



MACHC Letter 23/2015

Date, 6 November 2015

To: MACHC members

Subject: A procedure for the MACHC to designate representatives to the IHO council

Dear Hydrographer,

This letter addresses agenda item 2.2.1 of the 16th MACHC Conference in December: procedure for selecting the MACHC representatives to the IHO council. This procedure is requested by the IRCC. Action IRCC7/26 applies: "Report to IRCC on the status of the RHC procedures for selecting their respective representatives to the Council." In this letter I will present a flowchart for this selection process with 2 options: an option with automatic selection of the chair and an option without this mechanism (Annex A).

The representatives to the IHO council will be approved by the first assembly of the IHO once the "Protocol of Amendments to the convention on the IHO (November 2005)" is ratified. The functions of the new IHO council are described in this protocol. They are amongst others.

- Co-ordinate, during the inter-Assembly period, the activities of the Organization within the framework of the strategy, work program and financial arrangements, as decided by the Assembly.
- Prepare, with the support of the Secretary-General, proposals concerning the overall strategy and the work program to be adopted by the Assembly.

Two-thirds of Council seats (20 seats in the current configuration) shall be held by Member States selected by the Regional Hydrographic Commissions (RHCs). The remaining one-third of Council seats (10 seats in the current configuration) shall be held by Member States that have the greatest interest in hydrographic matters and have not been selected by the RHCs.

The selection process for seats was considered at the 5th Extraordinary International Hydrographic Conference in Monaco. The Conference agreed Decision No 6 which provides guidance on the process by which the Secretary-General shall allocate the number of seats on the Council to each RHC.

The RHC's must now decide on a procedure for allocating these seats to its Member States. In Annex B more detail is provided in a IHB letter S1/6200. First it describes the preliminary process for the determination of the number of seats on the Council allocated to each Commission. Secondly it suggests a set of generic rules that RHCs may wish to use as the basis of a procedure for the designation of their representatives.

I took the generic rules of Annex B as a baseline and worked it into a flowchart with two adaptations.

- I entered the Chair of the MACHC as a candidate to be automatically selected (the Member State who is Chair at the time of the first council in the session period). The reason for this that the work of the MACHC Chair and MACHC council representative overlap. The MACHC Chair is already the central node in the MACHC network and represents the MACHC in the IRRC for policy matters. In the future the work in the IRCC and IHO Council are likely to converge. This choice defines the 2 options.
- For voting I removed the required quorum of 2/3 of the Member States. It could be procedurally difficult to achieve this quorum, complicating effective decision making. A Member State who wishes to vote can do so. Moreover, the current voting procedure for other matters like the Chair position, do not require such a quorum.

Subject to the ratification of the Protocol, the first Assembly is planned to convene from 24 to 28 April 2017. I anticipate that the Secretary-General will initiate the selection process for the establishment of the Council not later than October 2016. Therefore the MACHC must have an agreed procedures before that date; in other words before the 17th MACHC meeting, assuming this meeting would take place in December 2016.

I invite you to study the proposed procedure in the flowchart (Annex A) with the aim to make a decision at the upcoming MACHC meeting.

Yours sincerely,



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Director Netherlands Hydrographic Office
Hydrographer of the Royal Netherlands Navy
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Key
Action by IHB (Secretary General) outside the MACHC
Action within the MACHC
Option to be considered

Selection Council seats

Selection 20 RHC seats

Determination of seats per RHC

- List of list of eligible MS MACHC
- Number of seats allocated MACHC

Procedure in accordance with annex B to IHB letter S1/6200

- Only Full MS are counted
- MS counted for 1 RHC only
- Eligible MS >= RHC seats

Selection of all Eligible MS

Eligible MS = seats

MS indicate candidacy

Of note: Eligible MS > Number of Seats

List of MACHC Candidate MS

Selection of Chair

Chair is candidate

MS who is Chair at next Council (if know)

Selection of candidates

Candidates = seats

Remaining candidates if Chair is selected

- Selection of all candidates
- Selection from eligible MS

Candidates < seats

Criterion:

- MS longest not represented
- Inconclusive: chair decides

Selection from candidates by voting

Candidates > seats

- No quorum required
- Either present or by correspondence
- Nr. votes = nr. seats
- Equal votes : select MS longest not represented
- Inconclusive: chair decides

