

INTERNATIONAL HYDROGRAPHIC ORGANIZATION



***BASIC DOCUMENTS
OF THE
INTERNATIONAL HYDROGRAPHIC ORGANIZATION
(IHO)***

ENGLISH VERSION

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***This version will be in force until the entry into force of the Protocol of amendments to the
IHO Convention.***

PUBLISHED BY THE INTERNATIONAL HYDROGRAPHIC BUREAU

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NOTE

The International Hydrographic Organization was granted Observer status at the U.N. General Assembly by Resolution A/C.6/56/L.2 of 13 December 2001.

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**CONVENTION
ON THE
INTERNATIONAL HYDROGRAPHIC ORGANIZATION**

CONVENTION ON THE IHO

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CONVENTION ON THE INTERNATIONAL HYDROGRAPHIC ORGANIZATION

The Governments Parties to this Convention,

CONSIDERING that the International Hydrographic Bureau was established in June 1921 to contribute to making navigation easier and safer throughout the world by improving nautical charts and documents;

DESIRING to pursue on an intergovernmental basis their cooperation in hydrography;

HAVE AGREED as follows:

ARTICLE I

There is hereby established an International Hydrographic Organization, hereinafter referred to as the Organization, the seat of which shall be in Monaco.

ARTICLE II

The Organization shall have a consultative and purely technical nature. It shall be the object of the Organization to bring about:

- a) The co-ordination of the activities of national hydrographic offices;
- b) The greatest possible uniformity in nautical charts and documents;
- c) The adoption of reliable and efficient methods of carrying out and exploiting hydrographic surveys;
- d) The development of the sciences in the field of hydrography and the techniques employed in descriptive oceanography.

ARTICLE III

The Members of the Organization are the Governments Parties to this Convention.

ARTICLE IV

The Organization shall comprise:

- The International Hydrographic Conference, hereinafter referred to as the Conference;
- The International Hydrographic Bureau, hereinafter referred to as the Bureau, administrated by the Directing Committee.

ARTICLE V

The functions of the Conference shall be:

- a) To give general directives on the functioning and work of the Organization;
- b) To elect the members of the Directing Committee and its President;
- c) To examine the reports submitted to it by the Bureau;
- d) To make decisions in respect of all proposals of a technical or administrative nature submitted by Member Governments or by the Bureau;
- e) To approve the budget by a majority of two-thirds of the Member Governments represented at the Conference;
- f) To adopt, by a two-thirds majority of the Member Governments, amendments to the General Regulations and Financial Regulations;

- g) To adopt, by the majority prescribed in the preceding paragraph, any particular regulations that may prove to be necessary, notably on the status of the directors and staff of the Bureau.

ARTICLE VI

1. The Conference shall be composed of representatives of the Member Governments. It shall meet in ordinary session every five years. An extraordinary session of the Conference may be held at the request of a Member Government or of the Bureau, subject to approval by the majority of the Member Governments.
2. The Conference shall be convened by the Bureau on at least six months' notice. A provisional agenda shall be submitted with the notice.
3. The Conference shall elect its President and Vice-President.
4. Each Member Government shall have one vote. However, for the voting on the questions referred to in Article V b), each Government shall have a number of votes determined by a scale established in relation to the tonnage of their fleets.
5. Conference decisions shall be taken by a simple majority of the Member Governments represented at the Conference, except where this Convention provides otherwise. When voting for or against is evenly divided, the President of the Conference shall be empowered to a decision. In the case of resolutions to be inserted in the Repertory of Technical Resolutions, the majority shall in any event include the affirmative votes of not less than one third of the Member Governments.
6. Between sessions of the Conference the Bureau may consult the Member Governments by correspondence on questions concerning the technical functioning of the Organization. The voting procedure shall conform to that provided for in paragraph 5 of this Article, the majority being calculated in this case on the basis of the total membership of the Organization.
7. The Conference shall constitute its own Committees, including the Finance Committee referred to in Article VII.

ARTICLE VII

1. The supervision of the financial administration of the Organization shall be exercised by a Finance Committee on which each Member Government may be represented by one delegate.
2. The Committee shall meet during sessions of the Conference. It may meet in extraordinary session.

ARTICLE VIII

For the fulfilment of the objects defined in Article II it shall be the responsibility of the Bureau, in particular:

- a) To bring about a close and permanent association between national hydrographic offices;
- b) To study any matters relating to hydrography and the allied sciences and techniques, and to collect the necessary papers;
- c) To further the exchange of nautical charts and documents between hydrographic offices of Member Governments;
- d) To circulate the appropriate documents;

- e) To tender guidance and advice upon request, in particular to countries engaged in setting-up or expanding their hydrographic service;
- f) To encourage co-ordination of hydrographic surveys with relevant oceanographic activities;
- g) To extend and facilitate the application of oceanographic knowledge for the benefit of navigators;
- h) To cooperate with international organizations and scientific institutions which have related objectives.

ARTICLE IX

The Bureau shall be composed of the Directing Committee and the technical and administrative staff required by the Organization.

ARTICLE X

1. The Directing Committee shall administer the Bureau in accordance with the provisions of this Convention and the Regulations and with directives given by the Conference.
2. The Directing Committee shall be composed of three members of different nationality, elected by the Conference, which shall further elect one of them to fill the office of President of the Committee. The term of office of the Directing Committee shall be five years. If a post of director falls vacant during the period between two Conferences, a by-election may be held by correspondence as provided for in the General Regulations.
3. The President of the Directing Committee shall represent the Organization.

ARTICLE XI

The functioning of the Organization shall be set forth in detail in the General Regulations and Financial Regulations, which are annexed to this Convention but do not form an integral part thereof.

ARTICLE XII

The official languages of the Organization shall be English and French.

ARTICLE XIII

The Organization shall have juridical personality. In the territory of each of its Members it shall enjoy, subject to agreement with the Member Government concerned, such privileges and immunities as may be necessary for the exercise of its functions and the fulfilment of its object.

ARTICLE XIV

The expenses necessary for the functioning of the Organization shall be met:

- a) From the ordinary annual contributions of Member Governments in accordance with a scale based on the tonnage of their fleets;
- b) From donations, bequests, subventions and other sources, with the approval of the Finance Committee.

ARTICLE XV

Any Member Government which is two years in arrears in its contributions shall be denied all rights and benefits conferred on Member Governments by the Convention and the Regulations until such time as the outstanding contributions have been paid.

ARTICLE XVI

The budget of the Organization shall be drafted by the Directing Committee, studied by the Finance Committee and approved by the Conference.

ARTICLE XVII

Any dispute concerning the interpretation or application of this Convention which is not settled by negotiation or by the good offices of the Directing Committee shall, at the request of one of the parties to the dispute, be referred to an arbitrator designated by the President of the International Court of Justice.

ARTICLE XVIII

1. This Convention shall be open in Monaco on 3 May 1967, and subsequently at the Legation of the Principality of Monaco in Paris from 1 June until 31 December 1967, for signature by any Government which participates in the work of the Bureau on 3 May 1967.
2. The Governments referred to in paragraph 1 above may become Parties to the present Convention:
 - (a) By signature without reservation as to ratification or approval, or
 - (b) By signature subject to ratification or approval and the subsequent deposit of an instrument of ratification or approval.
3. Instruments of ratification or approval shall be handed to the Legation of the Principality of Monaco in Paris to be deposited in the Archives of the Government of the Principality of Monaco.
4. The Government of the Principality of Monaco shall inform the Governments referred to in paragraph 1 above, and the President of the Directing Committee, of each signature and of each deposit of an instrument of ratification or approval.

ARTICLE XIX

1. This Convention shall enter into force three months after the date on which twenty-eight Governments have become Parties in accordance with the provisions of Article XVIII, paragraph 2.
2. The Government of the Principality of Monaco shall notify this date to all signatory Governments and the President of the Directing Committee.

ARTICLE XX

After it has entered into force this Convention shall be open for accession by the Government of any maritime state which applies to the Government of the Principality of Monaco specifying the tonnage of its fleets, and whose admission is approved by two-thirds of the Member Governments. Such approval shall be notified by the Government of the Principality of Monaco to the Government concerned. The Convention shall enter into force for that Government on the date on which it has deposited its

instrument of accession with the Government of the Principality of Monaco which shall inform the Member Governments and the President of the Directing Committee.

ARTICLE XXI

1. Any Contracting Party may propose amendments to this Convention.
2. Proposals of amendment shall be considered by the Conference and decided upon by a majority of two-thirds of the Member Governments represented at the Conference. When a proposed amendment has been approved by the Conference, the President of the Directing Committee shall request the Government of the Principality of Monaco to submit it to all Contracting Parties.
3. The amendment shall enter into force for all Contracting Parties three months after notifications of approval by two-thirds of the Contracting Parties have been received by the Government of the Principality of Monaco. The latter shall inform the Contracting Parties and the President of the Directing Committee of the fact, specifying the date of entry into force of the amendment.

