



IHB File No. S3/6000

**CIRCULAR LETTER 72/2009
06 November 2009**

REVIEW OF IHO RESOLUTIONS BY THE IHB

Reference: IHB CL 62/2009 dated 08 September 2009

Dear Hydrographer,

1 The IHB would like to thank the following 44 Member States who replied to the reference: Algeria; Australia; Bangladesh; Belgium; Brazil; Canada; Chile; Colombia; Croatia; Cyprus; Denmark; Estonia; Finland; France; Germany; Greece; Guatemala; Iceland; India; Ireland, Italy; Japan; Korea Rep of; Malaysia; Morocco; Netherlands; New Zealand; Norway; Oman; Pakistan; Poland; Portugal; Qatar; Romania; Russian Federation; Slovenia; South Africa; Spain; Suriname; Sweden; Thailand; Tunisia; USA and Uruguay; Forty-two Member States fully supported the IHB proposals; one Member State did not support the deletion of K2.9 and one Member State did not support the amended text of T1.5. Six Member States provided comments and these comments, together with explanatory responses, are included at Annex A.

2 Whilst preparing this Circular Letter the IHB realised that the title of resolution Q3.5 did not correctly reflect the text of the resolution. The title has therefore been changed to "IHO Basic Documents" which is a true reflection of the resolution.

3 In accordance with the IHO Convention Article VI paragraph 6, a simple majority of Member States is required to approve the adoption, deletion or amendment of TRs. This is currently 40 Member States. The amended resolutions Q2.3; Q2.4; Q3.1; Q3.2; Q3.3; Q3.4; Q3.5; S1.1; T1.2; T1.5; and T2.2, taking into account the comments made, have therefore been approved and the final texts are at Annex B. Resolutions K1.3; K1.4; K1.5; K1.8; K2.9; K2.14; K2.15; R1.5; S3.1; S4.1; and T4.1 have been deleted. M-3 will be amended at the next opportunity.

On behalf of the Directing Committee

Yours sincerely,

Vice Admiral Alexandros MARATOS,
President

Annex A. Comments by Member States
Annex B. Final text of revised resolutions

COMMENTS BY MEMBER STATES

Brazil:

- T2.2 YES Brazil recommends the deletion of the word “maritime” in the new paragraph 2, in order to have the TR text in consonance with the amendments to the IHO’s Convention, which opens IHO membership to any country, maritime or not.

Comment by IHB: This point is agreed and the word “maritime” has been deleted.

Canada:

- Q3.2 YES Suggest adding “they” in line 6 and replacing “and” by “which” in line 8.

Comment by the IHB: The amendments proposed by Canada improve the clarity of the text and have been included.

France:

General comment: France suggests that, in the future, any proposals to delete or amend resolutions be accompanied by an explanation as to the reasons for the change to facilitate the review by the Member States.

- K2.9 NO The subject of Resolution K2.9 is sufficiently important as regards the tasks of the IHO to justify having a specific Resolution, apart from the provisions contained in the Terms of Reference of the Capacity Building Sub-Committee (K2.36). France therefore proposes keeping a resolution inserted in Section 1 of Chapter A with the following wording:

“From information provided by Member States and the Regional Hydrographic Commissions, the IHO maintains and promulgates the status of hydrographic surveys worldwide, aimed at highlighting those zones where surveys need to be undertaken or redone to satisfy the requirements of international navigation.”

Comment by the IHB: The IHB will prepare a submission to Member States proposing the adoption of a new resolution on this matter.

- K2.15 YES If the deletion of Resolution K2.15 is approved, France recommends that the IHB invite the Regional Hydrographic Commissions to take measures at their level to encourage, as necessary, the systematic inclusion of a part on hydrography and nautical information in development projects for port infrastructures or, more generally, having an impact on the safety of navigation in their region.

Comment by the IHB: The IHB will prepare such a letter to go to all Regional Hydrographic Commission Chairs.

- Q2.3 YES Editorial amendment to the French text

Comment by the IHB: The French text has been amended accordingly.

- Q3.2 YES France proposes to specify the majority required in the last line “(48)”.

Comment by the IHB: This is agreed and has been done.

- Q3.5 YES France questions whether the provision on the confirmation by correspondence of the Rules of Procedure is useful, and suggests deleting the corresponding text, bearing in mind the proposed additional provision concerning updating.

Comment by the IHB: The IHB agrees with this suggestion by France and the relevant sentence has been deleted.

T2.2 YES France suggests that this Resolution be inserted in Section 1 of Chapter A bearing in mind the importance of the strengthening and expansion of the IHO.

Comment by the IHB: Having now completed the review of all resolutions the IHB will be considering how those that remain may be better organised and presented. The IHB will make proposals to Member States in due course.

Guatemala:

T1.5 NO We would like to see this publication continued in 3 languages, English, French and Spanish

Comment by the IHB: The IHB endeavours, within its resources, to provide texts in Spanish.

Norway:

T1.2 YES A comma is missing after “body”

T2.2 YES The numbering of the last paragraph should be 2 not 24.

Comment by IHB: Agreed the text has been corrected.

