

**INTERNATIONAL HYDROGRAPHIC
ORGANIZATION**



**ORGANISATION HYDROGRAPHIQUE
INTERNATIONALE**

IHB File No. S1/6000/X-3 + S1/0015

**CIRCULAR LETTER 55/2005
27 May 2005**

**RESOLUTION OF THE THIRD EXTRAORDINARY
INTERNATIONAL HYDROGRAPHIC CONFERENCE
PROTOCOL OF AMENDMENTS TO THE IHO CONVENTION
CONSOLIDATED VERSION OF THE IHO CONVENTION**

Ref: Circular Letter 42/2005 dated 25 April 2005

Dear Hydrographer,

In response to the above-referenced Circular Letter, editorial amendments and corrections to the Protocol of Amendments and the Consolidated Version of the IHO Convention were received from: Canada, France, Germany and UK. The full comments are reproduced in Annex B to this Circular Letter.

The amendments and corrections received have been applied to the two documents, except for one amendment to the third paragraph of the Preamble proposed by Canada, which was a substantive change and not of an editorial nature and could not therefore be accepted.

We are pleased to present you herewith the final versions of the Protocol of Amendments and the Consolidated Version of the IHO Convention, including the Resolution which was adopted by the 3rd Extraordinary I.H. Conference on 14 April 2005. These are the documents which the Directing Committee intends to send to the Government of Monaco for submission to the Governments of all Member States for approval, in accordance with Article XXI of the Convention.

The Directing Committee is grateful to all IHO Member States for their very valuable cooperation.

On behalf of the Directing Committee
Yours sincerely,

Vice Admiral Alexandros MARATOS
President

Annex A – Resolution, Protocol of Amendments and Consolidated Version of the IHO Convention.
Annex B - Member States' Comments in response to CL42/2005.

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.

Adopted on 14 April 2005.

**PROTOCOL
of
AMENDMENTS**

To the

**CONVENTION
ON THE
INTERNATIONAL HYDROGRAPHIC ORGANIZATION**

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 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 services;

"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:

- (a) The Assembly;*
- (b) The Council;*
- (c) The Finance Committee;*
- (d) The Secretariat; and*
- (e) 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 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."*

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 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 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 Depositary.

***CONSOLIDATED VERSION OF THE
CONVENTION ON THE
INTERNATIONAL HYDROGRAPHIC ORGANIZATION
AS AMENDED BY THE PROTOCOL OF AMENDMENTS TO THE
CONVENTION ON THE
INTERNATIONAL HYDROGRAPHIC ORGANIZATION***

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 services;

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

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 the 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:
 - (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 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 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 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 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 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>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>
--	---

The registration took place on 22 September 1970
 under No. 10764
 Done at New York, on 25 January 1971

L'enregistrement a eu lieu le 22 septembre 1970
 sous le n° 10764
 Fait à New York, le 25 janvier 1971

To the Government of the
Principality of Monaco

For the **SECRETARY - GENERAL**
Pour le **SECRETAIRE GENERAL**

Au Gouvernement de la
Principauté de Monaco



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.

**MEMBER STATES' COMMENTS ON PROTOCOL OF AMENDMENTS AND ON
CONSOLIDATED VERSION OF THE IHO CONVENTION
(as submitted in response to CL 42/2005)**

CANADA

Convention on the International Hydrographic Organization

1. Articles I, II, III and IV, p.6 and Article VI, p.7 and Article IX p.9: the bold characters seem to be an oversight – we do not see the need for putting them in bold.
2. Article V(b), p.6: formatting: correct the space to the left of the line.
3. Article XVI (c), p.10: "(iii)" and "a" should be replaced by "(i)" and "(ii)".
4. Pages 10/11: should be consistent in the use of numbers of alpha characters for paragraphs. **Note by IHB: the paragraphs referred to by Canada on pages 10/11 are historical provisions and must not be changed, in accordance with the decision of the SPWG Legal Experts Group.**

Protocol of Proposed Amendments to the Convention on the IHO

1. Article 1, para. 3 of Preamble, delete as indicated below. It is the coastal and interested States that support the protection of the marine environment.

"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;"

Note by IHB: this is a substantive change to the text adopted by the 3rd EIHC and cannot be accepted.

FRANCE

The comments received from France concern the French text only of the two documents (see French version of CL 55/2005).

GERMANY

1. Requests that the order of the documentation and the wording be revised as follows:

The systematics of the documentation circulated is not in line with the decision adopted by the Conference. It should read as follows:

The documentation should start with the Resolution "Amendments to the Convention on the International Hydrographic Organization". This reflects the status of a decision taken by the Conference. The Resolution was adopted by the Conference. The term "Draft" should therefore be deleted.

For the sake of clarification "Adopted on 14 April 2005" should be inserted at the end of the text.

