

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

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

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

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

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

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

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

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

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

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

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

Services area.]	
<p><b>Article 1</b> <b>Establishment of the International Organization</b></p> <p>1. The <del>International</del> Organization <del>for Marine Aids to Navigation</del> is hereby established as an international organization and shall be known as “IALA[IOMAN]” (hereinafter ‘the Organization’).</p> <p>2. The Organization shall have its seat in France unless otherwise decided by the General Assembly.</p> <p>3. The official languages of the Organization shall be English, French and Spanish. The working languages of the Organization shall be English [and French].</p> <p>4. The operation of the Organization shall be as set out in the General Regulations.<sup>i</sup> <del>The General Regulations are subject to the provisions of this Convention. Where there is a conflict between the Convention and the General Regulations or any other basic documents covering the governance of the Organization, the Convention shall prevail.</del></p>	<p>7. 1.1: Definition of “the Organization” should be transferred to an article for definition to be inserted (see comment 6). .</p> <p>8. 1.3: From the point of view of administration cost and efficiency, the working language should be only English.</p> <p>9. 1.4: Relationship between the Convention and the GR (and any other documents) should be stipulated in the Convention, and not in the GR. Therefore, add at the last of paragraph 4 following texts: “The General Regulations are subject to the provisions of this Convention. Where there is a conflict between the Convention and the General Regulations or any other basic documents covering the governance of the Organization, the Convention shall prevail.”</p> <p>10. 1.4: Our understanding is that the GR is not a legally-binding document (see our comments on GR). In case the GR legally binds the Contracting Parties, this point should be stipulated in the Convention as legal justification, so that it could manifest the consent of each Contraction Party to be bound by the GR (In this case, it seems better to insert an article specialized in the nature of GR). However, even in the above-mentioned case, the GR should not require the process of conclusion by each Contracting Party as the Convention.</p>

	<p>11. Regarding notes (i to v), we understand that they are provisionally inserted as reference for the consideration of texts, and will not be included in the final text (certified copy).</p>
<p><b>Article 2</b> <b>AimsObjectives</b></p> <p>1. The Organization shall have a consultative and technical nature.</p> <p>2. The <del>aims</del>objectives of the Organization are to:</p> <p>(a) foster the safe and efficient movement of vessels through the improvement and <del>harmonisation</del>harmonization of marine aids to navigation [and Vessel Traffic Services] worldwide and by other appropriate means;</p> <p>(b) bring together governments, services and <del>organisations</del>organizations concerned with the regulation, provision, maintenance or operation of marine aids to navigation[, Vessel Traffic Services] and allied activities;</p> <p>(c) promote access to technical cooperation on all matters related to development and transfer of expertise, science and technology in relation to marine aids to navigation [and Vessel Traffic Services];</p> <p>(d) encourage and facilitate the general adoption of the highest practicable standards in matters concerning marine aids to navigation [and Vessel Traffic Services]; and</p> <p>(e) provide for the exchange of information among governments and intergovernmental organizations on matters under consideration by the Organization.</p> <p><del>3. For the purposes of this Convention the term ‘marine aids to navigation’ means a device, system or service, external to a vessel, designed and operated to enhance safe and efficient navigation of all vessels and/or vessel</del></p>	<p>12. 2.1: It is crucial to keep this paragraph, so as to prevent the Organization from becoming IGO dealing with political issue.</p> <p>13. 2.2: As many of other international treaties, replace “aims” by “objectives” (or “purposes”). (Modification is required for each subsequent article.)</p> <p>14. 2.3: The definition of “marine aids to navigation” should be transferred to an article for definition to be inserted (see comment 6). It also should be more accurate, considering that under the present draft, other services such as</p>

