

INTERNATIONAL HYDROGRAPHIC ORGANIZATION



**3rd
EXTRAORDINARY
INTERNATIONAL
HYDROGRAPHIC CONFERENCE**

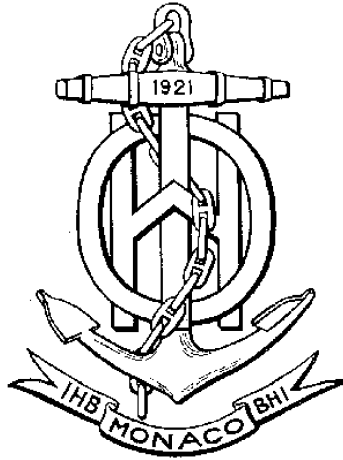
11 – 14 April

2005

MONACO

REPORT OF PROCEEDINGS

INTERNATIONAL HYDROGRAPHIC ORGANIZATION



**3rd EXTRAORDINARY INTERNATIONAL HYDROGRAPHIC
CONFERENCE
Monaco, 11-14 April 2005**

REPORT OF PROCEEDINGS

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INTERNATIONAL HYDROGRAPHIC ORGANIZATION

LIST OF MEMBER STATES (April 2005)

* ALGERIA	* MONACO
* ARGENTINA	MOROCCO
* AUSTRALIA	* MOZAMBIQUE
* BAHRAIN	MYANMAR
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* FRANCE	SURINAME
* GERMANY	* SWEDEN
* GREECE	SYRIAN ARAB REPUBLIC
GUATEMALA	* THAILAND
* ICELAND	TONGA
* INDIA	TRINIDAD AND TOBAGO
* INDONESIA	* TUNISIA
* IRAN	* TURKEY
* ITALY	* UKRAINE
JAMAICA	UNITED ARAB EMIRATES
* JAPAN	* UNITED KINGDOM OF GREAT BRITAIN & NORTHERN IRELAND
* KUWAIT	* UNITED STATES OF AMERICA
* LATVIA	* URUGUAY
* MALAYSIA	* VENEZUELA
* MEXICO	

* Represented at the 3rd Extraordinary International Hydrographic Conference.

3rd Extraordinary International Hydrographic Conference
See List of Participants, Pages 3 to 15



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GENERAL INFORMATION

GENERAL INFORMATION

GENERAL DESCRIPTION OF THE 3rd EXTRAORDINARY INTERNATIONAL HYDROGRAPHIC CONFERENCE

The Third Extraordinary International Hydrographic Conference was held from 11 to 14 April 2005 at the *Auditorium Prince Rainier III*. Some IHO Working Groups and Commissions also held meetings during the conference week.

This Conference was very much overshadowed by the death of HSH Prince Rainier III of Monaco who passed away on 6 April. The Principality of Monaco was in mourning and all festivities and social events were cancelled. The Conference week had to be cut short because of the Sovereign Prince's State Funeral, which was held on Friday 15 April when activities in Monaco came to a complete standstill. The Conference work therefore was completed by Thursday 14 April thanks to the Conference President, who efficiently conducted the proceedings to a successful conclusion, and to the effective participation of all the Conference delegates.

This Conference was held as a result of Decision N° 8 of the 16th I.H. Conference, which approved the holding of an Extraordinary Conference in the first quarter of 2005 to consider a Report to be submitted by the IHO Strategic Planning Working Group.

Dr. Peter Ehlers (Germany) was elected President of the Conference, with Captain Robert Ward (Australia) as Vice-President. A total of 183 delegates and 14 official observers from 69 countries registered at the Conference as well as delegates from the Intergovernmental Oceanographic Commission (IOC), International Association of Institutes of Navigation (IAIN), International Cartographic Association (ICA), International Association of Marine Aids to Navigation and Lighthouse Authorities (IALA), International Commission for the Scientific Exploration of the Mediterranean (CIESM), International Council of Cruise Lines (ICCL), International Federation of Surveyors (FIG), International Maritime Organization (IMO), International Mobile Satellite Organization (IMSO), International Radio-maritime Committee (CIRM) and Regional Organization for the Protection of the Marine Environment (ROPME) were also present.

The Conference was opened on Monday 11 April by the Minister of State of Monaco. A tribute was paid to the memory of His Serene Highness Prince Rainier of Monaco and a minute's silence was observed. The President of the Directing Committee and the President of the Conference delivered Opening Addresses and expressed their sincere condolences on the passing away of His Serene Highness Prince Rainier of Monaco. His Excellency Mr. Patrick LECLERCQ, Minister of State of Monaco, also delivered an address accepting the condolences and declared the Third Extraordinary International Hydrographic Conference officially open.

The Minister of State presented the International Cartographic Association Prize (ICA) for 2004, which was awarded to Ukraine and South Africa. During the Opening Ceremony, the latest IHO Member States, Slovenia, Kuwait and Latvia, formally presented their flags to the Organization.

Following the Opening Ceremony, the Minister of State inaugurated the Hydrographic Exhibition which delegates and observers were able to visit during the conference week. The Exhibition, which included hardware and software for hydrographic and oceanographic data collection, data management, GIS, computer-assisted cartography and ENC production, was of a particularly high quality and received many visitors who found the displays extremely interesting.

A total of eight Proposals submitted by the Strategic Planning Working Group were considered and approved by the Conference; this is reflected in the ten Conference Decisions.

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The following Hydrographic Vessels visited the port of Monaco and were open for visits during their stay in the port: HMS *Enterprise* (UK); *Galatea* (Italy) and USN *Henson* (US).

The Directing Committee wishes to thank HSH Prince Albert II and the Monegasque Government for the support provided to this important event. Thanks are also extended to all the national and international delegates for their contribution to the discussions and to the IHB staff who worked very effectively during the Conference. All these factors greatly contributed to the overall success of this Third Extraordinary Conference.

Following the Conference, a special session on the tsunami that affected the Indian Ocean on 26 December 2004 was held on Saturday 16 April where many Delegates met to discuss this particular situation.

LIST OF PARTICIPANTS
LISTE DES PARTICIPANTS

DELEGATES FROM MEMBER STATES
DELEGUES DES ETATS MEMBRES

(CONF.EX3/G/04)

ALGERIA/ALGERIE

Head of Delegation/Chef de délégation

Colonel Abdelnour AOUNE, Head of the Naval Forces Hydrographic Service

Alternate and Advisor/Adjoint et conseiller

Mr. Tayeb HAIFI, Head of the Nautical Information Office

Mr. Abdelkader MENASRI, Head of the Hydrographic Support Office

ARGENTINA/ARGENTINE

Head of Delegation/Chef de délégation

Captain Raúl Eduardo BENMUYAL, Head of the Naval Hydrographic Service

Alternate and Advisor/Adjoint et conseiller

Cdr. Jorge César LAPENTA, Head, Hydrographic Division

AUSTRALIA/AUSTRALIE

Head of Delegation/Chef de délégation

Captain Rod NAIRN, RAN, Hydrographer of Australia

Alternate and Advisor/Adjoint et conseiller

Captain Robert WARD, RAN, Deputy Hydrographer of Australia

BAHRAIN

Head of Delegation/Chef de délégation

Mr. Abdulwahid AL-AHMED, Chief Hydrographic Office

BANGLADESH

Head of Delegation/Chef de délégation

Captain Nurul HUDA, BN Senior Hydrographer

BELGIUM/BELGIQUE

Head of Delegation/Chef de délégation

Dr. Nathalie BALCAEN

Alternate and Advisor/Adjoint et conseiller

Mr. François DE COCK

BRAZIL/BRESIL

Head of Delegation/Chef de délégation

Vice Admiral Lucio FERNANDES, Director

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Alternate and Advisor/Adjoint et conseiller
Captain (Ret) Wesley CAVALHEIRO

CANADA

Head of Delegation/Chef de délégation
Dr. Savithri NARAYANAN, Dominion Hydrographer, CHS

Alternate and Advisor/Adjoint et conseiller
Mr. Richard MACDOUGALL, Bedford Institute of Oceanography (BIO)
Me. Aziz SAHEB-ETTABA

CHILE/CHILI

Head of Delegation/Chef de délégation
Captain Roberto GARNHAM, Director

Alternate and Advisor/Adjoint et conseiller
Commander Patricio CARRASCO HELLWIG, Head of Investigation and Development
Department

CHINA/CHINE

Head of Delegation/Chef de délégation
Captain GONGCHEN LIU, Executive Director-General, MSA

Alternate and Advisor/Adjoint et conseiller
Mr. BINSHENG XU, Senior Engineer, Dept. of Aids to Navigation and Hydrography
Mr. LIANGYU WANG, Vice-Director, Dept. of Hydrography, Shanghai, MSA
Senior Captain ZHIHAO LIU, Deputy Director-General, Navigation Guarantee Dept.,
Tianjin
Captain RUI WANG, Director, Dept. of Surveying and Mapping
Mr. KWOK CHU NG, Hydrographer, Hong Kong., SAR
Mr. CHUNG KWONG YEUNG, Deputy Hydrographer
Mr. VUN LEONG TONG, Head of Hydrography and Dredging Division, Macau, SAR

COLOMBIA/COLOMBIE

Head of Delegation/Chef de délégation
Rear Admiral Edgar Augusto CELY NUÑEZ

Alternate and Advisor/Adjoint et conseiller
Captain Carlos Enrique TEJADA VELEZ

CROATIA/CROATIE

Head of Delegation/Chef de délégation
Dr. Zvonko GRŽETIĆ, Director

Alternate and Advisor/Adjoint et conseiller
Mr. Željko BRADARIĆ, Assistant Director International Cooperation

CUBA

Head of Delegation/Chef de délégation

Colonel Eloy ALUM ORTIZ, Director

Alternate and Advisor/Adjoint et conseiller

Ing. Hilario CALDERÓN LAMOTTE, Hydrographic and Oceanographic Specialist

CYPRUS/CHYPRE

Head of Delegation/Chef de délégation

Mr. Christos ZENONOS, Chief Hydrographer

DENMARK/DANEMARK

Head of Delegations/Chef de délégation

Mr. Arne NIELSEN, Head of Division

Alternate and Advisor/Adjoint et conseiller

Ms. Hanne BERG

ECUADOR/EQUATEUR

Head of Delegations/Chef de délégation

Commander Arturo ROMERO VELÁSQUEZ, Director of Oceanographic Institute

Alternate and Advisor/Adjoint et conseiller

Lt. Andres PAZMINO

EGYPT/EGYPTE

Head of Delegation/Chef de delegation

Captain Abdul Fattah ALI AHMAD

ESTONIA/ESTONIE

Head of Delegation/Chef de délégation

Mr. Toivo PRELA, Deputy Director General of EMA

Alternate and Advisor/Adjoint et conseiller

Dr. Vaido KRAAV

Dr. Jaan LUTT

Mr. Tõnis SIILANARUSK, Head of Cartography Division

FINLAND/FINLANDE

Head of Delegation/Chef de délégation

Mr. Jukka VARONEN, Assistant Hydrographer

Alternate and Advisor/Adjoint et conseiller

Ms. Tiina TUURNALA, Director

Mr. Juha KORHONEN, Assistant Hydrographer

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FRANCE

Head of Delegation/Chef de délégation

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Alternate and Advisor/Adjoint et conseiller

IGA Michel LE GOUIC, Head of General Studies Bureau

Mrs. Françoise THOMAS, Legal Attaché, General Studies Bureau

Mr. Jérôme AUDIN, Foreign Affairs Department

GERMANY/ALLEMAGNE

Head of Delegation/Chef de délégation

Mr. Horst HECHT, Director, Department of Nautical Hydrography

Alternate and Advisor/Adjoint et conseiller

Prof. Dr. Peter EHLERS, Conference President

Ms. Ingelore HERING, Director

Commander Horst KRÄMER

Mr. Tilo WALLRABENSTEIN

GREECE/GRECE

Head of Delegation/Chef de délégation

Commodore Anastásios SKLAVÍDIS, HN Director, HNHS

Alternate and Advisor/Adjoint et conseiller

Mr. Ioannis PAPAIOANNOU

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Mr. Hilmar HELGASON, Hydrographer

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Head of Delegation/Chef de délégation

Rear Admiral B.R. RAO, Chief Hydrographer

Alternate and Advisor/Adjoint et conseiller

Mr. Luther RANGREJI

INDONESIA/INDONESIE

Head of Delegation/Chef de délégation

Captain Rusdi RIDWAN

Alternate and Advisor/Adjoint et conseiller

Captain Nugroho MUDJIANTO

Commander MAGHONI

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Head of Delegation/Chef de délégation

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Head of Delegation/Chef de délégation

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Alternate and Advisor/Adjoint et conseiller

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Lt. Cdr. Massimiliano NANNINI
Lt. Alessandro TASSI

JAPAN/JAPON

Head of Delegation/Chef de délégation

Dr. Hideo NISHIDA, Special Assistant to the Minister for Foreign Affairs

Alternate and Advisor/Adjoint et conseiller

Mr. Masashi SUE, Director General, Hydrographic and Oceanographic Department, JCG
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Dr. Arata SENGOKU, Director, Chart and Navigational Information Division, JCG
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Mr. Hiroyuki IWAKI, First Secretary Embassy of Japan in Paris
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KUWAIT/KOWEIT

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Mr. Nabil AL TURKAIT, Chief Engineer of Transport Sector

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Alternate and Advisor/Adjoint et conseiller

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Head of Delegation/Chef de délégation

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Mr. Il CHUNG, Counsellor, Ministry of Foreign Affairs

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Ms. Jolene CHEW, Assistant Hydrographer

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SOUTH AFRICA (REPUBLIC OF)/AFRIQUE DU SUD (REPUBLIQUE D')

Head of Delegation/Chef de délégation

Captain Abri KAMPFER, Hydrographer, S.A. Navy

Alternate and Advisor/Adjoint et conseiller

Miss Sandea DE WET

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Captain Fernando QUIRÓS CEBRIÁ, Director

Alternate and Advisor/Adjoint et conseiller

Lt. Colonel Manuel María SALGUERO CONDE

SRI LANKA

Head of Delegation/Chef de délégation

Mr. Malawara A. ARIYAWANSA, Hydrographer

SWEDEN/SUEDE

Head of Delegation/Chef de délégation

Mr. Åke MAGNUSSON, Head of Hydrographic Service

Alternate and Advisor/Adjoint et conseiller

Mr. Peter SUNDBERG

THAILAND / THAÏLANDE

Head of Delegation/Chef de délégation

Rear Admiral Congvat NEELASRI, Head of Hydrographic Department

Alternate and Advisor/Adjoint et conseiller

Captain Pathomphote KAENCHAN, Hydrography Department

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Head of Delegation/Chef de délégation

Cdr. Rachid ESSOUSSI, Head of Hydrographic and Oceanographic Service

Alternate and Advisor/Adjoint et conseiller

Mr. Jamel CHRIGUI

Lt. Karim TAGA

TURKEY/TURQUIE

Head of Delegation/Chef de délégation

Rear Admiral Nazim ÇUBUKÇU, Director

Alternate and Advisor/Adjoint et conseiller

Lt. JG Bülent GÜRSES

UKRAINE

Head of Delegation/Chef de délégation

Mr. Sergey SYMONENKO, Head of State Hydrographic Institution of Ukraine

Alternate and Advisor/Adjoint et conseiller

Mrs. Oksana SHELUDKO, Head of International Relations Section

UNITED KINGDOM/ROYAUME-UNI

Head of Delegation/Chef de délégation

Dr. David Wyn WILLIAMS, Chief Executive and National Hydrographer

Alternate and Advisor/Adjoint et conseiller

Captain Ian TURNER

Mr. Bob HOOTON

Captain Mike BARRITT

Mrs Jill WARDLE

Mr. Duncan WARDLE

Dr. Rob HENSLEY

Captain David LYE

Dr. Peter WRIGHT

UNITED STATES OF AMERICA/ETATS-UNIS D'AMERIQUE

Head of Delegation/Chef de délégation

Rear Admiral Timothy McGEE, USN Commander, Naval Meteorology and Oceanography Command, CNMOC, Hydrographer of the Navy

Alternate and Advisor/Adjoint et conseiller

Rear Admiral Christian ANDREASEN, (Ret.), Chief Hydrographer, NGA

Captain Jeffrey BEST, Commanding Officer, Naval Oceanographic Office, NAVO

Mr. Kenneth COOPER, Program, Requirements / FORCENET, CNMOC

Ms. Barbara REED, Director of Oceanography Operations (Navigation) CNMOC

Mr. William D. CURRIE, Director, Survey Integration Division, NAVO

Rear Admiral Samuel P. DEBOW, Director, NOAA Commissioned Officer Corps and Director, Office of Marine and Aviation Operations

Captain Roger PARSONS, NOAA Director, Office of Coast Survey

Commander Steve BARNUM, Chief, Navigation Services Division, Office of Coast Survey, NOAA
Ms. Kathryn RIES, Deputy Director, Office of Coast Survey, NOAA
Ms. Marguerite DANLEY, International Affairs Coordinator, Office of Coast Survey, NOAA
Mr. Frank OSTRANDER, International Relations Officer, Office of Technical Specialized Agencies (DOS)
Mr. Peter DOHERTY, IHO Chairman CPRNW, Maritime Division, NGA
Mr. Steven DEBRECHT, Maritime Division, NGA
Ms. Denise WEBSTER, General Counsel, NGA

URUGUAY

Head of Delegation/Chef de délégation

Captain Hugo ROLDOS DE LA SOVERA, Head of Service

VENEZUELA

Head of Delegation/Chef de délégation

Lt. Cdr. Jesus JIMENEZ MUNOZ

OBSERVERS FROM 3 PENDING MEMBER GOVERNMENTS
OBSERVATEURS DE 3 GOUVERNEMENTS DONT LES FORMALITES
D'ADHESION SONT EN COURS

IRELAND/IRLANDE

Mr. Brian HOGAN, Chief Surveyor
Mr. Michael PURCELL

ROMANIA/ROUMANIE

Captain Aurel CONSTANTIN, Head of Hydrographic Maritime Directorate
Commander Catalin POCNETZ, Maritime Hydrographic Directorate

SAUDI ARABIA/ARABIE SAOUDITE

Lt. General Marayyea H. SHAHRANI
Commodore Abdulrahman M. AL-SHEHRI
Commander Mohammed A. AL-THUKAIR
Commander Mohammed H. AL-HARBI

OBSERVERS FROM 5 NON-MEMBER STATES
OBSERVATEURS DE 5 ETATS NON-MEMBRES

BENIN (REPUBLIC OF)/BENIN REPUBLIQUE DU

Mr. Célestin NOUDOFININ, Head of the Hydrographic and Topographic Service of the Port of Cotonou

LITHUANIA/LITHUANIE

Mr. Evaldas ZACHAREVIËIUS, Director, Lithuanian Maritime Safety Administration
Mr. Viktoras LIULYS, Head, Lighthouses and Hydrographic Department

MALAWI

Mr. Michael MZUNZU, Chief Hydrographer

MALTA/MALTE

Mr. Joseph BIANCO, Hydrographer

SENEGAL

Mr. Mamadou THIOUB, Directeur des Phares et Balises

**OBSERVERS FROM 11 INTERNATIONAL ORGANIZATIONS
*OBSERVATEURS DE 11 ORGANISATIONS INTERNATIONALES***

**INTERGOVERNMENTAL OCEANOGRAPHIC COMMISSION/COMMISSION OCEANO-
RAPHIQUE INTERGOUVERNEMENTALE (IOC/COI)**

Dr. Dmitri TRAVIN
Mr. Torkhild AARUP

**INTERNATIONAL ASSOCIATION OF INSTITUTES OF NAVIGATION/ASSOCIATION
INTERNATIONALE DES INSTITUTS DE NAVIGATION (IAIN)**

Mr. Adam J. KERR
Mr. Leeke Van der POEL

**INTERNATIONAL ASSOCIATION OF MARINE AIDS TO NAVIGATION AND
LIGHTHOUSE AUTHORITIES/ASSOCIATION INTERNATIONALE DE SIGNALISATION
MARITIME (IALA/AISM)**

Mr. Torsten KRUUSE, Secretary General

**INTERNATIONAL CARTOGRAPHIC ASSOCIATION/ASSOCIATION CARTOGRAPHIQUE
INTERNATIONALE (ICA)**

Dr. Milan KONECNY, President

**INTERNATIONAL COMMISSION FOR THE SCIENTIFIC EXPLORATION OF THE
MEDITERRANEAN/COMMISSION INTERNATIONALE POUR L'EXPLORATION
SCIENTIFIQUE DE LA MER MEDITERRANEE (CIESM)**

Professor Frédéric BRIAND

**INTERNATIONAL COUNCIL OF CRUISE LINES/CONSEIL INTERNATIONAL DES
NAVIRES DE CROISIERE (ICCL)**

Mr. George ARTS, President of Marine Press of Canada
Mr. Paul BEGGS, Nautical Manager, Princess Cruises

INTERNATIONAL FEDERATION OF SURVEYORS/*FEDERATION INTERNATIONALE DES GEOMETRES (FIG)*

Mr. Tony O'CONNOR
Mr. Adam GREENLAND, Chairman FIG Commission IV (Hydrography)

INTERNATIONAL MARITIME ORGANIZATION/*ORGANISATION MARITIME INTERNATIONALE (IMO/OMI)*

Captain G. SINGHOTA

INTERNATIONAL MOBILE SATELLITE ORGANIZATION/*ORGANISATION INTERNATIONALE DE TELECOMMUNICATIONS MARITIMES PAR SATELLITES (IMSO)*

Mr. Andy FULLER, Head of Technical Services

INTERNATIONAL RADIO-MARITIME COMMITTEE/*COMITE INTERNATIONALE RADIO-MARITIME (CIRM)*

Mr. Michael RAMBAUT
Ms. Frances BASKERVILLE
Mr. Tor SVANES

REGIONAL ORGANIZATION FOR THE PROTECTION OF THE MARINE ENVIRONMENT/*ORGANISATION REGIONALE POUR LA PROTECTION DE L'ENVIRONNEMENT MARIN (ROPME)*

Dr. Hassan MOHAMMADI, Co-ordinator

OBSERVERS FROM IHO COMMITTEES AND WORKING GROUPS

GENERAL BATHYMETRIC CHART OF THE OCEANS/*CARTE GENERALE BATHYMETRIQUE DES OCEANS (GEBCO)*

Mr. Dave MONAHAN, GEBCO Chairman

MACHC ELECTRONIC CHART WORKING GROUP/*CHMMC GROUPE DE TRAVAIL SUR LES CARTES ELECTRONIQUES*

Mr. Erich FREY
Lt. Ken WALLACE

OPEN ECDIS FORUM (OEF)

Dr. Lee ALEXANDER, Chairman IHO/IEC HGMIO and Administrator of OEF

PAST IHB PRESIDENTS/DIRECTORS/*ANCIENS PRESIDENTS/DIRECTEURS DU BHI*

Vice Admiral Alfredo CIVETTA
Rear Admiral Sir David HASLAM, KBE, CB, FRICS

**AGENDA FOR
THE THIRD EXTRAORDINARY
INTERNATIONAL HYDROGRAPHIC CONFERENCE
(CONF.EX3/G/01/Rev.1)**

Dates: 11 – 14 April 2005

Venue: Auditorium Rainier III, Monaco

	References
1. CONFIRMATION OF ELECTION OF THE PRESIDENT AND ELECTION VICE-PRESIDENT OF THE CONFERENCE. NOMINATION OF RAPPORTEURS.	Rules of Procedure for International Hydrographic Conferences – Article 17
2. APPROVAL OF THE AGENDA	CONF.EX3/G/01
3. CONSIDERATION OF PROPOSALS OF THE STRATEGIC PLANNING WORKING GROUP	CONF.EX3/G/03, G/03 Add. 1
3.1 Adoption of the Report “A Study into the organizational structure and procedures of the IHO” (PROPOSAL 1).	CONF.EX3/DOC.1
3.2 Approval of amendments to the IHO Convention (PROPOSALS 2 and 9).	CONF.EX3/DOC.3 & DOC.4 CONF.EX3/INFODOC.7
3.3 Agreement with the principles laid down for the IHO subsidiary organs structure (PROPOSAL 3).	CONF.EX3/DOC.1
3.4 Agreement with the principles laid down for the procedures of selection of members of the IHO Council (PROPOSAL 4).	CONF.EX3/DOC1 & CONF.EX3/INFODOC.1 Rev.1
3.5 Agreement with the principles laid down for the guidelines of accreditation of NGIOS (PROPOSAL 5).	CONF.EX3/DOC1 & CONF.EX3/INFODOC.6
3.6 Agreement with the principles laid down for the eligibility criteria and terms of office of the Secretary-General and Directors (PROPOSAL 6).	CONF.EX3/DOC.1 & CONF.EX3/INFODOC.1 Rev.1
3.7 Agreement with the structure of the revised IHO Basic Documents (PROPOSAL 7).	CONF.EX3/INFODOC.8
3.8 Amendments to the SPWG Terms of Reference (PROPOSAL 8).	CONF.EX3/INFODOC.9
4. ANY OTHER BUSINESS	
Seating Order for the XVIIth I.H. Conference (2007).	
5. CLOSING OF THE CONFERENCE	

TIMETABLE

(will be updated on a daily basis in accordance with the progress made)

(CONF.EX3/G/02/Rev.5)

MORNING

Sunday 10 April	Monday 11 April	Tuesday 12 April	Wednesday 13 April	Thursday 14 April
<p><u>0900-1400</u></p> <p>Registration *</p>	<p><u>Registration continues from 0800 onwards at the Auditorium.</u></p> <p><u>0900-0930</u></p> <p><u>Agenda Items</u> 1: Confirmation of election of President & election of Vice-President</p> <p>2: Adoption of the Agenda</p> <p><u>Opening Ceremony:</u> 0930: Arrival of official guests 1000: Arrival of HE Mr. Patrick Leclercq, Minister of State</p> <ul style="list-style-type: none"> - Welcoming Remarks by President of DC - Welcoming Remarks by President of Conference - Opening Speech by HE Mr. Patrick Leclercq, Minister of State - Presentation of new MS' flags - Prize Distribution : IHO Chart Exhibition at ICC 2003 by HE Mr. Patrick Leclercq, Minister of State <p><u>1100-1230</u> Opening by HE Mr. Patrick Leclercq, Minister of State and visit of Exhibition</p> <p><u>1230</u> - Official photo</p>	<p><u>0900-1030</u></p> <p><u>Agenda Items</u> 3.2: PRO 2 Amendments to the Convention (cont)</p> <p><u>1030-1100</u> Coffee Break</p> <p><u>1100-1230</u> 3.2: PRO 2 Amendments to the Convention (cont)</p>	<p><u>0900-1030</u></p> <p><u>Agenda Items</u> 3.2: PRO 9 Alternative text to the Protocol</p> <p>3.3: PRO 3 Principles for IHO subsidiary organs structure</p> <p><u>1030-1100</u> Coffee Break</p> <p><u>1130-1230</u> Visit Exhibition</p>	<p><u>0900-1030</u></p> <p><u>Agenda Items</u> 3.6: PRO 6 Criteria for the election of the SG and Directors (cont.)</p> <p><u>1030-1100</u> Coffee Break</p> <p><u>1100-1230</u> 3.7: PRO 7 Structure of the Basic Docs</p>

***REGISTRATION :** Sunday 10 April from 0900 – 1400 at the Auditorium.

AFTERNOON

Sunday 10 April	Monday 11 April	Tuesday 12 April	Wednesday 13 April	Thursday 14 April
	<u>1400-1530</u> <u>Agenda Items</u> 3.1: PRO 1 SPWG Report	<u>1400-1530</u> <u>Agenda Items</u> 3.2: PRO 2 Amendments to the Convention (cont)	<u>1400-1530</u> <u>Agenda Items</u> 3.4: PRO 4 Principles for the selection of the Council Members	<u>1400-1530</u> <u>Agenda Items</u> 3.8: PRO 8 Amendments to SPWG ToRs
	<u>1530-1600</u> <u>Coffee Break</u>	<u>1530-1600</u> Coffee Break	<u>1530-1600</u> Coffee Break	<u>1530-1600</u> Coffee Break
	<u>1600-1730</u> 3.2: PRO 2 Amendments to the Convention	<u>1600- 1730</u> 3.2: PRO 2 Amendments to the Convention (cont)	<u>1600-1730</u> 3.5: PRO 5 Agreement with the Principles laid down for the Guidelines of Accreditation of NGIOS	<u>1600-1730</u> 3.8: PRO 8 Amendments to SPWG ToRs (cont.)
	<u>1730-1800</u> Break	<u>1730-1800</u> Break	<u>1730-1800</u> Break	<u>Agenda Item</u> 4: Seating Order for the 17 th IH Conference
	<u>1800-1930</u> 3.2: PRO 2 Amendments to the Convention (cont.)	<u>1800-1930</u> 3.2: PRO 2 Amendments to the Convention (cont)	<u>1800-1930</u> 3.6: PRO 6 Criteria for the election of the SG and Directors	<u>Agenda Item</u> 5: Closing Session
<u>1830</u> Directing Committee's welcome to Heads of Delegation at the IHB with accompanying persons (Wine & Cheese)				

Drafting Groups and other Groups may meet at the end of the daily events if necessary.

- NOTES:**
1. For the official photograph, military uniform may be worn.
 2. Special Session on Tsunami Disaster in the Indian Ocean will be held on Saturday morning, 16 April, at the Auditorium Rainier III, from 0900 to 1400 (CL 31/2005).
 3. Following the death of HSH Prince Rainier III, all receptions are cancelled. Other changes will be announced as soon as they are known.

**OFFICERS OF THE
3rd EXTRAORDINARY INTERNATIONAL HYDROGRAPHIC CONFERENCE**

PRESIDENT OF THE CONFERENCE

Professor Dr. Peter EHLERS (Germany)

VICE-PRESIDENT OF THE CONFERENCE

Captain Robert WARD (Australia)

OPENING ADDRESSES

**OPENING ADDRESSES OF THE
3rd EXTRAORDINARY INTERNATIONAL HYDROGRAPHIC CONFERENCE**

1. The President of the Directing Committee
Vice-Admiral Alexandros MARATOS
2. The President of the Conference
Professor Dr. Peter EHLERS (Germany)
2. The Minister of State of the Principality of Monaco
His Excellency Monsieur Patrick LECLERCQ

**OPENING ADDRESS BY THE PRESIDENT OF THE IHB DIRECTING COMMITTEE
Vice-Admiral Alexandros MARATOS**

Prime Minister,
Your Excellencies,
Distinguished Delegates,
Ladies and Gentlemen,

It is with intense emotion that we open this 3rd Extraordinary International Hydrographic Conference. Indeed, this is the first time that His Serene Highness Prince Rainier III will not honour us with his presence.

Today I would therefore like to express our immense gratitude for the continuous support that His Serene Highness Prince Rainier III provided to the IHB throughout his 56 years of reign, thus closely linking the Principality of Monaco to the development of hydrography and marine cartography. His name, along with that of His Serene Highness Prince Albert 1st, the Oceanographer Prince, will always be part of the history, but also the future, of marine sciences. He will remain in our hearts a true friend of the International Hydrographic Organization and we will never forget him.

Behind this great sadness that we share today with the people of Monaco, I wish to express on behalf of our Member States and the international hydrographic community, through His Excellency Mr Patrick Leclercq, the Prime Minister of Monaco, here present, to His Serene Highness the Sovereign Prince Albert II our most sincere condolences and our loyal affection.

On behalf of all the participants here today, I kindly request you to stand for a minute's silence in memory of His Serene Highness Prince Rainier III.

One Minute's Silence

Prime Minister,
Your Excellencies,
Distinguished Delegates,
Ladies and Gentlemen,

At the International Hydrographic Conference held in London in 1919 where it was decided to create the International Hydrographic Bureau, a special invitation was sent to Prince Albert 1st of Monaco,

who could not be absent from such a historic meeting and whose high attainments in the sphere of Hydrography were universally recognized. Prince Albert took an immediate interest in the new Organization, placing premises at its disposal in Monaco and giving it his full support. The Organization since then has been highly privileged in having the continuous support of Prince Rainier, Prince Albert and the Government of Monaco. It is for this reason that I would therefore like to express the gratitude of the International Hydrographic Organization and its Member States and to thank you, Prime Minister, for your presence here today to open the 3rd Extraordinary International Hydrographic Conference.

On behalf of the Directing Committee, I would like to welcome all our Member States' delegates who have come from all corners of the world, observers from non-Member States, international organizations and local Agencies and institutions with whom we have a very fruitful co-operation and of course the exhibitors who have taken the trouble to come, often at great expense, to show us the latest developments in the hydrographic field. I would especially like to welcome the Member States' Consuls representing their country in Monaco who are here today with us at this Opening Ceremony.

Ladies and Gentlemen, dear colleagues,

The Meeting in London in 1919 can be considered as the historic event that led to the creation of our Organization whereas the 9th International Hydrographic Conference in 1967 must be recognized as *the* Conference that approved a well documented and effective Convention, for its time, "with a view to rendering navigation easier and safer throughout the world", as it was remarked by Prince Rainier in his opening speech at the 1967 Conference in April. Since that time, technology has changed and is continuously changing, and we have moved into the globalized digital era with pressing demands for new, improved, more accurate and easily accessible products to be used, not only for the safety of navigation and the protection of the marine environment, which remain the main goal, but in a variety of applications used by oceanographers, geologists, geophysicists, academic and government institutions, commercial firms, fishermen, the military and many others. In order to respond to these new demands and challenges, the XVIth International Hydrographic Conference in 2002 resolved that there should be a thorough review of the Basic Documents of the Organization and of its structure and procedures, to provide a more efficient, effective, flexible Organization as we move into the 21st century. It authorized the Strategic Planning Working Group to undertake this work and to make appropriate recommendations to an Extraordinary Conference. After more than two years of hard work, the SPWG today puts before you a set of amendments to the Convention of the Organization, that we will discuss and decide upon, aiming at the renewal of the structure, Secretariat and procedures. We have to note that science and technology in ancient Greece were based on the need for continuous renewal in all aspects of life, but especially in institutions. Renewal was the fundamental issue for development, evolution and progress, as the famous Greek Philosopher Heraklitos said "all things are in flux".

Distinguished Delegates,

After the 1919 and 1967 Conferences, I believe that this Extraordinary Conference is the third most important Conference for our Organization. This is not simply "another" Conference, this is not a Conference to discuss technical and financial issues. This is the Conference that will mark the future of the Organization for the next 30-50 years and I believe we do not have the choice to miss another opportunity. As Admiral McGee has stated in his open letter to the Hydrographers of the Member States, to you - "The current, antiquated structure of the International Hydrographic Organization does not serve the purpose. If such changes cannot be instituted at this juncture in IHO history, it will be a grave set back for the Organization. The time to respond is now".

OPENING ADDRESS BY THE PRESIDENT OF THE CONFERENCE
Professor Dr. Peter EHLERS (Germany)

Prime Minister,
Ladies and Gentlemen,
Dear Colleagues,

It is a very sad event indeed which accompanies the opening of this ceremony. We had hoped that His Serene Highness Prince Rainier III would have been able to participate in the Opening Ceremony as in the past. By his presence he wished to underline the importance he attached to the International Hydrographic Organization. We are extremely grateful to Him. We address our most sincere condolences to His family and the Principality of Monaco.

Prime Minister, I would like to thank you, as the representative of the Principality of Monaco here today, for honouring our Conference with your presence, even at this very sad time. Monaco, being the location of the headquarters of the International Hydrographic Organization, is of great importance to us, and today, as in the past, we feel most welcome.

Ladies and Gentlemen,

The theme of this Conference being the renewal of the IHO, we can easily take example from the Principality of Monaco. By looking around we notice that many of the old buildings and façades are undergoing a facelift; they are renovated, walls are knocked down. We extend and build again. We restructure and modernise to meet the demands of the future. Openings and tunnels are made in the old constructions to open up new routes and larger perspectives. New piers enlarge the port and also provide a better protection from the adversities of the sea. The aim of all these changes is to preserve the existing basis in enabling reconstruction on more solid and safer foundations. Very similar principles will guide our thoughts on a reform of the International Hydrographic Organization.

As Conference President in 1997, I had the immense pleasure of saying a few words at the Opening Ceremony and I had chosen to speak in French as today. I had, of course, studied my speech beforehand and I apparently gave the impression of being fluent in this language. Consequently this gave me a few serious problems with journalists who then bombarded me with questions in French! Allow me therefore to continue in English in order to avoid any misunderstanding

I consider it a great honour to have been elected Conference President once more, after 1997. But I will leave it until the end of the Conference to reveal to you whether it has also been a great pleasure. In Germany, we have a proverb that says: "You made your bed, now lie in it". Perhaps this is the underlying reason why I have been elected again this time. At the 15th International Hydrographic Conference in 1997, which I presided, we had a fundamental discussion on the need to reform the International Hydrographic Organization. At the time, we established the Strategic Planning Working Group, which initially focused on the development of a Strategic Plan and a Work Programme. Both were approved at the Second Extraordinary International Hydrographic Conference in 2000. This was of high symbolic value because it underlined the IHO's determination to meet the challenges of the new, third Millennium. Two years later, the 16th I.H. Conference confirmed the reform course and decided to continue the work and expand the SPWG's range of tasks accordingly.

After more than two years of intensive efforts, the SPWG Report is now available, which does not yet mark the end of the reform work but is the pivotal point in the reform process. We now have to decide on the proposals which include substantial changes to the IHO Convention as the central issue. The proposals reflect the understanding that hydrography – like maritime subjects in general – has been gaining in importance. This has been made painfully clear to us - in an elementary and traumatic way - by the tsunami disaster in the Indian Ocean. At the same time, we have become aware of the fact

that we have to study processes in the ocean much more thoroughly. An indispensable basis for this is the availability of hydrographic and bathymetric data.

The importance of hydrography is reflected by the amendments to the SOLAS Convention that entered into force in 2002 and, for the first time in history, requires States under international law to maintain hydrographic services in order to ensure the safety of navigation. In addition to maritime safety, hydrographic data gain in importance for a wide variety of seaborne activities – encompassing, for example, living and non-living resources, the protection of the marine environment, and the delimitation of marine zones. It is also becoming increasingly clear that, in order to manage the many different uses and interests, we need spatial planning for marine areas. This has to be based on an adequate marine GIS structure. To build and operate this structure is a task that should be accomplished primarily by Hydrographic Offices. What other agency would have a comparable qualification? If the Hydrographic Offices refuse to get involved here, I am afraid they will more and more lose their reason for being.

The many changes which Hydrographic Offices will have to cope with in the future can only be managed successfully if we closely co-operate at the international level. We need a modern international organization which is even better prepared to deal with changes, not only by reacting but by getting actively involved in such processes. This requires a lean and clearly structured organization, short decision-making processes and more intensive participation by the Member States.

What we need most of all, however, is the firm determination to co-operate, born from the understanding that we will accomplish our tasks only if we have a strong and efficient international organization. Co-operation requires the willingness to compromise, a willingness to also support proposals which may not agree with one's own concepts in every detail, but which are accepted by the majority of members. Our ability to approach one another despite different interests and opinions, and eventually to reach agreement, has been an asset from which we have often benefited in the past. And I do hope that we will be able to prove it once more during this Conference.

Ladies and Gentlemen,

This is an Extraordinary Conference not only under formal aspects – it is extraordinary for yet another reason: at this Conference, it will be decided whether the International Hydrographic Organization will be able to cope with the challenges ahead. Against this background, I hope that you will not consider it a complete lack of imagination if I conclude by quoting the same passage from Shakespeare as in 1997. But I do not know any other quotation that would be better suited to describe our present situation:

There is a tide in the affairs of men
which, taken at the flood, leads on to fortune,
omitted, all the voyage of their life
is bound in shallows and in miseries.
On such a full sea we are now afloat;
And we must take the current when it serves
Or lose our ventures.

Monsieur le Ministre, I now invite you to open the Third Extraordinary International Hydrographic Conference.

**OPENING ADDRESS BY THE MINISTER OF STATE
OF THE PRINCIPALITY OF MONACO
H.S. Mr. Patrick LECLERCQ**

Mr. President,
Distinguished Directors,
Heads of Delegation and Delegates,
Ladies and Gentlemen,

In this period of grief and sorrow that the Principality of Monaco is enduring, which explains why HSH Prince Albert II could not be with us today as he had intended, please allow me to interpret the presence of more than sixty delegations at this 3rd Extraordinary International Hydrographic Conference as proof of the tribute which can be paid to HSH Prince Rainier III, in your particular domain, who, upon his accession to the throne after the Second World War, contributed to strengthening our country's commitment to marine sciences. In this respect, we are bound to remember our departed Sovereign's admiration for the work of his Great Grandfather, Prince Albert Ist.

This, of course, brings to mind the first International Hydrographic Conference, held in London on 24 June in 1919, where it was decided to create a Permanent International Bureau; it was this very decision which led Prince Albert Ist to propose that the Bureau be established in the Principality of Monaco.

The foundation stone of the building, which was to accommodate the Headquarters of this Bureau, was laid on 20 April 1929.

This Bureau, at that time following in the wake of the League of Nations, might have initially given the impression that it was an "Hydrographers Club"; but very quickly due to the technical nature of the matters discussed and due to the consultations required with the Member States, the heads of the national hydrographic services soon became the official contacts for the Bureau and the representatives of their countries.

Within this specific domain and in line with the objective of maintaining peaceful relationships between States, pursued by Prince Albert Ist on a more general level, the successive creation of series of charts developed the cooperation between the various hydrographic services well beyond any political rift; this is also one of the merits of your institution which should be made known and emphasized.

It was in 1967 that the IXth International Hydrographic Conference, convened in Monaco to assess the evolvement of the international society as well as the need to institutionalise the "Hydrographers Club", submitted a Convention creating the "International Hydrographic Organization" or IHO to the Member States for their approval.

This Organization became a consultative intergovernmental organization as the Hydrographers who meet there no longer only represent their hydrographic service but also their country.

H.S.H Prince Rainier III facilitated the establishment of this first international organization in the Principality of Monaco. From then on the IHO became dually linked to Monaco: the International Hydrographic Conferences are held in Monaco every five years and Monaco is home to the International Hydrographic Bureau's headquarters. Monaco is the depositary of the intergovernmental Convention establishing the IHO and, as such, it is the Monaco Government's responsibility to ensure the diplomatic relations which are necessary for the proper application of this Convention. In this respect, I will simply mention the assistance we provided very recently in obtaining recognition of the IHO's role by the United Nations which has resulted in the IHO being conferred the appropriate status within the family of associated UN organizations.

* * *

Mr. President,

One of the very sensible decisions of the International Hydrographic Bureau has been to concentrate its efforts in the technical and consultative domain which is truly the IHB's role. The credibility of this Organization has thus been asserted and has grown, whilst contributing to furthering more sophisticated methods of surveying and processing as well as the standardization of data and their improved computer integration. The reliability of the data supplied and the excellent coordination with the national services constitute the strong points of the Organization which are generally recognized and which have led an increasing number of countries to join, an illustration of which we will have in a few moments with the latest three new members which bring the total number to 75 Member States; other countries are already in the process of applying for membership.

But your Organization's vitality is also obvious in its willingness to move forward. It is this willingness which has led it to task the Strategic Planning WG with drawing up an inventory of the strengths and weaknesses of the IHO and proposals to amend the IHO Convention, based on their findings.

The task of this Third Extraordinary International Hydrographic Conference is thus substantial and decisive for the future as it will have to make decisions over the next few days on particularly important issues:

- The revision of the IHO objectives;
- Increasing the frequency of Conferences;
- The setting up of a new decision-making body which would meet every year;
- The replacement of the present Directing Committee by a Secretary-General and Directors;
- The transformation of the International Hydrographic Bureau into the Secretariat of the IHO;
- The simplification of the membership procedures to join the Organization taking into account existing links with the United Nations.

If it is generally acknowledged that an organization, which is capable of reconsidering its whole structure, is an extremely active and dynamic one, then the agenda of this conference is proof of the extreme vitality of your Organization.

* * *

Mr. President, Monaco is very pleased with this vitality and the growing importance acquired by your Organization, under the leadership and management of the International Hydrographic Bureau, in its fundamental dual mission of safety of navigation and protection of the marine environment. The Organization today is endorsing the merits of the inspiration that led Prince Albert Ist to offer to host the Bureau in Monaco as well as the interest that Prince Rainier III never ceased to have in the Organization; and you can rest assured that the new Sovereign Prince, Prince Albert II, will continue to show the same interest.

I therefore wish you well in the pursuit of your work which is welcome and necessary, and wish you a successful conference that I now declare open.

Thank you.

PROPOSALS SUBMITTED TO THE CONFERENCE

LIST OF CONFERENCE PROPOSALS
(CONF.EX3/G/03, Add.1 to Add.5)

PRO No.	NAME OF PROPOSAL	SUBMITTED BY	Page
1	Adoption of the Report “A Study into the organizational structure and procedures of the IHO”	SPWG	29
2	Approval of Amendments to the IHO Convention	SPWG	32
3	Agreement with the Principles laid down for the IHO Subsidiary Organs Structure	SPWG	54
4	Agreement with the Principles laid down for the Procedures of Selection of Members of the IHO Council	SPWG	57
5	Agreement with the Principles laid down for the Guidelines of Accreditation of NGIOS	SPWG	63
6	Agreement with the Principles laid down for the Eligibility Criteria and Terms of Office of the Secretary-General and Directors	SPWG	66
7	Agreement with the Structure of the revised IHO Basic Documents	SPWG	68
8	Amendments to the SPWG Terms of Reference	SPWG	72
9	Alternative text to the “Protocol of Proposed Amendments to the Convention on the International Hydrographic Organization”	Chile	74
10	Alternative text to the Article XIV(a) of the Convention on the International Hydrographic Organization (Consolidated Version)	China, Republic of Korea, Singapore, Italy, Cyprus and Greece	79
11	Alternative text to the Article XIX (b) of the Convention on the International Hydrographic Organization (Consolidated Version)	China, Singapore and Republic of Korea	80
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**LIST OF CONFERENCE PROPOSALS
(CONF.EX3/G03 and Add1, Add2, Add3, Add4, Add5)**

PRO 1 - ADOPTION OF THE REPORT “A STUDY INTO THE ORGANIZATIONAL STRUCTURE AND PROCEDURES OF THE IHO”

Submitted by: The Strategic Planning Working Group

Reference: Report “A Study into the organizational structure and procedures of the IHO”

PROPOSAL

The Conference is requested to adopt the Report of the Proposal, as the recommendations of the SPWG task assigned to it by Decision No 2 of the XVIth IH Conference.

MEMBER STATES' COMMENTS

ARGENTINA

The SHN does not agree with the term “*adoption of the report*” due to the different meanings of the term itself. Therefore, the SHN proposes to use the term “*to take note of the report*” as it is essentially what the Conference will do.

BRAZIL

Partially favorable, being observed:

- a) the provision to what is in sub item 6.2.1 of the Report, related to the competence of the Secretary-General to allocate a proportional number of seats for groups of Member States, which are not affiliated to a RHC; and
(IHB Note: This has been deleted from the Report.)
- b) the modifications presented under PRO 04 are applied.

CHILE

The Conference is requested to take note of the Report of the proposal, as the conclusions of the SPWG task assigned to it by decision N°2 of the XVIth IH Conference.

CROATIA

Croatia supports this proposal.

All the time from the formation of the SPWG to the preparation of the SPWG Final Report Croatia observed attentively the work of this group. Every meeting report and draft versions of documents were studied carefully. Special interest was dedicated to informal discussions and comments on the SPWG forum. A vivid activity and informal approach to topics on the forum provided an insight into the complexity of problems and great efforts that the IHO and some MS had made to solve crucial issues for the future organization and successful work of the IHO. Through activities of the MBSHC Conference we participated directly in making proposals to important documents, and indirectly through certain contacts with the Italian MBSHC representative in the SPWG. We also participated at the final SPWG workshop in Athens in May 2004.

