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PROTOCOL OF AMENDMENTS TO CONVENTION ON INTERNATIONAL HYDROGRAPHIC ORGANIZATION

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Mr. BIDEN, from the Committee on Foreign Relations, submitted the following

REPORT

[To accompany Treaty Doc. 110–9]

The Committee on Foreign Relations, to which was referred the Protocol of Amendments to the Convention on the International Hydrographic Organization, done at Monaco on April 14, 2005 (the "Protocol") (Treaty Doc. 110–9), having considered the same, reports favorably thereon as indicated in the resolution of advice and consent, and recommends that the Senate give its advice and consent to ratification thereof, as set forth in this report and the accompanying resolution of advice and consent.

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I. PURPOSE

The purpose of the Protocol is to reorganize the International Hydrographic Organization (the "IHO") in order to make it a more modern, efficient, and effective organization. Specifically, the reorganization is intended to streamline the IHO's decision-making process, simplify the current membership application procedure, allow the organization to keep pace with rapidly changing technological developments in the field of hydrography, clarify the func-

tion of the various subsidiary organs that make up the organization, and solidify the IHO's role as the leading international hydrographic organization in the world.

II. Background

The United States officially joined the forerunner of the IHO, the International Hydrographic Bureau, on June 20, 1922, pursuant to Congressional authorization contained in the Diplomatic and Consular Service Appropriation Act of March 2, 1921 (22 U.S.C. § 275). The International Hydrographic Bureau was established to make navigation easier and safer throughout the world, but the Bureau encountered administrative problems because it lacked the international legal status of an intergovernmental organization. As a result, the Convention on the International Hydrographic Organization, done at Monaco on May 3, 1967 (the "1967 Convention"), was concluded in order to provide a treaty basis for the International Hydrographic Bureau, giving it the international legal status of an intergovernmental organization. The 1967 Convention entered into force for the United States on September 22, 1970. The IHO is headquartered in the Principality of Monaco and over 80 countries are members of the Organization.

The 1967 Convention did not change the mission of the Organization; the Bureau simply became the executive body of the new IHO. As described in President Johnson's Letter of Transmittal to the Senate on October 24, 1967, the primary objective of the Bureau, and hence the IHO, was to "make navigation easier and safer throughout the world" and to do so by "coordinat[ing] the activities of national hydrographic offices, promoting uniformity in their nautical charts and documents and encouraging adoption of reliable and efficient hydrographic surveying methods."

To this day, the mission of the organization has remained the same, but the nature of the day-to-day work of the organization has changed dramatically. Technological developments not only in the field of hydrography and nautical cartography, but throughout the maritime transportation industry, including Global Positioning System (GPS) navigation and electronic charts, have led to a need for greater accuracy in hydrographic surveys and the compilation of digital nautical charts and documents, as well as improved coverage to facilitate today's maritime traffic. Moreover, increased international commerce over the many years since the Bureau was originally established has led to the involvement of more countries in maritime transportation and a greater need for international cooperation. As currently organized and in this era of constantly evolving technology, the IHO is having difficulty keeping up with this increasing and rapidly shifting flow of work. As noted in the Submittal Letter from the Secretary of State, "weaknesses, which include slow decision-making processes, slow growth in membership, and inadequate interaction with other international organizations and industry, [are] affecting the IHO's ability to execute its mandate effectively." The Protocol would amend the 1967 Convention and reorganize the institution so as to address these weaknesses, as described below.

III. Major Provisions

A detailed analysis of the Protocol may be found in the Letter of Submittal from the Secretary of State to the President, which is reprinted in full in Treaty Document 110–9. A summary of the key provisions of the Protocol is set forth below.

1. New Organizational Structure

The new organizational structure set forth in the Protocol is intended to make the organization capable of being more responsive to Member States' needs and rapidly changing technology. In sum, the IHO would meet more frequently, and would have new subsidiary organs that are capable of overseeing the operation of the organization between meetings of the States Parties. The specifics are described below.

What is currently referred to as the "International Hydrographic Conference" or "Conference" and is composed of representatives of every country that is a member of the IHO, would be renamed the "Assembly" under the amended Convention. *See* Article 4 of the Protocol. The Assembly would meet more frequently than the current Conference—every three years, instead of every five years. *See* Article 5 of the Protocol. The "International Hydrographic Bureau" would be renamed the "Secretariat," but this would not affect the substance of its activities within the IHO. *See* Article 4 of the Protocol. A new organ, the "Council," would be established and the Assembly would be empowered to establish additional subsidiary organs, as needed. *See* Articles 4 and 5 of the Protocol.

The establishment of a Council is perhaps the most dramatic change. The Council is to be made up of one-fourth, but not less than thirty, of the Member States. Two-thirds of the Council members are to be selected on a regional basis and the remaining one-third is to be selected "on the basis of hydrographic interests, which shall be defined in the General Regulations." *See* Article 6 of the Protocol. The current International Hydrographic Conference of States Parties has adopted General Regulations that will have effect if and when the Protocol enters into force. *See* Annex II. These Regulations provide that "the scale by which an interest in hydrographic matters is measured shall be national flag tonnage" and thus, the top 10 Member States on the tonnage listing kept by the IHO will have a seat on the Council. The U.S. tonnage, which has been reported to the IHO, currently stands at 24,139,848 tons. This tonnage places the United States fifth among IHO Member States and as a result, the United States is assured a seat on the Council, at least for now (The four countries that precede the United States in tonnage are as follows: China (43,790,000); the United Kingdom (31,189,390); Greece (30,881,988); and Singapore (30,451,188)). The Regulations provide that this definition will be reconsidered at the second Assembly meeting and because the Assembly would meet in ordinary session every three years, it appears that this definition will remain in place for at least the first few years.

2. Clarification of the Objectives of the IHO and the Functions of Its Subsidiary Organs

Article 2 of the Protocol would amend Article II of the 1967 Convention by providing greater detail of the objectives of the IHO than currently outlined in the Convention. The new provision makes it clear that the object of the Organization is 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 5 of the Protocol sets forth in considerably more detail the functions of the Assembly (composed of representatives of every country that is a member of the IHO), which would include making decisions regarding "the overall policy, strategy, and work programme" of the Organization; approving the three-year budget of the Organization; making decisions regarding the operational services of the Organization; delegating, where appropriate and necessary, responsibilities to the Council; and establishing subsidiary organs of the Organization.

Article 6 of the Protocol describes the structure, composition, functions, and working methods of the Council. The Council will meet at least once a year and will, among other things, coordinate activities of the Organization during the period between Assembly sessions; report to the Assembly at each ordinary session on the work of the Organization; prepare proposals, with the support of the Secretary-General, on the overall strategy and work program to be adopted by the Assembly; and propose to the Assembly the establishment of subsidiary organs.

Article 7 of the Protocol would amend Article VII of the Convention concerning the Finance Committee. Article 7 provides that the Finance Committee is open to all Member States and clarifies the functions of the Finance Committee, which would include reviewing financial statements, budget estimates and reports on administrative matters prepared by the Secretary-General.

Article 8 of the Protocol amends Article VIII of the Convention, which describes the functions of the Bureau, which would be renamed the "Secretariat." The new Article VIII would clarify the role of this organ, making it clear that it is largely administrative.

3. Simplification of the Membership Application Procedure

Article 17 of the Protocol would amend Article XX of the 1967 Convention to make it easier for States that are members of the United Nations to become a party to the Convention. Currently, under Article XX of the Convention, a maritime State that wishes to accede to the Convention must have its admission approved by two-thirds of the Member States of the Organization. The executive branch has informed the committee that it can take three or more years to become a member in accordance with Article XX. The new amended version of Article XX would eliminate this cumbersome process and instead provide that any State that is a member of the United Nations may accede to the Convention by simply depositing an instrument of accession with the Depositary.

4. Decision-Making Procedures

Article 9 of the Protocol would amend Article IX of the 1967 Convention by replacing language that previously described the composition of the Bureau, which would now be referred to as the "Secretariat," with provisions on the decision-making process of the Organization. Although these procedures were not included in the 1967 Convention, the Secretary of State's Letter of Submittal states that this provision would simply codify existing practice. In brief, Article 9 provides that Member States should try to reach decisions by consensus. When it is not possible to reach a consensus, decisions 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. All other decisions on which it is not possible to reach a consensus shall be taken by a simple majority of Member States present and voting.

