

Paper for Consideration

Proposal for Rules of Procedures for ARHC Selection to the Council

<i>Submitted by:</i>	United States of America
<i>Executive Summary:</i>	<p>CL 45/2015 envisions the possibility that the First Session of the IHO Assembly may be held April 24-28, 2017 if the required approvals are received for the adoption of the Protocol of Amendments to the IHO. If so, the process for determining IHO Council membership will begin in summer 2016.</p> <p>The ARHC traditionally has met annually in the wintertime (October-January).</p> <p>Rules of Procedures for ARHC selection to the IHO Council will need to be established.</p> <p>This Paper provides a background on the IHO Council membership selection process, including a review of other RHC practices as known to the USA and proposes a process and discussion points for the ARHC-5.</p>
<i>Related Documents:</i>	<p>Article 16 of the General Regulations of the IHO</p> <p>CL 45/2015 Dates for XIXth International Hydrography Conference/1st Session of the IHO Assembly</p> <p>EIHC4 Decision 6</p> <p>IRCC 7 Report and Action IRCC7/26</p> <p>MBSHC19-3.4A and Draft Summary Report MBSCH19</p> <p>Statutes of the Meso American – Caribbean Sea Hydrographic Commission</p>
<i>Related Projects:</i>	
<i>Enclosure:</i>	<p>Annex A EIHC-4 Decision 6</p> <p>Annex B Draft ARHC Council Selection</p> <p>Annex C Rules of Procedures for the SWPHC, MBSHC and MACHC</p> <p>Annex D Flow Diagram of Council Selection</p> <p>Annex E ARHC Members in other RHCs</p>

Introduction / Background / Analysis / Discussion

1. Rules of Procedures for ARHC selection to the Council will need to be developed once the Protocol of Amendments is approved and prior to the first Assembly. Based on clarification by IHO President Robert Ward at IRCC 7 in Mexico between 1-3 June 2015, it is understood that:
 The selected MSs from RHCs will occupy their seats on the Council as Member States.

- a. A mechanism should be considered if the selected MSs cannot conduct their duties. However, it has since been clarified that no substitutes will be possible under the general regulations that will be in force when the Council is first selected.
2. EIHC Decision 6 requires that declarations by Member States of the ARHC, NHC, and USCHC will be publicized first and before other RHCs. See Annex A for the Conference Decision.
3. Prior to engaging in the selection process, it should be understood that selection to the Council is a 3-year term and that it is important for the selected MS(s) to attend yearly Council Meetings.
4. It should also be made clear that there will be resource and financial implications that the MS(s) selected to the Council must be prepared to assume.
5. Therefore Rules of Procedure for ARHC selection to the Council are proposed in Annex B as an initial working draft strawman for discussion at ARHC-5.
6. Annex C provides references to latest decisions of, SWHPC, MBSHC, and MACHC concerning their Council selection process as understood by the United States.
7. Annex D provides a timeline of the Council selection process as understood by the United States of America.
8. Annex E provides an overview of IHO Member States who are full and associate members of the ARHC as well as other RHCs to which they belong as of October 2015.

Additional Issues of note for further discussion by the ARHC:

9. If the Member State from the ARHC to the IHO Council is to be determined by "vote," what will the process be if a tie results?

Recommendations

11. ARHC Members discuss and consider the rules of procedures.
12. ARHC Members discuss the prospects and timeline for attaching Council Selection Procedures as an Annex to the ARHC Statutes and Rules of Procedure to ensure ARHC does have its process set appropriately before the tentative 1st Session of the IHO Assembly which may occur as early as April 2017.

Action required of ARHC

13. The ARHC is invited to review the rules of procedures for ARHC selection to the Council (Annex B) and provide feedback to the Chair of the ARHC no later than 26 February 2016. The ARHC Chair will coordinate by electronic means or a conference call with ARHC Member States by 31 March 2016 to consider the final adoption of the necessary Annex to the ARHC Statutes.

Decision 6 from the Fourth EIHC (2014)¹

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The Conference agreed that the following guidelines will apply to the process by which the Secretary-General shall allocate the number of seats on the Council to each Regional Hydrographic Commission (RHC):

1. All Member States that are full members of more than one RHC are expected to declare in which one, and only one, RHC they are to be counted as a full member.
2. The declarations will be collected and publicized to all Member States by the Secretary-General, according to the following time sequence:
 - a. Full members of any of the **Arctic Regional Hydrographic Commission** (*emphasis added*), Nordic Hydrographic Commission or US/Canada Hydrographic Commission;
 - b. Other Member States that are full members of any of the Eastern Atlantic Hydrographic Commission, Southern Africa and Islands Hydrographic Commission, South-East Pacific Regional Hydrographic Commission or South-West Atlantic Hydrographic Commission;
 - c. Other Member States that are full members of any of the other RHCs.
3. In the event that a Member State that is a 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. The Conference agreed that this guidance will be reviewed by the first ordinary session of the Assembly as part of the review and endorsement of the selection process of Council members in accordance with Article 16 (e)
O General Regulations (not yet in force).

