

Comments received from National members on draft Convention text after Morocco

Comments received from:

Belgium, Canada, China, Finland, France, Germany, Greece, Iran, Japan, Korea, Morocco, Norway, Romania, Russia, Singapore, Spain, Sweden

Colour codes: *New text or amendment proposed by a National member*

Secretariat remarks

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		<p>Japan understands that the 2nd Preparatory Diplomatic Conference has not reached a consensus on some important issues regarding the Draft Convention such as language and transitional arrangements, due to the time limitation. The Draft Convention cannot be fixed unless a consensus on those issues is reached. Therefore, the following comments are provisional ones and Japan retains its right to submit further comments during future negotiations.</p> <p>The position of LAPEX for the discussion on the Draft Convention should be clarified. Japan understands that LAPEX is not a place for diplomatic negotiations. From Japan's point of view, LAPEX is not authorized to develop a draft text of the Convention to be used as a basis for the next diplomatic negotiation. All comments given through diplomatic channels should be clearly noted (in square brackets if necessary) in the draft, with technical comments made by LAPEX if necessary.</p>
Preamble		
The States party to this Convention:		<p>China: It is likely to cause some confusion in the usage of "state parties", "states party" and "states parties". One might wonder whether the singular form of</p>

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		<p>“party to the convention” is an intended conventional wisdom.</p> <p>Included.</p> <p>Spain: “Marine Aids to Navigation” should only be written in capital letters when included in IALA name or other official denominations. All other mentions should be written “marine aids to navigation”.</p> <p>Defined terms are with capital letters.</p> <p>A choice might be advisable between saying “International organizations” or “intergovernmental organizations”. The use of both expressions seems not to be based on any specific decision or reasoning, which may lead to confusion. It is suggested to opt for any of the two alternatives, and stick to that choice thereafter.</p> <p>Discussed at DipCon 2. Intergovernmental was preferred by majority for Art. 1.1.</p> <p>Korea: use the same wording as IMO and IHO</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>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 and that the XIIth IALA General Assembly held in A Coruña from 25th to 31st May 2014 has adopted a Resolution affirming that the status of an International Organization would best serve its objectives and determining that such status should be achieved as soon as possible by the means of the adoption of an international convention (General Assembly Resolution A.01 dated 27th May 2017);¹</p>	<p>France: remove the change of name but introduce a reference to the GA Resolution 2014 on the change of status.</p> <p>Has been included in a former draft, but removed.</p>

¹ This proposed text has been submitted in French and translated into English by the Secretariat.

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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;	RECOGNIZING 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;	Japan: consistency (UK English vs American English) Included.
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;	IN FURTHERANCE of the provisions of the <i>United Nations Convention on the Law of the Sea, 1982</i> and the <i>International Convention for the Safety of Life at Sea, 1974</i> as amended;	Canada: italics Not common in other conventions.
CONSIDERING that the International Association of Marine Aids to Navigation and Lighthouse Authorities was formed as an association under French law; and	<i>Remove</i>	Korea: Unrelated to the establishment of the Organization. Not changed.
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 international organizations;		
HAVE AGREED as follows:		
Article 1 Establishment		
1. The International Organization for Marine Aids to Navigation (IALA) is hereby established under international law as an intergovernmental organization (hereinafter ‘the Organization’).	1. The International Organization for Marine Aids to Navigation (<i>[IALA / IOMAN]</i>) (<i>hereinafter ‘the Organization’</i>).is hereby established under international law as an intergovernmental organization (<i>hereinafter ‘the Organization’</i>).	Japan: Put “IALA” in square brackets and add “/IOMAN” as another option. Japan considers that “ IOMAN ” is better as acronym to keep consistency with the full name of the Organization. The definition of “the Organization” should be inserted just after the full name and the acronym of the Organization. Done.
	1. The International Organization for Marine Aids to Navigation (<i>IMAO</i>) is hereby established under	France: difficult to retain the current acronym. Propose IMAO in English (I nternational M arine A ids to N avigation O rganization) and OISM in French

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	<p>international law as an intergovernmental organization (hereinafter ‘the Organization’).</p> <p>1. The International Organization <i>of</i> Marine Aids to Navigation <i>and Lighthouse Authorities</i> (IALA) is hereby established under international law as an intergovernmental organization (hereinafter ‘the Organization’).</p>	<p>(Organisation Internationale de Signalisation Maritime).</p> <p>Korea: Since IALA has been used as the acronym for the former non-intergovernmental organization, Korea suggests using a different acronym that better reflects the title of the new organization.</p> <p>Singapore Change in name/acronym not retained by PreDipCon2.</p>
2. The Organization shall have a consultative and technical nature.	2. The Organization shall have an <i>exclusively</i> consultative and technical nature.	<p>Iran Discussed at PreDipCon2. Text same as IHO Convention.</p>
3. The Organization shall have its seat in France unless otherwise decided by the Member States present and voting at the General Assembly.	<p>3. The Organization shall have its seat in France unless <i>the Member States decide on a change of seat. The decision on a change of seat requires a two-thirds quorum and a two-thirds majority of the votes cast. The final decision on the location of the new seat, shall be subject to the next regular session of the General Assembly and requires a two-thirds quorum and a two-thirds majority of the votes cast.</i></p> <p>3. The Organization shall have its seat in France unless otherwise decided by the <i>Member States present and voting at the</i> General Assembly.</p> <p>3. The Organization shall have its seat in France unless otherwise decided by the Member States present and voting at the General Assembly <i>in accordance with Article xx of this Convention.</i>²</p>	<p>Belgium A new article on voting is proposed.</p> <p>Spain: unnecessary (ref. Art. 7.1 & 6.3) This suggestion is considered correct in combination with articles on the General Assembly and new separate article on voting.</p> <p>France: as a reminder that vote is at a 2/3 majority.</p>

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	<i>(new) The functioning of the Organization shall be as set out in the General and Financial Regulations.</i>	Finland: Reinstate previous article 1.5. Relations between Convention and GR were removed from the Convention by PreDipCon2.
	<p><i>(new) 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.</i></p> <p><i>(new) 4. The Organization has international legal personality and has the capacity to:</i></p> <p><i>(a) Contract and conclude agreements with governments, organizations and other bodies;</i></p> <p><i>(b) Acquire and dispose of immovable and movable property; and</i></p> <p><i>(c) Institute legal proceedings.</i></p>	<p>Japan: Relationship between the Convention and the GR (and any other documents) should be stipulated in the Convention, not in the GR.</p> <p>Relations between Convention and GR were removed from the Convention by PreDipCon2.</p> <p>France: moved from Article 13 See IHO Convention Article XIII.</p>
Article 2 Definitions		<p>France: members' definitions would better fit in Article 5.</p> <p>Was moved from Article 5 to definition during PreDipCon2.</p>
For the purposes of this Convention:	<i>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 vessel traffic.</i>	<p>Japan: "Marine Aids to Navigation" should be defined before the definition of "Affiliate Member", since "Marine Aids to Navigation" is used in the definition of "Affiliate Member". Add also "" to the words to be defined in the subsequent paragraphs. Done</p> <p>The term "service" in the definition of "Marine Aids to Navigation" could have broad range of services beyond the intended scope of the Organization; for example, the term "service" could include "Meteorological services", "Ice Patrol Service", "Search and Rescue services", "Hydrographic</p>

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		services”, “ship reporting system” and/or “ships’ routing”. Therefore, the term “service” should be replaced by a more accurate term. If the term “service” means only Vessel Traffic Services (VTS), the term “service” should be replaced by “Vessel Traffic Services”. Discussed at PreDipCon2, but no changes.
		Norway propose to number the paragraphs in Article2. Spain Done.
	<i>(new)</i> State Party means a Member State.	Korea: for clarification Not necessary. Term not used in the text.
Member State means a State, which has consented to be bound by this Convention and for which this Convention is in force.	<p>Member State means a State, which has consented to be bound by this Convention and for which this Convention is in force. <i>The Organization hereby respects the internal division of competences within a Member State.</i></p> <p><i>Move to article 5</i></p> <p>Member State means a <i>Member State of the United Nations</i>, which has consented to be bound by this Convention and for which this Convention is in force <i>and which has been accepted by the General Assembly.</i></p>	<p>Belgium – Crucial addition. Not part of a definition.</p> <p>Canada: could be “Party” (article 2(g) of the Vienna Convention), with no definition. Was discussed at ExLAP 3 but was not considered at PreDipCon2.</p> <p>France Moved at PreDipCon 2.</p> <p>Spain: in line with discussions held during the last diplomatic conference in Marrakech, specification is suggested, in order to clarify what are eligible Member States for membership under this Convention, and how can they become such. See Article 17.</p> <p>Although it seems that “Member State”, “Associate Member” and “Affiliate Member” are the appropriate English denomination for the three categories of membership, Spain still feels uncomfortable with this language and, specifically, with using the word “Member” for each of the three categories. It</p>

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		<p>definitely seems superfluous when translated into Spanish, and we would like to see suggestions of alternative denominations which make possible the use of different words for each category.</p> <p>You could probably seek inspiration in the Spanish version of the IMO Convention that includes Associate Members.</p>
<p>Associate Member means a territory or groups of territories for which a Member State has requested membership which has been accepted by the General Assembly.</p>	<p>Associate Member means a territory or groups of territories for which a Member State has requested membership which has been <i>approved</i> by the General Assembly.</p>	<p>China: According to Art.7.7(i), General Assembly has the function of deciding on associate membership. We agree with this arrangement. But in this sense, a decision shall be made upon a democratic voting procedure rather than “a formalistic acceptance”. <i>Approved</i> is preferred. Done and changed for Affiliate Members as well.</p> <p>Germany: In accordance with this very narrow definition of Associate Member, no State that is not yet party to the Convention can, as such, participate in the Organisation as an Associate Member. Neither is there another type of observer status or similar.</p> <p>Here, the logically required element that the Member State has to have control over the territory is missing in the definition; cf. wording in Article 5.2 of the Convention.</p> <p>For discussion during ExLAP 4.</p> <p>Singapore: The definition of “Affiliate Member[ship]” in the draft Convention is made up of “Associate Members” and “Industrial Members” as defined in the Article 5.1 of the IALA Constitution. The draft Convention however, does not define the term “Industrial Members” nor make references to “Industrial Members” as a membership category</p>

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	<p>Associate Member means a territory or groups of territories for which a Member State has <i>responsibility and has</i> requested membership which has been accepted by the General Assembly.</p> <p><i>Move to Article 5</i></p>	<p>under Article 5.1 of the Convention on Composition of the Organization.</p> <p>Was deleted in PreDipCon 2 and moved to General Regulations.</p> <p>Sweden has noted that the definition of "Member" has been clarified by further distinguishing between "Associate Member" and "Affiliate Member". According to the draft Convention Associate Members are to be accepted by the General Assembly and Affiliate Members by the Council. Correct.</p> <p>Canada: suggest group (singular) for consistency. Avoid Members States requesting Associate membership for territories for which they do not have responsibility. "s" deleted but the responsibility issue is covered in Article 5.</p> <p>France Decision from PreDipCon 2.</p>
<p>Affiliate Member means a manufacturer or distributor of Marine Aids to Navigation equipment for sale, or an organization providing Marine Aids to Navigation services or technical advice under contract and any other service, organization or scientific agency concerned with Marine Aids to Navigation which has applied for membership which has been accepted by the Council.</p>	<p>Affiliate Member means a manufacturer or distributor of Marine Aids to Navigation equipment for sale, or an organization providing Marine Aids to Navigation services or technical advice under contract and any other service, organization or scientific agency concerned with Marine Aids to Navigation which has applied for membership which has been accepted by the Council.</p> <p>Affiliate Member means a manufacturer or distributor of Marine Aids to Navigation equipment for sale, or an organization providing Marine Aids to Navigation services or technical advice under contract, and any other service, organization or scientific agency concerned with Marine Aids to Navigation which has applied for membership which has been accepted by the Council.</p>	<p>China: The term "any other service" here might imply multiple possibilities which could be unintended by the negotiating parties. Therefore, we suggest the deletion of this phrase here to nail down the certainty.</p> <p>Other services could be Pilot organizations who are Associate members of the present IALA. Open definition is intended.</p> <p>Canada: comma after contract</p> <p>Correct.</p>

