

THIS ASSEMBLY CIRCULAR LETTER REQUIRES YOU TO VOTE

IHO File No. S1/6100/2020

**ASSEMBLY CIRCULAR LETTER N° 17
20 March 2020**

**PROPOSED SCENARIO ON THE POSTPONEMENT OF THE 2ND SESSION OF THE IHO
ASSEMBLY AND ASSOCIATED ACTIVITIES RESULTING FROM EXCEPTIONAL
CIRCUMSTANCES DUE TO COVID-19**

Reference:

- A. IHO CL 12/2020 dated 2 March 2020 - *Information on the impact of the Coronavirus (COVID-19) on IHO activities*
- B. Assembly Circular Letter No. 1 dated 29 April 2019 – Announcement and General Arrangements
- C. Assembly Circular Letter No. 8 dated 20 December 2019 – Preparation of Table of Tonnages
- D. Assembly Circular Letter No.15 dated 20 February 2020 - Distribution of the Assembly Documents
- E. Assembly Circular Letter No.16 dated 28 February 2020 - Distribution of the Second Tranche of Assembly Documents
- F. Publication M1, Edition 2.1.0, June 2017 - Basic Documents of the International Hydrographic Organization
- G. Assembly Document - A2_2020_G_02_EN – Comments on Proposals (Red Book)
- H. Assembly Document - A2_2020_G_05_EN – IHO Council Report
- I. IHO CL 20/2019 dated 28 March -The IHO Online Form System for Responses to Circular Letters and Input to IHO Publications (P-5 and C-55)

Dear Hydrographer,

1. As already indicated in Reference A, the Principality of Monaco has laid out rigid indefinite public event controls and numerous Member States have applied similar travel constraints to their administrative services. In addition, some Member States, though registered, have informed the IHO Secretariat that due to their national travel restrictions they will not be able to participate in the Assembly as intended. This makes the planned conduct of the Assembly impossible at the scheduled dates of 21 to 24 April 2020. The Secretary-General, in liaison with the Council Chair and the Monaco Government, has decided therefore to postpone the 2nd Session of the IHO Assembly.

2. The postponement of the Assembly causes substantial constitutional and operational challenges for the Organization and has numerous organizational consequences for the Secretariat and subsequently the Member States, including ships' visits, Observing States, Observing International Organizations and Industry stakeholders.
3. The following proposals for the handling of issues originally to be addressed at the forthcoming regular Assembly are drafted under the following principal assumptions:
 - a. To plan to hold a regular Assembly as soon as the global situation allows, in order to minimize disruption to the governance of IHO and the work of the organization;
 - b. To minimize deviation from the established rules and regulations (Convention, General Regulations, applying Resolutions);
 - c. To preserve the institution and the authority of the Assembly as the major organ of IHO; and
 - d. To make provision for those items that cannot wait (election of the new IHO Director), are of technical nature to maintain the operational framework of the IHO subordinate bodies or indicated as consensual by Member States comments in advance of the Assembly.
4. Besides the principal task to direct the engagement and pursuance of intergovernmental cooperation in hydrography, the Assembly, as the principal organ, is the main body to consider and approve the following basic elements for the functioning of the Organization:
 - a. The financial report for the term 2017 – 2019.
 - b. The report of the Council-Chair for the term 2017 – 2019.
 - c. The 3 years' work plan 2021 – 2023.
 - d. The 3 years' budget 2021 – 2023.
 - e. Table of Tonnage, Shares and Votes applicable to 2021-2023.
5. Another important element in the remit of the Assembly is the election of the Secretary-General and Directors – this time the election of the successor of outgoing IHO Director Mustafa Iptes.
6. The Assembly will also be called upon to decide on the revised Strategic Plan 2021 – 2026 that will set the directions of further engagement for the first half of the decade.
7. The conduct of the Assembly marks the establishment of the new Council for the duration 2020 – 2023, including the start of the election process of the new Council Chair for this term. In addition, it is also planned to select the new office bearers of the Strategic Plan Review Working Group.
8. The election of Chairs and Vice-Chairs of the two main Committees, HSSC and IRCC, shall be decided after each ordinary session of the Assembly, as in general the similar arrangements for their Working Groups in accordance with their respective Rules of Procedure.

9. The above duties of the Assembly as well as the resulting follow-up actions affecting the subordinate bodies such as Council, the two main Committees and their Working Groups, necessitate arrangements for planning an ordinary session in the course of 2020. However, the further development of the COVID-19 crisis is uncertain and any forecast in view of proper timing is difficult. Nevertheless, and in regard of the above arguments, the Secretary-General and the Council Chair have agreed jointly to propose that the 2nd Session of the Assembly be held at a later date in 2020.

10. In order to comply with Article V of the IHO Convention, the 2nd ordinary Session of the Assembly is proposed to be held at the next available slot at the Conference Centre Auditorium Rainer III in autumn this year. The Principality of Monaco has generously offered such an option from 12-23 November 2020.

