



PRESIDÊNCIA DO CONSELHO DE MINISTROS

Proposta de Resolução n.º

PR 353/XXIII/2023

2023.09.28

A Convenção da Organização Internacional de Ajudas à Navegação Marítima, adotada em Paris, em 27 de janeiro de 2021, vem alterar o atual estatuto da Associação Internacional de Autoridades de Faróis e Ajudas à Navegação (IALA - *International Association of Marine Aids to Navigation and Lighthouse Authorities*), uma organização não governamental, para o estatuto de organização intergovernamental, contendo disposições sobre o seu estabelecimento, objetivos, funções, membros, órgãos, sua administração e financiamento.

A referida Organização tem como objetivo melhorar, promover a segurança marítima e harmonizar os equipamentos e serviços de segurança de tráfego de navios, para benefício da comunidade marítima e proteção do meio ambiente marinho. Com a alteração de estatuto para uma organização intergovernamental, visa-se igualmente ampliar o peso das suas recomendações, diretrizes, manuais e outros documentos apropriados sobre boas práticas e desenvolver a cooperação internacional nessa área.

A adesão de Portugal à Convenção IALA reveste-se de particular importância para o nosso país: além da prossecução da participação na IALA, dado que Portugal, através da Direção de Faróis, é membro fundador, significa ainda a oportunidade para o nosso país de desempenhar um papel ativo na preparação das recomendações e diretrizes e, desse modo, influenciar melhorias adicionais e maior harmonização das ajudas à navegação marítima e serviços relacionados.

Assim:

Nos termos da alínea *d*) do n.º 1 do artigo 197.º da Constituição, o Governo apresenta à Assembleia da República a seguinte proposta de resolução:



PRESIDÊNCIA DO CONSELHO DE MINISTROS

Proposta de Resolução n.º

Aprovar, para adesão, a Convenção da Organização Internacional de Ajudas à Navegação Marítima, adotada em Paris, em 27 de janeiro de 2021, cujo texto, na versão autêntica em língua inglesa e respetiva tradução para língua portuguesa, se publica em anexo.

Visto e aprovado em Conselho de Ministros de 28 de setembro de 2023

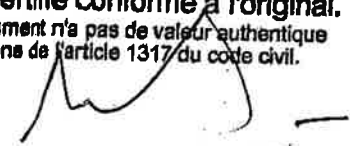
PM
O Primeiro-Ministro

de
O Ministro dos Negócios Estrangeiros

pel'
A Ministra Adjunta e dos Assuntos Parlamentares

Convention on the International Organization for Marine Aids to Navigation

Vu et certifié conforme à l'original.
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**Le Directeur des Archives
du ministère des Affaires étrangères**

U.S. DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
WASHINGTON, D.C. 20250

BLM/RO/STW/STW-10-001
STW-10-001

Preamble

The States Parties to this Convention:

RECALLING that the International Association of Lighthouse Authorities was established on 1st July 1957 and was renamed the International Association of Marine Aids to Navigation and Lighthouse Authorities in 1998;

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") is hereby established 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;
 - (l) 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;
 - (l) 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 Depository. 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 Depository, except for a Member State which has notified the Depository, 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 Depository. 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 Depository 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 Paris from 27 January 2021 and remain open until 26 January 2022.
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 Depository, 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

1. 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 Paris on 27 January 2021 in the Arabic, Chinese, English, French, Russian and Spanish languages, each text being equally authentic, an 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.

For the French Republic



Ms. Annick GIRARDIN
Minister of Marine Affairs

Annex

Transitional Arrangements

At the XIIth General Assembly held in A Coruña from 25th to 31st 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.

Cópia certificada conforme cópia depositada no Arquivo Diplomático.
Versões em línguas inglesa e francesa.

Lisboa, 16 de maio de 2023
Chefe de Divisão de Arquivo e Biblioteca
Ministério dos Negócios Estrangeiros

Assinado por: MARGARIDA MARIA GOMES QUINTÃO
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Certificação de tradução
Certification of Translation

Certifico, nos termos do disposto no n.º 2 do artigo 5.º do D.L. n.º 237/01 de 30 de Agosto, que compareceu neste escritório, perante mim, Mário Adérito Costa Júnior, solteiro, pessoa cuja identidade verifiquei pela exibição do cartão de cidadão n.º 11422154, emitido pelos SIC de Lisboa e com a validade de 16.05.2029.