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	<p>Affiliate Member means a manufacturer or distributor of Marine Aids to Navigation equipment for sale, or an organization providing Marine Aids to Navigation services or technical advice under contract and any other service, organization or scientific agency concerned with Marine Aids to Navigation which has applied for membership which has been accepted by the <i>[General Assembly/Council]</i>.</p> <p>Affiliate Member means a manufacturer or distributor of Marine Aids to Navigation equipment for sale, or an organization providing Marine Aids to Navigation services or technical advice under contract and any other service <i>[(also known as "Industrial members")]</i>, organization or scientific agency concerned with Marine Aids to Navigation which has applied for membership which has been accepted by the Council.</p> <p><i>Move to Article 5</i></p>	<p>Japan: In the definition of "Affiliate Member", replace "by the Council" by "by the [General Assembly / Council]". At the 2nd PREDIPCON, some countries pointed out that the membership application should be approved by the General Assembly because it is not necessary to distinguish Associate Member from Affiliate Member. This point should be discussed at LAPEX4 and to be decided at the 3rd PREDIPCON. PreDipCon2 agreed to have Associate members approved by GA and Affiliate members approved by Council.</p> <p>Singapore: The definition of "Affiliate Member[ship]" in the draft Convention is made up of "Associate Members" and "Industrial Members" as defined in the Article 5.1 of the IALA Constitution. The draft Convention however, does not define the term "Industrial Members" nor make references to "Industrial Members" as a membership category under Article 5.1 of the Convention on Composition of the Organization. Should the Organization wish to retain the use and concept of "Industrial Members", it should be defined in the Convention, rather than in the General Regulations. As currently drafted, the term "Industrial Members" is only defined in Article 2.3 of the General Regulations and used only once in Article 8.3(a) of the General Regulations. PreDipCon2 did not think necessary to name industrial members as a 'sub-category' of Affiliate members in the draft Convention. They will be defined in the draft General Regulations.</p> <p>France</p>

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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 vessel traffic.	<i>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 vessel traffic.</i> Marine Aid to Navigation means a device, system or service, external to a vessel, designed and operated to enhance <i>the</i> safe and efficient navigation of individual vessels and vessel traffic.	Japan: move to top Done. Korea: Probably more correct without “the”.
	<i>(new) International Organization means an intergovernmental organization.</i>	Korea: for clarification Not necessary.
	<i>(new) Reservation means a unilateral statement, however phrased or named, made by a State, when signing, ratifying, approving or acceding to this Convention, whereby it purports to exclude or to modify the legal effect of certain provisions of this Convention in their application to that State.</i>	Korea: for clarification Not common to define procedures.
Article 3 Aim and Objectives		
The aim of the Organization is to bring together governments, services and organizations concerned with the regulation, provision, maintenance or operation of Marine Aids to Navigation with the objectives of:	The aim of the Organization is to bring together governments, services and organizations concerned with the regulation, provision, maintenance or operation of Marine Aids to Navigation <i>in order to further</i> the objectives of: The aim of the Organization is to bring together governments, services and organizations concerned with the regulation, provision, maintenance <i>and/or</i> operation of Marine Aids to Navigation with the objectives of:	Canada: differentiate between individual governments’ objectives and objectives of governments coming together to do the objectives. Text agreed in PreDipCon 2 Korea: “and/or” not appropriate in a Convention text.
(a) Fostering the safe and efficient movement of vessels through the improvement and	(a) Fostering the safe and efficient <i>and environmentally sustainable</i> movement of vessels	Norway regrets that a reference to the environment has not previously been included in the present draft

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harmonization of Marine Aids to Navigation worldwide;	through the improvement and harmonization of Marine Aids to Navigation worldwide;	in line with the wording of the aim of the current IALA Constitution. For DipCon 3
(b) 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;		
(c) Encouraging and facilitating the general adoption of the highest practicable standards in matters concerning Marine Aids to Navigation; and	(c) Encouraging and facilitating the <i>widest</i> adoption of the highest practicable standards in matters concerning Marine Aids to Navigation; and	Canada
(d) Providing for the exchange of information among governments and intergovernmental organizations on matters under consideration by the Organization.	(d) Providing for the exchange of information among governments and intergovernmental organizations on matters under consideration by the Organization. (d) Providing for the exchange of information among governments and <i>international</i> organizations on matters under consideration by the Organization.	Canada: (i) it is a repetition of what is written immediately under Aims and Objectives; and (ii) it is possible that IALA will want to provide for the exchange of information beyond only governments and intergovernmental organizations. Included. Korea: See above.
Article 4 Functions		
In order to achieve the aim and objectives set out in Article 3, the functions of the Organization shall be:		
(a) To provide non mandatory standards, recommendations, guidelines, manuals or other suitable means and to commend these to governments, intergovernmental organizations, Associate Members and Affiliate Members as appropriate;		China: Clarify non-mandatory nature of IALA standards. Has been discussed during many meetings and the mention “non mandatory” is important for many delegations.

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	<p>(a) To provide non mandatory standards, recommendations, guidelines, manuals or other suitable <i>outputs</i> and to commend these to governments, intergovernmental organizations, Associate Members and Affiliate Members as appropriate;</p> <p>(a) To provide non mandatory standards, recommendations, guidelines, manuals or other suitable means and to commend these to <i>States</i>, intergovernmental organizations, Associate Members and Affiliate Members as appropriate;</p> <p>(a) To provide non mandatory standards, recommendations, guidelines, manuals or other suitable means and other appropriate documents and to commend these to governments, intergovernmental organizations, Associate Members and Affiliate Members as appropriate;</p> <p>(a) To provide non mandatory standards, recommendations, guidelines, manuals and/or other suitable means and to commend these to governments, <i>international</i> organizations, Associate Members and Affiliate Members as appropriate;</p> <p>(a) To provide non mandatory standards, recommendations, guidelines, manuals or other suitable means and to <i>recommend</i> these to governments, intergovernmental organizations, Associate Members and Affiliate Members as appropriate;</p>	<p>Canada: list is of tangible outputs or products, not methods <i>Agree – See Japan.</i></p> <p>Finland <i>Was changed from “States” to “govenments” in PreDipCon2</i></p> <p>Japan: for consistency with Article 8.5(i). <i>Agree. See Canada.</i></p> <p>Korea: <i>Included.</i></p> <p>Singapore: Propose to amend “to commend” to “to recommend”. It is illogical to commend non mandatory standards, recommendations, guidelines, manuals to the relevant parties. See IMO Convention Article 2(b), for reference. <i>Included.</i> <u>IMO Convention – Part II Functions, Article 2:</u> <i>(b) Provide for the drafting of conventions, agreements, or other suitable instruments, and recommend these to Governments and to intergovernmental organizations, and convene such conferences as may be necessary;</i></p>

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(b) To consider and make recommendations on standards, recommendations, guidelines, manuals and other documents that may be remitted to it by Member States, Associate Members and Affiliate Members, by any organ or specialized agency of the United Nations or by any other intergovernmental organization;	(b) To consider and make recommendations on standards, recommendations, guidelines, manuals and other documents that may be remitted to it by Member States, Associate Members and Affiliate Members, by any organ or specialized agency of the United Nations or by any other <i>international</i> organization;	Korea: Same as IMO Convention Article 2 (a).
(c) To provide mechanisms for consultation and exchange of information covering inter alia recent developments and the activities of Member States, Associate Members and Affiliate Members;		
(d) To develop international cooperation by promoting close working relationships and assistance between Member States, Associate Members and Affiliate Members;		
(e) To facilitate assistance, whether technical, organizational or training to governments, services and other organizations requesting help with Marine Aids to Navigation;	<p>(e) To facilitate assistance, whether technical, organizational or training to <i>States</i>, services and other organizations requesting help with Marine Aids to Navigation;</p> <p>(e) To facilitate assistance, whether technical, organizational or training to governments, services and other organizations requesting help with Marine Aids to Navigation;</p>	<p>Belgium. Originally ‘States’. Changed to ‘governments’ by PreDipCon2.</p> <p>Canada: clarify the meaning of “facilitate assistance”. Clarify that this is not intended to compel any individual Member State to provide resources and financial contributions to support specific situations where assistance is either sought from, or offered by, IALA.</p> <p>Japan: expression “facilitate assistance to services” seems inappropriate</p>

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	<i>(new) Members of the United Nations may become Member States of the Organization by becoming State Parties to this Convention in accordance with the provisions of Article 17.</i>	Korea Not necessary to repeat Article 17.
2. Any Member State having responsibility for the international relations of a territory or group of territories may request Associate membership for such territory or group of territories, by notification in writing to the Secretary-General.	2. <i>Any Contracting Party may request Associate membership for a territory or group of territories for which it has responsibility and which is legally responsible for the regulation, provision, maintenance or operation of Marine Aids to Navigation by notification in writing to the Secretary-General.</i>	China: The usage of “international relations” is very obscure and not recommended in terms of sensitive issues relating to the statehood or sovereignty. The text was agreed in PreDipCon2 and it keeps strictly to the wording of the IMO Convention Article 8.
	<p>2. Any Member State having responsibility for the international relations of a territory or group of territories may request Associate membership for a territory or group of territories <i>[for which it is responsible] [under its jurisdiction] [for which it is responsible for the regulation, provision, maintenance, or operation of marine aids to navigation]</i>, by notification in writing to the Secretary-General, <i>for a decision by the General Assembly.</i></p> <p>2. <i>Any territory or group of territories which is responsible for the regulation, provision, maintenance and/or operation of marine aids to navigation and the international relations of which are under the responsibility of a Member State may request Associate membership. In such a case the application shall be notified in writing to the Secretary-General of the Organization, who will forward the request to the General Assembly.</i>⁴</p>	<p>Canada: not clear on the intended meaning of “international relations,” and how this is to correspond to membership. Pending discussion, the reference to “responsibility for the international relations of a territory or group of territories” is a formulation that we would like to remove. We have proposed alternative wording that would be more appropriate. <i>See above.</i></p> <p>France: to define the status and application procedure for Associate membership. <i>See above.</i></p> <p>Germany: Here, Associate Membership of dependent territories is provided for in a relatively general manner. Although the General Assembly decides by</p>

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	<p>2. Any Member State having responsibility for the international relations of a territory or group of territories may request Associate membership for such territory or group of territories. <i>This request will be addressed to the Secretary-General and transmitted to the General Assembly for decision.</i></p>	<p>two-thirds majority, cf. Article 6.3(b) of the Convention, there is a risk of a partial official recognition.</p> <p>Greece Procedures should be in the General Regulations.</p> <p>Russia: it is not entirely clear whether it concerns the mandated territories of States (islands and the like) or other categories. See above.</p>
	<p><i>(new) Affiliate membership may be requested by:</i></p> <p><i>(a) manufacturers or distributors of marine aids to navigation equipment for sale, or an organization providing Marine Aids to Navigation services or technical advice under contract. These Affiliate members are known as industrial members;</i></p> <p><i>(b) any other service, organization or scientific agency concerned with Marine Aids to Navigation; and</i></p> <p><i>(c) former industrial members and associate members of the International Association of Marine Aids to Navigation and Lighthouse Authorities, in accordance with paragraph 2 of the Annex to this Convention.⁵</i></p>	<p>France: to define the status and application procedure for Associate membership.</p> <p>The details was removed from the Convention to the General Regulations in PreDipCon2</p>
	<p><i>(new) Affiliate membership shall be open to manufacturers or distributors of Marine Aids to Navigation services or technical advice under contract and any other service, international organization or</i></p>	<p>Korea This was moved to the definition in PeipCon2</p>