ARTICLE XXII

1. Upon expiration of a period of five years after its entry into force, this Convention may be denounced by any Contracting Party by giving at least one year's notice, in a notification addressed to the Government of the Principality of Monaco. The denunciation shall take effect upon 1 January next following the expiration of the notice and shall involve the abandonment by the Government concerned of all rights and benefits of membership in the Organization.
2. The Government of the Principality of Monaco shall inform the Contracting Parties and the President of the Directing Committee of any notification of denunciation it receives.

ARTICLE XXIII

After the present Convention enters into force it shall be registered by the Government of the Principality of Monaco with the Secretariat of the United Nations in accordance with Article 102 of its Charter. (**See Annex A**).

IN WITNESS WHEREOF the undersigned, duly authorized thereto, have signed this Convention.

DONE at Monaco on the third day of May nineteen hundred and sixty-seven, in a single copy in the English and French languages, each text being equally authentic, which shall be deposited in the Archives of the Government of the Principality of Monaco, which shall transmit certified copies thereof to all signatories and acceding Governments and to the President of the Directing Committee.

**CERTIFICATE OF REGISTRATION OF THE IHO CONVENTION AND GENERAL REGULATIONS
WITH THE U.N. SECRETARIAT**

<p>CERTIFICATE of REGISTRATION</p> <p>The SECRETARY-GENERAL of the UNITED NATIONS</p> <p>Hereby certifies that</p> <p>the Government of the Principality of Monaco</p> <p>has registered with the Secretariat in accordance with Article 102 of the Charter of the United Nations</p> <p>the Convention on the International Hydrographic Organization (with general regulations). Signed at Monaco on 3 May 1967.</p> <p>The registration took place on <u>22 September 1970</u> under No. <u>10764</u> Done at New York, on <u>25 January 1971</u></p> <p>To the Government of the Principality of Monaco</p>	<p>No. <u>16427</u></p>	<p>CERTIFICAT d'ENREGISTREMENT</p> <p>Le SECRETAIRE GENERAL des NATIONS UNIE</p> <p>Certifie par la presente que</p> <p>le Gouvernement de la Principauté de Monaco</p> <p>a enregistré au Secrétariat conformément aux termes de l'Article 102 de la Charte des Nations Unies</p> <p>la Convention relative à l'organisation hydrographique internationale (avec règlement général). Signée à Monaco le 3 mai 1967.</p> <p>L'enregistrement a eu lieu le <u>22 septembre 1970</u> sous le n° <u>10764</u> Fait à New York, le <u>25 janvier 1971</u></p> <p>Au Gouvernement de la Principauté de Monaco</p>
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Article 102 of the Charter of the United Nations

1. *Every treaty and every international agreement entered into by any Member of the United Nations after the present Charter comes into force shall as soon as possible be registered with the Secretariat and published by it.*
2. *No party to any such treaty or international agreement which has not been registered in accordance with the provisions of paragraph 1 of this Article may invoke that treaty or agreement before any organ of the United Nations.*

**GENERAL REGULATIONS
OF THE
INTERNATIONAL HYDROGRAPHIC ORGANIZATION**

GENERAL REGULATIONS OF THE IHO

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GENERAL REGULATIONS OF THE IHO

ARTICLE 1

The Organization is a consultative agency. It has no authority over the hydrographic offices of the Governments Parties to the Convention.

ARTICLE 2

The activities of the Organization are of a scientific or technical nature and shall not include matters involving questions of international policy.

INTERNATIONAL HYDROGRAPHIC CONFERENCE

ARTICLE 3

The International Hydrographic Conference shall meet in ordinary session every five years at the seat of the Organization at a date fixed at the close of the previous session.

ARTICLE 4

The International Hydrographic Conference shall be prepared and organized by the Bureau.

ARTICLE 5

Each Member Government may be represented at the Conference by one or more delegates, one of whom should preferably be the head of the national hydrographic office. No delegate of one Member Government may vote on behalf of another Member Government. Travelling and hotel expenses of delegates shall be defrayed by their respective Governments.

ARTICLE 6

The Directing Committee shall be authorized to invite observers from:

- a) Governments that are not Parties to the Convention: one or two observers each, if proposed by a Member Government or the Directing Committee and subject to approval by two-thirds of the Member Governments.
- b) Inter-governmental organizations with which an agreement or special arrangement has been made: one or exceptionally two observers each; and
- c) Non-governmental international organizations with which the Organization has established appropriate relationships in accordance with the Guidelines for the Accreditation of Non-governmental International Organizations: one or exceptionally two observers each.

ARTICLE 7

The working languages of the Conference shall be English, French, Spanish and Russian.

ARTICLE 8

- a) The Conference shall examine the reports of the Bureau on its work since the previous Conference. These reports shall be submitted to Member Governments by the Bureau at least two months before the Conference.
- b) Committees shall be designated to study the reports. The committees' conclusions shall be submitted to the appropriate plenary session of the Conference.
- c) The Conference shall review the Strategic Plan of the Organization, and approve the Intersessional Work Programme for the next five years. *(see also article 23 c)*

ARTICLE 9

- a) Twelve months before the opening of the Conference the Bureau shall invite Members to submit the proposals that they wish to discuss at the Conference. At least eight months before the Conference these proposals, as well as those submitted by the Bureau, shall be circulated to all Member Governments, who shall be invited to forward their comments to reach the Bureau at least five months before the Conference. After that date, no new proposals shall be accepted other than proposals referred to in (b) and (c)
- b) If due to exceptional circumstances Member Governments or the Bureau wish to submit a proposal at a later date, the submission should be approved by the Conference.
- c) Amending or alternative proposals directly related to the proposals already submitted under the procedure at (a) may be put forward subsequently.

ARTICLE 10

- a) Unless the ordinary International Hydrographic Conference has specifically decided otherwise, the foregoing rules of procedure shall apply to extraordinary sessions.
- b) Government delegates to extraordinary sessions shall be chosen as far as possible in the light of the questions submitted for consideration.

FINANCE COMMITTEE

ARTICLE 11

- a) Between Conferences, the Finance Committee may meet in extraordinary session on the request of at least three Governments or of the Directing Committee. The Directing Committee shall consult the Finance Committee by correspondence concerning the 5-yearly and annual budgets and on transfers of credit between budget chapters in accordance with provisions laid down in Articles 8 and 10 of the Financial Regulations and on all other important financial or administrative questions.
- b) Dates of meetings of the Finance Committee shall be fixed by its Chairman in arrangement with the Directing Committee.
- c) The Chairman of the Finance Committee shall be elected at the first plenary session of the Conference. He shall be assisted by a Vice-Chairman elected at the same time. In the event of the Chairman's resignation, or if circumstances prevent him from fulfilling the duties of his office, the Vice-Chairman shall automatically replace him. A new Vice-Chairman should then be elected by Member Governments by correspondence, and this should also apply in the event of the resignation of the Vice-Chairman.
- d) The duties of the Chairman and the Vice-Chairman shall normally continue for the five years between Conferences.

ARTICLE 12

- a) During its ordinary session, the Committee shall:
- (i) examine and recommend for approval the Finance Report by the Directing Committee for the preceding 5-year financial period,
 - (ii) examine and recommend for approval the budget for the coming 5-year financial period.
 - (iii) examine and give at least preliminary advice on the budget for the year following the Conference.

These recommendations and advice are submitted to the Conference.

- b) Between its ordinary sessions, working normally by correspondence, the Finance Committee shall:
- (i) examine and recommend for approval the budget for the coming financial year,
 - (ii) examine and comment upon the Annual Report, Part 2 - Finance, submitted by the Directing Committee, concerning the financial administration by the Directing Committee of the preceding financial year,
 - (iii) study any questions related to finance which the Directing Committee or Member States may submit.

ARTICLE 13

The Finance Committee's advice and recommendations shall be taken by a majority of two-thirds of the number of votes cast during the Finance Committee sessions or by correspondence. Each Member Government shall have one vote.

ARTICLE 14

The Chairman and Vice-Chairman of the Finance Committee shall meet with the Directing Committee regularly and preferably twice per year. A report of each meeting shall be made and circulated to Member States by the Directing Committee, after agreement with the Chairman and Vice-Chairman of the Finance Committee.

INTERNATIONAL HYDROGRAPHIC BUREAU

ARTICLE 15

In accordance with the provisions of Article VIII of the Convention, the Bureau shall undertake the scientific and technical activities necessary for the attainment of the objectives of the Organization.

ARTICLE 16

For its relations with the Bureau, each Member Government shall designate an official representative, preferably the head of its hydrographic office.

ARTICLE 17

The Bureau shall keep in close communication with the hydrographic offices of Member Governments. It may also correspond with related scientific organizations of Member Governments, provided that it informs the official representative of the Government concerned (Article 16 above). Furthermore it may correspond with similar bodies of other Governments and with international organizations.

ARTICLE 18

The Bureau shall bring to the notice of the hydrographic or other competent offices of the Member Governments any hydrographic work of an international character and problems of general interest that it might be useful to study or to undertake. It shall strive for the solution of such problems or the undertaking of such work by seeking the necessary collaboration between Member Governments.

