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PROTOCOL OF AMENDMENTS TO CONVENTION ON INTERNATIONAL HYDROGRAPHIC ORGANIZATION

MESSAGE

FROM

THE PRESIDENT OF THE UNITED STATES

TRANSMITTING

PROTOCOL OF AMENDMENTS TO THE CONVENTION ON THE INTERNATIONAL HYDROGRAPHIC ORGANIZATION DONE AT MONACO ON APRIL 14, 2005

OCTOBER 23, 2007.—Treaty was read the first time, and together with the accompanying papers, referred to the Committee on Foreign Relations and ordered to be printed for the use of the Senate

U.S. GOVERNMENT PRINTING OFFICE
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LETTER OF TRANSMITTAL

THE WHITE HOUSE, *October 23, 2007.*

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Protocol of Amendments to the Convention on the International Hydrographic Organization done at Monaco on April 14, 2005. The Protocol amends the Convention on the International Hydrographic Organization, which was done at Monaco on May 3, 1967, and entered into force for the United States on September 22, 1970 (TIAS 6933; 21 UST 1857; 752 UNTS 41). I am also transmitting, for the information of the Senate, the report of the Secretary of State on the Protocol.

The Protocol will facilitate the reorganization of the International Hydrographic Organization (IHO). The IHO, which is a technical and consultative international organization headquartered in Monaco, facilitates safe and efficient maritime navigation throughout the world. It accomplishes these objectives by facilitating the coordination of the activities of national hydrographic offices, promoting uniformity in the nautical charts and documents generated by such offices, encouraging the adoption of reliable surveying methods, and fostering the development of the science of hydrography. Reorganization of the IHO will result in a more flexible, efficient, and visible organization.

Ratification of the Protocol would serve important U.S. interests. United States commercial shipping, the United States Navy, and the scientific research community rely heavily on hydrographic information collected and shared under the auspices of the IHO. The United States plays an important leadership role in the IHO and as a result enjoys expeditious and economical access to this information. Moreover, the United States has committed more resources than any other country to research, development, and evaluation of hydrographic instruments and therefore stands to benefit significantly from the efficiencies generated by this reorganization.

Article XXI of the Convention sets forth the procedure for the approval and entry into force of amendments: amendments that are adopted or "approved" by the Conference enter into force for all Contracting Parties to the Convention 3 months after two-thirds of the Contracting Parties have notified the depositary of their consent to be bound.

I recommend that the Senate give prompt and favorable consideration to the Protocol and give its advice and consent to ratification.

GEORGE W. BUSH.

LETTER OF SUBMITTAL

THE SECRETARY OF STATE,
Washington, September 4, 2007.

The PRESIDENT,
The White House.

THE PRESIDENT: I have the honor to submit to you, with the recommendation that you transmit it to the Senate for its advice and consent to ratification, the Protocol of Amendments to the Convention on the International Hydrographic Organization (IHO), done at Monaco, April 14, 2005. The Protocol amends the Convention on the International Hydrographic Organization done at Monaco on May 3, 1967. Interested U.S. government agencies recommend that you transmit the Protocol to the Senate for its advice and consent to ratification.

Amendments to the Convention will enable the IHO to respond rapidly to changing technologies, incorporate new members, streamline its decision-making process, and enhance its role as the lead international hydrographic organization. The IHO facilitates safe and efficient maritime navigation throughout the world by, inter alia, coordinating the activities of national hydrographic offices, promoting uniformity in the nautical charts and documents generated by such offices, and fostering the development of the science of hydrography. U.S. commercial shipping, the U.S. Navy, and the scientific and research community rely heavily on hydrographic information collected and shared under the auspices of the IHO. In accordance with Article XXI of the Convention, the amendments will enter into force for all members of the Organization three months after two-thirds of the members have notified the depository of their consent to be bound.

I recommend that the Protocol of Amendments to the Convention on the International Hydrographic Organization be transmitted to the Senate for its advice and consent as soon as possible.

Respectfully submitted,

CONDOLEEZZA RICE.

Enclosure: As stated.

OVERVIEW OF THE PROTOCOL OF AMENDMENTS TO THE CONVENTION ON THE INTERNATIONAL HYDROGRAPHIC ORGANIZATION

The original Convention, which entered into force in 1970, changed the legal status of the International Hydrographic Organization (IHO). Currently, there are 80 States that are party to the IHO Convention, including the United States. Rapidly changing technologies and increasing demands from the maritime community for up-to-date hydrographic instruments led States that are

members of the IHO to push for its reform. In April 2002, the XVIth Conference of the IHO established the Strategic Planning Working Group (SPWG) to study the structure and processes of the IHO and develop appropriate recommendations on reform, including revisions to the Convention. At the direction of the Conference, the SPWG developed a series of recommendations intended to make the organization's decision-making process more efficient, streamline the membership application process to increase membership, and increase the visibility of the organization. The United States actively participated in the SPWG. Throughout the negotiations, the U.S. delegation had one key objective—adoption of recommendations that would facilitate a cost-effective reorganization of the IHO.

