

**16<sup>th</sup> CHRIS MEETING**  
**Ottawa, Canada, 28-31 May 2004**

**FIFTH MEETING OF THE IHO STRATEGIC PLANNING WORKING GROUP**  
Tokyo, Japan, 1-4 March 2004.

IHB

<b>Executive summary:</b>	This paper provides a summary report of the 5 <sup>th</sup> SPWG meeting (Tokyo, Japan, 1-4 March 2004).
<b>Actions to be taken:</b>	CHRIS is invited to take note of this report, in particular the last paragraph of Section #5.
<b>Related documents:</b>	None

### 1. Location and venue

The fifth Meeting of the SPWG was held at the Japanese Hydrographic and Oceanographic Department of the Coast Guard, Tokyo, from 1 to 4 March 2004, under the Chairmanship of Mr. F. KLEPSVIK (Norway). All the IHO Regional Hydrographic Commissions were represented at the meeting, together with the following individual countries: Argentina, China, Finland, Germany, Netherlands, New Zealand, South Africa, UK, Singapore, Malaysia, Thailand, Japan, and USA).

### 2. Summary of Previous Work

The Chairman summarized the work carried out by the SPWG, focussing on three main documents:

- 1) the Draft Report "A study into the organizational structure and procedures of the IHO " version 7;
- 2) the Draft Amendments to the IHO Convention and
- 3) the IHO Draft Basic Documents (Convention, Regulations and Rules of Procedure).

He explained that the Final SPWG Report should be ready by April 2004, including the development of Proposals to the 3<sup>rd</sup> Extraordinary Conference. He therefore listed the changes made to the Report during the period between the 4<sup>th</sup> and the 5<sup>th</sup> meetings. He pointed out the topics to be re-visited, following the discussions maintained and the new decisions to be taken at the present meeting. The main items of version 7 of "The Report" to be addressed were as follows:

1. Executive Summary;
2. Item 3.2. Communications strategy;
3. 5.1 Vision (proposal from Canada);
4. Organization diagram to include (or not), the Finance Committee as proposed by the USA;
5. 6.1. Assembly (endorsement of the procedure of selection of Council members);
6. 6.2 Financial mechanisms;
7. 6.2.1 Council membership;
8. 6.2.2. Budget review;
9. 6.3.1. Names of Committees and
10. Appendix H. Council composition.

The Chairman explained that, although the Terms of Reference specified that the SPWG should provide a Report to the IHB Directing Committee by December 2003, as this timing

was only three months before the issuance of the final Report (April 2004), the SPWG had decided to summarize the above mentioned report as an Executive Summary distributed in January 2004 by C.L. by the IHB D.C. to all IHO Member States.

### **3. RHC reports**

The representatives from the Regional Hydrographic Commissions (RHCs) reported on the activities carried out within their respective RHCs, in relation to SPWG.

EAHC – The Commission had held a meeting from 11 to 14 November 2003, attended by the SPWG Chair Group, which briefed the members of the Commission on the development of the work. All EAHC members are interested in the composition of the IHO Council and in particular, they expressed hope for being members of it.

EAtHC – The next meeting of this Commission will be held in Brest (France), 28-29 October, in combination with a workshop of the West African Action Team (WAAT). WAAT and SPWG will be the main topics for the next meeting of the Commission.

MACHC – No Regional Commission meetings have been held since the 4th SPWG. The next conference will be held in Cartagena (Colombia) from 30 August to 3 September 2004.

MBSHC – All countries of the region have been kept updated about the SPWG progress and have recognized the importance of the work of the SPWG. The Chair Group attended the meeting of the Commission in Brest and briefed the members on the development of the SPWG work.

NHC and BSHC – No meeting held since the 4<sup>th</sup> SPWG meeting. In the NHC, a meeting took place 2-4 February 2004. In both meetings the Chair Group was represented and both Commissions gave full support to the work developed by the SPWG.

NIOHC – The next meeting will be held in Mumbai (India), 24-25 March 2004.

NSHC – Concerning SPWG work, no meeting nor formal consultation took place within the NSHC since the 4<sup>th</sup> meeting in Singapore. The exchange of views showed some different approach about the composition of the Council. The next meeting will take place in Cardiff, 21-23 September 2004.

RSAHC – The representative of RSAHC reminded that two countries of the area, Qatar and Saudi Arabia are still pending the completion of procedures to become IHO members. There are indications that Irak may apply for membership in the future. Communication with the countries of the area on SPWG work have been carried out by correspondence and during the last IMO Assembly.

