Kuala Lumpur 28<sup>th</sup> February 2020



#### FINAL ACT OF THE DIPLOMATIC CONFERENCE

ON THE CONVENTION
ON THE INTERNATIONAL
ORGANIZATION
FOR MARINE AIDS TO
NAVIGATION



#### ACTE FINAL DE LA CONFERENCE DIPLOMATIQUE

RELATIVE À LA CONVENTION

DE L'ORGANISATION

INTERNATIONALE POUR

LES AIDES À LA NAVIGATION

MARITIME



#### ACTA FINAL DE LA CONFERENCIA DIPLOMÁTICA

SOBRE LA CONVENCIÓN
RELATIVA A LA ORGANIZACIÓN
INTERNACIONAL DE LAS
AYUDAS A LA NAVEGACIÓN
MARÍTIMA



Diplomatic Conference on the Convention on the International Organization for Marine Aids to Navigation



# FINAL ACT OF THE DIPLOMATIC CONFERENCE ON THE CONVENTION ON THE INTERNATIONAL ORGANIZATION FOR MARINE AIDS TO NAVIGATION

- 1. The International Association of Marine Aids to Navigation and Lighthouse Authorities (IALA), in its Resolution of 27 May 2014 in A Coruña, Spain, believing that international intergovernmental organization status would best facilitate IALA's aims into the future, determined that IALA should strive to achieve such status as soon as possible by supporting the development of an international convention.
- 2. The French Republic hosted the First Preparatory Diplomatic Conference in Paris on 18-19 April 2017, where the preparation of a consolidated text of a draft Convention on the International Organization for Marine Aids to Navigation began.
- **3.** The Second Preparatory Diplomatic Conference took place in Marrakesh on 7-8 February 2018 hosted by the Kingdom of Morocco, followed by the Third Preparatory Diplomatic Conference in Istanbul on 12-14 March 2019 hosted by the Republic of Turkey, where the preparation of the consolidated text of a draft Convention continued.
- **4.** The Third Preparatory Diplomatic Conference agreed that the prepared text of a draft Convention on the International Organization for Marine Aids to Navigation was sufficiently advanced for consideration at a Diplomatic Conference.
- **5.** The Diplomatic Conference on the Convention on the International Organization for Marine Aids to Navigation was held in Kuala Lumpur on 25-28 February 2020, following the kind invitation of the Government of Malaysia.
- **6.** The following 52 countries were represented at the Diplomatic Conference by the following delegations:

ANGOLA ARGENTINA AUSTRALIA BELGIUM BRAZII BULGARIA CAMEROON CANADA CHINA COTE D'IVOIRE COLOMBIA MOROCCO
DENMARK MOZAMBIQUE
ECUADOR NETHERLANDS

FIJI NORWAY

FINLAND OMAN (Sultanate of)

FRANCE PANAMA

THE GAMBIA PAPUA NEW GUINEA

GEORGIA PERU
GERMANY PORTUGAL
GREECE ROMANIA

GUINEA (Rep. of) RUSSIAN FEDERATION

ICELAND SENEGAL
IRAN SINGAPORE
IRELAND SOMALIA
ITALY SPAIN
JAMAICA SWEDEN
JAPAN TUNISIA
KENYA TURKEY

KOREA (Rep. of) UNITED KINGDOM

MALAYSIA UNITED STATES OF AMERICA

MEXICO URUGUAY

7. The following countries participated as observers to the Diplomatic Conference:

AZERBAIJAN JORDAN
CAMBODIA PHILIPPINES
EGYPT THAILAND

INDONESIA UNITED ARAB EMIRATES

IRAQ VIETNAM

**8.** The following intergovernmental organizations sent observers to the Diplomatic Conference:

INTERNATIONAL MARITIME ORGANIZATION (IMO)

INTERNATIONAL MOBILE SATELLITE ORGANIZATION (IMSO)

INTERNATIONAL TELECOMMUNICATION UNION (ITU)

- **9.** The Diplomatic Conference was opened by Dato Jana Santhiran Muniayan, the Deputy Secretary-General, Ministry of Transport of Malaysia, and he welcomed the participants on behalf of the Government of Malaysia. The Secretary-General of IALA, Mr. Francis Zachariae, also welcomed the delegations and thanked the host country for its generous support.
- **10.** The Diplomatic Conference elected Datuk Isham Ishak, the Secretary-General of the Ministry of Transport of Malaysia, as President of the Conference.
- **11.** The Vice-Presidents elected by the Diplomatic Conference were:

Rear Admiral Marcos Almeida, Brazil; and

Mr Juan Francisco Rebollo, Spain

**12.** The Secretariat of the Diplomatic Conference consisted of the following officers:

Secretary-General. Mr. Francis Zachariae,

Secretary-General, IALA

Executive Secretary. Ms. Christina Schneider,

Chair of the Legal Advisory Panel, IALA

Deputy Executive Secretaries. Mr. Henning Osnes Teigene,

Vice-Chair of the Legal Advisory Panel, IALA

Ms. Audrey Guinault, Secretariat, IALA

- **13.** The Diplomatic Conference established a Committee of the Whole with the mandate to consider the draft Convention on the International Organization for Marine Aids to Navigation, and any related recommendations and resolutions.
- **14.** The Drafting Committee established by the Diplomatic Conference was composed of representatives of the following nine States:

