

**INTERNATIONAL HYDROGRAPHIC
ORGANIZATION**



**ORGANISATION HYDROGRAPHIQUE
INTERNATIONALE**

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**CIRCULAR LETTER No. 42/2005
25 April 2005**

**THIRD EXTRAORDINARY INTERNATIONAL HYDROGRAPHIC
CONFERENCE DECISIONS**

APPROVED PROTOCOL OF AMENDMENTS TO THE IHO CONVENTION

Dear Hydrographer,

I am pleased to provide you herewith a list of the Decisions taken by the Third Extraordinary International Hydrographic Conference, held in Monaco from 11 to 14 April 2005.

By Decision N° 2, the Conference approved the proposed amendments to the present Convention, in accordance with the "Protocol of Amendments to the IHO Convention". The final text of the Protocol and the annexed Consolidated Convention, as approved by the Conference, are enclosed with this Circular Letter.

You are kindly requested to provide the IHB, by 15 May, with any comments you may wish to make of an editorial nature concerning the enclosed documents.

Please also note that the Draft Summary Records of the 3rd EIHC will be posted on the IHO Web site by Monday 9 May for your consultation. If you have any amendments or corrections to make to these Summary Records, would you please forward them to the IHB by 15 June 2005 at the latest.

Thank you for your cooperation.

On behalf of the Directing Committee
Yours sincerely,



Vice Admiral Alexandros MARATOS
President

Annex A - Decisions of the 3rd EIHC
Annex B - Protocol of Amendments to the IHO Convention
(including the Consolidated Convention)

**DECISIONS OF THE THIRD EXTRAORDINARY INTERNATIONAL
HYDROGRAPHIC CONFERENCE
CONTENTS**

CONFERENCE DECISIONS RESULTING FROM THE APPROVAL OF PROPOSALS SUBMITTED			
DECISION	RELEVANT PROPOSAL	DESCRIPTION	Page
No. 1	PRO 1	ADOPTION OF THE REPORT "A STUDY INTO THE ORGANIZATIONAL STRUCTURE AND PROCEDURES OF THE IHO"	2
No. 2	PRO 2	APPROVAL OF AMENDMENTS TO THE IHO CONVENTION	2
No. 3	PRO 3	AGREEMENT WITH THE PRINCIPLES LAID DOWN FOR THE IHO SUBSIDIARY ORGANS STRUCTURE	2
No. 4	PRO 4	AGREEMENT WITH THE PRINCIPLES LAID DOWN FOR THE PROCEDURES OF SELECTION OF MEMBERS OF THE IHO COUNCIL	2
No. 5	PRO 5	AGREEMENT WITH THE PRINCIPLES LAID DOWN FOR THE GUIDELINES OF ACCREDITATION OF NGIOS	3
No. 6	PRO 6	AGREEMENT WITH THE PRINCIPLES LAID DOWN FOR THE ELIGIBILITY CRITERIA AND TERMS OF OFFICE OF THE SECRETARY-GENERAL AND DIRECTORS	3
No. 7	PRO 7	AGREEMENT WITH THE STRUCTURE OF THE REVISED IHO BASIC DOCUMENTS	3
No. 8	PRO 8	AMENDMENTS TO THE SPWG TERMS OF REFERENCE	3
No. 9	-	DATES OF THE XVIIth INTERNATIONAL HYDROGRAPHIC CONFERENCE - 2007	4
No. 10	-	SEATING ORDER AT THE NEXT CONFERENCE	4

CONFERENCE DECISIONS

DECISION No. 1 NOTING THE REPORT "A STUDY INTO THE ORGANIZATIONAL STRUCTURE AND PROCEDURES OF THE IHO" (PRO 1)

The Conference decided to take note of the Report "A Study into the Organizational Structure and Procedures of the IHO" (CONF.EX3/DOC.1).

DECISION No. 2 APPROVAL OF THE AMENDMENTS TO THE CONVENTION ON THE INTERNATIONAL HYDROGRAPHIC ORGANIZATION (PRO 2)

THE THIRD EXTRAORDINARY INTERNATIONAL HYDROGRAPHIC CONFERENCE,

RECALLING Article XXI of the Convention on the International Hydrographic Organization with annexes, 1970 (the Convention) concerning amendments to the Convention,

HAVING CONSIDERED the report of the SPWG to the 3rd Extraordinary International Hydrographic Conference and the proposal for amendment of the Convention,

DECIDES to approve in accordance with Article XXI of the Convention the amendments to the Convention set forth in the Protocol of Amendments to the IHO Convention including the consolidated version of the Convention as an attachment,

AUTHORISES the President of the Directing Committee of the International Hydrographic Bureau to make such minor grammatical, editorial and spelling corrections, and to make corrections to ensure that the English and French language texts are consistent with each other, as may be necessary,

REQUESTS the Government of His Serene Highness the Prince of Monaco to inform the Member States and the President of the Directing Committee of the date of entry into force of the amendments.