IV. General and Financial Regulations

Annexed to the 1967 Convention are General Regulations and Financial Regulations, which govern much of the day-to-day functioning of the IHO and implement the broad structure provided for in the Convention. These Annexes, in accordance with Article XI, do not form an integral part of the Convention and they can be amended without the Senate's advice and consent. Nevertheless, they are important to the Senate's consideration of the Convention and the Protocol, as they include details regarding the functioning of the Organization that are not included in the underlying treaties. These Annexes were transmitted to the Senate for its information in 1967, but have undergone a number of changes over the years. The most recent version of the Regulations, which include amendments that were adopted as recently as 2007, are attached at Annex I. In addition, at the XVIIth International Hydrographic Conference, which took place in 2007, the parties of the 1967 Convention adopted draft Regulations that are to take effect upon the entry into force of the Protocol. These new Regulations are attached at Annex II.

V. Entry Into Force

The Protocol, in accordance with Article XXI (c) of the 1967 Convention, will enter into force for all Contracting States to the 1967 Convention three months after notifications of approval by two-thirds of the Member States have been received by the Depositary. At the time the Protocol was adopted, 80 States were party to the 1967 Convention and as a result, the Protocol will enter into force for all Contracting States to the 1967 Convention, including the United States, three months after notifications of approval by 54 Member States have been received by the Depositary. As of June 15, 2008, 19 States had approved the Protocol.

VI. Denunciation

Article 19 of the Protocol would amend Article XXII of the 1967 Convention, which provides for denunciation of (or withdrawal

from) the Convention. A party to the Convention may denounce the Convention by giving notice to the Depositary, but the denunciation shall not take effect for at least a year, that is "upon 1 January next following the expiration of the notice." In other words, if a party were to denounce the Convention on March 1, 2008 with one year's notice, the denunciation of the Convention would take effect on January 1, 2010.

VII. Committee Action

On April 22, 2008, the committee considered the Protocol, and ordered it favorably reported by voice vote, with a quorum present and without objection.

VIII. Committee Recommendation and Comments

The Committee on Foreign Relations believes that the mission of the IHO advances important U.S. national security and economic interests and thus, the Protocol, which would enable the IHO to develop into a more efficient and effective organization, also serves U.S. interests.

Accurate and comprehensive navigation data is crucial to the operation of the U.S. Navy, the Coast Guard, and the U.S. Army Corps of Engineers. In addition, the United States has a strong economic interest in facilitating and improving the safety of maritime transportation throughout the world. According to the U.S. Department of Transportation, over 29 percent of all U.S. exports and over 52 percent of all U.S. imports were transported by ship in 2006. According to the Committee on the Marine Transportation System, established pursuant to a directive by the President in the U.S. Ocean Action Plan, issued December 17, 2004, the United States ports and waterways handle more than 2 billion tons of both domestic and foreign commerce each year. The American Association of Port Authorities, using figures from 2006, calculates that the United States deep-draft seaports and seaport-related businesses generated approximately 8.4 million American jobs and added nearly two trillion dollars to the U.S. economy.

The IHO accomplishes its mission of facilitating and improving the safety of maritime transportation through the sharing of hydrographic information, the development of uniform standards for charting and hydrographic surveying, the coordination of national hydrographic office activities, and by fostering the development of sciences in the field of hydrography, including the techniques employed in descriptive oceanography. Moreover, the IHO is cost-effective. U.S. assessed contributions were $113,000 for calendar year 2005, $120,000 for calendar year 2006, and $118,000 for calendar year 2007. The anticipated assessed U.S. contribution for calendar year 2008 is $143,000. The executive branch has informed the committee that it does not expect a significant increase in the U.S. assessed contribution to the IHO after the Protocol enters into force. In part, this is due to an anticipated increase in its membership, which would spread the cost of the budget among more Member States and should lead to a decrease in the size of the U.S. contribution.

The committee urges the Senate to act promptly to give advice and consent to ratification of the Protocol, as set forth in this report and the accompanying resolution of advice and consent.

IX. Text of Resolution of Advice and Consent to Ratification

Resolved (two-thirds of the Senators present concurring therein),

The Senate advises and consents to the ratification of the Protocol of Amendments to the Convention on the International Hydrographic Organization done at Monaco on April 14, 2005 (Treaty Doc. 110–9).

X. Annex I.—2007 General and Financial Regulations

GENERAL REGULATIONS

OF THE

INTERNATIONAL HYDROGRAPHIC ORGANIZATION

GENERAL REGULATIONS OF THE IHO

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GENERAL REGULATIONS OF THE IHO

ARTICLE 1

The Organization is a consultative agency. It has no authority over the hydrographic offices of the Governments Parties to the Convention.

ARTICLE 2

The activities of the Organization are of a scientific or technical nature and shall not include matters involving questions of international policy.

INTERNATIONAL HYDROGRAPHIC CONFERENCE

ARTICLE 3

The International Hydrographic Conference shall meet in ordinary session every five years at the seat of the Organization at a date fixed at the close of the previous session.

ARTICLE 4

The International Hydrographic Conference shall be prepared and organized by the Bureau.

ARTICLE 5

Each Member Government may be represented at the Conference by one or more delegates, one of whom should preferably be the head of the national hydrographic office. No delegate of one Member Government may vote on behalf of another Member Government. Travelling and hotel expenses of delegates shall be defrayed by their respective Governments.

ARTICLE 6

The Directing Committee shall be authorized to invite observers from :

(a) Governments that are not Parties to the Convention : one or two observers each, if proposed by a Member Government or the Directing Committee and subject to approval by two-thirds of the Member Governments.
(b) Inter-governmental organizations with which an agreement or special arrangement has been made: one or exceptionally two observers each; and
(c) Non-governmental international organizations with which the Organization has established appropriate relationships in accordance with the Guidelines for the Accreditation of Non-governmental International Organizations: one or exceptionally two observers each.

ARTICLE 7

The working languages of the Conference shall be English, French, Spanish and Russian.

ARTICLE 8

(a) The Conference shall examine the reports of the Bureau on its work since the previous Conference. These reports shall be submitted to Member Governments by the Bureau at least two months before the Conference.
(b) Committees shall be designated to study the reports. The committees' conclusions shall be submitted to the appropriate plenary session of the Conference.
(c) The Conference shall review the Strategic Plan of the Organization, and approve the Intersessional Work Programme for the next five years. [see also article 23[c]

ARTICLE 9

(a) Twelve months before the opening of the Conference the Bureau shall invite Members to submit the proposals that they wish to discuss at the Conference. At least eight months before the Conference these proposals, as well as those submitted by the Bureau, shall be circulated to all Member Governments, who shall be invited to forward their comments to reach the Bureau at least five months before the Conference. After that date, no new proposals shall be accepted other than proposals referred to in (b) and (c)

b) If due to exceptional circumstances Member Governments or the Bureau wish to submit a proposal at a later date, the submission should be approved by the Conference.

c) Amending or alternative proposals directly related to the proposals already submitted under the procedure at (a) may be put forward subsequently.

ARTICLE 10

(a) Unless the ordinary International Hydrographic Conference has specifically decided otherwise, the foregoing rules of procedure shall apply to extraordinary sessions.

(b) Government delegates to extraordinary sessions shall be chosen as far as possible in the light of the questions submitted for consideration.

FINANCE COMMITTEE

ARTICLE 11

(a) Between Conferences, the Finance Committee may meet in extraordinary session on the request of at least three Governments or of the Directing Committee. The Directing Committee shall consult the Finance Committee by correspondence concerning the 5-yearly and annual budgets and on transfers of credit between budget chapters in accordance with provisions laid down in Articles 8 and 10 of the Financial Regulations and on all other important financial or administrative questions.

(b) Dates of meetings of the Finance Committee shall be fixed by its Chairman in arrangement with the Directing Committee.

(c) The Chairman of the Finance Committee shall be elected at the first plenary session of the Conference. He shall be assisted by a Vice-Chairman elected at the same time. In the event of the Chairman's resignation, or if circumstances prevent him from fulfilling the duties of his office, the Vice-Chairman shall automatically replace him. A new Vice-Chairman should then be elected by Member Governments by correspondence, and this should also apply in the event of the resignation of the Vice-Chairman.

