

OFFICE OF THE PRESIDENT

PERMANENT SECRETARY, SECRETARY TO THE CABINET
AND HEAD OF THE PUBLIC SERVICE

SECRET

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NAIROBI

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Ref. No. **OP/CAB.58/4A**.....
and date

22nd November, 2012/20.....

Mrs. Dorothy N. Angote-Muya, CBS
Permanent Secretary
Ministry of Lands
NAIROBI

Mr. Thuita Mwangi, CBS
Permanent Secretary
Ministry of Foreign Affairs
NAIROBI

Dear *Thuita*

RE: CABINET MEMORANDUM ON KENYA'S ACCESSION TO THE INTERGOVERNMENTAL CONVENTION ON INTERNATIONAL HYDROGRAPHIC ORGANISATION (IHO) AND ANNUAL CONTRIBUTION

I refer to the **Seventeenth Cabinet Meeting 2012**, held on **22nd November, 2012** during which Cabinet Memorandum **CAB(12)101**, jointly submitted by the Minister for Lands and the Minister for Foreign Affairs was presented and discussed.

I wish to inform you that Cabinet **considered** the contents of the Memorandum and:

- (i) **Approved** the application for accession to the Intergovernmental Convention on the International Hydrographic Organization.
- (ii) **Approved** further deposition of Instrument of Accession upon approval of admission by two-thirds majority of the current Member States and provision of funds to pay for annual contributions to the Organization.
- (iii) **Directed** the Minister for Lands, and the Minister for Foreign Affairs to take the necessary action.

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Yours *Sincerely*

Franis

F. T. KIMEMIA, CBS
PERMANENT SECRETARY, SECRETARY
TO THE CABINET AND ACTING HEAD OF PUBLIC SERVICE

Copy to:

Hon. James Orengo, EGH, MP
Minister for Lands
NAIROBI

Hon. (Prof.) Samson Kegengo Ongeru, EGH, MP
Minister for Foreign Affairs
NAIROBI

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**MEMORANDUM TO THE SPEAKER OF THE NATIONAL ASSEMBLY
ON ACCESSION TO THE CONVENTION ON THE INTERNATIONAL
HYDROGRAPHIC ORGANIZATION (IHO) BY THE REPUBLIC OF
KENYA.**

Submitted by the Cabinet Secretary for Foreign Affairs and International
Trade)

OBJECTIVE OF THE MEMORANDUM

The objective of the memorandum is to:

1. Inform the National Assembly that the Cabinet at its Seventeenth meeting held on 22nd November 2012 approved Kenya's accession to the Convention on the International Hydrographic Organization (IHO);
2. Seek National Assembly approval for the Republic of Kenya
 - a. Accede to the Convention on the International Hydrographic Organization (IHO).
 - b. Apply to accede to the Convention on the International Hydrographic Organization (IHO).

2.0 BACKGROUND OF THE SUBJECT MATTER

Kenya has a vast total water area of some 11,230 Square kilometers of inland waters which includes the 200 nautical miles wide her claim on Extended Continental Shelf approximately 103,320 square kilometers of the Continental Shelf for consideration



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For orderly exploitation of the marine resources, within the vast water areas, hydrographic surveys are required to provide for the measurement and depiction of the parameters necessary to describe the precise nature and configuration of the sea-bed, its geographical relationship to the land masses and the characteristics and dynamics of the sea.

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Some of the important development activities that require complete and up to date hydrographic information include:

to

- protection and preservation of our marine environment through monitoring and prediction of pollution movement;
- exploration and exploitation of offshore resources;
- updating of navigational charts to improve safety of navigation;
- planning of port development schemes and the construction of new ports for maritime development, fisheries and tourism.

Furthermore, the International Convention for the Safety of Life at Sea Convention (SOLAS) to which Kenya is a State party, at Chapter V, places a clear obligation on Contracting Governments to arrange for the collection and compilation of hydrographic data and publication, dissemination and keeping up to date of all nautical information necessary for safe navigation.