Estimating a high quality of the Final Report, and by consent of the government authority the CHI has decided to support this Report and all proposals resulting from it, taking into consideration the following facts:

- that a holistic approach to the task adopted by the SPWG in its work ensured a structural, logical and rigorous review,
- that the SPWG established an image of the future IHO defined through statements of its vision, mission and objectives,
- that defining of vision, mission and objectives of the IHO is the result of a review of past documents and a survey of Member States' opinions to determine what strengths and weaknesses the IHO currently possesses,
- that the proposed structure was achieved after having considered many different proposals of Member States,
- that in the creation of proposals the SPWG cooperated with a group of international law experts all the time,
- that representatives of regional hydrographic commissions were included in the work of SPWG all the time,
- that the work of SPWG was open all the time, which was reflected in the possibility for any MS to participate in the work of the group directly or through the SPWG forum,
- that Croatia took part in the preparation of Conference proposals by attending the XVI IHO Conference, the 2nd Extraordinary IHO Conference, the XIII MBSHC Conference and the final workshop where final results of the SPWG work were presented,
- that the proposed new model of organizational structure will not increase the costs of neither Organization nor its Member States. On the contrary, if compared to the existing structure the proposed model shows a marginal decrease in costs.

INDIA

India appreciates the good work done by the Strategic Planning Working Group (SPWG) and takes note of its many recommendations. We believe that some of India's concerns are not properly reflected in the Report of the SPWG, especially as regards the representative model suggested for the expansion of the Council. We shall outline our detailed comments in Proposal 4.

SWEDEN

Sweden appreciate the important work done by SPWG and support the proposals put forward by SPWG in particular the amendments to the Convention.

URUGUAY

We understand that in this proposal it is considered appropriate to change the term "adopt" and replace it by "to take note".

This Service thinks that not everybody would agree with the term "adopt" the report, as this term means total agreement with the whole document. For example, SOHMA agrees with some parts of the report, but disagrees with other parts.

UNITED KINGDOM

The UK believes that the Conference should vote to accept the proposals in the Study Report and not simply agree "in principle" to these proposals. Full agreement is required at the EIHC if these Proposals are to be implemented with the next change of IHB Directors in 2007. How will these proposals be adopted and implemented if they are only agreed in principle at the EIHC.

USA

The United States of America appreciates the work of the Strategic Planning Working Group (SPWG) and supports the Conference taking note of the report. The report of the SPWG, “A study into the Organizational Structure and procedures of the IHO”, and the Interim Report of the SPWG (re: IHO CL 6/2004 of 23 January 2004) fulfil the basic requirements of Decision No. 2 of the XVth International Hydrographic Conference. We believe it appropriate for the Conference to actually “adopt” the proposed amendments to the Convention identified in the report.

PRO 2 - APPROVAL OF AMENDMENTS TO THE IHO CONVENTION

Submitted by: The Strategic Planning Working Group
Reference: Protocol of the Amendments to the IHO Convention. Draft Amendments to the IHO Convention.

PROPOSAL

The Conference is requested to approve the amendments to the IHO Convention as laid down in the Protocol of the Amendments to the IHO Convention and to adopt the following Resolution:

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

THE 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 proposals for amendment to the Convention,

DECIDES to approve in accordance with Article XXI of the Convention the amendments to the present IHO Convention set forth in the Protocol of the Amendments to the IHO Convention,

FURTHER DECIDES in accordance with paragraph 3 of the Article XXI of the Convention that the amendments shall enter into force for all Contracting Parties three months after notifications of approval of two-thirds of the Contracting Parties have been received by the Principality of Monaco,

DIRECTS that the amendments adopted at the XIIIth and XVth Conferences, which have not entered into force, shall not hereafter enter into force, and

REQUESTS the Government of the Principality of Monaco to inform the Contracting Parties and the President of the Directing Committee of the date of entry into force of the amendments.

MEMBER STATES' COMMENTS

ALGERIA

I. PREAMBLE

It is evident, in examining the documents submitted by the SPWG, that their adoption and implementation will enable the IHO to become more flexible in its functioning, more efficient in its decision-making and more operational in its actions.

However, it seems to us that the needs of countries with “limited hydrographic capabilities” have not been sufficiently covered (access to training provided by developed countries, access to hydrographic data, better representation on the various IHO bodies...).

It is quite likely that these points will not be on the Agenda of the 3rd EIHC, but we consider that they could be submitted for discussion at this important meeting which is concerned with the revision of the texts governing the functioning of the Organization, thus touching the very heart of the Organization.

II. CONVENTION ON THE INTERNATIONAL HYDROGRAPHIC ORGANIZATION

1. Comment concerning the layout

In order to facilitate the reading of the text, it would be better to add, in line with the other Basic Documents, before or after each article, the subject of the article concerned.

Example:

Establishment and Seat

ARTICLE I

or

ARTICLE I Establishment and Seat

2.

ARTICLE II Nature and Object

We believe that, in addition to the points mentioned in this article, there is one object which is, in our opinion, essential and which should be inserted as an aim of the Organization, i.e. access to training and to certain hydrographic data.

In fact, our experience has shown us that countries with “limited hydrographic capabilities”, including Algeria, experience difficulty in benefitting from grants directly from “hydrographically developed” countries, due to the cumbersome bureaucracy and procedures which must be followed to obtain the grants which require the intervention of numerous Ministries (Foreign Affairs, Defence...). It often happens that, by the time the grant has been obtained, the academic year is already well under way and it is too late to send the person concerned on the training course.

We propose that the IHO manage, at its level, the grants offered by those countries which have the recognized training capabilities and that the Organization proposes them directly to those national hydrographic services wishing to train their staff with donor countries.

As regards access to hydrographic data, certain countries, through lack of means, are confronted with the difficulty of collecting bathymetric data which are needed for the production of certain nautical charts, such as small scale INT charts, which require a large quantity of data. Now these data exist in certain countries or institutions and the IHB could act as an interface between the possible data providers and the beneficiaries.

With this in mind we propose to add to Article II the following point:

- (h) To facilitate the access, for those countries with “limited hydrographic capabilities”, to training and hydrographic data necessary for their development.

3.

**ARTICLE IX
Voting Procedures**

A. ARTICLES IX (a) and IX (b)

Paragraph IX(b) concerning the election of the Secretary-General and the Directors does not appear very clear to us.

- 1) Does each Member State have, in addition to the vote given in paragraph IX(a), a number of votes in relation to the tonnage of their fleet? Or, is the number of votes of each Member State determined directly and solely in accordance with the tonnage of their fleet?
- 2) In both cases, paragraphs IX(a) and IX(b) seem to us to contradict Articles 17 and 18 of the IHO General Regulations. Article 18 of the General Regulations stipulates that:

“For the election of the Secretary-General and the Directors, each Member State shall have **two votes, supplemented by a number of votes based on the tonnage of their fleet**”.

We think that these articles should be redrafted to remove the ambiguity noted above.

B. ARTICLE IX (d)

We consider that a two-thirds majority should not only be required for subjects related to policy or the finances of the IHO, but also for *any subject with a strategic impact*. Therefore we suggest inserting in **Article IX (d)** the following words **“and any matter of a strategic nature”**.

ARGENTINA

The SHN agrees only with some of the proposed amendments to the Convention but not with all of them. Comments and suggestions stated herein follow the order of articles of ANNEX D of CCL 2 (Protocol of proposed amendments to the Convention on the International Hydrographic Organization)

Articles 1, 2 and 3

No objections.

Article 4

The SHN does not agree with the creation of the Council, the Secretariat and the Subsidiary Organs. In our opinion, the terms **“Conference”** and **“Assembly”** are equivalents, on condition that the Assembly has the same functions of the current Conference.

Articles 5 and 6

The SHN suggests Articles V and VI of the present Convention to be kept. Nevertheless, a reduction of period between Conferences (or Assemblies) from 5 (five) to 3 (three) years would be appropriate.

Article 7

The SHN agrees with the proposal of the SPWG. Nevertheless, the SHN considers that the term **“Secretariat”** should be replaced by the term **“Bureau”** on item **“c”**

Articles 8 and 9

The SHN proposes to maintain Articles VIII and IX of the Convention.

Article 10

The SHN suggests to keep current Article X of the Convention. Nevertheless, the SHN considers that the term of office of Directors should be 6 (six) years. Directors can be re-elected for a three-year period.

Article 11

No objections.

Article 12

- (a) No objections.
- (b) The SHN proposes to keep item (b) of Article XIV of the Convention.

Article 13

No objections.

Articles 14, 15 and 16

The SHN does not agree with the proposal of the SPWG. The SHN suggests to keep current Articles XVI, XVII and XIX of the Convention.

Article 17

No objections.

Article 18

The SHN does not agree with the proposal of the SPWG. The SHN proposes to keep current Article XXI of the Convention, but replacing numeral 1 by:

“Any Member State may propose amendments to this Convention. Proposals of amendments shall be sent to the Bureau not less than six months prior to the next session of the Assembly (or Conference)”.

Article 19

The SHN does not agree with the proposal of the SPWG. The SHN proposes to maintain current Article XXII of the Convention.

Article 20

According to our proposal, there is no need for articles to be renumbered.

Article 21

No objections. Nevertheless, it will be necessary to change the total number of amendments accordingly.

AUSTRALIA

The Preamble to the Convention

Paragraph 2:

In Australia's view, this paragraph goes beyond the substance of UNCLOS. While UNCLOS refers to competent organizations it does not identify them by name. Therefore it cannot be said that UNCLOS "recognizes" the IHO as a competent authority. However, there is no reason why the preamble to the Convention of the IHO cannot assert that the IHO is nevertheless a competent authority. The relevant part of the paragraph could therefore be adjusted to read:

"Considering that the International Hydrographic Organization is a competent international organization ~~recognized in~~ that acts in support of the United Nations Convention on the Law of the Sea ~~and should by coordinating eordinate~~ on a worldwide basis the setting of standards for the production of hydrographic data and the provision of hydrographic services as well as facilitate capacity building of national hydrographic services;"

"Governments" or "States" (Articles XVII and XIX)

These Articles refer to "Governments" whereas the rest of the Convention refers to "States" as being the Parties. References to the Government of Monaco are in the context of its depositary role and should remain unaltered.

In Article XVII paragraph (d), the President of the Directing Committee should be changed to "Secretary-General of the Organization".

Australia suggests that the Articles be amended to read:

ARTICLE XVII

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~~ State which participates in the work of the Bureau on 3 May 1967.
2. The ~~Governments~~ States referred to in paragraph 1 above may become Parties to the present Convention:
 - (i) By signature without reservation as to ratification or approval, or
 - (ii) 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~~ States referred to in paragraph 1 above, and the ~~President of the Directing Committee~~ Secretary-General of the Organization, of each signature and of each deposit of an instrument of ratification or approval.

ARTICLE XIX

- (a) This Convention shall be open for accession by ~~the Government of~~ any State that is a member of the United Nations. Any such State shall deposit its instrument of accession with the Government of the Principality of Monaco.

- (b) A State that is not a member of the United Nations may only accede to this Convention if its application for accession is approved by two thirds affirmative vote of all Member States. Subject to such approval, the Convention shall enter force for such a State on the date on which it has deposited its instrument of accession with the Government of the Principality of Monaco.

Relationship of General and Financial Regulations to the Convention (Article XI)

If the General and Financial Regulations are not an integral part of the Convention, their exact relationship with it, should be defined, with the Convention to prevail in the case of any inconsistency.

Australia suggests that Article XI be amended to read:

ARTICLE XI

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

Alternative dispute Settlement (Article XVI)

Australia would encourage M/S to consider the provision of alternative dispute settlement through the offices of an organization such as the International Tribunal for the Law of the Sea. This would avoid the cost of paying half the arbitrator's fees and the venue hire.

Australia suggests that Article XVI be amended to read:

ARTICLE XVI

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~~ submitted to the International Tribunal for the Law of the Sea.

“Depository”

“Depository” is misspelt throughout the document.

General

The final clauses of the Convention will obviously need considerable updating as they refer to the state of play in 1967.

BRAZIL

Partially favorable being observed the following modifications.

Amendments to IHO Convention

- a) Article V e) i) : to add the underlined text, as discriminated below:

“Elect its Chair and Vice-Chair, and one-third of Council,”

- b) Article VI a) : to remove and to include, respectively, the crossed out and underlined texts presented below :

“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, such as the tonnage of their fleets~~ direct election by the Assembly.”

- c) Article IX b) : to add the underlined text, as discriminated below :

“For the election of the Council Member, of the Secretary-General and the Directors, each Member State shall have a number of votes determined by a scale established in relation with the national tonnage of their fleets.”

Observation:

The modifications above also refers to Proposal 7.

CROATIA

Croatia supports this proposal.

FRANCE
(supported by PORTUGAL)

1. For many organizations concerned with standardization (e.g. ISO or IEC) a two-thirds majority is the usual rule applied in decision-making. Article IX c) of the Convention, as modified as a result of the SPWG deliberations, stipulates : "Except as otherwise provided in this Convention, decisions shall be taken by a simple majority of Member States present and voting, ..." : it would however be highly desirable that the decision-making rule used by the standardization organizations be applied within the IHO, as necessary.

In order to have the possibility to implement this usual rule without having to subsequently modify the Convention, it is proposed that the following Article IX g) be adopted:

- "(g) At any moment the Assembly can decide that technical decisions of a subsidiary body concerning standards or technical resolutions should be taken by a two-thirds majority of Member States present and voting."

Opting for the two-thirds majority rule is thus limited to certain decisions of a technical nature when it is important that the decisions made are well founded, with the final decision being taken by simple majority, once the technical matters have been carefully considered. The use of the two-thirds majority rule should be decided on a case by case basis, which means that this amendment adds a certain flexibility to the Convention without further involving the Member States.

2. It does not appear to be necessary to mention the Finance Committee in the Convention as it is a subsidiary body.

GERMANY

The Federal Republic of Germany is prepared to agree to the proposed amendments to the IHO Convention, proceeding on the assumption that the Convention remains unchanged in its essential

substance. It is assumed that the procedure according to Art. XXI, para. 3, can be applied despite the large number of amendments. However, this amendment procedure, which is to be retained also in future, makes it possible that because of the required majority of just two thirds Germany may become bound to an amendment without its express agreement. This might lead to infringements of German constitutional law in the individual case. Therefore, it is being reviewed presently whether the agreement of the Federal Republic of Germany to the amended Convention requires the reservation that future amendments will only be implemented if they are in compliance with the provisions of the Constitution of the Federal Republic of Germany.

Germany's comments on the amendments proper are as follows:

1. The paragraphs of the Articles of the Convention should not be lettered (a,b,c ...) but – following common language use – numbered (1, 2, 3 ...).
2. Considering the merely advisory and technical nature of the Organisation, it is assumed that the term “standards” in Article 2d refers to technical guidelines, not to legally binding standards under international law.
3. The term “recommendations” in Art. 5(e) vii should be replaced by “proposals”, as in viii.
4. It is assumed that IHO has always had a legal personality under international law, and that the insertion of the term “legal personality” in Art. 11 does not imply any change in legal status but only reflects modern language use.
5. For the sake of clarity, a consolidated version of the Convention should be included in the Protocol of Amendments.

INDIA

For reasons mentioned in our comments to Proposal 1, we have no specific comments to offer on the question of approval of the amendments.

JAPAN

Comments concerning "Drafts Amendments to the Convention on the IHO"

- (1) As for the phrase "the International Hydrographic Organization is a competent international organization recognized in the United Nations Convention on the Law of the Sea" in Paragraph 3 of the Preamble of the Draft Amendment to the Convention, Japan recommends the deletion of the term "competent," as the United Nations Convention on the Law of the Sea (UNCLOS) does not necessarily clarify in what respects the IHO could be identified as a "competent" organization (the IHO is mentioned only once in Article 3 of Attachment 2 of UNCLOS as the counterpart to the Commission on the Limits of the Continental Shelf (CLCS) to exchange scientific and technical information).
- (2) With regard to the phrase "supporting the protection and sustainable use of the marine environment" in Paragraph 4 of the proposed Preamble of the Draft Amendment to the Convention, Japan assumes that the implication of this provision is that the IHO supports the protection and sustainability of the marine environment while using it.

Objectively studying the relationship between the actual activities of the IHO and the protection of the marine environment, Japan could only find an indirect connection. Furthermore, the meaning of the phrase "use of ... environment" in the same provision is vague, and thus Japan recommends the deletion of the abovementioned phrase "supporting the

protection and sustainable use of the marine environment." Accordingly, if a clause on the marine environment needs to be included, the current phrase should be revised to keep with the abovementioned points, for example along the line of "supporting, through its activities, to harmonize the uses of the seas and oceans and the protection of the marine environment." (this is based on the understanding that through its activities, such as provision of nautical charts, the IHO promotes the safe use of the seas and oceans, which indirectly contributes to the protection of the marine environment, for instance, by preventing the occurrence of large-scale oil pollution accidents. The terminology "seas and oceans" is used in the Preamble of UNCLOS.)

Proposed ARTICLE II of the Draft Amendment to the Convention

- (3) As one of its objectives, the IHO defines in proposed ARTICLE II (d) of the Draft Amendment to the Convention, "To establish and support the development of international standards for the quality and formats of hydrographic data, information, products, services and techniques." Yet, Japan believes it is not necessary to limit the types of international standards to be established to "quality and formats," but rather to leave some space to adapt to the changes in the situation in the future. As such, Japan recommends deleting the phrase "the quality and formats of" included in the current draft. In addition, as the expression "formats of... hydrographic... techniques" in the original draft is unclear, the phrase "the quality and formats of" should be deleted.

Moreover, the meaning behind the phrase "To establish and support the development of international standards" in the same Article is uncertain. Therefore, the word "establish" should be replaced by "enhance" and the phrase should be revised to "To enhance and support the development of international standards."

- (4) As Japan believes the subject to which guidance is provided as stipulated in proposed ARTICLE II (e) of the Draft Amendment to the Convention does not necessarily have to be restricted to international organizations, the phrase "to States and international organizations" should be revised to "to States, international organizations and other entities" (as for the term "entities," please see our comment on proposed ARTICLE VI (f) (ix) of the Draft Amendment to the Convention).
- (5) Although proposed ARTICLE II (g) of the Draft Amendment to the Convention includes the phrase "on a regional basis," the IHO has also facilitated worldwide cooperation as confirmed in the Programme of the "Strategic Plan," which was decided at the Second Extraordinary International Hydrographic Conference as "through coordinated activities at the regional or worldwide level, via: ... Co-operation between HIO and non-member states"

Therefore, the phrase "on a regional basis" should be deleted and revised to "To enhance cooperation on hydrographic activities among States."

Proposed ARTICLE V of the Draft Amendment to the Convention

- (6) As states are the constitutional unit of the Council and the Finance Committee in proposed ARTICLES VI (a) and VII (a) of the Draft Amendment to the Convention, the constitutional unit of the Assembly stipulated in Proposed ARTICLE V (b) of the Draft Amendment to the Convention should be revised accordingly, and the phrase amended to "The Assembly shall be composed of all Member States."
- (7) As for the order of listing the names of proponents of holding the Extraordinary General Assembly discussed in proposed ARTICLE V (c) of the Draft Amendment to the Convention, the current order is Member State and then Secretary-General or Council. However, the

positioning of the Secretary-General and the Council should be reversed in accordance with the order defined in proposed ARTICLE IV of the Draft Amendment to the Convention.

- (8) An item should be added to proposed ARTICLE V (e) of the Draft Amendment to the Convention regarding the decisions and amendments of the General Regulations and Financial Regulations, which constitute the Basic Documents of the organization. For instance, we consider it appropriate to change proposed ARTICLE V (e)(ii) of the Draft Amendment to the Convention to "Determine appropriate regulations and roles of procedures."
- (9) The function of the Assembly is defined in proposed ARTICLE V (e)(iv) of the Draft Amendment to the Convention as "Establish subsidiary organs," whereas the function of the Council is defined in proposed ARTICLE VI (f) (viii) of the Draft Amendment to the Convention as "Propose to the Assembly the establishment of subsidiary organs." Therefore, to clarify the relationship between the two organizations, proposed ARTICLE V (e)(iv) of the Draft Amendment to the Convention should be revised to "Establish subsidiary organs upon proposals put to it by the Council"
- (10) The function of the Assembly is defined in proposed ARTICLE V (e)(v) of the Draft Amendment to the Convention as "Decide the overall policy, strategy and work programme of the Organization," whereas the function of the Council is defined in proposed ARTICLE VI (f) (v) of the Draft Amendment to the Convention as "Prepare, with the support of the Secretariat, proposals concerning the overall strategy and the work programme to be adopted by the Assembly." There is a lack of consistency in these definitions. The policies of the organization are embodied, for example, in the proposed Preamble and ARTICLE II, which defines the objectives of the organization, of the Draft Amendment to the Convention, and are not subject to frequent changes. As such, Japan believes it is not suitable to keep a clause that speaks of determining a policy or preparing to make a decision on a policy. Furthermore, as we assume that the term "strategy" carries a broad meaning of "a strategy to realize the objectives and the policy of the IHO" the term "strategy" alone serves the purpose and the term "policy" should be deleted. Accordingly, proposed ARTICLE V (e)(v) of the Draft Amendment to the Convention should be revised to "Decide the overall strategy and the work programme of the Organization" and proposed ARTICLE VI (f)(v) of the Draft Amendment to the Convention should be revised to "Prepare, with the support of the Secretariat, proposals concerning the overall strategy and the work programme of the Organization to be decided by the Assembly." As the role of the Secretariat is not defined in the Convention, the phrase "Support the Council to prepare proposals concerning overall strategy and the work programme of the Organization" should be added to proposed ARTICLE VIII of the Draft Amendment to the Convention.
- (11) The function of the Assembly is defined in proposed ARTICLE V (e)(vi) of the Draft Amendment to the Convention as "Consider reports put to it by the Council" and the function of the Council is defined in proposed ARTICLE VI (f)(iv) of the Draft Amendment to the Convention as "Report to the Assembly at each ordinary session on the work of the Organization." There is a lack of consistency in these definitions. As such, proposed ARTICLE V (e)(vi) of the Draft Amendment to the Convention should be revised to "Consider reports on the work of the Organization put to it by the Council".
- (12) The function of the Assembly is defined in proposed ARTICLE V (e)(vii) of the Draft Amendment to the Convention as "Consider the observations and recommendations put to it by any Member State, the Council or the Secretary-General." On the contrary, the Council and the Secretary-General are not made responsible for submitting an "observation" or "recommendation" to the Assembly under the definitions of proposed ARTICLES VI or VIII of the Draft Amendment to the Convention. Accordingly, Japan deems it most appropriate either to rewrite proposed ARTICLE V (e)(vii) of the Draft Amendment to the Convention as "Consider the observations and recommendations put to it by any Member State, the Council

or the Secretary-General" while adding to proposed ARTICLES VI and VIII of the Draft Amendment to the Convention the phrase "Put observations and recommendations to the Assembly," or to delete "the Council or the Secretary-General" from proposed ARTICLE V (e) (vii) of the Draft Amendment to the Convention so that the Article reads "Consider the observations and recommendations put to it by any Member States."

- (13) The function of the Assembly is defined in proposed ARTICLE V (e) (ix) of the Draft Amendment to the Convention as "Review the expenditures, approve the accounts and determine the financial arrangements of the Organization" and defined in proposed ARTICLE V (e) (x) as "approve the three-year budget of the Organization." The function of the Council on the other hand is determined in proposed ARTICLE VI (f) (vi) as "Consider the financial statements and budget estimates prepared by the Secretariat and submit them for approval to the Assembly with comments and recommendations regarding programmatic allocations of the budget estimates," and the function of the Finance Committee as described in proposed ARTICLE VII (c) of the Draft Amendment to the Convention is to "review the financial statements, budget estimates and reports on administrative matters prepared by the Secretariat and to present its observations and recommendations thereon to the Assembly." The role of the Secretariat is defined in proposed ARTICLE VIII (d) (i) of the Draft Amendment to the Convention as "Prepare and submit to the Finance Committee and the Council the financial statements for each year and budgetary estimates on a three-year basis, with the estimates for each year shown separately." As can be seen, the roles of the Assembly, the Council, the Finance Committee, the Secretariat and the Director-General conflict with one another regarding financial statements and budgetary estimates on a three-year basis; thus, Japan requests that their roles regarding financial statements and budget estimates on a three-year basis be rearranged. Furthermore, as the meaning of "financial arrangements" and the differences in the meanings between the words "review" and "consider" are not necessarily clear, Japan therefore requests that these meanings and differences be clearly defined or that the same words be used as much as possible. In addition, Japan believes it appropriate to change "Secretariat" to "Secretary-General" in proposed ARTICLE VI (f) (vi) and ARTICLE VII (c) of Draft Amendment to the Convention, and "budgetary" to "budget" in proposed ARTICLE VIII (d)(i) of Draft Amendment to the Convention, together with adding the new item "Prepare reports on administrative matters for the Finance Committee" in proposed ARTICLE VIII (d) of Draft Amendment to the Convention.

Moreover, we request a clarification as to whether the "expenditures" and "accounts" mentioned in proposed ARTICLE V (e)(ix) of the Draft Amendment to the Convention are regarded as part of "financial arrangements" and/or "financial statement." If they do not belong to either of these two categories, we request that the submitter of these "expenditures" and "accounts" to the Assembly be made specific.

Proposed ARTICLE VI of the Draft Amendment to the Convention

- (14) Deciding or approving (or confirming) Council members described in proposed ARTICLE VI of the Draft Amendment to the Convention must be a responsibility of the Assembly, which is the "principal organ." Japan finds it necessary to add a phrase "Approve (or confirm) Council members selected through the process described in ARTICLE VI (a)" as one of the roles of the Assembly defined in proposed ARTICLE V (e) of the Draft Amendment to the Convention.

As for proposed ARTICLE VI (a) of the Draft Amendment to the Convention, Japan requests that the phrase "on the basis of hydrographic interests, such as the tonnage of their fleets" be deleted from the phrase "on the basis of hydrographic interests, such as the tonnage of their fleets." The phrase should read "on the basis of hydrographic interests, which shall be defined in the General Regulations".

Japan respects the SPWG conclusion that SPWG recognizes that the criterion of tonnage would be the most appropriate criterion as for now, but some possibility should be left for taking other criterion in future. Japan understands that Member States are aware that the criterion of the "tonnage of their fleets" does not sufficiently reflect their contribution to mo, because of the problems related to the flags of convenience in the shipping industry. The use of such ambiguous words like "such as" should be avoided in legal documents like this.

- (15) According to proposed Article 6(a) of the Draft Amendment to the Convention, should the number of Member States exceed 120, then the number of the members of the Council would expand beyond 30. For instance, supposing the number of member states totaled 121, what would be the .number of Member States that comprises the Council, number of Council Member States by region, and the remaining number of Member States that comprises the Councils selected based on the standards related to hydrographic interests.
- (16) Proposed 6 (f) (ii) of the Draft Amendment to the Convention says that the Council undertakes the responsibilities delegated to it by the Assembly. As proposed ARTICLE V (e) of the Draft Amendment to the Convention does not refer to the duty of the Assembly, a new phrase "Delegate, where it is appropriate and necessary, responsibilities to the Council" should be added to proposed ARTICLE V (e) of the Draft Amendment to the Convention for the sake of consistency.
- (17) Proposed ARTICLE VI (f) (vi) of the Draft Amendment to the Convention says that the Council reviews the "financial statements" and "budget estimates" prepared by the Secretariat and submits them to the Assembly for approval. However, proposed ARTICLE VII (c) of the Draft Amendment to the Convention says that the Finance Committee reviews the "financial statements" and "budget estimates" prepared by the Secretariat and submits observations and recommendations to the Assembly. Japan requests that explanation be given on the difference between the roles of the Council and the Finance Committee.
- (18) According to the proposed ARTICLE VI (f) (vii) of the Draft Amendment to the Convention, only matters of "significant strategic or financial implications" are to be referred to the Assembly; however, in addition to this, Japan deems it appropriate to add "questions of substance" as an item of importance that should be proposed to the Assembly. (The phrase "questions of substance" has been used in Articles 159 and 161 of UNCLOS (stipulation concerning the International Sea-Bed Authority).) Furthermore, Japan suggests the use of the word "important" in place of "significant." Accordingly, the phrase here should be rewritten as "To the Assembly if they have important strategic or financial implications, or if they are questions of substance." Furthermore, in line with this, the item describing the decision-making process, which requires two-thirds support, in proposed Article 9(d) of the Draft Amendment to the Convention should be changed from "on matters related to the policy or finances of the Organization" to "on matters related to important strategic, financial implications, or questions of substance." As for whether or not a certain issue is an item that requires two-thirds approval in decision-making, Japan understands that this classification will be made by a majority vote as stipulated in proposed ARTICLE IX (c) of the Draft Amendment to the Convention.

In line with the revision of the item discussed above, those "strategic, financial implications which are not important" will be decided upon by a majority vote in accordance with the provisions of ARTICLE IX (f) of the Draft Amendment to the Convention. As for the decision concerning "matters related to important strategic, financial implications, or questions of substance," in the event a consensus is not reached, it should be decided upon in accordance with ARTICLE IX (d) of the Draft Amendment to the Convention with the voting support of two-thirds of the member states present and voting in the conference.

- (19) Proposed ARTICLE VI (f) (ix) of the Draft Amendment to the Convention defines the function of the Council as "Review draft agreements between the Organization and other organizations;" however, it is not clear whether the word "organizations" used here refers to other "international organizations" or organizations and groups other than those. On the other hand, as the IHO has concluded an "agreement" with "commercial entities," Japan considers it unnecessary to determine the parties to the "agreement" to a restricted few. As such, the provision should be clarified, and from the perspective of widening the range of parties to the "agreement," Japan suggests the modification of proposed ARTICLE VI (f) (ix) to read "Review draft agreement between the organization and other international organizations or other entities." As this role of the Assembly is not defined in proposed ARTICLE V (e) of the Draft Amendment to the Convention, the phrase "Approve agreements between the Organization and other international organizations or other entities put to it by the Council" should be added to proposed ARTICLE V (e) of the Draft Amendment to the Convention to maintain consistency.

Proposed ARTICLE VII of the Draft Amendment to the Convention

- (20) The quorum of the Finance Committee is not determined in proposed ARTICLE VII of the Draft Amendment to the Convention; Japan deems it appropriate for it to be defined.
- (21) With regard to voting rights described in proposed ARTICLE VII (a) of the Draft Amendment to the Convention, as a similar provision exists in ARTICLE IX (a), the phrase "Each Member State shall have one vote" should be deleted.
- (22) Proposed ARTICLE VII (d) of the Draft Amendment to the Convention says that the Finance Committee elects a chair to facilitate meetings. This provision should be revised to "The Finance Committee shall elect a Chair and Vice-Chair" to keep consistency with other organizations.

Proposed ARTICLE VIII of the Draft Amendment to the Convention

- (23) Proposed ARTICLE VIII (a) of the Draft Amendment to the Convention says that the Secretariat shall be comprised of a Secretary-General, Directors and other personnel. Japan deems it appropriate to rewrite the current phrase "such other personnel as the Organization may require" to "such other personnel appointed by the Secretary-General, as the Organization may require" to clearly distinguish the Secretary-General and the Directors chosen through election from other personnel.
- (24) The roles of the Secretariat and those of the Secretary-General are defined in proposed ARTICLES VIII (b) and VIII (d) of the Draft Amendment to the Convention, respectively.

At the same time, the Draft on General Regulations in Annex C of Conference Circular Letter 2 includes provisions on the roles of the Secretariat and the Secretary-General other than those given in proposed ARTICLE VIII of the Draft Amendment to the Convention. It is best to refrain from stipulating roles in the General Regulations that make claims beyond what is defined in the Convention. As such, Japan deems it necessary to revise the provisions in the Convention once all roles of the Secretariat and the Secretary-General are redefined.

- (25) Proposed ARTICLE VIII (d) of the Draft Amendment to the Convention defines the role of the Secretary-General. But if the details of the role are being determined as a means to clarify who holds the responsibility in the Secretariat, it should be enough to determine that the "Secretary-General supervises all operations of the Secretariat" in the Convention, leaving details of his responsibilities in the General Regulations. (As for the Director, too, this position should be defined as the "Director assists the Secretary-General in supervising the

operations of the Secretariat" in the Convention, and the details discussed in the General Regulations.)

- (26) The phrase "with respect with the activities" in proposed ARTICLE VIII (d)(ii) of the Draft Amendment to the Convention is a mistake. It should be corrected to "with respect to the activities."
- (27) Two places in proposed ARTICLE VIII (e) of the Draft Amendment to the Convention that state "the Secretary-General and the staff" should be revised to "the Secretary-General, the Directors and the personnel" to keep consistency with ARTICLE VIII (a).

Proposed ARTICLE IX of the Draft Amendment to the Convention

- (28) Proposed ARTICLE IX of the Draft Amendment to the Convention determines the method of decision-making when a consensus cannot be reached; however, the principle of decision by consensus is not written anywhere. Therefore, a phrase "Decisions shall be taken by consensus" should be added at the beginning of the Article. Furthermore, we assume that voting by correspondence (voting by correspondence conducted by each Member State after receiving a "review" of the Council "on matters related to important strategic, financial implications, or questions of substance") is presumed in proposed ARTICLE IX (f) based on the provisions in proposed ARTICLE VI (f) (vii) of the Draft Amendment to the Convention. In order to clarify this, Japan suggests that the third point from the top in proposed ARTICLE VI (f)(vii) of the Draft Amendment to the Convention be rewritten as "to the Member States for adoption by correspondence" and that the phrase "the decision shall be taken by a majority of the Member States" in proposed ARTICLE IX (f) of the Draft Amendment to the Convention be replaced with "the decision shall be taken through voting by correspondence by a majority of the Member States."
- (29) With regard to proposed ARTICLE IX (b) of the Draft Amendment to the Convention, if the details of the procedure for the election of the Secretary-General and Director are to be stipulated in the General Regulations, the phrase "The procedure for the election of the Secretary-General and Directors shall be set forth in the General Regulations" should be added to proposed ARTICLE IX (b) of the Draft Amendment to the Convention for clarity.
- (30) As for proposed ARTICLE IX (c) of the Draft Amendment to the Convention, since technical resolutions will not be put into effect without the approval of a sufficient number of states, the phrase "In the case of resolutions to be inserted in the Repertory of Technical Resolutions, the majority shall in any event include the affirmative votes of not less than one third of the Member Governments," which is a part of the provision in ARTICLE 6 of Paragraph 5 of the current Convention, should be inserted here. When looking at the past cases of technical resolutions at the mo, it has been the usual practice that approvals have been given through a unanimous vote. Japan believes that the acceleration of the decision-making process would not be hindered through the insertion of this new line.

Proposed ARTICLE X of the Draft Amendment to the Convention

- (31) In relation to Japan's comments concerning proposed ARTICLES II (e), V (e) and VI (f)(ix) of the Draft Amendment to the Convention, Japan suggests the phrase in proposed ARTICLE X of the Draft Amendment to the Convention be changed from "other non-governmental international organizations" to "other international organizations, non-governmental organizations or other entities."

Proposed ARTICLE XIX of the Draft Amendment to the Convention

- (32) The phrase "The Convention shall enter into force for such a State on the date on which it has deposited its instrument of accession with the Government of the Principality of Monaco," should be inserted at the very end of proposed ARTICLE XIX (a) of the Draft Amendment to the Convention. (Sharing the information on the date when the Convention takes effect for newly joining Member States is desirable considering the content of proposed ARTICLE XIX (b) of the Draft Amendment to the Convention.)

MONACO

PROTOCOL OF PROPOSED AMENDMENTS TO THE CONVENTION ON IHO

Article 1

No comments, other than to state our approval of replacing "*Governments Parties*" by "*The States Parties*".

Article 2, 3, 4

No comments.

Article 5

The functions of the Assembly are listed

in para. e) on the one hand, whereas the possibility of the Assembly delegating certain functions is provided for under para. a). It would therefore seem appropriate to specify those functions which are not to be delegated.

In para. c) the reasons for convening extraordinary Assembly sessions should be indicated.

In para. d) it would be useful to specify the invariable nature (or possibly the variable nature) of a quorum, depending on the type of decisions which the Assembly has to take.

Article 6

In para. d) more details on the Council meeting procedures (date, method of convening the meeting) could be inserted.

With respect to the functions of the Assembly, we need to add under the Council functions (Article VI f) of the Convention:

"to prepare and organize Ordinary or Extraordinary Hydrographic Conferences".

Article 8

With respect to the Secretary General, Monaco understands that the rules covering his election, replacement and length of mandate are determined by the IHO General Regulations.

However, it should be emphasized in this article that the Secretary General has the authority to :

- go to law in the name of, and on behalf of, the Organisation
- undertake transactions (in particular to acquire or dispose of fixed or movable assets).

Article 9

This article determines the majority required for taking certain decisions depending on the type of decision (letter d). On the other hand, the actual body, assembly or council, to which these rules apply is not specified. It should therefore be specified to which body (ies) these majority rules apply (the Assembly or the Council, or both).

Also, it would be useful to add to para. e) the relevant provisions covering the case of "Suspended States".

Article 10 and 11

No Comments.

Article 12

Replace "*Comité des finances*" by "*Commission des finances*" (applies to the French version only).

Article 13, 14, 15

No Comments.

Article 16

Replace in para. c) i "article XIX b) " by "article XIX.2".

In order to clarify the obligations of the Depository, we suggest adding a paragraph in Article 16 c) ii of the Protocol, concerning the information provided by the "Depository" at the time of adoption of a modification to the Convention.

Article 17

The sense of "affirmative vote" could be made more specific and could be amended to read "positive vote".

Article 18

The Principality of Monaco notes that the new wording of Article XXI of the Convention does not fundamentally change the procedures put in place by the Convention and that the modification procedures will always take a long time to come into effect.

Article 19

Correct "Article XXIII" to "Article XXII" (applies to the French version only).

It will probably be necessary to add paragraph 1 of the current version of the Convention, related to the entry into force of the Convention.

Article 21

Correct "Article XXI(c)" to read "Article XXI.3".

Last paragraph of the Protocol

Correct "Article XXI(c)" to read "Article XXI.3".

General Comment

It would be appropriate to replace "The Government of the Principality of Monaco" by "the Depository State".

MOROCCO

1. NOTE: THIS COMMENT REFERS TO THE FRENCH TEXT

In the Preamble :

Third "considering" paragraph states :

(French version)

... que l'Organisation Hydrographique Internationale a pour vocation d'être l'autorité internationale "**indiscutée**".

(English version)

... that the vision of the International Hydrographic Organization is to be the **recognized** international hydrographic authority

Taking into account that this word ("**indiscutée**") is ambiguous and not commonly used, we propose that this paragraph be reworded as follows:

"considérant que l'Organisation Hydrographique Internationale a pour vocation d'être, **à titre exclusif**, l'autorité ayant pour rôle ..." , ...

with the rest of the text unchanged.

"Considering that the vision of the International Hydrographic Organization is to be the **exclusive** international hydrographic authority

2. NOTE: THIS COMMENT REFERS TO THE FRENCH TEXT

ARTICLE III

In order to avoid repetition in the wording of this article, we suggest replacing the part of the sentence which reads:

"Sont Etats membres de l'Organisation les Etats Parties"

by

"**Sont membres de l'Organisation les Etats Parties à la Convention**".

3.

ARTICLE VII (b)

Purely from an editorial point of view, it is suggested to replace:

"The Finance Committee shall normally be convened in conjunction with each ordinary session of the Assembly and may convene additional meetings as appropriate."

by

"The Finance Committee shall hold meetings at each ordinary session of the Assembly. Additional meetings may be held by the Committee as necessary."

4.

ARTICLE VIII (d), (ii)

It is proposed to replace the sentence :

(French version)

(d) "Le Secrétaire Général:

(ii) est chargé de tenir les Etats membres au courant de l'activité de l'Organisation."

To be replaced by:

(d) "Le Secrétaire Général :

(ii) informe les Etats membres des activités de l'Organisation."

(English version)

(d) "The Secretary-General shall:

(ii) Keep Member States informed with respect to the activities of the Organization".

To be replaced by :

(d) "The Secretary-General shall:

(ii) inform the Member States of the activities of the Organization".

5.

ARTICLE IX (c)

This paragraph specifies that decisions shall be taken by a simple majority of Member States present and voting and if the votes are tied the Chair shall decide. This paragraph does not specify which Chairman we are talking about, all the more so that the Convention does not include an article providing definitions of the terms used.

It would therefore be appropriate to specify which body the Chairman presides.

In other respects, it is proposed to replace the part of the sentence "The Chair shall decide" by:

"in the case of the votes being tied, the Chair's vote shall take precedence".

6.

ARTICLE XI

This article specifies that the mode of functioning of the Organization is defined in the General Regulations and Financial Regulations, which are annexed to this Convention, but which do not form an integral part thereof.

As worded, this clause is problematical, because in deciding that the said Regulations do not form an integral part of the Convention, it removes the need for them to be submitted to the ratification procedures, whereas they have been conceived for an important objective which is the actual functioning of the Organization and, because of this fact, have been annexed to the Convention.

Taking into account the above comments, it would be advisable to specify in this article that the General Regulations and Financial Regulations do form an integral part of the Convention.

NETHERLANDS

Article 17 of the Protocol of Proposed Amendments

It is the opinion of the MoFA that Article 17 (a) of the Protocol of Proposed Amendments should read: *“This Convention shall be open for accession by the Government of 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 Government of the Principality of Monaco.”*

In the present wording it is not clear precisely when the Convention enters into force for a new member. Furthermore with the proposed wording for art 17 (a) it is identical to the wording in the last sentence of art 17 (b).

NORWAY

PRO nn - TO AMEND THE “PROTOCOL OF AMENDMENTS TO THE CONVENTION ON THE IHO”

Submitted by: Norway

Reference: Proposal 2 to the 3RD Extraordinary International Hydrographic Conference, “Protocol of Proposed Amendments to the Convention on the International Hydrographic Organization”, CCL2 – ANNEX D.

PROPOSAL

The Conference is requested to approve the following amendments to the “Protocol of Proposed Amendments to the Convention on the International Hydrographic Organization”, CCL2 – ANNEX D:

Protocol Article 1, sub-paragraph 2.:

Replace

"CONSIDERING that the International Hydrographic Organization is a competent international Organization, *recognized* in the United Nations Convention on the Law of the Sea, ..”

with

"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, ...”

EXPLANATORY NOTE:

The *United Nations Convention on the Law of the Sea* makes reference to different International Organizations without recognizing them as such, hence the proposed rewording.

Protocol Article 6:

Insert new Article VI (b)

- (b) *The principles for **the composition of the Council** shall be laid down in the General Regulations.*

Consequently Articles VI (b) to VI (f) to be renumbered Articles VI (c) to VI (g) respectively.

EXPLANATORY NOTE:

It is considered consistent to have a reference to the principles in the Convention text.

Protocol Article 6:

Amend Article VI (f) vii to read

Review proposals [of a technical or administrative nature] submitted to it by subsidiary organs and refer them:

- *To the Assembly if they have significant strategic or financial implications;*
- *Back to the subsidiary organ if considered necessary; or*
- *To the Member States for adoption [through correspondance];*

EXPLANATORY NOTE:

The proposed rewording is meant to make it more clear as to when this procedure can be used and, in the case that a proposal is forwarded to the Member States for adoption, how this can be done (i.e. through correspondence).

Protocol Article 16

Article XIX in the present Convention is proposed maintained in the amended Convention as Article XVIII. The succeeding Articles should be renumbered accordingly.

EXPLANATORY NOTE:

In Article 16 in the Protocol the present Article XIX, which defines the entry into force of the Convention, is proposed deleted. As this eventually would leave the amended Convention without any definition of its entry into force, Norway would recommend to retain the present Article XIX. This is supported by the fact the present Article XVIII, as well as the present article XXII (which has a reference to the Conventions entry into force), are proposed retained (as new Articles XVII and XXI respectively).

Protocol Article 17

- a) In the new Article XIX a), “*the Government of any State*” is proposed replaced by “*any State*”.

EXPLANATORY NOTE:

In the proposed amended Convention text, the term “*Governments*” is consistently proposed replaced by “*State Parties*” and “*Member States*”.

- b) Furthermore, the new Article XIX a) should be amended with a new sentence as follows:

The Convention shall enter into force for such a State on the date on which it has deposited its instrument of accession with the Government of the Principality of Monaco.

EXPLANATORY NOTE:

The new Article XIX a) does not include a statement as to the time of entry into force of the Convention for such a State. A similar wording as in new Article XIX b) is proposed.

TURKEY

1. The following statement is the proposal from the SPWG concerning the Vision of the IHO:

“The Vision of the IHO is to be the recognized international hydrographic authority advancing maritime safety and efficiency, and supporting the protection and sustainable use of the marine environment.”

When we scrutinize the statement we can easily realize that proposed vision has already been reached. In our opinion, vision should be a statement that expresses what an organization is trying to build aspirations to be realized. It should convey an image of the future and should be an over-arching statement on the way an organization wants to be. Vision must be challenging and it must set organization in motion. So we suggest to replace above statement with the below one:

“The vision of the IHO is to be the worldwide hydrographic authority which gathers all coastal states under its structure to provide maritime safety and efficiency, and support the protection and sustainable use of the marine environment and to reach worldwide unity on hydrography.”

2. Constitution of a council is a necessary step to acquire more flexible and efficient management in the organization but in our opinion representative model is not equitable. In this respect drawing not two thirds of the seats but all from RHCs according to the majority of their member states will be a better solution which will reflect ideal state of representation.

URUGUAY

As regards the proposed changes, although we agree with many points and support them, there are others where we do not agree, because we are not sure that applying these changes would benefit the Organization.

USA

The United States of America supports this proposal, subject to the Conference reaching agreement on proposed amendments to the Convention. Proposed amendments to the IHO Convention are necessary to implement the recommendations set forth in the SPWG Report (CONF.EX3/DOC.1). The United States of America appreciates the fact that the number of amendments has been kept to a minimum; only those needed to effect SPWG-recommended strategic, structural and procedural changes have been proposed. The draft resolution has the added benefit of dispensing with the two pending amendments to the current Convention (re: Decision No. 5, the XIIIth I.H. Conference and Decision No. 13, the XVth I.H. Conference), which have not entered into force.

Additional Comments

Convention of the IHO (Consolidated Version)

ARTICLE X

Delete “other” in first line. The IHO is an IGO (Inter-Governmental Organization) and the Convention should not imply that it is a NON-Governmental Organization.

ARTICLE XVII d)

Second line : change “President of the Directing Committee” to the “Secretary General of the Organization”. If the term “President of the D/C” still exists, it should be defined by revising the beginning of Article IX (b) on page 9 to read “For the election of the Directing Committee (Secretary-General and the Directors)...”

**PRO 3 - AGREEMENT WITH PRINCIPLES LAID DOWN FOR THE IHO
SUBSIDIARY ORGANS STRUCTURE**

Submitted by: The Strategic Planning Working Group
Reference: Report "A Study into the organizational structure and procedures of the IHO"

PROPOSAL

The Conference is requested to agree with the principles laid down for the structure of the IHO Subsidiary Organs (paragraph 6.4 of the Report).

EXPLANATORY NOTE:

After lengthy discussion, the SPWG decided not to specify the Subsidiary Organs, including the Major Committees, in the Convention. However, the SPWG also agreed that the future structure should include two Major Committees, the Hydrographic Services & Standards Committee and the Inter-Regional Coordination Committee.

MEMBER STATES' COMMENTS

ARGENTINA

The SHN does not agree with the proposal of the SPWG. Having considered the terms of reference of commissions, committees and working groups that have already fulfilled their tasks, the SHN understands that they should be dissolved in order to avoid duplication of functions.