(d) The duties of the Chairman and the Vice-Chairman shall normally continue for the five years between Conferences.

ARTICLE 12

(a) During its ordinary session, the Committee shall :

- (i) examine and recommend for approval the Finance Report by the Directing Committee for the preceding 5-year financial period,
- (ii) examine and recommend for approval the budget for the coming 5-year financial period.
- (iii) examine and give at least preliminary advice on the budget for the year following the Conference.

These recommendations and advice are submitted to the Conference.

b) Between its ordinary sessions, working normally by correspondence, the Finance Committee shall :

(i) examine and recommend for approval the budget for the coming financial year,
(ii) examine and comment upon the Annual Report, Part 2 - Finance, submitted by the Directing Committee, concerning the financial administration by the Directing Committee of the preceding financial year,
(iii) study any questions related to finance which the Directing Committee or Member States may submit.

ARTICLE 13

The Finance Committee's advice and recommendations shall be taken by a majority of two-thirds of the number of votes cast during the Finance Committee sessions or by correspondence. Each Member Government shall have one vote.

ARTICLE 14

The Chairman and Vice-Chairman of the Finance Committee shall meet with the Directing Committee regularly and preferably twice per year. A report of each meeting shall be made and circulated to Member States by the Directing Committee, after agreement with the Chairman and Vice-Chairman of the Finance Committee.

INTERNATIONAL HYDROGRAPHIC BUREAU

ARTICLE 15

In accordance with the provisions of Article VIII of the Convention, the Bureau shall undertake the scientific and technical activities necessary for the attainment of the objectives of the Organization.

ARTICLE 16

For its relations with the Bureau, each Member Government shall designate an official representative, preferably the head of its hydrographic office.

ARTICLE 17

The Bureau shall keep in close communication with the hydrographic offices of Member Governments. It may also correspond with related scientific organizations of Member Governments, provided that it informs the official representative of the Government concerned (Article 16 above). Furthermore it may correspond with similar bodies of other Governments and with international organizations.

ARTICLE 18

The Bureau shall bring to the notice of the hydrographic or other competent offices of the Member Governments any hydrographic work of an international character and problems of general interest that it might be useful to study or to undertake. It shall strive for the solution of such problems or the undertaking of such work by seeking the necessary collaboration between Member Governments.

ARTICLE 19

To enable the Bureau to achieve its purpose, the Hydrographic Offices of Member Governments shall forward copies of their new international (INT) charts, electronic charts (raster and vector), as well as any nautical publications.

ARTICLE 20

The Bureau shall satisfy as far as possible all requests from representatives of Member Governments for information or advice related to its work. Matters which can be dealt with directly between two national hydrographic offices should not normally be referred to the Bureau.

ARTICLE 21

The Bureau shall issue and distribute the publications referred to in Articles 32 to 35 and any other documents requested by the Conference.

ARTICLE 22

In their communications with the Bureau, representatives of Member Governments may use languages other than the official languages of the Organization, but the Bureau shall not be held responsible for any delay or misinterpretation which may ensue.

DIRECTING COMMITTEE

ARTICLE 23

(a) The Directing Committee shall administer the Bureau in accordance with the provisions of the Convention and the Regulations and with directives given by the Conference.
(b) It shall be responsible for the carrying out by the Bureau of the scientific and technical assignments entrusted to it.
(c) The Directing Committee, taking into consideration the work of Committees and Working Groups, should present to all ordinary Conferences a Programme Budget proposal containing the work programme to be carried out during the following period, and the financial implications related to it, to be analyzed, discussed and decided upon at Plenary Session. The plan should be distributed to all Member States at least 4 months before the Conference.

ARTICLE 24

(a) In the period between two Conferences, should no appropriate provision be made in the Convention or the Regulations, the Committee shall make any administrative or technical decisions which may be necessary, with the reservation that they be referred to the next Conference.
(b) The Directing Committee shall be guided by the IHO Strategic Plan and the Five Year Rolling Work Programme

ARTICLE 25

(a) If the Committee considers that any questions should be referred to the Member Governments for solution, it shall send a circular letter to their representatives, in accordance with Article VI(6) of the Convention, requesting them to notify the Bureau of the opinion of their respective Governments.
(b) When voting for or against is evenly divided, the question shall be deferred to the next Conference.

ARTICLE 26

If circumstances preclude observation of the procedure prescribed in the Regulations, the Committee shall make the necessary decisions and give Member Governments an immediate account of the fact.

ARTICLE 27

(a) The directors shall be elected for a period of five years, in accordance with Articles 36 to 47.
(b) The directors shall be eligible for re-election for a second five-year period.
(c) A candidate must be less than sixty-six years old in the year of his election or re-election.
(d) When a director is elected to fill a vacancy occurring between Conferences, his term of office shall end at the same time as his predecessor's would have done had he retained the post.

ARTICLE 28

The duties of the Directing Committee shall terminate on the last day of August following the regular election of a new Directing Committee at an International Hydrographic Conference. The new Directing Committee shall assume their duties on 1 September.

ARTICLE 29

A director who has been incapacitated for duty for six consecutive months, or otherwise for an aggregate of twelve months, during his term of office shall automatically cease to be a director.

ARTICLE 30

(a) Pursuant to the Article X of the Convention, the President is the leader of the Directing Committee. The President and the two other directors shall each have particular responsibility for one or more branches of the work of the Bureau, but the Directing Committee shall deliberate on all important questions.
(b) When all members of the Directing Committee are available and unanimity of view cannot be achieved, decisions shall be taken by the President with the concurrence of one other director. In instances where the two other directors disagree with the President, the matter may be referred by the Directing Committee to Member Governments.
(c) If only two directors are available and a decision cannot be postponed, the view of the President or acting President shall prevail.

ARTICLE 31

The staff of the Bureau shall be under the control of the Directing Committee. It shall consist of technical and administrative assistants and employees. The staff shall be appointed by the Committee as necessary.

PUBLICATIONS

ARTICLE 32

At the beginning of each year the Bureau shall publish a report on its activities, inviting Member Governments to comment on it within a period of three months of publication of the report. The Bureau should then forward all comments received, together with the Bureau's responses to them, by Circular Letter.

ARTICLE 33

(a) The Bureau shall issue a Yearbook giving all necessary information on the hydrographic offices of the Member Governments and, insofar as such information can be obtained, on those of other Governments.
(b) The Yearbook shall include the addresses of the official representatives designated in accordance with Article 16, and the following information:

    (i) A list of Governments which have participated in the work of the Bureau between the date of its creation and the date of entry into force of the Convention.
    (ii) A list of Member Governments.

(iii) A list of Governments which have denounced the Convention pursuant to Article XXII.
(iv) A table of tonnages of Member Governments' fleets.
(v) A table showing the shares, contributions and number of votes of the Member Governments.

ARTICLE 34

The Bureau will publish an International Hydrographic Bulletin including technical and miscellaneous information related to the mission and work of the International Hydrographic Organization.

ARTICLE 35

The Bureau shall issue special publications on technical subjects of interest to hydrographic offices.

ELECTIONS

ARTICLE 36

The directors shall be elected by the Conference in accordance with the provisions of Articles V(b), VI(4) and X(2) of the Convention. The election shall be held by secret ballot.

ARTICLE 37

(d) For the election of the directors, each Member Government shall have two votes; those Governments which have 100 000 tons of shipping or more shall have supplementary votes in accordance with the following scale :

GROSS TONNAGE	SUPPLEMENTARY VOTES
100 000 - 499 999	1
500 000 - 1 999 999	2
2 000 000 - 7 999 999	3
8 000 000 and above	4

(b) The estimates of tonnage shall be made in accordance with Article 5 of the Financial Regulations.

ARTICLE 38

Each Member Government may nominate one candidate, who shall be of the nationality of the proposing country. If possible, nominations should reach the Bureau at least three months before the Conference. The list of candidates shall be closed ten days prior to the opening of the Conference.

ARTICLE 39

Every candidate should have had considerable sea experience and have extensive knowledge of practical hydrography and navigation. In the elections, the technical and administrative ability only of the candidates should be taken into consideration. No particular rank or other standing is required of them.

