will be made available to <del>Councillors</del> <b>Council members</b>, <del>Contracting Parties</del> <b>Member States</b> and <del>members</del> <b>Partners in a maximum of three days.</b></b></p> <p><b>(<del>d</del> e) Documents relevant to the implementation of decisions shall be distributed to <del>Councillors</del> <b>Council members</b>, <del>Contracting Parties</del> <b>Member States</b> and <del>members</del> <b>Partners</b> as</b></p>	
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	relevant.	
<p><b>4.5 Election of the President and Vice President of IALA</b></p> <p>(a) The Council shall, upon its election or as necessary, from among its Councillors elect the President and Vice President of the Organization.</p> <p>(b) The election will be by secret ballot, which shall be conducted by the Secretary- General.</p> <p>(c) All Councillors will be eligible for election upon indication of their willingness to stand for election.</p> <p>(d) There shall be two ballots, one to elect the President and the other to elect the Vice President.</p> <p>(e) Each Councillor is entitled to cast one vote in each ballot.</p> <p>(f) Election will be the majority of votes cast, the counting of which will be done by the Secretary-General in view of the Council.</p> <p>(g) If no candidate in either ballot in accordance with (d) above obtains a majority in the first ballot, a second ballot shall be taken confined normally to the two candidates obtaining the largest number of votes. If in the second ballot the votes are equally divided, the Secretary-General shall decide between the candidates by drawing lots.</p> <p>(h) The President and the Vice President shall hold office for one term between General Assemblies unless resigning earlier. They shall not be eligible for immediate re-election and shall not hold office for more than two terms in total.</p> <p>(i) The President and Vice President hold these positions on a personal basis. Should either cease to be the designated representative of their Contracting Party, the position will fall vacant from date of them so ceasing.</p> <p>(j) Should the position of President become vacant the Vice President will assume this role and the position of Vice President will become vacant instead. In this event, the Secretary-General shall call for nominations to fill the vacant position and will conduct a ballot, either in session or electronically, in accordance with the provisions above.</p>	<p><b>4.5 Election of the President and Vice President of IALA</b></p> <p>(a) The Council shall, upon its election or as necessary, from among its <del>Councillors</del> <b>Council members</b> elect the President and Vice President of the Organization. <b>Geographical diversity between the two positions and rotation of Groups at the Presidency and Vice-Presidency of the Organization shall be factors of eligibility.</b></p> <p>(b) The election will be by secret ballot, which shall be conducted by the Secretary- General.</p> <p>(c) All <del>Councillors</del> <b>Council members</b> will be eligible for election upon indication of their willingness to stand for election.</p> <p>(d) There shall be two ballots, one to elect the President and the other to elect the Vice President.</p> <p>(e) Each <del>Councillor</del> <b>Council member</b> is entitled to cast one vote in each ballot.</p> <p>(f) Election will be the majority of votes cast, the counting of which will be done by the Secretary-General in view of the Council.</p> <p>(g) If no candidate in either ballot in accordance with (d) above obtains a majority in the first ballot, a second ballot shall be taken confined <del>normally</del> to the two candidates obtaining the largest number of votes. If in the second ballot the votes are equally divided, the Secretary-General shall decide between the candidates by drawing lots.</p> <p>(h) The President and the Vice President shall hold office for one term between General Assemblies unless resigning earlier. They shall not be eligible for immediate re-election and shall not hold office for more than two terms in total.</p> <p>(i) The President and Vice President hold these positions on a personal basis. Should either cease to be the designated representative of their <del>Contracting Party</del> <b>Member State</b>, the position will fall vacant from date of them so ceasing.</p> <p>(j) Should the position of President become vacant the Vice President will assume this role and the position of Vice President will become vacant instead. In this event, the</p>	<p>Spain believes that in order to ensure appropriate representation at the Organization's leadership, it is advisable to enshrine the principles of rotation and geographical diversity in the Regulations of the Organization.</p>



	Secretary-General shall call for nominations to fill the vacant position and will conduct a ballot, either in session or electronically, in accordance with the provisions above.	
<p><b>Article 5</b> <b>Finance and Audit Committee</b></p> <p><b>5.1 Function of the Finance and Audit Committee</b></p> <p>(a) The Council shall, upon election or as necessary, establish a Finance and Audit Committee to provide advice to the Council.</p> <p>(b) The finances of the Organization shall be managed by the Council, the Finance and Audit Committee and the Secretary-General in accordance with the financial arrangements as determined by the General Assembly and the Financial Regulations.</p> <p>(c) The Finance and Audit Committee shall assist the Council in the supervision of the financial administration of the Organization.</p>		Agreed
<p><b>5.2 Election</b></p> <p>(a) The Council shall, from among its Councillors elect at least three and no more than five Councillors to sit on the Finance and Audit Committee. The Council will then elect one of these Councillors, on a personal basis, to act as Treasurer and Committee Chair.</p> <p>(b) The election will be by secret ballot, which shall be conducted by the Secretary- General.</p> <p>(c) All Councillors will be eligible for election upon indication of their willingness to stand for election.</p> <p>(d) There shall be two ballots, the first to elect the Committee members and the second to elect the Treasurer.</p> <p>(e) Each Councillor is entitled to cast one vote in each ballot.</p> <p>(f) Election will be simple majority of votes cast, the counting of which will be done by the Secretary-General in view of the Council.</p> <p>(g) If the votes are equally divided for one or more of the positions as Committee member, a second ballot shall be taken confined to the number of positions not filled as a result of the first ballot. If in the second ballot the</p>	<p><b>5.2 Election</b></p> <p>(a) The Council shall, from among its <del>Councillors</del> <b>members</b> elect at least three and no more than five <del>Councillors</del> <b>States</b> to sit on the Finance and Audit Committee. The Council will then elect one of these <del>Councillors</del> <b>States</b>, <del>on a personal basis</del>, to act as Treasurer and Committee Chair.</p> <p>(b) The election will be by secret ballot, which shall be conducted by the Secretary- General.</p> <p>(c) All <del>Councillors</del> <b>members of the Council</b> will be eligible for election upon indication of their willingness to stand for election.</p> <p>(d) There shall be two ballots, the first to elect the Committee members and the second to elect the Treasurer.</p> <p>(e) Each <del>Councillor</del> <b>member of the Council</b> is entitled to cast one vote in each ballot.</p> <p>(f) Election will be simple majority of votes cast, the counting of which will be done by the Secretary-General in view of the Council.</p> <p>(g) If the votes are equally divided for one or more of the positions as Committee member, a second ballot</p>	Consistent with Spain's position on who should be member of the Council, we propose to omit any reference to personalities, in order to enhance the institutional and international nature of the Council.