CANADA RUSSIAN FEDERATION

CHINA SINGAPORE MEXICO TURKEY

MOROCCO UNITED KINGDOM

NORWAY

**15.** A Credentials Committee was established to examine the credentials of representatives of the States attending the Diplomatic Conference. The Committee was composed of representatives of the following five States:

AUSTRALIA CAMEROON DENMARK JAPAN SPAIN

**16.** The officers elected for the Committees were as follows:

#### Committee of the Whole

Chair: Ambassador Serge Ségura (France)

First Vice-Chair: Mr. Mohamad Halim Bin Ahmed (Malaysia)

Second Vice-Chair: Mr. Baris Kalkavan (Turkey)

**Drafting Committee** 

Chair: Mr. Øyvind Hernes (Norway)
Vice-Chair: Ms. Angela Png (Singapore)

**Credentials Committee** 

Chair: Ms. Mary Dean (Australia)

17. The Diplomatic Conference used as the basis of its work the draft Convention on the International Organization for Marine Aids to Navigation of March 2019, produced at the Third Preparatory Diplomatic Conference held in Istanbul on 12-14 March 2019.

- **18.** As a result of its deliberations, recorded in the reports of the respective Committees and in the records of decisions of plenary meetings of the Diplomatic Conference and meetings of the Committee of the Whole, the Diplomatic Conference adopted the Convention on the International Organization for Marine Aids to Navigation, which constitutes attachment 1 of this Final Act.
- **19.** The Diplomatic Conference also adopted the Resolution 1 on the languages of the Organization and the Resolution 2 on Preparation of the Convention and Signature which constitute attachment 2 of this Final Act.
- **20.** This Final Act is established in a single original text in the English, French and Spanish languages and is deposited, including its attachments, with the French Republic.
- **21.** The French Republic shall send certified copies of this Final Act and its attachments and certified copies of the authentic text of the Convention on the International Organization for Marine Aids to Navigation, to the Governments of the States invited to be represented at the Diplomatic Conference.

IN WITNESS WHEREOF the undersigned have affixed their signatures to this Final Act.

DONE AT Kuala Lumpur this twenty eighth day of February two thousand and twenty.

Conférence Diplomatique relative à la Convention portant création de l'Organisation internationale pour les aides à la navigation maritime



# ACTE FINAL DE LA CONFERENCE DIPLOMATIQUE RELATIVE À LA CONVENTION PORTANT CRÉATION DE L'ORGANISATION INTERNATIONALE POUR LES AIDES À LA NAVIGATION MARITIME

- 1. L'Association internationale de Signalisation maritime (AISM), dans sa Résolution du 27 mai 2014 adoptée à La Corogne en Espagne, convaincue que le statut d'organisation internationale intergouvernementale servirait au mieux ses objectifs à l'avenir, a décidé de s'attacher à mettre en place dans les meilleurs délais ce nouveau statut en soutenant l'élaboration d'une convention internationale.
- 2. La République française a accueilli la première Conférence diplomatique préparatoire à Paris les 18 et 19 avril 2017, au cours de laquelle a débuté l'élaboration d'un texte consolidé de projet de Convention portant création de l'Organisation internationale pour les aides à la navigation maritime.
- 3. La deuxième Conférence diplomatique préparatoire s'est tenue à Marrakech les 7 et 8 février 2018 à l'invitation du Royaume du Maroc, et a été suivie d'une troisième Conférence diplomatique préparatoire à Istanbul organisée par la République de Turquie du 12 au 14 mars 2019, durant lesquelles la préparation du texte consolidé du projet de Convention s'est poursuivie.
- **4.** La troisième Conférence diplomatique préparatoire a convenu que le texte élaboré du projet de Convention relative à la création de l'Organisation internationale pour les aides à la navigation maritime était suffisamment avancé pour être examiné par une Conférence Diplomatique.
- **5.** La Conférence diplomatique relative à la Convention portant création de l'Organisation internationale pour les aides à la navigation maritime s'est tenue à Kuala Lumpur du 25 au 28 février 2020, suite à l'aimable invitation du gouvernement de la Malaisie.
- **6.** Les cinquante-deux pays ci-après étaient représentés à la Conférence diplomatique :

ALLEMAGNE
ANGOLA
ARGENTINE
AUSTRALIE
BELGIQUE

BRÉSIL BULGARIE CAMEROUN CANADA CHINE COLOMBIE MALAISIE
CÔTE D'IVOIRE MAROC
CORÉE (République de) MEXIQUE
DANEMARK MOZAMBIQUE
EQUATEUR NORVEGE

ESPAGNE OMAN (Sultanat d')

ÉTATS-UNIS D'AMÉRIQUE PANAMA

FIDJI PAPOUASIE-NOUVELLE-GUINEE

FINLANDE PAYS-BAS
FRANCE PÉROU
LA GAMBIE PORTUGAL
GÉORGIE ROUMANIE
GRÈCE ROYAUME-UNI

GUINÉE (République de) RUSSIE (Fédération de)