ARTICLE 19

To enable the Bureau to achieve its purpose, the Hydrographic Offices of Member Governments shall forward copies of their new international (INT) charts, electronic charts (raster and vector), as well as any nautical publications.

ARTICLE 20

The Bureau shall satisfy as far as possible all requests from representatives of Member Governments for information or advice related to its work. Matters which can be dealt with directly between two national hydrographic offices should not normally be referred to the Bureau.

ARTICLE 21

The Bureau shall issue and distribute the publications referred to in Articles 32 to 35 and any other documents requested by the Conference.

ARTICLE 22

In their communications with the Bureau, representatives of Member Governments may use languages other than the official languages of the Organization, but the Bureau shall not be held responsible for any delay or misinterpretation which may ensue.

DIRECTING COMMITTEE**ARTICLE 23**

- a) The Directing Committee shall administer the Bureau in accordance with the provisions of the Convention and the Regulations and with directives given by the Conference.
- b) It shall be responsible for the carrying out by the Bureau of the scientific and technical assignments entrusted to it.
- c) The Directing Committee, taking into consideration the work of Committees and Working Groups, should present to all ordinary Conferences a Programme Budget proposal containing the work programme to be carried out during the following period, and the financial implications related to it, to be analyzed, discussed and decided upon

at Plenary Session. The plan should be distributed to all Member States at least 4 months before the Conference.

ARTICLE 24

- a) In the period between two Conferences, should no appropriate provision be made in the Convention or the Regulations, the Committee shall make any administrative or technical decisions which may be necessary, with the reservation that they be referred to the next Conference.
- b) The Directing Committee shall be guided by the IHO Strategic Plan and the Five Year Rolling Work Programme

ARTICLE 25

- a) If the Committee considers that any questions should be referred to the Member Governments for solution, it shall send a circular letter to their representatives, in accordance with Article VI 6) of the Convention, requesting them to notify the Bureau of the opinion of their respective Governments.
- b) When voting for or against is evenly divided, the question shall be deferred to the next Conference.

ARTICLE 26

If circumstances preclude observation of the procedure prescribed in the Regulations, the Committee shall make the necessary decisions and give Member Governments an immediate account of the fact.

ARTICLE 27

- a) The directors shall be elected for a period of five years, in accordance with Articles 36 to 47.
- b) The directors shall be eligible for re-election for a second five-year period.
- c) A candidate must be less than sixty-six years old in the year of his election or re-election.
- d) When a director is elected to fill a vacancy occurring between Conferences, his term of office shall end at the same time as his predecessor's would have done had he retained the post.

ARTICLE 28

The duties of the Directing Committee shall terminate on the last day of August following the regular election of a new Directing Committee at an International Hydrographic Conference. The new Directing Committee shall assume their duties on 1 September.

ARTICLE 29

A director who has been incapacitated for duty for six consecutive months or otherwise for an aggregate of twelve months, during his term of office shall automatically cease to be a director.

ARTICLE 30

- a) Pursuant to the Article X of the Convention, the President is the leader of the Directing Committee. The President and the two other directors shall each have particular responsibility for one or more branches of the work of the Bureau, but the Directing Committee shall deliberate on all important questions.
- b) When all members of the Directing Committee are available and unanimity of view cannot be achieved, decisions shall be taken by the President with the concurrence of one other director. In instances where the two other directors disagree with the President, the matter may be referred by the Directing Committee to Member Governments.
- c) If only two directors are available and a decision cannot be postponed, the view of the President or acting President shall prevail.

ARTICLE 31

The staff of the Bureau shall be under the control of the Directing Committee. It shall consist of technical and administrative assistants and employees. The staff shall be appointed by the Committee as necessary.

PUBLICATIONS

ARTICLE 32

At the beginning of each year the Bureau shall publish a report on its activities, inviting Member Governments to comment on it within a period of three months of publication of the report. The Bureau should then forward all comments received, together with the Bureau's responses to them, by Circular Letter.

ARTICLE 33

- (a) The Bureau shall issue a Yearbook giving all necessary information on the hydrographic offices of the Member Governments and, insofar as such information can be obtained, on those of other Governments.
- (b) The Yearbook shall include the addresses of the official representatives designated in accordance with Article 16, and the following information:
 - (i) A list of Governments which have participated in the work of the Bureau between the date of its creation and the date of entry into force of the Convention.
 - (ii) A list of Member Governments.
 - (iii) A list of Governments which have denounced the Convention pursuant to Article XXII.
 - (iv) A table of tonnages of Member Governments' fleets.
 - (v) A table showing the shares, contributions and number of votes of the Member Governments.

ARTICLE 34

The Bureau will publish an International Hydrographic Bulletin including technical and miscellaneous information related to the mission and work of the International Hydrographic Organization.

ARTICLE 35

The Bureau shall issue special publications on technical subjects of interest to hydrographic offices.

ELECTIONS

ARTICLE 36

The directors shall be elected by the Conference in accordance with the provisions of Articles V b), VI 4) and X 2) of the Convention. The election shall be held by secret ballot.

ARTICLE 37

- a) For the election of the directors, each Member Government shall have two votes; those Governments which have 100 000 tons of shipping or more shall have supplementary votes in accordance with the following scale:

GROSS TONNAGE	SUPPLEMENTARY VOTES
100 000 - 499 999	1
500 000 - 1 999 999	2
2 000 000 - 7 999 999	3
8 000 000 and above	4

- b) The estimates of tonnage shall be made in accordance with Article 5 of the Financial Regulations.

ARTICLE 38

Each Member Government may nominate one candidate, who shall be of the nationality of the proposing country. If possible, nominations should reach the Bureau at least three months before the Conference. The list of candidates shall be closed ten days prior to the opening of the Conference.

ARTICLE 39

Every candidate should have had considerable sea experience and have extensive knowledge of practical hydrography and navigation. In the elections, the technical and administrative ability only of the candidates should be taken into consideration. No particular rank or other standing is required of them.

ARTICLE 40

Every nomination shall be accompanied by a note giving the candidate's qualifications for the position. To facilitate comparison of the candidates' qualifications the statements of service shall be compiled in a uniform manner as follows:

General

1. Name.
2. Nationality.
3. Date of birth.
4. Titles and decorations.

Education and Promotions

5. Education (periods, including specialized or special qualifications)
6. Languages (speaking and reading knowledge).
7. Promotions.

Service

8. Hydrographic service
 - (a) Sea service (periods and posts).
 - (b) Shore service (periods and posts).
9. Non-hydrographic service
 - (a) Sea-service (periods and posts).
 - (b) Shore-service (periods and posts).

Scientific activities

10. Publications.
11. Research work and awards.
12. Scientific societies (member of, past and present).

Additional information

13. Candidate's Position, which should include, but is not limited to, the candidate's vision of the importance of hydrography and cartography, of the role of the IHO and of the objectives and approach envisaged to best advance the priorities of the Organization as established by the Member States.

(Signature of candidate and of forwarding authority).

ARTICLE 41

- a) The names of the candidates, with the statements of service, shall be published by the Directing Committee as soon as they are received.
- b) The Bureau shall collate the lists of names submitted and present them, together with the statements of service, to each delegation at the opening of the Conference.

ARTICLE 42

- a) There shall be three separate ballots, one for each of the three members of the Directing Committee.
- b) To register their votes for electing each member of the Directing Committee, in each of the three ballots, the delegations shall inscribe on a number of voting papers equal to the number of votes to which each delegation is entitled the name of one of the candidates whom they wish to elect.
- c) In each successive ballot, the candidate being voted for must be of a different nationality from one already elected.
- d) Any voting paper not completed in strict accordance with paragraphs (b) and (c) shall be nullified.

ARTICLE 43

- a) The three candidates of different nationalities receiving the largest number of votes in the three separate ballots shall be considered elected.
- b) In each ballot, in the event that two or more candidates equally receive the largest number of votes, a new ballot should be held to determine the relative positions only of those candidates who obtained the largest number of equal votes.

ARTICLE 44

- a) When the three directors have been elected, a separate ballot shall be held to elect one of them as President of the Directing Committee. For this purpose, delegations shall inscribe on their allotted number of voting papers the name of the director they wish to make President.
- b) The number of votes actually received by each director shall determine the order in which they may be called upon to replace the President elected.
- c) In the case of a tie, a second ballot shall be held to determine the relative positions of the directors who obtained the same number of votes.

ARTICLE 45

When voting has been completed, the President of the Conference shall invite the newly-elected directors to take up their duties on the first day of September following their election.

ARTICLE 46

- a) If a post of director falls vacant during the period between two Conferences and more than two years before the next Conference is due to meet, the Directing Committee shall conduct a by-election by correspondence to fill the vacancy.
- b) In such a case, the Bureau shall invite Member Governments to send lists of candidates in accordance with Articles 38 to 40. On receipt of these lists the election shall be held observing a procedure closely modelled on that described in Articles 41 to 43.
- c) On completion of the above-mentioned procedure, the Committee shall immediately notify Member Governments of the result of the ballot and invite the director elected to take up his duties.

