

PRO-1.5 CONSIDERATION ON THE DEFINITION OF HYDROGRAPHIC INTERESTS (TER)

Submitted by: India

References : A. Convention on the IHO, Art. V.
 B. General Regulations of the IHO, Art. 16 (c).
 C. PRO 1.3 and PRO 1.4 to A-2.

PROPOSAL

The Assembly is invited:

- to consider an alternative proposal on the definition of *Hydrographic Interests*
- to take any further action as appropriate.

EXPLANATORY NOTE

The Secretary-General proposed to the Council amendments to the IHO General Regulations about the definition of Hydrographic Interests that have direct effect on the composition of the Council. As a consequence, PRO 1.3 and 1.4 (Reference C) are now submitted to the Assembly for consideration by the Member States.

India presents here an alternative proposal for the definition of *Hydrographic Interests* (Annex A).

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) Draft Proposal to A-2 submitted by the Secretary-General to C-3 (Doc. C3-03.4A)

Background

1. There were long discussions during the Extraordinary International Hydrographic Conference about the definition of Hydrographic Interests and many Member States brought out 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 session of the Assembly”.

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 issue was deliberated during C3 and Member States were asked to submit proposal to the assembly at A-2 by 06 Dec 19.

4. India has now prepared a proposal for the definition of Hydrographic Interests to be submitted to A-2, and a draft is attached to this document, considering following aspects of a member state:-

- (a) *Availability of National Hydrographic Service*
- (b) *Surveying Assets*
- (c) *Maritime Safety*
- (d) *Capacity Building*
- (e) *Ensuring Safe Navigation at Sea*

5. India is open to discuss its proposal for the definition of Hydrographic Interests with other Member States leading to a better solution. Other Member States that compose or do not make part of the Council may propose to A-2 other possibilities for the definition of Hydrographic Interests and help to improve the actual definition.

**Proposal on the measurement of the definition of *Hydrographic Interests*.
Submitted by India**

Related Documents:

- (a) Article 16(c) of General Regulation of IHO
- (b) C1/47 and C1/48 agenda item 6.3 council consideration of the definition of the term "Hydrographic interest"
- (c) C2/08
- (d) C3/ Report

1. During the Council meeting C1,C2 and C3 it was decided to raise the issue regarding definition of hydrographic interest at A-2 in accordance with Clause (c) of Article 16 of the General Regulation.

2. Clause (c) of Article 16 of General Regulation states "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) of Article 16.

Hydrographic Interest

3. Member States seeking membership of the Council based on Clause 'C' of Article 16 of General Regulations would need to apply to the Council in accordance with the proforma based on the merit of each state. The IHO Council shall elect the Members State. In pursuance of above, a draft definition of what constitutes "Hydrographic interest" has been prepared for consideration at Assembly during A-2 and is appended below.

- (a) *Availability of National Hydrographic Service*
- (b) *Surveying Assets*
- (c) *Maritime Safety*
- (d) *Capacity Building.*
- (e) *Ensuring Safe Navigation at Sea*

4. **Availability of National Hydrographic Service**

Regulation 9 of SOLAS Chapter V specifies very clearly the hydrographic services which have to be provided by Contracting Governments. The provision of these hydrographic services is, in effect, an obligation for the Contracting Governments under an International Treaty Law. Under the provision, a Member State which has established a dedicated mechanism for providing mandatory hydrographic services along with authority and via a Hydrographic Office would be deemed to have contributed having hydrographic interests. Therefore it is proposed to allocate weightage for following:-

- (a) Availability of a dedicated Hydrographic Services
- (b) Designation of a National Authority for providing Hydrographic Services
- (c) Establishment of a dedicated Hydrographic Office
- (d) Establishment of a Hydrographic Surveying Organisation for undertaking National Surveys

5. **Surveying Assets**

The ability of a Member State to operate and maintain seagoing vessels is another important aspect. Surveys of larger offshore areas within national waters require larger and properly equipped vessels and systems, as well as a staff of qualified hydrographic surveyors. Generally it is necessary to have, or to have access to, vessels that are capable of operating for long periods in the national offshore areas, and in shallow coastal waters.

The capability of a Member State to undertake hydrographic surveys largely depends upon the sea going survey platforms and their equipment fit. It would be vital to recognize the availability of survey ships as it has a direct bearing on the hydrographic interest of the nation. It is proposed to recognize this asset as follows:-

(a) Number of survey ships held with the member state which fly the flag of the nation and is manned wholly or partially by their nationals. In order to award points their gross tonnage would be taken into account

Up to 500 T

500 T-1500 T

1500 T – 3000 T

Greater than 3000 T

6. **Maritime Safety**

Regulation 4 of SOLAS Chapter V places an obligation on Contracting Governments to ensure that appropriate navigational warnings are issued. Availability of a dedicated MSI organization and processing of MSI data to NAVAREA coordinators to enable early warning to mariners is an important activity towards promoting maritime safety and constitutes hydrographic interest of a member state. It is therefore proposed to recognize the efforts of a member state who contributes towards maritime safety by providing inputs **for promulgation of NAVAREA**. Considerable expenditure is also incurred in maintaining manpower, assets and transmission of messages via satellite and terrestrial services.