ISLANDE SÉNÉGAL
IRAN SINGAPOUR
IRLANDE SOMALIE
ITALIE SUÈDE
JAMAÏQUE TUNISIE
JAPON TURQUIE
KÉNYA URUGUAY

7. Les pays ci-après ont participé en tant qu'observateurs à la Conférence diplomatique :

AZERBAÏDJAN IRAK

CAMBODGE JORDANIE ÉGYPTE PHILIPPINES ÉMIRATS ARABES UNIS THAÏLANDE INDONÉSIE VIETNAM

**8.** Les organisations intergouvernementales ci-après ont envoyé des observateurs à la Conférence diplomatique :

L'ORGANISATION MARITIME INTERNATIONALE (OMI)

L'ORGANISATION INTERNATIONALE DE TÉLÉCOMMUNICATIONS MOBILES PAR SATELLITES (IMSO)

L'UNION INTERNATIONALE DES TÉLÉCOMMUNICATIONS (UIT)

- 9. La Conférence diplomatique a été inaugurée par Dato Jana Santhiran Muniayan, Secrétaire général adjoint du Ministère des Transports de la Malaisie, qui a souhaité la bienvenue aux participants au nom du gouvernement de la Malaisie. Le Secrétaire général de l'Association internationale de signalisation maritime, M. Francis Zachariae, a également souhaité la bienvenue aux délégations et remercié le pays hôte pour son généreux soutien.
- **10.** La Conférence diplomatique a élu le Secrétaire général du Ministère des Transports de la Malaisie, Datuk Isham Ishak, Président de la Conférence.
- 11. La Conférence diplomatique a élu en tant que Vice-présidents:

Le Contre-amiral Marcos Almeida, Brésil; et

M. Juan Francisco Rebollo, Espagne.

12. Le Secrétariat de la Conférence diplomatique était composé des membres suivants :

Secrétaire général : M. Francis Zachariae,

Secrétaire général de l'AISM

Secrétaire exécutif : Mme Christina Schneider,

Présidente du groupe consultatif sur les

questions juridiques de l'AISM

Secrétaires exécutifs adjoints : M. Henning Teigene Osnes,

Vice-président du groupe consultatif sur les

questions juridiques de l'AISM

Mme Audrey Guinault, Secrétariat de l'AISM

- 13. La Conférence diplomatique a créé une Commission plénière chargée d'examiner le projet de Convention portant création de l'Organisation internationale pour les aides à la navigation maritime, ainsi que toutes les recommandations et résolutions connexes.
- **14.** Le Comité de rédaction créé par la Conférence diplomatique était composé des représentants des neuf États ci-après :

CANADA ROYAUME-UNI

CHINE RUSSIE

MAROC SINGAPOUR MEXIQUE TURQUIE

NORVÈGE

**15.** Une Commission de vérification des pouvoirs a été créée pour examiner les pouvoirs des représentants participant à la Conférence diplomatique. Cette Commission était composée de représentants des cinq États ci-après :

AUSTRALIE CAMEROUN DANEMARK ESPAGNE JAPON

16. Les membres élus pour constituer les Commissions et le Comité sont les suivants :

Commission plénière

Président : Ambassadeur Serge Ségura (France)
Premier Vice-président : M. Mohamad Halim Bin Ahmed (Malaisie)

Deuxième Vice-président : M. Baris Kalkavan (Turquie)

Comité de rédaction

Président : M. Øyvind Hernes (Norvège)
Vice-présidente : Mme Angela Png (Singapour)

Commission de vérification des pouvoirs

Présidente : Mme Mary Dean (Australie)

- 17. La Conférence diplomatique a utilisé comme texte de base pour ses travaux le projet de Convention portant création de l'Organisation internationale pour les aides à la navigation maritime datant de mars 2019, élaboré lors de la troisième Conférence diplomatique préparatoire qui s'est tenue à Istanbul du 12 au 14 mars 2019.
- 18. Comme suite à ses délibérations, dont il est rendu compte dans les comptes rendus respectifs des différentes Commissions et du Comité, ainsi que dans les relevés de décisions des réunions plénières de la Conférence diplomatique et des réunions de la Commission plénière, la Conférence diplomatique a adopté la Convention portant création de l'Organisation internationale pour les aides à la navigation maritime, figurant dans l'annexe 1 au présent Acte final.
- **19.** La Conférence diplomatique a également adopté la Résolution 1 portant sur les langues de l'Organisation et la Résolution 2 portant sur la préparation et la signature de la Convention, qui figurent dans l'annexe 2 au présent Acte final.
- **20.** Le texte du présent Acte final est établi en un seul exemplaire original en langues anglaise, française et espagnole, et est déposé, accompagné de ses annexes, auprès de la République française.
- 21. La République française adresse des copies certifiées conformes du présent Acte final et de ses annexes, ainsi que des copies certifiées conformes du texte authentique de la Convention portant création de l'Organisation internationale pour les aides à la navigation maritime, aux gouvernements des États invités à se faire représenter à la Conférence diplomatique.

EN FOI DE QUOI les soussignés ont apposé leur signature au bas du présent Acte final.

FAIT À Kuala Lumpur, le vingt-huit février de l'an deux mille vingt.