<p>votes are equally divided, the Chair shall decide between the candidates by drawing lots.</p> <p>(h) Should the number of candidates nominated be the same as the number of positions to be filled, those candidates will be appointed to the Committee without ballot.</p> <p>(i) The Committee and the Treasurer shall hold office for the term of the Council unless replaced earlier by decision of the Council or through resignation.</p> <p>(j) Should the Treasurer or a member of the Finance and Audit Committee resign and the remaining Committee then have less than three members the Secretary- General shall call for nominations to fill the vacant position and will conduct a ballot, either in session or electronically, in accordance with the provisions above.</p> <p>(k) If the Treasurer cannot attend a meeting of the Finance and Audit Committee the Treasurer shall arrange for another member of the Committee to chair the meeting.</p>	<p>shall be taken confined to the number of positions not filled as a result of the first ballot. If in the second ballot the votes are equally divided, the Chair shall decide between the candidates by drawing lots.</p> <p>(h) Should the number of candidates nominated be the same as the number of positions to be filled, those candidates will be appointed to the Committee without ballot.</p> <p>(i) The Committee and the Treasurer shall hold office for the term of the Council unless replaced earlier by decision of the Council <del>or through resignation.</del></p> <p><del>(j) Should the Treasurer or a member of the Finance and Audit Committee resign and the remaining Committee then have less than three members the Secretary- General shall call for nominations to fill the vacant position and will conduct a ballot, either in session or electronically, in accordance with the provisions above.</del></p> <p>(k) If the Treasurer cannot attend a meeting of the Finance and Audit Committee the Treasurer shall arrange for another member of the Committee to chair the meeting.</p>	
<p><b>5.3 Convening the Finance and Audit Committee</b></p> <p>(a) The Finance and Audit Committee will be convened, ordinarily twice a year by notice in writing by any of the following:</p> <ol style="list-style-type: none"> <li>i. the President or Vice President;</li> <li>ii. the Treasurer;</li> <li>iii. the Secretary-General; or</li> <li>iv. at the request of two Councillors.</li> </ol> <p>(b) The date and location of the meeting of the Finance and Audit Committee in ordinary meeting will be determined by decision of the Treasurer, however such meetings will generally run at the same location and prior to Council meetings.</p> <p>(c) The date of an extraordinary meeting of the Finance and Audit Committee will be not less than one week from the date of notification, and the location will be the IALA Headquarters unless alternate</p>	<p><b>5.3 Convening the Finance and Audit Committee</b></p> <p>(a) <b>A special meeting of the Finance and Audit Committee can be requested by five Member States. In any case,</b> will be convened, ordinarily twice a year by notice in writing by any of the following:</p> <ol style="list-style-type: none"> <li>i. the President or Vice President;</li> <li>ii. the Treasurer;</li> <li>iii. the Secretary-General; or</li> <li>iv. at the request of two <del>Councillors</del> <b>Council members.</b></li> </ol> <p>(b) The date and location of the meeting of the Finance and Audit Committee in ordinary meeting will be determined by decision of the Treasurer, however such meetings will generally run at the same location and prior to Council meetings.</p> <p>(c) The date of an extraordinary meeting of the Finance and Audit Committee will be not less than one week from the date of notification, and the location will be the IALA</p>	<p>(e) Again, the Spanish language, being one of the official Organization languages, should at least have the same treatment and use at the Council as the other two languages.</p> <p>To enhance Member States' control of IALA finances, it is suggested that the Finance and Audit Committee be requested to meet by a group of concerned, like minded Member States if they so choose.</p>



<p>arrangements are agreed by the Treasurer, the Secretary-General and the President, or if the meeting is to be held electronically.</p> <p>(d) In the event that the Finance and Audit Committee cannot meet in regular or extraordinary meeting and approvals are required, the Committee may convene out of session by electronic means.</p> <p>(e) The business of the Finance and Audit Committee shall be conducted in English, including output documents. Input documents may be submitted in French and shall be translated by the Secretariat.</p>	<p>Headquarters unless alternate arrangements are agreed by the Treasurer, the Secretary-General and the President, or if the meeting is to be held electronically.</p> <p>(d) In the event that the Finance and Audit Committee cannot meet in regular or extraordinary meeting and approvals are required, the Committee may convene out of session by electronic means.</p> <p>(e) The business of the Finance and Audit Committee shall be conducted in English, including output documents. Input documents may be submitted in French <b>or Spanish</b> and shall be translated by the Secretariat.</p>	
<p><b>Article 6</b> <b>Committees and Other Bodies</b></p> <p><b>6.1 Establishment and Functions of Committees and Other Bodies</b></p> <p>(a) The General Assembly or the Council may establish Committees and other bodies it deems necessary to support the endeavours of IALA. The Council will approve Terms of Reference for Committees and other bodies, and all activity of the Committees and other bodies shall be conducted within those Terms of Reference.</p> <p>(b) Committees and/or other bodies may:</p> <p>i. study matters relevant to the aims of IALA, with the objective of preparing Standards, Recommendations, Guidelines and Manuals, and submissions to other organizations in accordance with the Work Programme approved by the Council; or</p> <p>ii. address other objectives as established by the General Assembly or the Council.</p> <p>(c) Contracting Parties and members are eligible to participate in the Committees established by the General Assembly or the Council.</p> <p>(d) The Council will determine participation in other bodies as part of the development of the Terms of Reference for those bodies.</p> <p>(e) The business of the Committees and other bodies shall be conducted in</p>	<p><b>Article 6</b> <b>Committees and Other Bodies</b></p> <p><b>6.1 Establishment and Functions of Committees and Other Bodies</b></p> <p>(a) The General Assembly or the Council may establish Committees and other bodies it deems necessary to support the endeavours of IALA. The Council will approve Terms of Reference for Committees and other bodies, and all activity of the Committees and other bodies shall be conducted within those Terms of Reference.</p> <p>(b) Committees and/or other bodies may:</p> <p>i. study matters relevant to the aims of IALA, with the objective of preparing <b>standards, recommendations, guidelines, manuals and other appropriate papers</b>, and submissions to other organizations in accordance with the Work Programme approved by the Council; or</p> <p>ii. address other objectives as established by the General Assembly or the Council.</p> <p>(c) <b>Member States</b> and <b>Partners</b> are eligible to participate in the Committees established by the General Assembly or the Council.</p> <p>(d) The Council will determine participation in other bodies as part of the development of the Terms of Reference for those bodies.</p> <p>(e) The business of the Committees and other bodies shall be conducted in</p>	<p>(b.i) It seems appropriate to use small letters, instead of capital letters, to refer to some documents mentioned at the article.</p> <p>(e) The Spanish language, being one of the official Organization languages, should also be eligible for the submission of documents to the Committees.</p> <p>At 6.1.b we prefer the use of small letters, in line with the Convention.</p>