BRAZIL

Favorable.

CHILE

CHILEAN PROPOSAL

PRO 3 Agreement to conduct a study to rationalize the existing subsidiary bodies of the IHO.

PROPOSAL

"The Conference is requested to agree on the need to conduct a study to rationalize the existing IHO subsidiary bodies. The study is to be conducted by the SPWG. and its results reported to the XVII IH Conference for decision".

CROATIA

Croatia supports this proposal.

INDIA

We are not clear as to what exactly is the status of the Legal Advisory Group (LAG). The Report of the SPWG does not provide any guidelines in the section on "A Study into the Organizational

Structure and Procedures of IHO”. This study neither accords it a status of an “organ”, nor does it say how it is to be established and what are its specific functions.

NETHERLANDS

These comments have been coordinated with the relevant authorities in The Netherlands (ie the Ministry of Foreign Affairs (MoFA) Department for international Law)

Legal Advisory Group (LAG)

In the opinion of the MoFA the status of the LAG is a bit unclear. From the text of the “A STUDY INTO THE ORGANIZATIONAL STRUCTURE AND PROCEDURES OF THE IHO” (*pages 10-11 and 28 para 6.8*) it appears not to be a subsidiary organ of the Organization. Neither the Protocol nor the Regulations contain any reference to the LAG. In the opinion of the MoFA this unclear status might lead (among other things) to problems concerning financial matters regarding LAG-meetings in relation with the IHO budget.

Although the MoFA gives as an option to mention the LAG in art 4 of the Protocol as an organ of IHO with an associated article in the Convention, their preferred option (and mine, in line with the “as generic as possible” approach by SPWG) is to establish, by the Assembly, the LAG as a subsidiary organ of the IHO (in accordance with art 5(e)iv).

This can be done by amending PRO 3 by adding the LAG (para 6.8 of the Report) as a subsidiary organ. In my opinion it is preferred to address the LAG in a separate Proposal along the following lines:

PRO XX AGREEMENT WITH PRINCIPLES LAID DOWN FOR THE LEGAL ADVISORY GROUP

The Conference is requested to agree with the principles laid down for the Legal Advisory Group and considers the LAG as a subsidiary organ in the structure of IHO (Paragraph 6.8 and Figure 1 of the Report).

EXPLANATORY NOTE:

In Figure 1: Proposed Model of the Report, the Legal Advisory Group is pictured as part of the structure of IHO. The LAG is not mentioned as an organ of the Organization in the Protocol of Proposed Amendments to the Convention of the IHO, nor is it made clear in the Report how the LAG is established. In line with the discussions within the SPWG with regard to Subsidiary Organs (see explanatory note PRO 3) it is proposed to consider the LAG as a Subsidiary Organ to be established by the Assembly in accordance with article 5(e)iv of the Protocol of Proposed Amendments.

URUGUAY

This proposal is unclear as it stands. A more detailed study would be required to be able to make comments. We could “agree in principle” only, and would request afterwards the submission of a complete and clear proposal.

USA

The United States of America supports this proposal. Although not specifically addressed in the proposal above, we note that the IHO Convention currently makes specific reference to a Finance Committee. We fully support continued reference to that committee in the Convention. We also support the SPWG’s recommendations as to the proposed functions and organizational alignment of

other bodies. We fully agree with the SPWG Report recommendation that the present system of committees, subcommittees and working groups should be simplified. We fully support consolidating these subsidiary organs into the two proposed major committees, the Hydrographic Services & Standards Committee and the Inter-Regional Coordination Committee. Further, subsidiary organs and subordinate groups that are formed by such committees to accomplish specific projects or goals as part of the IHO Strategic Plan and Work Program, should not exist indefinitely. We applaud the adoption of business performance methods and measures (e.g. use of Return of Investment valuations) and continuous monitoring of their progress toward established goals and accomplishments.

PRO 4 - AGREEMENT WITH PRINCIPLES LAID DOWN FOR THE PROCEDURES OF SELECTION OF MEMBERS OF THE IHO COUNCIL

Submitted by: The Strategic Planning Working Group

Reference: Report “A Study into the organizational structure and procedures of the IHO”

PROPOSAL

The Conference is requested to agree with the principles laid down for the selection of members of the IHO Council (Paragraph 6.2 of the Report).

MEMBER STATES' COMMENTS

ALGERIA

ELECTION OF THE MEMBERS OF THE COUNCIL

**ARTICLES 16 (b) and 16 (c)
of the General Regulations**

It seems to us that the procedure for determining the membership of the Council (2/3 – 1/3) penalizes those countries with weak hydrographic capabilities who risk either not being represented at all, or being poorly represented, on the Council.

Objectively, it is highly probable that the majority of seats (2/3) intended for the RHCs will be allocated to the “hydrographically developed” countries who will most certainly be candidates to sit on the Council. Past experience has shown that these countries are present in large numbers in the various commissions and IHO working groups, a situation which we consider natural in view of their hydrographic skills and potential.

Furthermore, a third of the remaining seats will automatically be allocated [Article 16(c)] to countries with a large fleet, which are mainly, apart from certain countries with a flag of convenience, those which represent major hydrographic interests.

In order to avoid the situation where countries with limited hydrographic capabilities would be under represented on the Council, we suggest that the rule concerning the quotas be reviewed. As an example the quotas could be defined as follows:

- 5/10 of the seats allocated to RHC
- 3/10 of the seats allocated to countries with major hydrographic interests
- 2/10 of the seats allocated to countries with limited hydrographic capabilities

This example is given simply as an indication.

ARGENTINA

The SHN does not agree (as stated in PRO 2).

BRAZIL

General Regulation of the IHO

- a) ARTICLE 16 b) v) :to replace the crossed out text with the underlined one:

~~“three~~ six months before the Assembly, the Secretary-General will inform all Member States of the number of seats allocated to each RHC for the purpose of Council member selection, and the States which are eligible for selection. The number of seats allocated to each RHC will be calculated by the Secretary-General based on the principle of a proportional distribution in order to arrive at the required two thirds of the Council seats;”

- b) ARTICLE 16 b) vi): to replace the crossed out text with the underlined one below:

~~“RHCs must inform the Secretary-General of their selection, before the last day~~ until three months before the beginning of the Assembly.”

- c) ARTICLE 16 c): to replace the crossed out text with the underlined below:

~~“The remaining one-third of the Council will be drawn from the Member State who have the greatest interest in hydrographic matters and who have not been selected under the procedure described in (b) above. For this purpose, the measure of hydrographic interest 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 State in descending order of their tonnage, having confirmed with the Member State their willingness to sit on the Council.~~

The remaining one-third will be composed by the candidate Member States which have not been selected by the procedure described in (b) above. The candidacies will be presented to the Secretariat by interested States up to two months before the beginning of the Assembly. The Secretary-General will publish the list of representatives of RHC and of candidate States to occupy the remaining one-third of the seats of the Council, to all the Member States, until one month before the beginning of the Assembly.”

- d) ARTICLE 16 d) : to replace the crossed out text with the underlined one below:

~~“The Secretary-General will compile the combined list of Council Member, which will be placed before the Assembly.~~

For the election of one-third of the Members of the Council:

- i. There will be only one ballot;
- ii. To register their votes for the election of the Member States which will compose the Council, the delegations should place in the ballot a number of papers of votes equal to the number of votes to which each one is entitled, with the name of the Member States which they want to choose;
- iii. Any vote paper not filled out in strict agreement with sub-para. (i) and sub-para. (ii) they will be nullified; and
- iv. The Secretary-General will compile the combined list of Members of the Council and will publish it immediately after the closing of the Assembly.”

- e) ARTICLE 18 a) : to add the underlined text presented below:

“For the election of one-third of the Council, of the Secretary-General and Directors, each Member State shall have two votes; those States which have 100 000 tons of shipping or more shall have supplementary votes in accordance with the following scale

- f) ARTICLE 22 c) : to replace the crossed out text with the underlined one below:

“Any voting paper not completed in strict accordance with paragraphs ~~(b)~~ (a) and ~~(e)~~ (b) shall be nullified.”

Partially favorable, being observed the following modifications.

Rules of Procedure of the Assembly

- a) Rule 12 e) : to add the underlined text presented below:

“The election and re-election of the Member States to the Council, of the Secretary-General and the Directors in accordance with Article V(e)iii of the Convention and the procedures described in the General Regulations;”

The direct election is proposed as alternative to the selection of one-third of the Members of the Council by tonnage criterion, for the following reasons:

- (1) the tonnage does not express the competence and the technical capacity of a hydrographic service;
- (2) the proposed criterion does not take into consideration the maritime/hydrographic prestige of the State-Member before the international community, which, in fact, is an important factor for the representativity in an organ of the importance of IHO;
- (3) the proposed criterion hurts the universal principle of the equality of opportunities; and
- (4) the composition of the Council, just as here suggested, will allow a larger representativity, legitimacy and impartiality; because by direct election, Member States candidates having recognized technical capacity and competence, certainly will have more chances to be chosen and, therefore, they would not just depend on decision of the Secretary-General, as is proposed in SPWG Report (sub item 6.2.1).

CROATIA

Croatia supports this proposal.

FRANCE

The wording of Article VI (a) of the Convention, as proposed by the SPWG, defines the Council membership as follows:

"(a) One fourth of, but not less than thirty, shall take seats in the Council, two-thirds of whom shall take their seats on a regional basis and the remaining third on the basis of hydrographic interests, such as the tonnage of their fleets."

In this text, the tonnage of the fleet is given as an example of what may be "hydrographic interests". These hydrographic interests are in fact defined by the objectives and the role of the Organization which are set down:

- in the preamble of the Convention as modified by the SPWG where it is indicated 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;*
- in Article II of the modified Convention which stipulates that the Organization [....] has as its object:
 - (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, quality and access to hydrographic data, information, products and services;*
 - (c) *To improve global hydrographic capability, capacity, science and techniques;*
 - (d) *To establish and support the development of international standards for the quality and formats of 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.*

The criterion of the tonnage figures does not properly reflect the IHO's objectives which are not covered by the sole criterion of representation on a regional basis. The tonnage reflects to a certain extent the benefits derived from hydrographic surveying activities (the possibility of navigating in reasonable conditions of nautical safety), but not the activities themselves (provision of documents and qualified services which provide these reasonable conditions of nautical safety, but which also contribute to the protection of the environment, as stated in the modified Convention). This is why there was considerable discussion on the subject at the 4th and 5th meetings of the SPWG, and no consensus was reached. Various criteria have been compared (for example tonnage of fleets, area of the EEZ, a combination of both the EEZ area and tonnage), but others have only been touched upon, such as the number of original published charts, the surface of the charting responsibility zones or even deciding the Council membership by vote of the Assembly.

France considers that the wording used in Article 16 of the proposed General Regulations is only intended to show that the modified Convention will enable the effective functioning of the Organization, but also considers that Article 16 should be improved to properly take into account the actual role and objectives of the IHO.

The wording of Article VI (a) of the modified Convention intentionally provides a certain flexibility to make adjustments to the Organization's mode of functioning without having to resort to new amendments to the Convention, which, from experience, are difficult to implement. It is therefore probably not necessary that a consensus be reached at the conclusion of the 3rd EIHC on the precise wording of the General Regulations, but we do need to thoroughly and carefully consider the best way to reflect the hydrographic interests which are mentioned in the modified Convention as proposed by the SPWG.

France consequently proposes that the SPWG, or a working group within the SPWG, be mandated to study the best way for the "hydrographic interests" to be reflected in the Council membership, and to present its conclusions to the 17th IHC.

If, however, the Conference wants the Basic Documents, which go with the modified Convention, to be presented in a final form ready to be transmitted immediately to the national authorities who will be tasked with ratifying the modified Convention, France proposes changing the wording of para. 16 c) of the General Regulations to read:

"(c) The remaining one-third of the Council will be drawn from the Member States who have the greatest interest in hydrographic matters. For this purpose, the Secretary General will draw up two lists. The first one is drawn up in accordance with the Financial Regulations in descending order of Member States' tonnages. The second list will be drawn up in accordance with the S-55 publication in descending order of the EEZ placed under the charting responsibility of the Member States. The Secretary General will determine the remaining one-third of the Council membership by identifying alternatively in the first and second lists, in descending order, those Member States who have confirmed their willingness to sit on Council and who have not yet been selected to do so."

INDIA

India has substantive comments to offer on this proposal. While we agree that a smaller body like the Council is required for efficient management of the Organization, we have our reservations on the Representative Model proposed by the Report of the SPWG.

India has been and continues to be a leading country in the field of hydrography, nautical cartography and electronic charting.

We do not agree to pegging of Council membership to total tonnage of a country. Unlike the International Maritime Organization (IMO), the IHO is an Organization devoted to provision of hydrographic services. The preambular paragraphs of the Convention are clearly indicative of this. Having an outstanding record in this field, we believe that representation based on "tonnage *per se*", is inherently iniquitous as it would afford representation on the Council to many States who have little or no proven record in the field of hydrography.

For reasons stated above, we suggest that representation on the Council for the 30 seats should be revised. The SPWG recommendations for 20 seats to RHC's and 10 seats based on tonnage needs a relook. However, if the tonnage criteria is inescapable then we suggest that instead of a 20:10 division, 15 seats be provided for RHC's and 15 seats should be based on tonnage.

We believe that such a model would meet our legitimate concerns and ensure a regular and continuous representation on the Council.

PORTUGAL

The Portuguese Hydrographic Institute is in full agreement with the proposal from SHOM with regards to the change in paragraph 16c) of the General Regulations. Portugal prefers this alternative rather than the one stated concerning the creation of a Working Group within the SPWG, to study the selection procedure over the next two years.

UNITED KINGDOM

UK suggests that PRO 4 is amended to read:

“Adoption of the Procedures of Selection of Member of the IHO Council.”

URUGUAY

We do not agree with several points contained in this proposal.

USA

The United States of America supports this proposal. We support the principles that Council representation should reflect a combination of seats selected on the basis of ensuring representation of all geographic areas, and seats selected on the basis of hydrographic interest. Use of the current Regional Hydrographic Commissions (RHCs) as the basis for ensuring geographical representation is acceptable. Member States, however, should be reminded that RHCs are voluntary groups of member and non-Member States with common interests, which means their number and geographic boundaries can change over time. The use of national tonnage, the current basis for annual assessments, is a useful measure of hydrographic interest. We could also support the use of a nation’s Exclusive Economic Zone (EEZ) areas as an effective measure of hydrographic responsibility or a combination of the two (an index of tonnage and EEZ area).

PRO 5 - AGREEMENT WITH PRINCIPLES LAID DOWN FOR THE GUIDELINES OF ACCREDITATION OF NGIOS

Submitted by: The Strategic Planning Working Group
Reference: Report “A Study into the organizational structure and procedures of the IHO”

PROPOSAL

The Conference is requested to agree with the principles laid down for the Guidelines for Accreditation of Non Governmental International Organizations (APPENDIX IX of the Report).

MEMBER STATES' COMMENTS

ARGENTINA

No objections. However, the SHN would like to suggest to include it as an Administrative Resolution RT 1.2.4.

BRAZIL

Favorable.

CHILE

CHILEAN PROPOSAL

PRO 5 Amendment to IHO Administrative Resolution T 1.2 “IHO RELATIONS WITH OTHER ORGANIZATIONS”, to regulate NGIOS accreditation and participation on IHO business.

PROPOSAL

The Conference is requested to approve the following text to be included in the IHO Administrative Resolution T1.2 as number 4.

4.- Any Non Governmental International Organization, which is able to make a substantial contribution to the work of the IHO may be accredited and granted observer status. The regulations to be followed are:

Rule 1 Applicability

Subject to approval by the Conference or by Circular Letter, the IHO may grant observer status to any non-governmental international organization which is able to make a substantial contribution to the work of the IHO.

Rule 2 Purpose

Decisions to grant observer status to any non-governmental international organization shall be based on the principles that the purpose for entering into observer status shall be:

- (a) to enable the IHO to obtain information, help or expert advice from the non-governmental International organizations with special knowledge in the Organization’s activities. Such information, help or advice can include (but not be limited to) :

- (1) consolidated strategic advice on the technical work program of the Organization, such as the needs of the user community, emerging technologies, required standards, data requirements and future trends;
 - (2) co-operation on technical programs of mutual interest including the proposal of new programs that fall under the responsibility of IHO;
 - (3) the effectiveness of the implementation of the technical activities of IHO. such as standards. specifications and capacity building;
 - (4) advice on issues relevant to the IHO, on request;
 - (5) support to the technical program of the IHO for capacity building;
 - (6) provision of representatives with special knowledge to IHO working groups.
- (b) to enable such NGIOs whose activities have an important and direct bearing on the work of the IHO to express their points of view to the Organization. They may request information of interest from the IHO to be distributed to their members.

Rule 3 Objectives and activities of the NGIO

Before granting observer status to any non-governmental international organization, the IHO must be satisfied that the objectives and functions of the non-governmental international organization are in harmony with the objectives of the IHO, as defined in Article 3 of the Convention.

Rule 4 General Undertaking by the NGIOs

Observer status may not be granted to a non-governmental international organization unless it undertakes to support the activities of the IHO and to promote the dissemination of its principles and work, bearing in mind the objectives and functions of the IHO on the one hand and the competence and activities of the non-governmental international organization on the other.

Rule 5 Constitution and Structure of the NGIOs

Observer status may not be granted to any non-governmental international organization unless it has a permanent headquarters, a governing body and an executive officer. It must also be authorized under its constitution to speak for its members through accredited representatives.

Rule 6 Privileges conferred by Observer Status

The granting of observer status to a non-governmental international organization shall confer the following privileges on that organization:

- (a) the right to receive the provisional agenda for the sessions of the Conference and the subsidiary bodies of the IHO;
- (b) the right to submit written statements on items of the Agenda of the Conference and subsidiary bodies which are of interest to the non-governmental international organization concerned, after appropriate consultation with the IHB Directing Committee, provided that such submission does not impede the smooth functioning of the IHO organ involved. The non-governmental/international organization concerned shall give due consideration to any comment which the Directing Committee may make in the course of such consultations before transmitting the statement in final form;
- (c) the right to be represented by an observer at any meeting of the IHO. at which matters of special interest to the non-governmental international organizations concerned are to be considered;

- (d) the right to receive the texts of resolutions adopted by the Conference and of the appropriate supporting documents.

Rule 7 Status of the NGIOs at Meetings of the IHO

Normally one observer from each non-governmental international organization shall be admitted to any session or meeting. Such observer shall have no voting rights but may, on the invitation of the Chairman and with the approval of the body concerned, speak on any item of the agenda of special interest to the non-governmental international organization of which he is the representative.

Rule 8 Granting of Reciprocal Privileges to the IHO

Any non-governmental international organization to which observer status is granted shall keep the IHB informed of those aspects of its own activities which are likely to be of interest to the IHO, and shall accord to the IHO privileges corresponding to those which are granted to the NGIO by the IHO.

Rule 9 Consideration of Application

The Directing Committee shall only consider applications for observer status from nongovernmental international organizations twice a year (March and September) and shall not consider re-applications from such organizations until at least two years have elapsed since the Conference or through Circular Letter the IHO took a decision on the original application.

Rule 10 Periodic Review of the List of Observer NGIOs

The Directing Committee shall review from time to time the list of non-governmental international organizations to which IHO have granted observer status, in order to determine whether or not the continuance of their status in any particular case is necessary and desirable. The Directing Committee shall report to the Conference accordingly.

CROATIA

Croatia supports this proposal.

INDIA

We have no objections to this proposal, as long as the accreditation of NGIO's is in keeping with Article X of the Convention, which provides that "their interests and activities are related to the basic purpose of hydrography".

URUGUAY

This Hydrographic Service approves this proposal.

USA

The United States of America supports this proposal. Many Non-Governmental International Organizations (NGIOs) (e.g. industry, academia and regional organizations) contribute significantly to the work of the IHO. The adoption of standard procedures for the systematic inclusion of these strategic partners at appropriate working and activity levels within the IHO is essential to long-term relevance and effectiveness of the IHO.

PRO 6 - AGREEMENT WITH PRINCIPLES LAID DOWN FOR THE ELIGIBILITY CRITERIA AND TERMS OF OFFICE OF THE SECRETARY-GENERAL AND DIRECTORS

Submitted by: The Strategic Planning Working Group
Reference: Report “A Study into the organizational structure and procedures of the IHO”

PROPOSAL

The Conference is requested to agree with the principles laid down for the eligibility criteria and terms of office for the Secretary-General and Directors (Draft General Regulations Article 21).

EXPLANATORY NOTE:

The purpose of Proposals 4, 5 and 6 is to establish the necessary basis for finalization of the Basic Documents and structural organization.

MEMBER STATES' COMMENTS

ALGERIA

ELECTION OF THE SECRETARY-GENERAL AND DIRECTORS

**ARTICLE 18 (a)
of the General Regulations**

See our comment N° 3 – Voting Procedure **ARTICLE IX (a) and (b)**.

**ARTICLE 22 (c)
of the General Regulations**

Replace “**with paragraphs (b) and (c)**” by “**with paragraphs (b) and (a)**”

ARGENTINA

The SHN does not agree (as stated in PRO 2).

BRAZIL

Favorable.

CROATIA

Croatia supports this proposal.

**FRANCE
(supported by PORTUGAL)**

It is desirable that the eligibility criteria and terms of office of the Secretary-General and Directors do not exclude good candidates who do not have practical hydrographic experience, which is provided for in the criteria proposed by the SPWG. However, we must also bear in mind the fact that the IHO is of a resolutely technical nature, as stipulated in Article 2 of the modified Convention, and we must not

go from one extreme to another. It would therefore be, at the very least, illogical if the Secretariat did not include one member who is competent and experienced in Hydrography. This is why France proposes the addition of the following sentence in Article 20 of the General Regulations :

"The Secretary General, or at least one of the Directors, must have good practical experience in Hydrography."

The procedures to implement this rule would not be any more complicated than the current ones. We can, for example, divide the candidates into two lists: "with" or "without" sound experience in hydrography; as soon as two members of the Secretariat from the "without" list have been elected, the other candidates on the same "without" list would be excluded from the last round of voting.

INDIA

In principle we should have no objection as long as the criteria are in conformity with Article 21 of the General Regulations.

UNITED KINGDOM

UK suggests that PRO 6 is amended to read:

“Adoption of the Eligibility Criteria and Terms of Office of the Secretary-General and Directors.”

URUGUAY

This Hydrographic Service does not agree with this proposal, as it is related to a change in the Organization, the benefits of which are not evident.

USA

The United States of America supports this proposal, however we note that the reference to the Draft General Regulations (CONF.EX3/DOC.3) should cite Article 12 versus Article 21. (Note: Articles 10 through 15 pertain to the roles, responsibilities and terms of office of the Secretary-General and the Directors, and Articles 17 through 26 pertain to their election).

PRO 7 - AGREEMENT WITH THE STRUCTURE OF THE REVISED IHO BASIC DOCUMENTS

Submitted by: The Strategic Planning Working Group
Reference: Draft IHO Basic Documents (General Regulations and Annexes and Financial Regulations).

PROPOSAL

The Conference is requested to agree with the structure laid down for the revised IHO Basic Documents (See Documents annexed to this Proposal).

EXPLANATORY NOTE:

The 3rd Extraordinary Conference is basically asked to agree on the structure for the revised Basic Documents. These Basic Documents will be formed by the General Regulations (with the Rules of Procedure for Assembly, Council and Finance Committee and Guidelines for accreditation of NGIOS annexed), and the Financial Regulations.

In accordance with its Term of Reference n° 8 “Consider the harmonization of the texts of the IHO Basic Documents and supply recommendations to the IHO Directing Committee by December 2003”, the SPWG has prepared drafts of those documents. The Legal Experts have assessed these documents and have checked their texts for consistency with the Draft Amendments to the Convention. Although the SPWG has presented these documents to the Conference, they must be considered as informative documents, due to the possibility of further changes resulting from the consideration of the amendments to the Convention. For this reason, the following Proposal 8 requests amendments to the present SPWG Terms of Reference to finalize the texts of the Basic Documents based on the decisions taken by the Conference.

MEMBER STATES' COMMENTS

ALGERIA

RULES OF PROCEDURE OF THE ASSEMBLY

RULE 13

The deadline of **four months** to submit proposals for discussion at the Assembly and **two months** for submission to Member States does not appear to be sufficiently long, particularly in the case of matters of strategic importance to the IHO.

Proposals which are passed to Member States must be studied and possibly amended and sometimes require the intervention of government departments, other than the National Hydrographic Services, (Ministry of Foreign Affairs, National Defence...)

We propose that the deadline be **6 months** (instead of 4) for proposals submitted to the Assembly and **4 months** (instead of 2) for the provisional agenda and supporting documents to be submitted to Member States.

ARGENTINA

The SHN does not agree. The SHN considers the current structure of basic documents to be appropriate. Changes to these documents will depend on the amendments to the Convention approved by the EIHC.

AUSTRALIA

General Regulations

In the event that the proposed amendments to the Convention are agreed by the 3rd EIHC, the following comments and observations will require further consideration during the finalisation of amendments to the General Regulations:

ARTICLE 2

The two paragraphs have nothing at all do with each other and should become separate articles.

ARTICLE 16

The purpose of the wording in square-brackets at top is not clear - suggest omit.

ARTICLE 23

- (a) The placement of the words "of different nationalities" is ambiguous, and does not appear sufficient to ensure that no two directors or the Secretary-General are of the same nationality.

BRAZIL

Partially favorable, being observed the modifications presented in Proposal 4.

CROATIA

Croatia supports this proposal.

FRANCE

Insofar as the finalization of the Basic Documents will be part of the SPWG Terms of Reference, France does not have any remarks to make concerning the structure of the Basic Documents of the Organization.

INDIA

We believe that it is premature to comment on the Basic Documents at this Stage. After the EIHC, based on the results of the Conference and the changes effected to the IHO Convention, the General Regulations, the Rules of Procedure for the Assembly, the Council and Finance Committee and Financial Regulations will have to undergo necessary changes.

NETHERLANDS

Draft IHO General Regulations Article 1

Article 1 of the (draft) General Regulations states that the activities of the Organization are of a scientific and technical nature. Article 2 of the Convention state that the Organization shall have a consultative and technical nature. Suggest bringing GR Art1 in line with the Convention, i.e. change scientific into consultative.

Draft IHO General Regulations Article 3

In Article 3 (e) the number of observers from national organizations of Member States is missing. Suggest adding “One or exceptionally two observers each”

Draft IHO General Regulations Article 19

The remark between brackets in this Article (and only Member States) is superfluous.

URUGUAY

We think that the present structure does not need any change.

USA

The United States of America supports this proposal. The “structure” proposed for the IHO Basic Documents should eliminate unnecessary duplications of guidelines and procedures for the Assembly and subsidiary organs of the organization.

Additional Comments

1) General Regulations

ARTICLE 12 c)

This paragraph is unclear as to how election will be handled at subsequent Assemblies. That is, if the person serves 5 years and there is a limit of 9 years total, the person could only stand for 3 added years. If the person served for 1-1/2 years, could that person stand for 6 years or just 3 years? Perhaps it should read that if the person serves for 3 or more years they would be allowed to stand for 3 added years and if they served for less than 3 years, they could stand for 6 added years.

2) Financial Regulations

ARTICLE 16

The United States of America is opposed to any “write offs” of past due amounts. Accordingly, the Member States in arrears should be “warned at 18 months”, “suspended” at 24 months and the IHO annual budget for the 3rd year should be adjusted to reflect the reduced income unless it has been offset by accession of new Member States.

ARTICLE 18

If the issue of “write-off” above is in need of correction, a sentence might be added to this Article to read:

“When income is lower than projected, e.g., due to suspension of Member States, the annual operating budget shall be adjusted accordingly.”

Note by the IHB : This comment refers to an Article which has been changed (see Appendix in the Red Book (CONF.EX3/G/03 Page 55, paragraph 4).

ARTICLE 21 (now ARTICLE 20)

The plan that “Any credit balance shall be divided amongst these States in proportion to the total amount of their contributions since 1921 ...”, would be very difficult to compute. The value of money and variance in currencies used by the Organization since 1921, i.e., Special Drawing Rights, French Francs and Euros would be nearly impossible to compute. This should be based not on currency but on shares paid time years of membership.

Note by the IHB : This comment refers to Article 20 (see Appendix in the Red Book (CONF.EX3/G/03 Page 55, paragraph 4).

3) Rules of Procedure of the Assembly

RULE 1

This is confusing as written in that a Member State denied voting rights and benefits is still a Member State. This definition of a Member seems to exclude those denied certain rights.

PRO 8 - AMENDMENTS TO THE SPWG TERMS OF REFERENCE

Submitted by: The Strategic Planning Working Group
Reference: Terms of Reference for the SPWG (Decision 2 of the XVIth IH Conference)

PROPOSAL

The Conference is requested to approve the amendments to the present Terms of Reference for the SPWG, to include the following:

- 1) finalizing the Basic Documents based on the decisions of the Conference.
- 2) preparing, in consultation with the IHB Directing Committee, an implementation plan to take forward the decisions, for adoption at the next ordinary IH Conference in 2007, or earlier depending upon the date of ratification.

EXPLANATORY NOTE:

1. Based on the Conference Decisions related to the Convention, it may be necessary to adjust the text of the Regulations presented to this Conference as informative documents and discussed in Proposal 7 and therefore this is proposed as an additional task of the SPWG in its Terms of Reference.
2. The SPWG believes that it is of vital importance for the final transfer to the proposed structure that a complete implementation plan be prepared and presented to the IHO for final approval, in order that the process following the ratification of the amendments to the Convention be outlined in the necessary detail.

MEMBER STATES' COMMENTS

ARGENTINA

The SHN does not agree. The SHN understands that it is not necessary to extend the mandate of the SPWG since its mission has been fulfilled already. The IHB can cope with all the tasks derived from the EIHC.

BRAZIL

Favorable.

CROATIA

Croatia supports this proposal.

FRANCE

France's comments on Proposals 4 and 6 of Conference CL No.2 can be taken into account when finalizing the texts of the Basic Documents.

INDIA

India believes that this question can be best answered after the results of the 3rd EIHC are known. We are open to any suggestion to expand the terms of reference of the SPWG to further study the representative model of the Council and the Basic Documents.

URUGUAY

As regards this proposal it is believed that what might happen at the Extraordinary Conference cannot be anticipated, as “a priori” the SPWG cannot be tasked with work which does not yet exist. This item will be decided in the light of discussions and decisions of the Conference.

These comments are the result of a long study, in which all the documentation provided was taken into account. The explanatory meeting in which we participated was also very important. We would like to point out that this summary has been made from the point of view of a Service such as ours, which sometimes cannot attend the meetings held, as we are not currently a member of any Regional Hydrographic Commission, but we are always concerned by all proposals and resolutions adopted.

USA

The United States of America supports this proposal. We agree that rendering the Basic Documents in final form for consideration by the Member States is the next logical step in the strategic reform process. The SPWG, with its collective knowledge of the proposed changes, is best suited to complete the task of harmonizing these documents in concert with the Legal Experts Group and the IHB Directing Committee. SPWG expertise would also be useful in planning the implementation of Conference decisions, again in conjunction with the Legal Experts Group and the IHB Directing Committee. The development of a comprehensive plan for adapting the Organization to the proposed structure should be a valuable tool in hastening successful implementation.

PRO 9 - ALTERNATIVE TEXT TO THE “PROTOCOL OF PROPOSED AMENDMENTS TO THE CONVENTION ON THE INTERNATIONAL HYDROGRAPHIC ORGANIZATION”

Submitted by: Chile

PROPOSAL

Having considered the document “A Study into the Organizational Structure and procedures of the IHO” contained as Annex A to the Conference Circular Letter 2 dated 10 May 2004.

Recalling the contribution made by the representatives of the Regional Hydrographic Commissions and several National Hydrographic Offices to the work of the SPWG.

Expressing its appreciation for the extraordinary work conducted by the SPWG Chair Group.

Acknowledging the importance of having conducted a thorough study of the IHO structure, identifying strengths and weaknesses of the organization.

Having examined the “Protocol of Proposed Amendments to the Convention on the International Hydrographic Organization” submitted under PRO 2 to the 3rd EIHC.

Noting with satisfaction that the Proposed Amendments consider key elements that with no doubt will contribute to improve the efficiency and effectiveness of the Organization, such as:

- a) The improvement of the Preamble of the Convention, highlighting the United Nation Convention on the Law of the Sea recognition of the IHO as an international competent organization.
- b) The improvement of the preamble of the Convention by including the Mission of the IHO.
- c) The improvement of the definition of the object of the IHO.
- d) The scope of the IHO relation with other inter-governmental and international non-governmental organizations.
- e) The celebration of more frequent International Hydrographic Conferences (each three years).
- f) The simplification of the accession process to the IHO for United Nations Members.
- g) A solution regarding the amendments adopted during the XIIIth and XVth Conference which have not entered yet into force.

Noting further that the proposed Amendments also consider radical changes to the existing structure of the Organization, such as:

- a) The elimination of the International Hydrographic Bureau, its Directing Committee and the President of the Directing Committee figures,
- b) The withdrawal of the responsibilities of the International Hydrographic Bureau established in Article VIII of the Convention,
- c) Change of the role of the IHB, from a proactive situation in technical and administrative matters to just an administrative Secretariat,

- d) The establishment of a Council to replace the IHB Directing Committee.

Realizing that:

- a) By changing in the Convention the reference made to “Governments Parties” or “Member Governments” by “State Parties” or “Member States” might introduce a much complex approval system within IHO Member. At least in the case of Chile, the ratification of any amendment will require submission to the Congress. Nowadays, is up to the Government to ratify amendments. Therefore the actual system is much less bureaucratic. Moreover, the desire expressed by Governments is to “pursue on a intergovernmental basis their cooperation in hydrography”.
- b) It appears unnecessary to include in the Convention the “vision” of the IHO. The text is subjective, repeats the condition of the IHO being a recognized competent international organization and might conflict with IMO. It is not clear to what is “efficiency” being applied. Moreover to relate the IHO to supporting “sustainable use of the marine environment” seem to be an excess.
- c) The change of name from “International Hydrographic Conference”, used in the last sixteen conferences held by the Organization so far, to “Assembly”, is considered to be irrelevant.
- d) The elimination of the IHB, its Directing Committee and the figure of the president of the IHB Directing Committee, implies changes to the Host Agreement subscribed between the IHO and the Government of the Principality of Monaco and changes to a legal document (Decree) signed between the Government of France and the Government of the principality of Monaco, related to privileges and immunities of the IHO.

The mentioned Host Agreement and Decree makes references to Article VII of the Convention, article that the SPWG proposes to delete. There seems to be not detailed analysis or evaluation regarding the negative impact on the Organization that might have the need to change the Host Agreement and the existing decree between the Government of France and the Government of the Principality of Monaco.

- e) By eliminating the IHB and its responsibilities set in Article VIII of the Convention, the IHO loses a body that constitutes both, the operational component of the organization and its secretariat. The permanent dedicated attention to technical, administrative and financial issues of today will be replaced by administrative work associated to pre and post Council meetings.
- f) The establishment of a Council generates problem on its composition, mainly due to the natural willingness of all IHO Members to be assigned with a seat in this body. It is not clear the situation of those representing RHC's, as if representatives will be representing their countries or their regions. Moreover, it is not guarantee that this new body will improve IHO's performance, on the contrary, it might generate an unnecessary bureaucracy and for sure will increase the costs to IHO Members participating in the Council and to all those willing not to miss the meetings scheduled "at least once a year".
- g) If established, IHO Members will desire to participate in the Council, and it is appreciated that the IHB facilities will not be appropriated to host all participants. Therefore meetings will have to be held elsewhere, with costs that have not been determined.
- h) Having Conferences each three years and an IHB directed and administered by the Directing Committee, responsible for executing Conference agreed work program, it does not seem necessary the establishment of a Council to: "coordinate", "report", "prepare", "consider", "review" and "propose", all activities of administrative nature. The IHB Directing Committee

assures continuity in the direction and administration, at least for a period of 5 years (today) but continuity is not guaranteed In a Council, as its components might change even yearly.

- i) The overall Proposed Amendments makes radical changes to the IHO structure that looks not like "amendments to the Convention", but like a "new Convention". In effect, the new proposed body, the Council, institutes a group of decision that did not exist in the past, constituted by representatives elected on a regional basis and others on the basis of "hydrographic interest, such as the tonnage of their fleets". It is envisaged that through this implementation, the IHO will start being affected by political influences.
- j) By changing the existing figure of the Directing Committee by a Secretary General, the IHO loses a very special strength constituted by having the direction of the IHB in the hands of three different persons, with different but complementary views, experiences and background, knowledgeable on different geographic regions and state of development of different hydrographic offices.

Being aware of the experienced difficulties in reaching 2/3 Member Governments approval to implement amendments to the Convention agreed at past Conferences,

Further considering that it is important to make the necessary amendments to the Convention in order to strengthen the international visibility of the IHO; precise its objectives and relation with other inter-governmental and international non-governmental organizations; consider more frequent IH Conferences; and facilitating the procedure for Governments to become Parts of the Convention,

The Republic of CHILE,

Proposes the following "**Alternative Text**" entitled "Protocol of Proposed Amendments to the Convention on the International Hydrographic Organization", that replaces the full text proposed by the SPWG in PRO 2, and requests the Conference to adopt this "**Alternative Text**" of the Amendments of the IHO Convention, which is attached to this proposal.

THE CONFERENCE,

CONSIDERING Article XXI of the Convention on the International Hydrographic Organization concerning amendments to the said Convention,

CONSIDERING the proposal of amendments to the said Convention,

DECIDES to approve the amendments set forth in the following Articles 1 to 7.

Article 1

The following text is added as the second and third "considering" paragraphs of the Preamble:

"CONSIDERING that the International Hydrographic Organization is a competent international organization recognized in the United Nations Convention on the Law of the Sea and should coordinate on a worldwide basis the setting of standards for the production of hydrographic data and the provision of hydrographic services as well as facilitate capacity building of national hydrographic services:

"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 deleted and replaced by a new Article II, the text of which is the following:

“The Organization shall have a consultative and purely 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 the global awareness of the importance of hydrography;*
- (b) To improve global coverage, availability, quality and access to hydrographic data, information, products and services;*
- (c) To improve global hydrographic capability, capacity, science and techniques;*
- (d) To establish and support the development of international standards for the quality and formats of 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 co-ordination of hydrographic activities among the Member States; and*
- (g) To enhance co-operation on hydrographic activities among the States on a regional basis.”*

In relation to matters within its objective the Organization may co-operate with other inter-governmental and international non-governmental organizations whose interests and activities are related to the purpose of the Organization.

Article 3

Article VI of the Convention, numerals 1 and 6 are deleted and replaced by new numerals 1 and 6, the text of which are the following:

- 1 The Conference shall be composed of representatives of the Member Governments. It shall meet In ordinary session every three years. An extraordinary session of the Conference may be held at the request of a Member Government or of the Bureau, subject to approval by the majority of the Member Governments.*
- 6 Between sessions of the Conference the Bureau may consult the Member Governments by correspondence on questions concerning the technical and administrative functioning of the Organization. The voting procedure shall conform to that provided for in paragraph 5 of this Article, the majority being calculated in this case on the basis of the total membership of the Organization.*

Article 4

Article X of the Convention, numeral 2 is deleted and replaced by a new numeral 2, the text of which is as follow:

- 2 “The Directing Committee shall be composed of three members of different nationality, elected by the Conference, which shall further elect one of them to fill the office of President of the Committee. The term of office of the Directing Committee shall be six years. If a post of*

director falls vacant a by-election may be held by correspondence as provided for in the General Regulations.”

Article 5

Article XX of the Convention is deleted and replaced by a new Article XX, the text of which is the following:

- a. This Convention shall be open for accession by the Government of any State that is a member of the United Nations. Any such Government shall deposit its instrument of accession with the Government of the Principality of Monaco.*
- b. A State that is not a member of the United Nations may only accede to this Convention if its application for accession is approved by two-thirds of all Member Governments. Subject to such approval, the Convention shall enter into force for such a State on the date on which it has deposited its instrument of accession with the Government of the Principality of Monaco.*

Article 6

Article XXI of the Convention, numeral 1 is deleted and replaced by a new numeral 1, the text of which is the following:

1. Any Contracting Party may propose amendments to this Convention. Proposals of amendments shall be transmitted to the IHB not less than six months prior to the next session of the Conference.

Article 7

The amendments adopted during the XIIIth and XVth Conferences, which have not entered into force according to Article XXI (3) of the Convention, shall not hereafter enter into force.

IN ACCORDANCE WITH Article XXI (3) of the IHO Convention, the amendments here above mentioned from Article 1 to Article 7 shall enter into force for all Contracting Parties three months after notifications of approval by two-thirds of the Contracting Parties have been received by the 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.

**PRO 10 - ALTERNATIVE TEXT TO THE ARTICLE XIV (a) OF THE CONVENTION
ON THE INTERNATIONAL HYDROGRAPHIC ORGANIZATION
(Consolidated version)**

Submitted by: China, Republic of Korea, Singapore, Italy, Cyprus and Greece

PROPOSAL

In order to reflect the arguments put forward for the use of the “Hydrographic interests” as a criterion to be used for the determining the one third Council Membership and to be consistent with other articles where ship tonnage has been used in the Convention, we would like to propose to amend the text in the proposed Article XIV (a) as follows:

“From the ordinary annual contributions of Member States based on hydrographic interests set forth in the General Regulations”.

PRO 11 - ALTERNATIVE TEXT TO THE ARTICLE XIX (b) OF THE CONVENTION OF THE INTERNATIONAL HYDROGRAPHIC ORGANIZATION (Consolidated Version)

Submitted by : China, Singapore and Republic of Korea

PROPOSAL

In order to speed up the process of adopting non members of the United Nations into the IHO, the Council of the IHO can play an important role by vetting the application and recommending it to Member States for approval.

We propose to amend the text of paragraph (b) of Article XIX of the proposed Convention of the International Hydrographic Organization (Consolidated Version) as follows:-

“A State that is not a member of the United Nations may only accede to this Convention **upon the recommendation of the Council and if its application for accession is approved** by two-thirds affirmative vote of all the Member States. Subject to such approval, the Convention shall enter into force for such a State on the date on which it has deposited its instrument of accession with the Government of the Principality of Monaco”

The proposal is in line with that stated in Article 7 of the IMO Convention as follows:-

“Any States not entitled to become a Member under Article 5 or 6 may apply through the Secretary-General of the Organization to become a Member and shall be admitted as a Member upon its becoming a party to the Convention in accordance with the provisions of Article 71 provided that, **upon the recommendation of the Council**, its application has been approved by two-thirds of the members other than Associate Members”.

GENERAL COMMENTS

BELGIUM

The Belgian Hydrographic Office has studied the report of the SPWG, the proposed amendments to the IHO Convention and the comments of the different Member States on all the conference documents and proposals in much detail.

As a conclusion, Belgium is very impressed by the work of the SPWG and agrees with the new proposed model and structure of the IHO.

A lot of constructive comments on the proposed articles of the amended IHO Convention have already been given by a lot of Member States which will without doubt result in an improved IHO Convention with a better harmonization between the different articles and with the other IHO documents.

It is clear that there will be a lot of discussion concerning the constitution of the Council and more specifically concerning the best way to reflect the “hydrographic interests” of the different IHO Member States. A lot of criteria have already been mentioned: for example the tonnage of fleets and the area of the EEZ or a combination of both. The Belgian Hydrographic office would like to bring another possible criterium to the attention of the Member States: the intensity of the ship traffic through the area of the EEZ and the amount of goods which are shipped through the area of the EEZ.

When no consensus can be reached at the conclusion of the 3rd EIHC concerning the procedures of selection of members of the IHO Council, France proposes that the SPWG or a working group within the SPWG be mandated to study the best way for the “hydrographic interests” to be reflected in the Council membership and to present its conclusions to the 17th IHC.

The Belgian Hydrographic office sincerely hopes that a concensus can be reached during the 3rd EIHC. However, when this is not the case, Belgium supports the proposal of France but believes that the SPWG should present a specific proposal and solution for the problem in a shorter term, for instance 6 months after the 3rd EIHC. A final agreement by the Member States should be reached end 2005 or early 2006. Another Extraordinary International Hydrographic Conference may be necessary at that time.

ECUADOR

In Reference of the Conference letter N° 8 the new model for the structure and operating procedures of the IHO specially based on an assembly being strategically focused, a council smaller, more dynamic, industry and NGIO participation, and additional faster decision making maintain strengths of IHO, eliminate its weakness and help the IHO to achieve its mission, vision and objectives.

Regarding the Hydrographic Services and Standards Committee, it is very important to maintain a technical Committee that fulfils with the establishment of and support for the development of international standards for the quality and formats of hydrographic data.

It is very appropriate to include the new concept of Capacity Building that suggest working in technical capability and training within and between RHCs.

The new periods for the meetings are more reasonable intervals to concentrate on strategic issues, and budget study based on gross tonnage of shipping is a fair method.

FINLAND

Finland has the following comments:

1. Firstly, Finland thanks the SPWG for its valuable work for the benefits of the IHO.
2. Finland believes that the success of the 3rd EIHC and that approval of the proposed changes to the IHO organization are crucial to the future of the IHO.
3. Finland fully supports the proposals of the SPWG as included in the Conference Documents. Finland has no amendments to the wordings and no alternative proposals.
4. Especially, Finland will emphasize the following comments on the proposals:
 - The SPWG proposals, if accepted, will emphasize the strengths and eliminate the weaknesses of the current organization.
 - The proposed Vision, Mission and Objectives of the IHO will clarify the aim and the status of the IHO.
 - The proposed changes of the IHO organization are cost neutral to the Member States.
 - The proposed changes to the Convention allow flexibility in the future (only minimum specifications will be included in to the IHO Convention).
 - The rules for the membership of the IHO are clear and straightforward.
 - The proposed Assembly and the Council and will crucially enhance the effectiveness of the IHO work.
 - The strengthening of the importance of the Regional Hydrographic Commissions hopefully will activate more Member States to the work of the IHO.
 - The proposed principles allow flexibility for organizing subsidiary organs within the IHO.
 - The proposed principles for the accreditation of International Non-Governmental Organizations give a solid basis for co-operation with NGOs.
 - The proposed principles for the eligibility criteria and terms of the Secretary-General and Directors are clear and updated for the modern age.
 - The proposed amendments to the Terms of Reference of the SPWG are important for the implementation of the renewed organization.

GREECE

Taking this opportunity I would like to express HNHS's appreciation for the efforts of the SPWG members and especially of the Chair Group to perform the very considerable work of the study for the revision of the IHO Convention and the harmonization of IHO Basic Documents.

INDIA

India appreciates the extremely useful work done by the SPWG and we believe that the IHO needs to be revitalized and brought in conformity with the changing world scenario. Besides, such an effort cannot be oblivious to the realities of changing international relations, where India is emerging as an important country seeking wider role in the comity of nations.

If the Convention is viewed in its entirety, India deserves a more secure and continuous role in the functioning of the Organization. Also to be borne in mind is the political clearance of this restructured Convention, ratification hurdles and the implementation plan of a revitalized IHO.

We are hopeful that the Conference will look into the legitimate concerns of India for its representation on the Council and agree to our proposal for an equal division between allocation to RHC's and that based on the tonnage criteria.

JAPAN

Japan recognizes the studious efforts of the Strategic Planning Working Group (SPWG) Chair Group, legal experts and the International Hydrographic Bureau (IHB) in creating this Report. As the amended Convention will be in effect over a long duration, Japan thoroughly reviewed each article to ensure that the Convention is complete. Consequently, Japan considers the items below to be problematic. Furthermore, the items below on which we seek confirmation or clarification are considered necessary for Japan to proceed smoothly with its procedures after the Convention's adoption; the same will likewise apply to each Member State and its procedures. Based on these comments, Japan believes that the necessary prerequisite (Article 21 of the Convention) for the early entry into force of the amended Convention will be met promptly.

