

IHO File No. S1/6100/2020

ASSEMBLY CIRCULAR LETTER N° 30
24 September 2020

2nd SESSION OF THE IHO ASSEMBLY (A-2)
Monaco, 16-18 November 2020

**APPROVAL OF THE ALTERNATIVE CONDUCT OF THE 2ND SESSION OF THE
IHO ASSEMBLY AND 4TH MEETING OF THE COUNCIL AS REMOTE EVENTS**

Reference:

- A. HO ACL 29/2020 dated 21 August 2020 Rev1– Alternative conduct of the 2nd Session of the IHO Assembly and 4th meeting of the Council as remote events
- B. IHO ACL 13/2020 dated 7 January 2020 – Selection of the Chair of the 2nd Session of the IHO Assembly
- C. IHO ACL 19/2020 dated 21 April 2020 – Approval of the scenario on the postponement of the 2nd Session of the IHO Assembly and associated activities
- D. Assembly Document - A2_2020_G_05_EN – IHO Council Report
- E. Assembly Document - A2_2020_G_02_EN – Comments on Proposals (Red Book)
- F. IHO ACL 27/2020 – Approval of the second tranche of proposals originally for consideration by the 2nd Session of the Assembly and Decision n° 6 of A-2, 2020.

Dear Hydrographer,

1. Reference A invited Member States to vote on the alternative conduct of the 2nd Session of the IHO Assembly and 4th meeting of the Council as remote events resulting from exceptional circumstances due to COVID-19 pandemic.
2. The IHO Secretariat thanks the following 51 Member States for responding to Reference A: Algeria, Australia, Bangladesh, Belgium, Bulgaria, Canada, Cameroon, Chile, China, Colombia, Cuba, Cyprus, Democratic People's Republic of Korea, Denmark, Estonia, Finland, Fiji, France, Georgia, Greece, India, Indonesia, Islamic Republic of Iran, Ireland, Italy, Japan, Malaysia, Malta, Mauritius, Montenegro, Morocco, Netherlands, New Zealand, Nigeria, Norway, Oman, Papua New Guinea, Peru, Poland, Republic of Korea, Romania, Saudi Arabia, Singapore, Slovenia, South Africa, Sweden, Tunisia, Thailand, Turkey, United Kingdom and United States of America.

3. Forty-eight Member States approved the proposed scenario and three Member States voted against. Eleven Member States offered comments in addition to their vote. These comments and the outcome of their review by the Secretariat are provided in Annex A to this Circular Letter.

4. When Reference A was issued, there were 93 Member States of the IHO with four States suspended. In accordance with the provisions of the Convention on the IHO, as amended, the conditions for approval of the proposal as stipulated in paragraph 22 of Reference A have been met. As a result, and taking into account the comments provided in Annex A – the following decisions have been adopted:

- 1) Conduct of the forthcoming Assembly session and Council meeting as a series of remote events with altogether three Assembly Session events to take place from 16 to 18 November preceded by a preparatory event on 12 November and followed by the Council meeting at 19 November;
- 2) Confirmation of Captain M.C.J. (Marc) van der Donck, Hydrographer of the Royal Netherlands Navy, as Assembly Chair (Reference B refers);
- 3) Waive or adapt the corresponding Rules of Procedures for the Assembly (Rules 2, 14, 22, 36, in particular) and Rules of Procedures for the Council as appropriate.
- 4) Use of English as the only working language in the Assembly session events;
- 5) Task the new Council to consider the best way forward with proposals PRO-1.4 and PRO-1.5 on the definition of hydrographic interest and report to A-3 in 2023. The Assembly empowers the Council to establish a working group for this specific purpose.
- 6) Move the thematic session on the celebrations of the one hundred years of IHO's existence to the activities planned for the World Hydrographic Day on 21 June 2021.

5. Similar to the main organs of the IHO, the main subordinate bodies such as HSSC and IRCC, including their associated Sub Committees and Working Groups, had to adapt their respective schedules and working arrangements originally assigned to them in the IHO Work Programme 2020. The Secretariat has therefore proposed to accept updates on their respective reports pertaining to the relevant Agenda items of the Assembly (paragraph 9 of Reference C refers). Their submissions and presentations will follow the established principles, i.e. becoming elements of the Council Chair and the Secretary-General proposals respectively. The forthcoming meetings for IRCC and HSSC are planned in October 2020 and the usual submission time lines of the resulting reports for Member States' considerations and advance comments cannot be met, however the IRCC and HSSC Chairs are prepared to provide their respective updates directly after closing of their meetings. These updates, which are effectively amendments of the IHO Council Report, Annex 3, Chapter 4 (Reference D), will be provided to Member States in advance of the Assembly Session at the earliest opportunity.

