

Draft Convention Text revised following Comments received from National members

Article	Draft text	Comments	By
		<p>Throughout the document use “States” instead of the generic term “government(s)”.</p> <p>Include a clause on the Depository. Advice is to have the Secretary-General of the United Nations. For practical reasons.</p> <p>Need for a definition clause. All capitalised terms should be defined. References to “and/or” should be properly used (eg. Art 2(3) and Art 4(3)). Capitalisation should be consistent.</p> <p>Insert a section at the beginning of the Convention with definitions of terms that require clarification.</p> <p>Include a “Concept” chapter with definitions.</p> <p>Need for an article on financing, other than what is specified in Article 4.</p> <p>Include definitions in an introductory article – Basic Concepts of the Convention, especially the definition of Marine Aids to Navigation that is given in Article 2.3.</p> <p>Include an article with definitions of terms and abbreviations used in the Convention.</p> <p>Use “Member States” instead of “Contracting Parties”</p> <p>Clarify definitions to have a healthy base for discussion</p>	<p>Argentina</p> <p>Australia</p> <p>Iran</p> <p>Mexico</p> <p>Mexico</p> <p>Russia</p> <p>Tunisia</p> <p>Turkey + Spain</p> <p>Turkey</p>
Preamble	<p>The States party to this Convention (“The Contracting States”):</p> <p>RECALLING that the International Association of Lighthouse Authorities was established on 1st July 1957 and was renamed the International Association of Marine Aids to Navigation and Lighthouse Authorities in 1998;</p> <p>RECOGNISING the role of the International Association of Marine Aids to Navigation and Lighthouse Authorities in the improvement and continued harmonization of marine aids to navigation for the safe, economic and efficient movement of vessels for the benefit of the maritime community and the protection of the environment;</p> <p>IN FURTHERANCE of the provisions of the United Nations Convention on the Law of the Sea, 1982 and the International Convention for the Safety of Life at Sea, 1974 as amended;</p>	<p>Simplify the preamble, shorten and merge Paras. RECALLING and NOTING</p> <p>Add at the end of the paragraph commencing with “RECOGNIZING”: “for the benefit of the maritime community and the protection of the environment” (to reflect current IALA’s role).</p> <p>“States” mentioned at the beginning, “Governments” at the end. Choose either States or Governments and ensure uniformity throughout the document.</p> <p>Consider deleting the paragraph on the role of the current IALA.</p>	<p>Canada</p> <p>Argentina</p> <p>Romania</p> <p>Canada</p>

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	<p>CONSIDERING that the International Association of Marine Aids to Navigation and Lighthouse Authorities is formed as an association under French law; and</p> <p>CONSIDERING FURTHER that developing, improving and harmonizing Marine Aids to Navigation for the benefit of the maritime community and the protection of the environment is best coordinated by one responsible international organization;</p> <p>HAVE AGREED as follows:</p>	<p>Consider deleting as it is about the “old” IALA.</p> <p>Delete the will of governments.</p>	<p>Canada</p> <p>Canada</p>
1 Establishment	1.1. The International Organization for Marine Aids to Navigation [IALA] is hereby established as an international organization (hereinafter ‘the Organization’).	<p>Better to have a new acronym that distinguishes the new Organization from the NGO.</p> <p>Acronym should reflect the name of the Organization Keep only “The Organization” and move full name under Article on Definitions. Keep a world-wide recognised brand.</p> <p>Delete the acronym from the title.</p> <p>Specify that the purpose of the Convention is to change the status of IALA. New text proposal: “This Convention establishes the International Organization for Marine Aids to Navigation, which will be denominated as "IALA", and for the purposes of this document it shall be referred to as "the Organization".</p> <p>Use the term “Intergovernmental International Organization”. The Vienna Convention defines an International Organization as an Intergovernmental Organization</p>	<p>Canada</p> <p>Japan</p> <p>Korea</p> <p>Mexico</p> <p>Russia</p>
	1.2. The Organization shall have a consultative and technical nature.	Mexico’s comment taken into account (Article 2.1).	
	1.3. The Organization shall have its seat in France. unless otherwise decided by the General Assembly.	<p>Indicate precise location and provide for a change by General Assembly decision, with a clear procedure. Change could be a separate Article. An alternative could be: “... in the vicinity of Paris, France...”</p> <p>Refer to a qualified majority of the General Assembly. Proposed new text: “The Organization shall have its seat in France unless otherwise decided by a <u>three fifths qualified majority</u> of the General Assembly.” With the alternative text it requires 2/3 majority to amend the Convention text (seat)</p>	<p>Romania</p> <p>Spain</p>
	1.4. The official languages of the Organization shall be English, French and Spanish. The working languages of the Organization shall be English and French.	<p>Why is Spanish excluded from the working languages? Include!</p> <p>IALA should have one working language, English. The use of English, French and Spanish as official languages is supported.</p> <p>The business of IALA should be conducted in as few languages as possible.</p> <p>The working language should be only English.</p>	<p>Argentina</p> <p>Australia</p> <p>Denmark</p>

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		<p>Have Arabic as 4th official language when convenient.</p> <p>Will not accept a lower status for the Spanish Language. Not common to mention working languages in a convention. Remove and keep them for the General Regulations.</p> <p>Have only English as the official language to keep the budget low. English and French could be a compromise.</p> <p>Have Arabic as one of the official languages.</p> <p>Have only one official language, English. Compromise is English + official language of the Host nation. The number of official and working languages is a matter for the Diplomatic Conference.</p>	<p>Japan + Korea + Norway</p> <p>Oman</p> <p>Spain</p> <p>Sweden</p> <p>Tunisia</p> <p>Turkey</p>
	1.5. The functioning of the Organization shall be as set out in the General Regulations. ¹	<p>Consider replacing “operation” with “functioning”.</p> <p>Add: “The General Regulations are subject to the provisions of this Convention. Where there is a conflict between the Convention and the General Regulations or any other basic documents covering the governance of the Organization, the Convention shall prevail.” Not required in an international Convention and covered in the General Regulations. If the General Regulations are legally binding for Contracting Parties, they’re should be the subject of a specific article but would not require the process of conclusion by each Contracting Party.</p> <p>Move to Article 5.</p> <p>Confirm the legal nature of the General Regulations and whether they are an Annex to the Convention of a document to be approved by the General Assembly. The intention is that the General Regulations are not annexed to the Convention but may be amended by the General Assembly in accordance with Article 6.8(c).</p>	<p>Canada</p> <p>Japan</p> <p>Korea</p> <p>Russia</p>
1bis Definitions	<p>For the purpose of this Convention:</p> <p>Member State means a State, which has consented to be bound by this Convention and for which this Convention is in force.</p> <p>Member means Associate Member and Affiliate Member having applied for a membership in accordance with Article 4.2 and having been accepted by the Council in accordance with the General Regulations.</p>		

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	<p>Marine Aid to Navigation means a device, system or service, external to a vessel, designed and operated to enhance safe and efficient navigation of individual vessels and/or vessel traffic.</p> <p>Secretary-General means the Secretary-General of the Organization elected in accordance with Article 6.8.</p>	<p>The definition of Marine Aids to Navigation is the one used by the current IALA as approved by its General Assembly as part of the IALA Constitution.</p>	
2 Aim and Objectives		<p>Carefully review the aims to ensure understanding and agreement, and clarify the relationship with and the role of the IMO (may be appropriate in Article 2).</p> <p>Change title to “Objectives” or “Purposes” (in line with other international treaties)</p> <p>2.1 Should be part of Article 1.</p> <p>2.1 important to keep IALA exempt of any political issues. Covered in Article 1.2</p> <p>Add “of the Organization” to the Title of the article. “of the Organization” removed from all headings for consistency and in line with IMO and WMO Conventions.</p>	<p>Canada</p> <p>Japan</p> <p>Mexico</p> <p>Japan + Oman</p> <p>Russia</p>
	<p>The aim of the Organization is to foster the safe and efficient movement of vessels through the improvement and harmonization of Marine Aids to Navigation worldwide and by other appropriate means by bringing together governments, services and organizations concerned with the regulation, provision, maintenance or operation of Marine Aids to Navigation and allied activities, with the objectives of:</p>	<p>Suggest reorganising the order of the clauses of Article 2. Revised in the light of the comment received from Canada.</p>	Canada
	(a) Promoting access to technical cooperation and capacity building on all matters related to development and transfer of expertise, science and technology in relation to marine aids to navigation;		
	(b) Encouraging and facilitating the general adoption of the highest practicable standards in matters concerning Marine Aids to Navigation; and	<p>State mechanism to promote their implementation, considering that they are made of recommendations, which are not binding. Implementation will be a matter for States.</p>	Mexico
	(c) Providing for the exchange of information among governments and intergovernmental organizations on matters under consideration by the Organization.		
		<p>Add: “(f) enhance co-operation and capacity-building on marine aids to navigation and the protection of the marine environment for coastal and land-locked states on a regional basis.” Incorporated into new 2(a) Suggestion: create a regional body with IALA as the parent organization.</p>	South Africa