1. **Comments concerning Proposals to the Extraordinary International Hydrographic Conference**

- (1) Japan recognizes that the IHB is to collate the comments, etc. of each Member State and circulate them to other Member States through the "Red Book of Proposals to the Third Extraordinary International Hydrographic Conference." It is still unclear that the manner in which the IHO will then review such comments of each Member State and reflect them in the existing Proposals prior to the Third Extraordinary International Hydrographic Conference. Japan is concerned that it would be difficult for Member States to review and discuss sufficiently such comments, etc. over the five-day period allotted for the Extraordinary International Hydrographic Conference. Japan thus requests that the Secretariat establish methods that will allow Member States to review and discuss such comments, etc. sufficiently and reflect them in the existing Proposals to the extent possible.
- (2) According to Annex E of Conference Circular Letter 2 "Proposals to the Third Extraordinary International Hydrographic Conference" (hereinafter referred to as "Proposals to the Extraordinary Hydrographic Conference"), the adoption of Annex A of Conference Circular Letter 2 "A Study into the organizational structure and procedures of the IHO" (hereinafter referred to as the "SPWG Report") in PRO 1, followed by the approval of the amendments to the Convention in PRO 2 and agreement on the parts of the SPWG Report that are unrelated to the Convention in PRO 3 to 6 is called for. As PRO 2 to 6 constitute a part of the SPWG Report, it is meaningless to approve or agree them in separation from PRO 1. Thus, PRO 1 should be "received" or "reviewed", not "adopted". Furthermore, since PRO 3 to 6 are deeply related to the Convention, the agenda for the Extraordinary International Hydrographic Conference should ideally proceed with agreements on PRO 3 to 6, and then a review and approval of the amendments to the Convention in PRO 2.

On the other hand, whether a five-day conference can sufficiently accomplish this is not a certainty. Given the IHO's experience with amendments that have not yet entered into force despite their adoption, Japan considers it appropriate for each state to refrain from hastily approving the amendments and to adopt the Convention after holding in-depth discussions and reaching an agreement. Hence, if the five-day conference does not provide sufficient time for a review, then another meeting should be held.

- (3) Concerning the "Agreement on the Structure of the revised IHO Basic Documents" in PRO 7 of the Proposals to the Extraordinary International Hydrographic Conference, the IHO Basic Documents consist of the Convention, General Regulations, Financial Regulations, Rules of Procedure, and Agreements between the IHO and the Government of Monaco according to 1.1 of the SPWG Report. On the other hand, according to the EXPLANATORY NOTE in PRO 7

of the Proposals to the Extraordinary Hydrographic Conference, the IHO Basic Documents consist of the General Regulations (with the Rules of Procedure for Assembly, Council and Finance Committee and Guidelines for accreditation of non-governmental international organizations (NGIOS) annexed) and the Financial Regulations. Thus, there are inconsistencies with the SPWG Report, at least with regard to the Agreements with the Government of Monaco, regardless of whether changes resulting from the recent IHO reform are taken into consideration. Japan considers it appropriate that during the Extraordinary International Hydrographic Conference, agreement be reached on the structure of the General Regulations, Financial Regulations, and each Rule of Procedure upon reaching agreement first on the structure of the IHO Basic Documents, and on an accurate definition of the relations between each structured document.

NETHERLANDS

As a general comment The Netherlands strongly supports a change to the present Convention along the lines of the Proposed Amendments to the Convention.

Having participated in several SPWG meetings where a considerable number of alternatives have been discussed in depth, The Netherlands is convinced that the proposals for change are the best possible compromise the SPWG could achieve in order to revitalize the IHO and ensure its very survival as the recognized competent body on hydrographic matters.

It is feared that without these changes to the Convention, the IHO will become irrelevant in the not too distant future.

URUGUAY

SOHMA (Uruguay) would like to congratulate the SPWG Chairman and Members for the work accomplished, which will undoubtedly constitute the Basic Work Documents in modernizing and adapting the Organization, and thus contribute to increasing hydrographic activity worldwide.

USA

On behalf of my fellow hydrographers and policymakers at the United States Navy, National Oceanic and Atmospheric Administration (NOAA), National Geospatial-Intelligence Agency (NGA) and Department of State, I am writing to inform you of the strong United States of America support for all the proposals that will be considered at the upcoming 3rd Extraordinary International Hydrographic Conference.

The United States feels that these changes are critical to the future viability of the International Hydrographic Organization (IHO), and this Conference presents an unprecedented opportunity to modify its structure so that the Organization can effectively assume its global hydrographic leadership responsibilities. Global, uniform, easily accessible hydrographic data and information are essential to describe the complex, ever-changing maritime environment. These data – based on IHO standards for collection, production, display and exchange – support and enable safe navigation, marine commerce, environmental protection and many other non-traditional uses.

Broad acceptance and utilization of these standards necessitates strong partnerships with non-governmental organizations, including the private sector. International regulations (such as SOLAS Chapter V/Regulation 9) obligate nations to provide a full suite of hydrographic products and services to ensure maritime safety. These pressing requirements demand a flexible, proactive and effective organization with the ability to respond in a timely manner.

The current, antiquated IHO structure does not serve this purpose. We urge you to support the proposals that have resulted from the deeply thoughtful process and hard work of the Strategic Planning Working Group over the past two years. If such change cannot be instituted at this juncture in IHO history, it will be a grave set back for the Organization. The time to respond is now.

The United States supports continuous improvement of the organizational effectiveness and efficiency of the IHO without increasing organizational costs. Toward these aims, we support the Extraordinary Conference proposals which contain:

- Measures to improve the relevance of the Organization as a technical and consultative organization.
 - The proposed new Vision, Mission and Objectives of the International Hydrographic Organization.
 - The proposed, cost-neutral restructuring of the Organization to include an Assembly, a Council, a Secretariat, a Finance Committee, two main subsidiary bodies (the Hydrographic Services and Standards Committee and an Inter-regional Coordination Committee), voluntary Regional Hydrographic Commissions and a Legal Advisory Working Group.
 - Improved processes for decision-making, resource allocation for organizational objectives, work-plan implementation and accession of new members that will enable the Organization to be more agile and responsible to Member States and strategic partners.
 - Engagement of strategic partners with international hydrographic interests; and
 - Harmonization of Basic Documents (The Convention, General Regulations, Financial Regulations, and Rules of Procedure for International Hydrographic Conferences).
-

DECISIONS OF THE CONFERENCE

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

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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".

PLENARY SESSIONS

**PLENARY SESSIONS OF THE 3rd EXTRAORDINARY INTERNATIONAL
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SUMMARY RECORDS

CONF.EX3/P/SR.1

FIRST PLENARY SESSION

11 April 2005

0900 – 1045

Rapporteur : Ing. en chef Michel HUET (IHB)

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- Confirmation of election of the President and election of the President and Vice-President of the Conference (Item 1 of the Provisional Agenda)
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CONFIRMATION OF ELECTION OF THE PRESIDENT AND ELECTION OF THE VICE-PRESIDENT OF THE CONFERENCE (Item 1 of the Provisional Agenda)

The PRESIDENT OF THE DIRECTING COMMITTEE announced that Prof. Dr. Peter Ehlers (Germany) had been elected President of the Extraordinary Conference, in accordance with Rule 17 of the Rules of Procedure. Consequently Mr. Horst Hecht (Germany) would be Head of the German Delegation.

Election of Prof. Dr. Peter Ehlers (Germany) as President was confirmed by acclamation.

Dr. NISHIDA (Japan), seconded by General VENTURA (Philippines) and Mr. SPITAL (New Zealand), nominated Captain Robert Ward (Australia) for election as Vice-President of the Extraordinary Conference.

Captain Robert Ward (Australia) was elected Vice-President by acclamation.

Prof. Dr. Peter Ehlers took the Chair and Capt. Robert Ward the Vice Chair.

The PRESIDENT said he would do his utmost to ensure the success of the Conference, but that ultimately it depended on Member States. He hoped that delegates would participate constructively in the Conference's work, in line with the special spirit that had traditionally guided the community of hydrographers.

OPENING CEREMONY

His Excellency Mr. Patrick Leclercq, Minister of State, Monaco, was escorted into the Hall and took his seat on the podium.

Tribute to the memory of His Serene Highness Prince Rainier of Monaco

All rose and observed a minute of silence in memory of His Serene Highness Prince Rainier of Monaco.

The PRESIDENT OF THE DIRECTING COMMITTEE and the PRESIDENT OF THE CONFERENCE delivered addresses of welcome and expressed their condolences at the passing away of His Serene Highness Prince Rainier of Monaco (see Opening Addresses on pages 21 to 26).

His Excellency Mr. Patrick LECLERCQ, Minister of State, Monaco, delivered an address accepting condolences and declaring open the Third Extraordinary International Hydrographic Conference.

Flag Presentation Ceremony

The PRESIDENT OF THE DIRECTING COMMITTEE welcomed the three new Member States of the IHO, Slovenia, Kuwait and Latvia, and invited their representatives to present their countries' flags, as was the tradition. He then announced that Saudi Arabia and Romania had acquired the two-thirds majority needed to become members and had been invited to deposit their Instruments of Accession with the Monegasque Government. The growth in the Organization's membership, which was now at 75, was encouraging, and it was to be hoped that it would continue; by comparison, membership of the International Maritime Organization now stood at 164.

Presentation of Prizes for Chart Exhibition

The PRESIDENT OF THE DIRECTING COMMITTEE said that hydrographic offices from 19 countries had participated in the IHO Chart Exhibition at the 2003 International Cartographic Conference, in Durban, South Africa, of the International Cartographic Association, with which the IHO had a Co-operation Agreement. Prizes for best exhibits had been awarded to Ukraine and South Africa.

The PRESIDENT OF THE INTERNATIONAL CARTOGRAPHIC ASSOCIATION, Prof. Milan Konecny, said that he was very pleased with the good relations between the two organizations.

His Excellency Mr. Patrick Leclercq proceeded with the presentation of the prizes to the two winning countries.

His Excellency Mr. Patrick Leclercq was then escorted from the Hall to the exhibition place to open and visit the Hydrographic Exhibition.

CONF.EX3/P/SR.2

SECOND PLENARY SESSION

11 April 2005

1400 – 1930

Rapporteur : Captain Mike BARRITT (United Kingdom)

CONTENTS

- Rules of Procedure – Accreditation (Item 1 of the Provisional Agenda)
- Nomination of Rapporteurs (Item 1 of the Provisional Agenda)
- Approval of the Agenda (Item 2 of the Provisional Agenda)
- Consideration of Proposals of the Strategic Planning Working Group (Agenda Item 3)

- Adoption of the Report “A study into the organizational structure and procedures of the IHO” (PROPOSAL 1) (Agenda Item 3.1)
- Approval of amendments to the IHO Convention (PROPOSALS 2 and 9) (Agenda Item 3.2)

RULES OF PROCEDURE – ACCREDITATION

The PRESIDENT asked delegations to present their accreditation from their governments. This had already been done by Portugal and Spain.

NOMINATION OF RAPPORTEURS

The PRESIDENT said that Capt. Mike Barritt (United Kingdom), Mr. Steve Debrecht (United States of America), and Mr. Bill Currie (United States of America) had offered to serve as Rapporteurs.

APPROVAL OF THE AGENDA (Item 2 of the Provisional Agenda) (CONF.EX3/G/01 Rev.1)

The Agenda was approved.

CONSIDERATION OF PROPOSALS OF THE STRATEGIC PLANNING WORKING GROUP (SPWG) (Agenda Item 3) (CONF.EX3/G/03, G/03 Add.1, G/03 Add.2 and G/03 Add.3)

The PRESIDENT invited Commander Klepsvik (Chairman of the Strategic Planning Group) to take his seat on the platform. Commander Terje Langvik took his place as Head of the Delegation of Norway.

ADOPTION OF THE REPORT “A STUDY INTO THE ORGANIZATIONAL STRUCTURE AND PROCEDURES OF THE IHO” (PROPOSAL 1) (Agenda Item 3.1) (CONF.EX3/DOC.1 and CONF.EX3/DOC.2)

The PRESIDENT drew attention to an error in the drafting of the first Proposal in document CONF.EX3/DOC.2, which should read “the Conference is requested to take note of the Report of the Proposal...”. Details of proposals would be considered under subsequent Agenda Items.

Commander KLEPSVIK (Chairman of the Strategic Planning Working Group), speaking also on behalf of the two Vice-Chairmen of the SPWG, expressed his gratitude for the confidence which had been placed in them. He recalled that in 2002, the XVIth Conference had resolved that there should be a thorough review of the Basic Documents of the IHO and of its structure and procedures, in order to determine whether a more flexible, efficient organization could be constructed. The SPWG had been tasked to undertake that review and to make appropriate recommendations to an Extraordinary Conference in April 2005. The SPWG had also been requested to address a number of proposals deferred from the XVIth Conference. The SPWG had deliberately not addressed Nos. 1 and 2 of the terms of reference (namely to give advice, when needed, to the IHB Directing Committee, regarding the content of the Strategic Plan and related Work Programme; and to oversee and monitor the content of the Strategic Plan and related Work Programme) until after the current Extraordinary Conference, having focused thus far on matters deferred from the XVIth Conference and the need to amend the Convention.

He outlined the process and approach adopted by the SPWG in its work. After extensive consultation with Member States and RHCs, careful analysis of the Organization’s current strengths and weaknesses, as well as due consideration of the structure of other international organizations, especially IMO, IALA and IOC, the SPWG had come up with a model for the future of the IHO. The proposed model would retain the strengths while eliminating, or at least mitigating, the weaknesses of the

Organization. The model would be at least cost-neutral, but, being more efficient, the Organization should be more cost-effective.

In drawing up the proposed amendments the SPWG had tried to keep the Convention as generic as possible and to make as few amendments as possible. The amendments to the General and Financial Regulations and Rules of Procedure were submitted for information only at this stage.

Paying tribute to the strong commitment of the RHCs and individual Member States to the work of the SPWG, he said that a clear picture had been established of the strengths and weaknesses of the Organization and a clear idea obtained of the views held by Member States.

In conclusion, he called upon the Conference to take note of the Report of the SPWG and, as a consequence, to approve the consequential amendments to the Convention as detailed in the Protocol; to approve the consequential amendments which were not part of the revised Convention but were defined in the Report; to agree on the structure of the revised Basic Documents; and to amend the Terms of Reference of the SPWG to task it to finalize the Basic Documents in accordance with the decisions of the Conference, and to prepare in consultation with the IHB Directing Committee an implementation plan to take forward the decisions taken by the Third Extraordinary Conference.

Captain GARNHAM (Chile) paid tribute to the outstanding work accomplished by the SPWG and emphasized the importance which Chile attached to it. He stressed that the active and ongoing participation of all members in all forums was the only way to guarantee the future of the IHO. Amendment of the Convention would achieve nothing unless Member States enhanced their participation.

Rear Admiral McGEE (United States of America) referred to the open letter issued by the USA, and expressed his strong support for the proposals and the work of the SPWG. The changes were essential to the future viability of the work of the Organization. The Third Extraordinary Conference offered an unprecedented opportunity to modify the structure of the Organization so that it could assume its global responsibilities of hydrographic leadership. The Organization was engaged in a process of continuous improvement and the work of the SPWG represented a compromise position and just a first step on the road to improved effectiveness and efficiency.

The PRESIDENT expressed appreciation for the work carried out by the SPWG. The broad, active and constructive participation of so many Member States and RHCs in that work was unprecedented in the history of the Organization and an indication of its vital importance.

He said he took it that the Conference wished to take note of the Report of the SPWG.

It was so agreed.

**APPROVAL OF AMENDMENTS TO THE IHO CONVENTION (PROPOSALS 2 and 9)
(Agenda Item 3.2) (CONF.EX3/DOC.2, DOC.3 & DOC.4, CONF.EX3/INFODOC.7 Rev.1)**

The PRESIDENT said that in order to expedite the work on the amendments and to assist the Bureau, an editing group would be set up comprising representatives from the United Kingdom, the United States of America, France, Japan, South Africa and Mexico. In addition, it might be necessary to set up drafting groups to deal with specific issues if they arose.

Commander KLEPSVIK (Chairman of the SPWG), introducing Proposal 2, said that discussion of the amendments to the Convention had taken place at a late stage in the work of the SPWG once the necessary basis had been established. The SPWG had endeavoured to make amendments only where it was strictly necessary. They had been assisted in their work by a group of legal experts, which had met four times. Proposal 2 comprised two elements: to approve the amendments to the IHO Convention as laid down in the Protocol; and to adopt a resolution. The proposed amendments concerned both the

preamble and the main body of the Convention. Having established the need for a vision and mission for the Organization, the group had decided to introduce them into the preamble.

Article 1

The PRESIDENT said that the very thorough work undertaken by the SPWG should not be reopened. The discussion should focus on issues of substance, with a generous approach being taken to questions of wording, unless the wording was actually incorrect. The idea was that the Convention should be as generic and flexible as possible, and that details should be left to the General Regulations of the IHO and the Rules of Procedure, which could be more easily amended.

Turning to the Protocol of Proposed Amendments to the Convention (CONF.EX3/INFODOC.7 Rev.1), he opened consideration of the proposed amendments to Article 1 by saying that the delegation of Algeria proposed that the subject of each Article be written below its number; that would entail all other articles being amended in the same way. Another possibility might be for the Bureau to give consideration to writing the subject of each article in square brackets below its number for the purpose of guidance.

Captain BENMUYAL (Argentina) supported the President's suggestion regarding the Bureau.

Mr. MACDOUGALL (Canada) and Dr. NISHIDA (Japan) supported the proposal made by the delegation of Algeria.

Captain WARD (Australia), supported by the representatives of China, Colombia, Cuba, France, Germany, the Islamic Republic of Iran, Italy, Norway, Portugal, the Republic of Korea, the Russian Federation, Spain, the United States of America and Uruguay, said that very careful thought should be given to the impact of amending every single Article. Such a process would run counter to the principle of the SPWG to keep the number of amendments to a minimum.

The PRESIDENT took it that the Conference did not support the proposal made by the delegation of Algeria, but wished to request the Bureau to give consideration to writing the subject of each article in square brackets below its number for the purpose of guidance.

It was so decided.

The PRESIDENT said that the delegation of Germany had proposed that the paragraphs of the Articles should be numbered, not lettered. In the absence of support for that proposal, he took it that it was the Conference's wish not to adopt it.

It was so decided.

The PRESIDENT drew attention to proposals made by the delegations of Turkey, Australia, Japan, Morocco and Norway regarding amendments to the third and fourth preambular paragraphs of the Convention.

Rear Admiral ÇUBUKÇU (Turkey) said that the vision of the IHO as stated in the text had already been accomplished. Pointing to the reference on page 17 of the report of the SPWG (CONF.EX3/DOC.1) to "what its vision for its future should be" and the reference on page 19 of the same document to the "impressive strengths" of the IHO, he said that the thrust of his delegation's proposal was that the preamble should reflect the as yet unachieved objectives which the IHO had to pursue in the future.

Captain WARD (Australia) said that his delegation had made its proposal in respect of preambular paragraph 3 because it believed that the existing wording might not stand up to scrutiny in international law.

The PRESIDENT, noting that the delegations of Japan, Morocco and Norway had proposals regarding the wording of the same two paragraphs, suggested that the representatives of Japan, Norway, Turkey, the United Kingdom and the United States of America, in the absence of the representative of Morocco, discuss the various proposals under the chairmanship of the representative of Australia, with a view to proposing a single text.

It was so agreed.

Article 2

The PRESIDENT drew attention to the proposal by the delegation of Japan in respect of paragraph (d) of Article II.

Dr. NISHIDA (Japan) said that his delegation's proposal had been set out incorrectly on page 6 of document CONF.EX3/INFODOC.7 Rev.1. The proposal was to replace "establish" by "enhance" and to delete "the quality and formats of", not the whole of the rest of the sentence.

Mr. HECHT (Germany), supported by the representatives of Argentina and Portugal, expressed support for the proposal, which he described as a useful clarification.

Rear Admiral McGEE (United States of America), supported by the representatives of India, the Islamic Republic of Iran and the Netherlands, also supported the proposal, but wished to retain the word "establish" as well.

Ingénieur général DESNOËS (France) agreed that it was essential that the initiation of the process be reflected in the Convention and said that "enhance" was not sufficient. The reference to "quality" was also important, although his delegation would not insist upon it being retained.

The PRESIDENT suggested that if both "establish" and "enhance" were to be used, there was no need for the word "support" as well. The paragraph would then read: "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". He took it that the Conference wished to adopt that wording.

It was so decided.

Dr. NISHIDA (Japan) withdrew his delegation's proposals in respect of paragraphs (e) and (g).

Colonel AOUNE (Algeria), referring to his delegation's proposal for a new paragraph (h), said that while the Organization's expressed aims were very important, the developing countries needed something more precise and more practical. They were not in a position to train their own personnel and acquire the necessary equipment. The Organization should be a bridge between the developed and the developing countries in facilitating training and short-circuiting bureaucracy.

Ingénieur général DESNOËS (France), expressing support for the proposed new paragraph, said that although its content was implicitly included in paragraph (c) there was a case for making it more explicit in the Convention. The Organization would clearly continue to give support to developing countries.

Captain WARD (Australia) agreed that a specific statement on capacity-building would be useful.

Rear Admiral RAO (India) said that the regional commissions were better placed to deal with this issue.

Vice-Admiral VIEGAS FILIPE (Portugal) said that supporting capacity-building of developing countries was an important objective of the Organization, and it would be useful to bring out that point clearly in the written objectives.

Rear Admiral McGEE (United States of America) supported the concerns expressed by the representative of Algeria but noted that they were covered in paragraphs (b) and (c) and therefore that an additional paragraph might be redundant.

Ingénieur général DESNOËS (France) said that even if the regional commissions took responsibility for a particular subject, the Organization was still ultimately responsible.

Commander ESSOUSSI (Tunisia), supported by the representative of Germany, said that it might be better to amend paragraph (c) to take account of the Algerian proposal than to add a new paragraph.

Colonel AOUNE (Algeria), supported by the representatives of Cuba and Nigeria, accepted that proposal, but said it would be important to include a reference in paragraph (c) to the question of facilitating access.

The PRESIDENT suggested that the representatives of Algeria, Cuba and Nigeria hold discussions with the Bureau with a view to producing a reworded paragraph (c).

It was so agreed.

Article 3

The PRESIDENT noted that no comments had been submitted on the proposed amendment to Article III.

Article 4

The PRESIDENT drew attention to two proposals, respectively from Argentina and France, to modify the proposed amendments to Article IV concerning the component organs of the restructured Organization. Noting that Argentina proposed to delete the Council, the Secretariat and subsidiary organs from the text, he invited comments, first, on the proposal concerning the Council.

Captain GARNHAM (Chile), supported by the representatives of Ecuador and Indonesia, recalled Chile's written proposal for an alternative text to the Protocol of Proposed Amendments to the Convention, referring specifically to its objections to the radical restructuring proposals, with the establishment of a Council. By way of preliminary comment, he said that the problems facing the IHO did not hinge on structure, but rather on the active participation and commitment of all Member States. Full participation would be jeopardized by the establishment of a Council, which would not guarantee IHO's performance and would be a serious mistake for other reasons as well. The continuity ensured by conferences meeting every three years, with follow-up by the IHB and its Directing Committee could not be guaranteed by a Council, on account of its fluctuating membership. The establishment of a Council would, moreover, prove divisive in terms of selection criteria for membership and would discriminate against less developed Member States in terms of the costs involved in attending annual meetings. On a vital point of principle, the restructuring proposals radically altered and undermined the basic concept of the equality of rights of all Member States that underlay the Convention.

Captain ROLDOS DE LA SOVERA (Uruguay), making his first intervention, expressed his country's respects and condolences to the delegation of the host country, and went on to record that his delegation was not in favour of the establishment of a Council.

Captain WARD (Australia), supported by the representatives of the Netherlands, Norway, India, Pakistan, China, the Islamic Republic of Iran, the Russian Federation, Canada, Singapore, Nigeria, Mozambique, Italy, South Africa, Sri Lanka, Sweden, Belgium, Finland and the Republic of Korea, opposed the Argentinean proposal, expressing support for the consensus SPWG position in favour of establishing a Council as part of the proposed model.

Mr. HECHT (Germany), supported by Rear Admiral KRILJENKO (Peru), likewise expressed support for the SPWG position, adding that the establishment of a Council should indeed enhance the active participation of Members, thus meeting one of Chile's concerns.

Rear Admiral McGEE (United States of America), while acknowledging the concerns of Chile and Argentina, observed that the establishment of a Council was part of a larger compromise and was a first step forward towards establishing a level of governance during the intersessional period.

Dr. NISHIDA (Japan), supported by Dr. WILLIAMS (United Kingdom), expressed support for the SPWG proposal to establish a Council, noting that it was a compromise solution to cope with the much enlarged and still growing membership of the Organization.

Captain QUIRÓS CEBRIÁ (Spain), supported by Mr. ZELTINS (Latvia), said that his delegation was not against setting up a Council, but reserved its position pending determination of the procedures and criteria for its establishment and composition.

Vice-Admiral VIEGAS FILIPE (Portugal) approved the creation of a Council as a means of expediting the work of the Organization. He took Chile's point, however, about the risk of undermining the equality principle inherent in the Convention and creating two categories of Members. Consideration must be given to ways of enhancing the participation of all Members.

Captain ANGLI RODRIGUEZ (Mexico) supported the proposal to set up a Council, but likewise had misgivings about the selection criteria for its membership, on which Mexico would be submitting a proposal at a later stage.

Lieutenant Commander JIMENEZ MUNOZ (Venezuela) supported the comments by the representative of Spain, adding that the Council should on no account be a decision-making body.

Mr. NIELSEN (Denmark) expressed support for the work of the SPWG and also its proposal to establish a Council and the rationale behind that proposal, in particular the restructuring of the Organization along the lines of organizations within the United Nations family.

Ingénieur général DESNOËS (France) pointed out that the establishment of a Council with limited membership was the best compromise, but agreed that more thought should be given to the method of selecting members.

In response to a point of order raised by Mr. ZENONOS (Cyprus), the PRESIDENT explained that the procedure being followed was intended not as a casting of votes but as a way of ascertaining the views of Members on the delicate issue of the organs of the IHO. If there should be a majority opposed to the creation of a Council, then there would be no point in long discussions on its composition.

Rear Admiral CELY NUÑEZ (Colombia) endorsed the views of those who had expressed support in principle for the establishment of a Council but appreciated Chile's concerns about a negative effect on the full participation of all Member States.

Mr. SPITTAL (New Zealand) expressed concern that the Council would prove divisive and that less wealthy countries would find it difficult to secure membership. It remained to be seen how

the Council would represent the concerns of those countries and what its roles and responsibilities would be.

Captain GARNHAM (Chile) said he wished to dispel any misunderstanding about Chile's support for the work of the SPWG, in which it had actively participated. The main point he wished to stress was that the original Convention gave priority to the equality of rights among Members.

The PRESIDENT said that, in the light of the overwhelming majority of speakers in favour of establishing a Council, the SPWG proposal would, for the time being, remain unchanged, and that a final decision would depend on the outcome of the discussion on its composition, on which many speakers had voiced concerns.

He invited delegates to comment on the proposal by Argentina to delete "The Secretariat" and "Any subsidiary organs" from the list of bodies comprising the Organization. In the absence of any support for the proposals, he would take it that there was no opposition to the SPWG's proposals to establish a Secretariat and appropriate subsidiary organs.

It was so agreed.

The PRESIDENT drew attention to the proposal by France to delete the Finance Committee from the list of bodies comprising the Organization.

Ingénieur général DESNOËS (France) said that France was not proposing the elimination of the Finance Committee as a body. However, in a relatively small organization such as the IHO, there seemed no need to make specific mention of a Finance Committee in the Convention itself; as such a body would be implicitly included among the subsidiary organs.

Mr. OSTRANDER (United States of America) said that his country was strongly in favour of including a mention of the Finance Committee in the Convention. Adequate funding was fundamental to the success of the Organization, and it was therefore important that each Member State should have an opportunity to review the budget before it was transmitted to the Assembly, through its participation in the Finance Committee. That understanding was crucial to the United States' acceptance of the package as a whole.

Captain VAN ROOIJEN (Netherlands) supported the proposal by France that the Finance Committee should be regarded as a subsidiary organ. Member States would have an opportunity to review the budget in the context of procedures within the Assembly, Council and Secretariat.

The CHAIRMAN OF THE SPWG said that the question of the desirability of making specific mention of the Finance Committee in the Convention had been discussed at some length in the SPWG. The formulation now proposed had been part of the agreed package.

Captain VAN ROOIJEN (Netherlands) said that, in the light of the remarks by the Chairman of the SPWG, he could accept the inclusion of the Finance Committee among the organs mentioned in the Convention.

The PRESIDENT noted that, if it were to be implicitly included among the subsidiary organs, the Finance Committee would not enjoy the same degree of autonomy that it would enjoy if mentioned explicitly in the Convention. In the absence of significant support for the French proposal, he would take it that the Conference supported the SPWG's proposal that the Finance Committee should be explicitly mentioned in the text.

It was so agreed.

Article 2 (resumed)

The PRESIDENT reminded delegates of the pending proposal by Algeria to include a new paragraph (h) in Article II.

The PRESIDENT OF THE DIRECTING COMMITTEE said that, following informal consultations, the delegations of Algeria, Cuba and Nigeria had agreed to make two minor editorial amendments to Article II. Paragraph (b) would be amended to read: "To improve global coverage, availability and quality and facilitate the access to hydrographic data, information, products and services;". Paragraph (c) would read: "To improve global hydrographic capability, capacity, training, science and techniques;". In the absence of any opposition, he would take it that the proposed amendments were acceptable.

It was so agreed.

Article 5

The PRESIDENT drew attention to the proposal by Argentina to retain the existing Article V of the Convention, subject only to amending the periodicity of meetings to provide for the Assembly to meet in ordinary session every three years.

Captain BENMUYAL (Argentina) said that, in the light of the decision taken with respect to Article IV, his delegation wished to withdraw its proposal concerning Article V.

The PRESIDENT drew attention to a number of changes to the proposed protocol of amendments which had been submitted by Japan.

Dr. NISHIDA (Japan) said that the intention behind the many detailed proposals was simply to ensure consistency between the various articles. There was no need to consider those proposals in plenary session. Should any of the proposals prove controversial, Japan could live with the current text.

The PRESIDENT said he took it that the proposals by Japan could be referred to the editing group, for consideration from the standpoint of consistency rather than of substance.

It was so agreed.

The PRESIDENT, drawing attention to a change to Article V, paragraph (e)(i) proposed by Brazil, suggested that consideration of the proposal should be postponed pending the decision concerning the composition of the Council to be taken in the context of consideration of Article VI.

It was so agreed.

Captain ANGLI RODRIGUEZ (Mexico) said that his delegation wished to propose amending the proposed paragraph (c) of Article V, so as to provide for the possibility of convening meetings of the Assembly in venues other than Monaco, in response to any offers made by Member States to host such meetings. Such a provision would help to secure the objective of the IHO set forth in Article II(a).

The PRESIDENT, noting that nowhere in the Convention was it explicitly stated that plenary meetings of the Conference must be held in Monaco, questioned the wisdom of raising the spectre of a possible departure from established tradition. In his view, the matter was not one that needed to be regulated in the Convention. If he heard no objection, he would take it that the Conference wished to reject the Mexican proposal. The IHO would then be free to decide the venue of future meetings on an *ad hoc* basis.

It was so agreed.

The PRESIDENT, drawing attention to the proposal by Germany to change the text of paragraph (e)(vii) by replacing the word “recommendations” with “proposals”, suggested that the matter was one of an editorial nature, and could therefore be left to the editing group.

It was so agreed.

Me. SAHEB-ETTABA (Canada) noted that under Article V(e)(ii), one function of the Assembly was to determine its own rules of procedure. That could be interpreted as meaning that the rules of procedure would have to be determined at each meeting of the Assembly. Rule 41 of the draft rules of procedure also provided for the procedure to amend the said rules. The function provided for in paragraph (e)(ii) therefore seemed to be redundant. It should also be noted that, while the same scheme was provided for with respect to the rules of procedure of the Council, there was no corresponding provision in Article VI(f). That discrepancy appeared to be unintentional. He therefore proposed the deletion of paragraph (e)(ii), which appeared to have been included as the result of an oversight.

The same applied to paragraph (e)(iii), which provided that one function of the Assembly was to determine the terms and conditions of the Secretary-General’s and Directors’ service. The same procedure was provided for in Articles 12 to 15 of the draft general regulations of the IHO. That provision, too, might be redundant.

Mr. OSTRANDER (United States of America), supported by the representative of Japan, said that in view of the complexity of the Canadian proposal, it might be best to refer the matter to the editing group for expert legal advice.

Commander LUSIANI (Italy) said it was his recollection that the legal expert had advocated clearly specifying the task of each body in the Convention. Accordingly, the apparent discrepancy between the various provisions was doubtless intentional.

The PRESIDENT said he took it that the Conference wished to request the editing group to look into the legal aspects of Article V, paragraphs (e)(ii) and (iii).

It was so agreed.

Article 6

The PRESIDENT invited the Chairman of the SPWG to explain how the wording proposed for paragraph (a) had been arrived at.

Commander KLEPSVIK (Chairman, SPWG) said the text presented in Article VI (a) was a compromise based on the discussions held in the SPWG. It had been agreed within the SPWG that the composition of the Council should be based on certain general principles: that the seats in the Council should comprise approximately 25% of the membership of the Organization and, to allow for a fair distribution among regional hydrographic commissions, should not be less than 30; that no Member State should hold more than one seat; that the Council’s composition should be weighted mainly to the regions and should reflect them fairly, together with the structure of their hydrographic commissions; and that the hydrographic interests to be represented were the tonnage of fleets, the level of hydrographic activity, such as the number of charts produced, and the exclusive economic zones of Member States. At the SPWG meeting held in Tokyo in 2004, six different models for the Council had been discussed in the light of those principles, ranging from 100% regional representation, with the Council being open to all Member States to participate in and vote in, to a model combining regional representation with hydrographic interests. The six alternative models had then been reduced to four, of which one would provide for regional representation only, another would enable all Member States to participate in the Council, the third would be based mainly on the regions but with 25% of the seats reserved for hydrographic interests, and the fourth would replace the 25% with 30 seats if that number were smaller. The model now proposed was the result of lengthy discussion in the

SPWG. It had proved exceptionally difficult to define hydrographic interests; the SPWG felt that tonnage alone was too restrictive a criterion, and that it should be combined with either the number of charts issued by Member States or the size of their EEZ. Because of the difficulty of calculating either of the latter, the SPWG had concluded that the concept of hydrographic interests could be further developed within the Organization in future, on the basis of the generic wording now proposed and according to the procedure set out in Article 16 of the General Regulations.

The PRESIDENT said that inevitably not all Member States could be members of the Council. Did the Conference accept the proposal by the SPWG to divide Council seats between the regions and hydrographic interests, on the basis of two-thirds for the former and one third for the latter? Direct election by the Assembly would be undesirable because of the risk of political influence, which the SPWG had been anxious to avoid.

Vice-Admiral FERNANDES (Brazil) said that, in that light, he was willing to withdraw his delegation's proposal for direct election by the Assembly of one third of the Council seats. He supported the proposal by the SPWG to allocate two thirds of the seats on a regional basis and one third on the basis of hydrographic interests, and welcomed the idea of defining those interests to include tonnage and the EEZ. He could also support the idea mooted by the delegation of France of setting up a working group of the SPWG to study the definition of hydrographic interests.

The PRESIDENT said that, in the absence of any objection, he would take it that the Conference accepted the principle that two thirds of the Council seats should be allocated on a regional basis, and that the remaining one third should not be filled through election by the Assembly.

It was so agreed.

The PRESIDENT referred to the proposal by the delegation of Japan to replace the phrase "such as the tonnage of their fleets" by the words "which shall be defined in the General Regulations". That might prove to be a more flexible solution, since the Regulations could be amended without awaiting approval by Governments; however, it might also create uncertainty. The Conference had therefore to decide how hydrographic interests would be defined.

Mr. ZENONOS (Cyprus) said that since Council representation carried financial implications for Governments, and that, whilst tonnage was relatively easy to identify, neither number of charts nor size of the EEZ allowed for exact measurement, he was in favour of an open and flexible solution, perhaps including election by the Assembly.

The PRESIDENT said that a precise form of words must be used when deciding on the method of composition of the Council, however flexible the chosen formula.

Commander KLEPSVIK (Chairman, SPWG) said the Group had agreed to keep a generic formula, and had also decided against a completely open form of representation.

Commander LUSIANI (Italy) said he welcomed the idea of allowing for a broad interpretation of hydrographic interests, to include factors other than tonnage, but there was a risk of conflict with Article XIV of the Convention, which provided that the expenses of the Organization were to be met from the ordinary annual contributions of Member Governments in accordance with a scale based on the tonnage of their fleets. What was more, the Organization worked for the safety of sailors, who were themselves represented by the fleets of their countries.

The PRESIDENT said he was reluctant to engage in any discussion of financial shares, because of the political issues which would inevitably arise.

Mr. GHADERI (Iran) proposed that all the Council seats should be filled during the Assembly, because the Council was itself part of the Assembly and should follow its decisions. The regional commissions, on the other hand, acted for their regions.

Captain RIDWAN (Indonesia) supported the principle of having two-thirds of seats allocated on a regional basis and one third on the basis of hydrographic interests. However, the concept of hydrographic interests should not be confined to tonnage, which was not capable of reflecting the technical capacity of a country's hydrographic services. Charts and the EEZ should both be included. The number of charts issued could be calculated from the publications of the IHO Office, and the EEZ from the S-55 and official publications.

Dr. NISHIDA (Japan), supported by Rear Admiral McGEE (United States of America) urged the Conference to focus on the principle of allocating two-thirds of Council seats on a regional basis and one third on the basis of hydrographic interests.

Admiral KOMARITSYN (Russian Federation), agreeing with both previous speakers, said he supported the SPWG proposal. The three criteria already suggested for hydrographic interests could readily be calculated, and others could be added, such as a country's contribution to international mapping projects.

Captain GONGCHEN LIU (China) said that the best option would be to retain the reference to tonnage, which was measurable. Anything else was likely to cause difficulty. The SPWG had covered all the arguments, and he hoped that these would not be repeated.

Dr. NARAYANAN (Canada) said controversy could be avoided by deleting the reference to tonnage and leaving the matter to be decided in the General Regulations.

Ingénieur général DESNOËS (France), speaking on behalf of the Eastern Atlantic Regional Hydrographic Commission, said that the tonnage criterion alone did not adequately reflect the vision of the Organization as conveyed in the draft amendments to the Convention. Other examples, such as the EEZ or charts, should be included, or none at all.

Vice-Admiral VIEGAS FILIPE (Portugal) said the chosen criteria should reflect the mission of the Organization. He was in favour of the formula proposed by the SPWG, but preferred to leave the definition of hydrographic interests to the General Regulations.

Commodore SKLAVÍDIS (Greece) was strongly in favour of the new Article VI as drafted by the SPWG. He pointed out that some Member States had not yet established an EEZ.

Commander WILSON (Sultanate of Oman) suggested that the text of paragraph (a) could end "on the basis of hydrographic interests, as defined in the Regulations".

Mr. KHONG (Singapore) was in favour of the text as drafted by the SPWG, which had the merit of clarity.

Mr. SPITTAL (New Zealand) was not in favour of the tonnage formula. As for charts, New Zealand's interests extended to 10% of the earth's surface. He was also concerned that a Council member selected by a regional commission was not necessarily obliged to represent the interests of that commission.

Captain GARNHAM (Chile) emphasized the principles of equality among Member States and the obligations of Member States towards all shipping in their EEZ. It was not appropriate to mention tonnage without also mentioning the EEZ. He would prefer the definition of hydrographic interests to be left to the General Regulations.

Captain KAMPFER (South Africa) said that while supporting the proposal of the SPWG, contention might be removed if all Member States could participate in the work of the Council and have a vote in it.

Mr. KWAK (Republic of Korea) supported the proposal of the SPWG. The criterion chosen for hydrographic interests should be measurable. The extent of the EEZ was not necessarily matched by hydrographic interest.

Captain QUIRÓS CEBRIÁ (Spain) objected to the idea of tonnage being used as the only criterion. He would prefer the definition of hydrographic interests to be left to the General Regulations.

Lieutenant Commander JIMENEZ MUNOZ (Venezuela) said the definition should be very specific, and should not be confined to tonnage. It could, for instance, combine tonnage with charts for the waters under the jurisdiction of a State.

Dr. BALCAEN (Belgium) suggested including the density of shipping passing through the EEZ, and the quantity of goods shipped.

Captain ANGLI RODRIGUEZ (Mexico) agreed with the representatives of Venezuela and Belgium that other criteria should be added, but that would require more study by the SPWG or another working group. As the responsibility of a State depended on the number of vessels using its waters, perhaps one criterion should be the length of its coastline, rather than its EEZ.

Commander LUSIANI (Italy) said that whatever formula was chosen, some Member States would be disadvantaged by it. The only ways of avoiding this were full regional representation, or an open session representing the full democratic option. Otherwise, tonnage was, at the moment, the only option available.

The PRESIDENT, summing up the debate, said that there appeared to be general agreement that members of the Council should not be elected by the Assembly, and that the Council should be comprised of Member States, two-thirds of whom would be drawn from the Regional Hydrographic Commissions and one third selected by assessing hydrographic interests. The difficulty lay in the definition of hydrographic interests. There was a slight majority in favour of not mentioning tonnage as one of those interests. His own suggestion would be to delete the reference to tonnage and to leave the definition to the General Regulations. However, that would not solve the problem, and the SPWG would have to take the matter up again. He urged delegates to think the matter over before the extraordinary conference reconvened in the morning.

CONF.EX3/P/SR.3

THIRD PLENARY SESSION

12 April 2005

0900 – 1225

Rapporteur : Mr. Steven DEBRECHT (United States of America)

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- Consideration of Proposals of the Strategic Planning Working Group (Agenda item 3) (continued)

- Approval of amendments to the IHO Convention (PROPOSALS 2, 9 and 10) (Agenda item 3.2) (continued)

CONSIDERATION OF PROPOSALS OF THE STRATEGIC PLANNING WORKING GROUP (Agenda item 3) (continued) (CONF.EX3/G/03, G/03 Add.1, G/03 Add.2, G/03 Add.3 and G/03 Add.4)

APPROVAL OF AMENDMENTS TO THE IHO CONVENTION (PROPOSALS 2, 9 and 10) (Agenda item 3.2) (continued) (CONF.EX3/DOC.3 CONF.EX3/DOC.4 and CONF.EX3/INFODOC.7 Rev.1)

Article 6

The PRESIDENT, referring to CONF.EX3/INFODOC.7, drew attention to subparagraph (a) on the composition of the Council, and recalled that it had been decided at the previous meeting that two-thirds of the members of the Council should be chosen on a regional basis, and one-third on the basis of hydrographic interests, not through direct election, as had been proposed by Brazil. Japan had proposed that the reference to tonnage of fleets as an example of “hydrographic interests” should be replaced by an indication that “hydrographic interests” would be defined in the General Regulations. The majority of Member States had seemed to go along with that proposal and he asked if it was acceptable.

Rear Admiral MCGEE (United States of America) said that as the Chairman of the SPWG had indicated, that group had spent a great deal of time discussing how to define “hydrographic interests” and had reached the compromise represented by the reference to tonnage. The Conference should discuss the matter in depth in order to give better direction to the SPWG or any other group that might be revisiting that difficult issue in the future.

Captain GONGCHEN LIU (China) agreed with the comments made by the United States that it was the right time for the Conference to address the issue, which should not be sent back again to the SPWG. Even if the Conference could give clear-cut guidelines to the SPWG, it would only be buying time. The reference to tonnage as “hydrographic interests” had got through in-depth discussion at the SPWG meetings. China agreed to it in a spirit of seeking a compromise solution, although China was now at the top of the list in the tonnage table, there was no guarantee it would remain there forever.

If the reference to tonnage on “hydrographic interests” in Article VI was deleted, the phrase in Article XIV which specifically linked tonnage to annual contributions would likewise have to be revised, for the sake of consistency. That would open the door to an in-depth discussion on exactly what were “hydrographic interests”.

Mr. ZENONOS (Cyprus) said he fully shared those views and agreed that the issue could not be swept under the carpet indefinitely. A magic number had to be arrived at to define the contribution to the international hydrographic community that international mariners would make. If that figure was based on tonnage, then the relative weight of hydrographic interests, which included not solely tonnage figures but also hydrographic vessels, fleets, charts and activities in general, could be determined on a regional basis. If more countries were put forward as candidates from a given region than were permitted, the Assembly could decide on the composition of the Council.

Mr. KWAK (Republic of Korea) said he fully agreed with the Chinese proposal because hydrographic interests were essential not only to the composition of the Council but also to contributions to the hydrographic field in general.

Dr. NISHIDA (Japan) said the tonnage model was one of the major outcomes of the lengthy discussions within the SPWG, and the conclusion that had been reached had to be respected. The only question was whether that conclusion could and should be clearly reflected in the Convention.

Mr. NIELSEN (Denmark) said he could live with the proposal by Japan but had great sympathy for the arguments put forward by China. The voting power of Member States and their contributions to the Organization were linked to the tonnage of their fleets. It had been agreed that two-thirds of the members of the Council should be chosen according to regional interests and one-third in line with hydrographic interests. One-third of thirty was ten Member States. If tonnage was added into the equation, only a very few Member States would be affected. It would thus be much better to use tonnage as a criterion but, if that was not acceptable, he could go along with the Japanese proposal.

Cdr. ESSOUSSI (Tunisia) agreed with Japan that Article VI should refer solely to “hydrographic interests”. However, if the same wording was also to be incorporated in the General Regulations, the phrase should be explained in detail. The main thing was to agree on a definition of “hydrographic interests” and incorporate it somewhere in the IHB’s documentation.

The PRESIDENT, summing up the discussion, said a number of options could be pursued. The Convention could incorporate very specific criteria or refer solely to “hydrographic interests”, with a more detailed description to be given in the General Regulations. Sooner or later, the phrase would have to be defined, and the question was whether that should be done in the Convention or in the General Regulations. China had suggested that if the reference to tonnage was not included in Article VI, it should likewise be expunged from Article XIV. Cyprus believed that the Assembly should be given the final say in the composition of the Council. Both those countries should present concrete proposals in writing so that the Conference could discuss them. A last option would be to give the work back to the SPWG.

Under Proposal 4 the Conference would have an in-depth discussion about the selection procedure for members of the Council. In that context, the substantive issue of how to define “hydrographic interests” could be addressed. A majority of members seemed in favour of the Japanese proposal to delete the reference to tonnage in Article VI (a) and he suggested that it be adopted, on the understanding that a final decision on amendment of Article VI (a) would be postponed until after the discussion on Proposal 4.

It was so agreed.

The PRESIDENT drew attention to the Norwegian proposal for a new Article VI (b), to read: *“The principles for the composition of the Council shall be laid down in the General Regulations”*. He took it that the proposal was acceptable and that subsequent subparagraphs should be renumbered accordingly.

It was so agreed.

The PRESIDENT suggested that the Japanese proposal for Article VI (f) (v) be referred to the Editing Group.

It was so agreed.

The PRESIDENT drew attention to two amendments to Article VI (f) (vii).

Dr. NISHIDA (Japan) noted that according to the suggested subparagraph, proposals would be referred by the Council to the Assembly if they had “significant strategic or financial implications”. Certain questions of major importance might not have such implications, however, and it was for that

reason that his delegation wished to see the words “or if they are questions of substance” added to the subparagraph.

