



IHB File No S1/0100

**CIRCULAR LETTER 01/2014/Rev.1
06 January 2014**

**STATUS REPORT ON APPROVALS OF AMENDMENTS TO THE CONVENTION ON THE
IHO
AND OF APPLICATIONS FROM NEW MEMBER STATES**

Dear Hydrographer,

1. The Directing Committee is providing here a revised version of IHO CL 01/2014 as the information given on the status of admission of new Member States did not include the latest updates provided by the Government of Monaco. This omission is regretted and we are pleased to provide you the correct information in this CL. There is no change to the information concerning the status of approval of the Protocol of Amendments to the IHO Convention.

Protocol of Amendments to the Convention on the IHO

2. In order for the proposed amendments to the Convention on the IHO to enter into force, the approval of at least 48 existing Member States, being two-thirds of the Member States entitled to vote at the time of the 3rd Extraordinary International Hydrographic Conference (3EIHC) held in 2005, are required.

3. According to the information provided by the External Relations Department of the Government of Monaco at the end of 2013, 39 of the required 48 Member State Governments (Australia, Bangladesh, Brazil, Canada, Chile, Cuba, Cyprus, Democratic People's Republic of Korea, Denmark, Estonia, Finland, France, Germany, Greece, Iceland, Islamic Republic of Iran, Italy, Japan, Republic of Korea, Latvia, Mexico, Monaco, Morocco, Netherlands, New Zealand, Norway, Pakistan, Papua New Guinea, Peru, Poland, Portugal, Slovenia, South Africa, Spain, Sri Lanka, Sweden, Tunisia, United Kingdom and United States of America) have formally notified their approval of the Protocol of Amendments.

4. Since the 3EIHC, the IHO and the Directing Committee have been progressively adapting the administrative and the organizational arrangements of the IHO to conform to the structure envisaged under an amended Convention. This includes a three-part Work Programme, a strategic planning process, and programme performance monitoring. However, until such time as the proposed Amendments to the Convention are approved, the full effect of the revised arrangements cannot be achieved. These include simplified and more encouraging procedures for the admission of new Member States, improved governance of the organization through the establishment of a Council and more frequent Conferences (Assemblies) where the important strategic issues affecting the IHO can be regularly reviewed and addressed.

5. The Directing Committee is well aware that achieving and obtaining the necessary consideration at the highest levels in the Governments of Member States is sometimes difficult and is often a protracted process. Only two approvals were recorded in 2013. To assist the process, the Government of Monaco provides on a regular basis, through diplomatic channels, letters of reminder to those Governments that have not yet indicated their position regarding the Protocol of Amendments. The Directing Committee

can provide copies of these letters and also stands ready to provide clarifications and support when requested. It is also available to brief relevant government or diplomatic staff, particularly those based in diplomatic missions in Europe. Members of the Directing Committee have undertaken a number of such briefings to Ambassadors in both London and Paris since September 2012. To accompany these visits, the Directing Committee prepared a short summary paper in English, French and Spanish outlining the principal effects of the Amendments. This is being used as a briefing paper. It is included as Annex A to this letter and can also be downloaded from the IHO website.

Accession of New Member States

6. Following the deposit of their Instrument of Accession, Montenegro became the 82nd IHO Member State with effect from 3 December 2013 (see IHO CL 07/2014 dated 14 January 2014).

7. The following States, whose application for membership has been approved in earlier years, have not yet deposited their Instrument of Accession:

Mauritania (application approved in April 1991)

Bulgaria (application approved in April 1992)

Sierra Leone (application approved in September 2010)

Haiti (application approved in November 2012)

8. The Directing Committee has been in communication with the authorities of these States to encourage them to deposit their Instruments of Accession.

Status of Voting for States Applying for IHO Membership

9. Viet Nam applied to become a Member State of the IHO in 2011. Brunei Darussalam and Georgia applied to become Member States of the IHO in 2012. According to the information provided by the External Relations Department of the Government of Monaco, the status of approvals at the end of 2013 was as follows:

Viet Nam had received 41 approvals out of a required 52.

Brunei Darussalam had received 36 approvals out of a required 52.

Georgia had received 38 approvals out of a required 52.

10. A list of those IHO Member States that do not seem to have indicated their position regarding the applications of new States for membership of the IHO is contained in Annex B.