<p>English, including output documents. Input documents may be submitted in French and shall be translated by the Secretariat.</p>	<p>English, including output documents. Input documents may be submitted in French or Spanish and shall be translated by the Secretariat.</p>	
<p><b>6.2 Appointment of Chair and Vice Chair</b>          (a) Each Committee will have a Chair and Vice Chair appointed by the Council for a period of four years.          (b) Nominations for these positions may be made by Contracting Parties or the Secretary-General. When a vacancy arises, the Secretariat will inform Contracting Parties of the vacancy and seek nominations in an open and timely manner, including providing advice to Contracting Parties of the process for selection of the successful candidate. The Secretariat will inform the Council of all nominations and the Council will determine the successful candidate.          (c) Chairs and Vice Chairs of working groups shall normally be provided by Contracting Parties and appointed by the Chair of the Committee. However, where appropriate, they may be drawn from members or sister organizations. The appointment of the working group Chair and Vice Chair are at the discretion of the Committee Chair.</p>	<p><b>6.2 Appointment of Chair and Vice Chair</b>          (a) Each Committee will have a Chair and Vice Chair appointed by the Council for a period of four years.          (b) Nominations for these positions may be made by <del>Contracting Parties</del> <b>Member States</b> or the Secretary-General. When a vacancy arises, the Secretariat will inform <del>Contracting Parties</del> <b>Member States</b> of the vacancy and seek nominations in an open and timely manner, including providing advice to <del>Contracting Parties</del> <b>Member States</b> of the process for selection of the successful candidate. The Secretariat will inform the Council of all nominations and the Council will determine the successful candidate.          (c) Chairs and Vice Chairs of working groups shall normally be provided by <del>Contracting Parties</del> <b>Member States</b> and appointed by the Chair of the Committee. However, where appropriate, they may be drawn from members or sister organizations. <del>The appointment of the working group Chair and Vice Chair are at the discretion of the Committee Chair.</del></p>	<p>Terminology amendment</p> <p>(c) The last sentence seems to restate what was already said at the first sentence.</p>
<p><b>6.3 Rules of Procedure</b>  <b>6.3.1 Meetings</b>          (a) Committee meetings shall normally be held twice a year at the IALA Headquarters. Exceptionally they may be held elsewhere, with the approval of the Secretary-General.          (b) The duration of a Committee meeting shall normally be five days, with the daily schedule being decided by the Committee Chair.          (c) The Secretariat will inform all Contracting Parties and members of the date of each Committee meeting by email. Notices will be sent ninety calendar days in advance and again thirty calendar days in advance. Dates will also be available on the IALA website.          (d) Every Contracting Party and</p>	<p><b>6.3 Rules of Procedure</b>  <b>6.3.1 Meetings</b>          (a) Committee meetings shall normally be held twice a year, <b>at least once</b> at the IALA Headquarters, <b>while the other meeting could be held at a different location, to be decided by the Council.</b> <del>Exceptionally they may be held elsewhere, with the approval of the Secretary General</del>          (b) The duration of a Committee meeting shall normally be five days, with the daily schedule being decided by the Committee Chair.          (c) The Secretariat will inform all <del>Contracting Parties</del> <b>Member States</b> and <del>members</del> <b>Partners</b> of the date of each Committee meeting by email. Notices will be sent ninety calendar days in advance and again thirty calendar days</p>	<p>6.3.1. (a) In order to boost participation in the activities of the Organization by the Member States, it is desirable that the Committees may hold sessions in different locations.</p> <p>The same principle applies to the suggested language in (g) and (h)iii.</p> <p>6.3.2.(f) An inter-sessional meeting of a working group does not need to be held outside headquarters</p> <p>At 6.3.4 we understand that the "secretary of the committee is a member of the secretariat.</p>