In April 2005, the Third IHO Extraordinary Conference adopted a series of recommendations to reorganize the organization to address weaknesses identified in the current organization. The weaknesses, which include slow decision-making processes, slow growth in membership, and inadequate interaction with other international organizations and industry, were affecting the IHO's ability to execute its mandate effectively. The reorganization is intended to make the organization more responsive to Member States' needs by, inter alia, providing for faster decision-making through more regularly scheduled Conferences in which all Member States participate and annual meetings of a smaller, more dynamic representative body, the Council, through which Member States can oversee the organization between Conferences. Reorganization will consolidate the committee structure, which will result in improved communication mechanisms and better defined organizational goals and operating guidelines. Relationships with other intergovernmental organizations, such as the International Maritime Organization, and non-governmental associations, industry, and professional institutions will be expanded and improved to facilitate better understanding of the mission and goals of the IHO and ways through which the IHO can interact with, and support efforts of, other organizations with similar objectives.

Implementation of some of the recommendations requires amendments to the Convention. The Protocol of Amendments will amend the Convention by, inter alia, clarifying the respective functions of the organs of the organization, including those of the principal organ, the Conference (to be referred to as the "Assembly"); establishing a new organ, the Council, with responsibility for coordinating the activities of the organization during the period between two Assemblies; shortening the period between meetings of the Assembly from five years to three years to enable the organization to address significant policy concerns on a more timely basis; and streamlining the process by which States can become members, thereby facilitating increased Member State participation in the organization, greater worldwide chart coverage, and, as a result, improved safety of global navigation. These amendments do not change the fundamental technical and consultative nature of the organization.

Article XXI of the Convention sets forth the procedure for the approval and entry into force of amendments: amendments that are adopted or "approved" by the Conference enter into force for all

Contracting Parties to the Convention three months after two-thirds of the Contracting Parties have notified the depositary of their consent to be bound.

A more detailed description of the amendments is provided in the article-by-article analysis presented below.

ARTICLE 1

This provision amends the Preamble to replace the reference to "Governments Parties" to this Convention with "States Parties," in order to conform with the more used terminology for States that are party to an agreement. It also adds three new paragraphs to the preamble, which, respectively, clarify the coordinating role of the Organization with respect to the setting of standards for the production of hydrographic data and the provision of hydrographic services; describe the vision of the Organization to be that of the "authoritative worldwide hydrographic body;" and assert that the mission of the 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." Nothing in these new paragraphs changes the technical and consultative nature of the Organization.

ARTICLE 2

This provision amends Article II of the Convention to provide a more detailed description of the Organization's objectives. It describes the specific objectives of the Organization, all of which are consistent with the longstanding functions and purposes of the Organization, which are to facilitate coordination of the activities of national hydrographic offices, promote uniformity in nautical charts and documents, adopt reliable and efficient methods of carrying out hydrographic surveys, and foster the development of sciences in the field of hydrography and the techniques employed in descriptive oceanography.

ARTICLE 3

This provision amends Article III of the Convention to replace the reference to "Governments Parties" with "States Parties," in order to conform with the more regularly used terminology for States that are party to an agreement.

ARTICLE 4

This provision amends Article IV of the Convention to reflect the Conference's decision to replace the reference to "The International Hydrographic Conference" with the term "Assembly," and the reference to the "International Hydrographic Bureau" with the term "Secretariat." Neither change affects the substantive roles of either organ of the Organization. The provision further amends Article IV to reflect the Conference's decision to establish a new organ known as the "Council," to make a specific reference to the existing Finance Committee, and to acknowledge the possible creation of additional subsidiary organs. The roles and composition of the Assembly, Council, Finance Committee, and Secretariat are addressed in subsequent provisions of the Protocol.