DECISION No. 3 AGREEMENT WITH THE PRINCIPLES LAID DOWN FOR THE IHO SUBSIDIARY ORGANS STRUCTURE (PRO 3)

The Conference agreed with the principles laid down for the IHO subsidiary organs structure, subject to a more detailed study for submission to the next Conference.

DECISION No. 4 AGREEMENT WITH THE PRINCIPLES LAID DOWN FOR THE PROCEDURES OF SELECTION OF MEMBERS OF THE IHO COUNCIL (PRO 4)

The Conference agreed with the principles laid down for the selection procedures of members of the IHO Council (Para 6.2 of the "SPWG Report" CONF.EX3/DOC.1 and Article 16 of the Draft General Regulations (CONF. EX3/INFODOC.1/Rev.1), subject to the following amendments to Article 16 (c) of the Draft General Regulations :-

Revised ARTICLE 16 (c)

- (c) *The remaining one-third of the Council will be drawn from the Member States who have the greatest interest in hydrographic matters and who have not been selected under the procedure described in (b) above. As a starting point, the measure of hydrographic interests is defined by national flag tonnage. The table of national tonnages is derived in accordance with the*

procedures in Articles 5 and 6 of the Financial Regulations. The Secretary-General will determine the one-third of Council membership by identifying Member States in descending order of their tonnage, having confirmed with the Member State their willingness to sit on the Council. The definition of hydrographic interests will be reconsidered at the latest at the second Assembly meeting.

The deadline of the second Assembly for reconsideration will not preclude conclusion of the issue at an earlier date.

DECISION No. 5 AGREEMENT WITH THE PRINCIPLES LAID DOWN FOR THE GUIDELINES OF ACCREDITATION OF NGIOS (PRO 5)

The Conference agreed with the principles laid down for the guidelines of accreditation of NGIOS. The Conference also agreed, following the proposal from Chile, to implement the rules regarding the granting of observer status to NGIOS, with immediate effect.

DECISION No. 6 AGREEMENT WITH THE PRINCIPLES LAID DOWN FOR THE ELIGIBILITY CRITERIA AND TERMS OF OFFICE OF THE SECRETARY-GENERAL AND DIRECTORS (PRO 6)

The Conference agreed with the principles laid down for the eligibility criteria and terms of office of the Secretary-General and Directors as described in Articles 19 & 20 of the Draft General Regulations presented to the Conference as Information Document No. 1 (CONF. EX3/INFODOC.1/Rev.1).

DECISION No. 7 AGREEMENT WITH THE STRUCTURE OF THE REVISED IHO BASIC DOCUMENTS (PRO 7)

The Conference agreed in principle with the structure of the revised IHO Basic Documents to be adopted at a future Conference. The Conference also decided that all comments made by the delegates during the consideration of this Proposal should be taken into consideration in the final draft of the documents.

DECISION No. 8 AMENDMENTS TO THE SPWG TERMS OF REFERENCE (PRO 8)

The Conference approved amendments to the present Terms of Reference for the SPWG. The amended Terms of Reference will be as follows:

1. Give advice, when needed, to the IHB Directing Committee, regarding the content of the Strategic Plan and related Work Programme.
2. Oversee and monitor the content of the Strategic Plan and related Work Programme.
3. The SPWG will include representatives designated by the IHO Regional Hydrographic Commissions. Individual Member States may be represented if they consider it necessary.
4. The SPWG shall request the assistance of legal experts when it is deemed necessary.
5. The Chairman of the SPWG will be elected by the Conference. **(finalized at the 16th Conference).**

6. Consider unresolved IHO matters referred by the 16th Conference and provide a report and recommendations by December 2003. **(finalized at the 3rd EIHC)**
7. Carry out a study on the need to revise the IHO Convention, providing the IHB Directing Committee with recommendations on any changes by December 2003. **(finalized at the 3rd EIHC)**
8. Consider the harmonisation of the texts of the IHO Basic Documents and supply recommendations to the IHB Directing Committee by December 2003. **(finalized at the 3rd EIHC)**
9. Present the results of these studies to the IHB Directing Committee who will circulate a report to Member States by December 2003. **(finalized at the 3rd EIHC)**
10. Co-ordinate comments on the interim reports and produce a final version by April 2004 in time to be considered by an Extraordinary Conference. **(finalized at the 3rd EIHC)**
11. Finalize the Basic Documents based on the decisions of the Conference.
12. Prepare, in consultation with the IHB Directing Committee, an implementation plan to take forward the decisions for adoption at the next ordinary Conference in 2007, or earlier depending upon the date of ratification.
13. Consider the definition of “Hydrographic interests”, and report on the work at the XVIIth IH Conference.