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		<p>Consider having an Article with definitions; strike out “and/or vessel traffic services” or consider amending the sentence to “...designed and operated to enhance <u>the safety and efficiency of vessel traffic and vessel navigation.</u>” New article with definitions. Vessel navigation is IMO rather than IALA.</p> <p>Remove. Have definition in Basic Concepts of the Convention. For consistency.</p> <p>The definition should be more accurate to exclude services that are beyond the scope of IALA. VTS should also be defined. For many years VTS has been covered by the IALA definition of Marine Aids to Navigation.</p>	<p>Canada</p> <p>Japan + Russia</p> <p>Japan</p>
3 Functions	<u>In order to achieve the aims and objectives set out in Article 2, the functions of the Organization shall be:</u>	<p>Change to: “In order to achieve the objectives set out in Article 2, the functions of the Organization shall be:” to achieve the aims referred to in Article 2, are to:</p>	Japan
	(a) To provide standards, recommendations, guidelines manuals and other suitable instruments and to commend these to States, intergovernmental organizations and Members as appropriate;	<p>Have voluntary standards. Standards are not binding.</p> <p>Change to: “To provide standards, recommendations, guidelines, and manuals or other suitable instruments and to commend these to governments, intergovernmental organizations and members to Contracting Parties, Associate Members, Affiliate Members and any organization, association or person engaged in maritime affairs as appropriate;” Members and membership categories are now defined.</p> <p>Change the order to: (d), (e), (c), (b), (a), (g). Please give explanation for changing order before or at EXLAP3.</p> <p>For Partners vs Members see Article 4. To be useful to its Member States and Partners IALA should produce Standards that are legally binding. Proposed new text: “provide <u>international legally valid</u> standards, recommendations, guidelines and manuals or other suitable instruments and to commend <u>forward</u> these to governments, intergovernmental organizations and members <u>partners</u> as appropriate;» Documents cannot be legally binding. Terminology used for members in the draft Convention follows legal opinion.</p>	<p>Canada</p> <p>Japan</p> <p>Russia</p> <p>Spain</p>
	(b) To consider and make recommendations on standards, recommendations, guidelines, manuals and other documents that may be remitted to it by Member States and Members, by any organ or specialized agency of the United Nations or by any other intergovernmental organization;	<p>Add manuals and instruments for consistency. Make clear that they voluntary.</p> <p>Change to: “To consider and make recommendations on standards, recommendations, guidelines and other documents that may be remitted to # the Organization by members Associate Members or Affiliate Members, by any organ or specialised agency of the United Nations or by any other intergovernmental organization;”</p>	<p>Canada</p> <p>Japan</p>

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	(c) To provide mechanisms for consultation and exchange of information covering inter alia recent developments and the activities of Member States and Members;	<p>Consider rephrasing.</p> <p>Change to: <u>“To provide mechanisms for consultation and exchange of information including the one about the activities of Contracting Parties, members Associate Members, Affiliate Members and recent developments;”</u></p> <p>Proposed new text: <u>“provide mechanisms for consultation and exchange of information including about the activities of Contracting Parties, members Member States, partners and recent developments;”</u></p>	<p>Canada</p> <p>Japan</p> <p>Spain</p>
	(d) To develop international cooperation by promoting close working relationships and assistance between Member States and Members;	<p>Change to: <u>“To develop international cooperation by promoting close working relationships and assistance between its Contracting Parties and members Associate Members and Affiliate Members;”</u></p> <p>Proposed new text: <u>“develop international cooperation by promoting close working relationships and assistance between its Contracting Parties Member States and members partners;”</u></p>	<p>Japan</p> <p>Spain</p>
	(e) To facilitate assistance, whether technical, organizational or training, to States, services and other organizations requesting help with Marine Aids to Navigation;	<p>As approved by Council. Should be addressed in Article 7.5.</p> <p>Change to: <u>“To facilitate assistance, whether technical, organisational or training, to governments, services and other organizations requesting help with marine aids to navigation [and Vessel Traffic Services], whether technical, organisational or training;”</u> See comment on Article 1bis</p>	<p>Canada</p> <p>Japan</p>
	(f) To organise conferences, symposia, seminars, workshops and other events relevant to its work; and	<p>Change to: <u>“To organise conferences, symposia, seminars, workshops and other events relevant to its the work of the Organization; and”</u> The proposal is to keep simple.</p>	Japan
	(g) To liaise and cooperate with relevant international and other organizations, offering specialised advice where appropriate.	Consistency with comment in Article 1.1.	
4 Membership	4.1. The Organization shall be comprised of Member States and Members as described in Article 4.2	<p>Change to: <u>“The Organization shall be comprised of Contracting Parties, members Associate Members and Affiliate Members as described in Article 4.2.”</u> And define Associate and Affiliate members.</p> <p>Add “of the Organization” to the title of the article. For consistency.</p> <p>New title: 4. Membership <u>and Partnership</u></p>	<p>Japan</p> <p>Russia</p> <p>Spain</p>

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		<p>Spain proposes that Article 4 clearly establishes the different paths to integration into the Organization, by distinguishing between Member States, i.e., sovereign, independent States; and Partners, which are other entities, whether regulated by Public or Private Law, including, naturally, those who today are members of the current IALA; that may also join the Organization as Partners and enjoy its benefits while contributing to its works.</p> <p>Proposed new text: “The Organization shall be comprised of Contracting Parties <u>Member States</u> and members <u>partners</u> as described in Article 4.2 <u>this Convention</u>.”</p>	Spain
	<p>4.2. Members shall be Associate Members or Affiliate Members, each category of which is set out in (a) and (b) below:</p>	<p>Suggest reword: “Members shall include <u>may be</u>...”</p> <p>Too broad and unclear formulation. Incorporate the contents of the footnotes.</p> <p>Legal provisions for membership and the various member groups should be part of the Convention.</p> <p>Delete and define types of membership in the article “definitions”.</p> <p>Membership is an essential component of the Organization. The rules should be stipulated in the Convention itself.</p> <p>What about honorary members? Not appropriate for an IGO.</p> <p>Describe the associate and affiliate categories of members in the Convention, not in the General Regulations.</p> <p>Provide definitions of associate and affiliate members in the Convention, as well as all members, including those not to be elected (?).</p> <p>Proposed replacement text: “Any Member State of the United Nations expressing a desire to join the Organization could become a Member State.”</p> <p>Make clear that the article is about “member accession terms” and not member operation terms, which should be described in the General Regulations.</p>	<p>Australia</p> <p>Canada</p> <p>Denmark</p> <p>Japan</p> <p>Korea</p> <p>Mexico</p> <p>Romania</p> <p>Russia</p> <p>Spain</p> <p>Tunisia</p>
	<p>(a) Associate membership shall be open to:</p> <ul style="list-style-type: none"> i. a territory or groups of territories for which a Member State has responsibility in accordance with Article 4.3; and ii. former National members of the International Association of Marine Aids to Navigation and Lighthouse Authorities whose country is not party to this Convention, in accordance with Article 18.1 and 18.6. 		
	<p>(b) Affiliate membership shall be open to:</p> <ul style="list-style-type: none"> i. manufacturers and distributors of Marine Aids to Navigation equipment for sale, or organizations providing Marine Aids 		

