

INTERNATIONAL HYDROGRAPHIC ORGANIZATION



**XVIth
INTERNATIONAL
HYDROGRAPHIC CONFERENCE**

15 – 19 April

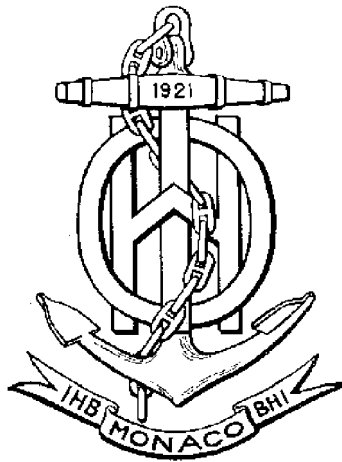
2002

MONACO

REPORT OF PROCEEDINGS

VOLUME 1

INTERNATIONAL HYDROGRAPHIC ORGANIZATION



**XVIth INTERNATIONAL HYDROGRAPHIC CONFERENCE
Monaco, 15-19 April 2002**

REPORT OF PROCEEDINGS

VOLUME 1

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INTERNATIONAL HYDROGRAPHIC ORGANIZATION

LIST OF MEMBER STATES (2002)

* ALGERIA	* MONACO
* ARGENTINA	* MOROCCO
* AUSTRALIA	* MOZAMBIQUE
* BAHRAIN	* NETHERLANDS
* BANGLADESH	* NEW ZEALAND
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* GREECE	* TONGA
* GUATEMALA	* TRINIDAD AND TOBAGO
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* INDIA	* TURKEY
* INDONESIA	* UKRAINE
* IRAN	* UNITED ARAB EMIRATES
* ITALY	* UNITED KINGDOM OF GREAT BRITAIN & NORTHERN IRELAND
* JAMAICA	* UNITED STATES OF AMERICA
* JAPAN	* URUGUAY
* KOREA (DEM. REP. OF)	* VENEZUELA
* KOREA (REP. OF)	* YUGOSLAVIA
* MALAYSIA	
* MEXICO	

* Represented at the 16th International Hydrographic Conference.

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16th International Hydrographic Conference
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GENERAL INFORMATION

GENERAL INFORMATION

GENERAL DESCRIPTION OF THE CONFERENCE

The XVIth International Hydrographic Conference was held from 14 to 19 April 2002 at the Grimaldi Forum in Monte-Carlo. A meeting of the Finance Committee, held on 13th April preceded the business sessions which occupied the period 14-18 April and ended with the election of the new Directing Committee for the next 5 years. Two Exhibitions, one of IHO Member States charts and a Commercial Exhibition ran from 14 to 17 April.

Commander Frode Klepshvik (Norway) was elected the President of the Conference and Dr. Wynford Williams (UK) was elected the Vice-President.

The Conference was opened on Monday 15 April by H.S.H. Prince Rainier III, who also presented the Prince Albert I Medal on Hydrography to Captain Federico Bermejo (Spain/IHB) and the International Cartographic Association Prize (ICA) 2001, awarded to China. During the Opening Ceremony, the two latest members having joined the Organization, Bangladesh and Mexico, presented their flags to the IHB.

After the Opening Ceremony, H.S.H. Prince Albert opened the Cartographic Exhibition and visited the Commercial Exhibition.

A total of 25 Proposals were considered by the Conference, covering a wide range of activities from administrative to technical. Among them the following should be highlighted :

- IHO Organization : Convention and Regulations
- Terms of Reference for IHO Committees and Working Groups
- IHO Conferences and Meetings
- Eligibility criteria for IHB Directors
- Geodetic and Cartographic items
- Finance matters and budget for the next period.
- IHO Statement to the World Summit on Sustainable Development.
- Establishment of an International Hydrographers' Day

An important item of the Conference business was the election of the Directing Committee. This took place on Friday 19 April. Rear Admiral Alexandros MARATOS (Greece) was elected President and Rear Admiral Kenneth BARBOR (USA) and Captain Hugo GORZIGLIA (Chile) were elected as Directors for the period 2002-2007. They will take up their duties on 1 September 2002.

During the Conference, the President of the IHB Directing Committee had the pleasure to announce the membership of the 72nd IHO Member State : Slovenia. At the present time, there are 72 signatories to the IHO Convention, including Monaco. Most of these Member States were represented. There were also many observers from non-Member States and from associated international and national organizations.

The Conference considered various reports on the work carried out by the Organization during the past 5 years, in accordance with the present established Work Programmes.

The Reports highlighted the progress made in improving the various IHO Standards and the significant role of hydrography in the provision of maritime safety information. For the first time the undertaking of hydrography and the provision of charts is a requirement for Contracting Governments to the SOLAS Convention.

These reports were endorsed by the Conference and resulted in a number of decisions.

One of the most important items of the Conference was the approval of new Terms of Reference for the already existing Strategic Planning Working Group. That Working Group will now be tasked to study and develop several organizational items and to produce a comprehensive report which will be discussed at an Extraordinary Conference, to be held early in 2005.

The Exhibitions were of a particularly high quality and were attended by many visitors interested in the displays of numerous and interesting equipment.

Mention must also be made of the visit of three hydrographic vessels from India, USA and Italy. These vessels contributed to the social programme, which included several receptions both at the IHB premises and on board the hydrographic vessels visiting the port of Monaco. The ships were opened to visitors during their stay in port.

LIST OF PARTICIPANTS
LISTE DES PARTICIPANTS

DELAGATES FROM MEMBER GOVERNMENTS
DELEGUES DES GOUVERNEMENTS MEMBRES

ALGERIA/ALGERIE

Representative/Chef de délégation

Colonel Slimane HERDA, Head of Delegation

Alternate and Advisor/Adjoint et conseiller

Lt. Colonel Mohamed Allal TLILI, Head of Hydrographic Service

Lt. Colonel Mohamed Salah MEKAOUI

Lt. Colonel Azzouz OUNOUGH

Mr. Mohamed Bachir MAZOUZ, Consul

Mr. Djamel MOKHTAFI

Mr. Bacher MAZOUZ

ARGENTINA/ARGENTINE

Representative/Chef de délégation

Captain Javier Armando VALLADARES, Head, Navy Hydrographic Service

AUSTRALIA/AUSTRALIE

Representative/Chef de délégation

Captain Bruce KAFER, Hydrographer

Alternate and Advisor/Adjoint et conseiller

Mr. Ron FURNESS

Commander Robert WARD

Mr. Ken POGSON

BAHRAIN/BAHREIN

Representative/Chef de délégation

Mr. Mohd. A. AL FAYEZ, Director of Surveys, Survey Directorate

Alternate and Advisor/Adjoint et conseiller

Mr. Ahmed Abdul Aziz ISMAIL

BANGLADESH

Representative/Chef de délégation

Commodore A.K.M. AZAD, ndc, psc, BN, Assistant Chief of the Naval Staff (Personnel)

Alternate and Advisor/Adjoint et conseiller

Instr. Commander Syed BADRUDDUZA, H-I), psc, BN, Director of Hydrography

BELGIUM/*BELGIQUE*

Representative/Chef de délégation
Ing. François DE COCK

Alternate and Advisor/Adjoint et conseiller
Ing. Arnold FREMOUT
Mr. Johan VERSTRAETEN

BRAZIL/*BRESIL*

Representative/Chef de délégation
Vice Admiral Julio SOARES DE MOURA NETO

Alternate and Advisor/Adjoint et conseiller
Captain Francisco Carlos ORTIZ DE HOLANDA CHAVES

CANADA

Representative/Chef de délégation
Mr. Anthony O'CONNOR, Dominion Hydrographer

Alternate and Advisor/Adjoint et conseiller
Mr. Michael CASEY
Mr. Richard MacDOUGALL
Mr. George EATON
Mr. Michel. POULIN
Mr. Thomas ROWSELL
Mr Aziz SAHEB-ETTABA

CHILE/*CHILI*

Representative/Chef de délégation
Captain Fernando MINGRAM, Director

Alternate and Advisor/Adjoint et conseiller
Lt. Commander Patricio CARRASCO, Head, Department Hydrographic Surveys.
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Alternate and Advisor/Adjoint et conseiller
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Mr. HONGYUN CHEN, Deputy Director General, Mapping Agency of the Navigation
Guarantee Dept., Chinese Navy HQ
Mr. Hai WANG
Mr. SHUNG YIU TSUI, Director, Marine Dept., Hong Kong, SAR
Mr. KOK CHU NG, Hydrographer, Hydrographic Office, Hong Kong, SAR

Mr. WA KUOK KUONG, Head of Maritime Activity Dept., Maritime Administration of Macao, SAR

COLOMBIA/COLOMBIE

Representative/Chef de délégation

RAdm. A. Carlos Humberto PINEDA GALLO, Director General Marítimo

Alternate and Advisor/Adjoint et conseiller

Cdr. Rito Ernesto GÓMEZ SARMIENTO
Miss Stella PINEDA

CROATIA/CROATIE

Representative/Chef de délégation

Dr. Zvonko GRŽETIĆ, Director

Alternate and Advisor/Adjoint et conseiller

Captain Željko BRADARIĆ

CUBA

Representative/Chef de délégation

Coronel Eloy Luis ALUM ORTIZ, Jefe Oficina Nacional Hidrografía y Geodesia

Alternate and Advisor/Adjoint et conseiller

Mayor Rolando FEITÓ SARDUY, Director de la Agencia de GEOCUBA

CYPRUS/CHYPRE

Representative/Chef de délégation

Mr. Christos ZENONOS

DENMARK/DANEMARK

Representative/Chef de délégation

Vice Admiral Knud BORCK, Director General, Royal Danish Administration of Navigation and Hydrography

Alternate and Advisor/Adjoint et conseiller

Mr. Arne NIELSEN, Chief Oceanographer
Mr. Ole BERG, Director

ECUADOR/EQUATEUR

Representative/Chef de délégation

Captain Fernando ZURITA FABRE, Director, Hydrographic Department

Alternate and Advisor/Adjoint et conseiller

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Commander Abdul FATT AH ALI

ESTONIA/ESTONIE

Representative/Chef de délégation

Mr. Andrus MAIDE

Alternate and Advisor/Adjoint et conseiller

Mr. Toivo PRELA

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Dr. Vaido KRAAV

Dr. Jaan LUTT

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Representative/Chef de délégation

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Representative/Chef de délégation

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Alternate and Advisor/Adjoint et conseiller

Ingénieur général Etienne CAILLIAU

Ingénieur en chef Michel LE GOUIC, Chef du bureau études générales

Aspirant Antoine BIQUILLON, Adjoint au chef du bureau études générales

Ingénieur en chef Jean-Louis BOUET-LEBOEUF, Chef du centre hydrographie de l'EPSHOM

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Representative/Chef de délégation

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Representative/Chef de délégation

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Representative/Chef de délégation

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Lt. Peush PAWSEY

Lt. Nishkam SHARMA

Shri B.K. RAMPRASAD, CHO

INDONESIA/INDONESIE

Representative/Chef de délégation

First Admiral I. Nyoman Arinu SAPANTJA

Alternate and Advisor/Adjoint et conseiller

Captain Rusdi RIDWAN

IRAN

Representative/Chef de délégation

Dr. Mohammad Reza GHADERI, Director of Internal Maritime Specialized Agencies

Alternate and Advisor/Adjoint et conseiller

Mr. Mohammad SARPOLAKI, Technical Deputy, Managing Director of NCC

Mr. Mohammad Hassan KHODDAM MOHAMMADI, Chief Hydrographer of NCC

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Representative/Chef de délégation

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Cdr. Rosario LA PIRA
Lt. Cdr. Massimiliano NANNINI
Mrs. Paola PRESCIUTTINI

JAPAN/JAPON

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Representative/Chef de délégation

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MONACO

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Representative/Chef de délégation

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Alternate and Advisor/Adjoint et conseiller

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Commander Arne HAUSKEN, International Advisor

Mr. Kjell BIRKEVOLD

Mr. Rune Holst JOHNSEN

OMAN

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Representative/Chef de délégation

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PORTUGAL

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Alternate and Advisor/Adjoint et conseiller

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RUSSIAN FEDERATION/RUSSIE, FEDERATION DE

Representative/Chef de délégation

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Alternate and Advisor/Adjoint et conseiller

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Mr. Nicolai LETS, Executive Director at Chart Pilot

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SRI LANKA

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Alternate and Advisor/Adjoint et conseiller

Captain Anon VAYAVANANDA, Deputy Director, Oceanographic Division

TONGA

Representative/Chef de délégation

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Alternate and Advisor/Adjoint et conseiller

Mr. Ahovaleamoemapa FALETAU

Lieutenant SIUA FIFITA

TUNISIA/TUNISIE

Representative/Chef de délégation

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Alternate and Advisor/Adjoint et conseiller

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TURKEY/TURQUIE

Representative/Chef de délégation

Rear Admiral Nazim ÇUBUKÇU, Director

Alternate and Advisor/Adjoint et conseiller

Lt. J.G. Bülent GÜRSES

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Representative/Chef de délégation

Mr. Andrij KORYAKIN, Head of the State Hydrographic Institution

Alternate and Advisor/Adjoint et conseiller

Mr. Sergey KOZHEMYAKIN, Deputy Head of the State Hydrographic Institution
Mr. Serhii SAVCHUK, Third Secretary, Ministry of Foreign Affairs

UNITED ARAB EMIRATES/EMIRATS ARABES-UNIS

Representative/Chef de délégation

Mr. Abdullah AL-NAQBI, Hydrographer

Alternate and Advisor/Adjoint et conseiller

Mr. Mohammed AL-YELYAILI, Cartographer
Mr. Abdullah AL-REFAEI, Hydrographer

UNITED KINGDOM/ROYAUME-UNI

Representative/Chef de délégation

Dr. Wyn WILLIAMS, Chief Executive and National Hydrographer
(Conference Vice-President)

Alternate and Advisor/Adjoint et conseiller

Mr. Alan SHAW
Mrs. Rosemary TUHEY
Mr. Mike BOYD
Mr. Ian HUSBAND
Mr. Nigel SUTTON
Mrs. Liz DUNN
Mr. Clive MANUEL
Dr. Chris DRINKWATER
Dr. Peter COX
Mr. Bill BURGESS
Mr. Bob MOSS
Mr. Graham REEKS
Mr. Philip WAINWRIGHT
Mr. Mark HAMBREY (Seconded to the IHB for the XVIth I.H. Conference)
Captain Mike BARRITT

UNITED STATES/ETATS UNIS

Representative/Chef de délégation

Captain David MacFARLAND, NOAA, Director, Coast Survey

Alternate and Advisor/Adjoint et conseiller

Ms. Barbara REED, Director, Hydrographic Department, Naval Oceanographic Office
Mr. Douglas BROWN, Deputy Director, Office of Ocean and Coastal Resource Management
Mr. Erich FREY, Senior Staff Cartographer, Office of Coast Survey
Captain Samuel DeBOW, Chief, Hydrographic Surveys Division, Coast Survey
Ms. Kathryn RIES, Deputy Director, Coast Survey
Rear Admiral USN (Ret.) Kenneth BARBOR
Mr. Kermit SANDE, General Counsel, NIMA
Mr. Keith ALEXANDER, Technical Marine Analyst, Maritime Safety Information Division,
NIMA
Rear Admiral Christian ANDREASEN, Chief Hydrographer, NIMA
Ms. Denise WEBSTER, Associate General Counsel, NIMA

Mr. Gerald MILLS, Technical Assistant, Hydrographic Surveys Division, Coast Survey
Lt. Cdr. Brian CONNON, Naval Meteorology and Oceanography Command
Mr. Kenneth COOPER, Deputy SCOS Operations, Naval Meteorology and Oceanography Command
Mr. Paul COOPER, Director, International Division, Naval Oceanographic Office
Captain Phillip RENAUD, Commanding Officer, US Navy Oceanographic Office
Dr. Don DURHAM, Technical/Deputy Director, Naval Meteorology and Oceanography Command
Mr. Elroy SOLURI, Deputy Associate Director, Maritime Safety Information Division, NIMA
Rear Admiral Thomas DONALDSON, Hydrographer, US Navy
Mr. Max VAN NORDEN, Director, Charting Products Division, Naval Oceanographic Office
Ms. Deborah WYNES, Director, Office of United Nations Systems, Dept. of State.
Ms. Bernice POWELL, International organizations, Department of State
Ms. Martha MELZOW, Deputy US Consul, Marseille
Dr. J. Edward JOHNSON, Director of the Naval Oceanographic Office
Ms. Barbara HESS, Special Projects, Coast Survey
Mrs. Marguerite DANLEY, International Affairs Specialist, Coast Survey

URUGUAY

Representative/Chef de délégation
Captain Hugo ROLDOS DE LA SOVERA, Head

VENEZUELA

Alternate and Advisor/Adjoint et conseiller
Lt. Jesús JIMÉNEZ MUÑOZ, Head of Hydrographic Division

YUGOSLAVIA/YOUGOSLAVIE

Representative/Chef de délégation
Captain Slobodan RAJČEVIĆ

Alternate and Advisor/Adjoint et conseiller
Commander Slavnić DUŠAN

OBSERVERS FROM 13 NON-MEMBER GOVERNMENTS
OBSERVATEURS DE 13 GOUVERNEMENTS NON-MEMBRES

BULGARIA/BULGARIE

Lt. Cdr. Valentin GEORGIEV SERDAROV

CÔTE D'IVOIRE

M. Noël TAILLY, Port Autonome d'Abidjan

GRENADA/GRENADE

Mr. Anthony BELMAR, Senior Pilot/Government Ship Inspector, Grenada Ports Authority.

GUINEA/GUINEE

Mr. Edouard Fara KAMANO, Directeur des Services Techniques du Port Autonome de Conakry
Mr. Dioumé KEITA, Chef de la Section de Dragage

KAZAKSTAN

Mr. Tursynbek KUDEKOV, Director General, "Kazhydromet".

KENYA

Mr. Kombo MWERO, Deputy Director of Surveys.

LATVIA/LETONIE

Mr. Ansis ZELTINS, Director of Maritime Administration of Latvia
Captain Aigars KRASTINS, Director of Maritime Department
Mr. Imants ZEMLAKOV, Deputy Chief of Latvian Hydrographic Service

LITHUANIA/LITHUANIE

Captain Linijus LESKAUSLAS

MALTA/MALTE

Mr. Joseph BIANCO, Port Hydrographer

QATAR

Eng. Ali A. Al ABDULLAH, Head of General Survey

ROMANIA/ROUMANIE

Captain Aurel CONSTANTIN
Commander Cătălin POCNETZ

SAUDI ARABIA/*ARABIE SAOUDITE*

Major General Kkalf Ali AL HAIDEY, Deputy General Director of Surveying Organisation.
Commodore Abdulrham M. AL SHEHRI
Major Mohamad H. AL HARBI

SENEGAL

M. THIOUB

**OBSERVERS FROM 17 INTERNATIONAL ORGANIZATIONS
*OBSERVATEURS DE 17 ORGANISATIONS INTERNATIONALES***

ABLOS-IBCAO

Dr. Ron MACNAB, Chairman

CIRM

Mr. Tor SVANES

FIG

Mr. Gordon JOHNSON

GEBCO

Sir Anthony LAUGHTON, Chairman

IAIN

Prof. Jac A. SPAANS, Chairman, EUGIN, Member of Council IAIN

IALA/*AIISM*

Mr. Torsten KRUUSE, Secretary General

IAPSO

Dr. Peter WADHAMS , Chairman, Commission on Sea Ice, IAPSO

ICA

Dr Bengt RYSTEDT, President
Mr. Ron FURNESS

IOC/*COI*

Dr. Dmitri TRAVIN

IMA

Dr. Pietro MARIN, Director
RAdm. Franco SPANIO
Dr. Antonio PAOLETTI

IMO/OMI

Mr. Efthimios E. MITROPOULOS, Assistant Secretary-General, Director, Maritime Safety Division
Captain Gurpreet SINGHOTA, Senior Technical Officer, Navigation Section, Sub-Division for Navigation and Cargoes, Maritime Safety Division.

IMO NAVTEX Co-ordinating Panel

Lt. Commander Chris PINK, Secretary of the Panel

NECSA

Mr. Mortimer ROGOFF, President

OCIMF (OIL COMPANIES INTERNATIONAL MARINE FORUM)

Captain Iain CHADWICK, Technical Advisor

**REGIONAL CENTRE FOR MAPPING OF RESOURCES FOR DEVELOPMENT (RCMRD)
(formerly RCSSMRS)**

Mr. M.W.L. CHODOTA

REGIONAL ORGANIZATION FOR THE PROTECTION OF THE MARINE ENVIRONMENT (ROPME)

Dr. Hassan MOHAMMADI, Acting Co-ordinator
Dr. Peter PETROV

UNIVERSITY OF NEW HAMPSHIRE

Dr. Lee ALEXANDER

**OBSERVER FROM ONE NATIONAL ORGANIZATION
*OBSERVATEUR D'UNE ORGANISATION NATIONALE***

JAPAN HYDROGRAPHIC ASSOCIATION (JHA)

Dr. Shoichi OSHIMA, Executive Director

FORMER IHB DIRECTORS

Vice-Admiral Alfredo CIVETTA
Rear Admiral Sir David HASLAM
Mr. Adam J. KERR
Rear Admiral G.S. RITCHIE

FINANCE COMMITTEE MEETING AGENDA

Item	Description	CONF.DOC
FINANCE COMMITTEE		
A	Finance Report 1997-2001	CONF.16/F/01
B	5-Year Budget for 2003-2007 and associated Work Programme of the IHO Comparison of IHO Posts (A6) and UN Posts (P-3.1)	CONF.16/F/02 CONF.16/F/02 Add.1 CONF.16/F/02 Add.2
C	" " " " " " " " " Budget for 2003	CONF.16/F/02 Add.3 CONF.16/F/03

CONFERENCE AGENDA

Item	Description	CONF.DOC
PLENARY SESSION 1		
1	Welcoming Remarks by the President of the Directing Committee	
2	Confirmation of Election of President and Election of Vice-President of Conference	
3	Confirmation of Election of the Chairman and Vice-Chairman of the Finance Committee	
3bis	Establishment of Eligibility Committee Appointment of Rapporteurs and Scrutinizers Team Adoption of the Agenda	
4	Formal Approval of Table of Tonnages	CONF.16/G/01 Rev.3 CONF.16/G/05 Rev.1
OPENING OF THE CONFERENCE		
5	Speech by the President of the Directing Committee	CONF.16/MISC 1
6	Speech by the President of the Conference	CONF.16/MISC 3
7	Opening Address by HSH Prince Rainier III of Monaco - Presentation of the Albert 1st Medal (Capt. F. Bermejo) - Prize for IHO Chart Exhibition at ICC 2001 (China)	CONF.16/MISC 2
8	Presentation of new Member States' Flags	
PLENARY SESSION 2 - WP 5		
9	Report on WP5 – General Organization Development	CONF.16/WP5
10	PRO 4 - New Terms of Reference for the IHO Strategic Planning Working Group	CONF.16/G/02
11	PRO 23 - New Terms of Reference for the IHO Strategic Planning Working Group	CONF.16/G/02 Add.1
12	PRO 1 - Proposal to amend Article XXI of the IHO Convention	CONF.16/G/02
13	PRO 2 - Amendments to Article XX of the IHO Convention	"

Item	Description	CONF.DOC
PLENARY SESSION 3 - WP 5 (Cont.)		
14	PRO 22 - To approve the admission of certain Maritime United Nations Member States to Membership of the IHO	CONF.16/G/02 Add.1
15	PRO 7 - Length of Tenure of Chairmen of IHO Working Groups, Committees.	CONF.16/G/02
16	PRO 3 - Study of the Harmonization of the IHO General Regulations, Financial Regulations and Rules of Procedure for International Hydrographic Conferences	"
17	PRO 11 - Amendment of Article 9 of the General Regulations of the IHO and of Rule 14 of the Rules of Procedure for International Hydrographic Conferences	"
18	PRO 21 - Proposal to approve Legal Regulations of the IHO Harmonization Plan	"
PLENARY SESSION 4 - WP 5 (cont.)		
19	PRO 5 – Modification of T 1.3 “Establishment of Regional Hydrographic Commissions” (RHC) as discussed and agreed during the 6 th SPWG Meeting.	CONF.16/G/02
20	PRO 8 - Clarification of the Roles and Responsibilities of the IHO Legal Advisory Committee	"
21	PRO 16 - Invitation of Observers to International Hydrographic Conferences	"
22	PRO 20 - Proposal to approve the re-establishment of the Working Group on Official Nautical Charts and other Nautical Publications Copyrights	"
23	PRO 6 - Establishment of IHO Intersessional Meetings	"
24	PRO 9 - Frequency of International Hydrographic Conferences	"
25	PRO 18 - Proposal to approve the alteration of the IHO Basic Documents concerning the Regularity of International Hydrographic Conferences	"

Item	Description	CONF.DOC
PLENARY SESSION 4 - WP 5 (cont.)		
26	PRO 19 - Proposal to approve the holding of an Extraordinary Conference in October 2004 concerning IHO Legal Regulations	CONF.16/G/02
27	PRO 10 - Changes to the Eligibility Criteria for IHB Directors	"
14 (ctd)	PRO 22- continued	"
PLENARY SESSION 5 - WP 1 and 2		
28	Report on WP1 – Cooperation between MS and with International Organizations	CONF.16/WP.1
29	PRO 17 - Proposal to approve the new status for international non-governmental organizations in the conference work and in the intersessional period	CONF.16/G/02
30	Report on WP2 - Capacity Building and Technical Co-operation	CONF.16/WP2
PLENARY SESSION 6 - WP 3		
31	Report on WP3 – Techniques and Standards Support	CONF.16/WP3
32	PRO 12 - Ellipsoid Height Determination to relate Chart Datums	CONF.16/G/02
33	PRO 13 - Compilation scales for support of Electronic Chart Databases	"
34	PRO 15 - IHO Multinational Agreement for Use of Small-scale Data	"
PLENARY SESSION 7 - WP 4		
35	Report on WP4 – Information Management and Public Relations	CONF.16/WP4
36	PRO 14 - Catalogues; Index Chart	CONF.16/G/02
36 bis	PRO 24 - Draft Statement by the Member States of the IHO during the World Summit on Sustainable Development (Johannesburg 2002)	CONF.16/G/02 Add.2
36 ter	PRO 25 - Establishing International Hydrographer's Day	CONF.16/G/02 Add.3
39	Report of the Eligibility Committee	CONF.16/E/REP
38	Unfinished Business (1)	

Item	Description	CONF.DOC
PLENARY SESSION 8		
37	Consideration of the Finance Committee Report	CONF.16/F/REP
PLENARY SESSION 9		
40	Election of the Directing Committee 2002-2007 - Election of the D.C.	CONF.16/E/01
41	Unfinished Business (2)	
PLENARY SESSION 10		
42	Date of the next Conference	
43	Seating order at the next Conference	
44	Any Other Business - Presentation of Commodore Cooper Medal 2000 (Capt. H. Gorziglia, Chile) - Presentation of Prize for Chart Exhibition - Resolution expressing gratitude to the Host Country - Statements by outgoing and incoming Directors - Closing Ceremony	

PROGRAMME

Saturday 13 April	All day	Registration of Delegates (ground floor)	G.F. *	
	09.00-12.30	Finance Committee Meeting	G.F.	
	14.00-17.30	Finance Committee Meeting (cont.) – Production of Report	G.F.	
Sunday 14 April	All day	Registration of Delegates (cont.)	G.F.	
	10.00	Commercial Exhibition opens	G.F.	
	09.00-13.00	RSAHC Meeting	G.F.	
	14.00-16.30	CGMHC Meeting	G.F.	
	17.00-18.30	Meeting of Heads of Delegation - Designation of Vice-president - Designation of Eligibility Committee - Information on Programme	G.F.	
	18.30-20.30	Reception by Commercial Exhibitors	G.F.	
Monday 15 April	09.00	Welcome remarks by the President of the IHB D.C.	G.F.	
	Plenary Session 1	Confirmation of Election of President and Election of Vice-President of the Conference Confirmation of Election of Chairman and Vice-chairman of the Finance Committee Establishment of Eligibility Committee Appointment of Rapporteurs and Scrutinizers Team Adoption of the Agenda Formal Approval Table of Tonnages		
	10.00-10.30	Opening Ceremony - Prize Distribution : Albert I Medal and IHO Chart Exhibition at ICC 2001 - Presentation of new Member States' Flags		G.F.
	10.30-11.15	Formal Opening of IHO Chart Exhibition and Visit to the Commercial Exhibition		G.F.
	12.00-12.30	Photograph		Casino
	12.30	Reception by Monaco Government (by invitation)		Casino
	14.00-17.30	Work Programme 5 : Reports and Proposals	G.F.	
	Plenary Session 2			
	18.30-20.30	Reception by France and Australia (by invitation)	IHB	
Tuesday 16 April	09.00-12.30	Work Programme 5 (cont) : Reports and Proposals	G.F.	
	Plenary Session 3			
	12.45-13.30	Reception by Nigeria (by invitation)	G.F.	
	14.00-17.30	Work Programme 5 (cont.)	G.F.	
	Plenary Session 4			
	18.30-20.30	Reception by Canada and Netherlands (by invitation)	IHB	
Wednesday 17 April	08.00-09.00	NIOHC (Region J)	G.F.	
	09.00-12.30	Work Programmes 1 and 2 : Reports and Proposals	G.F.	
	Plenary Session 5			
	14.00-17.30	Work Programme 3 : Reports and Proposals	G.F.	
	Plenary Session 6			
	17.00	Commercial Exhibition closes	G.F.	
	18.00-20.00	Reception by USA (by invitation)	Onboard	
	20.30-22.00	Reception by Greece (by invitation)	IHB	
Thursday 18 April	09.00-12.30	Work Programme 4 : Reports and Proposals	G.F.	
	Plenary Session 7			
	12.45-13.30	Reception by Algeria (by invitation)	IHB	
	14.00-17.30	Consideration of the Finance Committee Report including 5-year Budget Unfinished Business (1)	G.F.	
	Plenary Session 8			
	18.00-20.00	Reception by Chile (by invitation)	IHB	
	20.30-22.00	Reception by India (by invitation)	Onboard	
Friday 19 April	09.00-12.30	Election of Directors Unfinished Business (2)	G.F.	
	Plenary Session 9			
	14.00	Closing Ceremony (speeches & seating plan) - Presentation of the Commodore Cooper Medal 2000 - Prize : IHO Chart Exhibition at IHC XVI	G.F.	
	To be determined	Meeting of the MBSHC and Black Sea Working Group		
	17.00	Chart Exhibition closes	G.F.	
	18.00-20.30	Reception by IHB (by invitation)	IHB	
Saturday 20 April	09.00-12.30	Collateral Meetings - SPWG Meeting, NIOHC meeting (cont.) – MBSHC (cont. if needed)	IHB	
	14.00-17.30	Meeting EatHC (alternative Friday 19), Collateral Meetings (continue if necessary)	IHB	

* GF = Grimaldi Forum

**OFFICERS OF THE
XVIth INTERNATIONAL HYDROGRAPHIC CONFERENCE**

PRESIDENT OF THE CONFERENCE

Mr. Frode KLEPSVIK (Norway)

VICE-PRESIDENT OF THE CONFERENCE

Dr. Wyn WILLIAMS (United Kingdom)

RAPPORTEURS

14 April 2002

PLENARY SESSIONS	RAPPORTEUR
Plenary Session 1 Opening of the Conference	Mr. Kenneth COOPER (USA)
Plenary Session 2 WP.5	Mr. Mark HAMBREY (IHB)
Plenary Session 3 WP.5	Mr. Keith ALEXANDER (USA)
Plenary Session 4 WP.5	Ms. Liz DUNN (UK)
Plenary Session 5 WP.1 and WP.2	Mr. Richard MACDOUGALL (Canada)
Plenary Session 6 WP.3	Mr. Kenneth COOPER (USA)
Plenary Session 7 WP.4	Ms. Liz DUNN (UK)
Plenary Session 8 Finance Committee	Mr. Keith ALEXANDER (USA)
Plenary Session 9 Election of the D.C.	Mr. Mark HAMBREY (IHB)
Plenary Session 10 Cloture of the Conference	Mr. Richard MACDOUGALL (Canada)

**LIST OF EXHIBITORS AT THE
XVIth INTERNATIONAL HYDROGRAPHIC CONFERENCE**

Stand	Company	Country
110	Applanix	USA
301	Atlas Hydrographic GmbH	Germany
303	Blom Maritime AS	Norway
203	CARIS	Netherlands
326	C-MAP and HydroService	Norway
310	Coastal Oceanographics	USA
101	Elac	Germany
302	EIVA	Denmark
205	ESRI	USA
315	Gardline	UK
311	GeoAcoustics	UK
325	GITC	Netherlands
313	Global Survey Network	Netherlands
111	Imtech Marine & Offshore and QPS	Netherlands
212	Intergraph	USA
314	IVS	Canada
304	IXSEA	France
109	Klein Associates Inc.	USA
202	Kongsberg Scanners	Norway
206	Kongsberg Simrad	Norway
309	Knudsen	USA
105	Maptech	USA
102	Marimatech	Denmark
103	NAVFCO	France
106	Novo Group	Finland
108	ODOM Hydrographic Systems	USA
319	Offshore Charts Ltd.	Canada
204	Optech	Canada
312	Pangea	Italy
210	Reson	Denmark
305	RDI Europe	France
318	Saab Dynamics	Sweden
201	SevenCs	Germany
211	Tenix LADS	Australia
104	Thales Geosolutions & Thales Navigation	UK, France
307	T-Kartor	Sweden
107	TSS	UK
308	University of Southern Mississippi	USA

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OPENING ADDRESSES

OPENING ADDRESSES

1. The President of the IHB Directing Committee
Rear Admiral Giuseppe ANGRISANO
2. The President of the XVIth International Hydrographic Conference
Mr. Frode KLPESVIK (Norway)
3. His Serene Highness Prince Rainier III of Monaco

CONF.16/MISC/01

OPENING ADDRESS BY THE PRESIDENT OF THE IHB DIRECTING COMMITTEE Rear Admiral Giuseppe ANGRISANO

Your Serene Highness Prince Rainier,
Your Serene Highness Prince Albert,
Your Excellencies,
Distinguished Delegates and Observers,
Ladies and Gentlemen.

The IHB Directing Committee is extremely honoured to welcome you to the XVIth International Hydrographic Conference and we would like to express the sincere gratitude of each and every one of us to Your Serene Highness Prince Rainier III, Sovereign Prince of Monaco, who has once again honoured us with his presence at the Opening Ceremony of our Conference.

Over the past five years since the XVth International Hydrographic Conference, the IHO Member States and IHB have worked together on providing the Organization with a Strategic Plan and a Work Programme, which were approved at the IInd Extraordinary International Hydrographic Conference in March 2000.

Through the activities of the Member States and IHB, we have obtained positive results and have made improvements in the following:

- Systematic exploration of sea depths and sea movements.
- Standardization of sea measures, hydrographic terminology, marine cartographic products as well as geographical information systems for maritime navigation. In particular, progress has been made in the field of standardization in electronic navigational charts, even though the production and distribution of these charts has not yet achieved the desired results.
- The efficiency of the rapid dissemination of information on safety at sea.
- Training of hydrographers and nautical cartographers.
- Production of bathymetric charts for scientific use and management of marine resources.

Cooperation with the United Nations, in the implementation of the Convention on the Law of the Sea, has increased over the past years with the participation of IHO in the UN consultative meetings on oceanographic matters, whilst the representatives of the United Nations Division of Law of the Sea participated in conferences on technical aspects of the law of the sea, organized by IHB in Monaco. Furthermore, IHO has cooperated with specialized UN agencies which are working notably in the maritime field and in particular:

- The International Maritime Organization concerning standardization of navigation systems and safety at sea, such as electronic charts, the creation of Marine Electronic Highways, the improvement of symbols for navigational charts in order to better protect the marine environment, the implementation of GMDSS and, last, but not least, technical cooperation for the benefit of developing countries.
- The World Meteorological Organization for improved dissemination of weather broadcasts to mariners.
- The Intergovernmental Oceanographic Commission of UNESCO, for the production of bathymetric charts and the preparation of ceremonies celebrating the GEBCO Centenary which will take place in Monaco in April 2003.
- The International Sea Bed Authority and the Food and Agriculture Organization (FAO), who wish to have adequate bathymetric data.

Special mention should be made of cooperation with the following international organizations:

- International Association for Aids to Navigation and Lighthouse Authorities (IALA) on the theme of standardization of charts and on technical cooperation projects, notably in Africa;
- The International Federation of Surveyors (FIG) as regards standards for hydrographers;
- The International Cartographic Association (ICA) as regards standards for cartographers and standardization of geospatial data;
- The International Commission for the Scientific Exploration of the Mediterranean (ICSEM) concerning investigation of physical parameters of the water column; and
- The RAMOGE project for the preparation of a geographical information system; and also not forgetting
- The IEC (International Electrotechnical Commission) and the CIRM (Comité international radio-maritime).

Your Serene Highness, Your Excellencies, distinguished Delegates and Observers, Ladies and Gentlemen, the IHB Directing Committee is very pleased to be able to state that the number of IHO Member States has continued to rise over the last few years. This is due to the greater interest that governments take in activities linked to our science: Hydrography. This is an indispensable tool to increase our knowledge of the seas or landlocked waters for which a State is responsible. Hydrography is needed in safety at sea as well as planning the exploitation and the protection of the marine environment or even to carry out in-depth scientific studies.

Let us take advantage of this Opening Ceremony to welcome those States that have become IHO Members since the IInd Extraordinary International Hydrographic Conference in March 2000: Jamaica, Bangladesh and Mexico. Many other States have applied to become IHO Members and their applications are being considered by the Member States of the Organization. However, the membership procedure, as laid down many years ago in our Convention, is extremely lengthy and appears to me unsuitable for the present size of the Organization. A proposal on this subject has been prepared by IHB, based on a study by INDEMER, the Institute of the Law of the Sea in Monaco, and will be discussed during the Conference.

Furthermore, IHB has worked to reinforce links with industry involved in the production of acquisition systems and development data and in the presentation of cartographic data, as well as with universities. They all showed an interest in contributing to the establishment of standards guaranteeing uniform quality in sea research and nautical charts.

Special mention should be made of our commitment to technical cooperation with countries that either lack hydrographic services or have an inadequate service. In the field of training, where help from IHO is very important, many Member States (such as Spain, Italy, France, India, Chile, Japan,

Portugal, Greece, Canada, the United States, etc.) as well as the International Maritime Academy (in Trieste, Italy) offer hydrographic and nautical cartography courses. Bilateral agreements between States permit a more complete assistance by way of joint hydrographic surveys of the sea and the supply of hydrographic and cartographic systems. IHO also intervenes in the establishment of regional development plans, for example the MEDA Project, which is in its final stages for the south-western area of the Mediterranean and will be followed by another one soon. Also to be noted are a Central American development project, coverage of electronic charts in the Caribbean, the Gulf of Mexico and the Malacca Straits, a development project in Lake Victoria and many others. Finally, IHB has worked hard to explain to certain African governments the importance of creating a hydrographic service integrated in the Maritime Transport structures and the defence of the marine environment. Despite encouraging results, a lot remains to be done. It is nevertheless difficult for these governments, which are more often than not affected by more pressing problems such as famine, health and education, to give adequate priority to hydrography.

I would also like to mention at this stage that the positive results obtained to date are mainly due to the initiatives of the Member State hydrographic services, the work of my fellow Director, Rear Admiral Neil Guy, the Professional Assistants and the IHB staff.

Lastly, Your Highness, the IHO wishes to express once again its gratitude to the Government of the Principality of Monaco for the very efficient assistance it gives to the Organization. The new IHB offices, headquarters to the Organization, located on Quai Antoine 1er which you inaugurated in 1997, have proved to be perfect for our needs. They offer excellent working conditions for the IHB staff and a nice welcome to participants of the various working groups.

The External Relations Department, which manages our Convention, is in permanent contact with the IHB concerning membership applications from new Member States. The Public Works Department (Direction des Travaux Publics) closely follows the technical developments and is actively participating in the preparation of the GEBCO Centenary celebrations for April 2003. Finally the Permanent Monaco Mission within the United Nations, with Prince Albert at its head, has supported us on many occasions and again only recently (December 2001) when, following a proposal from Monaco, Observer status for the IHO was approved at the United Nations Assembly, which has raised a lot of interest in the international community.

I would like to sincerely thank Your Highness for the active interest that you show in this institution established in Monaco since its creation.

Your Highness, it is now my pleasure to hand over to Commander Frode Klepshvik, Director of the Norwegian Hydrographic Service, who has been elected President of the XVIth International Hydrographic Conference.

OPENING ADDRESS BY THE CONFERENCE PRESIDENT
Mr. Frode KLEPSVIK, Norway

Your Serene Highnesses,
Ladies and Gentlemen.

It is a great honour for me to extend the gratitude of the entire Hydrographic Community to Your Serene Highness for the interest you and your illustrious ancestors have shown in Hydrography and Oceanography, and the extraordinary benefits provided by you for our common cause through the years.

Furthermore, providing IHO with splendid premises so appropriately situated by the sea has facilitated the Organization's work enormously. Situated as they are here in Monaco, they have certainly provided hydrographers from around the world with a considerable amount of pleasure as well.

Having the opportunity, I would like to mention that Norwegian explorers and scientists have had the honour of closely cooperating with the Grimaldi Princes. One such example being Prince Albert I's historic Oceanographic-Hydrographic expeditions to Spitzbergen and adjacent waters between 1898 and 1907, so vividly depicted and documented in the oceanographic museum only 200 m to the south-east of the Bureau.

However I won't go further into historic matters, tempting as that might be, when so much ongoing development claims our unreserved attention.

Technological change affects every aspect of managing the hydrographic business in such a way that it requires our continuous attention as hydrographers. This is due not only to the rapid pace of change but also to the extensiveness of the changes taking place. Surveying technology such as multibeam and laser technology, together with accurate and real time satellite positioning systems, has increased our effectiveness significantly. New data processing and generalization tools enable us to handle the tremendous amount of accurate data resulting from this in an efficient and quality-controlled way.

The transition from the analogue to the digital world has been under way for a number of years, and today quite a few Hydrographic Offices have established, or are about to establish, fully digital production lines, involving digital methods and tools for all processes from the planning of a survey at one end to the finalizing of the chart, be it in analogue or electronic form, at the other end.

Still, the most profound change affecting the hydrographic world just now is probably to be found in the area of data management and in dissemination of the final products and services. The development towards more and more user-friendly and powerful Geographic Information Systems, together with the expansion of Internet services, changes the whole paradigm within which Hydrographic Services will have to operate in the future. The compounded effect allows our horizons to broaden. No longer confined to navigational purposes, data from the Hydrographic Services will be essential elements in planning and management of all sea areas, from harbours and coastal zones to the vast challenges posed by the husbanding of the Exclusive Economic Zone, whether for industrial exploitation, traffic control or environmental protection. The number of applications will increase, as will the number of our products and services.

The consequence is an even stronger need for international cooperation and international standardization, certainly within the international hydrographic community itself but maybe even more between IHO and other intergovernmental and industry-related organizations with objectives similar to those of IHO.

Still, our main “raison d’être” will continue to be the provision of one of the key elements contributing to safety of navigation, namely the analogue and digital charts and related services. Hence our chief purpose remains the same while the tools and techniques change, as does the organizational structure.

Changes are inevitable and actually their cause constitutes a necessary condition for ensuring progress. Probably more important than ever, the International Hydrographic Organization must be able to identify the need for such changes and be willing to embrace them, in time. This is particularly so if we expect IHO to be able to guide and inspire national HO’s in the future in their efforts to keep up with development. Therefore I think it is fair to say that the most weighty matter on our hands at this Conference concerns the process of updating the IHO Convention and pertinent framework to meet the challenges posed to us by the emerging technologies. Our success will depend on whether we carry through this process of adjusting in an efficient and timely manner.

Greater achievement to the benefit of the navigator may only be attained by looking beyond national interests, and fortunately the history of IHO is one of successful cooperation to achieve this end. I feel assured that I speak for all the delegates in a common desire that this spirit should be advanced by this Conference and meet with success.

Your Serene Highness, it is now my great pleasure and honour to ask you to kindly open the XVIth International Hydrographic Conference.

Thank you.

OPENING ADDRESS BY H.S.H. PRINCE RAINIER III OF MONACO

Mr. President,
Ladies and Gentlemen,

I am always very pleased to participate in the opening of your five-yearly conference. Recognizing the contribution of hydrography to the sciences, which pursue the admirable task of exploring and protecting the marine environment, takes on a special meaning here in view of the fact that the renown of the Principality of Monaco is linked to such a large extent to the sea.

Indeed, your Organization was invited to establish its headquarters in Monaco by Prince Albert 1st over 80 years ago and today my satisfaction is that much greater when I see the results obtained in your various fields of activity, and the fact that next year will see the centenary celebrations of another venture with which my great Grandfather's name is also closely linked: the General Bathymetric Chart of the Oceans (GEBCO), one of the finest achievements in the fields of hydrography and oceanography.

Today more than ever, progress in the scientific and technical fields is a determining factor in the conservation of the wonderful heritage, which the seas and oceans constitute for all of mankind and I have no doubt that the "Rio+10" Conference, which will be held in Johannesburg in September, will be an opportunity to intensify the efforts made in the matter by the international community.

The number of Member States of your Organization, which now counts 71 with the recent joining of Jamaica, Bangladesh and Mexico, is regularly increasing which, along with a growing number of countries wishing to join the IHO, reflects well the position which is now yours worldwide.

You have not hesitated to accept the challenge imposed by the increased size of the Organization by undertaking an in-depth study into strategic planning for your activities in the new era which has opened up before us at the same time as the new millennium.

Thus through your dynamic efforts, technical cooperation programmes have been implemented, which are intended to provide, through Regional Hydrographic Commissions, an appropriate transfer of technology and equipment as well as training for tomorrow's Hydrographers.

It would take too long to list all of your initiatives taken in this field, which are as numerous as they are judicious, and it suffices, to be convinced, to look at the actions undertaken by you in the Mediterranean Sea, either directly under the auspices of the Mediterranean and Black Seas Hydrographic Commission, or in liaison with other international bodies, such as ICSEM or RAMOGE.

Over recent years, you have successfully worked on the electronic chart project using techniques which are now proven and approved in accordance with internationally recognized standards.

It now remains for you to develop solutions to make the use of electronic charts operational in all the waters of the planet, and I know that you will pursue this project.

I wish to finally end my brief Opening Address by recalling that the maturity of your institution and its merits, which I have all too quickly touched upon, were recognized last December when the United Nations granted Observer Status to the IHO at its General Assembly. This recognition, greatly

valued by Monaco, also applies to the work accomplished by each of you in the various hydrographic services throughout the world. This recognition acknowledges, beyond the men and the organizations, the science itself whose ambition is to safeguard human life at sea and to protect the marine environment.

Before wishing you a very good and fruitful Conference, I particularly wish to express my support of the decision whereby the United Nations has officially given you such formal encouragement.

Thank you.

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PROPOSALS

LIST OF CONFERENCE PROPOSALS

PRO No.	WORK PROGRAMME	NAME OF PROPOSAL	SUBMITTED BY IHB	Page
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2	5	Proposal to amend Article XX of the IHO Convention	IHB	42
3	5	Study of the Harmonization of IHO General Regulations, Financial Regulations and Rules of Procedure	IHB	48
4	5	New Terms of Reference for the IHO Strategic Planning Working Group	IHB	51
5	1 & 4	Modification of T 1.3 "Establishment of Regional Hydrographic Commissions" (RHC) as discussed and agreed during the 6 th SPWG Meeting.	Australia and IHB	55
6	5	Establishment of IHO Intersessional Meetings	IHB	59
PRO No.	WORK PROGRAMME	NAME OF PROPOSAL	SUBMITTED BY MEMBER STATES	Page
7	5	Length of Tenure of Chairmen of IHO WGs, Committees	Australia	67
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PRO 1 - PROPOSAL TO AMEND ARTICLE XXI OF THE IHO CONVENTION

Submitted by: IHB (WORK PROGRAMME 5)

PROPOSAL

The Conference is requested to approve the following amendment to Article XXI of the Convention on the IHO:

ARTICLE XXI

- 1) Any Contracting Party may propose amendments to this Convention. **These amendments shall be submitted to Member Governments not less than one year prior to the next IH Conference. Amendments to such amendments may not be made less than 6 months before the Conference.**
- 2) Proposal of amendments shall be considered by the Conference and decided upon by a majority of two-thirds of the Member Governments represented at the Conference. When a proposed amendment has been approved by the Conference, the President of the Directing Committee shall request the Government of the Principality of Monaco to **advise submit it to** all Contracting Parties **of the approved amendments to the Convention.**
- 3) The amendments shall enter into force for all Contracting Parties three months after **the Contracting Parties have been advised** ~~notifications~~ of the approved amendments. ~~approval by two thirds of the Contracting Parties have been received~~ by the Government of the Principality of Monaco. The latter shall inform the Contracting Parties, and the President of the Directing Committee of the ~~fact, specifying the~~ date of entry into force of the amendment.

EXPLANATORY NOTE:

For many years there has been discussion within the IHO that certain important amendments should be made to the IHO Convention. This has proved both difficult and inhibiting and in fact the Convention has never been amended.

Even if there may be cause for a new Convention to be considered for the future, when consideration is given to the time required for a new Convention to be drafted, signed and ratified the existing Convention will have to serve the IHO for some years to come. It is necessary, therefore, that essential changes should be possible and the first issue to be addressed could be the reasons why it is so difficult to amend the present Convention.

It appears that the major stumbling block is the provision that exists to amend the present Convention as contained in Article XXI of the Convention. After a Conference approves an amendment by the necessary two-thirds majority of the Member Governments represented at the Conference, the President of the Directing Committee has to request the Government of the Principality of Monaco to submit such amendment to the Contracting Parties. This is cumbersome and largely unnecessary and has resulted in two Conference-approved amendments not being implemented as the required majority, or even a response from some Contracting Parties, has not been obtained.

It is accepted that many delegations have strict mandates from their Governments, particularly where Convention amendments are being considered, and amendments to amendments proposed during the Conference may place such delegations beyond their mandate and hence the current impasse.

In the interests of facilitating possible future amendments to the Convention, the IHB proposes that Article XXI be amended. This proposal will be examined in the same session during which PRO 7 will be examined.

MEMBER STATES' COMMENTS

AUSTRALIA

Australia cannot support a proposal of the kind presently put forward. PRO 1 in its current form would allow amendments of the Convention by the vote of those Member States' representatives present at a Conference without stipulating a minimum percentage of Member States that must approve the amendment before it comes into effect. The result could be that an amendment could come into effect with only a minority of support. That is unacceptable. In Australia's view, any new mechanism must ensure that at least half of the eligible IHO Member States vote positively before any changes can have effect.

Furthermore, many Member States, like Australia, require specific parliamentary or government approval to agree to changes to Conventions. It is presumably for this reason that the present arrangements require formal notification through diplomatic channels. In Australia's case, it is unlikely that its IHO delegation will ever be given authority to act directly on the government's behalf with respect to changes to Conventions. This may also be the case for other Member States. In such circumstances, it will be difficult to achieve the reforms envisaged by this proposal.

BRAZIL

I do not agree. Keep the DECISION 13 (1997 Conference).

CANADA

Canada is currently discussing this proposal internally.

CHILE

Chile recognizes the actual problem and feels sympathy with the proposal.

It is valuable to try to arrange the procedures, but this was also intended in 1987 and 1992 (Chilean proposal) and to date, they have not yet been approved. It is very likely that even if this PRO 1 is approved at the XVIth Conference, the same thing will happen, and the problem will remain unsolved. We need a strong will otherwise nothing will change.

If we really think that through PRO 1 we will be able to get rid of the problem we are facing, we would like to propose some minor changes to the wording of the proposal, as we have identified some shortcomings that do not assure the success expected. For example, there is no clear indication on who the proposed amendment should be submitted to, by the interested Contracting Party. Moreover, there is no clear indication on what is expected from the Member Governments, and who will prepare the final proposal for Conference consideration. Finally, and due to possible amendments to amendments, we are of the opinion that the problem envisaged in paragraph 4 of the Explanatory Note will remain.

Following the above comments we propose a slight change to paragraph 1) of PRO 1, to read as follows:

“Any Contracting Party may propose amendments to the Convention. Proposals shall be submitted to IHB not less than two years prior to the next IH Conference. IHB should circulate proposals to Member States, by correspondence, for comments and amendments to be provided not less than one year prior to the IH Conference. IHB should prepare the final version of the proposal and submit to Member Governments for their decision that shall be expressed at the IH Conference by their Representatives.”

We think that this slight change solves the shortcomings and provides Member States sufficient time to discuss proposals internally before adoption by their Representatives at the IHC. This new paragraph 1), together with paragraph 2) and 3) of PRO 01 are supported by Chile.

Chile is also prepared to support this issue being considered by the SPWG following paragraph 2 of the new Terms of Reference being proposed under PRO 4.

CROATIA

Croatia supports this proposal.

FINLAND

Supported in principle. See also the IHB comments on PRO 2.

FRANCE

Reserved opinion.

It is unlikely that the Member States' representatives at the Conference will be authorized by their Governments to modify an international Convention without going through the diplomatic channels (this is probably the case for France).

The opinion of the French diplomatic authorities has been sought.

GREECE

As the Convention has been ratified by the Greek Parliament, proposals concerning amendments to the Convention must be approved by the same body. HNHS has initiated the procedures to the Hellenic Ministry of Foreign Affairs in order to get approval to support the proposal. We hope during the meeting to be able to state our position.

INDIA

India has reservations on the proposal, as the present Art. XXI is well established vis-à-vis other national conventions. We should amend conventions only when it is absolutely essential, after due deliberations; and especially since simplification of amendments to the Convention may set off a series of reactions.

ITALY

This HO is, in principle, favourable to both proposals, therefore we have notified our intention to support them to our Ministry of Foreign Affairs.

MONACO

In the first paragraph of the proposal could the word "made" not be replaced by "proposed" ?
Last but one paragraph of the Explanatory Note: the adoption of this proposal implies that the Member States undertake, from now on, to give a mandate to their representative(s) which would enable them to take decisions on the future modifications of the Convention.

NETHERLANDS

This proposal is **unacceptable** in this form.

The NL Constitution states that amendments, as mentioned in Art. XXI, need to be approved by the parliament after the final decisions by the Conference.

There will be options for a less far-reaching solution.

The solution is given in the following draft text for Art. XXI-3:

“The amendment shall enter into force for all Contracting Parties fifteen months after it has been submitted to the Contracting Parties in accordance with [original] paragraph 2, unless more than one third of the Contracting Parties notify the Government of the Principality of Monaco of their objection to the proposed amendment within one year after such submission to the Contracting Parties. The Government of the Principality of Monaco shall inform the Contracting Parties and the President of the Directing Committee of the date of entry into force of the amendment or of the fact that the proposed amendment will not enter into force, as the case may be”.

The Netherlands is considering submitting a separate proposal to this end.

NEW ZEALAND

New Zealand supports the comment from Australia. The New Zealand delegate to IHO conferences does not normally have the New Zealand Ministry of Foreign Affairs and Trade's authority to agree changes in international conventions. The notice period is helpful, however any proposed changes must go before a NZ Government Select Committee, and wording must be in its final form before this can happen.

NORWAY

A positive proposal Norway in principle can support. Member States can clarify the procedure in relation to national authorities in the 6 month period before the Conference. However, difficult matters may need more than 6 months.

PERU

Peru is in favour of this proposal. However, in order to make things clearer to all Member Governments, it is advisable to specify the authorities of the Bureau and the Member Governments that are involved in the amendment procedure.

PORTUGAL

Agree.

SWEDEN

Sweden supports the proposal. No comments.

TURKEY

No comment.

UK

The UK supports this proposal but suggests that, owing to the importance of this subject, it is necessary to ensure any vote can only be carried by a sufficiently representative proportion of the total contracting parties. Thus, in addition to the required two-thirds majority required of those Member States present at Conference, this two-thirds majority should represent at least half of the contracting parties for the vote to be successful. This would ensure that any vote passed would be supported by the majority of the IHO membership.

USA

In ratifying the Convention, the United States took into account the implications of the tacit amendment procedure in Article XXI. The current practice allows Parties to consider an amendment approved by the Conference before expressing or withholding their approval. This procedure comports with U.S. treaty practice under its Constitution. While the United States understands that it could find itself bound by an amendment to which it has not positively expressed approval, the existing provisions nevertheless offer a measure of confidence that governments will have the opportunity to review amendments approved by the Conference before the requisite number of approvals is obtained and the Parties become bound by them.

The proposed amendment would substantially alter that procedure and could unacceptably constrain the internal approval processes used by the United States and other States, in particular as regards consultation with legislative bodies. Since not all Conference delegations may have the benefit of thorough governmental review and consultation prior to a vote, the modification proposed to Article XXI would effectively grant the Conference power to impose obligations on all Parties even though, upon subsequent review, the requisite two-thirds might not approve. In that case, Parties could be left with no recourse but to withdraw from the Convention in order to avoid the operation of a disagreeable amendment thus enacted. Such an outcome surely would not promote the work of the Organization.

While we are generally supportive of efforts to streamline the amendment approval process, we believe that other measures might address the problem more directly and effectively without infringing on the sovereign treaty making powers and internal procedures of States. The present proposal fundamentally contradicts the assumptions regarding amendment procedures on which consent to be bound by the present Convention was originally given.

PRO 2 - AMENDMENTS TO ARTICLE XX OF THE IHO CONVENTION

Submitted by: IHB (WORK PROGRAMME 5)

Reference: INDEMER Study (attached)

PROPOSAL

The Conference is requested to adopt the following new text for Article XX of the IHO Convention:

1. *After it has entered into force, this Convention shall be open for accession by the Government of any state, that is a member of the United Nations. Any such State shall deposit its instrument of accession, specifying the tonnage of its fleets, with the Government of the Principality of Monaco, which shall inform the Member Governments and the President of the Directing Committee.*
2. *A State that is not a member of the United Nations shall apply to the Government of the Principality of Monaco, specifying the tonnage of its fleets. Its admission has to be approved by two-thirds of the Member Governments.*

The Government of the Principality of Monaco shall notify such approval to the Government concerned. The Convention shall enter into force for that Government on the date on which it has deposited its instrument of accession with the Government of the Principality of Monaco, which shall inform the Member Governments and the President of the Directing Committee.

EXPLANATORY NOTE

Article XX of the IHO Convention stands as follows:

ARTICLE XX

After it has entered into force this Convention shall be open for accession by the Government of any maritime state which applies to the Government of the Principality of Monaco specifying the tonnage of its fleets, and whose admission is approved by two-thirds of the Member Governments. Such approval shall be notified by the Government of the Principality of Monaco to the Government concerned. The Convention shall enter into force for that Government on the date on which it has deposited its instrument of accession with the Government of the Principality of Monaco which shall inform the Member Governments and the President of the Directing Committee.

