

IHB File No. S1/0015

CIRCULAR LETTER 57/2007
21 June 2007

PROTOCOL OF AMENDMENTS TO THE IHO CONVENTION

Dear Hydrographer,

1. Since the 3rd Extraordinary International Hydrographic Conference, where Member States approved the Protocol of Amendments to the IHO Convention, five new Member States have joined the Organization and there are prospects of several more new Member States in the near future.
2. To enter into force, the Protocol of Amendments has to be approved pursuant to Article XXI paragraph 3 of the IHO Convention, which reads:

"3. The amendment shall enter into force for all Contracting Parties three months after notification of approval by two-thirds of the Contracting Parties have been received by the Government of the Principality of Monaco. The latter shall inform the Contracting Parties and the President of the Directing Committee of the fact, specifying the date of entry into force of the amendments".
3. The question that arises is whether the requirement of two-thirds refers to the number of Contracting Parties at the date of the 3rd Extraordinary Conference of 2005 or to a figure at any later date, which may be greater as new Member States join the Organization.
4. This question was briefly discussed at the XVII International Hydrographic Conference under the item of the "Relationship with the Host Nation;" however, no definitive answer could be provided without further examination.
5. The Directing Committee intends to seek the opinion of the Legal Advisory Committee (LAC) in this matter and your comments are also welcome. The opinion of LAC will be passed to Member States for their information, comment and approval, as warranted.

On behalf of the Directing Committee
Yours sincerely,

Vice Admiral Alexandros MARATOS
President