

**Draft Proposal 3 from the Council submitted to the approval
of the Assembly at its 2nd Session**

Consideration of the definition of *Hydrographic Interests*

Submitted by:	Secretary-General
Executive Summary:	This paper reports on the considerations of the definition of <i>Hydrographic Interests</i> made by the Council at its 1 st meeting and invites the Assembly to provide some guidance on the work to be conducted by the Council, if deemed appropriate. Suggestions on the way forward are proposed by the IHO Secretariat.
Related Documents:	IHO Publication M-1 edition 2.0.0 – <i>Basic Documents of the IHO</i> General Regulations of the IHO, Article 16 (c) Doc. C1-6.3 Summary Report of C-1 Action C1/47 and Decision C1/48 CONF.17/Doc1

Background

1. The IHO, through a Strategic Planning Working Group (SPWG), undertook an extensive review of the Organization from 1997 to 2007. As a result, in 2005 the 3rd Extraordinary International Hydrographic Conference (EIHC-3) agreed on a range of amendments to the Convention on the IHO, and in 2007 the 17th International Hydrographic Conference (IHC-17) adopted the supporting Basic Documents, and several organizational and administrative changes.

2. The amendments and changes included the establishment of a Council. The establishment of the Council is covered in Article VI of the Convention on the IHO. It is further described in Article 16 of the General Regulations.

3. In describing the composition of the Council, clause (a) of Article VI of the Convention on the IHO states:

One fourth of, but not less than thirty, Member states shall take seats on the Council, the first two thirds of whom shall take up their seats on a regional basis and the remaining one third on the basis of hydrographic interests, which shall be defined in the General Regulations.

4. Clause (c) of Article 16 of the General Regulations then states, among other things:

*The remaining one-third of the 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 sub-paragraph (b) above. The definition of what constitutes an interest in hydrographic matters **shall be reconsidered at the latest at the second Assembly meeting.** Meanwhile, the scale by which an interest in hydrographic matters is measured shall be national flag tonnage. ...*

Discussion

5. Within the review period noted under paragraph 1, the SPWG spent a significant amount of time in considering how to measure “hydrographic interest” as reported in document CONF.17/DOC.1 as

alternative to the national flag tonnage measuring scale. The size of the area of national waters, the size of the Exclusive Economic Zones, the length of national coastlines, the portfolio of nautical charts and several other possible measures were considered. Finally, all alternative options were discarded on the basis that there were no indisputable, authoritative reference values that could be used.

6. In the absence of other options, the SPWG proposed to retain the long-established IHO formula for calculating the national flag tonnage from which the number of financial shares and votes allocated to Member States are calculated which provides consistency with the IMO system and was seen as proportional to the quantitative need for nautical publications on national registered vessels.

7. In proposing to use flag tonnage as the measure to determine *hydrographic interests* or *interest in hydrographic matters*, the SPWG kept the option open to identify other measures in the future. For this reason, a requirement for the second session of the Assembly to reconsider what constitutes *an interest in hydrographic matters* was included in the proposed clause (c) of Article 16 of the General Regulations that was subsequently agreed by the Member States at IHC-17.

8. At the 1st meeting of the Council (Paragraph 6.3 of the Summary Report of C-1 refers), some Council Members considered that this issue was strategic and merited some consideration by the Council. Others recommended that the Council should gather experience with the current system for selecting the Council Members before engaging in a time-consuming task aiming to design a measurable and quantifiable alternative to the current formula, considering that the SPWG had failed to propose an alternative despite considerable efforts.

9. The Council finally agreed that it was not in a position to propose any formal or cohesive view to the 2nd session of the Assembly on this matter. Instead, the Council tasked the Secretary-General to request guidance on the objectives and ways to reconsider this issue, if deemed necessary by the Member States.

10. It is reminded that the flag tonnage criteria is simple and not arguable (IHO Resolution 5/1972 as amended refers). The process for the selection of the corresponding one-third of the Council seats is therefore straightforward. Consistency with the established system of financial shares and votes allocation is another advantage.

11. For the other two-third of the Council seats, it is also reminded that every IHO Member State has the possibility to apply and potentially get a seat in the Council, under the condition that the interested IHO Member State is a full Member of their Regional Hydrographic Commission (RHC). According to the RHCs' Statutes, it appears that it is the case with the exception of one RHC though. In other words, the process to become a Member of the Council is transparent, fair and balanced. The two meetings of the Council have happened so far, proving the concept of Council seat occupation in terms of the representation of the regions and total IHO membership.

Proposals

12. For the sake of consistency with the established system of financial shares and votes allocation it is proposed to remain with the allocation method applied to the first allocation of Council seats.

In this case, the proposal of the Council towards the Assembly is subsequently to modify the clause (c) of Article 16 of the General Regulations as follows:

The remaining one-third of the 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 definition of what constitutes an interest in hydrographic matters shall be reconsidered at the latest at the second Assembly meeting. Meanwhile, the scale by which an interest in hydrographic matters is measured shall be national flag tonnage. ...

Subsequently, all RHCs should be invited to revise their statutes to make sure that they offer the possibility for all IHO Member States to become full Members of their RHC, and therefore become eligible as Council Members in accordance with their internal Rules of Procedures for the selection of Council Members.

13. If the Assembly cannot agree that the national flag tonnage remains to be the definition of what constitutes an interest in hydrographic matters for the purpose of the allocation method of Council seats, it is proposed to advise the Assembly to amend the clause (c) of Article 16 of the General Regulations as follows:

*The remaining one-third of the 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 definition of what constitutes an interest in hydrographic matters shall be reconsidered at the latest at the **third** session of the Assembly. Meanwhile, the scale by which an interest in hydrographic matters is measured shall be national flag tonnage. ...*

Subsequently, noting the report of the SPWG given at IHC-17, the Assembly is invited to provide guidance to the Council on the objectives and ways to undertake this task and to acknowledge that this task should get high priority to make sure that A-3 will be ready to finalize it.

Action Required of the Assembly

14. The Assembly is invited to :

- a. **consider and approve** the proposals in paragraph 12. In the case the Assembly cannot approve it, the Assembly is invited to consider the proposals in paragraph 13.
- b. **take any other actions** that may be required.