DECISION No. 9 DATES OF THE XVIIth INTERNATIONAL HYDROGRAPHIC CONFERENCE - 2007

The Conference confirmed the dates previously decided for the XVIIth I.H. Conference (2007) from 2 to 13 May 2007. However, noting that the present duration of Conferences, since 2000, is inferior to the preceding ones, the Conference decided that those dates will be refined by the Directing Committee at a later date.

DECISION No. 10 SEATING ORDER AT THE NEXT CONFERENCE

It was established that the order of seating at the XVIIth I.H. Conference would commence with the letter "N".

*PROTOCOL
OF PROPOSED AMENDMENTS
TO THE CONVENTION ON THE
INTERNATIONAL HYDROGRAPHIC ORGANIZATION*

PROTOCOL
of
PROPOSED AMENDMENTS

To the

**CONVENTION
ON THE
INTERNATIONAL HYDROGRAPHIC ORGANIZATION**

Submitted by:

The Strategic Planning Working Group of the International Hydrographic Organization.

References:

- Article XXI (a) of the Convention on the International Hydrographic Organization.
- Decision n° 2 of the XVIth International Hydrographic Conference.

PROPOSAL

The Conference is requested to adopt the text of the amendments of the IHO Convention, which is attached to this proposal.

Explanatory note:

The XVIth IHC by Decision No. 2 tasked the SPWG through its Terms of Reference No. 6-10, to study improvements to the IHO Convention. The justification for the proposed amendments to the Convention and the harmonization of the other Basic Documents is contained in the Report "A Study into the Organizational Structure and Procedures of the IHO" which will be considered by the 3^d EIHC.

DRAFT RESOLUTION
“AMENDMENTS TO THE CONVENTION ON THE INTERNATIONAL HYDROGRAPHIC ORGANIZATION”

THE THIRD EXTRAORDINARY INTERNATIONAL HYDROGRAPHIC CONFERENCE,

RECALLING Article XXI of the Convention on the International Hydrographic Organization with annexes, 1970 (the Convention) concerning amendments to the Convention,

HAVING CONSIDERED the report of the SPWG to the 3rd Extraordinary International Hydrographic Conference and the proposal for amendment of the Convention,

DECIDES to approve in accordance with Article XXI of the Convention the amendments to the Convention set forth in the Protocol of Amendments to the IHO Convention including the consolidated version of the Convention as an attachment,

AUTHORISES the President of the Directing Committee of the International Hydrographic Bureau to make such minor grammatical, editorial and spelling corrections, and to make corrections to ensure that the English and French language texts are consistent with each other, as may be necessary,

REQUESTS the Government of His Serene Highness the Prince of Monaco to inform the Member States and the President of the Directing Committee of the date of entry into force of the amendments.

Article 1

1. The Heading of the Preamble is amended to read as follows:

"The States Parties to this Convention"

2. The following paragraphs are added as the new second, third and fourth paragraphs of the Preamble:

"CONSIDERING that the International Hydrographic Organization is a competent international organization, as referred to in the United Nations Convention on the Law of the Sea, which co-ordinates on a world-wide basis the setting of standards for the production of hydrographic data and the provision of hydrographic services and which facilitates capacity building of National Hydrographic Offices;

"CONSIDERING that the vision of the International Hydrographic Organization is to be the authoritative worldwide hydrographic body which actively engages all coastal and interested States to advance maritime safety and efficiency and which supports the protection and sustainable use of the marine environment;

"CONSIDERING that the mission of the International Hydrographic Organization is to create a global environment in which States provide adequate and timely hydrographic data, products and services and ensure their widest possible use; and"

Article 2

Article II of the Convention is amended to read as follows:

" The Organization shall have a consultative and technical nature. It shall be the object of the Organization:

- (a) *To promote the use of hydrography for the safety of navigation and all other marine purposes and to raise global awareness of the importance of hydrography;*
- (b) *To improve global coverage, availability and quality of hydrographic data, information, products and services and to facilitate access to such data, information, products and services;*
- (c) *To improve global hydrographic capability, capacity, training, science and techniques;*
- (d) *To establish and enhance the development of international standards for hydrographic data, information, products, services and techniques and to achieve the greatest possible uniformity in the use of these standards;*
- (e) *To give authoritative and timely guidance on all hydrographic matters to States and international organizations;*
- (f) *To facilitate coordination of hydrographic activities among the Member States; and*
- (g) *To enhance cooperation on hydrographic activities among States on a regional basis."*

Article 3

Article III of the Convention is amended to read as follows:

"The Member States of the Organization are the States Parties to this Convention."

