

Current draft text after Morocco	Proposed changes	Comments from members Comments from EXLAP
<b>Preamble</b>	No changes	
The States party to this Convention:	The States <del>P</del> parties to this Convention:	<b>China:</b> 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 “party to the convention” is an intended conventional wisdom.
<b>RECALLING</b> that the International Association of Lighthouse Authorities was established on 1 <sup>st</sup> July 1957 and was renamed the International Association of Marine Aids to Navigation and Lighthouse Authorities in 1998;	No changes	
<b>RECOGNISING</b> 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;	<b>Japan:</b> consistency (UK English vs American English)
<b>IN FURTHERANCE</b> of the provisions of the United Nations Convention on the Law of the Sea, 1982 and the International Convention for the Safety of Life at Sea, 1974 as amended;	<del>IN FURTHERANCE of</del> CONSIDERING 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; <u>and</u>	“Considering” was preferred at EXLAP.
<b>CONSIDERING</b> that the International Association of Marine Aids to Navigation and Lighthouse Authorities was formed as an association under French law; and	<del>CONSIDERING that the International Association of Marine Aids to Navigation and Lighthouse Authorities was formed as an association under French law; and</del>	<b>Korea:</b> Unrelated to the establishment of the Organization.

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<b>CONSIDERING FURTHER</b> 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;	No changes	
<b>HAVE AGREED</b> as follows:	No changes	
<b>Article 1 Establishment</b>	No changes	
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 [(IALA)] (hereinafter 'the Organization') is hereby established under international law as an intergovernmental organization <del>(hereinafter 'the Organization')</del> .	Please see comments on the name and acronym in the paper on "comments from members".
2. The Organization shall have a consultative and technical nature.	No changes	
3. The Organization shall have its seat in France unless otherwise decided by the Member States present and voting at the General Assembly.	3. The Organization shall have its seat in France unless otherwise decided by the <del>Member States present and voting at the</del> General Assembly.	New Article on voting is proposed.
<b>Article 2 Definitions</b>	No changes (All paragraphs are now numbered)	<b>Norway</b> propose to number the paragraphs in Article2.
For the purposes of this Convention:	No changes	
<b>Member State</b> means a State, which has consented to be bound by this Convention and for which this Convention is in force.	Moved to paragraph 2.	
<b>Associate Member</b> means a territory or groups of territories for which a Member State has requested membership which has been accepted by the General Assembly.	Moved to paragraph 3. Associate Member means a territory or groups of territories for which a Member State has requested membership, [in accordance with Article 5.2] which has been <del>accepted</del> <u>approved</u> by the General Assembly	<b>China:</b> 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

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	<u>[and National members of the International Association of Marine Aids to Navigation and Lighthouse Authorities from States that are not Member States in accordance with the Annex paragraph 1].</u>	procedure rather than “a formalistic acceptance”. Approved is preferred.  This is the new Annex paragraph 5.
<b>Affiliate Member</b> 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.	Moved to paragraph 4. 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 <del>accepted</del> <u>approved</u> by the Council.	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.
<b>Marine Aid to Navigation</b> 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.	Moved to paragraph 1.	<b>Japan:</b> move to top
<b>Article 3</b> <b>Aim and Objectives</b>	No changes	
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 <del>with-in order</del> <u>to further</u> the objectives of:	
(a) Fostering the safe and efficient movement of vessels through the improvement and harmonization of Marine Aids to Navigation worldwide;	(a) Fostering the safe and efficient <u>[and environmentally sustainable]</u> movement of vessels through the improvement and harmonization of Marine Aids to Navigation worldwide;	<b>Norway</b> regrets that a reference to the environment has not previously been included in the present draft in line with the wording of the aim of the current IALA Constitution.
(b) Promoting access to technical cooperation and capacity building on all matters related to	No changes	