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	<i>scientific agency concerned with Marine Aids to Navigation which has applied for membership which has been accepted by the Council.</i>	
3. The Council may require or a Member State may request that aspects of an application for Affiliate Membership be reviewed by the Member State (or Member States) where the applicant carries out its activities or has its principal place of business or registered office. If supported by the Member State (or Member States), who requested the review, the Council shall decide accordingly.	<p>3. The Council may require or a Member State may request that aspects of an application for Affiliate Membership be reviewed by the Member State (or Member States) where the applicant carries out its activities or has its principal place of business or registered office. If <i>agreed</i> by the Member State (or Member States), who requested the review, the Council shall decide accordingly.</p> <p>3. <i>Requests for Affiliate membership shall be submitted to Council. Council shall notify the Member State where the applicant carries out its activities or has its principal place of business or registered office of the application. The Member State may review the application. Council shall proceed with its determination on Affiliate membership after having considered any views provided by the Member State.</i> <i>Delete</i></p> <p><i>Delete and move to General Regulations</i></p> <p>3. The Council may require or a Member State may request that aspects of an application for Affiliate Membership be reviewed by the Member State (or Member States) where the applicant carries out its activities or has its principal place of business or</p>	<p>China The text was agreed in PreDipCon2.</p> <p>Canada: more flexible approach. See above.</p> <p>Japan: Delete paragraph 3. At the 2nd PREDIPCON, some countries pointed out that this paragraph should be deleted in order to ensure the technical nature of the Organization. This comment should be reflected in the draft. See above.</p> <p>Korea See above.</p> <p>Spain: Art. 5.3 currently fails to answer two questions: (i) whether the decision of the relevant Member State prevails over the Council regarding admission or rejection of the application for membership, and (ii) what happens when it is the Council the one taking</p>

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	registered office. If supported by the Member State (or Member States), who requested the review, the Council shall decide accordingly.	the initiative to consult with the said State, and there is not later any Member State supporting any specific proposal regarding membership. For that reason, a new language is suggested. <i>See above.</i>
Article 6 Structure	Article 6 Organs	Korea <i>Included (same in IMO and IHO Conventions)</i>
1. The Organization shall have as its organs:	1. <i>The organs of the Organization shall be:</i>	Greece:
(a) The General Assembly;		
(b) The Council ;		
(c) Committees and other subsidiary bodies necessary to support the Organization's activities; and	<i>Delete</i>	Greece: irrelevant to the core organs of the Organization, which are the General Assembly, the Council and the Secretariat <i>Committees are also mentioned in IMO and IHO conventions.</i>
(d) The Secretariat.	<i>(d) The Secretary-General and the Secretariat</i>	Japan. <i>Secretary-General is not mentioned in IMO and IHO conventions. Not retained by PreDipCon2</i>
2. There shall be a President and a Vice President of the Organization. The President or in his or her absence the Vice President shall chair the General Assembly and the Council.		Iran: The election of the president and vice-president for assembly/council meetings and their responsibilities, as mentioned in paragraphs 6.2, 7.a, 7.b and 8.2, is unique and unprecedented in any other organizations. In the majority of international organizations, assembly meetings are chaired by an individual elected at the beginning of the event, as is also mentioned in paragraph 4.1.a of the General Regulations. Therefore, the chair and vice-chair of the council/assembly are usually elected by the members of council/assembly from among the candidates nominated by the elected member States. Moreover, it does not seem logical for the council and assembly

Current draft text after Morocco	Proposed changes	Change suggested by / Comments
	<p>2. There shall be a President and a Vice President of the Organization <i>who shall be President and Vice President of the General Assembly and of the Council.</i> The President or in his or her absence the Vice President shall chair the General Assembly and the Council.</p>	<p>to have same chairmanship, due to their different ranking and position within the IALA structure.</p> <p>Was discussed at PreDipCon2 and majority felt that the present system should be kept.</p> <p>Korea: It should be stipulated clearly that the President and the Vice President of the Organization chair both the General assembly and the Council. Provision on absence should be moved to the General Regulations.</p> <p>It is clearly mentioned that the President/Vice President chair the General Assembly and the Council.</p>
<p>3. All efforts shall be made for the General Assembly and the Council to make decisions by consensus among Member States. Where decisions of the General Assembly or Council cannot be reached by consensus, the following provisions shall apply:</p>	<p><i>Delete</i></p> <p><i>Delete and move to new Article [see after Article 10]</i></p>	<p>Japan: this concerns the rules of procedure, and not the structure of the Organization. Principle (decision by consensus) should be stipulated in Articles 7 and 8, and the details should be given by the General Regulations.</p> <p>Romania: should establish a 2/3 voting procedure rather than consensus. More flexible manner for the Organization's decision-making process.</p> <p>Russia: make a new article <i>The Procedure for decision-making by the Organization</i> It is necessary to state what conditions should be met to ascertain the lack of consensus. It would also be preferable not to vote on the principle of 'a simple majority' but a qualified majority (e.g. 2/3). As an option this can be specified for the most serious issues, for example the adoption of standards, etc.</p> <p>France: delete and move to a new Article on decision making.</p> <p>New Article on voting created 10bis.</p>

Current draft text after Morocco	Proposed changes	Change suggested by / Comments
(a) Only Member States have voting rights, which will be executed by the representative designated by each Member State. Each Member State will have one vote.	<p><i>Delete</i></p> <p>(a) Only Member States have voting rights, which <i>shall</i> be executed by the representative designated by each Member State. Each Member State <i>shall</i> have one vote.</p> <p>(a) Only Member States have voting rights, which will be executed by the representative designated by each Member State. Each Member State <i>has</i> one vote.</p>	<p>Japan (comment on 6.3 above)</p> <p>Korea <i>Included</i></p> <p>Canada: if there is one representative designated, then if she/he must be unanticipatedly absent, the Member State will not be able to vote. <i>Included</i></p>
(b) Except where otherwise specified, decisions shall be taken by two-thirds of the votes cast.	<p><i>Delete</i></p> <p>(b) Except where otherwise specified, decisions shall be <i>made by a two-thirds majority of the Member States present and voting</i>.</p>	<p>Germany: Here, the specification should read “where otherwise specified <i>in this Convention</i>” to prevent the possibility of a derogation from the two-thirds majority through a provision in the General Regulations (e.g. Article 3.4.3(c) and 4.4.3(b) of the General Regulations for a postal or electronic vote).</p> <p>Japan (comment on 6.3 above)</p> <p>Korea: Considering the importance of rules of procedure, Korea would like to stipulate “made by a 2/3 majority of the Member States present and voting” for clarification. <i>Will exclude postal or email voting.</i></p>
	<i>(add new)</i>	<p>Romania: to indicate that in case of emergency the General Assembly can vote by mail or e-mail (according to the updates of the General Regulations subsequent to the meeting in May in Korea), respecting the terms imposed by paragraph 5 in article 7.</p> <p><i>The possibility of postal voting mentioned in the General Regulations.</i></p>

Current draft text after Morocco	Proposed changes	Change suggested by / Comments
4. The General Regulations shall detail the Rules of Procedure that will apply for each organ.	<p>The General Regulations shall detail the Rules of Procedure that will apply for each organ. <i>The General Regulations are subject to the provisions of the Convention. Where there is a conflict between the Convention and the General Regulations or any other basic documents covering the governance of the Organization, the Convention shall prevail.</i></p> <p>4. The General Regulations shall detail the Rules of Procedure that <i>shall</i> apply for each organ.</p>	<p>Germany: to establish the relationship between the Convention and the General Regulations in the Convention. Cf. Article 1(2) of the General Regulations.</p> <p><i>Where to address this issue has been discussed at a number of occasions and it was felt that the General Regulations were the appropriate place.</i></p> <p>Korea Included.</p> <p>Russia: it is important to establish the legal nature of the General Regulations and to specify their status in more detail.</p> <p><i>See above.</i></p>
Article 7 The General Assembly		Spain: Amendments suggested seek to clarify, complement or specify the relevant powers of the General Assembly. The draft Convention already mentions some of these powers throughout its text, which were however absent from Article 7's enumeration.
1. The General Assembly of the Member States is the principal decision-making organ of the Organization and shall have all the powers of the Organization unless otherwise regulated by this Convention.	<p>1. The General Assembly <i>of the Member States</i> is the principal decision-making organ of the Organization and shall have all the powers of the Organization unless otherwise regulated by this Convention.</p> <p>1. The General Assembly of the Member States is the principal decision-making organ of the</p>	<p>Japan: the General Assembly is open to every type of member.</p> <p>Korea: Composition of the General Assembly should be clearly stipulated in the draft Convention. (Article 7.2)</p> <p>Singapore: Unnecessary. Further, it is clear from Article 6.3 of the Convention that only Member States have voting rights.</p> <p><i>Included in combination with proposals from Spain, Japan and Singapore.</i></p> <p>Canada:</p>

Current draft text after Morocco	Proposed changes	Change suggested by / Comments
	<p>Organization and shall have all the powers of the Organization unless otherwise <i>provided</i> by this Convention.</p> <p>2. The General Assembly of the Member States is the principal decision-making organ of the Organization. <i>It is comprised of delegates representing the Member States.</i></p>	<p>IHO convention Article 5.</p> <p>France</p>
2. Attendance shall be open to all Member States, Associate Members and Affiliate Members.	<p>2. <i>The General Assembly shall consist of representatives of the Member States.</i> Attendance shall <i>also</i> be open to all Member States, Associate Members and Affiliate Members.</p> <p><i>Move after current 3.</i></p> <p>2. <i>The General Assembly shall be composed of all Member States. Attendance shall be open to all Member States, Associate Members and Affiliate Members.</i></p>	<p>Spain:</p> <p>France</p> <p>Korea: thinks this provision should be stipulated in the General Regulation.</p>
3. Each Member State shall designate one of its delegates, preferably a representative from the national authority responsible for the regulation, provision, maintenance or operation of Marine Aids to Navigation as its principal delegate at the General Assembly.	<p><i>Delete and move to General Regulations</i></p>	<p>Canada: What is the effect of being named the principal delegate?</p> <p>Normal procedure to have a Head of Delegation.</p> <p>Greece: move to GR Article 3</p>
4. Regular sessions of the General Assembly shall take place once every three years.	<p>4. Regular sessions of the General Assembly shall take place once every <i>[three years]</i>.</p> <p>4. Regular sessions of the General Assembly shall take place once every three <i>(3)</i> years.</p>	<p>Japan: Put “three” in square brackets, as a consensus has not be reached yet on the frequency of the regular sessions of the General Assembly, and this point should be discussed during the next diplomatic negotiation. Done</p> <p>Canada:</p> <p>Not normal in Conventions.</p>
5. Extraordinary sessions shall be convened whenever one-third of Member States give notice	5. Extraordinary sessions shall be convened whenever one-third of Member States give notice to	Japan:

Current draft text after Morocco	Proposed changes	Change suggested by / Comments
	<i>payment of contributions</i> , shall constitute a quorum for the sessions of the General Assembly.	Removed by PreDipCon2
7. The General Assembly shall:		
(a) Elect the President and the Vice President from amongst the Member States in accordance with the General Regulations;		Iran: It does not seem logical for the council and assembly to have same chairmanship, due to their different ranking and position within the IALA structure (see comments on Article 6.2.) Verbal proposal not retained by PreDipCon2
	(a) Elect the President and the Vice President <i>of the Organization</i> from amongst the Member States in accordance with the General Regulations;	Japan: Greece: same, and add provisions to preclude the possibility that the President and the Vice President are citizens of the same Member State. Already addressed in Article 8.2.
(b) Decide the overall policy and the strategic vision of the Organization;		
(c) Review and approve the General Regulations of the Organization;	(c) Review and approve the General Regulations of the Organization <i>with a two-thirds quorum and a two-thirds majority of the votes cast.</i> (c) <i>Adopt</i> , review and <i>amend</i> the General Regulations of the Organization; (c) Review and approve the General Regulations of the Organization. <i>The General Assembly shall approve the first General Regulations of the Organization when it reaches 50 Member States;</i>	Belgium It is already 2/3 majority. Germany Adopt and amend considered to be the same. Spain The idea has been to approve the General Regulations at the first General Assembly.
(d) Elect the Council from amongst the Member States other than the Member State holding the Presidency or Vice Presidency in accordance with Article 8;	(d) Elect the Council from amongst the Member States other than the Member State holding the Presidency or Vice Presidency in accordance with Article 8;	Japan:
(e) Elect the Secretary-General from amongst the Member States in accordance with the General Regulations;		

