



TREATY SERIES 2008
Nº 3

**Convention on the International Hydrographic
Organisation**

Signed at Monaco on 3 May 1967

**Ireland's instrument of accession deposited with the Government of the
Principality of Monaco on 4 June 2007**

Entered into force for Ireland on 4 June 2007

Presented to Dáil Éireann by the Minister for Foreign Affairs

CONVENTION ON THE INTERNATIONAL HYDROGRAPHIC ORGANIZATION

THE GOVERNMENTS PARTIES TO THIS CONVENTION,

Considering that the International Hydrographic Bureau was established in June 1921 to contribute to making navigation easier and safer throughout the world by improving nautical charts and documents;

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

HAVE AGREED as follows:

Article I

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

Article II

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

- (a) The co-ordination of the activities of national hydrographic offices;
- (b) The greatest possible uniformity in nautical charts and documents;
- (c) The adoption of reliable and efficient methods of carrying out and exploiting hydrographic surveys;
- (d) The development of the sciences in the field of hydrography and the techniques employed in descriptive oceanography.

Article III

The Members of the Organization are the Governments Parties to this Convention.

Article IV

The Organization shall comprise:

- The International Hydrographic Conference, hereinafter referred to as the Conference;
- The International Hydrographic Bureau, hereinafter referred to as the Bureau, administrated by the Directing Committee.

Article V

The functions of the Conference shall be:

- (a) To give general directives on the functioning and work of the Organization;
- (b) To elect the members of the Directing Committee and its President;
- (c) To examine the reports submitted to it by the Bureau;
- (d) To make decisions in respect of all proposals of a technical or administrative nature submitted by Member Governments or by the Bureau;
- (e) To approve the budget by a majority of two-thirds of the Member Governments represented at the Conference;
- (f) To adopt, by a two-thirds majority of the Member Governments, amendments to the General Regulations and Financial Regulations;
- (g) To adopt, by the majority prescribed in the preceding paragraph, any particular regulations that may prove to be necessary, notably on the status of the directors and staff of the Bureau.

Article VI

1. The Conference shall be composed of representatives of the Member Governments. It shall meet in ordinary session every five years. An extraordinary session of the Conference may be held at the request of a Member Government or of the Bureau, subject to approval by the majority of the Member Governments.
2. The Conference shall be convened by the Bureau on at least six months' notice. A provisional agenda shall be submitted with the notice.
3. The Conference shall elect its President and Vice-President.
4. Each Member Government shall have one vote. However, for the voting on the questions referred to in Article V(b), each Government shall have a number of votes determined by a scale established in relation to the tonnage of their fleets.
5. Conference decisions shall be taken by a simple majority of the Member Governments represented at the Conference, except where this Convention provides otherwise. When voting for or against is evenly divided, the President of the Conference shall be empowered to a decision. In the case of resolutions to be inserted in the Repertory of Technical Resolutions, the majority shall in any event include the affirmative votes of not less than one third of the Member Governments.
6. Between sessions of the Conference the Bureau may consult the Member Governments by correspondence on questions concerning the technical functioning of the Organization. The voting procedure shall conform to that provided for in paragraph 5 of this Article, the majority being calculated in this case on the basis of the total membership of the Organization.
7. The Conference shall constitute its own Committees, including the Finance Committee referred to in Article VII.

Article VII

1. The supervision of the financial administration of the Organization shall be exercised by a Finance Committee on which each Member Government may be represented by one delegate.
2. The Committee shall meet during sessions of the Conference. It may meet in extraordinary session.

Article VIII

For the fulfilment of the objects defined in Article II it shall be the responsibility of the Bureau, in particular:

- (a) To bring about a close and permanent association between national hydrographic offices;
- (b) To study any matters relating to hydrography and the allied sciences and techniques, and to collect the necessary papers;
- (c) To further the exchange of nautical charts and documents between hydrographic offices of Member Governments;
- (d) To circulate the appropriate documents;
- (e) To tender guidance and advice upon request, in particular to countries engaged in setting-up or expanding their hydrographic service;
- (f) To encourage co-ordination of hydrographic surveys with relevant oceanographic activities;
- (g) To extend and facilitate the application of oceanographic knowledge for the benefit of navigators;
- (h) To cooperate with international organizations and scientific institutions which have related objectives.

Article IX

The Bureau shall be composed of the Directing Committee and the technical and administrative staff required by the Organization.

Article X

1. The Directing Committee shall administer the Bureau in accordance with the provisions of this Convention and the Regulations and with directives given by the Conference.
2. The Directing Committee shall be composed of three members of different nationality, elected by the Conference, which shall further elect one of them to fill the

office of President of the Committee. The term of office of the Directing Committee shall be five years. If a post of director falls vacant during the period between two Conferences, a by-election may be held by correspondence as provided for in the General Regulations. (See note at the end of this chapter)

Pending Amendment

By Decision N° 5, the XIIIth I.H. Conference approved a different system for the election of Directors. A new wording was approved for paragraph 2 of Article X of the Convention. This amendment was referred to all Contracting Parties in accordance with Article XXI of the Convention. At the date of publication of this edition, the majority of two-thirds of the Member Governments has not yet been reached. The text approved at the XIIIth Conference is given below, and will replace the former text if the approval is eventually obtained.

"2. The Directing Committee shall be composed of three directors, one the President and two other directors, each of different nationality, elected by the Conference. The Conference shall first elect the President and then the other two directors. The term of office of the Directing Committee shall be five years. If a post of director falls vacant during the period between two Conferences, a by-election may be held by correspondence as provided for in the General Regulations."