1. The implementation of the membership procedure, established by that article, has proved to be very cumbersome for the following reasons:
 - 1.1 The time required to obtain the approval of the requested two-thirds IHO Member States varies from 1.5 years to 2 years. At present two countries, who applied for membership at the end of 1999, have not yet been approved by the required two-thirds. Another important maritime country applied to become member in April 2000 and has not yet been approved.
 - 1.2 Once the requested approval quorum is obtained and the applicant country is informed by the Government of Monaco and invited to deposit the instrument of accession to the IHO Convention, another, and sometimes lengthy, delay is incurred. This has proved to be several years in some cases. At present, there are four countries

approved in 1991, 1992, and 1993, which have not yet deposited their Instrument of Accession. This second step in the procedure sometimes requires the re-examination of the IHO membership by the Parliament of the country concerned.

- 1.3 The overall result of this procedure is that, at present (August 2001), the IHO has 10% less members than it should have. This percentage is certainly not negligible. One could also add that the prospect of facing this lengthy procedure may discourage other countries from applying.
- 1.4 The damage caused to the Organization is evident as it is deprived of the cooperation of important countries and those same countries are deprived of the benefits resulting from active participation in the work and decisions of the IHO.

2. Actions carried out to formulate a proposal.

The experience of the last decade has decided the IHB Directing Committee to propose measures in order to remedy this anachronistic situation.

- 2.1 To obtain this we asked the advice of the Monaco Government who, in turn, requested the *Institut du Droit Economique de la Mer (INDEMER)* [*The Institute of Economic Law of the Sea*] to undertake a study. The INDEMER study (original in French, translated into English by the IHB) is attached herewith.

The most important points in the INDEMER study are:

2.1.1 Comments regarding the entry conditions:

- a) The conditions for admission are particularly strict and out of date.
- b) It is surprising to note that only a *maritime state* (the definition of which is vague and uncertain) can apply to become a member, while the interest of the IHO is not only limited to the seas, but also to rivers and lakes.

(Note by the IHB: recent technical developments related to the electronic navigational charts in internal waters and the project to extend the NAVAREA System to the internal waters demonstrate this).

2.1.2 Comparison with other treaties.

2.1.3 Solutions proposed:

- a) Change of majority (simple majority)
- b) Implicit approval
- c) Quasi-automatic access with two possibilities: the clause *all states* or the clause *the UN members* (see INDEMER study)

- 2.2 The IHB Directing Committee has also compared the IHO membership procedure with that of the IMO with the following result:

- 2.2.1 Membership of the IMO Organization is dealt with in Part III of the Convention on the International Maritime Organization (the IMO Convention), basically:

- 2.2.2 A State Member of the United Nations may become a Member of the IMO by merely accepting the IMO Convention. The Convention is deposited with the Secretary-General of the United Nations and acceptance thereof is effected by the deposit of an instrument with the Secretary-General of the United Nations.
- 2.2.3 The same procedure applies to States not Members of the United Nations which have been invited to send representatives to the United Nations Maritime Conference convened in 1948, in Geneva for the adoption of the Convention on the International Maritime Organization; and
- 2.2.4 A State not Member of the United Nations, or not invited to the United Nations Maritime Conference may apply for membership through the Secretary-General of IMO and shall be admitted as a Member upon its becoming a party to the Convention in accordance with the procedure specified under a) above provided that, upon recommendation of the Council, its application has been approved by two-thirds of the Members of IMO, other than Associate Members.
- 2.2.5 The informal opinion of the IMO Legal Division is that:

It seems that Article XX of the Convention on the International Hydrographic Organization is modeled on the IMO membership rule described above. This procedure has been used in some cases in the past in IMO and it has always proved quite a lengthy one. Unfortunately, the provision in Article XX is quite clear and does not leave space for interpretation.

Legally speaking Article XX can only be amended in accordance with Article XXI. However should there be unanimity, or at least consensus, among the IHO Members to bring the membership procedures in line with the ones of other international organizations of the UN family, the Conference should consider a provisional application or a tacit acceptance procedure, although neither procedures are provided for in the Convention. There are international precedents.

3. IHB proposes a new text for Article XX of the IHO Convention.

See text of PRO 2 above.

IHB COMMENTS

The IHB would like to discuss, at the Conference, the proposals concerning changes to the Convention, but that unresolved matters be passed to SPWG as its TOR No. 2 indicates.

MEMBER STATES' COMMENTS

AUSTRALIA

Australia has consistently supported the expansion of membership of the IHO and is keen to see mechanisms that widen the membership. Australia therefore supports this proposal in its terms.

However, if this proposal is not ultimately successful Australia cannot support the introduction of the concept of "tacit acceptance". Australia considers that adopting a "tacit acceptance" procedure to apply in respect of the accession of States to the IHO is misconceived. Australia acknowledges that the concept of "tacit acceptance" is used in certain other conventions (for example in Article III of the International Convention on Maritime Search and Rescue). The typical way the concept works in

such a case is that a proposed amendment is adopted by a conference vote. Then, the proposed amendment is put to all members and if a specified proportion do not object within a specified time then the amendment is confirmed and comes into force.

In Australia's view, while such a "tacit acceptance" procedure may be acceptable for technical matters it is not acceptable for the process of determining the membership of intergovernmental organisations. This is because such a procedure would require those States that object to the admission of a prospective member to openly veto their membership. Under the present system a State that objects to the admission of a prospective member may merely remain silent. We consider that the governments of the majority of the Member States of the IHO would prefer this latter arrangement to continue.

BRAZIL

I do not agree. The IHB is totally correct in the argumentation expressed in the explanatory notes. However, the amendment proposed for Art. XX must be consistent with Art. XXI, as recognized by IHB. The allowance of either a "provisional application" or a "tacit acceptance procedure", that is not part of the Convention would set a serious precedent, that could be applied in other situations.

CANADA

Canada supports this proposal.

CHILE

Chile acknowledges that the present procedure to become an IHO Member State sometimes takes longer than expected, and that situation constitutes a real problem that we should be seeking a solution for. The problem should be discussed at the Conference. The impact of opening the IHO to all UN Member States deserves consideration and further studies.

Chile considers that it is not convenient nor appropriate to agree on a provisional application of a solution, as suggested in the underlined paragraph of the explanatory notes, as this procedure is not considered in the Convention, and it might generate a precedent difficult to manage in the future.

Chile is in favour that this issue be considered by the SPWG following paragraph 2 of the new Terms of Reference being proposed under PRO 4, taking into account the points of view expressed at the Conference.

CROATIA

Croatia supports this proposal.

FINLAND

Agrees with the IHB comments.

FRANCE

Reserved opinion.

The principle adopted by IMO is logical for that organization since it is a specialized agency of the United Nations, which is not the case for the IHO.

France notes, however, with the Bureau, that the present membership process is slow and fragile, and that PRO 2 could correct these shortcomings. The opinion of the French diplomatic authorities has been sought, in the first place, on the adoption by an international body - not belonging to the UN – of rules implemented within the UN, and, in the second, on whether it is appropriate to resort to a tacit approval whereas usually no reply means a negative response.

Doing away with the vague notion of a maritime State does not resolve a certain ambiguity as regards the aim of the Organization: consideration of this matter by the SPWG seems desirable.

GREECE

HNHS agrees with the proposed amendment taking into consideration that we have to follow the existing procedures as described in the current Article XXI of the Convention. Otherwise, the statement made for PRO 1 must be taken into consideration for this proposal too.

INDIA

The proposal is supported by India to the extent that more simplified internal procedures for new membership be adopted.

ITALY

This HO is, in principle, favourable to both proposals, therefore we have notified our intention to support them to our Ministry of Foreign Affairs.

NETHERLANDS

This proposal is supported.

However, it is proposed to add the following text at the end of paragraph 1:

“The Convention shall enter into force for that Government on the date of deposit of its instrument of accession”

In addition the following editorial corrections are suggested:

Para 1, 2nd sentence : Change “State” to read “Government”;
Para 2, Change “A State” to read “The Government of a State”;
Para 1 and last sentence Para 2: insert “other” before “Member Governments”;
Para 2: Change “shall apply” to read “ may apply for accession to this Convention”;
Para 2, 2nd sentence: Change “has to” to read “shall”.

With regard to the “tacit acceptance”, as suggested in the Explanatory Note of the proposal, The Netherlands can state that a tacit acceptance procedure, without the approval by the parliament as mentioned in our comments on PRO 1, will not be acceptable.

NEW ZEALAND

New Zealand recognizes the difficulties with membership procedures and will explain these during the discussions at the Conference. We have reservations about a tacit acceptance procedure, and may tend towards provisional membership followed by formal ratification, albeit a lengthy exercise.

PERU

Peru is in favour of this proposal. The IHO should be more open to all interested States in Hydrographic activities. Any controversial case that should arise in this matter can be discussed by all Member States before the accession of such State.

PORTUGAL

Agree.

SWEDEN

Sweden supports the proposal. No comments.

TURKEY

Agreed.

UK

The UK supports the general principle of this proposal. The existing membership application procedure is lengthy and the proposed changes would align with the process of the IMO, another maritime activities related organization. The speeding up of the process would also bring welcome additional revenue to the IHO that much sooner than at present. UK notes the removal of the term "maritime" and considers that this may lead to applications from governments who have no specific maritime interest. To overcome this it would be beneficial to include the wording "and that wishes to co-operate internationally in the improvement of hydrography" at the end of the first sentence in paragraph 1 of the proposal. Referring to the Explanatory Notes, the final paragraph of item 2, "Actions carried out to formulate a proposal", the UKHO would wish to have clarification of the details of the suggested interim procedures. Agreeing to a procedure which is not allowed for in the present IHO Convention could set a dangerous precedent for the future.

USA

The United States supports the concept not to limit IHO Membership strictly to "maritime" states, but to extend Membership to states that have major interior rivers and lakes.

PRO 3 - STUDY OF THE HARMONIZATION OF THE IHO GENERAL REGULATIONS, FINANCIAL REGULATIONS AND RULES OF PROCEDURE FOR INTERNATIONAL HYDROGRAPHIC CONFERENCES

Submitted by: IHB (WORK PROGRAMME 5)

References:

1. Decision No. 61, XVth I.H. Conference (1997)
2. IHB C.L. 41/2000

PROPOSAL

The Conference is requested to approve the inclusion of this proposal within the new Terms of Reference for the SPWG.

EXPLANATORY NOTES

Decision No. 61 of the XVth I.H. Conference (April 1997) decided that a study was to be carried out by the IHB on the voting procedures of the Organization.

The IHB carried out that study and prepared a detailed report which was distributed for Member State comments, under cover of C.L. 41/2000. The Report recommended that the present rather complex arrangements for voting should be replaced by five basic rules.

Whilst working on the first report, the IHB felt that a second report was needed to harmonize the texts of the IHO General Regulations, Financial Regulations and Rules of Procedure for IH Conferences.

This second report recommended that most of the Rules of Procedure for I.H. Conferences should be deleted and the remaining rules should pass to the pertinent chapters of the General Regulations and Financial Regulations. Some duplications amongst the three texts were also eliminated.

The comments received from Member States were very contradictory, going from full approval, considering that the simplification proposed was desirable, to others which questioned the constitutionality of some amendments.

Other Member States proposed complete revisions and amendments to the existing texts, partially accepting those proposed by the IHB and, in some cases, going beyond the scope of the IHB report.

Bearing in mind the complexity of the matter and the limited capacity at the IHB, aggravated by the resignation of the Director responsible for this subject, the Directing Committee decided to suspend work on this item and to propose to the XVIth I.H. Conference the establishment of a Working Group to carry out the study, taking into consideration the IHB report and comments and suggestions from Member States.

However, following the decision of the 6th Meeting of the Strategic Planning Working Group to reformat completely its present ToRs and assign as a task, the amendment to the Convention, the Directing Committee feels that the study should be included in the new ToRs for the SPWG.

MEMBER STATES' COMMENTS

AUSTRALIA

This proposal is supported by Australia. We recommend that the Strategic Planning Working Group take into account the detail of all the responses to CL 41/2000 on this issue.

BRAZIL

Brazil agrees with the proposal submitted by IHB.

CANADA

Canada supports this proposal.

CHILE

Chile considers that efforts should be made to improve the IHO General Regulations, Financial Regulations and Rules of Procedure for International Hydrographic Conferences, and that the SPWG is the appropriate body to deal with this task.

CROATIA

Croatia supports this proposal

FINLAND

Supported.

FRANCE

Agree.

In its reply to IHB CL 41/2000, SHOM noted the complexity of the subject and certain shortcomings in the study made by the Bureau, and consequently proposed that the SPWG should be tasked with the job of examining in the first place the advisability of revising the Basic Documents of the Organization, and then, if necessary, prepare any proposed modifications to the Basic Documents.

PRO 4 includes the proposal to refer the matter to the SPWG.

GREECE

HNHS supports this proposal.

INDIA

India has some reservations on the proposal. However there are already conflicting opinions of Member States as stated in IHO CL 21/2000. The matter may be discussed at the IH Conference.

ITALY

Italy supports IHB's proposal.

NETHERLANDS

No objections.

It is noted that this study should make use of the results already produced by Portugal, as summarised in PRO 21.

NEW ZEALAND

New Zealand supports the proposal.

PERU

Peru is in favour of this proposal.

PORTUGAL

Agree, if PRO 21 (Portugal) is not examined/approved at this IHC, and the contents of PRO 21 are to be analyzed by the SPWG.

SWEDEN

Sweden supports the proposal. No comments.

TURKEY

Agreed.

UK

This is one of 3 proposals relating to the IHO Basic Documents. The content of this proposal makes it the 2nd preferred option for UK after PRO 4 and before PRO 21.

The UK supports the principles of this proposal but would prefer to see this work carried out by the SPWG. The intentions of this proposal are contained within PRO 4. If PRO 4 is successful then this proposal will not be required.

USA

The United States welcomes a clarification of all the rules and regulations and harmonizing them is considered a step forward.

PRO 4 - NEW TERMS OF REFERENCE FOR THE IHO STRATEGIC PLANNING WORKING GROUP

Submitted by: IHB (WORK PROGRAMME 5)

Reference: Report of the 6th Meeting of the SPWG

PROPOSAL

The Conference is requested :

To approve the continuity of the SPWG after the XVIth I.H. Conference, replacing its present Terms of Reference with the following :

New Terms of Reference for the Strategic Planning Working Group

1. *The SPWG will give support, when needed, to the IHB Directing Committee, for implementing the Strategic Plan and the related Work Programme.*
2. *The SPWG will consider unresolved IHO organizational matters proposed at the Conference and will carry out a study on the revision of the IHO Convention that might be discussed and eventually approved by an Extraordinary Conference. The SPWG will also consider the harmonization of the text of the IHO Basic Documents.*
3. *The SPWG will be formed by representatives designated by the IHO Regional Hydrographic Commissions.*
4. *The SPWG should request the assistance of legal experts when it is deemed necessary.*
5. *The Chairman of the SPWG will be the President of the IHB Directing Committee.*

EXPLANATORY NOTE

The SPWG, at its 6th Meeting, agreed that the work of this Working Group may continue under different Terms of Reference.

It was also felt that, as the entire IHO Convention should be reviewed, this review could be a task assigned to the SPWG, with a view to having it approved at a future Extraordinary Conference. The SPWG could then be assigned this task in its new Terms of Reference.

MEMBER STATES' COMMENTS

AUSTRALIA

It is Australia's view that a study to review the Basic Documents of the IHO should not be open-ended. A firm date should therefore be set for the completion of such a work item. Two years to complete the task is considered appropriate in the circumstances. This means that the SPWG should be instructed to complete its work no later than March 2004 in order that recommendations may be considered at the 3rd EIHC (PRO 19) in October 2004.

Australia also considers that the ToR's for this review should be quite specific and indicate exactly what the review is to achieve. Australia suggests that clause 2 of the new ToR's should read:

2. a. *The SPWG will carry out a study on the need for a revision of the IHO Convention and the harmonization of the text of the IHO Basic Documents.*
- b. *In particular, the SPWG will identify whether the current Convention and its supporting Basic Documents already provides an appropriate regulatory background to support the strategic direction of the IHO; and if not*
 1. *identify and justify any shortcomings in the current arrangements; and*
 2. *propose reforms, including any amendments to the Basic Documents to identify any such shortcomings.*
- c. *The SPWG will circulate a report to M/S for comment by June 2003 detailing its interim findings and recommendations.*
- d. *The SPWG will take into account any comments on its interim report and complete its study by March 2004. The final report and recommendations of the SPWG will be considered by an Extraordinary International Hydrographic Conference convened for the purpose.*

BRAZIL

Brazil agrees with the proposal submitted by IHB.

CANADA

Canada supports this proposal in principle but requests a wording change in item number 5 from "The Chairman of the SPWG will be the President of the IHB Directing Committee." To "The Chairman of the SPWG will be determined by vote of the participating Member States." In order to be consistent with PRO 7.

CHILE

Chile strongly supports the proposal.

CROATIA

Croatia supports this proposal to continue the work of the SPWG and replace the existing Terms of Reference with the new ones as proposed.

The activities of the SPWG in the past period, which resulted in issuing the IHO Strategic Plan and Work programme as basic guidelines for the future efficient work of the IHO and fulfilment of its role, have confirmed the need for forming such a Working Group. Croatia believes that approving the continuity of the SPWG and accepting New Terms of Reference as proposed in PRO 4 will result in a significant contribution of the SPWG in the implementation of the IHO Strategic Plan and Work Programme.

FINLAND

Supported. See also comments to the PRO 17.

FRANCE

France proposes the following modification to the TOR produced by the Bureau :

Para. 2 : Change to read: "The SPWG will consider unresolved IHO organizational matters raised at the XVIth Conference, and will examine any proposed modification to the IHO Convention, which might be discussed and eventually approved by the next Conference. The SPWG will also examine the harmonization of the texts of the IHO Basic Documents."

Para. 3 "The SPWG will include representatives proposed by each IHO Regional Hydrographic Commission."

Comment on this last point: any Member State must be able to participate in an IHO Working Group if he wishes to contribute to the work of the WG: on the other hand we can very well agree that a representative from each RHC is desirable.

GREECE

HNHS supports this proposal.

INDIA

The proposal is supported by India with a view to discuss proposed TOR's.

ITALY

Italy supports the proposal and suggests that item 3 of ToR be amended to read " The SPWG will be formed by the Chairman, or his representative, of the"

NETHERLANDS

Proposal is acceptable.

NEW ZEALAND

New Zealand's position is that a rolling strategic plan is essential for improved governance and direction of IHO activities. We therefore support adoption of new Terms of Reference that allow the working group to continue.

New Zealand also considers that programmes for all strategic activities should be developed and adhered to. This is particularly important in the case of nebulous subjects, like the review of the IHO Convention, which can occupy the minds of many people and organizations for long periods of time without coming to finite conclusions.

NORWAY

Norway's view is that it is very important that the SPWG has new ToR as proposed, especially in the light of the work with the Convention of the IHO which should be discussed at an Extraordinary Conference, i.e. 2004.

Norway is willing to provide legal expertise for the work with the Convention.

PERU

Peru believes that there should be no restriction to any State that wants to contribute as a representative to the SPWG, and therefore proposes to delete Article 3 of the new Terms of Reference for the SPGW.

PORTUGAL

Agrees but in conformity with the comments to PRO 3.

SWEDEN

Sweden supports the proposal. No comments.

TURKEY

No comment.

UK

UK supports the principle which underlies PROs 3, 4 and 21 but prefers PRO 4 which provides the best option for fulfilling the intent of all three proposals. Our order of support for the other two is 3 and 21.

The UK supports the principle of this proposal but suggests the following re-wording of TOR's 1 and 2 to make clear the difference between the executive function of the Directing Committee and the advisory function of the SPWG. The following TOR's are recommended for the SPWG

- 1. Give advice, when needed, to the IHO Directing Committee, regarding the content of the Strategic Plan and related Work Programme.*
 - 2. Oversee and monitor the content of the Strategic Plan and related Work Programme.*
 - 3. Consider unresolved IHO organisational matters proposed at the XVIth conference and provide a report and recommendations by December 2003.*
 - 4. Carry out a study on the need to revise the IHO Convention, providing the IHO Directing Committee with recommendations on any changes by December 2003.*
 - 5. Consider the harmonisation of the text of the IHO Basic Documents and supply recommendations to the IHO Directing Committee by December 2003.*
 - 6. Present the results of these studies to the IHO Directing Committee and circulate a report to Member States by December 2003.*
 - 7. Co-ordinate comments on the interim report and produce a final version by April 2004 in time to be discussed and eventually approved by an Extraordinary Conference or communicated to Member States by Circular Letter.*
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PRO 5 - MODIFICATION OF T1.3 “ESTABLISHMENT OF REGIONAL HYDROGRAPHIC COMMISSIONS” (RHC) AS DISCUSSED AND AGREED DURING THE 6TH SPWG MEETING

Submitted by: IHB and Australia (WORK PROGRAMMES 1-4)

Reference: Report of the 6th Meeting of the SPWG

PROPOSAL

The Conference is requested to approve the modification of IHO Resolution T1.3 as follows:

T 1.3 ESTABLISHMENT OF REGIONAL HYDROGRAPHIC COMMISSION (RHC)

1.- It is resolved that the IHB shall encourage Member States having common regional interests in data collecting or nautical charting to form Regional Hydrographic Commissions (RHC) to cooperate in the undertaking of surveys and other projects. As part of IHO, the RHC shall complement the work of the Bureau.

2.- RHCs are intended to provide, in pursuance of the resolutions and recommendations of the IHO, regional co-ordination with regard to nautical information, hydrographic surveys, production of nautical charts and documents, training, technical cooperation and hydrographic capacity building projects. They (RHC) should enable the exchange of information and consultation between the hydrographic services concerned. Geographically adjacent RHCs should liaise with each other.

3.- RHCs shall be properly constituted and have activities in line with the objectives of the IHO as described in Article II of the Convention on the IHO and in accordance with the approved IHO Work Programme. Geographical areas of the RHC will normally coincide with INT chart regions, modified as appropriate to meet regional requirements and special circumstances. There are special provisions for Region M (Antarctica) because of its special status.

4.- RHC membership may include full members, associate members, and observers. Full membership is reserved for IHO Member States within the region who sign the statutes of the RHC. Associate membership is available to coastal states of the region who are non-IHO members but who are signatories of the statutes of the RHC. Other Member States of the IHO may participate as associate members (as signatories to the statutes of the RHC) or observers, if they contribute to the safety of navigation by their activities in the fields of hydrography, nautical charting, nautical information or navigational warnings in the region concerned. Organizations active in the region concerned, in the fields of hydrography, nautical charting, nautical information, navigational warnings or aids to navigation may be invited by the RHC to participate as observers.

5.- The working languages used by the RHC shall be agreed upon by their members and designated to ensure the best communication between participants. The reports and IHO documents relating to RHC activities shall be in at least one of the official languages of the IHO. For correspondence with the Bureau, one of the official languages of the IHO shall be used.

6.- A representative of the Bureau shall be invited to attend meetings of RHCs.

6bis.- RHCs shall assess regularly the hydrographic capacity and requirements within their region.

7.- Chairs of RHCs shall report to the I.H. Conference on RHC activities, hydrographic capacity and requirements within their region, future plans and the agreed key targets that support RHC tasks

detailed in the IHO Work Programme. The Chairs of RHC's shall also submit an annual report to the IHB indicating progress made against the agreed key targets in the IHO Work Programme for general dissemination. Between sessions of the IHC, reports of studies or other activities, which may be considered of general interest to all IHO Member States, shall be sent by Chairs of RHCs to the Bureau for general dissemination.

EXPLANATORY NOTE

This proposal is deemed necessary to harmonize the works of the RHC, with the IHO Strategic Plan and Work Programme.

MEMBER STATES' COMMENTS

AUSTRALIA

This proposal was originally drafted by Australia as a result of concerns raised by the South West Pacific Hydrographic Commission (SWPHC). The draft was subsequently reviewed and endorsed by the Strategic Planning Working Group (SPWG) at its 6th meeting.

BRAZIL

Brazil agrees with the proposal.

CANADA

Canada supports this proposal.

CHILE

Chile supports the proposal.

CROATIA

Croatia supports this proposal to modify IHO Resolution T1.3, considering it necessary for harmonizing the work of RHC with the IHO Strategic Plan and Work Programme in formal terms as well. This is particularly because Croatia, chairing the MBSH Commission in the 1999-2001 period, was committed to align the agenda of the XII MBSHC Conference with the IHO WP 2001-2005, and through the work of the Conference and implementation of the adopted decisions and recommendations realize the obligations of the MBSHC resulting from the IHO Strategic Plan and Work Programme.

In addition, it should be emphasized that the demand for aligning the Agenda with the IHO WP has imposed a great part of obligations and tasks included in the WP to RHCs, which with present organization and problems, so far have already had great difficulties in accomplishing only several official decisions and recommendations reached at Conferences.

All these problems point at the volume and complexity of the work imposed upon the Chairman and Commission Secretariat. Being aware of them we fully support Discussion Paper submitted by Australia (6th SPWG Meeting, Norfolk, USA, 06/2001) regarding the Terms of Reference for the Chairs of the IHO Regional Hydrographic Commissions, forwarded for consideration to the XII MBSHC Conference by Radm. Maratos, Director of the HNHS – Greece.

FINLAND

Supported.

In the Paragraph 4 the word '*coastal*' is proposed to be deleted to be consistent with PRO 2.

FRANCE

France proposes the following modifications :

Para. 4 : Correct the last sentence to read: "States in the region concerned, Non-Members or Associate Members of the RHC, as well as organizations active in the region concerned"

Para. 7 : Correct the last sentence to read : "of general interest to all IHO Member States, shall be sent to the Bureau ... "

Comment : On para. 4: Nowhere else is mentioned the possibility of inviting as Observers bordering States of the region concerned by the RHC, but not having (yet) signed the Statutes.

On para.7 : It should be specified that it is not only the Members of the RHC which are concerned by this clause.

GREECE

HNHS supports this proposal.

INDIA

The proposal is supported by India as it will harmonise works of IHC with the IHO's Strategic Plan and Work Programme..

ITALY

Italy supports the proposal.

NETHERLANDS

Proposal is acceptable.

NEW ZEALAND

New Zealand supports the proposal.

RHCs are seen as a vehicle for advancing standardization within regions, in a way that reflects local administrative circumstances and maritime conditions.

RHCs also enhance the ability of hydrographers not normally associated with the IHO to influence regional policies, standards, programmes and priorities.

PERU

Peru believes that there should be Guidelines for the selection and the time of the Chair of the RHCs so that States can establish a procedure to rotate this chair in every region as appropriate.

PORTUGAL

Agree.

SWEDEN

Sweden supports the proposal. No comments.

TURKEY

Agreed.

UK

The UK supports this proposal. It is suggested that it would be beneficial if paragraph 7 of the proposal included a requirement to report on progress against the agreed key targets and that the specific requirement to submit a report annually to the IHB be included. Additionally, the requirement of paragraph 6bis would appear to be covered by O2.1.1 of the IHO Work Programme which is referred to in paragraph 3 of the proposal. If it is considered that paragraph 6bis should be retained, then UK suggests that the word "regularly" should be replaced by "continuously" to agree with O2.1.1 of the IHO Work Programme.

We note that if this proposal is passed, then the TOR's and Statutes of the various RHC's will need to be looked at with the possibility of them being revised to achieve greater consistency. This is because, at the moment, the TOR's and Statutes vary between one RHC and another. This variation is partly due to legitimate regional variations but we believe it would be better to aim for consistency as far as is possible. We also note that the term "coastal states" in paragraph 4 will need to be omitted if PRO 2 succeeds.

USA

The United States supports this proposal. However, in light of PRO 2, we suggest the word "coastal" be removed if the Conference supports extending membership to Member States with major interior rivers and lakes. This will be necessary to harmonize Article XX (PRO 2) with the modified T1.3.

PRO 6 - ESTABLISHMENT OF IHO INTERSESSIONAL MEETINGS

Submitted by: IHB (WORK PROGRAMME 5)

References: Decision 5 of the 2nd Extraordinary I.H. Conference
IHO General Regulations

PROPOSAL

It is proposed that the Conference approves the creation of IHO INTERSESSIONAL MEETINGS under the Terms of Reference given below :

TERMS OF REFERENCE FOR IHO INTERSESSIONAL MEETINGS

1. The aim of the IHO INTERSESSIONAL MEETINGS is to bring together the Heads of National Hydrographic Offices of the IHO Member States to discuss subjects of general interest related to the technical aspects of Hydrography, Cartography, Safety of Navigation, GIS in general and related sciences, providing an adequate follow-up to IHO matters agreed by its Member States.
2. The INTERSESSIONAL MEETINGS will be ruled by the corresponding articles of the IHO General Regulations and by their own Terms of Reference.
3. The INTERSESSIONAL MEETINGS will consider all matters submitted, with the exception of those that the Convention requires to be handled in ordinary Conference (see Convention, Articles V and VI) and will take decisions on the issues considered, following the dispositions of Article VI.6 of the Convention. If the quorum requested by the subjects discussed is not sufficient, the matter will be handled by C.L.
4. The INTERSESSIONAL MEETINGS will be formed by the Heads of Hydrographic Offices, or their representatives, and up to two more delegates. The Chairman will be an IHB Director and the IHB will also provide a Secretary (nominated among the Category A staff) and secretarial support as required.
5. The INTERSESSIONAL MEETINGS will be handled whenever and wherever considered necessary, following the request of any Member State or the call from the IHB. One meeting will be mandatory between two ordinary Conferences. The language used during meetings will be English. The proposal to hold a meeting, as well as its date and venue, will always be made at least 12 months in advance. The proposals or Agenda items to be discussed will be forwarded to the Secretariat (the IHB) no later than 6 months before the meeting and they will be collated and distributed by the IHB at least 3 months before.
6. The INTERSESSIONAL MEETINGS will present a Report of their work at the following ordinary Conference. This report will include the work carried out and also any new item arising during the period between the latest meeting and the ordinary Conference to which the report is submitted.

EXPLANATORY NOTE

1. The 2nd Extraordinary I.H. Conference, approved by Decision 5, to hold an Extraordinary Conference between ordinary Conferences.

2. Decision No. 5 has been contested by some Member States as going against the IHO Convention.
3. The IHO Legal Advisory Committee has been unable to reach any conclusions on this matter.
4. The IHB believes that before the consideration of any other proposal to the Conference regarding this subject, **the cancellation of Decision N° 5 of the 2nd Extraordinary I.H. Conference must be agreed by vote of the simple majority of the XVIth IH Conference.**
5. The Bureau also believes that the PRO 9 submitted by Canada, although trying to clarify the subject of increasing the periodicity of ordinary Conferences, requires an amendment to the Convention and this certainly would not be implemented in a timely way. While agreeing with the aim of the proposal of having more frequent meetings of the national Hydrographers, the Bureau believes that it would be more consistent and practical to adopt another procedure, to achieve this by other means than changing the Convention.
6. The discussions of the 2nd I.H. Extraordinary Conference, which resulted in the adoption of Decision N° 5, also included a general agreement on shortening the present ordinary Conferences. The ordinary Conferences would then be reduced to 6/7 days of Plenary Sessions, as already recommended by the SPWG.
7. The Changes required by the IHB proposal are as follows:

Convention No change is necessary.

Gen. Reg. A new set of Articles, under the Heading "IHO INTERSESSIONAL MEETINGS" , drafted similarly to Articles 11,12, 13 and 14 for the Finance Committee, will be included. The draft of these articles is given in the Annex. **(This is not strictly necessary and could be included in the work assigned to the SPWG, who, if PRO 3 is adopted, will be in charge of harmonizing the IHO Basic Documents. The INTERSESSIONAL MEETINGS can function adequately with just their Terms of Reference)**
(Majority 2/3 of Member States)

Fin. Reg No change

PROPOSED INSERTIONS IN THE IHO GENERAL REGULATIONS

IHO INTERSESSIONAL MEETINGS

Article 48

- a) The IHO INTERSESSIONAL MEETINGS will provide an adequate follow-up to IHO technical matters, and will bring together the Heads of national Hydrographic Offices of the IHO Member States to discuss subjects of general interest related to the technical aspects of Hydrography, Cartography, Safety of Navigation, GIS in general and related sciences.
- b) The INTERSESSIONAL MEETINGS will be formed by the Heads of Hydrographic Offices, or their representatives, and up to two more delegates. The Chairman will be an IHB Director and the IHB will also provide a Secretary (nominated among the Category A staff) and secretarial support as required.

Article 49

The INTERSESSIONAL MEETINGS will produce a Report of their work to the following ordinary Conference. This report will include the work carried out and also any new item arising during the period between the latest meeting and the ordinary Conference to which the report is submitted .

Article 50

The INTERSESSIONAL MEETINGS will consider all matters submitted, with the exception of those that the Convention requires to be handled in ordinary Conference (see Convention, Articles V and VI) and will take decisions on the issues considered, following the dispositions of Article VI 6 of the Convention. If the quorum requested by the subjects discussed is not sufficient, the matter will be handled by C.L.

Article 51

The INTERSESSIONAL MEETINGS will be held whenever considered necessary, following the request of any Member State or a call from the IHB. One meeting will be mandatory between two ordinary Conferences. The language used during meetings will be English. The proposal to hold a meeting, as well as its date and venue, will always be made at least 12 months in advance. Proposals or Agenda items to be discussed will be forwarded to the Secretariat (the IHB) no later than 6 months before the meeting and they will be collated and distributed by the IHB at least 3 months before. The INTERSESSIONAL MEETINGS will present a Report of their work to the following ordinary Conference. This report will include the work carried out and also any new item arising during the period between the latest meeting and the ordinary Conference to which the report is submitted.

MEMBER STATES' COMMENTS

AUSTRALIA

This PRO 6 invites the Conference to form, what is in effect, a subordinate Committee of the Ordinary Conference and to invest it with voting powers that it cannot legally possess.

Voting powers under Article VI of the Convention may only be exercised by the Conference and not by Committees. While it is the case that between sessions of the Conference the entire membership may be called on to vote on questions concerning technical functioning, that power is not dependent upon the issues being raised through any particular process. It is merely a consultative power vested in the Bureau. The only relevant power of a Committee is to submit its reports or recommendations to a plenary session of the Conference. For these reasons this proposal is unconstitutional and cannot have legal effect.

Australia nevertheless acknowledges that there is strong support for more regular meetings of the IHO to formally review and discuss its activities. It is Australia's opinion that in the circumstances this can best be achieved by holding intersessional meetings in the form generally described in this PRO 6, but without such a meeting having any voting powers. Such meetings would have the effect of a "mid-term review" that would be used to refine the strategic direction and activities of the IHO and guide the Directing Committee accordingly. Relevant propositions raised and discussed at such an intersessional meeting could be carried forward to the next ordinary session of the Conference. In this way, those Member States who are unable to participate in an intersessional meeting will not be penalised.

In any case, Australia remains of the view that a convincing case has yet to be made that Ordinary Conferences need to be held at intervals of less than five years. Australia's analysis of the agenda for the XVIth Conference tends to confirm this.

The Australian view is that, in general, Conferences should only address and decide upon matters related to the longer term aims, ambitions, finance and regulations of the IHO. Such items will therefore normally be limited in number and typically will not be time critical.

In the agenda for the XVIth Conference only PROs 1-11, and 15-21 can be considered as meeting the criteria above. PROs 12, 13 and 14 are actually technical matters that should in the first instance be considered by the relevant IHO technical committees and if necessary a decision achieved through Circular Letter or following a recommendation as part of the report of the relevant IHO Work Programme to the Conference.

Furthermore, PROs 3, 4 and 21 are part of the same topic (Review of the IHO Regulations and Convention); similarly PROs 6, 9, 18 and 19 can all be considered as related (Frequency of Conferences).

In effect there are no more than eleven relevant and discrete subject areas to be considered via proposals at the XVIth IHC. For Australia, this confirms the view that more regular Conferences are currently unjustified when there are such a relatively small number of discrete subjects being raised.

Australia also believes that the financial implications of more frequent conferences should not be overlooked. It is difficult to see how more regular conferences can possibly be cost neutral for the IHO or for individual Member States. Full conferences are expensive to run and expensive to attend. The preparatory period for conferences is at least 12 months. More frequent conferences must result in an increased administrative workload for the IHB and for participating M/S who will need to prepare their positions for each, more regular conference.

More frequent Conferences must also inevitably lead to increases in travel expenditure. A consequence of this is that a number of distant Member States may find it difficult to attend Conferences every two and a half years. If this happens then Conference decisions and discussions will be taken without a fully representative attendance.

In the circumstances, Australia considers that intersessional meetings in the form generally described in this PRO 6, but without such a meeting having any voting powers, is the most appropriate way of providing more regular meetings of the IHO.

BRAZIL

Brazil agrees with the proposal submitted by IHB.

CANADA

Canada cannot support PRO 6 because it purports to accomplish what cannot be done legally without amending the Convention.

Article V of the Convention prescribes the functions of the Conference. Since the Conference has been the only venue and mechanism to deal with all matters pertaining to the IHO since the creation of the Organization, it is difficult to contend that the Conference is not an exhaustive mechanism. This is supported by the availability of an extraordinary session provided at Article VI.

Consequently, the creation of intersessional meetings to consider matters that fall outside the scope of either the ordinary session or an extraordinary session of the Conference cannot be supported as the Conference is exhaustive. Since Article VI sets out the meeting schedule, it is submitted that any additional meeting which would lead to decisions in accordance with Article V (d) would contravene the Convention.

Contrary to the IHB assertion, the IHO Legal Advisory Committee has indeed reached a conclusion with regard to Decision No. 5. Save for the United States, all members agreed that an extraordinary session of the Conference cannot be agreed upon on a standing basis, that is, without the necessity of meeting the requirements of Article VI.1 each time a meeting is convened.

CHILE

Chile is in favour of finding a practical solution to have more frequent Conferences. We are of the opinion that a solution outside the Convention should be agreed, as changes to the Convention take too long.

The proposal submitted by IHB goes in that direction but, in our opinion, to guarantee the aim of the proposal, some minor changes to IHB wording are suggested and therefore we are proposing the following comments:

Article 48

Needs no change.

Article 49

It is not clear what is meant by the wording of the last sentence. We think that the basics of what is meant could be represented by the following wording:

“The INTERSESSIONAL MEETINGS will produce a Report of the work carried out, including a list of recommendations agreed at the meeting. The IHB should circulate the Report and recommendations, requesting MS approval, by correspondence, according to Article VI.6 of the Convention. IHB should report to the next ordinary Conference on the outcome of the meeting and progress made during the period between the latest meeting and the ordinary Conference to which the report is submitted”.

Article 50

It is proposed to delete this article. In our view its content constitutes a useless restriction and is in error when mentioning that the Meeting “will take decisions”. We think this last part goes against the Convention, as only the Ordinary and Extraordinary Conferences, as well as Member Governments, by correspondence, are entitled to take decisions, and therefore, the proposed INTERSESSIONAL MEETINGS only can make “recommendations”.

Article 51

(It should be entitled Article 50 if the above proposal is accepted, also last paragraph must be deleted as it is a repetition of Article 49).

The actual wording opens the floor for more than one meeting between ordinary Conferences; does not provide the required quorum needed to agree on celebrating a meeting and grants IHB as well as MS the possibility to call/request a meeting whenever considered necessary. It is our opinion that we

should agree on just one Meeting between ordinary Conferences. We think that if there is an extraordinary need to meet, Article VI.1 is still applicable, and an extraordinary Conference may be held. Therefore we propose the following new wording:

“The INTERSESSIONAL MEETINGS will be held once between ordinary Conferences. The language used during meetings will be English. The date and venue will be proposed by the preceding Conference or later by the IHB at least 12 month in advance. Proposals or Agenda items to be discussed will be forwarded to the IHB no later than 6 months before the meeting and they will be collated and distributed by the IHB at least 3 months before.”

CROATIA

Croatia has no comments regarding this proposal.

FINLAND

Supported.

Finland understands the Paragraph 5 to mean that the decision of an Intersessional meeting will be done in accordance with the Rule 3 of the Rules of the I.H. Conferences. Intersessional meetings should be held only if really needed.

Finland proposes to delete the following sentence in the Paragraph 5 and the Proposed Article 51. *'One meeting will be mandatory between two ordinary Conferences'.*

FRANCE

This proposal makes it possible to achieve a significant reinforcement of the opportunities of direct cooperation between Member States, without modifying the Convention, and without resulting in a significant administrative and financial overload. If it were to be adopted, in particular with the obligation to hold an intersessional meeting between two Conferences, it does not seem that the proposals to increase the frequency of ordinary Conferences (PRO 9 and 18) offer any great advantage.

Modifications are however to be made to the new Article 51 of the General Regulations proposed by the Bureau. On the one hand the approval process for the holding of an intersessional meeting, whether it be requested by a Member State or by the Bureau, must be clarified: is it by vote at the IHC or by CL by simple majority and a majority of at least a third of the Members, for example.

On the other hand, the sentence concerning the language to be used, which is contrary to Article XII of the Convention, should be deleted: the eventual choice of a single working language must be considered when preparing the intersessional meetings.

Subject to these modifications, France is in favour of PRO 6 submitted by the Bureau.

GREECE

It must be noted that although this proposal moves in the right direction, we note that the proposed Article 50 indicates that this intersessional meeting will not consider matters referring to Article V of the Convention which will be handled in the Ordinary Conferences. If this is the case, this intersessional meeting will examine, according to our opinion, items of minor importance since Article V takes care of the major subjects that concern IHO and IHB (functioning and work of the Organization, examining of reports, making decisions on technical and administrative matters, approving the budget, adopting amendments to the GR and FR, considering matters referring to the

status of the directors and staff of the Bureau). As an alternative could be considered the extension of the participation in the SPWG and the examination of relevant matters of interest.

INDIA

The proposal is supported by India through legally permissible means.

ITALY

Italy is in principle favourable provided both the intersessional meeting and the ordinary conference together do not exceed the total length of the present ordinary conference.

MONACO

In the proposed insertions in the IHO General Regulations, it would seem that there is a repetition in Article 49 and the last paragraph of Article 51.

NETHERLANDS

Note: Before voting on this proposal, Decision 5 /2000 should become obsolete, by voting. In principle the Netherlands thinks this is the best proposal concerning additional conferences or meetings.

Advantages are the possibly simpler rules of procedure than for Conferences, as well as the fact that more than one meeting could be held, if required.

It does not seem necessary to have a mandatory meeting between Conferences. (paragraph 5)

NEW ZEALAND

New Zealand does not support any proposals for conferences at less than 5 year intervals. It is considered that the subject material of the Second Extraordinary meeting was very light once the strategic planning issues had been dealt with. No evidence has been presented to show that more significant issues are likely to be raised in future extraordinary meetings.

International travel funding is always difficult for Member States that need to travel large distances to reach Monaco. Frequent meetings inhibit their ability to participate.

However, New Zealand does support a limited amount of intersessional meetings, provided the agenda contains a number of topics of significance.

NORWAY

Norway's view is that this is a proposal which delays the need for changing the Convention. The wish expressed in Decision 5 from the 2nd EIHC implies a wish of more frequent conferences. Looking at Canada's PRO 9 together with the proposed new ToR for the SPWG in IHB PRO 4, these proposals assume that it is natural to hold an Extraordinary Conference in 2004. Therefore the first regular Conference in a new regime will be in 2009 or 2010, this giving IHO ample time to implement changes.

PERU

Peru agrees that there is a need to have an intersessional meeting of IHO Offices in between two Ordinary Conferences, but that this should be restricted to one session. The procedures proposed by Article 51 seem adequate, but there is a need to assure a quorum to decide on such intersessional meeting.

PORTUGAL

It is an alternative to PRO 18 (Portugal). Agree, if PRO 18 is not approved.

SWEDEN

Sweden supports the proposal. However, para 5, second line "the request of any member" gives no limitations in the demand of an extra Conference. There must be some instrument indicated how to clarify the necessity. The use of Circular Letters to obtain the approval by all Member States is one way as well as a decision made by the Directing Committee. The problem is repeated in the outlined Article 51.

TURKEY

Agreed.

UK

UK supports the principle which underlies PROs 6, 9, 18 and 19 but prefers PRO 6 which provides the most pragmatic way of carrying forward the intent behind Decision 5 of the EIHC in a timely manner. Our order of support for the remainder is 18, 19 and 9.

The UK supports the general principle of this proposal but would not wish to see the size of delegation reduced below Head of Hydrographic Office (HO) plus 4 in order to ensure HOs who have a wide remit can adequately represent their fields of interest relating to the technical aspects described in Paragraph 1 of the proposal. We question the need for a report to Ordinary Conference since the Intersessional meeting is open to attendance by the full membership. However, we recognise that not all Member States may be able to attend and suggest that circulation of the conference minutes would be a more suitable and timely way of keeping the membership informed. Should attendance be low at such meetings, it would be necessary to ensure that any voting is representative of the IHO membership as a whole by fixing a quorum or following a similar procedure to that suggested for PRO 1. In the proposed insertions to the IHO General Regulations, the content of Article 49 is repeated in the final paragraph of Article 51 and is therefore not required. UK believes that Decision 5 of the EIHC 2000 could be left to stand since it gives an indication of the intent of Member States and would in effect be superseded by a successful vote in favour of this proposal, provided that point is made clear,

USA

Intersessional meetings in "English only", as proposed, cannot function as an intersessional conference where decisions are made by the Member States. The U.S. does not see a need for regular sessions between the five-year regular I.H. Conferences. With SPWG, CHRIS and WEND meetings, the addition of intersessional meetings with added preparations and cost is an unjustified burden.

PRO 7 - LENGTH OF TENURE OF CHAIRMEN OF IHO WORKING GROUPS, COMMITTEES

Submitted by: Australia (WORK PROGRAMME 5)

PROPOSAL

The Conference is requested to approve the amendments to TR T1.1 as follows:

T 1.1 FORMATION OF INTERSESSIONARY SUBSIDIARY BODIES OF THE IHO

- 6.1 Terms of Reference: every subsidiary body shall be governed by Terms of Reference (TOR) clearly stating the Objectives of the body. TOR shall be approved by the Member States, reconfirmed during each relevant session of the Conference and deposited with the IHB, with the exception of Working Groups formed under 5.3(b) above which shall be approved by the establishing Committee or board. Approved TOR for Committees and Boards shall be posted on the IHO WEB site in the MS -only section.
- 6.2 NO CHANGES
- 6.3 Chair: the TOR shall establish the method of determining the Chair and Vice-Chair of each body. The TOR may provide that the Chair and the Vice-Chair be determined by vote of the Member States participating in the body or by appointment by the Directing Committee in consultation with the Member States. For bodies that meet, the Chair and Vice-Chair shall be appointed at the first meeting of each body following each ordinary International Hydrographic Conference and their term of office shall normally be until the first meeting after the next ordinary International Hydrographic Conference. For those bodies that progress business by correspondence in lieu of meetings, the initial Chair and Vice-Chair will be determined by correspondence within six months of the end of an ordinary International Hydrographic Conference. Alternatively, the Chair and vice-Chair may be selected at the Conference. Their term of office shall normally be until six months after the end of the next ordinary International Hydrographic Conference
- 6.4 Reporting: every subsidiary body is to provide an annual report and a report to each relevant session of the Conference, summarizing its activities, accomplishments and recommendations. Such reports should be in one of the official languages of the IHO and should be submitted to the Bureau for inclusion in the Bureau's Annual Report, or as individual reports to the Conference. The exception to this rule is that Working Groups formed under 5.3 (b) should submit their reports to the parent body, which will make a copy available to the IHB for distribution to all interested Member States.

EXPLANATORY NOTE

1. IHO subsidiary bodies are established under the IHO Convention Article VI, paragraph 7, Rules 21 and 22 of the Rules of Procedure, and Technical Resolution (TR) T1.1.

- TR T1.1.6.1 requires that Terms of Reference be established for every subsidiary body.
 - TR T1.1.6.4 requires that such bodies report annually and to each relevant session of the Conference.
 - TR T1.1.6.3 requires that a Chair and vice-Chair of IHO intersessional subsidiary bodies be established, either by appointment by the Directing committee or through election by M/S.
2. The matter of re-election of officer bearers is not addressed. Alignment of the length of tenure of office bearers to coincide with an annual reporting cycle or with the cycle of ordinary sessions of the Conference is not addressed either. This proposal seeks to rectify these omissions.
 3. In the absence of clear guidance in TR's, IHO Committees and Working Groups (WG's) have until now been established with varying levels of clarity, regarding the duration of the Chair and vice-Chair. This has meant that some office bearers have held office for long periods without formal re-endorsement. In other cases, the time in office is so short that the work programme and tasks set by the Conference is less than the time between sessions.
 4. The following table illustrates the variation in current IHO chairmanship arrangements.

Committee or WG	Duration
Committee on Hydrographic Requirements for Information Systems (CHRIS)	election at first meeting following IHC
Commission on Promulgation of Radio Navigational Warnings (CPRNW)	election at first meeting following IHC
Worldwide Navigational Chart Data Base Committee (WEND)	election at first meeting following IHC
Technology Assessment WG (TAWG)	three year duration
Standardisation of Nautical Publications WG (SNPWG)	three year duration
Transfer Standards Maintenance and Assessment development WG (TSMAD)	no limit or guidance
Colours & Symbols Maintenance WG (C\$SMWG)	no limit or guidance
Data Quality WG (dormant)	no limit or guidance
Tidal Committee	no guidance provided
IHO Committee on the Hydrographic Dictionary	no guidance provided
Chart Standardization Committee (CSC)	no mention of Chairmanship
Working Group on Standards for Hydrographic Surveys (S-44 WG)	no mention of Chairmanship
Legal Advisory Committee (LAC)	no mention of Chairmanship

5. The IHC, through its consideration of the IHO Work Programme and the supporting IHO Committee reports, sets and endorses the requirements for subsidiary bodies for each forthcoming intersessional period. It is inherently inefficient for a Chair or vice-Chair to oversee only part of a programme during an intersessional period. It is therefore most appropriate that the appointment of office bearers is synchronised to follow the IHO programming cycle. It is also inappropriate for existing Chairs to assume a further term without formal re-election.

6. Perhaps sensing the anomaly, three of the more recently established subsidiary bodies have already incorporated the following requirement in their ToR's:

"The Committee Members will elect the Chairman of the Committee at its first meeting following each International Hydrographic Conference"

7. It also follows that the Chair of a subsidiary body should be obliged to report not only on activities and accomplishments, but also to make relevant recommendations for future activities. This is an important contribution to the planning and review process. However, there is no explicit requirement for Chairs to make recommendations in the current TR's.
8. Finally, in accordance with democratic principles, and in order to ensure harmony and support from the outset, any election of office bearers should come from within the group of participating members. In the unlikely event that a Chair loses the confidence of the group, then a no-confidence motion is the most appropriate mechanism to obtain a replacement. It is therefore inappropriate and unnecessary for the Directing Committee to have authority to make an appointment as is currently the case in TR6.3.
9. In order to ensure consistency in the administration of IHO subsidiary bodies, Australia proposes an amendment to TR T1.1.

IHB COMMENTS

None.

MEMBER STATES' COMMENTS

AUSTRALIA

This proposal was raised by Australia.

BRAZIL

Brazil agrees with the proposal submitted by Australia.

CANADA

Canada supports this proposal; however, considers the first sentence in item 6.3 is made redundant in view of the second sentence.

CHILE

We acknowledge the existence of some minor shortcomings in TR T 1.1.

In our opinion the present paragraph 6.3 is open and any method can be adopted. Thus, the decision can consider the best existing method according to the existing situation, at the moment of establishing the subsidiary body. The changes being proposed to 6.3 are considered too restrictive and may produce confusion in its application. For example:

- a) Why would the Conference be impeded to nominate a Chairman and a Vice-chairman when deciding to establish a subsidiary body?
- b) What is meant by "participating" Member State? Those that have expressed their willingness to participate or those attending the first meeting? A new definition is needed. Moreover, and no

matter what the definition might be, we think that faculties of MS not in a position to participate, are being restricted.

- c) The last paragraph proposed gives the impression that subsidiary bodies cannot be established by correspondence and therefore its officers cannot be appointed. Moreover, it gives the impression that a first meeting must exist, impeding the establishment and work of subsidiary bodies by correspondence.

Therefore, we would prefer to keep 6.3 as it is.

In relation to paragraph 6.4, we fully agree with the proposed amendment and we support it.

CROATIA

Croatia supports this proposal to amend TR T1.1 in the part concerning Chair and Reporting, believing that these amendments, recognizing specific qualities in the organization and work of particular WGs and Committees, will introduce formal and administrative order which should result in a more efficient and easier work not only of WGs and Committees, but also of IHB and the hydrographic community as a whole.

FINLAND

Supported.

Please note that to be consistent with PRO 6, the reporting to intersessional meetings will be in English only.

FRANCE

Not in favour.

It does not seem that the freedom left at present to the IHO Working Groups and committees as regards determining their chairmanship has raised any particular difficulty in the running of these groups. Indeed it does not appear very desirable to introduce a strictly standardized formal procedure for all the bodies of the Organization.

GREECE

No comments.

INDIA

The proposal is supported by India in view of explanation submitted by Australia but in para 6.3 of TR T1.1, provision of appointment by Directing Committee in consultation with Member States may be retained.

ITALY

Italy supports the proposal and suggests that chair and vice-chair of various WGs be evenly distributed among all the RHC.

NETHERLANDS

No objections to this proposal.

NEW ZEALAND

New Zealand supports rationalization of the tenure of office bearers.

PERU

Peru thinks that the proposed paragraph 6.3 is too restrictive to nominate Chairs and Vice Chairs of subsidiary bodies. More flexibility is needed to confront changing conditions in our field. We think that there is a need to establish a minimum length of tenure to assure continuity in the discussions of the bodies (i.e 2 to 3 years), but also to fulfil the natural right of interested Member States to exercise the chair and vice chair of some of these bodies.

PORTUGAL

Agree.

SWEDEN

Sweden supports the proposal with a change of the language of the reports in para 6.4. According to PRO 6 there is a possibility of extra Conferences. The language of these Conferences is English only. To reduce the work load of the IHB in the case of the reports to such an extra Conference and perhaps in many other circumstances the language of the reports should also be in English only. Already today most reports are published and distributed to every MS waiting for the translation and published in the French language as the other official language.

TURKEY

No comment.

UK

The UK supports the general principle of this proposal but suggests the following additional comments.

As the proposal stands it does not state who should approve the TOR's for Working Groups, though it could be implied that it is the parent body. This could be clarified by rewording TR T1.1 paragraph 6.1 to read:-

6.1 Terms of Reference: Every subsidiary body shall be governed by Terms of Reference (TOR) clearly stating the Objectives of the body. TOR shall be approved by the Member States (MS), reconfirmed during each relevant session of the Conference and deposited with the IHB, with the exception of Working Groups formed under 5.3(b) above which shall be approved by the establishing Committee or Board. Approved TOR for Committees and Boards shall be posted on the IHO WEB site in the MS-only section.

Additionally, paragraph 6.3 only implies the length of office. UK suggests that this should be implicitly stated. It could also be the case that some bodies, through lack of finances for example, progress business without the need for any meetings. Both these eventualities could be catered for by amending the third sentence of paragraph 6.3 of the proposal to read:-

The Chair and vice-Chair shall be appointed at the first meeting of each body following each International Hydrographic Conference and their term of office shall normally be until the meeting of that body after the next International Hydrographic Conference. For those bodies that progress business by correspondence in lieu of meetings, the initial Chair and vice-Chair will be elected by postal vote organised by the IHO. Subsequent Chair and vice-Chair will be elected by the body itself.

N.B. It should be noted that the entry for CSC in the table contained within paragraph 4 of the proposal is incorrect. The CSC's current Terms of Reference [IHO Circular Letter 14/1998, dated 24 March 1998] detail the arrangements for Chairman, Vice-Chairman and Secretary. Input was provided by the IHB for this revision. The revision was initiated in response to XVth IHC Decision No. 1 (PRO 2) which amended Technical Resolution T 1.1 - Committees and Working Groups. Additionally, the CSC's Terms of Reference currently on the IHO website pre-date those announced in IHO Circular Letter 14/1998.

USA

The proposed paragraph 6.3 of the proposal eliminates the options for an I.H. Conference to designate, or Member States as a whole to vote by Circular Letter, on the Chair and vice-Chair of subsidiary bodies. For example, the Chair of the Strategic Planning Working Group and Copyright Working Group both were designated at I.H. Conferences. The Finance Committee, Legal Advisory Committee and other Committee Chair and Vice-Chair have sometimes been confirmed at I.H. Conferences and sometimes confirmed by Circular Letter to Member States. The U.S. can accept that the Chair and Vice-Chair of subsidiary bodies normally should be determined by vote amongst the participating members rather than by Circular Letter issued from the I.H. Bureau. However, there are occasions when designation by an I.H. Conference is desired or a Circular Letter is necessary (when a Chair is not active or responsive, there are times when the I.H. Bureau has had to act to replace the Chair). Suggest revision of the next to last sentence and addition of a new sentence as follows:

“The TOR shall provide that the Chair and the Vice-Chair normally be determined by vote of the participating Member States. The Chair and Vice-Chair may be specified by an I.H. Conference or determined by a vote called for by the I.H. Bureau by Circular Letter.”

The proposed 6.3 does not accommodate the rotation of Chair and Vice-Chair for those commissions and working groups, which work principally by correspondence. Suggest amendment of T.R T1.1, paragraph 6.3 final sentence as follows:

“The Chair and Vice-Chair shall be elected at the first meeting of each body following each International Hydrographic Conference or, in the case of bodies which work principally by correspondence, at an agreed time generally within three (3) months of the conclusion of the I.H. Conference.”

The proposed T.R. T1.1 paragraph 6.4, 5th line suggests submission of reports “...for inclusion in the Bureau’s Annual Report, or as individual reports to the Conference.” It is suggested that this be reworded to provide for the already established practice of placing reports on the IHB web site. The suggested revision of the next to last sentence is as follows:

“...should be submitted to the Bureau for inclusion on the I.H. Bureau web site and for inclusion in summary form in the Bureau’s Annual Report, and as individual reports to the Conference.”

Finally, an additional sentence is proposed to be added at the end of paragraph 6.4 as follows:

“If the subsidiary body is to provide recommendations on future activities in its report, these recommendations should reflect those of the subsidiary body and not the Chair alone.”

PRO 8 – CLARIFICATION OF THE ROLES AND RESPONSIBILITIES OF THE IHO LEGAL ADVISORY COMMITTEE

Submitted by: Australia (WORK PROGRAMME 5)

PROPOSAL

1. The IHO Legal Advisory Committee (LAC) was established in 1993 as a result of Decision 14 of the XIVth I.H. Conference. Australia has been an active participant in the LAC since its inception, and has been deputy Chair since 1997.

2. The LAC was originally established to provide “... *a special committee of legal experts to which questions concerning legal matters could be referred for advice as required.*”¹

However, the current Terms of Reference (ToR’s) are in some ways unclear regarding the role and functioning of the LAC. Australia is concerned that as a result of this, despite the best efforts of the members of the LAC it has not always been able to provide the IHO with the best possible advice.