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	<p>to Navigation services or technical advice under contract.</p> <p>These affiliates will be known as Industrial Members;</p> <p>ii. any other services, organizations or scientific agencies concerned with Marine Aids to Navigation; and</p> <p>iii. former Industrial and Associate members of the International Association of Marine Aids to Navigation and Lighthouse Authorities, in accordance with Article 18.2.</p>		
	(c) The General Regulations shall make provision for matters related to Members including the payment of fees.		
	<p>4.3. Any Member State may claim Associate membership for a territory or group of territories for which it has responsibility and which is legally responsible for the regulation, provision, maintenance and/or operation of Marine Aids to Navigation, by notification in writing to the Secretary-General.</p>	<p>Associate membership limited to Government agencies. Find a way to accommodate current associate and industrial members. Argentina id against having overseas territories as associate members. Please provide an explanation before or at LAPEX3.</p> <p>To keep control of membership, may be more appropriate to have Contracting Parties “submit” requests than “claim.”</p> <p>Consider ability for Contracting Parties to terminate their membership.</p> <p>Not clear whether it is mandated territories (islands, etc.) or other categories.</p> <p>“Any Contracting Party <u>Member State</u> may claim Associate membership <u>partnership</u>.....”</p>	<p>Argentina</p> <p>Canada</p> <p>Russia</p> <p>Spain</p>
	<p>4.4. Each Member State shall pay a contribution^{iv} to the Organization on an annual basis in the amount determined in accordance with Article 6.8 (f) and Article 10. The rate of contribution shall be the same for each Member State.</p>	<p>The basis on which the rate of contributions will be determined could be described in Article 4.</p> <p>Consider having decisions made by consensus.</p> <p>The General Regulations should also provide for the payment of fees by Members.</p> <p>May be difficult to reach a consensus at General Assembly.</p> <p>Re-number paragraphs 4.4 to 4.7 “4.4(a)” to “4.4(d)” and delete the mention of member fees because only Contracting Parties are bound by the Convention. Add to the first paragraph: “The rate of contribution shall be the same for each Contracting Parties”.</p> <p>Contracting Parties’ contributions should remain without increase.</p> <p>Provisions on financial contributions should be in a separate article.</p> <p>Establish the budget contribution of each membership category with a view to taking into account the budgetary concerns of the countries willing to participate in the new Organization.</p> <p>Move to a separate article on contributions, after Article 10 – “Funding and Expenditure.</p>	<p>Australia</p> <p>Canada</p> <p>Japan</p> <p>Oman</p> <p>Romania</p> <p>Romania</p> <p>Russia</p>

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		<p>Amend to read: “Each Contracting Party and member shall pay a contribution^v to the Organization on an annual basis in the amount determined in accordance with in Article 7.6 (e) and Article 10.”</p> <p>Amend footer iv to read: “Contracting Parties’ contributions to be according to the scale of the tonnage of their fleets, which will be specified in the General Regulations”.</p> <p>Insert new footer v to read: “Members’ contributions will be specified in the Financial Regulations”.</p> <p>“Each Contracting Party <u>Member State</u> shall pay</p> <p>Any contributions to IALA should remain voluntary.</p>	<p>South Africa</p> <p>South Africa</p> <p>South Africa</p> <p>Spain</p> <p>USA</p>
	4.5. Member State contributions and Member fees shall be due and payable in accordance with the General Regulations.	<p>Change to: “4.4.(b) Contracting Party contributions and member fees shall be due and payable in accordance with the General Regulations.”</p> <p>Move to Article 10 or have separate article on finances.</p> <p>The use of terms “contributions” together with “fees” leads to confusion.</p> <p>Move to a separate article on contributions, after Article 10 – “Funding and Expenditure”.</p> <p>“Contracting Party <u>Member State</u> contributions and member <u>Partnership</u> fees.....”</p>	<p>Japan</p> <p>Korea</p> <p>Mexico</p> <p>Russia</p> <p>Spain</p>
		<p>Remove. Other Organizations such as IMO, IHO and IAPH do not charge interests.</p> <p>Move to Article 10 or have separate article on finances.</p> <p>Change to: “4.4(c) Failure to make a contribution <u>by any Contracting Party</u> when such payment becomes due may result in the that Contracting Party being charged interest, the rate of which will be determined by the Council.”</p> <p>Remove.</p> <p>Remove.</p> <p>Amend to read: “Failure to make a contribution when such payment becomes due may result in the Contracting Party <u>or</u> member being charged interest, the rate of which will be determined by the Council.”</p>	<p>Iran</p> <p>Korea</p> <p>Japan</p> <p>Mexico</p> <p>Russia</p> <p>South Africa</p> <p>Spain</p>

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		Amend to read: "Failure to make a contribution <u>or, when appropriate, a partnership fee</u> , when such payment becomes due may result in the Contracting Party <u>Member State</u> <u>or, where appropriate, the partner</u> being charged interest, the rate of which will be determined by the Council.	
	4.6. Any Member State which is two years in arrears in making contributions shall, after notification by the Secretary-General, be denied the rights and benefits conferred on Member States by this Convention until such time as the outstanding contributions have been paid.	<p>Provide for the Secretariat to find solutions when contributions are not paid, or not paid on time, due to technical problems. Consider giving the right to "waive".</p> <p>Change to: <u>"4.4(d) Any Contracting Party which is two years in arrears in making contributions shall, after notification [by the Secretary-General of the Organization], be denied the rights and benefits conferred on Contracting Parties by this Convention until such time as the outstanding contributions have been paid.</u></p> <p>Move to Article 10 or having separate article on finances. Also provide for a process for relief by the General Assembly when non-payment is due to circumstances beyond the control of the Member State.</p> <p>Have this in the Financial Regulations only.</p> <p>Amend to read: "Any Contracting Party <u>or member</u> which is two years in arrears in making contributions shall, after notification, be denied the rights and benefits conferred on Contracting Parties by this Convention until such time as the outstanding contributions have been paid."</p> <p>Amend to read: "Any Contracting Party <u>Member State</u> which is two years in arrears in making contributions, <u>or, where appropriate, any partner</u>, shall, after notification, be denied the rights and benefits conferred on Contracting Parties <u>Member States or partners</u> by this Convention until such time as the outstanding contributions <u>or partnership fees</u> have been paid."</p>	<p>Iran</p> <p>Japan</p> <p>Korea</p> <p>Russia</p> <p>South Africa</p> <p>Spain</p>
		Missing clause on the grounds for termination and suspension of membership. To be moved from the General Regulations. <i>For discussion at LAPEX3</i>	Russia
	4.7. No Member State or Member shall be liable, by reason of its status or participation in the Organization, for acts, omissions or obligations of the Organization.	Move to Article 11 Linked to membership issues.	Russia
5 Structure of the Organization	5.1. The Organization shall have as its organs:	When establishing the different organs consider the specific mandates of the respective bodies to avoid overlapping and unnecessary procedures.	Romania + Canada
	(a) The General Assembly;		
	(b) The Council;		

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	(c) Committees and other subsidiary bodies necessary to support the Organization's activities; and		
	(d) The Secretariat	Change to: " the Secretary-General and the Secretariat" for consistency with the General Regulations. The Secretary-General is part of the Secretariat	Japan
	5.2. There shall be a President and a Vice President of the Organization elected by the General Assembly.	Not clear. Who he/she be the President / Vice President of the General Assembly? To which organ the President and Vice President do belong? What is the reason to have a President and a Vice President? To chair the General Assembly and Council. Should make clear the President (or the Vice President) chair both the General Assembly and the Council. Should be limited to representatives of Member States' AtoN authorities.	Canada Japan Korea
	5.3. Where decisions of the General Assembly or the Council cannot be reached by consensus, the following provisions shall apply:	Amend to: " <u>All efforts shall be made for the General Assembly and the Council to make decisions by consensus.</u> Where decisions of the General Assembly, Council, Committees, or other Subsidiary Bodies cannot be reached by consensus, the following provisions shall apply:" It is suggested that this would not be appropriate for the Convention. Make clear that consensus is among Contracting Parties (members excluded). Members have no voting rights May be moved to a separate Article – Decision Making Procedures of the Organization".	Canada Japan Russia
	(a) Only Member States have voting rights, which will be executed by the representative designated by each Member State;	Consider deleting "which will be executed by the representative designated by each Contracting Party." Associate and Affiliate members are not allowed to be part of the decision-making process, although they pay fees. Inconsistent. Replace "Contracting Party(ies)" with "Member State(s)".	Canada Mexico Spain
	(b) Except where otherwise specified, decisions are taken on a simple majority of the votes cast.	Text should reflect that consensus rather than majority should be applied to decisions on budgetary matters. Suggest at least a 2/3 majority for all decisions.	Canada
		Provide for a section on the number of votes with reference to proposed amended footer iv.	South Africa
	5.4. The General Regulations shall detail the Rules of Procedure that will apply for each organ.		
6	6.1. The General Assembly is the principal decision-making organ of the Organization.	Consider redrafting paras. 6.1 and 6.2 to have 1. General Assembly the principal decision making organ and 2. Attendance open to all.	Canada

