

CSBWG Work Item C

Gather, prioritize and respond to HO-specific issues/opportunities regarding national policy/ regulations related to CSB

Submitted by Jennifer Jencks

SUMMARY

Executive Summary: This document provides details on activities conducted related to gathering, prioritizing and responding to HO-specific issues/opportunities regarding national policy/regulations related to CSB

Action to be taken: See below

Related documents: CSBWG10: Responses to IHO Circular Letters on CSB

Introduction/Overview

At CSBWG13 (10-13 Jan 2023), the working group agreed to focus on 11 work items. Jennifer Jencks, Evert Flier, Steve Keating, Chandana Rathnayake and Denis Hains volunteered to work on *Item C: Gather, prioritize and respond to HO-specific issues/opportunities regarding national policy/regulations related to CSB.*

The team met in April to discuss the focus of the group and agreed upon the following activities to be presented to IRCC:

Work Item	Title	Priority <i>H-high M-medium L-low</i>	Next milestone	Start Date	End Date	Status <i>P-planned O-ongoing C-completed S-Superseded</i>
C-1	Capture issues regarding national policy/regulations /culture affecting the endorsement of CSB	H	Consolidate and draft solutions to overcome them	2023	August 2023	P
C-2	Draft proposed rationale to the issuing of a new brief circular letter (and questionnaire) to MS explaining the purpose of IHO CL 21/2020 and encouraging a positive response	H	Present to CSBWG and determine whether to issue to MS	2023	August 2023	P
C-3	Request the policy framework(s) or guideline(s)	H	Consolidate and develop guidance for	2023	Dec 2023	P

	adopted by coastal States who positively responded to IHO CL 21/2020 or IRCC CL 01/2020		other coastal States			
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A fourth item was also discussed, C-4: Educate CSBWG members on International Law of the Seas as it pertains to passage sounding collection.

Due to scheduling issues, the team did not meet virtually again and relied on email correspondence to progress the activities.

**Work Item C-1:
Capture issues regarding national policy/regulations /culture affecting the endorsement of CSB**

C-1 Activity 1:

Team to capture known or perceived issues and look into discovering possible "unknown" or untold issues regarding national policy/regulations/culture affecting the endorsement of CSB and present to CSBWG 14 for feedback/input

Comprehensive lists of general reasons for the negative responses given to both IHO CL 11/2019 and IHO CL 21/2020 were captured in the *Responses to IHO Circular Letters on CSB* report provided by the IHO for CSBWG10. These lists can be found [online](#). Additional concerns have also been recognized through ad hoc conversations between CSBWG members, observers, expert contributors and colleagues over the years.

The Team has consolidated and grouped these responses and concerns below:

- I. **National Policies and Regulations:** Many MS believe the collection and/or provision of CSB data runs counter to their national policies and regulations and is therefore prohibited.
- II. **CSB Data is Unnecessary:** Claims are made that areas within national jurisdiction are already fully surveyed to hydrographic standards, and therefore CSB data contributions are not needed.
- III. **CSB Data Collection Confused with Systematic Survey:** A focus continues to be on the rejection of systematic surveys (MSR, Hydrographic) within areas of jurisdiction taking place without permission.
- IV. **Data Quality and Accuracy Concerns:** One of the main challenges for CSB endorsement is ensuring the quality and accuracy of the bathymetric data collected through crowdsourcing. Traditional bathymetric data collection methods, such as hydrographic surveys, follow strict protocols to maintain data accuracy. Critics may argue that CSB lacks the same level of quality control, leading to concerns about the reliability of the data and its suitability for critical applications.
- V. **Legal and Liability Issues:** Incorporating CSB into national policies and regulations may raise legal and liability concerns. Questions may arise regarding ownership, copyright, and usage rights of the data collected by individuals or organizations contributing to the CSB initiatives. Governments need to address these concerns and establish legal frameworks to protect the rights of contributors and ensure responsible data usage.