ARTICLE 5

This provision replaces Article V and incorporates provisions of Article VI of the Convention, resulting in language that clarifies the structure, composition, functions, and working methods of the Conference (to be referred to as the Assembly consistent with the amendment set forth in Article 4 of the Protocol), which is the principal organ of the Organization. Article 5 provides that the Assembly shall be the principal organ of the Organization and shall have all the powers of the Organization, unless otherwise regulated by the Convention or delegated by the Assembly to other organs. With the exception of a change of terminology from "Conference" to "Assembly," this is consistent with the provisions of the existing Convention. Article 5 provides that the Assembly shall be comprised of all the Member States of the Organization and is consistent with current Article VI of the Convention, which states that the "Conference shall be composed of representatives of Member Governments." Article 5 provides that an ordinary session of the Assembly shall be held every three years as opposed to every five years as currently provided for in Article VI of the Convention. The decision to shorten the period between ordinary sessions of the Assembly is consistent with the SPWG recommendation to hold more frequent Assembly meetings to enable the Organization to respond more effectively to rapidly changing technologies and other developments that affect the Organization's functions. Article 5 establishes a quorum for meetings of the Assembly and lists the functions of the Assembly, which include, inter alia, deciding the overall policy, strategy, and work program of the Organization; deciding on any proposals put to it by any Member State, the Council or the Secretary-General; approving the three-year budget of the Organization; deciding on the operational services of the Organization; delegating, where appropriate and necessary, responsibilities to the Council, and establishing subsidiary organs of the Organization.

ARTICLE 6

This provision replaces Article VI of the Convention with a provision that describes the structure, composition, functions, and certain working methods of the Council, which will constitute a new organ of the Organization. The Council was established in order to facilitate decision-making between Assembly sessions. Article 6 provides that the Council will be comprised of one-fourth, but not less than thirty, of the Member States of the Organization. It states that the principles governing the composition of the Council will be set forth in the General Regulations. Article 6 further provides that the Council will meet at least once a year to perform the functions delegated to it by the Assembly or otherwise conferred on it directly under the Convention. It sets forth the functions of the Council, including coordinating activities of the Organization during the period between Assembly sessions; reporting to the Assembly at each ordinary session on the work of the Organization; preparing proposals, with the support of the Secretary-General, on the overall strategy and work program to be adopted by the Assembly; and proposing to the Assembly the establishment of subsidiary organs. Member States that are not members of the Council may par-

ticipate in the meetings of the Council, without the right to vote and the quorum required for a meeting of the Council would be two-thirds of the members of the Council.

ARTICLE 7

This provision amends Article VII of the Convention concerning the Finance Committee to clarify that membership in the Finance Committee shall be open to all Member States, each Member State shall have one vote, and that the Finance Committee "shall normally be convened in conjunction with each ordinary session of the Assembly and may convene additional meetings as appropriate." It amends Article VII to include a description of the functions of the Finance Committee and an explicit reference to the Committee's existing authority to elect its Chair and Vice-Chair.

ARTICLE 8

This provision amends Article VIII of the Convention, which describes the functions of the International Hydrographic Bureau, now to be referred to as the "Secretariat." It amends Article VIII by adding a new subparagraph on the composition of the Secretariat, an issue currently addressed under Article IX of the Convention. Article 8 further amends Article VIII by providing a description of the role and functions of the Secretary-General, an issue currently addressed, in part, in Article X of the Convention (referring to the President of the Directing Committee). For example, Article 8 explicitly provides that the Secretary-General shall be the chief administrative officer of the Organization; although this is currently the case, it is not specifically addressed in the Convention. Article 8 further amends Article VIII of the Convention to provide that the Secretary-General, Directors, and other personnel of the Organization must act as "international officials" (rather than representatives of their own governments) and as such must refrain from any action that may be incompatible with their positions as international officials. Moreover, Article 8 requires Member States to respect the exclusively international character of the responsibilities of the Secretary-General, Directors and personnel of the Organization and not seek to influence them in the discharge of their responsibilities. Although the Convention does not currently make references to the responsibility of Organization personnel to act as "international officials" and the duty of Member States to refrain from unduly influencing the work of such officials, both personnel and Member States have generally understood that this is expected of them.

ARTICLE 9

This provision amends Article IX of the Convention by replacing language that previously described the composition of the Bureau (now referred to as the "Secretariat" and dealt with in Article 8 of the Protocol) with provisions on the decision-making process of the Organization. This provision codifies existing practice. Member States should try to reach decisions by consensus. Where decisions cannot be reached by consensus, each Member State generally shall have one vote. With regard to the election of the Secretary-General

and Directors, however, each Member State shall have a number of votes determined by a scale established in relation to the tonnage of their fleets. With the exception of decisions on matters relating to the policy or finances of the Organization, amendments to the Convention, and accession to the Convention by a State that is not a member of the United Nations, decisions that cannot be reached by consensus shall be taken by a simple majority of Member States present and voting.

ARTICLE 10

Article 10 replaces Article X of the Convention concerning the Bureau (referred to as the "Secretariat" under amendments set forth in the Protocol and addressed in Article 8 of the Protocol) with a provision that authorizes the Organization to cooperate with international organizations whose interests and activities are related to the purpose of the Organization.