List of MACHC representatives

Lists of RHC representatives

Adds up to 20 seats

Selection of 10 "greatest interest" seats

- Criterion:
- MS not on RHC list
 - MS with highest national flag tonnage

List of 30 Representatives to the council

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(Sent by email only)

Monaco, 7th October 2015

PROPOSED PROCEDURE FOR REGIONAL HYDROGRAPHIC COMMISSIONS TO DESIGNATE THEIR REPRESENTATIVES TO THE IHO COUNCIL

References:

- A. General Regulations of the IHO (not yet in force);
- B. IHO Publication P-6 - EIHC-5 – *Report of Proceedings* – Decision No 6 - PRO3 (Council selection process)

Chairs of the Regional Hydrographic Commissions

Dear Chairs,

1. In accordance with the General Regulations of the IHO that will enter into force once the Protocol of Amendments to the IHO Convention is ratified, the list of the members of the IHO Council will have to be approved by the first Assembly of the IHO. Two-thirds of Council seats (20 seats in the current configuration) shall be held by Member States selected by the Regional Hydrographic Commissions (RHCs). The remaining one-third of Council seats (10 seats in the current configuration) shall be held by Member States that have the greatest interest in hydrographic matters and have not been selected by the RHCs (see Reference A).
2. Triggered by a proposal submitted by the USA, the selection process was considered at the 5th Extraordinary International Conference. The Conference agreed Decision No 6 which provides guidance on the process by which the Secretary-General shall allocate the number of seats on the Council to each RHC (see Reference B).
3. A number of RHC have initiated consideration of the process by which they will select, and possibly instruct, their representatives in the Council. Taking into account the process which has been agreed by the Mediterranean and Black Seas Hydrographic Commission as an annex to its Statutes and noting that other Commissions have indicated that they would welcome further guidance, the Directing Committee offers for your consideration a generic template outlining:
 - a. the preliminary process for the determination of the number of seats on the Council allocated to each Commission (see Annex A), and
 - b. a set of generic rules that RHCs may wish to use as the basis of a procedure for the designation of the representatives of each Commission in the Council (see Annex B).
4. Article 16 of the new General Regulations of the IHO (not yet in force) provides for the replacement of a member of the Council only in the event that a Member State holding a seat on the Council should be denied voting rights and benefits in accordance with Article XV of the Convention

as amended. Consequently, in any other case where a selected Member State is unable to be represented in a session of the Council or is unable to continue to represent an RHC for any other reason, no replacement is possible until the selection of a new Council at the end of the next ordinary session of the Assembly.

5. Subject to the ratification of the Protocol of Amendments by the required two-thirds majority in time for the first Assembly to be convened from 24 to 28 April 2017, the selection process for the establishment of the Council will be initiated by the Secretary-General not later than October 2016. Therefore it is expected that all RHCs will have agreed on their specific arrangements before that date.

6. The Directing Committee stands ready to provide additional advice as may be required.

On behalf of the Directing Committee
Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Robert Ward', with a stylized flourish at the end.

Robert WARD
President

PRELIMINARY PROCESS FOR THE DETERMINATION OF THE NUMBER OF SEATS ON THE IHO COUNCIL ALLOCATED TO EACH RHC

The number of seats allocated to each Regional Hydrographic Commission (RHC) on the IHO Council and the list of Member States eligible for selection by each RHC shall be determined in compliance with IHO General Regulations Article 16 and Decision No. 6 of the 5th Extraordinary International Hydrographic Conference.