ARTICLE 47

A director elected to fill a vacancy shall take third place among the directors.

**FINANCIAL REGULATIONS
OF THE
INTERNATIONAL HYDROGRAPHIC ORGANIZATION**

FINANCIAL REGULATIONS OF THE IHO

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FINANCIAL REGULATIONS OF THE IHO

ARTICLE 1

The financial administration of the Bureau shall be effected in accordance with the provisions of Articles V, VII, XIV and XVI of the Convention and Articles 11 to 14 of the General Regulations.

ORDINARY BUDGET

ARTICLE 2

- a) The budget shall be established for five years and calculated, as from 1 January 2002, on the basis of the Euro.
- b) The financial year of the Bureau shall coincide with the Gregorian calendar year.

ARTICLE 3

Any balancing of income and expenditure shall be prohibited in the presenting of the budget.

ARTICLE 4

The annual contributions of Governments Parties to the Convention shall be payable in Euros, and shall be paid into the Bureau's bank accounts. Such contributions shall be determined by the following rules :

- a) Each Government shall subscribe two shares;
- b) Those Governments which have 100 000 gross tons of shipping or more shall contribute supplementary shares in accordance with the following scale:

GROSS TONNAGE	SUPPLEMENTARY SHARES	GROSS TONNAGE	SUPPLEMENTARY SHARES
100 000 - 249 999	1	7 770 000 - 9 024 999	14
250 000 - 454 999	2	9 025 000 - 10 399 999	15
455 000 - 719 999	3	10 400 000 - 11 899 999	16
720 000 - 1 049 999	4	11 900 000 - 13 529 999	17
1 050 000 - 1 449 999	5	13 530 000 - 15 294 999	18
1 450 000 - 1 924 999	6	15 295 000 - 17 199 999	19
1 925 000 - 2 479 999	7	17 200 000 - 19 249 999	20
2 480 000 - 3 119 999	8	19 250 000 - 21 449 999	21
3 120 000 - 3 849 999	9	21 450 000 - 23 804 999	22
3 850 000 - 4 674 999	10	23 805 000 - 26 319 999	23
4 675 000 - 5 599 999	11	26 320 000 - 28 999 999	24
5 600 000 - 6 629 999	12	29 000 000 and above	25 (max.)
6 630 000 - 7 769 999	13		

- c) The value of a share, in Euros, is shown in the annual budget of the IHB, approved by the majority of the Finance Committee, as provided for in Article 8.

ARTICLE 5

In application of the Convention and the General and Financial Regulations, the tonnage figures of the Member Governments shall be obtained by adding to 6/7 of the displacement tonnage of ships of war exceeding 100 tons, the gross tonnage of all other vessels exceeding 100 tons.

ARTICLE 6

- a) A table of national tonnages shall be brought up to date by the Directing Committee before each ordinary Conference. Seven months before the Conference the Bureau shall ask Governments to supply their tonnage figures as of 1 July of the year preceding that of the Conference. Two months before the Conference the Bureau shall distribute to Governments a revised table of tonnages.
- b) This table of national tonnages and that of shares and votes shall be submitted to the Conference for approval, and shall enter into force on 1 January of the year following that of the Conference. Except as provided for in paragraphs (c) and (d) below, these tables shall remain in force until 31 December of the year of the subsequent Conference.
- c) When a Government desires to accede to the Convention, it shall declare the amount of tonnage of its fleets. The Directing Committee shall enter this amount in the table of tonnages as soon as accession becomes effective.
- d) A Government wishing to amend its tonnage figure as it appears in the table of tonnages must give notice of the amended tonnage at least six months before the start of the next financial year.

ARTICLE 7

The Principality of Monaco shall enjoy special treatment. In consideration of the fact that it provides the Bureau with premises free of charge, it shall not pay any contribution but shall retain its right of vote.

ARTICLE 8

- a) The Directing Committee shall draw up the estimated 5-yearly budget and forward it to the Member Governments for examination at least three months in advance of the Finance Committee's session.
- b) Between Conferences, the Directing Committee shall submit to the Finance Committee, in March each year, budget estimates for the following financial year. In considering the budget estimates, the Finance Committee shall make necessary recommendations for adjusting anticipated income and expenditure in order to ensure the financial stability of the Organization. Those recommendations which include an increase in the level of contributions or in the total level of current operating costs higher than approved by the Conference in the 5-yearly budget shall be referred by the Directing Committee to Member Governments for approval by a two-thirds majority. Other recommendations on the annual budget will be submitted by the Directing Committee to Member Governments for their comments and approval by a two-thirds majority of votes received within three months of the dispatch date of the letter seeking comments and approval.
- c) Contribution adjustments shall be made by altering the share value, effective from 1 January of the following year.

ARTICLE 9

The Directing Committee shall carry the budget into effect. Subject to the provisions of Article 11, the Directing Committee shall ensure that expenditure and commitments conform with the budgetary provisions.

ARTICLE 10

Transfers of credit may be permitted in order to modify the amount of the appropriation of various chapters. They must not result in the creation of new chapters.

The Directing Committee may make transfers of credit provided that such transfers do not exceed 10% of the total appropriation of any one of the chapters concerned. Such transfers shall be reported, with the necessary justification, in the financial section of the Annual Report.

Transfers of larger amounts shall require prior authorization by the Finance Committee.

ARTICLE 11

After the close of the financial period corresponding to a budget, no further financial obligations under it may be incurred. Outstanding obligations may be met for a further period of three months.

TREASURY – OPERATING CASH RESERVE

ARTICLE 12

All Bureau funds shall be under the control of the Directing Committee. No expenditure exceeding 400 Euros may be incurred without prior approval of one of the members of the Directing Committee. Payments exceeding 4,000 Euros require prior approval of the full Committee.

ARTICLE 13

- a) Governments' annual contributions to the ordinary budget, as specified in Article 4, shall be due on 1 January of the corresponding financial year. Payment must be punctual.
- b) Notice of the date of dispatch of the contribution must be promptly given to the Bureau.
- c) Annual contributions or portions thereof not paid before 1 January of the succeeding financial year shall be increased by interest from that date at the rate of one per cent for each month or portion thereof.

ARTICLE 14

A Government acceding to the Convention shall be liable to pay its contribution for that year only if its accession takes effect before 1 July. If its accession takes effect on or after that date it shall be liable only for half that contribution.

ARTICLE 15

Outstanding contributions and accrued interest shall be shown in a table annexed to the report on financial administration which is submitted to the Finance Committee by the Directing Committee.

ARTICLE 16

The procedure for suspension of the rights of a Member Government pursuant to the provisions of Article XV of the Convention shall be notified by the Directing Committee to the Government concerned as follows:

- 1) If the contribution amount in arrears accumulates such that the amount is 2 years-6 months or more and the Member State has been advised of the arrears without payment or agreeing to a schedule of payments, the Member State shall be suspended effective 1 January of the year in which the 3rd annual contribution becomes payable, i.e., approximately 2-1/2 years in arrears.
- 2) If the contribution amount in arrears accumulates such that the amount is at least 2-years but less than 2 years-6 months and the Member State has been advised of the arrears without payment or agreeing to a schedule of payments, the Member State shall be suspended effective 1 January when the 3rd annual contribution becomes payable, i.e., 3 to 3-1/2 years in arrears.
- 3) Any Member Government thus deprived of its rights and benefits shall remain obligated to the Organization for the entire amount in arrears plus accrued interest outstanding at the time of suspension.

ARTICLE 17

To ensure the financial stability of the Bureau and to avoid any treasury difficulties, the Bureau shall have at its disposal an operating cash reserve the amount of which shall correspond, at 31 December each year, to not less than three-twelfths of the total annual operating budget of the Organization

EMERGENCY RESERVE FUND

ARTICLE 18

As a safeguard against unexpected events, the Bureau shall also have at its disposal an emergency reserve fund, the amount of which shall be not less than one-twelfth of the total annual operating budget of the Organization. This fund is exclusively designed to enable the Organization to meet extraordinary expenditure. It shall only be used in exceptional circumstances

CONTROL

ARTICLE 19

Every year the Directing Committee shall submit to the members of the Finance Committee for their comments a report on the financial administration over the past financial year. After the Directing Committee and the Chairman of the Finance Committee have jointly studied all comments received, the Directing Committee will forward to the Member Governments the Final Draft Financial Report, together with any comments by members and by the Chairman of the Finance Committee, for final approval by a two-thirds majority of the votes received within the three months of the dispatch date of the letter seeking approval.

At the same time, the Directing Committee shall give information on the value of the movable and immovable property of the Organization.

ARTICLE 20

An External Auditor shall be appointed by the Finance Committee at the International Hydrographic Conference; his term of appointment shall be for a period of 5 years, subject to annual confirmation decided by the Directing Committee, the Chairman and Vice Chairman of the Finance Committee. The need to change the external auditor will be referred to Member States for decision. The external auditor shall check the cash in banks or on hand and the available or negotiable assets. He shall ensure that the accounts are drawn up according to the accounting rules observed by the profession, that they are in accordance with the directives given by the Conference and that they reflect in a true manner the results of the Organization's activity at the end of the year.