<p><del>traffic.</del></p>	<p>Meteorological services (SOLAS V/5), Ice Patrol Service (SOLAS V/6), Search and rescue services (SOLAS V/7) or Hydrographic services (SOLAS V/8), might be included in “marine aids to navigation”. The definition here also should be consistent with SOLAS Convention, under which regulation regarding “Vessel traffic services (VTS)” (Chapter V, Regulation 12) is not included in “aids to navigation” (Chapter V, Regulation 13) and separately stipulated. Considering these points, revised definition of “marine aids to navigation” should be, for example, as following (tbd):</p> <p>““marine aids to navigation” means a <u>visual or radio</u> device, system or service, external to a vessel, designed and operated to enhance safe and efficient navigation of all vessels.”</p> <p>The definition of VTS should also be stipulated (tbd).</p>
<p><b>Article 3</b> <b>Functions of the Organization</b></p> <p>In order to achieve the objectives set out in Article 2, <del>the</del> functions of the Organization, <del>to achieve the aims referred to in Article 2, are to</del> shall be :</p> <p>(a) <del>to</del> provide standards, recommendations, guidelines <del>and</del>, manuals or other suitable instruments <del>and to commend these to governments, intergovernmental organizations and members</del> Contracting Parties, Associate Members, Affiliate Members and any organization, association or person engaged in maritime affaires as appropriate;</p> <p>(b) <del>to</del> consider and make recommendations on standards, recommendations, guidelines and other documents that may be remitted to <del>the</del> Organization by <del>members-Associate Members or Affiliate Members</del>, by any organ or <del>specialised</del> specialized agency of the United Nations or by any other intergovernmental organization;</p>	<p>15. 3: As many of other international treaties, replace the first sentence by “In order to achieve the objectives (or “purposes”) set out in Article 2, the functions of the Organization shall be:” In this case, it is necessary to add “to” to the beginning of each sub paragraph ((a) to (g)).</p> <p>16. 3(a): Replace “and manuals” by “, manuals” (consistency with article 7). Delete “and to commend these” and replace “governments, intergovernmental organizations and members” by “Contracting Parties, Associate Members, Affiliate Members and any organization, association or person engaged in maritime affaires”, as all IALA’s documents are currently available freely on its website.</p> <p>17. 3(b): Replace “it” by “the Organization” and “members” by “Associate Members or Affiliate Members”, as these words should be defined. (Same modification is required for each subsequent article/paragraph.)</p>

<p>(c) to provide mechanisms for consultation and exchange of information including <del>the one</del> about the activities of Contracting Parties, <del>members</del>Associate Members, Affiliate Members and recent developments;</p> <p>(d) to develop international cooperation by promoting close working relationships and assistance between <del>its</del>—Contracting Parties and <del>members</del>Associate Members and Affiliate Members;</p> <p>(e) to facilitate assistance, <del>whether technical, organizational or training</del>, to governments, services and other organizations requesting help with marine aids to navigation <del>[and Vessel Traffic Services],—whether technical, organisational or training</del>;</p> <p>(f) to <del>organise</del>organize conferences, symposia, seminars, workshops and other events relevant to <del>the work of the Organization</del>; and</p> <p>(g) to liaise and cooperate with relevant intergovernmental, international and other <del>organisations</del>organizations, offering <del>specialised</del>specialized advice where appropriate.</p>	<p>18. 3(c): Add “the one” between “including” and “about” for the clarification.</p> <p>19. 3(d): Delete “its” as the word “Contracting Party” should be defined.</p> <p>20. 3(e): For clarification, add “, whether technical, organizational or training,” between “facilitate assistance” and “to governments, (...)” and delete “, whether technical, organizational or training”.</p> <p>21. 3(f): Replace “its work” by “the work of the Organization”, as the word “the Organization” should be defined.</p>
<p><b>Article 4</b> <b>Membership</b></p> <p>1. The Organization shall be comprised of Contracting Parties <del>and members as described in Article 4.2</del>, Associate Members and Affiliate Members.</p> <p><del>2. ———Members shall include, and the General Regulation may make provision for all matters related to, associate<sup>#</sup>—and affiliate<sup>##</sup>—members.—</del></p> <p><del>32.</del> Any Contracting Party may claim Associate membership for a territory or group of territories for which it has responsibility and which is legally responsible for the regulation, provision, maintenance and/or operation of marine aids to navigation <del>[or Vessel Traffic Services]</del>, by notification in writing to the</p>	<p>22. 4.1: Replace “and members as described in Article 4.2” by “Associate Members and Affiliate Members”, as these word should be defined.</p> <p>23. 4.2: Delete this paragraph. Considering the importance of membership categories, definitions related to this issue should be clearly stipulated in the Convention, and not in GR (see the examples such as the Convention on the IMO and Statutes of UNWTO). The word “Associate Member” and “Affiliate Member” should be defined in an article for definition to be inserted in using current draft</p>