6. The same approach was suggested for updates to be made by the providers of existing proposals submitted by Member States (paragraph 9 of Reference C refers). No updates were received for existing proposals by end of August. The Secretariat confirms the available version of the Red Book as the one to form the basis for the forthcoming series of Assembly events (Reference E).

7. A detailed draft Agenda of the 2nd Session of the Assembly and the logistic arrangements (registration, webinar information, access) will be issued in due course.

Yours sincerely,



Mathias JONAS
Secretary-General

Annex A: Member State's responses to IHO ACL 29/2020 and comments from the Secretariat

Annex B: Cumulative List of Assembly Decisions as of 21 September 2020

**MEMBER STATES' RESPONSES TO IHO ACL 29/2020 AND COMMENTS
FROM THE IHO SECRETARY-GENERAL**

**ALTERNATIVE CONDUCT OF THE 2ND SESSION OF THE IHO ASSEMBLY AND 4TH
MEETING OF THE COUNCIL AS REMOTE EVENTS**

Chile (VOTE = NO)

CHILE maintains its position expressed in response to Assembly Circular Letter No. 19/2020, which also applies to the proposal to hold a virtual assembly.

CHILE does not share the idea of holding a virtual Assembly in November and considers it more appropriate that the 2nd Assembly be held in conjunction with the IHO Centennial Celebrations in June 2021. In CHILE's view, all the issues identified in the possible Virtual Assembly Agenda could be resolved through consultation by correspondence, without the need to hold the proposed Virtual Assembly. Thus, the 2nd Assembly would consider only those issues that could constitute a sensitive topic or those that, having been dealt with by correspondence, did not reach an agreement by the MS, which would merit their treatment in a face-to-face discussion.

The IHO Assembly is the most important event of the Organization and its development must comply with the protocols that are stipulated for it.

The proposal made in the Assembly's Circular Letter No. 29/2020 significantly alters the effectiveness of the participation of MS; this is mainly due to the reduced time available, which inhibits making interventions; the existing time differences; the restriction to only English as working language, among other aspects, all of which influence the participation of the attendees, added to an agreement that will finally be drafted and communicated by the President of the Assembly, in writing, and that will require written comments and a re-analysis until a final text is reached, which could easily be avoided by working through the outstanding issues by correspondence as has already been experienced. The effectiveness of this is clear from the fact that there are already 13 Decisions adopted by the Assembly in this way.

The Council is somewhat different and could well be held by videoconference and according to specific procedures to be agreed upon by its Members.

Comments by the Secretary-General:

Before proposing the current approach, the Secretary-General carefully considered how to comply at best with the rules of the Convention and the General Regulations with regard to the proper function of the Assembly and the Council as the subordinate organ. Since the further development of the global and local situation for Covid-19 was and still is difficult to predict, the Secretary-General finally arrived to an arrangement which takes example on the conduct of sessions of comparable decisive bodies of the UN system.

It is the view of the Secretary-General that this arrangement maintains the temporal rhythm and sequence of Assembly and Council on the sound basis of the acknowledged IHO Work Programme, Budget and revised IHO Strategy for the forthcoming period 2021 - 2023.

Colombia (VOTE = YES)

Colombia se adapta a las condiciones actuales sin ningún inconveniente.

Translation:

Colombia adapts to the current conditions without any inconvenience.

Comments by the Secretary-General:

Noted.

Democratic People's Republic of Korea (VOTE = YES)

We consider that alternative conduct of the 2nd SESSION as remote events proposed by IHO Secretary-General due to the global COVID-19 outbreak is appropriate way in current situation. We approve that the 2nd Assembly itself will be conducted as remote events but think that it mismatches to discuss the proposal on the future of S-23. It shows that the event format and timeline for the Assembly are too insufficient for consensus by all Member States on the proposal. Therefore we are to present our position on the above mentioned proposal to the IHO Secretary-General and the Chair of the 2nd Session of the IHO Assembly in future.

Comments by the Secretary-General:

Noted.

France (VOTE = YES)

Provision 21. d. (English as the sole working language) is not satisfactory, it is a worst-case scenario that France accepts because of the Difficulty in setting up a translation service within a deadline now quite short. On the other hand, this argument cannot be used on a future occasion. France is concerned about a deterioration in the treatment of the French language in the IHO instances, as in the French version of the new IHO website which does not seem to receive the same attention that the English version of the site (missing documents, links not included in the functional...).