Conferencia Diplomática Sobre la Convención relativa a la Organización Internacional de las Ayudas a la Navegación Marítima



# ACTA FINAL DE LA CONFERENCIA DIPLOMÁTICA SOBRE LA CONVENCIÓN RELATIVA A LA ORGANIZACIÓN INTERNACIONAL DE LAS AYUDAS A LA NAVEGACIÓN MARÍTIMA

- 1. La Asociación Internacional de Ayudas a la Navegación Marítima y Autoridades de Faros (IALA), en su Resolución del 27 de mayo de 2014 en A Coruña, España, creyendo que el estatus de organización intergubernamental internacional facilitaría los objetivos de IALA en el futuro, determinó que IALA debería esforzarse en alcanzar tal estatus lo antes posible, apoyando el desarrollo de una convención internacional.
- 2. La República Francesa organizó la Primera Conferencia Diplomática Preparatoria en París los días 18 y 19 de abril de 2017, en la que comenzó la preparación del borrador del texto consolidado de la Convención relativa a la Organización Internacional para las Ayudas a la Navegación Marítima.
- 3. Se celebró la Segunda Conferencia Diplomática Preparatoria en Marrakech los días 7 y 8 de febrero de 2018 organizada por el Reino de Marruecos, seguida de la Tercera Conferencia Diplomática Preparatoria en Estambul del 12 al 14 de marzo de 2019, organizada por la República de Turquía, donde se continuó con la preparación del borrador del texto consolidado de la Convención.
- **4.** La Tercera Conferencia Diplomática Preparatoria acordó que el texto elaborado del borrador de la Convención de la Organización Internacional para las Ayudas a la Navegación Marítima estaba lo suficientemente avanzado para su consideración en una Conferencia Diplomática.
- 5. La Conferencia Diplomática sobre la Convención relativa a la Organización Internacional para las Ayudas a la Navegación Marítima se celebró en Kuala Lumpur del 25 al 28 de febrero de 2020, tras la amable invitación del gobierno de Malasia.
- **6.** Los siguientes 52 Estados estuvieron representados en la Conferencia Diplomática por las siguientes delegaciones:

ALEMANIA ANGOLA ARGENTINA AUSTRALIA BÉLGICA BRASIL BULGARIA ITALIA CAMERÚN JAMAICA CANADÁ MALASIA MÉXICO **CHINA** COLOMBIA **MARRUECOS** COSTA DE MARFIL MOZAMBIQUE COREA (Rep. de) **NORUEGA** DINAMARCA PAÍSES BAJOS

ECUADOR OMÁN (Sultanato de)

ESPAÑA PANAMÁ

ESTADOS UNIDOS DE AMÉRICA PAPUA NUEVA GUINEA

FIJI PERÚ
FINLANDIA PORTUGAL
FRANCIA REINO UNIDO
LA GAMBIA RUMANIA

GEORGIA RUSIA (Federación de)

GRECIA SENEGAL
GUINEA (Rep. de) SINGAPUR
ISLANDIA SOMALIA
IRAN SUECIA
JAPÓN TUNEZ
KENYA TURQUÍA
IRLANDA URUGUAY

7. Participaron como observadores en la Conferencia Diplomática los países siguientes:

AZERBAIYÁN INDONESIA

CAMBOYA IRAQ

EGIPTO JORDANIA EMIRATOS ÁRABES UNIDOS TAILANDIA FILIPINAS VIETNAM

**8.** Las siguientes organizaciones intergubernamentales enviaron observadores a la Conferencia Diplomática:

ORGANIZACIÓN MARÍTIMA INTERNACIONAL (OMI)

ORGANIZACIÓN INTERNACIONAL DE TELECOMUNICACIONES MÓVILES POR SATÉLITE (IMSO)

UNIÓN INTERNACIONAL DE TELECOMUNICACIONES (UIT)

- **9.** La Conferencia Diplomática fue inaugurada por Dato Jana Santhiran Muniayan, Secretario General Adjunto del Ministerio de Transportes de Malasia, quien dio la bienvenida a los participantes en nombre del Gobierno de Malasia. El Secretario General de IALA, Sr. Francis Zachariae, también dio la bienvenida a las delegaciones y agradeció al País anfitrión su generoso apoyo.
- **10.** La Conferencia Diplomática eligió a Datuk Isham Ishak, Secretario General del Ministerio de Transportes de Malasia, como Presidente de la Conferencia.

11. Los Vicepresidentes elegidos por la Conferencia Diplomática fueron:

Contraalmirante Marcos Almeida, Brasil; y Sr. Juan Francisco Rebollo, España

**12.** La Secretaría de la Conferencia Diplomática estuvo compuesta por los siguientes oficiales:

Secretario General: Sr. Francis Zachariae,

Secretario General, IALA

Secretaria Ejecutiva: Sra. Christina Schneider,

Presidenta del Panel Asesor Legal, IALA

Secretarios Ejecutivos Adjuntos: Sr. Henning Osnes Teigene,

Vicepresidente del Panel Asesor Legal, IALA

Sra. Audrey Guinault, Secretaría, IALA

- 13. La Conferencia Diplomática estableció un Comité Plenario con el mandato de considerar el borrador de Convención relativa a la Organización Internacional para las Ayudas a la Navegación Marítima y las recomendaciones y resoluciones relacionadas.
- **14.** El Comité de Redacción establecido por la Conferencia Diplomática estaba compuesto por representantes de los siguientes nueve Estados:

