

Text of General Regulations by <i>Article</i> Clause	Comments
	<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>

	(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.
<b>Draft General Regulations for the International Organization for Marine Aids to Navigation [and Vessel Traffic Services] (IALA[IOMAN])</b>	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.)
<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.	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.  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.
<b>Article 2</b> <b>Membership of <del>IALA</del>the Organization</b>	

## 2.1 Membership Categories

The Organization ~~shall~~<sup>should</sup> 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~~ 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,

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).

but ~~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 -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 <del>IALA</del><b>[IOMAN]</b> 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, <b>exceptionally by the decision of the Council</b>, at a location other than <b>the seat of the</b></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

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>the <del>Chair</del>Secretary-General <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 <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):</p> <p>“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>I</del>ALA Convention.</p> <p>(b) In the period between General Assemblies, should no appropriate provision be made in the <del>I</del>ALA 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 <b>decide otherwise</b>, 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</b> Bodies</b></p> <p><b>6.1 Establishment and Functions of Committees and Other <b>Subsidiary</b> Bodies</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>



~~sub~~ subsidiary bodies it deems necessary to support the ~~endeavours~~ endeavors of ~~I~~ the Organization. The ~~Council~~ General Assembly will approve Terms of Reference for ~~C~~ committees and other subsidiary bodies, and all ~~activity~~ activities of the ~~C~~ committees and other subsidiary bodies ~~shall~~ should be conducted within those Terms of Reference.

(b) Committees and/or other subsidiary bodies may:

- i. study matters relevant to the ~~aims~~ objectives of ~~I~~ the Organization, with the ~~objective~~ purpose of preparing ~~S~~ standards, ~~R~~ recommendations, ~~G~~ guidelines and ~~M~~ manuals, 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 subsidiary 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 subsidiary 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

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.

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~~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 ~~ALA~~ Headquarters seat of the Organization; and
- iv. keep ~~ALA~~ 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.

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).

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

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>v. Contracting Parties <del>and members</del>, Associate Members and Affiliate 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 Article 7.6 (h) 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;</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>

- 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~~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~~ bodies for approval by ~~the Council~~the General Assembly;
- (d) ~~organise~~organize and support the Committees and other ~~subsidiary~~ bodies in accordance with the ~~Work Programme~~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

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).



- iv. circulating meeting documents;
- (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.

48. 7.4 (c): Replace “are” by “is” (grammatical point of view).

<p>(a) The Academy <del>shall</del>should 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 <del>shall</del>should be:</p> <p>i. to maintain a global view of maritime aids to navigation training and capacity building needs; and</p> <p>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.</p> <p>(c) The Board <del>shall</del>should consist of:</p> <p>i. a Chair nominated by the Council from among the Board Members;</p> <p>ii. the Secretary-General</p> <p>iii. the Dean of the Academy;</p> <p>iv. up to six (6) members appointed by the Council for a period of four (4) years and who may be re-appointed.</p> <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>	

- i. all Contracting Parties ~~and members~~, Associate Members and Affiliate 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.

<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 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>should 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>should 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>Organization</del>;</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>