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The General Assembly		<p>“The General Assembly is the principal decision-making organ of the Organization and attendance shall be open to all Contracting Parties, <u>Associate Members and Affiliate Members</u> and members.”</p> <p>Crucial issues like composition, functions, authority, rules of procedures (including voting and decision making) should be in the Convention. The General Assembly should have the power to decide on the location of the Secretariat.</p> <p>Does not indicate that Contracting Parties must be represented at the meeting</p> <p>This article should contain general provisions only. Procedural details should be moved to the General Regulations.</p> <p>Amend to read: “The General Assembly is the principal decision-making organ of the Organization and attendance shall be open to all Contracting Parties and members <u>Member States. Associate and Affiliate partners can also attend to and participate in the General Assembly. Only Member States have the right to vote at the Assembly.</u></p>	<p>Japan</p> <p>Korea</p> <p>Mexico</p> <p>Russia</p> <p>Spain</p>
	6.2. Attendance shall be open to all Member States and Members.		
	6.3. Each Member State shall designate one of its delegates, preferably the head of a national authority legally responsible for the regulation, provision, maintenance or operation of Marine Aids to Navigation, or his or her representative, as its principal delegate at the General Assembly.	<p>Find the best way to reflect on the need to have technical representation.</p> <p>Replace “Contracting Party(ies)” with “Member State(s)”.</p> <p>Replace “the head of a national authority” with “a manager of...”. <i>Amendment proposed in French, may not be relevant in the English version (“un responsable” vs “le directeur”).</i></p>	<p>Argentina</p> <p>Spain</p> <p>Tunisia</p>
	6.4. Regular sessions of the General Assembly shall take place at least once every four years.	Add “at the seat of the Organization, unless the Council decides otherwise” (better for finance and efficiency) <u>Normally with Conferences, which minimizes costs.</u>	Japan
	6.5. Extraordinary sessions shall be convened whenever one third of the Member States give notice to the Secretary-General that they desire a session to be arranged, or at any time if deemed necessary by the Council, after a notice of ninety days.	“Extraordinary sessions shall be convened whenever one third of the Contracting Parties give notice to the Secretary-General <u>of the Organization</u> that they desire a session to be arranged, or at any time if deemed necessary by the Council, after a notice of ninety days.”	Japan
	6.6. A majority of the Member States, excluding any Member State denied by Article 4.6 the rights and benefits conferred on Member States, shall constitute a quorum for the sessions of the General Assembly.	<p>Insert comma between “Contracting Parties” and “excluding”</p> <p>Replace “Contracting Party(ies)” with “Member State(s)”.</p>	<p>South Africa</p> <p>Spain</p>
	6.7. The General Assembly shall be chaired by the President or the Vice President and operate in accordance with this Convention and the General Regulations.	<p>The General Assembly cannot act in accordance with the General Regulations whilst it is making the first General Regulation. Suggest addition of transition provision in relation to existing General Regulations.</p> <p><u>Provision has been added to Article 18.3</u></p>	Australia
	6.8. The General Assembly shall:	Remove mandatory language of “shall” throughout clause 6.7.	Canada

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	(a) Elect the President and the Vice President from amongst the Member States in accordance with the General Regulations;		
	(b) Decide the overall policy and the strategic vision of the Organization;		
	(c) Determine the General Regulations of the Organization;	The General Assembly should review and adopt, rather than determine. Mention of Committees and other bodies unclear. “Determine the General Regulations of the Organization and the rules of procedure of the General Assembly, Council, Committees and other subsidiary bodies of the Organization, ” (determined as part of the General Regulations)	Canada Japan
		Insert new (c) as follows: “Elect the President and the Vice President from amongst members of the Council ”. (see Article 7.6.(a)) Insert new (c) as follows: “Elect the President and the Vice President from amongst the Contracting Parties ”.	Japan Norway
	(d) Elect the Council from amongst the Member States in accordance with Article 7;	“Elect <u>members of</u> the Council in accordance with Article 7;”	Japan
	(e) Elect the Secretary-General from amongst the Member States in accordance with the General Regulations;	Insert new (d) as follows: “Elect the Secretary-General, in accordance with the General Regulations.”	Spain
	(f) Adopt and review the financial arrangements of the Organization, including the rate of contributions for Member States and Member fees and the outline budget for the following four years;	The General Assembly should review and adopt, rather than determine. Determine what is meant by “financial arrangements” and have a more precise wording. “Determine and review the financial arrangements of the Organization, <u>including the rate of contributions for Contracting Parties and Member fees for Associate Members and Affiliate Members;</u> ” (should be determined by GA, not Council) Clarifications needed on the relationship between the powers of the General Assembly and of the Council for the financial management , including the determination of the contribution rates. <i>(see also 7.6 (e) and (d))</i> . Add “ Approve the budget ”.	Canada Japan Russia Spain
	(g) Consider the reports and proposals put to it by any Member State, the Council or the Secretary-General;	Add “of the Organization”. Replace “Contracting Party(ies)” with “Member State(s)”. Clarify what standards means.	Japan Spain
	(h) Approve standards;	Standards not binding, so “Approve” instead of “Adopt”.	Canada Japan Russia

Article	Draft text	Comments	By
		Clarify for what kind of issues the General Assembly will adopt standards and what are their legal power.	
	(i) Make recommendations to Member States and Members on matters within the scope of the Organization;	Make recommendations to Contracting Parties, <u>Associate Members and Affiliate Members</u> and members on matters within the scope of the Organization;" Replace "Contracting Party(ies)" with "Member State(s)".	Japan Spain
		The ToRs of the Committees have financial implications. Should be determined by the GA. Insert new clause: "Determine the Terms of Reference for Committees and other subsidiary bodies;"	Japan
	(j) Decide on any other matters within the aims and objectives of the Organization; and	Too broad. Authority to "decide" on matters should be clearly defined in the Convention. The powers of the Organization must be consistent with its aims and functions (be consultative and technical, do not adopt binding decisions).	USA
	(k) Delegate, where appropriate and necessary, responsibilities to the Council.	Remove "and necessary"	Canada
7 The Council	7.1. The Council is the executive organ of the Organization and shall be responsible for directing the activities of the Organization.	Explore ways to ensure regional balance . Ensure that the role of the General Assembly is reflected. Consider adding "... pursuant to the guidance of the General Assembly." State clearly the need to observe the " geographical distribution principle ". Crucial issues like composition, sessions, functions, authority, rules of procedures (including voting and decision making) should be in the Convention. Should have a clause on councillors' term of office and possibility of re-election. Need proportional regional representation . This article should contain general provisions only. Procedural details should be moved to the General Regulations. Seek proportional regional representation Geographical balance is a matter for the Diplomatic Conference.	Argentina Canada Iran Korea Mexico Russia South Africa
	7.2. The Council shall consist of the President and the Vice President and up to twenty three (23) Councillors elected from amongst the Member States.	Consider at least a 2/3 majority for decision making. May be moved to the General Regulations. The number of Council members should be accurately defined. Provide clarifications about the seats on the Council. Delete provision for non-elected Councillor (no precedents in IGOs). (see 7.4) Proposed new 7.2:	Canada Denmark Iran Korea Norway