In view of the foregoing that the Cabinet at its meeting held on the 26th July 1991 approved the establishment of a National Hydrographic Office in Kenya, under the Department of Surveys in the Ministry of Lands and Physical Planning, the Kenya National Hydrographic and Oceanographic Committee (KNHOC) to coordinate the acquisition and dissemination of hydrographic information to maritime users.



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CONVENTION
ON THE
INTERNATIONAL HYDROGRAPHIC ORGANIZATION

CONVENTION ON THE IHO

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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 XIth 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 XIIth 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.

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

CERTIFICATE of REGISTRATION No. 16427 CERTIFICAT d'ENREGISTREMENT

The SECRETARY-GENERAL of the UNITED NATIONS

Le SECRETAIRE GENERAL des NATIONS UNIE

Hereby certifies that

Certifie par la presente que

the Government of the Principality of Monaco

le Gouvernement de la Principauté de Monaco

has registered with the Secretariat in accordance with Article 102 of the Charter of the United Nations

a enregistré au Secretariat conformément aux termes de l'Article 102 de la Charte des Nations Unies

the Convention on the International Hydrographic Organization (with general regulations). Signed at Monaco on 3 May 1957.

la Convention relative à l'organisation hydrographique internationale (avec règlement général). Signée à Monaco le 3 mai 1957.

The registration took place on 22 September 1970

L'enregistrement a eu lieu le 22 septembre 1970

under No. 10764

sous le n° 10764

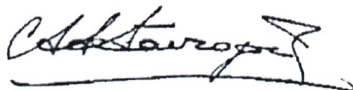
Done at New York, on 25 January 1971

Fait à New York, le 25 janvier 1971

To the Government of the Principality of Monaco

For the SECRETARY - GENERAL
Pour le SECRETAIRE GENERAL

Au Gouvernement de la Principauté de Monaco



Article 102 of the Charter of the United Nations

1. Every treaty and every international agreement entered into by any Member of the United Nations after the present Charter comes into force shall as soon as possible be registered with the Secretariat and published by it.
2. No party to any such treaty or international agreement which has not been registered in accordance with the provisions of paragraph 1 of this Article may invoke that treaty or agreement before any organ of the United Nations.



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In view of the foregoing that the Cabinet at its meeting held on the 15th July 1991 approved the establishment of a National Hydrographic Office in Kenya, under the Department of Surveys in the Ministry of Lands and Physical Planning, the Kenya National Hydrographic and Oceanographic Committee (KNHOC) is hereby established to coordinate the acquisition and dissemination of hydrographic information to maritime users.



3.0 INTERNATIONAL HYDROGRAPHIC ORGANIZATION (IHO)

IHO is an Intergovernmental Consultative and Technical Organization established in 1921 with the mission of facilitating the provision of adequate and timely hydrographic information for world-wide marine navigation and other purposes through the coordination of the endeavors of National Hydrographic Offices. The IHO has Observer status at the United Nations General Assembly. Further, IHO is recognized by the United Nations as the competent international organization for hydrography and nautical charting. The IHO provides a range of international standards that govern the conduct of hydrographic surveys, the provision of nautical charts, publications and in conjunction with the International Maritime Organization (IMO), the promulgation of Maritime Safety Information.

3.1 INTERNATIONAL HYDROGRAPHIC ORGANIZATION (IHO) REPRESENTATION

The official representative of each Member Government within the IHO is normally the national Hydrographer, or Director of Hydrography, who, together with their technical staff, meet at five-yearly intervals in Monaco at the International Hydrographic Conference (IHC). The IHC serves the same function as an Assembly in other inter-governmental organizations. Extraordinary Conferences can be held in the interim period as may be required. Kenya became an Observer member in 1982 and has sent delegates to IHC ever since. It is important to note that Kenya is already a full member of the International Maritime Organisation (IMO) which is a sister organisation that deals with maritime trade and regulations.

