

PRO-1.4 RECONSIDERATION OF THE DEFINITION OF WHAT CONSTITUTES "AN INTEREST IN HYDROGRAPHIC MATTERS" OR "HYDROGRAPHIC INTERESTS"

Submitted by: Uruguay

Supported by: Argentina and Brazil

References : A. Convention on the IHO, Art. V.
B. General Regulations of the IHO, Art. 16 (c).

PROPOSAL

The Assembly is invited:

- to reconsider the definition of what constitutes an "interest in hydrographic matters" or "hydrographic interests", amend Articles 8 and 16 of the General Regulations according to Annex A and add Annex B to the General Regulations with the referenced measurement.
- in the case the Assembly cannot approve the previous proposal, to consider the alternative proposal and amend Article 16 of the General Regulations to reconsider the definition of what constitutes an "interest in hydrographic matters" or "hydrographic interests" at the latest at the third session of the Assembly. Subsequently, noting the report of the ISPWG 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.
- to take any further action as appropriate.

EXPLANATORY NOTE

Uruguay presents a proposal for reconsideration of the definition of what constitutes "an interest in hydrographic matters" or "hydrographic interests" to be appreciated by the Assembly. Uruguay presents here amendments to the IHO General Regulations (Annex A) and subsequent measurement for the definition of "hydrographic interests" (Annex B).

Related Documents:

- 1/ Convention on the IHO, Article V
- 2/ General Regulations of the IHO, Article 16 (c)
- 3/ 3rd EIHC Report of Proceedings
- 4/ Report of the IHO Strategic Planning Working Group (ISPWG) 2005-2006 (CONF.17/DOC.1)
- 5/ XVII IHC Report of Proceedings Vol 1
- 6/ Decisions of the 1st Session of the IHO Assembly
- 7/ Consideration of the definition of *Hydrographic Interests* (Doc. C1-6.3)
- 8/ Summary Report of C-1
- 9/ Action C1/47 and Decision C1/48
- 10/ Summary Report of C-2
- 11/ Decision C2/08 (former C1/47)
- 12/ Submission of Proposals to the Assembly (ACL N° 3, of 06 May 2019)
- 13/ Summary Report of C-3
- 14/ Decision C3/11 and Action C3/12

Background

1. There were long discussions during the 3rd Extraordinary International Hydrographic Conference about the definition of “hydrographic interests” and many Member States stressed out the fact that using national flag tonnage as the only criterion for this definition has only observed the aspect of the demand for hydrography or the benefits derived from hydrographic surveying activities, but not the activities themselves and, therefore, it does not define properly “hydrographic interests” or “interest in hydrographic matters”. For this reason, the IHO General Regulations in its Article 16 (c) considers the possibility to review the definition of “hydrographic interests” at the latest at the second Assembly meeting.
2. The IHO Assembly at its 1st Session did not discuss the definition of “hydrographic interests” nor tasked the Council or the Secretary-General about it, leaving the discussion of this issue to A-2.
3. According to the IHO Convention, “The Assembly shall be composed of all Member States” and the Assembly shall be to “Decide on any proposals put to it by any Member State”. The Assembly Circular Letter N° 3/2019 was issued for the submission of proposals by Member State to A-2 until 15 December 2019.
4. Argentina, Brazil and Uruguay have been discussing a proposal for the definition of “hydrographic interests” to be submitted to A-2, since April 2019. The proposal, which draft is attached to this document, considers national flag tonnage and national seaborne trade to define the “DEMAND” for hydrography from the maritime community and includes parameters related to the “OFFER” of hydrography by Hydrographic Offices, using nautical chart production, safety information and surveying capabilities.
5. In the last meeting of Council (C-3), several Member States supported the view that hydrographic interests was an important matter that merited further consideration by the Assembly and asked Uruguay and other Member States to submit a proposals to the Assembly at A-2 so decisions could be made on the way forward and guidance provided to the Council. The Council acknowledged the thorough proposal by Uruguay and invited Uruguay and other supporting countries to make a proposal to A-2 on this basis for further consideration by the Assembly (Action C3/12).

Analysis and Discussion

6. The discussion of the "definition of what constitutes an interest in hydrographic matters" is strategic for the Organization, since it will define the composition of one-third of IHO Council.
7. The "definition of what constitutes an interest in hydrographic matters" is clearly related to hydrography and does not specify navigation or economy, even though navigation and economy have always been part of "interest in hydrographic matters" or "hydrography interests". Therefore, these expressions must be treated appropriately.
8. The tonnage criterion has been used as a starting point.
9. The idea of tonnage being used as the only criterion was not capable of reflecting the technical capacity of the Hydrographic Offices' activities.
10. The criterion of tonnage does not properly reflect the objectives, the principal aim, the mission and the vision of the Organization.
11. The IHO Strategic Plan Working Group (ISPWG) recognized that when the new structure is implemented, experience would be gained and the subject could be revisited. And that “Each Assembly after the creation of the first Council could review all the possible definitions to see if a better one emerged”. The ISPWG listed some parameters and the issues that were discussed over two plenary meetings, besides other tasks.

12. A fair criterion should consider the “DEMAND” for hydrography from the maritime community but also the “OFFER” of hydrography by the Hydrographic Offices.
13. The attached Draft Proposal from Uruguay, prepared by Argentina, Brazil and Uruguay, presents a new criterion for the definition of “hydrographic interests” that can be easily and regularly measured with information obtained from the United Nations, IMO and IHO.
14. Uruguay is open to discuss its proposal for the definition of “hydrographic interests” with other Member States leading to a better solution.
15. The Council 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.
17. This issue matters to all Member States, the ones that would compose the Council on the basis of “hydrographic interests” or on a regional basis and the ones that would not compose the Council.