3. There have been several occasions where the Directing Committee has sought advice from the LAC on matters arising from the administration of the IHB. It is our view that questions such as this, which often raise the potential liability of the IHO should be referred to retained legal advisers as the LAC is not in a position to provide this advice and was not formed to do so. This should be made clear in the ToR’s.

4. It has also been the case that lay-members of the LAC have forwarded so-called ‘Opinions’ or ‘views’ from time to time. Such submissions provide little assistance to consideration of matters before the LAC, because they are rarely based on legal argument, research and consideration. Indeed, such submissions can confuse the issue under reasoned deliberation. This is undesirable and defeats the purpose of having the LAC. If Member States wish to provide comment and views, rather than formal legal opinion, then they are free to do so, but it should be made clear when this is the case.

5. It is Australia’s view that the effectiveness of the LAC will be improved by updating the ToR’s to make it quite clear that the work of the LAC is confined to matters that affect the implementation and execution of the IHO Convention and the conduct and execution of the aims of the IHO as described in the IHO Work Program. Furthermore, it should be made clear when an Opinion is being provided by an appropriately qualified person and when it is not.

Action requested of the Conference

6. The Conference is requested to consider adopting the Terms of Reference of LAC proposed in Annex A.

¹ XIVth IHC Proposal 31

Annex A to a Proposal by Australia to amend LAC ToR's

**PROPOSED AMENDED TERMS OF REFERENCE
(Proposed amendments incorporated)**

**TERMS OF REFERENCE (TOR) FOR
THE IHO LEGAL ADVISORY COMMITTEE**

1. The IHO Legal Advisory Committee, as a source of relevant legal information and a focal point for consideration of legal issues which may arise in pursuing IHO initiatives and programs, will, subject to clause 2:

- a. Consider legal issues raised by a Member State or the Chairman of an IHO subsidiary body and submitted through the Directing Committee of the I.H. Bureau. The Directing Committee may also itself raise relevant issues for consideration.
- b. Respond to such legal issues that are relevant to these Terms of Reference and as raised under (a) above through the IHB.
- c. Interact directly, as required, with parties originating such issues to obtain background information or clarifications.
- d. Keep the Directing Committee of the I.H. Bureau and, through them, all Member States informed of the results of considerations made.
- e. Conduct its business by correspondence to the maximum extent practical.

2. The Committee will restrict itself to matters generally relating to the interpretation and application of the IHO Convention and the conduct and execution of the aims of the IHO as described in the IHO Work Program. It will not serve as counsel or legal advisors to the Directing Committee over matters concerning the general administration of the I.H. Bureau, its staff or in the conduct of related IH Bureau administration.

3. The Legal Advisory Committee (LAC) will be composed of persons nominated by the official representative to the IHO of each interested Member State. Members of the LAC should generally be recognized legal practitioners as determined by the Member State being represented. However, in the event the nominated person is not a recognized legal practitioner but, rather, acts as a liaison between a Hydrographic Office and an outside legal department, then any opinions proffered should indicate the relevant department or adviser. In such a case, consideration of issues within the LAC may involve, as needed, direct interaction between the legal specialist identified to the LAC by the Member for the particular issue involved.

4. It is the intent that the advice generated by the LAC will be non-partisan and be based solely on the legal aspects of an issue, in order to facilitate progress on consideration of the technical hydrographic problem or problems to which the issue relates and help ensure that valid solutions are achieved.

IHB COMMENTS

None.

MEMBER STATES' COMMENTS

AUSTRALIA

This proposal was raised by Australia.

BRAZIL

Brazil agrees with the proposal submitted by Australia.

CANADA

Canada supports the adoption of the Terms of Reference proposed in Annex A of PRO 8. The text of PRO 8 contains information that may be more appropriate in an Explanatory Note.

CHILE

We would prefer to comment on this proposal at the Conference, after the presentation of the LAC Report.

CROATIA

Croatia has no comments regarding this proposal.

FRANCE

Not in favour.

The modifications proposed by Australia are simply aimed at qualifying the implied content of the opinions of the LAC and do not strictly change its Terms of Reference.

GREECE

HNHS supports this proposal.

INDIA

This proposal needs greater deliberations, since the present TOR's of LAC are considered adequate.

ITALY

Italy supports the proposal.

MONACO

Annex A – Terms of Reference of the IHO Legal Advisory Committee, para. 3:

The end of the second sentence states:

" ... should indicate the relevant department or adviser." The end of the preceding sentence should then be completed by " ... acts as a liaison between a Hydrographic Office and an outside legal department or legal adviser ..."

In the last sentence is the word "interaction" the most appropriate ? Would it not be more appropriate to change it to "intervention".

NETHERLANDS

The proposal is acceptable.

NEW ZEALAND

New Zealand supports the proposal.

NORWAY

If we understand the Australian proposal correctly there is a limitation to what the LAC should offer as an opinion, and also indicate if the LAC make their comments as legal experts or not.

Members of the LAC should be nominated as independent professionals, and ideally they should only focus on technical (legal) questions.

When it comes to limitations as to what the LAC should comment on, the question we should ask ourselves is: why do we have the LAC and how do we want to use the committee? This should be reflected in the ToR.

Norway cannot support Australia's proposal and proposes to the Conference that this complicated issue be addressed by the SPWG rather than the Conference.

PERU

No comment.

PORTUGAL

Agree.

SWEDEN

Sweden supports the proposal. No comments.

TURKEY

Agreed.

UK

The UK supports the general principle of this proposal. The proposal has been well stated in that the Legal Advisory Committee (LAC) should be responsible only for providing legal opinion on the application of the IHO Convention and the conduct and execution of the aims of the IHO. However, UK does not support the content of paragraph 3 regarding lay members, particularly the last sentence, which permits the LAC direct access to a third party legal specialist. Because such services carry considerable costs, we believe it is inappropriate for anybody other than a Member State to have the authority to procure such third party services. The following amendment is therefore proposed to paragraph 3:

3. The Legal Advisory Committee (LAC) will be composed of persons nominated by the official representative of the IHO of each interested Member State. These persons must have the authority to provide legal opinion on behalf of their official representative to the IHO, either directly or by acting as liaison between the LAC and an outside legal department or firm retained by the Member State. Should the LAC require direct contact with the outside legal department or firm then the express permission of the relevant person nominated to the LAC must be obtained. If permission is not granted then contact must continue through the person nominated as the Member State representative on the LAC.

USA

The Legal Advisory Committee should generally consist of recognized legal practitioners as determined by the Member State being represented. The U.S. suggests that a new 2nd sentence be inserted into the proposed Terms of Reference, paragraph 3 and the beginning of the existing 2nd sentence be revised to become a 3rd sentence as follows:

“Members of the LAC should generally be recognized legal practitioners as determined by the Member State being represented. However, in the event...”

PRO 9 - FREQUENCY OF INTERNATIONAL HYDROGRAPHIC CONFERENCES

Submitted by: Canada (WORK PROGRAMME 5)

- References :
1. Article VI paragraph 1. and Article XXI of the Convention
Rule 2 of the Rules of Procedure for Hydrographic Conferences
Article 3 of the General Regulations of the IHO
 2. Decision no. 5 of the 2nd Extraordinary I. H. Conference
 3. LAC Summary of submissions on the issue of the Constitutionality of Decision no. 5

PROPOSAL

For the purpose of increasing the frequency of meetings in ordinary session, it is proposed that the IHO approve an amendment to the second sentence of paragraph 1 of Article VI of the Convention on the International Hydrographic Organization, to read as follows:

“It shall meet in ordinary session every two and one half years.”

It is also proposed, subject to the approval and coming into force of the above amendment, that an amendment to the first sentence of Rule 2 of the Rules of Procedure for Hydrographic Conferences be approved to bring it in line with the Convention. It should read as follows:

“The Conference shall meet in ordinary session every two and one half years at the seat of the Organization at a date fixed at the close of the previous session.”

It is also proposed, subject to the approval and coming into force of the amendment to the Convention, that an amendment to Article 3 of the General Regulations of the IHO be approved to bring it in line with the Convention. It should read as follows:

“The International Hydrographic Conference shall meet in ordinary session every two and one half years at the seat of the Organization at a date fixed at the close of the previous session.”

These amendments should only come into force upon the coming into force of the amendment to paragraph 1 of Article VI of the Convention in accordance with Article XXI of the Convention.

EXPLANATORY NOTE

The 2nd Extraordinary I.H. Conference approved Decision no. 5 whereby the IHO agreed to hold an extraordinary IH Conference between two ordinary Conferences. Subsequent to the Conference, the Strategic Planning Working Group agreed to re-visit the subject as some Member States were of the view that the decision was unconstitutional. The SPWG requested the advice of the Legal Advisory Committee on the issue of the constitutionality of Decision no. 5.

As appears from the Summary of submissions prepared by the LAC, three members were of the view that an extraordinary conference between two ordinary conferences could be convened provided that it was requested by a Member State and approved by a simple majority vote. Three members were of the view that an extraordinary session could not be approved on a standing basis without amending the Convention. One member was of the view that Decision 5 was constitutional.

The purpose of Decision 5 was to approve on a continuing basis the holding of an extraordinary conference between two ordinary conferences without the necessity of voting on the matter on each

occasion an extraordinary conference was being held. If the holding of an extraordinary conference between two ordinary conferences was subject to the voting requirements of paragraph 1 of Article VI of the Convention, then Decision 5 was redundant of the Convention.

By approving Decision 5 by a majority of 38 votes, the Conference has accepted the principle of the need to increase the frequency of conferences. This proposal to amend the Convention is the procedural mechanism required to implement Decision 5.

The Member Governments will benefit from a greater frequency of conferences. The conference is the most appropriate vehicle to monitor the activities of the organization on the progress of its work plan.

As well, paragraph 6 of Article VI provides for consultation by correspondence on questions concerning the technical functioning of the Organization, as well as a voting mechanism between sessions of the Conference. However, the voting majority is calculated on the basis of the total membership of the Organization, whereas these questions could be determined by a majority of the Member Governments represented at the Conference.

Finally, a significant number of National Hydrographers hold and leave office without ever having attended a Conference, and the value of their full input may be lost.

An amendment to the Convention would be consistent with the principle approved by the Conference by its Decision 5. Whereas the convening of a conference between two ordinary conferences would depend upon the outcome of a vote on the issue based on the present Convention, the proposed amendment to the Convention will bring certainty to member states who wish or need to plan their participation in the Conference.

IHB COMMENTS

1. The Decision 5 of the EIHC makes provision for 'an' EIHC. Even if this is implemented, it would still require approval for all future interim conferences.
2. If interim Conferences are envisaged and confined to an overall 5 working days this is not, in the opinion of the Bureau, adequate time to address all the issues that will have to be dealt with in the 2 1/2 year period.. There are, for instance, at present about 20 proposals and more than 20 Reports for the next Conference and the Reports may also contain proposals. These will have to be considered by the Conference in an effective time period of four days. The Bureau considers it necessary to have at least seven full working days for the work of a normal conference, the election of the Directing Committee and the Opening and Closing Ceremonies to be accommodated.
3. It is suggested that the present system of 5-year Conferences be maintained with the duration being restricted to seven working days (Monday to the Wednesday of the following week) and that IHO "Meetings" be held in the interim period of 2 1/2 years between conferences. This would not entail any constitutional amendments, there would be little requirement for the normal conference infrastructure and could achieve the same purpose at very little extra cost to the five yearly budget. The Meeting would be confined to Hydrographers and their advisors but no observers are envisaged.
4. If the proposal from Canada is accepted, then it should be convenient to clarify that the election of the D.C. is made every 5 years (as stated in Article X of the Convention) and not every 2.5 years. Therefore, it will be advisable to add to the changes proposed by Canada to the Convention, the replacement of the word Conferences, in the 4th line of Article X, para 2

by "Elections". The same amendment should be made to Article 27 (d) and 46 (a) of the IHO G.R.

5. The Bureau believes that a change in the Convention to resolve this matter has the same difficulties to be implemented as the other two amendments to the Convention approved at the XIIIth and XVth Conferences. Therefore, the IHB firmly believes that the alternative proposal PRO 6 will achieve the target sought more easily.

MEMBER STATES' COMMENTS

AUSTRALIA

Australia acknowledges that there is strong support for more regular meetings of the IHO to formally review and discuss its activities. However, it remains Australia's view that a convincing reason to hold IHC at intervals of less than five years has yet to be made. Australia's analysis of the agenda for the XVIth Conference tends to confirm this.

The Australian view is that, in general, Conferences should only address and decide upon matters related to the longer-term aims, ambitions, finances and regulations of the IHO. Such items will therefore normally be limited in number and typically will not be time critical.

In the agenda for the XVIth Conference only PROs 1-11, and 15-21 can be considered as meeting the criteria above. PROs 12, 13 and 14 are actually technical matters that should in the first instance be considered by the relevant IHO technical committees and if necessary a decision achieved through Circular Letter or following a recommendation as part of the report of the relevant IHO Work Programme to the Conference.

Furthermore, PROs 3, 4 and 21 are part of the same topic (Review of the IHO Regulations and Convention); similarly PROs 6, 9, 18 and 19 can all be considered as related (Frequency of Conferences).

In effect there are no more than eleven relevant and discrete subject areas to be considered via proposals at the XVIth IHC. For Australia, this confirms the view that more regular Conferences are currently unjustified when there are such a relatively small number of discrete subjects being raised.

Australia also believes that the financial implications of more frequent conferences should not be overlooked. It is difficult to see how more regular conferences can possibly be cost neutral for the IHO or for individual Member States. Full conferences are expensive to run and expensive to attend.

The preparatory period for conferences is at least 12 months. More frequent conferences must result in an increased administrative workload for the IHB and for participating M/S who will need to prepare their positions for each, more regular conference.

More frequent Conferences must also inevitably lead to increases in travel expenditure. A consequence of this is that a number of distant Member States may find it difficult to attend Conferences every two and a half years. If this happens then Conference decisions and discussions will be taken without a fully representative attendance.

Australia therefore prefers the concept of intersessional meetings in the form generally described in PRO 6, but without such a meeting having any voting powers. Such meetings would have the effect of a "mid-term review" that would be used to refine the strategic direction and activities of the IHO and guide the Directing Committee accordingly. Relevant propositions raised and discussed at such

an intersessional meeting could be carried forward to the next ordinary session of the Conference. In this way, those Member States who are unable to participate in an intersessional meeting would not be penalised.

Australia also notes that this proposal is similar in its intention to PRO 18. However, this Pro 9 does not include the clarification that a Directing Committee will only be elected every 5 years.

BRAZIL

Brazil agrees with the IHB comments.

CANADA

Submitted by Canada, no further comment.

CHILE

Chile supports the initiative to take advantage of the possibility to hold more frequent conferences. Nevertheless, it is our opinion that this goal will be, in the practice, achieved more easily by adopting PRO 6 properly amended as proposed by Chile when commenting PRO 6, than changing the Convention.

CROATIA

Croatia has no comments regarding this proposal.

FINLAND

Not supported.

The aim of this proposal will be covered better by PRO 6.

FRANCE

France considers it very desirable that the Member States' representatives meet more frequently. PRO 6 submitted by the Bureau states the necessity of holding an intersessional meeting of the Directors of Hydrographic Services and its organization. PRO6 is easier to adopt, and more flexible than PRO 9 and PRO 18, since, if the need arises, it also allows for the possibility of holding more than one meeting between two five-yearly conferences.

If PRO 6 were to be adopted, France does not see any interest in increasing the frequency of International Hydrographic Conferences.

GREECE

HNHS supports the proposal and notes that it must be considered together with PRO 6 and PRO 18.

INDIA

India does not agree with the proposal as it is a costly affair to hold IHC every 2½ years and the purpose can be served by holding Video Conferences or discussions through E-Mail/Fax. Further PRO 6 to hold IHO Intersessional Meeting is an option.

ITALY

Italy prefers PRO 6 with the amendment suggested.

NETHERLANDS

Note: Before voting on this proposal, Decision 5 /2000 should become obsolete, by voting.

The Netherlands is against this proposal.

1. Just like a period of 5 years, also a period of 2.5 years is an arbitrary choice;
2. Due to the fact that election of the D.C. takes place every 5 years, the character, or the importance of the different conferences will be different, so that in fact “ordinary” and “Extraordinary” remain in existence.
3. The procedure to change the Convention is too long to realise a rapid change.

NEW ZEALAND

New Zealand does not support an increase in the frequency of conferences. See comments for PRO 6.

NORWAY

On a general basis Norway will prefer that the work with drawing up a new Convention is given priority, through SPWG’s new ToR (PRO 4).

Viewed in the light of the experiences from former efforts to change the Convention, Norway has reservations as to agreeing on various minor changes to the Convention now if the Conference in parallel decides to start a major revision work.

PERU

Peru agrees on the need for more frequent conferences, but shares the concern of other Member States of the procedure to modify the Convention, and hence supports the idea of amending PRO 6.

PORTUGAL

It is identical to PRO 18 (Portugal).

SWEDEN

Sweden does not support the proposal. It has been taken care of by PRO 6.

TURKEY

PRO 6 will satisfy the requirement if accepted.

UK

Although the UK is in favour of more frequent conferences it does not support this proposal as it involves changes to the IHO Convention. This historically has been an extremely time consuming process that has on many occasions ended in failure. UK believes PROs 6, 18 and 19 provide a better and speedier solution for achieving the intent of Decision 5 of EIHC 2000.

PRO 10 - CHANGES TO THE ELIGIBILITY CRITERIA FOR IHB DIRECTORS

Submitted by: United States, Germany, Canada (WORK PROGRAMME 5)

References: Proposal 4 to the 2nd Extraordinary International Hydrographic Conference
Report of the Strategic Planning Working Group

PROPOSAL

The Conference is requested to agree on the following amendments to:

Propose that the eligibility criteria for nominating candidates for International Hydrographic Bureau (IHB) Director be revised. This requires revision of relevant Articles of the General Regulations. **The Conference is requested to approve the new and revised wording of the affected Articles as follows:**

Article 39

Delete existing article and replace with:

“Each candidate shall be regarded by the nominating Member State as having adequate background experience and relevant expertise to the furtherance of the Organization’s goals and operations. All pertinent experiences shall be detailed on the candidate’s nomination form”

Article 40

Delete existing article and replace with:

“Each candidate shall include a statement detailing the candidate’s qualifications for the position. The following specific information should be provided:

General

1. Name
2. Nationality
3. Date of birth
4. Titles, decorations and awards

Education

5. Education (periods including specialized or special qualifications)
6. Languages (speaking and reading knowledge)

Service

7. All service and experience relevant to the nominations and which provides an indication on how it will assist in fulfilling the service as Director.

Professional Achievements

8. Publications
9. Research work and accomplishments

Additional Information

10. This section is to be used by candidates and their governments to expand upon the qualifications and experience of candidates, and their views about the strategic direction and future work of the Organization.”

Article 41

In para (a), delete “The names of the candidates with the statements of service,” and replace with “The nominations”

In para (b), delete “lists of names submitted and present them, together with statements of service,” and replace with “nominations and present them”

Comments

The actual requirements regarding the eligibility for IHB Directors as noted in the existing Articles are too restrictive, which can potentially exclude excellent candidates, who could otherwise serve the Organization well. This was noted by the Strategic Planning Working Group (SPWG), who raised this issue at the 2nd Extraordinary I.H. Conference in 2000.

The United States, Germany and Canada agree with the SPWG that it is time to move forward and move to a more democratic system and amend the relevant articles to reflect the present situation. The most significant revisions are in Articles 39 and 40 of the General Regulations. With the existence of the "Summary of Functions and Roles of IHB Directors" as outlined by SPWG, Member States (MS) can compare each candidate's qualifications, which will be noted on their nomination forms. Further, we believe that MS are sufficiently knowledgeable about the candidate to make an informed decision.

It is realized, as was noted by SPWG, that the proposed revisions may be considered too liberal, allowing the possibility of political nominations or nominations of candidates with limited knowledge in the relevant fields. The United States, Germany and Canada contend that this can actually take place under the existing regulations. However, we are reminded that it is ultimately the responsibility of MS to consider the candidates on their merits and select those who would best serve the Organization in the most effective manner.

IHB COMMENTS

Similar proposals were considered at the XVth IHC (1997) and at the 2nd Extraordinary I.H. Conference (2000). The Directing Committee has no comments on this proposal which requires the approval of 2/3 of all IHO Member States.

MEMBER STATES' COMMENTS

AUSTRALIA

Australia supports the underlying principles of this proposal, but wishes to provide some comments on the detail.

1. Regarding the proposed change to Article 39 Australia considers that it is better to reword this proposed revision using the language of Article II of the Convention (in other words, to use the term “object of the Organization”) as follows:

“Each candidate shall be regarded by the nominating Member State as having adequate background experience and expertise relevant to the furtherance of the object of the Organization.”

2. In respect of the proposed changes to Article 40 Australia considers that the Directors of the IHO are expected to be non-partisan and as such references to a candidate’s Government’s views on the strategic direction and future work of the Organization is inappropriate.

3. In order to protect the IHO from fraudulent or misleading claims, the statement provided by the candidate should be signed by the individual candidate to certify that the information contained therein is accurate and this should be countersigned by the forwarding authority.

Accordingly, we suggest that the proposed changes to Article 40 incorporate the following revisions:

Article 40

Each candidate shall include a statement detailing the candidate’s qualifications for the position. The following specific information should be provided in the statement:

.....

10. This section is to be used ~~by candidates and their governments~~ to expand upon the qualifications and experience of candidates, and their views about the strategic direction and future work of the Organization.”

I certify that the information provided is correct to the best of my knowledge.
(Signature of candidate)

Forwarded
(Signature of the forwarding authority)

BRAZIL

Brazil agrees with the proposal.

CANADA

Jointly submitted by Canada, no further comment.

CHILE

Chile supports the proposal and would like to add a few words (in bold) to Article 39 being proposed. The final text should read as follows:

“ Each candidate shall be regarded by the nominating Member State as having adequate background experience and relevant expertise to the furtherance of the Organization’s mission, objectives, goals and operations. All pertinent experiences shall be detailed on the candidate’s nomination form.”

CROATIA

Croatia supports this proposal.

FINLAND

Supported.

FRANCE

Not in favour.

Proposed modifications to candidates' qualification requirements have been debated time and time again and have never come to anything.

Article 39 has never been applied in an excessively strict manner. No good candidate has been eliminated because of the wording of this article and experience has shown that Article 39 has not prevented the IHB from having several Directing Committees composed of directors with varied and complementary skills.

Finally, Article II of the Convention defines the Organization as having a "purely technical nature" and the aims which are listed clearly relate to hydrographic/oceanographic surveys and nautical documents. The necessary qualifications logically result from this Article II.

GREECE

HNHS supports this proposal.

INDIA

The proposal needs greater deliberations in the light of the decision taken at the XVth IH Conference, wherein amendments to the Convention need to be dealt with greatest care and restraint.

ITALY

Italy supports the proposal.

NETHERLANDS

Proposal is strongly supported.

The Netherlands is of the opinion that the voting procedures offer enough room to obtain an adequate "mix of expertise" amongst Directors.

NEW ZEALAND

New Zealand supports the proposal.

Directors should be selected on their merits for the position. New Zealand notes the need for new skills such as a comprehensive knowledge of strategic planning techniques and programme administration, the development of standards in accordance with ISO and Open GIS criteria, and the management and distribution of electronic charts and data. There are a number of senior officers in Hydrographic Authorities who have excellent skills in such fields but are unable to apply for directorship under the current rules.

Each candidate should clearly state their qualifications and expertise when submitting their application. The conference should then decide which attributes best suit the strategic directions of the IHO for the next term of directorship.

The selection of the three directors, and their subsequent successors, should also take into account the need to ensure a good balance of skills and expertise across the Directing Committee.

PERU

Peru agrees with the proposal.

PORTUGAL

Disagree.

SWEDEN

Sweden supports the proposal. The proposal supports the demands from the earlier stated qualifications as well as taking care of new, wider qualifications in a modern hydrographic world.

TURKEY

Agreed.

UK

The United Kingdom supports this proposal.

PRO 11 - AMENDMENT OF ARTICLE 9 OF THE GENERAL REGULATIONS OF THE IHO AND OF THE RULE 14 OF THE RULES OF PROCEDURE FOR INTERNATIONAL HYDROGRAPHIC CONFERENCES

Submitted by: Greece (WORK PROGRAMME 5)

Revised by: Australia, UK and USA

PROPOSAL

amend GR's Article 9 and ROP's Rule 14 to read:

(a) Twelve months before the opening of the Conference the Bureau shall invite Members to submit the proposals that they wish to discuss at the Conference. At least eight months before the Conference these proposals, as well as those submitted by the Bureau, shall be circulated to all Members, who shall be invited to forward their comments to reach the Bureau at least five months before the Conference. After that date, no new proposals shall be accepted other than proposals referred to in (b).

(b) Amending or alternative proposals directly related to the proposals already submitted under the procedure at (a) may be put forward subsequently. Such proposals must, in addition to the proposing delegation, be supported by two other delegations who, without necessarily approving the proposal, support its discussion by the Conference.

EXPLANATORY NOTE

- a. Proposals for discussion during the Conferences should be submitted within a certain time limit before the beginning of the Conference, so that Member States have enough time for consideration and formation of their national position.
- b. After that limit or during the Conference, the submission of proposals should not be accepted, as many of them could be related to financial matters or matters concerning amendments to the Convention, the General Regulations, the Financial Regulations etc., matters that need particular consideration from the administrations of the Member States.

IHB COMMENTS

The IHB fully supports this proposal.

MEMBER STATES' COMMENTS

AUSTRALIA

Australia supports the intent of this PRO 11 which seeks to ensure that Member States have an appropriate length of time to consider fully any proposals that are to be discussed at an IH Conference. We agree that new subjects should not be introduced for discussion at the last minute.

However, the proposed amendment in its current form is likely to have the effect of disallowing amending, alternative or valuable compromise proposals from being introduced during or in the period before a Conference.

To enable the continuation of the long established practice of allowing amending, alternative or compromise proposals to be considered at conferences Australia believes that the insertion of a new paragraph b to both Article 9 of the General Regulations of the IHO and Rule 14 of the Rules of Procedure for International Hydrographic Conferences and a minor amendment to the proposed paragraph (a) would be appropriate.

It is also Australia's view that more than two months is required for Member States to properly evaluate original proposals and form their views. Certain proposals require some States to seek legal or foreign policy advice or to consult with national departments. This is often difficult or impossible to achieve in two months.

Australia suggests the amendment of Article 9 as follows:

- "a. Six months before the opening of the Conference, the Bureau shall invite representatives of Member Governments to submit the proposals that they wish to discuss at the Conference. At least three months before the Conference these proposals, as well as those submitted by the Bureau, shall be circulated to all Member Governments. After that date no new proposals shall be accepted other than proposals referred to in (b).*
- b. Amending or alternative proposals directly related to the proposals already submitted under the procedure at (a) may be put forward subsequently. Such proposals must, in addition to the proposing Member Governments, be supported by at least two other Member Governments who, without necessarily approving the proposal, nevertheless support its discussion by the Conference."*

BRAZIL

Brazil agrees with the proposal submitted by Greece.

CANADA

Canada supports this proposal in principle but is concerned that the ability to amend or discuss alternate compromise proposals would be lost during the Conference.

CHILE

Chile fully supports the core of the proposal that no proposals to the Conference could be accepted after a particular date. Therefore we support the deletion of b) and c) of both, Article 9 of General Regulations and Rule 14 of rules of Procedure for IHC.

In relation to the proposed new wording for paragraph (a) of both Article 9 of General Regulations and Rule 14 of Rules of Procedure for IHC, our comment follows:

1. It is advantageous, to keep the 12 months prior to the Conference, to circulate the invitation of the Bureau to submit proposals. Six months seems inconvenient.
2. If circulation of proposals takes place only two months before the Conference, it will be impossible to accomplish Rule 15 of Rules of Procedure for IHC. That means the end of the "Red Book" found to be very useful as it collates comments provided by MS and IHB on all proposals.

Therefore, we do not support the proposal to change the wording of paragraph (a) of both, Article 9 of General Regulations and Rule 14 of Rules of Procedure for IHC . Paragraph a) in both parts should be kept.

As a final comment, we are of the opinion that proposals to change the Convention should have a different timing as provided when commenting PRO 1. If that is accepted, then a new paragraph should be added to reflect the difference between proposals to change the Convention and other proposals.

CROATIA

Croatia supports this proposal.

FINLAND

Supported.

Perhaps there should be some specifications how to make amendments to the proposals after the closing date.

FRANCE

In favour as soon as it is decided that the Conference may modify proposals which have been submitted in accordance with the notice required by PRO 11.

We could, to this end, consider that the wording of PRO 11 becomes sub-paragraph 9 a) and 14 a), and add a sub-paragraph 9 b) and 14 b) such as :

"Amendments or alternative proposals to those submitted in accordance with the above para. a), may be submitted during the Conference, as long as at least 3 Member States agree that they should be discussed at the Conference."

INDIA

The proposal is supported by India. A notice of 8 months may be desirable.

ITALY

Italy fully supports the proposal.

NETHERLANDS

Agree with the proposal.

NEW ZEALAND

New Zealand supports Australia's amendment to the proposal submitted by Greece.

NORWAY

Norway in principle agrees that we should avoid having proposals presented quite close to the conferences. This proposal gives Member States very little time for discussions internally and therefore cannot support the proposal.

Norway proposes the following changes to Article 9 of the General Regulation thus:

- a) Retained.
- b) Proposal submitted after that date, *but not later than 3 months before the Conference*, shall be accepted only if they are signed by representatives of at least three Member Governments.
- c) Delete this paragraph.

PERU

Peru agrees with this proposal.

PORTUGAL

Agree.

SWEDEN

Sweden supports the proposal. No comments.

TURKEY

Agreed.

UK

The UK supports the general principle of this proposal as it would remove the opportunity to tender late proposals for which Member States have not had an adequate opportunity to prepare. We are concerned that the timescale of 2 months before conference to circulate proposals is too short. This could impose a heavy burden of work on Member States who would be unable to properly evaluate and comment within the shortened time-scale. Additionally, there is no opportunity for comments to be circulated and UK feels that this facility should be retained and explicitly stated. It should be noted that currently Rule 14 of the Rules of Procedure does give a time-scale for comments whereas Article 9 of the General Regulations does not. In view of the above comments, the following revised wording for paragraph e. of the proposal is tendered for consideration.

"Six months before the opening of the Conference, the Bureau shall invite representatives of Member Governments to submit the proposals that they wish to discuss at conference. At least four months before the Conference these proposals, as well as those submitted by the Bureau, shall be circulated to all Member Governments. After that date no further proposals can be accepted.

At least 2 months before the Conference comments on these proposals should be forwarded to the Bureau by the Member Governments for circulation around the other Member Governments".

Although there is a time-scale of 4 months stipulated for the Bureau to circulate proposals, the Bureau may, if it wishes, circulate proposals when they are received. This would help to resolve the resource problem that may exist for some Member States regarding the reduced time-scales and would encourage formulation of more informative responses

USA

The proposal would have the effect of reducing flexibility, i.e., the Member States' ability to resolve issues during a conference. It is agreed that proposals should not be introduced at the last minute, but existing rules (I.H. Conference Rule 14c) require 24-hour consideration prior to being addressed within Plenary. Proposals introduced during an I.H. Conference generally have been modifications of existing proposals.

PRO 12 - ELLIPSOID HEIGHT DETERMINATIONS TO RELATE CHART DATUMS

Submitted by: United States of America (WORK PROGRAMME 3)

- References:
1. IHO Publication M-3 Resolutions of the International Hydrographic Organization, Chapter A – Subjects of General Application, Section 2 – Nautical Documents
 2. IHO Standards for Hydrographic Surveys, S-44, 4th Ed, April 1998.

PROPOSAL

The Conference is requested :

That IHO Resolution A 2.5, DATUMS AND BENCHMARKS, paragraph 4 be revised to read (addition of the two final sentences):

- 4.- It is resolved that chart datums (datums for sounding reduction), the datums of tide prediction and other tidal datums shall always be connected with the general land survey datum, and, with a prominent and permanent fixed mark in the neighbourhood. **Ellipsoidal height determinations at vertical reference marks should also be made to support the production of seamless data sets, i.e., vertical datum translation between data sets of differing vertical datums. Observations should relate to a geocentric reference system, preferably the World Geodetic System 84 (WGS 84) ellipsoid.**

EXPLANATORY NOTE

The availability of digital hydrographic data is leading to efforts to create seamless transitions through data sets in the coastal zone which often are referenced to different vertical datums. IHO Publication S-57, Appendix A, Chapter 2 – Attributes, lists 29 different vertical datums used by Hydrographic Offices. Transformation between vertical datums is a challenging problem. Efforts to date have typically involved the referencing of each local datum to the WGS 84 ellipsoid. Using this information, data has then been transformed to one or another of the local datums to provide the user with whichever seamless product is needed. See paper titled, “Blending Bathymetry with Topography: The Tampa Bay Demonstration Project by Bruce Parker, Dennis Milbert, Robert Wilson and Jon Bailey, National Ocean Service, NOAA, in the Proceedings of the U.S. Hydrographic Conference. A courtesy copy of this Proceedings on CD-ROM has been mailed to each of the IHO Member State Hydrographic Offices by RADM Ken Barbor, President of The Hydrographic Society of America.

In 1997, the IHO issued Circular Letters 1 and 25 concerning adoption of a Global Vertical Reference Frame following a series of Circular Letters stemming back to 1994. It then was concluded that IHO should defer any adoption of a Global Vertical Reference Frame and Member States should continue discussions and related studies. This proposal is not to propose use of WGS 84 as the Global Vertical Reference Frame. This proposal is to add to the IHO Resolutions the determination of ellipsoidal height as a recommended observation to be taken by IHO Member States. In April 1998, a new edition of S-44, “IHO Standards for Hydrographic Surveys” was issued. In section 4.2, “Tidal Observations” a new paragraph was added stating “In order for the bathymetric data to be fully exploited in the future using advanced satellite observation techniques, tidal observations should be related both to a low water datum (usually LAT) and also to a geocentric reference system, preferably the World Geodetic System 84 (WGS 84) ellipsoid.” While S-44 provides the technical guidance, this recommendation should be included in the IHO Resolutions as a matter of policy.

These data should be publicly available such that researchers and other users may have access to the information. The ellipsoid height could be included with the description of the reference mark. The collection of this information, when resources are available to do so, would provide basic information needed to achieve adjustment of the data to one or another of the local datums. Consideration for adoption of a Global Vertical Reference Frame can remain a future consideration following additional studies.

IHB COMMENTS

The IHB supports this proposal.

In principle the concern of the Proposal is supported but there are contradictions in the technical realization and improvements can be made to the Proposal.

In the Proposal it is proposed to relate hydrographic data to a geodetic reference system, preferably the World Geodetic System 1984 (WGS84) ellipsoid. In principle, it has to be noted that each ellipsoid is only a special set of parameters for modifying the coordinate system (not reference frame). The ellipsoid does not contain any datum information.

It is assumed that, as height reference system, the (spatial geometric) WGS84 will be proposed. Chart Datums relate to gauge observations along the coastline and are affected by the earth gravity field. The WGS84 is a geometric spatial reference system that, on its own, only provisionally conforms with the requirements concerning the linkages of Chart Datums. A geopotential model (global geoid) is a second element that can ensure the physical connection with appropriate accuracy. The available potential models e.g. EGM96 are derived from a combination of satellite and terrestrial data. At present, geopotential models have a global accuracy of 1 – 2 m. For the existing task there must be the objective to have available geopotential models in the subdecimeter accuracy range, optimal is the centimeter. The satellite gravity field missions CHAMP, GRACE and GOCE lay the foundations to reach a global geoid modelling with an accuracy level of 3 – 5 cm. It can be expected that within 5 to 7 years GPM will be available with this accuracy.

The WGS84 possesses in its system definition a geopotential model which, however, does not fulfil the necessary accuracy level. The WGS84 is a system that is defined and applied for the GPS application. Internationally binding is the ITRS with annual solutions ITRFxx that is defined and realized within the framework of the International Earth Rotation Service IERS (<http://www.iers.org>). For global applications to link Chart Datums, only the international system ITRS/ITRFxx can be recommended. In connection with ITRF coordinates the international level ellipsoid GRS80 is recommended.

(The IERS was established in 1987 by the International Astronomical Union and the International Union of Geodesy and Geophysics and it began operation on 1 January 1988. The primary objectives of the IERS are to serve the astronomical, geodetic and geophysical communities by providing the following:

- The International Celestial Reference System (ICRS) and its realization, the International Celestial Reference Frame (ICRF).
- The International Terrestrial Reference System (ITRS) and its realization, the International Terrestrial Reference Frame (ITRF).
- Earth orientation parameters required to study earth orientation variations and to transform between the ICRF and the ITRF.
- Geophysical data to interpret time/space variations in the ICRF, ITRF or earth orientation parameters, and model such variations.
- Standards, constants and models (i.e. conventions) encouraging international adherence.)

The comments of France, Italy and Great Britain are fully supported. Before bindingly defining a reference system for the relation between Chart Datums, in any case the IUGG/IAG should be consulted. Current IAG projects to connect tide gauges with GPS (TIGA-PP, ESEAS) should be considered. The IHO proposal should be developed, possibly in a joint IHO-IAG Working Group.

The IAG Subcommission for Geodetic Networks in Europe (EUREF) can support the discussion in principle. Here, experience is available in the modelling for the combination of spatial techniques with height systems. An IHB representative will be invited to the EUREF Symposium 2002 (June, Azores) to present the concern in the Plenum and in the Technical Working Group and to discuss possible solutions.

MEMBER STATES' COMMENTS

AUSTRALIA

The underlying technical principles of this proposal are supported by Australia. However, it is Australia's view that this proposal is essentially technical in nature. It would be more appropriate for it to be considered by the relevant IHO technical committees and if necessary amending action achieved through Circular Letter or following a recommendation to the Conference as part of the relevant IHO Work Programme report.

BRAZIL

Brazil agrees with the proposal submitted by USA.

CANADA

Canada supports this proposal. Canada uses WGS vertically and recommends its use be continued. The existing IHO Tidal Committee is addressing vertical reference and should continue to do so while seeking input from other IHO Committees (i.e. CHRIS, TSMAD) and consult with other experts (i.e. IOC) to help determine other user demands and needs.

CHILE

Chile supports the proposal.

CROATIA

Croatia supports this proposal.

FINLAND

NOTE: Finland believes that the issues contained in some of the proposals do not need to be decided at the Conference. These are PROs 12, 13, 14 and 15. They would be processed more efficiently by an appropriate Technical Committee or by the IHB by Circular Letter.

Supported.

(See Note above).

FRANCE

Not in favour.

It is certain that an "absolute" reference is desirable. The ellipsoid of the WGS 84 system does not offer a sufficiently accurate reference for tidal requirements. Moreover, it was agreed (CL 41/2000) to seek, in liaison with IAG and IUGG, before 2003, an absolute ellipsoidal reference, which is scientifically satisfactory.

GREECE

HNHS supports this proposal.

INDIA

This proposal is supported by India.

ITALY

Italy believes that highly technical questions such as these should not be submitted to the floor of general conferences but should rather be addressed by specific WG.

NETHERLANDS

This proposal is supported.

NEW ZEALAND

New Zealand supports the notion of a single vertical datum for land and sea. However this is technically challenging and difficult to implement. It may be more efficient to have the proposal referred to a technical committee.

NORWAY

Norway is of the opinion that other IHO bodies than the Conference should discuss this proposal (i.e. CSC, Circular Letter).

PERU

Peru supports the proposal

PORTUGAL

Agree, in the presented terms and considering the last paragraph of the Explanatory Note.

SWEDEN

Sweden supports the proposal. No comments.

TURKEY

Agreed.

UK

The subject of this proposal is currently being circulated for comment as Circular Letter 41/2001 dated 21 September 2001. In view of this, we wonder whether it is appropriate to be voting on this proposal at this stage.

However, the UK supports the general principle of this proposal. We accept the principle of using a single global vertical reference frame, preferably WGS84, but we make the following observations. The wording of the proposal would appear to be particularly directed at digital data sets, it is felt that this should be made more generic. This can be accomplished by deleting the words "to support the production of seamless data sets" from the proposal. We understand that current geoid models can only quote the value of geoidal separation to a decimetre at best, whereas tidal data requires this value to be to centimetre accuracy. Anything less would degrade the existing accuracy of all the vertical data currently held in Tidal Databases, which would be unacceptable. It is understood that the preferred format for references to WGS84 is "World Geodetic System (1984) Datum (WGS84)".

We understand additional amendments to TR A2.5 are being proposed by the Charts Standardisation Committee. If so, it would be convenient to deal with all proposals concerning TR A2.5 at the same time.

PRO 13 - COMPILATION SCALES FOR SUPPORT OF ELECTRONIC CHART DATABASES

Submitted by: United States of America (WORK PROGRAMME 3)

References:

1. IHO Publication M-3, Resolutions of the International Hydrographic Organization, Chapter B – Charts
2. IHO Publication M-4, Chart Specifications of the IHO, Section 200
3. IHO Publication S-57, Appendix B.1 – ENC Product Specification, Annex A

PROPOSAL**The Conference is requested:**

That the IHO adopt standard compilation scales to support the zoom in and out feature of electronic chart systems and to eventually provide for seamless databases supportive of digital GIS applications. **A new paragraph for IHO Resolutions, Chapter B – Charts is proposed as follows:**

B1.18 Standard Compilation Scales for Electronic Chart Databases

1.- To support the capability of electronic chart systems to display data at a range of scales, both over and under scale, and to provide for a transition to seamless levels of data to support digital Geographic Information System applications, it is recommended that Hydrographic Offices compile data to standard scales. Through the use of SCAMIN and possibly SCAMAX* attribution, compilation can be at a large scale and features may be turned off or on automatically as the user makes the transition through various scales. For features such as the shoreline, a family of generalized shorelines at different scales would be used for display over a band of scales on either side of the compilation scale. The recommended digital compilation scales are as follows:

<u>SCALES</u>	<u>TYPICAL USES</u>
1: 1,000	Berthing, harbor maneuvering and large-scale inland charts.
1: 10,000	Harbor, large-scale approach and inland charts.
1: 100,000	Small-scale approach and coastal charts.
1: 250,000	GEBCO plotting sheets, topo/bathymetric charts and military graphics.
1: 1,000,000	General coverage and International Bathymetric Charts.
1: 10,000,000	GEBCO and small-scale overview charts.

EXPLANATORY NOTE

To support paper chart navigation, nations have compiled charts at a wide variety of scales. Digitization of the existing paper chart coverage at multiple scales does not provide the seamless database needed for modern digital cartography. Continuous contours are needed for electronic chart navigation warning systems and GIS displays, not digitization of paper charts with discontinuous contours. Further, it is impossible for national cartographers to compile digital charts to the almost infinite range of scales that may be displayed by the operator of an electronic chart system or digital Geographic Information System. To respond to the need for seamless databases, commercial firms sometimes recompile national Hydrographic Office data to support users, but these data are not the

official data required by some users. Before national Hydrographic Offices individually begin to adopt specific scales, which would not support regional and global seamless databases, IHO should provide guidance in its Resolutions as to recommended compilation scales to support electronic chart databases. In this way, over time a global seamless database can evolve.

As a general “rule of thumb”, a user can function over or under scale by a factor of about 4X after which the data becomes either broken line segments or begins to over-plot and consolidate line graphics into an unacceptable display. In the USA, the largest paper chart insets are currently at 1:2,500 scale, but docking charts are already beginning to be used at 1:500 scale. Thus, 1:1,000 scale has been selected to support the larger-scale products envisioned for the future. In rationalizing the proposed digital compilation scales, the U.S. has avoided the existing concept of specific scales for Harbor, Approach, Coastal and General charts since these are defined differently by many Member States in relation to their paper chart products. For electronic data, the recommended scales were selected with a bias to larger scales such that they will support generalization from the digital chart database into the various scales needed for paper chart production. That is, it is envisioned that a large-scale compilation such as 1:1,000 could be used in support of products to 1:4,000 or 1:5,000, i.e., 4X to 5X, and the 1:10,000 scale might be used to support a 1: 5,000 scale product, i.e., ½X. Using ½X could possibly involve use of SCAMAX, but perhaps only SCAMIN is required.

The recommended scales have been selected in accord with IHO Publication M-4, Section 211, SCALE, which specifies natural scales, i.e., multiples of 1,000 or 2,500, should be used for all charts. The number of scales also have been selected to cover the range of navigational purposes specified in IHO Publication S-57, i.e., Overview, General, Coastal, Approach, Harbor, and Berthing.

It is to be noted that these are recommended scales and Member States may transition to these scales over time as resources allow. A Resolution is needed to provide guidance for international development of seamless digital databases.

* It is to be noted that the use of SCAMAX is currently prohibited by the ENC Product Specification, S-57, Appendix B.1, Annex A – Use of the Object Catalogue for ENC, paragraph 2.2.7.

IHB COMMENTS

The IHB supports this proposal.

MEMBER STATES' COMMENTS

AUSTRALIA

Australia opposes this proposal. Furthermore, it is Australia's view that this proposal is technical in nature and should in any case be considered by the relevant IHO technical committee or working group and if necessary amending action achieved through Circular Letter or following a recommendation to the Conference as part of the relevant IHO Work Programme report.

Australia notes that the development of S-57 Edition 3.0 specifically went away from fixed scale ranges (this was the case with S-57 Version 2.0), to allow maximum flexibility in ENC production, relating various navigational purposes to intended usage (and not to scale ranges). This flexibility allows nations such as Australia to encode ENCs at various compilation scales, even within the one cell, depending on the underlying data available. In turn, this provides the mariner with the most appropriate data to gain the most benefit from ECDIS; for example, increased contour intervals in depth critical areas such as channels and narrow passages.

In any case the proposal cites scales that are not necessarily in harmony with scale ranges used by most Member States for paper charts and bathymetric products. The proposal cites berthing, harbour manoeuvring and large-scale inland charts at a fixed scale 1:1000. Australia is well aware that some berthing charts will be required at scales of 1:500 or perhaps larger. Current S-57 arrangements allow for this.

A scale of 1:100 000 is nominated for approach and coastal charts. Where would a 1:300 000 series of coastal charts fit with this proposal? A scale of 1:250 000 is nominated for GEBCO charts, yet the IHO specification for GEBCO is a scale of 1:1million. These are obvious issues that must be addressed at a technical level if this proposal is to proceed.

In summary, it is Australia's view that PRO 13 is a retrograde step and in any case must be referred to the relevant IHO technical WG (TSMAD) for consideration prior to any decision being made.

BRAZIL

Brazil agrees with the proposal submitted by USA.

CANADA

Canada agrees with the overall intent of this proposal but feels it would be best handled as a technical issue to be reviewed through the appropriate committee (e.g. CHRIS).

CHILE

Chile supports the proposal.

CROATIA

Croatia supports this proposal.

FINLAND

NOTE: Finland believes that the issues contained in some of the proposals do not need to be decided at the Conference. These are PROs 12, 13, 14 and 15. They would be processed more efficiently by an appropriate Technical Committee or by the IHB by Circular Letter.

Not supported.

The issue (i.e. the use of nominal and compilation scales and the use of SCAMIN and SCAMAX attributes) should be studied in more detail by e.g. the CHRIS Committee.

(See Note above).

FRANCE

Not in favour.

There are several reasons, some of which are explained here below:

- a) The final aim of a nautical chart is safety of navigation. The current charts, whether they be in paper form or electronic, depend essentially on the choice of a scale which is adapted to the

navigational conditions of the charted area. The determination of the information and its density depend on the scale and it is essential to be able to use a large range of scales.

- b) There is no direct link between the necessity to compile charts at standard scales and the necessity to ensure a transition towards seamless data sets. When preparing ENC, the bathymetric contours or area limits are systematically closed to ensure that they define area objects.
- c) The use of the SCAMIN attribute, which triggers or not a display mechanism, cannot replace generalization operations, taking into account the context, which allow a chart to be produced at a given scale. Furthermore, implementing SCAMINs would imply a significant amount of cartographic compilation work (which could be subject to errors).
- d) It is not realistic to adopt a technical resolution which would not be in accordance with internationally adopted standards (IMO, IEC ...) as regards electronic charts.
- e) It is interesting to note that although the GEBCO is an international effort which is widely supported by many hydrographic services, including SHOM, it is not an objective in itself linked to the fundamental responsibilities of hydrographic services.

GREECE

HNHS supports this proposal.

INDIA

The proposal is supported by India.

ITALY

Italy believes that highly technical questions such as these should not be submitted to the floor of general conferences but should rather be addressed by specific WG.

NETHERLANDS

The proposal is supported in principle;

However, the choice of scales should be further studied or discussed within the CSC or other (working-) group, as these are not necessarily the best choice.

Essential question is: which is the maximal acceptable factor for scale reduction or enlargement. In the proposed list the scale-steps are not very consistent (vary between 2.5 and 10), leading to a maximal reduction or enlargement by $\sqrt{10}$, (= 3.16).

Tests should confirm that this value is acceptable.

Especially in the larger scale ranges it is guessed that more standard scales would be necessary.

NEW ZEALAND

New Zealand supports the proposal in principle, but notes that it is technically complex to achieve. The concepts touch upon, but do not embrace, the need for seamless databases with integration between data captured at large and small scales. It may also involve automated generalization techniques which have yet to be adopted as routine charting or mapping procedures.

The proposal can be advanced through consideration by a technical working group.

NORWAY

Norway is of the opinion that other IHO bodies than the Conference should discuss this proposal (i.e. TSMAD, CSC, Circular Letter).

PERU

Peru supports the proposal as a recommendation.

PORTUGAL

Disagree. It is too specific and would lead to the complete reformulation of the IH-PT ENC folio.

SWEDEN

Sweden does not support the proposal. The aim of the proposal is fully worth a support. However the proposal is reflecting thoughts of a separate database for specially compiled ENC's. Today HOs are struggling to make one single database for producing as well printed charts as ENC's to get rationalized and avoid making errors by maintaining at least two databases, but believes that the scale area 1:100 000 should be 1:50 000 to cover a wider spectrum of national standards. In many coastal areas covered by a lot of islands or archipelagos the most used scales of charts are between 1:50 000 and 1:70 000. Of course different HOs are using different ways in compiling the charts. For Sweden that means that the charts are compiled in double the scale but generalized for the scale at publication. This is the fact also with digital source material to get a better precision in navigational aids and information. With that in mind Sweden proposes the scale band 1:50 000 instead of 1:100 000, if the proposal would be accepted as, with the safety at sea in mind, it is better with a diminished chart scale compared with the original scale than an enlarged. Also Sweden in that case proposes the term coastal charts should be transferred to the scale band 1:250 000. The term "military graphics" should be deleted from the latter scale band as it must be individual for different military organizations.

TURKEY

Disagree.

Turkey is determining the navigational purposes of ENC cells, based on the following range of scales and finalised 56 cells as of September 2001;

- Berthing, bigger than 1:2 000
- Harbour, between 1:2 000 and 1:20 000
- Approach, between 1:20 000 and 1:50 000
- Coastal, between 1:50 000 and 1:150 000
- General, between 1:150 000 and 1.500 000
- Overview, smaller than 1:500 000

In addition to that 2/3 of our charts are digitised according to original scales. Recompilement of those charts with new scales will create many technical problems including new surveys which will cause HOs to lose valuable time in their efforts to finish the digitisation of their charts.

UK

The theory of this proposal is creditable but UK considers there are practical difficulties associated with its introduction. From the user's perspective there is a need for nations to produce consistent ENC's that can be knitted together into a coherent or seamless world-wide series. However, as the ENC product specification does not define the bands of navigational purpose by specific ranges of scale, different countries with the same compilation scales have chosen to place their data in different usage bands. At the very least a number of HOs would have to re-allocate their ENC's to different usage bands in order to achieve the objectives of this proposal. This would not be a simple process and some cells would end up without usage bands in which to put them.

Additionally, the proposal does not recognise that the majority of nations still compile ENCs from their paper chart series and are thereby tied to the variety of scales that this presents.

It is the opinion of the UKHO that the technical nature of this proposal does not render it appropriate for detailed discussion at an IH Conference. We therefore recommend that it be considered in more detail by the IHO CHRIS before it is progressed any further. Any proposed changes of this nature could then be more appropriately incorporated into M-4 Part B rather than issued as a TR.

PRO 14 - CATALOGUES; INDEX CHARTS

Submitted by: United States of America (WORK PROGRAMME 4)

Reference: IHO Publication M-3-Resolutions of the International Hydrographic Organization

PROPOSAL

The Conference is requested:

To agree that IHO Resolution Chapter B – CHARTS, B 1.12 CATALOGUES; INDEX CHARTS, paragraph 1 be amended to encourage Member States to make chart information available electronically on the world wide web. **It is proposed that paragraph 1 be revised to read:**

- 1.- It is strongly recommended that every Hydrographic Office publish a catalogue of its charts and nautical publications and keep the catalogue up-to-date by regular new editions. It is further recommended that these data be made available on-line using the world wide web such that these data are continuously maintained and made available in a timely manner.

EXPLANATORY NOTE

The issuance of hard copy catalogues is expensive and there is a need to continuously maintain catalogues of products to accurately reflect which products are available from national Hydrographic Offices. A number of Hydrographic Offices have on-line catalogues or listings of available products, however many do not. It is to be noted that it is not necessary for each Hydrographic Office to maintain a web site and digital catalogue. Cooperative arrangements such as those available through the Northern European-Regional Electronic Navigational Chart Centre or private web catalogue services provide options for Member States not operating a web site, simply by providing the needed product meta-data on a routine basis. Increased availability of on-line catalogue information could assist the I.H. Bureau in making assessments of progress made toward IHO objectives.

IHB COMMENTS

Support this proposal as it is in line with the changes adopted following CL 25/1999.

MEMBER STATES' COMMENTS

AUSTRALIA

The underlying principles of this proposal are supported by Australia. However, it is Australia's view that this proposal is essentially administrative in nature. It is more appropriate that it is dealt with via Circular Letter. It does not warrant the attention or the time of a full IHC.

BRAZIL

Brazil agrees with the proposal submitted by USA.

CANADA

Canada supports this proposal. Canada already publishes up-to-date new editions of chart catalogues. Canada also posts these chart catalogues on its web site www.charts.gc.ca.

CHILE

Chile supports the proposal. SHOA has already implemented a web page that contains the nautical charts and publications catalogue. This implementation has proved to be an excellent means to keep clients informed on products available.

CROATIA

Croatia supports this proposal, particularly assigning the category *strongly recommended*.

FINLAND

NOTE: Finland believes that the issues contained in some of the proposals do not need to be decided at the Conference. These are PROs 12, 13, 14 and 15. They would be processed more efficiently by an appropriate Technical Committee or by the IHB by Circular Letter.

Supported.

Already implemented by Finland see *www.fma.fi*.

(See Note above).

FRANCE

In favour.

Subject to the French version being modified to read "information" instead of "data" in the penultimate line.

INDIA

The proposal is supported by India.

ITALY

Italy supports the proposal.

GREECE

HNHS supports this proposal.

NETHERLANDS

Proposal supported.

NEW ZEALAND

New Zealand supports the proposal.

NORWAY

Norway support the proposal.

PERU

Peru supports the proposal and has already implemented its web page with information on available nautical charts and publications catalogue.

PORTUGAL

Agree.

SWEDEN

Sweden supports the proposal. No comments.

TURKEY

Fully support. Turkey has already made the chart information and the list of nautical publications available on the world wide web.

Turkey can also provide this service on behalf of the Black Sea countries, which are not able to provide information about their charts and nautical publications online.

This service will be modified and available in 2002 to let the customers make orders and get the digital chart information including ENC's and updates directly from our ChartServer.

UK

The UK supports this proposal.

PRO 15 – IHO MULTINATIONAL AGREEMENT FOR USE OF SMALL-SCALE DATA

Submitted by : USA (WORK PROGRAMME 3)

Reference: IHO Publication M-3-Resolutions of the International Hydrographic Organization

PROPOSAL (see IHB comments on following page)

The Conference is requested to agree that the International Hydrographic Organization (IHO) enhance the use of data at small-scales by implementing a centralized multinational agreement. This agreement would be held at the International Hydrographic Bureau in Monaco and be an alternative to the often complex bilateral negotiations required for use of data under IHO Technical Resolution A 3.4. Signatories to this multinational agreement would retain their intellectual property rights for their data and information but agree through the granting of a “free license” to the gratis use of their geo-spatial data at small scales (defined as 1:500,000 scale or smaller). Through this document, signatory Hydrographic Offices would benefit from agreement to a “free license” which would allow each of the signatory Hydrographic Offices to recompile the data of any other signatory Hydrographic Office into small-scale products without need for formal bilateral negotiations.

EXPLANATORY NOTE

At the XVth International Hydrographic Conference of IHO Member States, the IHO Technical Resolution A 3.4 was revised to redefine provisions for exchange and reproduction of nautical products. Resolution A-3.4 now recognizes that “Member States have rights to the products of their Hydrographic Offices under national and international law.” It was further agreed that negotiation of bilateral arrangements should guide future cooperation amongst IHO Member States, however for small-scale products such negotiations can involve many nations, are complex and can involve a significant drain on resources.

Small scale maps and charts are essential for global scientific research and for general presentation of the geography of earth for a wide variety of important purposes, e.g., education of children or indexing of large-scale nautical charts. Studies such as those associated with global warming, tidal modeling, hazardous spill projection, coral reef studies, etc. are of extreme importance to humanity and require the availability of small-scale chart products. These are not typically high volume sale items and may not warrant the cost of widespread bilateral negotiations between IHO Member States.

It is therefore proposed that IHO develop an international agreement as an alternative to bilateral negotiations between Member States. Under the agreement, signatory parties would grant a free license for publicly available, nationally produced chart products at small-scales (1:500,000 scale or smaller). Signatory parties would avoid the need for widespread bilateral negotiations for release of intellectual property rights.

It should be noted that there is no obligation for any Member State to agree to such a license. This proposal is only to provide an option to simplify the issuance of small-scale IHO Member State products. It is suggested that a Member of the Directing Committee should lead the development of such an agreement with support from the IHO Legal Advisory Committee.

It is noteworthy that the IHO East Asia Hydrographic Commission has recognized the need for a better approach to provide for small-scale charts and has already implemented a regional arrangement. The EAHC arrangement does not provide for electronic charts but it is proposed that this agreement include electronic chart data for which a standard display as defined in the ECDIS performance standard comprises data compiled for display at 1:500,000 scale or smaller. Although a user may scale

up or down from the basic scale of 1:500,000, the compilation scale for the standard display must not be larger than 1:500,000 scale. The decision to participate or not in the proposed central agreement would remain with the individual Hydrographic Offices that hold the relevant intellectual property rights.

In order to publish an appropriate document that implements this proposal, the IHB proposes to task the LAC to draft an appropriate "IHO Member States Agreement" to be deposited at the IHB.

IHB COMMENTS

The spirit of the proposal is clearly aimed at drastically reducing the bureaucracy related to licensing the use of hydrographic data contained in small-scale charts.