He shall report annually on the accounts submitted by the Finance Committee. A copy of the External Auditor's Annual Report shall be attached to the draft Annual Report by the Directing Committee to the Members of the Finance Committee.

Such auditing may be carried out at any time.

DISSOLUTION**ARTICLE 21**

In the event of dissolution, the balance of the accounts of the Organization shall be divided amongst the Governments which are still Parties to the Convention on the day when the latter ceases to have effect. Any credit balance shall be divided amongst these Governments in proportion to the total amount of their contributions since 1921. Any debit balance shall be divided amongst these Governments in proportion to their last annual contribution.

**RULES OF PROCEDURE
FOR
INTERNATIONAL HYDROGRAPHIC CONFERENCES**

***RULES OF PROCEDURE FOR
INTERNATIONAL HYDROGRAPHIC CONFERENCES***

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**RULES OF PROCEDURE
FOR
INTERNATIONAL HYDROGRAPHIC CONFERENCES**

Definitions

For the purposes of these Rules of Procedure the term "Conference" means the International Hydrographic Conference and the word "Convention" refers to the Convention on the International Hydrographic Organization, 1967. The term "President" means the President of the Conference. "Basic Documents" include the Convention on the IHO, General Regulations, Financial Regulations, Rules of Procedure for I.H. Conferences, and Headquarters Agreement between the IHO and the Government of HSH the Prince of Monaco.

Membership

RULE 1

For the purposes of these Rules the word "Member" means a Member Government, Party to the Convention on the International Hydrographic Organization, excluding any Member Government denied all rights and benefits by virtue of its default of payment of contributions in accordance with Article XV of the Convention.

Sessions

RULE 2

The Conference shall meet in ordinary session every five years at the seat of the Organization at a date fixed at the close of the previous session. The duration of the session, which shall not normally exceed two weeks, shall also be fixed at the close of the previous session.

RULE 3

An extraordinary session of the Conference may be held at the request of a Member or of the Bureau, subject to approval by the majority of Members.

RULE 4

The Conference shall be convened by the Bureau on at least six months' notice. A provisional agenda shall be submitted with the notice.

Invitation to observers

RULE 5

The Bureau shall invite to be represented by observers at any session of the Conference:

- (a) Governments that are not Parties to the Convention: one or two observers each, if proposed by a Member or by the Bureau, and subject to approval by two-thirds of the Members.
- (b) Member Governments with rights suspended under Article XV of the Convention, as implemented in accordance with Articles 16 and 17 of the Financial Regulations: one or

- two observers each, one of whom should preferably be the head of the national Hydrographic Office.
- (c) Inter-governmental organizations with which an agreement or special arrangement has been made: one or exceptionally two observers each; and
 - (d) Non-governmental international organizations with which the Organization has established appropriate relationships in accordance with the Guidelines for the Accreditation of Non-governmental International Organizations: one or exceptionally two observers each.

RULE 6

Observers may, upon invitation by the President and with the consent of the Conference, participate, without vote, in the deliberations of the Conference in matters of direct concern to them. Observers shall receive copies of all documents issued during the Conference.

Delegations

RULE 7

Each Member may be represented at the Conference by one or more delegates, one of whom should preferably be the head of the national Hydrographic Office.

RULE 8

Members' delegations shall be seated in the Conference Hall in alphabetical order (French listing) starting with the letter drawn by lot at the close of the previous Conference. At the end of the Conference a further letter shall be drawn to establish the seating order at the next Conference.

RULE 9

Any representative to whose admission a Member may have made objection shall be seated provisionally with the same rights as other representatives until the Conference has given its decision.

Publicity

RULE 10

The meetings of the Conference, its Committees and other subsidiary bodies shall be held in public unless the body concerned decides otherwise.

Agenda

RULE 11

The provisional agenda of each session of the Conference shall be prepared by the Bureau and submitted to Members at least six months prior to the opening of the Conference.

RULE 12

The provisional agenda of each regular session of the Conference shall include the following items:

- a) Reports on the work of the Bureau since the preceding regular session of the Conference. These Reports shall be submitted to Members at least two months before the Conference.

- b) Reports and recommendations made by all Working Groups, Regional Hydrographic Commissions, Regional International Chart Commissions and other subsidiary bodies constituted within the Organization.
- c) The provisional five-year budget as well as all questions pertaining to the accounts and financial arrangements of the Organization.
- d) The revised Table of Tonnages, Shares, Contributions and Votes to enter into force on 1 January of the year following that of the Conference.
- e) The election of members of the Directing Committee and its President and the election of the Chairman and Vice-Chairman of the Finance Committee to hold office for the next five years.
- f) All items of a technical and administrative nature proposed by Members or by the Bureau.
- g) Proposals pertaining to amendments to the Basic Documents of the IHO.
- h) Proposals relating to regulations affecting the status of the Directors and Staff of the Bureau.
- i) The Strategic Plan of the Organization and the Inter-sessional Work Programme.

RULE 13

- a) The provisional agenda of an extraordinary session shall consist of items proposed either by the Member at whose instance the session has been convened or by the Bureau if it is the latter that has requested the convocation of the session.
- b) Unless the ordinary International Hydrographic Conference has specifically decided otherwise, these Rules of Procedure shall apply to extraordinary sessions.

RULE 14

- a) Twelve months before the opening of the Conference the Bureau shall invite Members to submit the proposals that they wish to discuss at the Conference. At least eight months before the Conference these proposals, as well as those submitted by the Bureau, shall be circulated to all Member Governments, who shall be invited to forward their comments to reach the Bureau at least five months before the Conference. After that date, no new proposals shall be accepted other than proposals referred to in b) and c)
- b) If due to exceptional circumstances Member Governments or the Bureau wish to submit a proposal at a later date, the submission should be approved by the Conference.
- c) Amending or alternative proposals directly related to the proposals already submitted under the procedure at a) may be put forward subsequently.

RULE 15

Two months before the Conference the Bureau shall circulate to Members a document containing all proposals, together with Members' comments. This document shall also contain reports by the Bureau on the technical, administrative and financial implications of all substantive proposals submitted to the Conference.

RULE 16

Items of a technical and administrative nature included in the agenda of a session of the Conference, consideration of which has not been completed in that session, may be handled by correspondence unless otherwise decided by the Conference.

President and Vice-President

RULE 17

- a) Eight months before the opening of the Conference, the Bureau shall invite Member States to submit the name of a suitable candidate for election as President of the Conference; Member States should have previously established that the candidate is willing to have his name put forward and that there is unlikely to be a candidate for election to the Directing Committee at the Conference from the same country.
- b) Four months before the opening of the Conference, the Bureau shall circulate a list of nominated candidates for election as President of the Conference and, if necessary, request Member States to vote so that the candidate receiving the most votes may be informed in good time before the opening of the Conference.
- c) Immediately before the opening of the Conference, the Heads of Delegations of Member States shall meet to agree on the nomination of the Vice President of the Conference and of the Chairmen and Vice Chairmen of the various Conference Committees from amongst the representatives attending from Member States.
- d) The Conference shall, at its first plenary session, confirm the election of the Conference President and elect the Vice President of the Conference. The Chairmen and Vice Chairmen of each Committee are elected in accordance with Rule 24.

RULE 18

At the opening of each ordinary session of the Conference, the President of the Directing Committee shall preside until the Conference has confirmed the election of a President for the Conference, as selected by the procedure in Rule 17.

RULE 19

If the President is absent from a meeting, or any part thereof, or, for any reason, is unable to carry out his duties until the expiry of his term of office, the Vice-President shall act as President. A Vice-President acting as President shall have the same powers and duties as the President.

RULE 20

In addition to exercising the powers conferred upon him elsewhere by these Rules, the President shall declare the opening and closing of each plenary session, direct the discussions in plenary sessions, ensure observance of these Rules, accord the right to speak, put questions and announce decisions. He shall rule on points of order and, subject to these Rules, shall have complete control of the proceedings at any meeting. The President may, in the course of discussion of an item, propose to the Conference the limitation of the time to be allowed to speakers, the limitation of the number of times each representative may speak, the closure of the list of speakers, or the closure of the debate. He may also propose the suspension or the adjournment of the meeting or the adjournment of the debate on the item under discussion. He shall ensure that a roll-call is made before any vote is taken in plenary sessions (see Rule 58) and announce clearly the actual number of votes required for a majority in each case.

Subsidiary bodies

RULE 21

The Conference may establish such committees and subsidiary bodies as it deems necessary for the performance of its functions. Agenda items relating to the same category of subjects shall normally be referred to the committee dealing with that category of subjects.

RULE 22

The main committees of the Conference shall normally be the following:

- Finance Committee
- Committee on Eligibility of Candidates for membership of the Directing Committee.