ARTICLE 11

This provision amends Article XI of the Convention by clarifying that in the event of inconsistency between the Convention and the General Regulations or Financial Regulations, the Convention shall prevail. This provision codifies existing practice.

ARTICLE 12

This provision amends Article XIII of the Convention by replacing the reference to "juridical personality" with a reference to "legal personality," a term more commonly used in the constituting instruments of international organizations.

ARTICLE 13

This provision provides for the replacement of the phrase "Member Governments" in Article XIV(a) of the Convention with a reference to "Member States" in accordance with the decision of the Third Extraordinary Conference. This is a formalistic change that does not alter the substance of Article XIV(a). Article 13 further provides for the replacement of the term "Finance Committee" in Article XIV(b) of the Convention with the term "Assembly." This change is necessary to implement the Conference's decision to require Assembly approval of the use of donations, bequests, subventions and other sources to fund the expenses of the Organization; this function currently falls within the purview of the Finance Committee.

ARTICLE 14

This provision amends Article XV of the Convention to clarify that the "rights" that Member States stand to lose as a result of being in arrears for two years in their contributions are restricted to "voting rights."

ARTICLE 15

This provision amends Article XVI by replacing language concerning the Directing Committee's role in drafting the budget of the Organization—an issue taken up in Article 8 of the Protocol, which

among other things describes the functions of the Secretariat—with a provision clarifying the depositary functions of the Government of His Serene Highness the Prince of Monaco. These functions include informing the Secretary-General and all Member States of applications for accession received from States that are not members of the United Nations and informing the Secretary-General and all Member States of each new deposit of an instrument of ratification, acceptance, approval, or accession, the date of entry into force of any amendment to the Convention and the deposit of any instrument of denunciation of the Convention, together with the date on which its was received and the date on which the denunciation takes effect. This provision is consistent with current provisions of the Convention concerning the functions of the depositary.

ARTICLE 16

This provision amends Article XVII of the Convention by replacing the phrase "Directing Committee" with the phrase "Secretary-General of the Organization." This change is consistent with the Conference's decision to revise the functions of the Directing Committee and for purposes of this specific provision authorize the Secretary-General to offer his or her good offices to facilitate the settlement of disputes concerning the interpretation or application of the Convention. The Secretary-General's good offices are not the only mechanism available for facilitating the settlement of disputes. Article XVII of the Convention provides that disputes also may be settled by negotiation or, at the request of one of the parties to the dispute, by an arbitrator designated by the President of the International Court of Justice.

ARTICLE 17

This provision amends Article XX of the Convention to reflect the Conference's decision to make it easier for States that are members of the United Nations to become party to the Convention. Currently, under Article XX of the Convention, a maritime State may accede to the Convention if it applies to the Government of the Principality of Monaco specifying the tonnage of its fleets and has its admission approved by two-thirds of the Member Governments of the Organization. Article 17 amends this provision to provide that any State that is a member of the United Nations may accede to the Convention by depositing its instrument of accession with the Depositary. States that are members of the United Nations will no longer be required to have their admission approved by two-thirds of the membership of the Organization. States that are not members of the United Nations will have to apply to the Depositary and have their applications approved by a two-thirds vote of the Member States.

ARTICLE 18

This provision amends Article XXI of the Convention. Some of the amendments are technical changes to reflect decisions by the Conference to use new terms for certain entities, in this case, replacing "Contracting Party" with "Member State," "Contracting

Parties" with "Member States," "Conference" with "Assembly," "President of the Directing Committee" with "Secretary-General of the Organization," and "Government of the Principality of Monaco" with "the Depositary." Article 18 also provides that proposals of amendments will be decided upon by a majority of two-thirds of the Member States present and voting, which differs from the current requirement that proposals of amendments be decided upon by a "majority of two-thirds of the Member Governments represented at the Conference." Article 18 of the Protocol also amends Article XXI of the Convention to require that proposals of amendments be submitted to the Secretary-General not less than six months prior to the next session of the Assembly. Article XXI does not establish a time limit for the submission of proposals of amendment.

ARTICLE 19

This provision amends Article XXII of the Convention to effect the technical change of replacing references to the "Government of the Principality of Monaco" with the phrase "the Depositary." It also removes subparagraph two of Article XXII, which pursuant to Article 15, paragraph (c) of the Protocol will be incorporated into Article XVI of the Convention.

ARTICLE 20

This provision states that amendments adopted during the XIIIth and XVth Conferences, which have not yet entered into force shall not hereafter enter into force. Accordingly, it clarifies that such amendments will not enter into force, including for those Member States that have ratified or otherwise notified their consent to be bound by the amendments.

