

## Consideration of the definition of *Hydrographic Interests*

<b>Submitted by:</b>	Türkiye
<b>Executive Summary:</b>	This paper invites the BASWG to incorporate in its work programme the consideration of the use of the terms <i>hydrographic interests</i> and <i>interest in hydrographic matters</i> in relation to the composition of the Council, in order to report to the MBSHC24 in 2024.

### Background

1. The IHO, through a Strategic Planning Working Group, undertook an extensive review of the Organization from 1997 to 2007. As a result, in 2005 the 3<sup>rd</sup> Extraordinary International Hydrographic Conference (EIHC-3) agreed a range of amendments to the Convention on the IHO, and in 2007 the 17<sup>th</sup> 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. The SPWG spent a significant amount of time in considering how to measure “hydrographic interest” as reported in document CONF.17/DOC.1. 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 all considered. All were rejected 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 rely on 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.

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. In A-2 (2020) Uruguay made a submission regarding the RECONSIDERATION OF THE DEFINITION OF WHAT CONSTITUTES "AN INTEREST IN HYDROGRAPHIC MATTERS" OR "HYDROGRAPHIC INTERESTS" with A-2 PRO-1.4 which was also supported by Argentina and Brazil. Likewise, India also made a submission regarding the CONSIDERATION ON THE DEFINITION OF HYDROGRAPHIC INTERESTS (TER) with A-2 PRO-1.5.

9. In C-4 (2020) most participants agreed that tonnage alone is not an ideal measure of hydrographic interest used to determine one third of the Council membership. Some participants considered that, although using tonnage alone is not ideal, it has the advantage of being easily measured, and may be no worse than any other practicable method. Participants expressed mixed views on whether the definition for hydrographic interest should be revisited given the need to prioritize Council resources. Some considered the single criterion tonnage method to be unduly restrictive, since it partially reflected the State's contribution to Strategic Plan Goal 1, but not necessarily to Goals 2 or 3.

As a compromise, the Council invited interested members to submit a joint proposal to review existing documents, resolve discrepancies, and submit a consolidated single proposal on the definition of hydrographic interest to C-5 or C-6.

*Decision and Action C4/08: The Council noted the task given by the A-2 to consider the best way forward with proposals A-2 PRO-1.4 and A-2 PRO-1.5 on the definition of hydrographic interest and report to A-3 in 2023 and by which the Council was empowered to establish a working group for this specific purpose.*

*Decision and Action C4/09: The Council invited interested parties (Argentina, Brazil, India, Uruguay ...) in the development of a definition of hydrographic interest, to consider IHC17 outcome, PRO1.4 and 1.5, and come back with a single consolidated proposal to C-5 or C-6 for possible consideration at A-3.*

10. In C-5 (2021) the Chair recalled that C-4 had invited parties interested in the development of a definition of hydrographic interest to submit a joint proposal to review existing documents, resolve discrepancies, and submit a consolidated single proposal on the definition of hydrographic interest.

The chair reported that Argentina, Brazil, India and Uruguay had begun collaborations and that work on the item was underway.

India commended the Council Chair on her work to initiate collaboration between the interested parties. He said that discussions were ongoing among the interested parties, who were attempting to identify a consensus approach to the definition of hydrographic interest. Referring to the discussion of IHO's strategic performance indicators, he suggested that the Organization's interests might be summed up as

- i) capacity to undertake surveys, which every country should have
- ii) making the ENC's and products available for the benefit of larger society and
- iii) capacity building and international interaction.

It was unclear how the question of tonnage fitted with or reflected those SPIs. He therefore called for a measure of introspection by the Council as to how the definition of hydrographic interest might better reflect IHO's strategic goals.

Despite requests and comments, the issue was excluded from the C-5 agenda, leading to the subsequent decision.

*Decision C5/04: The Council thanked Council Chair for the update on the ongoing work by the interested parties Argentina, Brazil, India and Uruguay and invited them to submit a consolidated report on possible ways forward, including impact assessment on IHO Basic Documents.*

11. In C-6 (2022) the Chair informed that, after informal discussions between the interested Members, it had been agreed that more work was needed on a possible revision of the definition of hydrographic interest, if possible, with the participation of more countries. Since the present Council would be dissolved at the end of the current session, the chair declared the agenda item closed and suggested that it should be taken up again at some point in the future, when more detailed solutions have been developed.

*Decision and Action C6/05: The Council Chair to report at A-3 on the situation (as requested by Decision A2/14) and to recommend that this topic is put on hold until interested parties work out a mature proposal for a revised definition (deadline: 20 December 2022 for submission to A-3).*

12. In A-3 (2023) the following decision was made and the issue was closed.

*Decision No.5: The Assembly endorsed that the item related to a revised definition of hydrographic interest is closed until a new submission or proposal by Member State(s) is put forward to the Council/Assembly.*

### **Proposal**

13. Türkiye believes that tonnage alone is not an ideal measure of hydrographic interest used to determine one third of the Council membership. In this context, we have devised a scoring table employing an approach centered on INTEREST IN HYDROGRAPHIC MATTERS. Each member country will complete this table at the end of each year, subject to review if necessary, and subsequently ranked by the RHCs. Council members will then be identified, commencing with the highest-scoring member. While the table is open to refinement, including additions, deletions, and the assignment of weights to points for each topic, its core will remain rooted in the annual INTEREST IN HYDROGRAPHIC MATTERS, serving as a scoring rubric to gauge HYDROGRAPHIC INTEREST in a comparative manner.

14. The table, which we consider to be a viable alternative as a suitable gauge for hydrographic interests or interest in hydrographic matters, is provided in the annex.

### **Action Required of the BASWG**

15. The BASWG is invited to:

- a. **agree** that the BASWG include in its work programme the consideration of the definition and use of the terms *hydrographic interests* and *interest in hydrographic matters* in relation to the composition of the Council, with a view to reporting to the MBSHC24 in 2024; and to
- b. **provide** suggestions for enhancing the table,
- c. **take any other actions** that may be appropriate.