11. In that respect, it is worth noting that the annual Resolution entitled “Oceans and the law of the sea” which was adopted by the General Assembly of the United Nations on 9 December 2013 (currently available as document A/68/L.18 on the UN Documentation System website) encourages IHO Member States to “*actively consider (...) applications of States that wish to become members of that Organization*”. The clauses of this Resolution relevant to hydrographic matters are shown in Annex C for ease of reference.

Conclusion

12. The Directing Committee encourages those representatives of Member States that have not yet indicated to the Government of Monaco their position on the approval of the Protocol of Amendments to the Convention on the IHO to actively follow up this matter with their government authorities, identifying any problems that may be present and, if needed, seek the assistance of the Directing Committee.

13. The Directing Committee also encourages those IHO Member States, whose Governments have not yet indicated to the Government of Monaco their position on the approval of the applications for membership made by Viet Nam, Brunei Darussalam and Georgia to actively encourage their government authorities to consider doing so as soon as possible.

On behalf of the Directing Committee
Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Robert Ward', is centered on the page.

Robert WARD
President

Annexes:

- A. Summary Brief on the Protocol of Amendments to the Convention on the IHO
- B. Status concerning Pending Applications for IHO Membership
- C. UN General Assembly Resolution on “Oceans and the law of the sea”

Copy to:

States whose application for membership has been approved: Bulgaria, Haiti, Mauritania, Sierra Leone

States applying for membership: Brunei Darussalam, Georgia, Viet Nam

Département des relations extérieures du Gouvernement de la Principauté de Monaco

SUMMARY BRIEF ON THE PROTOCOL OF AMENDMENTS TO THE CONVENTION ON THE IHO

The Member States of the IHO approved a Protocol of Amendments to the Convention on the IHO at the 3rd Extraordinary International Hydrographic Conference in April 2005.

For the amendments to come into effect, at least two-thirds of the Member States existing in 2005 must formally accede to the Protocol of Amendments. This means a minimum number of 48 Member States. Monaco is the depositary government for the Convention on the IHO. Accession to the Protocol of Amendments must be indicated by each government communicating with the Government of Monaco through diplomatic channels, indicating its approval of the Protocol of Amendments.

By December 2012, 37 of the minimum number of 48 Member States had acceded to the Protocol of Amendments.

Principal Changes to the Convention

The Amendments to the Convention are intended to achieve a more efficient and responsive organization. The principal amendments to the Convention are as follows:

- Establish a Council to improve the governance and management of the Organization. The Council will meet annually.
- Reduce the programme cycle of the Organization to three years between Conferences (to be known as Assemblies), rather than the current five years between Ordinary Conferences. At present, the Organization needs the agreement of a majority of Member States to call an Extraordinary Conference at the mid-point between Ordinary Conferences in order to review the programme and address specific items.
- Remove the requirement for States applying for membership of the IHO to await the approval of two-thirds of the existing Member States. This will remove an average wait of two to three years before the required majority is achieved. No State has ever been refused entry into the IHO in 92 years.
- Change the elected position of President of the Directing Committee to that of Secretary-General. This will provide an organizational structure similar to most other intergovernmental organizations.

Impact on Existing Member States

The amendments to the Convention do not change any of the existing financial obligations placed on Member States. The amendments to the Convention do not introduce any additional obligations on Member States.

REVIEW OF THE APPLICATIONS TO THE ACCESSION TO THE IHO

MEMBER STATES THAT HAVE NOT YET NOTIFIED THEIR

APPROVAL OF THE APPLICATIONS FOR IHO MEMBERSHIP MADE BY

BRUNEI DARUSSALAM, GEORGIA AND VIETNAM

BRUNEI DARUSSALAM

The following Member States have not yet indicated to the Government of Monaco their position on the approval of the application for membership of the IHO made by Brunei Darussalam:

Algeria	Indonesia	Nigeria	Suriname
Bahrain	Iran (Islamic Republic of)	Oman	Syrian Arab Republic
Bangladesh	Italy	Portugal	Thailand
Chile	Jamaica	Qatar	Tonga
China	Kuwait	Romania	Trinidad & Tobago
Cuba	Latvia	Saudi Arabia	Tunisia
Democratic People's Republic of Korea	Malaysia	<i>Serbia</i> <i>(suspended)</i>	United Arab Emirates
Ecuador	Mauritius	Slovenia	Uruguay
Egypt	Morocco	South Africa	Venezuela (Bolivarian Republic of)
Fiji	Mozambique	Spain	
Germany	Myanmar	Sri Lanka	