Article	Draft text	Comments	By
		<p>"The Council shall consist of the President and the Vice President and up to twenty two (22) Councillors elected from amongst the Contracting Parties."</p> <p>Proposes to increase the number of seats by one, not to have an even number and thus avoid a draw at votes. Proposed amended text: "The Council shall consist of up to twenty three <u>four (23)</u> Councillors <u>Member States</u> elected from amongst the <u>IALA Member States</u> Contracting Parties and one (1) non-elected Councillor <u>Member State, which shall be the hosting country of the Organization. All will be denominated Council members.</u></p> <p>Clarify: Council consisting of Contracting Parties only or also open to Affiliate members (especially private companies) <i>They might mean "Associate" members.</i></p>	<p>Spain</p> <p>Tunisia</p>
	7.3. Councillors shall be elected by ballot at each regular meeting of the General Assembly in accordance with the General Regulations.	<p>State Council elected at regular meetings of the General Assembly</p> <p>(see 7.4) Proposed new 7.3: "Councillors shall be elected by ballot by the General Assembly in accordance with the General Regulations."</p> <p>Replace "Elected Councillors" with "Council members".</p>	<p>Canada</p> <p>Norway</p> <p>Spain</p>
		<p>Consider procedures similar to IMO and IHO for allocating a seat to the Host nation.</p> <p>Remove</p> <p>Remove. No seat allocated to the Host country in other IGOs. Ensure Councillors are elected on an equal basis, ensure geographical representation.</p> <p>Remove: inserted in 7.2.</p> <p>Remove. The election process should apply to Contracting Parties.</p>	<p>Iran</p> <p>Korea</p> <p>Norway</p> <p>Spain</p> <p>Sweden</p>
	7.4. At the Council, Member States shall preferably be represented by the head of a national authority legally responsible for the regulation, provision, maintenance or operation of Marine Aids to Navigation of that Member State, or his or her representative.	<p>Suggest deleting "regulation"</p> <p>Editorial (comma after Council)</p> <p>Delete "preferably" and make it mandatory.</p> <p>Replace "At the Council Contracting Parties" with "Council members".</p>	<p>Canada</p> <p>Japan</p> <p>Korea</p> <p>Spain</p>
		<p>All Contracting Parties should be able to attend. Add new clause: "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." Keep in General Regulations.</p>	<p>Japan (supported by Canada, which did not suggest any wording.)</p>
	7.5. The Council shall:		
		Delete. Should be elected by the General Assembly .	Japan + Korea

Article	Draft text	Comments	By
		Delete. The President and the Vice President should be elected by the General Assembly from amongst the Contracting Parties. The President should be elected by the General Assembly .	Norway Russia
	(a) Exercise such responsibilities as may be delegated to it by the General Assembly;		
	(b) Coordinate the activities of the Organization within the framework of the overall policy, the strategic vision and the outline budget, as decided by the General Assembly;		
	(c) Approve the annual budget and accounts and the annual report;	General Assembly should approve a rolling budget, which is streamlined and managed on an annual basis by Council. Mention that the accounts are externally audited. Financial regulations Draft developed by Council for approval by the General Assembly . Budget should be approved by the General Assembly . Clarifications needed on the relationship between the powers of the General Assembly and of the Council for the financial management of the General Assembly, including the determination of the contribution rates. Member States should control the budget through the General Assembly . Council ensure that it is properly managed. Suggest replacement text: "Approve the multi annual budget framework with a horizon of four years and review the degree of compliance of the framework to the previous period." The annual budget should be approved by the General Assembly .	Australia Mexico Mexico Romania Russia Spain Tunisia
		Should allow for Council to set the actual rate in accordance with the General Regulations, which themselves could be expanded on this point. Delete. Should be determined by the General Assembly. Clarifications needed on the relationship between the powers of the General Assembly and of the Council for the financial management of the General Assembly, including the determination of the contribution rates. Keep contributions and fees under the supervision of the Member States and keep increases under a controlled way, limit the maximum increase. Proposed replacement text: "Approve the rate of contributions for Member States and fees for partners to be incorporated in the multiannual budget project, which cannot be modified during the period of validity of the mentioned draft, and cannot get over a percentage of 20% of those approved for the previous period."	Australia Japan Russia Spain

Article	Draft text	Comments	By
	(d) Convene the General Assembly;		
	(e) Report to the General Assembly on the work of the Organization;		
		<p>“...Secretary-general <u>of the Organization...</u>”</p> <p>Move the appointment procedure from the General Regulations to the Convention.</p> <p>The Secretary-General should be elected by the General Assembly.</p> <p>Remove.</p>	<p>Japan</p> <p>Korea</p> <p>Russia</p> <p>Spain</p>
	(f) Review proposals submitted to it in accordance with the General Regulations;		
	(g) Refer to the General Assembly all matters requiring decision by the General Assembly;		
	(h) Approve recommendations, guidelines, manuals and other appropriate documents;	<p>Change to: “Approve recommendations, guidelines, manuals and other appropriate papers <u>suitable instruments</u>; Give flexibility to approve papers outside the IALA document structure.</p> <p>Specify the range of issues covered by the recommendations and guidelines, and their legal powers. Have them approved by the General Assembly (little understanding of which body is the main one in taking final decisions and which authority develops these guidelines).</p>	<p>Japan</p> <p>Russia</p>
	(i) Approve submissions to, and formal agreements with, other organizations;	e.g to cover MoUs with other IGOs (comment from Korea in Article 11.3).	
	(j) Determine the terms of reference for Committees and other subsidiary bodies;	<p>Remove. (see comment above 6.7(h)).</p> <p>Arguable (Committees seem to determine them themselves).</p>	<p>Japan</p> <p>Russia</p>
	(k) Approve and review the work programmes of the Committees; and		
	(l) Decide the venue and the year of the Organization’s conferences and symposia as described in the General Regulations.		
8 Committees and Other Subsidiary Bodies	Committees and other subsidiary bodies may be established by the Council to support the endeavours of the Organization and shall operate in accordance with this Convention and the General Regulations.	<p>Ensure the Convention is consistent and clear on whom may establish Committees and other bodies.</p> <p>Delete “or the Council”. (Committees established by GA)</p> <p>Not clear. A mechanism of subordination between the General Assembly is needed, taking account of the provisions in 7.6 (m), and should appear in the Convention.</p> <p><u>Committees and other bodies report to the Council.</u></p>	<p>Canada</p> <p>Japan</p> <p>Russia</p>

Article	Draft text	Comments	By
		To facilitate interaction between Member States (exchange on national experiences and circumstances), add at the end of the Article: "When feasible, they will all be located or hold sessions in different Member States." Would adversely impact on the finances of the Organization.	Spain
9 Secretariat	9.1. The permanent Secretariat of the Organization shall be comprised of the Secretary-General and such technical and administrative staff as may be required for the work of the Organization.	Limit budgetary implications of hiring staff, add "Within the approved budgetary framework". All activities are to be conducted within budget.	Canada
		Keep neutrality of the Secretariat (article 56 of IMO Convention). Add: "In the performance of their duties, the Secretary-general and the staff shall not seek or receive instructions from any Government or from any authority external to the Organization. They shall refrain from any action which might reflect on their position as international officials. Each contracting Party on its part undertakes to respect the exclusively international character of the responsibilities of the Secretary-General and the staff and not to seek to influence them in the discharge of their responsibilities." In General Regulations.	Japan
		Add at the end of 9.1: " , if approved, case by case, by the Council."	Spain
	(a) The Secretary-General shall be elected for a term of four years and may be re-elected for one additional term not exceeding four years;	Make reference to who is appointing the Secretary-General See Article 6.8 (e) Proposed amended text: "The Secretary-General shall be appointed elected by the Member States at the <u>General Assembly</u> for a term of four years and may be reappointed for one additional term not exceeding four years;	Canada Spain
	(b) The Secretary-General shall be responsible for the day to day management of the Organization, subject to any guidance issued by the General Assembly or the Council;	Proposal: "The Secretary-General shall be the Chief Administrative Officer" The Secretary General's role is to be the legal representative and chief executive.	Russia
		Insert (c): "There will be geographical rotation for the position of Secretary-General; Should be best person for the position.	Spain
		Insert (d): "The Council members shall not be able to present candidates for the position of Secretary-General." Will be covered in the General Regulations.	Spain
	9.2. The staff of the Secretariat shall be appointed by the Secretary-General on such terms and to perform such duties as the Secretary-General may determine.	Suggest adding at the end: "to fulfil the aims and functions of the Organization." Not necessarily needed. Should be a sub-paragraph of 9.1 Part of a logical sequence going down from SG to Secretariat. Secretary-General to seek Council's approval for the appointment of the staff. Add that the Secretary-general and the staff should act in good faith.	Canada Japan Korea