INTERNATIONAL HYDROGRAPHIC ORGANIZATION

ORGANISATION HYDROGRAPHIQUE INTERNATIONALE

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

CIRCULAR LETTER No. 42/2005
25 April 2005

THIRD EXTRAORDINARY INTERNATIONAL HYDROGRAPHIC CONFERENCE DECISIONS

APPROVED PROTOCOL OF AMENDMENTS TO THE IHO CONVENTION

Dear Hydrographer,

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

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

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

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

Thank you for your cooperation.

On behalf of the Directing Committee
Yours sincerely,

Vice Admiral Alexandros MARATOS
President

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

Annex A to IHB CL 42/2005

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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".

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

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PROTOCOL
of
PROPOSED AMENDMENTS

To the

CONVENTION
ON THE
INTERNATIONAL HYDROGRAPHIC ORGANIZATION

Submitted by:
The Strategic Planning Working Group of the International Hydrographic Organization.

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

PROPOSAL

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

Explanatory note:

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

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DRAFT RESOLUTION
"AMENDMENTS TO THE CONVENTION ON THE INTERNATIONAL HYDROGRAPHIC ORGANIZATION"

THE THIRD EXTRAORDINARY INTERNATIONAL HYDROGRAPHIC CONFERENCE,

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

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

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

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

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

Article 1

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

   "The States Parties to this Convention"

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

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

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

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

Article 2

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

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

(a) *To promote the use of hydrography for the safety of navigation and all other marine purposes and to raise global awareness of the importance of hydrography;*

(b) *To improve global coverage, availability and quality of hydrographic data, information, products and services and to facilitate access to such data, information, products and services;*

(c) *To improve global hydrographic capability, capacity, training, science and techniques;*

(d) *To establish and enhance the development of international standards for hydrographic data, information, products, services and techniques and to achieve the greatest possible uniformity in the use of these standards;*

(e) *To give authoritative and timely guidance on all hydrographic matters to States and international organizations;*

(f) *To facilitate coordination of hydrographic activities among the Member States; and*

(g) *To enhance cooperation on hydrographic activities among States on a regional basis."*

Article 3

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

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

Article 4

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

"The Organization shall comprise:

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

Article 5

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

(a) *"The Assembly is the principal organ and shall have all the powers of the Organization unless otherwise regulated by the Convention or delegated by the Assembly to other organs.*

(b) *The Assembly shall be composed of all Member States.*

(c) *The Assembly shall meet in ordinary session every three years. Extraordinary sessions of the Assembly may be held at the request of a Member State or of the Council or of the Secretary-General, subject to the approval of the majority of the Member States.*

(d) *A majority of the Member States shall constitute a quorum for the meetings of the Assembly.*

(e) *The functions of the Assembly shall be to:*

i. *Elect its Chair and Vice-Chair;*
ii. *Determine its own rules of procedure and those of the Council, the Finance Committee and any subsidiary organ of the Organization;*
iii. *In accordance with the General Regulations, elect the Secretary-General and the Directors and determine the terms and conditions of their service;*
iv. *Establish subsidiary organs;*
v. *Decide the overall policy, strategy and work programme of the Organization;*
vi. *Consider reports put to it by the Council;*
vii. *Consider the observations and recommendations put to it by any Member State, the Council or the Secretary-General;*
viii. *Decide on any proposals put to it by any Member State, the Council or the Secretary-General;*
ix. *Review the expenditures, approve the accounts and determine the financial arrangements of the Organization;*
x. *Approve the three-year budget of the Organization;*
xi. *Decide on operational services;*
xii. *Decide on any other matters within the scope of the Organization; and*
xiii. *Delegate, where appropriate and necessary, responsibilities to the Council."*

Article 6

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

(a) *"One-fourth of, but not less than thirty, Member States shall take seats in the Council, the first two-thirds of whom shall take their seats on a regional basis and the remaining one-third on the basis of hydrographic interests, which shall be defined in the General Regulations.*

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

(c) *Members of the Council shall hold office until the end of the next ordinary session of the Assembly.*

(d) *Two-thirds of the members of the Council shall constitute a quorum.*

(e) *The Council shall meet at least once a year.*

(f) *Member States not being members of the Council may participate in Council meetings but shall not be entitled to vote.*