¹ http://www.iho.int/iho_pubs/periodical/P-6/P6CONF2014_GB.pdf. Page 88

RULES FOR SELECTION OF MEMBER STATES FROM THE ARHC
TO THE IHO COUNCIL
DRAFT STRAWMAN FOR DISCUSSION

Selection from ARHC to the IHO Council shall be determined in compliance with IHO General Regulations Article 2 and Article 16.

Serving on the IHO Council is an important responsibility, as it is a primary means of communication and involvement by the ARHC in IHO matters. Thus, it is important that the Commission be served by knowledgeable, willing and capable representatives to the IHO Council. Therefore it is emphasized that any MS seeking Council representation should be aware of the 3-year time commitment. They must also be aware that there are resource and financial implications that the selected MS(s) must be prepared to assume.

1. ARHC Member States who wish to be considered for selection from a Regional Hydrographic Commission (RHC) other than the ARHC shall inform the ARHC Chair and the IHO Secretary-General six months before the ordinary session of the Assembly.
2. Member States who wish to be selected from the ARHC to the Council shall submit their application to the ARHC members and the IHO Secretary-General six months before the ordinary session of the Assembly.
3. Selection of the member state from the ARHC to the IHO will be decided by the ARHC selection process described below no less than ## months before the ----.
4. If the number of candidate(s) is equal to the number of seats allocated for the ARHC by the IHO Secretary-General, then the aforementioned candidate(s) will be automatically selected.
5. If the number of candidates is fewer than the number of seats allocated, the candidates will be automatically selected.
6. If the number of candidates is more than the number of seats allocated by the IHO, voting will take place at a meeting of the ARHC, or by correspondence if no ARHC Commission meeting is scheduled within the six months prior to the Assembly. Each Member State will submit one voting paper listing the Member States from the list of candidates equal to the number of the seats allocated. The highest voted candidate(s) will be selected in order from ARHC until all available seats to the Assembly are filled. In case of a draw the Chair will cast a deciding vote. (A sample voting paper is attached as Annex A).
9. The Chair shall notify ARHC Member States of the results and status of the member state representation in the Council. If there is an insufficient number of states expressing desire to be selected through the ARHC selection process, those vacancies will be reported as “vacant” to the IHO Secretary General and remain so throughout the current Council period.
10. All expenses connected with the participation to the Council shall be born by their respective States, in accordance with IHO General Regulations Article 3.

Duties and Responsibilities of the ARHC representative to the Council

1. Attend all annual meetings of the Council in Monaco.
2. Solicit input from other IHO member states of the ARHC as to any opinions to be considered at the ARHC.
3. Be a representative of the member state itself per IHO guidance... (*cite decision document that says the member state to the Council from the RHCs does not represent the RHC but rather the member state itself*)
4. Be aware of issues that are before the Council.

Arctic Regional Hydrographic Commission (ARHC)
Selection of Representative(s) to the IHO Council
Voting Paper

Part A Council Seats to ARHC

Number of Seats on IHO Council allocated to the ARHC: *Chair inserts number in here*

(This is the number of boxes that may be marked below)

Part B Member State Interest to be Considered for Council Selection through the ARHC

Canada	Denmark	Norway	Russian Federation	USA
Yes/No	Yes/No	Yes/No	Yes/No	Yes/No

PART C Ballot

To vote for a candidate State put an 'X' in the adjacent box. The number of boxes that may be marked is shown in Part A above.

<i>Chair inserts candidate State A in here</i>	<i>Votes indicated with an X here</i>
<i>Chair inserts candidate State B in here</i>	<i>Votes indicated with an X here</i>
<i>Chair inserts candidate State C in here</i>	<i>Votes indicated with an X here</i>
<i>insert other States if appropriate</i>	<i>Votes indicated with an X here</i>

Member State: Date:

Authorised By: Position: (signature)

.....

(Name)

Selected Regional Hydrographic Commission Language regarding Council Selection Procedures
For Reference

Southwest Pacific Hydrographic Commission (SWHPC)

9. SELECTION OF COMMISSION REPRESENTATIVE(S) TO THE IHO COUNCIL

The Commission representative(s) to the IHO Council will be elected by postal vote once the number of seats allocated to the Commission and the names of States eligible for selection have been advised by the Secretary-General in accordance with Article 16 (b) of the IHO General Regulations. The election will be conducted according to the procedure agreed by the Commission.