E apresentou a tradução que segue constituída por 10 páginas, tendo-me declarado sobre compromisso de honra que a mesma, realizada pelo Tradutor Mário Adérito Costa Júnior, também legal representante do departamento de tradução A.P. Portugal da empresa Apoio XXI Lda., e pela qual assumo plena responsabilidade, é tradução integral e fiel para a língua Portuguesa, do documento original elaborado em língua Inglesa, composto por 10 páginas que também se anexa à presente, estando registada com o n.º 6954P/9409.

Mais se declara que o presente documento de certificação consta de 20 páginas, que vão rubricadas.

English version of this certification

I hereby certify that, pursuant to the provisions of no. 2 of article 5 of the DL no. 237/01 of 30th August, appeared before me Mário Adérito Costa Júnior, single, person whose identity I verified by the exhibition of the Portuguese Citizen's Card no. 11422154, issued by the SIC in Lisbon and valid until 16.05.2029.

He has presented the following translation, comprising 10 pages, having declared, by his own honour, that the translation, prepared by the translator Mário Adérito da Costa Júnior, also legal representative of the translation Department AP|Portugal of ApoioXXI, Lda, and by which I shall be totally liable, is the complete and truthful translation to Portuguese of the original document in English, comprising 10 pages which is also attached to this statement, registered under no. 6954P/9409.

Moreover, I hereby declare that the certification document includes 20 pages, duly signed.

Porto, 28 de Junho de 2023

Porto, 28th June 2023

O Tradutor:

The Translator:



(Mário Adérito Costa Júnior)

O Advogado:

The Lawyer:

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(Eugénio M. Rodrigues)

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Convenção da Organização Internacional de Ajudas à Navegação Marítima

Preâmbulo

Os Estados partes na presente Convenção:

RECORDANDO que a Associação Internacional de Autoridades de Faróis foi criada em 1 de julho de 1957 e, em 1998, passou a denominar-se como Associação Internacional de Autoridades de Faróis e Ajudas à Navegação;

RECONHECENDO o papel da Associação Internacional de Autoridades de Faróis e Ajudas à Navegação no aperfeiçoamento e harmonização contínua das ajudas à navegação marítima para a circulação segura, económica e eficiente de embarcações em benefício da comunidade marítima e da proteção do ambiente;

CONSIDERANDO as disposições da Convenção das Nações Unidas sobre o Direito do Mar de 1982 e da Convenção Internacional para a Salvaguarda da Vida Humana no Mar de 1974, com as emendas que lhe foram introduzidas; e

CONSIDERANDO AINDA que o desenvolvimento, a melhoria e a harmonização das ajudas à navegação marítima para benefício da comunidade marítima e da proteção do ambiente são melhor coordenados por organizações internacionais;

CONCORDARAM no seguinte:

Artigo 1.º Constituição

1. A Organização Internacional de Ajudas à Navegação Marítima (doravante designada "Organização") é constituída pela presente Convenção ao abrigo do direito internacional como uma organização intergovernamental.
2. A Organização terá uma natureza consultiva e técnica.
3. A Organização terá a sua sede em França, salvo decisão em contrário da Assembleia Geral.
4. O funcionamento da Organização será definido em pormenor no Regulamento Geral, em respeito às disposições da presente Convenção, mas que não faz parte integrante da mesma. Em caso de divergências entre a presente Convenção e o Regulamento Geral ou qualquer outro documento de base referente à governança da Organização, prevalece a presente Convenção.

Artigo 2.º Definições

Para os efeitos da presente Convenção:

1. **Ajuda à navegação marítima** significa um dispositivo, sistema ou serviço, externo a uma embarcação, concebido e operado para melhorar a eficiência e a segurança da navegação de embarcações isoladas ou zonas de tráfego marítimo. Para as finalidades da Organização, esta definição inclui os Serviços de Tráfego Marítimo.
2. **Estado-Membro** significa um Estado que tenha consentido em sujeitar-se à presente Convenção e para o qual a presente Convenção esteja em vigor.
3. **Membro Associado** significa um território ou grupo de territórios pelos quais um Estado-Membro é responsável pelas suas relações internacionais e para o qual solicitou o acesso ao estatuto de membro, aprovado pela Assembleia Geral, bem como pelos membros nacionais da Associação Internacional de Autoridades de Faróis e Ajudas à Navegação que não são Estados-Membros, nos termos do n.º 5 do anexo.
4. **Membro Afiliado** significa um fabricante ou distribuidor de equipamento de ajudas à navegação marítima para venda, ou uma organização que preste serviços de ajudas à navegação marítima ou aconselhamento técnico por contrato e qualquer outra organização ou agência científica relacionada com as ajudas à navegação marítima que se tenha candidatado a membro, e que tenha sido aprovada pelo Conselho.