Current draft text after Morocco	Proposed changes	Change suggested by / Comments
(f) Review and approve the financial arrangements of the Organization, including the outline budget for the following three years and the rate of contributions for Member States and fees for Associate Members and Affiliate Members;	<p>(f) Review and approve the financial arrangements of the Organization, including the outline budget for the following three (3) years and the rate of contributions for Member States and fees for Associate Members and Affiliate Members;</p> <p>(f) Review and approve the financial arrangements of the Organization, including the outline budget for the following three years and the rate of contributions for Member States and fees for Associate Members and Affiliate Members <i>in accordance with Article 12</i>;</p> <p>(f) Review and approve the financial arrangements <i>(as defined in the General Regulations)</i> of the Organization, including the outline budget for the following three years and the rate of contributions for Member States and fees for Associate Members and Affiliate Members;</p>	<p>Romania: the tax should be clearly defined, so that the members are aware of the obligations undertaken once signing the Statute of the Organization. See also comment on 12.2. <i>There is a majority view of equal sharing.</i></p> <p>Canada:</p> <p>Korea: As contributions are primary source of funding, Korea would like to clearly state the relationship between this provision and Article 12. <i>Article 12 already has a reference to Article 7.</i></p> <p>Spain <i>Not considered necessary</i></p>
(g) Consider the reports and proposals put to it by any Member State, the Council or the Secretary-General;	(g) Consider the reports and proposals put to it by any Member State, the Council or the Secretary-General <i>of the Organization</i> ;	Japan:
(h) Approve standards;		<p>Russia: specify the legal force of the approved standards. <i>Non mandatory in accordance with Article 4 (a).</i></p> <p>And determine the role of the Council with regard to standards (no mention in Article 8).</p>

Current draft text after Morocco	Proposed changes	Change suggested by / Comments
		Council propose draft Standards to the General Assembly in accordance with Article 8 (h)
(i) Decide on Associate membership;	<p>(i) Decide on Associate membership <i>[and Affiliate membership]</i>;</p> <p>(i) Decide on <i>the accession of new Member States and</i> Associate members<i>hip</i>;</p>	<p>Japan: At the 2nd PREDIPCON, some countries pointed out that the membership application should be approved by the General Assembly because it is not necessary to distinguish Associate Member from Affiliate Member. This point should be discussed at LAPEX4 and to be decided at the 3rd PREDIPCON.</p> <p>Decided at PreDipCon 2, but can of course be discussed again at PreDipCon3. It was mentioned that it is important to be more flexible with regard to Industrial Members than possible for the General Assembly.</p> <p>Spain</p> <p>Accession of new Member States is not a matter for the General Assembly.</p>
(j) Make recommendations to Member States, Associate Members and Affiliate Members on matters within the scope of the Organization;		
(k) Approve formal agreements with other organizations; and	(k) <i>Review and approve the text of agreements between the Organization and States or other intergovernmental organizations.</i>	<p>Canada</p> <p>Included for further discussion during ExLAP</p>
	<i>(new) Establish Committees and other subsidiary bodies and review and approve their respective terms of reference;</i>	<p>Japan: Since establishment of Committees may directly affect the nature and the finance of the Organization, it should be decided by the General Assembly, not by the Council. Other international organizations such as IMO and IHO provide such a function to the Assembly.</p> <p>Was discussed and decided in PreDipCon2</p>

Current draft text after Morocco	Proposed changes	Change suggested by / Comments
	<i>(new) Terminate Committees and other subsidiary bodies.</i>	Japan See above
	<i>(new) Establish Committees and review and approve their respective terms of reference; and</i>	Korea thinks the General Assembly should have the power to establish committees and review and approve their respective terms of reference. See above
	<i>(new) Establish Committees or any other bodies; and</i>	Spain See above
	<i>(new) Approve the work program of the Organization.</i>	Korea Covered by (b)
	<i>(new) Decide on the adoption of amendments to the Convention;</i>	Spain Not considered necessary. Covered by Article 15.3.
	<i>(new) Decide on the relocation of the seat of the Organization, as per Article 1.3;</i>	Spain Not considered necessary. Covered by Article 1.3.
(I) Decide on any other matters within the aim and objectives of the Organization.		
Article 8 The Council		Finland: Consider adding the quorum of Council meetings. Germany: unlike in Article 7.6 of the Convention concerning the General Assembly – no minimum attendance is specified for a Council quorum. Rather, this is established in Article 4(2)(d) of the General Regulations. It should be considered whether this should be transferred to the Convention.
1. The Council is the executive organ of the Organization and shall be responsible for directing the activities of the Organization.		
2. The Council shall consist of the President and the Vice President and up to twenty three (23) Council		Canada: Is there a minimum?

Current draft text after Morocco	Proposed changes	Change suggested by / Comments
<p>members, each representing a different Member State.</p>	<p>2. The Council shall consist of the President and the Vice President and up to twenty three (23) Council members, each representing a different Member State.</p> <p>2. The Council shall, <i>under the guidance of the General Assembly</i>, consist of the President and the Vice President and up to twenty three (23) Council</p>	<p>Changes to exact 23 members.</p> <p>Finland: Consider the need to define also the minimum number of Council members.</p> <p>Quorum included as new 5.</p> <p>Iran: It is proposed that geographical distribution be considered for the election of these members <i>[PreDipCon2 decided not to mention geographical representation in the Convention]</i>, in accordance with a quota, to be calculated in accordance with a method included in the General Regulation (or any other appropriate section), with due attention to the number of states in each region, continent or the like. This can be an important factor in ensuring highest inclusion of members to meet the requirements and challenges of different areas of the world. In order to highlight the significance of this issue, it is proposed that the model of similar conventions be followed. Furthermore, the provisions of paragraph 4.6.b of the General Regulations does not seem to adequately address this issue, and needs to be revised and transferred to the main body of the Convention.</p> <p>Iran: It does not seem logical for the council and assembly to have same chairmanship, due to their different ranking and position within the IALA structure (see comments on Article 6.2.)</p> <p>Japan: for consistency Included</p> <p>Korea thinks the relationship between the General Assembly and the Council should be clearly stated in the draft Convention.</p>

Current draft text after Morocco	Proposed changes	Change suggested by / Comments
	members, each representing a different Member State.	Relation clear in 7.1 and 8.1.
3. Council members shall be elected by ballot at each regular session of the General Assembly in accordance with the General Regulations.	3. Council members shall be elected by ballot at each regular session of the General Assembly in accordance with the General Regulations. <i>Council members should, as far as possible, be drawn from different parts of the world, with a view to achieving as widespread a representation as possible.</i>	Norway: A similar principle is stated in the IMO Convention. Norway believes this is an important principle, which should be reflected in the Convention text itself. PreDipCon2 decided not to mention geographical representation in the Convention
	<i>(new) The Council may invite any Member State which is not a Council member to attend any of its sessions as an observer.</i>	Japan: the Council should be open to any Member State in order to keep its transparency. Included as new 6 (text similar to that of the IMO convention).
4. At the Council Member States shall preferably be represented by a delegate from a national authority responsible for the regulation, provision, maintenance or operation of Marine Aids to Navigation of that Member State.	4. <i>All</i> Council Member States shall preferably be represented by a delegate from a national authority responsible for the regulation, provision, maintenance <i>and/or</i> operation of Marine Aids to Navigation of that Member State.	Korea
	<i>(new) All efforts shall be made by the Council to make decisions by consensus among the Member States. Where the decisions cannot be reached by consensus, voting rules specified in the General Regulations shall apply.</i>	Japan: moved from 6.3 Now new Article 10bis.
	<i>(new) Regular sessions of the Council shall take place at least twice a year.</i>	Korea Covered by the General Regulations 4.2 (a)
	<i>(new) Extraordinary sessions of the Council shall be convened in accordance with the General Regulations.</i>	Korea Covered by the General Regulations 4.2 (c)
	<i>(new) The presence of two-third of Council members shall be required to constitute a quorum for the sessions of the Council.</i>	Korea Included.
	<i>(new) Attendance shall be open to...</i>	Canada: Who can attend Council meetings? Art 4(2)(e) of the General Regulations says any Member State

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		can, and that Council may determine that a representative of any Committee or other subsidiary body established by it or of another organization may be present at a Council meeting. What about Associate and Affiliate members? And what role can all the above play? Included in new 6.
5. The Council shall:		
(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) Review and approve the financial statements, including the annual budget;	(c) Review and approve the financial statements <i>(as defined in the General Regulations)</i> , including the annual budget;	Spain Not considered necessary.
(d) Decide on Affiliate membership ;	(d) Decide on Affiliate membership, <i>in accordance with Article x.x</i> ;	France: consistent with proposals of changes in Article 5 – Membership. Cross reference not considered necessary.
(e) Convene the General Assembly;	<i>Delete</i>	Korea: Since the Council only convenes extraordinary general meetings, suggests deleting the Art.8.8(e) Convening GA is a task of the Council
(f) Report to the General Assembly on the work of the Organization;		
(g) Review papers submitted to it in accordance with the General Regulations;		
(h) Refer to the General Assembly all matters requiring decision by the General Assembly;		
(i) Approve recommendations, guidelines, manuals and other appropriate documents;		Russia: Clarify what will be a range of matters for the recommendations and manuals that Council is

Current draft text after Morocco	Proposed changes	Change suggested by / Comments
		authorized to adopt and what will be the legal force of these documents. Perhaps, it is required to give more detailed descriptions of the specified types of the documents in the General Regulations. Will be considered when developing the General Regulations.
(j) Approve submissions to other organizations;	(j) Approve submissions to other organizations <i>on technical matters</i> ;	Spain Considered not necessary in view of Article 1.2 and 3. Russia: Define what are 'submissions to other organizations' and ensure consistency with Article 7(k) on agreements with other organizations.
(k) Establish Committees and other subsidiary bodies and review and approve their respective terms of reference;	(k) Establish <i>and terminate</i> Committees and other subsidiary bodies, and review and approve their respective terms of reference <i>and work programs</i> ; <i>Delete</i> (k) Establish Committees and other subsidiary bodies and review and approve their respective terms of reference;	Finland: Consider adding a new Council task to nominate Committee Chairs (Article 8.5 and maybe integrate into the task (k)). However establishment and termination of committees and nomination of Committee Chairs could also be a GA task. Nomination of Chairs is a Council task and is described in the General Regulations 6.2 (a) Canada: suggest consolidating (l) and (m) into k. Included Japan: Since establishment of Committees may directly affect the nature and the finance of the Organization, it should be decided by the General Assembly, not by the Council. Other international organizations such as IMO and IHO provide such a function to the Assembly. Korea:

Current draft text after Morocco	Proposed changes	Change suggested by / Comments
	<i>Change to control the Committee activity</i>	Russia: establishment and termination of Committee and other subsidiary bodies should be left with the General Assembly and the Council should only control their activity. Was discussed at PreDipCon2.
(l) Terminate Committees and other subsidiary bodies;	<i>Delete</i>	Japan: refer to comment on 8.5(k) above. Canada: refer to comment on 8.5(k) above. Russia: refer to comment on 8.5(k) above. Done.
(m) Review and approve the work programmes of the Committees; and	(m) Review and approve the work programmes of the Committees; and <i>Delete</i>	Japan Canada: refer to comment on 8.5(k) above. Done.
(n) Decide the venue and the year of the Organization's conferences and symposia as described in the General Regulations.		
	<i>(new) Article Technical assistance and capacity building</i> <i>The Parties shall promote support for those Parties which request technical assistance for the following aspects, in consultation with the Organization and other international bodies, and in cooperation with affiliate members active in technical, operational and industrial fields, preferably within the countries concerned, so furthering the aims and purposes of the present Convention:</i>	Iran [no specific place in the Convention suggested by Iran] Was discussed in PreDipCon2 and capacity building was included in 3(b) and training/assistance in 4(e). Not support for a separate Article. Iran

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	<p>(a) <i>the training of technical and scientific personnel;</i></p> <p>(b) <i>the supply of necessary equipment and facilities;</i></p> <p>(c) <i>the encouragement of research; and</i></p> <p>(d) <i>visits to the related industrial, research and operation centres and complexes.</i></p>	<p>Iran</p> <p>Iran</p> <p>Iran</p> <p>Iran</p>
<p>Article 9 Committees and Other Subsidiary Bodies</p>	<p>Article 9 Committees and Other Subsidiary Bodies <i>of the Council</i></p>	<p>Finland: Consider defining here what body establishes Committees and other Subsidiary Bodies. Consider the need to define the term of Committee Chairs, Committees and Other Subsidiary Bodies.</p> <p><i>As IALA is a technical organization it is important to have some flexibility as regard to names etc. of Committees. Better to regulate in the General Regulations.</i></p> <p>Canada: wish to clarify whether Committees and Other Subsidiary Bodies are creatures of Council, or whether Committees and Other Subsidiary Bodies are intended to be of IALA more generally. If of Council, then we have suggested this addition for clarity.</p> <p><i>Intended to be of IALA more in general.</i></p> <p>Also, there appears to be no elaboration in the Convention on what the term “subsidiary bodies” means. This term should be clarified in the Convention, and we should discuss to determine what level of specificity about specific “other subsidiary bodies” to include in the Convention.</p> <p><i>Normal text in conventions, IMO Article 11. Meant to cover LAP, PAP etc.</i></p>