Article 4

Article IV of the Convention is amended to read as follows:

"The Organization shall comprise:

- *The Assembly;*
- *The Council;*
- *The Finance Committee;*
- *The Secretariat; and*
- *Any subsidiary organs."*

Article 5

Article V of the Convention is amended to read as follows:

- (a) *"The Assembly is the principal organ and shall have all the powers of the Organization unless otherwise regulated by the Convention or delegated by the Assembly to other organs.*
- (b) *The Assembly shall be composed of all Member States.*
- (c) *The Assembly shall meet in ordinary session every three years. Extraordinary sessions of the Assembly may be held at the request of a Member State or of the Council or of the Secretary-General, subject to the approval of the majority of the Member States.*
- (d) *A majority of the Member States shall constitute a quorum for the meetings of the Assembly.*
- (e) *The functions of the Assembly shall be to:*
 - i. *Elect its Chair and Vice-Chair;*
 - ii. *Determine its own rules of procedure and those of the Council, the Finance Committee and any subsidiary organ of the Organization;*
 - iii. *In accordance with the General Regulations, elect the Secretary-General and the Directors and determine the terms and conditions of their service;*
 - iv. *Establish subsidiary organs;*
 - v. *Decide the overall policy, strategy and work programme of the Organization;*
 - vi. *Consider reports put to it by the Council;*
 - vii. *Consider the observations and recommendations put to it by any Member State, the Council or the Secretary-General;*
 - viii. *Decide on any proposals put to it by any Member State, the Council or the Secretary-General;*
 - ix. *Review the expenditures, approve the accounts and determine the financial arrangements of the Organization;*
 - x. *Approve the three-year budget of the Organization;*
 - xi. *Decide on operational services;*
 - xii. *Decide on any other matters within the scope of the Organization; and*
 - xiii. *Delegate, where appropriate and necessary, responsibilities to the Council."*

Article 6

Article VI of the Convention is amended to read as follows:

- (a) *"One-fourth of, but not less than thirty, Member States shall take seats in the Council, the first two-thirds of whom shall take their seats on a regional basis and the remaining one-third on the basis of hydrographic interests, which shall be defined in the General Regulations.*
- (b) *The principles for the composition of the Council shall be laid down in the General Regulations.*
- (c) *Members of the Council shall hold office until the end of the next ordinary session of the Assembly.*
- (d) *Two-thirds of the members of the Council shall constitute a quorum.*
- (e) *The Council shall meet at least once a year.*
- (f) *Member States not being members of the Council may participate in Council meetings but shall not be entitled to vote.*
- (g) *The functions of the Council shall be to:*
 - i. *Elect its Chair and Vice-Chair, each of whom shall hold office until the end of the next ordinary session of the Assembly;*
 - ii. *Exercise such responsibilities as may be delegated to it by the Assembly;*
 - iii. *Co-ordinate, during the inter-Assembly period, the activities of the Organization within the framework of the strategy, work programme and financial arrangements, as decided by the Assembly;*
 - iv. *Report to the Assembly at each ordinary session on the work of the Organization;*
 - v. *Prepare, with the support of the Secretary-General, proposals concerning the overall strategy and the work programme to be adopted by the Assembly;*
 - vi. *Consider the financial statements and budget estimates prepared by the Secretary-General and submit them for approval to the Assembly with comments and recommendations regarding programmatic allocations of the budget estimates;*
 - vii. *Review proposals submitted to it by subsidiary organs and refer them:*
 - *To the Assembly for all matters requiring decisions by the Assembly;*
 - *Back to the subsidiary organ if considered necessary; or*
 - *To the Member States for adoption, through correspondence;*
 - viii. *Propose to the Assembly the establishment of subsidiary organs; and*
 - ix. *Review draft agreements between the Organization and other organizations, and submit them to the Assembly for approval."*

Article 7

Article VII of the Convention is amended to read as follows:

- (a) *"The Finance Committee shall be open to all Member States. Each Member State shall have one vote.*
- (b) *The Finance Committee shall normally be convened in conjunction with each ordinary session of the Assembly and may convene additional meetings as appropriate.*

- (c) *The functions of the Finance Committee shall be to review the financial statements, budget estimates and reports on administrative matters prepared by the Secretary-General and to present its observations and recommendations thereon to the Assembly.*
- (d) *The Finance Committee shall elect its Chair and Vice-Chair”.*

