

THIS ASSEMBLY CIRCULAR LETTER REQUIRES YOU TO VOTE

IHO File No.S1/6100/2020

**ASSEMBLY CIRCULAR LETTER N° 21
04 May 2020**

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

**CALL FOR APPROVAL OF THE FIRST TRANCHE OF PROPOSALS ORIGINALLY FOR
CONSIDERATION BY THE 2ND SESSION OF THE ASSEMBLY**

References:

- A. IHO ACL 17/2020 dated 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*
- B. IHO ACL 19/2020 – *Approval of the scenario on the postponement of the 2nd Session of the IHO Assembly and associated activities resulting from exceptional circumstances due to COVID-19*
- C. Assembly Document - A2_2020_G_02_EN – *Comments on Proposals (Red Book)*
- D. Assembly Document – A2_2020_G_03_EN - *Table of Tonnages, Shares, Contribution and Votes (2021-2023)*

Dear Hydrographer,

1. Based on the approval of the 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(Reference A), as reported by Reference B, this Assembly Circular Letter seeks for voting on the following proposals originally made to the 2nd Session of the IHO Assembly which affect the General Regulations of the Organization:

- 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

2. In accordance with the approved deviation from the regular approval procedure by the Assembly (Reference B refers), the Secretary-General has taken the Red Book comments into account and compiled final proposals for submission to the Member States for approval by correspondence.

3. The IHO Convention provides no mechanism for decisions to be made by correspondence for the proposals which affect the basic documents of the Organization. As proposed in Reference A (paragraph 15 and 16 refer), a vote by correspondence, will be arranged with the aim to meet the principles stated in Article IX (d) of the Convention.

4. *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 the proposals were endorsed by the 3rd Council in October 2019. Each of the proposals forms a separate Annex to this Circular Letter associated to a separate voting form.

5. Approval for the proposals 1.1, 1.2. and 1.3 should 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.

6. This voting mechanism is also proposed for voting on the Table of Tonnage, Shares and Votes applicable to 2021-2023 (Reference A, paragraph 19). The table provided in Reference D forms the basis for the calculation of the annual contributions of individual Member States for the period 1 January 2021 to 31 December 2023.

7. Member States are requested to indicate their decision to the IHO Secretariat **no later than 15 June 2020**, by returning the altogether four (4) Voting Forms, provided in Annex A to D but preferably using the IHO Online Form System available at the following links:

Annex A: https://IHO.formstack.com/forms/acl21_20_annex_a

Annex B: https://IHO.formstack.com/forms/acl21_20_annex_b

Annex C: https://IHO.formstack.com/forms/acl21_20_annex_c

Annex D: https://IHO.formstack.com/forms/acl21_20_annex_d

Yours sincerely,



Dr Mathias JONAS
Secretary-General

Annexes:

Annex A: Proposal 1.1 https://IHO.formstack.com/forms/acl21_20_annex_a

Annex B: Proposal 1.2 https://IHO.formstack.com/forms/acl21_20_annex_b

Annex C: Proposal 1.3 https://IHO.formstack.com/forms/acl21_20_annex_c

Annex D: Table of Tonnage, Shares and Votes applicable to 2021-2023

https://IHO.formstack.com/forms/acl21_20_annex_d

PRO 1.1: Interpretation of some articles in Basic Documents of the IHO (*Final proposal compiled by the Secretary-General*)

General comment by the Secretary-General:

This proposal received unanimous support from the Member States comments received and is proposed for approval as originally submitted.

FINAL PROPOSAL

After having considered Article VI (g)(ii) of the Convention on the IHO and Rule 8(i) of the Rules of Procedure of the Council in common, the Assembly is invited:

- to approve the interpretation that the Council has the authority to request and consider proposals submitted by Member States or the Secretary-General.

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

- to confirm that the Council is entitled to propose amendments to the General Regulations of the IHO for Member States' approval.

**APPROVAL OF THE INTERPRETATION OF SOME ARTICLES
IN BASIC DOCUMENTS OF THE IHO**

VOTING FORM TO ANNEX A OF ACL 21/2020

(to be returned to the IHO Secretariat **no later than 15 June 2020**)

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

**Member
State:**

Contact:

E-mail:

Do you approve the interpretation of some articles in basic documents of the IHO?

Please tick the appropriate box:

YES

NO

If you answer 'NO', please explain in the comment section below.

Comments (if required)

PRO 1.2: Revision of Articles 14, 15, 20 and 25 of the General Regulations of the IHO (*Final proposal compiled by the Secretary-General*)

General comment by the Secretary-General:

In comparison to the original proposal, the Secretary-General proposes a revised wording for ARTICLE 20, Clause (c).

FINAL PROPOSAL

Proposed amendments to Articles 14, 15, 20 and 25 of the General Regulations

[Changes proposed by the Secretary-General compared to the clean version of the initial proposal made to A-2 are shown in red]

Secretary-General and Directors

ARTICLE 14

A Secretary-General or a Director elected at an ordinary session of the Assembly shall assume his/her duties on the following 1 September. The duties of his/her predecessor shall terminate on 31 August.

ARTICLE 15

A Secretary-General or a Director who has been incapacitated for duty for six consecutive months, or otherwise for an aggregate of twelve months, during his/her term of office shall automatically cease to be Secretary-General or Director.