MEMBER STATES' COMMENTS

AUSTRALIA

Australia notes in particular that an underlying principle of this PRO 15 is that small scale data will be effectively free of charge and will be the subject of a "common licence" that provides standard terms of use. It is Australia's experience that such "common licence" arrangements cannot take into account the diverse concerns and safeguards required by individual governments regarding appropriate control over the use and the users of their data. This means that relatively few, if any, Member States would actually make use of such a licence.

Unless a Member State intends that all its data will be made available free and with little or no restriction, then it will be necessary at some stage to engage in bi-lateral arrangements in accordance with TR A3.4 (copyright), and TR B5.3 and M-4 (INT chart scheme) in order to address the use of larger scale data. When this occurs, any universal arrangements for small-scale data may well conflict with national requirements for the treatment of larger scale data.

It is Australia's view that licensing the use of data should be considered holistically from the outset, regardless of scale, and be guided by the extant IHO guidance (TR A3.4 and TR B5.3 and M-4). Separate "universal" agreements will only lead to subsequent confusion, disputation and disharmony.

If this proposal is however agreed by the Conference, it is Australia's view that it is inappropriate to task the LAC with drawing up a suitable "standard" agreement. To do so will incur considerable expense on those Member States who participate in the LAC because the members of the LAC are funded directly by their respective governments. If work is to proceed, it should be funded either by those Member States supporting the proposal (and presumably prepared to use the standard agreement) or centrally by the IHO.

BRAZIL

Brazil agrees with the proposal submitted by USA.

CANADA

Canada does not support this proposal.

CHILE

Chile is giving careful consideration to this proposal as it might have some legal national implications due to the fact that paragraph five of the Explanatory Note clearly state that: “ it is proposed that this agreement include electronic chart data for which a standard display as defined in the ECDIS performance standard comprises data compiled for display at 1:500,000 scale or smaller.”

CROATIA

Croatia fully supports this proposal

FINLAND

NOTE: Finland believes that the issues contained in some of the proposals do not need to be decided at the Conference. These are PROs 12, 13, 14 and 15. They would be processed more efficiently by an appropriate Technical Committee or by the IHB by Circular Letter.

Supported.

Please notice that this proposal also covers medium-scale charts, because the IHO Publication M-4 specifies the small-scale charts to be at scales 1:2 Million or smaller.

Refer also to the proposed additional WEND rules discussed at the 6th WEND Committee and at the 13th CHRIS Committee (*Documents: WEND/6/8A, CHRIS/13/4B*).

(See Note above).

FRANCE

Not in favour.

France would not, in principle, be opposed to the proposal insofar as the data concerned, for the most part, has already been paid royalties at larger scales. However, such a measure should include a supplementary payment to take into account the compilation and cartographic work carried out by the chart producer country.

In order to simplify the negotiation work (difficulty in listing small scale data and also the fact that the data is old and even of poor quality) and to take into account the fact that royalties are paid for the largest scales, a chart producer could be paid only for the cartographic and compilation work undertaken in an international framework, thus recognized by the IHO. This is what France applies in the bilateral agreements that it has entered into, as part of the implementation of Technical Resolution A3.4.

GREECE

HNHS supports this proposal.

INDIA

The proposal is supported by India.

ITALY

Italy rejects the proposal because no advantages can derive to the HOs versus its burdensome implications.

NETHERLANDS

The principle of the proposal is much supported.

However

1. The limiting scale of 500 000 seems rather large;
2. It is not clear whether the intended agreement will also permit “the general public” to make use of these data. That would not be preferred.

NEW ZEALAND

New Zealand supports the concept of open access, through a "free licence", to all small scale charting.

Standards need to be established to ensure that the latest version of charts is used.

Source hydro authorities must be acknowledged. The country who owns the data should be protected, through appropriate instruments, from litigation arising from errors and omissions resulting from recompilation of the charts or data by other countries.

PERU

Peru agrees with this proposal as far as the Member States retain their intellectual property over the data handed, and is properly recognized as such.

PORTUGAL

If it is approved does not imply any obligation to the Member States, but involves copyright problems. Disagree.

SWEDEN

Sweden supports this proposal per se. However there has already been some problems where navigators have used such charts in digital form outside the producer's area and over zoomed them as there were no larger scale charts available in digital form. When no bilateral agreements or information is given an HO influenced may not be able to meet the demands of larger scale charts in especially digital form.

TURKEY

Bilateral negotiations and the agreements are vital in order to increase the cooperation between the Hydrographic Offices and it is believed that the requirements for 1:500 000 and smaller scale charts can create a good starting point to improve these relations, therefore Turkey supports the continuation of the present status about the licensing procedures.

UK

The UK supports the general principle of this proposal but tenders the following comments.

We note that GEBCO and other products currently support the academic and educational requirements for small scale data mentioned in this proposal.

There are already arrangements in place for the gratis exchange of data at a scale of 1 : 1,500,000 and smaller e.g. NSHC custodianship arrangement. In order to avoid confusion and further complexity it is therefore considered that a scale of 1: 1,500,000 would be more appropriate for this proposal.

Consideration needs to be given to the exact ownership of the data contained in a publication. In a large number of cases not all the data is the property of the publishing HO and therefore they would only be able to give permission to reproduce that part to which they own the rights. If a portion of the data belongs to a MS which is not a signatory to the proposed arrangement, then their permission will have to be sought separately. In addition it would have to be made clear whether any permission granted would only apply to the signatory or whether it would allow them the freedom to sub-license the data to a third party.

Where it is the case that other agreements/arrangements of a similar nature already exist (such as bilateral arrangements), it would have to be decided which agreement/arrangement would take priority.

There would need to be a mechanism in place to allow Member States to join, leave or amend the system as required. To avoid the need to decide jurisdiction and power of enforcement, it would be better to make any arrangement non legally binding. It may be more appropriate to use this proposal as a discussion leading to a Technical Resolution.

PRO 16 – INVITATION OF OBSERVERS TO INTERNATIONAL HYDROGRAPHIC CONFERENCES

Submitted by: United States of America (WORK PROGRAMME 5)

Reference: IHO Publication M-1, General Regulations of the IHO, Article 6.

PROPOSAL

The Conference is requested to agree on the modification of Article 6 of the General Regulations of the IHO to include addition of the following paragraph:

- (d) Former members of the Organization's Directing Committee.

EXPLANATORY NOTE

Article 6 authorizes the Directing Committee to invite certain Observers for I.H. Conferences. The United States proposes a minor amendment to include invitation of former members of the Directing Committee as Observers. Former members of the Directing Committee often have a continuing interest in the workings of the IHO and have been willing to attend Conferences at their own expense. They represent a significant resource in terms of history of the Organization and logically should be invited. In recent years, the Directing Committee has taken action to formally invite them, however the General Regulations do not address this matter. This would clarify that former Directors are welcome as Observers.

IHB COMMENTS

The invitation to Conferences of former Directors as Observers is a courtesy practice followed since the creation of the Organization. However, the IHB thinks that the text of Article 6 of the General Regulations deals with organizations and Governments and the addition of individuals may be inappropriate.

MEMBER STATES' COMMENTS

AUSTRALIA

Australia supports the comments of the IHB.

BRAZIL

Brazil agrees with the proposal submitted by USA.

CANADA

Canada supports the current procedure and agrees with the IHB comments.

CHILE

Chile supports the proposal, and would like to make the following comments:

- a) In our opinion the correct name is International Hydrographic Bureau Directing Committee (Art. IV of the IHO Convention)

- b) This proposal also affects Rule 5 of the Rules of Procedure for International Hydrographic Conferences.
- c) Participation of former members of the IHB Directing Committee is convenient for the Organization, their participation as well as the participation of all observers should be only in the capability they have been invited. This provision might be considered in Rule 6 of the Rules of Procedure for International Hydrographic Conferences.

After these comments we propose the following change and modifications to the PRO 16:

1. New letter (d) of Article 6 of General Regulations should read:
 - (d) "Former members of the International Hydrographic Bureau Directing Committee."
2. Modify Rule 5 of the Rules of Procedure for International Hydrographic Conferences, adding the following paragraph:
 - (e) "*Former members of the International Hydrographic Bureau Directing Committee*"
3. Modify Rule 6 of the Rules of Procedure for International Hydrographic Conferences, to read as follows:
 - "*Observers may, upon invitation by the President and with the consent of the Conference, participate, without vote, in the deliberations of the Conference in matters of direct concern to them and explicitly in their recognized capability. Observers shall receive copies of all documents issued during the Conference.*"

CROATIA

Croatia supports IHB comments regarding this proposal.

FINLAND

Agrees with the IHB comments.

FRANCE

In favour.

GREECE

HNHS supports this proposal.

INDIA

This proposal is supported by India in principle. However, the implication of IHB comments in a legal sense be deliberated.

ITALY

Italy agrees with the IHB position.

NETHERLANDS

The proposal is supported.

To overcome the problem by IHB the existing articles 6 a, b, c could be renumbered into 6-a-1,2,3. A new text 6-b could be added: " As a courtesy, former members of the Organization's Directing Committee may be invited".

NEW ZEALAND

New Zealand supports the IHB comments on this proposal.

NORWAY

Norway disagrees and supports the views of the IHB.

PERU

Peru agrees with this proposal. Their experience will enrich the discussions during the Conferences.

PORTUGAL

Disagree.

SWEDEN

Sweden supports the proposal with reference to the answer by IHB.

TURKEY

Not agreed. The IHB comment is supported.

UK

The UK does not support this proposal. It agrees with IHB's comment that the mention of individuals is inappropriate. UK is also concerned to guard against the possibility of inviting ex Directors who subsequently work for commercial organizations. It would not be appropriate for them to attend in such circumstances.

USA

The United States submitted this proposal, but further notes that, if adopted, Rule 5 of the Rules of Procedure for International Hydrographic Conferences would similarly need to be similarly revised with the addition of a paragraph (e).

PRO 17 - PROPOSAL TO APPROVE THE NEW STATUS FOR INTERNATIONAL NON-GOVERNMENTAL ORGANIZATIONS IN THE CONFERENCE WORK AND IN THE INTERSESSIONAL PERIOD

Submitted by: Portugal (WORK PROGRAMME 1)

- References:
1. Decision 1, XVth IHC, T.1.2
 2. Technical Resolution K.2.14
 3. CCL 2, ANNEX 2, 25 September 2000.

PROPOSAL

The Conference is requested to consider the following:

1. It is considered pertinent the **participation of internationally accredited and non profit NGO in the Conference** which means, **institutions that, beyond non-governmental, will not include in its principles the intention of production and commerce of goods, products or services**. Commercial Organizations, companies, and transnational multinationals are excluded.
2. With reference to the invited entities, as well as in terms of the attribution of abilities, there is a disconnection between Article 6° of the GR and Rule 5 of the RPC; it is proposed:
 - 2.1 The deletion of Article 6, GR;
 - 2.2. Transfer the contents of Rule 5, RPC to the GR with a new Article 6, to which will have to be added the underlined:
 - In the preamble: “The Bureau and the Directing Committee shall invite to be represented by observers at any session of the Conference”.
 - In item c): "Inter-governmental and non-governmental organizations, accordingly with the Statute of the accredited Non-Governmental Organizations, whose activities are connected with those of the Bureau: one or exceptionally two observers each”.
 - 2.3. Inclusion of the “Statute of the accredited Non-Governmental Organizations in IHO” (Attachment 1) in IHO Basic Documents.
 - 2.4. The deletion of Technical Resolution K2.14.

The Conference is requested to approve this proposal.

STATUTE OF THE ACCREDITED NON-GOVERNMENTAL ORGANIZATIONS IN IHO

Article 1

General

The present Statute regulates the invitation and the participation of non-governmental Organizations in the Ordinary or Extraordinary International Hydrographic Conferences, as well as the relations between these institutions and the IHO in the Intersessional period.

Article 2

Definition of Non-Governmental Organization

A Non-Governmental Organization, designated as NGO, is an institutional collective structure, not necessarily international, which is not created by intergovernmental agreement, and which does not depend on the financial contributions of governmental structures. It sets elements of the civil society that agree in an established cause. It must not include in their targets, principles of production or commerce of goods, products or services. Commercial Organizations, companies and transnational multinationals are excluded.

Article 3

Accredited Non-Governmental Organizations

1. In compliance with Article 2, accredited NGO are those whose principles converge with the Principles and Programs of the IHO, or still the Organizations which do not deal directly with Hydrography but, due to its knowledge in specific areas of science and technology, can contribute to IHO Projects.
2. The conditions of accreditation of NGO:
 - a) the participation in International Hydrographic Conferences.
 - b) the recognized merit given by the Directing Committee.
3. The accreditation of NGO will have to be communicated to the Signatory States.
4. The statute of accreditation can be taken if demanded by Member States accordingly vote procedures established by Article VI, 6) of the Convention and the Article 25°, 1), GR.

Section I. Statute of the Accredited Non-Governmental Organizations in International Hydrographic Conferences

Article 4

Accredited Non-Governmental Organizations at International Hydrographic Conferences

NGO can participate in International Hydrographic Conferences in accordance with Articles 2 and 3 of these Statutes.

Article 5

Invitation

1. Through its directive bodies, the Bureau and the Directing Committee, as established in Article 6 of the General Regulations, can invite NGO.
2. Signatory States can propose the participation of an NGO to the agencies of the Organization.
3. NGO can ask for an order of participation in International Hydrographic Conferences directly to the Directing Committee.

Article 6

Acceptance

The participation of an NGO in the Conference or in its preparatory process is subject to the acceptance of the Signatories in accordance with the Article 6 of the General Regulations of the IHO.

Article 7

Costs of Participation

A participating NGO in International Hydrographic Conferences covers the financial costs of its own participation, unless the Directing Committee decides otherwise.

Article 8

Representation

An NGO is represented by an observer or, with the approval of the Directing Committee, by two observers.

Article 9

Plenary Seats

The NGO are seated during plenary sessions in a specific area reserved for observers.

Article 10

Terms of the Participation

1. Article 6, RPC, regulates the participation of NGO in International Hydrographic Conferences.
2. The Directing Committee can enquire the accredited NGO during the period of the Conference, always that it is for this considered pertinent.
3. The President of the Conference, as a result of 1) and 2), can enquire the accredited NGO.

Article 11

Publications

In accordance with Article 6, RPC, NGO receive all the documents published during the Conference, as well as the Conclusions of the Sessions.

Section II. Statute of the accredited Non-Governmental Organizations in intersessional activities

Article 12

Intersessional participation

1. NGO may be consulted by the Directing Committee or by the Bureau, if they consider it useful for the execution of its Programmes and Projects, as decurrently of Articles VIII, CIHO and 17, GR.
2. Interinstitutional cooperation between IHO and NGO is in accordance with SPWG Strategic Plan.
3. The Directing Committee and the Bureau will be able to request databases of international, regional or local institutions, in favour of consultation of accredited NGO with relevant significance.

Article 13

Consultation decurrently costs

If it is not possible to make use of new technologies of information to minimize the communication costs between IHO and NGO, the program that will benefit of its contributions will support the decurrently meeting expenditures.

Article 14

Regional Hydrographic Commissions

When Regional Hydrographic Commissions require, through the Bureau or directly, NGO advice, it is recommended to make use of the available information technology.

Article 15

Final Terms

In case of normative or procedural conflict, Basic Documents, in particular the General Regulations and the Rules of Procedure for the International Hydrographic Conferences, shall prevail on the current Statutes.

EXPLANATORY NOTE:

In IHO documents, international institutions are considered in three references:

A. The first one, in the Convention. While an international legal document, the Convention recognizes as members its Signatories (Article III, IHC and Article 5, GR), and does not envisage the active participation of non-governmental institutions. Although Rule 5 of the RPC and Article 6 of GR grant to the Bureau and to the Directing Committee the power to invite, to the Conference, intergovernmental and non-governmental Organizations, whose activities are convergent or of interest to the Organization, under the statute of Observers. In the case of the XVIth IH Conference, the exercise of this capacity was expressed in Annex 2 to the CCL 2, dated 25 September 2000.

B. The second mention on this matter is in the Strategic Plan of the SPWG and will have to be understood explicitly in Program 1. In particular, in SPWG PRO 5 to the II Extraordinary I.H.

Conference, the participation of NGO in the activities of the Organization is pointed in terms of development of standards (the SPWG brings up the participation of this sector in the Publications S-52 and S-57), as well as to the level of distribution of new jobs and data. We add to the SPWG note the competence of Member States concerning the responsibility of the interface with the non-governmental sector, in which the IHO will have to serve as platform of mediation between international NGO and the interests of the Signatories. The question of IHO interest in appealing to NGO experience is relevant, as they are experts at local and national levels in relation to economic, technical and scientific needs. This reality would increase the technical and financial effectiveness and efficacy of the Organization projects.

C. The last reference is clear in the Technical Resolutions, Chapter K, Section 2, K.2.14. The Resolution establishes the requirement of creation of a mechanism that would stimulate closed relations between the non-governmental community and the activities of the Bureau; it provides Article VIII, h) of the Convention, that recognizes abilities to the Bureau to cooperate with international Organizations and scientific institutions. Nonetheless, Basic Documents do not establish the non-governmental frame.

Thus, considering:

- IHO legal and technical disposals,
- Reports of the Secretary General of the UN A/45/563 (October 1990), A/45/172 (November 1990), A/46/722 and A/55/61 (March 2000),
- UN General Assembly Resolutions 53/32, § 21, (24 November of 1998), 54/31 (24 November 1999), 55/7,
- Articles 16°, 22°, 47°, 75° and 84° and Annex II of the Convention of the UN on the Law of the Sea,
- Chapter 17 of Agenda 21,

one concludes that the accomplishment IHO tasks would be advantageous on the participation of non-governmental institutions as building and executing instances of technological advance.

One foresees that this proposal intensifies relations IHO/NGO and the interinstitutional cooperation accordingly its participation in the Conference, as well as in the continuation of inter-sessions activities.

IHB COMMENTS

See Note at the top of Proposition No. 17

MEMBER STATES' COMMENTS

AUSTRALIA

In Australia's view, there is no 'disconnection' between the operation of Article 6 of the General Regulations and Rule 5 of the Conference Rules. They both cover the same list of observers to be invited to Conferences except that Rule 5 also extends the courtesy to those Member States whose rights have been suspended.

Australia acknowledges that the regulations and rules in their current form provide very limited guidance on the eligibility criteria for the recognition and subsequent involvement of NGO's at Conferences. In that regard Australia considers that there is some merit in proposing an amendment

that would specifically state the requirements for NGO's that may be invited as observers at Conferences.

However, Australia considers that the proposed "Statute of the Accredited Non-Governmental Organizations in IHO" requires further development. In its current form the proposed Statute does not provide:

- (a) a formal accreditation mechanism;
- (b) a mechanism for review of the accredited Non-Governmental Organizations to ensure that their activities and interests are at any particular time consistent with the objectives of the IHO; and
- (c) a mechanism to withdraw the participation rights of a Non-Governmental Organization if it were necessary.

It is Australia's view that these issues should be dealt with in a "statute".

A suitable model may be the International Maritime Organization procedure for accrediting and involving Non-Governmental Organizations (IMO Resolution A31(II)). It has proven successful.

Australia considers that any proposal of this type requires careful thought. This will require considerably more time than is available at the XVIth IHC. We therefore suggest that this is a matter that might be referred to the SPWG as part of the proposed work for the SPWG under PRO 3 (Study into Harmonization of GR, FR and RPC) and PRO 4 (New ToR's for SPWG).

BRAZIL

Brazil agrees with the IHB comments.

CANADA

Canada awaits clarification.

CHILE

We consider that the proposal raises very important aspects, and provides initiatives that should be considered when studying globally the IHO Basic Documents. More over we are of the opinion that also the Hydrographic Industry as well as the Academia should be considered in a form that they could contribute to the objectives of the IHO. Also we are curious about considering that NGO, as defined, might not be necessarily international. This last aspect might end-up with a huge number of NGOs generating a great administrative workload to the IHB, detrimental to their activities.

CROATIA

Croatia has no comments regarding this proposal.

FINLAND

In principle Finland supports the NGOs to contribute the IHO work, but the proposed articles seem to be quite complex. They may be simplified and clarified. This may be included to the new ToR's for the SPWG.

FRANCE

Not in favour.

Although it has not been possible to study this rather long and complex¹ proposal in detail, Article 5 c) of the Rules of Procedure for Conferences seems to cover the question of NGOs. Hence France is not in favour overall, and furthermore does not agree with certain articles (for example, Articles 3 or 7 of the proposed statute).

GREECE

No comments.

INDIA

There are some reservations since existing Art VI of General Regulations and Rule 5 of Rules of Procedure may be adequate and Para 1(c) of RPC gives an opportunity to Member States to decide and to make additions. Rule 5 of Rules of Procedure provides guidelines to procedure of conference. Preparation of detailed statutes of accredited non-Governmental organizations may further complicate the issue.

ITALY

Italy shares Australia's views.

MONACO

Para. 2.2

Is the word "and" in the preamble the most appropriate ? the word "or" is it not more appropriate ? See on this subject Annex 1 a: "Statute of the accredited non-governmental organizations in IHO", where in Article 5 and in Article 12 the word "or" is properly used.

NB: On the other hand in the explanatory note, para. A, second sentence: it is indeed the word "and" which is appropriate"... the Bureau and to the Directing Committee the power to invite".

Annex 1, Article 5.2 : the word "agencies" is it appropriate? Would it not be more appropriate to change it to "conferences" ?

Annex 1, Article 12 : the wording of this article is not very clear and should be reworded.

NETHERLANDS

Para 1 : OK
Para 2.1 : OK
Para 2.2 : OK, apart from some editorial corrections

¹ For example, why make separate references to the "Bureau" and to its "Directing Committee"

Para 2.3 : Agree in principle to the addition of the Statute, subject to some editing.

The division into Sections, in addition to the Articles, is somewhat confusing.

NEW ZEALAND

New Zealand supports participation by relevant NGOs on an invited basis. It may be more appropriate to associate them for specific sessions rather than accreditation for the entire meeting.

Australia's comments regarding careful consideration of the issues are endorsed.

NORWAY

The possibilities available in the existing Article 6 (6b and 6c) of the GR seem to cover the possibilities to invite NGO's.

PERU

Peru considers this proposal adequate in these times of dynamic interaction between the IHO, the industry and academic institutions. However, consideration has to be taken in considering the NGO's that are actually involved in serious work related with fields compatible with activities of our organization. The number of NGO's have increased so much lately, that there is a preoccupation of the administrative load that may result for the IHB in this respect.

SWEDEN

Sweden does not support the proposal as the substance of the earlier content will not be changed through this. Proposes that this should be taken care of in a wider sense by SPWG.

TURKEY

No comment.

UK

The UK supports the general principle of this proposal in that it is important that the IHO recognises the strong role that NGO's will continue to play in furthering IHO aims and work programmes.

UK agrees with the replacement of General Regulation 6 with Rule of Procedure 5 in order to remove inconsistency. It should be noted, however, that at the last meeting of the SPWG it was agreed that a general review of all the Basic Documents of the IHO was needed. It is therefore preferred that this is referred to the SPWG for action as part of PRO 4.

UK agrees with the deletion of Technical Resolution K 2.14.

UK disagrees with the need for a specific NGO statute as we consider that the existing Rules and regulations permit the IHO to develop adequate relationships with other organisations, including NGO's. We have to express concern regarding the proposed process of accreditation. It is not clear from the proposal what one has to do to be deemed worthy of accreditation, other than have some common purpose with the IHO or expertise of use to the IHO. More to the point, neither is it clear what real benefits to the IHO accreditation would bring since NGOs whose activities are connected to

those of the IHO can already be invited to attend IHC meetings as observers and are already invited to technical workshops. The possibility of de-accreditation or an appeal against not being selected for accreditation is not addressed.

The English translation provided is not easy to understand. UK regrets therefore that a standard translation will be necessary before any detailed discussion takes place, particularly on important points such as the definition of an NGO (Article 2).

USA

It is inappropriate for the preamble to read, “The Bureau and the Directing Committee...” These are not two different entities. It might read, “The Directing Committee of the I.H. Bureau...”

With regard to the proposal, the existing procedure is relatively simple, whereas an accredited list, which must be judged as to relevance as organizations change over time, may turn out to be a more difficult approach.

PRO 18 - PROPOSAL TO APPROVE THE ALTERATION OF THE IHO BASIC DOCUMENTS CONCERNING THE REGULARITY OF INTERNATIONAL HYDROGRAPHIC CONFERENCES

Submitted by: Portugal (WORK PROGRAMME 5)

References:

1. Decision 7, XVth IHC (Conf.ex2/info 11)
2. Decision 5, II EIHC

PROPOSAL

The Conference is requested to consider the following proposal:

It is proposed the alteration of the regularity of the Conference, involving the following constitutional implications:

- a) Alteration of Article VI, 1), CIHO, to read: “The Conference shall be composed by representatives of the Member Governments. It shall meet in ordinary session every two years and a half, but the election of the Directing Committee shall take place every five years.”
- b) Alteration of the Article 3, GR, to read: “The International Conference shall be composed by representatives of the Member Governments. It shall meet in ordinary session every two years and a half at the seat of the Organization at a date fixed at the close of the previous session. The election of the Directing Committee shall take place every five years.”
- c) Alteration of Rule 2, RPC, to read: “The Conference shall meet in ordinary session every two years and a half, at the seat of the Organization, but the election of the Directing Committee shall take place every five years. The date shall be fixed at the close of the previous session (...).”
- d) Deletion of the Decision 5 of the II Extraordinary International Hydrographic Conference.

The Conference is requested to approve this proposal.

EXPLANATORY NOTE:

The traditional process of accomplishment of plenary sessions is ruled by the following legal proceedings:

The Conference, that constitutes the deliberative body of the Organization, meets ordinarily in 5 years (Article VI, CIHO; Article 3, GR and Rule 2, RPC), in date established in the previous Conference.

The Convention foresees the accomplishment of Extraordinary Sessions, when required for a State Member or the Bureau (with, at least, 6 months of antecedence. Rule 4, RPC) and by means of the approval of the majority of the signatories (Article VI, 1), CIHO and Rule 3, RPC); the rules of procedure applied to these extraordinary conferences are the same ones applied to the ordinary conferences.

This proposal aims to **extend the accomplishment of IHO Plenary Sessions general regime in order to answer the real challenge** of Hydrography. It will increase IHO and Member States well-organised and efficient action.

The aim of this proposal is not to extend the Extraordinary Conferences (which we defend that it will have to continue to exist) but the sustainable and integrated enlargement of the applicable regime to the Ordinary Sessions.

IHB COMMENTS

The IHB proposes to consider this proposal, together with PRO 9 (Canada) and PRO 19 (Portugal) only in the case that PRO 6, submitted by the IHB, be rejected.

MEMBER STATES' COMMENTS

AUSTRALIA

Australia acknowledges that there is strong support for more regular meetings of the IHO to formally review and discuss its activities. However, Australia remains of the view that a convincing case has yet to be made that Ordinary Conferences need to be held at intervals of less than five years. Australia's analysis of the agenda for the XVIth Conference tends to confirm this.

The Australian view is that in general, Conferences should only address and decide upon matters related to the longer term aims, ambitions, finance and regulations of the IHO. Such items will therefore normally be limited in number and typically will not be time critical.

In the agenda for the XVIth Conference only PROs 1-11, and 15-21 can be considered as meeting the criteria above. PROs 12, 13 and 14 are actually technical matters that should in the first instance be considered by the relevant IHO technical committees and if necessary a decision achieved by Circular Letter or through a recommendation as part of the report of the relevant IHO Work Programme to the Conference.

Furthermore, PROs 3, 4 and 21 are part of the same topic (Review of the IHO Regulations and Convention); similarly PROs 6, 9, 18 and 19 can all be considered as related (Frequency of Conferences).

In effect there are no more than eleven relevant and discrete subject areas that will be considered via proposals at the XVIth IHC. For Australia, this confirms the view that more regular Conferences are currently unjustified when there are such a relatively small number of discrete subjects being raised.

Australia also believes that the financial implications of more frequent conferences should not be overlooked. It is difficult to see how more regular conferences can possibly be cost neutral for the IHO or for individual Member States. Full conferences are expensive to run and expensive to attend. The preparatory period for conferences is at least 12 months. More frequent conferences must result in an increased administrative workload for the IHB and for participating M/S who will need to prepare their positions for each, more regular conference.

More frequent Conferences must also inevitably lead to increases in travel expenditure. A consequence of this is that a number of distant Member States may find it difficult to attend Conferences every two and a half years. In such circumstances Conference decisions and discussions would be taken without a fully representative attendance.

Australia therefore prefers the concept of intersessional meetings in the form generally described in PRO 6, but without such a meeting having any voting powers. Such meetings would have the effect of a "mid-term review" that can be used to refine the strategic direction and activities of the IHO and guide the Directing Committee accordingly. Relevant propositions raised and discussed at such an

intersessional meeting would be carried forward to the next ordinary session of the Conference. In this way, those Member States who are unable to participate in an intersessional meeting would not be penalised.

Australia also notes that this proposal is similar in its intention to PRO 9, but includes a clarification that a Directing Committee will only be elected every 5 years.

BRAZIL

Brazil agrees with the IHB comments.

CANADA

Canada supports this proposal in principle, as it is complimentary to PRO 9. However it is noted that sections “b”, “c”, and “d”, of PRO 18 are dependent upon section “a”, a proposal to amend the convention, being approved. Consequently, the text of the Conference decision with regards to sections b, c and d should clearly state that these sections will not come into force until such time as the Convention is amended. In addition, Article X, 2 of the Convention clearly defines the term of office of the Directing Committee as being five years, and therefore there is no need to restate the frequency of election of the Directing Committee.

CHILE

We consider that the proposal goes in line with the modernisation of the Organisation, and therefore the initiative should be considered when studying globally the IHO Basic Documents, specially the Convention.

But considering the experience had on other changes to the Convention proposed in the past, for practical reasons we would support PRO 6 submitted by the IHB, improved as proposed when providing comments to PRO 6. (Please see Chile comments on PRO 6).

CROATIA

Croatia supports IHB comments regarding this proposal.

FINLAND

Not supported.

The aim of this proposal will be covered better by PRO 6.

FRANCE

See the comments made on PRO 9.

GREECE

This proposal should be considered together with PRO 6 and PRO 9.

INDIA

India has some reservations as a regularizing, especially in view of PRO 6 and the increased TOR's for SPWG to monitor the work proposed.

ITALY

See Pro 9.

NETHERLANDS

Against.

The same arguments as for PRO 9 apply.

NEW ZEALAND

New Zealand does not support the proposal. See comments for other proposals re greater frequency of meetings.

NORWAY

See Norway's comments to PRO 9.

PERU

These are important topics that should be taken into consideration when debating PRO 6.

SWEDEN

Sweden does not support the proposal. It has been taken care of by PRO 6.

TURKEY

PRO 6 will satisfy the requirement if accepted.

UK

This is one of 4 proposals relating to the holding of additional conferences to the normal five yearly IHC's. The content of this proposal makes it the 2nd preferred option for UK if PRO 6 fails.

The UK supports the general principle of this proposal which will provide a solution to carrying forward the intent of Decision 5 made at the EIHC. UK notes that a number of amendments have been proposed to the Basic Documents but recommends that the definition of what is to be changed is left to the SPWG since it is apparent additional amendments are needed to support this proposal (eg Rules of Procedure 12(e) and General Regulations Article 28). The UK fully supports the explicit requirement to maintain the tenure of the Directing Committee at 5 years to fit in with the planning cycle and maintain stability.

PRO 19 - PROPOSAL TO APPROVE THE HOLDING OF AN EXTRAORDINARY CONFERENCE IN OCTOBER 2004 CONCERNING IHO LEGAL REGULATIONS

Submitted by: Portugal (WORK PROGRAMME 5)

References: CL41/2000
CL44/2000

PROPOSAL

The Conference is requested to approve:

1. The holding of an Extraordinary International Hydrographic Conference in October of 2004, related to the SPWG study and conclusions about revised IHO Basic Documents.
2. The SPWG is asked to:
 - a) Revise and harmonize the Basic Documents;
 - b) Propose the required changes to these documents.
3. National Hydrographic Services are asked to cooperate with this study.

The Conference is requested to approve this proposal.

IHB COMMENTS

Although it seems probable that the SPWG may accomplish its task (see PRO 4) on time to be discussed in October 2004, it seems difficult to forecast an exact date for an Extraordinary Conference during the XVIth IHC.

MEMBER STATES' COMMENTS

AUSTRALIA

It is Australia's view that the work of reviewing the IHO Convention and its supporting documents should not be open-ended. A firm date should therefore be set both for the conclusion of the review and for its subsequent consideration by the 3rd EIHC.

BRAZIL

Brazil agrees with the IHB comments.

CANADA

Canada supports this proposal.

CHILE

We consider that the proposal goes in line with the modernisation of the Organisation, but in case PRO 6 is approved there should not be a need to conduct an extraordinary Conference, as an

Intersessional Meeting will take place. If PRO 6 is not approved, then this PRO 19 should be supported, to assure an intersessional meeting.

Another issue is that what is being proposed in paragraphs 2 and 3 of this proposal should be discussed when dealing with PRO 4, in order to agree on a complete set of Terms of Reference for the SPWG.

CROATIA

Croatia supports IHB comments regarding this proposal.

FINLAND

Not supported.

The aim of this proposal will be covered better by PRO 6.

FRANCE

This proposal can only be considered in the light of conclusions related to Proposals 6, 9 and 18. It does nevertheless enable a vote to be made on the possible holding of a meeting of the Member States between the XVIth and XVIIth IHC.

GREECE

Although HNHS is in favour of this proposal, concurs with the comments made by IHB.

INDIA

The proposal is supported by India. It is considered premature to decide holding an EIHC till TOR's of SPWG are revised and SPWG given the task to revise IHO Basic Documents.

ITALY

Italy suggests to wait for the outcome of PRO 6.

NETHERLANDS

Fully supported, but only applicable in case that PRO 6 will not be approved.

NEW ZEALAND

New Zealand does not support the holding of an Extraordinary Conference in 2004.

NORWAY

Norway agrees in principle. This proposal must be seen in relation to PRO 4. Date for an EIHC should be decided on the grounds of proposals coming from the work of the SPWG, ref Article VI of the Convention.

PERU

Peru believes that this is a very important topic, but it can be accommodated in the proposed intersessional meeting to be approved according to PRO 6.

SWEDEN

Sweden does not support the proposal. The demand is met by para 5 of PRO 6 with the possibility of a request by the IHB for an extra Conference if necessary when the SPWG is coming to an end.

TURKEY

Not agreed. The IHB comment is supported.

UK

This is one of 4 proposals relating to the holding of additional conferences to the normal five yearly IHC's. The content of this proposal makes it the 3rd preferred option for UK if PROs 6 and 18 fail.

The UKHO supports the general principle of this proposal seeing an EIHC in Oct 2004 as the means of carrying forward Decision 5 of EIHC 2000 should PROs 6 and 18 fail. However, it recommends modifying the proposal to delete paragraphs 2 and 3, since the TOR's for the SPWG are dealt with more properly in PRO 4 and an expansion of paragraph 1 to include the broader remit of the SPWG and allow for the possibility that it may not have completed its work by the time of the conference. The following amendment is proposed to paragraph 1:

The holding of an Extraordinary International Hydrographic Conference in October of 2004 in order to discuss the findings of the SPWG's studies into revision and harmonisation of the Basic Documents of the IHO and the organisational structure of the IHO.

PRO 20 - PROPOSAL TO APPROVE THE RE-ESTABLISHMENT OF THE WORKING GROUP ON OFFICIAL NAUTICAL CHARTS AND OTHER NAUTICAL PUBLICATIONS COPYRIGHTS

Submitted by: Portugal (WORK PROGRAMME 5)

- References:
1. Decision 46, XIV IHC
 2. Administrative Resolution T1.1
 3. Technical Resolution A.3.4
 4. Technical Resolution A.1.18
 5. Decision 1, XVth IHC
 6. Decision 10, XVth IHC
 7. Decision 12, XVth IHC
 8. M-4 Part A, ed. 2001

PROPOSAL

The Conference is requested to:

A – approve the constitution of the Working Group on Official Nautical Charts and Other Nautical Publications Copyrights, whose Chairman will be the President of the Directing Committee.

B – approve the adoption of the Terms of Reference (ToR) of the Working Group on Official Nautical Charts and Other Nautical Publications Copyrights.

- 1.1. Evaluation of copyright nautical charts and other nautical publications close with MS, in accordance with the Article II of the CIHO
- 1.2. Elaboration of a guideline report on cartographic products of National Hydrographic Services property rights and copyrights, in order to:
 - 1.2.1. Advise National Hydrographic Services on its cartographic productions national registration.
 - 1.2.2. Establishment of relations and gathering of information on the register of copyright with the competent institutions, as for instance:
 - a) WTO/TRIPS – World Trade Organization TRIP Agreement
 - b) WIPO (International Organization of the Industrial Property), Agreement of Madrid and its Additional Protocol, and the Agreement of Den Hagen
 - c) European Organization of Patents
 - d) European Cabinet of Patents
 - e) ARIPO - African Regional Organization for the Industrial Property
 - f) OAPI - African Organization for the Copyright
 - 1.2.3. Recommend MS regarding:
 - a) terms of exchange of information at the level of the bilateral cooperation
 - b) terms of authorization of reproduction of charts elaborated by the National Hydrographic Services
 - c) terms of compensation for the access to documents protected by regimes of industrial or commercial property and copyrights.

C – the approval of the Working Group On Official Nautical Charts and Other Nautical Publications Copyrights schedule and programme.

At the next International Hydrographic Conference the Working Group on Official Nautical Charts and Other Nautical Publications Copyrights will have to present its initial recommendations concerning copyright and, after this, will have to produce the Guideline Report for which it was constituted.

The Conference is requested to approve this proposal.

EXPLANATORY NOTE

Pursuing Decision 12 of XVth IHC, and as established in the Convention (Article II), as well as in the role of mediating state and the hydrographic community interests, the IHO should take on this question, through the elaboration of a guideline report, that would evaluate the situation of transference and concession of rights of scanned compiled data, assisting MS in the setting up of bilateral agreements, contributing for a more equitable and responsible international trade of nautical charts and digital data.

This proposal aims at the **re-establishment of the Working Group on Official Nautical Charts and Other Nautical Publications Copyrights charged of the elaboration of a guidelines report for the defence of cartographic products** of National Hydrographic Services property and copyright.

IHB COMMENTS

None.

MEMBER STATES' COMMENTS

AUSTRALIA

Member States have already spent considerable time and money in the past on the activities of this Committee. In the end there is probably little further role for the IHO in this issue other than to set technical standards of exchange. This is because participating Member States are generally obliged to implement the copyright policy set by their respective governments.

The IHO should recognise the fact that the commercial and operational environments under which Hydrographic Offices exercise copyright vary widely between Member Governments. It will therefore serve no useful purpose for the IHO to attempt to identify or impose a common view when HO's will be unable to deviate from their government's position on the matter.

It is Australia's conclusion that this proposal will provide little practical benefit for the majority of Member States.

BRAZIL

Brazil agrees with the proposal submitted by Portugal.

CANADA

Canada's comment is that Canada must follow the copyright laws as set down by the Government of Canada. Canada awaits further clarification from Portugal before making further comment.

CHILE

The proposal is rather complex. Is the aim under 1.1 to have the proposed WG evaluating all and each different national copyright regulation in force? Is the aim under 1.2.1 to have the proposed WG providing a guideline report on national registration? Are institutions identified under 1.2.2 relevant to all Member States?

We think and recognize that the copyright issues are really complex. In our opinion, each MS has a particular regulation in relation to it and therefore we do not think that it would be practical to try finding guidelines of general usage.

Chile considers that for the time being the practice of bilateral agreements provides a good solution to the issue of copyrights, at that level. We are of the opinion that this matter does not deserve a priority as to establish a Working Group specially devoted to study it, and therefore we do not support the proposal.

CROATIA

Croatia fully supports this proposal for the re-establishment of the Working Group on Official Nautical Charts and Other Nautical Publications Copyrights.

As many other hydrographic offices, CHI has been facing the problem of the unauthorized use or reproduction of the data included in charts and publications. Though in Croatia there are regulations on copyright issues, so far we have not decided to start any legal proceedings for the copyright protection, because with the modern processing and reproduction technology, the very procedure of copyright proving is very difficult and long-lasting. We expect that the experiences of other MS through such WG constituted at the IHO level, and the results of already established WG for copyright of the MBSH Commission, will help us and other MS to resolve this very important problem.

FINLAND

Not supported.

Finland is entering into bilateral arrangements in accordance with the guidelines developed by the NSHC Copyright Working Group. Finland has not noticed any open copyright issues which need to be dealt with by the proposed working group.

FRANCE

Reserved opinion.

The Working Group should only be reactivated to deal with well identified problems.

GREECE

No comments.

INDIA

The proposal is supported by India. However we may also consider as to whether the document 'Copyright & Price related matters' prepared by NSHC could still be used as background document and adopted by IHO.

ITALY

As pointed out by Australia, Italy believes that the re-establishment of such WG would be of little advantage to most countries.

NETHERLANDS

Not very much in favour.

The intention of this proposal is not fully clear.

In the period between 1992 and 1997 there was a lot of discussion about copyright matters which resulted in useful guidelines.

NEW ZEALAND

Conditions for ownership and dissemination of national hydrographic data may be determined by overarching Government policies on access to public information. These policies are likely to override any IHO policies or guidelines.

NORWAY

Norway does not support this proposal. The extensive work carried out by the North Sea Hydrographic Commission Working Group on Copyright and Pricing related Matters, presented to the XVth International Hydrographic Conference in 1997, seems to cover many of the concerns and should be consulted.

PERU

Peru believes that this topic should be discussed further before taking a decision. There are many legal implications that should be addressed in this matter.

SWEDEN

In principle Sweden is against the proposal as there has been a major job done under the NSHC WG on this matter. An alternative is that this WG takes up its work again with a few additional members. However we think that the copyright and property rights need no extra work with reference to the Bern Convention etc. The progress in different countries is more depending on different national legal interpretation in individual cases.

TURKEY

Agreed. There is an urgent requirement to create an international action to arrange the copyright issues. The working group can address the current problems that HOs are having with private companies.

UK

The UK does not support this proposal since we believe much of the work has already been achieved by the LAC and the NSHC Copyright WG, whose reports are available from the IHB.

Copyright is a national law and therefore registration requirements will vary nationally. It would be difficult, time-consuming and expensive for a WG to consider the application of the various national laws.

The proposal suggests in para 1.2.2 gathering information from various international organizations. However, these organizations generally provide minimum standards which, when adopted by their member states could be implemented nationally in different ways. To be of any value, it would be necessary to analyse the costs involved with registration against the risks of not registering – something that not only varies with the territory but also the product and is therefore best left to the nation concerned.

In paragraph 1.2.3 we are concerned that by trying to recommend minimum terms and conditions within bilateral arrangements, it could restrict Member States' abilities to provide the best service to each other. In addition and more importantly, any collective decision to use a set of terms and conditions could be seen as a decision by a cartel to distort a market in which they hold a dominant position. This would be considered anti-competitive and hence illegal.

The UK recommends that should any additional work be required along the lines of para 1.2.2, then the LAC be requested to prepare a report providing a summary of the various international conventions that apply to the major types of intellectual property – i.e. copyright, trademarks, patents and sui generis rights – who are the signatories, what is protected and what are the minimum requirements to obtain protection. Such a report would need to be reviewed (probably annually) and updated to take account of any new agreements. The report should not look at national implementation of the international agreements.

USA

The United States considers this to be a “national” issue and does not require further consideration by the Conference.

PRO 21 - PROPOSAL TO APPROVE LEGAL REGULATIONS OF THE IHO HARMONIZATION PLAN

Submitted by: Portugal (WORK PROGRAMME 5)

References:

1. IHO Basic Documents
2. Decision 61, XVth IHC
3. Decision 6, IInd EIHC
4. CL41/2000
5. CL44/2000

PROPOSAL

- Inclusion of the second part of article 2, RPC, modified accordingly to Decision 6 (PRO 7) of the II EIHC (“(...) The duration of the Session, which shall not normally exceed one week, shall also be fixed at the close of the previous session”) in article 3, GR.
- Insertion of the expression “and the Directing Committee” in the text of Article 5, RPC: “The Bureau and the Directing Committee shall invite to be represented by observers at any session of the Conference (...)” and replacement of article 6, GR, by this new text.
- Actualisation of article 12, RPC, in what relates to the terminology and the current practice of IHO, and also its inclusion in the section of the GR devoted to the International Hydrographic Conferences.
- Substitution of article 9, GR, by article 14, RPC.
- Substitution of article 7, GR by article 37, RPC.
- Inclusion of point a) of article 60, RPC, as the first point of article 42, GR, and deletion of article 60, RPC.
- Substitution of item a) of article 43, GR, by the first sentence of article 62, RPC, and removal of the surplus of this one.
- Inclusion of the sentence “(...) The candidate obtaining the highest number of votes shall be declared elected as President of the Directing Committee (...)” (second sentence of article 63, RPC) at the beginning of the item b) of article 44, GR, and removal of the surplus of article 63, RPC.
- Transfer of article 25 RPC towards the GR
- Deletion of the sentence “and the articles 11 to 14 of the General Regulation” in article 1, FR.
- Insertion of the sentence: “In the event of conflict between any provision of the this Convention and those of other Basic Documents, the Convention shall prevail”, in the Convention, as an item 4) of article XXI.
- Transfer of the articles of the RPC towards the GR: 1, 2, 51, 8, 9, 34, 33, 36, 5, 6, 37, 4, 17, 12, 13, 18, 24, 19, 20, 10, 21, 16, 35, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 50, 52, 53, 54, 55, 56, 57, 58, 49.
- Transfer of the articles of the RPC towards the FR: 27, 28, 29, 30, 31.

- Transfer of the articles of the GR towards the FR: 11,12,13,14.
- Deletion of the other RPC articles and of RPC as a Basic Document.

EXPLANATORY NOTE

IHO legal formulation is a consequence of the continued perception of the requirement of the Organization normative and administrative effectiveness, what shall mean a corresponding institutional advance.

From this analysis, it is clear that there is a duplication of legal dispositions in various documents, which renders the administrative functioning of the Organization, the interpretation of abilities and responsibilities, as well as the continuation of legal alteration difficult.

Following the replies to CL 41/2000 and 44/2000, the IHPT undertook a study on the legal perfection of the IHO. The following duplicatons are noted:

Table 1 – Duplicated articles

Articles 3, 4, 11, 21, 50, 52 e 56, RPC	Article VI, CIHO
Articles 7 e 57, RPC	Article 5, GR
Articles 27 e 28, RPC	Article VII, 1), CIHO
Articles 29, 30 e 31, RPC	Article 11, GR
Article 37, RPC	Article 7, GR
Article 53, RPC	Article XXI, 2) CIHO
Articles 54 e 55, RPC	Article V, CIHO
Article 59, RPC	Article 36, GR

Table 2 – complementary or partially duplicated articles

Article 2, RPC	Article 3, GR
Article 6, GR	Article 5, RPC
Article 9, GR	Article 14, RPC
Article 60, RPC	Article 42, GR
Article 43, GR	Article 62, RPC
Article 63, RPC	Article 44, GR

The proposal aims at the legal harmonization and the coherence of the administrative functioning of the Organization

IHB COMMENTS

The IHB proposes not to discuss this proposal at the Conference in view of PRO 3, but to pass it as a working document to the SPWG as a contribution to future work of this WG.

MEMBER STATES' COMMENTS

AUSTRALIA

Australia supports the comments of the IHB.

BRAZIL

Brazil agrees with the IHB comments.

CANADA

Canada fully supports the comments of the IHB on this proposal.

CHILE

We fully approve the spirit of the proposal, that moves forward the harmonization plan of the Basic Documents of the IHO. Nevertheless we are of the opinion that we should not discuss this proposal in detail and agree that this effort must be done in line with the modernization of the Convention, and therefore, we think that this valuable work should be considered by the SPWG, tasked to study this matter within its new Terms of Reference, according to PRO 3 and PRO 4.

CROATIA

Croatia has no comments regarding this proposal.

FINLAND

Agrees with the IHB comments.

FRANCE

This would come under the responsibility of the SPWG, if PRO 3 is approved.

GREECE

HNHS agrees with the comments made by IHB.

INDIA

The proposal is NOT supported by India as there are conflicting opinions of Member States on amendment of Basic Documents.

ITALY

Italy shares IHB's position.

MONACO

Proposal: second point: see comment on PRO 17 concerning possibly replacing the "and" by "or".

NETHERLANDS

Although the changes proposed by Portugal seem all meaningful, we think this work should be part of the Study mentioned in PRO 3.

NEW ZEALAND

New Zealand supports the comments of the IHB.

NORWAY

Norway supports the views of the IHB.

PERU

Perú supports the opinion of the IHB that the document be circulated as a working document and be considered by the SPWG for further discussion within this group that is revising many legal aspects of the future of the IHO.

SWEDEN

Sweden agrees with the comment by IHB to pass it to the SPWG.

TURKEY

Not agreed. The IHB comment is supported.

UK

This is one of 3 proposals relating to the IHO Basic Documents. The content of this proposal makes it the 3rd preferred option for UK if PROs 4 and 3 fail.

The UK supports the principle of this proposal but would prefer to see this work carried out by the SPWG. The intentions of this proposal are contained within PROs 4 and 3. If either of PROs 4 or 3 are successful then this proposal will not be required.

USA

The United States is of the opinion that this should be handled in the Strategic Planning Working Group. Further, we agree with the Bureau proposal not to discuss this at the conference in view of PRO 3.

PRO 22 - TO APPROVE THE ADMISSION OF CERTAIN MARITIME UNITED NATIONS (UN) MEMBER STATES TO MEMBERSHIP OF THE IHO

Submitted by: Australia, Germany, Norway

Reference: Proposal 2 to the XVIth International Hydrographic Conference

PROPOSAL

The Conference is requested to indicate, pursuant to Article XX of the IHO Convention, approval for the admission to the IHO Convention of Mauritius, Myanmar, and Slovenia*.

EXPLANATORY NOTES**1. Introduction**

- 1.1 There is a general view amongst members of the IHO that there is a need to speed up the membership application procedure. However, it will be a protracted process to achieve reform in this area through amendment of the IHO Convention. This Proposal seeks to find a practical interim solution that is in accordance with the existing Convention yet can speed up the process and can be brought into effect now.
- 1.2 Mauritius, Myanmar, and Slovenia* are “maritime state(s)” that have applied to the Government of the Principality of Monaco for accession to the Convention in accordance with Article XX of the IHO Convention, but have yet to achieve the required number of approving votes from Member Governments.
- 1.3 Article XX of the IHO Convention requires that membership be approved by two-thirds of the Member Governments. History has shown that such a process can be lengthy. The purpose of this Proposal is to try to accelerate this process by providing Member Governments with an opportunity to indicate at this Conference their approval of the States nominated in this proposal as an alternative to the protracted process of notifying the Government of the Principality of Monaco. This proposal has been carefully studied by international and constitutional lawyers from the Office of the Australian Government Solicitor including Queens Counsel and from the Ministry of Foreign Affairs of Germany. They consider that it is an acceptable procedure under the terms of the existing IHO Convention.

2. Legal and Constitutional Analysis

- 2.1 The procedure for the approval of membership applications is not specified in detail in Article XX of the IHO Convention. Article XX requires only that an application should be approved by two-thirds of the Member Governments.
- 2.2 Article V (g) assigns to the Conference the function "to adopt any particular regulations that may prove to be necessary ...", and V (d) entitles the Conference to take decisions in respect of all proposals of a technical or administrative nature. In our view, the approval of membership applications can be considered as an administrative act to be performed by the Member Governments within the framework of a Conference. Furthermore, this proposal can also be seen as being essentially interpretive in nature. In that context, the membership of the

** Note: Since receiving this proposal, Slovenia's application has now received the required two-thirds approval.*

IHO through the Conference has the power, therefore, to apply its own interpretation in respect of relevant governing provisions.

- 2.3 Article VI, paragraph 1, clearly states that "the Conference shall be composed of *representatives* of the Member Governments". Member Governments represented at a Conference are thus entitled to indicate their position, through their representatives at the Conference, on any issues to be considered by the Member Governments.
- 2.4 It is our view therefore that a Conference can lawfully act to approve the admission of States which have already met all the other qualifying requirements of Article XX of the IHO Convention but which have not yet gained the necessary approval of two-thirds of the Member Governments.

3. Effect of this Proposal

- 3.1 This Proposal gives Member Governments who have not previously indicated their approval an opportunity to do so at this Conference. Those Member Governments who have previously indicated their approval via the Government of the Principality of Monaco can also re-affirm their support.
- 3.2 In the event that the approvals already received together with those from other Member Governments who indicate their support at this Conference constitute the required two-thirds majority, then the nominated States will have passed the requirement for the approval of the necessary number of Member Governments pursuant to Article XX. All that would then remain is for each State to deposit its Instrument of Accession with the Government of the Principality of Monaco.
- 3.3 If the required majority is not achieved, then those Member Governments that have indicated their approval either before the Conference or during the Conference shall be recorded. The existing procedure of notification to the Government of the Principality of Monaco will then continue to apply until such time as the required number of approvals is achieved.
- 3.4 At the same time, those Member Governments who may wish to reserve their position or, in fact, prefer to give no indication of their position whatsoever regarding the membership of the indicated States continue to have this right.

4. Action requested of the Conference

- 4.1 The Conference is requested to vote on this proposal. Those Member Governments who have already indicated their approval are requested to reaffirm their support. At the same time, those Member Governments who have not previously indicated their approval for admission are invited to indicate their approval also. Such approvals shall be recorded.
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PRO 23 - NEW TERMS OF REFERENCE FOR THE IHO STRATEGIC PLANNING WORKING GROUP

Submitted by: Canada, Germany, UK and USA

Reference: PROs 1, 2, 4, 9, 18 to the 16th International Hydrographic Conference

PROPOSAL

The Conference is requested:

With reference to the new Terms of Reference for the Strategic Planning Working Group, proposed by the IHB to the XVIth IHC (Proposal 4),

- 1. To refer the amendments to the Convention proposed by Pro 1, Pro 2, Pro 9 and Pro 18, as well as any other amendments to the Convention proposed subsequently, to the Strategic Planning Working Group for consideration in the Study on the Revision of the IHO Convention (para 2 of Pro 4),**
- 2. To designate the representatives for the SPWG,**
- 3. To elect the Chairman of the SPWG.**

EXPLANATORY NOTES

1. One of the reasons for initiating a comprehensive study on the revision of the IHO Conferences is that the procedure for amending the Convention has proven to be unworkable. No amendment proposed by the Conference so far has ever entered into force. It appears highly unlikely, therefore, that the proposals for amending the Convention proposed to this Conference will be ratified by Member States while the SPWG is still working on their study on the revision of the Convention. It is considered more efficient, therefore, to refer all proposed amendments to the Convention to the SPWG for consideration in their study.
2. PRO 4 proposes that the representatives forming the SPWG will be designated by the IHO regional Hydrographic Commissions. Taking into account that it may prove difficult to organise meetings of regional Commissions during this Hydrographic Conference, and waiting for Conferences of Regional Hydrographic Commissions may take too much time, it is suggested that the Member States present at the IHO Conference should designate the representatives to SPWG during this Conference.
3. PRO 4 proposes the President of IHB Directing Committee to chair SPWG. This principle has been working well in the past while predominantly organisational matters were on the agenda of SPWG. However, constitutional issues will be the main task for the SPWG in future. This may also affect the future management structure of the IHB the IHB President is part of. It appears more appropriate, therefore, that the Member States present at the Conference elect the Chairman for SPWG from the representatives of Member States. It is suggested that IHB proposes a suitable candidate to the Conference.

PRO 24 - DRAFT STATEMENT BY THE MEMBER STATES OF THE INTERNATIONAL HYDROGRAPHIC ORGANIZATION (IHO) DURING THE WORLD SUMMIT ON SUSTAINABLE DEVELOPMENT (JOHANNESBURG 2002)

Submitted by: France (WORK PROGRAMME 1)

Supported by: India, Portugal

PROPOSAL

" The nations of the whole world will meet on the occasion of the World Summit (Rio + 10) in Johannesburg (South Africa) in September 2002 to assess progress accomplished in the implementation of all the parts of the program of action on environment and development which had been adopted during the Planet Earth Summit'92.

The International Hydrographic Organization should participate in this Summit and have the opportunity to make a statement in the name of its Member States.

This statement would underline that hydrography makes a major contribution to the knowledge of oceans and coastal areas, a knowledge which is fundamental for a management suited to these areas, and essential for sustainable development. This statement would clarify the role which services in charge of hydrography in the different states play regarding maritime safety, an element of prime importance for the preservation of the integrity of the maritime environment, but also the direct contribution which they can make to the knowledge of this environment.

It is proposed that the Conference adopt the principle of such a statement by the IHO during the World Summit Rio+10, and create a drafting group tasked to establish a draft of the formal statement at the Summit of Johannesburg; this draft is to be considered and approved formally by the Conference before its closure.

COMMENTS

- The Intergovernmental Oceanographic Commission of UNESCO, which claims to be the "only United Nations Organization specialized in sciences and oceanic services" will make a statement during the Summit; the terms of this statement were adopted during an extraordinary session of its executive council in Paris on December 10 and 11, 2001, which followed on the World Conference "Oceans and coasts to Rio + 10" which took place, under its aegis, in Paris from 3 to 7 December 2001.
- The main terms of this statement concern the role and results of IOC in support of research, in the running of the Global Ocean Observation System (GOOS), in the process of data exchange, in the program of integrated coastal area management, in the knowledge of oceanic characteristics and processes. This Statement ends by the following recommendation "the Summit should reaffirm the importance of the oceans for sustainable development, promote the IOC as the key marine science body of the UN and encourage governments and funding organizations to provide the resources necessary to implement IOC priorities, including support for IOC activities for marine science capacity building in developing countries."

- The IHO took part in both of these events but was not able to be mentioned in the draft statement, since IOC did not wish to cite other international organization, whether they belong or not to the United Nations system.
 - Consequently, it seems appropriate for the IHO to have a specific and autonomous initiative, in order to clarify its essential and irreplaceable role for the development of competence in geo-hydrography and for the knowledge of the maritime areas, a knowledge which is a prerequisite to the creation of seaways and access roads to the ports, and in order to widen its action beyond the priority needs of maritime safety and help to navigators.
 - This initiative takes place in coherence with the "IHO Work Program for the period 2001-2005", dated September 2001, notably in its paragraphs 3.4.1, 3.4.1.4. , 3.4.3.1.
-

PRO 25 - ESTABLISHING INTERNATIONAL HYDROGRAPHER'S DAY

Submitted by: Russian Federation

Supported by: United Kingdom and Estonia

PROPOSAL

The Conference is requested to approve the proposal to establish the International Hydrographer' Day.