- VI. **Standardization and Compatibility:** CSB initiatives involve contributions from diverse sources, such as recreational boaters, fishermen, and researchers. Ensuring standardization and compatibility of data collected from various platforms and devices can be challenging. National policies and regulations would need to establish guidelines and protocols for data collection, formatting, and sharing to ensure interoperability and maximize the usability of the collected bathymetric data.
- VII. **Integration with Existing Data Sources:** Many countries already have established hydrographic agencies or organizations responsible for collecting and maintaining bathymetric data. Integrating CSB into existing data sources can be complex, requiring the development of processes and mechanisms to incorporate crowd-sourced data while maintaining data consistency and integrity.
- VIII. **Public Awareness and Engagement:** The success of CSB initiatives heavily relies on public participation and engagement. Governments would need to invest in awareness campaigns and education programs to inform the public about the importance of CSB, its potential benefits, and how they can contribute. Garnering widespread support and participation from diverse stakeholder groups can be a significant challenge.
- IX. **Resource Constraints:** Implementing CSB initiatives at a national level requires substantial resources, including funding, technical infrastructure, and human capacity. Governments may face challenges in allocating sufficient resources to support the implementation, operation, and maintenance of CSB programs. Limited resources could hinder the endorsement and effective utilization of CSB in national policies and regulations.
- X. Addressing these challenges would require **collaborative efforts** from governments, stakeholders, and the public. It would involve the development of robust quality assurance frameworks, legal mechanisms, and standardized protocols. Additionally, governments would need to allocate adequate resources and engage in extensive outreach activities to build support for CSB and ensure its successful implementation within national policies and regulations.

The Team looks to the CSBWG for input on the proposed list, specifically if any known or assumed issues have been missed.

C-1 Activity 2:

Team to propose solutions to overcome concerns/issues (assuming they exist) - deadline: CSBWG15

Work Item C-2:

Draft proposed rationale to the issuing of a new brief circular letter (and questionnaire) to MS explaining the purpose of IHO CL 21/2020 and encouraging a positive response.

C-2 Activity 1:

Team to draft rationale for the issuing of a new brief circular letter and propose a questionnaire (deadline: CSBWG14).

The purpose of a new CL would be to update coastal States on the progress of the IHO CSB Initiative, to encourage coastal States to reply to the original CLs, and to request feedback on CSB efforts within each State via an issued questionnaire. The CLs would highlight:

- Updated B12 and relevant changes

- Number of coastal States that have replied positively to the letter (and thank those that have)
- Value of data to SB2030 and regional mapping campaigns
- Perhaps address a few of the high level concerns identified above
- Link UN SDG 14 and the benefits of National strategies and SDG integration. Further, highlighting SDG 17
- Include CSB workflow as an annexure with simple flowchart to highlight Trusted Nodes, HO, DCDB, Vessels and to make HOs understand that still they have control over the publishing data openly. (Annexure; to short the letter)

If a CL is issues, the Team proposed the inclusion of a questionnaire. The following questions have been drafted:

1. How proficient is your organization in the utilization of the IHO Crowdsourced Bathymetry (CSB) Initiative?
 - a. Highly proficient, b. Moderately proficient, c. Limited proficiency
2. Has your organization actively contributed to the IHO CSB Initiative thus far?
 - a. Yes, substantially, b. Yes, to some extent, c. No, not at all
3. If you answered Yes to #2, please explain how you contributed.
FREE TEXT
4. If your organization has been inactive, what primary factors have impeded engagement with the initiative?
 - a. Insufficient awareness and outreach, b. Technical complexities and inadequacies, c. Apprehensions regarding data veracity and trustworthiness, d. Resource constraints (financial, human capital, etc.), e. Other (please elaborate)
5. If concerns about data veracity and trustworthiness are present, what specific facets are contributing to these apprehensions?
 - a. Reluctance in trusting crowdsourced data, b. Inadequate methods for data validation, c. Ambiguous guidelines for data submission, d. Suspicions about data tampering or manipulation, e. Other (please elucidate)
6. Are there any regulatory or legal impediments in your domain that hinder participation in the IHO CSB Initiative?
 - a. Yes, b. No
7. If yes, please concisely expound upon the regulatory or legal challenges.
FREE TEXT
8. Enumerate the prospective advantages perceived by your organization in more actively engaging with the IHO CSB Initiative.
FREE TEXT
9. How can the IHO bolster your organization in surmounting the barriers to participation and elevate involvement in the CSB Initiative?
FREE TEXT
10. Are there any specific technical or capacity-building requisites in your domain that can be addressed to facilitate better participation in the CSB Initiative?
FREE TEXT
11. To what extent is your organization willing to collaborate and share bathymetric data within the framework of the CSB Initiative?