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1. Committees and other subsidiary bodies shall support the aim and objectives of the Organization.	1. Committees and other subsidiary bodies shall support the aim and objectives of the Organization.	Korea: consistency with previous comments (Article 8.5(k)) Included
2. The Committees shall:	2. <i>Persuant to their respective mandates,</i> Committees shall:	Canada Not considered necessary. See new 8.5 (k)
(a) Prepare and review standards, recommendations, guidelines, manuals and other documents identified in the work programmes;	(a) Prepare and review standards, recommendations, guidelines, manuals and other <i>appropriate</i> documents identified in the work programmes; (a) Prepare and review standards draft recommendations, guidelines, manuals and other documents identified in the work programmes <i>approved by Council, for approval by Council;</i>	Japan Included Canada: Include these insertions so we are clear on what work programmes these are, which level approved the work programs, and which level will be approving the recommendations, guidelines, manuals, and other documents. In the present text Council approves all work programmes and documents except standards.
	<i>(new) Prepare and review the standards identified in the work programmes approved by Council, for approval by the General Assembly;</i>	Canada Not considered necessary. Follow from Articles 7 and 8.
(b) Monitor developments in the area of Marine Aids to Navigation;		
(c) Facilitate the sharing of expertise and experience among Member States, Associate Members and Affiliate Members; and		
	<i>(new) Foster when feasible appropriate geographic representation in its composition or in the location of its activities; and</i>	Spain understands that IALA intends to be a technical Organization. But its international nature invites and promotes the participation and the free sharing of contributions from all member States. Geographical representation is simply a means to an end: widening the scope of participation among Member States in all

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		<p>technical matters, in line with what can be seen in other International Organizations.</p> <p>There are no Committee members. The Committees are open to all members and the present IALA has a good geographic spread. Due to Secretariat costs most meetings are held at the Headquarters, but from time to time a member host a Committee meeting.</p>
(d) Conduct any other tasks as decided by the Council.		
Article 10 Secretariat		<p>Germany: With the change of status, the references to French law will be dropped and the staff regulations, which are to be newly created in accordance with the standards of the UN Common System, will apply. There is concern that this would result in significant extra costs for the contributors (Member States). The increase in staff costs has to be quantified and addressed.</p> <p>Agree. A working group is dealing with the HQ agreement in cooperation with the French Government in order to find the best solution.</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 within the approved budgetary framework.		<p>Finland: The appointment of staff of the Secretariat should be approved by the Council (article 10.2). WWA forms an important part of the secretariat. Consider the need to mention WWA and its tasks more clearly in this article.</p> <p>This was discussed prior to PreDipCon 2 and the following text was added to Article 9.1 “within the approved budgetary framework” to give Council/GA more control of the personnel situation.</p> <p>The WWA is an integral part of the Secretariat and is included in the General Regulations.</p>

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	<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 within the approved budgetary framework.</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 within the approved budgetary framework. <i>Provisions should be made for the Secretariat to include representatives from as many Member States as possible in order to achieve pluralism and polyphony.</i></p>	<p>France Included</p> <p>Greece Good point, but probably more appropriate in the Staff rules or General Regulations.</p>
<p>(a) The term of Secretary-General shall be three years. The Secretary-General may be re-elected for up to two additional consecutive terms of three years each.</p>	<p>(a) The term of Secretary-General shall be three (3) years. The Secretary-General may be re-elected for up to two (2) additional consecutive terms of three (3) years each.</p> <p>(a) <i>The Secretary-General shall be elected by the General Assembly for a term of three years.</i> The Secretary-General may be re-elected for up to two additional consecutive terms of three years each.</p> <p>2. The term of Secretary-General shall be three years. The Secretary-General may be re-elected for up to two additional consecutive terms of three years each. <i>The Secretary-General shall be responsible for</i></p>	<p>China: A possibility for two additional consecutive terms suggests a Secretary-General might be in the position for 9 years, and also, no provision is provided for whether a non-consecutive term of the same Secretary-General is possible. Yes, the SG can serve 9 years and also two non-consecutive terms provided he is elected by the General Assembly.</p> <p>Canada See earlier.</p> <p>Greece Covered by Article 7 (e).</p> <p>Japan: The composition of the Article seems not appropriate. In the current draft, the provisions about the Secretary-General are stipulated as sub-paragraphs (a) and (b) of the paragraph1 which is</p>

Current draft text after Morocco	Proposed changes	Change suggested by / Comments
	<p><i>the day to day management of the Organization, subject to any guidance issued by the General Assembly or the Council.</i></p> <p>2. The term of Secretary-General shall be three years. The Secretary-General may be re-elected for up to two additional consecutive terms of three years each.</p>	<p>about the composition of the Secretariat, while the rules on the staff is stipulated in paragraph 2. Therefore, actual sub-paragraph (a) and (b) should be paragraph 2.</p> <p>Spain: Given the importance of the items mentioned in 1. (a) and (b) in the Draft Agreement, a different drafting format is suggested.</p> <p>Included.</p>
(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.	<p><i>Delete</i></p> <p>3. 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.</p>	<p>Japan (comments on 10.1(a) above).</p> <p>Done</p> <p>Spain (comments on 10.1(a) above)</p> <p>Done</p>
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.	<p>2. The staff of the Secretariat shall be appointed by the Secretary-General <i>[with approval of the Council]</i> on such terms and to perform such duties as the Secretary-General may determine.</p> <p>2. The staff of the Secretariat shall be appointed <i>in accordance with the Staff Rules.</i></p> <p>4. 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</p>	<p>Japan: The selection of the staffs by the Secretary-General should be controlled by other organs as is the case for other International Organizations such as IMO, IHO and WHO.</p> <p>This was discussed prior to PreDipCon 2 and the following text was added to Article 9.1 “within the approved budgetary framework” to give Council/GA more control of the personnel situation.</p> <p>All is in accordance with the Staff Rules approved by Council (See draft General regulations 7.2).</p> <p>Greece</p> <p>See above.</p> <p>Spain: this is what the UN Charter, art. 101.3, says about the issue.</p>

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	<p>determine. <i>The paramount consideration that will be taken into account when appointing the staff and the Secretariat and when determining the conditions of service, is the need to ensure the highest degree of efficiency, competence and integrity. Consideration will also be given to the importance of hiring staff in the way that there is the widest possible geographic representation.</i></p> <p><i>Can be placed in General Regulations</i></p>	<p>Good point. To be considered for the General Regulations or Staff Rules.</p> <p>Russia: should consider that the conditions of staff recruitment and corresponding responsibilities should not be accepted by the Secretary-General but the General Assembly through the adoption of relevant rules, similar to other international organizations.</p> <p>See above.</p>
3. The Secretariat shall:		
(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;		
(c) Prepare the financial statements, including the annual budget, for submission to the Council;	<p>(c) Prepare the financial statements, including the annual budget <i>proposal</i>, for submission to the Council;</p> <p>(c) Prepare <i>and submit to the Council</i> the financial statements, including the annual budget <i>and the financial arrangements of a three-year basis, with the estimates for each year shown separately</i>;</p>	<p>Canada: the annual budget becomes the annual budget once approved.</p> <p>Yes, but see Article 8.5 (c)</p> <p>Korea thinks draft Convention should clearly delineate the General Assembly's and the Council's power with regard to the handling of the budget.</p> <p>Agree, but text proposal a bit more simple</p>
(d) Keep Member States, Associate Members and Affiliate Members and other organizations		

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informed with respect to the activities of the Organization;		
(e) Organize and support meetings of the General Assembly, the Council, Committees and other subsidiary bodies;		
(f) Organize and support conferences and symposia as approved by the Council;		
(g) Organize and support seminars, workshops and other events; and		
(h) Perform such other tasks as may be assigned by this Convention, the General Regulations, the General Assembly or the Council.		
	<i>(new) 4. In the performance of their duties the Secretary-General and the staff shall not seek or receive instructions from any Government or from any other source external to the Organization. They shall refrain from any action which might reflect on their position as international officials responsible only to the Organization. Each Member State on its part undertakes to respect the exclusively international character of the responsibilities of the Secretary-General and the staff and not to seek influence them in the discharge of their responsibilities.</i>	Japan: Other international organizations such as IMO, IHO and WMO have such a provision in their Convention, not in the General Regulations. Included-moved from General regulations. Similar to Article 8 (f) of IHO convention.
	New article Voting <i>1. All efforts shall be made for the General Assembly and the Council to make decisions by consensus among Member States. Where decisions of the General Assembly or Council cannot be reached by consensus, the following provisions shall apply:</i> <i>(a) Only Member States have voting rights, which will be executed by the representative designated by</i>	France: moved from Article 6 [supported by Russia, see comments on Article 6] Done.

Current draft text after Morocco	Proposed changes	Change suggested by / Comments
	<p><i>each Member State. Each Member State will have one vote.</i></p> <p><i>(b) Except where otherwise specified, decisions shall be taken by two-thirds of the votes cast.</i></p> <p><i>2. The General Regulations shall detail the Rules of Procedure that will apply for each organ.</i></p>	
Article 11 Languages		
The official languages of the Organization shall be English, French and Spanish.		<p>Belgium recommends to consider English as the sole official language.</p> <p>China: The official languages of the Organization shall include Chinese language since Chinese language is an official UN language; or otherwise, in consideration of financial burden, only English shall be considered as the official language.</p> <p>Finland would prefer English but accepts. However, it would be important to have a common understanding what is the content of the term “official language” in practical level.</p> <p>Germany: Which language version takes precedence in the event of disputes? Three official languages will result in a great administrative and financial burden for a small organisation that currently has the status of an NGO. One criterion is to avoid the monetary and time expenditure caused by too many working languages; at the same time, these are the working languages of the predecessor NGO. Focus on English. Otherwise, German has to be mentioned too.</p> <p>Iran: adopting numerous official languages will inflict additional costs of employing personnel for translation</p>

Current draft text after Morocco	Proposed changes	Change suggested by / Comments
		<p>or interpretation purposes, and it is proposed that English be considered as the sole official language of the organization. Moreover, the inclusion of a separate article only for language seems redundant, and it can suitably be addressed within Article 1, as the initial version of the Draft Convention.</p> <p>Furthermore, paragraph 4.3.b of the General Regulations allows documents and proposals to be submitted in Spanish and French as well (to be translated into English by the Secretariat). This is not customary practice of international organizations, which only accept submissions in English.</p> <p>Japan: The matter relating language should be discussed at the diplomatic negotiations. Japan considers that the official language of the Organization should be only English from the perspective of administration cost and efficiency.</p> <p>Korea: Having 3 official languages would result in high operating cost. In the interest of cost and efficiency of the operation, Korea suggests designating English (the most commonly spoken second language) as the sole official and working language.</p> <p>Norway: In Marrakech the parties agreed to address the issue of languages in a separate article, which has been taken into account in the present article 11. Given the importance connected to the matter, Norway supported this action as a sensible solution. However, Norway is of the view that the content of Article 11 in the current draft does not reflect the discussion and majority views of the Conference, nor does it reflect the current practice of IALA. Thus, we do not consider the content in the draft article to represent a satisfactory compromise. The proposal</p>

Current draft text after Morocco	Proposed changes	Change suggested by / Comments
		<p>does not offer any insurance that the working language of the organization shall be English only, as is the current practice of IALA. Leaving such an important principle to be decided by the General Regulations is not acceptable to Norway. We would like to reiterate our previous position on this subject; that the number of official languages should be kept to a minimum and that English only shall be used as a working language in IALA, i.e. in all the affairs of Committees and other subsidiary bodies of IALA. This should be reflected in the wording of Article 11.</p> <p>Russia: Article 11 raises questions because, at the 2nd diplomatic conference the parties have not agreed to include the Spanish language as the third official language of the IALA. At the same time, proposals were made to include Arabic, Chinese and Russian languages in the list of official languages of the Organization. Clarifications are also required regarding the set of languages referred to in the General Regulations.</p>
	<p>The official languages of the Organization shall be English [, French and Spanish].</p>	<p>Singapore: propose to place “French and Spanish” in square brackets given that the official language(s) of the Organization have yet to be decided.</p> <p>Further propose that Convention Article 11 can be expanded to provide for the working language of the Organization and the languages to be used for the Organization’s output/input documents – which are language-related issues that are provided for in Article 3.3(b), 4.3(b), 5.3(e) and 6.1(c) of the General Regulations. The consolidation of all language provisions in Article 11 of the Convention will avoid any inconsistent practice of applicable languages in the workings of the Organization. This will also allow</p>