Article	Draft text	Comments	By
	9.3. The Secretariat shall:	Provide for maximum implication of the Member States in the design and implementation of measures concerning the Secretariat, as a way to both increase the control of the expenses of the Secretariat and give it an enhanced authority through the direct support of the Council members to its activities. Please provide an explanation before or at EXLAP3.	Spain
	(a) Maintain all such records as may be necessary for the efficient discharge of the work of the Organization and shall prepare, collect, and circulate any documentation that may be required;		
	(b) Administer the Organization's finances under the direction of the Council, in accordance with the General Regulations;	Administration of finances should be given to an independent body, to control the expenses incurred by the Secretariat itself. Overseen by FAC and an external auditor. Proposal: "Administer" instead of "Manage" (consistency with comment on 9.1 (b)).	Mexico Russia
	(c) Prepare the annual budget proposal and accounts for submission to the Council;	The budget is not decided by the Secretariat. Amend to read: "Prepare the annual budget <u>proposal</u> and accounts for submission to [organ entitled to approve the budget]"	Canada
	(d) Keep Member States, Members and other organizations informed with respect to the activities of the Organization;	Suggest adding: "as approved by the Council". Actions needing Council's approval are mentioned elsewhere (eg. 7.5) Amend to read: ""Keep Contracting Parties, <u>Associate Members and Affiliate Members and members</u> informed with respect to the activities of the Organization;" Amend to read: "Keep Contracting Parties, members <u>and other related Organizations</u> informed with respect to the activities of the Organization;"	Canada Japan South Africa
	(e) Organize and support meetings of the General Assembly, the Council and Committees and other subsidiary bodies;		
	(f) Organize conferences and symposia, seminars, workshops and other events; and	Add "as approved by Council." Conferences and Symposia covered in Article 7.6(o). Workshops and Seminars are part of the ordinary work of the Committees.	Canada
	(g) Perform such other tasks as may be assigned by this Convention, the General Regulations, the General Assembly or the Council.	Replace "the Convention" with " <u>this</u> Convention".	Japan
10 Funding and Expenditure	10.1. The expenditure available for the functioning of the Organization shall be met by the financial resources provided by:	Need to know how much should be paid to the Organization to be created. It is not expected that there will be any additional contributions or fees at the inception of IALA as an IGO. Suggest improving the language: "The expenditure available for the functioning of the Organization shall meet the amount of <u>be met by the</u> financial resources provided by"	Argentina Canada

Article	Draft text	Comments	By
		Article 10 should clearly identify the GA and Council authorities with regard to budget handling.	Korea
	(a) Member State contributions;	<p>“Contributions of Contracting Parties”</p> <p>No mention of who will be the Contracting Parties and the members regarding the payment of contributions and fees (current National members become Associate members). Please provide an explanation before or at EXLAP3.</p> <p>Replace “Contracting Party” with “Member State”.</p>	<p>Japan</p> <p>Mexico</p> <p>Spain</p>
	(b) Member fees;	<p>“annual Member fees of Associate Members and Affiliate Members.”</p> <p>Replace “member” with “partner”.</p>	<p>Japan</p> <p>Spain</p>
	(c) Donations, bequests, grants, gifts; and	To keep with the principle of control and direct implication of the Member States and protect independence of the Organization, amend text to: “donations, bequests, grants, gifts accepted by the Council; and If novel or contentious the SG will inform the FAC/Council.	Spain
	(d) Other sources approved by the Secretary-General.	<p>Consider specifying what other sources can be and who approves them. eg. Income from sell of publications, memorabilia, redundant equipment...</p> <p>For the same reasons as above, amend text: “other sources approved by <u>the Council</u> <u>[on the suggestion of]</u> the Secretary-General.</p>	<p>Canada</p> <p>Korea + [Spain]</p>
	10.2. The budget estimates and the financial statements on the accounts of the Organization shall be approved by the Council.	Endorsement of the financial statements by the General Assembly. Covered by the Financial Regulations Article 2.	Mexico
	10.3. Following the Council’s approval of the Organization’s audited financial statements those statements shall be distributed to all Member States and Members by the Secretariat.	<p>Consider adding a clause on the requirement for an audit. Covered by the Financial Regulations Article 12.</p> <p>Amend: “Following the Council’s approval of the Organization’s audited financial statements, those statements shall be distributed to all Contracting Parties, <u>Associate Members and Affiliate Members</u> and members by the Secretariat.</p>	<p>Canada</p> <p>Japan</p>
11 Legal Personality, Privileges and Immunities	11.1. The Organization has international legal personality and has the capacity to:	See very detailed comments from Argentina at the end of the document. Please provide specific proposal for a text before or at LAPEX3.	Argentina
	(a) Contract and conclude agreements with Governments, organizations and other bodies;		
	(b) Acquire and dispose of immovable and movable property; and		
	(c) Institute legal proceedings.		

Article	Draft text	Comments	By
	<p>11.2. Subject to the agreement of each Member State, the Organization shall enjoy in the territory of the Member State such privileges and immunities as may be necessary for the fulfilment of its aims and objectives and for the exercise of its functions. In the territory of any State which is party to the Convention on the Privileges and Immunities of the Specialized Agencies adopted by the General Assembly of the United Nations on 21 November 1947, such legal capacity, privileges and immunities shall, mutatis mutandis and subject to the agreement of the Member State in question, be those defined in the said Convention.</p>	<p>Is there a need for privileges and immunities on all Contracting Parties? And what about those countries that are not part of the said Convention? Consider redrafting as follows:</p> <p>“The privileges and immunities which the Organization and its officers shall enjoy in the territory of a Member State shall be subject to agreement between the Organization and the Member State including, in particular, a headquarters agreement between the Organization and the host Member State.”</p> <p>Have flexibility. Privileges and immunities may vary from one country to another. Remove the last sentence and for consistency with previous comments replace “aims” with “objectives”.</p> <p>What about countries that are not parties to the Convention on the Privileges and Immunities of the Specialized Agencies adopted by the General Assembly of the United Nations on 21 November 1947? Provide possible alternatives for such countries (among which Canada, USA, Peru, Venezuela, Turkey, Israel).</p> <p>The agreement of each Contracting Party should also be referred to in the 2nd sentence, which then would read as follows: “In the territory of any state which is party to the Convention on the Privileges and Immunities of the Specialized Agencies adopted by the General Assembly of the United Nations on 21 November 1947, such legal capacity, privileges and immunities shall, <u>subject to the agreement of the Contracting Party in question</u>, be those defined in the said Convention.”</p> <p>Does not concern tax privileges and immunities for the officials of the Organization.</p> <p>Need to include that the Convention will be applied mutatis mutandis. Clarify what is meant by “subject to the agreement of each Contracting Party”: will it be subject to a separate agreement with each member State?</p> <p>Change “Contracting Party” for “Member State”.</p> <p>Language is ambiguous. Make clear that the extension of privileges in the territory of member states other than the host country is discretionary, for example:</p> <p>“Each Contracting Party in its discretion may extend to the Organization such privileges and immunities as may be available under its domestic law.”</p>	<p>Canada</p> <p>Japan</p> <p>Mexico</p> <p>Norway</p> <p>Russia</p> <p>Spain</p> <p>USA</p>
		<p>Not related to privileges and immunities. Have separate article for relations with other Organizations.</p> <p>Incorporated into Article 11.1(c).</p> <p>Specify that this is not related to privileges and immunities.</p>	<p>Korea</p> <p>Mexico</p>
		Reference to the Headquarters Agreement with the Government of France, needed.	Mexico