Explanatory Note

1. There are a lot of professions whose merits have been officially recognized by the International Community and by national governments. For instance, the UN Organization celebrates the Day of Theatre and cinema, the "World Meteorological Organization - the Day of Meteorologist, a number of countries celebrate Mariner' Day, Teacher, Fisherman and etc.

Hydrography, one of the disciplines that contributes greatly to the honourable matter - providing the safety of navigation for the benefit of the whole World.

Therefore it would be worth establishing the "Hydrographer's Day".

It will give additional weight to the International Hydrographic Organization and assist in enhancing its authority and importance among other international organizations.

The date of Hydrographer's Day may be the date of creation of International Hydrographic Bureau or any other data which the participants of the Conference consider appropriate.

2. If the proposal is approved, the IHB will take the necessary action.

DECISIONS

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DECISIONS OF THE XVIth I.H. CONFERENCE

PREAMBLE

1)	Proposals (or modification to these proposals) submitted to the Conference which were approved.	PROs 4, 5, 7, 8, 11, 14, 19, 23, 24, 25.
2)	Proposals rejected and withdrawn.	PROs 9, 10, 16, 18, 20, 22.
3)	Proposals passed to the Strategic Planning Working Group or other Committees or Working Groups for further study.	PROs 1, 2, 3, 6, 12, 13, 15, 17, 21.

A. DECISIONS OF THE CONFERENCE RESULTING FROM THE APPROVAL OF PROPOSALS SUBMITTED

DECISION No. 1 - APPROVAL OF THE TABLE OF TONNAGES AND VOTES

The Conference approved the Table of Tonnages and Votes (See document CONF.16/G/05 Rev. 2)

DECISION No. 2 - NEW TERMS OF REFERENCE FOR THE IHO STRATEGIC PLANNING WORKING GROUP (PRO 4 and PRO 23)

The Conference approved the new Terms of Reference for the Strategic Plan Working Group as follows :

NEW TORs FOR THE SPWG

1. Give advice, when needed, to the IHB Directing Committee, regarding the content of the Strategic Plan and related Work Programme.
2. Oversee and monitor the content of the Strategic Plan and related Work Programme.
3. The SPWG will include representatives designated by the IHO Regional Hydrographic Commissions. Individual Member States may be represented if they consider it necessary.
4. The SPWG shall request the assistance of legal experts when it is deemed necessary.
5. The Chairman of the SPWG will be elected by the Conference.
6. Consider unresolved IHO matters referred by the XVIth Conference and provide a report and recommendations by December 2003.
7. Carry out a study on the need to revise the IHO Convention, providing the IHB Directing Committee with recommendations on any changes by December 2003.
8. Consider the harmonisation of the text of the IHO Basic Documents and supply recommendations to the IHO Directing Committee by December 2003.

9. Present the results of these studies to the IHB Directing Committee who will circulate a report to Member States by December 2003.
10. Co-ordinate comments on the interim report and produce a final version by April 2004 in time to be considered by an Extraordinary Conference.

DECISION No. 3 - MODIFICATION OF T 1.3 “ESTABLISHMENT OF REGIONAL HYDROGRAPHIC COMMISSIONS” (RHC) AS DISCUSSED AND AGREED DURING THE 6TH SPWG MEETING (PRO 5)

The Conference approved the following new text for IHO Technical Resolution T 1.3., as proposed by Australia and amended by a Drafting Group formed by Algeria, Argentina, Chile (Chairman), China, France, Italy, South Africa, USA and IHB.

T 1.3 ESTABLISHMENT OF REGIONAL HYDROGRAPHIC COMMISSIONS (RHC)

1.- It is resolved that the IHB shall encourage Member States having common regional interests in data collecting or nautical charting to form Regional Hydrographic Commissions (RHC) to cooperate in the undertaking of surveys and other projects. As part of IHO, the RHC shall complement the work of the Bureau.

2.- RHCs are intended to provide, in pursuance of the resolutions and recommendations of the IHO, regional co-ordination with regard to nautical information, hydrographic surveys, production of nautical charts and documents, training, technical cooperation and hydrographic capacity building projects. They (RHC) should enable the exchange of information and consultation between the hydrographic services concerned. Geographically adjacent RHCs should liaise with each other.

3.- RHCs shall be properly constituted and have activities in line with the objectives of the IHO as described in Article II of the Convention on the IHO and in accordance with the approved IHO Work Programme. Geographical areas of the RHC will normally coincide with INT chart regions, modified as appropriate to meet regional requirements and special circumstances. There are special provisions for Region M (Antarctica) because of its special status.

4.- RHC membership may include full members, associate members, and observers, all willing to contribute to the safety of navigation in the fields of hydrography, nautical charting, nautical information or navigational warnings in the region concerned. The roles of full members, associated members and observers will be defined by each RHC.

Full membership is reserved for IHO Member States within the region who sign the statutes of the RHC.

Associate membership is available to other IHO Members States or States of the region who are non-IHO members, both being signatories of the statutes of the RHC.

Other States and International Organizations active in the region concerned may be invited by the RHC to participate as observers.

The invitation procedures should be established by each RHC.

5.- The working languages used by the RHC shall be agreed upon by their members and designated to ensure the best communication between participants. The reports and IHO documents relating to RHC activities shall be in at least one of the official languages of the IHO. For

correspondence with the Bureau, one of the official languages of the IHO shall be used.

6.- A representative of the Bureau shall be invited to attend meetings of RHCs.

6bis.- RHCs shall assess regularly the hydrographic capacity and requirements within their region.

7.- Chairs of RHCs shall report to the I.H. Conference on RHC activities, hydrographic capacity and requirements within their region, future plans and the agreed key targets that support RHC tasks detailed in the IHO Work Programme. The Chairs of RHC's shall also submit an annual report to the IHB indicating progress made against the agreed key targets in the IHO Work Programme for general dissemination. Between sessions of the IHC, reports of studies or other activities, which may be considered of general interest to all IHO Member States, shall be sent by Chairs of RHCs to the Bureau for general dissemination.

DECISION No. 4 - LENGTH OF TENURE OF CHAIRMEN OF IHO WORKING GROUPS AND COMMITTEES (PRO 7)

The Conference approve the following new text for IHO Resolution T 1.1.

T 1.1 FORMATION OF INTERSESSIONARY SUBSIDIARY BODIES OF THE IHO

- 6.1 Terms of Reference: every subsidiary body shall be governed by Terms of Reference (TOR) clearly stating the Objectives of the body. TOR shall be approved by the Member States, reconfirmed during each relevant session of the Conference and deposited with the IHB, with the exception of Working Groups formed under 5.3(b) above which shall be approved by the establishing Committee or board. Approved TOR for Committees and Boards shall be posted on the IHO WEB site in the MS - only section.
- 6.2 Composition: the composition of each subsidiary body shall be stated in the TOR
- 6.3 Chair: the TOR shall establish the method of determining the Chair and Vice-Chair of each body. The TOR may provide that the Chair and the Vice-Chair be determined by vote of the Member States participating in the body or by appointment by the Directing Committee in consultation with the Member States. For bodies that meet, the Chair and Vice-Chair shall be appointed at the first meeting of each body following each ordinary International Hydrographic Conference and their term of office shall normally be until the first meeting after the next ordinary International Hydrographic Conference. For those bodies that progress business by correspondence in lieu of meetings, the initial Chair and Vice-Chair will be determined by correspondence within six months of the end of an ordinary International Hydrographic Conference. Alternatively, the Chair and vice-Chair may be selected at the Conference. Their term of office shall normally be until six months after the end of the next ordinary International Hydrographic Conference
- 6.4 Reporting: every subsidiary body is to provide an annual report and a report to each relevant session of the Conference, summarizing its activities, accomplishments and recommendations. Such reports should be in one of the official languages of the IHO and should be submitted to the Bureau for inclusion in the Bureau's Annual Report, or as individual reports to the Conference. The exception to this rule is that Working Groups formed under 5.3 (b) should submit their reports to the parent body, which will make a copy available to the IHB for distribution to all interested Member States.

DECISION No. 5 - CLARIFICATION OF THE ROLES AND RESPONSIBILITIES OF THE IHO LEGAL ADVISORY COMMITTEE (PRO 8)

The Conference approved the following revised Terms of Reference for the Legal Advisory Committee :

TERMS OF REFERENCE (TOR) FOR THE IHO LEGAL ADVISORY COMMITTEE

1. The IHO Legal Advisory Committee, as a source of relevant legal information and a focal point for consideration of legal issues which may arise in pursuing IHO initiatives and programs, will, subject to clause 2:
 - a. Consider legal issues raised by a Member State or the Chairman of an IHO subsidiary body and submitted through the Directing Committee of the I.H. Bureau. The Directing Committee may also itself raise relevant issues for consideration.
 - b. Respond to such legal issues that are relevant to these Terms of Reference and raised under (a) above through the IHB.
 - c. Interact directly, as required, with parties originating such issues to obtain background information or clarifications.
 - d. Keep the Directing Committee of the I.H. Bureau and, through them, all Member States informed of the results of considerations made.
 - e. Conduct its business by correspondence to the maximum extent practical.
2. The Committee will restrict itself to matters generally relating to the interpretation and application of the IHO Basic Documents and the conduct and execution of the aims of the IHO as described in the IHO Work Program. It will not serve as counsel or legal advisors to the Directing Committee over matters concerning the general administration of the I.H. Bureau, its staff or in the conduct of related IH Bureau administration.

DECISION No. 6 - AMENDMENT OF ARTICLE 9 OF THE GENERAL REGULATIONS OF THE IHO AND OF THE RULE 14 OF THE RULES OF PROCEDURE FOR INTERNATIONAL HYDROGRAPHIC CONFERENCES (PRO 11)

The Conference approved the following revised text for Article 9 of the IHO General Regulations and Rule 14 of the Rules of Procedure for I.H. Conferences:

ARTICLE 9 and RULE 14

- a) Twelve months before the opening of the Conference the Bureau shall invite Members to submit the proposals that they wish to discuss at the Conference. At least eight months before the Conference these proposals, as well as those submitted by the Bureau, shall be circulated to all Member Governments, who shall be invited to forward their comments to reach the Bureau at least five months before the Conference. After that date, no new proposals shall be accepted other than proposals referred to in (b) and (c)
- b) If due to exceptional circumstances Member Governments or the Bureau wish to submit a proposal at a later date, the submission should be approved by the Conference.

- c) Amending or alternative proposals directly related to the proposals already submitted under the procedure at (a) may be put forward subsequently.

DECISION No. 7 - CATALOGUES. INDEX CHARTS. AMENDMENT OF IHO RESOLUTION B 1.12 (PRO 14)

The Conference approved the following amendment to paragraph 1 of IHO Resolution B 1.12 CATALOGUES; INDEX CHARTS :

- 1.- It is strongly recommended that every Hydrographic Office publish a catalogue of its charts and nautical publications and keep the catalogue up-to-date by regular new editions. It is further recommended that this information be made available on-line using the world wide web such that this information is continuously maintained and made available in a timely manner.

DECISION No. 8 - HOLDING OF AN EXTRAORDINARY CONFERENCE (PRO 19)

The Conference approved the proposal to hold an Extraordinary Conference, as stated in paragraph 10 of the already approved Terms of Reference for the SPWG.

The Conference also approved that such an Extraordinary Conference would be held in the first quarter of 2005, giving Member Governments enough time to make the necessary preparations after the distribution of the final report of the SPWG report, by April 2004.

DECISION No. 9 - DRAFT STATEMENT BY THE MEMBER STATES OF THE INTERNATIONAL HYDROGRAPHIC ORGANIZATION (IHO) DURING THE WORLD SUMMIT ON SUSTAINABLE DEVELOPMENT (JOHANNESBURG 2002) (PRO 24)

The Conference decided that a statement based on the text proposed by France should be made at the Summit and that the IHB was entrusted with drafting the statement, to go out to Member States in a Circular Letter for comments. The Conference also decided to authorize the IHB to take part in the Summit and make the presentation on behalf of the IHO.

DECISION No. 10 - ESTABLISHING AN INTERNATIONAL HYDROGRAPHERS' DAY (PRO 25)

The Conference decided to task the IHB Directing Committee to investigate how the United Nations might recognize a Hydrographers' day.

After consultation with the United Nations, the Bureau will circulate to Member States the title of the day and the possible date, either the date of foundation of the IHO or the date of entry into force of its Convention.

B. DECISIONS TO REFER PROPOSALS TO THE STRATEGIC PLANNING WORKING GROUP FOR CONSIDERATION

DECISION No. 11 - INCLUSION OF PROPOSALS 1, 2, 3, 6, 10, 17 and 21 IN THE STUDIES TO BE CARRIED OUT BY THE NEW STRATEGIC PLANNING WORKING GROUP

The Conference decided that the SPWG will consider the amendments to the Basic Documents and other subjects addressed in Conference Proposals N° 1, 2, 3, 6, 10, 17 and 21.

C. DECISIONS TO REFER PROPOSALS TO OTHER COMMITTEES OR W.G. FOR CONSIDERATION

DECISION No. 12 - INCLUSION OF PROPOSALS 13 and 15 IN THE STUDIES TO BE CARRIED OUT BY THE CHRIS

The Conference decided that the CHRIS will consider the proposals put forward in PRO13 (Compilation scales for Electronic Data Bases) and PRO 15 (Enhancement of the use of data at small scales)

DECISION No. 13 - INCLUSION OF PROPOSAL 12 IN THE STUDIES TO BE CARRIED OUT BY THE TIDAL COMMITTEE

The Conference decided that the Tidal Committee will consider the proposal put forward in PRO12 (Datums and benchmarks)

D. DECISIONS RELATED TO APPROVAL OF REPORTS SUBMITTED

DECISION No. 14 - REPORT ON THE IHO WORK PROGRAMME 5 - GENERAL ORGANIZATION DEVELOPMENT (CONF.16/WP.5)

The Conference adopted this Report.

DECISION No. 14 a) - WORK PROGRAMME 2003-2007 (CONF.16/WP.5 and CONF.16/F/02 Add.1)

The Conference approved the Work Programme for the period 2003-2007 proposed in the Report.

DECISION No. 14 b) - STRATEGIC PLAN AND WORK PROGRAMME PLANNING CYCLE (CONF.16/WP.5)

The Conference approved the following Strategic Plan and Work Programme Cycle.

1. Planning Cycle for the Strategic Plan

Y-12 (Apr) : IHB invites MS and IHO Committees to submit proposals to update the Strategic Plan.

Y-08 (Aug) : IHB circulate proposals on strategic issues to all MS.

Y-05 (Nov) : MS provide comments to IHB in relation to the proposals.

Y (Apr) : At the IHC, the revised Strategic Plan is discussed, amended and decided upon in Plenary.

Y+02 (Jun) : IHB circulates updated Strategic Plan to MS

- Notes:**
- 1) Rules of Procedure of IHC N° 14 and N° 15 apply.
 - 2) "Y" means the year of the Ordinary Conference, and the numbers are months before (-) or after (+).

2. Planning Cycle for the 5-year Work Programme

The 5-year Work Programme will be reviewed on a yearly basis.

- Y (Jan) : The corresponding Annual Programme enters in force.
- Y+04 (Apr) : IHB evaluates the accomplishment of the preceding year's Work Programme, and reports to MS, through the "IHO Annual Report", proposing changes (if needed) to the Programme in force and budgetary adjustments issuing from those changes, within the limits of the approved budget.
- Y+06 (Jun) : MS provide IHB with comments and proposals for changes to the Programme in force.
- Y+08(Aug) : If changes are proposed, the IHB submits to MS the revised 5-Year Work Programme and Budget for approval.
- Y+10 (Oct) : MS approve the revised 5-Year Work Programme and its Budget.
- Y+12 (Jan) : The corresponding Annual Programme enters into force, and the Cycle is repeated.

During Conference years, Article 23 of the General Regulations will apply and the IHB will submit the new Work Programme and associated 5-year budget for the intersessional period 4 months before the Conference. The Work Programme and proposed 5-Year budget will be discussed and approved by the Conference and will enter into force on 1st January of the year following the Conference. Then the Planning Cycle as described above will apply.

Note: "Y" means years.

DECISION No. 14 c) - AMENDMENTS TO ARTICLE 8 and 24 OF THE IHO GENERAL REGULATIONS, RULE 12 OF THE RULES OF PROCEDURE FOR CONFERENCES AND INSERTION OF A NEW IHO RESOLUTION T 5.1.

The Conference approved the following amendments :

1) Article 8 of the IHO General Regulations

Insert new sub-paragraph [c]

- [c] The Conference shall review the Strategic Plan of the Organization, and approve the Intersessional Work Programme for the next five years. *[see also article 23[c]]*

2) Article 24 of the IHO General Regulations

Insert new sub-paragraph [b]

- [b] The Directing Committee shall be guided by the IHO Strategic Plan and the Five Year Rolling Work Programme.

3) Rule 12 of Rules of Procedure for I.H. Conferences

Insert new sub-paragraph:

- (i) The Strategic Plan of the Organization and the Inter-sessional Work Programme.

4) IHO Resolutions

Insert the new Resolution T.5.1

T 5.1 Planning Cycle

The Organization shall prepare two plans to guide its work.

The Strategic Plan shall be for an indefinite period, and shall be reviewed at each Conference.

The Five Year Rolling Work Programme shall look five years ahead, and shall be reviewed annually.

Planning Schedules

Insert here the planning cycles approved by the Conference.

DECISION No. 15 - REPORT ON THE IHO WORK PROGRAMME 1 (CONF.16/WP.1 and WP.1/ add.1)

The Conference adopted this Report.

DECISION No. 16 - REPORT ON THE WORK PROGRAMME 2 (CONF.16/WP.2) and (WP.2/Add.1)

The Conference adopted this Report.

DECISION No. 16 a) - NEW TERMS OF REFERENCE FOR TACC

The Conference approved the following new Terms of Reference for the FIG/IHO Technical Assistance and Cooperation Committee (CONF.16/WP2/Add.1).

The Fédération Internationale des Géomètres and the International Hydrographic Organization (FIG-IHO) have jointly constituted a Technical Assistance and Cooperation Coordinating Committee (TACC). The Terms of Reference for the Committee, in accordance with Articles II and VIII of the IHO Convention, are as follows:

TERMS OF REFERENCE

1. The Technical Assistance and Cooperation Coordinating Committee shall:

1.1. Assess continuously the hydrographic surveying, bathymetric maps, nautical charting and nautical information status of nations and regions where hydrography is developing and provide guidelines for the development of local hydrographic capabilities.

1.2. Actively promote the correct perception of the importance of proper hydrographic surveying, bathymetric maps, nautical charting and nautical information to all coastal states. Encourage the coordinated provision of technical and financial assistance to hydrographic development projects by establishing close relationships with national agencies and relevant international organizations which may provide funding or other support.

- 1.3. *Encourage and subsequently follow the development of bilateral or multi-lateral arrangements between countries having well established Hydrographic Offices, and hydrographic survey organizations, and those desiring to establish or expand their hydrographic capabilities.*
- 1.4. *Maintain a current inventory of all hydrographic surveying, bathymetric maps, nautical charting and nautical information projects involving cooperation with or technical assistance to nations which do not yet have adequate capabilities. Such projects can include academic and on-the-job training, provision of expert advice and provision or loan of equipment which may be under consideration, in progress or recently completed. Maintain, as well, a current inventory of assistance opportunities available from potential donor nations.*
- 1.5. *Make such inventories available to international and national organizations and funding or contributing agencies, so as to ensure maximum benefit and avoid waste or duplication of expense and effort. Unless otherwise stated, the information provided to the Committee will be made available on request.*
2. *The Committee shall be alternatively chaired by a member of the Directing Committee of the International Hydrographic Bureau and by the Chairman of the FIG Commission 4. The chairmanship will normally be handed over every two years. The outgoing Chairman will become Vice-Chairman.*
3. *The Committee consists of the Chairman, the Vice-Chairman, 6 members appointed by FIG and 6 members appointed by IHO. The appointed members should cover a wide variety of geographical areas, experience and backgrounds. The Chairman may invite observers to participate in the activities of the Committee.*
4. *Each IHO Regional Hydrographic Commission shall be informed of the assessment made by TACC for that region and invited to nominate a corresponding member to liaise with TACC for technical cooperation matters in their Region.*
5. *The Committee has its permanent secretariat at the IHB, Monaco. The secretariat provides the secretarial and administrative support needed to gather, hold and disseminate information on behalf of the Committee. The secretariat will include a summary of the TACC activities in the IHO Annual Report; this summary will also be included in the annual report of FIG Commission 4. A report on TACC will be presented at each ordinary session of the International Hydrographic Conference.*
6. *Expenses for IHB participation to TACC are covered by the IHB budget. Members of the Committee are expected to be supported by their national organizations, their employers or their professional associations for travel expenses and work.*
7. *The functioning of the Committee will be regulated by an internal document, the Terms of Procedure, issued and kept up-to-date by the Committee. Any modification to the Terms of Procedure will be adopted by simple majority of the Committee members.*
8. *Proposals by the Committee to modify these Terms of Reference must be ratified by IHO and FIG following the procedures of these bodies.*

**DECISION No. 17 - REPORT ON THE IHO WORK PROGRAMME 3
(CONF.16/WP.3, WP.3/Add.1 and WP.3/Add.2)**

The Conference adopted this Report.

**DECISION No. 17 a) - RECOMMENDATIONS OF THE WEND COMMITTEE
(CONF.16/WP.3 p. 4, WP.3/Add.1 and WP.3/Add.2)**

The Conference approved the following recommendations of the WEND Committee:

- a. To amend paragraph 1.2 of the Terms of Reference for WEND as follows :
 - 1.2 *To harmonize the policies of Regional ENC Coordinating Centres (RENC) with respect to matters related to administration, legality, finances, technical processes, etc.*
- b. To add the following new paragraph 2.6 to the WEND Principles
 - 2.6. *The Member States should strive for harmonization between RENCs in respect of data standards and service practices in order to ensure the provision of consistent ENC services to users. Wherever appropriate, this should be achieved by adoption of IHO Standards.*
- c. To add the following new paragraph 5.4 to the WEND Principles
 - 5.4 *When an encryption mechanism is employed to protect data, a failure of contractual obligations by the user should not result in a complete termination of the service. This is to assure that the safety of the vessel is not compromised.*
- d. That the WEND Committee continue under the following Terms of Reference:

TERMS OF REFERENCE FOR THE WEND COMMITTEE

Objective:

To promote the establishment of a World-wide Electronic Navigational Chart Database (WEND) suitable for the needs of international shipping

1. Terms of Reference

- 1.1 *To provide a forum for the coordination of the activities of Member States in achieving the objective.*
- 1.2 *To harmonize the policies of regional ENC Coordinating Centres (RENC) with respect to matters related to administration, legality, finances, technical processes, etc.*
- 1.3 *To take account of the Terms of Reference of, and consult with, other IHO bodies as appropriate, particularly CHRIS.*
- 1.4 *To report to Member States annually through Circular Letter and make a report to the ordinary sessions of the International Hydrographic Conference.*

2. Rules of Procedure

The Committee is composed of representatives duly authorized by Member States and an IHB Director will attend WEND Meetings.

- 2.1 *Meetings shall be held once a year. The venue and date will be announced at least three months in advance.*
 - 2.2 *The Committee Members will elect the Chairman and the Vice-Chairman of the Committee at its first meeting following each ordinary session of the International Hydrographic Conference.*
 - 2.3 *Recommendations of the Committee will be submitted to the IHO Member States for adoption through the Directing Committee.*
 - 2.4 *The IHB will serve as the Secretariat for the WEND Committee.*
- e. That Member States be requested and encouraged to urgently address the issues of ENC production and distribution mechanisms.
- f. To adopt the following WEND Principles and to incorporate them as IHO Technical Resolution K 2.19.

K 2.19 PRINCIPLES OF THE WORLDWIDE ELECTRONIC NAVIGATIONAL CHART DATABASE (WEND)

1. Ownership and Responsibility

- 1.1 *A Member State has responsibility for the preparation and provision of digital data and its subsequent updating for waters of national jurisdiction.*
- 1.2 *The Member State responsible for originating the data should validate it.*
- 1.3 *A Member State responsible for any subsequent integration of a country's data into a regional, or larger, data base is responsible for validating the results of that integration.*
- 1.4 *Responsibilities for providing digital data outside areas of national jurisdiction should be established.*
- 1.5 *The INT chart system is a useful basis for areal selection.*
- 1.6 *Legal liability must be recognized by participants.*

2. Cooperation and Coordination

- 2.1 *In the interests of safety at sea and to respond to the increasing demand for ENC, Member States are encouraged to work together in establishing and maintaining a WEND system as soon as possible, to share in common experience and reduce expenditure, and to ensure the greatest possible standardization and reliability.*
- 2.2 *Terms of Cooperation Arrangement for the Northern Europe RENC may be useful in arranging transactions between other RENCs and national HOs.*

- 2.3 *HOs are strongly recommended to provide data to HO data base organizations (RENCs) pursuing data bases within the WEND concept.*
- 2.4 *Member States are encouraged to work together on data capture or management.*
- 2.5 *Neighbouring Member States are encouraged to cooperate in boundary areas.*
- 2.6 *The Member States should strive for harmonization between RENCs in respect of data standards and service practices in order to ensure the provision of consistent ENC services to users. Wherever appropriate, this should be achieved by adoption of IHO Standards.*
- 2.7 *Advantage should be taken and shared of all experience gained.*
- 2.8 *Member States planning to incorporate data that must be obtained from another Member State into an integrated data base should inform those countries well in advance.*
- 2.9 *The development of overlapping data sets from different sources should be avoided if possible.*

3. Languages

The need to have data associated with different languages should be considered.

4. Standards and Quality Management

- 4.1 *A recognized standard of quality management (e.g. ISO 9000) should be employed to ensure a high quality of the ENC services.*
- 4.2 *There should be compliance with all relevant IHO and IMO standards and criteria (including IHO S-57, IHO S-52, or their replacements).*

5. Distribution

- 5.1 *Distribution of products may be separate from the data base management.*
- 5.2 *Methods to be adopted should ensure that data bear a stamp or seal of approval of the issuing HO.*
- 5.3 *Member States should work together in safeguarding national copyright in ENC data to protect the mariner from falsified products.*
- 5.4 *When an encryption mechanism is employed to protect data, a failure of contractual obligations by the user should not result in a complete termination of the service. This is to assure that the safety of the vessel is not compromised.*

6. Updating

- 6.1 *Technically and economically effective solutions for updating should be established.*
- 6.2 *National HOs providing source data are responsible for advising the issuing HO of update information in a timely manner.*

- 6.3 *The issuing HO is responsible for providing timely updates to the ENC for the mariner.*
- 6.4 *Updating information to regional or greater area ENC datasets should be available worldwide.*

7. *Reimbursement and Financial Arrangements*

- 7.1 *HOs should not give commercial companies better conditions than they offer to other HOs.*
- 7.2 *Reimbursement, including financial arrangements, payment in kind etc. for providing data, should be a matter for bilateral agreement between the parties involved.*

8. *Assistance and Training*

- 8.1 *Member States' HOs are strongly recommended to provide, upon request, training and advice to HOs which require it to start developing their own national data base.*

- g. To approve the following WEND Resolution:

It is recommended that Member States:

- a) *create the appropriate climate for regional and international co-operation in the capture and management of digital hydrographic data, acknowledging the ownership of the data.*
- b) *give high priority to the production of data that are validated and conform to the ENC Product Specification.*
- c) *promote the production of ENCs and the use of ECDIS.*
- d) *establish mechanisms for the national, regional and international distribution of ENCs in accordance with the WEND Principles.*

- h. To agree that Regional Hydrographic Commissions report annually to WEND.

DECISION No. 17 b) - RECOMMENDATIONS OF THE CHRIS (CONF.16/WP.3 p. 11 and WP.3/Add.1)

The Conference approved the following recommendations of the CHRIS:

- a) To approve the ongoing existence of CHRIS under the following Terms of Reference:

TERMS OF REFERENCE FOR THE CHRIS

Considering the need to promote and coordinate the development of official digital products and services to meet the requirements of mariners, the International Hydrographic Organization establishes a Committee on Hydrographic Requirements for Information Systems (CHRIS) with the following Terms of Reference and Rules of Procedure:

1. Terms of Reference

- 1.1 *To monitor the requirements of mariners associated with development and use of electronic information systems that may require data provided by national hydrographic offices, and identify the matters that may affect the activities and products of these offices.*
- 1.2 *To study and propose methods and minimum standards for the development and provision of official digital hydrographic data, nautical products and other related services.*
- 1.3 *To prepare and maintain publications to describe and promote the Committee's recommended methods and standards adopted by the International Hydrographic Organization, and advise national hydrographic offices about implementation procedures as required by those offices.*
- 1.4 *To consider alternative procedures for the timely production of standards, for example using external expertise when necessary.*
- 1.5 *To establish and maintain contact with other relevant IHO bodies, such as the Committee on WEND, the Legal Advisory Committee, the IHO WG on Copyright, etc...*
- 1.6 *To liaise with other relevant international organizations.*

2. Rules of Procedure

- 2.1 *The Committee is composed of Representatives of Member States and a representative of the International Hydrographic Bureau.*
- 2.2 *Member State Representatives, or the Committee as a whole, may invite Observers to Committee Meetings.*
- 2.3 *Meetings shall be held at least once a year. The venue and date will be announced at least three months in advance.*
- 2.4 *The Committee Members will elect the Chairman of the Committee at its first meeting following each International Hydrographic Conference.*
- 2.5 *The Committee will progress its work primarily through Working Groups, each of which will address specific tasks. Working Groups will operate by correspondence to the maximum extent practicable.*
- 2.6 *Recommendations of the Committee will be submitted to the IHO Member States for adoption through the Directing Committee.*
 - a) *To endorse the approval previously given to S-57 and S-52 and to recognize that this approval can be extended to the latest editions of S-57, S-52 and S-61 and their associated appendices and supplementary documents.*
 - b) *To endorse the need for funding of the C&SMWG, i.e. to pay for contracts for maintenance of the Presentation Library and the Services of a Technical Coordinator. The IHB to identify the potential sources of funding.*
 - c) *To approve cancelling Technical Resolution K2.18, which related to the former Committee on ECDIS (disbanded upon its conversion into CHRIS) and therefore had no further meaning.*

- d) To adopt the revised Technical Resolutions relating to Nautical Publications, as follows :

CHAPTER A – SUBJECTS OF GENERAL APPLICATION

SECTION 2 – NAUTICAL PUBLICATIONS

A.2.11 UPDATING OF NAUTICAL PUBLICATIONS

- 1.- *It is recommended that in each basic nautical publication the rules concerning its updating should be inserted.*
- 2.- *It is recommended that Hydrographic Offices apply such a system for keeping up to date nautical publications so as to simplify and speed up the task of navigators in charge of carrying out updating, as well as to ensure the full accuracy and clearness of all updates.*
- 3.- *It is also recommended that the system of writing and erasing updates by hand be avoided as much as possible.*

A.2.13 LIST OF NAUTICAL PUBLICATIONS

- 1.- *It is resolved that nautical publications shall include, but not necessarily be limited to, the following publications:*

*Distance Tables
List of Buoys and Beacons
List of Lights
List of Radio Signals
List of Symbols, Abbreviations and Terms used on Charts
Mariners' Handbooks
Notices to Mariners
Routeing Guides
Sailing Directions
Tidal Stream Atlases
Tide Tables*

A.2.14 PRINTED AND DIGITAL NAUTICAL PUBLICATIONS

- 1.- *It is resolved that the information provided in nautical publications may be published both as a printed publication and in digital form. When nautical publications are published in digital form, it is recommended that a printed publication shall also be produced. Digital nautical publications need not be facsimiles or replicas of the printed versions or vice versa; nevertheless, both the printed and digital publications shall provide consistent and non-conflicting information.*

CHAPTER A - SUBJECTS OF GENERAL APPLICATION

SECTION 7 – DIGITAL NAUTICAL PUBLICATIONS

A.7.1 CONTENT AND GENERAL ARRANGEMENT

- 1.- *Digital Nautical Publications may be produced in two arrangements, firstly as a stand-alone product based on existing paper publications, and secondly in the form of a compiled database intended primarily to work within an ECDIS.*

2.- *For the sake of clarity, Nautical Publications shall be defined by the following:*

- a) *NP1 – Printed paper publications.*
- b) *NP2 – Digital publications based upon existing paper publications.*
- c) *NP3 – Digital dataset(s) fully compatible with ECDIS that serve the purpose otherwise provided by NP1 or NP2.*

Note: Data Specifications for NP3 have yet to be finalised and therefore are not specifically referred to in this document.

3.- *It is resolved that Digital Nautical Publications (NP2 and NP3) shall at least fulfil the functions of corresponding printed nautical publications (NP1).*

4.- *Digital Nautical Publications (NP2 and NP3) need not slavishly follow the requirements of presentation and organisation laid down for printed publications (NP1). However, the relevant resolutions and recommendations for printed publications (NP1) shall serve as guidance regarding content and purpose.*

See also A.2.14, A7.2, A.7.3, A.7.4, Chapters C, D, E, F, G, H.

A.7.2 DATA FORMATS

1.- *It is strongly recommended that NP2 digital nautical publications that are based directly on existing printed nautical publications (in other words, digital facsimiles, re-compilations, or others) utilise open-systems or widely accessible digital publishing techniques and formats. This provides HO's with maximum flexibility in how they undertake digital publication but at the same time ensures compatibility and ease of integration with the widest range of computer based applications likely to be used to access the information.*

A.7.3 PRESENTATION OF INFORMATION

1.- *For digital nautical publications, it is not recommended or required that the presentation of information is standardised as to order or geographical sequence other than to be in agreement with any indexes devised to direct the user to the relevant parts of a digital publication. It is, however, recommended that information presented in a digital nautical publication conforms to the relevant IHO textual presentation and symbology standards.*

A.7.4 CROSS-REFERENCING OF INFORMATION

1.- *It is recommended that insofar as is possible an auto cross-referencing system shall be incorporated to connect all related / relevant material in a digital nautical publication.*

2.- *It is recommended that digital nautical publications make the fullest use of such things as search engines, web-based browsers, hypertext links and keywords.*

3.- *It is recommended that the cross-referencing system be suitable to provide links to associate information in a digital nautical publication with information in ENC's (and RNC's where possible) and with visual index diagrams.*

4.- *It is recommended that insofar as is possible:*

- a) *links shall be available to associate sketch plans, aerial oblique photographs or other illustrations and photographs with the relevant digital nautical publications text and with the relevant parts of ENC's (and RNC's where possible).*
- b) *digital nautical publications providing meteorological information shall contain a linked meteorological database capable of supporting modelling solutions.*
- c) *digital nautical publications providing oceanographic information should contain a linked oceanographic database capable of supporting modelling solutions.*
- d) *digital nautical publications providing density and salinity of water information should contain a linked seawater profile database providing modelling solutions.*

A.7.5 UPDATING

1.- *It is recommended that a regular system of updating for digital nautical publications be maintained using an appropriate combination of:*

- a) *Digital Notices to Mariners.*
- b) *Cumulative updating files.*
- c) *Replacement files.*

See also A2.11 A2.12.

A.7.6 DATA SECURITY

It is recommended that digital nautical publications incorporate data authentication processes to ensure that information contained in digital nautical publications can be verified by consumers before use.

A.2.15 NAUTICAL PUBLICATIONS AND THE SOLAS CONVENTION

1.- *It is resolved that nautical publications produced in compliance with these Technical Resolutions and Recommendations shall be deemed to satisfy the relevant carriage requirements for nautical charts and nautical publications in accordance with the UN Safety of Life at Sea (SOLAS) Convention Chapter V.*

CHAPTER C - SAILING DIRECTIONS

SECTION 2 – ARRANGEMENT

C.2.1 GEOGRAPHICAL ARRANGEMENT AND DIVISION INTO VOLUMES

1.- *It is resolved that nations publishing non-original Sailing Directions shall indicate in the preface of every volume the title and the geographical limits of the source Sailing Directions referred to in the volume or in some of its chapters.*

See also C1.4.

2.- *It is recommended that, insofar as possible, the divisions of the volumes and of the chapters be in agreement with the index showing the arrangement in the source Sailing Directions.*

- 3.- *It is recommended that the order adopted for the description of coasts be that of the source Sailing Directions, and that in intricate waters a sketch index shows, by means of arrows, with numbers of paragraph or pages as far as is necessary, the sequence followed in the description.*
- 4.- *It is resolved that the limits of oceans and seas described in IHO Special Publication S-23 shall be adopted, as far as possible, for the titles of volumes, chapters and paragraphs of Sailing Directions and Lists of Lights.*

See also K3.2.

C 2.2 GENERAL ARRANGEMENT AND DIVISION OF SAILING DIRECTIONS INFORMATION

- 1.- *It is recommended that the following paragraphs be used as a general guide for the arrangement of the contents of Sailing Directions.*

a) *The general arrangement of a volume should be as follows:*

- i) *Preliminary pages. See paragraph c below.*
- ii) *General navigation and regulations. See paragraph d below.*
- iii) *Environmental conditions. See paragraph e below.*
- iv) *Offshore and through-routeing information. See paragraph f below.*
- v) *Coastal routes and geographical areas. See paragraph g below.*
- vi) *Appendices for detailed regulations etc. See paragraph h below.*
- vii) *Illustrations. See paragraph i below.*
- viii) *Alphabetical index. See paragraph j below.*

b) *Separate volume for general information:*

When several volumes of Sailing Directions cover a major sea area, or a landlocked sea, it may be more expedient for some of the general information (see a(ii) above), the environmental information (see a(iii) above) and the through-routeing to form a separate volume covering the whole of the major sea area.

c) *Preliminary pages comprising:*

- i) *Title page showing date of issue, latest Notice to Mariners used, short statement on method of correction. Preface with bibliography of source material (see C1.4 and C2.1).*
- ii) *List of contents and diagrams, etc.*
- iii) *Explanatory Notes on terms and conventions used.*
- iv) *List of abbreviations used.*
- v) *Glossary of foreign and special words found on charts and in the text. A transliteration alphabet and/or notes on the system used when this is necessary.*
- vi) *Index chartlet (see C2.4).*

d) *First chapter or section should contain the following information:*

Charts and charting. Remarks on the general quality of the charts (paper and digital) available for the area, use of charts other than those of own nationality; remarks on important differences of geographical or tidal datum between charts.

Buoys and beacons. Descriptions of systems in use if differing from IALA Regions A or B.

Navigation. General remarks on navigation in coral waters; notes on the existence of large amounts of kelp; ice navigation and ice-breaker service available where these are applicable to the area; any other notes applicable to navigation throughout the area covered by the book, such as fishing and other maritime activities.

Regulations. Extracts of national regulations concerning navigation, pollution, quarantine, cables, pipelines and any other special regulations that should be known to mariners before arrival in national waters. The territorial sea and economic zones claimed should be given in general terms.

Radio services. General remarks on the availability and reliability of radio position fixing systems, radio beacons, navigational warnings, and weather forecasts. This section should not duplicate the details of times of operation and the frequencies if these are given in separate radio publications.

Pilotage. General remarks on pilotage services in the areas, national regulations regarding pilotage. Where there are standard regulations for pilots applicable to all parts of the area, these can be given to avoid repetition elsewhere in the book. Special regulations applicable only to individual ports are best given at the port concerned rather than in the first chapter.

Visual signals. Systems of signals in use in the area for storm, weather, dredging, traffic and other special maritime activities should be described. These should not include well-known international signals; special signals only applicable to an individual port are best given with the main description of the port.

Distress and rescue. Brief description of the sea/air rescue organisations that may be in operation for the area covered by the book.

Countries. Brief information about the countries in the area of interest to the mariner.

Principal ports and anchorages. A list of ports and anchorages in the area giving position, principal purpose, brief statement on limiting conditions such as depth of water, or size of vessel that can use the port, whether it is a port of entry, cross-reference to other parts of the book or other publications where further information can be obtained.

Port services. A list of places should be given where fuel, fresh water, repairs, docking, fumigation, and diplomatic representatives are available.

e) Second chapter or section should contain:

Environmental conditions. General information concerning bottom topography, if relevant, seismic activity, currents, tidal streams, oceanography, ice conditions with diagrams, sea and swell, surface meteorological information with seasonal diagrams and climatic tables for selected places on the coast.

See also C3.12, C3.13.

f) Third chapter or section should deal with the following:

Through routes and traffic separation.

Landfall aids and landmarks.

Offshore activities and hazards affecting navigation offshore and for passing through the area.

In complex geographical areas it may be necessary to have other local through-routeing chapters or sections.

See also C2.7.

g) Subsequent chapters or sections.

After the main through-route chapter, the book should be subdivided into chapters or sections as necessary using the "waterway" principle (see below).

The contents of chapters or sections should be determined by the needs of navigation to form logical geographical units.

See also C2.8(a).

The "waterway" principle means that it is the channel or coastal route that is being described and not the coast. For example:

Strait of Gibraltar - Through route

Strait of Gibraltar - North side

Strait of Gibraltar - South side

rather than

Spain - South coast

Morocco - North coast

A large island having a passage either side of it should not be described as a whole, but in the form of a passage along one side and then a passage along the other side.

h) Appendices.

These may be inserted after the main text and should be used to contain lengthy regulations, or extensive lists of restricted areas, coastal distance tables and other matters that might be inconvenient with the main text.

i) Illustrations should whenever possible be included within the text.

See also C3.20.

j) Index.

A comprehensive index (primarily of place names) should be included. (see also C1.3). The index may also contain latitudes and longitudes as well as paragraph or page references for the text.

C 2.3 STANDARDIZATION OF SAILING DIRECTIONS

- 1.- *It is recommended to standardize, as far as is reasonable, the general structure and arrangement of books of Sailing Directions published by Member States, but not to the extent of constraining all thought and innovation for improvement.*

C 2.4 INDEX CHARTS IN SAILING DIRECTIONS

- 1.- *It is strongly recommended that each country publish an index chart showing that portion of the world covered by its volumes of Sailing Directions.*
- 2.- *It is strongly recommended that each volume contain an index chart or charts showing the following:*
 - *Coastal outline and border with latitude and longitude graduation.*
 - *Limits of area covered by the volume.*
 - *Title and number of the adjacent volumes.*
 - *Limits and numbers of the charts for the area.*
 - *Names of principal ports, bays, channels, sea areas, headlands, islands and countries, as far as this is consistent with clarity.*
 - *Limits of chapters or sections to show the area covered and the direction in which the text proceeds.*

See also C2.1, C2.2(c).

C 2.6 INDICATION OF GEOGRAPHICAL POSITIONS

- 1.- *It is resolved that geographical positions (latitude and longitude) should be quoted as precisely as possible to enhance the utility of positional information when used in electronic systems.*

C 2.7 INSTRUCTIONS FOR THROUGH TRAFFIC IN DIFFICULT WATERS

- 1.- *It is recommended that general information on through routes, reporting points, traffic separation schemes, the general track followed by shipping, should be described if known. In some areas there may be very little to describe, in others the recommended through-routes may be complex and it may be necessary to have a separate chapter.*

See also C2.2(b).

- 2.- *It is recommended that when a channel is referred to in several parts of the same volume, the complete instructions for this channel be given in a separate chapter, or that such instructions be linked by adequate page references.*
- 3.- *It is recommended that general information on the following subjects that affect ships passing through the area should be given; for example, exercise areas, fishing, exploration and exploitation of the seabed, and ice-breaking services.*

See also C2.2, C3.16.

C2.8 ARRANGEMENT OF INFORMATION

- 1.- *It is recommended that in printed publications the information in chapters or sections be arranged as follows: The style may be in the form of a notebook with bullet point side headings*

containing single sentence statements. Information that properly rests in another publication shall be omitted or reference only made to that publication.

a) *Waterways and coast*

Chapters or sections should begin with introductory paragraphs dealing with general information applicable to the whole area of the chapter or section, see below:

General aspect and remarks about the waterway and shores.

Water level peculiarities and irregularities (C3.11).

Currents and tidal streams.

Local meteorological conditions.

Local ice conditions.

Fishing activity.

Offshore or coastal activities dangerous to shipping such as drilling platforms, military exercises, dumping grounds.

Magnetic anomalies.

Regulations.

Pilotage.

Submarine cables and pipelines of a general nature (C3.10).

After the introductory paragraphs, each significant portion of the waterway or coastal route should contain the following information of a more local nature:

Route - general description.

Controlling depth or least charted depth in the fairway.

Regulations for traffic separation, movement reporting, prohibited areas (C3.16).

Local pilotage.

Currents, tidal streams, overfalls.

Local winds and fogs, etc.

Principal marks and navigation aids (C3.17).

Directions for the waterway or coastal passage.

Directions for approaches to harbours and anchorages.

Anchorages and harbours.

Minor side channels for small craft (less than 2m draught, or 12m in length).

Small craft anchorages, harbours and marinas not falling within larger harbours.

b) *Port information*

Name and position of port or harbour.

Limits of port.

General remarks on type of port, main function, and amount of traffic handled.

Port authority.

Limiting conditions due to draught, size of vessel (C3.3, C3.4).

Water level and mean tidal range.

Density or salinity of water if differing from normal seawater (C3.14).

Ice.

Local meteorological conditions.

Arrival information required and notice for ETA.

Port information service, signal stations.

Pilotage and tugs.

Regulations.

Outer anchorages and sea berths.

Tidal streams.
Entrance channel or fairway.
Traffic signals.
Directions for entering.
Berths, basins and depths of water. (see C3.4).
Port facilities in brief for cargo handling, ro-ro, containers, lighters, cranes, etc.
Repair facilities, dry docking, and slipways.
Supplies of fuel, water, etc.
Transport facilities from the port by sea, road, rail, canal and nearest main airport.

CHAPTER C - SAILING DIRECTIONS

SECTION 3 – CONTENT

C 3.3 DIMENSIONS OF SHIPS ADMITTED INTO HARBOURS

- 1.- *It is strongly recommended that the maximum dimensions of ships normally admitted into harbours, as fixed by the harbour authorities, be given in Sailing Directions.*

C 3.4 DATE OF CERTAIN ESSENTIAL INFORMATION

- 1.- *It is recommended that critical types of information contained in Sailing Directions, such as instructions for entering harbours, depths of water, channels, etc., be followed by the date, in brackets, when the data were last checked.*

C 3.5 UNCONFIRMED INFORMATION

- 1.- *It is recommended that unconfirmed items of information should not appear in the Sailing Directions unless there is a potential hazard.*

C 3.6 DREDGED CHANNELS OR AREAS

- 1.- *It is resolved that the following information concerning dredged channels or areas shall be inserted in Sailing Directions only when it is not shown on the chart:*
- i) *Depth to which the channel or area has been dredged.*
 - ii) *Year of the last dredging.*

C 3.7 SWEPT AREAS

- 1.- *It is recommended that for areas where the nature of the bottom is such that depths tend to vary and the changes have practical significance to surface navigation, the latest date on which they were swept be indicated in Sailing Directions, but only when it is not shown on the chart.*

C 3.8 CLEARANCES UNDER BRIDGES AND AERIAL CABLES

- 1.- *It is resolved that minimum vertical clearance shall always be given in Sailing Directions in respect of bridges, viaducts, overhead transporters, aerial cable-ways, power transmission cables and telegraphic and telephonic cables crossing navigable waters; even when this information is shown on the chart.*
- 2.- *It is recommended that, in the case of overhead transporters and aerial cable-ways, the clearance of the bridge or the cable itself, as well as that of the cars when in motion, be indicated even when this information is shown on the chart.*

- 3.- *It is resolved that the navigable width shall always be given for bridges and viaducts crossing navigable waters.*

C 3.10 SUBMARINE CABLES

- 1.- *It is recommended that general information supplied to mariners by Hydrographic Offices either in Sailing Directions or in other documents include a note which specifies:*
- i) *that very high voltages are carried in modern multi-channel telegraphic and telephone cables;*
 - ii) *that consequently it is most dangerous to attempt to free an anchor or trawl by hauling in the cable; the anchor or trawl should be buoyed and cast off.*

C 3.11 TIDAL INFORMATION TO BE GIVEN IN SAILING DIRECTIONS

- 1.- *It is recommended that in Sailing Directions information regarding tides already given on charts and in Tide Tables should not be included. However, peculiarities and irregularities should be fully described.*
- 2.- *It is recommended that information be given showing, for the year, seasons or months at a certain place or area, adequate data concerning the deviations of water level, in relation to chart datum, resulting from meteorological and other random or seasonal influences.*
- a) *This information may have to be mentioned in three ways, namely:*
 - i) *General information for the area in the first chapter (see C2.2).*
 - ii) *Coastal information where it occurs geographically in the text (see C2.8).*
 - iii) *For a specific port (see C2.8).*
- 3.- *It is recommended that when the above information appears in Sailing Directions a reference to this effect be inserted on the charts concerned.*

See also A2.9.

C 3.12 METEOROLOGICAL INFORMATION

- 1.- *It is recommended that a chapter at the beginning of each volume of Sailing Directions give all general meteorological and ice information concerning the region covered by the volume.*
- a) *Local meteorological and ice information (e.g. prevailing winds in a port) could also be added in the chapters or sections.*

See also C2.2(5).

C 3.13 OCEANOGRAPHIC INFORMATION

- 1.- *It is recommended that the introductory part of Sailing Directions includes oceanographic information concerning general currents and a brief account of the main characteristics (temperature, salinity, density) of surface water.*
- 2.- *It is recommended that a reference be made to the relevant oceanographic and tidal atlases, whenever possible.*

See also C2.2(e).

C 3.14 DENSITY AND SALINITY OF WATER

- 1.- *It is recommended that, when available, the density and/or the salinity of the water at ports of the world be inserted in Sailing Directions.*

See also C2.8(b).

C 3.16 RECOMMENDED TRAFFIC SEPARATION SCHEMES IN CONGESTED AREAS

- 1.- *It is strongly recommended that details of traffic separation schemes should always be given in Sailing Directions.*

See also C2.7, C2.8, A1.17.

C 3.17 LANDFALL DESCRIPTIONS

- 1.- *It is recommended that landfalls be described before giving a detailed description of the coast for the use of a navigator sailing along it.*
- 2.- *It is recommended that, for a landfall from offshore, the description be given in the order in which features become visible to the navigator approaching from the most usual direction. The description will give, first, offshore islands, then mountains, then visible landmarks, etc. Then at the end of the section will be given all information known about ports and anchorages, unless this appears as part of the usual description of the coast, in which case an appropriate reference will be inserted.*
- 3.- *It is recommended that, in the case of arrival at an estuary, a description (lateral marks, beaconage, alignments, etc.) of the entire length of the various channels, one after the other, in decreasing order of importance, be given, followed possibly by a description of the banks and dangers situated between these entrance channels, as well as of landmarks of secondary importance.*

See also C2.8.

C 3.19 EXTENT OF INFORMATION

- 1.- *It is strongly recommended that:*
- a) *Nautical publications should only contain such information as is useful for mariners.*
 - b) *Information should be presented clearly and distinctly so as to facilitate scanning of the publication and to avoid time-consuming reading of extensive text.*
 - c) *Information given in other nautical documents should not be repeated except as necessary to give a clear description.*
 - d) *It is not the function of the Sailing Directions to give a written description of the chart.*

Information should be selected on the following basis:

The general layout of the passage or channel routeing and regulations, pilotage, environmental conditions, etc.

Features that are useful navigationally as landmarks or seamarks.

Features that are applicable to navigation that may be used as leads, or have to be avoided, or passed or otherwise are relevant to vessels likely to use the waterway.

Features relevant to anchorages and berths.

- e) *Those features that are selected for mention in Sailing Directions should be described as follows:*

If full details can be seen on the charts, then the feature need not be mentioned unless visual identification is problematic.

If there is more information than is shown on the charts and the absence of such additional information is potentially dangerous navigationally, then this should be given in the text of the Sailing Directions.

C 3.20 ILLUSTRATIONS AND SKETCHES IN SAILING DIRECTIONS

- 1.- *It is recommended that sketch plans, aerial oblique photographs or other illustrations and photographs be used where possible to improve the descriptions given in the text. Sketch plans should not duplicate that which can be clearly appreciated from the charts.*

C 3.21 LAWS AND REGULATIONS

- 1.- *It is recommended that Sailing Directions include the important portions of laws and regulations appertaining to navigation which should be known by mariners before arrival at an anchorage or port.*

- a) *In many cases it will suffice to paraphrase the important portions, but if the regulations are complex then the full (translated) text may need to be given in addition as an Appendix.*

DECISION No. 17 c) - AMENDMENT OF TECHNICAL RESOLUTION A 6.9 [RELEASE OF TIDAL DATA TO COMMERCIAL ORGANIZATIONS] (CONF.16/WP.3 Add.2)

The Conference approved Amendment of paragraphs 1.4.5 and 1.4.6 of IHO Resolution A 6.9. to read as follows (changes are indicated in italics):

1.4.5 *In addition to the products outlined above, Hydrographic Offices should have the right to produce, market and distribute any tide related products.*

1.4.6 Where applicable, commercial organizations should be allowed to distribute *official tide related* products with the permission of the producing Hydrographic Office.

DECISION No. 17 d) - AMENDMENT TO IHO TECHNICAL RESOLUTIONS (CONF.16/WP.3 Add.2)

The Conference approved that the existing Technical Resolutions B 5.1 and B 5.3. be cancelled and replaced with the following new TR B 5.6:

“B 5.6 REGULATIONS OF THE IHO FOR INTERNATIONAL (INT) CHARTS AND CHART SPECIFICATIONS OF THE IHO

- 1.- *Regulations of the IHO for International (INT) Charts, Chart Specifications of the IHO for Medium- and Large-scale National and International (INT) Charts (Scales larger than 1:2 000 000), and Chart Specifications of the IHO for Small-scale International (INT) Charts (Scales 1:2 000 000 and smaller) are adopted and published as Part A, Part B and Part C, respectively, of publication M-4 “Regulations of the IHO for International (INT) Charts and Chart Specifications of the IHO”.*
- 2.- *It is resolved that Member States adhere to the "Regulations of the IHO for International (INT) Charts", when acting either as producers or printers of INT Charts. Particular attention should be given to the establishment of bilateral arrangements between producers and printers, which should define both the technical and the financial terms to be applied.*
- 3.- *It is resolved that the IHB, through the Chart Standardization Committee (CSC), keep publication M-4 under review in order to advise the IHO on their updating. Member States having proposals to update M-4 should forward them to the Chart Standardization Committee through the I.H. Bureau.*

See also B3.18 and K 2.11.

DECISION No. 17 e) - SENC DELIVERY OPTION: PROPOSED CHANGES TO S-52 and INCLUSION OF T.R. A 3.11 (CONF.16/WP.3 Add.2)

The Conference approved the revised wording of paragraph 3.3. of the IHO Publication S-52 and the insertion of a new Technical Resolution A.3.11, as indicated below:

IHO Publication S-52, 5th Edition, 1996

3.3 System ENC (SENC)

- (a) *The Transfer Standard is designed for the distribution of digital chart data. It is recognized that it is not the most efficient means of storing, manipulating or preparing data for display. Each manufacturer of ECDIS systems may design his own storage formats or data structure to allow its system to meet the performance requirements stated in this specification. The resulting database is called the System ENC (SENC).*
- (b) *It is mandatory that official HO data (ENC) be available and any ECDIS must be capable of accepting and converting official HO data (ENC) to the internal storage structure of the individual ECDIS (System ENC or SENC). Such data includes both that in the ENC and that delivered in digital format to update the ENC. This conversion process does not imply real-time processing of HO supplied data*
- (c) *An official copy of the HO data, distributed as an ENC or contained within an externally generated SENC, is to be kept onboard. The SENC generated on board, by ENC to SENC conversion, or ashore is used for actually operating the ECDIS. Through the same conversion process, official updates are added to the System ENC.*

The information content of the SENC should include all that of the ENC corrected by official updates (see Appendix 1).

IHO Publication M-3

Technical Resolution A3.11 – ENC/SENC Distribution Option

It is resolved that SENC distribution can be accepted as an option, in addition to direct ENC distribution, providing that the following principles be adhered to:

- 1. The HO should ensure that the IHO data (ENC) is always available to any user in the S-57 ENC format.*
- 2. As an option Hydrographic Offices may allow the distribution of their HO data (ENC) in a SENC format.*
- 3. Distributors who are to supply the SENC service must operate under the regulations of the issuing authority. The onshore ENC to SENC conversion must be performed using type approved software.*
- 4. The SENC update mechanism should not be inferior to the ENC - ECDIS update mechanism.*
- 5. The distributor of SENC data should maintain a registry of its users.*
- 6. The copyright of the ENC data should be maintained.*

DECISION No. 17 f) - APPROVAL OF THE CHANGE OF STATUS OF CSC (CONF.16/WP.3)

The Conference decided to approve the continuation of CSC activities through the new Chart Standardization and Paper Chart Working Group (CSPCWG) of CHRIS.

DECISION No. 17 g) - RATIFICATION OF THE APPROVAL OF THE TORS FOR THE FIG/ICA/IHO ADVISORY BOARD ON STANDARDS OF COMPETENCE FOR HYDROGRAPHERS AND NAUTICAL CARTOGRAPHERS (CONF.16/WP.3)

The Conference ratified the approval of the new Terms of Reference for that Board, as follows :

TERMS OF REFERENCE

The Terms of Reference for the Advisory Board are as follows:

1. The FIG/IHO/ICA International Advisory Board shall:
 - a) Review at appropriate intervals (not exceeding two years) the recommended minimum standards of competence for hydrographic surveyors and nautical cartographers, taking into account comments and recommendations received from National Focal Points (NPF) and other authorities.
 - b) Maintain and promulgate all publications and documents resulting from the tasks carried out by the Board.
 - c) Review the syllabi of programmes submitted by Hydrographic Offices, institutions and learned bodies taking into account comments and recommendations received from National Focal Points and other authorities.

- d) Provide advice and comments on such syllabi by comparison with the recommended minimum standards and award certificates of programmes recognition to those institutions whose programmes meet the recommended standards.
 - e) Review the procedures of submission.
 - f) Communicate with IHO through the IHB, with FIG through the Chair of Commission IV, and with ICA through the Commission on Marine Cartography.
 - g) Normally meet once each year.
2. The IHO/FIG International Advisory Board will be composed of members:
- a) Of known competence in the civil, governmental or educational sectors of hydrographic surveying and nautical cartography.
 - b) Selected to provide as wide as possible a spectrum of knowledge and experience in educational practices, hydrography and nautical cartography.
 - c) From different geographical areas, as far as reasonable.
3. The Board will have up to ten members, four provided by FIG, four provided by IHO and two provided by ICA.
4. The Board will have its permanent Secretariat at the International Hydrographic Bureau, Monaco. The Secretariat will publish the documents and publications produced by the Board as required.
5. The functioning of the Board will be regulated by an internal document, the "Terms of Procedure", issued and kept up to date by the Board. Any modification to the "Terms of Procedure" will be adopted by simple majority of the Board Members.
6. The IHO will finance the cost involved of the IHB and Secretariat. Members of the Board are expected to be supported by their own organizations for travel expenses and work.
7. Proposals from the Board to modify these Terms of Reference must be ratified by IHO, FIG and ICA following the procedures of these bodies.