CANADÁ REINO UNIDO

CHINA RUSIA (Federación de)

MÉXICO SINGAPUR MARRUECOS TURQUÍA

NORUEGA

**15.** Se estableció un Comité de Credenciales para examinar las credenciales de los representantes de los Estados que asistieron a la Conferencia Diplomática. El Comité estaba compuesto por representantes de los siguientes cinco Estados:

AUSTRALIA CAMERÚN DINAMARCA ESPAÑA JAPÓN

**16.** Los oficiales elegidos para los Comités fueron los siguientes:

**Comité Plenario** 

Presidente: Embajador Serge Ségura (Francia)
Primer Vicepresidente: Sr. Mohamad Halim Bin Ahmed (Malasia)

Segundo Vicepresidente: Sr. Baris Kalkavan (Turquía)

Comité de Redacción

Presidente: Sr. Øyvind Hernes (Noruega) Vicepresidenta: Sra. Angela Png (Singapur)

Comité de Credenciales

Presidenta: Sra. Mary Dean (Australia)

- 17. La Conferencia Diplomática utilizó como base de su trabajo el borrador de Convención relativa a la Organización Internacional para las Ayudas a la Navegación Marítima de marzo de 2019, elaborado en la Tercera Conferencia Diplomática Preparatoria celebrada en Estambul del 12 al 14 de marzo de 2019.
- **18.** Como resultado de sus deliberaciones, recogidas en los informes de los respectivos Comités y en los registros de las decisiones de las sesiones plenarias de la Conferencia Diplomática y las reuniones del Comité Plenario, la Conferencia Diplomática adoptó la Convención relativa a la Organización Internacional para las Ayudas a la Navegación Marítima que constituye el anexo 1 de esta Acta Final.
- **19.** La Conferencia Diplomática también aprobó la Resolución 1 sobre los idiomas de la Organización y la Resolución 2 sobre la Preparación de la Convención y la Firma que figura en el anexo 2 de esta Acta Final.
- **20.** La presente Acta Final se establece en un único texto original en los idiomas inglés, francés y español y es depositada, incluidos sus anexos, ante la República Francesa.
- **21.** La República Francesa enviará copias certificadas de esta Acta Final y sus anexos, así como copias certificadas del texto auténtico de la Convención relativa a la Organización Internacional para las Ayudas a la Navegación Marítima a los gobiernos de los Estados invitados a estar representados en la Conferencia Diplomática.

EN FE DE LO CUAL, los abajo firmantes han estampado sus firmas en esta Acta Final.

HECHO EN Kuala Lumpur el veintiocho de febrero de dos mil veinte.

#### SIGNATURES OF THE FINAL ACT WHITE BOOK

SECRETARY-GENERAL OF THE CONFERENCE SECRÉTAIRE GÉNÉRAL DE LA CONFÉRENCE SECRETARIO GENERAL DE LA CONFERENCIA J. Mullini

EXECUTIVE SECRETARY OF THE CONFERENCE SECRÉTAIRE EXÉCUTIF DE LA CONFÉRENCE SECRETARIO EJECUTIVO DE LA CONFERENCIA Ohortina Shedr

DEPUTY EXECUTIVE SECRETARY OF THE CONFERENCE SECRÉTAIRE EXÉCUTIF ADJOINT DE LA CONFÉRENCE SECRETARIO EJECUTIVO ADJUNTO DE LA CONFERENCIA

Henning O. Gign

DEPUTY EXECUTIVE SECRETARY OF THE CONFERENCE SECRÉTAIRE EXÉCUTIF ADJOINT DE LA CONFÉRENCE SECRETARIO EJECUTIVO ADJUNTO DE LA CONFERENCIA

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POR DINAMARCA:

FOR ECUADOR: POUR L'ÉQUATEUR: POR ECUADOR: FOR FIJI: POUR FIJI: POR FIJI: FOR FINLAND: POUR LA FINLANDE: POR FINLANDIA: FOR FRANCE: POUR LA FRANCE: POR FRANCIA: FOR THE GAMBIA: **POUR LA GAMBIE:** POR LA GAMBIA: FOR GEORGIA: POUR LA GÉORGIE: POR GEORGIA: FOR GERMANY:

POR ALEMANIA:

FOR GREECE:
POUR LA GRÈCE:
POR GRECIA:
FOR GUINEA (Rep of):  POUR LA GUINÉE (République de):  POR GUINEA (Rep de):
FOR ICELAND:  POUR L'ISLANDE: GALLES L'  POR ISLANDIA:
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FOR MOZAMBIQUE:  POUR LE MOZAMBIQUE:  POR MOZAMBIQUE:
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FOR RUSSIAN FEDERATION:
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POR LA FEDERACIÓN DE RUSIA:
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# CONVENTION ON THE INTERNATIONAL ORGANIZATION FOR MARINE AIDS TO NAVIGATION

#### **PREAMBLE**

The States Parties to this Convention:

**RECALLING** 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;

**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;

**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; and

**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 (hereinafter the "Organization")isherebyestablished under international law as an intergovernmental organization.
- 2. The Organization shall have a consultative and technical nature.
- **3.** The Organization shall have its seat in France, unless otherwise decided by the General Assembly.
- **4.** The functioning of the Organization shall be set forth in detail in the General Regulations, which are subject to the provisions of this Convention but do not form an integral part thereof. In the event of any inconsistency between this Convention and the General Regulations or any other basic documents covering the governance of the Organization, this Convention shall prevail.