RULE 23

Each Member may be represented by one or more persons on each Committee or other subsidiary body established by the Conference.

RULE 24

The Conference shall elect the Chairman and Vice-Chairman of each Committee formed. Sub-committees and subsidiary bodies shall elect their own chairmen and vice-chairmen.

RULE 25

- a) The procedure laid down in Rules 6, 14(c), 19, 20, 26, 33 to 48, 51, 57 and 58 of these Rules of Procedure shall be applicable mutatis mutandis to proceedings of committees and other subsidiary bodies unless, in establishing them, the Conference decides otherwise.
- b) Decisions of committees and other subsidiary bodies shall be taken by a simple majority of Members present except as provided otherwise for the Finance Committee (Rule 32). Each Member shall have one vote.

RULE 26

The committees' reports, conclusions and recommended resolutions shall be submitted for approval to the appropriate plenary session of the Conference.

Finance Committee**RULE 27**

The supervision of the financial administration of the Organization shall be exercised by a Finance Committee.

RULE 28

Each Member may be represented by one delegate on the Finance Committee.

RULE 29

The Committee shall meet during sessions of the Conference. It may meet in extraordinary session between Conferences on the request of three Members or of the Directing Committee. The dates of meetings of the Finance Committee shall be fixed by the Chairman in arrangement with the Directing Committee.

RULE 30

The Chairman of the Finance Committee shall be elected at the first plenary session of the Conference. He shall be assisted by a Vice-Chairman elected at the same time. The duties of the Chairman and Vice-Chairman shall normally continue for the five years between Conferences.

RULE 31

In the event of the Chairman's resignation, or if circumstances prevent him from fulfilling the duties of his office, the Vice-Chairman shall automatically replace him.

RULE 32

The decisions of the Finance Committee shall be made by a majority of two-thirds of the Members present. Each delegate shall have one vote.

Secretaries of the Conference**RULE 33**

The Directing Committee shall nominate suitable members of the Bureau Staff to act as Administrative and Technical Secretary of the Conference.

Secretariat**RULE 34**

The Directing Committee shall be responsible for making the necessary arrangements for the Conference and its subsidiary bodies. The Directors, or a member of the Bureau Staff designated by them for the purpose, may make either oral or written statements concerning any question under consideration.

RULE 35

The Bureau shall prepare summary records, in English and French, of all meetings. These summary records shall be distributed to the participants as soon as possible after the closing of the meetings to which they relate. The participants shall inform the Bureau in writing of any corrections to their own statements that they wish to have made; such corrections should normally be made within two working days.

RULE 36

It shall be the duty of the Bureau to receive, translate and circulate to Members all reports, resolutions, recommendations and other documents of the Conference and its subsidiary bodies.

Languages**RULE 37**

The working languages of the Conference shall be English, French, Spanish and Russian for purposes of simultaneous interpretation of the proceedings. Speeches at sessions of the Conference and its committees shall be made in one of the working languages and will be interpreted into the other three languages.

RULE 38

- a) All supporting documents to agenda items of the Conference and its subsidiary bodies and summary records shall be issued in the official languages of the Organization, English and French.
- b) All reports, resolutions, recommendations and decisions of the Conference and its subsidiary bodies shall be drawn up in one of the official languages and translated into the other.

Conduct of business

RULE 39

A majority of the Members represented at the Conference shall constitute a quorum for meetings of the Conference. At meetings of Committees and subsidiary bodies a majority of Member States which are members of that body shall form a quorum.

RULE 40

No representative may address the Conference without having previously obtained the permission of the President. The President shall call upon speakers in the order in which they signify their desire to speak. The President may call a speaker to order if his remarks are not relevant to the subject under discussion.

RULE 41

During the discussion of any matter, a representative may rise to a point of order, and the point of order shall be immediately decided by the President in accordance with these Rules of Procedure. A representative may appeal against the ruling of the President. The appeal shall be put to the vote immediately and the President's ruling shall stand unless overruled by a majority of the Members present. A representative rising to a point of order may not speak on the substance of the matter under discussion.

RULE 42

The Conference may, on the proposal of the President, limit the time to be allowed to each speaker on any particular subject under discussion.

RULE 43

Subject to the provisions of Rule 41, the following motions shall have precedence, in the order indicated below, over all other proposals or motions before the meeting :

- a) to suspend a meeting
- b) to adjourn a meeting
- c) to adjourn the debate on the question under discussion, and
- d) for the closure of the debate on the question under discussion.

Permission to speak on a motion falling within a) to d) above shall be granted only to the proposer and, in addition, to one speaker in favour of and two against the motion, after which it shall be put immediately to the vote.

RULE 44

If two or more proposals relate to the same subject, the Conference, unless it decides otherwise, shall vote on the proposals in the order in which they have been submitted. Proposed amendments to parts of the "Basic Documents of the IHO" which require different majorities for approval shall be in separate proposals.

RULE 45

Parts of a proposal or an amendment thereto shall be voted on separately, if the President so decides, or if any representative of a Member requests that the proposal be divided. The resulting proposal shall then be put to a final vote in its entirety; if all the operative parts of a proposal or amendment have been rejected, the proposal or amendment shall be considered to be rejected as a whole.

RULE 46

A motion is considered to be an amendment to a proposal if it merely adds to, deletes from, or revises part of that proposal. An amendment shall be voted on before the proposal to which it relates is put to the vote and if the amendment is adopted the amended proposal shall then be voted on. Once a motion or proposal has been put to the vote and either adopted or rejected, no further motions or amendments to that motion or proposal shall be discussed. This does not preclude the introduction of a new proposal in accordance with Article 9(c) of the General Regulations.

RULE 47

If two or more amendments are moved to a proposal, the Conference shall first vote on the amendment deemed by the President to be furthest removed in substance from the original proposal, and then on the amendment next furthest removed therefrom, and so on, until all amendments have been put to the vote.

RULE 48

A motion may be withdrawn by its proposer at any time before voting on it has begun, provided that the motion has not been amended or that an amendment to it is not under discussion. A motion withdrawn may only be re-introduced if signed by representatives of three Members (see Rule 14(c)).

Voting**RULE 49**

Decisions of the Conference shall be made in accordance with Articles V, VI and XXI of the Convention.

RULE 50

Conference decisions shall be made by a simple majority of the Members represented at the Conference except where the Convention provides otherwise. When voting for or against is evenly divided, the President of the Conference shall be empowered to make a decision.

RULE 51

The phrase "Members represented at the Conference" means Members present at the meeting. Participants in the session who are not present at the meeting at which voting takes place shall be considered as not present.

RULE 52

In the case of resolutions to be inserted in the Repertory of Technical Resolutions, the majority shall in any event include the affirmative votes of not less than one third of the Members of the Organization.

RULE 53

Decisions of the Conference relating to proposed amendments to the Convention shall be made by a two-thirds majority of the Members represented at the Conference. When a proposed amendment has been approved by the Conference it shall be submitted, through diplomatic channels, to all Contracting Parties. The amendment shall enter into force for all Contracting Parties three months after approval by two-thirds of the Contracting Parties.

RULE 54

Decisions of the Conference relating to proposed amendments to the General Regulations and Financial Regulations shall be made by a two-thirds majority of the Members of the Organization. This majority

shall also be required for the adoption of any other particular regulations that may prove to be necessary, notably on the status of the Directors and Staff of the Bureau.

RULE 55

The budget of the Bureau shall be approved by a two-thirds majority of the Members represented at the Conference.

RULE 56

Each Member shall have one vote. However, for the voting on the questions referred to in Article V(b) of the Convention, each Member shall have a number of votes determined by a scale established in relation to the tonnage of its fleets.

RULE 57

A representative of one Member's delegation may not vote on behalf of another Member.

RULE 58

The Conference shall normally vote by show of hands. However, any Member may request a roll-call vote, which shall be taken in the French alphabetical order of the names of the Members, beginning with the Member whose name is drawn by lot by the President. The vote of each Member in any roll-call shall be inserted in the summary record of the meeting concerned.

Elections

RULE 59

The election of the members of the Directing Committee and its President shall be held by secret ballot. During the elections delegates who are not entitled to vote, and observers, shall leave the Conference Hall.

RULE 60

- (a) Each Member present at the Conference shall receive voting papers in conformity with the number of votes to which he is entitled in accordance with the provisions of the Convention and the current Table of Shares, Contributions and Votes.
- (b) To register their votes for electing each member of the Directing Committee, in each of the three ballots, the delegations shall inscribe on a number of voting papers equal to the number of votes to which each delegation is entitled, the name of one of the candidates whom they wish to elect.
- (c) In each successive ballot, the candidate being voted for must be of a different nationality from one already elected.
- (d) Any voting paper not completed in strict accordance with paragraphs (b) and (c) above shall be nullified.

RULE 61

The President shall appoint five scrutineers from the delegations present who shall proceed to scrutinize the votes cast. All invalid votes cast shall be reported to the Conference.