Spain:

Spain has provided editorial corrections to the Spanish text which have been included.

Q2.3 YEARBOOK OF THE IHO

1.- The Year book is intended for general purpose use. It contains general information on Hydrographic Offices of Member States, as well as some information on Hydrographic Offices of Non-Member States, plus Appendices with information on Reported Tonnages for IHO Member States; Tables of Shares, Contributions and Votes; List of Governments that have participated in the work of the Organization since its creation, and Non-Governmental International Organizations (NGIO) accredited as Observers to the IHO. The Year book is distributed through the IHO Website and is continuously updated.

Q2.4 PROCEEDINGS OF I.H. CONFERENCES

1.- The Proceedings of International Hydrographic Conferences will be prepared by the IHB and shall comprise summary reports of the different sessions of the Conference. It will be made available in digital form after the Conference. The IHB will prepare a limited number of printed copies for the IHB Library.

Q3.1 REPERTORY OF RESOLUTIONS

1.- All resolutions adopted by I.H. Conferences or by correspondence shall be compiled in one volume.

2.- It is resolved that the IHB shall keep the Repertory of Resolutions up to date by periodically submitting, through circular letters to Member States, amendments to existing resolutions and new resolutions on any subject, provided that they do not concern matters which would be more appropriately handled by Conferences. These amendments or new resolutions may be proposed either by a Member State or by the IHB.

3.- It is strongly recommended that the IHO Hydrographic Dictionary be used to standardize terminology of the Resolutions.

Q3.2 CONVENTION ON THE INTERNATIONAL HYDROGRAPHIC ORGANIZATION

1.- On 22 June 1970 the IHO Convention had been accepted by two thirds (28) of the States that were Members in 1967 and consequently the Convention entered into force three months after that date, i.e. on 22 September 1970.

The proposed amendments adopted during the XIIIth and XVth Conferences have not entered into force and according to the Protocol of Amendments to the Convention of the IHO approved at the 3rd Extraordinary International Hydrographic Conference in 2005, they shall not hereafter enter into force. The 1970 IHO Convention shall be amended by the Protocol of 2005 which shall enter into force for all Contracting Parties three months after notification of approval by two-thirds of the Member States (48) have been received by the Government of Monaco (Depositary of the Convention).

Q3.3 GENERAL REGULATIONS OF THE IHO

1.- Simultaneously with the Convention on the IHO the 1967 I.H. Conference approved the text of a set of General Regulations, containing a number of detailed provisions (with the exception of any concerning finance) intended to supplement the provisions of the Convention. These general regulations are kept updated through review and revision by MS and the IHB.

Q3.4 FINANCIAL REGULATIONS OF THE IHO

1.- Simultaneously with the Convention on the IHO the 1967 I.H. Conference approved the text of a set of Financial Regulations, containing a number of provisions of a financial nature intended to supplement the provisions of the Convention. These regulations are kept updated through review and revision by MS and the IHB.

Q3.5 IHO BASIC DOCUMENTS

1.- The XIth Conference directed the Bureau to publish a single document containing the Convention, the General and Financial Regulations, and the Rules of Procedure. These rules are kept updated through review and revision by MS and the IHB.

S1.1 PREPARATIONS FOR I.H. CONFERENCES

1.- The IHB is directed to prepare I.H. Conferences in a detailed manner in order to have the maximum effect and for the purpose of saving the time of the delegates, and to supply the delegates in advance with as much detailed information as possible on the subjects to be discussed.

2.- It is resolved that the Bureau shall prepare the schedule of I.H. Conferences so that their length normally does not exceed one week. If the questions to be handled are many and long, the schedule shall allow for meetings of appropriate length and, where necessary, meetings on Saturday mornings and afternoons as well. Furthermore, the President of the Conference may avail himself of the possibility, in exceptional cases, of calling extraordinary meetings in the evening after 21.00.

3.- It is resolved that the Bureau shall suggest to the submitting State that a proposal be withdrawn from the agenda of the Conference and handled by correspondence when such a solution would appear to be more appropriate.

T1.2 IHO RELATIONS WITH OTHER ORGANIZATIONS

1.- The relations of the IHO with other organizations, whose activities are likely to be of interest, are normally conducted by the Directing Committee in accordance with the Convention, Article VIII. The Directing Committee may delegate this function to a Member State.

2.- In conducting relations with other organizations, the Directing Committee should consult with Member States on relevant issues and shall ensure that it reflects the corporate views of the IHO.

3.- When the importance of subjects of common interest justify it, the Directing Committee may propose to Member States the formation of a consultative body, consisting of representatives of the IHO and of one or several external organization(s). The title, TOR and composition of such a body may not be in conformity with the provisions of Administrative Resolution T 1.1. They shall, nevertheless, be approved by the Member States in accordance with the procedure laid down in the Convention, Article VI (paragraphs 5 and 6).

4.- Accreditation to the IHO of Non-Governmental International Organizations. Any Non-Governmental International Organization, which is able to make a substantial contribution to the work of the IHO may be accredited and granted observer status. The regulations to be followed are:

Rule 1 Applicability

Subject to approval by the Conference or by Circular Letter, the IHO may grant observer status to any non-governmental international organization which is able to make a substantial contribution to the work of the IHO.