ARTICLE 20

(a) Each nomination shall indicate whether it is for the post of Secretary-General or Director or for both posts, and shall include a statement detailing the candidate's qualifications. The following specific information should be provided:

- nominating Member State;
- name;
- nationality;
- date of birth;
- titles and decorations;
- education (periods including specialized or special qualifications);
- languages (speaking and reading capacity);
- all service and experience relevant to the nomination and which provide an indication of the extent to which the candidate is qualified to serve as Secretary-General or Director;
- candidate's Position, which should include, but is not limited to, the candidate's vision of the importance of hydrography and cartography, of the role of the IHO and of the objectives and

approach envisaged to best advance the priorities of the Organization as established by the Member States; and

- such additional information as may be relevant;
- (b) Each nomination shall be signed by the candidate and by a representative of the nominating Member State.
- (c) Each nomination shall include a medical certificate issued by a duly qualified medical practitioner stating that the candidate presents no apparent symptom likely to interfere with the proper discharge of their duties. In the event that such a certificate cannot be provided the nomination will not be accepted.

ARTICLE 25

Notwithstanding Article 17, if the post of the Secretary-General or of any Director falls vacant during the period between two ordinary sessions of the Assembly the following provisions shall apply.

- (a) If the post of Secretary-General falls vacant one year or less before the opening day of the next ordinary session of the Assembly the Council shall appoint one of the Directors as Acting Secretary-General until the 31 August following the next ordinary session of the Assembly.
- (b) If any post of Director falls vacant one year or less before the opening day of the next ordinary session of the Assembly, including where such a post falls vacant due to the operation of Article 25 (a) above, no replacement shall be appointed before the next ordinary session of the Assembly.
- (c) If the post of Secretary-General falls vacant more than one year before the opening day of the next ordinary session of the Assembly, the Council shall appoint one of the Directors as Acting Secretary-General until a new Secretary-General elect takes up his/her duties. A new Secretary-General shall be elected by correspondence in accordance with the principles set forth in Articles 17 to 23. In such a case the Chair of the Council, with the support of the Secretariat, shall conduct the election by postal ballot, immediately notify Member States of the result and invite the Secretary-General to take up his/her duties.
- (d) If any post of Director falls vacant more than one year before the opening day of the next ordinary session of the Assembly a new Director shall be elected by correspondence in accordance with the principles set forth in Articles 17 to 23. In such a case the Secretary-General shall conduct the election by postal ballot, immediately notify Member States of the result and invite the Director to take up his/her duties.
- (e) The term of office of any Secretary-General or Director elected in accordance with Articles 25 (c) or (d) above shall end at the same time as would have his/her predecessor's.

**APPROVAL OF THE REVISION OF ARTICLES 14, 15, 20 AND 25
OF THE GENERAL REGULATIONS OF THE IHO**

VOTING FORM TO ANNEX B OF ACL 21/2020

(to be returned to the IHO Secretariat **no later than 15 June 2020**)

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

**Member
State:**

Contact:

E-mail:

**Do you approve the revision of Articles 14, 15, 20 and 25 of the General Regulations of the IHO –
as proposed by the Secretary-General?**

Please tick the appropriate box:

YES

NO

If you answer 'NO', please explain in the comment section below.

Comments (if required)

PRO 1.3: Revision of Clause (c) of Article 16 of the General Regulations of the IHO – Hydrographic Interest (*Final proposal compiled by the Secretary-General*)

General comment by the Secretary-General:

Proposal 1.3 aims to remove a specific task from the General Regulations since it is not considered as the proper document nor the right mechanism to address the Assembly with this issue. Since the sentence itself points specifically to the 2nd Assembly, editorial action is required in any case. The proposed removal of this sentence, however, does not preclude the forthcoming Assembly to consider the subject of the definition of hydrographic interest as suggested by a number of Member States. Reference A lists the definition of hydrographic interest as an agenda item for the postponed Assembly scheduled in November 2020.

FINAL PROPOSAL

Clause (c) of Article 16 of the General Regulations

[As originally submitted in the clean version of the initial proposal made to A-2]

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.

**APPROVAL OF THE REVISION OF CLAUSE (C) OF ARTICLE 16 OF THE
GENERAL REGULATIONS OF THE IHO – HYDROGRAPHIC INTEREST**

VOTING FORM TO ANNEX C OF ACL 21/2020

(to be returned to the IHO Secretariat **no later than 15 June 2020**)

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

**Member
State:**

Contact:

E-mail:

Do you approve the revision of Clause (c) of Article 16 of the General Regulations of the IHO – Hydrographic Interest – as proposed by the Secretary-General?

Please tick the appropriate box:

YES

NO

If you answer 'NO', please explain in the comment section below.

Comments (if required)

APPROVAL OF THE TABLE OF TONNAGE, SHARES AND VOTES APPLICABLE TO 2021-2023

VOTING FORM TO ANNEX D OF ACL 21/2020

(to be returned to the IHO Secretariat **no later than 15 June 2020**)

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

**Member
State:**

Contact:

E-mail:

Do you approve the Table of Tonnage, Shares and Votes applicable to 2021-2023 according to Reference D: Assembly Document – A2_2020_G_03_EN - Table of Tonnages, Shares, Contribution and Votes (2021-2023)?

Please tick the appropriate box:

YES

NO

If you answer 'NO', please explain in the comment section below.

Comments (if required)