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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	No changes	
(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 <del>among governments and intergovernmental organizations</del> on matters under consideration by the Organization.	<b>Canada:</b> (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.
<b>Article 4 Functions</b>	No changes	
In order to achieve the aim and objectives set out in Article 3, the functions of the Organization shall be:	No changes	
(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;	(a) To provide non mandatory standards, recommendations, guidelines, manuals <del>and other appropriate documents</del> <del>or other suitable means</del> and to <del>re</del> commend these to governments, inter <del>national</del> <del>governmental</del> organizations, Associate Members and Affiliate Members as appropriate;	<b>Japan:</b> for consistency with Article 8.5(i). <b>Singapore:</b> 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. <b>Korea</b> propose to change intergovernmental to international...
(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 <del>appropriate</del> 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;	For consistency. Same as IMO Convention Article 2 (a).

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(c) To provide mechanisms for consultation and exchange of information covering inter alia recent developments and the activities of Member States, Associate Members and Affiliate Members;	No changes	
(d) To develop international cooperation by promoting close working relationships and assistance between Member States, Associate Members and Affiliate Members;	No changes	
(e) To facilitate assistance, whether technical, organizational or training to governments, services and other organizations requesting help with Marine Aids to Navigation;	No changes	
(f) To organize conferences, symposia, seminars, workshops and other events relevant to its work; and	(f) To organize conferences, symposia, seminars, workshops and other events <del>relevant to its work</del> ; and	EXLAP did not consider the text necessary.
(g) To liaise and cooperate with relevant international and other organizations, offering specialized advice where appropriate.	No changes	
<b>Article 5 Membership</b>	No changes	
1. The Organization shall be comprised of Member States, Associate Members and Affiliate Members.	No changes	
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. <span style="color: red;">[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.]</span>	
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	<span style="color: red;">(Alternative text) [Requests for Affiliate membership shall be submitted to Council. Council shall notify the Member State (or Member States) where the applicant carries out its activities or has its principal</span>	<b>Canada:</b> more flexible approach.

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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.	<u>place of business or registered office of the application. The Member State (or Member States) may review the application. Council shall proceed with its determination on Affiliate membership after having considered any views provided by the Member State (or Member States).]</u>	
<b>Article 6 Structure</b>	<b><u>Organs</u></b>	Suggested by <b>Korea</b> Same in IMO and IHO Conventions.
1. The Organization shall have as its organs:	No changes	
(a) The General Assembly;	No changes	
(b) The Council ;	No changes	
(c) Committees and other subsidiary bodies necessary to support the Organization's activities; and	(c) Committees and <del>other</del> -subsidiary bodies <u>[of the Council]</u> necessary to support the Organization's activities; and	EXLAP agreed that Committees are also subsidiary bodies and that it is clearer to mention that these are linked to the Council. Same in IMO and IHO Conventions.
(d) The Secretariat.	No changes	
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.	2. <u>(Alternative text for national capacity) [There shall be a President and a Vice President of the Organization. The President, or in case of absence, the Vice President shall chair the General Assembly and the Council].</u>	After discussion in EXLAP it is necessary to decide if President/Vice President are elected in a personal or national capacity. A person or a Member State.
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:	<del>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:</del>	<b>France:</b> delete and move to a new Article on decision making. See new Article 10bis.
(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.	<del>(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.</del>	France: delete and move to a new Article on decision making. See new Article 10bis.

