



IALA



**REPORT OF THE THIRD PREPARATORY
DIPLOMATIC CONFERENCE TOWARDS
THE IALA CHANGE OF STATUS TO AN IGO
12 - 14 March 2019**

14 March 2019

Report of the Third Preparatory Conference towards the IALA Change of Status to an IGO

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EXECUTIVE SUMMARY

At the kind invitation of the Minister of Transport and Infrastructure of the Republic of Turkey, a third preparatory diplomatic conference took place in Istanbul from 12 to 14 March 2019 to agree a draft of the Convention that will establish the International Organization for Marine Aids to Navigation. A first conference had been held in Paris on 17 and 18 April 2017 and a second conference had taken place in Marrakesh on 7 and 8 February 2018.

Chaired by HE Mr Serge Ségura, French Ambassador for the Oceans, with the support of Mr Ahmet Reha Çöplü, Deputy Director General of Coastal Safety, the conference considered all articles of the draft Convention text as revised following comments from National members and Governments and work by the IALA Legal Advisory Panel as a follow-up to the Marrakesh conference and the road map.

The attendance was higher than in Morocco with 182 delegates representing 53 countries from around the world and one international organization. One of the countries represented had not a National member yet.

The delegates studied the changes proposed by the members, which had been collated by the Secretariat, considered by the Legal Advisory Panel at its 4th Extraordinary session and introduced in the draft text. Most articles were agreed but a few articles will need to be decided at the Diplomatic Conference.

The draft Convention text was found mature enough to be forwarded to the Diplomatic Conference, which will be called in early 2020 in Malaysia.

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Report of the Third Preparatory Diplomatic Conference towards the IALA Change of Status to an IGO

GENERAL

The third Preparatory Diplomatic Conference towards the change of IALA status to that of an Intergovernmental Organization (IGO) was held in Istanbul from 12 to 14 March 2019. The conference was chaired by HE Mr Serge Ségura, Ambassador for the Oceans, the Ministry of Europe and Foreign Affairs of the French Republic with Mr Ahmet Reha Çöplü, Deputy Director General of Coastal Safety as Vice-Chair. The conference was attended by 182 participants representing 53 countries and one international organization. An abbreviated list of participants is attached as Annex C.

OPENING AND WELCOME ADDRESSES

By Mr Francis Zachariae, IALA Secretary-General

IALA Secretary-General Francis Zachariae welcomed everybody and thanked the Republic of Turkey for its generous offer to host the conference and the excellent facilities made available. He thanked the Minister of Transport and Infrastructure, HE Mr. Mehmet Carit Turhan and in particular Mr Durmuş Ünüvar, Director General of Coastal Safety, for his support in the organisation of the event. He recalled the long transcontinental history of Turkey, since the beginning of the silk route that linked Asia and Europe.

He mentioned that Turkey was a truly maritime country with difficult sea conditions, which make navigation a challenge for coastal safety and maritime traffic. As such Turkey was always very much involved in the work of IALA; in 2006 it was elected to the Council for the first time and always re-elected since.

Finally, he recalled that in both Paris and Marrakesh conferences, HE Mr Serge Ségura, French Ambassador for the Oceans, had smoothly guided the proceedings as Chair, and proposed for the participants' agreement that the Ambassador again chaired the conference, with Mr Ahmet Reha Çöplü, Deputy Director General of Coastal Safety as Vice-Chair.

The participants approved the Secretary-General's proposal to have HE Mr Serge Ségura, French Ambassador for the Oceans as conference Chair and Mr Ahmet Reha Çöplü, Deputy Director General of Coastal Safety as Vice-Chair.

By Honourable Selim Dursun, Vice-Minister of Transport and Infrastructure, Republic of Turkey

Minister Dursun welcomed all participants, expressing his proudness in inviting a conference attended by delegates of 53 countries and wishing it success and fruitfulness. He repeated that Turkey, a maritime country, was important in terms of navigation safety implementation and education to face fast developments. He acknowledged IALA's important role in the developments and recalled that Turkey had signed a cooperation agreement with IALA in 2016.

He briefly presented various aspects of his country and wished the delegates to find the time to enjoy their visit.

His opening speech is at Annex A.

1. SESSION 1 - STATUS AND METHOD OF WORK

Before starting to work on the agenda the Chair Serge Ségura said that he was honoured to chair the conference and looking forward to working again on a text that will transform IALA. The great number of delegates was, he said, a sign of a real will to finalize the draft Convention but such a goal required mutual understanding, team spirit and the preservation of each other's interests.

1.1 Agreement on Agenda

The Agenda was agreed.

1.2 Status of the work and result of the first preparatory diplomatic conferences

By Francis Zachariae, IALA Secretary-General

Secretary-General Francis Zachariae recalled the first two conferences, in Paris in April 2017 and in Marrakesh in February 2018, to consider the concrete steps to be taken to achieve a new Treaty instrument following the General Assembly Resolution of 2014. A road map was agreed at both conferences and the work followed these road maps, resulting in 53 countries being represented in Istanbul by a total of nearly 200 delegates.

He added that both IMO and IHO recognize the importance of their long-standing cooperation with IALA and define the three organizations working together as a 'trio of excellence'.

1.3 Proposed method of work and general comments by delegations

1.3.1 Proposed method of work

The Conference Chair proposed three methods of work, as follows:

1. Start with the articles that were not considered in detail in Marrakesh;
2. Focus on matters creating differences between delegations; and
3. Working article by article from the Preamble until the end.

He added that his preference was with method No.3, which gave a better idea of the logic. Also, starting with the issues would highlight the differences between delegations instead of their common points, which were numerous.

He then invited the delegates to decide on the method of work.

Among the seven countries who took the floor, the six in favour of the Chair's method were: Morocco, Japan, Spain, Russia, Norway and Canada. The wish expressed by The Netherlands was to start with the difficult points.

Most of the delegates who had expressed an opinion being in favour of the Chair's proposed method of work, it was decided to work on the text article by article.

Two countries made comments:

The Netherlands said that the substance of the discussions had been lost in the report of the Marrakesh conference, which should have contained all comments. The Dutch delegate added that not all comments sent to the Secretariat had been taken into account in the new draft Convention text.

Japan added that the report should record all discussions and a draft should be circulated to the delegations, leaving them enough time to comment. Regarding the draft Convention text, the Japanese delegate said that it should contain all proposals submitted by the countries with the different views being included and kept into brackets until the end of the process.

The Chair mentioned that, should a delegation think that its country's comments had not been taken into account, the countries concerned had the opportunity to express them again during this conference.

1.3.2 General comments by delegations

The Chair then invited the delegates to take the floor with their general comments (in the order in which they were given the right to speak):

Spain was hoping that a consensus could be reached within the three days and an agreement could be achieved on a draft text that would be submitted to the Diplomatic Conference.

Denmark supported Spain's view: five years had passed since the General Assembly; many views had been exchanged and many discussions had taken place. Denmark was hoping to reach a final consensus and call the Diplomatic Conference.

Germany stated that they support the work of IALA; however there remained outstanding issues on which they would comment. These issues were the necessary integration into the UN Common system in relation to staff matters and the risk of an increase in the contributions due to the number of official languages.

Italy also expressed concerns with regards to the budget and based on IHO's experience was in favour of having English only as the official and working language. The Italian delegate added that most of the work had been done and the next step should be convening the Diplomatic Conference.

Norway stated that this conference should be the last preparatory one and the delegates should be flexible in their positions. There was already a consensus on the aim, objectives (with the addition of environmental concern) and functions. The focus should be on languages and the important transitional arrangements.

China reminded the audience that the Organization should respect the One China Policy and added that the negotiations should reach a consensus.

Singapore thanked the Legal Advisory Panel and the Secretariat for the work and commitment to the "transformation" project and urged countries to continue to make progress and collectively narrow the gaps on the remaining matters, so that all would be ready for the Diplomatic Conference. Singapore acknowledged that there were some important matters that required policy decisions.