Artigo 3.º **Finalidade e objetivos**

A finalidade da Organização é reunir governos e organizações empenhadas na regulação, fornecimento, manutenção ou operação de ajudas à navegação marítima, de modo a promover os seguintes objetivos:

- (a) Fomentar a movimentação segura e eficiente de navios através da melhoria e harmonização das ajudas à navegação marítima em todo o mundo em benefício da comunidade marítima e da proteção do meio marinho;
- (b) Promover o acesso à cooperação técnica e o desenvolvimento de capacidades em todas as matérias relacionadas com o desenvolvimento e transmissão de conhecimentos especializados, ciência e tecnologia em relação às ajudas à navegação marítima;
- (c) Encorajar e facilitar a adoção generalizada dos padrões mais elevados praticáveis em matéria de ajudas à navegação marítima; e
- (d) Promover o intercâmbio de informações sobre assuntos que estejam a ser apreciados pela Organização.

Artigo 4.º **Funções**

Para a concretização da finalidade e os objetivos estabelecidos no artigo 3.º, as funções da Organização serão as seguintes:

- (a) Desenvolver e comunicar padrões, recomendações, diretrizes, manuais e outros documentos pertinentes com natureza não vinculativa;
- (b) Analisar e fazer recomendações sobre padrões, recomendações, diretrizes, manuais e outros documentos pertinentes que lhe possam ser remetidos pelos Estados-Membros, Membros Associados e Membros Afiliados, por qualquer órgão ou agência especializada das Nações Unidas ou por qualquer outra organização intergovernamental;
- (c) Disponibilizar mecanismos de consulta e de troca de informações que abranjam *inter alia*, evoluções recentes e as atividades dos Estados-Membros, Membros Associados e Membros Afiliados;
- (d) Desenvolver a cooperação internacional através da promoção de relações de trabalho e de assistência de grande proximidade entre Estados-Membros, Membros Associados e Membros Afiliados;
- (e) Facilitar a assistência, seja técnica, organizacional ou de formação, aos governos, serviços e outras organizações que solicitem apoio em matérias de ajudas à navegação marítima;
- (f) Organizar conferências, simpósios, seminários, workshops e outros eventos; e
- (g) Estabelecer contatos e cooperar com organizações internacionais e outras organizações relevantes, oferecendo aconselhamento especializado, quando apropriado.

Artigo 5.º **Membros**

1. A Organização é composta por Estados-Membros, por Membros Associados e por Membros Afiliados.
2. Qualquer Estado-Membro responsável pelas relações internacionais de um território ou grupo de territórios poderá solicitar a adesão com o estatuto de Membro Associado para esse território ou grupo de territórios, através de notificação por escrito ao Secretário-Geral.
3. O Conselho pode exigir ou um Estado-Membro pode solicitar que aspetos de uma candidatura

de adesão ao estatuto de Membro-Afiliado sejam revistos pelo Estado-Membro ou Estados-Membros onde o candidato desenvolve as suas atividades ou possui o seu local de estabelecimento principal ou sede social. O Conselho deverá ter em consideração as pronúncias do Estado-Membro na génese da candidatura e dos Estados-Membros que examinam a candidatura no processo de decisão sobre a adesão como Membro-Afiliado.

Artigo 6.º **Órgãos**

1. A Organização será composta pelos seguintes órgãos:
 - (a) A Assembleia Geral;
 - (b) O Conselho;
 - (c) Comitês e órgãos subsidiários necessários para apoiar as atividades da Organização; e
 - (d) O Secretariado.
2. A Organização terá um Presidente e um Vice-Presidente. O Presidente ou, em caso de ausência do Presidente, o Vice-Presidente preside à Assembleia Geral e ao Conselho.
3. O Regulamento Geral e o Regulamento Financeiro estabelecem o Regimento aplicado a cada órgão e regulam a administração ordinária da Organização.