Comments by the Secretary-General:

The French position related with future occasions with regard to the provisions in both IHO official languages English and French is noted. The Secretariat is aware of the deficiencies of the French version of the renewed IHO website and is already working on improvements aiming to achieve full similarity between the English and the French version.

Indonesia (VOTE = YES)

Indonesia agrees to hold assembly meeting and council meeting to be held by teleconference also for all implementing arrangements that has been compiled by IHO Secretariat.

Comments by the Secretary-General:

Noted.

Malta (VOTE = YES)

In principle Malta agrees to the proposals however Malta has some reservations with regards to proposal Item F. Malta recognizes the proposal as a serious attempt to improve the current definition of hydrographic interest, however Malta also notes the effort already undertaken by the SPWG between 2005 and 2006 and their recommendation to use a simple method such as the registered tonnage.

Comments by the Secretary-General:

The Secretary-General proposes Malta to express its reservations under the relevant Agenda item of the forthcoming Assembly session.

Montenegro (VOTE = NO)

Montenegro proposes a negative PCR test for all delegates as a mandatory condition for attending the IHO assembly. We think that is much better option than remote events.

Comments by the Secretary-General:

The Secretary-General repeats his view that the continuing global effects of the COVID-19 pandemic, with several national limitations of administrative services and travel constraints such as availability of flights and follow-up quarantine measures, do not allow the holding of the postponed Assembly and Council as face-to-face events in Monaco.

Republic of Korea (VOTE = YES)

If only one account is to be allowed for each delegation to take the floor at the virtual 2nd session of the IHO Assembly and the virtual 4th meeting of the Council, we would like to be given additional live-stream accounts so that the rest of our delegation may watch the Assembly session and the Council meeting.

Comments by the Secretary-General:

The Secretariat is currently working on the technical details of the conduct of the Assembly session as remote event and will take this option into consideration.

Thailand (VOTE = NO)

VTC is not suitable for the huge group meeting such as IHO assembly (A2). This meeting is portentous. It has many topics that require a discussion so it would be better if this meeting will be postpone.

Comments by the Secretary-General:

Before proposing the current approach, the Secretary-General carefully considered how to comply at best with the rules of the Convention and the General Regulations with regard to the proper function of the Assembly and the Council as the subordinate organ. Since the further development of the global and local situation for Covid-19 was and still is difficult to predict, the Secretary-General finally arrived to an arrangement which takes example on the conduct of sessions of comparable decisive bodies of the UN system.

This arrangement maintains the temporal rhythm and sequence of Assembly and Council on the sound basis of the acknowledged IHO Work Programme, Budget and revised IHO Strategy for the forthcoming period 2021 - 2023.

United Kingdom (VOTE = YES)

The UK fully supports the proposed arrangements detailed in ACL17/20.

Comments by the Secretary-General:

Noted.

United States of America (VOTE = YES)

The US supports the Directing Committee recommendations as outlined in paragraph 6 (points a through g) of ACL29/2020 for the purposes of convening the A-2 and C-4 meetings in November 2020. This concurrence at this time and in these special circumstances should not convey an impression setting precedent for future circumstances.

The U.S. suggests the Secretariat extend an invitation to the Council and IRCC/HSSC Committee Chairs to attend the A-2 in person as a standing courtesy.

The U.S. also recommends the Directing Committee consider establishing a drafting group at the earliest opportunity to review the applicable governing documents (Rules of Procedure, etc...) of the IHO and develop amendments or revisions to be reviewed for decision at A-3 that will address future potential contingencies for the governance of the IHO should extreme circumstances, such as the global community finds itself currently with COVID-19, arise again. Additional guidance on the more routine use of virtual teleconferences should also be considered in IHO governance.

The U.S. looks forward to the Assembly and can assist as needed.

Comments by the Secretary-General:

The invitation to the Council and the IRCC and HSSC Chairs to attend the A-2 in person is one of the intentions of the Secretariat according to point 11. of ACL29 / 2020.

The Secretariat continues to monitor the evolution of the COVID-19 pandemic and, in accordance, remains flexible in the application of the existing Rules of Procedures to the situation at hand. It is the view of the Secretariat that the establishment of a drafting group to expand or amend applicable Basic Documents of the IHO would require approval of the Assembly placing such a task to the Council.