#### ARTICLE 2 DEFINITIONS

For the purposes of this Convention:

- 1. 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. For the purpose of the Organization this definition includes Vessel Traffic Services.
- 2. Member State means a State that has consented to be bound by this Convention and for which this Convention is in force.
- 3. Associate Member means a territory or group of territories for which a Member State has responsibility for its international relations and for which it has requested membership which has been approved by the General Assembly, 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 paragraph 5 of the Annex.
- 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 organization or scientific agency concerned with Marine Aids to Navigation which has applied for membership, and which has been approved by the Council.

#### ARTICLE 3 AIM AND OBJECTIVES

The aim of the Organization is to bring together governments and organizations concerned with the regulation, provision, maintenance or operation of Marine Aids to Navigation in order to further the objectives of:

- (a) Fostering the safe and efficient movement of vessels through the improvement and harmonization of Marine Aids to Navigation worldwide for the benefit of the maritime community and the protection of the marine environment;
- **(b)** Promoting access to technical cooperation and capacity building on all matters related to the 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
- (d) Providing for the exchange of information on matters under consideration by the Organization.

#### 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 develop and communicate non-mandatory standards, recommendations, guidelines, manuals and other appropriate documents;
- (b) To consider and make recommendations on standards, recommendations, guidelines, manuals and other appropriate 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;
- (c) To provide mechanisms for consultation and the 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;
- **(f)** To organize conferences, symposia, seminars, workshops and other events; and
- (g) To liaise and cooperate with relevant international and other organizations, offering specialized advice, where appropriate.

#### ARTICLE 5 MEMBERSHIP

- **1.** The Organization shall be comprised of Member States, Associate Members and Affiliate Members.
- 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.
- 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. The Council shall take into consideration the views of the requesting and reviewing Member States when deciding on Affiliate membership.

## ARTICLE 6 ORGANS

- **1.** The Organization shall have as its organs:
  - (a) The General Assembly;
  - (b) The Council;
  - (c) Committees and subsidiary bodies necessary to support the Organization's activities; and
  - (d) The Secretariat.
- 2. There shall be a President and a Vice President of the Organization. The President, or in case of the President's absence, the Vice President shall chair the General Assembly and the Council.
- **3.** The General Regulations and Financial Regulations shall detail the Rules of Procedure that shall apply for each organ and govern the day-to-day management of the Organization.

#### ARTICLE 7 THE GENERAL ASSEMBLY

- 1. The General Assembly is the principal decision-making organ of the Organization and shall have all the powers of the Organization, unless otherwise provided by this Convention.
- 2. The General Assembly shall consist only of Member States. Attendance shall also be open to Associate Members and Affiliate Members.
- **3.** Each Member State shall designate one of its delegates as its principal delegate at the General Assembly.
- **4.** Regular sessions of the General Assembly shall take place once every three years.
- **5.** Extraordinary sessions of the General Assembly shall be convened whenever one-third of Member States give notice to the Secretary-General that they desire a session to be convened, 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.
- 7. The General Assembly shall:
  - (a) Elect the President and the Vice President from amongst the Member States in accordance with the General Regulations;
  - (b) Decide the overall policy and the strategic vision of the Organization;
  - (c) Review and approve the General Regulations and the Financial Regulations of the Organization;
  - (d) Elect, in accordance with Article 8, the Council from amongst the Member States other than the Member States holding the Presidency or Vice Presidency;
  - (e) Elect the Secretary-General from amongst nationals of the Member States in accordance with the General Regulations;
  - **(f)** Establish and terminate Committees and subsidiary bodies and review and approve their Terms of Reference;
  - (g) 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;
  - (h) Consider the reports and proposals put to it by any Member State, the Council or the Secretary-General;
  - (i) Approve standards;
  - (j) Decide on Associate membership;
  - (k) Rule on Affiliate membership upon the request of one or more Member States;
  - (I) Make recommendations to Member States, Associate Members and Affiliate Members on matters within the aim and objectives of the Organization;
  - (m) Approve agreements with States and international organizations; and
  - (n) Decide on any other matters within the aim and objectives of the Organization.

#### ARTICLE 8 THE COUNCIL

- 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 twenty-three other Member States.
- 3. Council members shall be elected by ballot at each regular session of the General

Assembly in accordance with the General Regulations. Council members should, in principle, be drawn from different parts of the world, with a view to achieving a worldwide representation.

- **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.
- **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.
- 6. The Council shall meet at least once a year.
- 7. Any Member State not represented on the Council may participate in the Council meetings, but will not be entitled to vote.
- 8. 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;
  - (d) Decide on Affiliate membership;
  - (e) Convene the General Assembly;
  - (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;
  - (j) Approve submissions to other organizations;
  - (k) Appoint Chairs and Vice Chairs of Committees and subsidiary bodies and review and approve their work programmes;
  - (I) Decide the venue and the year of the Organization's conferences and symposia as described in the General Regulations; and
  - (m) Approve the Staff Rules.
- **9.** Council members may, after having informed the President and the Secretary-General, invite Affiliate Members to participate as technical advisors at Council meetings to provide advice and support on operational and technical matters.