7. **Capacity Building.**

Since 1998, the Annual Resolution on the Oceans and the Law of the Sea adopted by the UN General Assembly has encouraged the development of hydrographic and charting capabilities. Resolution A/RES/70/235 adopted in December 2015 includes the following provisions:

15. Encourages intensified efforts to build capacity for developing countries, in particular for the least developed countries and small island developing States, as well as coastal African States, to improve aids to navigation, hydrographic services and the production of nautical charts, including electronic charts, as well as the mobilization of resources and building of capacity with support from international financial institutions and the donor community.

In keeping with the above resolutions it would be most appropriate to include the contributions of a member state towards capacity building in the region as hydrographic interest. Training of personnel for the region in hydrography and cartography is inherent part of any capacity building exercise and needs to be included for the assessment of hydrographic interest. In addition due cognizance has to be given to the efforts of a member state for carrying out hydrographic surveys and producing charts and ENC's for a state where such capability does not exist. Therefore, following is proposed:-

(a) Contribution towards Hydrographic and Cartographic training in past 03 years :-

(i) Number of international trainees trained in CAT (A) course.

(ii) Number of international Trainees trained in CAT(B) course.

(iii) Number of international trainees trained in Cartographic course.

- (b) Number of hydrographic surveys undertaken for other states in the region.
- (c) Number of Chart/ENC produced for other state in the region.
- (d) Number of Hydrographic/Training Institute established in other state in the region.

8. **Ensuring Safe Navigation at Sea**

In November 1998, the Fifty-third session of the United Nations General Assembly approved Resolution A/RES/53/32 under Agenda item 38 (a) "Oceans and the Law of the Sea" which includes the following article:

Article 21 of Assembly Resolution A/RES/53/32

The General Assembly invites States to cooperate in carrying out hydrographic surveys and providing nautical services for the purpose of ensuring safe navigation as well as to ensure the greatest uniformity in charts and nautical publications and to coordinate their activities so that hydrographic and nautical information is made available on a worldwide scale"

Towards promoting safety of navigation at sea a member state's contribution in terms of undertaking hydrographic surveys, producing charts and ENCs based on collected data and making them available to mariners worldwide would constitute contribution towards hydrographic interest. In this regard it is proposed to consider the number of charts/ENC which are based on data either completely or wholly of member state which have been sold worldwide as hydrographic interest. Accordingly, following points are proposed to be allocated for charts, ENCs and NTM produced/promulgated in past three years:-

Number of chart and ENCs based on HO's surveys sold worldwide:-

- (i) For 10 National / INT Series Chart
- (ii) For 05 ENCs
- (iii) For 50 N to M for charts produced by member state.

9. **Measurement of the definition of Hydrographic Interests**

Therefore, the measurement of the definition of *Hydrographic Interests* will be the sum of the total of points accrued by a member state for following contributions:-

- (a) *Availability of National Hydrographic Service*
- (b) *Surveying Assets*
- (c) *Maritime Safety*
- (d) *Capacity Building*
- (e) *Ensuring Safe Navigation at Sea*

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*. The proforma for calculation for weight age for *Hydrographic Interests* is placed at enclosure.

CALCULATION OF WEIGHTAGE FOR HYDROGRAPHIC INTEREST

1. **Hydrographic Services.** 20% weightage
 - (i) Availability of a dedicated Hydrographic Services - **05 %**
 - (ii) Designation of a National Authority for providing Hydrographic Services – **05 %**
 - (iii) Establishment of a dedicated Hydrographic Office – **05 %**
 - (iv) Establishment of a Hydrographic Surveying Organisation For undertaking National Surveys – **05 %**

2. **Surveying Assets.** 20% weightage
 - Upto 500 T - 2%
 - 500 T-1500 T - 3%
 - 1500 T – 3000 T - 5%
 - Greater than 3000 T - 10%

3. **Maritime Safety** 10% weightage
Inputs for promulgation of NAVAREA –10%

4. **Capacity Building.** 25% weightage
 - (a) Contribution towards Hydrographic and Cartographic training in past 03 years. **10% weightage**
 - (i) Number of international trainees trained in CAT (A) course - **04 %.**
 - (ii) Number of international Trainees trained in CAT(B) course –**04%.**
 - (iii) Number of international trainees trained in Cartographiccourse- **02%.**
 - (b) Number of hydrographic surveys undertaken for other states in the region- **08%**
 - (c) Number of Chart/ENC produced for other state in the region. **04%**
 - (d) Number of Hydrographic/Training Institute established in other state in the region – **03 %**

5. **Ensuring Safe Navigation at Sea.** 25% weightage
Number of chart and ENCs based on HOs surveys sold world wide :-
 - (i) For 10 National / INT Series Chart- **10%**
 - (ii) For 05 ENCs- - **10 %**
 - (iii) N to M for charts produced by member state –**5%.**