Commander LANGVIK (Norway) said his delegation proposed the addition of a reference to correspondence as a means for the Council to communicate proposals to Member States.

The PRESIDENT suggested that the Editing Group be asked to look into those amendments.

Dr. WILLIAMS (United Kingdom) said that the task went beyond mere editing to touch on substance. While he had great sympathy with the Japanese proposal, he thought the phrase “strategic and financial” covered the underlying concerns and that the subparagraph should be left unchanged.

Captain WARD (Australia) endorsed those remarks. The Norwegian and Japanese proposals were both aimed at making clear what matters the Council would consider and what it would do with the results of its deliberations. The Norwegian proposal met that objective best, and also covered the concerns expressed by Japan.

Dr. NISHIDA (Japan) said he endorsed the Norwegian proposal but thought his own merited discussion as a matter of substance, not within the Editing Group. Perhaps the word “policy implications” could be incorporated in the subparagraph.

The PRESIDENT suggested that a small group including representatives of Norway, Japan, the United Kingdom and the United States should convene to discuss the question and report back to the Conference.

It was so agreed.

The PRESIDENT suggested that the amendment proposed by Japan to Article VI (f) (ix) be referred to the Editing Group.

It was so agreed.

The PRESIDENT noted that there was no support for the amendment proposed by Monaco to Article VI (f) (x) and suggested that it be deleted.

It was so agreed.

Article 7

Dr. NISHIDA (Japan) introduced his country’s proposal to delete the phrase “Each Member State shall have one vote” from subparagraph (a), a proposal aimed simply at achieving consistency with other parts of the text.

The PRESIDENT suggested that the Editing Group be asked to look into the proposal, on the understanding that deletion of that phrase in no way implied that Member States did not have one vote each in the Finance Committee.

It was so agreed.

The PRESIDENT noted that there was no support for the Moroccan proposal on Article VII (b) and suggested that it be deleted.

It was so agreed.

The PRESIDENT noted that the Argentinian proposal on Article VII (c) had been withdrawn and suggested that the Japanese proposal be referred to the Editing Group.

It was so agreed.

Dr. NISHIDA (Japan), introducing his delegation's proposal for Article VII (d), said the addition of a Vice-Chair to facilitate meetings of the Finance Committee was merely an editorial matter and should be referred to the Editing Committee.

Dr. WILLIAMS (United Kingdom) said he did not agree that it was merely a matter of editing. The addition of a Vice-Chair was an important change and indeed such changes had been instituted in the past to excellent effect. He wished to support the proposal.

The PRESIDENT suggested that the matter nevertheless be referred to the Editing Group.

It was so agreed.

Article 8

The PRESIDENT noted that the Argentinian proposal on Article VIII (a) had already been dealt with in the earlier discussion. He suggested that the Japanese proposals for Article VIII (a) and (d) be referred to the Editing Group.

It was so agreed.

The PRESIDENT suggested that the Moroccan proposal on subparagraph (d) (ii) be deleted, as it had received no support, and that the Japanese proposal on subparagraph (d) (iii) be referred to the Editing Group.

It was so agreed.

The PRESIDENT drew attention to Monaco's proposed addition to Article VIII (d) of two new subparagraphs, dealing with the authority of the Secretary-General to undertake legal transactions.

Mr. GASTAUD (Monaco) said the proposed additions were precautionary measures aimed at ensuring that the Convention spelled out all of the Secretary-General's functions and prerogatives.

The PRESIDENT remarked that similar provisions were not to his knowledge included in constituent instruments of other international organizations; but perhaps the special legal situation of Monaco necessitated such wording.

Mr. ZENONOS (Cyprus) suggested that legal advice be sought on the issue.

Dr. WILLIAMS (United Kingdom) said he saw no need for the provisions. The Organization had legal advisers to provide counsel in that field, and as for financial dealings such as the disposal of assets, there was after all a Finance Committee.

Mr. GASTAUD (Monaco) explained that if cases needed to be taken before the courts of Monaco, the supporting documentation or submissions had to be signed by a person entitled to represent the Organization. That could not be a Finance Committee or legal counsel, it had to be the Secretary-General.

The PRESIDENT suggested that the delegations of Monaco and others should discuss the issue and come back to the plenary with their conclusions.

It was so agreed.

The PRESIDENT suggested that the proposals by Japan for Article VIII (e) and (f) should be referred to the Editing Group.

It was so agreed.

Article 9

The PRESIDENT noted that Argentina had withdrawn its opposition to the replacement of Article IX as a whole by a new text.

Dr. NISHIDA (Japan) said that his delegation wished to see the entire article prefaced by the following wording: "Decisions shall be taken by consensus". The article started off with the phrase "Where decisions cannot be reached by consensus...", and that cast the decision-making process in a fairly negative light.

The PRESIDENT questioned the legality of the provision. While consensus was certainly desirable, decisions were normally adopted by a simple majority. The proposal was much too strongly worded.

Rear Admiral MCGEE (United States of America) said the legal advice he had received from his authorities was that the President was right in questioning the legality of the proposal, which changed the meaning of the entire article.

Dr. NISHIDA (Japan) agreed to withdraw the proposal.

The PRESIDENT suggested that the Japanese proposal for Article IX (b) be referred to the Editing Group and that the Brazilian proposal be deleted.

It was so agreed.

Dr. NISHIDA (Japan) introduced his delegation's proposal to insert a new sentence at the end of subparagraph (c). The objective was to ensure that resolutions remained effective, even if a great many delegations abstained during the voting. Hence the advisability of specifying that at least one third of Member Governments had to vote in favour of a resolution for it to be inserted in the Repertory of Technical Resolutions.

The PRESIDENT OF THE DIRECTING COMMITTEE suggested that the matter should be considered together with subparagraph (f) of Article 9 which provided that technical resolutions by the Council should be submitted to Member States for approval and required the affirmative votes of at least one third of all Member States.

In the light of the previous speaker's comments, Dr. NISHIDA (Japan) withdrew the proposal.

In the absence of support, the proposal by Morocco was rejected.

The PRESIDENT drew attention to proposals by Algeria and Japan concerning subparagraph (d).

Colonel AOUNE (Algeria) said, in explanation of his delegation's proposal, that a two-thirds majority requirement should be extended to "matters of a strategic nature".

Dr. BALCAEN (Belgium) wondered whether there was a difference between "matters related to policy" and "matters of a strategic nature".

In the absence of support, the proposal by Algeria was rejected.

The PRESIDENT suggested that consideration of the proposal by Japan should be deferred until the drafting group had reported to the Conference on the outcome of its deliberations on Article 6.

It was so agreed.

The PRESIDENT drew attention to a proposal by Monaco relating to subparagraph (e).

Mr. GASTAUD (Monaco) explained that, as the depositary State, the Principality wished to know how it should treat suspended States in votes pertaining to matters covered by the subparagraph under review.

Commander KLEPSVIK (Chairman of the SPWG) drew attention to Article XV of the current Convention which provided that “Any Member Government which is two years in arrears in its contributions shall be denied all rights and benefits conferred on Member Governments...”.

In the light of the clarification provided by the Chairman of the SPWG, Mr. GASTAUD (Monaco) withdrew the proposal.

The PRESIDENT drew attention to the proposal by Japan relating to subparagraph (f). He suggested that the earlier decision to insert the words “by correspondence” in Article 6, obviated the need to repeat the words here.

It was so agreed.

The PRESIDENT drew attention to a proposal by France to insert a new subparagraph (g).

Ingénieur général DESNOËS (France) explained that the proposal was intended to enable the Assembly to require that decisions taken by subsidiary bodies pertaining to matters of a standardization or technical resolution be taken by a two-thirds majority in line with standard practice in other international organizations which dealt with standards.

A simple majority of the Assembly would be sufficient to determine when a two-thirds majority was required for such decisions within the subsidiary body.

Dr. WILLIAMS (United Kingdom), supported by Captain BENMUYAL (Argentina), observed that the IHO and its technical committees often dealt with matters of prime importance for the standard of its work, the quality of its products and for the safety of life at sea. The international standards proposed by the Organization should be supported by a majority of States present. A simple majority was not sufficient on matters of such importance.

Rear Admiral ANDREASEN (United States of America), supported by Captain VAN ROOIJEN (Netherlands) and Captain SOBOLEV (Russia), observed that the whole precept of reviewing the Basic Documents was to simplify the voting, whereas the proposal under review would only serve to complicate it and make decision-making more complicated.

Mr. KWAK (Republic of Korea) was in favour of the proposal. A technical resolution was like a regulation in terms of its importance, especially in a technical organization, and he therefore favoured a two-thirds majority.

Vice Admiral FERNANDES (Brazil), Vice-Admiral VIEGAS FILIPE (Portugal), Captain QUIRÓS CEBRIÁ (Spain) and Colonel AOUNE (Algeria) all expressed support for the proposal.

Mr. HECHT (Germany), supported by Mr. MACDOUGALL (Canada), Commander LANGVIK (Norway) and Mr. VALDEZ (Peru), feared that the proposal would lead to a number of complications: lengthy discussions in the Assembly as to which quorum should apply to decisions by the technical bodies; and a reversal of the decision-making process. He was opposed to introducing different majorities at different levels.

Commodore Abdul Fattah ALI AHMAD (Egypt) said it should be clearly stated in the Regulations, on a case-by-case basis, which matters were to be decided by a two-thirds majority and which by a simple majority.

The PRESIDENT invited the Conference to indicate by show of hands their support for, or opposition to, the proposal.

The proposal by France was rejected.

Article 1 (continued)

Captain NAIRN (Australia) reported that the preamble working group, consisting of Japan, Norway, the United Kingdom, the United States of America and Australia, had in its deliberations endeavoured to keep the number of amendments to a minimum, incorporating only those changes that it considered absolutely necessary.

The text proposed by the working group was displayed on an overhead.

The PRESIDENT invited the Conference to consider the proposed text paragraph by paragraph.

Paragraph 3

The PRESIDENT read out the proposed new text of paragraph 3, as follows:

“**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 worldwide basis the setting of standards for the production of hydrographic data and the provision of hydrographic services and facilitates capacity-building of national hydrographic services;”

Mr. OEI (Singapore) observed that the wording could be understood to imply a specific reference in the United Nations Convention on the Law of the Sea (UNCLOS) to the International Hydrographic Organization as a competent international organization. As far as he knew, that was not the case.

Captain NAIRN (Australia) explained that the wording was intended to self-acclaim the IHO as one of the competent international organizations to which the UNCLOS referred.

The PRESIDENT said he regarded the wording as an elegant way of categorizing the IHO as one of the competent organizations to which the UNCLOS referred.

He invited the Conference to accept the wording for paragraph 3 proposed by the working group.

It was so agreed.

Paragraph 4

The PRESIDENT read out the text of paragraph 4 as proposed by the working group, as follows:

“**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;”

He invited the Conference to approve the proposed wording.

Ingénieur général DESNOËS (France) said that, while the English wording was acceptable, his delegation wished to reserve its position until the French version, which was also an official version, was available.

The PRESIDENT said he took it that, subject to the proviso by France, the proposed text for paragraph 4 was acceptable.

It was so agreed.

Article 10

The PRESIDENT noted that the Japanese delegation had withdrawn its proposal. He drew attention to a proposal by the United States of America to delete the word “other” in the first line of the text proposed by the SPWG.

Rear Admiral ANDREASEN (United States of America) explained that the word “other” was misleading since the IHO was a governmental, not a non-governmental, organization.

The PRESIDENT suggested that the word “non-governmental” was also superfluous. “International organizations” was sufficient.

Article 10, as amended, was approved.

Article 11

Captain WARD (Australia) said that the proposal of amendment not included in the Protocol, by Australia, was intended to provide consistency and to elaborate upon a principle already contained in the original proposal. He suggested that the matter be considered by the editing group.

It was so agreed.

Article 12

Article 12 was approved.

Article 13

Article 13 was approved.

Article 14

The PRESIDENT noted that Article XVI of the Convention was to be deleted and that the following articles would therefore have to be renumbered accordingly.

Article 15

The PRESIDENT drew attention to the first proposal by Australia.

Mr. OSTRANDER (United States of America) said that the proposal raised a number of legal issues. First, the United Nations Convention on the Law of the Sea (UNCLOS) allowed states to opt out of the jurisdiction of the International Tribunal for the Law of the Sea (ITLOS) so that not every member of the Convention had agreed to be bound by its decisions. Second, the current US administration intended to join the UNCLOS but had declared that it would opt out of the jurisdiction of ITLOS. He therefore preferred to leave Article 15 as it stood.

Mr. SAHEB-ETTABA (Canada) said that he too found recourse to the International Court of Justice rather a heavy approach to interpreting a convention like that of the IHO. The proposal by Australia was worth considering and developing further. If the proposal was carried, it should be ascertained that ITLOS it was indeed competent in such matters. A third possibility would be to have recourse to arbitration, whereby the Secretary-General could designate an arbitrator from among the many international associations of arbitrators. Recourse to arbitration might be more flexible given the context of the Convention.

Mr. GRANDREJI (India) thought that the dispute settlement mechanisms in the current Convention had a number of flaws. The Charter of the United Nations itself provided a number of dispute settlement mechanisms of which the International Court of Justice was but one. Moreover, UNCLOS itself provided for a detailed procedure. Drawing attention to the current debate on whether ITLOS was fulfilling its mandate, he felt it would be premature to include it here, and he was therefore not in favour of the Australian proposal.

Ms. HERING (Germany) expressed sympathy for the proposal by Australia, while understanding the position of the United States of America. She suggested that the proposal by Canada might be a good compromise.

Commander ESSOUSSI (Tunisia) suggested that a “committee of wise men” should be set up within the organization to resolve disputes, and only when that proved impossible to resort to arbitration.

Commodore Abdul Fattah ALI AHMAD (Egypt) expressed support for the position of the United States of America. Most hydrographic issues, including border disputes, properly belonged within the jurisdiction of the ICJ, and every dispute should be referred to that body.

Mr. HOOTON (United Kingdom) said that his delegation was generally satisfied with the draft proposed by the SPWG. He pointed out that the disputes in question were ones relating to the interpretation or application of the Convention, and not to maritime affairs generally. The proposal by Canada appeared to relate to who should appoint the arbitrator. Arbitration itself was a given, and the United Kingdom had an open mind on that. Bearing in mind the principle of making as few amendments as possible, he was in favour of retaining the draft as it stood.

The PRESIDENT observed that the proposal by Australia seemed to have little support. He asked whether it was the wish of the Conference to accept the wording proposed by the SPWG.

It was so agreed.

The PRESIDENT drew attention to a proposal of amendment not included in the Protocol in which Australia had proposed substituting the word “State” for “Government” in Article XVII of the current Convention.

Commander KLEPSVIK (Chairman of the SPWG) explained that the wording of the Article had to remain as it stood to reflect the fact that in 1967 governments and not States had been responsible.

Article 16

The PRESIDENT suggested that the proposal by the delegation of Australia be dealt with by the editing group. As for the proposal by the delegation of Norway in respect of the content of the present Article XIX, he said that since the article reflected historical fact it had to be retained in the Convention, and the consequent re-numbering should be undertaken by the editing group.

It was so agreed.

Article 17

The PRESIDENT suggested that the proposals made by the delegations of Australia, Japan, the Netherlands and Norway in respect of paragraph (a) be referred to the editing group.

It was so agreed.

Captain GONGCHEN LIU (China), supported by the representative of Singapore, proposed that paragraph (b) be amended by replacing “if” in the first sentence with the words “upon the recommendation of the Council and”.

Dr. NISHIDA (Japan) requested that the proposal be submitted in writing and that more time be allowed for its consideration.

Captain GONGCHEN LIU (China) agreed to submit his delegation’s proposal in writing.

Dr. NARAYANAN (Canada) said her delegation did not accept the proposal made by the delegation of China. It was for the Assembly to approve an application for accession by a State that was not a member of the United Nations.

Dr. WILLIAMS (United Kingdom), expressing support for the proposal made by the delegation of China, said that one of the Organization’s weaknesses was the slow growth of its membership. If an application for accession could be recommended by the Council, which met annually, while the Assembly met only every three years, that application could be considered by Member States more quickly.

The CHAIRMAN OF THE SPWG said that the SPWG had not discussed involving the Assembly in the process of recommending applications for accession. Approval of accession was by a two-thirds affirmative vote of all Member States expressed through diplomatic channels to the Depositary, and that process should continue.

The PRESIDENT suggested that the Conference return to the subject when the delegation of China had submitted its proposal in writing.

It was so agreed.

Article 18

Vice-Admiral VIEGAS FILIPE (Portugal) requested the Conference to include the following official statement in the record of its proceedings:

- “1. Taking into consideration the official declaration made by the [Portuguese] Ministry of Foreign Affairs and the positions assumed by Portugal during the work of the SPWG; and

- “2. Taking into consideration that *tacit approval*, previewed in paragraph (c) of Article XXI of the *Consolidated Version of the Convention on the International Hydrographic Organization*, raises serious doubts in view of the constitutional obligation of a parliamentary or governmental approval for international conventions;

“Portugal declares that it reserves itself the right to express its understanding of Article XXI, on the moment upon ratification.”

He explained that the background to the statement was that Portugal had changed its Constitution in 1976.

The PRESIDENT, noting that the procedure, which had been agreed in 1967, was not to be changed, suggested that the Conference take note of the official statement of the delegation of Portugal.

It was so agreed.

CONF.EX3/P/SR.4

FOURTH PLENARY SESSION

12 April 2005

1405 – 1710

Rapporteur : Mr. William CURRIE (United States of America)

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Consideration of Proposals of the Strategic Planning Working Group (Agenda item 3) (continued)

- Approval of amendments to the IHO Convention (PRO 2, PRO 9 and PRO 11) (Agenda item 3.2) (continued)
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**CONSIDERATION OF PROPOSALS OF THE STRATEGIC PLANNING WORKING GROUP
(CONF.EX3/G/03,G/03 Add.1, G/03 Add.2, G/03 Add.5) (Agenda item 3) (continued)**

**PRO 2, 9 - APPROVAL OF AMENDMENTS TO THE IHO CONVENTION
and 11 (CONF.EX3/G/03 Add.5); (CONF.EX3/DOC.2, DOC.3 and DOC.4;
CONF.EX3/INFODOC.7 Rev.1) (Agenda item 3.2) (continued)**

Article 6 (continued)

Captain TURNER (United Kingdom) reported on the work of the working group comprising representatives from the delegations of Japan, Norway, the United Kingdom and the United States of America, regarding amendments proposed in respect of subparagraph (vii) of Article VI(f). The group had agreed to reword the first bullet point of the subparagraph to read: “To the Assembly for all matters requiring decision by the Assembly”, those matters being defined in Article V. In light of that agreement, the delegation of Norway had withdrawn its proposal to make reference to proposals “of a technical or administrative nature”. The group had also agreed to amend the third bullet point to read: “To the Member States for adoption through correspondence”.

The PRESIDENT said he took it that the Conference wished to adopt the group’s suggestions.

It was so agreed.

Article 17 (continued) See PRO 11

The PRESIDENT invited the Conference to consider the proposal made by the delegation of China in respect of paragraph (b) of Article XIX of the Convention, which was now available in writing. He said it was important to be aware of the fact that under the present procedure the IHO was not formally involved in any way in the accession of a member. A State applying for accession submitted its application to the Government of Monaco as the Depositary. If a decision were now to be taken to involve the Council of the IHO before the accession process with the Depositary began, it would be necessary to change the present accession procedure so as to provide for an application for accession to be sent to the IHO and its Council, which under the existing procedure would not be aware of it. The Conference should decide first of all whether it wanted the Council to be involved, and whether the accession procedure would be initiated only after the positive recommendation of the Council.

Mr. KHONG (Singapore), supported by the representative of the Republic of Korea, reiterated his delegation’s support for the proposal made by the delegation of China and said that it was not desirable for the IHO simply to be in receipt of a decision to accept the accession of a State that was not a member of the United Nations. It would be useful to use a Council to screen such States for application.

Mr. ZENONOS (Cyprus), noting that the issue was political, sought clarification regarding the intention of the SPWG in amending the Article.

The CHAIRMAN OF THE SPWG said that the main reason for amending the Article had been to facilitate the accession of new Member States. Paragraph (a) made accession for any State that was a member of the United Nations more or less automatic. With respect to a state that was not a member of the United Nations, it had not been the SPWG’s intention to change the existing procedure.

Captain VAN ROOIJEN (Netherlands) said his delegation was very much in favour of retaining the existing procedure. The IHO was primarily a technical body and, if the proposal made by the delegation of China were to be adopted, it would introduce a political element.

Ingénieur général DESNOËS (France), supported by the representatives of Malaysia and Portugal, agreed, pointing out that Article II of the Convention stated that the IHO should have a “consultative and technical nature”. That was not consonant with the Council taking decisions concerning new members. The existing procedure should be retained.

Captain SOBOLEV (Russian Federation) expressed support for the statement made by the Chairman of the SPWG.

Captain WARD (Australia), supported by the representative of the United States of America, said it was important to realize the role that would be given to the Council if the proposal made by the delegation of China were to be adopted. If the Council were to decide that an applicant was not eligible for accession, it would be making a major policy decision, and the Conference had already agreed that it did not wish the Council to be involved in policy decisions.

The PRESIDENT said there was a clear majority in favour of retaining the existing procedure for States that were not members of the United Nations and amending the Convention in that regard only to facilitate their accession. The editing group should make very clear that the wording of the paragraph was unchanged and therefore that the procedure was unchanged.

It was so agreed.

The PRESIDENT drew the Conference’s attention to Proposal 2 submitted by the SPWG and contained in document CONF.EX3/DOC.2. Under the proposal, the Conference was requested to approve the amendments to the IHO Convention as laid down in the Protocol of the Amendments to the IHO Convention and to adopt a resolution the text of which was set out on page 5 of the document. He suggested that the first operative paragraph of the draft resolution be amended with the addition at the end of the words “including the Consolidated Version of the Convention as an attachment”.

Captain GARNHAM (Chile) said that before moving on to other proposals, the Conference needed to know for sure whether Proposal 2 was going to be approved or not.

Captain WARD (Australia) supported the suggestion made by the President regarding the first operative paragraph, but preferred the wording “as set out in” to “including”. He observed that if there were any inconsistencies between the amendments and the Consolidated Version, it would be essential to know which took precedence.

Mr. Frank OSTRANDER (United States of America) supported the President’s suggestion. Regarding the comments by the representative of Australia, a group of legal experts might determine the most appropriate wording.

The PRESIDENT said in response to the remarks by Chile that a decision on the proposal could only be taken after consideration of the final version of the Protocol of Amendments to the Convention. He took it that PRO 2 would therefore be left in abeyance until that version was available on the following morning.

It was so agreed.

PRO 3 - AGREEMENT WITH THE PRINCIPLES LAID DOWN FOR THE IHO SUBSIDIARY ORGANS STRUCTURE (CONF.EX3/DOC.1) (Agenda item 3.3)

The PRESIDENT drew attention to the Report of the Strategic Planning Working Group (SPWG) (document CONF.EX3/DOC.1).

Commander KLEPSVIK (Norway), Chairman of the SPWG, introducing the proposal, specified that its purpose was to secure agreement in principle on the structure of the subsidiary organs, not

approval of their detailed functioning. As could be seen from section 6.4 in the document, the structure had been greatly simplified and would be more efficient, with just two Committees — the Hydrographic Services and Standards Committee, which was the main technical body, and the Inter-regional Coordination Committee, which was of strategic importance.

Captain GARNHAM (Chile), while expressing agreement with the need to rationalize the structure of the subsidiary organs and with the SPWG's conclusions, said that the proposals contained in the SPWG's report lacked precision. A study of each organ should be made by the IHB with detailed proposals for submission to the next Ordinary Conference.

The PRESIDENT said he took it that Chile accordingly agreed with the principles proposed; the question of further work on the Committees' functioning would be examined subsequently.

Captain VAN ROOIJEN (Netherlands) drew attention to the Netherlands' written comments, as contained in document CONF.EX3/G/03 (the "Red Book"), on the unclear status of the Legal Advisory Group (LAG).

Commander KLEPSVIK (Norway), Chairman of the SPWG, said that the LAG had, indeed, not been proposed as a subsidiary organ in the Convention or referred to in detail in the SPWG report. Not all details of the proposed organizational structure were given in the report, but in fact the majority in the SPWG had been in favour of maintaining the LAG, as could be seen from the organizational diagram in section 6 of the report.

The PRESIDENT said that, with those explanations and on the understanding that, as proposed by Chile, consideration would subsequently be given to requesting a more detailed study of the subsidiary organs for submission to the next Conference, he took it that the Conference agreed with the principles laid down for the subsidiary organs structure.

It was so agreed.

PRO 4 - AGREEMENT WITH PRINCIPLES LAID DOWN FOR THE PROCEDURES OF SELECTION OF MEMBERS OF THE IHO COUNCIL (CONF.EX3/DOC.1 & CONF.EX3/INFODOC.1 Rev.1) (Agenda item 3.4)

The PRESIDENT asked if Proposal 4 should be discussed now or if discussion should wait for the modified version of amendments on Wednesday.

Captain GARNHAM (Chile) expressed the desire to wait until after the final decision on PRO 2.

Rear Admiral MCGEE (United States of America), supported by Singapore and New Zealand, proposed to discuss it now.

Captain VAN ROOIJEN (Netherlands) proposed to first discuss China Proposal 10.

Captain GARNHAM (Chile), supported by Australia and Russia, proposed that different versions of the membership of the Council still must be debated and decided upon, so discussion on Proposal 4 must wait until Wednesday.

The PRESIDENT asked for an indication of support of postponing discussion until Wednesday and a majority were in favour.

It was so agreed.

PRO 5 – AGREEMENT WITH THE PRINCIPLES LAID DOWN FOR THE GUIDELINES OF ACCREDITATION OF NGIOS (CONF.EX3/DOC.1 & CONF.EX3/INFODOC.6) (Agenda item 3.5)

The PRESIDENT drew attention to the relevant section in document CONF.EX3/G/03 (the “Red Book”).

Commander KLEPSVIK (Norway), Chairman of the SPWG, introducing the proposal, said that it stemmed from a concern to improve relations between the IHO and industry, the academic community and other NGIOS through formal principles for accreditation, as presented in the proposal.

The PRESIDENT drew attention to Chile’s comments on the proposal, as contained in PRO 5.

Captain GARNHAM (Chile) said that the SPWG’s proposal provided a very good basis for establishing a mechanism for the accreditation of NGIOS to enhance their participation in the IHO’s work. However, Chile considered that a decision on that matter should not be deferred – hence Chile’s proposal, which, if adopted, could be implemented immediately.

Captain SOBOLEV (Russian Federation) said that the formal establishment of relations with NGIOS in the IHO, with all the corresponding obligations, constituted a form of membership, and as such should entail the payment of contributions, the level of which should be defined by the Finance Committee.

The PRESIDENT said he took it that the Conference wished to take the SPWG proposal as the basis for discussion.

Commander KLEPSVIK (Norway), Chairman of the SPWG, specified that the proposal was one of those that was being submitted to the Conference for information with a view to securing its agreement with the principles rather than approval.

The PRESIDENT said that the Russian proposal touched on a question of principle, as it would amount to granting observer status only to NGIOS willing to pay contributions.

The PRESIDENT OF THE DIRECTING COMMITTEE explained that, when the SPWG had discussed the issue, it had been decided that the rules for accreditation of NGIOS should be broadly based on the IMO model, which was that of other United Nations organizations and did not entail the payment of contributions by NGIOS. It was true that there were other organizations, such as IALA, that had a different membership structure, which involved the payment of contributions by members other than States.

Captain SOBOLEV (Russian Federation) said that he had raised the question because the impression given by the SPWG report was that NGIOS would enjoy a role and status within the IHO that was akin to a form of membership as in IALA, which should accordingly require the payment of contributions. If they merely had observer status, that would be a different matter.

Commander KLEPSVIK (Norway), Chairman of the SPWG, explained that it had emerged from discussions in the SPWG that the IHO continued to be an intergovernmental organization with only States as Members. NGIOS could attend meetings and speak in accordance with the rules of the organ concerned, but had no voting rights.

The PRESIDENT said that he took it that there was no support for the Russian proposal.

Turning to the Chilean proposal, he said that it should be made clear that it did not differ in substance or, to all intents and purposes, in wording from the SPWG proposal. The only difference

was that it was based on the present structure of the IHO and could therefore be implemented immediately, without waiting for the adoption of new rules on the structure of the Organization.

Captain GARNHAM (Chile) confirmed that clarification; the Chilean proposal was not a counter-proposal.

The PRESIDENT observed that a formal difficulty might arise if a decision were taken to implement the rules immediately, as absent Members should be given an opportunity to comment. That being said, it should first be ascertained whether the Conference agreed with the principles laid down for the guidelines of accreditation of NGIOs. In the absence of any objection, he took it that the Conference agreed.

It was so agreed.

The PRESIDENT said that it remained to be determined whether the rules could be put into effect immediately.

Captain GARNHAM (Chile) said that all Member States had had ample opportunity to familiarize themselves with the documentation. The excellent work done by the SPWG should not be allowed to go to waste simply because some Member States did not read the documents.

The PRESIDENT said that, if he heard no objection, he would take it that the Conference wished to implement the rules regarding the granting of observer status to NGIOs, with immediate effect, on the basis of the Chilean proposal.

It was so agreed.

PRO 6 - AGREEMENT WITH THE PRINCIPLES LAID DOWN FOR THE ELIGIBILITY CRITERIA AND TERMS OF OFFICE OF THE SECRETARY-GENERAL AND DIRECTORS (CONF.EX3/DOC.1 & CONF.EX3/INFODOC.1 Rev.1) (Agenda item 3.6)

The CHAIRMAN OF THE SPWG said that the criteria were adjusted to the new proposed structures involving the Secretary-General and Directors, and included some changes based on the deferred proposal presented by the United States at the previous Conference. The remainder of the proposal was self-explanatory.

The PRESIDENT said that some of the comments to be found in document CONF.EX3/G/03, and, in particular, those by Algeria, related to points of detail rather than of principle, and therefore did not require discussion in the present context. However, the proposal by France (supported by Portugal) concerned just such a point of principle.

Ingénieur général DESNOËS (France), supported by the representative of Spain, said that the proposal was aimed at enhancing the Organization's coherence and ensuring that it was properly equipped to carry out its missions. If none of the Directors had good practical experience in hydrography, it would be difficult for the IHO to fulfil the consultative and technical role provided for in Article II of the Convention. While in the modern world it was doubtless undesirable to reserve all such posts for persons whose experience was exclusively hydrographic, it would also be unwise to go to the other extreme by establishing a Secretariat none of whose members had such competence and experience. Accordingly, France proposed that the Secretary-General, or at least one of the Directors, must have good practical experience in hydrography. Such an outcome could be achieved by dividing candidates into two lists, one with and one without such experience. Once two members from the "without" list had been elected, the other candidates on the "without" list would be eliminated from the last round of voting.

Captain SOBOLEV (Russian Federation), supported by the representative of India, said that his delegation did not agree with the proposed criteria for nomination of candidates for the posts of Secretary-General and Directors. Candidates should have experience of leadership and practical experience of hydrography. Candidates for the post of Secretary-General should be former or present heads of a national hydrographic office, while those for the posts of Director should have hydrographic experience and should have at least held the rank of deputy head of a national hydrographic office.

Mr. SPITTAL (New Zealand) supported the French proposal. In the modern world, many skills were required to run a successful organization, including some knowledge of data management. Other requisite skills included risk management, quality assurance, and a broad range of administrative skills that were not necessarily available within a narrow discipline.

Mr. HECHT (Germany), supported by the representative of Canada, endorsed the SPWG proposal and urged delegates to vest more confidence in the wisdom of the Conference or future Assembly to assess candidates' qualities and make the best choice on that basis. The application of unduly restrictive criteria might result in a failure to choose the best candidates.

Captain NAIRN (Australia), supported by the representative of Norway, opposed the Russian position. There was no guarantee that the head of a national hydrographic office would necessarily have any practical hydrographic experience. He strongly supported the position of the German delegation.

Mr. ZENONOS (Cyprus) said that experience in hydrography did not necessarily entail field experience. The concept of experience needed to be much more broadly interpreted. He strongly supported the SPWG proposal.

The PRESIDENT noted that the Conference now had before it three proposals, by the SPWG, France and the Russian Federation. There seemed to be little support for the Russian proposal. Of the remaining two proposals, the majority appeared to favour the SPWG proposal that the decision should be left to the Assembly.

Captain GARNHAM (Chile) requested an indicative vote on the proposals by the SPWG and France.

Following an indicative vote, the PRESIDENT, noting that a clear majority supported the SPWG proposal, said he would take it that the Conference agreed with the principles laid down for the eligibility criteria and terms of office of the Secretary-General and Directors.

It was so agreed.

Captain SOBOLEV (Russian Federation) said that, in his delegation's view, a consequence of the decision taken was that the election of the Secretary-General and Directors would henceforth become a political issue.

PRO 7 - AGREEMENT WITH THE STRUCTURE OF THE REVISED IHO BASIC DOCUMENTS (CONF.EX3/INFODOC.8) (Agenda item 3.7)

The CHAIRMAN OF THE SPWG said that a considerable amount of work had been done to make the Basic Documents consistent with the proposals put to the Conference for consideration. The legal experts, too, had worked hard to ensure that wordings were acceptable from the legal standpoint. Like other proposals, Proposal 7 was submitted for agreement in principle, as the decisions made by the Conference relating to amendments to the Convention would also directly affect the Basic Documents.

The PRESIDENT reminded delegates that it was not the task of the Conference to adopt the Basic Documents, but simply to decide whether it agreed in principle with the structure of the revised Basic Documents, pending their final adoption, probably at the next ordinary Conference.

The first comment contained in document CONF.EX3/G/03, from Algeria, regarding the rules of procedure of the Assembly, proposed extending the deadline for submission of proposals from four to six months.

Dr. WILLIAMS (United Kingdom) wondered whether a deadline of six months would not require the Council to meet significantly more than six months before the next Assembly in order to generate the proposals.

Colonel AOUNE (Algeria) said that, while the Assembly would meet every three years, the Council would meet annually. Sufficient time should also be allowed to enable the proposals to pass through the various bureaucratic channels.

The PRESIDENT said he took it that, in the absence of any support for the Algerian proposal, the Conference wished to reject it.

It was so agreed.

Captain WARD (Australia), introducing his country's comments on Proposal 7, said that all the comments were prompts for the next round of drafting, and should be taken into account when that exercise took place.

Captain VAN ROOIJEN (Netherlands) said that his country's comments were of an editorial nature and did not affect the principles.

The PRESIDENT took it that the Conference agreed in principle with the structure of the revised IHO Basic Documents to be adopted at a future meeting.

It was so agreed.

Article VIII (continued)

The PRESIDENT drew attention to a new proposal by Monaco concerning the powers and authority of the Secretary-General, to be included in Article VIII.

Mr. GASTAUD (Monaco) said that the new paragraph (e) of Article VIII would read: "The Secretary-General shall perform such other tasks as may be assigned to him by the Convention, the Assembly and the Council."

Rapporteur : Captain Mike BARRITT (United Kingdom)

CONTENTS

Consideration of proposals of the Strategic Planning Working Group (continued)

- Agreement with the principles laid down for the procedures of selection of members of the IHO Council (PRO 4) (Agenda item 3.4) (continued)
- Approval of amendments to the IHO Convention (PRO 2, PRO 9, PRO 10 and PRO 11) (Agenda item 3.2) (continued)

CONSIDERATION OF PROPOSALS OF THE STRATEGIC PLANNING WORKING GROUP (Agenda item 3) (continued)

AGREEMENT WITH THE PRINCIPLES LAID DOWN FOR THE PROCEDURES OF SELECTION OF MEMBERS OF THE IHO COUNCIL (Agenda item 3.4) (continued) (CONF.EX3/DOC.1; CONF.EX3/INFODOC.1 Rev.1 and CONF.EX3/INFODOC.7 Rev.1; CONF.EX3/G03; G/03 Add.1, G/03 Add.2, G/03 Add.3, G/03 Add.4 and G/03 Add.5)

The PRESIDENT, referring to document CONF.EX3/INFODOC.7 Rev.1, invited the Conference to revert to the question of the composition of the Council, with a view to achieving a solution.

Captain GONGCHEN LIU (China) said that obtaining a consensus on the principle of a two-thirds, one third ratio for Council membership had been an important first step. He favoured tonnage as the initial criterion for the allocation of one third of the Council seats. Certainly, a long list of other criteria could be suggested, some of them controversial or arbitrary, and none of them would place his country at a disadvantage, although there was no guarantee that it would retain its leading position for tonnage in future. It would however be regrettable if the dissension already created by the lengthy discussions in the SPWG were to be reflected in the Conference. One criterion in particular, that of contributions to the IHO, was capable of causing great discord. His country was anxious to avoid that one, even though its contributions were steadily increasing as the size of its fleet grew. His delegation had consistently tried to find a solution to contentious issues, and was conscious of its responsibilities towards the international hydrographic community. Since there was no perfect solution to be had at present, for the sake of making progress he strongly urged the Conference to adopt the wording proposed by the SPWG for the new Article VI (a) of the Convention.

The PRESIDENT said that before opening the floor on the item to other delegations, he would invite the Chairman of the Strategic Planning Working Group to provide some background information on its proposal.

The CHAIRMAN OF THE SPWG said the question of Council membership had been debated at four consecutive meetings of the SPWG, in Goa, Lima and Singapore in 2003, and in Tokyo in 2004. The model originally proposed was based on proportional representation of the RHCs. That had been superseded in Singapore by four other models. In October 2003 in Singapore, agreement had finally been reached that the main emphasis should be placed on the regional aspect of the

Organization, which the members of the SPWG had singled out as the most important. It had been decided that it would be reasonable to allocate 80% of the Council seats on a regional basis, and 20% on a different basis. In the light of a number of principles, it had been decided in Tokyo that 25% of Member States should be represented on the Council, and that the minimum number of seats should be 30.

The criteria which had been put forward for allocating the non-regional seats had been tonnage, hydrographic interests and the EEZ, although there were many other possible factors since mentioned in the Conference, such as shipping traffic through the waters of a State and the length of its coastline. However, the tonnage of Member States was reported before each Conference; it was the basis on which votes were cast for the Directors and President and was also used to calculate annual contributions to the Organization. Hydrographic interests or involvement could be defined in a variety of ways, from numbers of ships to participation in committees and working groups of the IHO and other maritime organizations. The EEZ was also an uncertain parameter, because it had not been established for all countries and the data for it would in any case have to be acceptable to all parties. Combining different parameters also raised the question of how much weight to attribute to each one. The SPWG had therefore concluded that the definition of hydrographic interests should take place over the longer term, since it was a complex matter requiring much more study, and that tonnage, which was related to monetary contributions, provided an obvious parameter which could be used as a starting point. That was how the SPWG had framed its proposal, which enabled further definition of hydrographic interests within the General Regulations.

Ingénieur général DESNOËS (France) said the picture painted by the Chairman of the SPWG was unduly pessimistic. The tonnage criterion was no panacea, nor was it a precise and objective measurement, since it was based solely on commercial shipping, whereas pleasure craft accounted for a significant proportion of the users of nautical charts, and were also covered by the SOLAS Convention. The size of a country's portfolio of charts was a much more reliable indicator, since it could be accurately calculated in a short time for both paper and electronic charts. Another useful criterion mentioned by the representative of Belgium was the density of shipping traffic in the area covered by a country's charts. As for the EEZ, if the definition of hydrographic interests was left to the General Regulations, it would probably be well defined by the time the amended Convention entered into force.

The PRESIDENT drew attention to the proposal by France on pages 32-33 of document CONF.EX3/G/03.

Mr. BIANCO (Observer for Malta) said that his country had the eighth highest registered tonnage in the world, but because of its financial problems had so far been prevented from joining the Organization. He suggested amending the existing Article XIV (a) of the Convention to provide for shares based on hydrographic activities, which would encourage countries like his to join.

Mr. SPITTAL (New Zealand) did not support the tonnage criterion. Some small countries such as his own were responsible for huge tracts of ocean. Moreover, it was important to have democracy and transparency in the decision-making of the Council. That could not be the case if a select group of countries which did not represent the majority of the Organization's membership controlled its proceedings. Nor was it necessarily democratic to select Council members from the regional commissions, because those members were not bound, once appointed, to represent the views of the commission which had chosen them.

Rear Admiral McGEE (United States of America) pointed out that it was not the intention of the SPWG to make tonnage the only criterion, merely to use it as a starting point. Tonnage was a basic criterion in all the international maritime organizations, and must be one element of the solution. Other important factors such as the EEZ and charts could take their place in the General Regulations over time.

Vice Admiral FERNANDES (Brazil) said he did not object to tonnage as a starting point, but there were other criteria to be taken into account. Hydrographic interests should be understood from the viewpoint of both chart users and the responsibilities of maritime nations, which extended to the area in which they bore responsibility for the safety of life at sea and for giving notices to mariners. He supported France in calling for further study.

Dr. NARAYANAN (Canada) said that the IHO, as an intergovernmental body, had to promote the public good, whereas tonnage was an indicator of private gain. There were various other ways of measuring hydrographic interests. While supporting the SPWG proposal, she felt the Conference should agree on a specific method for measuring them. As it was difficult to amend the Convention, she proposed leaving the definition of hydrographic interests to the General Regulations, where it could be modified as and when appropriate.

Dr. WILLIAMS (United Kingdom) supported the proposal by the SPWG, which had emerged after detailed discussion on at least eight occasions. The calculations done by the SPWG showed that the differential impact on countries would be marginal. What mattered was to decide on a method of selecting Council members, using a parameter which everybody could recognize. It could be altered at any time in the future.

Mr. KHONG (Singapore) paid tribute to the work of the SPWG. He agreed with the views expressed by the representatives of China, the United States and the United Kingdom. If countries were interested in expanding the Organization, they should bear in mind the interests of all chart users.

Commodore Abdul Fattah ALI AHMAD (Egypt) said the criterion of hydrographic interests, which was related to financial capacities, could have the result of excluding developing countries, rather than encouraging them to participate in the work of the Organization. He supported the SPWG proposal, on the basis that it provided for future amendments.

Mr. ZELTINS (Latvia) said the problem arose from attempting to draw a connection between hydrographic interests and tonnage, which were unrelated. A quantitative criterion was needed. Tonnage fell into that category, and could be accepted as a starting point.

Commander LUSIANI (Italy) supported the SPWG proposal. The idea that one third of Council seats should be filled otherwise than from the RHCs had come not from a country high on the tonnage list, but from the North Sea Hydrographic Commission. The criterion of tonnage, as an example of hydrographic interests, had been intended to give the Assembly a starting point, not to exclude other criteria. The SPWG proposal was itself a compromise, to enable progress to be made. The EEZ was a dangerous example of hydrographic interests because some countries, including Italy, did not recognize it.

Mr. VARONEN (Finland) said that Finland has a neutral position in this issue and Finland hopes to have as effective and well structured organisation as possible. He pointed out that the tonnage criterion alone could not reflect in the best way the range of a country's hydrographic interests. However, it was the only one which could be implemented in practice as the present time. It was also important to avoid the question of annual contribution even if the Member States' rights and obligations should be based on same criteria. He strongly supported the SPWG proposal.

Mr. KWAK (Republic of Korea) was also strongly in favour of the SPWG proposal, although it was not necessarily ideal. The EEZ could not be used because there were many countries where it had not yet been defined or was under negotiation. Tonnage was the benchmark used for membership of the IMO, which was responsible for matters other than shipping, such as the marine environment.

The PRESIDENT, summing up the discussion so far, said there were a number of proposals for determining one third of the Council's membership. The SPWG proposed taking tonnage as the starting point; Brazil proposed using elections to the Assembly as the basis, but the Conference had

already rejected that proposal; France proposed referring the definition of “hydrographic interests” to the SPWG for further study with a view to taking a decision at the next Conference or, if a decision had to be made now, introducing the criterion of the exclusive economic zone and drawing up two lists, with members to be drawn alternately from each list.

Vice-Admiral VIEGAS FILIPE (Portugal) re-emphasized the fact that the IHO had a strong responsibility to provide hydrographic data, products and services. The users of those products and services were of key importance to the Organization’s mission, and tonnage should certainly be one of the pillars of the equation, but one could not look solely at that side of it. In that respect he agreed with New Zealand. Portugal was not striving for a position in the Council but simply wished to see the IHO take into consideration equitably not only the users’ side but also its own responsibility to furnish services to those users. Even if tonnage was adopted as the sole criterion only for the present, pending further consideration of the issue, the Conference would be doing a disservice to the Organization, as that made the users the pillar of the equation.

Mr. VALDEZ (Peru) supported the SPWG proposal, which included the opportunity to develop the criteria.

Mr. GOVE (Mozambique) supported the SPWG, with tonnage as the starting point. Once other criteria were consolidated, the General Regulations, in which it had been decided to insert a reference to such criteria, could be revised, something that was much easier than amending the Convention.

Captain QUIRÓS CEBRIÁ (Spain) pointed out that many speakers were defending the interests of their countries, but it might be useful for the Conference to hear from countries that had no vested interests in the composition of the Council, since under any of the criteria put forward, they would not be in the top ten. Such a country was Spain. Tonnage should certainly be taken into account in determining contributions to the Organization, but it was far from the only factor, and it was not the only measurable one. Hydrographic interests also comprised the cartographic products of countries, their zones of responsibility for the safety of maritime traffic and the exclusive economic zone. All of those factors were measurable. He endorsed the comments made by Portugal.

Rear Admiral NEELASRI (Thailand) said he supported the SPWG proposal. The measure of hydrographic interests should be tonnage.

Mr. SYMONENKO (Ukraine) said that his country, like Spain, would not be in the Council under any of the criteria advanced. Its position, however, was that the main users of hydrographic services were ship masters. It accordingly supported the SPWG proposal of using tonnage as a starting point. Another question was how to establish standards and how they could be implemented in countries with insufficient financial resources. A third point was that it would be strange to see a reference to tonnage in the Convention itself; it should accordingly be incorporated in the General Regulations.

Colonel ALUM ORTIZ (Cuba) said his country had no direct interest in the composition of the Council, since it would not appear among the top ten countries under any of the proposed classifications, and that it wished simply to see the Organization’s best interests attained in the form of good management arrangements. Cuba would accordingly support the SPWG proposal.

Lt. Cdr. JIMENEZ MUNOZ (Venezuela) said his country considered that the provision for regional representation of two-thirds of the Council’s membership gave each Member State the opportunity to participate, at least indirectly, in its work. Venezuela could not accept the use of the exclusive economic zone as a criterion for determining which States would constitute the other one third of the Council’s members. In the interests of giving impetus to the Organization’s work, he supported the SPWG proposal.

Mrs. TKHORZHEVSKAYA (Russian Federation) proposed that the remaining one third of the members of the Council should comprise those Member States with the greatest interest in hydrographic issues. Hydrographic interests in that context were to be defined as national tonnage, the number of navigational charts in the country's possession and projects of global significance.

Dr. NISHIDA (Japan) said that although his country had initially proposed deleting the reference to tonnage, it believed that that criterion was the only feasible compromise for the composition of the Council. It strongly supported the SPWG proposal to start with the tonnage model, which should be included in the General Regulations.

Captain VAN ROOIJEN (Netherlands) said the discussion so far only strengthened his strong support for the SPWG proposal, which was the only practical compromise. He accordingly opposed the proposal by Brazil and both proposals by France. Furthermore, he had the impression that certain countries were trying to secure a seat on the Council by use of the hydrographic interests criteria. Article 6, however, indicated that all Member States could attend meetings of the Council, even though they were not entitled to vote. Perhaps they could be given voting rights, which would also take care of the concerns expressed by New Zealand and Portugal concerning equal rights for all countries.