<p>member may send one or more representatives to participate in a Committee meeting.</p> <p>(e) Contracting Parties and members intending to send participants to a Committee meeting should advise the Secretariat of the participants' details.</p> <p>(f) When it would be beneficial to the work of a Committee, individuals from academic, scientific, research or other relevant organizations may be invited by the Secretary-General to attend a Committee meeting for a specific purpose.</p> <p>(g) Participants are responsible for arranging their own accommodation and transport during a Committee meeting, but the Secretariat will advise of accommodation options and of special rates if available.</p> <p>(h) Committee participants should ensure that they:</p> <ol style="list-style-type: none"> <li>i. act honestly and in good faith, with a view to upholding the best interests and purpose of the Organization;</li> <li>ii. advise the Committee of a perceived, potential, or actual conflict of interest and withdraw from discussion of that particular item, if appropriate;</li> <li>iii. do not conduct any commercial activity within the IALA Headquarters; and</li> <li>iv. keep IALA products free from unresolved or unreasonable intellectual property rights issues and claims.</li> </ol> <p><b>6.3.2 Work of the Committees</b></p> <p>(a) Each Committee shall develop and work to a work programme. The following factors shall be taken into account when the work programme is developed:</p> <ol style="list-style-type: none"> <li>i. the Strategic Vision;</li> <li>ii. the number of meetings available to the Committee during the four-year work period, which is the time between regular sessions of the General Assembly;</li> <li>iii. the order in which the work should be undertaken; and</li> <li>iv. any other matters relevant to the work of the Committee.</li> </ol> <p>(b) A Committee work programme, or changes thereto, shall be submitted to the Council for approval.</p> <p>(c) The work of a Committee may be facilitated by the use of working groups.</p>	<p>in advance. Dates will also be available on the IALA website.</p> <p>(d) Every <del>Contracting Party</del> <b>Member States</b> and <del>member</del> <b>Partners</b> may send one or more representatives to participate in a Committee meeting.</p> <p>(e) <del>Contracting Parties</del> <b>Member States</b> and <del>members</del> <b>Partners</b> intending to send participants to a Committee meeting should advise the Secretariat of the participants' details.</p> <p>(f) When it would be beneficial to the work of a Committee, individuals from academic, scientific, research or other relevant organizations may be invited by the Secretary-General to attend a Committee meeting for a specific purpose.</p> <p>(g) Participants are responsible for arranging their own accommodation and transport during a Committee meeting, but the Secretariat, <b>upon information provided by the host Member State</b>, will advise of accommodation options and of special rates if available.</p> <p>(h) Committee participants should ensure that they:</p> <ol style="list-style-type: none"> <li>i. act honestly and in good faith, with a view to upholding the best interests and purpose of the Organization;</li> <li>ii. advise the Committee of a perceived, potential, or actual conflict of interest and withdraw from discussion of that particular item, if appropriate;</li> <li>iii. do not conduct any commercial activity within the IALA Headquarters <b>or the premises where a Committee hold sessions</b>; and</li> <li>iv. keep IALA products free from unresolved or unreasonable intellectual property rights issues and claims.</li> </ol> <p><b>6.3.2 Work of the Committees</b></p> <p>(a) Each Committee shall develop and work to a work programme. The following factors shall be taken into account when the work programme is developed:</p> <ol style="list-style-type: none"> <li>i. the Strategic Vision;</li> <li>ii. the number of meetings available to the Committee during the four-year work period, which is the time between regular sessions of the General Assembly;</li> <li>iii. the order in which the work should be undertaken; and</li> </ol>	
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<p>The creation of a working group is at the discretion of the Committee Chair.</p> <p>(d) A working group will be an integral part of its parent Committee and will meet during the same week as the Committee.</p> <p>(e) An inter-sessional meeting of a working group (that is a working group meeting held between two meetings of the parent Committee) may be used to enable faster progress of a specific work item.</p> <p>(f) An inter-sessional meeting of a working group requires the approval of the Secretary-General. The meeting should be held at the IALA Headquarters unless an alternative location is approved by the Secretary-General.</p> <p>(g) With the approval of the Committee, the Chair may appoint rapporteurs to regularly provide advice to the Committee on specific matters that have an impact on or influence the work of the Committee and the provision of aids to navigation services.</p> <p><b>6.3.3 Decisions</b></p> <p>If a consensus on a specific matter cannot be reached, a Committee shall decide by a simple majority of the Contracting Parties represented at the meeting. There shall be only one vote per Contracting Party. The Chair has a casting vote if necessary.</p> <p><b>6.3.4 Agenda and Documents</b></p> <p>(a) Agenda items will depend upon the specific topics to be addressed during the particular Committee meeting to which the agenda refers. The topics to be addressed will be determined by the Chair, assisted by the Vice Chair and the secretary to the Committee, taking into account the Strategic Vision, the Committee structure, and the work programme of the Committee.</p> <p>(b) Input documents for a Committee meeting should be sent to the Secretariat not later than two weeks before the meeting and will be published on the relevant section of the IALA website. Documents should conform to the standard template, input documents.</p> <p>(c) Documents for consideration at a Committee meeting will be numbered by the Secretariat in a way that</p>	<p>iv. any other matters relevant to the work of the Committee.</p> <p>(b) A Committee work programme, or changes thereto, shall be submitted to the Council for approval.</p> <p>(c) The work of a Committee may be facilitated by the use of working groups. The creation of a working group is at the discretion of the Committee Chair.</p> <p>(d) A working group will be an integral part of its parent Committee and will meet during the same week as the Committee.</p> <p>(e) An inter-sessional meeting of a working group (that is a working group meeting held between two meetings of the parent Committee) may be used to enable faster progress of a specific work item.</p> <p>(f) An inter-sessional meeting of a working group requires the approval of the Secretary-General. The meeting should be held at the IALA Headquarters unless an alternative location is approved by the Secretary-General.</p> <p>(g) With the approval of the Committee, the Chair may appoint rapporteurs to regularly provide advice to the Committee on specific matters that have an impact on or influence the work of the Committee and the provision of aids to navigation services.</p> <p><b>6.3.3 Decisions</b></p> <p>If a consensus on a specific matter cannot be reached, a Committee shall decide by a simple majority of the <del>Contracting Parties</del> <b>Member States</b> represented at the meeting. There shall be only one vote per <del>Contracting Party</del> <b>Member States</b>. The Chair has a casting vote if necessary.</p> <p><b>6.3.4 Agenda and Documents</b></p> <p>(a) Agenda items will depend upon the specific topics to be addressed during the particular Committee meeting to which the agenda refers. The topics to be addressed will be determined by the Chair, assisted by the Vice Chair and the secretary to the Committee, taking into account the Strategic Vision, the Committee structure, and the work programme of the Committee.</p> <p>(b) Input documents for a Committee meeting should be sent to the Secretariat not later than two weeks</p>	
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<p>indicates the meeting number, the agenda item to which they refer and the description.</p> <p>(d) Any Contracting Party or member may submit a document addressing any item on the work programme of a Committee.</p> <p>(e) Working documents are documents to be carried over to a subsequent meeting.</p> <p>(f) Output documents are documents completed by the Committee. They include draft Standards, Recommendations, Guidelines, and other documents for submission to the Council for approval.</p> <p>(g) The report of a Committee meeting shall be approved by the Committee, endorsed by the Chair, and made available for Contracting Parties and members on the website by the Secretariat without delay.</p> <p>(h) Input documents and reports shall follow the respective template formats.</p> <p>(i) Draft Standards, Recommendations, Guidelines, and similar created by a Committee shall follow a quality assurance process to ensure that both content and presentation reflect the expected standard. This process has the following steps:</p> <ol style="list-style-type: none"> <li>i. The Chair and Vice-Chair of the Committee shall be actively involved throughout the development process. The IALA Secretariat (secretary to the Committee) shall be involved throughout the development process for format and editorial review.</li> <li>ii. Once completed by a Committee, an output document shall proceed through a quality assurance check via the Secretariat including final formatting, and shall then be sent to the Council for review and approval.</li> <li>iii. Before approval by the Council or the General Assembly in the case of Standards, an output document must be watermarked "Draft" on each page.</li> <li>iv. After approval by the Council or the General Assembly as appropriate, the document shall be placed on the IALA website with public access.</li> <li>v. Contracting Parties and members shall be notified of newly approved documents.</li> </ol>	<p>before the meeting and will be published on the relevant section of the IALA website. Documents should conform to the standard template, input documents.</p> <p>(c) Documents for consideration at a Committee meeting will be numbered by the Secretariat in a way that indicates the meeting number, the agenda item to which they refer and the description.</p> <p>(d) Any <del>Contracting Party</del> <b>Member State</b> or <del>member</del> <b>Partner</b> may submit a document addressing any item on the work programme of a Committee.</p> <p>(e) Working documents are documents to be carried over to a subsequent meeting.</p> <p>(f) Output documents are documents completed by the Committee. They include draft <del>S</del> <b>s</b> standards, <del>R</del> <b>r</b> recommendations, <del>G</del> <b>g</b> guidelines, and other documents for submission to the Council for approval.</p> <p>(g) The report of a Committee meeting shall be approved by the Committee, endorsed by the Chair, and made available for <del>Contracting Parties</del> <b>Member States</b> and <del>members</del> <b>Partners</b> on the website by the Secretariat without delay.</p> <p>(h) Input documents and reports shall follow the respective template formats.</p> <p>(i) Draft <del>S</del> <b>s</b> standards, <del>R</del> <b>r</b> recommendations, <del>G</del> <b>g</b> guidelines, and similar <del>created</del> <b>produced</b> by a Committee shall follow a quality assurance process to ensure that both content and presentation reflect the expected standard. This process has the following steps:</p> <ol style="list-style-type: none"> <li>i. The Chair and Vice-Chair of the Committee shall be actively involved throughout the development process. The IALA Secretariat (secretary to the Committee) shall be involved throughout the development process for format and editorial review.</li> <li>ii. Once completed by a Committee, an output document shall proceed through a quality assurance check via the Secretariat including final formatting, and shall then be sent to the Council for review and approval.</li> <li>iii. Before approval by the Council or the General Assembly in the case of Standards, an output document must</li> </ol>	
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	<p>be watermarked "Draft" on each page.</p> <p>iv. After approval by the Council or the General Assembly as appropriate, the document shall be placed on the IALA website with public access.</p> <p>v. <del>Contracting Parties</del> <b>Member States</b> and <del>members</del> <b>Partners</b> shall be notified of newly approved documents.</p>	
<p><b>Article 7</b> <b>The Secretary-General and the Secretariat</b></p> <p><b>7.1 Appointment of the Secretary-General</b></p> <p>(a) In accordance with the Convention Article 7.6 (h) the Council will appoint a Secretary-General to act as legal representative and Chief Executive of IALA for a term of four years and may reappoint the Secretary-General for one additional term not exceeding four years.</p> <p>(b) The Council, upon advice of a forthcoming vacancy in the position of Secretary- General, will empower a panel of Councillors to act as Selection Panel to fill that vacancy.</p> <p>(c) The Selection Panel shall consist of the President, the Vice President, the Treasurer and two other Councillors, which shall be assisted by a suitably qualified member of the staff of the Secretariat appointed by the incumbent Secretary-General.</p> <p>(d) The Selection Panel will:</p> <ol style="list-style-type: none"> <li>i. review the existing position description and salary by comparison with like positions in other organizations;</li> <li>ii. prepare an updated position description, vacancy notice, selection criteria, candidate assessment matrix and interview process;</li> <li>iii. consult with the Finance and Audit Committee to establish a remuneration and benefits package for the position;</li> <li>iv. publish the vacancy notice on the IALA website and in other media as appropriate;</li> <li>v. determine and implement interview arrangements;</li> <li>vi. individually evaluate applications against the selection</li> </ol>	<p><b>Article 7</b> <b>The Secretary-General and the Secretariat</b></p> <p><b>7.1 Appointment of the Secretary-General</b></p> <p>(a) In accordance with the Convention Article 7.6 (h) the Council will appoint a Secretary-General to act as legal representative and Chief Executive of IALA for a term of four years and may reappoint the Secretary-General for one additional term not exceeding four years.</p> <p>(b) The Council, upon advice of a forthcoming vacancy in the position of Secretary- General, will <del>empower a panel of Councillors to act as Selection Panel</del> <b>invite Member States to nominate candidates</b> to fill that vacancy, <b>within a period of ninety days. Only States not present at the Council can present candidates.</b></p> <p>(c) <del>The Selection Panel shall consist of the President, the Vice President, the Treasurer and two other Councillors, which shall be assisted by a suitably qualified member of the staff of the Secretariat appointed by the incumbent Secretary-General.</del> <b>The election of the Secretary General will take place at the next Assembly General. The candidate winning an absolute majority of votes will be elected. When several candidates compete for the position, rounds of vote will be conducted, in order to eliminate each time the candidate with fewer votes, until only two remain.</b></p> <p>(d) The <del>Selection Panel</del> <b>Secretariat</b> will:</p> <ol style="list-style-type: none"> <li>i. review the existing position description and salary by comparison with like positions in other organizations;</li> <li>ii. prepare an updated position description, vacancy notice, selection</li> </ol>	<p>Spain believes that the position of Secretary General is very important and, therefore, should be chosen by the Member States according to their preferences and their view of the priorities of the Organization. We propose, then, a new drafting of this article in accordance with this principle.</p>