(g) *The functions of the Council shall be to:*

i. *Elect its Chair and Vice-Chair, each of whom shall hold office until the end of the next ordinary session of the Assembly;*

ii. *Exercise such responsibilities as may be delegated to it by the Assembly;*

iii. *Co-ordinate, during the inter-Assembly period, the activities of the Organization within the framework of the strategy, work programme and financial arrangements, as decided by the Assembly;*

iv. *Report to the Assembly at each ordinary session on the work of the Organization;*

v. *Prepare, with the support of the Secretary-General, proposals concerning the overall strategy and the work programme to be adopted by the Assembly;*

vi. *Consider the financial statements and budget estimates prepared by the Secretary-General and submit them for approval to the Assembly with comments and recommendations regarding programmatic allocations of the budget estimates;*

vii. *Review proposals submitted to it by subsidiary organs and refer them:*

- *To the Assembly for all matters requiring decisions by the Assembly;*
- *Back to the subsidiary organ if considered necessary; or*
- *To the Member States for adoption, through correspondence;*

viii. *Propose to the Assembly the establishment of subsidiary organs; and*

ix. *Review draft agreements between the Organization and other organizations, and submit them to the Assembly for approval."*

Article 7

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

(a) *"The Finance Committee shall be open to all Member States. Each Member State shall have one vote.*

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

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

(d) *The Finance Committee shall elect its Chair and Vice-Chair".*

Article 8

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

(a) *"The Secretariat shall comprise a Secretary-General, Directors and such other personnel as the Organization may require.*

(b) *The Secretary-General shall maintain all such records as may be necessary for the efficient discharge of the work of the Organization and shall prepare, collect, and circulate any documentation that may be required.*

(c) *The Secretary-General shall be the chief administrative officer of the Organization.*

(d) *The Secretary-General shall:*
   i. *Prepare and submit to the Finance Committee and the Council the financial statements for each year and budget estimates on a three-year basis, with the estimates for each year shown separately; and*
   ii. *Keep Member States informed with respect to the activities of the Organization.*

(e) *The Secretary-General shall perform such other tasks as may be assigned by the Convention, the Assembly or the Council.*

(f) *In the performance of their duties, the Secretary-General, the Directors and the personnel shall not seek or receive instructions from any Member State or from any authority external to the Organization. They shall refrain from any action that may be incompatible with their positions as international officials. Each Member State on its part undertakes to respect the exclusively international character of the responsibilities of the Secretary-General, the Directors and the personnel and not seek to influence them in the discharge of their responsibilities."*

Article 9

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

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

(a) *Except as otherwise provided in this Convention, each Member State shall have one vote.*

(b) *For the election of the Secretary-General and the Directors, each Member State shall have a number of votes determined by a scale established in relation to the tonnage of their fleets.*

(c) *Except as otherwise provided in this Convention, decisions shall be taken by a simple majority of Member States present and voting, and if the votes are tied the Chair shall decide.*

(d) *Decisions taken on matters related to the policy or finances of the Organization, including amendments to the General and Financial Regulations, shall be taken by a two-thirds majority of Member States present and voting.*

(e) *With respect to subparagraphs (c) and (d) of this Article and subparagraph (b) of Article XX below, the phrase "Member States present and voting" means Member States present and casting an affirmative or negative vote. Member States that abstain from voting shall be considered as not voting.*

(f) *In the case of a submission to Member States in accordance with Article VI (g) (vii), the decision shall be taken by a majority of the Member States who cast a vote, with the minimum number of affirmative votes being at least one-third of all Member States."*

Article 10

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

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

Article 11

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

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

Article 12

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

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

Article 13

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

(b) In Article XIV (b) of the Convention, *"Finance Committee"* is replaced by *"Assembly"* throughout.

Article 14

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

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

Article 15

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

(a) *"The Government of His Serene Highness the Prince of Monaco shall serve as Depositary.*

(b) *This original of the Convention shall be held by the Depositary, which shall transmit certified copies of this Convention to all States that have signed it or acceded thereto.*

(c) *The Depositary shall:*
   (i) *Inform the Secretary-General and all Member States of applications for accession received by it from States referred to in Article XX (b); and*
   (ii) *Inform the Secretary-General and all States which have signed this Convention or acceded thereto of:*
      - *Each new signature or deposit of an instrument of ratification, acceptance, approval or accession, together with the date thereof;*
      - *The date of entry into force of this Convention or any amendment thereto; and*
      - *The deposit of any instrument of denunciation of the Convention, together with the date on which it was received and the date on which the denunciation takes effect.*

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

Article 16

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

Article 17

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

(a) "This Convention shall be open for accession by any State that is a member of the United Nations. The Convention shall enter into force for such a State on the date on which it has deposited its instrument of accession with the Depositary, which shall inform the Secretary-General and all Member States.