<p>Secretary-General of the Organization.</p> <p><b>43.(a)</b> Each Contracting Party shall pay a contribution<sup>iv</sup> to the Organization on an annual basis in the amount determined in accordance with <del>in</del> Article 7.6 (e) and Article 10. <b>The rate of contribution shall be the same for each Contracting Party.</b></p> <p><b>5.(b)</b> Contracting Party contributions <del>and member fees</del> shall be due and payable in accordance with the General Regulations.</p> <p><b>6.(c)</b> Failure to make a contribution <b>by any Contracting Party</b> when such payment becomes due may result in <del>the</del><b>that</b> Contracting Party being charged interest, the rate of which will be determined by the Council.</p> <p><b>7.(d)</b> Any Contracting Party which is two years in arrears in making contributions shall, after notification <b>[by the Secretary-General of the Organization]</b>, be denied the rights and benefits conferred on Contracting Parties by this Convention until such time as the outstanding contributions have been paid.</p> <p><b>84.</b> No Contracting Party or member shall be liable, by reason of its status or participation in the Organization, for acts, omissions or obligations of the Organization.</p>	<p>texts of GR (see comment 6).</p> <p>24. 4.4-4.8: For more clarification, it seems better to put provisions in this Article regarding contribution in a same paragraph (4.4) with sub-paragraphs, with following modifications.</p> <ul style="list-style-type: none"> <li>- 4.4: Delete “in” before “Article 7.6(e)” (grammatical point of view).</li> <li>- 4.4: Add “The rate of contribution shall be the same for each Contracting Party” at the last of the paragraph, considering that it is necessary to stipulate here a principle regarding how to share the contribution among Contracting Parties. It should be the same rule as the present IALA (the same amount for each Contracting Party).</li> <li>- 4.5: Delete “member fees”, considering that it is only Contracting Parties that are legally bound by the Convention.</li> <li>-4.6: For clarification, insert “by any Contracting Party” after “Failure to make a contribution”, and replace “may result in the Contracting Party” by “may result in that Contracting Party”.</li> <li>-4.7: Add “by the Secretary-General of the Organization” with a bracket after “notification” to clarify who will send a notification in question (to be discussed).</li> </ul>
<p><b>Article 5</b></p> <p><b>Structure of the Organization</b></p> <p>1. The Organization shall have as its organs:</p> <ul style="list-style-type: none"> <li>(a) the General Assembly;</li> <li>(b) the Council;</li> <li>(c) Committees and other subsidiary bodies necessary to support the Organization’s activities; and</li> </ul>	

<p>(d) <b>the Secretary-General and</b> the Secretariat.</p> <p>2. There shall be a President and a Vice President of the Organization elected in accordance with Article 7.</p> <p>3. Where decisions of the General Assembly or the Council cannot be reached by consensus, the following provisions shall apply:</p> <p>(a) Only Contracting Parties have voting rights, which will be executed by the representative designated by each Contracting Party;</p> <p>(b) Except where otherwise specified, decisions are taken on a simple majority of the votes cast.</p> <p>4. The General Regulations shall detail the Rules of Procedure that will apply for each organ.</p>	<p>25. 5.1 (d): Add “the Secretary-General and” before “the Secretariat” (consistency with GR).</p> <p>26.5.2: (Question) To which organ the President and the Vice President belong? What are the reasons to have President and Vice President?</p> <p>27. 5.3: We understand that “consensus” in this paragraph means consensus among Contracting Parties, and not includes Associate Members and Affiliate Members. It is necessary to clarify this point at the next meeting.</p>
<p><b>Article 6</b> <b>The General Assembly</b></p> <p>1. The General Assembly is the principal decision-making organ of the Organization and attendance shall be open to all Contracting Parties<del>—and members, Associate Members and Affiliate Members.</del></p> <p>2. Each Contracting Party shall designate one of its delegates, preferably the head of a national authority legally responsible for the regulation, provision, maintenance or operation of marine aids to navigation <b>[or Vessel Traffic Services]</b>, or his or her representative, as its principal delegate at the General Assembly.</p> <p>3. Regular sessions of the General Assembly shall take place at least once every four years <b>at the seat of the Organization, unless the Council decides otherwise.</b></p> <p>4. Extraordinary sessions shall be convened whenever one third of the Contracting Parties give notice to the Secretary-General <b>of the Organization</b> that</p>	<p>28. 6.3: From the point of view of administration cost and efficiency, it is better to have the regular venue for the regular session of GA. Therefore, add “at the seat of the Organization, unless the Council decides otherwise” at the last of the paragraph.</p> <p>29. 6.4, 6.7(e): Add “of the Organization” after “the Secretary-General” for clarification.</p>

they desire a session to be arranged, or at any time if deemed necessary by the Council, after a notice of ninety days.