# ARTICLE 9 COMMITTEES AND SUBSIDIARY BODIES

- 1. Committees and subsidiary bodies shall support the aim and objectives of the Organization.
- 2. The Committees shall:
  - (a) Prepare and review standards, recommendations, guidelines, manuals and other appropriate documents identified in the work programmes;
  - (b) Monitor developments in the area of Marine Aids to Navigation;
  - (c) Facilitate the sharing of expertise and experience amongst Member States, Associate Members and Affiliate Members; and
  - (d) Conduct any other tasks as decided by the Council.

# ARTICLE 10 THE SECRETARIAT

- 1. The permanent Secretariat of the Organization shall be comprised of the Secretary-General and such staff as may be required for the work of the Organization within the approved budgetary framework.
- 2. The term of the Secretary-General shall be three years. The Secretary-General may be re-elected for up to two additional consecutive terms of three years each.
- **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.
- **4.** The Secretary-General shall be responsible for the conclusion of agreements with States and international organizations subject to the approval of the General Assembly in accordance with Article 7.7 (m).
- **5.** The staff of the Secretariat shall be appointed in accordance with the Staff Rules by the Secretary-General on such terms and to perform such duties as the Secretary-General may determine.
- 6. 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 arrangements and the financial statements;
  - (d) Keep Member States, Associate Members and Affiliate Members and other organizations informed with respect to the activities of the Organization;
  - (e) Organize and support meetings of the General Assembly, the Council, Committees and 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 functions as may be assigned by this Convention, the General Regulations, the General Assembly or the Council.
- 7. 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 to influence them in the discharge of their responsibilities.

#### ARTICLE 11 VOTING

- 1. All efforts shall be made for the General Assembly and the Council to adopt decisions by consensus amongst Member States.
- 2. Where decisions of the General Assembly or Council cannot be adopted by consensus, they shall be adopted by a two-thirds majority of Member States present and voting through a secret ballot.

- **3.** Only Member States shall have voting rights. Each Member State shall have one vote, except as specified in Article 13.4.
- **4.** The election of the President, Vice President and Secretary-General shall be made by secret ballot with a simple majority of Member States present and voting in accordance with the General Regulations.
- **5.** The election of the Council shall be made with the highest number of votes of the Member States present and voting through a secret ballot, in accordance with the General Regulations.

## ARTICLE 12 LANGUAGES

The official languages of the Organization shall be Arabic, Chinese, English, French, Russian and Spanish.

#### ARTICLE 13 FINANCE

- 1. The expenditure for the functioning of the Organization shall be met by the financial resources provided by:
  - (a) Member State contributions;
  - (b) Associate Member and Affiliate Member fees; and
  - (c) Donations, bequests, grants, gifts and other sources approved by the Council upon recommendation by the Secretary-General.
- 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 Article 7.7 (g). 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 Financial 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 until such time as the outstanding contributions have been paid, in accordance with the Financial Regulations, unless the General Assembly waives this provision.
- **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.

# ARTICLE 14 LEGAL PERSONALITY, PRIVILEGES AND IMMUNITIES

- 1. The Organization has international legal personality and has the capacity to:
  - (a) Contract and conclude agreements with governments, organizations and other bodies;
  - (b) Acquire and dispose of immovable and movable property; and
  - (c) Institute legal proceedings.

- 2. In the territory of each of its Member States, the Organization shall enjoy, to the extent provided for in an 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.
- **3.** No Member State, Associate Member or Affiliate Member shall be liable, by reason of its status or participation in the Organization, for acts, omissions or obligations of the Organization.

#### ARTICLE 15 AMENDMENTS

- 1. Any Member State may propose an amendment to this Convention, in writing, to the Secretary-General.
- 2. The Secretary-General shall circulate the proposed amendment in the official languages to all Member States at least six months in advance of its consideration by the General Assembly.
- 3. The proposed amendment shall be adopted by vote of the General Assembly.
- **4.** Any amendment adopted in accordance with paragraph 3 shall be sent by the Secretary-General to the Depositary. The latter shall notify all Member States of the adoption of the amendment.
- 5. The amendment shall enter 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, except for a Member State which has notified the Depositary, prior to the entry into force of such amendment, that the amendment shall enter into force for that Member State only after a subsequent notification of its acceptance.
- 6. Notwithstanding paragraph 5, the General Assembly may decide by consensus that 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. If within this period of six months a Member State gives notification of withdrawal from the Organization on account of an amendment, the withdrawal shall, notwithstanding Article 21, take effect on the date on which such amendment comes into force.
- 7. The Depositary shall inform the Member States and the Secretary-General of the entry into force of the amendment, specifying the date of its entry into force.

# ARTICLE 16 RESERVATIONS

No reservations shall be made to this Convention.

# ARTICLE 17 INTERPRETATION AND DISPUTES

Member States shall make every effort to prevent disputes on the interpretation or application of this Convention, and shall use their best efforts to resolve any disputes by peaceful means which may include consultation and negotiation with each other and any other means as agreed to by the parties to the dispute.