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(b) Except where otherwise specified, decisions shall be taken by two-thirds of the votes cast.	<del>(b) — Except where otherwise specified, decisions shall be taken by two-thirds of the votes cast.</del>	France: delete and move to a new Article on decision making. See new Article 10bis.
4. The General Regulations shall detail the Rules of Procedure that will apply for each organ.	34. The General Regulations shall detail the Rules of Procedure that will apply for each organ.	Consequence of deleting 2.
<b>Article 7</b> <b>The General Assembly</b>	No changes	
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.	1. The General Assembly <del>of the Member States</del> is the principal decision-making organ of the Organization and shall have all the powers of the Organization unless otherwise <del>regulated</del> <u>provided</u> by this Convention.	<b>Japan:</b> the General Assembly is open to every type of member. <b>Korea:</b> Composition of the General Assembly should be clearly stipulated in the draft Convention. (Article 7.2) <b>Singapore:</b> Unnecessary. Further, it is clear from Article 6.3 of the Convention that only Member States have voting rights. <b>Canada</b> suggests “provided” instead of “regulated”.
2. Attendance shall be open to all Member States, Associate Members and Affiliate Members.	2. <u>The General Assembly shall consist only of Member States.</u> Attendance shall <u>also</u> be open to <del>all Member States</del> , Associate Members and Affiliate Members.	Based on comments from <b>Spain, France</b> and <b>Korea</b> .
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.	No changes	
4. Regular sessions of the General Assembly shall take place once every three years.	4. Regular sessions of the General Assembly shall take place once every <u>[three years]</u> .	<b>Japan:</b> 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

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		point should be discussed during the next diplomatic negotiation.
5. Extraordinary sessions shall be convened whenever one-third of Member States give notice to the Secretary-General that they desire a session to be arranged, or at any time if deemed necessary by the Council, after a notice of ninety days.	5. Extraordinary sessions <u>of the General Assembly</u> shall be convened whenever one-third of Member States give notice to the Secretary-General that they desire a session to be arranged, or at any time if deemed necessary by the Council, after a notice of ninety days.	
6. A majority of Member States shall constitute a quorum for the sessions of the General Assembly.	No changes	
7. The General Assembly shall :	No changes	
(a) Elect the President and the Vice President from amongst the Member States in accordance with the General Regulations;	(a) Elect the President and the Vice President from amongst <u>nationals of</u> the Member States in accordance with the General Regulations; <u>(Alternative text for national capacity) [Elect the President and the Vice President from amongst Member States in accordance with the General Regulations];</u>	After discussion in EXLAP it is necessary to decide if President/Vice President are elected in a personal or national capacity. A person or a Member State.
(b) Decide the overall policy and the strategic vision of the Organization;	No changes	
(c) Review and approve the General Regulations of the Organization;	No changes	
(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, <u>in accordance with Article 8</u> , the Council from amongst the Member States other than the Member States <u>holding from which</u> the President <del>ey</del> or Vice President <del>ey are nationals in accordance with Article 8</del> ; <u>(Alternative text for national capacity) [Elect the Council from amongst the Member States other than the Member States holding the Presidency or Vice Presidency in accordance with Article 8];</u>	After discussion in EXLAP it is necessary to decide if President/Vice President are elected in a personal or national capacity. A person or a Member State.



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(e) Elect the Secretary-General from amongst the Member States in accordance with the General Regulations;	€ Elect the Secretary-General from amongst <u>nationals of</u> the Member States in accordance with the General Regulations;	To specify that it is a person not a Member State.
(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;	No changes	
(g) Consider the reports and proposals put to it by any Member State, the Council or the Secretary-General;	No changes	
(h) Approve standards ;	No changes	
(i) Decide on Associate membership ;	No changes	
(j) Make recommendations to Member States, Associate Members and Affiliate Members on matters within the scope of the Organization;	(j) Make recommendations to Member States, Associate Members and Affiliate Members on matters within the <u>scope-aim and objectives</u> of the Organization;	Aim and objectives more clear than scope.
(k) Approve formal agreements with other organizations; and	(k) Approve formal agreements with <u>States and other international</u> organizations; and	Suggestion from <b>Canada</b> .
(l) Decide on any other matters within the aim and objectives of the Organization.	No changes	
<b>Article 8</b> <b>The Council</b>	No changes	
1. The Council is the executive organ of the Organization and shall be responsible for directing the activities of the Organization.	No changes	
2. The Council shall consist of the President and the Vice President and up to twenty three (23) Council	2. The Council shall consist of the President and the Vice President and <del>up to twenty three (23) Council members, each representing a different</del> Member	<b>Canada:</b> Is there a minimum?