DECISION No. 17 h) - INVITATION TO MS TO PROVIDE SUPPORT TO THE MANUAL ON HYDROGRAPHY W.G. (CONF.16/WP.3/Add.1)

The Conference decided to invite MS to provide support to their representatives in the Manual of Hydrography Working Group, to ensure the accomplishment of the Work Programme agreed within the time of two years.

DECISION No. 17 i) - LETTER OF THANKS TO FIG (CONF.16/WP.3)

The Conference approved that the Bureau will send an official letter of thanks to FIG on behalf of the IHO for the valuable support provided to the International Advisory Board on Standards of Competence for Hydrographic Surveyors in the last years and inviting them to continue this practice.

**DECISION No 18 - REPORT ON THE IHO WORK PROGRAMME 4
(CONF.16/WP.4)**

The Conference adopted this Report.

DECISION No. 19 - REPORT OF THE FINANCE COMMITTEE (CONF.16/F/REP)

The Conference adopted the Report of this Committee.

DECISION No. 20 - FINANCE REPORT 1997-2001 (CONF.16/F/01)

The Conference adopted this Report.

**DECISION No. 21 - THE FIVE-YEAR BUDGET OF THE IHO 2003-2007
(CONF.15/F/03 Rev.1)**

The Conference adopted this Report as amended by Germany.

**DECISION No. 21 a - ESTABLISHMENT OF A WORKING GROUP OF THE
FINANCE COMMITTEE TO STUDY MATTERS RELATED
TO THE ALIGNMENT OF IHB SALARIES WITH THE U.N.
SYSTEM (CONF.16/F/SR1)**

It was decided that a Working Group should be tasked to study the pending alignment of salaries for the IHB Category A, as well as to review IHB salaries at the other levels, keeping in mind the present Staff Regulation about the maintenance of the comparison with those in other international organizations, and submitting its report within a maximum period of nine months from the formation of the Working Group.

DECISION No. 22 - IHO BUDGET FOR 2003 (CONF.16/F/03 Rev. 1)

The Conference adopted this Report, as amended by Germany.

E. MISCELLANEOUS DECISIONS

DECISION No. 23 - REPORT OF THE ELIGIBILITY COMMITTEE

The Conference adopted the Report of this Committee (CONF.16/E/REP).

DECISION No. 24 - NEW DIRECTING COMMITTEE

The Conference elected the following as members of the new Directing Committee :

- Rear Admiral Alexandros MARATOS (Greece) - President
- Rear Admiral Kenneth BARBOR (USA) - Director I
- Captain Hugo GORZIGLIA (Chile) - Director II

DECISION No. 25 - APPOINTMENT OF THE EXTERNAL AUDITOR

The Conference approved the appointment of Ms. Pascale TARMAZZO for the next five-year period.

DECISION No. 26 - CHAIRPERSON AND VICE-CHAIRPERSON OF LEGAL ADVISORY COMMITTEE

The Conference elected :

- Ms. Denise WEBSTER (USA) - Chairperson
- Mr. K. POGSON (Australia) - Vice-Chairperson.

DECISION No. 27 - DATES OF THE XVIIth INTERNATIONAL HYDROGRAPHIC CONFERENCE - 2007

After consultation with the Monegasque Government, the Conference decided that the XVIIth I.H. Conference should be held between 2 and 13 May 2007.

DECISION No. 28 - SEATING ORDER AT THE NEXT CONFERENCE

It was established that the order of seating at the XVIIth I.H. Conference would commence with the letter "S".

DECISION No. 29 - ADOPTION OF RESOLUTION CONVEYING IHO'S GRATITUDE TO THE GOVERNMENT OF MONACO

A Conference Resolution was adopted conveying IHO's profound gratitude to HSH Prince Rainier III and to the Government of Monaco for the kind hospitality extended to the Organization.

DECISION No. 30 - NOMINATION OF CHAIRMAN AND VICE-CHAIRMAN FOR THE NEW STRATEGIC PLANNING WORKING GROUP

The Conference decided to nominate Cdr. Frode KLEPSVIK (Norway) as the new SPWG Chairman. Dr. Wyn WILLIAMS (UK) and Dr. Hideo NISHIDA (Japan) were elected Vice-Chairman 1 and 2 respectively.

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FINANCE COMMITTEE

CHAIRMAN: **Mr. Jean-Claude MICHEL (Monaco)**

VICE-CHAIRMAN: **Mr. Bill BURGESS**

RAPPORTEUR: **Ms. Christine MEYNADIER (IHB)**

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SUMMARY RECORDS**CONF.16/F/SR.1****1st FINANCE
COMMITTEE SESSION****13 April 2002****0940-1300**CONTENTS

- Finance Report 1997-2001 (Agenda item A)
- Appointment of a new Auditor
- Comparison of IHO Posts (A6) and UN Posts (P-3.1) (Agenda item B)
- The Five-Year Budget of the IHO, 2003-2007 (Agenda item B)

The CHAIRMAN opened the meeting and welcomed delegates.

FINANCE REPORT 1997-2001 (CONF/16/F/01) (Agenda item A)

The PRESIDENT OF THE DIRECTING COMMITTEE introduced the Directing Committee's Report on the administration of the finances of the Organization for the period 1 January 1997 to 31 December 2001.

He singled out for particular attention some of the matters covered in the report. They included: adoption on 1 January 1997 of the French franc as the currency in which contributions to the Organization were paid, and the subsequent changeover to the Euro; maintenance of the share value within the limits approved by the XVth I.H. Conference, and fluctuation in the number of shares; the situation with regard to the suspension of rights and benefits; the decline in the sale of publications as a result of the shift towards digital publications; and the consolidation of the Internal Retirement Fund. He drew attention to the continuing problem of the level of working capital which rarely reached the target of 50% of total annual contributions and should probably be further reviewed. Since some Member States were constantly in arrears, the Organization was in a state of semi-crisis each year in the month of September. Finally, he apologized for the late arrival of the annual financial statements for 1997 and 1998. Every effort was being made to ensure the timely arrival of future financial statements.

Ms. WYNES (United States of America), welcoming the information presented in the report, sought clarification on two points: the number of staff which the IHB intended to employ and the year in which the last payment would be made into the Internal Retirement Fund out of the working capital fund. The United States of America held fast to the view that the working capital fund should be strictly a bridge fund and should be set at 8% of the annual operating budget. Her country strongly supported accountability and transparency in the financial resources and programmes of international organizations, and encouraged the regular evaluation of programmes to determine their continuing relevance and effectiveness. Programmes which were no longer deemed capable of meeting the goals of the Organization should be terminated.

The PRESIDENT OF THE DIRECTING COMMITTEE said that the staff currently numbered 21. That number was projected to drop to 19 by the end of 2003 following the departure of a further two category B staff members, who would not be replaced.

Captain MINGRAM (Chile) noted with concern the increase in travel costs and urged the Organization to review its policy on attendance at meetings of the Regional Commissions and sister institutions.

The PRESIDENT OF THE DIRECTING COMMITTEE said that one of the causes of the increase in travel costs was the fact that some working groups which used to meet in the Bureau, now met elsewhere at the request of Member States. The Bureau believed it important to attend meetings of the Regional Commissions, especially during the first implementation phase of the Strategic Plan.

Rear Admiral GUY (Director IHB) added that Member States, particularly those outside Europe, had high expectations of attendance by the Directing Committee. Suggestions by the Bureau concerning the provision of professional assistance instead had not been well received. The matter was one which the IHO and the next Directing Committee must address.

Dr EHLERS (Germany) observed that, while travel costs would never be a make-or-break item in the budget, it was nevertheless important to keep them strictly within the necessary limits. He fully agreed that the Bureau needed to be present in many parts of the world, especially in countries which were being encouraged to set up hydrographic services. On the other hand, some events did not require the attendance of members of the Bureau, and other hydrographic services could be authorized to represent IHO.

Rear Admiral SRINIVASAN (India), endorsing the views expressed by Germany, thought it best to leave it to the Bureau to achieve a balance between the conflicting requirements of delegating more responsibility to the Regional Hydrographic Commissions and the need to economize on travel costs.

Rear Admiral MARATOS (Greece) was gratified to note that during the five-year period under review income had been sufficient to cover costs and expenditure had been held within the limits of the budget so that no increase in the share value would be necessary.

The CHAIRMAN welcomed delegates' comments and said that, as Chairman of the Finance Committee, he could confirm that the Directing Committee had taken every opportunity to make savings over the five-year period. As Germany had pointed out, it was important to restrict travel to cases of real necessity.

Commander KLEPSVIK (Norway) observed that while it was a commendable achievement to have kept spending within the limits set, it was also important to ask whether the objectives set for the Organization in the past five years had been achieved.

The PRESIDENT OF THE DIRECTING COMMITTEE replied that implementation of the work programme was proceeding reasonably well. The Organization's success in its primary task of making clear the need for hydrographic services worldwide was reflected in the increase in the number of Member States.

Mr. FURNESS (Australia), endorsing the comments by Norway, said that Member States were placing an increasing number of important tasks, invariably highly complex in their interactions, on the Organization and it was therefore important to keep a sharp focus on objectives. Economies were not a goal in themselves, though clearly the Organization had to make ends meet in the longer term. Australia was keen to see appropriate levels of international travel so that the Organization remained truly international. It was becoming increasingly difficult to justify Australia's level of participation to the

government and navy, who were responsible for funding travel costs. A balance should be struck between the interests of the IHO, the IHB and Member States.

The CHAIRMAN invited the Committee to approve the Finance Report 1997-2002.

The report was approved.

APPOINTMENT OF A NEW AUDITOR

The CHAIRMAN said that the IHB's current auditor was due to retire shortly and that a new auditor had to be appointed. On the basis of a list of names supplied by the Monaco Institute of Chartered Accountants, suitable candidates had been contacted and interviewed. Following a selection process, it had been decided that Mr. Frank Morel, assisted by Ms. Pascale Taramazzo, had the appropriate skills and experience to audit the Bureau's accounts. He invited the Committee to approve the appointment of Mr. Frank Morel as the new auditor.

The appointment was approved.

COMPARISON OF IHO POSTS (A6) AND UN POSTS (P-3.1) (CONF.16/F/02, Add.2 and Add.3) (Agenda item B)

Rear Admiral GUY (Director IHB) said that the Directing Committee had long been aware of staff requirements regarding salary scales and allowances. After a thorough review of the issue, it had concluded that treating category A staff as a separate entity would introduce inequalities into the Bureau. If a realignment of category A salaries had been implemented, the average salary of the five category A staff would have been almost the same as the salaries of the Directing Committee, and in one case higher. Subject to the availability of funding, a study would be carried out on all the salary scales of the Bureau and the findings of the study forwarded to the Strategic Planning Working Group.

Rear Admiral ANDREASEN (United States of America) said that the quality of the information provided might be improved upon. The United States agreed with Rear Admiral Guy that the matter should be studied in greater depth and then reconsidered, keeping in mind the need to hold expenditure within existing resources. The study should encompass staff at all levels, including Directors.

Mr. FURNESS (Australia) enquired after the status of Decision 52 of the XVth Conference: was it still in force?

Captain MINGRAM (Chile) drew attention to the fact that a decision adopted at the XIVth Conference in 1992 had still not been implemented ten years later, something which constituted the establishment of a bad precedent.

Rear Admiral GUY (Director IHB) said that Decision 52 of the XVth Conference had two parts: the first part said that no increase should be implemented, and the second that the Directing Committee should review that Decision. The Directing Committee had indeed reviewed the Decision and its findings were reflected in document CONF.16/F/02 Add.3. It therefore felt it had discharged its mandate under Decision 52. Document CONF.16/F/02 Add.3 revealed that if an adjustment was introduced for Category A, a 5% budgetary increase could be anticipated. If the adjustment was extended to the Directors as well, an additional increase of 5% could be envisaged, so that the total potential increase in the budget would be 10%. The Directing Committee considered that it would be inequitable to introduce the increase without carrying out a complete study of the situation.

Rear Admiral ANDREASEN (United States of America) said that the United States agreed with that analysis. It was not opposed to future implementation of Decision 52 or to an adjustment but considered that a study had to be carried out and a number of factors taken into account. For example, the IHB had a bonus system, whereas the United Nations did not, and the comparison would have to reflect that fact.

Dr EHLERS (Germany) said that the proposal to review the matter was a wise one and that Germany fully supported it. The German position, however, was that any increase in staff salaries must not lead to an increase in the total budget. Such a measure could be adopted only with further staff reductions: Germany was not in a position to accept any increase in the budget for personnel.

The PRESIDENT OF THE DIRECTING COMMITTEE said that the study would be carried out by a working group of the IHB and submitted to the Strategic Planning Working Group for further comments if deemed appropriate.

Mr. FURNESS (Australia) requested information on the composition of the working group and said he wished to register Australia's concern over the fact that the comments presented by the staff in Category A reflected what might be described as industrial disquiet.

Colonel ALUM ORTIZ (Cuba) supported the proposal for analysis of the question by the Strategic Planning Working Group but thought that a time frame should be set for conclusion of the study and its submission to Member States.

Rear Admiral SRINIVASAN (India) emphasized the importance of retaining the best talent and fully supported the proposal for a study. The positions of some Member States on the need to ensure no budgetary increase were well taken, and he was sure that the group that would carry out the study would keep them in mind and work towards a solution in the interests both of the staff and of a good working atmosphere within the IHB.

Rear Admiral GUY (Director IHB) said that the Directing Committee was very aware of the concerns expressed about budgetary implications, and that was one of the reasons why it had advocated delaying the implementation of a salary increase. In response to the question from Australia, he said the names of a number of persons well qualified to carry out the study were being considered: it would not be done solely by members of the IHB. The results of the study would be conveyed to Member States.

Commander KLEPSVIK (Norway) fully supported the proposal to carry out a study but thought its objective should be clarified. The relevant documents (CONF.16/F/02 Add.2 and Add.3) referred to a comparison between the United Nations system and that of the IHB, whereas the purpose of the study should be to establish a reasonable income level for the staff and for the Directors of the Bureau, and to prepare specific proposals to that effect.

Rear Admiral Guy (Director IHB) said that the Directing Committee's understanding of Decision 52 was that, as a first step, salaries should be aligned with those of the United Nations system. The measure was to be taken for only one category, however, and that would introduce inequalities from the very start, as document CONF.16/F/02 Add.3 revealed. The study should therefore look at the situation for Directors and the cost implications of an increase, and find out how an increase could be implemented while still remaining within the budget.

Rear Admiral MARATOS (Greece), following up on the comments made by Norway, asked for clarification as to whether the provision in the Staff Regulations that salaries of Directors and Category A staff would be established and maintained at levels of other comparable international organizations remained valid.

Rear Admiral GUY (Director IHB) said that the Directing Committee was not suggesting that salaries should not be increased to align them with those of other organizations, but that the matter should be dealt with on the basis of a thorough assessment of the situation and of whether such increases were affordable. Salaries at the IHO had been slipping below those of staff in other international organizations for about 20 years, the only increases made having been made to keep pace with inflation in Monaco.

Rear Admiral SRINIVASAN (India) said that in that case, the working group should look into ways and means of increasing salaries. If they could not be increased to the level of United Nations salaries, then there could be at least some form of adjustment which could be implemented within a reasonable time frame to mitigate the hardships faced by the staff.

Commander WARD (Australia) said that even though Decision 52 applied exclusively to salaries for Category A staff, it nevertheless established the principle of parity with similar United Nations staff categories. Based on the information in CONF.16/F/02 Add.3, he did not see how any solution could be reached that would not in the end increase the overall personnel budget for the Organization.

Captain GORZIGLIA (Chile) believed that the matter required further study. He recalled, however, that a group had been created specifically to consider the Staff Regulations and had submitted its report on salaries to the Conference, which had adopted it. That decision, taken in 1992, had not been implemented by the Directing Committee which then had responsibility for doing so. In 1997 it was decided not to raise the salaries of Directors and that the remunerations gap in other categories was not large enough to require adjustments. The earlier decision, however, had never been declared null and void. That was a problem: a decision duly adopted had never been applied by the Directing Committee. It was also a matter of principle, since how could effective progress be made if decisions were not carried out?

Dr EHLERS (Germany) said that IHB salaries would ultimately have to be aligned with those of the United Nations but the comparison made must be taken further to cover the structure of the organizations concerned. The Strategic Planning Working Group should take that point into account when discussing such matters.

The CHAIRMAN, summing up the discussion, said he wished to give his personal viewpoint as a former administrator of staff in Monaco: staff issues were extremely important and should be given full attention. Decisions must be taken with equity and justice and none should disadvantage one category of staff over another. Any solution that entailed salary increases had an immediate and significant effect on the budget. He was very sympathetic to the arguments advanced by Norway and Germany concerning relevant comparisons: it was not a matter of paying someone on the basis of what someone else was paid but on the basis of his or her actual work and responsibilities. That was why he himself, together with the majority of speakers, endorsed the proposal by the Directing Committee to request a working group to carry out a study, on the understanding that the principle incorporated in the Staff Regulations that salaries should be similar to those paid in other international organizations would be upheld. He therefore suggested that the Finance Committee should agree to submit the entire matter to a working group and request it to review the situation of all categories of staff with a view to bringing together all the facts involved in a report for further consideration by the Finance Committee.

Rear Admiral SRINIVASAN (India) said that reviewing the situation might take a long time and that it might be expedient for the working group to look into an interim arrangement and submit the idea to the International Hydrographic Conference.

Mr. O'CONNOR (Canada) supported those remarks. A deadline for the submission of the report should be established and the study's terms of reference should stipulate that any solution must remain within the limits of the budget.

Rear Admiral GUY (Director IHB) said that such terms of reference would be too restrictive, but that the working group could be asked to indicate what the financial implications of a salary increase would be, with a view to a subsequent decision on the matter.

The PRESIDENT OF THE DIRECTING COMMITTEE, responding to the comments by Canada and Cuba, said an initial study could be provided in three months' time to the Strategic Planning Working Group, which could use it to carry out a broader study on the structure and modus operandi of the IHB compared with those of other international organizations. He noted that the desires expressed in 1997 by a number of States for the IHB to reduce staff by taking advantage of modern technology had been fulfilled: by the end of 2003, staff would be reduced to 19 from 23 at the end of 1993.

Rear Admiral ANDREASEN (United States of America) said a thorough financial analysis could not be carried out in three months: his delegation recommended a time frame of six to nine months.

Commander KLEPSVIK (Norway) agreed that a clear time frame should be established for the study. He did not agree that no budgetary increase could be allowed, but wished to see a report indicating the consequences of a failure to increase salaries.

Rear Admiral SRINIVASAN (India) recalled his earlier suggestion about an interim solution, remaining within budget or representing a minimal increase. Could such a solution be developed for the consideration of the XVIth International Hydrographic Conference?

Rear Admiral GUY (Director IHB) said that it would be impossible to develop such a solution in the short space of time before the Conference but the working group could certainly address the question. The approval of Member States would probably be required for such a solution to be implemented, however.

The CHAIRMAN suggested that, taking into account the foregoing discussion, a working group should be tasked with reviewing salaries at all levels of the IHO, keeping in mind that they should be commensurate with those in other international organizations, and submitting its report within a maximum period of nine months.

It was so decided.

THE FIVE-YEAR BUDGET OF THE IHO, 2003-2007 (CONF.16/F/02) (Agenda item B)

The PRESIDENT OF THE DIRECTING COMMITTEE explained that the budget was based on the total number of shares of contributions, a fluctuating parameter since some Member States were suspended or reintegrated, and new States acceded. The basis had for the sake of prudence been set at 572 shares instead of 576 since two States were seen to be on the verge of suspension and Mexico's accession on 8 April had come too late to be taken into consideration.

On the question of income, it had been necessary to reduce the price of publications following the changeover from printed to digital versions. Interest on money in banks had been reckoned at 3.5%.

Expenditure was a parameter easier to control since staff costs were fixed. An effort was under way to compress such expenditure by reducing the total number of staff from 23 in 1998 to 19 in 2003. Early retirement had been encouraged for some staff, although the corresponding pensions would have to be paid. Expenditure also included communication, travel and the hiring of some consultants,

but an effort had been made to compress costs in the latter respect. Furniture had to be renewed as did, above all and ever more rapidly, obsolete IT equipment, which item had in IMO, for instance, shown an increase of 65%.

There had been a considerable reduction from the 50% of working capital implied in the Financial Regulations, with the risk of zero reserves by the end of September 2002. Fortunately, however, some Member States paid their contributions in advance during the last quarter for the following year.

A comparison was given in the document under consideration of IHO and UN posts, although IHO did not belong to the United Nations system and was therefore not obliged to follow its practice in full.

It could be seen from the tables that no increase over the 2002 value of the share had been projected. Increases in respect of inflation only had been included up to 2007, inflation being computed at between 1.9 and 3.0%. There were, he added, indications that inflation might increase in Europe following the introduction of the Euro but, while the effect of inflation was not yet known, the endeavour had been to keep the inflation forecast as low as possible. The budget could be considered not a zero nominal growth, as requested by some Member States in 1997, but a zero real growth budget strictly confined to taking account of inflation.

With regard to the pie charts, he explained that the Bureau was constantly revising its work programmes. For internal purposes, categories A, B and C and the Directing Committee had been divided up in terms of the effort in percentage terms of each category towards implementing each work programme, the effort of the Directing Committee being more evenly spread since it was mainly concerned with cooperation between Member States and with international organizations, including the effort to recruit new Member States. That meant encouraging them to implement Regulation 9 of SOLAS Chapter 5, in which connection thanks were due to Germany for drafting that regulation and to Norway for its support from the outset. Regulation 9 was indeed a good tool for persuading governments to provide hydrographic services.

Ms. WYNES (United States of America), commenting on the proposed five-year budget for 2003-2007, said that her country continued to advocate strict budget discipline for international organizations. It therefore supported a proposed regular budget level for 2003 of €2.343 million, the same level as that for 2002. A careful reading of the budget revealed that that could be achieved without detriment to the programmes.

The United States was concerned about the big increases proposed for some items, particularly capital expenditures and the Conference Fund, and wished for more information on what was funded by the 50% increase in the Conference Fund and the 46.9% increase in capital expenditures.

Her country was also concerned about proposals being made to provide for IHO inter-sessional meetings, believing that such additional meetings should only be held if they did work unable to be done at the regular five-year conference. Furthermore, it was unclear what the additional funding requirements for such meetings would be; and the additional travel costs that would be incurred by Member States would not be justified unless the meetings were absolutely critical to the Organization's mandate.

As a general policy, should additional meetings be agreed to, the United States advocated that their costs be absorbed within the proposed budget of the Organization. It did not support the use of budget surpluses to fund them and considered that such surpluses should be returned to Member States in the form of credits against assessment.

On the notion of budgeting for surpluses, she expressed the view that projected income should match projected expenditures.

The United States was also concerned at the figure of 572 shares assumed in projecting income for the budget period. On the financing of the budget, she observed that United States policy was based on the expenditure budget, then financed by certain income such as assessments against Member States and interest. Her country took the view that IHO should take into account only known variables, such as shares of suspended Member States, when making the projections. Speculative factors, such as which Member States would have difficulty in paying their assessments, should be disregarded. The United States therefore believed that the projected income should be based on 592 rather than 572 shares, and could be revised up further in view of Mexico's accession.

On the issue of personnel costs, she sought clarification on the level of staffing since, while 21 staff seemed to be projected, there would in fact be 19 at the end of 2003.

With regard to the Working Capital Fund, the United States continued to believe that it should be set at one twelfth or 8% of the operating budget, in line with the recommendation by the United Nations Joint Inspection Unit and as recommended by the United States for all international organizations, including those in the United Nations system. Her country therefore did not support the budget proposal to transfer budget surpluses to the WCF and the Conferences Fund.

The United States encouraged IHO to develop objective, measurable performance indicators and a results-based budget, which would allow it adequately to assess the Organization's performance towards meeting its goals and objectives.

In addition, her country supported the periodic evaluation of programme areas to determine their continued relevance and effectiveness, encouraging IHO to pursue a fuller approach to programme evaluation.

Captain MINGRAM (Chile) said his country generally supported the presentation of what was a conservative budget, with a reasonable increase in the value of contributions to maintain the budget as provided for. There should, however, in his view be a clear indication of priorities relating to tasks or activities and their cost. The lack of a direct link in the budget with the programmes of work made it harder to reach decisions on priorities. His country therefore suggested that such a link could be provided in accordance with Article 23(c) of the General Regulations, stipulating presentation of the programme of work to be carried out during the following period, and the financial implications related to it.

Dr NISHIDA (Japan) said his country had for several years been insisting on zero nominal growth for all international organizations. In IHO's case, therefore, inflation and other costs should be absorbed and zero nominal growth had to be the rule for shares.

The PRESIDENT OF THE DIRECTING COMMITTEE suggested that a short meeting was needed with the United States on the issues raised. IHO might be able to reach 590 shares rather than the figure in the prospective budget. It could, on the other hand, fall well below since two States were on the verge of suspension.

In response to the representative of Japan, he spoke of the difficulty for any organization of functioning on the basis of zero nominal growth. A similar debate had taken place in November 2001 in the Assembly of IMO, its Director-General finally obtaining a 9% increase with the argument that institutional survival was at stake. In IHO's case, the Organization would be constantly losing staff with zero nominal growth since the bulk of expenditure went on personnel.

In conclusion, he requested a written formulation of what readjustments the United States wished to see in the budget.

Admiral GUY (Director IHB) observed that the principle of zero nominal growth was difficult to apply in international organizations since they still had to comply with certain national regulations. IHO was obliged, for instance, to follow the Monegasque system regarding salary increments, as also required under its General Regulations. Under zero nominal growth the Organization would lose a post every three to four years.

Ms. WYNES (United States of America) specified that zero nominal growth, in her country's view, related to the expenditure budget. Under the existing budget as proposed, the five-year budget on the expenditure side represented a 12.3% nominal increase from 2002. The United States desire for 2003 was that the level be based on zero nominal growth, and that adjustments in personnel and other costs could still significantly lower the nominal increase over the five years.

Dr EHLERS (Germany) expressed agreement with the representative of the United States over the need for savings on expenditure. Germany, too, aimed for zero nominal growth in international organizations but he appreciated that the principle could not be strictly adhered to in the longer term. However, a 12.3% increase over five years was excessive and he hoped some reduction could be achieved. Such savings would have to be made on staff costs, but clearly there could be no question of removing one staff member every three years.

He disagreed with the United States contention that no additional meetings were needed between the five-yearly Conferences. On the contrary, more meetings were necessary in order to cope with the future challenges of IHO and discussion should focus on whether so much had to be spent on meetings. Consideration should be given, for instance, to the matter of finding sponsors. If meetings in the present premises were as expensive as rumoured, a comparison of costs should be conducted and it might be preferable to hold meetings outside Monaco.

Rear Admiral SRINIVASAN (India) said he agreed with the representative of Germany that, if their cost was so high in Monaco, regular and other conferences could be held elsewhere and that more meetings were needed. India, for its part, would be willing to host one.

The PRESIDENT OF THE DIRECTING COMMITTEE observed that the high cost of additional services in the present premises was due to the fact that private enterprise was involved. For 2007 IHO had asked the Monegasque Government for use of the previous CCAM premises and a response would come before the end of the present Conference.

Regarding meetings in the interval between regular Conferences, he explained that the high cost of the Conference was due to the almost certain prospect of a midway conference; and the cost of two conferences could be accommodated within the budget. The offer from India, he remarked, was attractive.

Agreeing with the United States delegation that the budget was imprecise, owing to the many parameters that were hard to forecast, he expressed willingness to work with it to determine how the figures could be readjusted.

The CHAIRMAN pointed out that the budget was merely a proposal representing the maximum amount. Expenditure had in fact been lower than the maximum permitted in 1997 and the new Directing Committee would no doubt follow the same policy. Since staff costs accounted for over 85% of the budget and IHO could hardly be expected to reduce its programmes of work, it would be difficult to adopt a zero nominal growth budget since inflation was bound to continue.

He called for a vote on document CONF.16/F/02.

Ms. WYNES (United States of America) questioned the timeliness of a vote since it had been agreed to hold further discussions to accommodate the adjustments desired by her delegation.

The CHAIRMAN suggested that a meeting be held to bring the points of view closer together in order that the Finance Committee might vote that day on a final document.

The PRESIDENT OF THE DIRECTING COMMITTEE cautioned that it might be difficult to adjust figures downward since many delegates would be under strict instructions from their governments.

The SECRETARY said that before new estimates could be established the exact content of the proposals would need to be known. The Budget Proposals, he added, had been duly sent out in advance and comments had been requested; none had been received from the USA.

Commander KLEPSVIK (Norway) observed that the United States disagreed over the expenditure cost, which would affect the work programme and priorities, a matter he was not prepared to reopen at that juncture. What was it hoped to achieve in a lunchtime discussion?

Ms. WYNES (United States of America) said her delegation was not proposing adjustments to the work programme itself. It believed that changes were possible since some costs had been overstated, and it wished to come to an agreement on the expenditure side of the budget.

Rear Admiral SRINIVASAN (India), expressing agreement with the representative of Norway, observed that the proposed budget was merely an estimate based on certain assumptions. Since the budget had never been exceeded there was no need at present to go into matters of adjustment. He recommended therefore that the budget be adopted on the understanding that costs would be kept to a minimum.

Dr EHLERS (Germany) said he felt it necessary to discuss two adjustments. First, the Bureau wanted to reduce the staff by two persons and, second, there was to be an increase of more than 10% in personnel costs over the five years ahead. It was therefore necessary to ensure that the two-post reduction was properly reflected.

On the number of shares, he agreed with the United States that no assumptions regarding suspension could be taken into account. The present situation was that there were more than 572 shares and the figure should be adjusted.

The PRESIDENT OF THE DIRECTING COMMITTEE explained that the reduction in personnel costs in respect of the two posts cut would be minimal since that had been achieved by encouraging the persons concerned to take early retirement, which of course meant continued pension payments and medical insurance, as a statutory requirement. Then there was an increase in personnel costs in view of inflation and promotion. The number of shares, on the other hand, might be open to adjustment.

Commander KLEPSVIK (Norway) said he shared the view that the income budget should be realistic but at the same time it should be conservative, in accordance with Norwegian practice. He felt it inappropriate, however, to change all the figures since adequate time had been left for such review.

The CHAIRMAN said that an informal meeting would be held with the United States delegation on the issues outstanding.

**2nd FINANCE
COMMITTEE SESSION**

13 April 2002

1530-1610

CONTENTS

- Five-Year Budget for 2003-2007 and associated Work Programme of the IHO (continued) (Agenda item B)
- Budget for 2003 (continued) (Agenda item C)

In the absence of the Chairman, Mr. Bill Burgess (Vice-Chairman) took the Chair.

FIVE-YEAR BUDGET FOR 2003-2007 AND ASSOCIATED WORK PROGRAMME OF THE IHO (CONF/16/F/02 and CONF.16/F/02-US) (Agenda item B) (continued) and BUDGET FOR 2003 (CONF/16/F/03) (Agenda item C)

The CHAIRMAN said that the Finance Committee now had before it two proposals - the original budget estimates for 2003-2007 (CONF/16/F/02) proposed by the Directing Committee and an alternative budget proposal (CONF/16/F/02-US) submitted by the United States of America for the five-year period which was not supported by the Directing Committee. The United States proposal, which provided for an increase in the number of shares and made no assumption as to the number of suspended Member States, incorporated a reduction in expenditures over the five-year plan period such as to allow for only a 10.5% increase over that period. Assuming the proposal were accepted, it would be for the Directing Committee to determine how the reduction in expenditures would be effected. His own view was that five years was a long time and that any reduction in the budget could have a significant effect on the plan and, especially, on the work programme. He invited the Committee to consider which of the proposals it wished to recommend for submission to the Conference.

The PRESIDENT OF THE DIRECTING COMMITTEE explained that the alternative proposal distributed to the Committee clarified and quantified the United States proposal in terms of its budget repercussions. The IHB proposal was informed by the Bureau's forecasts and experience, and its concern to provide Member States with an envelope within which they could stay, to ensure that the value of each share would not exceed the value stated therein, also giving States the possibility of estimating their future contributions. It was a prudent proposal, allowing for a sustained margin of security. The United States proposal, admittedly a very rational one, considered that projected income should be based on the current number of shares so as to reduce contributions. However, it failed to take account of suspensions which, as experience had shown, required repeated calls for increased contributions to maintain operating levels.

Ms. WYNES (United States of America) said that the United States proposal was self-explanatory, the main difference being the method of financing the budget, namely the approach to shares. Projecting income on the anticipated failure of Member States to pay was not sound financial practice and might even be an incentive not to pay. Regarding expenditures, the United States suggested a nominal growth of 10.5% over five years, as compared with the 12.3% proposed by the IHB. The difference was marginal, but there remained some areas in which savings could be made.

Dr EHLERS (Germany) said, regarding expenditures, that there was very little difference between the two proposals. If roughly 1% was the extent of the savings that could be made over five years, he could

accept the IHB proposal. Regarding income, increasing share value would ultimately be inevitable but, in order to avoid a substantial increase in six years' time while at the same time taking account of the current climate of austerity, a prudent compromise approach would be to refrain from increasing the share value in the first two years of the budget period, and then allow for a very modest increase in the share value for the remainder of the period. On that condition, the IHB proposal would be acceptable.

Mr. O'CONNOR (Canada) supported the proposal by Germany. The difference, in expenditures at least, appeared to be relatively insignificant. It should be borne in mind that at its previous meeting the Committee had referred the question of salaries to a working group for a report. As personnel expenditures accounted for 85% of the budget, the outcome of that report could have a significant effect on the figures over a period of five years.

Commander EZEQUIEL (Portugal) supported the proposal by Germany.

Mr. Jinfu WANG (China) said that his country fully appreciated the difficulty of applying a zero-growth budget rigorously. At the same time, contributions by Member States were increasing year by year in absolute terms. IHB should continue its commendable efforts to reduce unnecessary expenditures.

Ms. WYNES (United States of America) said that the German proposal failed to take account of the fact that two retirements due to take effect in 2003 would not be carried forward, and would entail some adjustment with respect to retirement pension. Nor did it take account of the possible accession of further Member States over the five-year period. Those questions needed to be considered before it was decided whether, and if so by how much, to increase the share value.

Dr EHLERS (Germany) said that he saw the proposal as a framework for the budget over the next five years; however, once it had been approved, each year's budget would still have to be approved year by year. Any unforeseen increases in income would be taken into account during that process.

Following a procedural discussion in which the CHAIRMAN, Mr. FURNESS (Australia), Rear Admiral GUY (Director, IHB) and Mr. O'CONNOR (Canada) participated, the CHAIRMAN invited the Committee to put the United States and German proposals to amend the IHB proposal to the vote by a show of hands.

It was so decided.

There being only two votes in favour, the United States proposal to amend the original IHB budget was rejected.

The CHAIRMAN invited the Committee to vote in principle on the German proposal to amend the original IHB proposal, subject to subsequent quantification of its proposal by IHB.

There were 16 votes in favour.

Having obtained the required majority (15 votes in favour out of 21 Members present and voting), the German proposal was approved.

The CHAIRMAN said that the discussions on the five-year budget of the IHO 2003-2007 and the 2003 budget were thus concluded. The 2003 budget would be amended accordingly, and the resultant recommendations forwarded to the plenary sessions of the XVIth Conference.

It was so decided.

ANY OTHER BUSINESS

There was none.

PLENARY SESSIONS

PRESIDENT: **Mr. Frode KLEPSVIK (Norway)**

VICE-PRESIDENT: **Dr. Wyn WILLIAMS (United Kingdom)**

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SUMMARY RECORDS

CONF.16/P/SR.1

FIRST PLENARY SESSION

15 April 2002

0900-1045

Rapporteur : Mr. Kenneth COOPER (United States of America)

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- Confirmation of election of the President and election of the Vice-President of the Conference
 - Establishment of the Eligibility Committee
 - Appointment of Rapporteurs and Scrutinizers Team
 - Participation of Observers
 - Adoption of the Agenda
 - Formal Approval of the Table of Tonnages, Shares and Votes
 - Opening Ceremony
-

CONFIRMATION OF ELECTION OF THE PRESIDENT AND ELECTION OF THE VICE-PRESIDENT OF THE CONFERENCE (Provisional Agenda item 2)

The PRESIDENT OF THE DIRECTING COMMITTEE announced that the name of Commander Frode Klepsvik (Norway) had been submitted as candidate for election as President of the Conference.

Commander Klepsvik (Norway) was elected President by acclamation.

Commander Klepsvik took the Chair.

The PRESIDENT expressed his gratitude for the honour bestowed on him. Since Norway had extensive and diverse maritime activity, it appreciated the importance of international cooperation and harmonization in all areas relating to safety at sea and protection of the environment. He assured the Conference of his Government's full commitment to the work of the IHO and interest in ensuring its prosperous development. The Conference was the decision-making body of the Organization, and its deliberations, he hoped, would be fruitful and effective. Following the decisions made at the 2nd Extraordinary International Hydrographic Conference, the current Conference would be a short one, but it had a number of important issues to resolve. It was therefore incumbent upon participants to be brief and to focus on substance in addressing the various proposals presented. He would seek to avoid excessive use of cumbersome voting procedures and to try to achieve consensus wherever possible.

Following his election as President of the Conference, Commander Terje Langvik was nominated Head of the Norwegian Delegation.

The PRESIDENT OF THE DIRECTING COMMITTEE announced that the name of Dr. Williams (United Kingdom) had been submitted as candidate for election as Vice-President of the Conference.

Dr. Williams (United Kingdom) was elected Vice-President by acclamation

ESTABLISHMENT OF THE ELIGIBILITY COMMITTEE (Provisional Agenda item 3bis)

The Committee was established, Captain Chua (Singapore) being elected Chairman and its members being representatives of Croatia, Italy, New Zealand, Portugal and the United Kingdom.

APPOINTMENT OF RAPPORTEURS AND SCRUTINIZERS TEAM (Provisional Agenda item 3bis)

Mr. Ken Cooper (United States of America), Mr. Mark Hambrey (IHB), Mr. Keith Alexander (United States of America) and Ms. Liz Dunn (United Kingdom) were appointed Rapporteurs for Plenary Sessions.

The Scrutinizers Team was appointed, Captain Željko Bradarić (Croatia) being chosen to head it and its members being from Italy, Norway, Portugal, the Russian Federation and Spain.

PARTICIPATION OF OBSERVERS

The PRESIDENT, in accordance with Rule 6 of the Rules of Procedure, invited the Conference to agree that observers might participate, without vote, in the deliberations of the Conference in matters of direct concern to them.

It was so agreed.

ADOPTION OF THE AGENDA (CONF.16/G/01 Rev.2) (Provisional Agenda item 3bis)

The Agenda was adopted.

FORMAL APPROVAL OF THE TABLE OF TONNAGES, SHARES AND VOTES (CONF.16/G/05 Rev.1) (Agenda item 4)

The Table of Tonnages, Shares and Votes (CONF.16/G/05 Rev.1) was approved.

OPENING CEREMONY

His Serene Highness Prince Rainier of Monaco and His Serene Highness Prince Albert of Monaco were escorted into the Hall and took their seats on the podium.

The PRESIDENT OF THE DIRECTING COMMITTEE delivered an address of welcome which is reproduced in these Conference Proceedings.

The CONFERENCE PRESIDENT delivered his Opening Address which is reproduced in these Conference Proceedings.

HIS SERENE HIGHNESS PRINCE RAINIER delivered an address declaring open the Sixteenth International Hydrographic Conference which is also reproduced in these Conference Proceedings.

Their Serene Highnesses were escorted from the Hall.

Rapporteur : Mr. Mark HAMBREY (IHB)

CONTENTS

- Expression of sympathy
 - Accession of a new Member State to the Convention
 - Report on Work Programme No. 5 - General Organization Development (Agenda item 9)
 - PRO 4 and PRO 23 - New Terms of Reference for the IHO Strategic Planning Working Group (Agenda items 10 and 11)
 - PRO 1 - Proposal to amend Article XXI of the IHO Convention (Agenda item 12)
 - PRO 2 - Amendments to Article XX of the IHO Convention (Agenda item 13)
-

EXPRESSION OF SYMPATHY

On behalf of the Conference, the PRESIDENT expressed condolences to those Member States affected by the recent loss of an Air China airliner near Pusan, in the Republic of Korea.

ACCESSION OF A NEW MEMBER STATE TO THE CONVENTION

The PRESIDENT OF THE DIRECTING COMMITTEE announced that the Instrument of Accession of Slovenia had been deposited with the Monegasque Government. Accordingly, Slovenia had been admitted to membership of the Conference.

REPORT ON WORK PROGRAMME No. 5 - GENERAL ORGANIZATION DEVELOPMENT (CONF.16/WP.5) (Agenda item 9)

Report of the Strategic Planning Working Group

The PRESIDENT OF THE DIRECTING COMMITTEE, introducing the report of the Strategic Planning Working Group (SPWG), contained in document CONF.16/WP.5, said that the strategic issues contained in it remained essentially unchanged and should thus prove uncontroversial. However, Annex A to the report contained a proposal, initially put forward by Chile, for a Planning Cycle in two parts, covering the Strategic Plan and the Five-Year Work Programme respectively. That Planning Cycle, together with proposed consequential changes to the General Regulations of the IHO concerning the Cycle, was now submitted to the Conference for approval. The IHB would also be pleased to receive any comments on the Work Programme for the period 2003-2007 as a whole, as updated to take account of recent developments.

The PRESIDENT reminded participants that the Second Extraordinary Conference had decided to postpone approval of the Planning Cycle and to prepare an updated Planning Cycle for submission to the XVIth Conference. That also implied changes to Articles 18 and 24 of the General Regulations, as well as the adoption of a new Administrative Resolution. The Conference was thus called upon to approve the new Planning Cycles for the Strategic Plan and for the Five-Year Work Programme; to adopt the proposed changes to Articles 8 and 24 of the General Regulations; to insert a new Administrative Resolution T 5.1 in Chapter T, Section 5 of the Resolutions of the IHO, entitled “Planning Cycle”; and to insert a new subparagraph (i) in Rule 12 of the Rules of Procedure for International Hydrographic Conferences. If he heard no objection, he would take it that the Conference wished to adopt the report of the SPWG and all the proposals contained therein.

It was so decided.

Report of the IHO Legal Advisory Committee

Mr. POGSON (Australia), presenting the Report as Acting Chairman of the Committee, said that full responsibility for its production fell to its Chairperson, Ms. Danièle Dion (Canada), who was not present at the Conference. On behalf of the Chairperson, he wished to express gratitude to the legal fraternity of the IHO for the excellent standard of its submissions. The report was self-explanatory, and he commended it to the Conference.

The report was adopted.

Report on IT equipment

The report was adopted.

The PRESIDENT OF THE DIRECTING COMMITTEE thanked France for the continuing support provided by the French Hydrographic Service, which had enabled the IHO to maintain a web site using its facility. France’s contribution was greatly appreciated by the IHB.

PRO 4 AND PRO 23 NEW TERMS OF REFERENCE FOR THE IHO STRATEGIC PLANNING WORKING GROUP (CONF.16/G/02 and CONF.16/G/02 Add.1; REFERENCE TEXTS FOR PROPOSALS SUBMITTED TO THE XVIth IH CONFERENCE, INDICATING THE AMENDMENTS PROPOSED) (Agenda items 10 and 11)

The PRESIDENT said that various alternative amendments to PRO 4 - New Terms of Reference for the IHO Strategic Planning Working Group were contained in a supporting document circulated in English only, entitled “Reference texts for proposals submitted to the XVIth IH Conference, indicating the amendments proposed”.

Rear Admiral GUY (Director IHB) said that, in the light of the amendments proposed by the United Kingdom, which expressed the substance of PRO 4 in clearer form, IHB now withdrew its proposal.

In the amended proposal by the United Kingdom contained in the supporting document, paragraph 1 and former paragraphs 3 to 5 remained unaltered. Former paragraph 2 had been subdivided into three new paragraphs, and a new paragraph 2 had been inserted. The amended proposal thus read:

PRO - 4 NEW TERMS OF REFERENCE FOR THE SPWG

1. Give advice, when needed, to the IHB Directing Committee, regarding the content of the Strategic Plan and related Work Programme.

2. Oversee and monitor the content of the Strategic Plan and related Work Programme.
3. The SPWG will be formed by representatives designated by the IHO Regional Hydrographic Commissions.
4. The SPWG should request the assistance of legal experts when it is deemed necessary.
5. The Chairman of the SPWG will be the President of the IHB Directing Committee.
6. Consider unresolved IHO organizational matters proposed at the XVIth Conference and provide a report and recommendations by December 2003.
7. Carry out a study on the need to revise the IHO Convention, providing the IHB Directing Committee with recommendations on any changes by December 2003.
8. Consider the harmonization of the text of the IHO Basic Documents and supply recommendations to the IHB Directing Committee by December 2003.
9. Present the results of these studies to the IHB Directing Committee and circulate a report to Member States by December 2003.
10. Co-ordinate comments on the interim report and produce a final version by April 2004 in time to be discussed and eventually approved by an Extraordinary Conference or communicated to Member States by Circular Letter.”

Rear Admiral ANDREASEN (United States of America) said that the timeframe set out in the new proposal was inadequate, and that it prejudged the need for an Extraordinary Conference to address the issue. However, the amended proposal could be used as a basis for discussion.

Dr. EHLERS (Germany) said he wished to preface his introduction of PRO 23, which had been intended as an amendment to PRO 4, with some general remarks. IHO had been active for more than 80 years, and Germany sometimes gained the impression that the spirit of the early 20th century still prevailed in its work. Yet times had changed: technological and economic developments, globalization, growing use of the oceans, and the increased need for coastal zone management and protection of the marine environment all required efficient and effective hydrographic services and efficient international co-operation - a state of affairs that was acknowledged and reflected in the revision of Chapter V of SOLAS. Adequate updated surveys of coastal waters worldwide, ECDIS, and provision of official charts for small vessels and pleasure craft were three areas in which IHO needed to intensify its efforts in the interests of maritime safety. To achieve that, awareness of the need for hydrographic services must be increased, so as to attract more political support. As an example of such support, in 2001 an extraordinary ministerial meeting of the Helsinki Commission had agreed a package of additional safety measures based on IHO standards, and the Helsinki Convention had been amended so as to establish a binding obligation on the Baltic Sea states under international law.

However, such efforts could succeed only with efficient international co-operation. Unless IHO was itself made more efficient, other organizations would take over its tasks. Germany thus strongly supported the United Kingdom proposal to extend the Terms of Reference of the SPWG, as a basis for further discussions. The main task ahead was a thorough revision of the Convention so as to reflect IHO's future structures and functions. It should be made clear that, as the general assembly of IHO, the Conference had an overall responsibility for all IHO matters, and that its President's term of office as President of the Organization extended from one conference to the next, as was customary in other international organizations. As the secretariat of the Organization, IHB needed a new organizational structure, with a secretary-general and a steering committee to co-ordinate and supervise the work of

conferences. Those approaches should be incorporated in the work of SPWG. Membership of SPWG should be open to all Member States, on the basis of one representative per country. Appointment of a chairman of SPWG was a strategic decision that should be taken, not by IHB, but by the Conference, as proposed in PRO 23. His own preference was that the President of the Conference should serve as Chairman of SPWG for the next five years.

Ingénieur général DESNOËS (France) said that the SPWG was crucial to the work of IHO and that every effort must be made to ensure its effectiveness. Like the representative of Germany, he believed that all Member States wishing to participate in the Group should be permitted to do so, although participation should perhaps be limited to one representative per Member State. As the post of Chairman of the SPWG would constitute a full-time job, account needed to be taken not only of candidates' personal qualities, but also of the extent of their availability.

Dr. GHADERI (Islamic Republic of Iran) supported the IHB proposals in principle. The presence of representatives designated by the IHO Regional Hydrographic Commissions and of legal experts was crucial to the process of reviewing the IHO Basic Documents. His delegation also supported the suggestion that the SPWG should be instructed to complete its work by March 2004 at the latest, and to produce its final report by April 2004.

The PRESIDENT said that if he heard no objection he would take it that the Conference wished to consider the amended PRO 4 paragraph by paragraph, taking account of the amendments contained in PRO 23.

It was so decided.

Paragraph 1

Paragraph 1 was adopted.

Paragraph 2

Rear Admiral SRINIVASAN (India) asked whether the SPWG would be responsible for monitoring implementation of the Strategic Plan and Work Programme as well as their content.

The PRESIDENT OF THE DIRECTING COMMITTEE said that the Work Programme was implemented by IHB and by Member States. In particular, the Work Programme should be reflected in the activities of the Regional Hydrographic Commissions - something that was not always the case.

Dr. WILLIAMS (United Kingdom), supported by Rear Admiral BARBOR (United States of America), said that the intended meaning was that the Work Programme needed to be monitored for its content, but that the work being done by the Regional Hydrographic Commissions and Member States should properly be reported not to the SPWG but to the Conference. To make the SPWG responsible for monitoring implementation would be to overstrain its capacities.

Rear Admiral GUY (Director IHB) said that the question was one of accountability. Currently the Directing Committee was answerable to Member States, either at the Conference or, during the interim period, by Circular Letter. If responsibility for monitoring implementation was placed with the SPWG, the next Directing Committee might then be accountable both to the SPWG and to Member States.

Ingénieur général DESNOËS (France) said that everything depended on what was meant by the word "monitoring". The equivalent French term seemed to be *suivi*, in the sense of "follow-up" in the period between international and regional conferences - a task that was performed by IHB.

The PRESIDENT noted that the Conference appeared to agree that it was clear from the wording of paragraph 2 that the SPWG should *not* involve itself in issues of implementation.

On that understanding, paragraph 2 was adopted.

Paragraph 3

The PRESIDENT noted that it had already been proposed that all interested Member States should be permitted to participate in the work of the SPWG, although membership should be restricted to one representative per Member State.

Mr. SPITTAL (New Zealand) said that while the idea that all countries could be represented was laudable in principle, the fact of the matter was that most countries would be unable to send representatives to Europe. New Zealand would look to form a consortium with other countries, to ensure that its views were represented.

Dr. EHLERS (Germany) said that while it was important that all the Regional Hydrographic Commissions should be represented, that requirement could in itself constitute a restriction - for instance, where a Regional Commission was represented by the Chairman of that Commission, a post that rotated every two years. Provided all Member States wishing to participate were designated, no problem would arise.

Rear Admiral AGLIATA (Italy) said that Italy had supported the proposal on the understanding that at least one member of the Regional Hydrographic Commission must be present. Italy fully supported Germany's position with regard to the entitlement of any interested hydrographic office to participate in the work of the SPWG.

The PRESIDENT OF THE DIRECTING COMMITTEE proposed the wording: "The SPWG will include representatives designated by the IHO Regional Hydrographic Commissions."

Rear Admiral SRINIVASAN (India) supported the German position regarding participation, and suggested expanding the existing wording by adding the words "Individual Member States may be represented if they consider it necessary."

Paragraph 3, as amended, was adopted.

Paragraph 4

Paragraph 4 was adopted.

Paragraph 5

Commander LUSIANI (Italy) and Colonel HERDA (Algeria) proposed that the Chairman of the SPWG should not be the President of the IHB Directing Committee but should be elected by Member States.

Dr. EHLERS (Germany) said that the Chairman should clearly be supported by the IHB, which should perform the bureaucratic work for the SPWG, but he knew of no other organization in which a working group was chaired by a member of the Secretariat. The norm was for working groups and committees to be chaired by a representative of a Member State. It would be very difficult for the SPWG to discuss the management structure of the IHB Directing Committee if it was itself chaired by the President of the IHB Directing Committee.

Rear Admiral GUY (Director IHB) said that the chairmanship of the SPWG was an important and very onerous task which had absorbed almost the entire time of one Director for three years. The Bureau would, of course, work closely with the Chairman of the SPWG.

Mr. SPITTAL (New Zealand) said that if the chairmanship of the SPWG were taken on by someone outside the Bureau a post would have to be created and funding secured.

Rear Admiral SRINIVASAN (India) felt that the present system was working well and that the wording of the paragraph should be retained.

The PRESIDENT said that a proposal had been submitted by Canada, Germany, the United Kingdom and the United States of America (PRO 23 - New Terms of Reference for the IHO Strategic Planning Working Group) (CONF.16/G/02 Add.1) according to which the Conference was requested to elect the Chairman of the SPWG.

A vote was taken by show of hands on the proposal that the Conference elect the Chairman of the SPWG.

The proposal was adopted with 50 votes in favour.

The PRESIDENT suggested that, in the light of the vote, paragraph 5 should be amended to read: "The Chairman of the SPWG will be elected by the Conference."

Paragraph 5, as amended, was adopted.

Ingénieur général DESNOËS (France) said, by way of general comment concerning the election of the Chairman of the SPWG, that it would be necessary to determine the procedure for the election of the Chairman to avoid any uncertainty in the event that there was more than one candidate.

The PRESIDENT said that that point was well taken and would be considered prior to the election.

Paragraph 6

Mr. O'CONNOR (Canada), supported by Rear Admiral ANDREASEN (United States of America), believed that the proposed deadline of December 2003 was acceptable on the understanding that it could be adjusted if the SPWG needed more time.

Captain REEDER (South Africa) asked about the validity of setting a deadline when there was no certainty regarding the number of unresolved IHO organizational matters that were to be considered.

Dr. EHLERS (Germany) said that the aim was that the SPWG should endeavour to conclude its work by December 2003 - not that all its work had to be completed by that date.

Paragraph 6 was adopted.

Paragraph 7

Paragraph 7 was adopted.

Paragraph 8

Paragraph 8 was adopted.

Paragraph 9

Rear Admiral SRINIVASAN (India) proposed replacing “and” by “which will then” in order to make it clear that the report to Member States would be circulated by the IHB Directing Committee.

Paragraph 9, as amended, was adopted.

Paragraph 10

Rear Admiral ANDREASEN (United States of America), supported by Rear Admiral SRINIVASAN (India) and Mr. O’CONNOR (Canada), expressed concern regarding the wording “and eventually approved” and regarding the possibility that the final version might be approved by Circular Letter. He proposed that the paragraph be amended to read: “Co-ordinate comments on the interim report and produce a final version by April 2004 in time to be discussed at the next conference of IHO Member States.”

Dr. WILLIAMS (United Kingdom) expressed concern that the SPWG might work very hard to produce its final version by April 2004 only to find that the next conference was being held in 2007.

Rear Admiral ANDREASEN (United States of America) said that that eventuality was covered by his proposed wording, which referred to the “next conference” whether ordinary or extraordinary.

Dr. EHLERS (Germany) said that if the present Conference were to take a decision to hold an Extraordinary Conference before 2007, the paragraph could refer to “the next Extraordinary Conference”. If it did not, the existing wording should be retained.

The PRESIDENT said it was clear that in view of the workload involved it was unlikely that the Conference in 2007 would be able to deal with the SPWG’s final report; that report would need to be discussed at an Extraordinary Conference.

Commander MOURÃO EZEQUIEL (Portugal), supported by Dr. EHLERS (Germany), Commander LANGVIK (Norway), Rear Admiral PINEDA GALLO (Colombia), Ingénieur général DESNOËS (France), Commander LUSIANI (Italy) and Coronel ALUM ORTIZ (Cuba), said that the paragraph should state that the SPWG report had to be discussed “at the next Extraordinary Conference”.

Rear Admiral ANDREASEN (United States of America) was opposed to an Extraordinary Conference being held to discuss the SPWG report.

The PRESIDENT said that the course of the discussion had shown that it was necessary to decide whether an Extraordinary Conference should be held to deal with the SPWG report.

A vote was taken by show of hands on the proposal to hold an Extraordinary Conference to consider the SPWG report.

The proposal was adopted with 40 votes in favour.

The PRESIDENT suggested, in the light of the decision that had been taken, that the words “or communicated to Member States by Circular Letter” should be deleted from the paragraph.

Rear Admiral ANDREASEN (United States of America) formally dissociated his delegation from the decision that had been taken. His delegation did not wish to commit itself to holding an Extraordinary Conference because of the significant costs that would be involved. It also objected to the words “and eventually approved”.

The PRESIDENT said that the wish of the Conference, as expressed in the vote, was clear. As to the three words to which the representative of the United States of America objected, he suggested that they be omitted.

The PRESIDENT OF THE DIRECTING COMMITTEE said that while 40 votes in favour represented a simple majority, if the proposal was deemed to be a budgetary matter because of its budgetary implications, a two-thirds majority would be required, i.e. 45 votes.

Dr. EHLERS (Germany) said that the decision to hold an Extraordinary Conference was subject to approval by a majority of Member governments, of which there were 72; 40 was therefore the required majority.

Rear Admiral ANDREASEN (United States of America) said that because of the additional costs involved in holding an Extraordinary Conference a two-thirds majority was required.

The PRESIDENT said that the Conference was the IHO's decision-making body. The Convention stated in its Article VI.1 that an extraordinary session of the Conference might be held subject to approval by the majority of the Member Governments. It made no reference to budgetary implications.

The budget itself would, of course, be considered by Conference at a later stage.

Rear Admiral ANDREASEN (United States of America) said that the cost of holding an Extraordinary Conference should be projected separately and discussed during consideration of the budget in plenary.

Rear Admiral GUY (Director IHB) and the PRESIDENT observed that the 2nd Extraordinary I.H. Conference had decided, in Decision No. 5, that an extraordinary International Hydrographic Conference would be held between two ordinary Conferences.

Following a comment by Rear Admiral SRINIVASAN (India), the PRESIDENT OF THE DIRECTING COMMITTEE explained that the budget considered by the Finance Committee had included costs for an Extraordinary Conference. Following a proposal to reduce the budget figure presented by the Bureau, the IHB was now working on revised budget estimates for submission to plenary. Now that it was certain that there would be an Extraordinary Conference, and following the comment by the United States, the Bureau would evaluate precisely the cost of such a Conference when producing its revised estimates for consideration by plenary.

Mr. O'CONNOR (Canada) said that there still seemed to be some doubt about the legal validity of Decision No 5 of the Extraordinary Conference.

Dr EHLERS (Germany) pointed out that the decision just taken by the Conference to hold an Extraordinary Conference could not now be reversed. The budgetary implications would be dealt with when the budget was considered. The issue now was one of setting priorities within the budget. There were possibilities of reducing costs, for instance by finding a less expensive venue for the Conference.

Paragraph 10, as amended, was adopted.

Proposed new paragraph 11

Captain GORZIGLIA (Chile) said that it was very important for the Member States to know what kind of work programme the SPWG would be monitoring. At its first meeting the SPWG should define a work programme and submit it to the Member States through the IHB Directing Committee. He proposed a new paragraph which would read as follows: "Considering tasks given by the

XVIth Conference, the SPWG shall define a work programme at its next meeting and present it to Member States through the IHB Directing Committee for consideration before 30 May 2002”.

Following an expression of concern by Mr. SPITTAL (New Zealand) about the short deadline for defining a work programme, Dr. EHLERS (Germany) proposed the deletion of “at its next meeting” and Colonel HERDA (Algeria) proposed amendments to the French version of the text.