Rule 2 Purpose

Decisions to grant observer status to any non-governmental international organization shall be based on the principles that the purpose for entering into observer status shall be:

- (a) to enable the IHO to obtain information, help or expert advice from the non-governmental international organizations with special knowledge in the Organization's activities. Such information, help or advice can include (but not be limited to):
 - (1) consolidated strategic advice on the technical work program of the Organization, such as the needs of the user community, emerging technologies, required standards, data requirements and future trends;
 - (2) co-operation on technical programs of mutual interest including the proposal of new programs that fall under the responsibility of IHO;
 - (3) the effectiveness of the implementation of the technical activities of IHO, such as standards, specifications and capacity building;
 - (4) advice on issues relevant to the IHO, on request;
 - (5) support to the technical program of the IHO for capacity building;
 - (6) provision of representatives with special knowledge to IHO working groups.
- (b) to enable such NGIOs whose activities have an important and direct bearing on the work of the IHO to express their points of view to the Organization. They may request information of interest from the IHO to be distributed to their members.

Rule 3 Objectives and activities of the NGIO

Before granting observer status to any non-governmental international organization, the IHO must be satisfied that the objectives and functions of the non-governmental international organization are in harmony with the objectives of the IHO, as defined in Article II of the Convention.

Rule 4 General Undertaking by the NGIOs

Observer status may not be granted to a non-governmental international organization unless it undertakes to support the activities of the IHO and to promote the dissemination of its principles and work, bearing in mind the objectives and functions of the IHO on the one hand and the competence and activities of the non-governmental international organization on the other.

Rule 5 Constitution and Structure of the NGIOs

Observer status may not be granted to any non-governmental international organization unless it has a governing body, an executive officer and a secretariat. It must also be authorized under its constitution to speak for its members through accredited representatives.

Rule 6 Privileges conferred by Observer Status

The granting of observer status to a non-governmental international organization shall confer the following privileges on that organization:

- (a) the right to receive for information the Circular Letters and documentation for the sessions of the Conference and the subsidiary bodies of the IHO;
- (b) the right to submit written statements on items of the Agenda of the Conference and subsidiary bodies which are of interest to the non-governmental international organization concerned, after appropriate consultation with the IHB Directing Committee, provided that such submission does not impede the smooth functioning of the IHO organ involved. The non-governmental/international organization concerned shall give due consideration to any comment which the Directing Committee may make in the course of such consultations before transmitting the statement in final form;
- (c) the right to be represented by an observer at any meeting of the IHO at which matters of special interest to the non-governmental international organization concerned are to be considered;
- (d) the right to receive the texts of resolutions adopted by the Conference and of the appropriate supporting documents.

Rule 7 Status of the NGIOs at Meetings of the IHO

Normally one observer from each non-governmental international organization shall be admitted to any session or meeting. Such observer shall have no voting rights but may, on the invitation of the Chairman and with the approval of the body concerned, speak on any item of the agenda of special interest to the non-governmental international organization of which he is the representative.

Rule 8 Granting of Reciprocal Privileges to the IHO

Any non-governmental international organization to which observer status is granted shall keep the IHB informed of those aspects of its own activities which are likely to be of interest to the IHO, and shall accord to the IHO privileges corresponding to those which are granted to the NGIO by the IHO.

Rule 9 Consideration of Application

The Directing Committee shall only consider applications for observer status from nongovernmental international organizations twice a year (March and September) and shall not consider re-applications from such organizations until at least two years have elapsed since the Conference or through Circular Letter the IHO took a decision on the original application.

Rule 10 Periodic Review of the List of Observer NGIOs

The Directing Committee shall review from time to time the list of non-governmental international organizations to which IHO has granted observer status, in order to determine whether or not the continuance of their status in any particular case is necessary and desirable. The Directing Committee shall report to the Conference accordingly.

T1.5 DOCUMENTATION

1.- It is resolved that the IHB shall publish the reports and publications referred to in Articles 32 to 35 of the General Regulations in either bilingual (English/French) or in separate English and French versions. In addition, the Bureau should (without increasing for this reason the present number of Category B Staff) publish at least its Annual Report (Parts 1 and 2) and the periodic I.H. Bulletin in Spanish and should also seek the assistance of Spanish-speaking countries in the preparation and production of other IHO publications in Spanish.

T2.2 MEMBERSHIP IN IHO AND CO-ORDINATION OF HYDROGRAPHIC SERVICES THROUGHOUT THE WORLD

1.- The Conference is aware that certain countries with important hydrographic interests are not yet Members of the IHO. In this connection, the delegates in plenary session expressed the unanimous opinion that the co-operation of these countries would result in a considerable and increasingly effective co-ordination of hydrographic services throughout the world, a co-ordination which would lead to a greater degree of standardization of charts and nautical documents and would considerably improve the theory and practice of the science of hydrography.

2.- Furthermore, it is strongly recommended that the IHB stimulate in all States without Hydrographic Offices an interest in, and an appreciation of the importance of, setting up such an organization in their country.