

IHO File No S3/8152/ & S3/6000

CIRCULAR LETTER 37/2021
21 September 2021

**ADOPTION OF THE IHO RESOLUTION 1/2021 – PRINCIPLES OF THE WEND
FOR S-1XX PRODUCTS (WEND-100 PRINCIPLES)**

Reference:

- A. IHO CL 25/2021 dated 1 July – *Call for the Approval of the IHO Resolution – Principles of the WEND for S-1XX Products (WEND-100 Principles)*.
- B. Decision and Action IRCC13/14

Dear Hydrographer,

1. Reference A proposed the adoption of the IHO Resolution – *Principles of the WEND for S-1XX Products (WEND-100 Principles)* as recommended by the WEND Working Group (WENDWG) and endorsed by the Inter-Regional Coordination Committee (IRCC) at its 13th meeting (Reference B).
2. The Secretariat of the IHO thanks the 45 Member States that replied to Reference A: Argentina, Australia, Bangladesh, Belgium, Brazil, Canada, Chile, Colombia, Cuba, Cyprus, Denmark, Ecuador, Estonia, Finland, France, Germany, Greece, Iceland, India, Iran (Islamic Republic of), Italy, Japan, Lebanon, Malaysia, Netherlands, New Zealand, Norway, Pakistan, Papa New Guinea, Peru, Poland, Portugal, Republic of Korea, Romania, South Africa, Spain, Singapore, Slovenia, Suriname, Sweden, Tunisia, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America and Uruguay.
3. Forty-four Member States supported the adoption of the new Resolution and three Member States offered comments in addition to their vote. These comments and the outcome of their review by the Chair of the WENDWG and the IHO Secretariat are provided in Annex A to this Circular Letter.
4. When Reference A was issued, there were 95 Member States of the IHO with four States suspended. In accordance with the provisions of the Convention on the IHO as amended, the minimum number of affirmative votes required was 30. As a result, and taking into account the editorial corrections reported in Annex A, the IHO Resolution on WEND-100 Principles has been adopted.

5. This Resolution will be published in an updated version of Publication M-3 in due course as IHO Resolution 1/2021.

On behalf of the Secretary-General
Yours sincerely,

A handwritten signature in black ink, appearing to read 'Luigi Sinapi', written in a cursive style.

Luigi SINAPI
Director

Annex A: Member States' responses to IHO CL 25/2021 and comments from the Chair of the WENDWG and IHO Secretariat.

Copy: Chair WENDWG

**MEMBER STATES' RESPONSES TO IHO CL 25/2021
AND COMMENTS FROM THE CHAIR OF THE WENDWG AND THE IHO SECRETARIAT**

**ADOPTION OF THE IHO RESOLUTION 1/2021 – PRINCIPLES OF THE WEND
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PORTUGAL (Vote = YES)

Corrections needed:

- Paragraph 3.7 WEND-100 dis-semination services. need correction: WEND-100 dissemination services.
- Footnote 1: replace These S-100 dependent products by Official nautical and hydrographic S-100 products.

Portugal approves the adoption of the IHO Resolution on WEND100 Principles, although the guidelines for their implementation and the S-101 ENC's Scheming Guidelines are still under development."

Comments by WENDWG Chair/IHO Secretariat:

The WENDWG Chair/IHO Secretariat thank Portugal for their comments. Editorial corrections are noted and will be made before publication, as appropriate.

REPUBLIC OF KOREA (Vote = YES)

The Republic of Korea agrees with the fundamental idea of WEND-100 in view of further development for the distribution of hydrographic data with new data sharing technologies such as cloud, block chain and etc.

Comments by WENDWG Chair/IHO Secretariat:

The WENDWG Chair/IHO Secretariat thank the Republic of Korea for their comments.

TURKEY (Vote = NO)

Looking back, it is easily observed that both IHO Transfer Standard described in S-57 adopted with the IHO Resolution 1/1987 for the exchange of digital hydrographic and cartographic data, and WEND Principles adopted with the IHO Resolution 1/1997 stand out as success stories in terms of making ENC's indispensable components at the bridge. The success that has been accomplished is a result of international cooperation and prolonged working hours that have been put into this effort. We are proud of this success as well as being part of it.

We have been having a similar experience with the adoption of the new IHO Resolution on WEND-100 Principles. As the member states led by IHO, once again, we are looking forward, focusing on needs, working on shaping and setting a light to the future. While doing so, we rely on our knowledge and experience accumulated over the years, international cooperation, mutual trust, and lessons learned from mistakes. We should not regret mistakes but we must learn from them.

Yet, the IHO Resolution on WEND-100 Principles which was brought to the attention of the member states via CL25 still, sadly, includes the idea of "Members States will have mature

arrangements in place for the issue of S-1XX products and their subsequent updating for waters of national jurisdiction in order to support current and future IMO requirements." which was first set by WEND Principles, being insisted upon over the last years and eventually almost turned into an enforcement, but has failed to provide a solution in complex and disputed waters since 1997. This insistence results in a deadlock rather than a solution, endangers safety at sea; motivates selfishness among the authorities which are bound to mind the collective good; and positions IHO, the HOs, and the RENCs as the parties and/or moderators on the disputes about delimitation of waters of national jurisdiction. This, unfortunately, has turned to a blind fight. We have witnessed the Member States trying to take advantage of this circumstance and use their authorized data to have leverage in foreign policies at the expense of the safety at sea which is an attitude we completely disapprove of.