The Resolution refers in its 3rd paragraph to the "Protocol of Amendments to the IHO Convention". Accordingly the "Protocol of Amendments to the Convention on the International Hydrographic Organization" is an attachment to the Resolution. Page 1 of the document circulated, title page, therefore should become the 2nd page of the revised document, followed by the text of Article 1 pp. From the title the word "Proposed" should be deleted, because the amendments have been adopted by the Conference.

Next document in the revised version as an attachment to the Protocol (see 3rd para. of the Resolution) should be the "Consolidated Version of the Convention on the International Hydrographic Organization as amended by the Protocol of Amendments to the Convention on the International Hydrographic Organization". The title of this document should be amended as suggested in order to reflect the status.

Page 3 of the document circulated ("Protocol of Proposed Amendments to the Convention on the International Hydrographic Organization", followed by the text "Submitted by: The Strategic Planning Working Group which will be considered by the 3rd EIHC.") should be deleted, it is of no relevance in this context.

2. In addition Germany requests the following alteration:

2.1 Protocol of Amendments to the Convention on the International Hydrographic Organization

Article 1

In No. 2, the last words of the new 2nd paragraph read "National Hydrographic Offices". The wording adopted by the Conference was "national hydrographic services", see document CONF.EX3/Doc.3 Rev.3, page 7. Germany is of the opinion that this change of wording is not merely an editorial issue. The text as it stands now limits the aim of capacity building to certain institutions which was, in the German understanding, not the intention of the Conference. The text adopted by the Conference refers to national hydrographic services in the broadest sense and is therefore the appropriate term.

2.2 Consolidated Version of the Convention

Preamble, 2nd paragraph

The text as adopted by the Conference is reflected in document CONF.EX3/DOC.4 Rev.5. In addition reference is made to the explanation given on Article 1 of the Protocol.

Germany requests to redraft the wording of the text as approved by the Conference.

3. Germany supports the comments made by the UKHO on the documents circulated.

UNITED KINGDOM

1. Resolution

This document appears within the Protocol of Proposed Amendments to the Convention (see 2 below). It is still headed 'DRAFT RESOLUTION' but it is a Resolution adopted by the III EIHC.

The UK requests that the word 'DRAFT' is deleted.

2. Protocol of Proposed Amendments to the Convention

Title page

The first word, 'PROTOCOL' is not in bold but should be.

The UK requests that the word 'PROTOCOL' is made bold.

Article 1

At paragraph 2, the final words of the new second paragraph of the Preamble are ‘National Hydrographic Offices’, but the III EIHC adopted the words ‘national hydrographic services’^[4]. All words have been given capital initials and the final word has been changed. These amendments are substantive and not merely editorial, since the capitalisation connotes a proper name.

It follows that ‘National Hydrographic Offices’ is to be construed as referring to a class of organization (namely to those organizations calling themselves National Hydrographic Offices) and not as referring to either any other type of body or any type of activity.

To facilitate capacity building of a National Hydrographic Office entails the existence of such an Office, and it is not at all clear that Conference intended to limit the Organization’s activities in this way.

The wording adopted by Conference is, admittedly, ambiguous, since it could refer to ‘services’ in the sense that a ‘service’ can mean an organization or body of some sort or it could refer to ‘services’ provided by an organization or other body. Equally, it could mean both of these things. While ambiguous, this does not present any difficulty but does provide flexibility in deciding where and upon what effort should be expended.

The UK requests that the text is amended to that approved by Conference, so that it reads ‘national hydrographic services’.

In the same paragraph the words ‘co-ordinates’ and ‘world-wide’ are hyphenated, whereas they are not in the consolidated text of the Convention.

The UK requests that the two texts are made consistent.^[5]

Article 2

The first sentence of the revised text is in bold but should not be.

The UK requests that the bold text is made not bold.

Article 4

The whole of the revised text is indented but should not be.

The UK requests that the text is aligned to the left margin.

Article 5

The lower-case Roman numerals denoting the sub-Articles of Article V(e) are not enclosed in parentheses whereas in the consolidated Convention they are.

The UK requests that the two texts are made consistent.^[6]

Article 6

The lower-case Roman numerals denoting the sub-Articles of Article VI(g) are not enclosed in parentheses whereas in the consolidated Convention they are.

The UK requests that the two texts are made consistent.^[7]

⁴ See Conference document ‘CONF.EX3/DOC.3 Rev.3’ at page 7. This document was the final document issued to delegates at the Conference. A document received by the UKHO from the IHB by e-mail of 20 May 2005 (DOC3_Protocol rev4.16AVRIL.DOC) uses the words National Hydrographic Offices. It is not clear to the UK what authority there was for this alteration. The UK’s request is identical to that made below in relation to the consolidated Convention (f/n 10).

⁵ Identical to request below in relation to the consolidated Convention (f/n 6)

⁶ Identical to request below in relation to the consolidated Convention (f/n 8)

Article 8

The lower-case Roman numerals denoting the sub-Articles of Article VIII(d) are not enclosed in parentheses whereas in the consolidated Convention they are.