Article 8

Article VIII of the Convention is amended to read as follows:

- (a) *“The Secretariat shall comprise a Secretary-General, Directors and such other personnel as the Organization may require.*
- (b) *The Secretary-General shall 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.*
- (c) *The Secretary-General shall be the chief administrative officer of the Organization.*
- (d) *The Secretary-General shall:*
 - i. *Prepare and submit to the Finance Committee and the Council the financial statements for each year and budget estimates on a three-year basis, with the estimates for each year shown separately; and*
 - ii. *Keep Member States informed with respect to the activities of the Organization.*
- (e) *The Secretary-General shall perform such other tasks as may be assigned by the Convention, the Assembly or the Council.*
- (f) *In the performance of their duties, the Secretary-General, the Directors and the personnel shall not seek or receive instructions from any Member State or from any authority external to the Organization. They shall refrain from any action that may be incompatible with their positions as international officials. Each Member State on its part undertakes to respect the exclusively international character of the responsibilities of the Secretary-General, the Directors and the personnel and not seek to influence them in the discharge of their responsibilities.”*

Article 9

Article IX of the Convention is amended to read as follows:

“Where decisions cannot be reached by consensus, the following provisions shall apply:

- (a) *Except as otherwise provided in this Convention, each Member State shall have one vote.*
- (b) *For the election of the Secretary-General and the Directors, each Member State shall have a number of votes determined by a scale established in relation to the tonnage of their fleets.*
- (c) *Except as otherwise provided in this Convention, decisions shall be taken by a simple majority of Member States present and voting, and if the votes are tied the Chair shall decide.*
- (d) *Decisions taken on matters related to the policy or finances of the Organization, including amendments to the General and Financial Regulations, shall be taken by a two-thirds majority of Member States present and voting.*

- (e) *With respect to subparagraphs (c) and (d) of this Article and subparagraph (b) of Article XX below, the phrase "Member States present and voting" means Member States present and casting an affirmative or negative vote. Member States that abstain from voting shall be considered as not voting.*
- (f) *In the case of a submission to Member States in accordance with Article VI (g) (vii), the decision shall be taken by a majority of the Member States who cast a vote, with the minimum number of affirmative votes being at least one-third of all Member States."*

Article 10

Article X of the Convention is amended to read as follows:

"In relation to matters within its scope, the Organization may cooperate with international organizations whose interests and activities are related to the purpose of the Organization."

Article 11

Article XI of the Convention is amended to read as follows:

"The functioning of the Organization shall be set forth in detail in the General and Financial Regulations, which are annexed to this Convention but do not form an integral part thereof. In the event of any inconsistency between this Convention and the General or Financial Regulations, this Convention shall prevail."

Article 12

Article XIII of the Convention is amended to read as follows:

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

Article 13

- (a) In Article XIV (a) of the Convention, the phrase *"Member Governments"* is replaced by the phrase *"Member States"* throughout.
- (b) In Article XIV (b) of the Convention, *"Finance Committee"* is replaced by *"Assembly"* throughout.

Article 14

Article XV of the Convention is amended to read as follows:

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

Article 15

Article XVI of the Convention is amended to read as follows:

- (a) *“The Government of His Serene Highness the Prince of Monaco shall serve as Depositary.*
- (b) *This original of the Convention shall be held by the Depositary, which shall transmit certified copies of this Convention to all States that have signed it or acceded thereto.*
- (c) *The Depositary shall:*
 - (i) *Inform the Secretary-General and all Member States of applications for accession received by it from States referred to in Article XX (b); and*
 - (ii) *Inform the Secretary-General and all States which have signed this Convention or acceded thereto of:*
 - *Each new signature or deposit of an instrument of ratification, acceptance, approval or accession, together with the date thereof;*
 - *The date of entry into force of this Convention or any amendment thereto; and*
 - *The deposit of any instrument of denunciation of the Convention, together with the date on which it was received and the date on which the denunciation takes effect.*

As soon as any amendment of this Convention enters into force it shall be published by the Depositary and registered with the Secretariat of the United Nations in accordance with Article 102 of the Charter of the United Nations.”

Article 16

In Article XVII of the Convention, the phrase *“Directing Committee”* is replaced by the phrase *“Secretary-General of the Organization”*.