Artigo 7.º **A Assembleia Geral**

1. A Assembleia Geral é o principal órgão de decisão da Organização e deverá possuir todos os poderes da Organização, salvo disposição em contrário da presente Convenção.
2. A Assembleia Geral será composta unicamente por Estados-Membros. Os Membros-Associados e os Membros-Afiliados podem igualmente assistir às sessões da Assembleia-Geral.
3. Cada Estado-Membro designará um dos seus delegados como seu delegado principal na Assembleia Geral.
4. As sessões regulares da Assembleia Geral deverão ser realizadas de três em três anos.
5. As sessões extraordinárias da Assembleia Geral deverão ser convocadas sempre que um terço dos Estados-Membros notifique o Secretário-Geral da sua pretensão de que seja convocada uma sessão, ou a qualquer momento na situação do Conselho o considerar necessário, após prévia notificação com antecedência de noventa dias.
6. O quórum para as sessões da Assembleia Geral é fixado pela maioria dos Estados-Membros.
7. A Assembleia Geral deve:
 - (a) Eleger o Presidente e o Vice-Presidente de entre os Estados Membros de acordo o estabelecido no Regulamento Geral;
 - (b) Decidir a política global e a visão estratégica da Organização;
 - (c) Rever e aprovar o Regulamento Geral e o Regulamento Financeiro da Organização;
 - (d) Eleger, de acordo com o estatuído em artigo 8.º, o Conselho de entre outros Estados-Membros que não os que assumam os cargos de Presidente ou Vice-Presidente;
 - (e) Eleger o Secretário-Geral de entre os representantes dos Estados-Membros em conformidade com o Regulamento Geral;
 - (f) Criar e extinguir Comitês e órgãos subsidiários e rever bem como aprovar os seus Termos de Referência;
 - (g) Examinar e aprovar o orçamento da Organização, incluindo a proposta de orçamento para os três anos seguintes e a percentagem de contribuições para os Estados-Membros e quotas para os Membros Associados e Membros Afiliados;
 - (h) Analisar os relatórios e propostas que lhe são submetidos por qualquer Estado-Membro, pelo Conselho ou pelo Secretário-Geral;

- (i) Aprovar normas;
- (j) Decidir sobre a adesão como Membro-Associado;
- (k) Deliberar sobre a adesão como Membro-Afiliado na sequência de petição de um ou mais Estados-Membros;
- (l) Emitir recomendações aos Estados-Membros, Membros Associados e Membros Afiliados sobre assuntos no âmbito da finalidade e objetivos da Organização;
- (m) Aprovar acordos com Estados e organizações internacionais; e
- (n) Decidir sobre demais assuntos que se enquadrem na finalidade e objetivos da Organização.

Artigo 8.º **O Conselho**

1. O Conselho é o órgão executivo da Organização e é responsável pela direção das atividades da mesma.
2. O Conselho será composto pelo Presidente e pelo Vice-Presidente e vinte e três outros Estados-Membros.
3. Os membros do Conselho serão eleitos por votação em cada sessão ordinária da Assembleia Geral de acordo com o Regulamento Geral. Os membros do Conselho devem, por princípio, ser provenientes de diferentes partes do mundo, com vista a alcançar uma representação mundial.
4. No Conselho, os Estados-Membros serão preferencialmente representados por um delegado de uma autoridade nacional responsável pela regulação, prestação, manutenção ou exploração das ajudas à navegação marítima desse Estado-Membro.
5. Dezassete membros do Conselho, dos quais pelo menos um deve ser o Presidente ou Vice-Presidente, constituirão quórum para as sessões do Conselho.
6. O Conselho reunir-se-á, pelo menos, uma vez por ano.
7. Qualquer Estado-Membro não representado no Conselho pode participar nas suas reuniões mas não terá direito a voto.
8. O Conselho deve:
 - (a) Exercer as responsabilidades que lhe possam ser delegadas pela Assembleia Geral;
 - (b) Coordenar as atividades da Organização de acordo com a política global, da visão estratégica e da proposta de orçamento, tal como decidido pela Assembleia Geral;
 - (c) Examinar e aprovar as demonstrações financeiras, incluindo o orçamento anual;
 - (d) Decidir sobre a adesão como Membro-Afiliado;
 - (e) Convocar a Assembleia Geral;
 - (f) Informar a Assembleia Geral sobre o trabalho da Organização;
 - (g) Rever documentos submetidos à sua apreciação em conformidade com o Regulamento Geral;
 - (h) Submeter à Assembleia Geral os assuntos que requerem decisão deste órgão;
 - (i) Aprovar recomendações, diretrizes, manuais e outros documentos adequados;
 - (j) Aprovar as comunicações destinadas a outras organizações;
 - (k) Nomear presidentes e vice-presidentes de Comitês e órgãos subsidiários e rever e aprovar os seus programas de trabalho;
 - (l) Decidir o local e o ano das conferências e simpósios da Organização, tal como estatuído no Regulamento Geral; e
 - (m) Aprovar o Regulamento do Pessoal.
9. Os membros do Conselho podem, após informação prévia ao Presidente e ao Secretário-Geral, convidar os Membros Afiliados a participar como consultores técnicos nas reuniões do Conselho, a fim de prestarem aconselhamento e apoio em questões operacionais e técnicas.