<p>criteria using the candidate assessment matrix;</p> <p>vii. collectively identify candidates for interview based on completion of a combined candidate assessment matrix;</p> <p>viii. conduct interviews;</p> <p>ix. collectively assess and rank each candidate against the selection criteria based on application and interview performance;</p> <p>x. undertake consultation with referees for short-listed candidates;</p> <p>xi. enter without prejudice negotiations with the preferred candidate, inter alia in relation to the position description, employment conditions and remuneration and benefits package; and</p> <p>xii. document its conduct of the above process, including a comparative assessment of short-listed candidates, and report to the Council, nominating a preferred candidate.</p> <p>(e) The Council will consider the report and nomination of the Selection Panel, meeting in extraordinary session if required, and unless there is evidence of lack of good faith or dereliction of duty on the part of the Selection Panel, confirm the nomination.</p> <p>(f) The President will then take all necessary steps to finalise the appointment.</p> <p>(g) Upon the commencement of duty by the new Secretary-General the President and the Treasurer shall meet with the Secretary-General to discuss expectations, performance requirements, powers and responsibilities and to commence an induction into the operation of the organs of the Organization and management of the Secretariat.</p> <p>(h) The Secretary-General shall be subject to the Staff Rules and the Secretariat Procedures to the extent that this is appropriate.</p>	<p>criteria, candidate assessment matrix and interview process;</p> <p>iii. consult with the Finance and Audit Committee to establish a remuneration and benefits package for the position;</p> <p>iv. publish the vacancy notice on the IALA website and in other media as appropriate;</p> <p>v. <del>determine and implement interview arrangements;</del></p> <p>vi. <del>individually evaluate applications against the selection criteria using the candidate assessment matrix;</del></p> <p>vii. <del>collectively identify candidates for interview based on completion of a combined candidate assessment matrix;</del></p> <p>viii. <del>conduct interviews;</del></p> <p>ix. <del>collectively assess and rank each candidate against the selection criteria based on application and interview performance;</del></p> <p>x. <del>undertake consultation with referees for short-listed candidates;</del></p> <p>xi. <del>enter without prejudice negotiations with the preferred candidate, inter alia in relation to the position description, employment conditions and remuneration and benefits package; and</del></p> <p>xii. <del>document its conduct of the above process, including a comparative assessment of short-listed candidates, and report to the Council, nominating a preferred candidate.</del></p> <p><del>(e) The Council will consider the report and nomination of the Selection Panel, meeting in extraordinary session if required, and unless there is evidence of lack of good faith or dereliction of duty on the part of the Selection Panel, confirm the nomination.</del></p> <p><del>(f e) The President will then take all necessary steps to finalise the appointment.</del></p> <p><del>(g f) Upon the commencement of duty by the new Secretary-General the President and the Treasurer shall meet with the Secretary-General to discuss expectations, performance requirements, powers and responsibilities and to commence an induction into the operation of the organs of the Organization and</del></p>	
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	<p>management of the Secretariat. (<del>h</del> g) The Secretary-General shall be subject to the Staff Rules and the Secretariat Procedures to the extent that this is appropriate.</p>	
<p><b>7.2 Appointment and Management of Staff</b> The Secretary-General shall: (a) determine the requirement for, and functional organisation of, the staff of the Secretariat; (b) prepare Staff Rules for approval by the Council; (c) select and engage the staff of the Secretariat in accordance with the Staff Rules; and (d) manage the performance of the staff of the Secretariat in accordance with the Staff Rules.</p>	<p><b>7.2 Appointment and Management of Staff</b> The Secretary-General shall: (a) <del>determine</del> <b>submit to the Finance and Audit Committee of the Council</b> the requirement for, and functional organisation of, the staff of the Secretariat <b>for approval</b>; (b) prepare Staff Rules for approval by the Council; (c) select and engage the staff of the Secretariat in accordance with the Staff Rules; and (d) manage the performance of the staff of the Secretariat in accordance with the Staff Rules.</p>	<p>(a) The language suggested seeks to enhance the budgetary control of the Organization by ensuring that the Secretary General sticks to the budgetary limits established by the Organization. That will also ensure that the Secretary General does have the full support of the Council in the designing of the functional organisation of the Secretariat, increasing therefore his or her authority.</p>
<p><b>7.3 Function of the Secretariat</b> In the performance of their duties the staff of the Secretariat shall not seek or accept instructions from any authority external to the Organization. They shall refrain from any action which might adversely reflect on their position in the Organization as international officers. The Secretariat, under the direction of the Secretary-General, and in accordance with the Secretariat Procedures, shall: (a) handle all day-to-day administration of the Organization, including the flow of information between the Secretariat and Contracting Parties and members; (b) organise and support meetings of the General Assembly and the Council; (c) prepare Terms of Reference for Committees and other bodies for approval by the Council; (d) organise and support the Committees and other bodies in accordance with the Work Programme approved by the Council, by (as required): i. hosting the meetings; ii. providing secretarial and technical support; iii. preparing and submitting related documents to the Council; and iv. circulating meeting documents;</p>	<p><b>7.3 Function of the Secretariat</b> In the performance of their duties the staff of the Secretariat shall not seek or accept instructions from any authority external to the Organization. They shall refrain from any action which might adversely reflect on their position in the Organization as international officers. The Secretariat, under the direction of the Secretary-General, and in accordance with the Secretariat Procedures, shall: (a) handle all day-to-day administration of the Organization, including the flow of information between the Secretariat and <del>Contracting Parties</del> <b>Member States</b> and <del>members</del> <b>Partners</b>; (b) organise and support meetings of the General Assembly and the Council; (c) prepare Terms of Reference for Committees and other bodies for approval by the Council; (d) organise and support the Committees and other bodies in accordance with the Work Programme approved by the Council, by (as required): i. hosting the meetings; ii. providing secretarial and technical support; iii. preparing and submitting related documents to the Council; and iv. circulating meeting documents;</p>	<p>Terminology amendment</p>