SAIHC – The Commission has not held any meeting since the 4<sup>th</sup> SPWG meeting. A meeting is planned in May 2004 with Mozambique and a decision will be made for an extraordinary meeting. The normal meeting will take place in September 2005.

SEPHC – There was a meeting along the 10<sup>th</sup> Chair Group Meeting in Lima, Peru, November 2003. All countries of the Commission are kept informed of the progress of the SPWG group and had actively anticipated with comments when so required. The Chairmanship has shifted from Chile to Peru and an extraordinary meeting will be held before the 3<sup>rd</sup> E.IH Conference. The Chair Group attended the meeting of the Commission and briefed the members on the development of the SPWG work.

SWPHC – The SWPHC has not met since the 4th SPWG meeting in Lima, Peru, however the member states of the SWPHC were briefed on the outcomes of that meeting. The Fijian Hydrographer, Mr. Felix MAHARAJ, assumed the Chair of the SWPHC in August 2003. Australia continues to provide secretarial support for the Chair. The Hydrographer of Australia and Chief Topographer/Hydrographer of New Zealand conducted bilateral

discussions in New Zealand in November 2003. The work of the SPWG was discussed at the meeting, with NZ continuing to express its concerns about the role and membership of a Council in the proposed IHO organizational construct.

The next meeting of the SWPHC will be held in Fiji during the week commencing 8 November 2004, in conjunction with the 2nd meeting of the IHO Capacity Building Committee. The proposed new IHO Convention, Regulations and other Basic documents will be discussed at that meeting; and Australia will brief members, once again, on the work of the SPWG.

USCHC- The next meeting will be held from 24-28 May 2004. Communications between the two countries are fluent. Canada has also made some concrete proposals to the new structure.

The US representative informed that, by June 2004, United States will sign the LOS Convention.

#### **4. Pending matters**

- a) Composition of the Council;
- b) Finance and Administration mechanisms and
- c) Naming of Committees in the Convention.

##### a) Composition of the Council

The Chairman reminded the general principles that had guided the work on this topic, namely; membership approximately of the 25% of IHO Member States, M.S only having one seat and fair geographic representation through the RHCs. He reminded that the starting point for discussion had been a model of 6 alternatives that, after reception of comments from the SPWG members, had been re-grouped by the Chair Group into 4 Models, with option of extension each of them to any voluntary Member wishing to participate.

He further provided a full explanation of each Alternative model and requested SPWG members to focus on a unique model, which would be the basic model to present in the Report for the extraordinary Conference decision.

Lengthy discussion followed, with the intense participation and arguments of all the SPWG members, which felt that the composition of the Council was one of the most important factors within the new structure to be proposed. Among the opinions stated by the SPWG members, the following should be stressed:

1. All SPWG agreed that the regional structure of the IHO should be taken into consideration as an essential factor for the election of Council members, but consideration should also be given to Hydrographic interests;
2. The definition of "Hydrographic interests" was very difficult and was subject to different interpretations;
3. The risk of opening the Council to any member so wishing may convert the Council in a mini-Assembly;
4. The parameter "EEZ" (introduced by the USA and supported by several countries) was considered irrelevant by several SPWG members and probably would require that the country declares officially such a parameter;
5. Tonnage (used at present to define the contributions), is not directly linked to "Hydrographic Interests";
6. EEZ demonstrates responsibility, rather than number of charts or tonnage;
7. The tonnage is a criterion already existing in the IHO Convention to determine the level of contributions;

8. Charting is an obligation under SOLAS and UNCLOS, while EEZ and control of national waters may be considered a privilege;

9. For IHO, tonnage is related to contribution payment. However, tonnage does not oblige a State to become IHO member;

10. The Council membership is not only a privilege, but also an obligation that must be fulfilled;

11. The number 30 for members of the Council seems to be rather high and some SPWG members would prefer 25. However, the Chairman had earlier made the observation that a number of 30 would give a better representation of the RHCs;

12. EEZ parameter does not necessarily reflect the effort in surveying an area of responsibility;

13. No model is perfect, but the selected one should fulfil the IHO objectives and

14. It is incorrect to refer to "permanent seats" in the Council, as they can change in accordance with election from RHC and changes in the tonnage.

In the light of the discussion, SPWG members agreed on the importance of reaching consensus on one single model to present the Extraordinary Conference. IHO Member States so wishing can propose to the Extraordinary Conference any amendment to the proposed model developed by the SPWG.