The Netherlands reiterated their doubts about the added value of the change of status, especially that this would not change the way IALA is working at and with IMO. In addition to the cost issues they expressed concerns about the Organization becoming more political. Finally, they found that the current draft text did not address the importance of the Associate and Affiliate Members in relation to IALA's technical work.

Finland supported the process and the efforts made to finalize the draft text. It was difficult however to foresee how many issues would come up from the discussions. In addition to the need of taking the changing world into account Finland reiterated its will to have one official and working language – English.

France supported IALA and the change of status since the beginning of the process. It will reinforce the maritime safety by the implementation of standards and recommendations. France was looking forward to a cooperation between States and their work towards the Convention through multilateral negotiations addressing multilingualism as a tool to ensure equity between countries.

Morocco expressed their appreciation of the satisfactory advances made in the project. They had issues regarding immunities and privileges and dispute settlement.

Sweden stated that the result should be to achieve the draft Convention. They assured that Sweden would be as constructive as they could be.

Turkey spoke last with stating that they supported the project and hoped to finalize the draft Convention by the end of this conference. The Turkish delegate added that Turkey supported one official and working language – English.

2. SESSION 2 – WORK ON THE DRAFT CONVENTION AND DRAFT GENERAL REGULATIONS

2.1 Introduction to the text of the draft Convention

Ms Christina Schneider, Chair of the Legal Advisory Panel, briefly explained that the Legal Advisory Panel (LAP), which is open to all National members, advises IALA on legal, governance and risk issues and was involved in the development of a draft Convention since the beginning, almost ten years before.

She then summarized the work of the LAP on the draft text after the roadmap was agreed at the 2nd Preparatory Diplomatic Conference in Marrakesh in February 2018. According to the roadmap Governments and National members were invited to send written comments on the draft Convention text to the Secretary-General by the end of September 2018. The LAP was tasked to review these comments and review the draft accordingly.

After preliminary work done inter-sessionally the task was completed during a 4th extraordinary meeting of the LAP convened at IALA Headquarters from 21 to 23 November 2018. All changes proposed, and

explanations given in the draft Convention text submitted to the conference were proposals based on comments received from the members.

She reminded the participants that most issues had been discussed and, for most of them, agreed. Some key issues however had been identified during the 4th LAP extraordinary meeting in November and were the following:

- The introduction of a new Article (10 bis) on voting;
- The application process for Associate and Affiliate membership;
- The relation between the Council and the Committees and other subsidiary bodies;
- The role of the President and Vice President and if he/she should be acting in a personal or national capacity;
- How to amend the Convention; and
- The transitional arrangements to ensure a smooth transition from IALA as an association to an Intergovernmental Organization.

Finally, she explained that the portions of the draft that needed a decision by the conference had been placed into square brackets and that in some places alternative texts were proposed, also in square brackets.

There were no comments or questions on the presentation of the work of the LAP on the draft Convention text.

2.2 Drafting session on the draft Convention text

The Chair invited the delegates to start working on the draft text, article by article.

The drafting session was spread over two days with active participation by all delegates, who considered the draft text systematically, article by article.

1.3.3 Preamble

The LAP Chair indicated that there were only minor changes to the Preamble, mainly to shorten the text.

The conference Chair then invited comments on the Preamble.

Proposed change from 'States party' to 'States Parties'

Singapore remarked that using a noun instead of a verb was a structural change. The United Kingdom commented on the language employed.

Germany suggested using 'Member States' instead.

Malaysia were content with the change.

The Secretary-General explained that this was the wording used in most Conventions and no other objections were expressed.

Proposed change from 'In furtherance' to 'Considering'

The Chair said that 'in furtherance' would mean that the Organization would apply the UNCLOS and SOLAS Conventions, which will not be the case. Using 'Considering' withdrew the potential legal links between the Organization and both Conventions.

There were no objections to this change.

Proposed removal of the mention of the establishment and status of the current association

There were no objections to the removal, but mention may be made to the General Assembly Resolution to change its status for that of an IGO.

Considering further [...] best coordinated by international organizations

The Netherlands suggested keeping this paragraph into square brackets as they were still not convinced of the necessity to change the IALA status and considered that the roles of the Associate and Affiliate Members need to be clarified.

With the changes agreed later to the draft text, the Netherlands agreed to remove the square brackets and **the proposed changes to the Preamble were agreed.**

1.3.4 Article 1 – Establishment

The LAP Chair said that, in Article 1.1, the acronym appeared in square brackets as there had been no agreement on the issue. She stated that acronyms are not mentioned in other Conventions. Article 1.3 had been simplified due to a new Article on voting being introduced further. The Chair then invited comments on Article 1.

Article 1.1

The removal of the acronym *IALA* led to some discussion.

Japan suggested using the acronym *IOMAN*, which reflects the Organization's name and Morocco believed the acronym should reflect the name change.

Norway, Sweden, The Netherlands and Malaysia were in favour of keeping *IALA*, a very well-known acronym.

France said that removing the acronym from the Convention would avoid unnecessary discussions and a proper acronym will be found by the Member States when the Organization is in operation.

Removing the acronym from the draft Convention was agreed.

Articles 1.2 and 1.3

There was no change proposed to Article 1.2 and the change in Article 1.3 was agreed with no debate.

New Article 1.4

Japan suggested adding a further paragraph 1.4 on the relationship between the Convention and the General Regulations. The proposal was supported by The Netherlands and Russia, who also suggested mentioning the Financial Regulations. The delegates of these three countries were invited by the Chair to work together on a draft text for this new Article 1.4.

Malaysia added that any regulations should go, before adoption, to the General Assembly. The Secretariat should ensure consistency between the Convention and the General Regulations.

Adding a new Article 1.4, as jointly proposed by Japan, The Netherlands and Russia to provide for the relationship between the Convention and the General Regulations and any other basic documents, was agreed.

1.3.5 Article 2 – Definitions

The LAP Chair said that the Article had been renumbered to have the definition of Marine Aids to Navigation coming first. Also, the definition of Associate Members was revised to include references to the procedure provided for in Article 5.2 and to a new No. 5 in the transitional arrangements. Both references were appearing in square brackets. The purpose of the proposed change was to clarify the procedure for Members States that request Associate Membership for one or more of their territories and to provide for National members of IALA in countries that have not ratified the Convention yet.

The Chair invited discussion on Article 2.

For clarity purposes the Conference **agreed to have all paragraphs in Article 2 numbered.**

Article 2.1 – AtoN definition

Turkey remarked that the proposed definition was not in agreement with the definition currently appearing in IALA Constitution and guidance documents, which make mention of Vessel Traffic Services. Japan added that the word *service* may benefit from being clarified as VTS.

On invitation by the Chair Turkey and Japan were invited to propose a **new definition for Marine Aids to Navigation, which was unanimously agreed.**

Article 2.2 – Member State

The Netherlands wondered what the difference between *Member State* and *Contracting Party* was. They were also unclear about a Member State that has not ratified the Convention being bound by it and they suggested removing the last part of the sentence.

Canada referred to the Vienna Convention on the law of treaties, to indicate that with respect to the use of terms, Article 2(1)(f) indicates that “ ‘Contracting State’ means a State which has consented to be bound by the treaty, whether or not the treaty has entered into force,” and Article 2(1)(g) indicates that “ ‘Party’ means a State which has consented to be bound by the treaty and for which the treaty is in force.”

The LAP Vice-Chair Henning Osnes Teigene explained that the issue had been discussed in Paris and in Marrakesh. Until then the draft text contained the two different definitions, but it had been decided to retain *Member State* only.

It was agreed to place “[...] which has consented to be bound by this Convention and [...]” into square brackets for final decision by the Diplomatic Conference.

Article 2.3 – Associate Member

Russia believed a reference to Article 5.2 was not enough and lost the reference to ‘responsibility’, which would need to be clarified.

Malaysia suggested having two different sentences for the different types of Associate Members, i.e. the territories in one hand and the former IALA National members in the other hand. They added that the proposal was missing an approval mechanism for former National members.

The conference agreed a new formulation for paragraph 2.3 where the responsibility of the State is clarified and National members of the former IALA are mentioned separately.