Captain ZAFARYAB (Pakistan) supported selection of members based on hydrographic interests but thought that tonnage should not be the governing criterion. In defining hydrographic interests, a great deal of weight could be given to tonnage, but other factors like production of charts, hydrographic capability, participation in international forums and projects and other relevant factors should also be taken into account.

Mr. SPITTAL (New Zealand) said that alternatives other than tonnage or the EEZ existed. One, which would take care of all Member States' needs, was for each and every country to be a member of the Council. In the worst possible case, that meant that 75 people would attend Council meetings. It was more likely that only half would attend, namely about 37. That was only a few more than the 30 envisaged under the system now being considered.

The CHAIRMAN OF THE SPWG said the idea had been discussed by the SPWG. The arguments advanced against it were the risk that the Council would become a mini-Assembly and the difficulty of establishing a quorum when there was no fixed number of seats. The objective, as the SPWG saw it, was to make the Council a dynamic force to drive the Organization forward between Assemblies but, if it became a mini-Assembly, that objective would be undermined.

Commander ROMERO VELÁSQUEZ (Ecuador) noted that the discussions could go on forever and supported the proposal made by the SPWG and the work done by that body.

Rear Admiral ÇUBUKÇU (Turkey) said the Conference should consider whether the kind of hydrographic interests envisaged were those of appliers or users of hydrographic data. Users' interests revolved around tonnage: many ships transporting cargo travelled around the world without visiting their home ports for two or three years. Appliers of hydrographic data, on the other hand, had lines of communication and ship traffic passing through the maritime areas for which they were responsible in view of their geographic position. Geography should thus be one of the criteria for determining hydrographic interests.

The PRESIDENT said the discussion had been encouraging in that it showed the intense interest of a great many delegations in the work of the Council. The Council was an administrative body, however. The real work of the Organization was done in the committees, and it was to be hoped that the same enthusiasm would carry over to the work of those bodies.

An opportunity had been given to all delegations to make proposals before the Conference, and many proposals and ideas had been advanced, including at the present meeting. The Conference

was not a working group, however, it was a decision-making body. It was time now to concentrate on the proposals already made and to take decisions.

The Brazilian proposal appeared to have gained no support and he suggested that it be considered to have been rejected. The French proposal to defer the definition of hydrographic interests to a later Conference also appeared to have no support. The Conference should accordingly focus on the following questions. Should Council membership be open to all Member States, as proposed by New Zealand and the Netherlands, in slightly varying forms? Should its membership be restricted, and if so, how should hydrographic interests be defined – using only tonnage as the starting point, or using tonnage and the EEZ, as proposed by France? Those were the issues on which he invited delegations to make their views known.

Captain ROLDOS DE LA SOVERA (Uruguay) said that hydrographic interests were numerous, various and diverse. They included the production of hydrographic and bathymetric data, in which his country was engaged extensively. His feeling was that no consensus would be achieved at the current session, and that the best course of action would be to adopt tonnage as a criterion. The contribution to the Organization of countries with large tonnage was directly linked to the size of their fleets, and it was appropriate that such countries should be assured of a vote in the Council.

Nevertheless, in what one might say was a manifestation of “hydrographic interests”, he supported the open membership approach proposed by New Zealand. The objective from the beginning of the exercise had been to provide for a dynamic administrative body, and open membership would enable representatives of 75 countries to come together each year to resolve the problems of the Organization.

Captain GARNHAM (Chile) recalled that his delegation had submitted Proposal 9, which might now provide a way out of a predictable deadlock. However, if the majority were intent on introducing a Council, then the best solution to the problem of membership was that proposed by New Zealand. True “hydrographic interests” would be revealed when countries decided to invest the time and money required to attend meetings. In view of those investments, their participation could be expected to be active and productive. The Council would not necessarily become a mini-Assembly, precisely because it would be made up of countries with real hydrographic interests. He therefore appealed to all participants to give serious consideration to the proposal made by New Zealand.

The PRESIDENT explained that Proposal 9 would be considered if Proposal 2 was not adopted. However, there appeared to be very broad support for the structure proposed by the SPWG.

Dr. WILLIAMS (United Kingdom) said that while the concept of opening Council membership to all Member States in the belief that only half would turn up at meetings was a valid one, it caused him deep concern. If Proposal 2 were carried and all Members of the United Nations were admitted to the IHO, even if only half participated in Council meetings, that would cause the Bureau logistical problems and incur costs which could not be handled within the current budget. Secondly, provided two-thirds of the Council were regional representatives, no Member State should be disadvantaged. Thirdly, as Chile had said, the Assembly, which comprised all Member States, was the decision-making organ. In any case, much of the technical work and regional policy would be carried out in committees open to all Member States. Furthermore, major decisions would be referred by the Council to the Assembly, so that no State should be disadvantaged. While tonnage alone might not ultimately be a sufficient criterion, it was a starting point. A more elegant solution could be sought in the years ahead.

First Admiral YACOB (Malaysia) expressed support for the New Zealand model, pointing out that it was not however a new proposal but one of the original models previously discussed. The tonnage model had been over-emphasized at the expense of the other three.

Captain BENMUYAL (Argentina) said that whether or not to establish a Council was not the key concern for his delegation. The tonnage issue was more serious. If the intention was to open the doors to every member of the United Nations wishing to join the IHO, what about the countries which had large tonnages but no hydrographic tradition and no cartography? It was essential to redefine the hydrographic criteria to include other aspects as well as tonnage, and further study was required. The hydrographic criteria should be set out in the General Regulations, and a deadline set for their revision. His delegation could support the views expressed by New Zealand and France. If no general consensus could be reached, it might be necessary to put the matter to a vote.

Mr. HECHT (Germany), supported by Colonel AOUNE (Algeria), noted that the vast majority of delegations seemed to be in favour of a Council. The only unresolved question was its composition and how to define hydrographic interests. Germany could, in principle, agree on the model put forward by the SPWG. However, the proposal by the Netherlands to grant full voting rights to the countries permitted to attend Council meetings in addition to those selected according to the SPWG criteria, including tonnage, would also accommodate the New Zealand proposal, which had been supported by a number of delegations. The Netherlands proposal was based on the SPWG model but retained a quorum, which had been a major stumbling block of the “open” model. That solution would accommodate the concerns of those who wished to participate but were not qualified to do so and would cause the fewest changes to the SPWG model. In fact the only change required would be to Article VI (f), where it would be necessary to delete “but shall not be entitled to vote”. If the system became unmanageable, an Assembly resolution could be passed to change the Rules of Procedure of the Council reducing the number of States entitled to vote. That model would retain full flexibility while enabling a start to be made.

Captain KAMPFER (South Africa) observed that tonnage had become a problem because it was seen as a means of excluding some countries. He considered the option described by the previous speaker as the easiest and fairest.

Dr. BALCAEN (Belgium) expressed support for the proposal by the SPWG. She was also in favour of two-thirds of the seats on the Council being assigned on a regional basis and the remaining one third on the basis of hydrographic interests. Countries which could stand in more than one regional commission and were selected to represent a region to which they did not belong geographically should stand up for the needs and rights of that region. Only then would regional representation be truly democratic. While she supported tonnage as one criterion, she was in favour of studying broader criteria too. She requested that the proposal by the Netherlands be presented to delegations in writing to allow them more time to consider it.

Captain ANGLI RODRIGUEZ (Mexico) expressed support for the proposal by the SPWG, though he shared the concerns of Uruguay, Chile and, above all, Argentina. His delegation was therefore inclined to favour the French proposal to accept tonnage as a criterion for participation for one third of the Council and to modify the criteria once hydrographic interests had been fully defined. Tonnage should not be the only criterion. In order to enable all countries of a region to participate and vote in the Council, mandatory rotation should apply within the regions.

Rear Admiral DEBOW (United States of America) stated that his country could not support a Council based on open seating. Although the idea seemed to offer an easy way out at the present time, in fact the Conference was avoiding taking a tough decision. He supported the views expressed by the Chairman of the SPWG and by the United Kingdom, for three reasons. Firstly, a Council based on open seating negated the whole purpose of the SPWG process; secondly, it was not a cost-neutral option; and, thirdly, it would not make for a streamlined organization. Tonnage offered the basis on which to move forward now, with flexibility to better define the criteria for hydrographic interests in the General Regulations in the future.

Commander ESSOUSSI (Tunisia) pointed out that large fleets and a hydrographic tradition tended to go hand in hand. Tonnage was therefore a significant element of hydrographic interests, if not the only one.

Ingénieur général DESNOËS (France) thought that the proposal put forward by his delegation to entrust to the SPWG the task of coming up with a broader definition of hydrographic interests had been relegated to the sidelines rather hastily. It was not necessary to take a decision until the amended Convention entered into force, which might not be for years to come. Nevertheless, a deadline should be set. Even the criterion of tonnage required tidying up, as millions of users of hydrographic data did not fall within the current IHO definition of the merchant fleet.

The PRESIDENT, summing up, said the Conference had to decide whether membership of the Council was to be open or restricted and, in the latter case, whether or not participating non-members of the Council should be entitled to vote. Furthermore, the Conference had to decide whether to take a decision on the definition of hydrographic interests there and then, or to ask the SPWG to conduct a study. In the former case, the Conference must decide whether tonnage or a different definition of hydrographic interests should be taken as the starting point.

Following an indicative show of hands, the PRESIDENT concluded that the majority of delegations were in favour of restricted Council membership.

The PRESIDENT invited delegations to indicate by a show of hands their support for, or opposition to, allowing non-members of the Council to vote at Council meetings. He concluded that the Conference was more or less split down the middle.

The PRESIDENT invited delegations to indicate whether they were in favour of defining the criteria of hydrographic interests there and then, or whether to refer the matter to the SPWG for further consideration. Again, he concluded that the Conference was split down the middle.

Lastly, the PRESIDENT invited delegations to indicate by a show of hands whether they could accept the SPWG proposal to take tonnage as a starting point. He concluded that the majority was willing to do so.

Noting that a split did not constitute the two-thirds majority which was required, he urged delegations to use the lunch break to endeavour to reach a consensus. He recalled that a number of countries had said that they could accept a council in principle, but that their decision depended on the outcome of the discussions on the definition of hydrographic interests.

Ingénieur général DESNOËS (France) asked what was meant by taking tonnage as a starting point. If an acceptable compromise was to be reached, the Conference should establish what it intended to achieve and by what date.

The PRESIDENT said he had understood from the discussion that if the current Conference accepted tonnage as the criterion for defining hydrographic interests and a clause to that effect was included in the General Regulations, then a clause requiring a redefinition of the criteria within a specified period should also be included.

He suggested that further debate on the agenda item should be deferred to the afternoon meeting.

It was so agreed.

**PRO 2, 9 - APPROVAL OF AMENDMENTS TO THE IHO CONVENTION (Agenda
10 and 11 item 3.2) (continued) (CONF.EX3/DOC.4 Rev.1)**

The PRESIDENT said that a few minor errors had crept into the revised consolidated version of the Convention contained in document CONF.EX3/DOC.4 Rev.1, which he wished to bring to delegates' attention.

In Article II subparagraph (d) the words "the quality and formats of" should be deleted.

Mr. SAHEB-ETTABA (Canada) noted that while the Assembly was empowered to determine its own rules of procedure, no such power had been vested in the Council or the Finance Committee in Articles VI and VII respectively.

The PRESIDENT replied that, as he recalled, the power to determine the rules of procedure for other bodies was also to be vested in the Assembly, and he called upon the editing group to make the necessary additions to the text of Article V.

Turning to Article VIII, he said that “PENDING LEGAL EXPERTS” at the end of the article should be deleted, as the matter had been resolved by a new subparagraph (e).

In Article IX (f), “Article VI (f)” should be amended to “Article VI (g)”.

Article XIX had been transferred from the current Convention at Norway’s suggestion to lend historical perspective, and had to remain unchanged. However, it contained a reference to Article XVIII, paragraph 2, which could be misleading in the new version, and he therefore suggested that it be deleted.

Commander LANGVIK (Norway) said he could agree to the President’s suggestion, provided it could be established on legal advice that the Article was not necessary.

Mr. HOOTON (United Kingdom) said that, as the legal adviser to the United Kingdom delegation, he considered that deleting the provision would cause no difficulty. Historians could, if necessary, easily trace the Article in the protocols of amendments adopted by the current Conference.

The PRESIDENT surmised that since most of the members of the editing group were legal experts, the Article could safely be deleted.

It was so agreed.

Captain VAN ROOIJEN (Netherlands) pointed out that, for the sake of consistency, the word “Secretariat” in Article XXI should be replaced by the words “Secretary-General”.

Mr. MACDOUGALL (Canada), referring to Article XIV, said that if tonnage was to be used as the starting point for a definition of hydrographic interests and a more elegant solution found in the future, the necessary flexibility would be achieved by including the definition in the General Regulations rather than in the Convention. The Conference should therefore deal with the amendment proposed in Proposal 10 and add the appropriate text to the General Regulations and possibly to the Financial Regulations. The new text should be along the lines of: “for the purpose of those Regulations — or for a specific article within specific regulations — hydrographic interests is defined as tonnage.” Otherwise it would be difficult in future to change the definition of hydrographic interests for the purpose of choosing Council Members and still respect the principle of the rights which came with paying dues.

The PRESIDENT said that Article XIV was still open and that Proposal 10, submitted by China, was still on the table. The Conference would consider that matter in light of its conclusions on the composition of the Council.

There being no further comments, the PRESIDENT suggested that the document, as amended, should constitute the basis for the editing group to prepare the Protocol of Amendments.

It was so agreed.

**Rapporteurs : Captain Mike BARRITT (United Kingdom) and
Mr. Steven DEBRECHT (United States of America)**

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- Agreement with the principles laid down for the procedures of selection of members of the IHO Council (PRO 4) (Agenda item 3.4) (continued)
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**PRO 4 - AGREEMENT WITH THE PRINCIPLES LAID DOWN FOR THE
PROCEDURES OF SELECTION OF MEMBERS OF THE IHO COUNCIL
(Agenda item 3.4) (continued) (CONF.EX3/DOC.1 and
CONF.EX3/INFODOC.1 Rev.1)**

The PRESIDENT, summing up the morning's discussion of the item, said that no clear majority had emerged in favour of retaining restricted membership of the Council while allowing Member States of the IHO that were not members of the Council to participate in its meetings with the right to vote. That option should not, therefore, be pursued. The consensus appeared to be to follow the proposal on membership put forward by the SPWG, subject to a clarification of "hydrographic interests". The criterion of tonnage had elicited broad support, but only as a starting point and not as an ideal solution for all time. Some speakers had been in favour of studying the question of criteria further.

As a compromise and in the light of the debate, he suggested that Article 16 (c) of the General Regulations should be amended by inserting the words "As a starting point" before "the measure of hydrographic interests is defined by national flag tonnage", and by adding a sentence at the end to read "The definition of hydrographic interests will be reconsidered at the latest at the second Assembly meeting". Such an amendment should meet many of the concerns voiced. The deadline of the second Assembly for reconsideration did not preclude conclusion of the issue at an earlier date.

Rear Admiral DEBOW (United States of America), supported by the representatives of Japan, Norway, Poland, Peru, the Republic of Korea, Singapore, Germany, Mexico, China, Canada, Indonesia, Colombia, Ecuador, India, the United Kingdom, Cyprus and Portugal, endorsed the President's suggestion.

Captain GARNHAM (Chile) observed with regret that the discussion on a core issue that had been on the table for years had yet again proved inconclusive and was being deferred. He urged a continuation of the debate until a decisive conclusion was reached, failing which representatives would have nothing more than a non-proposal to report to their authorities.

Colonel ALUM ORTIZ (Cuba), while accepting the President's suggestion, expressed regret that agreement had not been reached, particularly on the possibility of all Member States having the right to participate and vote.

Ingénieur général DESNOËS (France) said that a compromise solution clearly had to be reached, and that the President's suggestion offered such a compromise. The second Assembly seemed a very long deadline for reconsideration of the criteria for hydrographic interests, and he hoped that such a review could be brought forward. One of the criteria he favoured was a country's chart portfolio.

Mr. BINSHENG XU (China) proposed that the words "the measure of" should be deleted.

The PRESIDENT said that that editorial amendment was acceptable, but pointed out that the matter at hand was to agree on principles, with editing completed at a later stage.

Dr. BALCAEN (Belgium) expressed support for the President's suggestion and drew attention to Belgium's written comments contained in document CONF.EX3/G/03 Add.3 to the effect that, should no consensus be reached at the Conference on membership of the Council, the SPWG should present a specific proposal and solution to the problem in the shorter term, for instance six months after the Third Extraordinary Conference, and that final agreement should be reached by the end of 2005 or early 2006. Another Extraordinary Conference might be necessary at that time.

The PRESIDENT said he took it that the Conference agreed with his compromise suggestion that the SPWG's proposal would stand, subject to the proposed amendments to Article 16 (c) of the General Regulations, which were being circulated in writing. That concluded consideration of PRO 4.

It was so agreed.

**PRO 2, 9 APPROVAL OF AMENDMENTS TO THE IHO CONVENTION (Agenda
and 10 - item 3.2) (continued) (CONF.EX3/G/03 Add.4); (CONF.EX3/DOC.3 and DOC.4;
CONF.EX3/INFODOC.7 Rev.1)**

The PRESIDENT recalled that it had been agreed that hydrographic interests should not be defined in the Convention and that the words "such as the tonnage of their fleets" should be deleted. He took it that, given the decision just taken on an open solution, the Conference wished to retain the current agreed wording of Article VI (a) of the Convention, concluding with the words "... on the basis of hydrographic interests, which shall be defined in the General Regulations".

It was so agreed.

The PRESIDENT drew attention to a proposal (PRO 10), contained in document CONF.EX3/G/03 Add.4 and submitted by China and five other Member States for an alternative text to Article XIV (a) of the Convention.

Mr. KWOK CHUNG (China) said that there was a consensus among the co-sponsors of the proposal, whose concern was to ensure consistency throughout the Convention, that there was still a need to amend Article XIV (a) of the Convention, even after the agreement just reached on the amended text of Article 16 (c) of the General Regulations. In view of the discussion and decision on the definition of hydrographic interests, he proposed a further amendment to PRO 10, which should now read: "(a) From the ordinary annual contributions of Member States based on hydrographic interests".

Mr. OSTRANDER (United States of America) said that changing the way an organization was financed was different from streamlining it. All Member States had national budgetary concerns, and, if questions were raised that concerned changing the financing mechanism of an organization, especially at a late stage, it would not help to get the SPWG's proposals accepted.

Ms. HERING (Germany) said that although her country had budgetary problems and would probably benefit if the basis of its financial contributions to the IHO were to be changed, that path could not be followed. Sensitive budgetary issues were involved, and tonnage measurement was a long-established basis for financial contributions. Budgetary problems had to be seen in the context of constitutional needs, and there had to be a clear regulation in the Convention itself regarding budgetary decisions. The SPWG's text should be retained.

Commander LUSIANI (Italy) sought clarification from the Chairman of the SPWG as to the Assembly majority that would be required for a change in the basis for financial contributions.

The CHAIRMAN OF THE SPWG said that under the proposed amendment the same majority would be required as at present, namely two-thirds of the Assembly.

Captain NAIRN (Australia) said that many countries would have difficulty with a convention which could be modified in the Assembly and affect financial contributions. He was certainly not in favour of the proposed amendment, which might prove to be an obstacle to ratification.

Dr. NISHIDA (Japan) agreed, saying that in theory his country's financial contribution could be changed by the Assembly without being placed before the Japanese Parliament, which, for that reason, might well resist ratification.

Captain VAN ROOIJEN (Netherlands) said he was very much against the proposed amendment. The Parliament of his country would not ratify such an open-ended arrangement, which could be easily changed in future without any further involvement on the part of the Netherlands. It would further complicate work to define hydrographic interests.

Ingénieur général DESNOËS (France) said that the proposed amendment would not assist the approval and ratification process. The Assembly should not be given the power to make major changes to financial contributions. Tonnage was a measure — albeit imperfect and possibly improvable — of the user, and it was logical to make the user pay. But while the users funded the Organization, they should not have decision-making power. In his country, it was the users which funded the system of air traffic control and the national meteorological service, but they did not have decision-making power in either organization.

Vice-Admiral VIEGAS FILIPE (Portugal), expressing support for the statement made by the representative of the United States of America, said that the proposed amendment would place his country in a very difficult position regarding the ratification process. Such an open-ended arrangement was almost inconceivable, and he was against it.

Mr. KWOK CHUNG (China) said his delegation had had no intention of “opening a can of worms”, but the exercise had been an interesting one in that the objectives of Member States determined the arguments they deployed. When it was a question of financial contributions, tonnage was very important and nothing could replace it. When it came to the selection of Council members, tonnage was one factor, although hydrographic interests were very important. It was with some regret that his delegation had heard arguments deployed which did not follow simple logic.

The PRESIDENT noted that there did not seem to be much support for the proposal to amend Article XIV (a), and that there was therefore insufficient support for its adoption.

It was so agreed.

The PRESIDENT said there seemed to be very broad acceptance of the Protocol of Proposed Amendments, with the amendments to it decided upon by the Conference, but a formal decision would have to await the final version, upon which the editing group was still working. There remained, however, the question of PRO 9.

Captain GARNHAM (Chile) said that his delegation wished to withdraw PRO 9, but to reiterate that its purpose in submitting it had been to ensure that all Member States were placed on an equal footing. Chile would continue to participate actively and responsibly on technical, administrative and financial matters within the hydrographic family, but he wished to make a formal request that Chile's position and its PRO 9 be set out in the records as a contribution to optimizing the future development of the Organization, which had been the purpose of the present Conference.

**PRO 8 - AMENDMENTS TO THE SPWG TERMS OF REFERENCE
(CONF.EX3/INFODOC.9 and CONF.EX3/G/03)**

The CHAIRMAN OF THE SPWG, introducing its Proposal 8, said that, on the assumption that the SPWG's proposals would be carried forward by the Conference, further work had to be done both to finalize the documents and to prepare the implementation strategy for the amendments. The proposal was to amend the present Terms of Reference for the SPWG to include finalizing the Basic Documents based on the decisions of the Conference and preparing, in consultation with the IHB Directing Committee, an implementation plan to take forward the decisions for adoption at the next ordinary IH Conference in 2007, or earlier, depending upon the date of ratification. It was his belief that in general terms the work should be completed in approximately one year's time.

Captain GARNHAM (Chile), congratulating and thanking the SPWG for its very good work, said that it was now up to the Bureau, its President and Directors to work on the documents and present the next ordinary Conference with the final result. Otherwise, another three years of valuable resources would be expended in reaching another kind of consensus. The work should now be done by the Bureau, which should shoulder its responsibilities in that regard.

Captain BENMUYAL (Argentina), referring to his country's comment on page 44 of document CONF.EX3/G/03, said that as of now the Bureau was the body which should handle the work. The SPWG had done an excellent job, but it was the view of his delegation that the Bureau was now able to cope, and should in fact present the documents one year in advance of the next ordinary Conference.

Mr. OSTRANDER (United States of America) said the SPWG had done excellent work, and it made sense for the Member States to continue to be directly involved in finishing it. The work was not yet complete, and one should not change horses in midstream.

Dr. NARAYANAN (Canada) did not support the view that the SPWG's work was now finished, especially since many details in the General Regulations still needed to be addressed, especially the issue of hydrographic interests. In fact, Canada wished to propose the addition of another term of reference to emphasize the importance of defining hydrographic interests and to reflect the need for analysis of that issue.

Captain GARNHAM (Chile) said that his delegation did not propose that horses be changed in midstream. A number of tricky issues had been resolved, and a phase had been completed. The Directors were elected by all Member States, and it was now for them to take the final decision. There was no change of direction, but Chile did not have the resources to send delegates to every meeting of the SPWG. It was for the elected Bureau to shoulder its responsibility and take control of the work the SPWG had done.

Dr. WILLIAMS (United Kingdom) said that by no stretch of the imagination had the SPWG's work been completed, as neither of the first two existing Terms of Reference had been addressed. The SPWG had a great deal of work still to do, and should be retained. Whether it was the SPWG or the Bureau which presented the implementation plan at the next ordinary Conference, there would be the same debate. The SPWG had made a good deal of progress in a very successful programme of work, and the most beneficial procedure might be to allow it to continue and to finish its work in the next six to eight months.

Captain VAN ROOIJEN (Netherlands) agreed, congratulating the SPWG on its excellent work and saying that his delegation was very much in favour of PRO 8. However, those of the SPWG's existing Terms of Reference which had been completed should be deleted.

Captain ZAFARYAB (Pakistan), commending the SPWG on its work, said it should continue until the new structure was in place.

Ingénieur général DESNOËS said that the Bureau and Directing Committee had participated in and greatly contributed to the work of the SPWG, and if the Directing Committee had had to undertake the work itself it could not have done so without the support, advice and guidelines of the kind provided by the SPWG. He supported the proposal by the delegation of Canada to include a new term of reference concerning hydrographic interests.

Vice-Admiral VIEGAS FILIPE (Portugal), congratulating the SPWG on its excellent work and expressing his delegation's support for PRO 8, also favoured the proposal made by the delegation of Canada.

Captain ROLDOS DE LA SOVERA (Uruguay) drew attention to his country's comment on page 45 of document CONF.EX3/G/03. Noting that the second paragraph of the comment should in fact form part of Uruguay's General Comment on page 54 of the document, he said that the IHO needed a change, but he would welcome clarification as to whether the Bureau was capable of carrying out the work with which it might be entrusted, and whether it would be able to submit the final results in 2007.

The PRESIDENT recalled that in 2002 the sixteenth Ordinary Conference had decided that the SPWG should continue its work and had also discussed the question whether the reform work should be done by the Bureau or the SPWG. The view of the participants had been that the reform process could best be moved forward with the very active involvement of Member States and that the work should be done by the SPWG, with the support of the Bureau. It had also been felt that the commitment of the regional commissions should be strengthened by requesting that they be represented in the SPWG. That approach had yielded good results, providing the present Conference with an opportunity to take decisions regarding additional reform processes. In 2002 it had been decided that the SPWG should continue its activities in the period between the two Ordinary Conferences, and, in the interim, present the results that had led to the present Extraordinary Conference.

The PRESIDENT OF THE DIRECTING COMMITTEE, replying to the question from the representative of Uruguay, said that over the past two-and-a-half years the Bureau had participated very actively in the work of the SPWG. It had prepared the first amended draft of the Convention. It had also drafted all the other subsequent documents and had implemented all the comments made during meetings of the SPWG, presenting new versions. In his view, the Bureau would need guidance on various issues from Member States. It would be obliged to follow the circular letter procedure, thereby delaying the production of documents, and perhaps adversely affecting the results. In his personal view, the best course would be for the SPWG to continue its work with the active participation of the Bureau, as had been the practice thus far. If, however, Member States wished the Bureau to do the work, then the Bureau would do its best.

Captain QUIRÓS CEBRIÁ (Spain) said that the SPWG should continue the work, *inter alia* because there was a need to define "hydrographic interests", which some Member States favoured as a criterion. He wondered what would happen if, by the time of the second Assembly, no agreement had been reached on the question of hydrographic interests. In that case, proponents of tonnage as the sole criterion would carry the day.

Mr. VALDEZ (Peru) said that in his delegation's view the SPWG had not finished its work. The Bureau participated in the SPWG through the presence of its President, and it was to be hoped that it would continue to do so.

The PRESIDENT noted that there appeared to be little support for the proposal to dissolve the SPWG with immediate effect, and took it that the plenary wished to reject the proposal. There seemed to be no objection to the additional Terms of Reference proposed. However, a number of delegations had pointed to the need for further work on the definition of “hydrographic interests” to be included therein. At the same time, the paragraphs of the original Terms of Reference concerning activities that had now been accomplished should be deleted. The SPWG would report on all those issues at the next Ordinary Conference. The written text of the new Terms of Reference would be submitted for approval to the Conference the following day.

It was so agreed.

In response to a request for clarification by Ingénieur General DESNOËS (France), the PRESIDENT said that no new chairman of the SPWG would be elected until the next Ordinary Conference.

CONF.EX3/P/SR.7

SEVENTH PLENARY SESSION

14 April 2005

0900 - 1210

Rapporteur : Captain Mike BARRITT (United Kingdom)

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Consideration of Proposals of the Strategic Planning Working Group (Agenda item 3) (continued)

**CONSIDERATION OF PROPOSALS OF THE STRATEGIC PLANNING WORKING GROUP
(Agenda item 3) (continued) (CONF.EX3/DOC.3 Rev.1, CONF.EX3/DOC.4 Rev.3,
CONF.EX3/G/03/PRO 8/WP 1)**

The PRESIDENT drew attention to the revised version of the Protocol of proposed amendments to the Convention, contained in document CONF.EX3/DOC.3 Rev.1, and invited the Conference to consider it article by article.

Article 1

The PRESIDENT, referring to paragraph 2 of Article 1, suggested amending the words “The following are added...” to read “The following paragraphs are added...”.

It was so agreed.

Following a comment by Mr. RANGREJI (India), the PRESIDENT suggested amending the words “The first paragraph of the Preamble...”, in paragraph 1, to read “The heading of the Preamble...”.

It was so agreed.

Captain VAN ROOIJEN (Netherlands) said that, in consequence, the words “new third, fourth and fifth paragraphs”, in paragraph 2, would need to be amended to read “new second, third and fourth paragraphs”.

It was so agreed.

Mr. RANGREJI (India) requested that the formulation “*CONSIDERING that*”, at the beginning of the third and fourth preambular paragraphs, be replaced by an alternative formulation such as “*CONVINCED that*”.

Captain NAIRN (Australia) said that, following lengthy discussion in a separate working group established to consider the matter, it had been agreed not to depart from the wording traditionally used in preambles.

Article 2

The PRESIDENT drew attention to an error in paragraph (b): the word “of” should be inserted after “quality”.

Ingénieur général DESNOËS (France) proposed amending the word “*créer*”, in paragraph (d) of the French version, to read “*mettre en place*”. The words “*la qualité et les formats*” should also be deleted from the French version, to align it with the English text.

The PRESIDENT said that the error to which the representative of France had drawn attention would be corrected. He reminded delegates that it had been agreed that a clause would be inserted in the draft resolution, authorizing the President of the Directing Committee to make any *ex post facto* corrections necessary to ensure consistency between the English and French versions. Meanwhile, if he heard no objection, he would take it that the Conference wished to amend the French text of paragraph (d) to read “*de mettre en place et d’améliorer...*”.

It was so agreed.

Mr. KWAK (Republic of Korea) queried the use of the term “enhance” instead of “support” in paragraph 2 (d), in connection with the development of international standards for hydrographic data.

Captain WARD (Australia) said the more proactive of the two verbs had been preferred. “Support” implied a secretarial and administrative role.

Rear Admiral RAO (India) agreed. The Organization’s role included capacity-building in Member States, which meant helping them in an active sense.

Mr. KWAK (Republic of Korea) thanked the two previous speakers for their explanations.

Articles 3 and 4

There were no comments.

Article 5

Ms. HERING (Germany) said that Article 5 exemplified a problem that arose throughout the protocol of proposed amendments. Article 5 was subdivided into paragraphs (a) to (e), whereas Article XIX of the existing Convention was subdivided into paragraphs 1 and 2. The paragraphs of the articles should be identified by Arabic numerals, rather than by lower case letters.

The PRESIDENT noted that the only article of the Consolidated Version (CONF.EX3/DOC.4 Rev.3) that still retained paragraph numbers was Article XIX, which was a historical provision, and no

longer applicable. The issue of paragraph numbering had already been discussed. There appeared to be no support for the German proposal.

The PRESIDENT said that it would be appropriate, for the sake of consistency, to replace “any other organ of the Organization” in Article 5 (e) (ii) of the Protocol by “any subsidiary organ of the Organization”.

It was so agreed.

Mr. HOOTON (United Kingdom) suggested replacing “shall perform all functions of the Organization” in Article 5 (a) by “shall have all the powers of the Organization”.

Mr. RANGREJI (India) disagreed. “Functions” was a more generic term, whereas “powers” implied something that could be delegated.

Mr. HOOTON (United Kingdom) said that the Assembly did not exercise all the functions of the Organization, only some of them. The term “functions” tended to restrict its scope. The purpose of the suggested amendment was to give the Assembly as much freedom as possible to express itself and take decisions.

Miss DE WET (South Africa) and Ingénieur général DESNOËS (France) agreed.

Mr. SAHEB-ETTABA (Canada) said he did not object to the proposed substitution, but was concerned that if adopted, it would also have to be made elsewhere in the text.

The PRESIDENT explained that the sentence in Article 5 (a) had been modelled on a similar provision in the Statutes of the Intergovernmental Oceanographic Commission. He did not however see any difficulty with the proposed amendment.

Mr. RANGREJI (India) said that the Convention had to spell out clearly the role of the Organization, and define the tasks of the Assembly. From that point of view, “functions” seemed to be the better word. However, he had no objection to the proposed amendment.

Mr. KHONG (Singapore) suggested looking for guidance to the governing instruments of the International Maritime Organization (IMO).

The PRESIDENT said the IMO took a different approach to its work, and there was no guidance to be had in that quarter.

Mr. HOOTON (United Kingdom) pointed out that the functions of the Assembly were defined in Article 5 (e), and those of the Council in Article 6 (g). The very purpose of the over-arching provision in Article 5 (a) was to attribute the powers of the Organization to the Assembly.

Lt. Cdr. JIMENEZ MUNOZ (Venezuela) agreed. The Assembly, which brought together all the Member States, exercised all the powers of the Organization, but not all its functions, which were distributed among the other organs.

The PRESIDENT said that if he heard no further objection, he would take it that the Conference agreed to the following text for Article 5 (a):

“The Assembly is the principal organ and shall exercise all the powers of the Organization unless otherwise regulated by the Convention or delegated by the Assembly to other organs.”

It was so agreed.

The PRESIDENT said that the word “to” in Article 5 (e) (iii) of the Protocol was redundant and should be deleted.

Commander LUSIANI (Italy) referred to Article 5 (e) (iv) of the Protocol. Could the Assembly disband its subsidiary organs?

The PRESIDENT said the term “establish” in that context also implied the power to dissolve subsidiary organs.

Article 6

Ms. Hyun-Joo OH (Republic of Korea), referring to Article 6 (g) (vii), third bullet, asked for clarification of the proposed addition, “through correspondence”, and questioned whether it was really needed. Would it not preclude the Council’s referring important proposals to Member States for adoption during a conference, for example? The addition seemed unduly restrictive and its wording inappropriate for inclusion in the Convention. Her delegation proposed that it not be incorporated.

The PRESIDENT explained that the purpose of the addition was to facilitate and accelerate decision-making between meetings of the Assembly, especially on technical matters. He saw no support for the Korean proposal and suggested that Article 6 be retained as submitted.

It was so agreed.

Article 7

The PRESIDENT said that in subparagraph (d), the word “a”, before “Chair”, should be replaced by “its”, and the word “a” before “Vice-Chair” should be deleted.

It was so agreed.

Article 8

Mr. GASTAUD (Monaco) said that in the French language version of subparagraph (e), the word “*et*” should be replaced by “*ou*”, to bring the text into line with the English.

It was so agreed.

Article 9

Mr. MACDOUGALL (Canada) suggested that in subparagraph (d), the phrase “including amendments to the General and Financial Regulations” be transposed from the end of the sentence, to follow the phrase “of the Organization”.

It was so agreed.

Articles 10 to 14

There were no comments.

Article 15

The PRESIDENT said that in subparagraph (c) (i), the article number, “XIX (b)”, should be replaced by “XX”.

Mr. HOOTON (United Kingdom) said that the correct cross-reference was to Article XX (b), since that dealt with States not members of the United Nations.

The PRESIDENT confirmed that that was the case.

Article 16

The PRESIDENT pointed out that the word “In” should be inserted before “Article XVII” and that the words “the phrase” should be inserted before ““Directing Committee”“ and ““Secretary General”“.

It was so agreed.

Articles 17 to 19

There were no comments.

Article 20

Captain VAN ROOIJEN (Netherlands) queried the need for Article 20. The first sentence simply duplicated the wording in operative paragraph 3 of the resolution, and the final sentence should be incorporated at the end of Article 18 (c) of the protocol of amendments, which referred to Article XXI of the Convention.

The PRESIDENT said that the first sentence must remain in Article 20 but that operative paragraph 3 of the resolution would be deleted. The final sentence was in fact unnecessary and he suggested that it be deleted.

It was so agreed.

Articles VI and XIV of the Convention (CONF.EX3/DOC.4 Rev.3)

Mr. KWAK (Republic of Korea) said he wished to revert to the question of the lack of consistency between Article VI and Article XIV of the Convention. For the time being, there would be no change to either voting rights or financial contributions. In future, however, the rights and obligations of Member States would have to be harmonized: more rights meant more obligations, and vice versa.

Captain WARD (Australia) asked whether that meant that a Member State that had been suspended and thus had no voting rights should not have to pay fees and contributions.

Mr. KWAK (Republic of Korea) said that if the criterion of hydrographic interests was introduced, that would open the way for new countries to become members of the Council. If a country became a Council member, it would be under an obligation to contribute to the IHO.

Captain GONGCHEN LIU (China) said he fully understood the view expressed by the Republic of Korea that there was some lack of consistency in the Convention.

The PRESIDENT stated that he did not see that the Conference was willing to repeat the discussion of this issue, but the Korean position would be duly noted.

The meeting was suspended at 1050 and resumed at 1120.

The PRESIDENT invited delegations to consider the final consolidated version of the Convention contained in document CONF.EX3/DOC.4 Rev.3 and to draw attention to any errors they might have discovered in the text or any inconsistencies compared to the Protocol of Proposed Amendments.

Preamble

There were no comments.

Article I

There were no comments.

Article II

The PRESIDENT drew attention to Article II paragraph (b) in which the word “of” should be inserted between “quality” and “hydrographic”, to read “... and quality of hydrographic data ...”.

Articles III and IV

There were no comments.

Article V

The PRESIDENT said that in Article V paragraph (a) the phrase “... and shall perform all functions of the Organization” should read “... and shall have the powers of the Organization”.

In Article V paragraph (e)(ii) the words “and any other organ of the Organization” should be amended to read “and any subsidiary organ of the Organization”.

In Article V paragraph (e)(iii), first line, the word “to” should be deleted.

Article VI

There were no comments.

Article VII

The PRESIDENT said that in Article VII paragraph (d), “a Chair and a Vice-Chair” should be amended to read “its Chair and Vice-Chair”.

Article VIII

There were no comments.

Article IX

The PRESIDENT drew attention to paragraph (d) in which the phrase “including amendments to the General and Financial Regulations” should be inserted in the first line between commas, between “Organization” and “shall be taken by”.

Articles X, XI, XII, XIII, XIV, XV

There were no comments.

Article XVI

The PRESIDENT pointed out that in Article XVI paragraph (c)(i), “Article XIX (b)” should be amended to “Article XX (b)”.

Article XVII

There were no comments.

Article XVIII

Captain VAN ROOIJEN (Netherlands) said that since Article XVIII was a historical provision, the words “The Government of His Serene Highness the Prince of Monaco” in paragraph (d) should be amended to read “The Government of the Principality of Monaco”, in line with historical practice.

Articles XIX and XX

There were no comments.

Article XXI

Mr. RANGREJI (India) pointed to a discrepancy between the wording of Article XXI paragraph (c) and the wording of Article 20, second paragraph, of the Protocol of Proposed Amendments. The former read “... after notifications of consent to be bound by two-thirds of the Member States have been received”, and the latter “after notifications of approval by two-thirds of the Member States have been received”.

The PRESIDENT explained the reasons for the discrepancy as he understood them. In Article 18 of the Protocol of Amendments, the words “notifications of approval” in Article XXI of the current Convention were amended to read “notifications of consent to be bound”. That was consistent with Article XXI paragraph (c) of the consolidated version of the Convention. The use of the word “approval” in the second paragraph of Article 20 of the Protocol of Amendments, on the other hand, reflected the wording of the amended article in the current Convention. The amended wording, in Article XXI, would not apply until after the entry into force of the amendment.

Articles XXII and XXIII

There were no comments.

Draft resolution “Amendments to the Convention on the International Hydrographic Organization”

The PRESIDENT invited the Conference to consider the draft resolution contained in document CONF.EX3/DOC.3 Rev.1, page 5. He noted that a new paragraph had been added to the draft authorizing the President of the Directing Committee, where necessary, to make minor grammatical, editorial and spelling corrections, as well as corrections to ensure that the English and French language texts were consistent with each other.

Captain NAIRN (Australia) enquired by what date such corrections would be made and how States would know when the final version had been printed and published.

The PRESIDENT replied that in principle the corrections should be made within two or three weeks. Certainly no further corrections should be made once the text had been submitted to the Government of the Principality of Monaco. However, a provision should be built in enabling the

Directing Committee, in consultation with the Government of the Principality of Monaco, to correct any obvious errors that might come to light subsequently.

The PRESIDENT OF THE DIRECTING COMMITTEE suggested 15 May 2005 as the deadline for submitting corrections to the Bureau.

It was so agreed.

The PRESIDENT said that the penultimate paragraph of the draft resolution should be deleted, as the Assembly did not have the power to decide whether amendments accepted by the Conference should enter into force. That was entirely a matter for the Member States. There was a similar provision in Article 20 of the Protocol of Amendments, though the idea there was that amendments adopted during the XIIIth and XVth Conferences should not enter into force after the current Conference. It was conceivable that old amendments could enter into force before the new amendments, however the latter would supersede the former on the date on which the new amendments entered into force.

He took it that it was the wish of the Conference to delete the paragraph.

It was so agreed.

The PRESIDENT pointed out that in the last paragraph of the draft resolution, “the Principality of Monaco” should be amended to “His Serene Highness the Prince of Monaco” to bring it into line with correct current usage.

Mr. HOOTON (United Kingdom) proposed the replacement of “Contracting Parties” in the last paragraph by “Member States”.

Captain BENMUYAL (Argentina) said that while not wishing to break any consensus regarding the amendments, his delegation wished it to be placed on record that it formally objected to the amendments and the resolution because Argentina was not in agreement with the rules for the composition of the Council.

Captain GARNHAM (Chile), supported by the representative of Argentina, said that it was important that it be made clear that any consensus that was reached was subject to the objections of Chile and Argentina.

Captain ROLDOS DE LA SOVERA (Uruguay) requested that his country also be placed on the list of those voicing objections.

Mr. OSTRANDER (United States of America) expressed concern regarding the meaning of the words “subject to” in that context.

The PRESIDENT said that “with” might be clearer.

Mr. OSTRANDER (United States of America) agreed that “with” was a more accurate explanation of the situation.

Mr. HOOTON (United Kingdom) proposed the use of the word “noting”.

The PRESIDENT, supported by the representative of Argentina, felt that if the Conference were merely to “note” the objections of three Member States it might suggest that it did not really give much heed to them. “With” was preferable.

He took it that the Conference wished to accept the amendments to the Convention and adopt the draft resolution “Amendments to the Convention on the International Hydrographic Organization” with the objections of Argentina, Chile and Uruguay.

It was so agreed.

The PRESIDENT thanked all delegations, particularly those whose views had not prevailed, for the spirit of cooperation they had displayed in what had been a difficult process. That constructive approach had shown how united the Members were in their aim of making progress and ensuring the success of the Conference. The decision taken was but a first step, and he hoped that the same spirit of cooperation would guide efforts to expedite governments’ acceptance of the amendments so that the revised Convention could enter into force without undue delay.

Rear Admiral DEBOW (United States of America) commended the President on his able leadership in conducting the IHC ship to safe waters, and congratulated all those whose work had helped bring the revision process to a successful conclusion. An important milestone in the history of the IHO had been reached. The United States of America, for its part, would be formally submitting notice of its acceptance of the amendments in the near future, and hoped that other Members would likewise expedite their acceptance procedures.

CONF.EX3/P/SR.8

EIGHTH PLENARY SESSION

14 April 2005

1430 - 1510

Rapporteur : Captain Mike BARRITT (United Kingdom)

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Consideration of Proposals of the Strategic Planning Working Group (Agenda item 3) (continued)

Amendments to the SPWG Terms of Reference (PRO 8) (Agenda item 3.8) (continued)

Any other business

Seating order for the XVIIth IHC (2007) (Agenda item 4)

Closing of the Conference (Agenda item 5)

CONSIDERATION OF PROPOSALS OF THE STRATEGIC PLANNING WORKING GROUP (Agenda item 3) (continued)

PRO 8 – AMENDMENTS TO THE SPWG TERMS OF REFERENCE (Agenda item 3.8) (continued) (CONF.EX3/INFODOC.9; CONF.EX3/G/03/PRO 8/WP1)

The PRESIDENT drew attention to the amended Terms of Reference for the SPWG (document CONF.EX3/G/03/PRO 8/WP1) revised in the light of the previous day’s discussion.

Dr. NARAYANAN (Canada) proposed rewording the final paragraph (para. 13) of the Terms of Reference by adding the following: “and a method to measure this and provide recommendations to the next Conference”.

The PRESIDENT pointed out that a decision had already been taken on the Terms of Reference; moreover, in the light of the discussion on the definition of hydrographic interests, it would be difficult to pre-empt the SPWG’s approach to such a definition.

The PRESIDENT OF THE DIRECTING COMMITTEE recalled that one of the articles of the General Regulations that the Conference had agreed to amend was Article 16 concerning the selection of the members of the Council. All the documents which the SPWG would be working on, finalizing and approving following the conclusion of the current Conference would be sent to Member States for consideration at the Assembly in 2007; the SPWG would likewise be considering the definition of hydrographic interests during that period.

Mr. KWOK CHUNG (China) said that, the Conference having just decided to amend the General Regulations to allow for submission of a proposed definition to the second Assembly, it could hardly now press the SPWG to produce a definition by the next Conference.

Commander KLEPSVIK (Norway), Chairman of the SPWG, said he saw no objection to adding the words “and report on the progress of work at the XVIIth Conference” to paragraph 13 of the Terms of Reference of the SPWG, which would not conflict with the agreed wording of Article 16(c) of the General Regulations.

The PRESIDENT said he took it that that suggestion was acceptable.

It was so agreed.

ANY OTHER BUSINESS

SEATING ORDER FOR THE XVIIth IHC (2007) (Agenda item 4)

The letter “N” having been drawn, the PRESIDENT noted that Nigeria would be first in seating order at the XVIIth International Hydrographic Conference, to be held in 2007.

CLOSING OF THE CONFERENCE (Agenda item 5)

The PRESIDENT OF THE DIRECTING COMMITTEE said that the present Conference was the third most important such event for the IHO, after the 1919 and 1967 conferences, and would signal a new era in the work of the Organization. He thanked the members of the SPWG, and especially the chair group, for working so hard to come up with a set of amendments acceptable to all, for finalization and – it was to be hoped – approval in 2007. Lastly, he thanked the President for steering the Conference vessel through previously uncharted waters without navigational mishap, and presented him with a gift in commemoration of the occasion.

Applause.

The VICE-PRESIDENT congratulated the President on his excellent guidance and wise counsel, which had enabled the Conference to reach decisions in a notable spirit of harmony and compromise. More had been achieved than could possibly have been expected at the outset of the proceedings, and the Conference had paved the way for a reinvigorated Organization. He congratulated the Chairman and Vice-Chairman of the SPWG and the Directing Committee for the effort and time they had devoted to the matters discussed. On behalf of delegates, he thanked all those involved in the preparation of the Conference, and especially its President.

Loud and sustained applause.

The PRESIDENT said that it was an honour and a privilege to have been elected President of the Conference. Now that the proceedings were drawing to a close, he could also confirm that it had been a pleasure. Delegates had shown a willingness to cope with the challenges of the future that bore witness to the Organization's vitality and energy and gave ample cause for optimism. Like any family, the hydrographic community had different views, but always ended by reasserting its unity. He was proud to have had the opportunity to chair the proceedings.