<p>(e) establish Rules of Procedure for participation in Conferences and Symposia for approval by the Council;</p> <p>(f) organise Conferences, Symposia, seminars, workshops and other events;</p> <p>(g) manage finances under the direction of the Council and in accordance with the Financial Regulations;</p> <p>(h) prepare the annual budget and accounts for submission to the Finance and Audit Committee;</p> <p>(i) produce the Annual Report;</p> <p>(j) receive, print, file and/or circulate/publish documents, and in so doing, ensure that all Standards, Recommendations, Guidelines and Manuals upon their publication are made available in all the official languages of the Organization;</p> <p>(k) establish, maintain and have custody of documents in the archive; and</p> <p>(l) generally perform all other work that may be required to support the endeavours of the Organization.</p>	<p>documents;</p> <p>(e) establish Rules of Procedure for participation in Conferences and Symposia for approval by the Council;</p> <p>(f) organise Conferences, Symposia, seminars, workshops and other events;</p> <p>(g) manage finances under the direction of the Council and in accordance with the Financial Regulations;</p> <p>(h) prepare the annual budget and accounts for submission to the Finance and Audit Committee;</p> <p>(i) produce the Annual Report;</p> <p>(j) receive, print, file and/or circulate/publish documents, and in so doing, ensure that all Standards, Recommendations, Guidelines and Manuals upon their publication are made available in all the official languages of the Organization;</p> <p>(k) establish, maintain and have custody of documents in the archive; and</p> <p>(l) generally perform all other work that may be required to support the endeavours of the Organization.</p>	
<p><b>7.4 Secretariat Procedures</b></p> <p>(a) The conduct of business of the Secretariat shall be governed by Secretariat Procedures established by the Secretary-General, which shall be reviewed and kept updated to ensure efficient operations are maintained.</p> <p>(b) The Secretariat Procedures shall be made available to all staff.</p> <p>(c) The staff are required to implement the Secretariat Procedures applicable to them and to work with the Secretary-General to ensure that the Secretariat Procedures reflect safe, clear, open and sustainable working practice.</p>		<p>Agreed</p>
<p><b>7.5 IALA World-Wide Academy</b></p> <p>The IALA World Wide Academy ("the Academy"), the vehicle by which the Organization delivers training and capacity building, shall be an integral part of the Secretariat.</p> <p>(a) The Academy shall be administered by the Secretary-General as advised by a Dean supported by an Advisory Board ("the Board").</p> <p>(b) The role of the Board shall be:</p> <p>i. to maintain a global view of</p>	<p><b>7.5 IALA World-Wide Academy</b></p> <p>The IALA World Wide Academy ("the Academy"), the vehicle by which the Organization delivers training and capacity building, shall be an integral part of the Secretariat.</p> <p>(a) The Academy shall be administered by the Secretary-General as advised by a Dean supported by an Advisory Board ("the Board").</p> <p>(b) The role of the Board shall be:</p> <p>i. to maintain a global view of</p>	<p>As an important IALA institution, and in order to permit wider participation of the IALA community of Member States and Partners, it might be advisable to headquarter the Academy in a location different from the IALA headquarters. The host Government will have to offer privileges and immunities to the Academy, as an IALA institution.</p>