Artigo 9.º **Comitês e órgãos subsidiários**

1. Os Comitês e os órgãos subsidiários devem apoiar a finalidade e os objetivos da Organização.
2. Os Comitês devem:
 - (a) Elaborar e rever normas, recomendações, orientações, manuais e outros documentos adequados identificados nos programas de trabalho;
 - (b) Monitorizar os desenvolvimentos na área das ajudas à navegação marítima;
 - (c) Propiciar a partilha de conhecimentos e experiências entre os Estados-Membros, Membros Associados e Membros Afiliados; e
 - (d) Realizar outras tarefas conforme decidido pelo Conselho.

Artigo 10.º **O Secretariado**

1. O Secretariado permanente da Organização será composto pelo Secretário-Geral e pelo pessoal necessário para a execução dos trabalhos da Organização de acordo com o quadro orçamental aprovado.
2. O mandato do Secretário-Geral terá uma duração de três anos. O Secretário-Geral pode ser reeleito até dois mandatos consecutivos suplementares de três anos cada.
3. O Secretário-Geral é responsável pela administração ordinária da Organização, com o respeito pelas orientações emitidas pela Assembleia Geral ou pelo Conselho.
4. O Secretário-Geral é responsável pela celebração de acordos com Estados e organizações internacionais, submetidos à aprovação da Assembleia Geral, em conformidade com o Artigo 7.7 (m).
5. O pessoal do Secretariado é nomeado em conformidade com o estatuído no Regulamento do Pessoal pelo Secretário-Geral nos termos definidos e para desempenhar as funções que o Secretário-Geral determinar.
6. O Secretariado deve:
 - (a) Conservar todos os arquivos necessários para a execução eficiente do trabalho da Organização e preparar, recolher e difundir documentação que possa ser necessária;
 - (b) Gerir as finanças da Organização sob a direção do Conselho, em conformidade com o Regulamento Geral;
 - (c) Preparar as disposições financeiras e as demonstrações financeiras;
 - (d) Manter os Estados-Membros, Membros Associados e Membros Afiliados e outras organizações informadas no que diz respeito às atividades da Organização;
 - (e) Organizar e auxiliar as reuniões da Assembleia Geral, do Conselho, dos Comitês e dos órgãos subsidiários;
 - (f) Organizar e auxiliar conferências e simpósios, tal como aprovados pelo Conselho;
 - (g) Organizar e apoiar seminários, workshops e outros eventos; e
 - (h) Desempenhar outras funções que possam ser atribuídas pela presente Convenção, pelo Regulamento Geral, pela Assembleia Geral ou pelo Conselho.
7. No desempenho das suas funções, o Secretário-Geral e o pessoal não devem solicitar ou receber instruções de qualquer governo ou de qualquer outra fonte externa à Organização. Devem abster-se de atos incompatíveis com a sua condição de funcionários internacionais, responsáveis exclusivamente perante a Organização. Por sua vez, cada Estado-Membro compromete-se a respeitar o carácter exclusivamente internacional das funções do Secretário-Geral e do pessoal, e a não tentar influenciá-los no desempenho das suas funções.