Article 2.4 – Affiliate Member

China, supported by Sweden, suggested deleting ‘any other service’.

On a question from The Netherlands and Russia the Chair, supported by Canada, explained that keeping ‘which has applied for membership which has been approved’ was necessary, not to lead people to think that Affiliate Members do not need to be approved.

Article 2.4 was agreed with the removal of ‘any other service’ from the definition.

1.3.6 Article 3 – Aim and Objectives

The LAP Chair introduced the slight change suggested in the introductory paragraph and the proposed addition of the protection of the environment in Article 3(a).

The Chair then invited comments on Article 3.

Introductory paragraph

Iraq suggested removing the word ‘services’.

The change in the last sentence from ‘with the objectives of’ to ‘in order to further the objectives of’ was approved and it was further agreed to remove the word ‘services’.

Article 3(a)

There was general support to the introduction of the protection of the environment in Article 3(a). As for the wording many countries were in favour of adopting the words used in the current IALA Constitution.

Article 3(a) was agreed with a mention of the protection of the environment in the same way as in the current IALA Constitution.

Articles 3(b) and 3(c)

No changes were proposed, and the conference agreed the texts for Articles 3(b) and 3(c).

Article 3(d)

Canada explained their proposal to remove repetitive wording in (d), thus allowing a wider distribution of information, which is the success of the current IALA.

The Netherlands suggested adding 'guidance'. Although the participants did not object to the principle, guidance being addressed in Article 4(b) as a function of the Organization its introduction in Article 3(d) was not retained.

Article 3(d) was agreed as proposed in the amended draft text.

1.3.7 New Article 3bis on technical assistance and capacity building

Iran proposed a new article promoting technical assistance, training and capacity building, as follows:

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

- (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 centres and complexes."*

The Chair invited the delegates to consider the proposal.

Canada remarked that this new Article would bring a level of detail that is not in keeping with the Convention and that this is repetitive of IALA's objective in Article 3(b), and Australia added that it was of some complexity. The remarks were supported by Finland, The Netherlands and Sweden.

The proposal was found too detailed and not in accordance with the rest of the Convention. There were also reservations by Canada and Finland on the use of 'shall' and a concern about the cost implications.

The introduction of a new Article on technical assistance and capacity building did not receive sufficient support.

1.3.8 Article 4 – Functions

The LAP Chair explained that LAP had introduced minor changes only, for clarification or consistency with other Convention texts such as the IHO Convention.

The Chair invited comments on Article 4, paragraph by paragraph.

Article 4(a)

The United Kingdom said that the change from 'commend' to 'recommend' was not necessary as 'commend' also means 'entrust', 'deliver to one's care'; 'present as worthy of favourable acceptance' and as such conveys a slightly more respectful gesture. Nevertheless, 'recommend' was adequate.

Canada suggested using 'develop and communicate' instead of 'provide' [documents].

The Netherlands proposed to shorten the article, not to limit the targets of the documents produced.

After these remarks a new text was agreed for Article 4(a), shortened compared to the original proposal, for the documents to be developed for a larger community.

Article 4(b)

On questions about consistency between (a) and (b) the Secretary-General made clear that (a) was about dissemination of information by the Organization to external recipients while (b) provided for submissions made to it by other bodies. It was then useful to have limitations in (b) on who would be able to submit.

The question of accepting submissions from NGOs was raised by Malaysia and opposed by Malta. Although the Secretary-General mentioned that the current IALA is working intensively with NGOs it was decided not to mention them in the list of potential submitters.

Article 4(b) was agreed as proposed.

Articles 4(c), 4(d) and 4(e) were agreed as proposed.

Article 4(f)

On a suggestion by Finland it was **agreed to remove ‘relevant to its work’ from Article 4(f) since a reference to the aim and objectives of Article 3 was already included in the chapeau of the article.**

Article 4(g) was agreed as proposed.

1.3.9 Article 5 – Membership

The LAP Chair explained that paragraph 2 on Associate membership had been bracketed for the conference to decide on its relevance. She then presented the alternative text proposed by Canada for paragraph 3 to clarify the procedure for Council and the Member State(s) where the applicant for Affiliate membership carries out its activities or has its principal place of business.

The Chair invited comments on Article 5.

Article 5.1 was agreed as proposed.

Article 5.2

Argentina proposed adding to the text to have Associate membership approved by consensus. Spain was supportive but remarked that consensus may lead to block the decision and a vote by a 2/3 majority may be a solution in such a case.

Australia was not in favour of discussing this purely political aspect.

Denmark and China, supported by Malaysia and The Netherlands, recommended keeping the article as originally agreed at the 2nd conference.

Russia found that the issue was politically sensitive and recommended keeping the article into brackets while describing what the responsibilities are.

The Chair recognized that this may not be clear for all countries, which are in different situations with regards to territories. He added that the aim was to keep the Organization as similar to the current IALA as possible.

Article 5.2 was kept in the form agreed at the 2nd conference.

Article 5.3

Japan proposed the removal of this paragraph to preserve the technical nature of the Organization. Applications for Affiliate membership should automatically be accepted, unless a company holds criminal records.

Spain was in favour of the new text based on the Canadian proposal, as a means to check the situation of the applying company. They had, however, a reservation with regard to the wording ‘the Council shall notify’ which was not flexible enough.

Russia stated that all membership matters should be dealt with by the General Assembly. As a compromise there should be a means for a Member State to request that an application be decided by the General Assembly.

China was in favour of amending the original wording to add the requirement that the Council decide *if agreed by all Member States*.

Malaysia wondered about the procedure when a company carries out business in a country that is not a Member State. To this question the Secretary-General answered that the wording ‘the Council may require’ is flexible enough to let the Council decide.

Norway was in favour of having a majority of Member States approving the application.

Japan, supported by The Netherlands, suggested leaving the review procedure for the General Regulations.

A new proposal was developed jointly by China and Canada. The ensuing discussion showed that there was no consensus about Council’s decision: ‘shall’ or ‘may’ grant Affiliate membership.

Article 5.3 was redrafted after proposals made by China and Canada, leaving for the Diplomatic Conference to decide if the Council ‘shall’ or ‘may’ grant Affiliate membership to the applicants. Both terms were kept into brackets.

Article 5.4

At the time of summing up the conference discussions The Netherlands remarked that nothing had been mentioned with regard to the rights and obligations of the Member States, Associate Members and Affiliate Members. They suggested adding a new paragraph.

There were no oppositions to the proposal and it was agreed to **add a new Article 5.4 providing for the rights and obligations of the Member States, Associate Members and Affiliate Members to be reflected in the General Regulations.**

1.3.10 Article 6 – Organs

The LAP Chair indicated that the name of the article had been changed from ‘Structure’ to ‘Organs’.

The Chair then invited comments on this article.

There were no changes proposed to Articles 6.1(a) and 6.1(b) and they were kept as they had been agreed at the previous conference.

Article 6.1(c)

The LAP Chair said that this paragraph had been changed to clarify that Committees and other subsidiary bodies are reporting to the Council, as it is the case at IMO.

Russia, in line with their proposal that Committees and other bodies should be established by the General Assembly, disagreed with the proposed change.

A discussion followed on which organ should establish the Committees and other bodies.

Iran supported Russia’s view, but Australia was in favour of the proposed change.

The Chair suggested discussing the issue during the debate on Article 7 – General Assembly.

As a result of the discussions on the balance of powers between the General Assembly and Council held later in the conference Article 6.1(c) was agreed, with no reference to which organ establishes Committees and subsidiary bodies and the removal of the word “other” when referring to subsidiary bodies.

There were no changes proposed to Article 6.1(d), which was kept as it had been agreed at the previous conference.

Article 6.2

The LAP Chair recalled that at the conference in Marrakesh no clear conclusion was reached on whether the President and Vice President should be elected in a personal or a national capacity. An alternative text had therefore been drafted to provide for the President and the Vice President to be elected in their national capacity.

The Chair added that it was an important aspect of the Convention and delegates would have to consider if they prefer a person or a Member State as President and as Vice President.