<p>maritime aids to navigation training and capacity building needs; and                  ii. to recommend and oversee the strategy and delivery of the Academy's key deliverables of training and capacity building and annual programme.                  (c) The Board shall consist of:                  i. a Chair nominated by the Council from among the Board Members;                  ii. the Secretary-General                  iii. the Dean of the Academy;                  iv. up to six (6) members appointed by the Council for a period of four (4) years and who may be re-appointed.                  (d) The Board shall meet twice a year, at least thirty calendar days before the next Council meeting.                  (e) The Dean shall be a member of the staff.</p>	<p>maritime aids to navigation training and capacity building needs; and                  ii. to recommend and oversee the strategy and delivery of the Academy's key deliverables of training and capacity building and annual programme.                  (c) The Board shall consist of:                  i. a Chair nominated by the Council from among the Board Members;                  ii. the Secretary-General                  iii. the Dean of the Academy;                  iv. up to six (6) members appointed by the Council for a period of four (4) years and who may be re-appointed.                  (d) The Board shall meet twice a year, at least thirty calendar days before the next Council meeting.                  (e) The Dean shall be a member of the staff.                  (f) The Assembly General will decide on the location of the Academy headquarters. As an IALA institution, it will enjoy the privileges and immunities agreed upon between the host Government and the Organization.</p>	
<p><b>Article 8</b>  <b>Conferences and Symposia</b></p> <p><b>8.1 Definition</b>                  (a) A Conference is a meeting that has, as its principle objective, the exchange of and information relative to all types of marine aids to navigation.                  (b) A Symposium is a meeting to consider and discuss a set of contributions on specific subjects relating to marine aids to navigation.</p>	<p><b>Article 8</b>  <b>Conferences and Symposia</b></p> <p><b>8.1 Definition</b></p>	<p>Agreed</p>
<p><b>8.2 Attendance</b>                  (a) Conferences shall be open to:                  i. all Contracting Parties and members;                  ii. other international organizations and associations, aids to navigation Authorities, VTS Authorities and official bodies as approved by the Council; and,                  iii. international organizations and associations designated by the Council.                  (b) Symposia shall be open to international organizations, companies</p>	<p><b>8.2 Attendance</b>                  (a) Conferences shall be open to:                  i. all <del>Contracting Parties</del> <b>Member States</b> and <del>members</del> <b>Partners</b>;                  ii. other international organizations and associations, aids to navigation Authorities, VTS Authorities and official bodies as approved by the Council; and,                  iii. <del>international organizations and associations designated by the Council.</del>                  (b) Symposia shall be open to international organizations, companies</p>	<p>Terminology amendment</p> <p>Perhaps article 8.2.a.iii is redundant when related to 8.2.a.ii</p>



or individuals working in the field or having an interest associated with the subject addressed by the Symposium, upon registration.	or individuals working in the field or having an interest associated with the subject addressed by the Symposium, upon registration.	
<b>8.3 Exhibitions</b> (a) At Conferences An exhibition of aids to navigation equipment will be organised during each Conference period. Only those Industrial members who have paid the equivalent of the fees for the two years immediately prior to the year of the Conference, plus the year of the Conference, will have the right to exhibit. (b) At Symposia An exhibition of aids to navigation equipment will be organised during each Symposium. The exhibition will be open to any entity operating in the aids to navigation field, upon registration.	<b>8.3 Exhibitions</b> (a) At Conferences An exhibition of aids to navigation equipment will be organised during each Conference period. Only those Industrial <del>members</del> <b>Partners</b> who have paid the equivalent of the fees for the two years immediately prior to the year of the Conference, plus the year of the Conference, will have the right to exhibit. (b) At Symposia An exhibition of aids to navigation equipment will be organised during each Symposium. The exhibition will be open to any entity operating in the aids to navigation field, upon registration.	Terminology amendment
<b>8.4 Preparations for Conferences and Symposia</b> (a) The Secretariat shall develop, for approval by the Council, guidelines for preparations for Conferences and Symposia. The guidelines shall assist the Secretariat and the host in the planning and preparation for convening, and conduct of, Conferences and Symposia. (b) The guidelines shall be made available to Contracting Parties and members considering hosting a Conference or a Symposium.	<b>8.4 Preparations for Conferences and Symposia</b> (a) The Secretariat shall develop, for approval by the Council, guidelines for preparations for Conferences and Symposia. The guidelines shall assist the Secretariat and the host in the planning and preparation for convening, and conduct of, Conferences and Symposia. (b) The guidelines shall be made available to <del>Contracting Parties</del> <b>Member States</b> and <del>members</del> <b>Partners</b> considering hosting a Conference or a Symposium.	Terminology amendment
<b>Article 9</b> <b>Amendments to the General Regulations</b> <b>9.1</b> These General Regulations may be amended by the General Assembly. <b>9.2</b> The Council and any Contracting Party to the Convention may propose an amendment to these General Regulations, in accordance with Article 3. <b>9.3</b> Decisions of the General Assembly relating to matters covered by these General Regulations shall be incorporated therein.	<b>Article 9</b> <b>Amendments to the General Regulations</b>	Agreed  At Article 9.2 a mention is made to "Article 3", but of which text is not specified.
<b>Article 10</b> <b>Termination</b>	<b>Article 10</b> <b>Termination</b>	Terminology amendment



<p>In the event of the termination of the Organization the Council shall make the necessary arrangements for the winding up of the Organization, including:</p> <p>(a) determining the assets of the Organization and returning any property not belonging to the organization;</p> <p>(b) determining and settling any claims against the Organization and any sums owed by the Organization including costs associated with the winding up of the Organization; and</p> <p>(c) dividing the balance of the accounts amongst the Contracting Parties [and members] in accordance with the Financial Regulations.</p>	<p>In the event of the termination of the Organization the Council shall make the necessary arrangements for the winding up of the Organization, including:</p> <p>(a) determining the assets of the Organization and returning any property not belonging to the organization;</p> <p>(b) determining and settling any claims against the Organization and any sums owed by the Organization including costs associated with the winding up of the Organization; and</p> <p>(c) dividing the balance of the accounts amongst the <del>Contracting Parties</del> <b>Member States</b> [and <del>members</del> <b>Partners</b>] in accordance with the Financial Regulations.</p>	
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بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ



*Sultanate of Oman*  
Ministry of Transport & Communications  
Office of the Undersecretary for Ports & Maritime Affairs  
Muscat

سَلْطَنَةُ عُومَانِ  
وَزَارَةُ النِّقْلِ وَالْإِنصَاطَاتِ  
مَكْتَبُ الْوَكِيلِ لِلْمَوَافِقِ وَالشُّؤُونِ الْبَحْرِيَّةِ  
مَسَقَط

Date : 27/9/2017

**Virginia Butler**  
Assistant Executive  
IALA

**Subject: Comments to the draft Convention Text IALA**

Dear Butler ,

Thank you for your Email and on this regard the Sultanate Of Oman would like to raise Few comments:-

1. The Organizations role should be pure technical without any interference of any political issues.
2. The financial contributions of the member countries should remain with out any increase.
3. Arabic Language as one of the formal language to be in the future when the organization decide to have more languages.

With Best Regards

**Said Bin Hamdoon Bin saif Al harthy**  
Undersecretary of Ports & Maritime Affairs



IALA Secretary General  
[secgen@iala-aism.org](mailto:secgen@iala-aism.org)

## Comments on draft IALA Convention and draft General Regulations

As requested by the Secretary General after the Preparatory Diplomatic Conference 18-19 April, and IALA Council 64, Sweden hereby submits its comments, with reference to the applicable paragraphs of the draft Convention. For now, Sweden does not have comments on the draft General Regulations.

*Convention article 1.3/ The official languages of the Organization shall be English, French and Spanish. The working languages of the Organization shall be English and French.*

Regarding official languages, Sweden supports Norway in the stance of keeping the budget of the organisation low by having only English as the official language. Considering the difficulties gaining support for this view, Sweden could however accept two languages, English and French.