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members, each representing a different Member State.	States. <u>(Alternative text for national capacity) [The Council shall consist of the President and the Vice President and twenty three other Member States].</u>	After discussion in EXLAP it is necessary to decide if President/Vice President are elected in a personal or national capacity. A person or a Member State.
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. <u>[Council members should, as far as possible, be drawn from different parts of the world, with a view to achieve as widespread a representation as possible.]</u>	<b>Iran:</b> It is proposed that geographical distribution be considered for the election of these members, 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.  <b>Norway:</b> 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.
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.	No changes	
	<u>5. Seventeen members of the Council, at least one of which must be the President or Vice President, shall constitute a quorum for the sessions of the Council.</u>	<b>Finland:</b> Consider the need to define also the minimum number of Council members.

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	<u>6. Any Member State not represented on the Council may participate in the Council meetings, but will not be entitled to vote.</u>	<b>Japan:</b> the Council should be open to any Member State in order to keep its transparency.
5. The Council shall:	<u>75.</u> The Council shall:	Consequence of inserting 5 and 6.
(a) Exercise such responsibilities as may be delegated to it by the General Assembly;	No changes	
(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;	No changes	
(c) Review and approve the financial statements, including the annual budget;	No changes	
(d) Decide on Affiliate membership ;	No changes	
(e) Convene the General Assembly;	No changes	
(f) Report to the General Assembly on the work of the Organization;	No changes	
(g) Review papers submitted to it in accordance with the General Regulations;	No changes	
(h) Refer to the General Assembly all matters requiring decision by the General Assembly;	No changes	
(i) Approve recommendations, guidelines, manuals and other appropriate documents;	No changes	
(j) Approve submissions to other organizations;	No changes	
(k) Establish Committees and other subsidiary bodies and review and approve their respective terms of reference;	(k) Establish <del>Committees</del> and <u>terminate Committees and other subsidiary bodies, appoint their Chairs and Vice Chairs</u> and review and approve their respective terms of reference <u>and work programs; and</u>	<b>Finland:</b> 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.
(l) Terminate Committees and other subsidiary bodies;	<del>(l) — Terminate Committees and other subsidiary bodies;</del>	<b>Canada:</b> suggest consolidating (l) and (m) into k.

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(m) Review and approve the work programmes of the Committees; and	<del>(l) — Terminate Committees and other subsidiary bodies;</del>	Canada: suggest consolidating (l) and (m) into k.
(n) Decide the venue and the year of the Organization's conferences and symposia as described in the General Regulations.	( <del>l</del> a) Decide the venue and the year of the Organization's conferences and symposia as described in the General Regulations.	
<b>Article 9 Committees and Other Subsidiary Bodies</b>	<b>Committees and <del>Other</del> Subsidiary Bodies <u>[of the Council]</u></b>	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.
1. Committees and other subsidiary bodies shall support the aim and objectives of the Organization.	1. Committees and <del>other</del> subsidiary bodies <u>[of the Council]</u> shall support the aim and objectives of the Organization.	
2. The Committees shall:	No changes	
(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 <u>appropriate</u> documents identified in the work programmes;	Korea: consistency with previous comments (Article 8.5(k))
(b) Monitor developments in the area of Marine Aids to Navigation;	No changes	
(c) Facilitate the sharing of expertise and experience among Member States, Associate Members and Affiliate Members; and	No changes	
(d) Conduct any other tasks as decided by the Council.	No changes	
<b>Article 10 Secretariat</b>	No changes	
1. The permanent Secretariat of the Organization shall be comprised of the Secretary-General and	1. The permanent Secretariat of the Organization shall be comprised of the Secretary-General and such	France suggests to delete "technical and administrative".