Rear Admiral SRINIVASAN (India), endorsing the comment by New Zealand, doubted whether the paragraph was needed at all, making the point that the SPWG would be governed by its own procedures.

Ingénieur général DESNOËS (France) added that the SPWG had been given the task of defining a strategy for the whole Organization and could surely be entrusted with determining a work programme.

Commander WARD (Australia) and Dr. WILLIAMS (United Kingdom) supported those comments.

The PRESIDENT said he took it there was no support for the Chilean proposal.

It was so agreed.

The PRESIDENT said that consideration of the new terms of reference of the SPWG was thus completed, it being understood that the word “discussed” would be replaced by “considered”, as proposed by India, in paragraph 10.

It was so decided.

PRO 4, as amended, was adopted.

PRO 23 - NEW TERMS OF REFERENCE FOR THE IHO STRATEGIC PLANNING WORKING GROUP

Paragraph 1

Dr EHLERS (Germany), introducing PRO 23, explained that the reason behind the proposal in paragraph 1 was that, since the SPWG was being entrusted with reviewing the Basic Documents of the Organization, it would make more sense to refer all proposals to amend the Convention to the SPWG, rather than to deal with them in isolation. The proposal could in fact be dealt with by making a minor change to paragraph 6 of PRO 4 concerning the new ToRs for the SPWG, namely by deleting the word “organizational”.

Commander WARD (Australia), endorsing the comments made by Germany, said that it was necessary to consider whether the SPWG’s work should be restricted or whether it should be given a wide remit. The feeling at the Conference appeared to be that what was needed was a thorough review of what the Convention should achieve and how it should be achieved, not just identifying shortcomings. The SPWG had been entrusted with that review and a disciplined analysis was the best method of proceeding.

Rear Admiral GUY (Director IHB) said that the mere deletion of the word “organizational” in paragraph 6 of the ToRs left that paragraph somewhat vague, since many other matters were outstanding, including some that should not be referred to the SPWG. He suggested that the beginning of paragraph 6 should be reworded to read “Consider unresolved IHO matters referred by the XVIth Conference ...”.

The PRESIDENT said he took it that that suggestion was acceptable and that PRO 23 could thus be considered covered by the amendments to the new ToRs for the SPWG.

It was so agreed.

PRO 1 - PROPOSAL TO AMEND ARTICLE XXI OF THE IHO CONVENTION (CONF.16/G/02) (Agenda item 12)

Rear Admiral GUY (Director IHB), introducing the proposal, said that, in the light of the discussion and the adoption of PRO 23, the Bureau felt it appropriate for PRO 1 to be referred to the SPWG as an interim measure.

Ingénieur général DESNOËS (France) expressed the view that it would be preferable for the Conference to proceed with a discussion of the proposal, which responded to a clear need to amend the Convention and would ultimately require political decisions that the SPWG would be unable to take. The process could at least be initiated now so as to expedite matters.

The PRESIDENT recalled the point made earlier about confusing the work of the SPWG, given the lengthy approval procedure for amendments to the Convention. It had been observed that the basics should be clear rather than proceeding to decide on amendments to the Convention in isolation.

Dr. EHLERS (Germany) shared that view. It would be preferable to complete the review process and, to the extent possible, put all the proposed amendments to the Convention in one basket and endeavour to find a procedural solution applicable to them all.

Rear Admiral SRINIVASAN (India) asked whether specific amendment issues were to be referred to the SPWG on a piecemeal basis or whether it was to be asked to take a holistic view and suggest an overall solution, such as replacing the Convention. It should be borne in mind in that respect that international conventions were based on established practices, with common wording.

The PRESIDENT said it was his understanding that the SPWG had been asked to take a holistic view of the Basic Documents, but at the same time there were certain specific proposals that the Conference would be referring to the Group. He took it that the Conference wished PRO 1 to be referred to the SPWG.

It was so agreed.

PRO 2 - AMENDMENTS TO ARTICLE XX OF THE IHO CONVENTION (CONF.16/G/02) (Agenda item 13)

The PRESIDENT OF THE DIRECTING COMMITTEE, introducing the proposal, said that the IHB proposed to refer it to the SPWG, together with the reasons for the proposal, as set out in the explanatory note attached to PRO 2 (CONF.16/G/02). He expressed gratitude to the Monaco Government for commissioning a study from the "Institut du Droit Économique de la Mer" (INDEMER), the results of which had provided useful input for the proposal.

The PRESIDENT said he took it that the Conference wished to refer PRO 2 to the SPWG.

It was so agreed.

THIRD PLENARY SESSION**16 April 2002****0900-1300**

Rapporteur : Mr. Keith ALEXANDER (United States)

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Report on Work Programme No. 5 - General Organization Development (Agenda item 9) (continued)

- To approve the admission of certain Maritime United Nations (UN) Member States to Membership of the IHO (PRO 22) (Agenda item 14)
- Length of Tenure of Chairmen of IHO Working Groups, Committees (PRO 7) (Agenda item 15)
- Study of the Harmonization of the IHO General Regulations, Financial Regulations and Rules of Procedure for International Hydrographic Conferences (PRO 3) (Agenda item 16)
- Amendment of Article 9 of the General Regulations of the IHO and of Rule 14 of the Rules of Procedure for International Hydrographic Conferences (PRO 11) (Agenda item 17)
- Proposal to approve Legal Regulations of the IHO Harmonization Plan (PRO 21) (Agenda item 18)
- Modification of T1.3 "Establishment of Regional Hydrographic Commissions" (RHC) as discussed and agreed during the 6th SPWG Meeting (PRO 5) (Agenda item 19)

REPORT ON WORK PROGRAMME No. 5 - GENERAL ORGANIZATION DEVELOPMENT (CONF.16/WP.5) (Agenda item 9) (continued)

CONSIDERATION OF PROPOSALS (continued)

PRO 22 - TO APPROVE THE ADMISSION OF CERTAIN MARITIME UNITED NATIONS (UN) MEMBER STATES TO MEMBERSHIP OF THE IHO (CONF.16/G/02 Add.1) (Agenda item 14)

The PRESIDENT requested the representative of Australia to introduce the proposal.

Commander WARD (Australia) said that his country, in common with many Member States, had consistently supported wider IHO membership and was keen to see mechanisms for achieving that. Australia supported the intention of PRO 2 but noted that it was to be considered by the SPWG and would therefore not be enacted quickly.

Australia had consequently assisted Germany and Norway in searching for a supplementary mechanism able to speed up the process for those States that had not yet received the required number of approving votes from Member States, in particular Mauritius and Myanmar, whose applications awaited approval. Extensive constitutional advice had been taken and the sponsors were confident

that PRO 22 was in keeping with the existing requirements of the IHO Convention. The proposal sought only to provide an opportunity at the present Conference for those Member States that had not yet indicated their approval to do so forthwith. It was intended to speed up the bureaucratic process by reaching the required number of approving States more quickly. The Conference was therefore asked to support the proposal to allow a vote on the accession of Mauritius and Myanmar to the IHO Convention.

The PRESIDENT drew attention to Article XX of the Convention requiring approval by a two-thirds majority for the accession of new Member States, but otherwise indicating no particular procedure. He therefore called for comments.

Ingénieur général DESNOËS (France) contended that there was a procedure indicated in the Convention, stating that two-thirds of governments must approve accessions. That had been interpreted from the outset as implying the official approval of governments and not approval by the Hydrographic Conference. It was therefore not desirable to have a proposal which would make it possible to apply a new procedure. With the current Convention, it was difficult to decide that the interpretation had changed after 80 years. His delegation was consequently unable to approve a procedure departing from the Convention and its established interpretation. It was nevertheless in favour of the admission of such countries as Mauritius, Myanmar and Slovenia.

Commander MOURÃO EZEQUIEL (Portugal) said that delegates had no mandate to approve the accession of new Member States as in the proposal under consideration. His delegation, however, would have no objection to such accession if it could be handled through individual foreign ministries.

Dr WILLIAMS (United Kingdom) said his country recognized the need to increase the rate at which countries could join IHO. Appreciating that a two-stage process was involved, with both the Conference and foreign ministries being required to ratify membership, he believed that the United Kingdom was ready to support PRO 22 and move to a vote.

Captain QUIROS CEBRIA (Spain) said his delegation was in full agreement with what had been stated by those of France and Portugal.

Dr EHLERS (Germany) said his country was supporting the proposal in view of the time-consuming nature of the accession process, seemingly due to bureaucratic rather than political problems. It was therefore necessary to seek other ways of speeding up accession, which is a more difficult matter in IHO than in other intergovernmental organizations. Clearly, all delegates represent their governments as stipulated in Article VI of the Convention and would be not interpreting but applying the Convention, which said nothing about procedure. Therefore the proposal could be adopted by a two-thirds majority of governments represented at the Conference.

Rear Admiral SRINIVASAN (India) expressed disagreement with the proposal since in India, which would welcome wider IHO membership as soon as possible, all international conventions are administered by the foreign affairs departments and such requests have to be routed through diplomatic channels.

Cdr. LUSIANI (Italy), expressing agreement with the representatives of France, Portugal and India, said it would be better first to change the Convention clarifying the new position regarding accession of new Member States and then to apply the new instrument accordingly.

Captain ZAFARYAB (Pakistan) said his delegation was present on behalf of its Government and ready to support PRO 22.

Colonel HERDA (Algeria) said that IHO had to adapt to the demands of globalization in the third millennium. It must therefore begin reform measures for wider membership, particularly since the number of Member States was low in comparison with United Nations specialized agencies. It was important to make accession more flexible for developing or emerging countries and so place hydrography at the service of development in the world. Algeria therefore supported PRO 22.

Captain KOOL (Netherlands) said his delegation fully supported PRO 22 to speed up the accession procedure for new Member States. It had consulted its foreign ministry in connection with the related PRO 2 and had received the green light regarding prospective Member States belonging to the United Nations.

Captain REEDER (South Africa) expressed full support for PRO 22. Since smaller countries were often discouraged by the time accession took, they should be assisted in joining the Organization as promptly as possible and so obtaining the specialized support they needed.

Vice Admiral SOARES DE MOURA NETO (Brazil) said his country supported the position of France and Portugal.

Ms XUEMEI JIANG (China) expressed that China already agreed to admit Mauritius, Myanmar and Slovenia but supported the position that the present Convention should be adhered to and not be amended.

Mr ZENONOS (Cyprus) said the proposal could not be decided on until the interpretation of the Convention had been clarified, for which purpose legal advice might be sought.

Commander WARD (Australia), clarifying the effect of the proposal, said it was intended to provide a once-only opportunity for Member States that had not signified their approval to add their names to the list of approving countries forthwith. Some, he appreciated, were not in a position to take such action but the aim was to speed up the accession process.

Dr GHADERI (Iran) recognized the difficulties of the accession procedure in IHO, as against IMO, and expressed support for PRO 22. The SPWG should consider the matter, and the committee for new membership should look into the possibility of new procedures and amendments.

Mr BADIA (Monaco) said that Monaco supported and shared the viewpoint expressed by France and those speaking in a similar vein.

Commander MOURÃO EZEQUIEL (Portugal) stated that they did not fully understand the voting procedures and requested clarification of procedures.

The PRESIDENT said the intended procedure was to take a vote to indicate support for the admission of Mauritius and Myanmar, Slovenia having already become a Member State. Article VI(1) of the Convention stipulated that those attending the Conference were representatives of the Member Governments, but France was contending that the procedure followed from the outset would have to be respected. Those not mandated to vote on the proposal would simply abstain.

Ingénieur général DESNOËS (France) said that if it came to a vote the issue might be formulated better. The Conference should first decide whether it wished to change the interpretation of Article XX of the Convention to enable it to approve the accession of new Members by a two-thirds majority, since it was a matter as fundamental as accession. Second, if so, did it approve the accession of Mauritius and Myanmar? A negative vote on the first part would not signify opposition to the membership of those two countries.

The PRESIDENT OF THE DIRECTING COMMITTEE observed that the position of Australia and Germany was apparently that the status of States not having obtained the two-thirds majority had to be examined. There was no intention to change the Convention since that had been the aim of PRO 2, handed on to the SPWG. The present purpose was simply to speed up a procedure, taking advantage of the presence of duly mandated representatives of governments.

Lt. Commander TBER (Morocco) said that was exactly what he had understood. No maritime nation, as he saw it, would oppose the accession of any other; and Morocco had agreed to the membership of the three countries months before. Any delay was due to diplomatic and administrative reasons. Morocco therefore supported PRO 22 and suggested that each Member State should speed up the process within its own government and arrive at the principle that any maritime State could be an IHO Member.

Commander MOURÃO EZEQUIEL (Portugal) said he supported the position of France and considered that the proposal, as worded, differed from an earlier clarification by Australia.

The PRESIDENT observed that PRO 22 did not set out to change the Convention, as made clear in paragraphs 3.3 and 3.4 of the explanatory notes in document CONF.16/G/02 Add.1. Those not mandated to vote would abstain.

Cdr. LUSIANI (Italy), agreeing that the procedure had to be speeded up, said that a vote in the Conference provided the possibility of a position for or against the Convention. He therefore suggested that a separate desk be opened to let all countries with a mandate sign in favour of the accession of the States concerned, and that no vote be taken in the Conference.

Ingénieur général DESNOËS (France) said he supported the position just stated by Italy since the aim was not to vote but to speed up a process. Meanwhile countries wishing to signify their acceptance of the accession of Mauritius and Myanmar should be encouraged to do so.

Dr EHLERS (Germany) said that the idea behind the proposal was to let countries so mandated give their approval. That could speed up the process and, since no political problems were involved, encourage other countries to overcome bureaucratic delays at home. He therefore proposed that the Conference conclude that, during the Conference, Member States so mandated could indicate their approval.

Rear Admiral SRINIVASAN (India) said he was uncertain about the legal validity with the Monegasque Government of a mere signing procedure for approval of accession, since in his view only an official letter from a foreign ministry would be acceptable in that respect. He therefore suggested a different procedure whereby a circular letter could be sent to hydrographic officers, who would seek more direct approval from their foreign ministries and so expedite matters through notification of the Monegasque Government.

The PRESIDENT OF THE DIRECTING COMMITTEE said he constantly checked the status of accessions. Whenever a group of countries was seen to be not approving, IHB wrote to hydrographic officers and asked the Monegasque Government to send out reminders through diplomatic channels. On the other hand, Qatar, Kuwait, Bulgaria and Mauritania had been approved but were long overdue regarding deposit of their instrument of accession.

Mr O'CONNOR (Canada), expressing full support for PRO 22, said that changing the interpretation of the Convention would not be tantamount to amending it and a vote to admit Mauritius and Myanmar would be in keeping with Article XX.

Rear Admiral SRINIVASAN (India) requested clarification of legality of vote.

The PRESIDENT requested Monaco to respond.

Mr ANSEMI (Monaco) suggested that the question raised by India could be conveyed promptly to Monaco's Department of Foreign Relations. Meanwhile he could not respond.

Commander JARRAR (Tunisia) said his country was in favour of discussing all new proposals but observed that they had to be submitted two months in advance so that the requisite endorsement could be obtained from governments prior to any decisions.

The PRESIDENT said that the proposal was a legal submission and that a vote should be taken on the proposal. Those not duly mandated could vote against or abstain. Ambiguous results would occur as to what a "no" vote would be interpreted as.

Ingénieur général DESNOËS (France) said that the vote should be on the real issue. The first question was whether the Conference agreed on paragraph 2.4 on page 5 of document CONF.16/G/02 Add.1 since it stated that "it is our view" that a Conference could lawfully act to approve the admission of States already meeting the requirements of Article XX of the Convention. If it did not agree, PRO 22 became meaningless.

Rear Admiral GUY (Director, IHB) observed that the main issue was the admission of two new Member States.

The PRESIDENT added that a "yes" vote would automatically signify approval of the aforesaid paragraph 2.4. A "no" vote or abstention would not indicate that States were opposed to the admission of the States concerned and could be due to a number of reasons – which we will not ask for.

A roll-call vote was taken on Proposal 22.

In favour: Algeria, Germany, Argentina, Australia, Belgium, Canada, Republic of Korea, Democratic People's Republic of Korea, Cuba, United Arab Emirates, Ecuador, Greece, Indonesia, Islamic Republic of Iran, Malaysia, Mozambique, Norway, Pakistan, Netherlands, Poland, United Kingdom, Russian Federation, Slovenia, Sri Lanka, Sweden, Thailand, Tonga, Turkey, Ukraine, South Africa. (30)

Against: Brazil, China, Croatia, France, Monaco, Nigeria, Portugal. (7)

Abstentions: Bahrain, Bangladesh, Chile, Cyprus, Colombia, Denmark, Egypt, Spain, Estonia, United States of America, Finland, India, Iceland, Italy, Japan, Morocco, Mexico, New Zealand, Oman, Papua New Guinea, Peru, Tunisia, Uruguay, Venezuela, Yugoslavia. (25)

Having failed to obtain the required majority, PRO 22 was rejected.

Commander WARD (Australia) was confused by the President's conclusion that the motion had been defeated. The whole purpose of the proposal was that votes in favour should be considered as approval by the countries concerned of the admission of the candidate countries.

The PRESIDENT reminded the representative of Australia that Monaco was checking whether such procedure was admissible and would reply during the course of the day.

PRO 7 - LENGTH OF TENURE OF CHAIRMEN OF IHO WORKING GROUPS, COMMITTEES (CONF.16/G/02; CONF.16/G/02 Rev.1) (Agenda item 15)

The PRESIDENT drew attention to the revised text for PRO 7 contained in document CONF.16/G/02 Rev.1.

Commander WARD (Australia) said that the proposal sought to harmonize the length of tenure of the Chairmen of the various IHO subsidiary bodies and to synchronize the appointment of the tenure of office-bearers with the IHO programming cycle. The revised text incorporated comments and suggestions made by a number of Member States in response to the original proposal.

Rear Admiral BARBOR (United States of America) expressed his support for the standardization of the appointment of the Chairmen and the length of their tenure.

Dr. GHADERI (Iran), agreeing with the proposal, said that the Chairmen and Vice-Chairmen of subsidiary bodies should be appointed at the first meeting of each body following the International Hydrographic Conference.

The PRESIDENT asked whether he could take it that the Conference wished to adopt the revised version of PRO 7 contained in document CONF.16/G/02 Rev.1.

It was so agreed.

PRO 3 - STUDY OF THE HARMONIZATION OF THE IHO GENERAL REGULATIONS, FINANCIAL REGULATIONS AND RULES OF PROCEDURE FOR INTERNATIONAL HYDROGRAPHIC CONFERENCES (CONF.16/G/02) (Agenda item 16)

Captain BERMEJO (IHB) introduced the proposal.

The PRESIDENT observed that the proposal was entirely consistent with the Terms of Reference for the SPWG adopted by the Conference the previous day.

He asked whether he could take it that the Conference wished to adopt the proposal.

It was so agreed.

PRO 11 - AMENDMENT OF ARTICLE 9 OF THE GENERAL REGULATIONS OF THE IHO AND OF RULE 14 OF THE RULES OF PROCEDURE FOR INTERNATIONAL HYDROGRAPHIC CONFERENCES (CONF.16/G/02; CONF.16/G/02 Rev. 1) (Agenda item 17)

Rear Admiral MARATOS (Greece), introducing the original proposal, said that in order to ensure that Member States had sufficient time to consult their administrations before responding to proposals, a time limit should be introduced for the submission of new proposals. Accordingly PRO 11 proposed amendments to Article 9 of the General Regulations of the International Hydrographic Organization and to Article 14 of the Rules of Procedure for International Hydrographic Conferences. In reply to feedback to the proposal received from Member States, he emphasized that it was not the intention to prevent amendments or alterations being made to proposals after they had been submitted. His country was flexible as far as the deadlines for submission and circulation of proposals were concerned. He welcomed the general agreement with the main principle of the proposal reflected in comments received from Member States, and expressed his support for the amendments to the text put forward by Australia, the United Kingdom and the United States of America.

The PRESIDENT drew attention to the revised text, contained in document CONF.16/G/02 Rev.1, put forward by Australia, the United Kingdom and the United States of America.

Commander WARD (Australia) said he fully understood that the main purpose of the proposal was to prevent the introduction of entirely new proposals close to the opening date of a Conference. The revised text was simply intended to avoid unintentional effects.

Rear Admiral BARBOR (United States of America) expressed his support for the deadlines for the submission and circulation of documents in the revised text. He was also in favour of a provision allowing for the amendment of proposals, or the submission of closely related alternative proposals, during the Conference.

Dr. EHLERS (Germany) said he fully supported the rationale behind the proposals. However, he had serious doubts about the wisdom of introducing a strict ruling that would prevent the IHO from responding quickly in the event of a major maritime accident with hydrographic implications. The Organization would risk losing political credibility if it were unable to respond spontaneously when required to do so. He suggested a smaller quorum as one possibility for accommodating such eventualities.

Commander HAUSKEN (Norway) withdrew an amendment submitted by Norway and expressed his support for the revised text.

Ingénieur général CAILLIAU (France) and Lt. Commander TBER (Morocco) endorsed the views expressed by the representative of Germany.

Captain ZAFARYAB (Pakistan) agreed with the time frame set out in the revised text. However, he believed that any critical points raised by a Member State or Hydrographic Commission should be admitted at least for discussion, if not necessarily for approval.

Captain KOOL (Netherlands), supported by Mr. O'CONNOR (Canada), endorsed the revised text and agreed that provision should be made to accommodate issues arising in the short term.

Rear Admiral SRINIVASAN (India) supported the revised text. He suggested that the word "delegation" in subparagraph (b) be replaced by the word "members". He too believed that a new paragraph should be added to deal with emergent issues.

Rear Admiral BARBOR (United States of America) was also in favour of adding a paragraph to deal with emergent issues relating to the safety of navigation.

Rear Admiral GUY (Director IHB) suggested that the word "new" in the last sentence of subparagraph (a) be replaced by the word "non-urgent". It would then be up to the Conference to decide whether a matter was urgent and should be discussed.

Admiral KOMARITSYN (Russian Federation) expressed his support for the revised text. He favoured a provision requiring a proposal to have the support of at least three Member States before it could be discussed.

Rear Admiral SRINIVASAN (India) suggested replacing the word "new" with "non-emergent" in the last sentence.

Commander MOURÃO EZEQUIEL (Portugal) proposed the following new paragraph to accommodate the concern raised by the delegate of Germany: "If due to unexpected circumstances a Member State wishes to submit a proposal, the submission should be approved by the Conference."

Colonel HERDA (Algeria) fully supports the proposal to add a detail about an emergency situation. Suggested text of "No new proposals with the exception of emergency proposals".

Dr. EHLERS (Germany) wondered whether it was wise to require amending proposals to have the support of two delegations, as provided for in subparagraph (b). He suggested deleting the provision.

Commander MOURÃO EZEQUIEL (Portugal) asked who would determine which proposals were normal and which urgent. The text should be more precise.

Rear Admiral SRINIVASAN (India) warned against allowing the proliferation of amendments at Conferences. He was in favour of introducing checks and balances to ensure that proposals had the requisite support.

Dr. WILLIAMS (United Kingdom) proposed that the words "and (c)" should be inserted at the end of the last sentence of subparagraph (a).

The PRESIDENT invited the Conference to vote on the amendment to paragraph (b) of the revised text, proposed by Germany, namely the deletion of the last sentence.

A vote was taken by show of hands.

There were 55 votes in favour.

The required majority having been obtained, the proposed amendment was carried.

Dr. EHLERS (Germany) suggested that the words "at a later date" should be inserted in the new subparagraph proposed by the delegate of Portugal, to read: "If due to unexpected circumstances, a Member State wishes to submit a proposal at a later date, the submission should be approved by the Conference." The new subparagraph should become subparagraph (b), and the original subparagraph (b) should become subparagraph (c). He further suggested that, for the sake of consistency, the term "Member Governments" should be used throughout instead of "Members" and "Member States".

Captain KOOL (Netherlands) favoured specifying what was meant by "unexpected circumstances".

Dr. EHLERS (Germany), supported by Commander MOURÃO EZEQUIEL (Portugal), urged flexibility. In the final analysis, it was up to the Conference to define "unexpected circumstances".

Commander WARD (Australia) suggested using both "emergency" and "urgent" wording in the sentence.

Mr. MITROPOULOS (International Maritime Organization) reported on procedures at the IMO. Member States were allowed three to four months to consider proposals. In "exceptional circumstances" Member States could disregard the guidelines and submit documents at a late stage for urgent consideration. Since the IMO Secretariat might request expert advice from the IHO on a matter generated by exceptional circumstances, he suggested that the words "or the Bureau" should be inserted into the new subparagraph proposed by Portugal, to read: "If due to exceptional circumstances, Member Governments or the Bureau wish...".

Rear Admiral BARBOR (United States of America) concurred with the observation of IMO that they should be able to submit emergency proposals and was in favour of using the word "exceptional" rather than "unexpected".

Captain BARRITT (United Kingdom) expressed his support for the amendment.

The proposal was adopted as amended.

PRO 21 - PROPOSAL TO APPROVE LEGAL REGULATIONS OF THE IHO HARMONIZATION PLAN (CONF.16/G/02) (Agenda item 18)

Mr. MOURÃO EZEQUIEL (Portugal), introducing the proposal, said that since receiving Circular Letter 44/2000, his delegation had been engaged in a systematic analysis of IHO Basic Documents and decisions. Portugal now suggested that the subject be referred to the SPWG and expressed its readiness to assist the Group in studying it.

It was so decided.

PRO 5 - MODIFICATION OF T1.3 “ESTABLISHMENT OF REGIONAL HYDROGRAPHIC COMMISSIONS” (RHC) AS DISCUSSED AND AGREED DURING THE 6TH SPWG MEETING (CONF.16/G/02 and Rev.1) (Agenda item 19)

The PRESIDENT OF THE DIRECTING COMMITTEE said the proposal arose from the fact that, with the adoption of the IHO Strategic Plan and Work Programme, it had been thought necessary for the RHCs to follow the Work Programme during their meetings and conferences. Australia had pointed out that if that was to be done, Technical Resolution T 1.3, which described the tasks of the RHCs, should be modified. Such a modification had been considered at the 6th meeting of the SPWG and was now before the Conference for discussion. A number of amendments had been submitted by countries and were highlighted in the text.

Commander WARD (Australia) said that Australia, the original author of the proposal, had taken note of the comments and corrections proposed by Member States and had attempted to accommodate all of them. France had initially expressed certain concerns over paragraph 4 but Australia thought that they had been allayed. France had also identified a potential ambiguity in paragraph 7, and Australia had agreed to amend it to specify that reports of RHCs were intended for the interest and information of all Member States. The United Kingdom had suggested that an annual report should be submitted to the IHB indicating progress made against the agreed targets in the work programme; Australia agreed that that would be a useful way of monitoring progress and had amended the text accordingly. Lastly, the United States had pointed out that the reference to “nautical information” in paragraph 4 was not entirely consistent with paragraph 3.5 of the IHO Work Programme, which spoke of navigational warning broadcasts. It would be better to refer to “navigational warnings” and Australia had amended the text accordingly. The consolidated text reflecting all the useful suggestions made was to be found in document CONF.16/G/02 Rev.1.

Ingénieur général CAILLIAU (France) said the comments made by France on paragraph 4 had apparently not been sufficiently clear, as the text still failed to reflect them. The idea was that if a State was not a member of IHO but had an interest in following the hydrographic work done in a region of which it was a coastal State, it should be possible for it to be invited to participate as an observer in the work of the RHC. The primary objective was to enable States to observe the work of the RHCs with a view to subsequently becoming members.

Lt. Commander TBER (Morocco) said his delegation fully supported the amendments to the proposal and the comments made by France, particularly on removing any doubts about the status of observers. The aim was after all to ensure the safety of sailors at sea, and therefore any maritime State, whether or not it had a hydrographic office, should be able to participate in the work of the RHCs. He would also like to see the inclusion of a reference to States with navigable waters.

Commander HAUSKEN (Norway) suggested that in the third sentence of paragraph 4, the word “coastal” should be deleted.

Rear Admiral GUY (IHB Director), referring to the comments made by France, said the Bureau’s understanding of paragraph 4 was that it referred to countries that could hold full or associate membership of RHCs, and those were countries that had signed the statutes of the RHC. It was up to the Chairman of the RHC to decide which countries could be observers at its meetings.

Ms. XUEMEI JIANG (China) said her country fully endorsed the proposed new paragraph 2. As to paragraph 4, China wished to propose that only official hydrographic institutions should be allowed to participate in RHCs as associate members or observers. Unofficial or commercial institutions and scientific institutes interested in the hydrographic field could be part of a country’s official delegation. Accordingly, in the final sentence of paragraph 4, the words “may be invited by the RHC to participate as observers” should be replaced by “may attend the RHC as observers through the official HO in their country.”

Mr. KOSTIAINEN (Finland) endorsed the Norwegian proposal to delete the word “coastal” in paragraph 4.

Captain REEDER (South Africa) said his country fully supported the alterations incorporated in new paragraph 2, particularly the references to technical cooperation and hydrographic capacity building projects. In the southern African context and, he believed, for Africa as a whole, such efforts were extremely important at the current stage of the game. On paragraph 4, he supported the Norwegian proposal to delete the word “coastal”, for a reason perfectly exemplified in Malawi, an associate member of the SAIHC that was not a coastal State. In fact, it was a very land-locked State indeed, but it had long shores on Lake Malawi on which it was doing fantastic charting work to ensure safe navigation for both commercial and recreational purposes. The word “coastal” State was therefore inappropriate in paragraph 4.

Colonel HERDA (Algeria) said that, as Algeria saw it, paragraph 4 examined the situation of two categories of States, members and non-members of IHO. He agreed to the deletion of the word “coastal” and endorsed PRO 5 as a whole which would integrate the tasks of the RHCs with the IHO Strategic Plan and Work Programme.

Commander ABULU (Nigeria) said his country supported the deletion of the word “coastal” in paragraph 4 because one of the objectives of the RHCs should be to encourage States that were not currently members of IHO and did not have a good understanding of its work to become members. Opening up the RHCs to such States would give them a reason to take steps to develop their hydrographic capabilities and eventually become members of IHO.

Dr. MOHAMMADI (Regional Organization for the Protection of the Marine Environment - ROPME) said his organization advocated leaving open the possibility of temporary participation in the activities of RHCs of States and organizations that had not signed their statutes. A distinction should be drawn between signatories, which could be observers, and non-signatories, which could be temporary observers.

Rear Admiral BARBOR (United States of America) said that, in the first sentence, the word “membership” could be deleted and as a consequence the entire third sentence on associate membership could be deleted, since the fourth sentence dealt with all the categories of members. Those amendments would, he thought, reflect the sense of the meeting.

The PRESIDENT said that if he heard no objection, he would take it that the Conference wished to delete the word “coastal” in paragraph 4.

It was so decided.

The PRESIDENT asked if there was any support for the Chinese proposal for the final sentence of paragraph 4.

Captain ZAFARYAB (Pakistan) endorsed the Chinese proposal.

Commander WARD (Australia) said that the Conference should consider very carefully whether the Chinese proposal was not too restrictive in terms of what IHO was aiming for in the future, namely trying to involve in its work organizations other than hydrographic offices. For example, the proposal might bar certain non-governmental organizations from participating in an RHC, if they found it impossible to operate through a particular institution.

Rear Admiral GUY (Director IHB) endorsed those remarks and added that the proposal would preclude inviting a great many organizations, such as IMO, IALA and IOC, to participate in meetings of RHCs.

Dr. MOHAMMADI (Regional Organization for the Protection of the Marine Environment - ROPME) said that his organization was a case in point: it was participating in the Conference as an observer and hoped to continue to be able to contribute to the work of the RHCs.

Dr. EHLERS (Germany) said that, in view of those comments, he would suggest the insertion of the word "International" before "Organizations" in the final sentence of paragraph 4. That would make it very clear that invitations to participate as observers could be extended only to international organizations, while it would be left to hydrographic offices to decide which national organizations they wished to have as part of their delegations.

Ingénieur général CAILLIAU (France) endorsed that proposal. With regard to the Chinese proposal concerning the final sentence of paragraph 4, he said he understood the desire not to have too many participants in meetings as that might hamper the smooth functioning of the RHCs. The obligation to go through hydrographic offices, however, created a cumbersome procedure and was the opposite of the flexibility the IHO was trying to promote. He believed that the reference to organizations "active in the region concerned in the fields of hydrography, nautical charting..." would be a sufficiently effective filter to ensure that any organizations that participated in the RHCs were those whose participation could really be useful.

Mr. KOK CHU NG (China) said that his delegation could live with the German proposal to insert the word "International" in the final sentence and accordingly withdrew its proposal for that sentence.

Captain GORZIGLIA (Chile) said that having listened attentively to the entire discussion, his delegation was convinced that the original version of paragraph 4 was much more flexible in that it gave RHCs the right to invite participants and organize their meetings as they saw fit. To try to fix standards of conduct for RHCs in a technical resolution could deprive them of the flexibility needed to carry out their tasks efficiently and make a real contribution to the Organization. The inclusion of the word "International" would preclude national organizations whose contributions were important for the work of IHO from participating.

Captain CHUA (Singapore) said the second sentence in paragraph 4 made it perfectly clear that only IHO Member States could have full membership in RHCs. On the fourth sentence, he said it should be borne in mind that not all coastal States had capabilities in the hydrographic or related fields. If, however, they contributed to safety of navigation by their activities, they should be allowed to participate as associate members in the RHCs, something that would encourage them to develop their hydrographic capabilities.

Mr. ZENONOS (Cyprus) said the text before the Conference lacked clarity. Surely there was only one international organization active in the fields of hydrography, nautical charting, etc.: IHO. He agreed with China that only international organizations should be allowed to participate as observers.

The PRESIDENT OF THE DIRECTING COMMITTEE said that paragraph 4 was of great importance for the future of IHO. The first sentence indicated that RHCs were one of the vehicles for advertising the importance of hydrography to States that were still unaware of its importance to them.

The second part of the paragraph was a request for help: better-equipped IHO Member States should contribute to the efforts of RHCs in order to enhance the speed of data gathering and its presentation.

The final sentence indicated that help was also needed from those organizations with which IHO continuously cooperated, such as IMO, IOC and IALA. For example, the presence of IMO at a recent meeting of the EAHC in Portugal had been very useful.

Captain REEDER (South Africa) supported the proposal to revert to the original wording of paragraph 4.

Ingénieur général CAILLIAU (France) suggested that the third sentence should be aligned more closely on the final sentence in respect of the invitation to participate as observers.

Captain GORZIGLIA (Chile) said that the inclusion of the word “International” would preclude national organizations whose contributions were important for the work of IHO from participating. He strongly opposed it and proposed the establishment of a drafting group to produce a new version of paragraph 4 that would satisfy the expectations of all delegations.

Captain REEDER (South Africa) disagreed with the text in the 3rd sentence requiring members to be involved in navigational matters. He stressed that the SAIHC has current non-member states included for training and knowledge building.

Dr. EHLERS (Germany) said his delegation could accept no solution other than inclusion of the word “International” in the final sentence. Germany could never agree to give a regional commission the right to decide whether or not a German national organization could participate in its work. That was a matter for the German Government, not a regional commission, to decide.

The PRESIDENT suggested that a drafting group should be formed and tasked with revising paragraph 4 for consideration by the Conference at the next meeting.

It was so decided.

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16 April 2002

1435-1740

Rapporteur : Mrs. Liz DUNN (United Kingdom)

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REPORT ON WORK PROGRAMME No. 5 - GENERAL ORGANIZATION DEVELOPMENT (CONF.16/WP.5) (Agenda item 9) (continued)

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PRO 5 - MODIFICATION OF T 1.3 “ESTABLISHMENT OF REGIONAL HYDROGRAPHIC COMMISSIONS (RHC) AS DISCUSSED AND AGREED DURING THE 6th SPWG MEETING (continued) (CONF.16/G/02 Rev.1) (Agenda item 19)

Captain GORZIGLIA (Chile) presented the proposed new text to replace paragraph 4 of the revised text for PRO 5 produced by the drafting group (Algeria, Argentina, Chile, China, France, Italy, South Africa and the United States of America) with the assistance of the IHB. It read as follows:

“RHC membership may include full members, associate members, and observers, all willing to contribute to the safety of navigation in the fields of hydrography, nautical charting, nautical information or navigational warnings in the region concerned. The roles of full members, associate members and observers will be defined by each RHC.

“Full membership is reserved for IHO Member States within the region who sign the statutes of the RHC.

“Associate membership is available to other IHO Member States and States of the region who are non-IHO members, both being signatories of the statutes of the RHC.

“Other States and International Organizations active in the region concerned may be invited by the RHC to participate as observers.

“The invitation procedures should be established by each RHC.”

He said that the drafting group had sought to address the views expressed during the previous session. Since the roles of the different types of RHC membership were not defined, the drafting group had decided to state that they would be defined by each RHC. Full membership was reserved for IHO Member States within the region concerned, while associate membership was available to all other IHO Member States and all other States belonging to the region which were not members of IHO but were signatories of the statutes of the RHC concerned.

Commander MOURÃO EZEQUIEL (Portugal) expressed concern, in respect of the third paragraph of the proposed new text, regarding his country’s associate membership of the Southern African Islands Hydrographic Commission since it was not from the region yet was producing charts for Mozambique and Angola.

Rear Admiral GUY (Director IHB) said that the reference to “other IHO Member States” implied that they were outside the region.

Rear Admiral BARBOR (United States of America) and Captain REEDER (South Africa) suggested that the concerns of the representative of Portugal should be allayed by the statement that the roles of full members, associate members and observers would be defined by each RHC so that active production of charts by someone outside region allows them to participate.

Captain GORZIGLIA (Chile) proposed that Portugal’s concerns might be addressed if the word “and” were replaced by “or” in the third paragraph.

The proposed new text of paragraph 4 of the revised text for PRO 5, as amended, was adopted. PRO 5 as a whole, as amended, was adopted.

PRO 8 - CLARIFICATION OF THE ROLES AND RESPONSIBILITIES OF THE IHO LEGAL ADVISORY COMMITTEE (CONF.16/G/02 Rev.1) (Agenda item 20)

Commander WARD (Australia) introduced the revised text for the proposed amended Terms of Reference for the IHO Legal Advisory Committee contained in document CONF.16/G/02 Rev.1. It was generally accepted that the role of the Legal Advisory Committee was to provide the IHO with professional and legally robust advice and in general the Committee was made up of recognized legal practitioners authorized by their Member States. Some Member States chose to keep their legal advisers at arm’s length from the Legal Advisory Committee, and in such cases nominated a representative who acted as a liaison between the Legal Advisory Committee and an outside legal department. Australia considered that it was important that all IHO Member States knew when a legal opinion was being provided by a qualified legal practitioner and when it was being provided by a lay member. An attempt to make that clear had been made in paragraph 3 of the proposed text. Australia did not believe that it was appropriate for the Legal Advisory Committee to serve as counsel or legal advisers to the Directing Committee over matters concerning the general administration of the IHB, its staff or the conduct of related IHB administration; in Australia’s view that kind of advice should be obtained locally by the IHB on a fee-for-service basis. The role of the Legal Advisory Committee should be limited to matters relating to the interpretation and application of the IHO Convention as well as to the conduct and execution of the aims of the IHO as described in the IHO Work Programme. That was made clear in paragraph 2 of the proposed text.

Australia appreciated the quality of the comments provided by Member States. Specifically, it noted and understood the concern of France that no attempt should be made unnecessarily to restrict the deliberations of the Legal Advisory Committee, but considered that requiring it to restrict itself to matters generally relating to the interpretation and application of the IHO Convention provided an appropriate degree of guidance while still leaving room for some discretion. As for the concerns expressed by the United Kingdom regarding paragraph 3, it was Australia's view that lay members of the Legal Advisory Committee should not provide legal opinion since they were not qualified to do so. Such unqualified opinions might in fact only represent the policy position of the Member State, and in Australia's view that served no useful purpose on a committee that had been formed specifically to provide skilled legal advice. Also, Australia did not believe it necessary to modify the existing statement regarding contact between the Legal Advisory Committee and the legal advisers of a so-called lay member of the Legal Advisory Committee. It was a well-established practice that legal advisers acted strictly on the instructions of the parties they represented and would not respond to the enquiries of third parties without instructions from their clients. That principle of legal ethics was the same for government legal departments or private legal advisers retained by a Member State. Those particular provisions had been part of the original Terms of Reference, drawn up in 1992, and had given no cause for concern in the ten years since the Legal Advisory Committee was formed. There was no need to change them now. Australia concurred with the comments of the United States of America suggesting the inclusion in paragraph 3 of an additional introductory sentence; that had been incorporated.

Dr. EHLERS (Germany) recalled that, when the XIVth International Hydrographic Conference had decided to establish the IHO Legal Advisory Committee, he had delivered a warning that, with that decision, problems would really begin. He was familiar with many legal bodies in other international organizations, but he had never seen terms of reference such as those of the IHO Legal Advisory Committee with their references to its composition, to the qualifications of its members and to questions concerning their neutrality. If such terms of reference were appropriate for the IHO Legal Advisory Committee, they were surely also appropriate for all its other committees, which in principle faced the same potential problems. If the Conference believed that there was really a need to amend the terms of reference for the Legal Advisory Committee, he proposed the deletion of at least the new paragraphs 3 and 4.

Captain MacFARLAND (United States of America), Dr. WILLIAMS (United Kingdom), Ingénieur général DESNOËS (France), Rear Admiral AGLIATA (Italy) and Commander HAUSKEN (Norway) expressed their support for the proposal made by the representative of Germany.

The PRESIDENT said that, if he heard no objections, he would take it that the Conference wished to delete the new paragraphs 3 and 4 of the revised text for PRO 8.

It was so decided.

Mr. SAHEB-ETTABA (Canada) proposed that, in the second line of paragraph 2, the words "and that of the General Regulations and Financial Regulations of the International Hydrographic Organization and the Rules of Procedure for International Hydrographic Conferences" be inserted after the words "IHO Convention".

The PRESIDENT suggested that after "IHO Convention" add "and Regulations covered in IHO Basic Documents". This was acceptable by Canada.

Vice Admiral VAN AALST (Netherlands) pointed out that the Convention, General Regulations and Financial Regulations of the IHO and the Rules of Procedure for International Hydrographic Conferences were all contained in the IHO Basic Documents, and that it might therefore be simpler to refer to the latter.

It was agreed to replace the word “Convention” in paragraph 2 by the words “Basic Documents”.

The revised text for PRO 8, as amended, was adopted.

PRO 16 - INVITATION OF OBSERVERS TO INTERNATIONAL HYDROGRAPHIC CONFERENCES (CONF.16/G/02) (Agenda item 21)

Rear Admiral BARBOR (United States of America), introducing the proposal, said that its purpose was to amend Article 6 of the General Regulations of the IHO to make it clear that former Directors, who were a valuable resource for the Organization, should be invited to attend International Hydrographic Conferences as Observers.

Lieutenant Commander TBER (Morocco) and Colonel HERDA (Algeria) expressed support for the proposal.

Dr. EHLERS (Germany), while agreeing that former members of the Directing Committee should be invited to future International Hydrographic Conferences, said that such invitations should be issued simply as a matter of courtesy. The rules governing observer status were well established in international practice and did not extend to individuals. Referring to Article 6 (c) of the General Regulation, he said that Germany did not agree that the IHB should be authorized to invite national organizations as Observers.

The PRESIDENT requested representatives to confine their comments to the proposal before the Conference and not open up a discussion on other issues.

Rear Admiral BARBOR (United States of America) said that the United States would accept a consensus decision to invite former Directors to future International Hydrographic Conferences without any modification of the General Regulations.

Rear Admiral GUY (Director IHB) assured the representative of Germany that, to his knowledge, national organizations had never been invited to International Hydrographic Conferences. Former Directors had been invited as guests, not as observers. In the Directing Committee’s brief to the new Directing Committee, the advice would be to proceed along the same lines.

The PRESIDENT noted the revised United States position, which would be duly recorded. He took it that the Conference decided as a courtesy measure to invite former Directors of the IHB to future International Hydrographic Conferences.

It was so agreed.

PRO 20 - PROPOSAL TO APPROVE THE RE-ESTABLISHMENT OF THE WORKING GROUP ON OFFICIAL NAUTICAL CHARTS AND OTHER NAUTICAL PUBLICATIONS COPYRIGHTS (CONF.16/G/02) (Agenda item 22)

Commander MOURÃO EZEQUIEL (Portugal), introducing the proposal, said that the idea behind it was that copyright issues required further study and clarification for the benefit of IHO Member States. The North Sea Hydrographic Commission (NSHC) Copyright Working Group had developed guidelines, and there was room for further work in that area.

Captain MacFARLAND (United States of America) said that the United States considered copyright to be a national issue; it would be fruitless for the Working Group to attempt to harmonize national copyright laws.

Commander WARD (Australia) endorsed that comment. The IHO must recognize the fact that the commercial and operational environments under which Hydrographic Offices exercised copyright varied widely between Member Governments. It would serve no useful purpose for the IHO to attempt to impose a common view when Hydrographic Offices would be unable to deviate from their Government's position on the matter. The proposal would provide little practical benefit for the majority of Member States.

Lt. Commander TBER (Morocco) observed that each country had its own copyright protection laws and it was difficult to see how a general rule adaptable to all countries could be adopted.

Commander MOURÃO EZEQUIEL (Portugal) elaborated that what was being sought was general guidelines for the assistance of Member States.

Commander HAUSKEN (Norway) said he did not support the proposal. Substantial work had been done by the NSHC Copyright Working Group and had been presented to the XVth IHO; its guidelines would appear to cover many current concerns.

The PRESIDENT said that that report could be distributed, if necessary.

Ingénieur en chef LE GOUIC (France) said that the Working Group should only be reactivated to deal with well-identified issues. In response to the representative of Morocco, he recalled that the Mediterranean and Black Seas Hydrographic Commission (MBSHC) has had a copyright group to consider specific questions regarding that region.

Dr. GRŽETIĆ (Croatia) commented that there was perhaps no need for a special group but drew attention to the need for Hydrographic Offices to benefit from the experience of others on the complex question of copyright protection.

Lt. Commander TBER (Morocco) expressed his support for the Portuguese proposal following the clarifications and comments given by the representatives of Portugal, France and Croatia.

Mr. SPITTAL (New Zealand) said that copyright was a matter for individual governments, whose policies were likely to override any IHO policies or guidelines. He did not therefore support the proposal but, given the increasing difficulty for Member States to control the protection of intellectual property rights, a small working party might usefully be set up to examine trends in that regard.

Mr. LEE Kwang-Ro (Republic of Korea) said he did not support the proposal, given the existing guidelines developed by the NSHC. There was, however, a need for those guidelines to be reviewed in depth.

A vote on PRO 20 was taken by show of hands.

There were 8 votes in favour.

Having failed to obtain the required majority (31 votes out of 60 Members present and voting), PRO 20 was rejected.

**PRO 6 - ESTABLISHMENT OF IHO INTERSESSIONAL MEETINGS (CONF.16/G/02)
(Agenda item 23)**

Rear Admiral GUY (Director IHB), introducing the proposal, explained that it had been put forward in response to the widely-held view among Member States that there should be a more hands-on approach to the activities of IHO and to the doubts expressed by some Member States about the validity of the decision to hold an Extraordinary Conference between Ordinary Conferences. However, in view of the decision taken at the current session to hold an Extraordinary Conference and the mandate of the SPWG to review the Convention, the Bureau withdrew its proposal and proposed to refer the matter to the SPWG for consideration in the course of its deliberations. He asked the SPWG to have cognizance of the additional option of intersessional meetings.

It was so agreed.

**PRO 9 - FREQUENCY OF INTERNATIONAL HYDROGRAPHIC CONFERENCES
(CONF.16/G/02) (Agenda item 24)**

Mr. O'CONNOR (Canada) said that, as a result of the adoption by the Conference of PRO 4, Canada withdrew its proposal (PRO 9).

**PRO 18 - PROPOSAL TO APPROVE THE ALTERATION OF THE IHO BASIC
DOCUMENTS CONCERNING THE REGULARITY OF INTERNATIONAL
HYDROGRAPHIC CONFERENCES (CONF.16/G/02) (Agenda item 25)**

Commander MOURÃO EZEQUIEL (Portugal), introducing the proposal, proposed that it should be referred to the SPWG.

The PRESIDENT said that this was consistent with the adoption of PRO 4.

It was so agreed.

**PRO 19 - PROPOSAL TO APPROVE THE HOLDING OF AN EXTRAORDINARY
CONFERENCE IN OCTOBER 2004 CONCERNING IHO LEGAL
REGULATIONS (CONF.16/G/02) (Agenda item 26)**

Commander MOURÃO EZEQUIEL (Portugal) said that the proposal, which concerned the holding of an Extraordinary International Hydrographic Conference related to the SPWG study and conclusions about revised IHO Basic Documents, proposed October 2004 as the date for the Conference, referred to the Terms of Reference for the SPWG and encouraged National Hydrographic Services to co-operate with the study.

The PRESIDENT invited comments on the proposed date and the participation of National Hydrographic Services, the SPWG Terms of Reference having been covered by the decision already adopted.

The PRESIDENT OF THE DIRECTING COMMITTEE said that the Monaco Government had indicated that the date of the proposed Conference should be notified 18 months before it was scheduled to take place.

The PRESIDENT drew attention to paragraph 10 of the Terms of Reference adopted yesterday which stated that the SPWG interim report was to be produced in time to be considered by the Extraordinary Conference.

Dr. WILLIAMS (United Kingdom) supported the proposal of a date of October 2004 if paragraph 2 were replaced by the SPWG ToRs already agreed upon under PRO 4.

Commander MOURÃO EZEQUIEL (Portugal) agreed with that amendment.

The amendment was adopted.

Mr. O'CONNOR (Canada) expressed concern about committing the Organization to holding a Conference as early as October 2004 in view of the possible difficulty of meeting the deadline set for the delivery of the SPWG's reports, namely December 2003.

The PRESIDENT reminded the Conference that Paragraph 10 of the new Terms of Reference for the SPWG stated that the SPWG should "coordinate comments on the interim report and produce a final version by April 2004 in time to be considered by an Extraordinary Conference".

Dr. EHLERS (Germany), supported by Rear Admiral SRINIVASAN (India), said that, while his delegation could live with the proposal to hold the Extraordinary Conference in October 2004, to convene the Conference just six months after the issuance of the SPWG's final report in April 2004 might not allow all Governments sufficient time to make the necessary preparations. It might be wiser to set a date in early 2005.

Rear Admiral GUY (Director IHB) said it might be better to fix the Extraordinary Conference for some time in the first quarter of 2005, without specifying the month.

Commander MOURÃO EZEQUIEL (Portugal) said that his delegation could accept that proposal.

The amendment was adopted.

PRO 19, as amended, was adopted.

**PRO 10 - CHANGES TO THE ELIGIBILITY CRITERIA FOR IHB DIRECTORS
(Agenda item 27)**

The PRESIDENT invited the United States to introduce the original proposal.

Rear Admiral BARBOR (United States of America) said that, as the proceedings of the Conference illustrated, there were some delegates within IHO membership with a passion for hydrography, exemplary management ability and visionary leadership skills who nevertheless did not possess considerable sea experience or extensive knowledge of practical hydrography and navigation. If the nominating Member Government believed that its candidate was fully qualified to further the objectives of IHO, the IHO Regulations should not prohibit the nomination. It fell to the Conference to elect the best-qualified Directors.

Mr. SPITTAL (New Zealand) said that as IHO moved forward into the new world of hydrography, there would be a greater emphasis on new skills. While it was important to have sea experience and knowledge of hydrography, it was equally important to have managerial, administration and digital data management skills. It was not necessary for all three Directors to have maritime skills. A good balance of skills would be very advantageous to the Organization.

Ingénieur général DESNOËS (France) said that, pending a possible revision of the Convention by the SPWG, under Article II the Organization was of a purely technical nature. While it was desirable for

Directors to have managerial and administrative skills, technical skills were equally important. The current criteria were fairly flexible, and each candidature could be judged on its merits. If the proposed new criteria were adopted, the result might be a Bureau none of whose Directors had any practical experience of hydrography.

Commander MOURÃO EZEQUIEL (Portugal) opposed the proposal. Although the Directors should have managerial skills, most of their tasks were of a technical nature.

Captain SOBOLEV (Russian Federation) said that the strategic goal of IHO was to ensure the safety of navigation. If the United States proposal was accepted, the result might be a Bureau with not a single Director with a maritime background. While acknowledging the growing importance of managerial skills, his delegation favoured retaining the status quo, and opposed the United States proposal.

Dr. GHADERI (Islamic Republic of Iran) supported the proposal, implementation of which would obviously result in the selection of qualified candidates for technical and professional positions.

Colonel HERDA (Algeria) said that Algeria regarded considerable sea experience and knowledge of hydrography and navigation as indispensable criteria for eligibility for the post of Director. However, the proposed wording of Article 39 would be acceptable if the reference to "sea experience" was reinstated and the expressions "professional experience" and "pertinent experiences" were amended to read "professional capacity" and "pertinent qualifications" respectively, thereby safeguarding IHO's objective of ensuring the safety of navigation.

Dr. EHLERS (Germany) said that, while he had no ambition to apply for a post of Director, he noted that under the existing regulations, despite his having chaired an International Hydrographic Conference and one of its committees he was not eligible to apply for such a post. That regulation was baffling and without parallel in any other international organization. It was important to distinguish between the two separate issues of eligibility and selection of the best-qualified candidates. To declare a whole category of persons ineligible at the outset was wrong in principle.

Captain KOOL (Netherlands) fully supported the proposal. Its wording allowed ample scope to put forward candidates with or without the experience and knowledge called for in Article 39. The voting procedure would ensure a sound mix of skills and expertise among the Directors elected.

Captain ZAFARYAB (Pakistan) said that Directors must possess sea experience and the requisite hydrographic skills. Managerial skills alone could not fulfil the requirements of the post.

Cdr. LUSIANI (Italy) concurred with the spirit of the proposal, and reiterated the view expressed by Italy at the XVth Conference, that candidatures should comply with the spirit of Article II of the Convention, which implied considerable experience in disciplines relevant to IHO tasks, including executive and managerial positions within IHO.

Rear Admiral SRINIVASAN (India) said that, while he appreciated the need for modern management practices within IHO, the implication seemed to be that persons with sea experience and knowledge of hydrography and navigation could not also be good managers. The issue had come up time and again at previous conferences, and the arguments had not changed. Practical navigational and hydrographic experience were an asset to IHO, and he thus associated himself with the views expressed by, *inter alia*, France and Portugal. Either the matter should be referred to the SPWG, or it should be put to a vote.

Lt. Commander TBER (Morocco) supported the remarks by France. While the proposal was democratic in spirit, a minimum level of maritime knowledge and experience was essential, as stressed by Algeria. Such knowledge and experience must, however, be relevant to IHO's goals.

Captain QUIROS CEBRIA (Spain) fully supported the views expressed by France and Portugal.

Dr. WILLIAMS (United Kingdom) said he found it strange that, as head of one of the largest hydrographic offices in the world and a Vice-President of the Conference, he was not eligible to stand for a post in the IHO Directing Committee. The matter should be taken up by the SPWG in its review of the IHO Basic Documents, as suggested by India. As Germany had pointed out, eligibility was one thing and suitability was quite another.

The PRESIDENT said the Conference was faced with two alternatives: either to consider the amendments and to put the proposal to a vote; or else, with the proposers' agreement, to refer the matter to the SPWG.

Rear Admiral BARBOR (United States of America) pointed out that the SPWG had already studied and reported on the issue prior to the 2nd Extraordinary Conference. That being said, while his delegation remained committed to the proposal and could accept the proposed amendments thereto in the light of many of the interventions, it did not foresee the amended proposal commanding the requisite two-thirds majority. Accordingly, it withdrew the proposal.

PRO 22 - TO APPROVE THE ADMISSION OF CERTAIN MARITIME UNITED NATIONS (UN) MEMBER STATES TO MEMBERSHIP OF THE IHO (CONF.16/G/02 Add.1) (Agenda item 14) (continued)

Mr. ANSEMI (Monaco), responding to a question raised at the third Plenary Session, said that the question of the procedure for approval of accession of Mauritius and Myanmar to IHO had been put to the Monegasque Government. In reply to that question, his Government stated that it was entirely willing to take into consideration Member States' decisions in favour of the accession of those States, to be transmitted to it during the Conference in written form by the heads of delegations so empowered by their Governments.

CONF.16/P/SR.5

FIFTH PLENARY SESSION

17 April 2002

0900-1240

Rapporteur : Mr. Richard MacDOUGALL (Canada)

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Report on Work Programme No. 2 - Capacity Building and Technical Co-operation (Agenda item 30)

REPORT ON WORK PROGRAMME No. 1 - COOPERATION BETWEEN MEMBER STATES AND WITH INTERNATIONAL ORGANIZATIONS (CONF.16/WP.1 and CONF.16/WP.1 Add.1) (Agenda item 28)

COOPERATION BETWEEN MEMBER STATES

The PRESIDENT invited the Conference to consider the reports, conclusions and proposals of the Regional Hydrographic Commissions, contained in document CONF.16/WP.1 and Add.1.

Nordic Hydrographic Commission (NHC)

Mr. NIELSEN (Denmark) said that the next meeting of the NHC would take place in Sweden later in 2002. The Commission's work was proceeding according to the work plan laid down by the IHO.

The Conference took note of the report.

North Sea Hydrographic Commission (NSHC)

Mr. HAFSTEINSSON (Iceland), Chairman of the Commission, reported that the next meeting of the NSHC would be held in Sweden in September 2002.

The Conference took note of the report.

East Asia Hydrographic Commission (EAHC)

Mr. JINFU WANG (China) presented the report, adding that the next EAHC Conference would be held in Beijing in August 2003.

The Conference took note of the report

United States-Canada Hydrographic Commission (USCHC)

Captain MacFARLAND (United States of America), Co-Chairman of the Commission, presented the report. The primary activity of the USCHC in recent years had been the Single Agency Charting concept. Charts for common water areas would be produced either by Canada or the USA, and coverage had been agreed. The scheme should improve efficiency and enhance the safety of navigation. Considerable time had been spent on ENC production and harmonization. The next USCHC Conference would be held in Toronto in May 2002, at the Canadian Hydrographic Conference.

The PRESIDENT commended the model of close cooperation established by the USCHC.

The Conference took note of the report.

Mediterranean and Black Seas Hydrographic Commission (MBSHC)

Captain BRADARIĆ (Croatia), speaking on behalf of the Director, Dr. Zvonko GRŽETIĆ, as former Chairman of the Commission, said that 3 Conferences were held between Conferences and that the most important items considered at the intersessional MBSHC Conferences had been the establishment of a Virtual RENC, and changes to the Statutes of the MBSHC which enabled IHO Member States from outside the region to become associate members. Those changes had now been adopted and the process of admitting non-regional associate members was going ahead. The Memorandum of Understanding on the establishment of a Virtual RENC was expected to be signed soon. In September 2001, Italy became the chair. In reply to a question by Portugal, he added that an MBSHC working group on copyright would continue its work despite the decision by the International Hydrographic Conference to reject PRO 20 concerning the reestablishment of the working group on official nautical charts and other nautical publications copyrights.

