

**FOURTH MEETING OF THE WORLDWIDE ENC DATABASE WORKING GROUP
(WENDWG4)
18-19 March 2014, Niterói, Brazil**

Statement from Directing Committee on the Establishment of an IHO WENC

[WENDWG5 is required to further its consideration of establishing an IHO WENC] because there is an ongoing WENDWG work item and the WENDWG has an obligation to report the progress of that work item and recommendations to the IRCC in due course. We would have expected to see a combined progress report from the co-chairs of the RHSG. However, in the absence of such a report, and in any case, it seems reasonable for any member of the WENDWG, particularly those directly involved in the RHSG, to table relevant documents so as to form the basis for and to promote discussion at WENDWG4 that will identify outstanding issues and develop a way forward. This seems to us to be all the more important if there is not unanimous support for the contents of the draft concept paper as it currently exists.

The IHB Directing Committee, like a number of the other WENDWG members (the IHB is a member of the WENDWG) is still not aware of the detail or of any specific examples that are causing some States concern over the emergent IHO-WENC (RENC) proposal. In particular, the IHB understands that issues have been raised relating to the capacity of the IHB to take on a role and also on questions concerning the potential for the IHO to be exposed to an increase in legal liability. Neither of these issues have been discussed at any length or in any detail with the Directing Committee.

It was the understanding of the Directing Committee from the outset, as was made clear at the initial IHO-RENC discussion at WENDWG3, that any additional resource requirements required to establish and maintain an IHO-RENC would be met by the self-funding nature of an IHO-RENC. If so, the impact on the currently stretched IHB resources would be minimal - and might even lead to some relief through having an additional funding stream from an IHO-WENC (RENC).

The DC is not aware of the specific nature or of any examples that give rise to concerns over a potential increase in exposure to legal liability beyond any exposure that might already exist through the current operations of the Organization, including its maintenance of international standards and guidelines. It might even be the case that the immunities afforded specifically and exclusively to the IHO as an inter-governmental organization, through Clause I of Article 5 of the Host Agreement between the IHO and the Government of Monaco are actually a valuable protection not available to RENCs in their current configuration.

ARTICLE 5

I. The Organization shall enjoy immunity from legal process except in so far as in any particular case the Organization has expressly waived immunity, the waiver being notified by the President of the Directing Committee or a person acting on his behalf.