11. It is therefore proposed to conduct the Assembly in a condensed format from 17 to 19 November mid-day, followed by the constitutional meeting of the new Council from 19 November afternoon until 20 November noon. In this arrangement, an Industry Exhibition and a Member States' Exhibition will not be considered. The opportunity of having ships' visits and receptions will be considered at a later stage. The Finance Committee will meet in the afternoon of 16 November 2020 at the Secretariat.

12. The condensed format Assembly will then only focus only on the essential decisions listed under paragraph 4 and proposals where discussion is vital or no clarity obtained from Member States comments as compiled in the Red Book (Reference G refers). This judgment applies to:

- a. The revised Strategic Plan;
- b. The definition of hydrographic interests;
- c. The S-100 showcase and S-100 roadmap;
- d. The report on the informal consultation process for the future of S-23; and
- e. The thematic session of IHO-100.

13. For those proposals submitted to the Assembly which have received substantial positive support indicated by the Member States' comments as compiled in the Red Book, voting by correspondence is proposed via the Circular Letter mechanism.

14. The Secretariat will compile final versions of proposals based on Red Book comments aiming to include non-substantive suggestions or editorial corrections in general, and submit them to Member States for approval by correspondence. *Ex-post facto* approval of such adopted proposals will be deemed to have been given by the Assembly at its next regular session in accordance with Articles VI (g) (vii) and IX (f) of the Convention under the understanding that most of the proposals were endorsed by the 3rd Council in October 2019 for the following items:

- PRO 1.1 Interpretation of some articles in Basic Documents of the IHO
- PRO 1.2 Revision of Articles 14, 15, 20 and 25 of the General Regulations of the IHO
- PRO 1.3 Revision of Clause (c) of Article 16 of the General Regulations of the IHO – Hydrographic Interest
- PRO 1.6 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
- PRO 1.10 Establishing an IHO strategy and resolution for gender-inclusive language
- PRO 2.4 Establishing a joint IHO-Singapore Innovation and Technology Laboratory
- PRO 3.1 Revision of the IHO Resolution 2/1997 - Establishment of Regional Hydrographic Commissions (RHC)
- PRO 3.2 Revision of the IHO Resolution 1/2005 - IHO Response to Disasters
- PRO 3.3 Establishing an IHO e-Learning Centre

Proposals b) and c) from the Council Chair in his report to the Assembly (Reference H refers).

- b) Convene Council meetings regularly at the IHO Secretariat.
- c) Adopt as the main theme until Assembly 3 (A-3) “the effective implementation of the Revised Strategic Plan” keeping in mind to apply the principles of ISO 9001.

15. The Convention provides no mechanism for decisions to be made by correspondence for the proposals 1.1, 1.2, 1.3 and 1.6 since they affect the General Regulations and Rules of Procedure of the Council. It is therefore proposed to follow Article IX (d) of the Convention for a vote by correspondence.

16. Approval for the proposals 1.1, 1.2, 1.3 and 1.6 should then be obtained by a two-thirds majority of the Member States who cast a vote (Article IX (d) of the Convention), based on the Assembly quorum of the majority of Member States (Rules of Procedure for the IHO Assembly, Rule 24 refers). In interpretation of Article IX (e) of the Convention, Member States that abstain from voting shall be considered as not voting and therefore not be considered in the calculation of the two-thirds majority.

17. The voting mechanism stated under paragraph 15 is also proposed for voting of the Table of Tonnage, Shares and Votes applicable to 2021-2023. This table forms the basis for definition of the number of shares used for the calculation of the annual contributions of individual Member States for the period 1 January 2021 to 31 December 2023. Several Member States indicated a compelling need to receive this calculation in the first half of 2020 due to exhaustive domestic procedures on the allocation of their contributions to the national budget for the fiscal year 2021.

18. An associated problem to the value of a share occurs with the Secretary-General's proposal as explained in paragraph 6 of PRO 1.7 to consider the option of a consecutive increase of 1% per each year from 2021 to 2023 subject to annual Council approval. Since this proposal warrants Assembly consideration, it is proposed to keep the value of a share for 2021 on the current level and mandate the Council to approve an increase (if any) in Member States Contributions not earlier than 2022.

19. For the proposals 1.10, 2.4, 3.1, 3.2, 3.3 and proposal b) and c) of the Council Chair's report, it is proposed that decisions can be made by correspondence according to the usual practice. Approval is to be stated for a majority of the Member States who cast a vote, with the minimum number of affirmative votes being at least one-third of all Member States (Article IX (f) of the Convention refers).

20. Additional calls will be sent out by Circular Letter for the following positions:

- a. Election of the IHO Director from the list of candidates who applied by the original arrangement of the Assembly with a closing date of 10 April 2020 (Article 19 of the General Regulations refers);
- b. Nomination of Candidates for Chair/Vice Chair of the Council; and
- c. Nomination of Candidates for Chair/Vice-Chair/Secretary of the SPRWG.