ARTICLE 40

Every nomination shall be accompanied by a note giving the candidate's qualifications for the position. To facilitate comparison of the candidates' qualifications the statements of service shall be compiled in a uniform manner as follows :

General
1. Name.
2. Nationality.
3. Date of birth.
4. Titles and decorations.

Education and Promotions
5. Education (periods, including specialized or special qualifications)
6. Languages (speaking and reading knowledge).
7. Promotions.

Service
8. Hydrographic service
   (a) Sea service (periods and posts).
   (b) Shore service (periods and posts).

9. Non-hydrographic service
   (a) Sea-service (periods and posts).
   (b) Shore-service (periods and posts).

Scientific activities
10. Publications.
11. Research work and awards.
12. Scientific societies (member of, past and present).

Additional information
(Signature of candidate and of forwarding authority).

ARTICLE 41

(a) The names of the candidates, with the statements of service, shall be published by the Directing Committee as soon as they are received.
(b) The Bureau shall collate the lists of names submitted and present them, together with the statements of service, to each delegation at the opening of the Conference.

ARTICLE 42

(a) There shall be three separate ballots, one for each of the three members of the Directing Committee.
(b) To register their votes for electing each member of the Directing Committee, in each of the three ballots, the delegations shall inscribe on a number of voting papers equal to the number of votes to which each delegation is entitled the name of one of the candidates whom they wish to elect.
(c) In each successive ballot, the candidate being voted for must be of a different nationality from one already elected.
(d) Any voting paper not completed in strict accordance with paragraphs (b) and (c) shall be nullified.

ARTICLE 43

(a) The three candidates of different nationalities receiving the largest number of votes in the three separate ballots shall be considered elected.

(b) In each ballot, in the event that two or more candidates equally receive the largest number of votes, a new ballot should be held to determine the relative positions only of those candidates who obtained the largest number of equal votes.

ARTICLE 44

(a) When the three directors have been elected, a separate ballot shall be held to elect one of them as President of the Directing Committee. For this purpose, delegations shall inscribe on their allotted number of voting papers the name of the director they wish to make President.
(b) The number of votes actually received by each director shall determine the order in which they may be called upon to replace the President elected.
(c) In the case of a tie, a second ballot shall be held to determine the relative positions of the directors who obtained the same number of votes.

ARTICLE 45

When voting has been completed, the President of the Conference shall invite the newly-elected directors to take up their duties on the first day of September following their election.

ARTICLE 46

(a) If a post of director falls vacant during the period between two Conferences and more than two years before the next Conference is due to meet, the Directing Committee shall conduct a by-election by correspondence to fill the vacancy.
(b) In such a case, the Bureau shall invite Member Governments to send lists of candidates in accordance with Articles 38 to 40. On receipt of these lists the election shall be held observing a procedure closely modelled on that described in Articles 41 to 43.
(c) On completion of the above-mentioned procedure, the Committee shall immediately notify Member Governments of the result of the ballot and invite the director elected to take up his duties.

ARTICLE 47

A director elected to fill a vacancy shall take third place among the directors.

FINANCIAL REGULATIONS

OF THE

INTERNATIONAL HYDROGRAPHIC ORGANIZATION

FINANCIAL REGULATIONS OF THE IHO

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FINANCIAL REGULATIONS OF THE IHO

ARTICLE 1

The financial administration of the Bureau shall be effected in accordance with the provisions of Articles V, VII, XIV and XVI of the Convention and Articles 11 to 14 of the General Regulations.

ORDINARY BUDGET

ARTICLE 2

(a) The budget shall be established for five years and calculated, as from 1 January 2002, on the basis of the Euro.
(b) The financial year of the Bureau shall coincide with the Gregorian calendar year.

ARTICLE 3

Any balancing of income and expenditure shall be prohibited in the presenting of the budget.

ARTICLE 4

The annual contributions of Governments Parties to the Convention shall be payable in Euros, and shall be paid into the Bureau's bank accounts. Such contributions shall be determined by the following rules :

(a) Each Government shall subscribe two shares;
(b) Those Governments which have 100 000 gross tons of shipping or more shall contribute supplementary shares in accordance with the following scale :

GROSS TONNAGE	SUPPLEMENTARY SHARES	GROSS TONNAGE	SUPPLEMENTARY SHARES
100 000 - 249 999	1	7 770 000 - 9 024 999	14
250 000 - 454 999	2	9 025 000 - 10 399 999	15
455 000 - 719 999	3	10 400 000 - 11 899 999	16
720 000 - 1 049 999	4	11 900 000 - 13 529 999	17
1 050 000 - 1 449 999	5	13 530 000 - 15 294 999	18
1 450 000 - 1 924 999	6	15 295 000 - 17 199 999	19
1 925 000 - 2 479 999	7	17 200 000 - 19 249 999	20
2 480 000 - 3 119 999	8	19 250 000 - 21 449 999	21
3 120 000 - 3 849 999	9	21 450 000 - 23 804 999	22
3 850 000 - 4 674 999	10	23 805 000 - 26 319 999	23
4 675 000 - 5 599 999	11	26 320 000 - 28 999 999	24
5 600 000 - 6 629 999	12	29 000 000 and above	25 (max.)
6 630 000 - 7 769 999	13		

(c) The value of a share, in Euros, is shown in the annual budget of the IHB, approved by the majority of the Finance Committee, as provided for in Article 8.

ARTICLE 5

In application of the Convention and the General and Financial Regulations, the tonnage figures of the Member Governments shall be obtained by adding to 6/7 of the displacement tonnage of ships of war exceeding 100 tons, the gross tonnage of all other vessels exceeding 100 tons.

ARTICLE 6

(a) A table of national tonnages shall be brought up to date by the Directing Committee before each ordinary Conference. Seven months before the Conference the Bureau shall ask Governments to supply their tonnage figures as of 1 July of the year preceding that of the Conference. Two months before the Conference the Bureau shall distribute to Governments a revised table of tonnages.

(b) This table of national tonnages and that of shares and votes shall be submitted to the Conference for approval, and shall enter into force on 1 January of the year following that of the Conference. Except as provided for in paragraphs (c) and (d) below, these tables shall remain in force until 31 December of the year of the subsequent Conference.

(c) When a Government desires to accede to the Convention, it shall declare the amount of tonnage of its fleets. The Directing Committee shall enter this amount in the table of tonnages as soon as accession becomes effective.

(d) A Government wishing to amend its tonnage figure as it appears in the table of tonnages must give notice of the amended tonnage at least six months before the start of the next financial year.

ARTICLE 7

The Principality of Monaco shall enjoy special treatment. In consideration of the fact that it provides the Bureau with premises free of charge, it shall not pay any contribution but shall retain its right of vote.

ARTICLE 8

(a) The Directing Committee shall draw up the estimated 5-yearly budget and forward it to the Member Governments for examination at least three months in advance of the Finance Committee's session.

(b) Between Conferences, the Directing Committee shall submit to the Finance Committee, in March each year, budget estimates for the following financial year. In considering the budget estimates, the Finance Committee shall make necessary recommendations for adjusting anticipated income and expenditure in order to ensure the financial stability of the Organization. Those recommendations which include an increase in the level of contributions or in the total level of current operating costs higher than approved by the Conference in the 5-yearly budget shall be referred by the Directing Committee to Member Governments for approval by a two-thirds majority. Other recommendations on the annual budget will be submitted by the Directing Committee to Member Governments for their comments and approval by a two-thirds majority of votes received within three months of the dispatch date of the letter seeking comments and approval.

c) Contribution adjustments shall be made by altering the share value, effective from 1 January of the following year.

ARTICLE 9

The Directing Committee shall carry the budget into effect. Subject to the provisions of Article 11, the Directing Committee shall ensure that expenditure and commitments conform with the budgetary provisions.

ARTICLE 10

Transfers of credit may be permitted in order to modify the amount of the appropriation of various chapters. They must not result in the creation of new chapters.
The Directing Committee may make transfers of credit provided that such transfers do not exceed 10% of the total appropriation of any one of the chapters concerned. Such transfers shall be reported, with the necessary justification, in the financial section of the Annual Report.

Transfers of larger amounts shall require prior authorization by the Finance Committee.