FREE TEXT

12. To what degree does data sovereignty and ownership assurance influence your organization's willingness to share bathymetric data through the CSB Initiative?

FREE TEXT

13. What incentivization or mechanisms could the IHO implement to stimulate increased participation from member states in the CSB Initiative?

FREE TEXT

14. Any additional remarks or concerns regarding the IHO CSB Initiative or suggestions for its augmentation.

FREE TEXT

The Team looks to the CSBWG for a determination on whether or not to proceed in the drafting of a new CL.

If the CSBWG agrees to pursue a new CL, then the Team requests input on the proposed questionnaire.

C-2 Activity 2:

If agreed upon by WG, draft CL, obtain WG approval (intersessionally) and issue CL (and questionnaire) to coastal States - deadline: TBD

Work Item C-3:

Request the policy framework(s) or guideline(s) adopted by coastal States who positively responded to IHO CL 21/2020 or IRCC CL 01/2020

C-3 Activity 1:

Draft proposed letter to National Hydrographers requesting the policy framework(s) or guideline(s) adopted by coastal States who positively responded to IHO CL 21/2020 or IRCC CL 01/2020; request CSBWG14 feedback - deadline: CSBWG14

The team drafted an email for review and input by the CSBWG:

Dear National Hydrographer,

Thank you for your response to IHO CL 21/2020 (or IRCC CL 01/2020).

Today, 33 coastal States have provided positive responses to these letters. While we are happy with the progress, we acknowledge we have a long way to go. As we work to develop a strategy to encourage more positive responses we feel the gathering your input is key.

We know from many ad hoc conversations with colleagues, that many States struggle with determining a process of reviewing the letter, determining caveats, and finally getting the letter actually signed.

Would you be willing to share the policy framework(s) or guideline(s) used within your hydrographic office and government to reach your positive response? And anything else that you think might be valuable towards encouraging other states to follow in your footsteps.

Thank you for your time.

Dr. Mathias Jonas
IHO Secretary General

The Team looks to the CSBWG for input on proposed letter to National Hydrographers requesting the policy framework(s) or guideline(s) adopted by coastal States who positively responded to IHO CL 21/2020 or IRCC CL 01/2020

C-3 Activity 2:

Once letter is agreed upon by CSBWG and IHO Secretariat, Secretary General to send to National Hydrographers, who replied positively to initial CLs, and consolidate feedback - deadline CSBWG15

Work Item C-4:

Educate CSBWG members on International Law of the Seas as it pertains to passage sounding collection - deadline: CSBWG14

C-4 Activity 1:

Steve Keating to provide presentation to CSBWG14 on International Law of the Seas as it pertains to passage sounding collection and answer questions posed by CSBWG - deadline: CSBWG14

Action

1. The CSBWG is requested to:
 - A. **Note** the information provided;
 - B. Provide input on the list captured in C-1 Activity 1, specifically if any known or assumed issues have been missed.
 - C. Discuss and determine whether or not to proceed in the drafting of a new CL (C-2 Activity 1).
 - D. If the CSBWG agrees to pursue a new CL, provide input on the proposed questionnaire (C-2 Activity 1).
 - E. Provide input on proposed letter (C-3 Activity 1) to National Hydrographers requesting the policy framework(s) or guideline(s) adopted by coastal States who positively responded to IHO CL 21/2020 or IRCC CL 01/2020; and
 - F. **Take** any other actions, as appropriate.