RULE 62

The candidate obtaining the highest number of votes in each ballot shall be declared elected. If two or more candidates obtain the same number of votes, making it impossible to fill the three posts under the

conditions prescribed in the previous sentence, there shall be a further ballot to determine the relative positions only of those candidates who obtained the same number of votes.

RULE 63

A second election shall be held to determine the precedence in the positions of the three newly-elected Directors. The candidate obtaining the highest number of votes shall be declared elected as President of the Directing Committee. The precedence of the remaining two Directors shall be established according to the number of votes each has obtained. In the event of a tie, a second ballot shall be held to determine the relative positions of the Directors who obtained the same number of votes.

Amendment of Rules of Procedure

RULE 64

- a) These Rules of Procedure, except when they reproduce provisions of the Convention, may be amended by a decision of the majority of the Members represented at the Conference.
- b) Between sessions of the Conference amendments may be adopted by correspondence in conformity with the provisions of Article VI 6) of the Convention.

Overriding authority of the Convention

RULE 65

In the event of conflict between any provision of these Rules and any provision of the Convention (including its annexed Regulations), the Convention shall prevail.

**AGREEMENT BETWEEN THE IHO AND THE GOVERNMENT OF
H.S.H. THE PRINCE OF MONACO REGARDING THE
HEADQUARTERS OF THE ORGANIZATION**

AGREEMENT

BETWEEN THE INTERNATIONAL HYDROGRAPHIC ORGANIZATION AND THE GOVERNMENT OF H.S.H. THE PRINCE OF MONACO CONCERNING THE HEADQUARTERS OF THE ORGANIZATION AND ITS PRIVILEGES AND IMMUNITIES ON THE TERRITORY OF THE PRINCIPALITY

The International Hydrographic Organization, hereinafter referred to as the Organization, and the Government of H.S.H. the Prince of Monaco,

Considering that Article I of the inter-governmental Convention on the International Hydrographic Organization, signed on 3 May 1967, provides that the headquarters of the Organization shall be in Monaco,

Desiring to determine the conditions of the establishment of such headquarters and to define the privileges and immunities of the Organization in Monaco,

Have agreed as follows :

ARTICLE 1

The Government of H.S.H. the Prince of Monaco recognizes the legal personality of the Organization and its capacity to :

- a) contract,
- b) acquire and dispose of movable and immovable property,
- c) institute legal proceedings.

ARTICLE 2

The Organization shall enjoy on Monegasque territory the independence and liberty of action to which it is entitled as an intergovernmental organization, and in accordance with the provisions of this Agreement.

ARTICLE 3

- I. The headquarters of the Organization shall comprise the premises it now occupies or may occupy for the fulfilment of its duties, exclusive of any premises used for residential purposes by its Staff.
- II. The premises currently occupied by the Bureau of the Organization in the building located Quai Antoine 1er (No. 4) shall be granted free of charge for use of the Organization for a period of 99 years, from 1st September 1996, by the Principality, which, in addition to the normal owner's responsibilities, agrees to assume responsibility for expenses for its heating, lighting and water supply; the Organization shall be responsible for other expenses incurred in upkeep of the interior which are normally the responsibility of the occupant.

ARTICLE 4

- I. The headquarters of the Organization shall be inviolable. Officers and officials of the Principality of Monaco shall be entitled to enter only with the consent of, or at the request of, the President of the Directing Committee or a person acting on his behalf. This consent may be assumed in the case of fire or other disasters requiring prompt protective action.
- II. The Organization shall not allow its premises to be used by any person seeking refuge from justice following a crime or serious offence or against whom a writ, a legal sentence, a deportation order, or a decision to expel has been issued by the authorities in Monaco.

ARTICLE 5

- I. The Organization shall enjoy immunity from legal process except in so far as in any particular case the Organization has expressly waived immunity, the waiver being notified by the President of the Directing Committee or a person acting on his behalf.
- II. The movable property and assets of the Organization, wherever located, and the buildings which constitute its headquarters, shall enjoy immunity from execution except in so far as in any particular case the Organization has expressly waived immunity, the waiver being notified by the President of the Directing Committee or a person acting on his behalf.
- III. The property referred to in paragraph II above shall also enjoy immunity from search, requisition, confiscation or sequestration and from any other form of administrative or legal constraint.

ARTICLE 6

The archives of the Organization and, in general, all documents owned or held by it shall be inviolable.

ARTICLE 7

- I. Without being subject to financial control, regulation or moratoria, the Organization shall have the right, within the scope of its official activities, freely to:
 - a) receive and hold funds and currency of any nature and operate accounts in any currency;
 - b) transfer its funds and currency within the territory of Monaco and from Monaco to another country or vice-versa.
- II. In exercising the rights conferred on it by this Article, the Organization shall take account of any representations made to it by the Government of H.S.H. the Prince of Monaco in so far as it considers that these can be complied with without prejudice to its own interests.

ARTICLE 8

- I. The Organization, its assets, income and other property shall be:
 - exempt from all direct tax, it being understood, however, that the Organization shall not seek exemption from taxes which are, in fact, only payment for services rendered;
 - exempt from taxes on import and export of goods and from prohibition and restrictions on imports and exports as regards goods or items imported or exported by the Organization for official purposes as defined in Article VIII of the Convention of 3 May 1967 referred to above (particularly all hydrographic, oceanographic and nautical publications, issued by the Bureau or received by the Bureau from States Members of the Organization, from States with which the Bureau corresponds, or scientific organizations), it being understood, however, that goods or items imported under such conditions may in no circumstances be disposed of, nor may they be lent out free of charge, on Monegasque or French territory, except with the prior agreement of the relevant Monegasque or French authorities.

The above facilities shall in no way be considered as preventing the relevant authorities from taking appropriate security measures.

- II. The Organization shall be responsible in the normal way for the payment of indirect tax included in the price of goods sold or services rendered. However, any such tax paid on large purchases or operations effected by the Organization for the purposes defined in the preceding paragraph

shall be reimbursable under conditions to be determined by mutual agreement between the Organization and the Government of H.S.H. the Prince of Monaco.

ARTICLE 9

In so far as is compatible with the international conventions, regulations and arrangements to which the Government of H.S.H. the Prince of Monaco is party, the Organization shall enjoy, in respect of its official communications of whatever nature, terms at least as favourable as those accorded to diplomatic missions in Monaco as regards any priority in communications and freedom of such communications.

ARTICLE 10

- I. The Government of H.S.H. the Prince of Monaco shall undertake, except where reasons of public order preclude it, to permit the entry into the Principality and the residence therein, without charge for visas and without delay, for the term of their duty or mission with the Organization, of representatives of Member Governments and observers from States with which the Bureau corresponds who are invited to participate in the sessions of the organs of the Organization or in conferences or meetings convened by the latter, as well as experts or persons called by it for consultative purposes.
- II. The persons concerned may not, for the duration of their missions, be compelled by the Monegasque authorities to leave the territory of Monaco save where they have abused the privileges of residence accorded to them in activities unconnected with their duties or missions with the Organization. The right of the Government of H.S.H. the Prince of Monaco to expel such officials would, however, be exercised only after prior consultation with the President of the Directing Committee or a person acting on his behalf.
- III. Such persons are not exempt from application of the effective rules governing quarantine and public health.
- IV. During their missions and when travelling on the territory of the Principality, the persons referred to in this Article shall enjoy :
 - (a) immunity from personal arrest or detention and from seizure of personal baggage, except if caught in the act of committing an offence, and
 - (b) inviolability of official papers and documents.
- V. If such persons are not of Monegasque nationality or permanently resident in Monaco, they shall also enjoy immunity from judicial process, even after completion of their mission, for all acts, including words spoken and written, done by them in the performance of their official duties, within the scope of their responsibility. This immunity shall not apply in the case of infringement by the persons concerned of the regulations governing the circulation of motor vehicles or of damage caused by a motor vehicle owned or driven by them.

ARTICLE 11

The Personnel of the Organization comprises:

- (a) the three Directors of the Bureau;
- (b) the Assistants, Heads of sections, permanent officials with duties of responsibility in the fields of the technical or administrative activities of the Bureau;
- (c) the other permanent officials charged with execution of work in the technical or administrative sections of the Bureau;
- (d) non-permanent employees.

ARTICLE 12

- I. The personnel specified in Article 11 (a), (b) and (c) shall be accorded :

- (a) immunity from judicial process, even after termination of their duties, for all acts, including words spoken and written, done by them in the performance of their official duties within the scope of their responsibility. Such immunity shall not apply in the case of infringement by an official of the regulations governing the circulation of motor vehicles or of damage caused by a motor vehicle owned or driven by him;
 - (b) exemption from any possible tax on the remuneration received for their activities with the Organization;
 - (c) the conditions provided in Article 10 above as regards entry into Monaco and residence therein;
 - (d) if they were formerly resident abroad, the right to import their household and personnel effects free of customs duty when first taking up their duties;
 - (e) a special identity card issued by the relevant authorities for themselves, their wives and dependent children;
 - (f) in periods of international crisis, the facilities for repatriation offered to members of diplomatic missions.
- II. Furthermore, personnel in categories (a) and (b) shall be entitled to free temporary importation of a motor vehicle.
- III. The Government of H.S.H. the Prince of Monaco is not bound to accord to permanent residents of Monaco of French nationality the privileges mentioned in paragraph I(b) above, nor to its own citizens and to permanent residents of Monaco the privileges mentioned in paragraph I (c, d, f) and paragraph II above.