ARTICLE 11

After the close of the financial period corresponding to a budget, no further financial obligations under it may be incurred. Outstanding obligations may be met for a further period of three months.

TREASURY – OPERATING CASH RESERVE

ARTICLE 12

All Bureau funds shall be under the control of the Directing Committee. No expenditure exceeding 400 Euros may be incurred without prior approval of one of the members of the Directing Committee. Payments exceeding 4,000 Euros require prior approval of the full Committee.

ARTICLE 13

(a) Governments' annual contributions to the ordinary budget, as specified in Article 4, shall be due on 1 January of the corresponding financial year. Payment must be punctual.
(b) Notice of the date of dispatch of the contribution must be promptly given to the Bureau.
(c) Annual contributions or portions thereof not paid before 1 January of the succeeding financial year shall be increased by interest from that date at the rate of one per cent for each month or portion thereof.

ARTICLE 14

A Government acceding to the Convention shall be liable to pay its contribution for that year only if its accession takes effect before 1 July. If its accession takes effect on or after that date it shall be liable only for half that contribution.

ARTICLE 15

Outstanding contributions and accrued interest shall be shown in a table annexed to the report on financial administration which is submitted to the Finance Committee by the Directing Committee.

ARTICLE 16

The procedure for suspension of the rights of a Member Government pursuant to the provisions of Article XV of the Convention shall be notified by the Directing Committee to the Government concerned as follows:

1) If the contribution amount in arrears accumulates such that the amount is 2 years-6 months or more and the Member State has been advised of the arrears without payment or agreeing to a schedule of payments, the Member State shall be suspended effective 1 January of the year in which the 3rd annual contribution becomes payable, i.e., approximately 2-1/2 years in arrears.

2) If the contribution amount in arrears accumulates such that the amount is at least 2-years but less than 2 years-6 months and the Member State has been advised of the arrears without payment or agreeing to a schedule of payments, the Member State

shall be suspended effective 1 January when the 3rd annual contribution becomes payable, i.e., 3 to 3-1/2 years in arrears.

3) Any Member Government thus deprived of its rights and benefits shall remain obligated to the Organization for the entire amount in arrears plus accrued interest outstanding at the time of suspension.

ARTICLE 17

To ensure the financial stability of the Bureau and to avoid any treasury difficulties, the Bureau shall have at its disposal an operating cash reserve the amount of which shall correspond, at 31 December each year, to not less than three-twelfths of the total annual operating budget of the Organization

EMERGENCY RESERVE FUND

ARTICLE 18

As a safeguard against unexpected events, the Bureau shall also have at its disposal an emergency reserve fund, the amount of which shall be not less than one-twelfth of the total annual operating budget of the Organization. This fund is exclusively designed to enable the Organization to meet extraordinary expenditure. It shall only be used in exceptional circumstances

CONTROL

ARTICLE 19

Every year the Directing Committee shall submit to the members of the Finance Committee for their comments a report on the financial administration over the past financial year. After the Directing Committee and the Chairman of the Finance Committee have jointly studied all comments received, the Directing Committee will forward to the Member Governments the Final Draft Financial Report, together with any comments by members and by the Chairman of the Finance Committee, for final approval by a two-thirds majority of the votes received within the three months of the dispatch date of the letter seeking approval.

At the same time, the Directing Committee shall give information on the value of the movable and immovable property of the Organization.

ARTICLE 20

An External Auditor shall be appointed by the Finance Committee at the International Hydrographic Conference; his term of appointment shall be for a period of 5 years, subject to annual confirmation decided by the Directing Committee, the Chairman and Vice Chairman of the Finance Committee. The need to change the external auditor will be referred to Member States for decision. The external auditor shall check the cash in banks or on hand and the available or negotiable assets. He shall ensure that the accounts are drawn up according to the accounting rules observed by the profession, that they are in accordance with the directives given by the Conference and that they reflect in a true manner the results of the Organization's activity at the end of the year.

He shall report annually on the accounts submitted by the Finance Committee. A copy of the External Auditor's Annual Report shall be attached to the draft Annual Report by the Directing Committee to the Members of the Finance Committee.

Such auditing may be carried out at any time.

DISSOLUTION

ARTICLE 21

In the event of dissolution, the balance of the accounts of the Organization shall be divided amongst the Governments which are still Parties to the Convention on the day when the latter ceases to have effect. Any credit balance shall be divided amongst these Governments in proportion to the total amount of their contributions since 1921. Any debit balance shall be divided amongst these Governments in proportion to their last annual contribution.

XI. ANNEX II.—NEW GENERAL AND FINANCIAL REGULATIONS

GENERAL REGULATIONS OF THE INTERNATIONAL HYDROGRAPHIC ORGANIZATION (IHO)

GENERAL REGULATIONS OF THE IHO

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GENERAL REGULATIONS OF THE IHO

General

ARTICLE 1

The activities of the International Hydrographic Organization (hereinafter the Organization) are of a consultative and technical nature, and do not include matters involving questions of international politics.

ARTICLE 2

For its relations with the Organization, each Member State shall designate an official representative, preferably the head of the hydrographic office.

ARTICLE 3

Travelling and hotel expenses of representatives to participate in meetings of the Organization shall be defrayed by their respective States.

ARTICLE 4

The Secretary-General shall be authorized to invite observers to any meeting of the Assembly, the Council, the Finance Committee, subsidiary organs and subordinate bodies from:

(a) States that are not Parties to the Convention: one or two observers each, if proposed by a Member State, the Council or the Secretary-General, and subject to approval by two thirds of the Member States;

(b) Member States with rights suspended under Article XV of the Convention, as implemented in accordance with Article 16 of the Financial Regulations: one or two observers each, one of whom should preferably be the head of the hydrographic office;

(c) inter-governmental organizations with which an agreement or special arrangement has been made: one or exceptionally two observers each; and

(d) non-governmental international organizations with which the Organization has established appropriate relationships in accordance with the resolution for the Accreditation of Non-governmental International Organizations: one or exceptionally two observers each.

ARTICLE 5

When decisions of the Organization are made in the form of resolutions and recommendations, these decisions shall be recorded in the Repertory of Resolutions of the Organization. The Secretary-General shall maintain that Repertory.

Subsidiary organs and subordinate bodies

ARTICLE 6

(a) The Assembly may establish subsidiary organs and may authorise the Council, the Finance Committee or any subsidiary organ to establish bodies subordinate to them.

(b) Any body established in accordance with paragraph (a) above shall be open to all Member States and may take the form of:

(i) a committee, being a subsidiary organ whose life expectancy is longer than the time period between two consecutive ordinary sessions of the Assembly;

(ii) a sub-committee, being a subordinate body whose life expectancy is longer than the time period between two consecutive ordinary sessions of the Assembly; or

(iii) a working group, being a subordinate body formed to examine a particular subject.

(c) When establishing a subsidiary organ the Assembly shall determine the Terms of Reference and Rules of Procedure of that subsidiary organ, which shall clearly state, as a minimum, its objectives, its composition, the method for determining its chair, and its reporting procedures.

(d) When establishing a sub-committee the Council, the Finance Committee or any subsidiary organ shall prepare draft Terms of Reference and Rules of Procedure for that sub-committee, which shall clearly state, as a minimum, its objectives, its composition, the method for determining its chair, and its reporting procedures.

(e) When establishing a working group the Council, the Finance Committee, any subsidiary organ or subordinate body shall determine the Terms of Reference and Rules of Procedure of that working group, which shall clearly state, as a minimum, its objectives, its composition, the method for determining its chair, and its reporting procedures.

(f) Draft Terms of Reference and Rules of Procedure prepared by the Finance Committee or any subsidiary organ in accordance with paragraph (d) above shall be submitted to the Council.

(g) Where the Council itself prepares draft Terms of Reference and Rules of Procedure, or where the Council receives submissions in accordance with paragraph (f) above), it shall either:

(i) submit them to Member States for approval by correspondence, in accordance with Articles VI(g)(vii) and IX (f) of the Convention; or

(ii) if such drafts are prepared or received by the Council one year or less before the opening day of the next ordinary session of the Assembly, submit them to the Assembly for approval.