Article 17

Article XX of the Convention is amended to read as follows:

- (a) *“This Convention shall be open for accession by any State that is a member of the United Nations. The Convention shall enter into force for such a State on the date on which it has deposited its instrument of accession with the Depositary, which shall inform the Secretary-General and all Member States.*
- (b) *A State that is not a member of the United Nations may only accede to this Convention by applying to the Depositary, and by having its application approved by two-thirds of the Member States. The Convention shall enter into force for such a State on the date on which it has deposited its instrument of accession with the Depositary, which shall inform the Secretary-General and all Member States.”*

Article 18

Article XXI of the Convention is amended to read as follows:

- (a) *"Any Member State may propose amendments to this Convention. Proposals of amendments shall be transmitted to the Secretary-General not less than six months prior to the next session of the Assembly.*
- (b) *Proposals of amendments shall be considered by the Assembly and decided upon by a majority of two-thirds of the Member States present and voting. When a proposed amendment has been approved by the Assembly, the Secretary-General of the Organization shall request the Depository to submit it to all Member States.*
- (c) *The amendment shall enter into force for all Member States three months after notifications of consent to be bound by two-thirds of the Member States have been received by the Depository."*

Article 19

Article XXII of the Convention is amended to read as follows:

"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 Depository. The denunciation shall take effect upon 1 January next following the expiration of the notice and shall involve the abandonment by the State concerned of all rights and benefits of membership in the Organization."

Article 20

The amendments adopted during the XIIIth and XVth Conferences, which have not entered into force according to Article XXI (c) of the Convention, shall not hereafter enter into force.

IN ACCORDANCE WITH Article XXI (c) of the IHO Convention, the amendments here above mentioned from Article 1 to Article 20 shall enter into force for all Contracting Parties three months after notifications of approval by two-thirds of the Member States have been received by the Depository.

CONVENTION
ON THE
INTERNATIONAL HYDROGRAPHIC
ORGANIZATION
(CONSOLIDATED VERSION)

CONVENTION ON THE INTERNATIONAL HYDROGRAPHIC ORGANIZATION

CONTENTS

ARTICLE	ITEM	PAGE
	PREAMBLE	
I	Establishment and Seat	6
II	Nature and Object	6
III	Members	6
IV	Organs	6
V	The Assembly	6
VI	The Council	7
VII	The Finance Committee	8
VIII	The Secretariat	8
IX	Voting	9
X	Cooperation with non-governmental international organizations	9
XI	Functioning of the Organization defined in General and Financial Regulations	9
XII	Official Languages	9
XIII	Legal Personality – International Status	9
XIV	Funds	10
XV	Arrears in Contributions	10
XVI	Depositary	10
XVII	Disputes	10
XVIII	Signature	10
XIX	Entry into force	11
XX	Accession	11
XXI	Amendments	11
XXII	Denunciation	12
XXIII	Registration with the United Nations Secretariat	12
Annex	Certificate of Registration with the U.N. Secretariat	13

**CONVENTION
ON THE
INTERNATIONAL HYDROGRAPHIC ORGANIZATION**

THE STATES 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;

CONSIDERING that the International Hydrographic Organization is a competent international organization, as referred to in the United Nations Convention on the Law of the Sea which coordinates on a worldwide basis the setting of standards for the production of hydrographic data and the provision of hydrographic services and which facilitates capacity building of National Hydrographic Offices;

CONSIDERING that the vision of the International Hydrographic Organization is to be the authoritative worldwide hydrographic body which actively engages all coastal and interested States to advance maritime safety and efficiency and support the protection and sustainable use of the marine environment;

CONSIDERING that the mission of the International Hydrographic Organization is to create a global environment in which States provide adequate and timely hydrographic data, products and services and ensure their widest possible use; and

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 technical nature. It shall be the object of the Organization:

- (a) To promote the use of hydrography for the safety of navigation and all other marine purposes and to raise global awareness of the importance of hydrography;
- (b) To improve global coverage, availability and quality of hydrographic data, information, products and services and to facilitate access to such data, information, products and services;
- (c) To improve global hydrographic capability, capacity, training, science and techniques;
- (d) To establish and enhance the development of international standards for hydrographic data, information, products, services and techniques and to achieve the greatest possible uniformity in the use of these standards;
- (e) To give authoritative and timely guidance on all hydrographic matters to States and international organizations;
- (f) To facilitate coordination of hydrographic activities among the Member States; and
- (g) To enhance cooperation on hydrographic activities among States on a regional basis.

ARTICLE III

The Member States of the Organization are the States Parties to this Convention.

ARTICLE IV

The Organization shall comprise:

- (a) The Assembly,
- (b) The Council,
- (c) The Finance Committee,
- (d) The Secretariat, and
- (e) Any subsidiary organs.