Mediterranean and Black Sea Regional Hydrographic Commission (MBSHC)

Please refer to:

- *Rules for the Designation of MBSHC Representatives to the IHO Council* (as approved at the XVIIIth MBSHC Conference)² (2013)
- MBSHC19-3.4A "Proposal for revising the Rules of Procedures for MBSHC selection to the Council"³ (2015)
- draft summary report of MBSHC-19 (2015) and Excerpt: (DRAFT)

	<p>3.4 Review of MBSHC Statutes</p> <p><i>Docs:</i> MBSHC19-3.4A <i>Proposal for revising the Rules of Procedures for MBSHC selection to the Council (Chair)</i></p> <p style="padding-left: 40px;"><i>MBSHC19-3.4 (EN/FR)⁴ Rules of Procedures for MBSHC selection to Council (Chair)</i></p> <p>Regarding the amendments on article 6 of the rules, as the question of the true meaning of the 'deciding vote' phrase was raised by IHB, after the attempt of translation in French of the expression 'cast a deciding vote' could lead to some confusion. UK precised (sic) the meaning of that English expression, being that the MBSHC Chair vote will be deciding in case of a draw. It was then decided to replace this part of the current article 6 by this 'deciding vote' amendment and to maintain the first sentence of that article.</p> <p>On the other hand, the two thirds quorum condition of MBSHC Member States to cast a vote was maintained in the final version, for consistency with the quorum condition in the MBSHC Statutes pointed out by FR.</p>	
	<p>Decision (sic) MBSHC19/05⁵</p>	<p>MBSHC approved the revised rules of procedure for selection MSs to IHO council.</p>

² http://www.iho.int/mtg_docs/rhc/statutes/MBSHC_Ed5_Sept2013_EN_final.pdf

³ http://www.iho.int/mtg_docs/rhc/MBSHC/MBSHC19/MBSHC19-3.4A%20Paper%20for%20consideration%20by%20MBSHC%20-%20Rules%20of%20Procedures%20for%20Council.pdf

⁴ According to action MBSHC19/13a, Final versions of the rules approved at MBSHC19 available online.

⁵ As the quorum of MBSHC19 was not yet reached when that topic was addressed on the first day, the revised rules of procedure were finally approved on the last day of the Conference.

Procedure for Selection of Commission Representative(s) on the IHO Council

The Commission representative(s) on the IHO Council will be elected by postal vote once the number of seats allocated to the Commission and the names of States eligible for selection have been advised by the Secretary-General in accordance with Article 16(b) of the IHO General Regulations. The election will be conducted according to the procedure set out below.

Representing the Commission on the IHO Council is an important responsibility, as it is a primary means of communication and involvement by the MACHC in IHO matters. Thus, it is important that the Commission be served by knowledgeable, willing and capable representatives to the IHO Council. Member States representing the Commission on the IHO Council must be prepared to meet their responsibilities, both in terms of time required and financial expenses.

The following provides guidelines and procedures for selecting the Commission Representatives on the IHO Council:

1. Nomination

- a. Any Full Member of the Commission who wishes to nominate as the regional representative to the Council is to submit their nomination to the Chairman with copies to the Secretary General of the IHO and all Full Members of the Commission at least six months before an Assembly (refer Article 16(b)(iii) of the IHO General Regulations).
- b. Within one week of receipt of advice from the Secretary General (three months before the Assembly – refer Article 16(b)(vi) of General Regulations) the Chair of the Commission will act as follows:

Either

If the number of nominations is equal to or less than the number of Council seats allocated to the Commission, issue a MACHC Circular Letter advising the Member State(s) that will represent the MACHC at Council;

Or

If the number of nominations is greater than the number of Council seats allocated to the Commission Issue a Voting Paper by a MACHC circular letter to all Full Members of the Commission detailing:

- a. the number of Council seats allocated to the Commission,
- b. the nominations,
- c. closing date for return of completed voting paper (30 days after date of issue).

2. Voting Procedure

- a. Each Member marks their preferred candidate State(s) (according to the number of seats allocated) on the voting paper and returns it to the Chair of the Commission by the due date (see example of voting paper in Appendix 1),
- b. In the case of a tied result, the Chair will cast the deciding vote,
- c. The Chair will advise the outcome of the election and the details of received votes through a MACHC circular letter within two weeks of the closing date for voting.

⁶ http://www.iho.int/mtg_docs/rhc/statutes/MACHC-Statutes.pdf

Meso-American and Caribbean Sea Hydrographic Commission (MACHC)
Selection of Representative(s) to the IHO Council
Example of Voting Paper

Part A

Number of Seats on Council allocated to the MACHC: *Chair inserts number in here*

(This is the number of boxes that may be marked below)

Part B

To vote for a candidate State put an 'X' in the adjacent box. The number of boxes that may be marked is shown in Part A above.