ARTICLE 13

- I. The privileges and immunities provided for in this Agreement are not established with a view to granting the beneficiaries any personal advantages. They are instituted solely to ensure in all circumstances, the free functioning of the Organization and the complete independence of the persons on whom they are conferred.
- II. The President of the Directing Committee or, in his absence, a person acting on his behalf, or, in the case of representatives at the general Conference, the Government of the State concerned, shall have the right and the duty to waive such immunities when they consider that such immunities will impede the course of justice and when this can be done without prejudice to the interests of the Organization.

ARTICLE 14

The provisions of this Agreement shall not affect the right of the Government of H.S.H. the Prince of Monaco to take any measures it may consider advisable for the security of Monaco and the safeguard of public order.

ARTICLE 15

Any difference of opinion between the Government of H.S.H. the Prince of Monaco and the International Hydrographic Organization concerning the interpretation of this Agreement, if not settled by negotiation, shall be referred for a final and irrevocable decision to a committee of three judges, comprising :

- (a) an arbiter designated by the Government of H.S.H. the Prince of Monaco,
- (b) an arbiter designated by the Organization;
- (c) an arbiter designated by both parties by mutual agreement, or, should such agreement not be obtained, by the President of the International Court of Justice.

ARTICLE 16

- I. This Agreement shall enter into force following exchange of the instruments of approval of the Government of H.S.H. the Prince of Monaco and notification of approval by the International Hydrographic Organization.
- II. At the request of either Party, consultations shall take place respecting the implementation, revision or extension of this Agreement. In the event of negotiations not resulting in an accord within a period of one year, this Agreement may be denounced by giving two years' notice.

Done at Monaco, on the tenth day of August, nineteen hundred and seventy-eight, in two copies in the French language.

The President of the Directing Committee
of the International Hydrographic Bureau

The Minister of State

(signed)

(signed)

Rear Admiral George Stephen RITCHIE

André SAINT-MLEUX

APPENDIX

DECREES, ORDERS AND MEMORANDUMS

MINISTRY OF FOREIGN AFFAIRS

**Decree No. 77-417 of 8 April 1977 publishing the exchange of letters
of 31 May 1976 between France and Monaco concerning
the privileges and immunities of
the International Hydrographic Organization. ¹**

UNOFFICIAL IHB TRANSLATION OF THE DECREE

The President of the Republic,
Further to the report by the Prime Minister and the Minister of Foreign Affairs;
In view of Articles 52 to 55 of the Constitution;
In view of Law No. 76-1198 of 24 December 1976 authorizing approval of the exchange of letters signed in Paris on 31 May 1976 between the Government of the French Republic and the Principality of Monaco concerning the privileges and immunities of the International Hydrographic Organization;
In view of decree No. 70-1154 of 7 December 1970 publishing the Convention on the International Hydrographic Organization, opened for signature in Monaco on 3 May 1967 and its General and Financial Regulations;
In view of the decree of 14 March 1953 concerning the ratification and publication of international engagements to which France is a party;
In view of the decree of 7 April 1977 concerning the exercising of the functions of Prime Minister during the absence of Mr. Raymond Barre :

Decrees :

Article 1, - The exchange of letters of 31 March 1976 between France and Monaco concerning the privileges and immunities of the International Hydrographic Organization shall be published in the "*Journal officiel*" of the French Republic.

Article 2. – The Prime Minister and the Minister of Foreign Affairs are charged with the execution of this decree.

Done at Paris, 8 April 1977

VALÉRY GISCARD D'ESTAING.

By the President of the Republic,
For the Prime Minister and on his authority :
Le garde des sceaux, Minister of Justice,
ALAIN PEYREFITTE.

Minister of Foreign Affairs,
LOUIS DE GUIRINGAUD.

¹ The formalities provided for in Article 5 (§ 4) of the present exchange of letters, with a view to their entry into force, were completed on the Monaco side on 11 June 1976 and on the French side on 18 February 1977.

EXCHANGE OF LETTERS OF 31 MAY 1976
BETWEEN FRANCE AND MONACO ON THE SUBJECT OF
THE PRIVILEGES AND IMMUNITIES OF THE
INTERNATIONAL HYDROGRAPHIC ORGANIZATION

To His Excellency Monsieur JEAN SICURANI,
Minister of Monaco

Monsieur le Ministre,

The International Convention on the International Hydrographic Organization signed on 3 May 1967 states that the headquarters of the Organization are established in Monaco.

In application of this Convention, the Monaco Government and the Organization envisage the signing of a Host Agreement to define the relevant conditions and to determine the privileges and immunities of the Organization in Monaco.

The Government of the French Republic is concerned in two capacities by this matter.

In the first place, it is, in fact, a Party to the Convention of 3 May 1967 which provides in its Article XIII that the Organization shall enjoy on the territory of each of its members such privileges and immunities as may be necessary for the exercise of its functions and the fulfilment of its object.

In the second place, certain privileges and immunities are the subject of special agreements between France and Monaco.

Consequently, and in order to facilitate the functioning of the Organization, I have the honour to inform you that the French Government, for its part, is prepared to adopt the following provisions:

Article 1

Without being subject to financial control, regulation or moratoria, the Organization shall have the right, within the scope of its official activities, freely to :

- a) Receive and hold funds and currency of any nature and operate accounts in any currency;
- b) Transfer its funds and currency within the territory of Monaco and from Monaco to another country or vice-versa.

Article 2

The Organization, its assets, income and other property, shall be exempt from duty and taxes on importation or exportation and from prohibition and restrictions on imports or exports in respect of goods or items imported or exported by the Organization for official use as defined in Article VIII of the Convention of 3 May 1967 referred to above (notably all hydrographic, oceanographic and nautical publications, issued by the Bureau or received by the Bureau from Member States of the Organization, from States with which the Bureau corresponds, or scientific organizations), it being understood, however, that goods or items imported under such conditions may in no circumstances be disposed of, nor may they be lent out free of charge or hired out on Monegasque or French territory except with the prior agreement of the relevant Monegasque or French authorities.

The above facilities shall in no way be considered as preventing the relevant authorities from taking appropriate security measures.

Article 3

Except where reasons of public order preclude this, authorization to enter and to reside in the Principality without charge for visas and without delay for the term of their duty or mission with the Organization shall be granted to representatives of Member Governments and observers from States with which the Bureau corresponds who are invited to participate in the sessions of the organs of the Organization or in conferences and meetings convened by the latter as well as experts or persons called by it for consultative purposes.

Article 4

The personnel of the Organization comprises:

- a) The three Directors of the Bureau;
- b) The assistants, heads of sections, permanent officials with duties of responsibility in the fields of the technical or administrative activities of the Bureau;
- c) The other permanent officials charged with the execution of work in the technical or administrative sections of the Bureau;
- d) Non-permanent employees.

Article 5

1. The personnel in categories a), b) and c) shall be accorded:
 - a) Exemption from any possible tax on the remuneration received for their activities with the Organization;
 - b) The conditions provided in Article 3 above as regards entry into Monaco and residence therein;
 - c) If they were formerly resident abroad, the right to import their house hold and personal effects free of customs duty when first taking up residence;
 - d) A special identity document issued by the relevant authorities for themselves, their spouse and their dependent children;
 - e) In periods of international crisis, the repatriation facilities offered to members of diplomatic missions.
2. Furthermore, personnel in categories a) and b) shall be entitled to free temporary importation of their motor vehicle.
3. The French Government is not bound to accord to its own subjects or to permanent residents in France or in Monaco the privileges referred to in paragraph 1 b), c), d), e) and in paragraph 2 above.
4. The French Government is not bound to accord the privilege referred to in paragraph 1 a) of this article:
 - To its own subjects resident in France;
 - To its own subjects resident in the Principality of Monaco but subject to tax in France by virtue of Article 7-I of the Franco-Monegasque tax agreement of 18 May 1963;
 - To permanent residents in France,

unless the Organization institutes an effective internal tax on its officials. In this case the French Government will subject to income tax the income other than the official salary at a rate applicable to the entire income of its own subjects and the permanent residents referred to above.

The provisions of said paragraph 1 a) are not applicable to pensions paid by the Organization to its former officials resident in France or taxable in France under article 7-I of the Convention of 18 May 1963 referred to in the previous paragraph.

If the provisions set out herein meet with the agreement of the Government of Monaco, I have the honour to propose that this letter and Your Excellency's reply should constitute the understanding of

the Government of H.S.H. the Prince of Monaco and the Government of the French Republic and that this agreement should enter into force thirty days after the date on which the two Governments have notified one another of the completion of their respective formalities of approval.

Yours sincerely,

CLAUDE CHAVET