ARTICLE V

- (a) The Assembly is the principal organ and shall have all the powers of the Organization unless otherwise regulated by the Convention or delegated by the Assembly to other organs.
- (b) The Assembly shall be composed of all Member States.

- (c) The Assembly shall meet in ordinary session every three years. Extraordinary sessions of the Assembly may be held at the request of a Member State or of the Council or of the Secretary-General, subject to the approval of the majority of the Member States.
- (d) A majority of the Member States shall constitute a quorum for the meetings of the Assembly.
- (e) The functions of the Assembly shall be to:
 - (i) Elect its Chair and Vice-Chair;
 - (ii) Determine its own rules of procedure and those of the Council, the Finance Committee and any subsidiary organ of the Organization;
 - (iii) In accordance with the General Regulations, elect the Secretary-General and the Directors and determine the terms and conditions of their service;
 - (iv) Establish subsidiary organs;
 - (v) Decide the overall policy, strategy and work programme of the Organization;
 - (vi) Consider reports put to it by the Council;
 - (vii) Consider the observations and recommendations put to it by any Member State, the Council or the Secretary-General;
 - (viii) Decide on any proposals put to it by any Member State, the Council or the Secretary-General;
 - (ix) Review the expenditures, approve the accounts and determine the financial arrangements of the Organization;
 - (x) Approve the three-year budget of the Organization;
 - (xi) Decide on operational services;
 - (xii) Decide on any other matters within the scope of the Organization; and
 - (xiii) Delegate, where appropriate and necessary, responsibilities to the Council.

ARTICLE VI

- (a) One-fourth of, but not less than thirty, Member States shall take seats in the Council, the first two-thirds of whom shall take their seats on a regional basis and the remaining one-third on the basis of hydrographic interests, which shall be defined in the General Regulations.
- (b) The principles for the composition of the Council shall be laid down in the General Regulations.
- (c) Members of the Council shall hold office until the end of the next ordinary session of the Assembly.
- (d) Two-thirds of the members of the Council shall constitute a quorum.**
- (e) The Council shall meet at least once a year.**
- (f) Member States not being members of the Council may participate in Council meetings but shall not be entitled to vote.**
- (g) The functions of the Council shall be to:**
 - (i) Elect its Chair and Vice-Chair, each of whom shall hold office until the end of the next ordinary session of the Assembly;**
 - (ii) Exercise such responsibilities as may be delegated to it by the Assembly ;
 - (iii) Coordinate, during the inter-Assembly period, the activities of the Organization within the framework of the strategy, work programme and financial arrangements, as decided by the Assembly;
 - (iv) Report to the Assembly at each ordinary session on the work of the Organization;

- (v) Prepare, with the support of the Secretary-General, proposals concerning the overall strategy and the work programme to be adopted by the Assembly;
- (vi) Consider the financial statements and budget estimates prepared by the Secretary-General and submit them for approval to the Assembly with comments and recommendations regarding programmatic allocations of the budget estimates;
- (vii) Review proposals submitted to it by subsidiary organs and refer them:
 - To the Assembly for all matters requiring decisions by the Assembly;
 - Back to the subsidiary organ if considered necessary; or
 - To the Member States for adoption, through correspondence;
- (viii) Propose to the Assembly the establishment of subsidiary organs; and
- (ix) Review draft agreements between the Organization and other organizations, and submit them to the Assembly for approval.

ARTICLE VII

- (a) The Finance Committee shall be open to all Member States. Each Member State shall have one vote.
- (b) The Finance Committee shall normally be convened in conjunction with each ordinary session of the Assembly and may convene additional meetings as appropriate.
- (c) The functions of the Finance Committee shall be to review the financial statements, budget estimates and reports on administrative matters prepared by the Secretary-General and to present its observations and recommendations thereon to the Assembly.
- (d) The Finance Committee shall elect its Chair and Vice-Chair.

ARTICLE VIII

- (a) The Secretariat shall comprise a Secretary-General, Directors and such other personnel as the Organization may require.
- (b) The Secretary-General shall 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.
- (c) The Secretary-General shall be the chief administrative officer of the Organization.
- (d) The Secretary-General shall:
 - (i) Prepare and submit to the Finance Committee and the Council the financial statements for each year and budget estimates on a three-year basis, with the estimates for each year shown separately; and
 - (ii) Keep Member States informed with respect to the activities of the Organization.
- (e) The Secretary-General shall perform such other tasks as may be assigned by the Convention, the Assembly or the Council.
- (f) In the performance of their duties, the Secretary-General, the Directors and the personnel shall not seek or receive instructions from any Member State or from any authority external to the Organization. They shall refrain from any action that may be incompatible with their positions as international officials. Each Member State on its part undertakes to respect the exclusively international character of the responsibilities of the Secretary-General, the Directors and the personnel and not seek to influence them in the discharge of their responsibilities.