He thanked the Directing Committee and the Bureau staff, as well as the interpreters, précis writers and all other staff who had contributed to the success of the Conference. He also thanked the Vice-President of the Conference and the exhibitors. A special word of thanks should go to the Chairman, Vice-Chairman and members of the SPWG, for their unique contribution, which for the first time had ensured the involvement of all the regions. That new approach pointed the way forward for the future work of the expert and technical committees. Above all, his thanks went to the representatives of Member States for contributing to the positive atmosphere that had been the basis for the success of the Conference.

Applause.

The PRESIDENT declared the Third Extraordinary International Hydrographic Conference closed.

APPENDIX I

IHO STRATEGIC PLANNING WORKING GROUP REPORT

Conference Document No. 1

**FINAL
REPORT OF THE
IHO STRATEGIC PLANNING WORKING GROUP**

INTERNATIONAL HYDROGRAPHIC ORGANIZATION

STRATEGIC PLANNING WORKING GROUP

**A STUDY INTO THE ORGANIZATIONAL
STRUCTURE AND PROCEDURES OF THE IHO**

**Report to the 3rd Extraordinary International
Hydrographic Conference**

Monaco, April 2005

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EXECUTIVE SUMMARY

In April 2002, the XVIth Conference resolved that there should be a thorough review of the Basic Documents of the IHO and of its structure and procedures, in order to determine whether a more flexible, efficient Organization could be constructed.

It tasked the SPWG to undertake this review and to make appropriate recommendations to an Extraordinary Conference in April 2005. The SPWG was also tasked with addressing a number of proposals deferred from the Conference, which were seen as being complementary to the main review. The XVIth Conference encouraged each Regional Hydrographic Commission to select a representative for the SPWG. It elected the Chairman and two Vice-Chairmen for the SPWG, and asked the IHB President to represent the Bureau and to provide a secretary. The SPWG met in full plenary sessions on five occasions to address this task; all the RHCs and several individual Member States contributed strongly to the debates.

A holistic approach to the task was adopted to ensure a structured, logical and rigorous review. The SPWG established an image of the future IHO defined through statements of its Vision, Mission and Objectives. It determined, through a review of past documents and a survey of Member States' opinions, what strengths and weaknesses the IHO currently possessed which would help or hinder it from achieving the Vision, Mission & Objectives. After assessing and debating many potential candidates for an IHO structure, the SPWG proposed a structure and set of operational procedures which it believed were best suited to maintain the strengths, overcome the weaknesses and achieve the Mission, Vision and Objectives. It took into account the needs to show increased effectiveness and cost-effectiveness and to maintain the IHO's status as a competent international organization.

This report presents the new model for the structure and operating procedures of the IHO, and identifies where and how the Basic Documents should be amended in order to implement the proposed model. It recommends that the 3rd Extraordinary IH Conference adopts the report and implements the proposed model.

The proposed Vision, Mission and Objectives of the IHO are:

Vision: to be the recognised international hydrographic authority advancing maritime safety and efficiency, and supporting the protection and sustainable use of the marine environment.

Mission: to create a global environment in which States provide adequate and timely hydrographic data, products and services and ensure their widest possible use.

Objectives

- 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;
- improve global coverage, availability, quality and access to hydrographic data, information, products and services;
- improve global hydrographic capability, capacity, science and techniques.
- establish and support the development of international standards for the quality and formats of hydrographic data, information, products, services and techniques and to achieve the greatest possible uniformity in the use of these standards;
- give authoritative and timely guidance on all hydrographic matters to States and international organizations;
- facilitate coordination of hydrographic activities among Member States;
- enhance cooperation on hydrographic activities amongst States on a regional basis.

The strengths which the IHO currently has, which will help it achieve its Vision, Mission and Objectives, can be summarised through its being: an international organization with global reach but acting regionally through the RHCs, being technology focused, concerned with improving technical capability amongst its members and being cost-effective. The SPWG determined that any re-structuring of the IHO must not diminish those strengths in any way.

The perceived weaknesses of the current organization include its slow decision-making processes, legalistic/inflexible nature, slow growth in membership, the style and frequency of its Conferences, its inadequate interaction with industry, the slow pace of improvement in technical capability of many members, the lack of progress within RHCs, and the appearance of the Bureau as almost a separate entity from the IHO itself. The SPWG determined that any re-structuring of the IHO must remove those weaknesses.

Thus the proposed new structure for the IHO is designed to maintain the strengths, eliminate the weaknesses, achieve the Vision, Mission and Objectives of the IHO and be a more effective and cost-effective system. It is based on:

- An Assembly
 - comprising all Member States, meeting every 3 years
 - being the principal organ of the IHO
 - being strategically focused.
- A Council
 - meeting annually
 - being a smaller, more dynamic body
 - focusing on the continuous operation of the IHO
 - comprising 30 Member States - or 25% of all MS, whichever number is greater – two thirds of the seats for representatives of the RHCs and one third of the seats for the states with greatest hydrographic interest (measured by tonnage).
- A Finance Committee
 - open to all Member States
 - meeting in conjunction with the Assembly
 - being responsible for presenting the IHO's budget and administrative and financial policies for approval by the Assembly.
- Subsidiary Organs
 - Committees open to all Member States, meeting annually:
 - a Hydrographic Services & Standards Committee (HSSC), being a technical committee responsible for the development of international standards for the quality and formats of hydrographic data and information, and the greatest possible uniformity in their use of these standards;
 - an Inter-Regional Coordination Committee (IRCC), being responsible for generating and monitoring the work to be carried out by the Regional Hydrographic Commissions, promoting Capacity Building and co-operation with regional organizations concerned with the use of hydrographic information.
- Regional Hydrographic Commissions
 - continuing as presently configured
 - having some Agenda items of RHC meetings being prescribed to take account of the Strategic Plan & Work Programme and Capacity-building, other parts being structured to consider regional issues and plans.

- Legal Advisory Group
 - comprising legal experts from any or all MS
 - meeting by request of the Assembly, Council, Finance Committee or Subsidiary Organs
 - advising on specific matters and within specific timescales.

- Industry and NGIO Participation
 - accredited Industry Groups comprising representatives of Industry, Academia, Professional Institutions, and end-users of the IHO's products and services.
 - defined and managed as determined by their own participants.
 - coordinating industry participation in (and inputs to) the work of the IHO, and proposing relevant methodologies and solutions.
 - representatives of the accredited Groups attending Subsidiary Organs, Council and Assembly meetings as observers.

- A Secretariat
 - Secretary-General
 - elected by the Assembly for a period of 6 years
 - re-election at a subsequent Assembly for a further 3 years
 - chief administrative officer of the Organization, head of the Secretariat and responsible for its efficient operation
 - supporting the Assembly, Council and Finance Committee
 - representing the IHO to other national, international or non-governmental organizations.

 - Directors
 - elected by the Assembly for a period of 6 years
 - re-election at a subsequent Assembly for a further 3 years
 - reporting to the Secretary-General
 - providing support to the organs of the IHO as required.

 - Professional Assistants
 - Selected by the Secretary-General
 - Providing support to the Secretary-General and organs of the IHO as required.

The SPWG will propose to the IH Extraordinary Conference in Monaco in April 2005 the acceptance of this report as the conclusions of the SPWG study, and will propose a resolution that the Conference adopts the Proposed Model for the IHO, approves the consequential amendments to the Convention and agrees the basic structure of the revised Basic Documents. It will propose that the Conference tasks the SPWG with preparing an implementation plan to take forward the decisions of the Conference.

1. INTRODUCTION

1.1 IHO Basic Documents

The regulations and guidance concerning the operation of the International Hydrographic Organization are contained in its Basic Documents. These include its Convention, General Regulations, Financial Regulations, Rules of Procedure and Agreements between the IHO and the Government of Monaco. The current Convention was adopted by the IXth IHO Conference in 1967 and came into force in 1970.

The Convention comprises 23 Articles covering the nature of the organization, its functions, membership, Bureau, conferences, objectives, finances and decision-making processes. A nation wishing to become a Member State (MS) of the IHO must have the approval of two-thirds of the MS and must ratify (sign) the Convention.

The General Regulations give more detail on the Conference structure and how proposals should be submitted, the operation of the Finance Committee, the Bureau, the Directing Committee and how it is elected.

The Financial Regulations describe the budgeting process, subscription fees and control of funds.

The Rules of Procedure give further explanation of Conference agendas and procedures, subsidiary bodies, conduct of business and voting.

The Agreement between the IHO and the Government of Monaco defines the legal personality and operation of the Organization and its physical location.

1.2 Proposals for Amendments

As the operation of the IHO developed, it became apparent that the Convention and parts of the Regulations and Procedures in the Basic Documents required amendment. However, the nature of the Basic Documents made amendment difficult and cumbersome. In some cases, agreed Conference resolutions concerning amendments were not implemented because of the subsequent ratification procedures. The 2002 Edition of the Basic Documents contains references to two pending amendments, stemming from the XIIIth and XVth Conferences, which have still not completed the approvals process as much as 15 years later.

1.3 XVIth Conference Resolutions

The Organization has attempted to deal with many such issues through the work of the Strategic Planning Working Group (SPWG) since 1997. In April 2002 the XVIth Conference resolved that there should be a thorough review of the Basic Documents of the IHO and of its structure and procedures, to provide a more flexible, efficient Organization. It authorised the SPWG to continue its work and specifically to take on this review and to make appropriate recommendations to an Extraordinary Conference in April 2005.

In undertaking this task, the SPWG was also asked to address the following issues:

- a Portuguese proposal (No. 18) regarding statutes for NGIOs
- harmonization of the IHO's Basic Documents
- a review of the eligibility criteria for Directors
- an examination of the optimum periodicity of IH Conferences.

The deliberations of the SPWG on the structure of the IHO naturally addressed all these issues, and they are covered in the body of this report.

2. SPWG TASKING

2.1 Terms of Reference

The Terms of Reference given by the XVIth Conference to the SPWG were:

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 RHCs. 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.
6. Consider unresolved IHO matters referred by the XVIth Conference and provide a report and recommendations by December 2003.
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.
8. Consider the harmonisation of the texts of the IHO Basic Documents and supply recommendations to the IHO Directing Committee by December 2003.
9. Present the results of these studies to the IHB Directing Committee who will circulate a report to Member States by December 2003.
10. Co-ordinate comments on the interim report and produce a final version by April 2004 in time to be considered by an Extraordinary Conference.

2.2 Membership

Every MS could be represented on the SPWG. The XVIth Conference encouraged each Regional Hydrographic Commission to send a representative to the SPWG meetings. The IHB President represented the Bureau and the IHB also provided a secretary.

The full list of participants in SPWG meetings is at APPENDIX I.

2.3 Chair Group

The XVIth Conference elected the Chairman and two Vice-Chairmen for the SPWG. A “Chair Group” was set up comprising the Chairman, Vice-Chairmen, IHB President and an SPWG secretary. Its purpose was to meet between plenary SPWG sessions to: collect and disseminate background information; collate and summarise inputs from MS; undertake and analyse a survey of members’ opinions; propose initiatives for consideration at the plenary meetings; set agendas for the plenary meetings; draft reports.

2.4 Meetings and Timetable

The timetable and schedule of meetings for the complete study is in APPENDIX II.

2.5 Study Report

The report uses the masculine form and pronoun as convenient short-hand only for he/she, Chairman/Chairwoman, etc.

It describes the methodology used in the study (Sections 3, 4) and presents a new model for the structural organization and operating procedures of the IHO (Sections 5, 6, 7, 8). It refers to a companion document which identifies where and how the Basic Documents should be amended in order to implement the proposed structure and procedures (Section 9).

All background documents relating to the report are contained on a CD which will be made available upon request.

3. STUDY METHODOLOGY

3.1 Holistic Approach

A holistic approach to the task was adopted, to ensure a structured, logical and rigorous review. This was seen as important to the credibility and acceptance of the SPWG's conclusions.

The main points of this approach were:

- Agreement that the SPWG's mandate was wide and non-prescriptive;
- Acceptance that no single MS or RHC possessed the full picture of what might be required;
- Provision for all regions and MS to have a fair say in the deliberations;
- Conclusions should only be reached after thorough analysis and debate;
- The study should propose solutions "good enough" for consensus and implementation, and not spend an inordinate amount of time chasing the "perfect";
- It should initially be bold and creative with a broad perspective, but it should narrow its focus rapidly onto the vital few areas for improvement;
- It should take into account the new SOLAS Chapter V;
- It should start at first principles by establishing an image of the future IHO defined through statements of its Vision, Mission and Objectives;
- It should seek to determine what strengths and weaknesses the IHO currently possesses which help or hinder it from achieving its Vision, Mission & Objectives;
- It should propose an organizational structure and set of operational procedures best suited to maintain the strengths, overcome the weaknesses and achieve the Mission, Vision and Objectives;
- It should include an estimate of the financial implications of any changes to the structure or procedures of the IHO;
- It should demonstrate that its proposals have increased effectiveness and cost-effectiveness compared to the existing structure;
- Only after all the above has been completed should the study turn to the Basic Documents to determine how much of them would be affected by the new model, and how they should be amended;
- The changes to the Basic Documents should be minimised, but must be sufficient for the effective implementation of the future IHO structure and procedures.

In essence, the SPWG started with "a clean sheet of paper" and asked the question "what sort of organization do we need and should we have for the future?" It compared its answer with the existing organization to identify the differences, checked that the differences were minimised and necessary, and then identified what amendments would be required to the IHO Convention.

3.2 Regional Involvement and Communication Strategy

Global participation in the study was sought through regional involvement. All the 14 RHCs were represented at most of the SPWG meetings, which were held in Europe, India, South America and Asia. Members of the Chair Group attended several RHC meetings to explain the SPWG study process and report on progress. Collated survey questionnaire responses (see later) were provided by all of the 14 RHCs, along with individual responses from some MS and the CHRIS committee: the survey therefore captured the views of the large majority of Member States in the IHO.

The role of the SPWG RHC representatives included:

- encouraging and motivating members of their RHCs to participate in the process;
- leading discussions within the RHCs to elicit all views of the MS and seek consensus;

- representing the views of their RHCs at SPWG meetings;
- explaining and promoting the decisions made at SPWG meetings to RHC members;
- participating fully in the SPWG meetings and work process.

The communications strategy included the establishment of an SPWG forum on the IHO website, the use of Circular Letters (CLs) on the progress of SPWG work, active participation of Chair Group representatives in RHC meetings, active involvement of RHC representatives to communicate progress to their Member States, a seminar in Athens for the Chair Group to assist Hydrographers to explain the Study processes and outcomes to decision-makers in as many countries as possible.

3.3 Background Information

Much background information was collected and absorbed at the beginning of the study. In particular, reference was made to:

- previous IH Conference minutes and IHB documents;
- earlier SPWG reports;
- the structure of other international Organizations (IMO, IOC, IALA, IEC and others);
- suggestions on structures from MS (France, Germany, Portugal, UK, USA);
- a USA paper on sustainable exploitation of the maritime environment;
- a paper by an international lawyer on implementing amendments to the Convention;
- the revised SOLAS Chapter V regulations and definition of Hydrography (Appendices III and IV respectively).

3.4 Vision, Mission, Objectives and Goals

As explained in the holistic approach, the starting point of the study was to generate from first principles a view of the Mission of the IHO, what its Vision for its future should be, and, flowing from its Vision and Mission, what its Objectives should be.

The view of the SPWG was that the short term Goals of the IHO should be re-evaluated when the Strategic Plan & Work Programme (SP&WP) were reviewed in the normal course of business after the 3rd Extraordinary Conference and in the light of the re-defined mission, objectives and structure. The SPWG did not attempt to address those goals in this study.

3.5 Strengths and Weaknesses

Concurrently with its work on the Vision, Mission and Objectives, the SPWG submitted a questionnaire to all Member States seeking their impressions of the current strengths and weaknesses of the IHO. The questionnaire sought to examine previously reported concerns and perceived weaknesses and strengths expressed by MS in several meetings and conferences. It contained two sections (the first on weaknesses, the second on strengths), each section containing questions on specific topics. In addition, the questionnaire asked for unstructured/unsolicited comments. The full questionnaire is in APPENDIX V.

3.6 Improvement Study Teams

The SPWG intended to set up two teams to examine specific aspects of the task and to propose improvements to the existing model. The first was a team to propose improvements to the structure of the IHO; the second was to propose consequent improvements to the Basic Documents of the IHO. The guidelines given by the SPWG to both these teams are shown in APPENDIX VI.

In the event, the Improvement Study Team on Structure comprised all the members of the SPWG. Its work began at the meeting in Goa (India) and continued through the use of the SPWG forum on the IHO web site and at the meetings in Lima (Peru), Singapore and Tokyo.

The Improvement Team on Basic Documents comprised some SPWG members and legal advisers from 11 MS (Australia, Chile, France, Germany, India, Iran, Italy, Morocco, Norway, UK, USA). It conducted its business using the SPWG forum on the IHO web site and through meetings in Monaco, Hamburg and Tokyo.

4. STRENGTHS & WEAKNESSES

4.1 Pre-survey Impressions

At the commencement of the study, the Chair Group assembled a list of strengths, concerns and perceived weaknesses which MS had reported in previous meetings and conferences.

The IHO has impressive strengths. It has operated as a world-wide co-ordinator and leader of hydrographic services for the past 80 years, supporting safety of navigation through the establishment and maintenance of standards in the field of hydrography, cartography and training. It has forged the accepted understanding and usage of: survey standards; cartographic symbols; paper chart design and nomenclature; Electronic Navigation Charts. It operates as a technology-focused, consultative, non-political body and has developed a widely-accepted regional collaboration structure which is now addressing the need to help less well-developed member states to improve their hydrographic capability. It has built up its membership to 74 states, with several more progressing to full membership status in the near future.

International Conventions in the maritime field (regulatory and authoritative bodies such as IMO and UNCLOS) recognize IHO as the competent international organization in the field of hydrography, and they turn to it for technical support, expertise and recommendations.

Predominant amongst the reported concerns were:

- Decision-making
Decision-making processes are slow and ineffective. The procedure for ratification of resolutions and Conference decisions (through the issue of Circular Letters to all MS requiring at least two thirds of them to respond affirmatively) is tedious and has been known to frustrate the purpose. As mentioned in section 1.2, there are outstanding Conference decisions dating back 15 years which have not yet been fully ratified.

There is a similarly long ratification process which new members wishing to join have to overcome.

- International Hydrographic Conferences (IHCs)
The 5-year gap between Conferences is too long to monitor and hasten decision-making.

The long inter-conference gap means that many National Hydrographers attend only one (or even none) in their tenure of office.

A Conference can become bogged down in detail and turn out to be neither strategic nor technical in nature (although the Convention mandates it to be both). With around 300 delegates in attendance (many of them with no previous IHC experience) and a mixed agenda of technical detail, strategy and elections, the Conferences are not seen as business-like: for instance, little time is found to discuss in any depth the reports and progress of the RHCs. They end up as vehicles for elections of officials, but the technical and strategic issues often fail to be resolved satisfactorily: it has been necessary to resort to Extraordinary Conferences to address them.

- IHO structure
The IHO committee structure is large and uncoordinated (see, for example, the network diagram produced by the IHB to illustrate its interactions, in Figure 2 in APPENDIX VII).

The structure does not encourage the involvement of Industry in the specification of hydrographic standards.

The IHB is seen as an entity in itself rather than an arm of the IHO.

The Bureau has three “equal” Directors with no pre-determined responsibilities, and no one person in charge with overall accountability. The qualification criteria for Directors are restrictive and seen to discount applicants who have significant managerial/business/international skills if they do not also have master-mariner (or equivalent) status.

There is no instrument to monitor the effectiveness of the Bureau.

- Work progress

Criticisms have been made of the IHO’s lack of innovation and creativity and of its inability to deliver large scale co-operative programmes (eg follow-ons to capacity building investigative visits). In its Strategic Plan and Work Programme, there is insufficiently wide involvement of MSs, and a lack of response to the requirements of some RHCs. There seems to be inconsistency between ambitions in the Strategic Plan and the resources provided to achieve them.

- International stature

In the light of the regulatory nature of the new SOLAS Chapter V, there is a danger of the IHO becoming superfluous – even in its position as the advisory body to the IMO. It has no clear linkages with non-navigational users of hydrographic data.

The IHO’s international profile is lower than it should be, and there is a lack of clarity in the benefits of being an IHO member.

The Strength & Weaknesses survey probed these and other issues.

4.2 Summary of Survey Responses

APPENDIX VII contains a summary of the responses to the Strengths & Weaknesses survey. To find the consensus of opinions, the responses were analysed to obtain a list of the most frequent replies. These have been grouped in the first three columns of the table in APPENDIX VII in generic statements such as: “Organizational structure inappropriate”. In this case, the word *inappropriate* is short-hand for a number of similar opinions expressed. Where a response from one MS was not supported or echoed by any other MS, it was not included in the summary list.

The table in APPENDIX VII shows a list of 13 well-supported points that the SPWG took into consideration in its subsequent proposals. There was close correlation with the perceived weaknesses listed in paragraph 4.1 above, and all SPWG members felt intuitively that they represented genuine concerns. When the Chair Group briefed RHC meetings on the findings, there was widespread agreement on their validity.

In the analysis of the responses, it became clear that MS ascribed 7 main strengths to the current Organization, which can be summarised in its being a cost-effective international organization with global reach but acting regionally through the RHCs, being technology focused and concerned with improving technical capability amongst its members. A depiction of the perceived strengths is given in APPENDIX VII as a “Strengths Storehouse”. The SPWG determined that any re-structuring of the IHO must not diminish those strengths in any way.

The 8 perceived weaknesses of the current organization included its decision-making processes, legalistic/inflexible nature, the slow growth in membership, the style and frequency of its Conferences, inadequate interaction with industry, the slow pace of improvement in technical capability of many members, the lack of progress within RHCs, and the appearance of the Bureau as almost a separate entity to the IHO itself. Several of these weaknesses were ascribed to the rules and guidance in the Basic Documents and to specific Articles within them, eg Articles XX and XXI. These perceptions are depicted as a “Weakness Web” in APPENDIX VII. The SPWG determined that any re-structuring of the IHO must be designed to remove those weaknesses.

5. VISION, MISSION & OBJECTIVES

The following statements are the proposals from the SPWG concerning the role and purpose of the IHO.

5.1 Vision

The Vision of the IHO is to be the recognised international hydrographic authority advancing maritime safety and efficiency, and supporting the protection and sustainable use of the marine environment.

5.2 Mission

The Mission of the IHO is to create a global environment in which States provide adequate and timely hydrographic data, products and services and ensure their widest possible use.

5.3 Objectives

The Objectives of the IHO are 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;
- improve global coverage, availability, quality and access to hydrographic data, information, products and services;
- improve global hydrographic capability, capacity, science and techniques.
- establish and support the development of international standards for the quality and formats of hydrographic data, information, products, services and techniques and to achieve the greatest possible uniformity in the use of these standards;
- give authoritative and timely guidance on all hydrographic matters to States and international Organizations;
- facilitate coordination of hydrographic activities among Member States;
- enhance cooperation on hydrographic activities amongst States on a regional basis.

6. PROPOSED MODEL

In order to address the details of the strengths & weaknesses and the new Vision, Mission and Objectives, the SPWG examined several different models for the IHO’s structure and procedures. These were put forward by individual MS (France, Germany, Portugal, UK, USA) or were models of other international organizations (IMO, IALA, IOC, etc). They were assessed against the following six principles:

- The structure must maintain the strengths of the IHO.
- It must eliminate its weaknesses.
- It must help the IHO to achieve its Mission, Vision and Objectives.
- It must provide for: policy making; technology, standards, advice-giving; global & regional cooperation; timely decision-making; efficient day-to-day operation.
- It must operate within the existing budget of the IHO.
- It should be simple, and preferably one which has been proven in operation elsewhere.

One model, with elements drawn from all the others, was selected for deeper study, developed, refined and debated at length in several plenary sessions of the SPWG. It is termed the Proposed Model (PM) and is depicted in Figure 1.

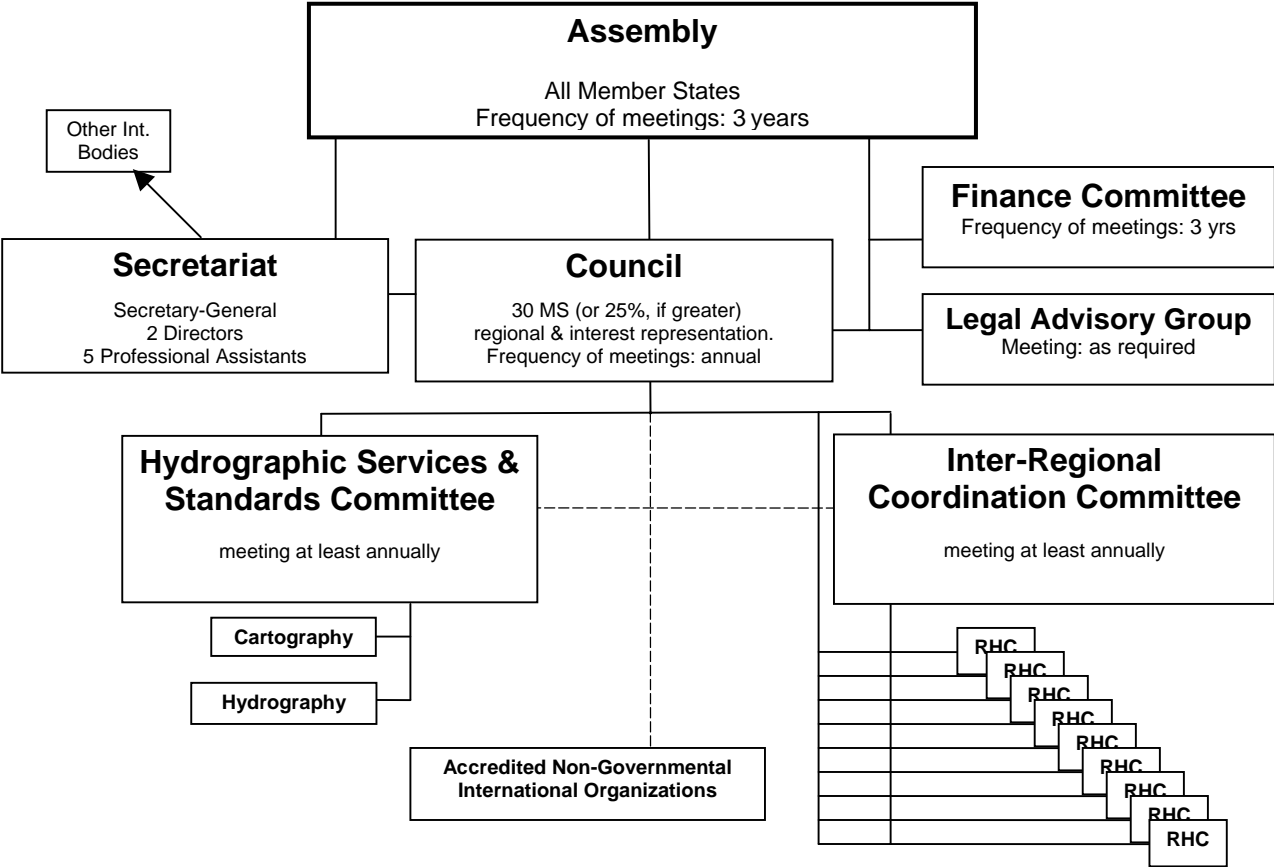


Figure 1: Proposed Model.

The table previously referred to in APPENDIX VII has a fourth column: this summarises how the perceived weaknesses have been addressed in the Proposed Model. More details are given in Section 8.6 of this report.

6.1 Assembly

In this proposal, the governing body of the IHO is the Assembly, which comprises all Member States and meets every 3 years. The Assembly establishes the over-arching strategic policies of the Organization, endorses its 3-year Work Programme and Budget, and is the custodian of its Convention and Basic Documents.

The Assembly's functions include:

- Election of the Secretary-General & Directors
- Setting the overall policy and strategic direction of the IHO
- Approving the Strategic Plan and Work Programme
- Approving the budget and financial and administrative policies
- Considering reports of the Council
- Considering recommendations of the Finance Committee
- Reviewing and endorsing the selection process for Council membership
- Establishment of subsidiary organs
- Deciding on the content of and changes to IHO Basic Documents
- Determining its own Rules of Procedure
- Approving the development/delivery of operational services
- Deciding as necessary on any other matters within the scope of the Organization.

6.2 Council

The Council meets on an annual basis. It comprises 25% of Member States or 30 Member States (whichever is the greater number). Until the IHO grows beyond 120 members, the Council would have a membership of 30. Two thirds of the Council seats are first selected on the basis of regional representation and then one third of the seats are allocated on the basis of hydrographic interest/involvement, which is measured by MS tonnage. It elects its own Chairman and Vice-Chairman. The Council is attended and supported by the Secretary-General. Member States not elected to the Council may participate in its meetings, but without voting rights.

The Council is a smaller, more dynamic body than the Assembly, undertaking the following functions:

- i. During the inter-assembly period, coordinating the activities of the Organization within the Strategic Plan and Work Programme of the IHO and within the financial framework decided by the Assembly.
- ii. Preparing, with the support of the Secretary-General, the draft Strategic Plan and Work Programme to present to the Assembly for adoption. Coordinating and harmonizing the elements of the draft Work Programme presented by the subsidiary organs (see 6.3).
- iii. Reviewing expenditure against budget in the inter-Assembly years. Considering the financial statements and budget estimates prepared by the Secretary-General and providing recommendations regarding programmatic allocations for approval by the Finance Committee and the Assembly.
- iv. Reviewing the resolutions proposed by the subsidiary organs and taking one of three possible actions: if the resolutions are judged to have strategic or financial implications, referring them to the next Assembly; if they are inconsistent, referring them back to the subsidiary organs (or to the Assembly if no harmonization can be found); otherwise, referring them immediately to all MS for adoption (see 7.2).
- v. Reviewing, and reporting (to the Assembly) the progress of work towards the IHO's goals by the subsidiary organs and RHCs.

- vi. Proposing to the Assembly the establishment of subsidiary organs.
- vii. Reviewing proposed agreements prepared by the Secretariat covering relationships between the IHO and other organizations, and submitting them to the Assembly for subsequent consideration and approval.

6.2.1 Council Membership and Selection Procedures

The composition of the Council is determined as follows:

- No MS may have more than one Council seat.
- In the first instance, two thirds of the seats are drawn from the RHCs. In this process:
 - a MS can only represent an RHC in which it is a full member;
 - the MS must inform the RHC of its choice, copying its intention to the Secretariat, at least 6 months before the Assembly;
 - for the purposes of deciding how many seats an RHC may take up, that MS is not counted in any RHC's membership total other than the one in which it is standing for selection;
 - 3 months before the Assembly, the Secretary-General will inform all MS of the number of seats allocated to each RHC for the purpose of Council member selection and the States which are eligible for selection in each. The number of seats allocated to each RHC will be calculated by the Secretary-General based on the principle of a proportional distribution amongst the RHCs in order to obtain at the required two thirds of the Council seats;
 - RHCs must inform the Secretary-General of their selection, and the process which was followed, before the last day of the Assembly;
 - these are the seats which are allocated first.
- The remaining one third of the Council will be drawn from the MS who have the greatest interest in hydrographic matters. For this purpose, the measure of hydrographic interest is defined by national flag tonnage.
 - an MS already holding a seat on the Council as an RHC representative is excluded from this process;
 - the table of national flag tonnages is derived in accordance with the procedures laid down in the Financial Regulations;
 - the Secretary-General will determine the one third of Council members by selecting MS in descending order of their tonnage, having confirmed with the MS their willingness to sit on the Council;
 - these seats are allocated after the RHC allocations;
- The combined list of Council members will be placed before the Assembly.
- The Assembly will review and endorse the selection process to ensure that these procedures have been correctly followed.

An illustrative example of Council composition is given in APPENDIX VIII.

6.3 Finance Committee

The Finance Committee is an organ of the IHO, defined in the Convention. It meets every 3 years, in conjunction with the Assembly. It will receive draft proposals from the Secretariat, incorporating the programmatic priorities of the Council, and is responsible for finalising the IHO's budget and its administrative and financial policies prior to their being considered by the Assembly.

The Finance Committee will be open to all Member States, each State being present having one vote. During the meeting held in conjunction with the Assembly, Member States present will elect a Chair and Vice Chair of the Committee to serve until the next Assembly. The Committee may meet between Assemblies if required.

6.4 Subsidiary Organs

In the initial structure of the Organization, two committees are proposed to undertake the work in pursuance of the Organization's Objectives. The committees liaise to contribute to the generation and budgeting of the Strategic Plan and Work Programme which the Council is then asked to coordinate, prioritise and endorse.

Each committee is supported by a Director and Professional Assistants to coordinate and manage its work.

Each Committee should submit an annual report to the Council for its consideration as well as any appropriate standards, guidelines, resolutions or recommendations for adoption. The report should include a progress report on any assigned duties as well as a summary of the work and number of working groups. Each Committee has responsibility for contributing to the development of the Strategic Plan and Work Programme of the Organization.

To facilitate the work of the Committees, the Assembly empowers them to form temporary Working Groups as necessary. The Committee should establish the Terms of Reference and work programmes for these groups with time lines for the review of their work, the issues to be addressed, work products to be prepared and performance measures to help more clearly define their activities. The Working Groups may hold meetings as required, but should endeavour to conduct their work through written or electronic mail or other media as appropriate. If a meeting is held, it should be generally chaired by a Member State and supported by the Secretariat, although there may be occasions when the Member States decide to request a member of the Secretariat to serve as Working Group Chair.

Each Working Group shall submit a written report to the Committee that has oversight for that group. The Committee shall review the reports and take such action as appropriate, such as adjusting time lines or work products. The Committee shall also decide whether there is a continued need for the Working Group - and terminate the operation of those groups whose work has been completed or for which there is no longer a need.

6.4.1 Hydrographic Services & Standards Committee

The Hydrographic Services & Standards Committee (HSSC) is a technical committee which absorbs the work of the CHRIS, WEND, Tides, Colours & Symbols, RNW, S44, Hydro Manual, Quality & Safety, (etc). All MS are eligible to attend its meetings, which should be held at least once a year. The Chairman and Vice-Chairman are appointed by the Committee for a period of up to 3 years – ie to the next Assembly.

The HSSC may have a limited number of Working Groups as required for its work – such as a Cartography Working Group and a Hydrography Working Group (the former concentrating on navigation matters, the latter on non-navigation matters). The Working Groups appoint Chairmen and are supported and provided with Secretariat resources by the secretariat Directors and PAs.

The HSSC is responsible for a wide range of technical activities, including but not limited to:

- the establishment of and support for the development of international standards for the quality and formats of hydrographic data and related marine information, navigational products, services, and methods;

- the improvement of global coverage of such standards and the achievement of the greatest possible uniformity in their use of these standards;
- the establishment and promotion of high resolution data sets for non-navigation markets, such as bio-geography, marine habitat protection, marine GIS, habitat modelling;
- cartographic symbology - e.g. coral reefs/marine protected areas/particularly sensitive sea areas and facilitating the incorporation of such additional features in future standards and specifications.

6.4.2 Inter-Regional Coordination Committee

The Inter-Regional Coordination Committee (IRCC) generates, oversees and monitors the Work Programme to be carried out by the Regional Hydrographic Commissions, taking into account technical issues raised by the HSSC and/or the Council. The IRCC absorbs the work of the Capacity Building Committee (CBC). All MS may attend its meetings, which should be held at least once a year. The Chairman and Vice-Chairman are appointed by the members of the IRCC for the period of 3 years between Assemblies.

The IRCC will have the responsibility for enhancing co-operation of hydrographic activities amongst States on a regional basis, and between regions. Its functions will include but not be limited to: promoting Capacity Building by facilitating interaction between and among interested Member States and potential donors at international and regional levels; promoting co-operation with regional organizations concerned with the use of hydrographic information for navigation safety and all other marine purposes, including economic development, environmental protection and coastal resource management.

6.4.2.1 Capacity Building

The IRCC's responsibility includes technical capability and training within and between RHCs. To enable this work to progress satisfactorily, it will require a range of financial and strategic mechanisms provided to it by the Assembly and Council – possibilities include a “clearing house” function to monitor the pairing between donor and recipient states, a Trust Fund set up to receive voluntary donations, etc.

The IRCC should propose programmes for Capacity Building and coordinate relevant work between RHCs (eg assistance with surveying, training, etc).

6.5 Secretariat

The Secretariat exists to support the Assembly, the Council, the Finance Committee and subsidiary organs and their working groups and the RHCs. It comprises a Secretary-General who heads the Secretariat, Directors in support of the various committees, Professional Assistants and other staff as required and as affordable. In the initial implementation of the proposed structure, it is envisaged that two Directors and five PAs will be required.

6.5.1 Secretary-General

The Secretary-General is elected by the Assembly from within the ranks of the Member States for a period of 6 years. For the election of the Secretary-General, each MS will have two votes, but MS with more than 100,000 tons of shipping shall have supplementary votes as indicated in the Rules of Procedure for elections (see later).

The Secretary-General may serve a second term, but only for a further 3 years, i.e. a total period of nine years. If there are no other candidates for the post, he may be re-appointed by the Assembly without election. If there are other candidates an election

must be held using the procedures defined above: if the sitting Secretary-General is elected, his new term is limited to three years.

The Secretary-General is the chief administrative officer of the IHO, the head of the Secretariat and responsible for its efficient operation. The Secretary-General will act as the Secretary of the Assembly and the Council. He represents the IHO to other national, international or non-governmental organizations.

He will be assisted by at least one Professional Assistant to administer the financial matters of the Organization.

6.5.2 Directors

Directors are elected by the Assembly from within the ranks of the MS, each for a period of 6 years, and for the specific task of providing high-level support to the subsidiary organs. Election procedures will be as for the Secretary-General. The Directors may serve a second term of three years in the same way as defined for the Secretary-General above.

The Directors report to, and have responsibilities assigned by, the Secretary-General.

These include assisting the Secretary-General as required in:

- Representing the IHO to other international bodies.
- Providing support to the Assembly, Council, Finance Committee, subsidiary organs, Legal Advisory Group and Regional Hydrographic Commissions.
- General day-to-day running of IHO business.
- Operational issues taken on by the Secretariat.

6.5.3 Professional Assistants

Initially there will be 5 PAs, selected by the Secretary-General from nominations provided by Member States. They would be assigned by the Secretary-General to support the work of the subsidiary organs, working groups and the day-to-day management of the Organization. The PAs are appointed for a probationary term of 2 years, then with renewable contracts of 5-year terms, at the discretion of the Secretary-General.

In addition to the PAs listed above, the Secretariat will benefit from assistance on specific tasks provided by another category of staff: people whom MS may wish to develop into senior members of their HOs by giving them exposure to the work of the IHO and its Secretariat. Such posts would be for a period of 1-3 years and funded by the MS. Selection of these temporary staff members from the list of candidates would be the responsibility of the Secretary-General. (A post of “staff officer” to the Secretary-General, for instance, could come under this category.)

6.5.4 Other Staff

All other staff in the Secretariat are appointed by the Secretary-General to ensure the efficient, effective operation of the Secretariat within the budget set by the Assembly.

6.6 Regional Hydrographic Commissions

The RHCs will continue as presently configured. Some part of the Agenda of RHC meetings will be prescribed to take account of the Strategic Plan & Work Programme and Capacity-building, other parts may be structured to consider regional issues and plans.

6.7 Industry and NGIO Participation

Non-Governmental International Organizations (NGIO) Groups may be accredited as observers to the IHO. They may represent Industry, Academia, Professional Institutions, and end-users of the IHO's products and services. These accredited NGIOs will be defined and managed as determined by their own participants. They will coordinate industry participation in the work of the IHO, and propose relevant methodologies and solutions. Representatives of the accredited NGIOs can attend subsidiary organ, Council and Assembly meetings as observers. Their credentials as observers have to be accepted in advance by the Assembly.

Guidelines for the accreditation of NGIOs are proposed in APPENDIX IX, in a model based on a Portuguese proposal #17 to the XVIth Conference and subsequent MS comments, CHRIS and IHO Industry Days inputs, and IMO guidelines.

6.8 Legal Advisory Group

When the Assembly or Council or subsidiary organs require legal advice, they may ask the Secretariat to consult the Legal Advisory Group, which comprises legal experts from any or all MS. The LAG will work in accordance with Terms of Reference approved by the Assembly. It is envisaged that such ToRs will include the LAG's election of its Chairman, the study of a particular task assigned to it and the timing for the report of its recommendations.

7. PROCEDURES

7.1 Meetings

The Assembly will meet every 3 years in Monaco. This frequency allows a reasonable interval for work progress and ensures that the (large) Assembly concentrates on strategic issues. The Council, (smaller, more dynamic, charged with the execution of the IHO's business) will meet at least once a year. The subsidiary organs will meet at least once a year in venues as arranged by them. Working Groups will meet once a year, in venues of their choice. RHCs will meet at their own discretion.

7.2 Decision Making

7.2.1 Membership

Membership of the IHO will be automatic for any applicant State which is a member of the UN.

A State which is not a member of the UN may apply for membership of the IHO. In this case, the application must be approved by two-thirds of all MS.

7.2.2 Resolutions

Resolutions will be prepared by a subsidiary organ and passed to the Council for review and harmonization before submission to MS for approval. Approval is by a majority of the MS who cast a vote, with the minimum number of affirming votes being at least one third of all MS. It will then come into force on a date decided by the Council. Proposals which the Council consider to have policy or significant financial implications will be passed to the Assembly.

7.2.3 Policy Decisions

Policy changes may be proposed by a MS or by the Council or by the Secretary-General. For the Policy to be adopted, it must receive at least two-thirds of the votes of MS present at the Assembly and voting.

7.2.4 Strategic Planning

The Strategic Plan and associated Work Programme (linked to the budget) are submitted by the Council to the Assembly for approval by two thirds of the MS present and voting.

7.2.5 Budget

The budget for a 3-year Plan will be finalised by the Finance Committee and approved by the Assembly, requiring a two-thirds majority of the MS present and voting.

7.2.6 Amendments to the Basic Documents

An amendment to any part of the Basic Documents may be proposed by an individual MS or by the Council or by the Secretary-General. If it refers to the Convention, the approval of two thirds of MS present and voting at an Assembly is required followed by the ratification by two-thirds of all Member States. If it refers to General or Financial Regulations it may be implemented by a two-thirds majority of the MS present at an Assembly and voting. If it refers to Rules of Procedures it may be implemented by a simple majority of the MS present at an Assembly and voting.

7.3 Operational Issues

The Secretary-General may be tasked by the Assembly to carry out operational duties (for example, the oversight and control of software master keys for ENC distribution).

8. COSTS & EFFECTIVENESS

8.1 Membership Fees

IHO Membership Fees for Member States will be based on gross tonnage of shipping registered to that MS, in accordance with existing practices.

8.2 Budget

The IHO's budget will be prepared by the Secretary-General with programmatic inputs by the Council, finalised by the Finance Committee, and adopted by the Assembly (through a two-thirds majority of MS present and voting) as a 3-year Plan.

8.3 Alignment with Strategic Plan & Work Programme

Alignment of the budget with the Strategic Plan and Work Programme will be carried out by the Secretary-General in association with the Council and subsidiary organs.

8.4 Capacity Building Resources

Capacity Building requires considerable resources over and above the normal operating budget of the Secretariat. A range of mechanisms needs to be developed to enable this work to be undertaken efficiently. Possible candidates for such mechanisms may include: a Clearing House for specific donations and/or programmes between donors and targeted recipient states; a voluntary Trust Fund to receive general donations from individual MS, industry, other international organizations and NGOs. Programmes may include activities, support and training in surveying/cartography/chart maintenance/environmental mapping/etc. The Secretariat would coordinate the publicity, administration and any fund-raising activities required for this work. The IRCC may propose to the Council work programmes and projects requiring the provision of resources.

8.5 Comparison with Current Costs

There are no detrimental implications on the overall cost of the IHO as a result of the structure and procedures proposed in this report. In particular:

- no increase is proposed for the size of the Bureau/Secretariat;
- the 3-year gap between Assemblies is similar to the current 2¹/₂ year gap between Ordinary and Extraordinary Conferences;
- Council meetings will replace SPWG, SPWG Chair Group and other meetings;
- Finance Committee meetings will occur in conjunction with Assemblies, in the same way as they occur presently in conjunction with Conferences;
- subsidiary organ meetings will replace many other meetings (CHRIS, WEND, etc);
- no change is proposed for the RHCs.

A model was constructed of the costs to the Secretariat/Bureau and Member States for the existing structure and the Proposed Model. This is in APPENDIX X. The Proposed Model shows a marginal decrease in costs compared to the existing structure.

8.6 Comparison with Current Effectiveness

The perceived weaknesses of the current system (see section 4.1 & 4.2 above) are addressed in the Proposed Model as follows:

- Decision-making should be much faster.
 - subsidiary organs will meet annually and are empowered to submit resolutions to the Council for rapid action;
 - the Council will meet annually and is empowered to ask for MS approval of resolutions (or to refer the resolutions to the Assembly if necessary);
 - the Assembly will meet every 3 years rather than 5;
 - approval of resolutions will be by a majority of those MS who cast a vote, with the minimum number of affirming votes being at least one third of all MS. The resolution will come into force on a date decided by the Council.

- Membership will be gained more easily and membership growth will increase.
 - membership of the IHO will be automatic for any applicant State which is in the UN.

- Conferences will be more effective.
 - they will be replaced by Assemblies which -
 - will be strategically focused, not a mix of strategy and technology;
 - will review the work of the Council, Finance Committee, subsidiary organs and RHCs in a structured, business-like fashion;
 - will meet every 3 years, allowing most Hydrographers to attend at least once.
 - instruments to monitor the performance of the Organization will be in place.

- Organizational structure and interactions will be simplified.
 - a three-tiered structure will delegate empowerment and responsibility to the right level;
 - the Council will coordinate all the activities of the IHO;
 - all committees and working groups will be merged into only two subsidiary organs;
 - NGO/industry/academia involvement will be facilitated and encouraged;
 - the Bureau will be recognised as a Secretariat with clearly defined responsibilities and accountabilities;
 - election of the senior members of the Secretariat will be to specific posts with associated skill sets.

- The Convention will be simplified and made less prescriptive.

- Work progress and the overall effectiveness of the Organization will be improved.
 - the Council and subsidiary organs will monitor work progress on an annual basis;
 - activities of the RHCs will be reviewed annually by the Subsidiary Organs and the Council;
 - agendas of RHC meetings will have specific items dealing with the IHO Work Plan;
 - alignment of the budget and resources with the SP & WP will be reviewed by the Council.

- The international stature of the IHO will be enhanced.
 - the Mission, Vision and Objectives of the IHO will make it plain to all what its ambitions and capabilities are, and will make the benefits of membership more widely recognised;
 - IHO being a competent international organization as recognised by UNCLOS will be stated in the Convention preamble;
 - SOLAS considerations will be addressed in its work;
 - non-navigational (eg environmental) as well as navigational requirements will be covered.

- The technical capability of MS will improve.
 - capacity building will become a major initiative with (potentially) its own funding mechanisms.

The perceived strengths of the current Organization will be maintained in the Proposed Model. It will remain:

- an international organization with global reach,
- regionally active through the RHCs,
- technology focused,
- concerned with improving technical capability amongst its members,
- cost-effective.

In addition, the composition of the Council will enhance both the IHO's global reach and its regional nature.

9. AMENDMENTS TO EXISTING DOCUMENTS

Draft Amendments to the Convention which reflect the new structure and procedures proposed in this report are detailed in the Protocol “AMENDMENTS TO THE CONVENTION ON THE INTERNATIONAL HYDROGRAPHIC ORGANIZATION”.