3.2 OBJECTIVES OF INTERNATIONAL HYDROGRAPHIC ORGANIZATION (IHO)

The main objective of IHO is to facilitate coordination of hydrographic activities among member states and international organizations and



enhance cooperation on hydrographic activities among States on a regional basis.

Other objectives of the organisation are:

- To promote the use of hydrography for the safety of navigation and all other marine purposes and to raise global awareness of the importance of hydrography;
- To improve global coverage, availability and quality of hydrographic data, information, products and services and to facilitate access to such data, information, products and services;
- To improve global hydrographic capability, capacity, training, science and techniques;
- To establish and enhance the development of international standards for hydrographic data, information, products, services and techniques and to achieve the greatest possible uniformity in the use of these standards;
- To give authoritative and timely guidance on all hydrographic matters to Member States and International Organisations.

3.3 CURRENT MEMBERSHIP OF INTERNATIONAL HYDROGRAPHIC ORGANIZATION (IHO)

According to the Intergovernmental Convention on the IHO, admission to membership to the Organisation is subject to approval by two-thirds of the current member Governments.

IHO is currently composed of eighty-eight (88) Member States even though two of these are currently on suspension, that is, the Democratic Republic of Congo and Serbia. Nine (9) of the Member States are from Africa namely: Algeria, Cameroon, Egypt, Mauritius, Morocco, Mozambique, Nigeria,



South Africa and Tunisia. The application by Sierra Leone has been approved and is awaiting the deposit of the instrument of accession.

4.0 JUSTIFICATION

The International Convention for the Safety of Life at Sea (SOLAS) requires Contracting Governments to cooperate in a manner most suitable for the purpose of aiding navigation by:

- Ensuring that hydrographic surveying is carried out and is adequate to the requirements of safe navigation;
- Preparing and issuance of nautical charts, sailing directions, lists of lights and other nautical publications, satisfying the needs of safe navigation;
- Promulgation of Notices to Mariners in order that nautical charts and publications are kept up to date; and
- Provision of data management arrangements to support these arrangements.

4.1 NATIONAL OBLIGATION UNDER THE INTERNATIONAL CONVENTION FOR THE SAFETY OF LIFE AT SEA (SOLAS)

Chapter V Regulation 9 of SOLAS provides for the services that States parties should provide. Besides the collection, compilation, publication and dissemination of up to date nautical information, the Contracting Governments are required to ensure the greatest possible uniformity in charts and nautical publications and to coordinate their activities to the greatest possible degree in order to ensure that hydrographic and nautical information is made available on a world-wide scale as timely, reliably and unambiguously as possible. Charting and provision of associated hydrographic services for the country must therefore conform to the IHO's resolution, specifications and recommendations. To achieve this, Kenya needs to have in place the suitable infrastructure including trained



human resources, access to modern technology, legal infrastructure and appropriate budgetary allocation.

The IHO is uniquely positioned to assist its Member States to meet their obligations under Chapter V of the SOLAS Convention. Membership to the IHO will facilitate Kenya participate fully in the activities of the IHO and receive maximum benefits of membership through its coordination, technical expertise and support including capacity building activities organized by various regional hydrographic missions.

The IHO through its Regional Hydrographic Commissions provide a platform for cooperation among Member States. This will give the country an opportunity to benefit from the experience of other IHO Member States in their hydrographic service establishments. In isolation, chances are low that Kenya will have access to key information that is available through the IHO's collective and inclusive approach.

4.2 PARTICIPATION IN DEVELOPMENT OF STANDARDS

The IHO sets standards that ensure uniformity in nautical charts and other publications. These standards are defined by IHO's member states. Taking up membership gives the country the right to participate in the activities of the various working groups. This kind of active participation in the development of standards enhances the understanding of the technical standards applicable in hydrographic activities. Besides, many of IHO member states are at the forefront of hydrographic developments and as such benefit from the use/application of advance of technology.

