

**Draft Proposal 4 from the Council submitted to the approval
of the Assembly at its 2nd Session**

**Confirmation of the interpretation by the Council that there are no
discrepancies between the Convention and the Rules of Procedure of the
Council, relating to Member States' proposals to the Council**

Submitted by: Council Chair

Executive Summary: Following a discussion raised at the 1st meeting of the Council, the Council agreed at its 2nd meeting to interpret that there is no conflict between the RoP 8(i) of the IHO Council and the Convention article VI(g)(vii) and subsequently confirmed that the Council has the authority to consider items proposed by Member States or the Secretary-General. The Assembly is invited to confirm this interpretation of the Council.

Related Documents: IHO Publication M-1 - *Basic Documents of the IHO* - Edition 2.1.0 - June 2017.
IHO Convention, Council Rules of Procedure.
Doc. C2-7.4INF
Action C1/14 and Decision/Action C2/50
C-1 Summary Report, paragraph 2.2, and Annex C, Action C1/14
C-2 Summary Report, paragraph 7.4.

Introduction

1. During the 1st Council meeting (C-1) in October 2017, the United Kingdom (UK) introduced a possible conflict between the IHO Convention and the Council Rules of Procedure, noting that Article VI of the Convention does not specifically state that it is a function of the Council to review, consider, or take any other action on proposals presented by Member States or the Secretary General. Annex C of the C-1 Summary Report entitled "*Possible conflict between IHO Convention and Council Rules of Procedure (UK's ad hoc analysis)*" implies that the Council is not authorized to take any action on proposals from Member States or the Secretary-General.

Discussion

2. At the 2nd meeting of the Council (C-2) in October 2018, the United States of America provided a thorough legal analysis of the arguments (Doc. C2-7.4INF refers). The Council subsequently agreed that there was indeed no conflict regarding the RoP 8(i) and the Convention Article VI (g)(vii), and therefore that the Council has the authority to consider items proposed by Member States or the Secretary-General. This interpretation was supported by the UK.

Action required of the Assembly

3. The Assembly is invited to:
 - a. **make** the following Decision: "*After having considered Article VI (g)(ii) of the Convention and Rule 8(i) of the Rules of Procedure of the Council in common, the Assembly approves the interpretation that the Council has the authority to request and consider proposals submitted by Member States or the Secretary-General.*".
 - b. **take any other actions** that may be appropriate.