Current draft text after Morocco	Proposed changes	Change suggested by / Comments
		the General Regulations to draw reference back to the Convention on any language-related provisions.
	The official languages of the Organization shall be <i>Arabic</i> , English, French and Spanish.	Morocco
Article 12 Finance	Article 12 Finances	Korea: editorial
1. The expenditure for the functioning of the Organization shall be met by the financial resources provided by:	1. The expenditure <i>generated from</i> the functioning of the Organization shall be met by the financial resources provided by:	Spain Editorial
(a) Member State contributions	(a) <i>Contributions from Member States</i> (a) Member States' contributions	Japan Editorial Korea Editorial
(b) Associate Member and Affiliate Member fees;	(b) <i>Annual member fees from Associate Members and Affiliate Members</i>	Japan Editorial
(c) Donations, bequests, grants, gifts; and	(c) Donations, bequests, grants, gifts <i>and other sources approved by the Council upon recommendation by the Secretary-General.</i> (c) Donations, bequests, grants, <i>other voluntary contributions</i> ; and	Canada: combine (c) and (d) Editorial <i>That would change the meaning of (c) and (e).</i> France <i>All donations would be voluntary and "contribution" is normally used for the Member States contribution. Other sources covered by (d).</i> Russia: It might be possible to set a limit (for example \$10,000.00) on the amount of cash donations, gifts, etc. beyond which the Executive Secretary should request permission from the Council. <i>Could be considered for Financial Regulations.</i>
(d) Other sources approved by the Council upon recommendation by the Secretary-General.	(d) Other sources approved by the Council upon recommendation by the Secretary-General <i>of the Organization.</i>	Japan Editorial

Current draft text after Morocco	Proposed changes	Change suggested by / Comments
2. Each Member State shall pay a contribution and each Associate Member and Affiliate Member shall pay a fee to the Organization on an annual basis in the amount determined in accordance with in Article 7.7 (f). The contribution shall be set at the same rate for each Member State.	<p>2. Each Member State shall pay a contribution and each Associate Member and Affiliate Member shall pay a fee to the Organization on an annual basis in the amounts determined in accordance with in Article 7.7 (f). The contribution shall be set at the same rate for each Member State.</p> <p>2. Each Member State shall pay a contribution and each Associate Member and Affiliate Member shall pay a fee to the Organization on an annual basis in the amount determined in accordance with in Article 7.7 (f). The contribution shall be set at the same rate for each Member State.</p>	<p>Germany: Definitely keep the proposed equal split of contributions between the Member States. This position is not negotiable.</p> <p>Morocco: contributions should be calculated according to the size of the fleet.</p> <p>Romania: Preferably, the tax should be calculated according to the tonnage of the ships that transit the ports. This way, we can encourage the development of the system of marine aids to navigation and we take into account the principle of proportionality between taxes paid and revenue.</p> <p>The “equal share” principle has been discussed at several occasions and there is a vast majority for the system.</p> <p>Canada Included</p> <p>Japan: the Convention legally binds Member States only.</p> <p>Associate and Affiliates that choose to be a member will be bound by the convention.</p>
3. Member State contributions and Associate Member and Affiliate Member fees shall be due and payable in accordance with the General Regulations.	3. Member State contributions and Associate Member and Affiliate Member fees shall be due and payable in accordance with the General Regulations.	<p>Japan: the Convention legally binds Member States only.</p> <p>Associate and Affiliates that choose to be a member will be bound by the convention.</p>

Current draft text after Morocco	Proposed changes	Change suggested by / Comments
	<p>3. Member State contributions and Associate Member and Affiliate Member fees shall be due and payable in accordance with the General Regulations. <i>After the first three years of entering into force of this Convention, a nominal increase of the contributions or fees shall only be contemplated in exceptional circumstances, to be approved by the Assembly.</i></p>	<p>Romania: should add the formular for calculating the tax required for each Member State (refer to comment on 12.2).</p> <p>The “equal share” principle has been discussed at several occasions and there is a vast majority for the system.</p> <p>Spain: intends to institute in the Convention the “zero nominal growth” budgetary principle.</p> <p>Discussed at PreDipCon 2 who decided to leave it to the “wisdom of the General Assembly”.</p>
<p>4. Any Member State which is two years in arrears in making contributions shall, after written notification by the Secretary-General, be denied voting rights and the right to be elected to the Council until such time as the outstanding contributions have been paid, in accordance with the General Regulations.</p>	<p>4. Any Member State which is two years in arrears in making contributions shall, after written notification by the Secretary-General, be denied voting rights and the right to be elected to the Council until such time as the outstanding contributions have been paid, in accordance with the General Regulations, <i>unless the General Assembly, at its discretion, waives this provision.</i></p> <p>4. Any Member State which is two years in arrears in making contributions shall, after written notification by the Secretary-General, be denied voting rights and the right to be elected to the Council <i>and to remain on Council</i> until such time as the outstanding contributions have been paid, in accordance with the General Regulations.</p>	<p>Iran: As arrears of the membership fee by the members may arise unwillingly due to some issues out of their will, and hence the members are not able any more to pay their membership fees in due time, it is suggested, if possible, to consider a waiver in this regard, as with the decision of the General Assembly for these members, like other international organizations such as IMO.</p> <p>Included in [-]</p> <p>Canada: Why not one year in arrears?</p> <p>One year is short time. IHO has two years (Article 15).</p> <p>Would like to discuss potentially adding “and to remain on Council” and the associated functional impact on IALA as a consequence, and discuss whether this should also extend to leadership roles on Committees and Other Subsidiary Bodies.</p> <p>Included in [-]</p>
<p>5. Following the Council’s approval of the Organization’s audited financial statements, these</p>		

Current draft text after Morocco	Proposed changes	Change suggested by / Comments
statements shall be distributed to all Member States, Associate Members and Affiliate Members in the Annual Report.		
Article 13 Legal personality, privileges and immunities		It is Norway's view that the article regulates the legal capacity, privileges and immunities of the organization as such, and not tax related privileges and immunities for the officials of the organization.
1. The Organization has international legal personality and has the capacity to:	<i>Move to Article 1</i>	France <i>See comments Article one.</i>
(a) Contract and conclude agreements with governments, organizations and other bodies;	<i>Move to Article 1</i>	France
(b) Acquire and dispose of immovable and movable property; and	<i>Move to Article 1</i>	France
(c) Institute legal proceedings.	<i>Move to Article 1</i>	France
2. In the territory of each of its Member States the Organization shall enjoy, subject to agreement with the Member State concerned, such privileges and immunities as may be necessary for the exercise of its functions and the fulfilment of its aim and objectives.		France: "subject to agreement with the Member State concerned" means that each State should have a new international agreement in order for the Organization to enjoy privileges and immunities. This is possible but it should be kept in mind that this can result in an additional Parliament decision. We may precise the scope of privileges and immunities that the Organization enjoys in the territories of the Member States within this draft agreement. It is particularly important for France, which will be the Host Nation. Germany: "subject to agreement with the Member State concerned" is expressly necessary; Germany would only be able to grant these privileges and immunities if an additional detailed agreement was concluded; it would not be possible to grant blanket immunities.

Current draft text after Morocco	Proposed changes	Change suggested by / Comments
	<p>2. In the territory of each of its Member States the Organization shall enjoy, <i>to the extent provided for in an</i> agreement with the Member State concerned, such privileges and immunities as may be necessary for the exercise of its functions and the fulfilment of its aim and objectives.</p>	<p>Greece: should take into consideration that all the international organizations enjoy the same privileges and immunities as deemed necessary for the exercise of their functions and the fulfilment of their aim and objectives, within the territory of a Member State, with the exception of the Host Nation. In that case, a separate agreement is required.</p> <p>Russia: Clarify what is meant by ‘subject to the agreement of each Contracting Party’. If this implies that the granting of the appropriate scope of privileges and immunities should be determined by a separate ‘arrangement’ with each Member State, this should be specified accordingly.</p> <p>Canada</p> <p>Same text as IHO Convention Article XIII. More discussion needed.</p>
	<p><i>(new) Representatives of Member States, officers and officials of the Organization, as well as members of the Council, shall similarly enjoy such privileges and immunities as are necessary for the independent exercise of their functions in connection with the Organization.</i></p>	<p>Finland: The Article 13.3 should be added to make sure that representatives of Contracting Parties can attend for example General Assembly meetings.</p> <p>For discussion.</p>
<p>3. 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.</p>	<p>3. No Member State, <i>Associate Member</i> or <i>Affiliate</i> Member shall be liable, by reason of its status or participation in the Organization, for acts, omissions or obligations of the Organization.</p>	<p>Spain</p> <p>Included</p>

Current draft text after Morocco	Proposed changes	Change suggested by / Comments
Article 14 Depositary		
The Republic of France shall serve as the Depositary for this Convention.	The <i>French Republic</i> shall serve as the Depositary for this Convention.	France: official translation Included
Article 15 Amendments		
1. Any Member State may propose an amendment to this Convention, in writing, to the Secretary-General.	<i>1. Any proposed amendment to this Convention or its Annex shall be notified to the Secretary-General, who shall circulate it to the Member States in the three official languages of the Organization at least six months in advance of its consideration by the General Assembly. An amendment shall be adopted by the General Assembly with two-thirds majority of the Members present and voting, excluding any Member State denied rights and benefits in accordance with Article 5.6.⁶</i>	France: should mention the three official languages and consolidate 1. to 3. The reference to languages is included in [-] Combining 1-3 is not supported as they are separate procedural steps.
2. The Secretary-General shall circulate the proposed amendment to all Member States at least six months in advance of its consideration by the General Assembly.	2. The Secretary-General shall circulate the proposed amendment to all Member States at least six <i>(6)</i> months in advance of its consideration by the General Assembly. <i>Move to 1.</i>	Canada France
3. The proposed amendment shall be adopted by vote of the General Assembly.	3. The proposed amendment <i>requires a two-thirds quorum and a two-thirds majority of the votes cast</i> of the General Assembly. <i>Move to 1. with amended text</i>	Belgium Covered by new Article 10bis France: Refer to the proposed article on voting procedure and requirements (see comment on Article 6.3) The mention of adoption by vote indicates that the procedure in Article 10bis.2 applies.

⁶ This proposed text has been submitted in French and translated into English by the Secretariat.