GEORGIA

The following Member States have not yet indicated to the Government of Monaco their position on the approval of the application for membership of the IHO made by Georgia:

Algeria	Iran (Islamic Republic of)	Nigeria	Spain
Bahrain	Italy	Oman	Sri Lanka
Canada	Jamaica	Pakistan	Suriname
Chile	Kuwait	Philippines	Syrian Arab Republic
China	Malaysia	Poland	Thailand
Cuba	Mauritius	Portugal	Tonga
Ecuador	Monaco	Russian Federation	Trinidad & Tobago
Egypt	Morocco	Saudi Arabia	Tunisia
Fiji	Mozambique	<i>Serbia</i> <i>(suspended)</i>	United Arab Emirates
Guatemala	New Zealand	South Africa	Venezuela (Bolivarian Republic of)

VIETNAM

The following Member States have not yet indicated to the Government of Monaco their position on the approval of the application for membership of the IHO made by Viet Nam:

Algeria	Iran (Islamic Republic of)	Norway	Sri Lanka
Bahrain	Italy	Oman	Suriname
China	Jamaica	Pakistan	Syrian Arab Republic
Cyprus	Kuwait	Philippines	Thailand
Ecuador	Malaysia	Portugal	Tonga
Egypt	Mauritius	Qatar	Trinidad & Tobago
Fiji	Morocco	Serbia <i>(suspended)</i>	United Arab Emirates
Germany	Mozambique	Slovenia	Venezuela (Bolivarian Republic of)
Indonesia	Myanmar	South Africa	
	Nigeria	Spain	

**EXTRACT FROM UN GENERAL ASSEMBLY RESOLUTION A68/70 ON
“OCEANS AND THE LAW OF THE SEA”
(adopted by the General Assembly on 9 December 2013)**

The General Assembly,

(...)

Recognizing further that hydrographic surveys and nautical charting are critical to the safety of navigation and life at sea, environmental protection, including the protection of vulnerable marine ecosystems, and the economics of the global shipping industry, and encouraging further efforts towards electronic charting, which not only provides significantly increased benefits for safe navigation and management of ship movement, but also provides data and information that can be used for sustainable fisheries activities and other sectoral uses of the marine environment, the delimitation of maritime boundaries and environmental protection, and noting that under the International Convention for the Safety of Life at Sea, 1974, 11 ships on international voyages are required to carry an electronic chart display information system, in accordance with the implementation schedule as set out in that Convention,

(...)

11. *Emphasizes* the need for international cooperation for capacity-building, including cross-sectoral cooperation, at national, regional and global levels, to address, in particular, gaps in capacity-building in ocean affairs and the law of the sea, including marine science;

12. *Calls for* capacity-building initiatives to take into account the needs of developing countries, and calls upon States, international organizations and donor agencies to make efforts to ensure the sustainability of such initiatives;

13. *Calls upon* donor agencies and international financial institutions to keep their programmes systematically under review to ensure the availability in all States, particularly in developing States, of the economic, legal, navigational, scientific and technical skills necessary for the full implementation of the Convention and the objectives of the present resolution, as well as the sustainable development of the oceans and seas nationally, regionally and globally, and in so doing to bear in mind the interests and needs of landlocked developing States;

14. *Encourages* intensified efforts to build capacity for developing countries, in particular for the least developed countries and small island developing States, as well as coastal African States, to improve hydrographic services and the production of nautical charts, including electronic charts, as well as the mobilization of resources and building of capacity with support from international financial institutions and the donor community;

15. *Calls upon* States and international financial institutions, including through bilateral, regional and global cooperation programmes and technical partnerships, to continue to strengthen capacity-building activities, in particular in developing countries, in the field of marine scientific research by, inter alia, training personnel to develop and enhance relevant expertise, providing the necessary equipment, facilities and vessels and transferring environmentally sound technologies;

(...)

128. *Calls upon* States that have not yet done so to consider becoming members of the International Hydrographic Organization, encourages all members of that Organization to actively consider, in accordance with applicable rules and procedures, applications of States that wish to become members of that Organization, and urges all States to work with that Organization to increase the coverage of

hydrographic information on a global basis to enhance capacity-building and technical assistance and to promote safe navigation, particularly through the production and use of accurate electronic navigational charts, especially in areas used for international navigation, in ports and where there are vulnerable or protected marine areas;