Inter-organizational bodies

ARTICLE 7

The Assembly may approve participation of the Organization at inter-organizational boards and other bodies, and in inter-organizational projects and cooperative activities, including the principles for such participation, and shall approve any Terms of Reference necessary for such participation.

Regional Hydrographic Commissions

ARTICLE 8

(a) Regional Hydrographic Commissions (hereinafter RHCs) are regional bodies, established by Member States and recognized by the Assembly to improve regional co-ordination, enhance exchange of information and foster training and technical assistance.

(b) RHCs recognized by the Assembly are listed in the Annex to these General Regulations.

(c) RHCs shall be established by an agreement of their members.

(d) RHC membership may include full members and associate members, both willing to contribute to the objectives of the Organization in the region concerned.

(e) Full membership is reserved for Member States within the region.

(f) Associate membership is available to:

    (i) other Members States; and

    (ii) States of the region who are not Member States.

(g) Other States and international organizations active in the region concerned may be invited by the RHC to participate as observers.

(h) RHCs shall assess regularly the hydrographic capacity and requirements within their region.

Secretary-General

ARTICLE 9

The Secretary-General is the head of the Secretariat and shall be responsible for its efficient operation. There shall be two Directors who shall report to and have responsibilities assigned by the Secretary-General.

ARTICLE 10

The Secretary-General shall:

(a) be the chief administrative officer of the Organization and administer the Secretariat in accordance with the provisions of the Convention and the General and Financial Regulations and with directives given by the Assembly and the Council;

(b) 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;

(c) support the Council in preparing proposals concerning the overall strategy and the work programme;

(d) appoint and manage the staff needed for the efficient and effective operation of the Secretariat in accordance with the staff regulations and within the budget set by the Assembly; and

(e) keep Member States informed with respect to the activities of the Organization.

ARTICLE 11

The Secretary-General shall keep in close communication with the hydrographic offices of Member States. He/she may also correspond with related scientific organizations of Member States, provided that he/she informs the official representative of the Member State concerned. Furthermore he/she may correspond with similar bodies of other States and with international organizations.

ARTICLE 12

The Secretary-General shall bring to the notice of the hydrographic offices of Member States any hydrographic work of an international character or problems of general interest that may be useful to undertake or study. He/she shall strive for the undertaking of such work or solutions to such problems by seeking collaboration among Member States as necessary.

ARTICLE 13

The Secretary-General shall satisfy as far as possible all requests from representatives of Member States for information or advice related to the work of the Secretariat. Matters which can be dealt with directly among national hydrographic offices should not normally be referred to the Secretary-General.

ARTICLE 14

A Secretary-General elected at an ordinary session of the Assembly shall assume his/her duties on the following 1 September. The duties of his or her predecessor shall terminate on 31 August.

Secretary-General and Directors

ARTICLE 15

A Secretary-General or Director who has been incapacitated for duty for six consecutive months, or otherwise for an aggregate of twelve months, during his/her term of office shall automatically cease to be Secretary-General.

Selection of Members of the Council

ARTICLE 16

The Council shall be composed of Member States. Its composition shall be determined in accordance with the following principles.

(a) No Member State may hold more than one Council seat;

(b) Two-thirds of Council seats shall be held by Member States selected by the RHCs. Each RHC shall be entitled to select at least one Member State, subject to the following:

(i) a Member State may only apply to be selected by a RHC of which it is a full member;

(ii) a Member State may only apply to be selected by one RHC;

(iii) a Member State must apply to the RHC for selection, copying its application to the Secretary-General, at least six months before an ordinary session of the Assembly;

(iv) the number of seats allocated to each RHC shall be calculated by the Secretary-General based on the principle of a proportional representation in order to arrive at the required two thirds of Council seats provided for in this sub-paragraph (b);

(v) for the purpose of deciding how many Council seats are allocated to each RHC the Secretary-General shall ensure that every Member State is counted as a full Member of one, but not more than one, RHC.

(vi) three months before the ordinary session of the Assembly, the Secretary-General shall inform all Member States of the number of seats allocated to each RHC and those Member States eligible for selection by each RHC; and

(vii) each RHC shall declare to the Secretary-General, before the last day of each ordinary session of the Assembly, the Member States it has selected to take seats on the Council from among those eligible for selection.

(c) The remaining one-third of Council seats shall be held by Member States that have the greatest interest in hydrographic matters and have not been selected under the procedure described in sub-paragraph (b) above. The definition of what constitutes an interest in hydrographic matters shall be reconsidered at the latest at the second Assembly meeting. Meanwhile, the scale by which an interest in hydrographic matters is measured shall be national flag tonnage. The table of national flag tonnages is derived in accordance with the procedures set forth in Articles 5 and 6 of the Financial Regulations. The Secretary-General shall determine which Member States will hold this one third of Council seats by identifying them in descending order of their national flag tonnages, referring to the table of current national flag tonnages produced in accordance with Article 6(a) of the Financial Regulations, and by having ascertained the willingness of each of them to hold a seat on the Council.

(d) Before the end of the ordinary session the Secretary-General shall submit the full list of Council members to the Assembly.

(e) The Assembly shall review and endorse the selection process to ensure that these principles have been correctly followed.

(f) In the event that a Member State holding a seat on the Council should be denied voting rights and benefits in accordance with Article XV of the Convention, that Member State shall immediately forfeit its seat and the Secretary-General shall initiate the appropriate procedure to replace it in accordance with this Article 16.

Election and terms of office of the Secretary-General and of Directors

ARTICLE 17

The Secretary-General and Directors, who shall be of different nationalities, shall be elected by the Assembly in accordance with Articles V(e)iii and IX(b) of the Convention. The election shall be held by secret ballot.

ARTICLE 18

(a) For the election of the Secretary-General and Directors, each Member State shall have two votes; those Member States that have a national flag tonnage of 100 000 tons or more shall have supplementary votes in accordance with the following table.

NATIONAL FLAG TONNAGE	SUPPLEMENTARY VOTES
100 000 - 499 999	1
500 000 - 1 999 999	2
2 000 000 - 7 999 999	3
8 000 000 and above	4

(b) National flag tonnage shall be determined in accordance with Article 5 of the Financial Regulations.

ARTICLE 19

Each Member State may nominate only one candidate, who may be nominated for either or both of the posts of Secretary-General or Director, and who shall be of the nationality of the nominating Member State. If possible, nominations should reach the Secretary-General at least three months before the opening day of the next ordinary session of the Assembly. The list of candidates shall be closed ten days prior to the opening day of the ordinary session of the Assembly.

ARTICLE 20

(a) Each nomination shall indicate whether it is for the post of Secretary-General or Director or for both posts, and shall include a statement detailing the candidate's qualifications. The following specific information should be provided:

- nominating Member State;
- name;
- nationality;
- date of birth;
- titles and decorations;
- education (periods including specialized or special qualifications);
- languages (speaking and reading capacity);
- all service and experience relevant to the nomination and which provide an indication of the extent to which the candidate is qualified to serve as Secretary-General or Director; and
- such additional information as may be relevant.

(b) Each nomination shall be signed by the candidate and by a representative of the nominating Member State.

ARTICLE 21

(a) The nominations, with the detailed statements, shall be notified to all Member States by the Secretary-General as soon as they are received.

(b) The Secretary-General shall collate the nominations and present them to the Assembly.

ARTICLE 22

(a) There shall be separate ballots, first for the election of the Secretary-General and subsequently for each of the Directors.

(b) To register their votes Member States shall write the names of the candidates whom they wish to elect on a number of voting papers equal to the number of votes to which they are entitled.

(c) Only the name of one candidate shall be written on each voting paper.

(d) Any voting paper not completed in accordance with paragraphs (b) and (c) above shall be nullified.

ARTICLE 23

(a) The candidate receiving the largest number of votes in a ballot shall be elected.

(b) In the event that two or more candidates tie with the largest number of votes, a new ballot restricted to those candidates shall be held.

ARTICLE 24

Individuals elected to the posts of Secretary-General and Directors by the Assembly shall serve a first term of office of six years.

ARTICLE 25

Notwithstanding Article 17, if the post of the Secretary-General or of any Director falls vacant during the period between two ordinary sessions of the Assembly the following provisions shall apply.