21. For the purpose of the election of the IHO Director, the Secretariat proposes to apply the established election procedures for the Assembly to a remote voting starting at the end of April 2020.

22. For this voting and in order to comply with Rule 37 of the Assembly Rules of Procedure (secret ballot) as far as possible, the Secretariat stands ready to send the usual ballots in envelopes by post to be returned the same way. Representative from the Government of Monaco will be asked to act as scrutineer when the votes received by post are counted in the Secretariat. If possible, the election procedure should be accomplished not later than the end of May 2020 to allow reasonable time for the successful candidate to complete the necessary domestic arrangements for their relocation and incoming handover prior to 1 September 2020. A few days before the deadline for receiving the votes at the Secretariat, Member States, whose voting forms and envelopes have not been received yet, possibly due to postal delivery problems that may occur during this Covid-19 phase, will be asked by email if they do intend to vote. In the case of affirmative response, they will be offered a digital unencrypted voting procedure using the IHO online form system (Reference I refers). Under the supervision of the scrutineer from the Government of Monaco, their votes will be made anonymous before they are added to the others in the ballot box before the day of the

counting process. This digital voting will be accepted by exception only. More details on the procedure will be provided in a specific Assembly Circular Letter.

23. The 4th Council meeting which, according to this proposal, will be rescheduled to follow right after the 2nd Session of the Assembly, will focus on the following subjects:

- a. Implement the decisions made by correspondence vote;
- b. Manage transition of the Work Program 2021 – 2023 to meet the revised Strategic Work plan if approved by the Assembly;
- c. Approval of the Work Program and Budget 2021;
- d. Discuss the option to increase Member States' annual contribution according to the directions given by the Assembly; and
- e. Any other direction given by the Assembly.

24. The Secretary-General and the Council Chair are aware of the exceptional nature of these above proposed arrangements, but recommend support to allow for the proper functioning of the Organization under extraordinary circumstances.

25. The Secretary-General and the Council Chair have also seriously considered the option of a postponement of the Assembly to 2021 or the call for an Extraordinary Assembly in that same year. However, beside organizational problems, this would cause substantial deviations from the Convention in terms of non-approval of basic instruments such as the three year work programme 2021 – 2023, the three year budget 2021 – 2023 and the revised Strategic Plan. Other problems are related to the prolongation of the Council in its current composition including chairmanship.

26. In order to avoid instabilities and to maintain proper functioning of the Organization, it is assumed that the proposed postponement of the Assembly to November 2020 is acceptable and the approval of the recommended resulting activities is strongly advised.

27. As a result, this Circular Letter requires Member States to vote on the following proposed arrangements as a package:

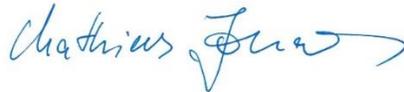
- a. Decision on Proposals 1.1, 1.2, 1.3, 1.6 and Tonnage, Shares and Votes applicable to 2021-2023, to be taken by correspondence under the conditions as described in the above paragraphs 15 and 16;
- b. Decision to keep the value of a share for 2021 on the current level;
- c. Decisions on Proposals 1.10, 2.4, 3.1, 3.2, 3.3 to be taken by correspondence under the conditions as described in the above paragraph 19;
- d. Election of the IHO Director by correspondence as described in the above paragraphs 20, 21 and 22;
- e. Nomination of candidates for Chair/Vice Chair of the Council in advance of the Assembly.
- f. Nomination of candidates for Chair/Vice-Chair/Secretary of the SPRWG in advance of the Assembly.

28. It should be acknowledged that these arrangements and subsequent adoption of proposals will be deemed to have been given by the Assembly. As a consequence, it is required for this vote that:

- a. Minimum of Member States voting is 45 to meet the quorum of the Assembly (half of the Member States excluding those suspended);
- b. Minimum of affirmative or negative votes required is 30, as being one third of the Member States (excluding the suspended); and
- c. The final decision is based on simple majority of the votes cast.

29. The approval by vote of these proposed arrangements is requested no later than 17 April 2020 (to be forwarded to the Secretariat by e mail: cl-lc@iho.int) by using the Voting Form in Annex A, but preferably using the IHO Online Form System (see Reference I) by accessing the following link: https://IHO.formstack.com/forms/acl17_20

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Mathias Jonas', with a stylized flourish extending to the right.

Mathias JONAS
Secretary-General

Annex A: Voting Form on the package of proposed arrangements

**PROPOSED SCENARIO ON THE POSTPONEMENT OF
THE 2ND SESSION OF THE IHO ASSEMBLY
VOTING FORM ACL 17/2020**

to be returned to the IHO Secretariat **no later than 17 April 2020**

E-mail: cl-lc@iho.int - Fax: +377 93 10 81 40

**Member
State:**

Contact:

E-mail:

Do you approve the proposed scenario on the postponement of the 2nd Session of the IHO Assembly made by the Secretary-General as summed up in paragraph 27?

Please tick the appropriate box:

YES

NO

Please provide any additional comments in the section below.

Comments (if required)