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such technical and administrative staff as may be required for the work of the Organization within the approved budgetary framework.	<del>technical and administrative</del> staff as may be required for the work of the Organization within the approved budgetary framework.	
(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.	<del>2.(a)</del> 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.	<b>Japan:</b> 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 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.
(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.	<del>3.(b)</del> 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.	<b>Spain:</b> Given the importance of the items mentioned in 1. (a) and (b) in the Draft Agreement, a different drafting format is suggested.
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.	<del>42.</del> 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.	
3. The Secretariat shall:	<del>53.</del> 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;	No changes	
(b) Administer the Organization's finances under the direction of the Council, in accordance with the General Regulations;	No changes	
(c) Prepare the financial statements, including the annual budget, for submission to the Council;	(c) Prepare the financial <u>arrangements and the financial</u> statements, <del>including the annual budget, for submission to the Council;</del>	<b>Korea</b> thinks draft Convention should clearly delineate the General Assembly's and the Council's power with regard to the handling of the budget.

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(d) Keep Member States, Associate Members and Affiliate Members and other organizations informed with respect to the activities of the Organization;	No changes	
(e) Organize and support meetings of the General Assembly, the Council, Committees and other subsidiary bodies;	(e) Organize and support meetings of the General Assembly, the Council, Committees and <del>other</del> subsidiary bodies;	
(f) Organize and support conferences and symposia as approved by the Council;	No changes	
(g) Organize and support seminars, workshops and other events; and	No changes	
(h) Perform such other tasks as may be assigned by this Convention, the General Regulations, the General Assembly or the Council.	No changes	
	<u>6. 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.</u>	<b>Japan:</b> Other international organizations such as IMO, IHO and WMO have such a provision in their Convention, not in the General Regulations.
	<b>Article 10 bis</b> <b>Voting</b>	<b>France, Russia</b> and others made comments on voting procedure and the need of a separate Article.
	<u>1. All efforts shall be made for the General Assembly and the Council to make decisions by consensus among Member States.</u>	Moved from Article 6.

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	<u>2. Where decisions of the General Assembly or Council cannot be reached by consensus, the following provisions shall apply:</u>	Moved from Article 6.
	<u>(a) Only Member States have voting rights. Each Member State shall have one vote.</u>	Moved from Article 6.
	<u>(b) Except where otherwise specified, decisions shall be taken by a two-thirds majority of the votes cast.</u>	Moved from Article 6.
<b>Article 11 Languages</b>	No changes	
The official languages of the Organization shall be English, French and Spanish.	No changes	Many National members have commented on this Article. Please see input paper as a basis for the discussion at the Diplomatic Conference.
<b>Article 12 Finance</b>	No changes	
1. The expenditure for the functioning of the Organization shall be met by the financial resources provided by:	No changes	
(a) Member State contributions	No changes	
(b) Associate Member and Affiliate Member fees;	(b) Associate Member and Affiliate Member fees; <u>and</u>	
(c) Donations, bequests, grants, gifts; and	(c) Donations, bequests, grants, gifts; and <u>other sources approved by the Council upon recommendation by the Secretary-General.</u>	<b>Canada:</b> combine (c) and (d) Editorial
(d) Other sources approved by the Council upon recommendation by the Secretary-General.	<del>(d) Other sources approved by the Council upon recommendation by the Secretary-General.</del>	
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	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 <del>in</del>	Editorial.

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with in Article 7.7 (f). The contribution shall be set at the same rate for each Member State.	Article 7.7 (f). The contribution shall be set at the same rate for each Member State.	
3. Member State contributions and Associate Member and Affiliate Member fees shall be due and payable in accordance with the General Regulations.	No changes	
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.	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 <u>[and remain on Council]</u> until such time as the outstanding contributions have been paid, in accordance with the General Regulations <u>[, unless the General Assembly, at its discretion, waives this provision]</u> .	<b>Iran:</b> 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.  <b>Canada:</b> 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.
5. Following the Council’s approval of the Organization’s audited financial statements, these statements shall be distributed to all Member States, Associate Members and Affiliate Members in the Annual Report.	No changes	
<b>Article 13</b> <b>Legal personality, privileges and immunities</b>	No changes	
1. The Organization has international legal personality and has the capacity to:	No changes	
(a) Contract and conclude agreements with governments, organizations and other bodies;	No changes	



