

## **Responses to IHO Circular Letters on CSB**

Submitted by IHO Secretariat

### **SUMMARY**

**Executive Summary:** This document provides generic details on responses received from IHO Member States to the Circular Letters (CLs) issued seeking support for the IHO CSB initiative.

**Action to be taken:** 8

**Related documents:** CSBWG 9/7/3, CL 11/2019 dated 25 January 2019; CL 21/2020 dated 3 June 2020

### **Introduction/Overview**

1. The IHO has published two Circular Letters, the first CL sought support for the CSB initiative and data gathering activities, not only in deep ocean regions but also within the waters of national jurisdiction of individual coastal states. The second CL, acknowledging that data gathering activities were being undertaken in most waters by the majority of vessels, asked coastal states to support the provision of the data into the public domain and for it to be made available for a plethora of uses, including their own, rather than the data being kept on board or deleted.

2. After discussion within the IHO Secretariat and with the Chair of the CSBWG, it has been agreed that generic details can be provided to the CSBWG to assist in its wider communications and outreach efforts. The generic details will ensure that no Member State is identifiable, even if they were the originator, as it is necessary to protect the confidence of Member States and their ability to communicate frankly and candidly with the Secretariat and the Secretary-General by not putting their comments into the public domain.

### **Discussion**

3. The following are the general reasons given for negative responses to CL 11/2019:

- i. No MBES data collection in TTW unless a request has been sent and approval received;
- ii. Not considered and no plans to do so in near future;
- iii. Bathymetry in territorial waters are in general classified information and therefore crowdsourced bathymetry within territorial waters is prohibited by law;
- iv. Majority of the EEZ already, or will be, surveyed in near future in accordance with the IHO S-44 standard, therefore no need for crowd sourced bathymetry;
- v. National HO is the only authorized organization to collect and store bathymetric data with the aim of chart production and bathymetry modelling within the national waters of jurisdiction;
- vi. Bathymetric surveys for knowledge or exploitation of the marine environment are regulated by national legislation in accordance with the United Nations Convention on the Law of the Sea (UNCLOS), these data can only be used by the DCDB and in a digital terrain model after validation by the national HO, the cartographic exploitation of this data is also the responsibility of national HO;
- vii. No added value of crowd sourced bathymetry in national waters, which are already

- viii. surveyed to the highest standards to assure safe navigation;  
Support for unrestricted CSB only along traditional shipping routes and transit passages;
  - ix. Data resulting from CSB activities as gridded data sets or as raw data will only be available after analysis and authorization of the national HO;
  - x. In accordance with national law covering survey activities in waters of national jurisdiction, all activities for the acquisition of any bathymetric data undertaken by all vessels can only be conducted after prior authorization of the relevant government departments;
  - xi. The national HO must check CSB data acquired in water of national jurisdiction before being forwarded to the DCDB, any data thus forwarded can be disseminated only after approval from the national HO;
  - xii. Bathymetric measurements for the knowledge or exploitation of the marine environment in waters of national jurisdiction, which includes territorial waters and continental shelf, and is regulated by national laws in accordance with the United Nations Convention of the Law of the Sea (UNCLOS), will be provided exclusively by the national HO; and
  - xiii. Data under the IHO CSB concept is restricted in accordance with national regulations, it is prescribed by national regulations, lawfully collected bathymetric data can be made available for use only by signing a licence agreement.
4. The following are the general reasons given for negative responses to CL 21/2020:
- i. National HO is the sole competent authority for bathymetric data provision within waters of national jurisdiction;
  - ii. MBES is allowed only after prior consent of the national HO, complete datasets should be shared with the national HO in full;
  - iii. No MBES activity without prior permission, copy of dataset must be provided to the national HO;
  - iv. Support for CSB data provision from the waters of the IHO members states which have not achieved full survey coverage; not used CSB data because waters fully covered systematic surveys;
  - v. According to national regulations the performing of scientific research, any study and survey of the sea, seabed or its subsoil or performing other underwater activities in the waters of national jurisdiction is only permissible on the basis of a prior approval to be issued by the relevant government authorities;
  - vi. Any foreign organization, foreigner or national with an intention of carrying out CSB activities in waters of national jurisdiction must obtain authorization from the relevant government authority. No MBES activity in the waters of national jurisdiction is allowed without prior permission;
  - vii. According to the national legislation bathymetry is classified in the internal and territorial sea, so CSB is prohibited;
  - viii. Opposed to the free use of this data from the waters of national jurisdiction without the express consent of the relevant Coastal State;
  - ix. Only for areas of 200 m depth or greater; and
  - x. All EEZ areas have been surveyed to IHO S-44 Edition 5 Order 1a.

5. A number of coastal states objected to both CLs without providing any reasons for their objections.

## Recommendations

6. It is clear from many of the responses that there remains significant confusion of where CSB lies within UNCLOS and different coastal states have their own interpretation. In addition it is evident that only a Yes/No answer has been considered, rather than a broader approach taken to

consider at what resolution would it be acceptable to provide data, this in particular could be a consideration when presenting at RHCs and in other discussions.

7. The CSBWG needs to consider how the information can be used to progress discussions within RHCs, noting that each RHC has a different character and therefore different considerations and concerns.

#### **Action**

8. The CSBWG is requested to:

- a. **Note** the information provided;
- b. **Consider** how this information can be used to assist in the development of communications and outreach messages; and
- c. **Take** any other actions, as appropriate.