Cumulative List of Assembly Decisions as of 24 September 2020

Decision No.1 of A-2, 2020 is
The Assembly, following a special voting procedure depicted in ACL 20/2020 and reported in ACL 25/2020, elected Rear Admiral Luigi SINAPI (Italy) to a post of Director for a term of office of six years starting on 1 September 2020.
Decision No.2 of A-2, 2020 is
The Assembly, following the approved voting procedure by correspondence as reported in ACL 19/2020, approved the interpretation that the Council has the authority to request and consider proposals submitted by Member States or the Secretary-General and confirmed that the Council is entitled to propose amendments to the General Regulations of the IHO for Member States' approval.
Decision No.3 of A-2, 2020 is
The Assembly, following the approved voting procedure by correspondence as reported in ACL 19/2020, approved the final proposal compiled by the Secretary-General on the revision of Articles 14, 15, 20 and 25 of the General Regulations of the IHO (ACL 26/2020 refers).
Decision No.4 of A-2, 2020 is
The Assembly, following the approved voting procedure by correspondence as reported in ACL 19/2020, approved the final proposal compiled by the Secretary-General on the revision of Clause (c) of Article 16 of the General Regulations of the IHO – Hydrographic Interest (ACL 26/2020 refers).
Decision No.5 of A-2, 2020 is
The Assembly, following the approved voting procedure by correspondence as reported in ACL 19/2020, approved Table of Tonnages, Shares, Contribution and Votes (2021-2023) (Assembly Document – A2_2020_G_03_EN - Table of Tonnages, Shares, Contribution and Votes (2021-2023))
Decision No.6 of A-2, 2020 is
The Assembly, following the approved voting procedure by correspondence as reported in ACL 19/2020, approved Revision of Rule 12 of the Rules of Procedure of the IHO Council and consequence on Rules 8 and 11 - Timing of Election of the Chair and Vice-Chair.

Decision No.7 of A-2, 2020 is

The Assembly, following the approved voting procedure by correspondence as reported in ACL 19/2020, approved the establishment of an IHO strategy and resolution for gender-inclusive language.

The Assembly tasked the Secretary-General to:

- to conduct a comprehensive review of the IHO Basic Documents and Resolutions, adopting the UN Guidelines on Gender-inclusive Language, and to provide draft revisions of IHO Publications M-1 and M-3 for the consideration of the Assembly at the next ordinary session (A-3).
- to monitor the IHO's progress towards the implementation of the UN Guidelines on Gender-inclusive Language to all IHO documentation and communications and report to the Assembly at the next ordinary session (A-3).

Decision No.8 of A-2, 2020 is

The Assembly, following the approved voting procedure by correspondence as reported in ACL 19/2020, approved the establishment of the joint IHO-Singapore Innovation and Technology Laboratory in Singapore to coordinate and testbed initiatives under the proposed composition, governance structure and terms of reference for the governing board and the management team.

The Assembly tasked

- the Secretariat as well as the Chairs of HSSC and IRCC to represent the IHO on the governing board and report regularly to the Council;
- the Council to advise the governing board of the laboratory on other themes and projects regarded as supportive to the IHO Work Programme.

Decision No.9 of A-2, 2020 is

The Assembly, following the approved voting procedure by correspondence as reported in ACL 19/2020, approved the Revision of the IHO Resolution 2/1997 – Establishment of Regional Hydrographic Commissions (RHC) (Assembly Document A2_2020_PRO3-1_EN_Res_21997_cc_v1).

Decision No.10 of A-2, 2020 is

The Assembly, following the approved voting procedure by correspondence as reported in ACL 19/2020, approved Revision of the IHO Resolution 1/2005 - IHO Response to Disasters (Assembly Document A2_2020_PRO3-2_EN_Res_12005_cc_v1)

Decision No.11 of A-2, 2020 is

The Assembly, following the approved voting procedure by correspondence as reported in ACL 19/2020, confirmed the option to convene Council meetings regularly at the IHO Secretariat until the Council decides otherwise.

Decision No.12 of A-2, 2020 is

The Assembly, following the approved voting procedure by correspondence as reported in ACL 19/2020, confirmed the adoption of the effective implementation of the Revised Strategic Plan keeping in mind to apply the principles of ISO 9001 as the main theme of supervision and control of the Council until Assembly 3 (A-3).

Decision No 13 of A-2, 2020 is

The Assembly reviewed and endorsed the selection process for the Council as proposed in IHO CL 52/2019 Rev1 and approved the composition of the Council set out in Annex A of IHO ACL 28/2020 for the period 2020-2023 (until the 3rd session of the Assembly).

Decision No 14 of A-2, 2020 is

The Assembly tasked the new Council to consider the best way forward with proposals A-2 PRO-1.4 and A-2 PRO-1.5 on the definition of hydrographic interest and report to A-3 in 2023 and empowered the Council to establish a working group for this specific purpose.

Decision No 15 of A-2, 2020 is

The Assembly approved to move the thematic session on the celebrations of the one hundred years of IHO's existence to the activities planned for the World Hydrographic Day on 21 June 2021.