5. A majority of the Contracting Parties excluding any Contracting Party denied by Article 4.7 the rights and benefits conferred on Contracting Parties, shall constitute a quorum for the sessions of the General Assembly.

6. The General Assembly shall be chaired by the President or the Vice President and operate in accordance with this Convention and the General Regulations.

7. The General Assembly shall:

(a) Decide the overall policy and the strategic vision of the Organization;

(b) Determine the General Regulations of the Organization ~~and the rules of procedure of the General Assembly, Council, Committees and other subsidiary bodies of the Organization;~~

(c) ~~Elect the President and the Vice President from amongst members of the Council;~~

(d) Elect ~~members~~ of the Council in accordance with Article 7;

~~(d)(e)~~ Determine and review the financial arrangements of the Organization, ~~including the rate of contributions for Contracting Parties and Member fees for Associate Members and Affiliate Members;~~

~~(e)(f)~~ Consider the reports and proposals put to it by any Contracting Party, the Council or the Secretary-General ~~of the Organization;~~

~~(f)(g)~~ ~~Adopt~~Approve standards;

~~(g)(h)~~ Make recommendations to Contracting Parties ~~and members, Associate Members and Affiliate Members~~ on matters within the scope of the Organization;

(i) Determine the Terms of Reference for Committees and other subsidiary bodies;

~~(h)(j)~~ Decide on any other matters within the scope of the Organization; and

~~(j)(k)~~ Delegate, where appropriate and necessary, responsibilities to the

30. 6.6: If the President or Vice President chairs GA, the President and Vice President should be elected or appointed by GA, not by the Council. Therefore, add “Elect the President and the Vice President from amongst members of the Council;” as subparagraph (c), and modify subsequent numbering.

31. 6.7 (b): Delete “and the rules of procedure of the General Assembly, (...) of the Organization”, because the General Regulations includes in itself the rules of procedure of each body..

32. 6.7 (c): Add “members of” before “the Council” for clarification.

33. 6.7 (d): Regarding the financial arrangement, the rate of contributions and fees should be determined by the GA, not by the Council, considering that it is a crucial matter for all Parties, and that the GA is the only organ where every Contracting Party, Associate Members and Affiliate Members can attend. Therefore, insert “, including the rate of contributions for Contracting Parties and Member fees for Associate Members and Affiliate Members” at the last of the sentence.

34. 6.7 (f): Since standards are non-legal-binding documents, replace “Adopt” by “Approve”.

35. 6.7: Add “Determine the Terms of Reference for Committees and other subsidiary bodies;”, because it should be decided by the GA, not by the Council, as the ToR of Committees directly affects the budget and finance of the Organization.

Council.	
<p><b>Article 7</b> <b>The Council</b></p> <p>1. The Council is the executive organ of the Organization and shall be responsible for directing the activities of the Organization.</p> <p>2. The Council shall consist of up to twenty three (23) Councillors elected from amongst the Contracting Parties and one (1) non-elected Councillor.</p> <p>3. Elected Councillors shall be elected by ballot by the General Assembly in accordance with the General Regulations.</p> <p>4. The Contracting Party of the State in which the seat of the Organization is located ("Host Nation") shall be the non-elected Councillor.</p> <p>5. At the Council, Contracting Parties shall preferably be represented by the head of a national authority legally responsible for the regulation, provision, maintenance or operation of marine aids to navigation [or Vessel Traffic Services] of that Contracting Party, or his or her representative.</p> <p>6. The Council shall invite any Contracting Party which is not a Council member to participate, without vote, in its deliberations on any matter of particular concern to that Contracting Party.</p> <p>67. The Council shall:</p> <p><del>(a) — Elect the President and the Vice President from amongst its members;</del></p> <p><del>(b)</del>(a) Exercise such responsibilities as may be delegated to it by the General Assembly;</p> <p><del>(c)</del>(b) Coordinate the activities of the Organization within the framework of the overall policy, the strategic vision and the budget estimates, as decided by the General Assembly;</p>	<p>36. 7.5: Add “,” after “At the Council” for clarification.</p> <p>37. The Council should be open to any Contracting Party which is not a member of the Council but has a particular interest to the matter to be discussed at the Council. Therefore, a new paragraph should be added as 7.6 as following (e.g. article 20 of the Convention on the IMO):</p> <p>“The Council shall invite any Contracting Party which is not a Council member to participate, without vote, in its deliberations on any matter of particular concern to that Contracting Party.”</p> <p>In this case, it is necessary to modify the numbering of a subsequent paragraph.</p> <p>38. 7.6 (a): Delete subparagraph (a), because the President and the Vice President should be elected by the GA, not by the Council (see comment 30). Modify also the numbering of each subsequent sub-paragraph.</p>