Current draft text after Morocco	Proposed changes	Change suggested by / Comments
	3. The proposed Amendment shall be adopted by vote of the General Assembly.	Greece See above
4. Any amendment adopted in accordance with Article 15.3 shall be sent by the Secretary-General to the Depositary of this Convention. The latter shall notify all Member States and the Secretary-General of the adoption of the amendment.	<p>4. Any amendment adopted in accordance with <i>paragraph 3 of this Article</i> shall be sent by the Secretary-General to the Depositary of this Convention. The latter shall notify all Member States and the Secretary-General of the adoption of the amendment.</p> <p>4. Any amendment adopted in accordance with Article 15.3 shall be sent by the Secretary-General to the Depositary of this Convention. The <i>Depositary</i> shall notify all Member States and the Secretary-General of the adoption of the amendment.</p> <p>4. Any amendment adopted in accordance with <i>the previous paragraph</i> shall be sent by the Secretary-General to the Depositary of this Convention. The latter shall notify all Member States and the Secretary-General of the adoption of the amendment.</p>	<p>Japan: Included</p> <p>Korea: Since the SG sends the amendment to the Depositary, Korea suggests deleting 'and the Secretary General' in the paragraph. Included</p> <p>Spain Done</p>
5. An amendment to this Convention shall come into force for Member States having accepted the amendment six months after written notification of the acceptance to the Depositary by two-thirds of Member States and thereafter for each remaining Member State upon acceptance by it.	<p>5. An amendment to this Convention shall come into force for Member States having accepted the amendment six <i>(6)</i> months after written notification of the acceptance to the Depositary by two-thirds <i>(2/3)</i> of Member States and thereafter for each remaining Member State upon acceptance by it.</p> <p>5. An amendment to this Convention shall come into force for <i>all Members when two thirds of the</i></p>	<p>Belgium: The provision set out in article 15.5 leaves a certain margin of appreciation and is likely to be ambiguous. The wording of article 15.5 must be clarified.</p> <p>Canada</p> <p>France</p>

Current draft text after Morocco	Proposed changes	Change suggested by / Comments
	<p><i>Member States have notified their acceptance to the Depositary Government.⁷</i></p> <p>5. <i>The amendment shall come into force for all Member States six months after written notifications of acceptance by two-thirds of the Member States have been received by the Depositary, which shall inform the Member States and the Secretary-General of the fact, specifying the date on entry into force of the amendment.</i></p> <p>5. <i>An amendment to this Convention shall come into force for Member States having accepted the amendment Six months after written notification of the acceptance to the Depositary by two-thirds of Member States and thereafter for each remaining Member State upon acceptance by it an amendment shall come into force for all Member States.</i></p>	<p>Japan: (example of IHO Convention Article 21.3). From the Point of view of unilateral application of the rules, it is preferable that the amendment enters into force for all Member States six months after the adoption of it by two-thirds of the Member States. In this case, the Depositary is required to inform them of the date of entry into force.</p> <p>Good suggestion. Added in [-] for discussion</p> <p>Singapore: Propose that the Organization adopt the practice at the IMO for amendments to come into force for all Member States upon the acceptance by two-third majority of Member States. It is not desirable to have provisions apply only to those Member States who have accepted the amendments as that would result in obligations and standards not being applied uniformly across all Member States. See IMO Convention, Part XVII, Article 66, for reference.</p> <p><u>IMO Convention – Part XVII Amendments, Article 66:</u> <i>Texts of proposed amendments to the Convention shall be communicated by the Secretary-General to Members at least six months in advance of their consideration by the Assembly. Amendments shall be adopted by a two-thirds majority vote of the Assembly. Twelve months after its acceptance by two thirds of the Members of the Organization, other than Associate Members, each amendment shall come into force for all Members. If within the first 60 days of this period of twelve months a Member gives notification of withdrawal from the Organization on account of an amendment the withdrawal shall, notwithstanding the provisions of Article 73 of the</i></p>

⁷ This proposed text has been submitted in French and translated into English by the Secretariat.

Current draft text after Morocco	Proposed changes	Change suggested by / Comments
		<i>Convention, take effect on the date on which such amendment comes into force.</i>
Article 16 Interpretation and disputes	<i>Article 16</i> <i>Settlement of disputes</i> <i>Article 16</i> <i>Dispute settlement on interpretation and application of the Convention</i>	Iran: It is also proposed that apart from the three arbitrators appointed by the Secretary-General, each party to the dispute also be entitled to appoint one arbitrator on its side. Russia
<p>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 [after a period of three months] 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>Any dispute concerning the interpretation or application of this Convention which is not settled by negotiation or by the good offices of the Secretary-General shall, at the request of one of the parties to the dispute, be referred to an arbitrator designated by the President of the International Court of Justice.</p>		<p>China: (1) no arbitral rules are provided in spite of the dispute is referred to the PCA. PCA's arbitration rules are not applied automatically upon the choosing the arbitral institution. This should be discussed among negotiating states to reach a consensus on the choice of arbitration rules. (2) If all arbitrators are appointed by the Secretary-General of PCA, it would deprive the sovereign states of the right to appoint a satisfied arbitrator. This is also inconsistent with PCA's arbitral practice. Even though PCA provides arbitral rules, they are all optional upon the choice of the disputing parties. Moreover, those optional arbitration rules of PCA and the arbitral practice of PCA provide that each disputing state can appoint its own arbitrator while the presiding arbitrator is decided upon agreement by the two appointed arbitrators; or if no agreement could be made, the SG of PCA can thereafter appoint one presiding arbitrator. (3) "for a non-binding resolutions" is a confusing phrase, because it could suggest that the resolution of PCA's SG appointing arbitrators, or it could suggest that the resolution of an arbitral tribunal of PCA. But usually the decision of an arbitral tribunal is not provided in the form of "resolution", but rather in the form of</p>

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	<p>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 [after a period of three (3) months] may, with the agreement of all parties to the dispute, be referred to a panel of three (3) 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>“award” or “decision”. While “resolution” seems to be a more political usage which implies the possibility of political power behind the resolution. Therefore, we suggest that “for a non-binding resolution” was separated as an independent sentence, and “resolution” is replaced by “decision” (which is a more neutral term). Namely, it could be re-written as follows: the decision of the arbitral tribunal/panel is non-binding.</p> <p>Germany: Is the time-limit of 3 months for dispute resolution realistic? Since the referral to the arbitrators depends on the agreement of the parties to the dispute, there is the danger that one of the parties might block this mechanism.</p> <p>Russia: Would suggest that the person appointing the panel of arbitrators should not be the Secretary-General of the Permanent Court of Arbitration but the President of the International Court of Justice or the Secretary-General of the United Nations.</p> <p>Canada: Is there a justification for treating this with what seems like an urgent timeline? Six months may be more appropriate.</p>

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	<i>Any question or dispute concerning the interpretation or application of the Convention shall be referred to the Assembly for settlement, or shall be settled in such other manner as the parties to the dispute may agree.</i>	Greece: in line with IMO
	<i>Any dispute concerning the interpretation or application of the Convention that remains unresolved by negotiation will be referred,</i> with the agreement of all parties involved, to a Court of Arbitration comprising 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 dispute settlement. ⁸	France: wonder about referring to a court of arbitration that will make a non-binding decision.
		The text from IHO convention Article XVII is proposed as an alternative.
Article 17 Signature, Ratification and Accession		
1. This Convention shall open for signature by any State that is a member of the United Nations at [xxx] and remain open until [xxx].	1. This Convention shall <i>be</i> open for signature by any State that is a member of the United Nations at [xxx] and remain open until [xxx].	Spain: While the Convention is not yet in force, notification of the relevant instruments of ratification cannot be done to “Member States”, as there won’t be Member States yet. Spain suggests alternative language, in order to ensure there are notifications to other States. Included – “each” changed to “all” as in IHO Convention Article XX Canada
2. This Convention is subject to ratification, acceptance or approval by the signatory States.		
3. This Convention shall be open for accession by any member of the United Nations which has not		Canada: Should this say “any state that is a member of the United Nations” to match the wording in Art 17(1)?

⁸ This proposed text has been submitted in French and translated into English by the Secretariat.

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signed this Convention from the day after the date on which this Convention closes for signature.		Included.
4. Instruments of ratification, acceptance, approval or accession shall be deposited with the Depositary, who shall then notify each Member State and the Secretary-General thereof.	<p>4. Instruments of ratification, acceptance, approval or accession shall be deposited with the Depositary, who shall then notify each Member State and the Secretary-General <i>of the Organization</i> thereof.</p> <p>4. Instruments of ratification, acceptance, approval or accession shall be deposited with the Depositary, who shall then notify each Member State, <i>each Contracting State</i> and the Secretary-General thereof. <i>The General Assembly will then decide on the accession.</i></p>	<p>Japan</p> <p>Spain See above.</p>
5. No reservation can be made to this Convention.	5. <i>No reservation may be made if such reservation is incompatible with the object and purpose of the Convention.</i>	<p>China</p> <p>Iran: Governments have different legal systems for accession and ratification of the IALA Convention, and their rights in this regard needs to be respected, taking into account the fact that "one size cannot fit all". The Islamic Republic of Iran thus expresses its concern about the absence of a reservation right at the time of ratification, acceptance, approval or the accession to the IALA Convention. A similar concern was expressed by other delegations, in their comments on the draft text of the Convention. Included in [-]</p>
Article 18 Entry into force		
1. The present Convention shall enter into force on the thirtieth day after the date of deposit of the	1. The present Convention shall enter into force on the thirtieth day after the date of deposit of the	Japan: Currently, there are 85 countries and regions as national members in IALA. In order to avoid possible sudden increase of the rate of the contribution for

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<p>[thirtieth] instrument of ratification, acceptance, approval or accession.</p>	<p>[<i>fifty-eighth</i>] instrument of ratification, acceptance, approval or accession.</p> <p>1. The present Convention shall enter into force on the thirtieth (<i>30th</i>) day after the date of deposit of the [thirtieth (<i>30th</i>)] instrument of ratification, acceptance, approval or accession.</p> <p>1. <i>This</i> Convention shall enter into force on the thirtieth day after the date of deposit of the [thirtieth] instrument of ratification, acceptance, approval or accession.</p> <p>1. The present Convention shall enter into force <i>twelve months</i> after the date of deposit of the [thirtieth] instrument of ratification, acceptance, approval or accession.</p>	<p>Member States after the entry into force of the Convention, Japan considers that conclusion by at least two-thirds of current national members are required. <i>Previous meetings decided that decision should be left with the Diplomatic Conference.</i></p> <p>Canada</p> <p>Korea: <i>Included</i></p> <p>Sweden: to accommodate a rigid ratification process. Is a total of thirty Members sufficient for keeping the IALA budget in balance? <i>[-]</i></p> <p>France: decide a date on which the Convention should cease to be open for ratification. <i>Not a normal procedure (IMO, IHO etc.)</i></p>
<p>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.</p>	<p>2. For each State ratifying, accepting, approving or acceding to this Convention after its entry into force the Convention shall enter into force <i>for that State</i> on the thirtieth day after the deposit of its instrument of ratification, acceptance, approval or accession.</p> <p>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 <i>the General Assembly has accepted its application for membership.</i></p>	<p>Singapore: <i>Not considered necessary.</i></p> <p>Spain: In line with the competences of the General Assembly, membership for a State depends on the approval of the aforementioned General Assembly, not on the sole depositing of the instruments of ratification of the Convention. <i>Does not need acceptance from General Assembly.</i></p>

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	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 (30 th) day after the deposit of its instrument of ratification, acceptance, approval or accession.	Canada
3. The transitional arrangements that shall apply upon entry into force of this Convention are set out in Annex A.	Delete	Japan: The transitional arrangements are to be applied to all the current members, so should not be annexed to this convention, which legally-binds only the Contracting States. Such rules are to be decided within the framework of the present IALA (by its resolution or the form of non-legally-binding instruments). Further discussion at the PREDIPCON is required. Was discussed at PreDipCon2 and this was the solution chosen.
Article 19 Withdrawal	Article 19 Duration and withdrawal	Germany
	(new) This Convention is concluded for an unlimited period.	Germany Not considered necessary.
1. Any Member State may withdraw from this Convention by giving at least twelve month written notice to the Depositary, who will immediately inform all Member States and the Secretary-General of such notification.	1. Any Member State may withdraw from this Convention by giving at least twelve (12) months written notice to the Depositary, who will immediately inform all Member States and the Secretary-General of such notification. 1. Any Member State may withdraw from this Convention by giving at least twelve month written notice to the Depositary, who shall immediately inform all Member States and the Secretary-General of such notification.	Canada Included Korea Included

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2. Notification of withdrawal may be given at any time after the expiration of six months from the date on which this Convention has come into force.	<p>2. Notification of withdrawal may be given at any time after the expiration of six months from the date on which this Convention has <i>entered</i> into force.</p> <p>2. Notification of withdrawal may be given at any time after the expiration of <i>twelve</i> months from the date on which this Convention has come into force.</p> <p>2. Notification of withdrawal may be given at any time after the expiration of six <i>(6)</i> months from the date on which this Convention has come into force.</p> <p>2. Notification of withdrawal may be given at any time after the expiration of six months from the date on which this Convention has come into force <i>for the withdrawing State</i>.</p>	<p>Japan <i>Include</i></p> <p>Korea: In regards to Article 19(1), the notification should also be any time after the expiration of 12 months.</p> <p>Canada</p> <p>Spain: The specification that the entering into force of the Convention refers to the withdrawing State aims to increase legal certainty and security, as well as protection for third parties which might be affected by the decision. <i>It is not for the withdrawing state, but for the convention itself.</i></p>
3. The withdrawal shall take effect on 31 st December following the expiration of the notice.		<p>Russia: It would be advisable to specify the rate of the contributions which the State that has announced its withdrawal should pay. <i>Covered by Financial Regulation</i></p>
Article 20 Termination		
1. This Convention may be terminated by a vote of the General Assembly.	1. This Convention may be terminated by a vote of the General Assembly <i>at a regular session of the General Assembly, following a six (6) months notice that such a vote will be taking place</i> .	<p>Canada: These changes are necessary to ensure a termination vote would only happen at a regular session, and to allow time for domestic processes to take place prior to being able to participate in such a vote. <i>“Regular session” included.</i></p>