3. The President of the Directing Committee shall represent the Organization.

Article XI

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

Article XII

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

Article XIII

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

Article XIV

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

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

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

Article XV

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

Article XVI

The budget of the Organization shall be drafted by the Directing Committee, studied by the Finance Committee and approved by the Conference.

Article XVII

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

Article XVIII

1. This Convention shall be open in Monaco on 3 May 1967, and subsequently at the Legation of the Principality of Monaco in Paris from 1 June until 31 December 1967, for signature by any Government which participates in the work of the Bureau on 3 May 1967.

2. The Governments referred to in paragraph 1 above may become Parties to the present Convention:

- (a) By signature without reservation as to ratification or approval, or
- (b) By signature subject to ratification or approval and the subsequent deposit of an instrument of ratification or approval.

3. Instruments of ratification or approval shall be handed to the Legation of the Principality of Monaco in Paris to be deposited in the Archives of the Government of the Principality of Monaco.

4. The Government of the Principality of Monaco shall inform the Governments referred to in paragraph 1 above, and the President of the Directing Committee, of each signature and of each deposit of an instrument of ratification or approval.

Article XIX

1. This Convention shall enter into force three months after the date on which twenty-eight Governments have become Parties in accordance with the provisions of Article XVIII, paragraph 2
2. The Government of the Principality of Monaco shall notify this date to all signatory Governments and the President of the Directing Committee.

Article XX

After it has entered into force this Convention shall be open for accession by the Government of any maritime state which applies to the Government of the Principality of Monaco specifying the tonnage of its fleets, and whose admission is approved by two-thirds of the Member Governments. Such approval shall be notified by the Government of the Principality of Monaco to the Government concerned. The Convention shall enter into force for that Government on the date on which it has deposited its instrument of accession with the Government of the Principality of Monaco which shall inform the Member Governments and the President of the Directing Committee.

Article XXI

1. Any Contracting Party may propose amendments to this Convention.
2. Proposals of amendment shall be considered by the Conference and decided upon by a majority of two-thirds of the Member Governments represented at the Conference. When a proposed amendment has been approved by the Conference, the President of the Directing Committee shall request the Government of the Principality of Monaco to submit it to all Contracting Parties.
3. The amendment shall enter into force for all Contracting Parties three months after notifications of approval by two-thirds of the Contracting Parties have been received by the Government of the Principality of Monaco. The latter shall inform the Contracting Parties and the President of the Directing Committee of the fact, specifying the date of entry into force of the amendment.

Pending Amendment

By Decision N° 13, the XVth I.H. Conference approved the addition of a new paragraph 4 to this Article. This amendment was referred to all Contracting Parties in accordance with Article XXI of the Convention. At the date of publication of this edition, the majority of two-thirds of the Member Governments has not yet been reached. The text approved at the XVth Conference is given below.

4. Any amendment to this Convention that has not entered into force is null and void at the opening of the next ordinary Session, unless the Conference decides otherwise.

Article XXII

1. 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 Government of the Principality of Monaco. The denunciation shall take effect upon 1 January next following the expiration of the notice and shall involve the abandonment by the Government concerned of all rights and benefits of membership in the Organization.

2. The Government of the Principality of Monaco shall inform the Contracting Parties and the President of the Directing Committee of any notification of denunciation it receives.

Article XXIII

After the present Convention enters into force it shall be registered by the Government of the Principality of Monaco with the Secretariat of the United Nations in accordance with Article 102 of its Charter.

NOTE: See Annex A.

IN WITNESS WHEREOF the undersigned, duly authorized thereto, have signed this Convention.

DONE at Monaco on the third day of May nineteen hundred and sixty-seven, in a single copy in the English and French languages, each text being equally authentic, which shall be deposited in the Archives of the Government of the Principality of Monaco, which shall transmit certified copies thereof to all signatories and acceding Governments and to the President of the Directing Committee.

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

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

<p>CERTIFICATE of REGISTRATION No. <u>16427</u></p> <p>The SECRETARY-GENERAL of the UNITED NATIONS Hereby certifies that the Government of the Principality of Monaco has registered with the Secretariat in accordance with Article 102 of the Charter of the United Nations the Convention on the International Hydrographic Organization (with general regulations). Signed at Monaco on 3 May 1967.</p> <p>The registration took place on <u>22 September 1970</u> under No. <u>10764</u> Done at New York, on <u>25 January 1971</u></p> <p>To the Government of the Principality of Monaco</p>	<p>CERTIFICAT d'ENREGISTREMENT</p> <p>Le SECRETAIRE GENERAL des NATIONS UNIES Certifie par la presente que le Gouvernement de la Principauté de Monaco a enregistré au Secrétariat conformément aux termes de l'Article 11 de la Charte des Nations Unies la Convention relative à l'organisation hydrographique internationale (avec règlement général). Signée à Monaco le 3 mai 1967.</p> <p>L'enregistrement a eu lieu le <u>22 septembre 1970</u> sous le n° <u>10764</u> Fait à New York, le <u>25 janvier 1971</u></p> <p>Pour le SECRETAIRE GENERAL Au Gouvernement de la Principauté de Monaco</p>
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Article 102 of the Charter of the United Nations

1. Every treaty and every international agreement entered into by any Member of the United Nations after the present Charter comes into force shall as soon as possible be registered with the Secretariat and published by it.

2. No party to any such treaty or international agreement which has not been registered in accordance with the provisions of paragraph 1 of this Article may invoke that treaty or agreement before any organ of the United Nations.

**GENERAL REGULATIONS
OF THE
INTERNATIONAL HYDROGRAPHIC ORGANIZATION**

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 Nongovernmental 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

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.