<i>Chair inserts candidate State A in here</i>	<i>Votes indicated with an X here</i>
<i>Chair inserts State B in here</i>	<i>Votes indicated with an X here</i>
<i>Chair inserts State C in here</i>	<i>Votes indicated with an X here</i>
<i>insert other States if appropriate</i>	<i>Votes indicated with an X here</i>

Member State: Date:

Authorised By: Position: (signature)

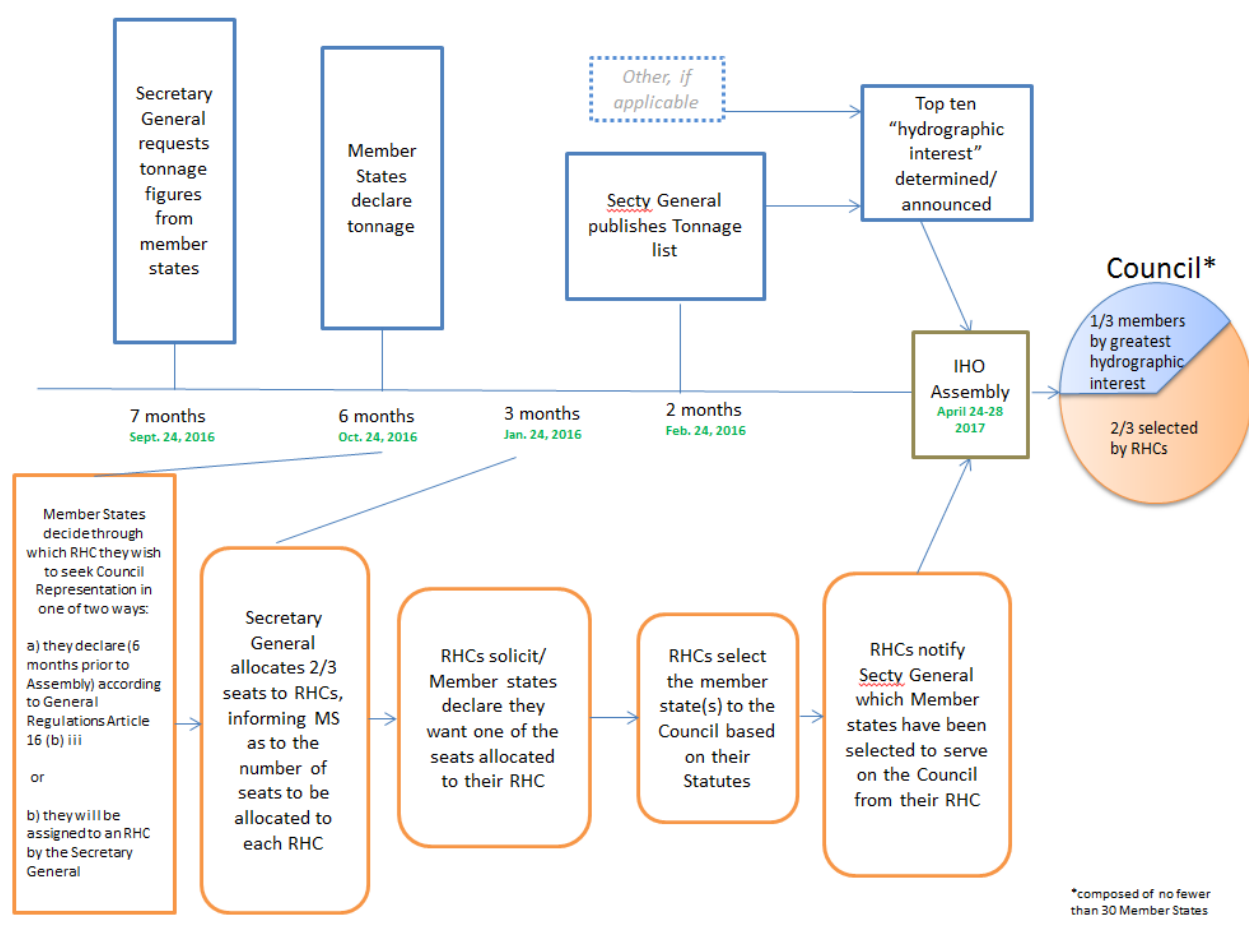
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ANNEX D

Scenario if the First Meeting of the IHO Assembly Occurs April 24-28 2017

DRAFT FOR DISCUSSION



NOTE: The IHB has not endorsed this process. Corrections are welcome.

ANNEX E

IHO Member States who are members (including Associate) of the ARHC and other Regional Hydrographic Commissions (as of September 2015)

	Canada	Denmark	Norway	Russian Federation	United States of America	Finland	Iceland
ARHC	X	X	X	X	X	ASSOC.	ASSOC.

BSHC		X		X		X	
MACHC					X		
NSHC		X	X				X
USCHC	X				X		