Information documents on the IHO General Regulations and Financial Regulations which reflect the new structure and procedures proposed in this report are detailed in paragraphs 6.2, 6.4 and APPENDIX IX of this Report.

10. PROPOSALS TO THE 3RD EXTRAORDINARY INTERNATIONAL HYDROGRAPHIC CONFERENCE

Proposals to the 3rd Extraordinary I.H. Conference are submitted in a separate document.

Acknowledgements

This report acknowledges the effort, commitment and cooperation of many people in the execution of the study. These include the members of the SPWG and its Study Teams, the officers of the IHB, the organisers of the many meetings of the SPWG and its Chair Group, those who contributed background information and all who contributed to the debate.

Reference Documents

All the background papers, the Strengths & Weaknesses Survey Responses, and the minutes of SPWG and Chair Group meetings are contained in the CD entitled “Background Documents to A STUDY INTO THE ORGANIZATIONAL STRUCTURE AND PROCEDURES OF THE IHO” which will be made available upon request.

Glossary of Terms

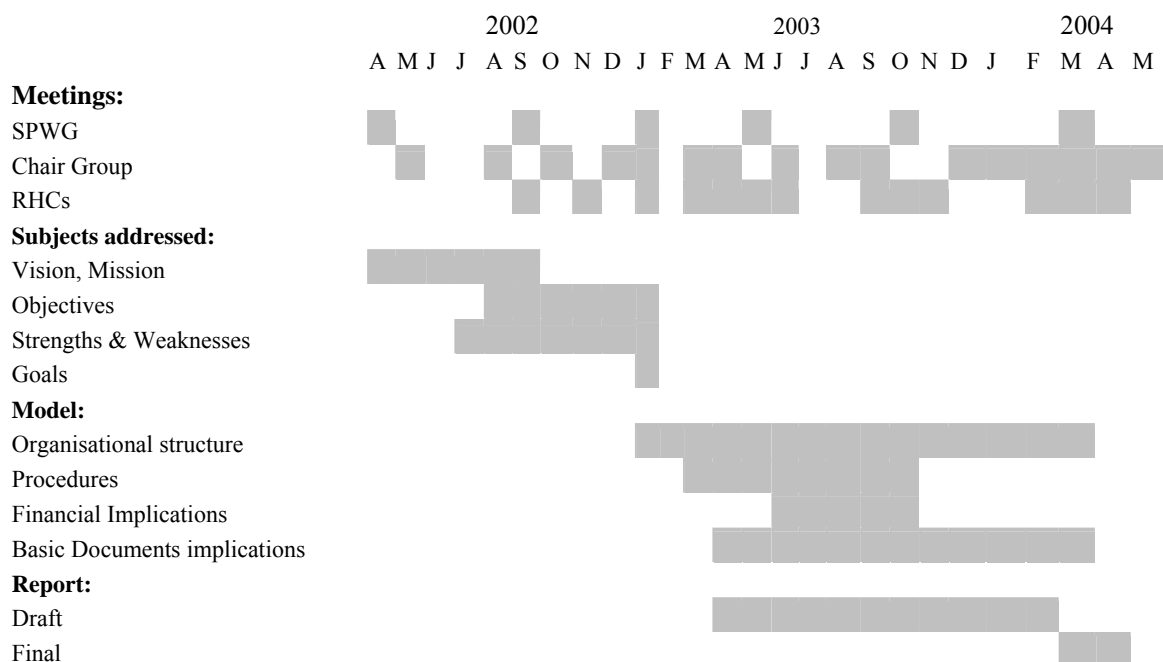
AHC	Antarctic Hydrographic Commission
BSHC	Baltic Sea Hydrographic Commission
CHRIS	Committee on Hydrographic Requirements for Information Systems
CL	Circular Letter
EAHC	East Asia Hydrographic Commission
EAtHC	Eastern Atlantic Hydrographic Commission
ENC	Electronic Navigation Chart
GEBCO	General Bathymetric Chart of the Oceans
HO	Hydrographic Office
HSSC	Hydrographic Services & Standards Committee
IALA	International Association of Marine Aids to Navigation and Lighthouse Authorities
IAG	Industrial Advisory Group
ICAO	International Civil Aviation Organization
IEC	International Electro-technical Committee
IHB	International Hydrographic Bureau
IHC	International Hydrographic Conference
IHO	International Hydrographic Organization
IMO	International Maritime Organization
IRCC	Inter-Regional Coordination Committee
ISO	International Standards Organization
LAG	Legal Advisory Group
MACHC	Meso-American & Caribbean Hydrographic Commission
MBSHC	Mediterranean & Black Seas Hydrographic Commission
MS	Member State(s)
NGIO	Non Governmental International Organization
NHC	Nordic Hydrographic Commission
NIOHC	North Indian Ocean Hydrographic Commission
NSHC	North Sea Hydrographic Commission
PA	Professional Assistant
RHC	Regional Hydrographic Commission
ROPME	Regional Organization for the Protection of the Marine Environment
RSAHC	ROPME Sea Area Hydrographic Commission
SAIHC	Southern Africa & Islands Hydrographic Commission
SPWG	Strategic Planning Working Group
SP&WP	Strategic Plan & Work Programme
SOLAS	(UN Convention on) Safety Of Life At Sea
SEPHC	South East Pacific Hydrographic Commission
SWPHC	South West Pacific Hydrographic Commission
ToR	Terms of Reference
UN	United Nations
UNCLOS	United Nations Convention on Law of the Sea
USCHC	United States & Canada Hydrographic Commission
WEND	Worldwide Electronic Navigation Database
WG	Working Group

**APPENDIX I
SPWG MEMBERS**

RHC/Organization	Delegate	Country
BSHC	Mr. G. Nördström	Sweden
EAHC	Mr. Ng Kwok-Chu	China
	Mr. Xu Binsheng	China
EAtHC	VAdm Silva Cardoso	Portugal
	Capt. A. M. Ezequiel	Portugal
	Cdr. C. Lopes da Costa	Portugal
	Dr. R. Gomes	Portugal
IHB	VAdm A. Maratos	Greece
MACHC	Mr. K. Cooper	USA
MBSHC	Cdr. P. Lusiani	Italy
NSHC	IGA Y. Desnoës	France
	IGA M. Le Gouic	France
NIOHC	RAdm K. R. Srinivasan	India
	Capt. Jamarayan	India
	Mr. L. Rangreji	India
NHC	Mr. G. Nördström	Sweden
RSAHC	Mr. M. R. Ghaderi	Iran
SAIHC	Mr. A. Gove	Mozambique
	Capt. A. Kampfer	South Africa
SEPHC	Capt. F. Mingram	Chile
	Cdr. P. Carrasco	Chile
SWPHC	Capt. B. Kafer	Australia
	Capt. R. Ward	Australia
USCHC	Mrs K. Ries	USA
	Mrs M. Danley	USA
SPWG Chairman	Mr. F. Klepsvik	Norway
SPWG Vice Chairmen	Dr. W. Williams	UK
	Dr. H. Nishida	Japan
SPWG Secretary	Capt. F. Bermejo	IHB
Individual Countries	Mr. D. Hindryckx	Argentina
	Cdr. J. Lapenta	Argentina
	Capt. M. N. Huda	Bangladesh
	VAdm J. Soares	Brazil
	Mr. P. Jakobsen	Denmark
	Mr. J. Korhonen	Finland
	Dr. P. Ehlers	Germany

RHC/Organization	Delegate	Country
	Mr. H. Hecht	Germany
	Dr. M. Sasaki	Japan
	Mr. A. Miura	Japan
	Mr. T. Kajimura	Japan
	Mr. K. Kambara	Japan
	Radm Y. bin Ismail	Malaysia
	Radm A. De Abiega	Mexico
	Cdr. M.A. Diaz Mejia	Mexico
	Mr. G. Blanchy	Monaco
	Cdr. Y. Tber	Morocco
	Capt. R. Van Rooijen	Netherlands
	Ms H. MacFarlane	New Zealand
	Radm C. Gamarra	Peru
	Capt. J. Behr	Peru
	Capt. A Carcovich	Peru
	Cdre R. Agaton	Philippines
	Mr. Choi Young-Sub	Republic of Korea
	Mr. Park Hae Yun	Republic of Korea
	Mr. Choi Shin-Ho	Republic of Korea
	Mr. Kim Hyung-Nam	Republic of Korea
	Adm A. Komaritsyn	Russia
	Capt. V. Sobolev	Russia
	Capt. W. Chua	Singapore
	Mr. P. Oei	Singapore
	Mr. L. Wee Kiat	Singapore
	Mr. T. Ying-Huang	Singapore
	Capt. F. Quiros	Spain
	RAdm S. Soontonmongkol	Thailand
	Cdr. R. Essoussi	Tunisia
	Mrs R. Tuhey	UK
	Mr. P. Wright	UK
	Mr. F. Ostrander	USA
	Capt. R. Parsons	USA
	Mr. T. Cuff	USA

APPENDIX II SPWG TIMESCALE AND SCHEDULE



Plenary Meetings of the SPWG were held as follows:

Monaco	21 Apr 2002	Lima, Peru	12-14 May 2003
Monaco	16-17 Sep 2002	Singapore	10-12 Oct 2003
Goa, India	20-22 Jan 2003	Tokyo	1-4 Mar 2004

Meetings of the Chair Group were at:

1. Monaco, June 02	2. Monaco, August 02	3. Monaco, October 02	4. Monaco, December 02	5. London, March 03	6. Monaco, April 03
7. London, July 03	8. Monaco, August 03	9. Monaco, September 03	10. Lima, November 03	11. Monaco, January 04	12. London, February 04
13. Mumbai March 04	14. Monaco April 04	15. Monaco December 05			

Minutes of the Plenary Sessions and the Chair Group meetings can be made available on request.

The Chair Group was represented at the following meetings:

- Shipping Associations, London: August 2002.
- IMO, London: August 2002, November 2003.
- IHO Industry Workdays, Monaco: June 2002, June 2003

During the course of the study, the Chair Group was represented at meetings of the following RHCs: BSHC, EAHC, EAthC, MACHC, MBSHC, NIOHC, NHC, NSHC, SAIHC, SEPHC.

The Legal Experts held four meetings, in Monaco (June 2003), Hamburg (August 2003), Monaco (December 2003) and Tokyo (March 2004) and Paris (June 2004).

An SPWG Seminar was held in May 2004 in Greece and in September 2004 in Cartagena (Colombia).

APPENDIX III
EXTRACTS FROM SOLAS CONVENTION CHAPTER V

Regulation 2.2: Definitions

*A nautical chart or nautical publication is a special-purpose map or book, or a specially compiled database from which such a map or book is derived, that is issued officially by or on the authority of a Government, authorized Hydrographic office or other relevant government institution and is designed to meet the requirements of marine navigation. **

** Refer to appropriate resolutions and recommendations of the International Hydrographic Organization concerning the authority and responsibilities of coastal States in the provision of charting in accordance with Regulation 9.*

Regulation 9: Hydrographic Services

1. Contracting Governments undertake to arrange for the collection and compilation of hydrographic data and the publication, dissemination and keeping up to date of all nautical information necessary for safe navigation.
2. In particular, Contracting Governments undertake to co-operate in carrying out, as far as possible, the following nautical and hydrographic services, in the manner most suitable for the purpose of aiding navigation:
 - .1 to ensure that hydrographic surveying is carried out, as far as possible, adequate to the requirements of safe navigation;
 - .2 to prepare and issue nautical charts, sailing directions, lists of lights, tide tables and other nautical publications, where applicable, satisfying the needs of safe navigation;
 - .3 to promulgate notices to mariners in order that nautical charts and publications are kept, as far as possible, up to date;
 - .4 to provide data management arrangements to support these services.
- Contracting Governments undertake to ensure the greatest possible uniformity in charts and nautical publications and to take into account, whenever possible, relevant international resolutions and recommendations. *
- Contracting Governments undertake to co-ordinate their activities to the greatest possible degree in order to ensure that hydrographic and nautical information is made available on a world-wide scale as timely, reliably, and unambiguously as possible.

** Refer to the appropriate resolutions and recommendations adopted by the International Hydrographic Organization.*

APPENDIX IV

DEFINITIONS

HYDROGRAPHY

A new definition of Hydrography has been adopted in the IHO's Publication S-32 edition 6. It was communicated to the IHO Member States by Circular Letter 55/2002.

That branch of applied sciences which deals with the measurement and description of the features of the sea and coastal areas for the primary purpose of navigation and all other marine purposes and activities including (inter alia) offshore activities, research, protection of the environment and prediction services.

CAPACITY BUILDING

A definition of Capacity Building (concerning Hydrography) was developed by the IHO Capacity Building Committee in September 2003 and communicated to the IHO Member States by Circular Letter 70/2003.

With respect to the IHO, Capacity Building is defined as the process by which the Organization assesses and assists in sustainable development and improvement of the States, to meet the objectives of the IHO and the Hydrography, Cartography and Maritime Safety obligations and recommendations described in UNCLOS, SOLAS V and other international instruments.

**APPENDIX V
STRENGTHS AND WEAKNESSES QUESTIONNAIRE**

Several statements and questions were put to MS and RHCs to stimulate comments and responses. The full listing of comments (which would run into 57 pages if reproduced here) is contained in the background papers to this report, which can be made available on request.

The survey which elicited the comments is reproduced below. It contained two sections (the first on weaknesses, the second on strengths), each containing questions on specific topics. In addition, the questionnaire asked for unstructured/unsolicited comments.

(A) WEAKNESSES

A1. STRUCTURE AND BASIC DOCUMENTS

1. The IHO is not a part of the UN system.
 - a. This sometimes puts the IHO in an odd position and sometimes makes it difficult to make its voice heard in the international fora organized by the UN specialized agencies.
 - b. does not give the adequate administrative and/or legal coverage to the IHO officials (IHB employees).
2. Lack of a modern organization structure.
3. Lack of enforcement powers because of consultative status. Every regulation to become mandatory has to be accepted and included in other UN Specialized agencies directives.
4. Slow implementation of initiatives. Lengthy decision-making procedures. Decision processes too time-consuming. Inability to move issues as quickly as the contemporary environment requires. Inability to achieve timely decisions.
5. Growing inefficiency of the IHO bodies (too many resources and time spent for not enough concrete progress.)
6. Difficulties in identifying solutions meeting the wide spectrum of regional and national situations.
7. Difficulties in identifying the real benefits derived from participation or contribution to IHO.

A2. ORGANIZATIONAL MATTERS

1. Convention Articles XXI and XX are the two big impediments to a speedy way of increasing the membership and to take decisions of the Convention.
2. Growing inadequacy of the Convention to meet the issues facing HOs.
3. Lack of established mechanism to interact with the private sector.
4. Too little attention by the general public to IHO's objectives and work.
5. Competence related to hydrography scattered over various international organizations (IHO, IALA, IOC, IMO etc.).
6. Excessive bureaucracy within the organization.
7. Lack of quick consultation process for the D.C. to know the sentiments of the M.S. on issues.

A3. PROFILE, MEMBERSHIP AND PARTICIPATION

1. Low participation of M.S. in the common IHO activities. Many HOs are mainly concerned to cope with national and domestic problems and have neither the staff nor the budget to be really involved in the IHO tasks.
2. Participation is restricted due to low budgets of some Member States.
3. Invisible nature (ships and sea surveyors are rarely apparent to most people).
4. Growing disparity in capabilities among M.S. HOs.

A4. BUDGET

1. The low budget of the IHO, inadequate for an international organization. This is also a main cause of the low profile of the organization. It seems that the main concern of the IHO Member States in the past years has been "NOT TO INCREASE THE CONTRIBUTIONS". It is then useless trying to make IHO stronger without providing the adequate funding.
2. Not enough funding available to provide complete Technical Assistance to developing regions.

A5. IHB

1. Unattractive working conditions and low salaries of the IHB Directors and professional staff (compared to the high living cost of MONACO).
2. Difficult location of the Bureau. Expensive and not central area in the maritime community.
3. Not a clear distinction between the roles of IHO and IHB.

A6. WORK

1. Its dynamism is not in accordance with modern times and available technology (i.e. slow pace of ENC production.).
2. Capacity building not given the adequate importance in the IHO programmes.
3. There is only an emphasis in the field of hydrography related to charting. There are other fields as important as that.
4. Low interaction with the industry, academia, private sector in general and some relevant international organizations.
5. Little attention to services other than navigation.
6. Risk of IHO activities becoming irrelevant or inapplicable in developing regions.
7. Gap between national HO's of developed countries and developing countries.
8. Tendency to adopt an over-legalistic approach. Legal texts are there to help, not to obstruct, as a means to and not as an end to.
9. Less focus on the Regional approach. IHO should think globally but act locally.

(B) STRENGTHS

B1. STRUCTURE AND MEMBERSHIP

1. The IHO is a growing organization (16 new MS in the last ten years constitutes an appreciable increase).
2. Conversely the IHO profile is good considering the assets and capabilities of its MS: several thousands of personnel, several hundreds of sea and air survey platforms, capabilities to produce and maintain world-wide chart portfolios, capabilities to produce world-wide accepted standards for survey and charting, capabilities to provide specific hydro-oceanographic products for defence, transport, coastal management, fishing and environmental monitoring requirements.
3. The IHO is the only organization which has 14 regional commissions that cover almost completely the globe. The operational cost of these commissions is minimal; it is shared between the participants while the existence of these commissions is a tremendous vehicle of information, education and concrete help for the developing countries.
4. Wide membership amongst the most developed countries.
5. Its prestige in the international fora which plays a catalytic role in the adoption of resolutions, in matters of the maritime community, by governments and organizations.
6. Regional and global cooperation.
7. Facilitates the tasks and operations of the HOs.

B2. VISIBILITY

1. Recognized as a leading international technical organization.
2. Already recognized organization with strong links with other organizations.
3. The IHO is gaining consideration in the maritime, scientific, educational and cartographic community as well as in the standardization one.
4. Long success record: prestige and competence recognized.
5. Expertise and credibility in the field of hydrography and cartography.
6. Excellent international standing.

B3. WORK

1. Long tradition in international cooperation.
2. Cooperative attitude of Hydrographers.
3. IHO establishes standards in the field of hydrography and cartography.
4. IHO is the forum for exchanging information between countries.
5. IHO supports the demands from developing countries to know the state-of-the-art in hydrographic work.

6. Close collaboration with other international organizations, such as IMO, IOC, IALA, etc.
7. Acts as a focus on standardization in a variety of fields concerning the organization as is now WEND and CHRIS.
8. Monitor development and work on standards for the education and training in areas of IHO responsibility (not only hydrography).
9. Gives guidance for relationships with commercial companies.
10. Acts as catalyst in development of survey and charting capabilities in countries without such capabilities. Transfer of technology, know-how and training.

B4. FINANCES

1. Reasonable economic organization, with M.S. prepared to work on its tasks and goals.
-

**APPENDIX VI
GUIDELINES FOR IMPROVEMENT STUDY TEAMS**

STUDY TEAM TO IMPROVE THE STRUCTURE OF THE IHO

1. Develop proposals for the SPWG regarding a model for the future organisational and high-level procedures of the IHO, taking into account (amongst others) the following:
 - Decisions of XVIth Conference.
 - The summary of replies to the Strengths & Weaknesses Questionnaire.
 - Previous models submitted by MS.
 - The new Vision, Mission, Objectives of the IHO.
 - Pre-eminent role of Member States in an inter-governmental forum.
Remembering that the MS formulate the policies and act through Conference/ Assembly.
The success of the IHO depends on active participation, cooperation and commitment by MS: the structure must facilitate this.
 - Frequency/focus of Conferences.
Change name to Assembly?
2nd Extraordinary Conference decided that meetings should be more frequent.
How frequent? Meeting where?
 - Need for Council, Committees, Working Groups.
A Standing Council? If so, with what role and powers? How elected?
Permanent Committees? What ToRs?
 - Need for more rapid decision-making processes and implementation.
Conference voting? Voting by mail?
Tacit approval – eg for technical decisions?
Provisional Application? Role of Council? Assembly frequency?
 - Strategic Planning.
Continue as now? Council function? Permanent Committee?
Rolling review of Strategic Plan. How should work progress be monitored?
Alignment of Budget with Work Programme?
 - Technical aspects.
Organise all technical work under a Permanent Committee?
How to participate in Standard setting?
 - Regional aspirations/representation.
Similar practices as in similar international Organizations?
 - Interaction with Private Sector & NGOs.
Advisory Groups? Part of Committee Structure? Associate memberships?
 - RHCs.
Strengthened role? Efficient operation?
 - Capacity Building programmes.
Regional focus? Need for central coordination?
Funding mechanisms (eg Trust Funds)?
 - Potential growth in number of Member States.
If we doubled in size, could the structure cope?
 - Role/structure of Secretariat/Bureau.
Bureau or Secretariat? President or Secretary-General? Directors or Assistant Secretary-Generals? Responsibilities? Relationships with Council and Committees? Number and roles of Professional Staff? Election of Officials?

2. Present the proposals to the SPWG by 11th April 2003.

STUDY TEAM TO IMPROVE THE BASIC DOCUMENTS OF THE IHO

1. Develop proposals for the SPWG regarding improvements to the Basic Documents of the IHO, taking into account (amongst others) the following:
 - Studies undertaken by the IHB
 - Specific proposals on Articles XX, XXI
 - Decisions of XVIth Conference
 - Proposals from the Structure Study Team, regarding:
 - *The summary of replies to the S&W Questionnaire.*
 - *The new Vision, Mission, Objectives of the IHO.*
 - *Models previously submitted by MS.*
 - *Pre-eminent role of Member States in an inter-governmental forum.*
 - *Frequency/focus of Conferences.*
 - *Need for Council, Committees, Working Groups.*
 - *Need for more rapid decision-making processes and implementation.*
 - *Strategic Planning.*
 - *Technical aspects.*
 - *Interaction with Private Sector & NGOs.*
 - *RHCs.*
 - *Capacity Building programmes.*
 - *Potential growth in number of Member States.*
 - *Technical aspects.*
 - *Regional aspirations.*
 - *Role/structure of Secretariat/Bureau.*
 2. Identify consequent adjustments which would be required to any of the Basic Documents.
 3. Present the proposals to the SPWG by 1st September 2003.
-

**APPENDIX VII
STRENGTHS AND WEAKNESSES
SUMMARY OF RESPONSES**

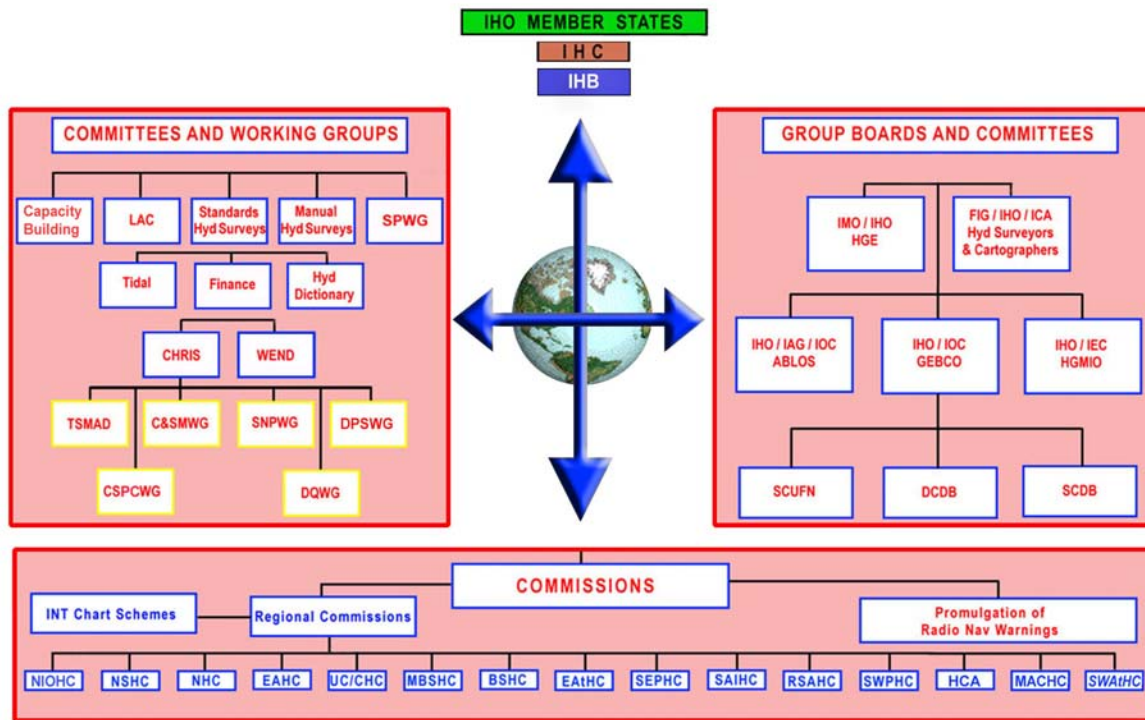
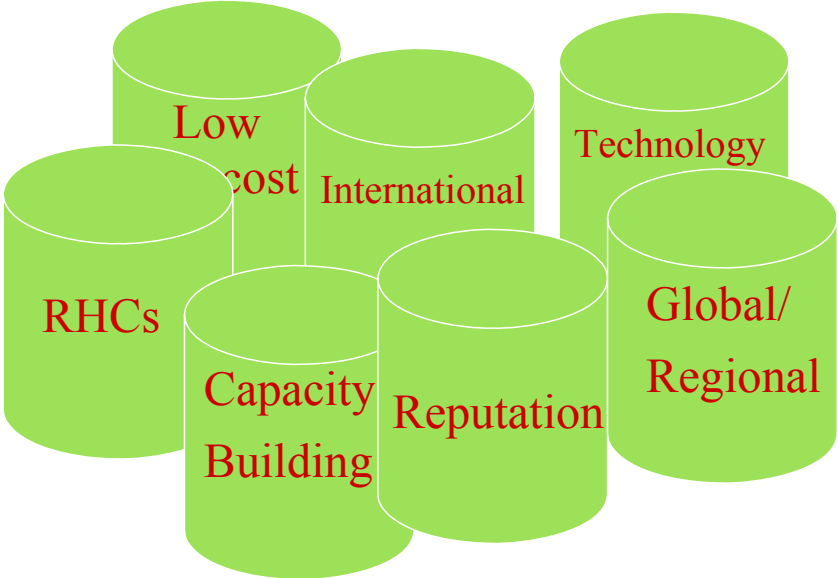


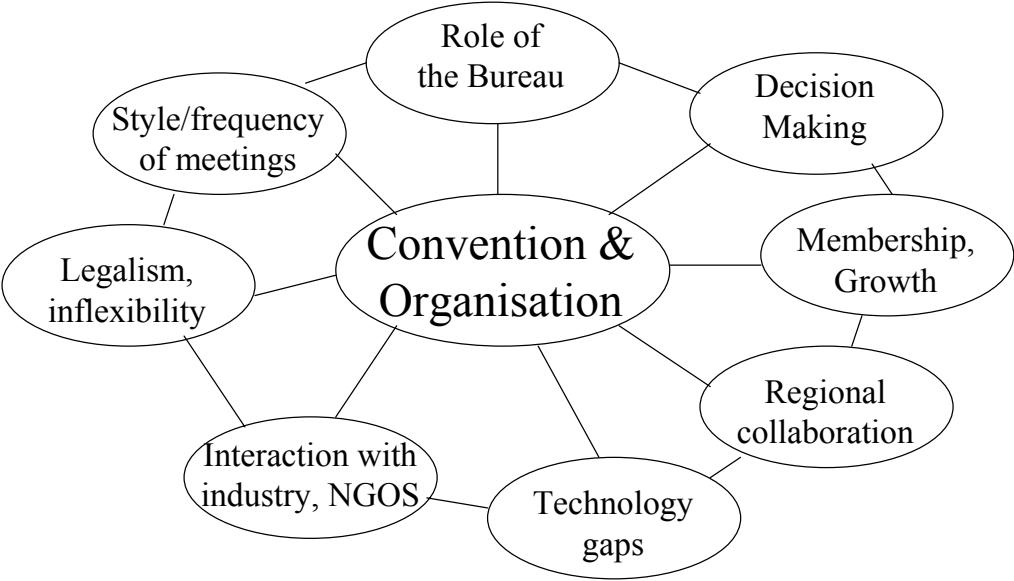
Figure 2: IHB Interaction Network

Points for the Structure Improvement Team:	Chapter/number from "Weaknesses"	Chapter/number from "Strengths"	Addressed in this study through:
Organizational structure "inappropriate"	Structure & Basic Docs #2		Assembly, Council, Finance Ctte, organs, Secretariat
Organization must act more quickly	Structure & Basic Docs #4		Council, Decision making processes
Articles XX, XXI are impediments	Organizational Matters #1		Council, Decision making processes
Convention "inadequate" to meet issues facing HOs	Organizational Matters #2		Amendments (Section 9)
Better interaction with Private sector & NGIOs	Organizational Matters #3 Work#4		Accredited Industry Advisory Groups
Better definition of role of IHB	IHB #3		Secretariat, Sec-Gen, Directors aligned with Subsidiary Organs
Over-legalistic convention/articles	Work #8		Amendments (Section 9)
If we grow, can we cope? (voting/conferences/admin)		Structure&Memb.#1	Assembly, Council, Secretariat, Decision-making processes
RHCs need strengthening		Structure&Memb.#6	IRCC
Low participation of MS in IHO business	Profile, Memb.& Partic. #2		Council, organs, RHCs, Capacity Building
Capacity Building - needs strengthening/focus/budget	Profile, Memb.& Partic. #4 Work #2,#6,#7	Structure&Memb.#3 Wk#10	IRCC, financial mechanisms
Budget alignment with objectives and goals	Budget #1,#2		Council, Finance Cttee, Subsidiary Organs, Secretariat
Training -needs coordination, funding	Profile, Memb.& Partic. #4 Work #2,#6,#7	Work #10	Council, PCs

Storehouse of Strengths:



Web of Weaknesses:



APPENDIX VIII COUNCIL MEMBERSHIP

The Council has a minimum of 30 Council members (or 25% of MS, if that is greater).

Based on 30 seats:-

20 Council Seats are allocated to the Regional Hydrographic Commissions.

10 Council Seats are allocated to Member States who have the greatest tonnage.

A Quorum will be 2/3 of the Members of the Council.

No Member State may hold more than 1 seat on the Council, and a MS can only choose to represent one RHC of which it is a full member. The MS must inform the relevant RHC, copied to the Secretariat, stating its choice of RHC candidature. For the purposes of these calculations, that MS is then not counted in any other RHCs of which it may be a member.

The composition will be defined as follows:

REGIONAL BASIS

The 20 seats from the Regional Basis are allocated first.

The number of seats allocated to each RHC will be calculated by the Secretary-General based on the principle of a proportional distribution between RHCs (taking into account the number of MS in each RHC) in order to arrive at the required two thirds of the Council seats. The Secretary-General may allocate a proportional number of seats to groups of MS who are not affiliated to a RHC.

An example of how the seats could be allocated, to arrive at 20 seats is:

- RHCs which have 1-6 members - 1 seat
- RHCs which have 7-13 members - 2 seats
- RHCs which have 14+ members - 3 seats
- Groups of MS who are not affiliated to a RHC – 1 seat.

(This is only an example, and may not be the mechanism actually used by the Secretary-General.)

INTEREST BASIS

Member States already declared as Council Members to represent an RHC are removed from this procedure.

The remaining MS are assessed on their flag state tonnage as stated in the most recent IHO Year Book – the top 10 being allocated 1 seat each. Should an MS thus identified not wish to take up a Council seat, or if it has already been elected to represent an RHC, the seat goes to the next highest tonnage.

CLARIFYING EXAMPLE

In Table I (which again is only an example of Regional representation, using the formula given above), the MS named in parenthesis are expected to be full members of the IHO by the time this scheme would be implemented. The MS with names struck out in an RHC have been assumed to have chosen to be associated with another RHC.

TABLE I

RHC	Members	Number	Seats
BSHC	Denmark, Estonia, Finland, Germany, (Latvia), Poland, Russia, Sweden	5	1
EAHC	China, Indonesia, Japan, Malaysia, Philippines, Rep. of Korea, Singapore, Thailand	8	2
EatHC	France, Morocco, Nigeria, Portugal, Spain	4	1
MACHC	Colombia, Cuba, France , Guatemala, Jamaica, Mexico, Netherlands , Trinidad & Tobago, UK , USA, Venezuela	7	2
MBSHC	Algeria, (Bulgaria), Croatia, Cyprus, Egypt, France , Greece, Italy, Monaco, Morocco, (Romania), Russia , Serbia & Montenegro, Slovenia, Spain, Syria, Tunisia, Turkey, Ukraine	17	3
NHC	Denmark, Finland, Iceland, Norway, Sweden	5	1
NIOHC	Bangladesh, India, (Myanmar), Oman, Pakistan, Sri Lanka, Thailand, UK	7	2
NSHC	Belgium, Denmark, France, Germany, Iceland , Netherlands, Norway, Sweden , UK	3	1
RSAHC	Bahrain, Iran, Kuwait, Oman, Pakistan , Qatar, (Saudi Arabia), UAE	7	2
SAIHC	France , Mozambique, Norway , South Africa, UK	2	1
SEPHC	Chile, Colombia , Ecuador, Peru	3	1
SWPHC	Australia, Fiji, France , New Zealand, Papua New Guinea, Tonga, UK , USA	5	1
USCHC	Canada, USA	2	1
Other	Brazil, Uruguay, Argentina, Dem. Rep. Korea	4	1
TOTAL COUNCIL SEATS			20

TABLE II

The following table shows the 20 highest tonnages, based on entries in the IHO 2002 Yearbook:

Rank	MS	Tonnage (x million)
1	China	29.0
2	Greece	28.8
3	Cyprus	27.5
4	Norway	22.2
5	Singapore	19.6
6	UK	19.2
7	USA	18.7
8	Japan	14.8
9	Russia	8.9
10	Italy	8.2
11	India	7.2
12	Germany	6.5
13	Turkey	6.5
14	Denmark	6.5
15	Philippines	6.3
16	Netherlands	5.6
17	France	5.3
18	Malaysia	5.2
19	Iran	4.7
20	Canada	4.2

China, Greece, Cyprus, Norway, Singapore, UK, USA, Japan, Russia, Italy would be allocated seats. If (say) four of those have already gained seats through RHC nominations, tonnage seats would go to India, Germany, Turkey, Denmark, etc.

**APPENDIX IX
ACCREDITATION TO THE IHO OF NON-GOVERNMENTAL INTERNATIONAL
ORGANIZATIONS**

Rule 1 Applicability

Subject to approval by the Assembly, the Council may grant observer status to any non-governmental international organization which is able to make a substantial contribution to the work of the IHO.

Rule 2 Purpose

Decisions to grant observer status to any non-governmental international organization shall be based on the principles that the purpose for entering into observer status shall be:

- (a) to enable the IHO to obtain information, help or expert advice from the non-governmental international organizations with special knowledge in the Organization's activities. Such information, help or advice can include (but not be limited to) :
 - (1) consolidated strategic advice on the technical work program of the Organization, such as the needs of the user community, emerging technologies, required standards, data requirements and future trends;
 - (2) co-operation on technical programs of mutual interest including the proposal of new programs that fall under the responsibility of IHO;
 - (3) the effectiveness of the implementation of the technical activities of IHO, such as standards, specifications and capacity building;
 - (4) advice on issues relevant to the IHO, on request;
 - (5) support to the technical program of the IHO for capacity building;
 - (6) provision of representatives with special knowledge to IHO working groups.
- (b) to enable such NGIOs whose activities have an important and direct bearing on the work of the IHO to express their points of view to the Organization. They may request information of interest from the IHO to be distributed to their members.

Rule 3 Objectives and activities of the NGIO

Before granting observer status to any non-governmental international organization, the Council must be satisfied that the objectives and functions of the non-governmental international organization are in harmony with the objectives of the IHO, as defined in Article 3 of the Convention.

Rule 4 General Undertaking by the NGIOs

Observer status may not be granted to a non-governmental international organization unless it undertakes to support the activities of the IHO and to promote the dissemination of its principles and work, bearing in mind the objectives and functions of the IHO on the one hand and the competence and activities of the non-governmental international organization on the other.

Rule 5 Constitution and Structure of the NGIOs

Observer status may not be granted to any non-governmental international organization unless it has a permanent headquarters, a governing body and an executive officer. It must also be authorized under its constitution to speak for its members through accredited representatives.

Rule 6 Privileges conferred by Observer Status

The granting of observer status to a non-governmental international organization shall confer the following privileges on that organization:

- (a) the right to receive the provisional agenda for the sessions of the Assembly, the Council and the subsidiary organs of the IHO;
- (b) the right to submit written statements on items of the Agenda of the Assembly, the Council and subsidiary organs which are of interest to the non-governmental international organization concerned, after appropriate consultation with the Secretary-General, provided that such submission does not impede the smooth functioning of the IHO organ involved. The non-governmental international organization concerned shall give due consideration to any comment which the Secretary-General may make in the course of such consultations before transmitting the statement in final form;
- (c) the right to be represented by an observer at any meeting of the Organs of the IHO, at which matters of special interest to the non-governmental international organizations concerned are to be considered;
- (d) the right to receive the texts of resolutions adopted by the Assembly and Council and of the appropriate supporting documents.

Rule 7 Status of the NGOs at Meetings of the IHO

Normally one observer from each non-governmental international organization shall be admitted to any session or meeting. Such observer shall have no voting rights but may, on the invitation of the Chairman and with the approval of the body concerned, speak on any item of the agenda of special interest to the non-governmental international organization of which he is the representative.

Rule 8 Granting of Reciprocal Privileges to the IHO

Any non-governmental international organization to which observer status is granted shall keep the Secretary-General informed of those aspects of its own activities which are likely to be of interest to the IHO, and shall accord to the IHO privileges corresponding to those which are granted to the NGO by the IHO.

Rule 9 Consideration of Application

The Council shall only consider applications for observer status from non-governmental international organizations once a year and shall not consider re-applications from such organizations until at least two years have elapsed since the Council took a decision on the original application.

Rule 10 Periodic Review of the List of Observer NGOs

The Council shall review from time to time the list of non-governmental international organizations to which they have granted observer status, in order to determine whether or not the continuance of their status in any particular case is necessary and desirable. The Council shall report to the Assembly accordingly.

APPENDIX X COST COMPARISON

This is a comparison of the costs of the IHO in two different organisational structures:

- The Status Quo (SQ), describing the IHO as it operates at present
- The Proposed Model (PM).

This financial model does not include every aspect of IHO business: it only contains those aspects which directly relate to its formal meetings, conferences and commissions. The model is based on:

- The number of regular IHO meetings
- The location of IHO meetings (ie in Monaco or elsewhere in the world) – but Assemblies are assumed always to be in Monaco
- The daily cost to the Bureau/Secretariat of hosting meetings, in Monaco or elsewhere, to cover hire of a conference hall (where necessary), translators, translations and reprographics
- The number of senior Bureau/Secretariat officers (Directors and PAs)
- The average annual salary of the senior officers
- The number of them involved in specific meetings
- Typical figures for travel and subsistence costs for those officers when they travel outside Monaco to IHO meetings
- Notional figures for travel and subsistence for those officers at IHO meetings within Monaco
- The number of States expected to be full-time members of IHO by the time the PM or AM would be implemented, in several years time
- An average number of delegates per MS in different types of meetings
- Typical figures for travel and subsistence costs for MS delegates when they attend IHO meetings anywhere in the world
- Estimates of the costs of Assemblies, Councils, Subsidiary Organs, RHCs and Secretariat.

Costs are estimated separately for the IHB and for Member States. They are given in US\$.

Since the two organisational structures (SQ, PM) propose different inter-meeting periods, a timescale of 30 years has been used in order to encompass whole numbers of complete meeting cycles for each proposal. The figures shown are averaged annual ones, and assume a zero cost growth during this period.

The daily cost to the Bureau of hosting a Conference/Assembly in Monaco is the average of the last three Conferences. The daily cost to the Bureau of hosting a Council, major Committee or RHC is very much less, since the (“free”) IHB headquarters can be used, there is no need to hire a large Conference Centre and there are lower levels of translation and reprographic requirements. The figures used in the model are significantly higher than those currently experienced by the Bureau for (eg) SPWG/WEND/CHRIS meetings.

The main elements of the two structures to be compared are as follows:

Status Quo:

- Conferences held every 2¹/₂ years (the typical period in the last decade)
- Conference duration 9 days (typical of last four Conferences)
- A Finance Committee (meeting in conjunction with the Conference)
- No Council
- At least 8 Subsidiary Organs/working groups which meet in host countries: some annually, some every 2 years (WEND, SPWG, CHRIS, TSMAD, Tidal, CPRNW, ABLOS, IHG, HGMIO, etc, etc).

- Committee meeting duration 2 days
- 14 RHCs which meet in host countries every 2 years
- RHC meeting duration 2 days
- A Bureau containing 3 Directors, 5 PAs.

Proposed Model:

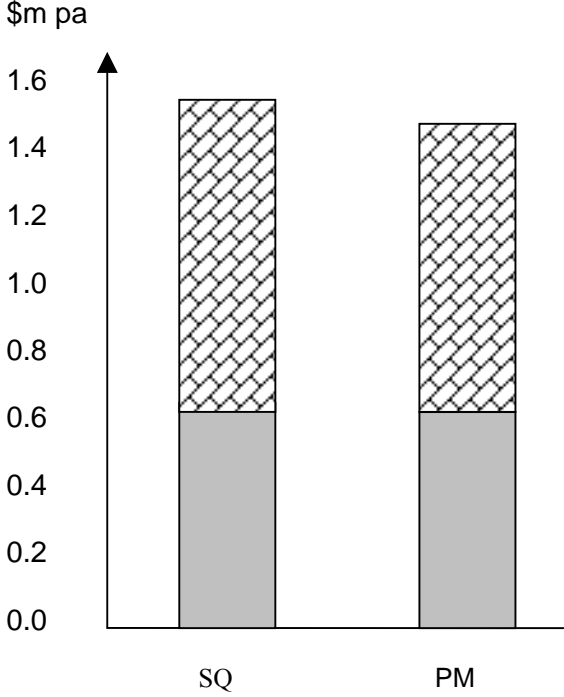
- Assemblies held every 3 years
- Assembly duration 5 days (see below)
- A Finance Committee, meeting in conjunction with the Assembly
- A Council which meets annually
- Council duration 4 days (see below)
- 2 major Committees (HSSC, IRCC) with two Working Groups (Hydrography, Cartography), all meeting annually
- Major Committee meeting duration 2 days
- 14 RHCs meeting (on average) every 2 years
- RHC meeting duration 2 days
- A Secretariat containing 1 Secretary-General, 2 Directors, 5 PAs.

The duration of Council meetings and Assemblies in the Proposed Model are derived from the following assumed agenda plans:

Council -	Day 1	Inauguration, previous minutes/actions
	Day 2	Technical matters (reports of HSSC, etc)
	Day 3	Regional matters (reports of IRCC, RHCs, etc)
	Day 4	Strategic Planning, Finance & Budget issues
Assembly -	Day 1	Inauguration, previous resolutions/actions, Finance Committee meeting
	Day 2	Technical matters
	Day 3	Regional matters
	Day 4	Strategic Plans, Financial approvals
	Day 5	Elections

The duration of Conferences in the Status Quo is taken as the average length of recent Conferences.

Assumptions:		SQ	PM
Costing Period	yrs	30	30
Member States			
No. of MS in IHO		80	80
T&S costs per MS per day in meetings	\$	150	150
Average air travel cost per MS per meeting	\$	1,000	1,000
Secretariat			
Secretary-General		1	1
Directors		2	2
Assistants		5.0	5.0
Average annual salary per officer	\$	70,000	70,000
T&S costs per officer per day within Monaco	\$	1	1
Average air travel cost per trip within Monaco	\$	1	1
T&S costs per officer per day out of Monaco	\$	150	150
Average air travel cost per trip out of Monaco	\$	1,000	1,000
Assemblies			
Period between Assemblies	yrs	2.5	3
No. of Assemblies in Costing period		12	10
Duration of Assembly	days	9	5
MS attendance at Assembly		80	80
Delegates/MS at Assembly		4	4
Hall, translation, repro costs per day	\$	18,000	18,000
Secretariat staff involved in each Assembly		8	8
Councils			
Period between Councils	yrs	0	1
No. of Council mtgs in Costing Period		0	30
% of occasions when Council meets outside Monaco	%	0	50
Duration of Council	days	0	4
MS attendance at Council		0	20
Delegates/MS at Council		0	2
Hall, translation, repro costs per day	\$	0	1,000
Secretariat staff involved in each Council mtg		0	4
Committees			
No. of Subsidiary Organs/Working Groups		8	5
Period between Committee meetings	yrs	1.5	1
No. of individual Committee meetings in Costing Period		20	30
Total no. of Committee meetings in Costing Period		160	150
% of occasions when a Committee meets outside Monaco		50	50
Duration of Committee meetings	days	2	2
MS attendance at Committees		30	30
Delegates/MS at Committees		2	2
Hall, translation, reprographic costs per day	\$	500	500
Secretariat staff involved in each Committee meeting		3	3
RHCs			
No. of RHCs		14	14
Period between individual RHC meetings	yrs	2	2
No. of individual RHC meetings in Costing period		15	15
Total no. of RHC meetings in Costing period		210	210
% of occasions when a RHC meets outside Monaco		100	100
Duration of RHC meetings	days	2	2
MS attendance at RHC		6	6
Delegates/MS at RHCs		2	2
Hall, translation, repro costs per day	\$	500	500
Secretariat staff involved in each RHC meeting		2	2



% Decrease compared to Status Quo:

	SQ	PM
IHB costs	0.00	1.08
MS costs	0.00	0.03
Total costs	0.00	0.50

- All MS costs
- Secretariat costs

APPENDIX II

**CONFERENCE RESOLUTION AND PROTOCOL OF AMENDMENTS
TO THE IHO CONVENTION**

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 XXI 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

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**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 XXI 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.

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 Hereby certifies that the Government of the Principality of Monaco has registered with the Secretariat in accordance with Article 102 of the Charter of the United Nations 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 UNIE Certifie par la presente que le Gouvernement de la Principauté de Monaco a enregistré au Secrétariat conformément aux termes de l'Article 102 de la Charte des Nations Unies la Convention relative à l'organisation hydrographique internationale (avec règlement général). Signée à Monaco le 3 mai 1967.</p>
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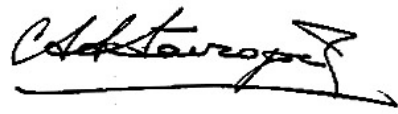
The registration took place on 22 September 1970
under No. 10764
Done at New York, on 25 January 1971

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.

**LIST OF EXHIBITORS TO THE 3rd EXTRAORDINARY INTERNATIONAL
HYDROGRAPHIC CONFERENCE**

Stand Code	Exhibitor	Country
23	Applanix Corporation	Canada
6	ATLAS Hydrographic GmbH	Germany
14	CARIS BV	Netherlands
4b	C-MAP Norway AS	Norway
8	DCI/NAVFCO	France
13	EIVA a/s	Denmark
22	ESRI	USA
5	Gardine Hydro	UK
19	GeoAcoustics Ltd	UK
17	GITC bv	Netherlands
4a	Hydroservice AS	Norway
2	HYPACK, Inc.	USA
20b	IC-ENC	UK
7	Innerspace Technology, Inc.	USA
16	IVS 3D – Fledermous	USA
21	iXSea	France
10	Knudsen Engineering Ltd	Canada
1	Kongsberg Maritime	Norway
9	L-3 Communications ELAC Nautik GmbH	Germany
20a	Primar International ENC Service	Norway
18	RDInstruments Europe	France
15	Reson A/S	Denmark
11	SevenCs AG & Co. KG	Germany
3	Tenix LADS Corporation	Australia
12	T-Kartor Sweden AB	Sweden