<p><del>(d)</del>(c) Approve the annual budget and accounts and the annual report;</p> <p><del>(e) — Determine the rate of contributions for Contracting Parties and members;</del></p> <p><del>(f)</del>(d) Convene the General Assembly;</p> <p><del>(g)</del>(e) Report to the General Assembly on the work of the Organization;</p> <p><del>(h)</del>(f) Appoint a Secretary-General <b>of the Organization</b> in accordance with the General Regulations;</p> <p><del>(i)</del>(g) Review proposals submitted to it in accordance with the General Regulations;</p> <p><del>(j)</del>(h) Refer to the General Assembly all matters requiring decision by the General Assembly;</p> <p><del>(k)</del>(i) Approve recommendations, guidelines, manuals and other <del>appropriate papers</del>suitable instruments;</p> <p><del>(l)</del>(j) Approve submissions to other organizations;</p> <p><del>(m) — Determine the terms of reference for committees and other subsidiary bodies;</del></p> <p><del>(n)</del>(l) Approve and review the work <del>programmes</del>programs of the Committees; and</p> <p><del>(o)</del>(m) Decide the venue and the year of the Organization's Conferences and symposia as described in the General Regulations.</p>	<p>39. 7.6 (d): Delete subparagraph (e), because the rate of contributions and Member fees should be determined by the GA, not by the Council (see comment 33). Modify also the numbering of each subsequent sub-paragraph.</p> <p>40. 7.6 (h): Add “of the Organization” after “a Secretary-General” for clarification.</p> <p>41. 7.6 (k): Replace “appropriate papers” by “suitable instruments” (consistency with article 3).</p> <p>42. 7.6 (m): Delete subparagraph (m), because the ToR for Committees and other subsidiary bodies should be decided by the GA, not by the Council (see comment 35).</p>
<p><b>Article 8</b></p> <p><b>Committees and Other Subsidiary Bodies</b></p> <p>Committees and other subsidiary bodies may be established by the General Assembly <del>or the Council</del> to support the <del>endeavours</del>endeavors of the Organization and shall operate in accordance with this Convention and the General Regulations.</p>	<p>43. 8: As the number of Committees directly affects the budget and finance of the Organization, Committees should be established by GA. Therefore, delete “or the Council” after “by the General Assembly” (see comment 35).</p>