**Proposed amendments to the clause (b) of Article 8 and the clause (c) of Article 16
of the General Regulations**

**GENERAL REGULATIONS OF THE INTERNATIONAL HYDROGRAPHIC
ORGANIZATION**

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Regional Hydrographic Commissions

ARTICLE 8

(b) RHCs recognized by the Assembly are listed in the Annex A to these General Regulations.

Selection of Members of the Council

ARTICLE 16

(c) The remaining one-third of 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. The table of national flag tonnages is derived in accordance with the procedures set forth in Articles 5 and 6 of the Financial Regulations.~~ The Secretary-General shall determine which Member States will hold this one third of Council seats by identifying them in descending order of their **measurement of the definition of hydrographic interests described in the Annex B to these General Regulations national flag tonnages, referring to the table of current national flag tonnages produced in accordance with Article 6 (a) of the Financial Regulations**, and by having ascertained the willingness of each of them to hold a seat on the Council.

Measurement for the Definition of what constitutes "an interest in hydrographic matters" or "hydrographic interests"

The proposal considers national flag tonnage and national seaborne trade to define the "DEMAND" for hydrography from the maritime community and includes parameters related to the "OFFER" of hydrography by Hydrographic Offices, using nautical chart production, safety information and surveying capabilities.

Measurement of the "DEMAND" for Hydrography

The "DEMAND" for Hydrography part of the definition of "hydrographic interests" will use as parameters the national flag tonnage and the volume of shipborne trade of a Member State. The table of national flag tonnages is derived in accordance with the procedures set forth in Articles 5 and 6 of the Financial Regulations. The volume of seaborne trade in millions of US dollars can be obtained from United Nations Conference on Trade and Development statistics (UNCTDstat - [https://unctadstat.unctad.org/EN/ > COUNTRY PROFILES > MARITIME PROFILE](https://unctadstat.unctad.org/EN/>COUNTRY_PROFILES>MARITIME_PROFILE)) as Merchandise Trade and it is updated twice a year (Statistics@unctad.org).

For the "DEMAND" for Hydrography two ratios are defined, as follows:

- The "Tonnage ratio" will be equal to the national flag tonnage of a Member State divided by the greatest national flag tonnage among Member States.
- The "Trade ratio" will be equal to the volume of seaborne trade of a Member State divided by the largest volume of seaborne trade among Member States.

So, the measurement of the "DEMAND" for Hydrography will be the sum of the "Tonnage ratio" with the "Trade ratio".

Measurement of the "OFFER" of Hydrography

The "OFFER" of Hydrography part of the definition of "hydrographic interests" will use as parameters the total area covered by ENC Usage Bands 2, 3, 4 and 5 issued by a Member State and the values for the Capacity Building Phases of Development of Hydrographic Surveying and Nautical Charting Capability (Phases 1, 2 and 3) assessments of a Member State.

The total area in km² covered by ENCs (or sum of the areas of the ENCs) Usage Bands 2, 3, 4 and 5 issued by a Member State can easily be calculated by IHO or by each Member State. The ENCs in IHO Charting Region M (Antarctic waters) are not considered. The ENC coverage of Usage Bands 2, 3, 4 and 5 for each Member State can be reached through shape file (SHP) with all ENC cells' shapes obtained from IHO WEND database or from RENCs.

The values for the Capacity Building Phases 1, 2 and 3 assessments of a Member State are already defined by IHO and obtained with the RHCs. The Capacity Building Phase 1 seeks the collection and circulation of nautical information, necessary to maintain existing charts and publications up to date. The Capacity Building Phase 2 seeks the creation of a surveying capability to conduct coastal projects and offshore projects. The Capacity Building Phase 3 seeks the production of paper charts, ENCs and publications independently. The Capacity Building Phases of Development Stages' Assessments according to IHO Capacity Building Strategy (www.iho.int/mtg_docs/CB/IHO_CB_Strategy_EN.pdf) are provided by the Capacity

Building Coordinators that should follow CBSC Procedure 11 (Assessment of Capacity Building Phase Stages of Coastal States) and should updated it in every CBSC meeting.

The assessments and corresponding values for each Capacity Building Phase (1, 2 and 3) are listed below:

Value	Assessment
1	The country is aware of its national obligations but does not have the means to do it
2	The country has the ability to fulfil national obligations
3	The country fulfils its national obligations through a third party
4	The country fulfils its national obligations in a sustainable manner

For the “OFFER” of Hydrography two ratios are defined, as follows:

- The “ENC ratio” will be equal to the total area covered by ENC’s of a Member State divided by the largest total area covered by ENC’s among Member States.

- The “Capacity Building ratio” will be equal to the products between the assessment values for the Capacity Building Phases 1, 2 and 3 of a Member State divided by 64. It is divided by 64 to normalize this expression, since the maximum value for each assessment is 4 (4 plus 4 plus 4 is equal to 64).

So, the measurement of the “OFFER” of Hydrography will be the sum of the “ENC ratio” with the “Capacity Building ratio”.

Measurement of the definition of “Hydrographic Interests”

Therefore, the measurement of the definition of “hydrographic interests” will be the sum of the measurement of the “DEMAND” for Hydrography with the measurement of the “OFFER” of Hydrography, in other words the sum of the “Tonnage ratio” with the “Trade ratio” with the “ENC ratio” with the “Capacity Building ratio”.

Finally, the remaining one-third of Council seats shall be held by Member States that have the higher values for the measurement of the definition of “hydrographic interests”.