Artigo 11.º **Votação**

1. Serão envidados todos os esforços para que a Assembleia Geral e o Conselho adotem decisões por consenso entre os Estados-Membros.

2. Quando as decisões da Assembleia Geral ou do Conselho não puderem ser adotadas por consenso, serão adotadas por uma maioria de dois terços dos Estados-Membros presentes através de sufrágio por voto secreto.
3. Só os Estados-Membros terão direito de voto. Cada Estado-Membro terá direito a um voto, exceto nos casos previstos no artigo 13.4.
4. A eleição do Presidente, do Vice-Presidente e do Secretário-Geral é realizada através de sufrágio por voto secreto, com a presença e votação da maioria simples dos Estados-Membros, de acordo com o Regulamento Geral.
5. A eleição do Conselho será realizada com o maior número de votos dos Estados-Membros presentes e através de sufrágio por voto secreto, em conformidade com o Regulamento Geral.

Artigo 12.º

Línguas

As línguas oficiais da Organização serão o árabe, o chinês, o inglês, o francês, o russo e o espanhol.

Artigo 13.º

Finanças

1. As despesas de funcionamento da Organização são financiadas pelos recursos financeiros fornecidos pela mesma:
 - (a) Contribuições dos Estados-Membros;
 - (b) Quotizações de Membro-Associado e Membro-Afiliado; e
 - (c) Donativos, legados, subvenções, ofertas e outras fontes aprovadas pelo Conselho sob recomendação do Secretário-Geral.
2. Cada Estado-Membro pagará uma contribuição e cada Membro Associado e Membro Afiliado pagará uma quota à Organização, numa base anual, no montante determinado nos termos do artigo 7.7.g.. A contribuição será fixada à mesma taxa para cada Estado-Membro.
3. As contribuições dos Estados-Membros e as quotas dos Membros Associados e dos Membros Afiliados são devidas e pagas de acordo com o Regulamento Financeiro.
4. O Estado-Membro que se encontre em situação de dois anos em mora no pagamento das contribuições será retirado o direito de voto e o direito de ser eleito para o Conselho, após notificação escrita do Secretário-Geral, até que as contribuições em atraso tenham sido pagas, em conformidade com o Regulamento Financeiro, a menos que a Assembleia Geral renuncie a esta disposição.
5. No seguimento da aprovação pelo Conselho das demonstrações financeiras auditadas da Organização, estas demonstrações serão distribuídas a todos os Estados-Membros, Membros Associados e Membros Afiliados no Relatório Anual.

Artigo 14.º

Personalidade jurídica, privilégios e imunidades

1. A Organização tem personalidade jurídica internacional e é dotada da capacidade de:
 - (a) Firmar contratos e celebrar acordos com governos, organizações e outros organismos;
 - (b) Adquirir e alienar bens imóveis e móveis; e
 - (c) Representação judicial.
2. No território de cada um dos seus Estados-Membros, a Organização goza, em conformidade com o estabelecido em acordo a celebrar com o Estado-Membro em causa, dos privilégios e imunidades necessários ao exercício das suas funções e ao cumprimento da sua finalidade e objetivos.
3. Nenhum Estado-Membro, Membro Associado ou Membro Afiliado é responsável, em virtude do seu estatuto ou participação na Organização, por atos, omissões ou obrigações da Organização.

Artigo 15.º **Emendas**

1. Qualquer Estado-Membro pode propor emendas à presente Convenção, por escrito, ao Secretário-Geral.
2. O Secretário-Geral dará conhecimento da proposta de alteração nas línguas oficiais por todos os Estados-Membros pelo menos seis meses antes da sua apreciação pela Assembleia Geral.
3. A emenda proposta será aprovada por votação da Assembleia Geral.
4. Qualquer emenda adotada nos termos do n.º 3 será enviada pelo Secretário-Geral ao Depositário. Este último notificará todos os Estados-Membros da adoção da emenda.
5. A emenda entra em vigor para todos os Estados-Membros seis meses após a receção das notificações escritas de aceitação por dois terços dos Estados-Membros pelo Depositário, exceto para um Estado-Membro que tenha notificado o Depositário, antes da entrada em vigor dessa emenda, que a emenda só entra em vigor para esse Estado-Membro após uma notificação subsequente da sua aceitação.
6. Não obstante o n.º 5, a Assembleia Geral pode decidir por consenso que a emenda entre em vigor para todos os Estados-Membros seis meses após a receção das notificações escritas de aceitação por dois terços dos Estados-Membros pelo Depositário. Se, dentro deste prazo de seis meses, um Estado-Membro notificar a retirada da Organização em virtude de uma emenda, a retirada produz efeitos, não obstante o artigo 21.º, na data de entrada em vigor de tal emenda.
7. O Depositário informará os Estados-Membros e o Secretário-Geral da entrada em vigor da emenda, especificando a data da sua entrada em vigor.

