

**PROTOCOL
of
AMENDMENTS**

To the

**CONVENTION
ON THE
INTERNATIONAL HYDROGRAPHIC ORGANIZATION
(November 2005)**

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 (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 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.