After extensive discussion on different models, it was shown a clear majority preferring the model described below (with France, Portugal and Chile preferring a criterion including EEZ considerations and the abstention of Germany, Malaysia and India):

1. Membership of 30 members;
2. 20 seats assigned to Regional Hydrographic Commissions and
3. 10 seats assigned to countries with the highest tonnage.

It was also stressed that the sequence of the selection should be first for the regional representation, followed by the selection of hydrographic interest and that any IHO Member State not member of the Council could attend the Council meetings but without any voting right.

The SPWG also decided that the Convention should not address in detail such a composition, but be as generic as possible.

The discussion then focused on the procedure for election of members of the Council and it was decided to deal with this topic within the General Regulations or the Rules of Procedure of the IHO organs.

#### b) Financial and Administrative mechanisms (Budget review)

USA presented a proposal to establish a Finance Committee as an IHO organ, with explicit reference in the Convention. The Finance Committee should have not only financial functions, but also administrative functions. Opinions were expressed by the SPWG members that a Finance Committee was no longer necessary in the light of the functions assigned to the Council and the experience of the existing Finance Committee.

A compromise was then reached, assigning to the "Finance Committee" functions to be carried out every 3 years in conjunction with Assembly meetings.

The SPWG therefore agreed to include such a Finance Committee as an organ of the IHO with its functions explicitly stated in the Convention. Rules of procedure for it will be developed by the IHB.

#### c) Mention of Subsidiary Organs in the Convention

The SPWG agreed not to mention any other subsidiary organ in the Convention, but refer to them generically as “Subsidiary organs”.

## **5. Review of the Basic Documents**

### **a) Draft Amendments to the IHO Convention**

The SPWG worked in parallel with the Legal Experts, who held a separate meeting to address the pending legal items concerning the Convention, while the SPWG members reviewed the pending topics of organizational nature.

The SPWG members agreed to make the Convention as generic as possible, in order to allow the maximum flexibility in the future.

The SPWG continued to review the pending items that required agreement. Editorial amendments were proposed.

The Legal Experts met separately to re-examine the changes adopted by the SPWG from a legal point of view and to ensure the consistency of the document. Finally, the SPWG agreed on draft worked by the Legal Experts.

The following decisions resulted from the discussions:

- 1) The Draft General Regulations should include an article devoted to explain the procedure of selection of members of the Council;
- 2) The inclusion of the definition of “Hydrographic Interest” should be considered;
- 3) The Convention will not mention any procedure for election of the Council members. This topic will be included in the Regulations or Rules of Procedure;
- 4) The figures corresponding to the countries tonnage will be carefully checked for inclusion in the appropriate Tables; and
- 5) The “Report” and the Convention should be fully consistent. The Chair Group will check the text of the “Report” and will produce the next version (version 8), in accordance with the text of the “Draft Convention” agreed.

### **b) The position of Portugal**

Portugal made the point that the draft Article XXI paragraph c) was in conflict with the national laws of their country and that they had been instructed by their Government to point out this problem.

The Chairman noted that the present text of paragraph c) of Article XXI was similar to the present text of the IHO Convention existing since 1970 and that nothing new had been proposed precisely in this paragraph, as the only change previously presented was in other paragraph d) that had been removed following the recommendation of the LE. Therefore, as this point was addressing subjects beyond the mandate given by the XVIth Conference to the SPWG, Portugal could make use of its rights to submit any proposal to the Extraordinary Conference amending the text, within the framework of the normal procedures in force for submission of proposals to the IH Conferences. The SPWG members agreed with this recommendation.

The final Draft text of the Amendments to the Convention was finally endorsed by the SPWG.

The Legal Experts will produce a consolidated version of the Convention to be read in parallel to the official Draft Resolution of the Conference and the Draft Protocol.

### **c) Draft General Regulations and other Draft Basic Documents.**

The President of the IHO Directing Committee explained the development of the Draft General Regulations, Financial Regulations and Rules of Procedure for Assembly and Council, carried out by the IHB. It was stressed that they are "Working Documents" drafted for consideration of the SPWG members. In this sense, comments from the SPWG members should reach the IHB within the 2 or 3 weeks following the distribution, in order to allow the IHB to circulate a second draft with comments by 15/20 April 2004. The Chairman noted that the General and Financial Regulations would be submitted to the Extraordinary Conference as informative documents, since they have to be amended with the Decisions that will be taken.

#### c bis) Other documents

##### *Procedures for election of the Council members*

The SPWG considered a working draft prepared by the Chair Group and an alternative draft presented by the US delegation.

The SPWG agreed on a draft that will be inserted in the General Regulations. This document is given as Annex I to this Report.