Artigo 16.º **Reservas**

Não serão admitidas reservas à presente Convenção.

Artigo 17.º **Interpretação e diferendos**

Os Estados-Membros envidarão todos os esforços para evitar diferendos sobre a interpretação ou aplicação da presente Convenção e empenho, através de meios pacíficos, para resolver quaisquer divergências, por exemplo através de consultas e de negociações entre si ou através de outro meio convencionado pelas partes em litígio.

Artigo 18.º **Assinatura, ratificação, aceitação, aprovação e adesão**

1. A presente Convenção estará aberta à assinatura de qualquer Estado-Membro das Nações Unidas em Paris a partir de 27 de janeiro de 2021 e permanecerá aberta até 26 de janeiro de 2022.
2. A presente Convenção está sujeita a ratificação, aceitação ou aprovação pelos Estados signatários.
3. A presente Convenção estará aberta à adesão de qualquer Estado-Membro das Nações Unidas que não tenha assinado a presente Convenção a partir do dia seguinte à data do seu encerramento para assinatura.
4. Os instrumentos de ratificação, aceitação, aprovação ou adesão serão depositados junto do Depositário, que notificará seguidamente todos os Estados que tenham depositado tais instrumentos, junto do Depositário, e o Secretário-Geral.

Artigo 19.º
O Depositário

A República Francesa servirá como depositário da presente Convenção. A presente Convenção será registada pelo Depositário em conformidade com o artigo 102.º da Carta das Nações Unidas.

Artigo 20.º
Entrada em vigor

1. A presente Convenção entrará em vigor no nonagésimo dia após a data de depósito do trigésimo instrumento de ratificação, aceitação, aprovação ou adesão.
2. Para cada Estado que ratifique, aceite, aprove ou adira à presente Convenção após a sua entrada em vigor, a presente Convenção entra em vigor no trigésimo dia após o depósito do seu instrumento de ratificação, aceitação, aprovação ou adesão.
3. As disposições transitórias aplicáveis a partir da entrada em vigor da presente Convenção serão estabelecidas no Anexo.

Artigo 21.º
Retirada

1. Qualquer Estado-Membro pode retirar-se da presente Convenção mediante notificação escrita ao Depositário, com uma antecedência mínima de doze meses, que informará imediatamente todos os Estados-Membros e o Secretário-Geral de tal notificação.
2. A notificação de retirada pode ser depositada a qualquer momento decorridos seis meses a partir da data de entrada em vigor da presente Convenção.
3. A retirada produzirá efeitos em 31 de dezembro do ano seguinte àquele em que tenha sido depositada a notificação de retirada.

Artigo 22.º
Cessação de vigência

1. A vigência da presente Convenção pode cessar por votação em Assembleia Geral no seguimento de prévia notificação de, pelo menos, seis meses.
2. A presente Convenção termina a sua vigência doze meses após a data da decisão supramencionada, e no período intermédio o Conselho será responsável pela dissolução da Organização, em conformidade com o Regulamento Geral.

EM FÉ DO QUE os abaixo-assinados, devidamente autorizados pelos seus respetivos governos para esse efeito, assinaram a presente Convenção.

FEITO em Paris, em 27 de janeiro de 2021, nas línguas árabe, chinesa, inglesa, francesa, russa e espanhola, sendo cada um dos textos igualmente autêntico, será depositado um original de cada nos arquivos do Depositário. O Depositário remeterá cópias autenticadas a todos os governos signatários e aderentes e ao Secretário-Geral da Organização.