France remarked that it is common in IGOs to elect a President in his/her national capacity and have individual bodies electing their own chair. For continuity however, it would be desirable to have one President, who would be elected as a Member State and represented by a person able to carry out the duties.

Spain shared this point of view and felt it desirable to avoid involving persons, adding that the Secretary-General, as a person, would be more important than the President or the Vice President.

Singapore gave an example of a regional organisation (the Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia) - in which the chairmanship is held in a national capacity but remarked that the IMO and IHO appear to be silent on the criteria. Singapore remarked that there were pros

and cons to each approach and said that at the IMO, Member States considered both the individual candidate's attributes and the member state the candidate represents.

Iran added that normally the General Assembly and the Council elect their own chairs but recognized that, for continuity, having one chair was a good option.

Norway supported the original text with a President and a Vice President elected in their personal capacity, for continuity purposes.

Canada stated that the Organization would be best served by experienced persons and suggested electing Member States to the Council and the Council would then choose the President and the Vice President, based on their personal capacities.

The Netherlands added that the draft Convention text was not clear regarding the duties of the President, whether the same person was chairing one organ only, or both. In case the person chairs both The Netherlands were in favour of electing a person.

After four other countries having expressed their opinions (Malaysia and Australia for national capacity and Sweden and Italy for personal capacity) the Chair said that there was a slight majority in favour of the President and the Vice President being elected in their national capacity.

The alternative text proposed for Article 6.2 was agreed for the Organization to elect its President and Vice President in their national capacities.

Moving Article 6.3 to a new Article on voting was agreed.

Article 6.4

A joint proposal was made by Russia and Japan for a new wording of Article 6.4 on the relationship between the Convention and the General Regulations.

The new wording for Article 6.4 was agreed and the Article was renumbered 6.3.

Russia added that it was important for Governments that the draft of the General Regulations be prepared before the final Diplomatic Conference. The Russian delegation stressed the importance of holding a separate meeting to consider the General Regulations and Financial Regulations and mentioned the Legal Advisory Panel as one of the potential platforms.

The chair pointed out that the General Regulations will be decided by the first General Assembly of the Organization and that therefore a draft of the General Regulations will be open to changes until the final decision of the General Assembly.

1.3.11 Article 7 – The General Assembly

The LAP Chair explained that the proposal aimed at clarifying the composition of the General Assembly and opening attendance to all categories of Members.

There were no comments and **Articles 7.1 and 7.2 were agreed as proposed.**

Article 7.3

Russia suggested deleting this Article and transferring it to the General Regulations.

Denmark, supported by Norway, explained that the purpose of the Article in its original format was to ensure a proper representation of Marine Aids to Navigation authorities.

The Netherlands, France and Malaysia proposed to maintain the Article with the removal of its reference to the national authority which should preferably represent the Member State.

Ireland and Senegal wished to keep it as a symbol of IALA.

The Chair, in summarizing the discussions, said that the majority was in favour of shortening the Article to let the Member States decide who should represent them.

Article 7.3 was modified to remove the recommendation to the Member States regarding their representation at the General Assembly.

Article 7.4

The Netherlands questioned the three-year interval between General Assemblies, noting that in the current IALA the work programme is planned for the duration between General Assemblies, which coincide with the conferences.

The Secretary-General answered that the three years were a compromise between the two-year intervals that are common in some IGOs and the current four-year interval, a compromise that was discussed and agreed at the Marrakesh conference.

The LAP Chair added that the General Assembly had been given more powers than in the Association and therefore should meet more frequently than every four years.

The conference confirmed the previous decision to propose a three-year interval between General Assemblies in Article 7.4.

The proposed clarification added to Article 7.5 was agreed.

Article 7.6

Germany was suggesting a 2/3 quorum of the Member States. Belgium was also in favour of a 2/3 quorum.

The Secretary-General explained that experience in the current IALA showed that a quorum of 2/3 of the National members was difficult to achieve.

Singapore requested to reinstate the previous provision that stated that member states who had lost their voting rights do not form part of the quorum. Singapore explained that this was because the Convention allows decisions to be taken by vote and counting in members who have lost their voting rights would complicate the decision-making process.

The Secretary-General recalled that the discussions held in Marrakesh had concluded that the quorum should be the majority of Member States. Norway agreed.

There were no further comments and **Article 7.6 was kept as agreed at the previous conference.**

Article 7.7(a)

The LAP Chair said that the decision made in Article 6 about the President and Vice President being elected in their national capacity had an impact on Article 7.7(a), for which an alternative text had been proposed, which should now be agreed.

Article 7.7(a) was agreed as proposed, consistent with the decision in Art. 6.2 to elect the President and the Vice President in their respective national capacity.

Articles 7.7(b) and 7.7(c) were kept as agreed at the previous conference.

Article 7.7(d) was agreed as modified, consistent with the decision in Article 6.2.

Article 7.7(e)

Malaysia remarked that a candidate who would be a national of a country that is not a Member State could not be elected.

The Chair answered that this would be a problem only in the first years of the Organization, when not all countries where the current IALA has National members have ratified the Convention. When the Organization is well established such situation would be unlikely.

Article 7.7(e) was agreed as proposed to elect the Secretary-General on a personal basis.

The Netherlands suggested electing the Deputy Secretary-General as well, considering that a non-elected Deputy Secretary-General could not legally represent the Organization.

The Secretary-General answered that the Deputy Secretary-General is part of the staff. Australia and Malaysia reported that IMO has a non-elected Deputy Secretary-General and this arrangement works well.

The proposal to elect also the Deputy Secretary-General was not retained.

New Article 7.7(f)

Following the discussions held on Article 6.1(c) Japan, Russia and Iran repeated that the Committees and other subsidiary bodies should be established by the General Assembly.

Canada added that the Committee Chairs and Vice Chairs should still be appointed by the Council.

A new Article 7.7(f) giving the General Assembly the task to establish Committees on proposals by the Council was introduced and agreed on, although Russia was not in favour of having Committees established 'on proposal by Council'.

There was no change proposed to previous Article 7.7(f) which was only renumbered 7.7(g).

Article 7.7(g)

Russia suggested that the possibility for the Secretary-General to submit reports and proposals to the General Assembly should be limited to submitting the reports within his authority, which is of technical and administrative nature.

There were objections to the proposal by Australia, Italy, India, Ireland and Malaysia and the proposal was not retained.

Previous Article 7.7(g) was kept unchanged but renumbered 7.7(h).

There were no comments on previous Articles 7.7(h) and 7.7(i), which were only renumbered 7.7(i) and 7.7(j) respectively.

The Chair mentioned that Argentina intended to make a proposal for the article on Associate membership, which they withdrew in the end. He thanked Argentina for its spirit of compromise.

Proposed Article 7.7(l bis)

With reference to the discussions on Article 5.3 Russia proposed a new Article to give the General Assembly an opportunity to review a Council decision about an Affiliate membership on request by a Member State. The reason for such a proposal was that the Council will consist of 25 Member States only and other Member States may wish to have a say.

The proposal was supported by China, and Canada added that such an appeal procedure seemed reasonable, especially in the case of an application that has been denied.

Iran believed that applications for membership of all categories should go through the General Assembly.

In view of the General Assembly meeting only every three years Denmark had the wish to keep the Affiliate membership matters with Council only for more flexibility. The Netherlands, Malaysia and Sweden also preferred not to introduce a review by the General Assembly.

With the support of the majority **a new Article 7.7(k) was introduced, giving the General Assembly the opportunity to rule on Affiliate membership upon the request of one or more Member States.**

1.3.12 Article 8 – The Council

The Chair invited the delegates to provide comments on Article 8.

There were no comments on Article 8.1, which remained in its original wording.

The proposed alternative text for Article 8.2 was agreed, consistent with the decision that the President and the Vice President should be elected in their national capacities.

Article 8.3

The LAP Chair introduced the proposal for an additional text, suggested by Iran and supported by a number of countries, aiming at achieving a widespread geographical representation on the Council.