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

Article 18

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

(a) *"Any Member State may propose amendments to this Convention. Proposals of amendments shall be transmitted to the Secretary-General not less than six months prior to the next session of the Assembly.*

(b) *Proposals of amendments shall be considered by the Assembly and decided upon by a majority of two-thirds of the Member States present and voting. When a proposed amendment has been approved by the Assembly, the Secretary-General of the Organization shall request the 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.

CONVENTION

ON THE

INTERNATIONAL HYDROGRAPHIC ORGANIZATION

(CONSOLIDATED VERSION)

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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 Offices;

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

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

DESIRING to pursue on an intergovernmental basis their cooperation in hydrography;

HAVE AGREED AS FOLLOWS:

ARTICLE I

There is hereby established an International Hydrographic Organization, hereinafter referred to as the Organization, the seat of which shall be in Monaco.

ARTICLE II

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

(a) To promote the use of hydrography for the safety of navigation and all other marine purposes and to raise global awareness of the importance of hydrography;

(b) To improve global coverage, availability and quality of hydrographic data, information, products and services and to facilitate access to such data, information, products and services;

(c) To improve global hydrographic capability, capacity, training, science and techniques;

(d) To establish and enhance the development of international standards for hydrographic data, information, products, services and techniques and to achieve the greatest possible uniformity in the use of these standards;

(e) To give authoritative and timely guidance on all hydrographic matters to States and international organizations;

(f) To facilitate coordination of hydrographic activities among the Member States; and

(g) To enhance cooperation on hydrographic activities among States on a regional basis.

ARTICLE III

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

ARTICLE IV

The Organization shall comprise:

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

ARTICLE V

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

(b) The Assembly shall be composed of all Member States.

(c) The Assembly shall meet in ordinary session every three years. Extraordinary sessions of the Assembly may be held at the request of a Member State or of the Council or of the Secretary-General, subject to the approval of the majority of the Member States.

(d) A majority of the Member States shall constitute a quorum for the meetings of the Assembly.

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

ARTICLE VI

(a) One-fourth of, but not less than thirty, Member States shall take seats in the Council, the first two-thirds of whom shall take their seats on a regional basis and the remaining one-third on the basis of hydrographic interests, which shall be defined in the General Regulations.

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

(c) Members of the Council shall hold office until the end of the next ordinary session of the Assembly.

(d) Two-thirds of the members of the Council shall constitute a quorum.

(e) The Council shall meet at least once a year.

(f) Member States not being members of the Council may participate in Council meetings but shall not be entitled to vote.

(g) The functions of the Council shall be to:

- **(i) Elect its Chair and Vice-Chair, each of whom shall hold office until the end of the next ordinary session of the Assembly;**
- (ii) Exercise such responsibilities as may be delegated to it by the Assembly ;
- (iii) Coordinate, during the inter-Assembly period, the activities of the Organization within the framework of the strategy, work programme and financial arrangements, as decided by the Assembly;
- (iv) Report to the Assembly at each ordinary session on the work of the Organization;

(v) Prepare, with the support of the Secretary-General, proposals concerning the overall strategy and the work programme to be adopted by the Assembly;

(vi) Consider the financial statements and budget estimates prepared by the Secretary-General and submit them for approval to the Assembly with comments and recommendations regarding programmatic allocations of the budget estimates;

(vii) Review proposals submitted to it by subsidiary organs and refer them:
- To the Assembly for all matters requiring decisions by the Assembly;
- Back to the subsidiary organ if considered necessary; or
- To the Member States for adoption, through correspondence;

(viii) Propose to the Assembly the establishment of subsidiary organs; and

(ix) Review draft agreements between the Organization and other organizations, and submit them to the Assembly for approval.

ARTICLE VII

(a) The Finance Committee shall be open to all Member States. Each Member State shall have one vote.

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

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

(d) The Finance Committee shall elect its Chair and Vice-Chair.

ARTICLE VIII

(a) The Secretariat shall comprise a Secretary-General, Directors and such other personnel as the Organization may require.

(b) The Secretary-General shall maintain all such records as may be necessary for the efficient discharge of the work of the Organization and shall prepare, collect, and circulate any documentation that may be required.

(c) The Secretary-General shall be the chief administrative officer of the Organization.

(d) The Secretary-General shall:

(i) Prepare and submit to the Finance Committee and the Council the financial statements for each year and budget estimates on a three-year basis, with the estimates for each year shown separately; and

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

(e) The Secretary-General shall perform such other tasks as may be assigned by the Convention, the Assembly or the Council.