*Convention article 7.4/ The Contracting Party of the State in which the seat of the Organization is located ("Host Nation") shall be the non-elected Councillor.*

Sweden does not support the clause admitting the host nation to have a permanent seat on the Council. The election process should apply to all national members.



> Return address Postbus 20904 2500 EX Den Haag

International Association on Marine Aids to Navigation and  
Lighthouse Authorities  
T.a.v. Mr. F. Zachariae  
10 Rue des Gaudines  
78100 Saint Germain en Laye  
France



Date 27 September 2017  
Subject Comments on Draft Convention and Draft General  
Regulations

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Dir. Maritime Affairs

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**Our reference**  
IENM/BSK-2017/237314

Dear Mr. Zachariae

With reference to your letter of 11 May last, I have the honor to give you some comments of the Netherlands' delegation to the Draft Convention and the Draft General Regulations.

First of all, I would like to acknowledge that in the 60 years of its existence IALA has played an important role in developing, improving and harmonizing worldwide marine aids to navigation.

The IALA Maritime Buoyage is universally recognized and implemented. IALA has a leading role in the development of recommendations and guidelines relating to Vessel traffic Services. Many IALA members are principal stakeholders in Vessel Traffic Services in ports a waterways around the world.

As NGO with consultative status at IMO, IALA's input into IMO's work on safety and efficiency of navigation systems had been significant. Likewise, the role of IALA in the development of the Automatic Identification System (AIS) and the Worldwide Radio Navigation Systems – including the various Global Navigation Satellite Systems, terrestrial differential services and augmentation systems -, and the development of the e-navigation concept has been outstanding and is highly appreciated by the Netherlands

This high quality output of IALA systems stem from its technical expertise in marine devices, systems and services that are external to a chip as provided by the competent authorities of its National Member, its Associate Members and its technical service providers.

In view of the quality of the work of IALA the international community and maritime stakeholders have the confidence that they can rely on IALA's expertise and guidance and consider its publications as authoritative reference material. IALA's role and impact has been undisputed and is worldwide highly appreciated. The international influence of this organization is determined by the quality of its work, but not necessarily by its status.



Secondly, as you may be well aware, the Netherlands is, in general, reticent establishing new international organizations. Taking into account the current impact of IALA on the improvement and harmonization of marine aids to navigation, it is the view of the Netherlands that the absolute necessity and added value of a new international organization still needs to be more clearly demonstrated. In our view an improvement of IALA's capabilities to act as an International Organization compared to its actual status as a private body under French commercial law, in itself may not necessarily be a justification for a change of status.

Furthermore, as a European Member State the Netherlands is bound by article 218, paragraph 9 of the Treaty on the Functioning of the European Union. If IALA becomes an International Governmental Organization, European Members may be required by the European commission to coordinate and formulate their common position within the European Union before taking a position in IALA as in international organization set up by agreement. This will certainly be the case as the adoption of standards by IALA may well be deemed by the European Commission as acts of having legal effects.

The European Commission may point out that EU regulation in the field of marine aids is in place and that therefore EU competence in this field exists. The Netherlands wonders whether the transformation of IALA into an International Governmental Organization might have the effect that the creative and constructive contributions of EU Member States in IALA may be jeopardized.

Turning IALA in an International Organization may also have other detrimental effects. There is a distinct possibility that in IALA, as an international organization, an unperceived shift might take place towards more political and bureaucratic aspects. Discussions on language regimes and contribution scales may drift IALA away from a its global and unique technical expertise network, which now so determines the quality of the work of IALA. In a formal International Organization national representatives of central authorities may predominate the technical discussions in IALA. It is for this very reason that the Netherlands has underscored from the very beginning, that Associate Members and Industrial Members should be able to continue their pivotal role and maintain their rights and privileges in a future IALA. If changing the status of IALA results in diminishing the influence, input and participation of these members, it would be appropriate to reconsider our next steps.

It is the view of the Netherlands that the above-mentioned questions should be addressed prior to the final formulation of the Draft Convention. At this stage the Netherlands will reserve its position on the Draft Convention, with the exception of article 18 (Transitional Arrangements) of the Draft. This article should be deleted from the Convention. The Netherlands is of the opinion that the transitional arrangements should be formulated in a transition protocol to be adopted by IALA in its current status.

**Bestuurskern**  
Dir Maritime Affairs

**Date**  
27 September 2017

**Our reference**  
IENM/BSK-2017/237314



The Netherlands delegation is looking forward to the Second Preparatory Diplomatic Conference in February 2018 where it expects that the issues raised above will be discussed. Pending the outcome of that meeting the Netherlands reserves its final position on the change of status of IALA.

Yours sincerely,

Ministry of Infrastructure and the Environment  
Director Maritime Affairs

Mrs. Brigit Gijsbers  
Member of the IALA Council for the Netherlands

**Bestuurskern**  
Dir Maritime Affairs

**Date**  
27 September 2017

**Our reference**  
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Observations de la Partie Tunisienne concernant le projet de Convention sur l'Organisation Internationale pour les Aides à la Navigation Maritime (AISM)

- Prévoir un article pour les définitions et les abréviations de tous les termes utilisés dans la Convention.
- Article 1.3 : Ajouter la langue Arabe en tant que langue officielle.
- Article 4.2 : A reformuler pour plus de précision qu'il s'agit des « modalités d'adhésion des membres » et non des « modalités de fonctionnement des membres » qui seront définies dans le Règlement Général.
- Article 6.2 : Remplacer « le directeur d'un service » par « le responsable d'un service ».
- Article 7.2 : A préciser si le conseil est composé des représentants des Parties Contractantes (Etats) ou ouvert aux membres affiliés en particulier les compagnies privées.
- Article 7.6 § d: Le budget annuel devrait être approuvé par l'Assemblée Général.
- Articles 12.1 : Les amendements devraient être déposés auprès du Secrétaire Général. Après son entrée en vigueur, l'amendement est transmis au Gouvernement Français en sa qualité de Dépositaire.
- Articles 12.4 : Il est d'usage dans les Conventions Internationales que les amendements entrent en vigueur dans les mêmes conditions que la convention initiale.

## TURKEY

1- Using the term of “Member States” instead of “Contracting Parties” looks more suitable. Besides, terms of “associate and affiliate members” can be used to define the membership categories.

2- Only English should be accepted as the sole official and working language, in order to keep the operating costs low. And the language of Host Nation can be added bearing in mind that it is commonly accepted. It was clearly observed that the proposals regarding more languages had tendency during conference although the cost effectiveness was agreed commonly as a major concern.

3- By understanding that the draft texts are submitted to provide a base for discussion, it is considered that definitions will be clarified meticulously by the dedicated organs of the organization as per the comments submitted by members.

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.