

General Regulations

1. In Paras. 2.5.c and 2.6.c, suspension or termination of associate and affiliate membership has been stipulated to be possible by the General Assembly and Council, respectively, “for any justifiable cause in the best interest of the Organization”. In order to ensure a uniform and objective treatment of such cases, it is proposed that acceptable instances of such justifiable causes be decided and mentioned within the General Regulations.

It must also be mentioned that the regulations for the majority of similar international organizations enforce suspension or termination of membership only in the case of failure to pay the relevant contributions over two consecutive terms.

2. In Para. 3.3.e.ii, the election of the President and the Vice-President is stipulated within the agenda of the General Assembly meetings, and the procedure elaborated in Para. 3.5. This is while the roles of the President and the Vice-President have not been clearly designated within the Organization.
3. Despite the importance of Para. 3.7.f for unforeseen cases, the procedure for the appointment of an Acting Secretary-General by the Council has not been elaborated, including whether she/he will be appointed from among the Council Members, or else the Council will be authorized to appoint any individual, upon its discretion, to serve as the Acting Secretary-General for the period between two General Assembly meetings.
4. Para. 3.4.2.b seems to be redundant, as it stipulates procedural minute details of conducting the meeting, which appears different from the holistic and regulatory nature of the General Regulations.
5. Para. 7.1.b points to holding a meeting by the new Secretary-General, with regard to the aim and objectives of the Organization. Considering the fact that the Secretary-General is authorized to and will meet and coordinate with any individuals or parties, upon her/his discretion, to achieve the above, the mentioned paragraph thus seems to be redundant and is proposed to be removed.

Financial Regulations

6. In Para. 8.1.a.i, the text "... the Secretary-General shall contact the Member State, ..." is proposed to be amended to read as "... the Secretary-General shall send at least one written notification to the Member State, ...".
7. In Para. 8.1.a.ii, it is not clear what stages or actions are required before the acceptance and discussion of a waiver by the General Assembly. It is therefore proposed that Paras. (ii) to (viii) Rule 56bis of the Rules of Procedures of the IMO Assembly be adopted, as follows:

“(ii) Any Member wishing to request a waiver of the provision of Article 13(4) of the IALA Convention in respect of itself shall submit a written application to the Secretary-General at least one month before the Assembly giving reasons therefore, with a payment schedule indicating the timescale over which arrears will be paid.

(iii) The Secretary-General shall submit to the Council a list of Members which have failed to discharge their financial obligations, together with any requests for waiver of the provision of Article 13(4) which have been received from any such Members.

(iv) The Council shall submit to the Assembly a report on the matter, together with its recommendations on the submission by any Member of a request for waiver of the provision of Article 13(4).

(v) The Assembly shall consider the report of the Council at the commencement of each session. Taking into account the recommendations of the Council, and assessing each application on its individual merits, the Assembly shall take decisions on the waiver of the provision of Article 13(4) of the Convention in respect of any or all of the Members from which requests for waiver have been received, together with any conditions attached to such a waiver.

(vi) A decision to waive the provision of Article 13(4) may only be taken in respect of a Member which has submitted a request for waiver in accordance with subparagraph (ii) above.

(vii) A decision to waive the provision of Article 13(4) will normally be taken only in respect of a Member which has discharged in full the requirements, at the date of submitting the request for waiver, of the financial undertaking given under the terms of any previous request for waiver.”