<p><b>Article 9</b> <b>Secretariat</b></p> <p>1. The permanent Secretariat of the Organization shall be comprised of the Secretary-General and such technical and administrative staff as may be required for the work of the Organization. <b>In the performance of their duties, the Secretary-General and the staff shall not seek or receive instructions from any Government or from any authority external to the Organization. They shall refrain from any action which might reflect on their position as international officials. Each Contracting Party on its part undertakes to respect the exclusively international character of the responsibilities of the Secretary-General and the staff and not to seek to influence them in the discharge of their responsibilities.</b></p> <p>(a) The Secretary-General shall be appointed for a term of four years and may be reappointed for one additional term not exceeding four years;</p> <p>(b) The Secretary-General shall be responsible for the day to day management of the Organization, subject to any guidance issued by the Council or the General Assembly;</p> <p><b>2-(c)</b> The staff of the Secretariat shall be appointed by the Secretary-General on such terms and to perform such duties as the Secretary-General may determine.</p> <p><b>3-2.</b> The Secretariat shall:</p> <p>(a) Maintain all such records as may be necessary for the efficient discharge of the work of the Organization and shall prepare, collect, and circulate any documentation that may be required;</p> <p>(b) Manage the Organization's finances under the direction of the Council, in accordance with the General Regulations;</p>	<p>44. 9.1: It is important to keep the neutrality of the Secretariat. Therefore, add the following texts at the last of the paragraph 1 (e.g. article 56 of the Convention on the IMO):</p> <p>"In the performance of their duties, the Secretary-General and the staff shall not seek or receive instructions from any Government or from any authority external to the Organization. They shall refrain from any action which might reflect on their position as international officials. Each Contracting Party on its part undertakes to respect the exclusively international character of the responsibilities of the Secretary-General and the staff and not to seek to influence them in the discharge of their responsibilities."</p> <p>45. 9.2: The composition of the article of the draft texts seems not appropriate, because the provisions about the Secretary-General are stipulated as sub-paragraph (a) and (b) of the paragraph1, and the one about the staff is separated as paragraph2, while the Secretary-General and the staff are both parts of the Secretary. Therefore, actual paragraph 2 should be sub-paragraph (c) of the paragraph1. Modify also the numbering of the subsequent paragraph.</p>
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<p>(c) Prepare the annual budget and accounts for submission to the Council;</p> <p>(d) Keep Contracting Parties <del>and members</del>, Associate Members and Affiliate Members informed with respect to the activities of the Organization;</p> <p>(e) Organize and support meetings of the General Assembly, the Council and Committees and other subsidiary bodies;</p> <p>(f) Organize conferences and symposia, seminars, workshops and other events; and</p> <p>(g) Perform such other tasks as may be assigned by <del>the</del>this Convention, the General Regulations, the General Assembly or the Council.</p>	<p>46. Replace “the Convention” by “this Convention”.</p>
<p><b>Article 10</b> <b>Funding and Expenditure</b></p> <p>1. The expenditure available for the functioning of the Organization shall meet the amount of financial resources provided by:</p> <p>(a) <del>Contracting Party</del> contributions of Contracting Parties;</p> <p>(b) <del>member</del>—annual Member fees of Associate Members and Affiliate Members;</p> <p>(c) donations, bequests, grants, gifts; and</p> <p>(d) other sources approved by the Secretary-General of the Organization.</p> <p>2. The budget estimates and the financial statements on the accounts of the Organization shall be approved by the Council.</p> <p>3. Following the Council’s approval of the Organization’s audited financial statements, those statements shall be distributed to all Contracting Parties <del>and members</del>, Associate Members and Affiliate Members by the Secretariat of the Organization.</p>	<p>47. 10.1 (a): Replace “Contracting Party contributions” by “contributions of Contracting Parties” for clarification.</p> <p>48. 10.1 (b): Replace “member annual fees” by “annual Member fees of Associate Members and Affiliate Members” for clarification.</p> <p>49. 10.1 (d): Add “of the Organization” after “the Secretary-General” for clarification.</p> <p>50. 10.3: Add “,” after “financial statements” and “of the Organization” at the last of the sentence, for clarification.</p>

<p><b>Article 11</b> <b>Legal Personality, Privileges and Immunities</b></p> <p>1. The Organization has international legal personality and has the capacity to:</p> <ul style="list-style-type: none"> <li>(a) contract;</li> <li>(b) acquire and dispose of immovable and movable property; and</li> <li>(c) institute legal proceedings.</li> </ul> <p>2. Subject to the agreement of each Contracting Party, the Organization shall enjoy in the territory of the Contracting Party such privileges and immunities as may be necessary for the fulfilment of its <del>aim</del>objectives and for the exercise of its functions. <del>In the territory of any state which is party to the Convention on the Privileges and Immunities of the Specialized Agencies adopted by the General Assembly of the United Nations on 21 November 1947, such legal capacity, privileges and immunities shall be those defined in the said Convention.</del></p> <p>3. The Organization may cooperate with governments, <del>organisations</del>organizations and other bodies, and conclude agreements with them.</p>	<p>51. 11.2: Delete the second sentence from this paragraph. Privileges and immunities to be granted to the Organization may vary from State to State depending on the agreement between that State and the Organization. It is better to have flexibility on the content of the privileges and immunities rather than fix it in this Convention.</p>
<p><b>Article 12</b> <b>Amendments</b></p> <p>1. Any Contracting Party may propose an amendment to this Convention, in writing, to [<del>the Secretary-General of the Organization</del><del>the Government of France,</del> <del>in its role as</del>]-the Depositary.</p> <p>2. The <del>Depositary</del>-[<del>Secretary-General of the Organization</del><del>Government of France</del>] shall circulate the amendment proposal to all Contracting Parties <del>and the</del></p>	<p>52. 12.1-12.4: According to the Conventions of other international organization such as IMO, ITU, WMO, IHO, the proposal of amendment should be sent to the Secretary-General, not to the Depositary. Then the Secretary-General circulate the amendment proposal to the Contracting Parties. After the acceptance of the amendment proposal by the GA, the amended text should be send from the</p>