ARTICLE IX

Where decisions cannot be reached by consensus, the following provisions shall apply:

- (a) Except as otherwise provided in this Convention, each Member State shall have one vote.
- (b) For the election of the Secretary-General and the Directors, each Member State shall have a number of votes determined by a scale established in relation to the tonnage of their fleets.
- (c) Except as otherwise provided in this Convention, decisions shall be taken by a simple majority of Member States present and voting, and if the votes are tied the Chair shall decide.
- (d) Decisions taken on matters related to the policy or finances of the Organization, including amendments to the General and Financial Regulations, shall be taken by a two-thirds majority of Member States present and voting,
- (e) With respect to sub-paragraphs (c) and (d) of this Article and sub-paragraph (b) of Article XX below, the phrase “Member States present and voting” means Member States present and casting an affirmative or negative vote. Member States that abstain from voting shall be considered as not voting.
- (f) In the case of a submission to Member States in accordance with Article VI (g) (vii), the decision shall be taken by a majority of the Member States who cast a vote, with a minimum number of affirmative votes being at least one-third of all Member States.

ARTICLE X

In relation to matters within its scope, the Organization may cooperate with international organizations whose interests and activities are related to the purpose of the Organization.

ARTICLE XI

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

ARTICLE XII

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

ARTICLE XIII

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

ARTICLE XIV

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

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

ARTICLE XV

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

ARTICLE XVI

- (a) The Government of His Serene Highness the Prince of Monaco shall serve as Depositary.
- (b) This original of the Convention shall be held by the Depositary, which shall transmit certified copies of this Convention to all States that have signed it or acceded thereto.
- (c) The Depositary shall:
 - (iii) Inform the Secretary-General and all Member States of applications for accession received by it from States referred to in Article XX (b); and
 - a. Inform the Secretary-General and all States which have signed this Convention or acceded thereto of:
 - Each new signature or deposit of an instrument of ratification, acceptance, approval or accession, together with the date thereof;
 - The date of entry into force of this Convention or any amendment thereto; and
 - The deposit of any instrument of denunciation of the Convention, together with the date on which it was received and the date on which the denunciation takes effect.

As soon as any amendment of this Convention enters into force it shall be published by the Depositary and registered with the Secretariat of the United Nations in accordance with Article 102 of the Charter of the United Nations.

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 Secretary-General of the Organization 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 XVIII¹

- (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.

¹ Historical provision.

- (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 XIX²

- (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

- (a) This Convention shall be open for accession by any State that is a member of the United Nations. The Convention shall enter into force for such a State on the date on which it has deposited its instrument of accession with the Depositary, which shall inform the Secretary-General and all Member States.
- (b) A State that is not a member of the United Nations may only accede to this Convention by applying to the Depositary, and by having its application approved by two-thirds of the Member States. The Convention shall enter into force for such a State on the date on which it has deposited its instrument of accession with the Depositary, which shall inform the Secretary-General and all Member States.

ARTICLE XXI

- (a) Any Member State may propose amendments to this Convention. Proposals of amendments shall be transmitted to the Secretary-General not less than six months prior to the next session of the Assembly.
- (b) Proposals of amendment shall be considered by the Assembly and decided upon by a majority of two-thirds of the Member States present and voting. When a proposed amendment has been approved by the Assembly, the Secretary-General of the Organization shall request the Depositary to submit it to all Member States.
- (c) The amendment shall enter into force for all Member States three months after notifications of consent to be bound by two-thirds of the Member States have been received by the Depositary.

² Historical provision.

ARTICLE XXII

Upon expiration 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 Depositary. The denunciation shall take effect upon 1 January next following the expiration of the notice and shall involve the abandonment by the State concerned of all rights and benefits of membership in the Organization.

ARTICLE XXIII³

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.

Note: See Annex A.

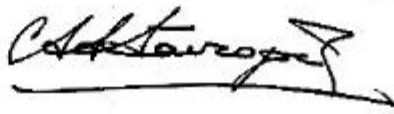
IN WITNESS THEREOF the undersigned, duly authorized thereto, have signed this Convention.

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 States and to the President of the Directing Committee.

³ Historical provision.

Annex A to the IHO Convention

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

<p>CERTIFICATE of REGISTRATION No. <u>16427</u></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>CERTIFICAT d'ENREGISTREMENT</p> <p>Le SECRETAIRE GENERAL des NATIONS UNIES</p> <p>Certifie par la présente 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> <p align="center"></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.