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(b) Acquire and dispose of immovable and movable property; and	No changes	
(c) Institute legal proceedings.	No changes	
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.	2. In the territory of each of its Member States the Organization shall enjoy, <u>to the extent provided for in an</u> <del>subject to</del> 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.	Many Members have commented on this Article. Please see input paper with comments. The same text is in IHO Convention Article 13.
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.	3. No Member State, <del>or Associate</del> Member <u>or Affiliate Member</u> shall be liable, by reason of its status or participation in the Organization, for acts, omissions or obligations of the Organization.	Comment by Spain.
<b>Article 14 Depositary</b>	Moved to Article 17 bis.	Denmark suggested to move this Article to 17bis.
The Republic of France shall serve as the Depositary for this Convention.	<del>The Republic of France shall serve as the Depositary for this Convention.</del>	
<b>Article 15 Amendments</b>	No changes	
1. Any Member State may propose an amendment to this Convention, in writing, to the Secretary-General.	No changes	
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 <u>[in the official languages]</u> to all Member States at least six months in advance of its consideration by the General Assembly.	Considered a clarification by LAPEX 4.
3. The proposed amendment shall be adopted by vote of the General Assembly.	No changes	

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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.	4. Any amendment adopted in accordance with <del>Article 15.3</del> <a href="#">paragraph 3</a> shall be sent by the Secretary-General to the Depositary <del>of this Convention</del> . The latter shall notify all Member States <del>and the Secretary-General</del> of the adoption of the amendment.	Comment by <b>Japan</b> – add paragraph 3. <b>Korea:</b> Since the SG sends the amendment to the Depositary, Korea suggests deleting ‘and the Secretary General’ in the paragraph.
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.	<a href="#">[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. The Depositary shall inform the Member States and the Secretary-General of the fact, specifying the date on entry into force of the amendment.]</a>	<b>Japan:</b> (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.
<b>Article 16</b> <b>Interpretation and disputes</b>	No changes	
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.	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 <del>[six]</del> 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. <a href="#">[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.]</a>	<b>China:</b> (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

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		<p>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 “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><a href="#">You will find more comments in the comment input paper.</a></p>
<b>Article 17</b> <b>Signature, Ratification and Accession</b>	No changes	
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 <u>be</u> open for signature by any State that is a member of the United Nations at [xxx] and remain open until [xxx].	
2. This Convention is subject to ratification, acceptance or approval by the signatory States.	No changes	
3. This Convention shall be open for accession by any member of the United Nations which has not signed this Convention from the day after the date on which this Convention closes for signature.	3. This Convention shall be open for accession by any <u>State that is a</u> member of the United Nations which has not signed this Convention from the day after the date on which this Convention closes for signature.	<b>Canada:</b> Should this say “any state that is a member of the United Nations” to match the wording in Art 17(1)?
4. Instruments of ratification, acceptance, approval or accession shall be deposited with the	4. Instruments of ratification, acceptance, approval or accession shall be deposited with the	Comment from <b>Spain</b> .