Anexo

Disposições transitórias

Na Assembleia Geral XII realizada na Corunha de 25 a 31 de maio de 2014, a Associação Internacional de Autoridades de Faróis e Ajudas à Navegação adotou uma Resolução afirmando que o estatuto de Organização Internacional serviria melhor os seus objetivos e determinando que tal estatuto deveria ser alcançado o mais rapidamente possível através da adoção de uma convenção internacional.

Como consequência, o artigo 13.º da Constituição da Associação Internacional de Autoridades de Faróis e Ajudas à Navegação foi alterado para facilitar a dissolução da associação e a transição dos seus ativos para a Organização.

O objetivo das disposições transitórias é assegurar os esforços internacionais ininterruptos para desenvolver, melhorar e harmonizar as ajudas à navegação marítima e facilitar a transição da Associação Internacional de Autoridades de Faróis e Ajudas à Navegação para a Organização.

1. Com a entrada em vigor da presente Convenção, o Presidente, o Vice-Presidente e o Conselho da Associação Internacional de Autoridades de Faróis e Ajudas à Navegação serão convidados a tornar-se Presidente, Vice-Presidente e Conselho da Organização e funcionarão como tal até que a primeira Assembleia Geral convocada ao abrigo da presente Convenção eleja um Presidente, Vice-Presidente e Conselho, o qual deverá ser dentro de um prazo não superior a seis meses.
2. Os Comitês da Associação Internacional de Autoridades de Faróis e Ajudas à Navegação funcionarão até que sejam estabelecidos Comitês ao abrigo da presente Convenção.
3. Até à criação do Secretariado da Organização, o Secretariado da Associação Internacional de Autoridades de Faróis e Ajudas à Navegação será convidado a servir como Secretariado e a desempenhar as funções do mesmo. O Secretário-Geral da Associação Internacional de Autoridades de Faróis e Ajudas à Navegação servirá como Secretário-Geral da Organização até que a Assembleia Geral eleja o Secretário-Geral em conformidade com a presente Convenção.
4. Até que a Organização tenha adotado o Regulamento Geral, funcionará em conformidade com o Regulamento Geral da Associação Internacional de Autoridades de Faróis e Ajudas à Navegação *mutatis mutandis*.
5. Todos os membros nacionais da Associação Internacional de Autoridades de Faróis e Ajudas à Navegação de Estados que não sejam Estados-Membros tornar-se-ão, mediante pedido formal, Membros Associados da Organização por um período máximo de dez anos a contar da data de entrada em vigor da presente Convenção, a menos que a Assembleia Geral decida prorrogar esse período.
6. No caso de um Estado que tenha um antigo membro nacional com estatuto de Membro Associado nos termos do n.º 5 se tornar um Estado-Membro, a qualidade de Membro Associado cessará na data em que a presente Convenção entrar em vigor para esse Estado.
7. Todos os Membros Associados e Industriais da Associação Internacional de Autoridades de Faróis e Ajudas à Navegação com as taxas em dia tornar-se-ão, mediante pedido formal, Membros Afiliados da Organização.
8. A transferência de direitos, interesses, ativos e passivos da Associação Internacional de Autoridades de Faróis e Ajudas à Navegação para a Organização terá lugar de acordo com a lei francesa.



ORDEM DOS ADVOGADOS

REGISTO ONLINE DOS ACTOS DOS ADVOGADOS

Artigo 38.º do Decreto-Lei n.º 76-A/2006, de 29-03

Portaria n.º 657-B/2006, de 29-06

Dr.(a) Eugénio Manuel Rodrigues

CÉDULA PROFISSIONAL: 6954P

IDENTIFICAÇÃO DA NATUREZA E ESPÉCIE DO ACTO

Certificação de traduções de documentos

IDENTIFICAÇÃO DOS INTERESSADOS

Mário Adérito Costa Júnior

Cartão de Cidadão n.º. 11422154

OBSERVAÇÕES

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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 1st 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") is hereby established 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;
 - (l) 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;
 - (l) 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 Depository. 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 Depository, except for a Member State which has notified the Depository, 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 Depository. 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 Depository 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 Paris from 27 January 2021 and remain open until 26 January 2022.
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 Depository, 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

1. 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 Paris on 27 January 2021 in the Arabic, Chinese, English, French, Russian and Spanish languages, each text being equally authentic, an 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.

Annex

Transitional Arrangements

At the XIIth General Assembly held in A Coruña from 25th to 31st 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.