The proposal was opposed by Japan, Italy, France and Denmark, mainly because geographical representation is already achieved in the Council of the current IALA without a requirement in its Constitution.

Iran, Norway, Brazil, Argentina, Sweden, Iraq, Spain, Senegal, Malaysia, Oman and Guinea supported the proposal, stating that it is a requirement in the IMO Convention.

The Netherlands suggested removing the words 'as far as possible' and Russia suggested introducing the implementation process in the General Regulations.

Article 8.3 was amended and agreed, based on the proposal made by Iran and revised by The Netherlands.

There were no comments on Article 8.4, which was kept in its original wording.

The proposals to introduce new Articles 8.5 on the quorum for Council meetings and 8.6 to open attendance to all Member States but with no voting rights, were agreed.

On questions by Canada, Finland, and Australia who expressed concerns about having, in Article 8.5, the President or the Vice President as part of the quorum, it was explained that the General Regulations on the Council session procedures in case of absence of both the President and the Vice President will reflect on this

Articles 8.5(a) to (i) remained unchanged but renumbered 8.7(a) to (i).

On a suggestion by Spain **previous Article 8.5(j) was modified for the Council to approve submissions on technical matters to other organizations and agreed on. The Article was renumbered 8.7(j).**

Further to the decision made in relation to Article 7.7(f) **the original Articles 8.5(l) to (m) were withdrawn.**

New Article 8.7(k)

After the change of responsibility regarding the establishment of Committees and subsidiary bodies Japan suggested that Committee and body Chairs and Vice Chairs should still be appointed by the Council.

Malaysia questioned the appointment of Chairs and Vice Chairs by the Council and suggested that the bodies elect their own Chairs and Vice Chairs as it is done at IMO.

The Netherlands supported Japan and added that approval of the work programme, which is often reviewed during a work period, should also remain with the Council.

The Japanese proposal, with the addition of the suggestion by The Netherlands, was supported by Denmark, India, Italy, Turkey, Spain and Sweden.

Russia agreed with the proposal but believed that the bodies' Terms of Reference should be decided by the General Assembly.

This was supported by Spain, Norway and Malaysia.

Sweden remarked that this may generate difficulties if the Terms of Reference are linked to the work programme. To this concern the Secretary-General answered that the current Terms of Reference are linked to the establishment of the Committees and bodies and not to their work programmes.

A new Article 8.7(k) was agreed for the Council to appoint the Chairs and Vice Chairs of the Committees and subsidiary bodies and review and approve their work programmes.

There were no comments on Article 8.5(n) which was renumbered 8.7(l).

New Article 8.8

The Netherlands reminded that the industry plays a very important role and to ensure a better cooperation suggested opening advisory attendance at Council meetings.

The Chair acknowledged the importance of Affiliate members for some delegations and invited comments on the proposal.

Spain supported the principle but thought that such provision would better fit in the General Regulations, supported by Finland, who added that when the Organization has been established as an IGO, the Council may need advice more than in its current status.

Denmark said that Affiliate Members should attend Committee meetings, not Council.

There were some uncertainties regarding the proper wording of such an article and after a common proposal was received from The Netherlands, Russia and France **the conference agreed a new Article 8.8 on inviting Affiliate Members to participate in Council meetings as advisors.**

1.3.13 Article 9 – Committees and other subsidiary bodies

There were no comments on Article 9 except agreeing on the changes necessary to be consistent with the establishment of Committees and subsidiary bodies by the General Assembly.

1.3.14 Article 10 – Secretariat

The proposed simplification of Article 10.1 was agreed, as well as the renumbering of 10.1(a) and 10.1(b) to 10.2 and 10.3 respectively.

Russia remarked that the staff should be appointed by the Secretary-General *according to the Staff Rules* and requested that this should be added to the article previously numbered 10.2.

There was no objection to the Russian proposal and **Article 10.4 on the appointment of the staff, was modified to have the staff appointed *in accordance with the Staff Rules*.**

Both minor changes proposed to the functions of the Secretariat were agreed and Articles 10.5(a) to 10.5(h) were agreed.

New Article 10.6

There was a proposal by Japan to introduce a new article to prevent external influences on the Secretary-General and the staff, as provided in other IGOs' Conventions.

A new Article 10.6 preventing the Secretary-General and the staff from external instructions or influence was agreed.

1.3.15 Article 10bis – Voting

The LAP Chair introduced new Article 10bis on voting, which gathered all mentions of voting rules provided in different articles.

There was a long debate focused on the voting principles in one hand and on the wording on the other hand.

Article 10bis.1

This Article was agreed but Spain expressed concerns about a possible blockage when a consensus cannot be reached.

Article 10bis.2

In line with their statement about Article 10bis.1 Spain suggested that at least five Member States could request the decision to be put to a vote when a consensus cannot be reached.

Singapore said that they could support the “two step” approach of decision-making, and added that if such an approach was accepted, consequential amendments would be required in other parts of the Convention.

France recalled that the only decision that is neither by consensus nor by a 2/3 majority is the Council election. They suggested that the Convention should have provisions for the election of the President, the Vice President and the Secretary-General to prevent the General Regulations providing an election procedure that would overrule the Convention.

Spain supported the French proposal reiterating that they did not want a locking consensus.

Canada supported the French proposal, adding that the Council election should be at the highest number of votes.

Regarding the majority required for the Council election, diverging views were expressed. Norway and Malaysia supported the Canadian proposal, Senegal wished a 2/3 majority and Ireland was in favour of establishing also a minimum number of votes to be elected.

Germany suggested to clarify in Art. 10 bis.2b “where otherwise specified in this Convention” to avoid that the necessity of a 2/3 vote could be overruled by e.g. the General Regulations. The proposal did not get sufficient support and was not retained.

After other comments were made on the various sections of the proposed new Article on voting the Chair invited the countries involved in the debate to work together and come back with a revised draft text for new discussions.

The Secretariat and the Chair worked on improving the draft texts in the light of the comments made and presented a new Article 11 consisting of five sections.

The new Article 11.1 on consensus was agreed.

Spain proposed a new draft section 2 that read as follows:

In the absence of consensus, a group of at least five Member States may request the decision to be put to a vote. The decision shall be adopted by a 2/3 majority of Member States present and voting through a secret ballot.

Malaysia, supported by Japan, remarked that the vote is traditionally proposed by the Chair and it might be difficult to gather the required number of Member States.

There were no other comments and the **new Article 11.2 was agreed with no mention of who shall propose a vote when a consensus cannot be reached.**

The new Article 11.3 on voting rights was commented by Canada who wished to add a reference to the General Regulations where the whole process will be explained, and by France who suggested adding a reference to the Article providing for denied voting rights.

The new Article 11.3 on voting rights was agreed with the addition of a reference to the Article dealing with denied voting rights. The addition proposed by Canada was not retained.

The new Article 11.4 on the election of the President, the Vice President and the Secretary-General was approved.

The new Article 11.5 on the election of the Council was agreed.

1.3.16 (former) Article 11 – Languages

The Chair opened the discussions saying that some countries give more importance to languages than others and recalling that the Convention would mention the official language(s) only. He stated that all countries have expressed their views during the first two conferences and the current approach should now be to try and understand each other’s positions, as the final decision will be with the Diplomatic Conference.

He added that the delegates should keep in mind the current way of working. Many countries before had indicated concerns about the costs and a potential increase in the annual contributions, which, he noted, are very low compared to other organizations.

He also drew the attention to the paper on languages and costs prepared by the Secretariat.

France indicated that there had been some developments since the last conference and the French government had proposed a compromise that was not opposing to English as the working language, although this should not appear in the Convention text.

The French proposal was supported by Malaysia, Denmark, Senegal, Ivory Coast, Ecuador, Ukraine, and Guinea.

Norway thanked France for this sign of goodwill but indicated that there was no assurance that English would be the only working language when the General Regulations are approved. They wonder whether this could appear in an Annex that would remain in force until approval of the General Regulations. Sweden, too, wished to keep the costs at a minimum and find a means to guarantee the compromise.

The Chair answered that if there was a need to politically commit a State it may be a mention in the Final Acts of the Diplomatic Conference.