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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 Depositary. The Depositary shall transmit certified copies thereof to all the [signatory and acceding] Governments and to the Secretary-General of the Organization.	<p>DONE at [xxx] on [xxx] in the <i>Chinese</i>, English, French, Spanish <i>and Russian</i> languages, each text being equally authentic, the original of which shall be deposited in the archives of the Depositary. The Depositary shall transmit certified copies thereof to all the [signatory and acceding] Governments and to the Secretary-General of the Organization.</p> <p>DONE <i>in triplicate</i> 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 Depositary. The Depositary shall transmit certified <i>true</i> copies thereof to all the [signatory and acceding] Governments and to the Secretary-General of the Organization.</p> <p>DONE at [xxx] on [xxx] in the English, <i>French and Spanish</i> languages, <i>each text being equally authentic</i>, the original of which shall be deposited in the archives of the Depositary. The Depositary shall transmit certified copies thereof to all the [signatory and acceding] Governments and to the Secretary-General of the Organization.</p> <p>DONE at [xxx] on [xxx] in the English [, French and Spanish] language[s], each text being equally authentic[, the original of which shall be deposited in the archives of the Depositary. The Depositary shall transmit certified copies thereof to all the [signatory and acceding] Governments and to the Secretary-General of the Organization.</p>	<p>China</p> <p>Germany</p> <p>Korea</p> <p>Singapore: Propose editorial amendment to include square brackets around “French and Spanish” and “each text being equally authentic” as the issue on official languages has not been resolved.</p>
ANNEX A Transitional arrangements		Canada: The difficulty with the transitional arrangements is that at times they are imposing obligations on those that are not parties to the treaty.

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		<p>The Convention is between Member States and does not have any authority to bind the old IALA, individuals, etc.</p> <p>Our proposed solution is the following:</p> <p>(1) Add a chapeau under Transitional Arrangements that would say something like “We invite the International Association of Marine Aids to Navigation and Lighthouse Authorities to [adopt/approve/endorse/signal agreement with] the following transitional arrangements.” Or "The following transitional arrangements shall be submitted to the International Association of Marine Aids to Navigation and Lighthouse Authorities for their approval." The transitional arrangements would then be listed as written, subject to changes made.</p> <p>(2) At the last meeting of the International Association of Marine Aids to Navigation and Lighthouse Authorities, the old IALA approves Annex A through their appropriate mechanism, perhaps a General Assembly Resolution as was done to signal support for the change of status to an international organization.</p> <p>France: provide for a system that would encourage a prompt ratification and for the General Assembly to regularly review the status of Associate Members.</p> <p>Finland: Consider if there is need for provisional application for some of the Convention provisions, e.g. Article 13 on legal personality and privileges and immunities.</p> <p>Greece: provision should be made regarding the current IALA member-states that will not have completed all the required national legislation processes until the finalization of the transformation process of the Organization.</p>

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		<p>Japan: Delete the entire annex. These arrangements are to be adopted in form of resolution of other non-legally document within the framework of the present IALA. Japan's comments to the draft texts are based on that condition (avoid use of "shall", etc.).</p> <p>Norway supports retaining the transitional arrangements in the Convention, as an Annex. This way a clear distinction is made between the main body of the Convention and the transitional arrangements. It will at the same time ensure that said arrangements are transparent, predictable and made public to all.</p> <p>Spain: since no other Annexes are included, it is suggested to delete "A" and keep simply Annex.</p> <p>Included</p>
	<p><i>Article 21</i> <i>Transitional arrangements</i></p>	<p>Korea <i>[all others agree that the transitional arrangements should appear as an Annex]</i> And, from 3. till the end: <i>[will/shall dispute]</i></p>
<p>1. All National members of the International Association of Marine Aids to Navigation and Lighthouse Authorities from States that are not Member States shall, with the approval of the Council and subject to their request, become Associate Members of the Organization.</p>		<p>Canada: This is inconsistent with the definition of Associate Member at Article 2, which is defined as "a territory or groups of territories for which a Member State has requested membership which has been accepted by the General Assembly." New text in Article 2. This is inconsistent in terms of being a navigation authority or organization vs a territory or group of territories, and inconsistent in terms of Council approving vs a Member State requesting and the General Assembly approving.</p> <p>Also, this provision could also dissuade Member States from joining. While Associate Members cannot vote at the IALA General Assembly or be elected to the IALA Council, they are still able to participate in, and influence, IALA in various ways.</p>

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	<p>1. All National members of the International Association of Marine Aids to Navigation and Lighthouse Authorities from States that are not Member States <i>will</i>, with the approval of the Council and subject to their request, become Associate Members of the Organization.</p>	<p>Who are the current National members? This list needs to be reviewed considering which current National members would be from States that would not become Member States, which is a difficult question to answer at this point.</p> <p>Germany: Unclear: who is to become Associate Member? Individuals or institutions? Sounds like it is at least not the States themselves (“All National members ...from States.... become Associate Members”). This is not in line with the definition of Associate Member in Article 2 of the Convention in accordance with which only territories can become Associate Members. No. 6 below also refers to an Associate membership of states.</p> <p>Normally, the General Assembly has to approve the admission of an Associate Member (cf. definition in Article 2 of the Convention and Article 2.2(b) of the General Regulations). Is the establishment of a derogation for this transitional arrangement intended?</p> <p>Article 2 changed.</p> <p>Russia: As the approval of Associate Members under the Convention is the prerogative of the General Assembly, then this paragraph should not contain the consent of the Council but the consent of the General Assembly.</p> <p>Good point, but the Associate Members of the old IALA are not territories etc., but organizations.</p> <p>Japan</p>

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	<p>1. All National members of the International Association of Marine Aids to Navigation and Lighthouse Authorities from States that are not Member States <i>may, subject to their request and the approval of the Council, shall, with the approval of the Council and subject to their request,</i> become Associate Members of the Organization.</p> <p>1. All National members of the International Association of Marine Aids to Navigation and Lighthouse Authorities from States that are not Member States shall, with the approval of the <i>General Assembly</i> and subject to their request, become Associate Members of the Organization.</p> <p>1. All National members of the International Association of Marine Aids to Navigation and Lighthouse Authorities from States that are not Member States <i>of the Organization</i> shall, with the approval of the <i>General Assembly</i> and subject to their request, become Associate Members of the Organization.</p>	<p>Korea: editorial and ‘may’ vs ‘shall’</p> <p>Singapore: The Organization has agreed at the 2nd LAP that the General Assembly shall now decide on Associate Membership. See draft Convention Article 7.7(i). <i>See comment above.</i></p> <p>Spain: Consistent with the competences recognized to the General Assembly, it seems appropriate to let it decide, and not the Council, on the status of the relevant National Members. <i>See comment above.</i></p>
<p>2. All Associate and Industrial Members of the International Association of Marine Aids to Navigation and Lighthouse Authorities holding financial, non-suspended status shall, with the approval of Council and subject to their request become Affiliate Members of the Organization.</p>	<p>2. All Associate and Industrial Members of the International Association of Marine Aids to Navigation and Lighthouse Authorities holding financial, non-suspended status <i>will</i>, with the approval of Council and subject to their request become Affiliate Members of the Organization.</p>	<p>Canada: Is this intended to allow Affiliate membership without following the process for Affiliate membership set out in Article 5(3)? <i>Yes</i></p> <p>Japan</p>

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	<p>2. All Associate or Industrial members of the International Association of Marine Aids to Navigation and Lighthouse Authorities from States that are not Member States <i>may, subject to their request and the approval of the Council, shall, with the approval of the Council and subject to their request,</i> become Affiliate Members of the Organization.</p>	Korea: editorial and 'may' vs 'shall'
<p>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>	<p>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 <i>will</i> 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 <i>should be done</i> within a period not exceeding six (6) months. Until such time as the Organization has adopted General Regulations, it <i>will</i> function in accordance with the General Regulations of the International Association of Marine Aids to Navigation and Lighthouse Authorities mutatis mutandis.</p> <p>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 <i>from the date of the entry into force of the Convention.</i> Until such time as the Organization has adopted General Regulations, it shall function in</p>	<p>Japan</p> <p>Canada Upon the entry into force of this Convention is mentioned in the beginning of the paragraph.</p>

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	<p>accordance with the General Regulations of the International Association of Marine Aids to Navigation and Lighthouse Authorities mutatis mutandis.</p> <p>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 <i>acting</i> 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>	<p>Spain: Instead of “transitional”, “acting” is suggested in order to be more specific.</p>
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.		
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.	5. The Committees of the International Association of Marine Aids to Navigation and Lighthouse Authorities <i>will</i> become the transitional Committees of the Organization and will operate until Committees are established under this Convention.	<p>Japan</p> <p>Russia: for consistency with paragraph 8 either refer to the Convention as a whole or to a specific Article.</p> <p>Included</p>
6. In the event that a State which has Associate membership under this Convention becomes a Member State the Associate membership shall		Germany: See comment on 1. Above.

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<p>cease on the date on which this Convention enters into force for that State. In the case of a Member State having more than one Associate membership under this Convention that State may decide to retain Associate memberships.</p>	<p>6. In the event that a State which has Associate membership under this Convention becomes a Member State the Associate membership <i>will</i> cease on the date on which this Convention enters into force for that State. In the case of a Member State having</p>	<p>How can a Member State have more than one Associate Membership?</p> <p>Yes, multiple territories for which they have responsibility.</p> <p>Canada: This transitional arrangement is not clear. Suggest discussing, and redrafting once the intention is clear.</p> <p>"... a State which has Associate membership under this Convention" is not possible because states cannot have Associate membership according to the definition at Art 2.</p> <p>Is Annex A Article 6 meant to get at the situation where an Associate member, meaning from Article 2 of the Convention, "a territory or groups of territories for which a Member State has requested membership which has been accepted by the General Assembly," somehow undergoes changes and becomes eligible for Member State status? If so, this can be deleted because the Convention definition of Associate Member could not apply to a country that was eligible for Member State status.</p> <p>Then: is the situation different if there are two or more Associate Members? Is this suggesting that if there were two or more National Members from the same country under the old IALA that through Annex A Article 1 both became Associate Members, with the country then becoming a Member State, that the Associate Members can stay on?</p> <p>Japan</p>

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	<p>more than one Associate membership under this Convention that State may decide to retain Associate memberships.</p> <p>6. In the event that a State which has Associate membership under this Convention becomes a Member State the Associate membership shall cease on the date on which this Convention enters into force for that State. In the case of a Member State having more than one Associate membership under this Convention that <i>Member</i> State may decide to retain Associate memberships.</p>	<p>Singapore: in line with the former half of the sentence and in accordance with the current categories of membership.</p> <p>Included</p>
	<i>(new) The Council will decide on the status of each of the current Honorary Members of IALA.</i>	<p>Spain</p> <p>According to legal advice Honorary members are not appropriate for an IGO</p>
7. After the entry into force of this Convention the International Association of Marine Aids to Navigation and Lighthouse Authorities, facilitated by the transitional Council will work in cooperation with the Organization to transfer its activities, records, documents, publications, archives, rights, interests, funds, assets and liabilities to the Organization.		<p>Canada: liabilities: What are the practical implications to members, and to IALA, of taking on the current liabilities? We would like to discuss this further, especially in the context of the early period when IALA is likely to run with fewer members and fees/contributions paid.</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 General Assembly elects the Secretary-General in accordance with Article 7.	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 <i>will</i> serve as, and perform the functions of, the Secretariat. The Secretary-General of the International Association of Marine Aids to Navigation and Lighthouse Authorities <i>will</i> serve as the Secretary- General of the Organization until the General Assembly elects the Secretary-General in accordance with Article 7 <i>of the</i>	Japan

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	<p><i>Convention on the International Organization for Marine Aids to Navigation.</i></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 General Assembly elects the Secretary-General in accordance with Article 7(e).</p>	<p>Included</p> <p>Canada</p>