(a) If the post of Secretary-General falls vacant one year or less before the opening day of the next ordinary session of the Assembly the Council shall appoint one of the Directors as Acting Secretary-General until the 31 August following the next ordinary session of the Assembly.

(b) If any post of Director falls vacant one year or less before the opening day of the next ordinary session of the Assembly, including where such a post falls vacant due to the operation of Article 25 (a) above, no replacement shall be appointed before the next ordinary session of the Assembly.

(c) If the post of Secretary-General falls vacant more than one year before the opening day of the next ordinary session of the Assembly a new Secretary-General shall be elected by correspondence in accordance with the principles set forth in Articles 17 to 23. In such a case the Chair of the Council, with the support of the Secretariat, shall conduct the election by postal ballot, immediately notify Member States of the result and invite the Secretary-General to take up his/her duties.

(d) If any post of Director falls vacant more than one year before the opening day of the next ordinary session of the Assembly a new Director shall be elected by correspondence in accordance with the principles set forth in Articles 17 to 23. In such a case the Secretary-General shall conduct the election by postal ballot, immediately notify Member States of the result and invite the Director to take up his/her duties.

(e) The term of office of any Secretary-General or Director elected in accordance with Articles 25 (c) or (d) above shall end at the same time as would have his/her predecessor's.

ARTICLE 26

(a) Individuals having served a first term of office as Secretary-General or as a Director may, immediately upon expiry of that term of office but not otherwise, seek re-election to any of those posts, and if re-elected shall serve a second term of office as follows.

(i) An individual having been elected by the Assembly and having served a full first term of office of six years shall upon re-election serve a term of office of three years.

(ii) An individual having been elected in accordance with Articles 25 (c) or 25 (d) above shall upon re-election serve:

(A) in the case of an individual having served a first term of office of three years or less, a term of office of six years; or

(B) in the case of an individual having served a first term of office of more than three years, a term of office of three years.

(b) In no circumstances shall any individual occupy the post of Secretary-General or Director or a combination of both for an aggregate term of more than nine years.

ANNEX

RHCs referred to in Article 8(b).

1. Baltic Sea Hydrographic Commission (BSHC);
2. East Asia Hydrographic Commission (EAHC);
3. Eastern Atlantic Hydrographic Commission (EAtHC);
4. Mediterranean and Black Seas Hydrographic Commission (MBSHC);
5. Meso-American and Caribbean Sea Hydrographic Commission (MACHC);
6. Nordic Hydrographic Commission (NHC);
7. North Indian Ocean Hydrographic Commission (NIOHC);
8. North Sea Hydrographic Commission (NSHC);
9. Regional Organization for the Protection of the Marine Environment (ROPME) Sea Area Hydrographic Commission (RSAHC);
10. Southern Africa and Islands Hydrographic Commission (SAIHC);
11. South East Pacific Hydrographic Commission (SEPHC);
12. South West Pacific Hydrographic Commission (SWPHC);
13. US/Canada Hydrographic Commission (USCHC); and
14. South West Atlantic Hydrographic Commission (SWAtHC).

FINANCIAL REGULATIONS OF THE INTERNATIONAL HYDROGRAPHIC ORGANIZATION (IHO)

FINANCIAL REGULATIONS OF THE INTERNATIONAL HYDROGRAPHIC ORGANIZATION

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FINANCIAL REGULATIONS OF THE INTERNATIONAL HYDROGRAPHIC ORGANIZATION

Basic provisions for financial administration

ARTICLE 1

The financial administration of the Organization shall be effected in accordance with the Convention.

Budget

ARTICLE 2

(a) The budget shall be drawn up on a three-year basis with the estimates for each year shown separately and expressed in Euros.

(b) The financial year of the Organization shall coincide with the Gregorian calendar year.

ARTICLE 3

Any misrepresentation of income and expenditure shall be prohibited in the presenting of the budget.

ARTICLE 4

The annual contributions of Member States shall be payable in Euros into the Organization's bank accounts. Such contributions shall be determined by the following rules:

(a) each Member State shall contribute two shares;

(b) those Member States which have a national flag tonnage of 100 000 tons or more shall contribute supplementary shares in accordance with the following scale:

NATIONAL FLAG TONNAGE	SUPPLEMENTARY SHARES	NATIONAL FLAG TONNAGE	SUPPLEMENTARY SHARES
100 000 - 249 999	1	7 770 000 - 9 024 999	14
250 000 - 454 999	2	9 025 000 - 10 399 999	15
455 000 - 719 999	3	10 400 000 - 11 899 999	16
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3 850 000 - 4 674 999	10	23 805 000 - 26 319 999	23
4 675 000 - 5 599 999	11	26 320 000 - 28 999 999	24
5 600 000 - 6 629 999	12	29 000 000 and above	25 (max.)
6 630 000 - 7 769 999	13		

and;

(c) the maximum annual value of a share, in Euros, shall be shown in the three-year budget approved by the Assembly.

ARTICLE 5

In application of the Convention and the General and Financial Regulations, the tonnage figures of the Member States shall be obtained by adding six sevenths of the displacement tonnage of warships exceeding 100 tons to the gross tonnage of all other vessels under their flag exceeding 100 gross tons.

ARTICLE 6

(a) Seven months before the opening day of each ordinary session of the Assembly, the Secretary-General shall ask Member States to supply their tonnage figures as of 1 July of the year preceding that of the session. Two months before the opening day of the session, the Secretary-General shall notify to Member States a table of current national flag tonnages.

(b) The table of current national flag tonnages and that of shares and votes shall be submitted to the Assembly for approval, and shall take effect on 1 January of the year following that of the ordinary session of the Assembly. Except as provided for in sub-paragraph (c) below, these tables shall remain in effect until 31 December of the year of the subsequent ordinary session of the Assembly.

(c) When a State desires to accede to the Convention, it shall declare its national flag tonnage and the Secretary-General shall enter it in the table of current national flag tonnages as soon as accession becomes effective.

ARTICLE 7

In consideration of the fact that the Government of His Serene Highness the Prince of Monaco provides the Organization with premises free of charge, it shall not pay any contribution but shall have the right to vote.

ARTICLE 8

(a) Before each ordinary session of the Assembly the Secretary-General shall prepare the financial statements and the estimated 3-year budget and submit them at least two months in advance of their meetings to the Finance Committee and the Council, which will take action in accordance with Articles VII (c) and VI g(vi) of the Convention.

(b) Between ordinary sessions of the Assembly, the Secretary-General shall submit to the Council, and to the Members of the Finance Committee by correspondence for their information, the budget estimates for the following financial year, based on the 3-year budget approved by the Assembly.

ARTICLE 9

The Secretary-General shall carry the budget into effect and shall ensure that expenditure and commitments conform with the budgetary provisions.

ARTICLE 10

(a) Allocations may be transferred between different categories of expenditure specified in the budget, referred to as Chapters, but must not result in the creation of new Chapters.

(b) The Secretary-General may make transfers of allocations provided that such transfers do not exceed ten per cent of the total of any one of the Chapters concerned. Such transfers shall be reported, with the necessary justification, to the Council and the Finance Committee.

(c) Transfers in excess of the said ten per cent shall require prior authorization by the Council.

ARTICLE 11

After the close of the financial year corresponding to a budget, no further financial obligations under it may be incurred. Outstanding obligations must be met within three months of the close of the financial year.

Treasury – Operating Cash Reserve

ARTICLE 12

All funds of the Organization shall be under the control of the Secretary-General.

ARTICLE 13

(a) Member States' annual contributions to the budget, as specified in Article 4, shall be due on 1 January of the corresponding financial year. Payment must be punctual.

(b) Notice of the date of dispatch of the contribution must be promptly given to the Secretary-General.

(c) Annual contributions or portions thereof not paid before 1 January of the succeeding financial year shall from that date be subject to simple interest at the rate of one per cent for each month that they remain unpaid.

ARTICLE 14

A State acceding to the Convention shall pay its full contribution for that year only if its accession takes effect before 1 July. If its accession takes effect on or after that date it shall pay one half of that contribution.

ARTICLE 15

Outstanding contributions and accrued interest shall be shown in tables annexed to the financial statements.

ARTICLE 16

The procedure for suspension of the voting rights and benefits of a Member State pursuant to the provisions of Article XV of the Convention shall be as follows.