<p><del>Secretary-General</del> at least six months in advance of its consideration by the General Assembly.</p> <p>3. The proposed amendment shall be accepted by vote of the General Assembly upon approval by a two-thirds majority of Contracting Parties present and voting, excluding Contracting Parties denied by Article 4.7.</p> <p>4. Any amendment adopted in accordance with Article 12.3 shall be <del>[sent from the Secretary-General of the Organization to the Government of France acting as the Depositary of this Convention. The latter shall notify the fact, specifying the date of entry into force of the amendment, notified by the Depositary [Government of France]</del> to all Contracting Parties and the Secretary General <del>of the Organization</del>. The amendment shall be deemed to have been accepted at the end of a period of twelve months after the date of the notification, unless within that period not less than one-fourth of the States that were Contracting Parties at the time of the adoption of the amendment have communicated to the <del>Depositary [Government of France]</del> that they do not accept the amendment, in which case the amendment is rejected and shall have no effect.</p> <p>5. An amendment deemed to have been accepted in accordance with Article 12.4 shall enter into force <del>for all Contracting Parties</del> six months after its acceptance.</p>	<p>Secretary-General to the Depositary, who then notifies it specifying the date of entry into force of the amendment to all Contracting Parties and the Secretary-General. Modify therefore the procedures with bracket. This matter should be discussed at the next meeting.</p> <p>53. 12.5: Add “for all Contracting Parties” after “shall enter into force”, because the amendment entering into force should legally-bind all Contracting Parties, including those which voted against at the time of its adoption as well as those which notified to the Depositary that they did not accept it (e.g. Conventions on the IMO).</p>
<p><b>Article 13</b> <b>Interpretation and Disputes</b></p> <p>Any question or dispute concerning the interpretation or application of the present Convention arising between or amongst Contracting Parties which is not</p>	

<p>settled through consultation or negotiation or by the good offices of the Council may be referred to a panel of three independent arbitrators appointed by the Secretary-General of the Permanent Court of Arbitration, unless the parties to the dispute agree upon another mode of settlement.</p>	
<p><b>Article 14</b> <b>Signature, Ratification and Accession</b></p> <p>1. This Convention shall open for signature by Members of the United Nations at [xxx] and remain open until [xxx].</p> <p>2. This Convention is subject to ratification, acceptance or approval by the signatory States.</p> <p>3. This Convention shall be open for accession by any Member of the United Nations which has not signed the Convention from the day after the date on which the Convention closes for signature.</p> <p>4. Instruments of ratification, acceptance, approval or accession shall be deposited with the <del>Depositary</del> [Government of France], who shall then notify each Contracting Party and the Secretary-General <del>of the Organization</del> thereof.</p> <p>5. Ratification, acceptance, or approval of, or accession to, this Convention shall be without reservation.</p>	<p>54. 14.4: Delete “Depositary” if the Government of France acts as the Depositary. (Same modification is required for each subsequent article/paragraph.) Also add “of the Organization” after “the Secretary General” for clarification.</p>
<p><b>Article 15</b> <b>Entry into Force</b></p> <p>1. The present Convention shall enter into force on the thirtieth day after the date of deposit of the <del>[30<sup>th</sup>]</del><del>thirtieth</del> instrument of ratification, acceptance, approval or accession.</p>	<p>55. 15.1: Replace “30<sup>th</sup>” by “thirtieth”, and add bracket because this number should be reconsidered. Japan considers that it should be at least the one equivalent to two-thirds of the number of the national member of the present IALA, in order to avoid sudden increase of Contribution for initial Contracting</p>

<p>2. For each State ratifying, accepting, approving or acceding to <del>the</del>this Convention after its entry into force, the Convention shall enter into force on the thirtieth day after the deposit of its instrument of ratification, acceptance, approval or accession.</p>	<p>Parties after the entry into force of the Convention.</p> <p>56. 15.2: Replace “the Convention” in the first line by “this Convention” and add “,” between “force” and “the” in the second line, for clarification.</p>
<p><b>Article 16</b> <b>Withdrawal</b></p> <p>1. Any Contracting Party may withdraw from this Convention by giving at least twelve month written notice to the <del>the</del>Depositary [Government of France], who will immediately inform all Contracting Parties of such notification.</p> <p>2. Notification of withdrawal may be given at any time after the expiration of twelve months from the date on which <del>the</del>this Convention has come into force.</p> <p>3. The withdrawal shall take effect on 31 December following the expiration of the notice.</p>	<p>57. 16.2: Replace “the Convention” by “this Convention”.</p>
<p><b>Article 17</b> <b>Termination</b></p> <p>1. This Convention may be terminated by decision of the General Assembly upon a two-thirds majority of Contracting Parties present and voting, excluding any Contracting Party denied by Article 4.7 the rights and benefits conferred on Contracting Parties.</p> <p>2. The date of termination will be twelve months after the date of the above decision, and in the intervening period the Council shall be responsible for the winding up of the Organization in accordance with the General Regulations.</p>	<p>58. 17.2: Add “,” after “decision” for clarification.</p>