# ARTICLE 18 SIGNATURE, RATIFICATION, ACCEPTANCE, APPROVAL AND ACCESSION

- 1. This Convention shall be 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.
- **3.** This Convention shall be open for accession by any State that is a member of the United Nations which has not signed this Convention from the day after the date on which this Convention closes for signature.
- **4.** Instruments of ratification, acceptance, approval or accession shall be deposited with the Depositary, who shall then notify all States having deposited such instruments with the Depository and the Secretary-General thereof.

## ARTICLE 19 THE DEPOSITARY

The French Republic shall serve as the Depositary for this Convention. This Convention shall be registered by the Depositary pursuant to Article 102 of the Charter of the United Nations.

#### ARTICLE 20 ENTRY INTO FORCE

- 1. This Convention shall enter into force on the ninetieth day after the date of deposit of the thirtieth instrument of ratification, acceptance, approval or accession.
- 2. For each State ratifying, accepting, approving or acceding to this Convention after its entry into force this Convention shall enter into force on the thirtieth day after the deposit of its instrument of ratification, acceptance, approval or accession.
- **3.** The transitional arrangements that shall apply upon entry into force of this Convention are set out in the Annex.

# ARTICLE 21 WITHDRAWAL

- Any Member State may withdraw from this Convention by giving at least twelve months' written notice to the Depositary, who shall immediately inform all Member States and the Secretary-General of such notification.
- 2. Notification of withdrawal may be deposited at any time after the expiration of six months from the date on which this Convention has entered into force.
- 3. The withdrawal shall take effect on 31st December of the year following that during which the notice of withdrawal was deposited.

#### ARTICLE 22 TERMINATION

- 1. This Convention may be terminated by a vote of the General Assembly following at least six months' notice of such a vote.
- 2. The date of termination shall 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.

IN WITNESS WHEREOF the undersigned, being duly authorized by their respective governments, have signed the present Convention.

DONE at [xxx] on [xxx] in the Arabic, Chinese, English, French, Russian 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.

#### TRANSITIONAL ARRANGEMENTS

At the XIIth General Assembly held in A Coruña from 25<sup>th</sup> to 31<sup>st</sup> May 2014, the 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.

As a consequence, Article 13 of the Constitution of the International Association of Marine Aids to Navigation and Lighthouse Authorities was amended to facilitate the winding up of the association and the transition of its assets to the Organization.

The purpose of the transitional 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.

- 1. 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 be invited to become the 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 months.
- 2. The Committees of the International Association of Marine Aids to Navigation and Lighthouse Authorities shall operate until Committees are established under this Convention.
- 3. 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 be invited to 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 this Convention.
- **4.** 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.
- 5. All national members of the International Association of Marine Aids to Navigation and Lighthouse Authorities from States that are not Member States shall, subject to their formal request, become Associate Members of the Organization for a duration of up to ten years from the date of entry into force of this Convention, unless the General Assembly decides to extend that period.
- **6.** In the event that a State which has a former national member with Associate membership in accordance with paragraph 5 becomes a Member State, the Associate membership shall cease on the date on which this Convention enters into force for that State.
- 7. All Associate and Industrial Members of the International Association of Marine Aids to Navigation and Lighthouse Authorities up to date with their fees shall, subject to their formal request, become Affiliate Members of the Organization.
- **8.** The transfer of rights, interests, assets and liabilities from the International Association of Marine Aids to Navigation and Lighthouse Authorities to the Organization will take place pursuant to French law.

Diplomatic Conference on the Convention of the International Organization for Marine Aids to Navigation

28<sup>th</sup> February 2020 English only

#### **CONFERENCE RESOLUTIONS**

## CONFERENCE RESOLUTION 1 LANGUAGES OF THE ORGANIZATION

#### THE CONFERENCE,

HAVING ADOPTED the Convention on the International Organization for Marine Aids to Navigation (the "Convention"),

RECOGNIZING that the use of different languages in international organizations is important to support clear and efficient communications and thereby promote fruitful discussions and effective cooperation between States from around the world,

RECALLING that the official languages of the Organization are Arabic, Chinese, English, French, Russian and Spanish as stated in Article 12 of the Convention,

DECIDES that the Convention, General Regulations and the Financial Regulations shall be available in the official languages,

FURTHER DECIDES that the General Assembly shall be conducted in, and that input papers in the form of draft resolutions and the report, shall be translated into the official languages,

MINDFUL of the costs for translation and interpretation,

DETERMINES that the working language of the Organization shall be English, and that the work and meetings of the Council, Committees and subsidiary bodies shall be conducted in the working language,

DESIRING to promote accessibility of the Organization's guidance documents,

ASPIRES to make the outputs of the Organization available in the official languages with the help of the relevant members over time.

# CONFERENCE RESOLUTION 2 PREPARATION OF THE CONVENTION AND SIGNATURE

#### THE CONFERENCE,

HAVING ADOPTED the Convention on the International Organization for Marine Aids to Navigation (the "Convention"),

REQUESTS the French Republic as the Depository of the Convention to prepare the Convention in the Arabic, Chinese, English, French, Russian and Spanish languages and to arrange for the Convention to be open for signature in Paris in November 2020.



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**International Association of Marine Aids to Navigation and Lighthouse Authorities** Association Internationale de Signalisation Maritime