We believe that IHO stands tall since its establishment in 1921, by the help of its nature that puts cooperation at sea and exchange of data/information forward. This nature is the spirit that assembles the Member States and keeps them together; cooperation, exchange of data/information, and safety at sea. SOLAS/V Regulation 9 does stress the safety of navigation without referring to the term "unambiguous". That particular term is given a place in the draft WEND-100 Principles in order to provide a stance against the overlapping of nautical charts. The draft WEND-100 Principles identifies the normal world as having no overlaps, and provides some advice (should/may etc.) that can be followed in waters where there is a dispute about delimitation of maritime jurisdiction areas. Yet, it fails to describe what will happen if none of that advice is taken. Therefore, as it is deemed inevitable, Turkey does not agree that safety of navigation requires having no overlapping charts in complex and disputed seas. When the waters of national jurisdiction are identified and agreed on to the extent of EEZs, it is certainly possible to share the survey responsibilities between the neighbouring countries. When that is not the case, alternatively, agreeing on cartographic boundaries or having an exchange of data agreement can also play a similar role. If none of these two options is taken, for the sake of the safety of navigation, the Member States should allow the mutual use of their up-to-date data, enable the harmonization of overlapping charts/products and preserve the integrity of data in complex and disputed waters, as a temporary solution until one of the abovementioned agreements is reached. The focus should go in making sure that overlapping charts provide the same content as much as possible, which is the key to maintain unambiguous service. Turkey prioritizes making the most up-to-date data available to the sailors over the effort to build a scheme with no overlaps. Turkey kindly reminds that, providing up-to-date information to the sailors is an obligation to be observed, yet having a scheme without any overlap (even if this means that recent data in international waters cannot find its way to any products to be at sailors' service, thus missing the chance to improve the safety of navigation) is a wish by IHO which mostly has failed over the last 25 years. History will mark our successes and will judge our mistakes. We believe that this resolution is an opportunity to correct this wrong. As Turkey clearly reiterated many times in the past years during IHO meetings, especially in WENDWG meetings "standards should be set for ECDIS manufacturers to display overlapping data and overlapping data should not be afraid of because it is believed that in most cases conducting a technical activity like aligning data can reduce the impact/risk of overlapping data". We, of course, respect authorities, responsibilities and expect the same. On the other hand, we strongly believe that safety at sea should be paramount in any case. In the light of all the points made above, Turkey does not approve the adoption of the IHO Resolution on WEND-100 Principles as it is.

Comments by WENDWG Chair/IHO Secretariat:

The WENDWG Chair/IHO Secretariat thank Turkey for their comments.

The WEND-100 Principles are certainly derived from the WEND Principles (IHO Resolution 1/1997 as amended). Their adoption in 1997 together with other measures (guidelines, capacity building, RENCs' support, harmonization, co-production, and data exchange agreements...and common sense) have led to a much safer world for the mariners. Worldwide. It is a success story indeed which relies on the basic principles that ECDIS are built to display non-conflicting and non-overlapping data and that is one of the main responsibilities of the IHO, if not the most important objective, to provide the most relevant, qualified and harmonized products around the world, with no duplication of effort.

The WEND-100 Principles are based on the same foundations. It is expected that the development in progress of complementary guidelines of S-101 ENC's Scheming Guidelines and Guidelines for the Implementation of these WEND-100 Principles will create the appropriate environment to prevent or at least reduce the number of awkward situations faced in the S-57 ENC world.

Useful references:

ENC Product Specification S-57 Appendix B.1 Edition 2.0, November 2000, Section 2.2 Cells

".....Cells with the same navigational purpose may overlap. However, data within the cells **must not overlap**...."

ENC Product Specification S-57 Appendix B.1, Annex A, Edition 4.2.0, April 2020, Section 2.1.8 Seamless ENC Coverage

"There must be no gaps in data between adjoining cells of the same Navigational Purpose. Similarly, **there must be no overlapping data between cells of the same Navigational Purpose** (see S-57 Appendix B.1 – ENC Product Specification, clause 2.2)...

...

... It has been reported that in addition to the **unpredictable** performance of ECDIS **when cells of the same Navigational Purpose overlap**, similar performance issues occur when data having the same compilation scale and within different Navigational Purposes overlap. Such performance issues may potentially reduce mariner confidence in using ECDIS and may impact on safety of navigation. Data Producers are advised, therefore, to ensure that data within cells having the same compilation scale and different Navigational Purposes **does not overlap**, in addition to ensuring that data within cells of the same Navigational Purpose **does not overlap**.

...

In areas which include neighbouring producer nations, Hydrographic Offices should co-operate to agree on cell boundaries **and ensure no data overlap** within Navigational Purposes....".