##### *Guidelines for International Non Governmental Organizations.*

The President of the IHB D.C. commented that this document was based on the input received from CHRIS, from the Industry Days meeting held at the IHB and from the proposal submitted from Portugal to the XVIth Conference and referred to the SPWG for consideration and also based on the existing text of IMO. The SPWG rejected another proposal to allow in special cases also individual companies as observers.

## **6. Proposals to the Extraordinary I H Conference**

The Chairman tabled two documents sent by the Legal Expert from the USA, the Draft Resolution of the 3<sup>rd</sup> Extraordinary Conference and the Protocol of Amendments to the IHO Convention. These were also working documents and were presented for information to the SPWG members. The Legal Expert from France explained that further work must be carried out by the LE group on these two documents and be forwarded to the SPWG members as soon as possible.

## **7. Communications strategy**

The Chairman referred to the proposed Seminars in Athens, Kuala Lumpur and Mexico. The response from the IHO Member States had been very poor in respect of the seminars in Mexico and KL, while that of Athens seems to be justified because of the number of countries having confirmed their attendance. The delegate from Malaysia noted that in many Member States of his area, an invitation was required to justify the attendance and therefore, it was decided that the IHB will send formal invitations to the meeting in Kuala Lumpur to the countries in the region. It was preferred to wait for news from the countries of the region before taking the decision of cancelling the Seminars. The possibility of joining the Seminar with a combined meeting of the MACHC and SEPHC in Cartagena (Colombia) will be considered.

## **8. Activities from the 5<sup>th</sup> Meeting until the 3<sup>rd</sup> Ext. IH Conference. Any further activity as considered necessary.**

The Chairman summarized the work to be carried out until the 3<sup>rd</sup> Extraordinary Conference, as follows:

- a. Activities until the 3<sup>rd</sup> EIHC:
  - 1) Chair Group will finalize the Report and Proposals;

- 2) The IHB will submit the complete package of documents to all IHO Member States by 20 April;
- 3) The Chair Group will attend Seminars and if necessary RHC meetings; and
- 4) Third IHO Extraordinary Conference (April 2005).

The SPWG members considered that there was not need for another SPWG meeting. The Chair Group and the elected President of the Extraordinary Conference will develop the procedures to be followed at the Extraordinary Conference.

b. Further action. The following activities should be considered after the Extraordinary Conference:

- 1) To develop a proposal for an implementation strategy for Decisions taken;
- 2) The SPWG to finalize the IHO Regulations and Procedures based on the Decisions taken; and
- 3) The SPWG to undertake tasks to follow-up the work in accordance with its Terms of Reference 1 and 2.

## PROCEDURES FOR SELECTION OF MEMBERS OF THE COUNCIL

[Regional Hydrographic Commissions (RHCs) are presumed to represent Member State voluntary regional affiliations.]

The composition of the Council is determined as follows.

In the first instance, two thirds of the seats are drawn from the RHCs. In this process:

- a Member State can only represent a RHC in which it is a full member;
- A MS may only hold one Council seat;
- the MS must inform the RHC of its decision to put itself forward for selection, copying its intention to the Secretary General, at least 6 months before the Assembly;
- for the purpose of deciding how many seats an RHC may take up, that MS is not counted in any RHC's membership total other than the one in which it is standing for selection;
- 3 months before the Assembly, the Secretary General will inform all MS of the number of seats allocated to each RHC for the purpose of Council member selection, and the States which are eligible for selection. The number of seats allocated to each RHC will be calculated by the Secretary General based on the principle of a proportional distribution in order to arrive at the required two thirds of the Council seats. If necessary, in order to provide a proportional distribution, groups of Member States not affiliated with a RHC, may be allocated a seat on the Council by the Secretary-General and
- RHCs must inform the Secretary General of their selection, and the process which was followed, not later than next to the last day of the Assembly.

The remaining one third of the Council will be drawn from the MS who have the greatest interest in hydrographic matters. For this purpose, the measure of hydrographic interest is defined by national flag tonnage. A MS already holding a seat on the Council as an RHC representative is excluded from this process. The table of national tonnages is derived in accordance with the procedures in Articles 5 and 6 of the Financial Regulations. The Secretary General will determine the one third of Council membership by selecting MS in descending order of their tonnage, having confirmed with the MS their willingness to sit on the Council.

The Secretary General will compile the combined list of Council members, which will be placed before the Assembly.

The Assembly will review and endorse the selection process to ensure that these procedures have been correctly followed.