As a practical solution The Netherlands suggested indicating what would be translated and in which languages.

Germany reminded that having multiple languages in an IGO will lead to higher costs, which should be considered in the discussions. English as working language was supported. A clarification about which language shall prevail was considered necessary.

Spain said that the language issue is a very important one for Spanish-speaking countries but had nothing against keeping English as the only working language. They agreed that this could be mentioned in the Final Acts.

Uruguay was of the opinion that the priority should be given to the common objectives. The countries should trust each other and support those who try to work forward.

Finland reported that the Government had agreed three official languages with English as the only working language.

Oman indicated that, as already mentioned at the second conference, Arabic is spoken in 10 countries where IALA has National members and should be considered when discussing official languages.

Iraq added that 22 countries have Arabic as an official language and this language is very important for developing countries. These views were supported by Morocco and Egypt.

Russia reminded that the second conference had not agreed three languages. They had voiced an objection that was not taken into account. Russia believed that the new IGO should have all six UN official languages.

China supported the Russian proposal, adding that a clear definition of what an official language is, would be needed.

Canada supported the compromise proposed by France and, to reassure other countries, suggested introducing in the transitional arrangements that the Council approves English as the working language.

India agreed three official languages and one working language.

Japan stated that from a budget perspective their original position is that there should be only one language (English). However, they also added that if the IGO may need several languages, they can accept as a second option English and French as official languages and English only as a working language, taking into account the fact that the IGO's Secretariat is in France. They stated that there should be clear criteria to choose official languages and that Spanish was not better justified than Arabic, as Spanish speaking countries are 11, whereas Arabic are 10. Korea and Turkey supported.

Argentina supported the French proposal and added that languages in the UN had evolved with time.

Mexico added that maritime safety is improving through a clear communication and languages contribute to it. They supported the French proposal.

Italy highlighted the importance of the issue, which will raise questions at ratification stage.

Spain spoke last, saying that Spanish is the second spoken language in the world, being an official language in more than twenty countries. The Spanish Government would probably not ratify a treaty that does not include Spanish as an official language.

The Chair concluded in saying that many compromises had been proposed and he encouraged the delegates to continue exchanging views, which may help finding a solution at the Diplomatic Conference.

1.3.17 Article 12 – Finance

The LAP Chair reported that the proposed revised text included a clarification and some editorial amendments.

The changes proposed in Articles 12.1 and 12.2 were agreed.

Article 12.3

Russia suggested changing the reference to the General Regulations for a reference to the Financial Regulations.

There was no objection to the change and **Article 12.3 was amended with a reference to the Financial Regulations instead of the General Regulations.**

Article 12.4

Malaysia, Spain, Iran and Canada found that excluding Member States in arrears from the Council was excessive provided that their voting rights are denied.

India agreed the proposal as it was, and Australia believed that the Member States should be excluded until they have paid their debts.

Ivory Coast wondered about countries in specific situations such as war or having suffered from disasters.

The Netherlands asked if a Member State in arrears would be excluded from other organs as well if the proposal of excluding them from the Council was retained.

Sweden and Denmark suggested that there might be a need for similar procedures for members other than Member States.

The Secretary-General clarified the last three issues saying that there is a proposal to give the General Assembly the right to waive the provision, that Committees do not have members as such but participants, and that the Convention covers Member States only, provisions for other members would be in the General Regulations.

Canada suggested removing the term ‘at its discretion’ and replacing it with ‘in order to account for extraordinary circumstances,’ to have Article 13(4) say ‘...unless the General Assembly, in order to account for extraordinary circumstances, waives this provision.’ from the proposed addition to allow the General Assembly to waive the suspension provision.” Canada suggested this in order to put parameters on the possibility of waiver and to help recognize extraordinary circumstances.

There was then a short discussion on the amount of Member States’ contributions and Associate Members’ fees, which gave an opportunity for the Secretary-General to remind the delegates that it had been decided, in the first two Preparatory Diplomatic Conference, to keep a flat rate for members in the same categories. Associate Members being former National members of IALA would be required to pay the same amount as Member States.

There were no further discussions and **Article 12 was agreed with, in its Paragraph 4, Member States failing to make contributions not being excluded from the Council and the removal of the term ‘at its discretion’ from the proposed addition to allow the General Assembly to waive the suspension provision. The Article was renumbered Article 13.**

1.3.18 (former) Article 13 – Legal personality, privileges and immunities

The Chair explained that this Article was not specific to the Organization but mainly standard for all IGOs.

There were no discussions on Article 13.1, which was agreed as proposed.

Article 13.2

The LAP Chair said that a change had been proposed, which was in accordance with the IHO Convention.

Argentina was not in favour of the proposed change in formulation.

Morocco, The Netherlands and Norway were not sure about the extent of the privileges and immunities: the members or the Organization itself; and if the “State concerned” could be the Host Nation.

The Chair explained that the Organization will establish a Headquarters Agreement with its Host Nation. The article under discussion aimed at agreements with States where the Organization would carry its activities on a temporary basis, outside the Host Nation. Privileges and immunities may be extended to Associate Members and Affiliate Members, depending on the specific activity and the State’s habits.

The proposal to Article 13.3 was agreed.

Article 13 was agreed as proposed and renumbered Article 14.

1.3.19 (former) Article 14 – Depositary: was moved to Article 18

France stated that France was honoured and happy to be the Depositary for the Convention.

1.3.20 Article 15 – Amendments

There were no comments on Article 15.1, which remained unchanged.

The change proposed in Article 15.2 to make clear that any amendment proposal should be circulated in all official languages was agreed.

There were no comments on Article 15.3, which remained unchanged.

The change proposed in Article 15.4 to clarify the respective roles of the Depositary and the Secretary-General were agreed.

Article 15.5

The LAP Chair introduced the change proposed for Article 15.5, which aimed at amendments coming into force for all Member States six months after amendments have been approved by a 2/3 majority. This would guarantee that all rules would be the same for all Member States.

The Netherlands remarked that Parliamentary process may require more than six months. They had a reservation on this point. This viewpoint was supported by Russia and Canada, and the latter added that the original text was in line with the standard treaty law approach to amendments, as reflected in Article 40 of the Vienna Convention on the law of treaties, from which there is no reason to depart.

Norway, Singapore and Malaysia supported the amended text, i.e. “The amendment shall come into force for all Member States six months after written notifications of acceptance by two-thirds of the Member States have been received by the Depositary. The Depositary shall inform the Member States and the Secretary-General of the fact, specifying the date of entry into force of the amendment”.

Giving the example of voting rules the Chair explained that the Organization may experience operational difficulties if some Member States follow different rules.

Finland then said that other treaties mention specific sections that cannot be affected.

This view was positively received by Russia, but they added that in such a case the exception should not apply to sections that have a financial impact, such as the number of languages. The States should not pay for something that they have not voted for.

There was no decision on a final draft text for Article 15. Both the original and the proposed amended texts will be forwarded to the Diplomatic Conference as alternatives.

1.3.21 Article 16 – Interpretation and disputes

The LAP Chair indicated that two additional proposals had been developed for this draft Article. It was originally proposed that Member States should make every effort to resolve any disputes. Disputes remaining unresolved after six months would be referred to three arbitrators. Many comments had been received on this Article leading to lengthy discussions in the extraordinary session of the Legal Advisory Panel. The proposed alternative text resembled Article 12 of the IHO Convention and follow a best-practice example of a Sister Organization.

Malaysia was in favour of the original text with a six-month period to resolve the dispute before it is referred to arbitrators. They believed that referring it to an arbitrator at the request of one party only may create problems.

Iran suggested renaming the Article “Dispute settlement” and instead of three arbitrators, allowing the parties to appoint one arbitrator each.

Norway too was in favour of a six-month period and proposed to use the Permanent Court of Arbitrators. They also stated that the resolution should be binding. This position was supported by Finland.

France agreed with Norway but added that there might be simpler means of resolving a dispute and proposed a new text aiming at a resolution by amicable means.