Article	Draft text	Comments	By
		Need also to know if the Organization will be allowed to use the building financed by a donation by France. The premises belong to IALA.	
		Insert: “No Contracting Party or member shall be liable, by reason of its status or participation in the Organization, for acts, omissions or obligations of the Organization.” Moved from Article 4.8.	Russia
12 Amendments	12.1. Any Member State may propose an amendment to this Convention, in writing, to the Secretary-General.	Add an Article specifying who is the Depositary. For example: “The Depositary for this Convention is the Government of France” Amendments should be forwarded to the Secretary-General. They would be forwarded to the Depositary when they have entered into force. Change “Contracting Party” for “Member State”	Canada Japan + Korea + Tunisia Spain
	12.2. The Secretary-General shall circulate the amendment proposal to all Member States at least six months in advance of its consideration by the General Assembly.	Acceptable if the meaning is that the General Assembly could consider and eventually approve the proposed amendment, but that State Parties would subsequently have to formally accept the amendment to make it applicable to them. (please confirm Canada’s understanding). Amend according to comments above in 12.2. The French Government would exceed its functions as depositary in terms of Article 77 of the Vienna Convention on the Law of Treaties of 1969, since the distribution of draft amendments for analysis is an eminently administrative task and should be handled by the Secretariat.	Canada Japan + Korea + Tunisia Mexico
	12.3. The proposed amendment shall be accepted by vote of the General Assembly upon approval by a two-thirds majority of Member States present and voting, excluding Member States denied by Article 4.6.	Suggest improving language: “The proposed amendment shall be accepted <u>adopted</u> by vote of <u>at</u> the General Assembly upon approval by a two-thirds majority of Contracting Parties present and voting, excluding Contracting Parties denied by Article 4.7.” Need a more coherent procedure for the adoption and rejection of an amendment (difference between 2/3 majority and ¼ majority). Change “Contracting Parties” for “Member States”. Member States should not be bound to amendments without their consent. Amendments must be approved unanimously, or alternative mechanism to provide for Mr States to be bound by amendments only if they specifically accept. Procedure for acceptance of amendments is a matter for the Diplomatic Conference	Canada Romania Spain USA
	12.4. Any amendment adopted in accordance with Article 12.3 shall be sent by the Secretary-General to the [Government of France] acting as Depositary of this Convention. The latter shall notify all Member States specifying the date of entry into force	Suggest keeping the first sentence only as the rest is a highly exceptional approach. See also proposed redrafting of Article 12.5. Change “Contracting Parties” in the first occurrence to “Contracting States”.	Canada Australia

Article	Draft text	Comments	By
	of the amendment. The amendment shall be deemed to have been accepted at the end of a period of twelve months after the date of notification, unless within that period not less than one-fourth of the States that were Member States at the time of the adoption of the amendment have communicated to the Depositary that they do not accept the amendment, in which case the amendment is rejected and shall have no effect.	<p>In accordance with the Vienna Convention on Treaties, “Contracting States” consent to be bound whether or not the treaty is in force for them. (see general comments at the top of the document)</p> <p>Amend: “Any amendment adopted in accordance with Article 12.3 shall be <u>sent by the Secretary-General of the Organization to the Government of France acting as Depositary of this Convention. The latter shall notify the fact, specifying the date of entry into force of the amendment, notified by the Depositary [Government of France]</u> to all Contracting Parties and the Secretary General. The amendment shall be deemed to have been accepted at the end of a period of twelve months after the date of notification, unless within that period not less than one-fourth of the States that were Contracting Parties at the time of the adoption of the amendment have communicated to the Depositary Government of France that they do not accept the amendment, in which case the amendment is rejected and shall have no effect.”</p> <p>Simple compared with other IGOs. Have it more in line with other conventions.</p> <p>Agree on the principle but concern about a Contracting Party not being allowed to make reservations by objecting to an amendment. Suggest new wording: “Any amendment adopted in accordance with Article 12.3 shall be notified by the Depositary [Government of France] to all Contracting Parties and the Secretary General. The amendment shall be deemed to have been accepted at the end of a period of twelve months after the date of notification,unless within that period not less than one-fourth of the States that were Contracting Parties at the time of the adoption of the amendment have communicated to the Depositary that they do not accept the amendment, in which case the amendment is rejected and shall have no effect.”</p> <p>Change “Contracting Parties” for “Member States”</p> <p>It is common in international conventions that amendments enter into force in the same conditions as the original Convention.</p>	<p>Japan</p> <p>Korea</p> <p>Norway</p> <p>Spain</p> <p>Tunisia</p>
		<p>New 12.5 to make clear that amendments to the Convention only apply to those Contracting Parties which have accepted it: “An amendment to the Convention shall enter into force with respect to those Contracting Parties which have accepted it six months after the date on which it is deemed to have been accepted, and with respect to each Contracting Party which accepts it after that date, six months after the date of that Contracting Party’s acceptance.” Matter for the Diplomatic Conference.</p>	Norway
	12.5. An amendment deemed to have been accepted in accordance with Article 12.4 shall enter into force for all Member States six months after its acceptance.	<p>Suggest redrafting: “An amendment to this Convention shall come into force for Contracting Parties having accepted the amendment six months after written notification of the</p>	Canada

Article	Draft text	Comments	By
		<p>acceptance to the Depositary by ¾ of Contracting Parties and thereafter for each remaining Member State upon acceptance by it.”</p> <p>Matter for the Diplomatic Conference.</p> <p>Amend: “An amendment deemed to have been accepted in accordance with Article 12.4 shall enter into force <u>for all Contracting Parties</u> six months after its acceptance.” (should be legally binding for all States, including those who voted against it.)</p>	Japan
13 Interpretation and Disputes	Member States shall make every effort to prevent disputes, and shall use their best efforts to resolve any disputes by amicable means which may include consultation and negotiation with each other. Disputes that remain unresolved may, with the agreement of all parties to the dispute, be referred to a panel of three independent arbitrators appointed by the Secretary-General of the Permanent Court of Arbitration for a non-binding resolution, unless the parties to the dispute agree upon another mode of dispute settlement.	<p>The Article provides enough flexibility; No need for amendments.</p> <p>Consider redrafting: “Contracting Parties shall make every effort to prevent disputes, and shall use their best efforts to resolve any disputes by amicable means which may include consultation and negotiation with each other. Disputes that remain unresolved may, with the agreement of all parties to the dispute, be referred to a panel of three independent arbitrators appointed by the Secretary-General of the Permanent Court of Arbitration for a non-binding resolution, unless the parties to the dispute agree upon another mode of dispute settlement.”</p> <p>For better efficiency, refer questions and disputes to an independent arbitrator appointed by the President of the International Court of Justice.</p> <p>Change title. Highlight that rule is to go through negotiations first. Suggest new text as follows: “Article 13 – <u>Settlement of Disputes</u> Any question or dispute concerning the interpretation or application of the present Convention arising between or amongst Contracting Parties shall be settled through consultation or negotiation or by the good offices of the Council. <u>If the dispute is not settled through consultation or negotiation within a period of three months it</u> may be referred to a panel of three independent arbitrators appointed by the Secretary-General of the Permanent Court of Arbitration, unless the parties to the dispute agree upon another mode of settlement.”</p> <p>Change title for “<u>Settlement of Disputes over Interpretation and Application of the Convention</u>”. Agree whether the conditions that must be fulfilled before submission of the dispute to independent arbitrators, in the event of any dispute over interpretation or application of the Convention, will alternative, dispositive, or imperative (that is, when a dispute arises, should the parties conduct both consultations and negotiations, and go through the Council mediation procedure, or fulfilment of one of these conditions will be enough). Work on this article is extremely important.</p>	<p>Australia</p> <p>Canada</p> <p>Korea</p> <p>Norway</p> <p>Russia</p>