The UK requests that the two texts are made consistent.^[8]

Article 9

The first sentence of the revised text is indented but should not be.

The UK requests that the indented text is aligned to the left margin

Article 14

The title of the Article is left-aligned and not bold when it should be centred and bold.

The UK requests that the title is centred and made bold.

3. Consolidated version of the ConventionPreamble

A comma is missing in the new second paragraph.

The UK requests the insertion of a comma after the word ‘Sea’ on the second line of the new second paragraph of the Preamble.

In the same paragraph the words ‘coordinates’ and ‘worldwide’ do not contain hyphens whereas they are hyphenated in the Protocol of Amendments to the Convention.

The UK requests that the two texts are made consistent.^[9]

In the same paragraph the UK has the same comments as made above about the words ‘National Hydrographic Offices’ in the Protocol.

The UK requests that the text is amended to that approved by Conference, so that it reads ‘national hydrographic services’.^[10]

In the new third paragraph, on the third line, the text reads ‘engages all coastal and interested States to advance maritime safety and efficiency and support the protection and sustainable use of the marine environment’, whereas in the Protocol the equivalent text reads ‘engages all coastal and interested States to advance maritime safety and efficiency and which supports the protection and sustainable use of the marine environment’.

The meaning of the former is that States will be engaged to support the protection and sustainable use of the marine environment. The meaning of the latter is that the IHO will engage States to advance maritime safety and efficiency and will also itself be a body which supports the protection and sustainable use of the marine environment.

This is a drafting error carried over from Conference, where most concentration was placed on the Protocol, which will be the sole authentic text. The intention of Conference was that it should be the IHO that supports the protection and sustainable use of the marine environment.

⁷ Identical to request below in relation to the consolidated Convention (f/n 9)
⁸ Identical to request below in relation to the consolidated Convention (f/n 10)
⁹ Identical to request above in relation to the Protocol (f/n 5)
¹⁰ Identical to request above in relation to the Protocol (f/n 4)

The UK requests that the text of the Protocol is reproduced in the consolidated Convention, namely that 'support' is replaced by 'which supports'.

Article I

The text is in bold but should not be.

The UK requests that the text is made not bold.

Article II

The text of the first sentence is in bold but should not be.

The UK requests that the text is made not bold.

Article III

Comment and request as for Article I.

Article IV

Comment and request as for Article II.

Additionally, the list of organs uses a comma as a separator, whereas the Protocol uses a semi-colon.

The UK requests that all commas in this Article are replaced by semi-colons.

Article V

The '(b)' in Article V(b) is indented but should not be.

The UK requests that the '(b)' in Article V(b) is aligned to the left margin.

The lower-case Roman numerals denoting the sub-Articles of Article V(e) are enclosed in parentheses whereas in the Protocol they are not.

The UK requests that the two texts are made consistent.^[11]

Article VI

The texts of Article VI(d) through VI(g)(i) are in bold but should not be.

The UK requests that the texts are made not bold.

The lower-case Roman numerals denoting the sub-Articles of Article VI(g) are enclosed in parentheses whereas in the Protocol they are not.

The UK requests that the two texts are made consistent.^[12]

Article VIII

The lower-case Roman numerals denoting the sub-Articles of Article VIII(d) are enclosed in parentheses whereas in the Protocol they are not.

The UK requests that the two texts are made consistent.^[13]

¹¹ Identical to request above in relation to the Protocol (f/n 6)

¹² Identical to request above in relation to the Protocol (f/n 7)

¹³ Identical to request above in relation to the Protocol (f/n 8)

Article IX

Comment and request as for Article II.

At Article IX(f), the final part reads ‘with *a* minimum number of affirmative votes being a least one-third of Member States.’ The equivalent text of the Protocol reads ‘with *the* minimum number of affirmative votes being at least one-third of Member States.’ (Emphasis added.) The latter appears in the text agreed by the SPWG in Tokyo (March ’04) and was not amended by Conference.

The UK requests that the text of the consolidated Convention is amended to read ‘with the minimum number of affirmative votes being at least one-third of Member States.’

Article XVI

The numbering of the sub-Articles to Article XVI(c) is wrong and is inconsistent with that in the equivalent provision in the Protocol.

The UK requests that the numbering be made consistent with that used in the Protocol.

Article XXI

Article XXI(b) begins ‘Proposals of amendment’, whereas the equivalent provision in the Protocol begins ‘Proposals of amendments’. (Emphasis added.) The text of the consolidated Convention is that adopted by the SPWG in Tokyo (March ’04), but it would be better if the text of this Article was consistent with that of Article XXI(a), which refers to ‘amendments’.

The UK requests that the text of the Protocol is used in the consolidated Convention.

Submissions made by Germany

The UK agrees with and supports the submissions made by Germany in relation to the documentation circulated with IHB CL 42/2005.
