

PRO-1.3 REVISION OF CLAUSE (C) OF ARTICLE 16 OF THE GENERAL REGULATIONS OF THE IHO – HYDROGRAPHIC INTERESTS

Submitted by: Council (Secretary-General, as Council Secretary)

- References** : A. Convention on the IHO.
B. General Regulations of the IHO.
C. IHC-17 – “Report of the IHO SPWG 2005-2006” (Paragraph 6 in Doc.[CONF.17/DOC.1](#) on the definition of Hydrographic Interests).
D. 2nd and 3rd Meeting of the Council – Summary Reports.

PROPOSAL

Noting the endorsement by the Council, the Assembly is invited:

- to approve the proposed revision of Article 16 of the General Regulations of the IHO as presented in Annex A (red-line version) and B (clean version).

Noting the report of the Strategic Planning Working Group given at the 17th International Hydrographic Conference (IHC-17, 2007), the Assembly is invited:

- to provide guidance on the objectives, ways, priorities on the work to be conducted by the Council on the definition of hydrographic interests, if deemed appropriate.

EXPLANATORY NOTE

1. The establishment of the Council is covered in Article VI of the Convention on the IHO. It is further described in Article 16 of the General Regulations.

2. In describing the composition of the Council, clause (a) of Article VI of the Convention on the IHO states:

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

3. Clause (c) of Article 16 of the General Regulations then states, among other things:

*The remaining one-third of the Council seats shall be held by Member States that have the greatest interest in hydrographic matters and have not been selected under the procedure described in sub-paragraph (b) above. The definition of what constitutes an interest in hydrographic matters **shall be reconsidered at the latest at the second Assembly meeting**. Meanwhile, the scale by which an interest in hydrographic matters is measured shall be national flag tonnage. ...*

4. At its 3rd meeting, the Council agreed, as a first step, to change the General Regulations to remove any requirement for matters to be determined by A-2 and that hydrographic interests remains defined by tonnage. (Reference D, Decision C3/10). The subsequent amended Clause (c) of Article 16 of the General Regulations is provided in Annexes A and B.

5. At the 3rd meeting of the IHO Council, it was also reminded (Reference D, Decision C3/11) that there was no linkage between Council membership (defined in General

Regulations) and Assembly voting and dues assessment (Art IX (b) and XIV (a) of the IHO Convention refer).

6. Noting the mixed opinions on the value of the reconsideration of the definition of Hydrographic Interests shared at the 3rd meeting of the IHO Council (Reference D, Decision C3/11), the Assembly is invited to provide guidance to the Council on the matter, if appropriate (Reference D, Action C2/08).

Red-line version

Clause (c) of Article 16 of the General Regulations

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

Clean version

Clause (c) of Article 16 of the General Regulations

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