Article	Draft text	Comments	By
		Change “Contracting Parties” for “Member States” USA not in a position to submit to binding arbitration in advance of an anticipated dispute. Any referral of a dispute to arbitration should only be made with the express consent of the parties to the dispute. Matter for the Diplomatic Conference.	Spain USA
14 Signature, Ratification and Accession	14.1. This Convention shall open for signature by Members of the United Nations at [xxx] and remain open until [xxx].		
	14.2. This Convention is subject to ratification, acceptance or approval by the signatory States.	Confirm whether acceptance and approval are also accurate in the context of signatory states. Process after signature is subject to national law.	Canada
	14.3. This Convention shall be open for accession by any Member of the United Nations which has not signed this Convention from the day after the date on which this Convention closes for signature.		
	14.4. Instruments of ratification, acceptance, approval or accession shall be deposited with the Depositary [Government of France], who shall then notify each Member State and the Secretary-General thereof.	“Instruments of ratification, acceptance, approval or accession shall be deposited with the Depositary [Government of France], who shall then notify each Contracting Party and the Secretary-General <u>of the Organization</u> thereof.”	Japan
	14.5. Ratification, acceptance, or approval of, or accession to, this Convention shall be without reservation.	No subject matter that should give rise to the need for reservations. No amendments needed. Concern about the absence of a reservation right at the time of ratification, acceptance, approval or accession to the Convention. Delete. Possibility to make reservations would reduce the threshold of becoming a Party. Matter for the Diplomatic Conference	Australia Iran Norway
		Add a clause on reservations.	Canada
15 Entry into Force	15.1. The present Convention shall enter into force on the thirtieth day after the date of deposit of the thirtieth ^{vi} instrument of ratification, acceptance, approval or accession.	Thirtieth (in letters)	Japan
	15.2. For each State ratifying, accepting, approving or acceding to this Convention after its entry into force the Convention shall enter into force on the thirtieth day after the deposit of its instrument of ratification, acceptance, approval or accession.	“ <u>this</u> ” Convention	Japan
16		Change “Contracting Parties” in the first occurrence to “Contracting States”.	Australia

Article	Draft text	Comments	By
Withdrawal	16.1. Any Member State may withdraw from this Convention by giving at least twelve month written notice to the Depositary [Government of France], who will immediately inform all Member States and the Secretary-General of such notification.	In accordance with the Vienna Convention on Treaties, “Contracting States” consent to be bound whether or not the treaty is in force for them. (see general comments at the top of the document)	
		Depositary	Japan
		Written notice should be sent to the Secretariat.	Korea
		Change “Contracting Party” for “Member State”	Spain
	16.2. Notification of withdrawal may be given at any time after the expiration of twelve months from the date on which this Convention has come into force.	“ <u>this</u> ” Convention	Japan
	16.3. The withdrawal shall take effect on 31 December following the expiration of the notice.	Consider redrafting to shorten the timeframe in which a withdrawal from the Convention will be effective, for example by merging paras. 16(1), (2), and (3), to say the following: “A Contracting Party may, by written notification addressed to the Depositary, withdraw from this Convention. The Depositary will immediately inform all Contracting Parties of such notification. The withdrawal shall take affect 1 year after the date of receipt of the notification by the Depositary”. May add “unless the notification specifies a later date.” Arrangements similar to other IGOs.	Canada
17 Termination	17.1. This Convention may be terminated by decision of the General Assembly upon a two-thirds majority of Member States present and voting, excluding any Member State denied by Article 4.7 the rights and benefits conferred on Member States.	Decision should be taken by a more representative majority (e.g. 2/3 of the Contracting Parties) than 2/3 of the Contracting Parties present and voting. Termination and amendments should have the same procedure.	Romania
		Change “Contracting Parties” for “Member States”	Spain
	17.2. The date of termination will be twelve months after the date of the above decision, and in the intervening period the Council shall be responsible for the winding up of the Organization in accordance with the General Regulations.	Editorial (see text)	Japan
18 Transitional Arrangements	18.1. All National members of the International Association of Marine Aids to Navigation and Lighthouse Authorities, who are not Member States, shall, with the approval of the Council and subject to their agreement, become Associate Members of the Organization.	A balance must be achieved between the objectives and functions of the current IALA and the necessary changes that must be made due to the change of the legal nature of IALA. Please provide an explanation before or at EXLAP3.	Argentina
		Capitalise “Members”	Australia
		Remove “upon the entry into force of this Convention”.	Canada
		May be subject to their request and agreement. Council approval not needed.	Iran
		Need for this Article should be discussed. It applies also to the States that are not parties to the Convention. May be discussed within the current IALA. Can be a Resolution or any other non-binding instrument.	Japan

Article	Draft text	Comments	By
		<p>Replace “agreement” with “consent” and capitalise <u>Members</u> throughout the Article. Need can be discussed.</p> <p>Need more clarity in transitional arrangements, the relation between the new international organization and former IALA, especially with a view to the fact that the main organs of IALA become transitional organs of the new organization. Please provide an explanation before or at EXLAP3.</p> <p>In all articles: Change “Contracting Party(ies)” for “Member State(s)”, “member(s)” for “partner(s)” and “membership” for “partnership”.</p>	<p>Romania</p> <p>Spain</p>
	18.2. All Associate or Industrial members of the International Association of Marine Aids to Navigation and Lighthouse Authorities holding financial, non-suspended status shall, with the approval of the Council and subject to their agreement become Affiliate Members of the Organization.	<p>Capitalise “Member”, “Members”, “Associate” and “Industrial”</p> <p>Change “parties” to “entities”. Consider deleting reference to the General Regulations, which will not exist at that time.</p> <p>May be subject to their request and agreement. Council approval not needed.</p> <p>Agreement <u>consent</u></p>	<p>Australia</p> <p>Canada</p> <p>Iran</p> <p>Japan</p>
	18.3. Upon the entry into force of this Convention the President, Vice President and the Council of the International Association of Marine Aids to Navigation and Lighthouse Authorities shall become the transitional President, Vice President and Council of the Organization and will operate as such until the first General Assembly convened under this Convention has elected a President, Vice President and Council, which must be within a period not exceeding six (6) months. Until such time as the Organization has adopted General Regulations, it shall function in accordance with the General Regulations of the International Association of Marine Aids to Navigation and Lighthouse Authorities mutatis mutandis.	<p>Change wording to: “Upon the entry into force of this Convention the Council of the International Association of Marine Aids to Navigation and Lighthouse Authorities shall act as a transitional Council of the Organization and operate as such until the first General Assembly convened under this Convention, which must be within a period not exceeding six (6) months.” Also, consider that 6 months might be too short. The text is flexible enough not to run the risk of being unable to convene the first General Assembly within the period of 6 months.</p>	Canada
	18.4. For the duration of the transitional Council Associate Members will be permitted to engage in the work of the Council for the benefit of the Organization.		
	18.5. The Committees of the International Association of Marine Aids to Navigation and Lighthouse Authorities shall become the transitional Committees of the Organization and will operate until Committees are established under this Convention.	<p>Change wording to: “The Committees of the International Association of the Marine Aids to Navigation and Lighthouse Authorities shall become the transitional Committees of the Organization and will shall operate until a decision is made by Council on their status under this Convention.”</p>	Canada
	18.6. In the event that a State which has Associate membership under this Convention becomes a Contracting State the Associate membership shall cease on the date on which this Convention enters into force for that State. In the case of a Contracting State having more than one Associate membership under this Convention that State may decide to retain Associate memberships.	<p>Reword: “In the event that a State which has Associate membership <u>under this Convention</u> becomes a Contracting Party <u>State</u> the Associate membership will cease on the date on which the Convention enters into force for that State. In the case of a Contracting Party <u>State</u> having more than one Associate membership <u>under this Convention</u> that Contracting Party <u>State</u> may decide to retain Associate memberships.”</p>	Australia

Article	Draft text	Comments	By
	transmit certified copies thereof to all the [signatory and acceding] Governments and to the Secretary-General of the Organization.		

ⁱ General Regulations will include Financial Regulations.

^{iv} Contributions to be according to the principle of equal sharing, which will be specified in the General Regulations.

^v Contributions to be according to the principle of equal sharing, which will be specified in the General Regulations.

^{vi} 30 signatures have been proposed in order to have enough members to elect and form a Council of up to 24 members in accordance with article 7.2.