1. Prior to six months before an ordinary session of the Assembly, the Secretary-General of the IHO will invite all IHO Member States that are full members of more than one RHC to indicate for which RHC they prefer to be counted for the purpose of determining the composition of the Council.
2. Taking into account the composition of the RHCs at the time, the Secretary-General will firstly seek input from IHO Member States that are full members of more than one RHC regarding the RHC in which they prefer to be counted for the purpose of determining the composition of the Council. This process will be carried out as follows:
 - a. The Secretary-General will ask the full members of those RHCs that comprise only members that are also full members of one or more other RHCs (currently, the members of the Arctic Regional Hydrographic Commission, the Nordic Hydrographic Commission and the US/Canada Hydrographic Commission) to declare their choice of the RHC for which they wish to be counted for the purpose of determining the composition of the Council;
 - b. The Secretary-General will then ensure that at least one candidate is available to represent the aforementioned RHCs.
 - c. The Secretary-General will then inform the other Member States that are full members of more than one RHC (currently, certain members of the Eastern Atlantic Hydrographic Commission, the Southern Africa and Islands Hydrographic Commission, the South-East Pacific Regional Hydrographic Commission and the South-West Atlantic Hydrographic Commission) of the identity of the States and the RHCs determined under the process described in sub clauses 2.a and 2.b and seek their choice of the RHC for which they wish to be counted for the purpose of determining the composition of the Council.
3. In the event that a Member State that is a full member of more than one RHC fails to declare its choice, the Secretary-General will count that Member State in the RHC to which the Member State joined first as a full member. If this criterion is not selective, then the Secretary-General will count the Member State in the RHC with the smallest number of full members.
4. Three months before an ordinary session of the Assembly, the Secretary-General shall take into consideration the submissions required under the terms of clause 2 above and the over-riding need to ensure that:
 - a. every Member State is counted as a full member of one, but not more than one, RHC.
 - b. a sufficient number of Member States are designated as eligible in each RHC so as to ensure that all RHCs can be represented in the Council,and inform the Chairs of the RHCs of:
 - a. the number of seats allocated to each RHC, and
 - b. the list of Member States that are eligible for selection by each RHC.

**RULES FOR THE DESIGNATION OF [xxRHC] REPRESENTATIVES
TO THE IHO COUNCIL**

Designation of [xxRHC] representatives to the IHO Council shall be determined in compliance with IHO General Regulations Articles 2 and 16.

Role and Authority of Representatives to the [xxRHC] in the Council

1. IHO Member States representing the [xxRHC], shall occupy their seat on the Council for all sessions of the Council throughout the inter-sessional period between Assemblies.
2. All expenses connected with the participation of representatives to the Council shall be defrayed by their respective State, in accordance with IHO General Regulation Article 3.
3. In carrying out their role as a representative of the [xxRHC] to the Council, representatives shall take note of any relevant collective decisions, policies or directives established by the [xxRHC] and ensure that these are considered appropriately by the Council.

Selection Procedure

4. Three months before an ordinary session of the Assembly, the Secretary-General shall inform the Chair of the [xxRHC] of:
 - a. the number of seats allocated to the [xxRHC], and
 - b. those Member States that are eligible for selection by the [xxRHC]
5. If the number of Member States eligible for selection to represent the [xxRHC] on the Council is equal to the number of seats on the Council assigned to the [xxRHC] by the Secretary-General under the terms of clause 4 above, then the aforementioned candidates will be automatically designated as representatives of the [xxRHC].
6. If the number of Member States eligible for selection to represent the [xxRHC] in the Council is greater than the number of seats assigned to the [xxRHC] by the IHO Secretary-General under the terms of clause 4 above, then:
 - a. the Chair of the [xxRHC] will invite those Member States that have been designated as eligible for selection to represent the [xxRHC] in the Council to indicate if they wish to be considered as candidates for selection.
 - b. if the number of candidates is not greater than the number of seats assigned to the [xxRHC], the representatives will be designated by the Chair of the [xxRHC] from the candidates, if any; and then, as appropriate, giving preference firstly to the remaining Member States that are eligible and have never been representatives on the Council before and secondly to those that have not been representatives on the Council for the longest time.
 - c. if the number of candidates is greater than the number of seats assigned to the [xxRHC] a vote will take place at a Conference of the [xxRHC], or by correspondence if no [xxRHC] Conference is scheduled in the three months prior to an Assembly. Each Member State may submit one voting paper listing as many Member States from the list of candidates as seats have been assigned to the [xxRHC]. The result of a vote will only be valid if at least two thirds of all [xxRHC] Member States are present or have voted by correspondence in due time.

- d. The Member State(s) with the greatest number of votes will be designated as the [xxRHC] representatives in the Council. In the case of a draw, the Chair of the [xxRHC] will cast a deciding vote.
- e. If the result of the vote is invalid, the representatives will be designated by the Chair of the [xxRHC] giving preference firstly to the candidates that have never been representatives on the Council before and secondly to those that have not been representatives on the Council for the longest time.

Designation of the representatives

7. The Member States selected to represent the [xxRHC] in the Council are normally represented by the head of the hydrographic office. Each Member State shall inform the Chair of the [xxRHC] and the Secretary-General of the IHO of the name of its official representative. An alternate may also be designated.
8. Member States representing the [xxRHC] shall inform the Chair of the [xxRHC] and the Secretary-General of any changes in representation, whether permanent or temporary, as soon as practicable.