(f) In the performance of their duties, the Secretary-General, the Directors and the personnel shall not seek or receive instructions from any Member State or from any authority external to the Organization. They shall refrain from any action that may be incompatible with their positions as international officials. Each Member State on its part undertakes to respect the exclusively international character of the responsibilities of the Secretary-General, the Directors and the personnel and not seek to influence them in the discharge of their responsibilities.

ARTICLE IX

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

(a) Except as otherwise provided in this Convention, each Member State shall have one vote.

(b) For the election of the Secretary-General and the Directors, each Member State shall have a number of votes determined by a scale established in relation to the tonnage of their fleets.

(c) Except as otherwise provided in this Convention, decisions shall be taken by a simple majority of Member States present and voting, and if the votes are tied the Chair shall decide.

(d) Decisions taken on matters related to the policy or finances of the Organization, including amendments to the General and Financial Regulations, shall be taken by a two-thirds majority of Member States present and voting,

(e) With respect to sub-paragraphs (c) and (d) of this Article and sub-paragraph (b) of Article XX below, the phrase "Member States present and voting" means Member States present and casting an affirmative or negative vote. Member States that abstain from voting shall be considered as not voting.

(f) In the case of a submission to Member States in accordance with Article VI (g) (vii), the decision shall be taken by a majority of the Member States who cast a vote, with a minimum number of affirmative votes being at least one-third of all Member States.

ARTICLE X

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

ARTICLE XI

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

ARTICLE XII

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

ARTICLE XIII

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

ARTICLE XIV

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

(a) From the ordinary annual contributions of Member States in accordance with a scale based on the tonnage of their fleets; and

(b) From donations, bequests, subventions and other sources, with the approval of the Assembly.

ARTICLE XV

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

ARTICLE XVI

(a) The Government of His Serene Highness the Prince of Monaco shall serve as Depositary.

(b) This original of the Convention shall be held by the Depositary, which shall transmit certified copies of this Convention to all States that have signed it or acceded thereto.

(c) The Depositary shall:

(iii) Inform the Secretary-General and all Member States of applications for accession received by it from States referred to in Article XX (b); and

a. Inform the Secretary-General and all States which have signed this Convention or acceded thereto of:

- Each new signature or deposit of an instrument of ratification, acceptance, approval or accession, together with the date thereof;
- The date of entry into force of this Convention or any amendment thereto; and
- The deposit of any instrument of denunciation of the Convention, together with the date on which it was received and the date on which the denunciation takes effect.

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

ARTICLE XVII

Any dispute concerning the interpretation or application of this Convention which is not settled by negotiation or by the good offices of the Secretary-General of the Organization shall, at the request of one of the parties to the dispute, be referred to an arbitrator designated by the President of the International Court of Justice.

ARTICLE XVIII[1]

(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.

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[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 XIX[2]

(1) This Convention shall enter into force three months after the date on which twenty-eight Governments have become Parties in accordance with the provisions of Article XVIII, paragraph 2.

(2) The Government of the Principality of Monaco shall notify this date to all signatory Governments and the President of the Directing Committee.

ARTICLE XX

(a) This Convention shall be open for accession by any State that is a member of the United Nations. The Convention shall enter into force for such a State on the date on which it has deposited its instrument of accession with the Depositary, which shall inform the Secretary-General and all Member States.

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

ARTICLE XXI

(a) Any Member State may propose amendments to this Convention. Proposals of amendments shall be transmitted to the Secretary-General not less than six months prior to the next session of the Assembly.

(b) Proposals of amendment shall be considered by the Assembly and decided upon by a majority of two-thirds of the Member States present and voting. When a proposed amendment has been approved by the Assembly, the Secretary-General of the Organization shall request the Depositary to submit it to all Member States.

(c) The amendment shall enter into force for all Member States three months after notifications of consent to be bound by two-thirds of the Member States have been received by the Depositary.

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[2] Historical provision.

ARTICLE XXII

Upon expiration of five years after its entry into force, this Convention may be denounced by any Contracting Party by giving at least one year's notice, in a notification addressed to the Depositary. The denunciation shall take effect upon 1 January next following the expiration of the notice and shall involve the abandonment by the State concerned of all rights and benefits of membership in the Organization.

ARTICLE XXIII[3]

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.

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[3] Historical provision.

Annex A to the IHO Convention

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

CERTIFICATE of REGISTRATION No. 16627 CERTIFICAT d'ENREGISTREMENT

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.

Le SECRETAIRE GENERAL des NATIONS UNIE

Certifie par la présente que

le Gouvernement de la Principauté de Monaco

a enregistré au Secrétariat conformément aux termes de l'Article 1[illegible] de la Charte des Nations Unies

la Convention relative à l'organisation hydrographique internationale (avec règlement général). Signée à Monaco le 3 mai 1967.

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.*

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