4.3 DISSEMINATION OF INFORMATION AND ADVISORY VISITS

The IHO liaises with other international organizations including governmental and non-governmental organizations, private sector and the academia. It is therefore well informed on developments in hydrography and nautical charting. This information is made easily available to all IHO Member States. This would save the country resources to obtain the same information for purposes of decision-making. Besides, developing countries



that are IHO Member States can request for a team of experts to make advisory visits to the country at the expense of the IHO.

5.0 FINANCIAL IMPLICATIONS

Annual contributions to the IHO are based upon the shipping tonnages of Member States. These contributions vary between 1 and 25 shares, according to the shipping tonnages of Governments.

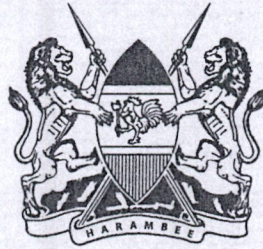
Subject to Article 4(a) of the Financial Regulations of the IHO, each Member State subscribes two (2) shares, each valued at 24,650 French Francs (about 3,900 US Dollars). Article 4(b) provides for supplementary shares for a Member State with gross shipping tonnage in excess of 100,000 tonnes.

The gross shipping tonnage for Kenya is below 100,000 tonnes. Therefore, Kenya qualifies for two (2) shares. This implies that the country's annual subscription would be:

$3,900 \text{ US \$} * \text{Kshs. } 101.30 * 2 = \text{Kshs. } 790,140$ (at the prevailing US dollar to Kenya Shillings exchange rate).

6.0 THE WAY FORWARD

Kenya as a coastal state needs to establish a working relationship with competent international organisations for hydrography and nautical charting. To gain access to the needed assistance in development of local capacity in order to meet our SOLAS obligation, Kenya therefore needs to apply to accede to the Intergovernmental Convention on the IHO and deposit an instrument of accession upon approval of two thirds majority of the Member States. The country would therefore begin to make its annual contributions upon admission to the IHO.



7.0 RECOMMENDATIONS TO THE NATIONAL ASSEMBLY

The benefits of taking up membership to IHO clearly outweigh the cost. Apart from allowing the country to participate in international decision-making processes, IHO membership provides a platform on which national interests are promoted and protected. Other immediate benefits of membership include: gaining access to technical assistance and support, international capacity building initiatives, enhanced regional and bilateral cooperation and establishment of informal networks that enable shared experience and transfer of technology.

The National Assembly is therefore requested to consider and approve that the Republic of Kenya:

- (a) Accede to the Convention on the International Hydrographic Organization (IHO).
- (b) Apply to accede to the Convention on the International Hydrographic Organization (IHO).

Signed

Date

14th April 2018

.....
AMB. MONICA JUMA, Dphil, CBS
CABINET SECRETARY FOR FOREIGN AFFAIRS
AND INTERNATIONAL TRADE

CONVENTION
ON THE
INTERNATIONAL HYDROGRAPHIC ORGANIZATION

CONVENTION ON THE IHO

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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 XIth 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 XIIth 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.

ANNEXA

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

CERTIFICATE of REGISTRATION No. 16427 CERTIFICAT d'ENREGISTREMENT

The SECRETARY-GENERAL of the UNITED NATIONS

Le SECRETAIRE GENERAL des NATIONS UNIE

Hereby certifies that

Certifie par la presente que

the Government of the Principality of Monaco

le Gouvernement de la Principauté de Monaco

has registered with the Secretariat in accordance with Article 102 of the Charter of the United Nations

a enregistré au Secretariat conformément aux termes de l'Article 11 de la Charte des Nations Unies

the Convention on the International Hydrographic Organization (with general regulations). Signed at Monaco on 3 May 1967.

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

The registration took place on 22 September 1970

L'enregistrement a eu lieu le 22 septembre 1970

under No. 10764

sous le n° 10764

Done at New York, on 25 January 1971

Fait à New York, le 25 janvier 1971

To the Government of the Principality of Monaco

For the SECRETARY - GENERAL Pour le SECRETAIRE GENERAL

Au Gouvernement de la Principauté de Monaco

[Handwritten signature]

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.