Morocco preferred the original text with six months but found the French proposal acceptable.

China supported the Malaysian viewpoint and added that detailed rules should be included in the General Regulations.

The French proposal was then supported by Russia, Finland, Norway and India (the latter proposed to add a time limitation).

Spain supported the French proposal but suggested adding a comment to include the aspect of interpretation or application. This was supported by Morocco, Iran and Norway.

The Netherlands were content with the French and Spanish proposal but wondered about disputes between the Member States and the Organization.

Morocco then asked about technical disputes.

The Chair replied that disputes are normally only between Member States and on the interpretation or application of the Convention.

There was a large majority in favour of the French-Spanish proposal and Article 16 was agreed accordingly.

1.3.22 Article 17 – Signature

There were no comments on this Article, in which the changes proposed were editorial only and agreed.

1.3.23 (former) Article 18 – Entry into force

The LAP Chair presented the editorial amendments proposed for this Article. The number of instruments of ratification, acceptance, approval or accession necessary for the Convention to enter into force is a matter for the Diplomatic Conference and was therefore left into square brackets.

The Chair added that this Article was particularly important to start the operation of the new IGO.

Japan asked the Secretary-General to show the consequences of starting with only thirty Member States. They feared that the contributions would increase significantly. They suggested a number that should be equivalent to 2/3 of the current number of National members, without information on the financial consequences of starting with only thirty Member States.

Sweden was more concerned with the short number of days after the 30th instrument. They suggested three months instead of 30 days.

Norway supported the three months proposed by Sweden, as well as the 30 instruments.

Malaysia supported three months. Answering the comment by Japan they added that the IGO will have other contributors in addition to the Member States, as it is already the case in the current Association.

Japan stated that the Convention will bind only its contracting parties only after its entry into force and it has no legal power to bind current IALA members, whereas the annex on transitional arrangements applies to current IALA and its member states, including non-members of the new IGO under the Convention. Therefore, they objected annexing the document on transitional arrangements to the Convention, saying that Convention cannot play any legal binding power to the annex. They suggested either the current annex be an independent document from the Convention, referred to it in the Preamble of the Convention, or a General Assembly resolution of the current IALA.

Finland, supported by Norway, proposed to have both the Annex and an IALA Resolution in the same wording. They also suggested adding a text specifying that the Annex is an integral part of the Convention.

Japan reiterated their reservation at Art. 18.

Summarizing the discussions, the Chair said that **the article on the entry into force, renumbered Article 19 in accordance with the decision made earlier to move the article on the Depository to Article 18, was agreed with a period of 90 days after the date of deposit of instruments. The number of instruments of ratification, acceptance, approval or accession will be kept in brackets for the Diplomatic Conference to decide.**

He added that it would be good if the Secretary-General could prepare a paper on the financial aspects of the number of Member States and encouraged IALA to pass a General Assembly Resolution echoing the transitional arrangements.

1.3.24 (former) Article 19 – Withdrawal

The LAP Chair presented the few editorial amendments proposed for this Article.

Germany suggested adding that the Convention is concluded for an unlimited period.

The suggestion was not supported by other delegations and was not retained.

The article on withdrawal was agreed as proposed and renamed Article 20.

1.3.25 (former) Article 20 – Termination

The LAP Chair explained that a clarification was proposed that the Convention may only be terminated by a vote at a regular session of the General Assembly. Other proposed amendments were of editorial nature.

Malaysia had a reservation about the change, which was not required.

Canada reported a potential problem with the validation by a Parliament. They suggested adding that the proposal should be put forward at least six months before the vote.

The article on termination was modified to introduce a six-month notice of the vote and renumbered Article 21.

1.3.26 Registration with the United Nations.

On a proposal by Germany **it was agreed to add a sentence to Article 18 on the registration of the Convention with the United Nations.**

1.3.27 Annex – Transitional arrangements

The Chair recalled that the transitional arrangements are for a limited period, but some clauses needed more work and some improvements.

The Secretary-General added that the work done together with the LAP added a chapeau to give the background, including the fact that the current IALA membership had been made aware and accepted the transition by the means of a General Assembly Resolution amending the current IALA Constitution to that effect.

Canada wondered about a transition of liabilities and obligations as only assets were mentioned. Member States may object to liabilities that are not mentioned in the Convention.

Belgium asked about the personnel and social rights.

The LAP Chair answered that the current IALA would be terminated according to the French law. The Secretary-General added that personnel and social rights were addressed in one of the conference input papers, a document based on a very detailed work done by a French legal advisor.

Belgium, however, believed that this could be added to the Convention.

The Chair explained that the Annex deals with the period after the creation and aims at continuity in the work. Other issues will have to be dealt with by the current IALA and are not the subject of the transitional arrangements.

He then invited the delegates to comment the Annex paragraph by paragraph.

Paragraphs 1 to 4 did not raise comments.

Paragraph 5

The Chair introduced a proposal that included a time limit of five years for former IALA National members of a State that is not a Member State of the Organization to remain Associate Members.

Spain was not in favour of a limit in time, saying that former National members of IALA should be allowed to remain Associate Members indefinitely if, for example, they belong to a country that cannot ratify the Convention.

Norway believed that having a time limit was of high importance but proposed ten years instead of five.

Russia supported the proposal, suggesting adding “up to” ten years and a reference to the Convention.

Paragraph 6

The Chair said that the paragraph had been shortened to avoid any confusion regarding additional Associate memberships for those countries that had more than one National member in IALA. These former National members may then become Associate Members in accordance with Article 2.3.

France and China supported the clarifying change.

Paragraph 7

On a question from Sweden the Secretary-General answered that the rate of the fees for Affiliate Members had still to be considered but should not be very different from the current Associate and Industrial membership fees.

Paragraph 8

To answers concerned expressed by Canada a new paragraph was added to clarify that the transfer of rights, assets and liabilities from IALA to the Organization will be made in accordance with the French law.

The Annex was agreed with a few additions, one regarding the time limit of up to ten years for Associate membership of former National members of IALA and the other one on the legal situation that will govern the transfer of rights, assets and liabilities of IALA to the Organization.

1.3.28 Conclusions of the drafting session

The Chair sum up the discussions held during the two days that the session lasted, concluding that an agreement had been reached on most of the draft Articles:

Preamble

Agreement.

Article 1 - Establishment

Agreement. The acronym was deleted and a paragraph 4 about the hierarchy of the Convention, the General Regulations and other documents was added.

Article 2 - Definitions

Partial agreement. VTS was added to the definition of AtoN, the definition of Member States is partly in square brackets and the definition of Associate Members was slightly changed including now the reference to former National members of the Association.

Article 3 - Aim and Objectives

Agreement. A sentence about the environment was added to bring it in line with the present aim.

Article 4 - Functions

Agreement. “develop and communicate” was added.

Article 5 - Membership

Partial agreement. The issue of the Council “[may/shall]” grant Affiliate membership will be resolved at the Diplomatic Conference and a paragraph was added to refer to the General Regulations for Members’ rights and obligations.

Article 6 - Organs

Agreement. National capacity was chosen for the election of the President and Vice President and the Financial Regulations were added.

Article 7 - The General Assembly

Agreement. The reference to the preferred representation of Member States was deleted. The national capacity of the President and Vice President was reflected. The establishment of Committees was transferred from the Council to the General Assembly. Personal capacity was chosen for the election of the Secretary-General. Final decision on Affiliate membership was added.

Article 8 - The Council

Agreement. The national capacity of the President and Vice President was reflected. The establishment of Committees was removed and a sentence about Affiliate Members’ attendance at Council meetings was added.

Article 9 - Committees and Subsidiary Bodies

Agreement. The mention “of the Council” and “other” before “subsidiary bodies” was deleted.

Article 10 - Secretariat

Agreement. A clarification in relation to the “Staff Rules” was added.

Article 11 - Voting

Agreement. The article was simplified and made clearer.

Article 12 - Languages

No agreement. The article will need discussions at the Diplomatic Conference. Agreement on English as working language.

Article 13 - Finance

Agreement, with small changes.