(a) If a Member State is in arrears in its contributions for two years, having been advised of its outstanding arrears, and fails to make payment in full or fails to agree to a schedule of payments, the Member State shall be suspended with effect from the next 1st of January.

(b) Any Member State thus deprived of its rights and benefits shall remain obligated to the Organization for the entire amount in arrears plus accrued interest outstanding at the time of suspension, in accordance with Article 13(c).

(c) The Secretary-General shall make appropriate arrangements with the Member State concerned for the recovery of arrears.

ARTICLE 17

To ensure the financial stability of the Organization and to avoid any treasury difficulties, the Secretary-General shall have at its disposal an operating cash reserve the amount of which shall correspond, at 31 December each year, to not less than three-twelfths of the total annual operating budget of the Organization.

Emergency Reserve Fund

ARTICLE 18

The Organization shall have an emergency reserve fund, the amount of which shall be not less than one-twelfth of the total annual operating budget of the Organization. It shall be used by the Secretary-General in exceptional circumstances only.

Auditor

ARTICLE 19

(a) An external auditor shall be appointed by the Assembly; his/her term of appointment shall be for a period of three years, subject to Article 19(b) below.

(b) During periods between ordinary sessions of the Assembly the Council shall have the power to discharge the external auditor and appoint a replacement.

(c) The external auditor shall check the cash in banks or on hand and the available or negotiable assets. He/she shall ensure that the accounts are drawn up according to the accounting rules observed by the profession and with the directives given by the Assembly. Such auditing may be carried out at any time.

(d) The external auditor shall report annually on the accounts submitted by the Secretary-General. A copy of the external auditor's annual report shall be attached to the annual financial statements forwarded by the Secretary-General to the Council and Finance Committee.

Dissolution

ARTICLE 20

In the event of dissolution, the balance of the accounts of the Organization shall be divided amongst the Member States which are still Parties to the Convention on the day when the latter ceases to have effect. Any credit balance shall be divided amongst these Member States in proportion to the total number of their shares paid since 1921. Any debit balance shall be divided amongst these Member States in proportion to their last annual contribution.

XII. Annex III.—Responses to Questions Submitted by Senator Biden

Question. Please provide a list of recent accomplishments of the International Hydrographic (IHO) Organization that are significant.

Answer. Recent significant accomplishments of the International Hydrographic Organization (IHO) include:

- Development of standards for digital hydrographic data, which provides for expanded use of marine geospatial data, beyond the traditional safety-of-navigation purposes, to better support mapping of critical habitats and natural resources, marine research, protection and monitoring of the marine environment, and sustainable use of the world's oceans, coasts, and fisheries.
- Development of the first internationally accepted standards for Electronic Navigational Charts (ENCs), which will be used in Electronic Chart Display and Information Systems (ECDIS) by all major seagoing vessels as navigation transitions from paper to electronic chart navigation over the next few years. The IHO standards provide international interoperability for electronic chart data and improve the safety and efficiency of maritime navigation. Safety is improved through continuous display of ship location in relation to standard IHO symbols. Efficiency of marine navigation is being improved through IHO work with its Member States and commercial system providers to expand the system capability in support of the mariner.
- Establishment of a Capacity Building Committee to develop and implement plans and foster regional cooperative efforts to assist developing coastal States in acquiring the ability to collect digital hydrographic data and produce electronic charts.
- Evaluation of the current status of worldwide electronic chart coverage, and the actions necessary to improve the scope of such coverage

Question. Please provide a list of current and future priorities of the International Hydrographic Organization that are worthy of note.

Answer. The current and future priorities of the International Hydrographic Organization include:

- Expansion of the Navigation Warning system into the Arctic region for improved maritime safety in response to increased shipping within this region.
- Development of the next generation of electronic chart standards to include 3D data, and integration of ice, tides, currents, and meteorology data into the electronic chart display.

- Assisting Member States with their production of Electronic Navigational Charts, which are essential for the future deployment of Electronic Chart Display and Information Systems. Such assistance might include training and guidance regarding international hydrographic and charting standards and identifying voluntary resources to support developing country hydrographic offices in acquiring and expanding their production capabilities.
- Collaboration with other organizations in the development of policies and standards for nautical products that facilitate the safe passage of all vessels, including military ones, through domestic and international waters.
- Expanding IHO membership, thereby increasing collection of hydrographic data and production of nautical charts to support safety of navigation and protection of the marine environment.
- The IHO recently accepted a proposal from the United States to develop a standard international format for displaying non-mandatory, supplemental marine environmental data with Electronic Navigational Charts in electronic navigation systems. This is a collaborative effort among IHO Member States, environmental organizations and agencies, military, and private industry.

Question. What was the U.S. assessed contribution to the International Hydrographic Organization for calendar years 2005, 2006, and 2007? What is the assessed contribution to the International Hydrographic Organization for calendar year 2008? Do you expect a significant increase in the U.S. assessed contribution to the International Hydrographic Organization in future years, if the Protocol enters into force?

Answer. The U.S. assessed contributions to the International Hydrographic Organization for calendar years 2005, 2006 and 2007 were as follows: $113,000 for calendar year 2005; $120,000 for calendar year 2006; and $118,000 for calendar year 2007.

The anticipated assessed U.S. contribution for calendar year 2008 is $143,000, which may increase as a result of the weakening dollar. IHO budgets are based on the Euro.

The United States does not expect a significant increase in the U.S. assessed contribution to the IHO when the Protocol enters into force. Entry into force of the Protocol will facilitate the reorganization of the IHO, which will result in a more efficient and responsive organization and attendant cost-savings. In addition, the amendments will simplify the process for increasing IHO membership, and an increased membership should obviate the need to increase assessed contributions to current members, including the United States. Under the current Convention, it could take 3 or more years to gain the necessary 2/3 approval for admission as a new Member State, whereas amendments to the Convention will authorize any State that is a member of the United Nations to become a member by simply depositing its instrument of accession to the Convention with the Depositary.

Question. Please provide to the Committee a copy of the current Financial Regulations of the International Hydrographic Organiza-

tion and the current General Regulations of the International Hydrographic Organization. When were these regulations adopted by the International Hydrographic Organization?

Answer. Copies of the current Financial Regulations and General Regulations of the International Hydrographic Organization are attached at Tab A [Annex I of this Report]. The current Financial Regulations incorporate amendments that were adopted in 2003. The current General Regulations incorporate amendments to Article 6 of the regulations, which were adopted in 2007 at the XVIIth International Hydrographic Conference.

The XVIIth Conference also adopted amendments to the Financial Regulations and additional amendments to the General Regulations, whose implementation is subject to the entry into force of the Protocol. These amendments will serve the same purpose as the Protocol, which is to facilitate implementation of IHO's reorganization. Copies of the Financial Regulations and General Regulations that will take effect upon entry into force of the Protocol are attached at Tab B [Annex II of this Report].

Question. How many people are currently employed by the International Hydrographic Organization?

Answer. The International Hydrographic Bureau, which serves as the secretariat of the IHO, employs 19 individuals. It is led by a Directing Committee that is comprised of a President and two Directors, who are nominated by the IHO Member States and elected by the Conference for 5-year terms. The remaining 16 staff includes 5 professional technical assistants for cartography, publications, digital standards, hydrography and administration, and 11 staff for translation, finance, digital cartography/graphics and administration/communications. Since 1997, the IHO has reduced its staff by 2 despite a steadily increasing IHO membership.

Question. Will the United States have a seat on the newly established Council, if the Protocol enters into force?

Answer. The United States will have a seat on the newly established Council upon the Protocol's entry into force. Under the current principles governing the composition of the Council as set out in the Protocol of Amendments and the General Regulations, seats are allocated on the bases of regional representation and hydrographic interest. The existing "hydrographic interest" basis for membership on the new Council is tonnage of shipping (all civil tonnage over 100 tons plus 6/7ths of all military tonnage). The U.S. tonnage reported to IHO currently stands at 24,139,848 tons which places the United States in 5th position among IHO Member States. The top 10 Member States on the tonnage listing will have a seat on Council. The "hydrographic interest" criterion may change in the future but all the suggested alternatives, e.g., number of charts, area of national waters, etc., would still result in the United States having a seat on Council.

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