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Depositary, who shall then notify each Member State and the Secretary-General thereof.	Depositary, who shall then notify <del>each-all</del> Member States and the Secretary-General thereof.	
5. No reservation can be made to this Convention.	No changes	Please see comments in comments input paper.
	<b>Article 17bis</b> <b>Depositary</b>	Moved from Article 14.
	<u>The French Republic shall serve as the Depositary for this Convention.</u>	
<b>Article 18</b> <b>Entry into force</b>	No changes	
1. The present Convention shall enter into force on the thirtieth day after the date of deposit of the [thirtieth] instrument of ratification, acceptance, approval or accession.	1. This <del>present</del> Convention shall enter into force on the [thirtieth day] after the date of deposit of the [thirtieth] instrument of ratification, acceptance, approval or accession.	Editorial suggestion from <b>Korea</b> .
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.	No changes	
3. The transitional arrangements that shall apply upon entry into force of this Convention are set out in Annex A.	3. The transitional arrangements that shall apply upon entry into force of this Convention are set out in Annex <del>A</del> .	The Transitional arrangements were discussed during EXLAP4. The preferred option was to keep them in an Annex. They were simplified and changed to be easier to use and understand. See amended Convention text where you can find a version in track change and a clean version.
<b>Article 19</b> <b>Withdrawal</b>	No changes	
1. Any Member State may withdraw from this Convention by giving at least twelve month written notice to the Depositary, who will	1. Any Member State may withdraw from this Convention by giving at least twelve month written notice to the Depositary, who <del>will</del> <u>shall</u> immediately	Comment from <b>Korea</b> .

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immediately inform all Member States and the Secretary-General of such notification.	inform all Member States and the Secretary-General of such notification.	
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.	2. Notification of withdrawal may be given at any time after the expiration of six months from the date on which this Convention has <del>come</del> <u>entered</u> into force.	Comment from <b>Japan</b> .
3. The withdrawal shall take effect on 31st December following the expiration of the notice.	No changes	
<b>Article 20 Termination</b>	No changes	
1. This Convention may be terminated by a vote of the General Assembly.	1. This Convention may be terminated by a vote <u>at a regular session</u> of the General Assembly.	<b>Canada:</b> 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.
2. The date of termination will be twelve months after the date of the above decision, and in the intervening period the Council shall be responsible for the winding up of the Organization in accordance with the General Regulations.	2. The date of termination <del>will</del> <u>shall</u> be twelve months after the date of the above decision, and in the intervening period the Council shall be responsible for the winding up of the Organization in accordance with the General Regulations.	Comment by <b>Korea</b> .
IN WITNESS WHEREOF the undersigned, being duly authorised by their respective Governments, have signed the present Convention.	IN WITNESS WHEREOF the undersigned, being duly authoriz <u>ed</u> ed by their respective <del>g</del> Governments, have signed the present Convention.	Editorial.
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	DONE at [xxx] on [xxx] in the <del>I</del> English, French and Spanish] languages, each text being equally authentic, the original of which shall be deposited in the archives	

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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.	of the Depositary. The Depositary shall transmit certified copies thereof to all the [signatory and acceding] <del>g</del> Governments and to the Secretary-General of the Organization.	
<b>ANNEX A</b> <b>Transitional arrangements</b>		Please see the draft convention text of November 2018 where you can find the Transitional Arrangements in track change and a clean version.
	<p><u>At the XIIth General Assembly held in A Coruña from 25th to 31st May 2014 International Association of Marine aids to Navigation and Lighthouse Authorities 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.</u></p> <p><u>As a consequence the Constitution, Article 13, of the association was amended to facilitate the winding up of the International Association of Marine aids to Navigation and Lighthouse Authorities and the transition of its assets to the Organization.</u></p> <p><u>The purpose of the Transition Arrangements is to ensure the uninterrupted international efforts to develop, improve and harmonize Marine Aids to Navigation and to facilitate the transition from the International Association of Marine aids to Navigation and Lighthouse Authorities to the Organization.</u></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		Has become new 5 and a termination date is added.

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Council and subject to their request, become Associate Members of the Organization.		
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.		Has become new 7.
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.		First part has become new 1 and second part new 4.
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.	4. <del>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.</del>	No need to mention transitional Council because they will have same role as Council.
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.		Has become new 2.

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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 State may decide to retain Associate memberships.		
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.	7. <del>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.</del>	Not needed. Covered by the present Constitution Article 13.
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.		Has become new 3.