**[Article 18**

**Transitional Arrangements**

1. Upon the entry into force of this Convention, all National members of the International Association of Marine Aids to Navigation and Lighthouse Authorities, who are not Contracting Parties, shall, with the approval of the Council and subject to their ~~agreement~~consent, become Associate ~~M~~Members of the Organization.
2. Upon the entry into force of this Convention, all parties holding financial, non-suspended status as an associate member or industrial member of the International Association of Marine Aids to Navigation and Lighthouse Authorities, shall, with the approval of the Council and subject to their ~~agreement~~consent,—become Affiliate ~~M~~Members of the Organization, in accordance with the General Regulations.
3. Upon the entry into force of this Convention, the Council of the International Association of Marine Aids to Navigation and Lighthouse Authorities shall become the transitional Council of the Organization and will operate as such until the first General Assembly convened under this Convention, which must be within a period not exceeding six (6) months.
4. For the duration of the transitional Council, Associate ~~M~~Members will be permitted to engage in the work of the Council for the benefit of the Organization.
5. The Committees of the International Association of the Marine Aids to Navigation and Lighthouse Authorities shall become the transitional Committees of the Organization and will operate until the equivalent Committees are established under this Convention.
6. In the event that a State which has Associate membership becomes a Contracting Party, the Associate membership will cease on the date on which ~~the~~this Convention enters into force for that State. In the case of a

59. 18: Add bracket to the article, because further discussion is needed on its necessity. Considering that the rules concerning transitional arrangement should be applied also to the Parties that have not yet concluded the Convention, such rules are to be decided outside of the Convention and within the framework of actual IALA (by its resolution or other form of non-legally-binding instruments).

60. 18.1: Replace “agreement” by “consent” (because the wording “agreement” should be used for a legally binding international agreement). Add “,” after “Convention” for clarification.

61. 18.2: Replace “agreement” by “consent”. Add “,” after “Convention” as well as before “become”, for clarification.

62. 18.3: Add “,” after “Convention” in the first line, for clarification.

63. 18.4: Add “,” after “Council” in the first line, for clarification.

64. 18.6: Add “,” after “Contracting Party” in the second line as well as after “membership” in the fourth line, for clarification. Replace also “the Convention” by “this Convention”.

<p>Contracting Party having more than one Associate membership, that Contracting Party may decide to retain Associate memberships.</p> <p>7. After the entry into force of this Convention, the transitional Council shall initiate negotiations with the International Association of Marine Aids to Navigation and Lighthouse Authorities on the transfer of the latter's activities, records, documents, publications, archives, rights, interests, funds, assets and liabilities to the Organization.</p> <p>8. Until such time as the Secretariat of the Organization has been established, the secretariat of the International Association of Marine Aids to Navigation and Lighthouse Authorities shall serve as, and perform the functions of, the Secretariat. The Secretary-General of the International Association of Marine Aids to Navigation and Lighthouse Authorities shall serve as the Secretary-General of the Organization until the Council appoints the Secretary-General in accordance with Article 7.]</p>	<p>65. 18.7: Add “,” after “Convention” for clarification.</p> <p>66. 18.8: Add “,” after “established” for clarification.</p>
<p>IN WITNESS WHEREOF the undersigned, being duly <del>authorised</del>authorized by their respective Governments, have signed the present Convention.</p> <p>DONE at [xxx] on [xxx] in the English, French and Spanish languages, each text being equally authentic, the original of which shall be deposited in the archives of the [Government of France]-<del>Depositary</del>. The <del>Depositary</del> [Government of France] shall transmit certified copies thereof to all the [signatory and acceding] Governments and to the Secretary-General of the Organization.</p>	

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

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

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

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

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