Article 14 - Legal personality, privileges and immunities

Agreement.

Article 15 - Amendments

No agreement. Article 15.5 will need discussions at the Diplomatic Conference on amendment procedures.

Article 16 - Interpretation and Disputes

Agreement. Article simplified.

Article 17 - Signature, Ratification and Accession

Agreement.

Article 18 - Depositary

Agreement. A sentence was added about registration of the Convention with the United Nations.

Article 19 - Entry into force

No agreement. The required number of instruments will need to be defined.

Article 20 - Withdrawal

Agreement.

Article 21 - Termination

Agreement, with a six-month notice added.

Annex - Transitional Arrangements

Agreement. A paragraph about the transfer of liabilities was added as No. 8.

There were no comments from the floor on the Chairs conclusions. The Chair then congratulated all delegates for their spirit of cooperation and mutual understanding, which allowed progress to be made on the draft text.

Before the session ended Russia reiterated their request to have the draft General Regulations ready at the time of the Diplomatic Conference.

2. SESSION 3 – ROADMAP TOWARDS A DIPLOMATIC CONFERENCE

The Chair said that the next step would be the Diplomatic Conference, for which delegates will need credentials. The result of this Conference will be the signature of a Final Act.

He added that the Secretariat would work on the revised text, displaying it in three columns: one with the original text, one with the changes proposed to this conference and a third one with the revised text agreed by the conference, undecided parts will be displayed in brackets.

The Secretary-General will also work deeper in the costs of languages and the financial impact of the number of Member States when the Organization starts to operate.

Japan requested that the record of discussions be circulated to all participants for comments.

3. CONFERENCE CLOSURE

The Chair thanked all delegates again for their cooperation and allowing him to chair the conference.

The Secretary-General thanked again the host for an excellent venue and arrangements, dinner cruise and the very accommodating atmosphere. He also thanked the Chair and Vice Chair for excellent leadership, the interpreters, the LAP Chair and Vice-Chair, the Secretariat and the delegates for a very constructive and flexible approach.

In his closing address **Director General of Coastal Safety Durmuş Ünüvar** said that a milestone in the history of IALA had been achieved during these three days of a conference that he was honored to host. He added that international standards will help IALA to reach its goal of world-wide harmonization to ensure a safe and efficient maritime traffic and the protection of the environment.

His speech is at Annex B.

Distinguished Secretary-General of IALA,
Distinguished French Ambassador for the Oceans,
Respectable Delegation Presidents,
Dear Press Members,
Dear Participants,

Welcome to the 3rd Preparatory Diplomatic Conference of the International Association of Marine Aids to Navigation and Lighthouse Authorities.

I would like to begin by expressing my satisfaction for seeing and hosting you in Istanbul, which unites the two continents and civilizations dating back to 8,500 years ago.

I wish that this Conference, which will be held with the participation of more than 200 representatives from 53 countries, will have successful results.

Being as a maritime country and having a coastline of 8,450 kms, Turkey gives importance to the safety of navigation, life, property and environment at seas.

We have taken serious steps in the field of legal regulation, education and technological investments.

Nowadays, technological advances have been very fast, and navigational aids have reached a different dimension than traditional approaches by keeping up with these technological advances.

IALA played an important and admirable role in this development.

We follow these works very closely and provide all kinds of support.

Within this context, a cooperation agreement was signed between IALA and the Directorate General of Coastal Safety of our Ministry in 2016.

Turkey's geographical position between East and West, qualified personnel and modern technological capabilities have played an important role as a decisive factor in the signing of this agreement.

Turkey, which more than 70% of its borders is surrounded by the seas and is located in the passageway of the three continents, is at the focal point of a transportation network extending to the Atlantic Ocean through the Strait of Gibraltar, and to the Arabian Peninsula and Indian Ocean through the Suez Canal, and to the Eurasia and the Far East through the Turkish Straits connection with the Black Sea-Mediterranean Sea.

Our country has a geographical advantage that can enable us to have a say in the world trade with the seas surrounding its three sides and the Turkish Straits region.

In 2018, totally 85 thousand vessels were passed through the Turkish Straits, which have a heavy maritime traffic load, in both directions, including 20 percent of the vessels carrying dangerous goods.

Although it is optional in the Montreux Convention, which regulates the legal status of the Turkish Straits, 51% of the vessels passing through Straits have received pilotage services.

However, this number is not sufficient to effectively manage the risk of major catastrophes that would result in stopping of maritime trade and, the environmental pollution which may arise during an accident in the Turkish Straits.

We will therefore continue to take incentive measures to increase the number of taking pilot.

While protecting the environment, Turkey gives services in effective and efficient manner with 1,269 aids to navigation in its area of responsibility, in order to ensure the continuation of maritime traffic safe, fast and economical.

Our emergency response and escort tugboats play a very important role in ensuring the safety of navigation in the Turkish Straits, with the continuous modernization and new participation to our fleet.

We currently give services with 5 Vessel Traffic Service Centers in the Vessel Traffic Services area.

In addition, the renewal of the Turkish Straits Vessel Traffic Service system is carried out by a Turkish technology company and it is planned to be completed this year.

In addition to technological developments, an integrated structure to respond the possible events in our seas has been provided, so that the necessary interventions to prevent marine accidents and sea pollution can be made in a timely manner by common use of the capabilities of different organizations.

Dear Participants,

As you know, marine transport is an international activity and no country can struggle with the problems of maritime alone.

As being conscious of that, Turkey gives importance to cooperation at international level.

For this reason, participation and support to all international maritime organizations and maritime activities, including IALA, have a special value for us.

IALA is an organization that has established itself and has guided mariners by its works and activities done in the world maritime community.

Since its establishment in 1957, IALA has been carrying out its activities as a non-governmental organization and we closely follow the meticulous efforts to become an Intergovernmental Organization and contribute accordingly.

Turkey has always been in favor of development and there are many advantages for the IALA to be an Intergovernmental Organization, but the new structure should be planned very carefully.

I wish the expected results would be obtained at this 3rd meeting held in Istanbul after Paris and Marrakech.

I have no doubt that this meeting will be an important milestone for IALA.

I know that a three-day heavy meeting program is waiting for you, and I don't want to extend my speech.

On the other side, I would recommend you to take the time to see all the beauties of Istanbul and discover the world-famous Turkish cuisine and explore this unique city that smells history.

I wish this meeting would be successful.

Thank you!

Distinguished Secretary-General of IALA,
Distinguished French Ambassador for the Oceans,
Respectable Delegation Presidents,
Dear Participants,

I greet you with respect on this last day of the 3rd Preparatory Diplomatic Conference of IALA, the International Association of Marine Aids to Navigation and Lighthouse Authorities.

A busy and challenging working marathon has been successfully completed in three days since the beginning of the conference, with the participation of 57 delegations and 170 participants under the presidency of the Ambassador for the Oceans.

Hereby, a significant milestone has been exceeded in the process of getting IALA from non-governmental organization status to an intergovernmental status and a big step has been taken in achieving this aim.

It is a source of happiness for us to have completed these challenging preparatory conferences process in Istanbul, which is started in Paris and continued in Marrakech. In this process, we appreciate the careful planning of the new structure and the efforts of the delegations to ensure consensus on the IALA Convention.

To submit the Convention to the approval of the countries after holding the Diplomatic Conference in a very short period of time, will be a nice reward of the efforts shown. Ultimately, the harmonization of the standards of aids to navigation in worldwide, will enable IALA to work much more effectively as an inter-governmental organization to ensure safe, fast and economic maritime traffic while protecting the environment. By this means, it would be possible to realize marine and environment safety.

As Turkey, we will be in cooperation and continue to give every support to IALA.

Dear Guests,

I would like to express our happiness for the opportunity to host to the 3rd Preparatory Diplomatic Conference. I guess most of our guests are in Istanbul for the first time. I hope you have found the opportunity to get to know this beautiful city and to rest a bit after the heavy conference program.

Once again, I would like to express my gratitude to you for your hard effort and support in reaching the ultimate goal of the conference and I greet you all with affection and respect

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