Cdr. LUSIANI (Italy) said that Italy as chair of the MBSHC invited the chairs of other commissions to attend future conferences of the MBSHC.

The Conference took note of the report.

Baltic Sea Hydrographic Commission (BSHC)

Dr. KRAAV (Estonia) said that all three BSHC Conferences held during the 1997-2002 period had focused on cooperation among the Baltic States in the fields of hydrography, hydrographic surveys and chart production. [The signing at the end of 2001 of the Copenhagen Declaration meant that all the main surveys on the Baltic Sea had to be in accordance with IHO S44 standard and ENC's produced for those surveys.] The Commission had held two extraordinary meetings during the 1997-2002 period, and a third one was scheduled for September 2002.

The Conference took note of the report.

Eastern Atlantic Hydrographic Commission (EAtHC)

Captain QUIROS CEBRIA (Spain) presented the report, calling particular attention to the accession of Morocco as a member of the EAtHC in February 2000. The 6th Conference of the EAtHC, in June 2000, had identified a need to take a regional approach. Consequently, a special meeting on technical cooperation and hydrographic and navigational aids in Central and Western Africa had been held in Lisbon in March 2001. A Circular Letter had been received from France setting out a plan of technical visits to the region in the second half of 2002. A Commission Conference would be held in October 2002 in Lisbon, Portugal.

The Conference took note of the report.

South-East Pacific Hydrographic Commission (SEPHC)

Captain MINGRAM (Chile), Chairman of the Commission, presented the report. The next SEPHC Conference would take place in Peru in 2003 on the occasion of the hundredth anniversary of the Peruvian Hydrographic Service.

The Conference took note of the report.

South-West Pacific Hydrographic Commission (SWPHC)

Captain KAFER (Australia), Chairman of the Commission, presenting the report, said that the SWPHC comprised eight IHO Member States, some of them small Pacific island nations. The Commission had held two meetings since the previous IHC, one in Auckland, New Zealand, and one in Noumea, New Caledonia. The next meeting was scheduled to be held in Wollongong, Australia, in April 2003. The focus of the meetings had been on capacity-building, in particular to enhance the capabilities of the hydrographic services of the Pacific island States represented. The Commission was endeavouring to liaise closely with the Secretariat of the Pacific Community, as well as with the Asian Development Bank (ADB) which was supporting a project designed to improve the maritime safety infrastructure of Papua New Guinea. Following an increase in tourist shipping traffic in the area, facilities for radio navigational warnings needed to be improved.

The Conference took note of the report.

Caribbean Sea and Gulf of Mexico Hydrographic Commission (CGMHC)

Dr. WILLIAMS (United Kingdom), Chairman of the Commission, said that the CGMHC had met twice since the previous IHC, in Martinique and Jamaica. GMDSS implementation had been a focus of the Commission's work in the intersessional period. A joint France/UK study team had visited countries of the region to discuss their implementation plans, and four workshops had been held to consider national master plans. A joint initiative had raised the necessary funding to fit all the eastern Caribbean States with VHF DSC, and plans were proceeding to give NAVTEX coverage of the same area. He commended the study team as a useful model for other RHCs. A CGMHC working group on ENC had been promoting ENC production and encouraging early use by shipping companies, by offering a SHARED type demonstration. He drew the attention of all IHO Member States from the Caribbean and Gulf of Mexico area to the report's conclusion which called upon all nations of the region to notify the IHB of their requirements for assistance in developing hydrographic capabilities.

The Conference took note of the report.

Southern Africa and Islands Hydrographic Commission (SAIHC)

Mr. GOVE (Mozambique), Chairman of the Commission, expressed his gratitude to the IHB and to other organizations and countries which had helped to establish the Commission. He had one correction to the report: Portugal should be added to the list of associate members. Since the Commission's inception, its main task had been to encourage Member States to give high priority to hydrography, and already some results were visible in Angola, Mauritius, Tanzania and Namibia. He urged Member States to support the application of Mauritius for membership of the IHO in order to increase the number of full IHO Members in the region, which currently stood at two.

The Commission had designed a regional project, approved by SADC (Southern African Development Community), to assist countries to establish hydrographic offices. The project had been presented to donor and financial institutions, but funding was still awaited. Lack of resources was a major constraint on the Commission's activities. It was not easy for the countries of the region to set up fully equipped hydrographic offices with data acquisition and processing and cartography facilities. He encouraged Member States to support the project.

The Conference took note of the report.

Kuwait Workshop

The PRESIDENT OF THE DIRECTING COMMITTEE said that the Workshop, jointly organized by the IHB and the Regional Organization for the Protection of the Marine Environment (ROPME), appeared to have been very beneficial for the countries in the region in helping them to enhance their capabilities for disseminating maritime safety information. A number of companies also attended.

ROPME Sea Area Hydrographic Commission (RSAHC)

Dr. MOHAMMADI (Regional Organization for the Protection of the Marine Environment (ROPME)) said that the inaugural meeting of the RSAHC had been held in Tehran, Iran, in October 2000. A meeting of the Commission had also been held the day before the opening of the XVIth Conference, and a further meeting would be held the next day. Amendments made the previous day to T1.3 would be incorporated into the Statutes and finishing touches put to the annexes. The Conference was asked to note the changes to be made to the annexes when approving the report.

Dr. GHADERI (Islamic Republic of Iran), Chairman of the Commission, added that the Tehran Conference had considered and subsequently adopted the Statutes of the Commission, subject to

ratification by national authorities. Bahrain had notified the Commission Secretariat that the Statutes had received official approval and the Islamic Republic of Iran had notified it that the Statutes had been approved by Cabinet and forwarded to Parliament for final ratification. The April 14 meeting addressed chart schemes, the limits of INT Region I and the selection of a RSAHC representative to the SPWG. The next meeting of the RSAHC would be held in Muscat, Oman, in spring 2003.

The Conference took note of the report.

Hydrographic Committee on Antarctica (HCA)

Rear Admiral GUY (Director IHB), Chairman of the Committee, presented the report. He said that in paragraph 3 of the report, the word “Commission” should be replaced by “Committee”. Whether or not the next HCA Conference would be held in 2003 at the IHB, as stated in paragraph 7, was uncertain and would depend on an adequate agenda. He drew particular attention to the agenda items of the two Conferences held during the intersessional period, listed in paragraph 5 of the report, and to the conclusions set out in paragraph 6. He explained that IAATO, an institution having observer status with the Committee, was an international organization responsible among other things for eco-tours. The increasing number of such tours in the Antarctic region was a serious concern to charting nations. Although seven countries were undertaking survey operations in the region, vast areas had not been properly surveyed. The Bureau was in touch with IAATO in that regard.

Mr. SPITTAL (New Zealand) reported that his country had conducted a major survey in the Ross Sea, off Cape Hallet and Cape Adair, and hoped to produce charts of the area later in 2002. New Zealand was keen to hear from countries able and willing to make available data on surrounding areas. In turn, New Zealand was prepared to make multibeam data of the survey area available to other countries. Back-scatter had also been collected, making the data of immense scientific as well as hydrographic interest. New Zealand had “repositioned” the Bellini Islands by two nautical miles.

Commander HAUSKEN (Norway) pointed out that Norway should be added to the list in paragraph 6 of the report of countries which had conducted survey operations.

The PRESIDENT conveyed the apologies of the Chairman of the Committee for that omission.

Captain BARRITT (United Kingdom) said that the United Kingdom was continuing its programme of survey work in Antarctica. The high incidence of shipping in the area had been noted and he requested IHO Member States to urge their shipping communities to report, by means of hydrographic note or similar mechanisms, any navigational hazards or incidents they came across during voyages in that sector.

Mr. SPITTAL (New Zealand) said that, in the experience of his country, captains were most reluctant to report navigational hazards or incidents in Antarctica, probably partly for insurance reasons and partly because they were afraid they might no longer be allowed to take tourists to the area.

Captain MINGRAM (Chile) thanked the United Kingdom for having made photography available to Chile’s hydrographic service enabling them to continue their programme of charting Antarctica and contributing to international activities.

Rear Admiral SRINIVASAN (India) said that India sent a survey team to Antarctica every year to survey the area related to charts 9050 and 9051, for co-production with the Russian Federation. The programme was ongoing and was being implemented in phases.

Rear Admiral GUY (Director IHB) said that the current Directing Committee would recommend to the new Directing Committee that the chairmanship of the HCA should pass to one of the Member States serving on the Committee.

Captain BARRITT (United Kingdom), supported by Captain MINGRAM (Chile), said that, in view of the special nature and status of the Antarctic area, it was desirable that the Directing Committee retain chairmanship of the Regional Hydrographic Committee.

The PRESIDENT pointed out that the Committee had already approved the terms of reference governing the election of a Chairman and that the matter should not therefore be considered by the current Conference.

Dr. EHLERS (Germany), supported by Captain VALLADARES (Argentina), was strongly opposed to the IHB continuing to hold the chairmanship of the HCA. Germany believed that all IHO Commissions should be chaired by representatives of IHO Member States and not by the Bureau. He was fully aware of the special nature and status of Antarctica, but that should not require the Committee to be chaired by an International Organization.

Commander LUSIANI (Italy), endorsing the views of the previous speaker, suggested that the chairmanship of the Committee should rotate bi-annually among participating countries in the area.

The PRESIDENT noted that it was up to the Committee to elect a chair. He invited the Conference to support the proposal by the United Kingdom requesting Member States to urge shipping to report any navigational hazards or incidents in the Antarctic area.

It was so agreed.

North Indian Ocean Hydrographic Commission (NIOHC)

Rear Admiral SRINIVASAN (India) noted that this report was missing from the Conference documents and reported verbally on the most recently created Commission; he said NIOHC had held its first meeting from 31 January to 1 February 2002 in Dehradun, India. Fifteen delegates from 10 maritime nations had attended the meeting, whose objectives had conformed to the contents of IHO's Technical Resolutions. The statutes for NIOHC had been adopted, and it had been heartening to see that eight members had been able to sign them at the meeting. The INT chart scheme for Area J had been discussed in detail and it had been concluded that certain minor amendments were required. Comments from Member States in Area J had been received and had been taken into account. Other important points discussed included the exchange of hydrographic data and information, regional arrangements for promulgating maritime safety information, the involvement of hydrographic offices in the development of VTS in the region and training and technical cooperation. Countries with technical capability in the hydrographic field had offered their assistance in promoting hydrography in the region. The next meeting was to be held in India in early 2003.

The PRESIDENT OF THE DIRECTING COMMITTEE apologized for the misunderstanding concerning the inclusion of the report published in the Bulletin in this Conference report. It will be added.

The Conference took note of the report.

Captain VALLADARES (Argentina) said he wished to report on a major cooperative effort being carried out in Latin America through the Instituto Panamericano de Geografía e Historia (IPGH), which had a hydrographic committee whose meeting in 2001 in Buenos Aires had brought together 10 countries. The committee had become an excellent vehicle for cooperation in cartography and

hydrography among American countries. Its next meeting would be held in Chile in 2003. The Multibeam Workshop hosted by NAVOCEANO/University of Southern Mississippi was noted, as well as thanks to Paul Cooper of NAVOCEANO for his efforts.

The PRESIDENT commended the geographical areas that had established new RHCs since the last session of the Conference and suggested that the Conference should take note of the considerable efforts being made by the RHCs, which were essential to the achievement of the goals laid down in the IHO Strategic Plan.

It was so agreed.

COOPERATION WITH INTERNATIONAL ORGANIZATIONS

Cooperation with the United Nations (UN)

The PRESIDENT OF THE DIRECTING COMMITTEE said cooperation with the United Nations, as outlined in the report (CONF.16/WP.1, p. 40), had intensified of late on two fronts: Rear Admiral Guy was energetically following the work of the Office for Ocean Affairs and Law of the Sea, and in 2000, IHO had become involved in the Open-ended Informal Consultative Process on Oceans and the Law of the Sea (UNICPOLOS). Lastly, IHO had obtained observer status at the United Nations General Assembly, something that would give the Organization greater visibility.

The Conference took note of the report.

Cooperation with the International Maritime Organization (IMO)

Rear Admiral GUY (Director IHB) said IHO had extremely good relations with IMO and was actually working as a team with that organization to encourage the development of hydrographic and navigational aids in developing States and to address their ministers where necessary.

The PRESIDENT OF THE DIRECTING COMMITTEE added that the Memorandum of Understanding on Technical Cooperation signed between IMO and IHO in 1983 had recently been cancelled as the "in force" IMO Assembly Resolution of 1963 already covered this subject and many others. He also stressed the Agreement on Cooperation signed by IMO/IHO/IMA. IHO's role with regard to the International Maritime Academy (IMA) in Trieste had been clarified. He thanked the Member States of IHO which had provided assistance in the hydrography and nautical cartography courses given at IMA.

Mr. SOLURI (United States of America), referring to page 3 of Work Programme No. 1 Add.1 (CONF.16/WP.1 Add.1), noted that it contained a proposal to insert a new item No. 12 in the list of important matters handled by IHO/IMO in the period 1997-2002. The matter in question was completion of work on the Joint IHO/IMO/WMO Manual on Maritime Safety Information, an exercise that had taken over three years.

The proposal was approved.

Captain ROLDOS DE LA SOVERA (Uruguay) expressed gratitude for the assistance given by International Maritime Academy, Trieste, IMA, IHO/IMO to his country, which had resulted in major advances and modernization in the hydrographic field over the past three years. It was an excellent example of international cooperation.

Captain SINGHOTA (IMO), speaking on behalf of the Secretary General of his organization, said he wished to thank IHO for the excellent cooperation given to IMO in its work, especially on the revision of Chapter V of the SOLAS Convention.

The Conference took note of the report.

Cooperation with the Intergovernmental Oceanographic Commission (IOC)

The PRESIDENT OF THE DIRECTING COMMITTEE said cooperation with IOC was excellent and centred mainly on production of International Bathymetric Charts, a growing activity following the decision of a group of nations to create charts on a scale much more detailed than GEBCO. The IHB continued, however, to cooperate with the GEBCO programme. There is still a lack of recognition of the need for bathymetry by many users: for example, FAO had requested a very detailed bathymetric atlas for charting the distribution of fish species, and the International Seabed Authority needs bathymetry to assign areas of research.

Dr. EHLERS (Germany) said he fully shared the view that bathymetric data were of growing importance. Clearly, hydrographic offices had to widen their activities: navigational safety would no longer be their sole concern, they would also have to become involved in providing information for the GIS and a broad range of other purposes. He requested an indication of the division of labour on bathymetric charting and ocean mapping between IHO and IOC: he had the impression that most of the work was done by IHO. He would also like to know the amount of funds allocated by IHO for the GEBCO Centenary celebrations to take place in 2003.

Rear Admiral GUY (IHB Director) said the GEBCO Centenary celebrations would be treated as a Conference and funded by registration fees and a GEBCO grant by the Government of the Principality of Monaco : there would be no financial implications for the IHO budget. The idea that IHO was doing all the work on bathymetric charting was practically the opposite of the truth: most of the work was being done by IOC staff, with information provided voluntarily by hydrographic offices.

Sir Anthony LAUGHTON (IOC) said that the Commission appreciated greatly the IHO's cooperation in its mapping activities in the deep ocean. The regional bathymetric charts, on a different scale than GEBCO, were extremely important.

The Conference took note of the report.

Cooperation with the International Association of Marine Aids to Navigation and Lighthouse Authorities (IALA)

Rear Admiral GUY (IHB Director) said the IHO had a Cooperation Agreement with IALA of which Member States had been advised in Circular Letter 42/2001 and which appeared as an annex to the report before the Conference. IHO and IALA were in the same line of business and cooperation between the two bodies had been extended enormously. Technical areas covered included chart datums, introduction of VTS and AIS and future work involved harmonizing bridge display symbology for ECDIS and AIS.

The Conference took note of the report.

Cooperation with the International Cartographic Association (ICA)

The PRESIDENT OF THE DIRECTING COMMITTEE said intense cooperation was being carried out between IHO and ICA. IHO participated in the work of the ICA Commission on Spatial Data Standards. IHO and ICA were working together on the development of standards of competence for

nautical cartographers, which had been lacking until now, although such standards did exist for hydrographers. ICA had accepted the exhibition of nautical charts by IHO at its Conferences in 1995, 1999 and 2001. The next IHO cartographic exhibition to coincide with an ICA Conference would be in Durban, South Africa in 2003. The South African Hydrographer was encouraged to assist in organizing the Chart Exhibition.

Mr. FURNESS (Australia), speaking on behalf of ICA, said the sustained support by the Directing Committee, and particularly its President, in fostering a positive relationship between ICA and IHO had to be acknowledged with gratitude. It had lasted for over ten years and had come to fruition in the cooperative initiatives outlined in the report. He also noted that coastal GIS Conferences had been held in Ireland, France, Scotland and Canada.

The Conference took note of the gratitude expressed to the President of the Directing Committee for his contributions to the work of ICA.

The Conference took note of the report.

Cooperation with the International Organization for Standardization (ISO)

Rear Admiral GUY (IHB Director) said IHO was represented on ISO Technical Committee 211 and the ISO's standardization initiatives were reported on to the various IHO working groups. Present and future IHO standards were to be aligned with the ISO TC211 format and was being addressed at the TSMAD Working Group level.

Mr. MURCOTT (New Zealand), noting that ISO Technical Committee 211 had a whole set of standards for geographic information, asked what sort of coordination was taking place between the ICA spatial data standardization efforts, in which IHO was participating, and standardization by ISO. Should IHO consider participation in development of national spatial data infrastructures and in the global spatial data infrastructure, which was the driving force behind ISO's efforts to standardize geospatial information?

The Conference took note of the report.

Cooperation with the International Electrotechnical Commission (IEC)

Rear Admiral GUY (IHB Director) said IHO worked closely with IEC in testing data for its standards and was represented on IEC's technical committees and working groups 7 and 13. The two bodies had established the IHO-IEC Harmonization Group on Marine Information Objects which was considering the question of how certain navigational information should be displayed.

The Conference took note of the report.

Cooperation with the World Meteorological Organization (WMO)

The PRESIDENT OF THE DIRECTING COMMITTEE said the main area of cooperation with WMO was in the implementation of the GMDSS. In addition to harmonizing meteorological and navigational warnings, IHO and WMO were working to protect ocean data buoys from vandalism. Member States had been asked to include in their notices to mariners references to the need to prevent such acts of vandalism.

The Conference took note of the report.

PRO 17 - PROPOSAL TO APPROVE THE NEW STATUS FOR INTERNATIONAL NON-GOVERNMENTAL ORGANIZATIONS IN THE CONFERENCE WORK AND IN THE INTERSESSIONAL PERIOD (CONF.16/G/02) (Agenda item 29)

Commander MOURÃO EZEQUIEL (Portugal) said his delegation perceived a need to define a framework for participation of non-governmental organizations in International Hydrographic Conferences. Its proposal dealt with changes to IHO Basic Documents and Technical Resolutions. It should be referred to the SPWG, and, since that body had a considerable amount of work, Portugal was ready to assist it.

Mr. SPITTAL (New Zealand) said the issue was not a difficult one and he was reluctant to see it referred to the SPWG. Participants in the Conference had come from a long way away to make decisions and some should be made.

Admiral KOMARITSYN (Russian Federation) said his country considered that adoption of the proposal would heighten the authority of IHO, but was in favour of its consideration by the SPWG.

Lt. Commander TBER (Morocco) said he agreed with New Zealand that not everything should be turned over to the SPWG for consideration. As to the Portuguese proposal itself, he supported it, since it would promote IHO's ultimate goal: navigational safety.

Dr. EHLERS (Germany) expressed gratitude to Portugal for bringing up the issue. Regulations like the ones proposed were certainly needed with a view to opening up IHO to broader participation. He thought, however, that it would be wise to refer the proposal to the SPWG, since it needed more development and consideration in greater detail, something that the Conference was not in a position to do.

The PRESIDENT said that if he heard no objection he would take it that the Conference wished to refer Proposal 17 to the SPWG.

It was so decided.

REPORT ON WORK PROGRAMME No. 2 - CAPACITY BUILDING AND TECHNICAL COOPERATION (CONF.16/WP.2 and CONF.16/WP.2 Add.1) (Agenda item 30)

The PRESIDENT OF THE DIRECTING COMMITTEE said technical cooperation activities were coordinated by the Bureau in conjunction with the Technical Cooperation Committee. Several initiatives had been undertaken by other bodies and nations, however. He drew attention to the main projects in the period 1997-2002 as listed in the report.

Cooperation with West African countries formed part of IHO technical cooperation activities. In particular, the effort regarding the Red Sea had been well displayed in the United Kingdom cartographic exhibition. A list was included of a series of visits by the Directing Committee to several countries in order to understand their problems and start working with them. Furthermore, there had been a seminar in Panama within the COCATRAM project.

Also noteworthy but not reported were pilot projects for the Mediterranean and Black Sea, within the symposium for the area called by the Italian Navy to enhance cooperation between navies in the Mediterranean in matters including hydrography. Three pilot projects had been established: one led by Turkey in the Black Sea; another involving cooperation between the United Kingdom, Italy and Greece in favour of Albania; and a third led by Spain and carried out jointly by Spain and Morocco for that area.

A report on the activities of the FIG-IHO Technical Assistance and Cooperation Coordination Committee (TACC), chaired by himself until 1999, was contained in CONF.16/WP.2 Add. 1, which also contained the draft Terms of Reference of that committee, for approval by the Conference.

In addition to the matters followed by the Bureau, a broad spectrum of bilateral joint cooperation activities to benefit developing countries was carried out by the United States, the United Kingdom, France and many other IHO developed countries. No record was kept of the activities but they fell, strictly speaking, within the framework of Work Programme No. 2.

The PRESIDENT called for comments and questions on the report.

Dr. EHLERS (Germany) expressed his gratitude to the Bureau for its work on capacity-building, which was essential to an improved situation regarding hydrography. It would be helpful, he considered, if IHO could keep a record of all such activities since the example might induce other countries, including his own, to follow suit. In his experience, technical assistance was not always just a problem of obtaining more funds since much could be done with a little creativity. IHO should indeed serve as a broker for capacity-building methods, one of the major requirements for improving the situation of hydrography.

Rear Admiral SRINIVASAN (India) said, with regard to capacity-building, that two new fully equipped survey vessels had been commissioned in the past year, bringing the total to eight. India had also augmented its hydrographic training school to cover most of the modern systems, and assistance was being provided for training in hydrography. In addition, India ran a hydrographic cooperation programme and it was his country's policy to help developing countries in the region to strengthen their capacity-building in hydrography.

Lt. Commander TBER (Morocco) expressed gratitude to all the hydrographic offices and individuals that had assisted Morocco in its own surveys and so increased the general understanding of hydrography and its importance in terms of the environment and the safety of navigation. He hoped that the expert group would visit Morocco soon to enhance such awareness.

He wished, in particular, to thank France for cooperation in training and Portugal for incipient cooperation in hydrography and other fields. A former United States hydrographic vessel might be transferred to Morocco. Thanks were also due to the Italian Navy for the meeting held in 2000 to produce an electronic chart of the Straits of Gibraltar; and to the United Kingdom for the seeds of cooperation sown two years previously whereby Morocco regularly received navigational documents. He wished to encourage the United Kingdom to extend that cooperation in view of its importance to the entire hydrographic community.

His country was on the verge of enacting a decree defining the responsibilities of hydrographic services, thanks in part to IHB promotion.

Commodore ABULU (Nigeria) wished first to associate himself with the German position on technical assistance and technical cooperation between developed and developing countries. His country's thanks went to India, the United Kingdom and the United States for past assistance and he looked forward to greater assistance in the future. Technical assistance, he agreed, did not have to be in cash since the main problem in developing countries lay in a lack of understanding of the importance of hydrography, particularly in a context of scarce resources and competing needs. Nigeria, for instance, had a large seaboard with hydrocarbons but the Government still failed to appreciate the vital role the hydrographic services could play.

He therefore hoped, in conclusion, that the Bureau and Member States could assist in providing explanation and education for authorities regarding the need to divert resources to the improvement of hydrographic services.

Captain BARRITT (United Kingdom) observed that IHO might encourage the production of international charts and their transformation into ENC's, but those aids to safe navigation to meet the new requirements of SOLAS Chapter V would remain only as good as the data they contained. The United Kingdom contended that the requirement for modern hydrographic surveys was one of the most critical challenges faced by the Conference, and his delegation was therefore glad to see so much comment from the floor.

As in many other Member States, the demands on UK government-owned and operated ships and personnel were high and resources constrained. He nevertheless echoed the sentiment that much could be done on a multilateral and bilateral basis. Regarding States with no hydrographic capability, the United Kingdom had been happy to contribute a hydrographic vessel, within the military operation to support the Government of Sierra Leone, thereby illustrating how much a hydrographic service could do in terms of appropriate military or government presence, with immense impact on the restoration of good governance, greater safety of navigation, and the recovery of trade and the country's economy.

Other approaches had been mentioned involving concerted action by a regional group of countries needing to take the initiative in getting projects under way. Such action should indeed be generalized. The United Kingdom would appreciate an update from the Bureau, in the context of the present Conference, on its advice to Member States regarding contact with funding agencies and, in particular, current advice on the framework and arguments that would carry weight – whether economic or environmental factors – in seeking funding.

Ingénieur général CAILLIAU (France) said that all were convinced of the growing importance of basic and ongoing training and, increasingly, of upgrading technical skills, given the emergence of computerized systems calling for permanent monitoring and upgrading. Since the tools and methods of training were changing, methods were needed for shorter and longer training programmes, both in hydrographic institutions themselves and in the industrial sector. The emergence of skills in computer-assisted techniques did not provide miracle solutions but would increase the ability to provide training. France was grateful to all countries that had referred to its training activities and it would continue, so far as its means permitted, to meet requests in that respect to the fullest possible extent.

Rear Admiral GUY (Director IHB) said, for the sake of perspective, that IMO had over 150 Members as against about 70 for IHO. The Organization had identified 82 coastal States for which charting was done completely or partially, and it had been instrumental in having Regulation 9 introduced into SOLAS Chapter V, which required Contracting States to provide a hydrographic service. With more than 60 of those States being parties to the SOLAS Convention, IHO was virtually obliged to expedite its assistance to them to establish and provide safety-of-navigation information.

Commodore AZAD (Bangladesh) said his country, as a new Member State, wished to comment on capacity-building. Bangladesh possessed sufficient capability in hydrography but needed assistance for capacity-building in oceanography. It therefore appealed to the international community for assistance in acquiring an oceanographic research vessel.

With regard to sharing capacity-building, Bangladesh had established its hydrographic school and has been conducting basic hydrographic courses for the past five years, besides producing a coastal area chart of the country, but the school had yet to be officially recognized. He therefore urged such recognition for the purposes of category B courses.

Lt. JIMÉNEZ MUÑOZ (Venezuela) said he wished to highlight support received from Mexico and other Caribbean countries for the training of hydrographers to develop electronic charts. Thanks were also due to Brazil and Chile for assistance to Venezuelan officers on hydrographic expeditions in the Antarctic. Venezuela had made a major effort to develop a training course for hydrographic officers over the past two years, and it was studying the possibility of offering countries in the region grants for the training of officers in that field.

Rear Admiral SPANIO (IMA) spoke of two important projects for the Mediterranean. One, MEDCHARTNET, had been established by the European Commission to create a network for interconnection of the Mediterranean hydrographic offices to facilitate the generation of functional and regionally harmonized navigation products. The other was a pilot project for the North Adriatic regarding electronic navigational charts of that area, involving Italy, Slovenia and Croatia as a pilot for a RENC.

Rear Admiral BARBOR (United States of America) said the United States appreciated acknowledgement of its activities. It would continue its commitment to capacity-building, in particular to the United States Naval Oceanographic Office, and to hydrographic cooperation throughout the world. In addition to category B courses that had produced more than 500 graduates, the United States offered two new category A courses at the University of New Hampshire and the University of Southern Mississippi providing cutting-edge understanding of hydrography. It also had new capabilities with fleet survey teams offering responsive survey efforts where and when needed. The United States, he concluded, understood the value of hydrography and was committed to its furtherance.

Mr. BIANCO (Malta), associating himself with the sentiments expressed by Morocco to IHB, reported that cooperation through Medproject and Medchartnet had impressed the importance of hydrography on his Government. He thanked the United Kingdom for its charting and advisory assistance, IMA for assistance in training, and Italy for its present cooperation through a survey in Maltese waters.

Mr. GOVE (Mozambique) spoke of the difficulties of some African countries in gaining admission to the Trieste training school. Since such experience might discourage small countries from implementing research programmes, he suggested that more attention should be given to capacity-building in hydrography for those countries.

Regarding the sustainability of projects, it was his view that any project must be in accordance with the capacity of the country, and that on-the-job training must be a priority. He also considered that bilateral cooperation, such as that engaged in by his country with Portugal, Norway, South Africa and the United Kingdom, must be promoted.

Coronel ALUM ORTIZ (Cuba) wished to thank the Trieste International Maritime Academy for assistance in training hydrographic experts. Cuba had also received constant support from IHB for seminars on electronic charts held in Havana in February 2002.

Dr. PETROV (ROPME) highlighted the importance of bilateral cooperation in capacity-building. He nevertheless thought that regional initiatives were even more important. Given the existence of regional hydrographic commissions, he considered them to be the best forums for greater initiative in that respect. Use could also be made of regional organizations such as ROPME for cooperation with IHB and those commissions.

Cdr. LUSIANI (Italy), referring to the brochure and report on the MEDCHARTNET project, said the content appeared to be more organizational than technical. Italy would appreciate more particulars of the concept and aims of the project.

The PRESIDENT OF THE DIRECTING COMMITTEE addressed concerns raised in the comments. He noted the Germany's request for a full record of all capacity building/cooperative activities. The TACC database went some way towards that but needed refreshing. India's hydrographic courses were appreciated and their existence was advertised by Circular Letter as had been done for IMA and previously Japan. Morocco had made an important point regarding the forthcoming enactment of a decree defining responsibilities in hydrography. A similar approach was taken in Mozambique and Kenya. In response to the United Kingdom, he said that a second volume of M2 had been issued showing the economic utility of hydrographic services. France had rightly said that education was the first step.

With regard to Bangladesh's request for a vessel, he asked that it be submitted in writing.

Mozambique was right about the admission problems in the case of the Trieste training school. It was his understanding that a student from Malawi had now been admitted.

On-the-job training was included in all projects. In response to Nigeria's comment on the need to educate governments concerning the importance of hydrography, he said that such action had recently been undertaken in Namibia.

The United Kingdom had also asked for an update on contacts with funding agencies. IHB had no official means of supplying such information otherwise than in the Bulletin, which went some way in that respect.

The PRESIDENT said the Conference endorsed all comments on the importance of capacity-building, thanking the Bureau for its efforts and indeed all Member States involved in such activities. The Conference must make it clear that, in addition to funding, there was a need to educate authorities on the importance of hydrography in all fields of maritime and marine activities.

Activities of the FIG-IHO Technical Assistance and Cooperation Coordination Committee (TACC)

The PRESIDENT said that the Terms of Reference for TACC contained in CONF.16/WP.2 Add.1 had been submitted to Member States by Circular Letter. All the 17 Member States responding had been in favour. According to the Convention, however, a majority of Member States was needed. The Conference was accordingly asked to reconfirm acceptance of the Terms of Reference.

The Conference adopted the Terms of Reference.

The Conference adopted the report.

CONF.16/P/SR.6

SIXTH PLENARY SESSION

17 April 2002

1405-1745

Rapporteur : Mr. Kenneth COOPER (United States of America)

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REPORT ON WORK PROGRAMME No. 3 - TECHNIQUES AND STANDARDS SUPPORT (CONF.16/WP.3 and Add.1 and Add.2) (Agenda item 31)

The PRESIDENT explained that, owing to a misinterpretation of Article VI, paragraph 6, of the Convention, it had been assumed that certain decisions taken since the previous International Hydrographic Conference had been adopted by the required majority of Member States, and on that assumption the relevant amendments or Resolutions had been incorporated into the main document on Work Programme No. 3 (CONF.16/WP.3). In fact, in accordance with Article VI, paragraph 6, for decisions made between sessions of the Conference where a simple majority is required this majority shall be calculated on the basis of the total membership of the Organization, and accordingly the relevant decisions needed to be resubmitted to the Conference. They were now before the Conference in document CONF.16/WP.3 Add.2. He therefore suggested that the Conference should begin by considering the latter document. Of the amendments or Resolutions contained therein, proposals I, II and III, which were apparently not contentious, might be adopted together, by consensus, whereas proposal IV, concerning SENC, would require a vote so as to establish clearly the position of the Conference.

The proposed procedure was approved.

PROPOSALS CONTAINED IN DOCUMENT CONF.16/WP.3 Add.2

- PRO I. WEND COMMITTEE PROPOSALS TO THE 2ND EXTRAORDINARY INTERNATIONAL HYDROGRAPHIC CONFERENCE (CL14/2000)**
- PRO II. AMENDMENT OF RESOLUTION A 6.9 [RELEASE OF TIDAL DATA TO COMMERCIAL ORGANIZATIONS (CL6/2001)]**
- PRO III. PUBLICATION M-3 - RESOLUTIONS OF THE IHO (CL18/2001)**

Proposals I, II and III were adopted by consensus.

- PRO IV. SENC DELIVERY OPTION: PROPOSED CHANGES TO S-52 (CL50/2001)**

The PRESIDENT specified that the proposal was divided into two parts. For the first part, which concerned proposed changes to S-52, a simple majority only was required.

A role call was taken to establish that there were 51 Member States present.

A vote by show of hands was taken on proposal IV concerning proposed changes to S-52.

The proposal was adopted by 26 votes to 15, with 10 abstentions.

The PRESIDENT said that the second part of proposal IV concerned a proposed Technical Resolution and therefore required, in addition to a simple majority, a majority of at least one third of the total membership of IHO.

A vote by show of hands was taken on proposed Technical Resolution A3.11 - ENC/SENC Distribution Option.

There were 26 votes in favour, 14 against and 11 abstentions.

Having obtained the required majority (23), the proposal was adopted.

Commander MAIA PIMENTEL (Portugal) and Captain QUIROS CEBRIA (Spain) regretted that so important and highly technical a matter was being voted on at such short notice after the detailed discussions that had taken place within the WEND and CHRIS Committees and the two previous rounds of voting by Circular Letter.

The PRESIDENT reiterated his explanation that the resumed voting procedure had been necessary in order to bring the records of the Organization into order.

REPORT ON WORK PROGRAMME No. 3 - TECHNIQUES AND STANDARDS SUPPORT (CONF.16/WP.3)

The PRESIDENT invited the Conference to consider the main report on Work Programme No. 3, proceeding report by report.

Report of the Worldwide Electronic Navigational Chart Database (WEND) Committee

Dr. EHLERS (Germany), Chairman of the Committee, said that the report was self-explanatory, but drew attention again to the fact that there were still considerable shortcomings in ENC production and distribution mechanisms. The WEND submitted three proposals for the continuation of its work: that it continue with the revised Terms of Reference, that the Conference request and encourage Member States to address urgently the issues of ENC production and distribution mechanisms, and that it adopt the WEND principles contained in Appendix B to the WEND report and incorporate them as an IHO Technical Resolution.

Mr. SPITTAL (New Zealand) and Rear Admiral MARATOS (Greece) pointed out that the membership of New Zealand and Greece, respectively, of the WEND Committee was not reflected in the report.

The PRESIDENT said that that would be duly corrected.

The report of the WEND Committee and the proposals contained therein, as outlined by the Chairman of the Committee, were adopted.

Report on the Work of the Committee on Hydrographic Requirements for Information Systems (CHRIS)

Rear Admiral GUY (Director IHB), speaking as Chairman of CHRIS, drew attention to the report and its annexes containing the reports of the various working groups responsible to CHRIS. Among the salient aspects of the Committee's work, he highlighted: the introduction of S-57 Edition 3.1; approval of SOLAS Chapter V; the amendments to IHO Specifications for Chart Content and Display Aspects of ECDIS, S-52 Edition 5; in-depth discussion of SENC Delivery Option; consideration by the Working Group of the Security Scheme; harmonization between ENC and DNC; consideration of the question of inland waters; the issue of ENC production, and other activities, including the establishment of a

combined IHO-IEC Harmonization Group on Marine Information Objects (HGMIO) and cooperation with the International Electrotechnical Commission (IEC) and its Working Groups WG7 and WG13, and with the Comité International Radio Maritime (CIRM) and the International Organization for Standardization (ISO).

An issue for consideration by the Conference was the need for support for the CHRIS Colours and Symbols Maintenance Working Group (C&SMWG), to fund the services of a Technical Coordinator and to pay for contracts for maintenance of the Presentation Library.

Mr. MURCOTT (New Zealand), noting that the Conference had adopted the report on cooperation with the International Organization for Standardization (ISO), recalled that the report indicated that there were two draft ISO standards for aspects of spatial data quality, ISO 19113 and 19114. New Zealand brought this matter to the attention of Member States and asked whether any consideration had been given by the Data Quality Working Group (DQWG) to the data quality principles developed by the Data Standards Standardization Committee.

Commander WARD (Australia), speaking as the former Chairman of the Data Quality Working Group (DQWG), recalled that the DQWG was currently dormant and was being watched over by the Directing Committee. However, he noted that the representative of New Zealand had raised a relevant point and it was worth considering the reactivation of the Working Group and setting it the task of looking into the matter of how the Organization wished to address the issue of data quality, especially digital data. He suggested that the CHRIS might consider whether it needed to address that issue at its forthcoming meeting.

The PRESIDENT said he took it that that proposal was acceptable.

It was so agreed.

The PRESIDENT said that one outstanding question was that of the need for funding for the C&SMWG, as mentioned by the Chairman. The Bureau could be asked to consider the matter when dealing with the budgets to be submitted to the Conference on the following day.

Captain MINGRAM (Chile) said that Chile, which participated in the Working Group, was interested in its continuing activity. He asked if the amounts required for maintenance contracts and the services of a Technical Co-ordinator could be specified, together with the length of time the task was expected to be maintained.

The PRESIDENT said that, at the current stage, it was difficult to say more than that the IHB should identify potential sources for funding such a task.

Ingénieur en chef LE GOUIC (France) referred to the section of the report of the Standardization of Nautical Publications Working Group (SNPWG) dealing with revised Technical Resolution A.2.15. He wished to know, on a point of interpretation, whether IMO had adopted rules delegating to IHO the possibility of defining what was mandatory or not and adopted the corresponding technical specification measures, or whether it could now be considered that all IHO recommendations referred, vis-à-vis IMO, to implementation of SOLAS Chapter V.

Commander WARD (Australia), Chairman of the SNPWG, said that the clause in question was intended to reflect the new definitions appearing in SOLAS Chapter V, Regulation 2, which defined a nautical chart and a nautical publication, the latter being a book or digital file issued by or under the authority of a Government, Hydrographic Office or other relevant authority. In that respect, it was for IHO to provide appropriate guidelines according to which those documents could be produced and issued to meet that Regulation.

Rear Admiral GUY (Director IHB), Chairman of CHRIS, confirmed that the SOLAS Convention, especially Chapter V, referred to the standards set by IHO, and that IHO was recognized as the international charting authority by IMO.

Mr. SPITTAL (New Zealand) said that New Zealand had done a considerable amount of work on chart specifications, colours and symbols, following IHO Specifications. He added these items were available to be downloaded from New Zealand's web site, and that they would be glad to share them with others and hear other countries' opinions on its publications. Other countries were welcome to use those specifications for their own purposes.

Ingénieur en chef LE GOUIC (France), clarifying his question, said that SOLAS Chapter V did quote IHO recommendations in respect of electronic charts but did not specify the same standards for nautical documents. He wished to know whether Technical Resolution A.2.15 meant that IHO Resolutions and Recommendations, once issued, would automatically apply to IMO in respect of nautical documents.

Ingénieur général DESNOËS (France) said that, in more general terms, the issue was one of the grey areas between the prerogatives of IMO and those of IHO, at a time of rapid technological progress. With regard to Technical Resolution A.2.15, caution should be exercised in occupying one of those grey areas without the specific agreement of IMO. The points of contact and elements standardized by IHO and IMO should be well identified and co-ordinated, so as to avoid any unnecessary risks for the safety of navigation.

Mr. SAHEB-ETTABA (Canada) said that it should be borne in mind, regarding the legal validity of the clause, that SOLAS was an international convention and as such was binding on the Member States of IMO, and that, if there were any contradiction between A.2.15 and SOLAS Chapter V, the former would not be applicable. IMO should therefore be consulted to ascertain whether there was any contradiction, in which case it would be for IMO to redress the situation, for instance by amending, or adding to, the Convention.

The PRESIDENT urged caution in entering into further legal considerations, noting that it is a recognized procedure in IMO to refer to recommendations and resolutions of other organizations, including IHO, in footnotes, which meant that they were not legally binding on Member States.

Rear Admiral GUY (Director IHB), Chairman of CHRIS, assured the Conference that IHO was represented at all the relevant IMO subcommittee meetings when questions regarding SOLAS or any other navigational issues were discussed, and that IHB was regularly consulted on charting and nautical publications. He could obtain more detailed information and report back to interested Member States.

Dr. COX (United Kingdom) pointed out that Regulation 9, paragraph 3, of Chapter V of SOLAS specifically referred to the recommendations adopted by IHO, stating that "Contracting Governments undertake to ensure the greatest possible uniformity in charts and nautical publications and to take into account whenever possible relevant international resolutions and recommendations." The footnote referred to the relevant resolutions and recommendations adopted by IHO.

The PRESIDENT said that the Conference was asked to reconfirm the ongoing existence of CHRIS under the Terms of Reference contained in Annex F of the report; to endorse the approval previously given in Decision No. 34 of the XVth IH Conference to S-57 and S-52; to recognize that that approval could be extended to the latest editions of S-57, S-52 and S-61 and their associated appendices and supplementary documents; to endorse the need for funding of the Colours and Symbols Maintenance Working Group, i.e. to pay for contracts for maintenance of the Presentation Library and the services of a Technical Coordinator, with IHB identifying potential sources for funding; and finally, to adopt the revised Technical Resolutions relating to Nautical Publications contained in Appendix 1 of Annex E to

the report. The PRESIDENT summarized by saying if he heard no objection, he would take it that the Conference wished to adopt the report and the recommendations contained therein.

Ingénieur en chef LE GOUIC (France) said that France could accept the first four proposals, but, maintained its reservation with regard to paragraph A.2.15.

Subject to France's reservation, the report and the proposals contained therein were adopted.

Report of the IHO Chart Standardization Committee (CSC)

Dr. COX (United Kingdom), Chairman of the Committee, said that the Committee now had 23 member countries. In addition to the completed work done on the revision of the Regulations and the Small-scale Chart Specifications, the review of Medium- and Large-scale Charts (Part B of M-4) was in hand, as was revision of specific symbology. Of particular note was the work done on symbology in support of IMO initiatives, including work on archipelagic sea lanes, environmentally sensitive sea areas and coral symbology. He commended the report to the Conference, together with a proposal, already approved by the Chart Standardization Committee members and by CHRIS, that it should now become a Chart Standardization and Paper Chart Working Group (CSPCWG) of CHRIS, thus recognizing the growing synergy between paper charting and digital charting.

The PRESIDENT said that the Conference was asked to adopt the report; to endorse the proposal to transfer the CSC to CHRIS and change its status to a Chart Standardization and Paper Chart Working Group of CHRIS; to task CHRIS to consider and adopt Terms of Reference for a new CSPCWG and to develop new Terms of Reference for CHRIS for approval by Circular Letter procedure; and to task CHRIS to propose necessary amendments to the IHO Work Programme to be adopted by Circular Letter to Member States.

The PRESIDENT OF THE DIRECTING COMMITTEE asked whether, in developing the new Terms of Reference, the title of the Group could be reconsidered.

Dr. COX (United Kingdom), Chairman of the Committee, said that the matter of the title could be dealt with by CHRIS. As previously explained, the documentation reviewed by the Chart Standardization Committee covered both digital and paper charting, and the Committee had thus considered it necessary to distinguish between the two in the title.

The report was adopted and the proposals therein endorsed.

Report on the Work of the IMO-IHO Harmonization Group on Electronic Chart Display and Information Systems (HGE)

Rear Admiral GUY (Director IHB), introducing the report in his capacity as Chairman of the Group, said it had met only once formally and once informally in the five-year period and had had no work referred to it by NAV. There was a distinct possibility that, following the consideration of the joint paper of IHO and IALA by MSC in May 2002, NAV might be requested to task the HGE to address the problem of bridge symbology.

The report was adopted.

Report on the Work of the IHO Committee on the Hydrographic Dictionary (S-32)

Captain ROHDE (IHB), Chairman of the Committee, drew attention to paragraph 3 of the report, which referred to the difficulties experienced by Committee members in having their travel approved. He noted that there was little point in holding face-to-face meetings if only two or three members of the six

member Committee were able to attend. He thus appealed to Member States that had nominated members to give favourable consideration to any requests for travel.

The Internet version of the Hydrographic Dictionary had been available for use for some time, and the technical obstacles to updating the on-line version had now been largely resolved.

The report was adopted.

Report of the IHO Working Group on Standards for Hydrographic Surveys (S-44)

The PRESIDENT OF THE DIRECTING COMMITTEE, introducing the report as Chairman of the Working Group, said that the 4th edition of S-44 had been published shortly after the XVth Conference and had proved useful both to hydrographic services and to manufacturers of data-gathering systems. The Working Group was now developing guidelines for the processing of high-volume bathymetric data, for incorporation into a future edition of S-44.

The report was adopted.

Report of the Tidal Committee (TC)

Captain MINGRAM (Chile), introducing the report, said that it contained a number of conclusions submitted to the Conference for information. Two amendments to Technical Resolutions had been approved by Circular Letter.

The report was adopted.

Report on Training

The PRESIDENT OF THE DIRECTING COMMITTEE said that the report related to those agencies that had given IHB information on courses open to foreigners for publication by Circular Letter. He noted that did not mean that other countries such as France, Spain, Portugal, Chile and Brazil to name but five, did not also offer such courses.

Lt. Commander TBER (Morocco) asked whether the courses provided for foreigners by Japan's Maritime Safety Agency were offered both to civilians and to military personnel.

Dr. NISHIDA (Japan) said that the courses held in Japan were limited to civilians.

The report was adopted.

Report of the FIG/IHO International Advisory Board on Standards of Competence for Hydrographic Surveyors

Captain GORZIGLIA (Chile), former Chairman of the Board, said that currently the Board had recognized 38 courses worldwide. He also noted that the International Cartographic Association (ICA) had joined the Board, increasing the membership from eight to ten individuals. Accordingly, new Terms of Reference had been prepared, and were appended to the report. The Conference was requested to adopt the report; to reconfirm the Terms of Reference circulated to Member States; and to request IHB to send a letter of thanks to FIG for the financial support provided to the Board.

Mr. JOHNSON (Representative of the International Federation of Surveyors - FIG) expressed the Federation's thanks to IHO and to Advisory Board members, and in particular to Captain

Hugo Gorziglia, for their contribution to the work done over the past five years. FIG looked forward to welcoming the new members of the Board and to further developing standards for nautical cartography.

Ingénieur en chef LE GOUIC (France) said that the expiry date for Category A recognition of Course No. 3 in the list of recognized courses was 2011, not 2001.

Mr. NORDSTROM (Sweden) said that in paragraph 2 of the new Terms of Reference the words "IHO/FIG International Advisory Board" should read "IHO/FIG/ICA International Advisory Board".

The report, as amended, was adopted.

Report of the joint IHO-IOC Guiding Committee for the General Bathymetric Chart of the Oceans (GEBCO)

Sir Anthony LAUGHTON (IOC), Chairman of the Committee, updating the Conference on the issues addressed by GEBCO, said that the third issue of the GEBCO Digital Atlas (GDA), originally scheduled for publication in 1999, would now be available on CD-ROM by the summer of 2002. He noted that GDA improvements in data coverage and depiction had proved to be more technically challenging than originally thought, and were made more difficult due to limited resources. The Sub-Committee on Undersea Feature Names had also been faced with a challenging task, having had to deal with almost 500 new names in 2001 alone. Henceforth, the Sub-Committee would meet annually. The GEBCO charts were not as well used as they deserved to be. Questionnaires had been sent out to actual and potential users in order to determine their needs, and IOC had requested guidance on that issue from the Scientific Committee on Oceanographic Research (SCOR). It should be possible to meet existing demands, once the form in which the users wished the data to be presented had been more clearly identified.

The GEBCO centenary celebrations are scheduled to take place from 14 to 16 April 2003 in Monaco. "Charting the Secret World of the Ocean Floor" is the theme which will feature an historical look backward as well as a look into the future.

There are concerns about GEBCO's future, since it depends heavily on voluntary work. Options for tackling shortfalls in funding included sponsorship, commercial exploitation of GEBCO charts, patronage, and increased funding from IOC or IHO. GEBCO also envisages increasing awareness of its activities through an educational component, but funds and personnel are needed to implement that initiative. Lastly, GEBCO had set up a Strategic Planning Committee to look into its future.

Lt. Commander TBER (Morocco) said that his government was ready to contribute every available resource to support GEBCO.

The PRESIDENT said that IHB would issue a Circular Letter inviting all Member States to attend the GEBCO centenary celebrations.

The report was adopted.

Report of the IHO Data Center for Digital Bathymetry (DCDB)

Captain MacFARLAND (United States of America), presenting the report on behalf of the Director of DCDB, said that the report was self-explanatory and stood on its own merits.

The report was adopted.

Report of the IHO-IAG-IOC Advisory Board on the Law of the Sea (ABLOS)

Mr. MACNAB (Canada), Chairman of ABLOS, said that the primary objective of ABLOS was to consider technical matters related to UNCLOS and to advise the three parent bodies, namely IHO, IOC and IAG, on questions of interpretation and implementation. ABLOS promoted research and discussion on target issues through extensive e-mail correspondence, annual business meetings and biannual conferences.

The report was adopted.

MARITIME SAFETY INFORMATION

OMAN MSI Workshop

Mr. SOLURI (United States of America) introduced the report. Interest had been expressed in the possibility of setting up a further meeting in the ROPME Sea Area early in 2003. He added that any Regional Hydrographic Commission that felt the need for a training programme for their World-Wide Navigational Warning Service (WWNWS) watchstanders was welcome to contact him through IHB.

The report was adopted.

Report on the Work of the IHO Commission on the Promulgation of Radio Navigational Warnings (CPRNW)

Mr. SOLURI (United States of America), Chairman of the Commission, said that its main concerns were training watchstanders, and filling gaps in worldwide coverage of coastlines by navigational warning broadcasts. The requirement set forth in CL31/2000, that maritime safety information become a standard agenda item for all regional hydrographic conference meetings, had been incorporated into the Terms of Reference the previous day.

The report was adopted.

TECHNIQUES AND STANDARDS SUPPORT

NAUTICAL CARTOGRAPHY, CARTOGRAPHIC AND HYDROGRAPHIC INFORMATION SERVICES (CONF.16/WP.3 Add.1)

Correction to the Report on the IHO Worldwide Electronic Navigational Chart Database Committee (WEND)

The correction was adopted.

Correction to the Report on the Work of the Committee on Hydrographic Requirements for Information Systems (CHRIS)

Mr. HUET (IHB) said that Technical Resolution K2.18 related to the former Committee on ECDIS, which had been disbanded upon its conversion into CHRIS, and therefore had no further meaning.

Lieutenant Commander TBER (Morocco) expressed the view that it would be of continuing value to small hydrographic services with few staff, and it would be useful for his service to have a copy of it.

Mr. HUET (IHB) undertook to provide the representative of Morocco with a copy of Technical Resolution K2.18.

The correction was adopted.

Report on the Work on Limits of Oceans and Sea (S-23)

The PRESIDENT OF THE DIRECTING COMMITTEE, introducing the report on behalf of the Directing Committee, said that a first draft of the new edition of the publication had been sent with Circular Letter 55/2001 (dated 7 November 2001) for comments. Comments had been received and the Committee was working on a second draft.

Mr. HA Chan-Ho (Republic of Korea), thanking the Bureau for the efforts it had made thus far to prepare a new edition of S-23, said that Chapter 7.6 of the publication dealt with the sea area lying between the Korean peninsula and the Japanese archipelago, which had been called the “East Sea” in old maps and writings of Korea and China because it lay to the east of the continent. Maps published in Europe before the 18th century had described it with various names, including “East Sea”, “Sea of Korea”, “Sea of Japan” and “Oriental Sea”. Since the mid- to late 19th century both “East Sea” and “Sea of Japan” had been commonly used in world maps, and these facts had been proven by research. Korean scholars, studying old maps preserved in the British National Library, found that 90 of the 377 maps examined referred to the sea, and that 72 out of the 90 referred to it as the “East Sea” or “Sea of Korea”. His delegation firmly believed that in the new edition of S-23 the designation of the sea should abide by the recommendation of IHO Technical Resolution A 4.2.6 adopted in 1974 endorsing the principle of simultaneous recognition of different names for a shared geographical feature when the concerned countries did not agree on a common name, i.e. to use both “East Sea” and “Sea of Japan” together pending final agreement between the countries concerned on a common name. In order not to obstruct publication of S-23, his Government was ready to consider alternative compromise proposals by the IHB without prejudice to the principle enshrined in the IHO Resolution.

Dr. NISHIDA (Japan) said that the statement made by the representative of the Republic of Korea was historically incorrect, or at the very least misleading. The name “Sea of Japan” had been established several centuries ago. There were well-known differences between the two countries, but discussions were under way. He added that simple application of IHO Technical Resolution A4.2.6 might lead to a confusion of geographical names, and he proposed that the issue should not be taken up by the Conference, since it ran counter to the main objective of IHO, which was technical.

The PRESIDENT reminded the delegates that the IHO is a technical and consultative organization and that the Conference was not a forum for political issues.

Ingénieur général CAILLIAU (France) said that it was important for the safety of navigation that there should be no ambiguity when two national names were used for the same area. In the case of the English Channel and *La Manche*, both names were used.

Vice Admiral CHOE Jun Gil (Democratic People’s Republic of Korea), expressing appreciation for the hard work which the IHB had done on the production of S-23, said that his country had presented its position in its comments on Circular Letter 55/2001. His country’s position at the present time was that the question of the name forms of a given sea should be resolved in accordance with IHO Technical Resolution A 4.2.6. It was wrong simply to use the name “Sea of Japan”. “East Sea” had been used for a long time and should be reflected in the new edition of S-23. The name “Sea of Japan” was the outcome of the colonial rule of Korea by Japan, and had been used unilaterally and unjustifiably contrary to scientific evidence. It was the strongly expressed position of his Government that the unilateral use of the name “Sea of Japan” could not be tolerated, and that the name “East Sea” should also be used in accordance with IHO Technical Resolution A 4.2.6.

The PRESIDENT further reminded the delegates that the IHO is a technical and consultative organization and that the Conference was not a forum for political issues.

Colonel HERDA (Algeria) considered that the question was a legitimate subject for discussion in the IHO, which was already working on limits of oceans and seas from a technical point of view.

Captain KAFER (Australia) supported the comments made by the representative of the Republic of Korea, and noted that his country had experienced similar difficulties with the S-23 draft regarding the limits of the Southern Ocean. The fundamental documents, which established the existence of the Australian continent, stated that the Southern Ocean washed the southern shoreline of Australia. That was Australia's historical and authoritative reference, and his country had insisted that it be acknowledged in S-23. Australia noted that S-23 was supposed to be only a reference document, but when it was published it would inevitably be afforded a measure of legislative authority, so Australia expressed its support for the Republic of Korea in seeking greater flexibility in S-23. The document must reflect different nations' interpretations of the names and limits of oceans and seas.

Mr. HA Chan-Ho (Republic of Korea) wished to clarify the reference made by the representative of Japan to the fact that bilateral consultations were continuing. The last bilateral consultation had been held in December 2001 but it had ended with no result.

Dr. NISHIDA (Japan) insisted, in response to the previous statement, that the consultations were still under way.

The PRESIDENT once again reminded the delegates that the IHO is a technical and consultative organization and that the Conference was not a forum for political issues.

The report on the work of limits of oceans and sea (S-23) was adopted.

Report of the IHO Manual on Hydrography Working Group (MoHWG)

Captain GORZIGLIA (Chile), speaking as Chairman of the Working Group, said that he had two proposals to make: that the Conference adopt the report and that it invite Member States to provide continuous support to their representatives in the Working Group in order to ensure that it completed the agreed work programme within the timeframe of two years.

The report was adopted and Member States were invited to continue to provide support to their representatives in the Working Group in order to ensure that it completed its agreed work programme within the specified timeframe.

PRO 12 - ELLIPSOID HEIGHT DETERMINATIONS TO RELATE CHART DATUMS (CONF.16/G/02) (Agenda item 32)

Rear Admiral BARBOR (United States of America) said that his Government's proposal was to be seen as an administrative action seeking Conference consensus, and not as a technical proposal. Consideration of tidal and vertical datum issues had been the subject of a series of Circular Letters in the 1990s. Vertical datum aspects were currently addressed by the IHO Tidal Committee. The determination of tidal datums was a very complex issue involving hydrographic hydrodynamic modelling. The accuracy required by hydrographers - decimetres - exceeded what could currently be attained through the use of a global Geoid. Geopotential models had a global accuracy of only 1 to 2 metres, which was not accurate enough to meet the requirements. The ellipsoid did not contain datum information. The United States considered that the IHO was embarked upon a long and evolutionary path towards addressing the problems of multiple vertical datums. A part of that evolution was the collection of data that could support an eventual solution. The collection of reference data had been considered by the S-44 Working Group when it developed the 4th edition of S-44 Standards for Hydrographic Surveying, Section 4.2 of which recommended that Member States collect data reference to a geocentric reference system, preferably the World Geodetic System 84 (WGS 84)

ellipsoid. The United States proposed that the collection of such data be a Recommendation of the IHO Technical Resolution.

Rear Admiral ANDREASEN (United States of America) said that in the mid-1990s the IHO Member States had been asked to consider the issue of a possible global vertical reference. They were asked to consider the use of WGS 84 ellipsoid or the Geoid. At the time the United States had concluded that it would be preferable to make reference to the ellipsoid, although some nations expressed concern about the accuracy of the reference. However, successive refinements of WGS 84 had led to the achievement in 2002 of 1 cm Absolute Accuracy. The United States considered that the IHO should take a leadership position for eventual vertical datum harmonization. IHO did not need to form a new working group. The United States requested consideration of its proposal for a resolution, and if that were not accepted that the matter continue to be addressed by the existing committees and working groups. The Tidal Committee was the appropriate forum.

The amendment proposed by the United Kingdom was fundamentally acceptable but it would be preferable to reinstate the words “to support” and to delete “i.e.”. In its original comment the United Kingdom had suggested that reference be made to the “WGS 84 datum”, but the advice of United States geodesists was that such a reference was inappropriate because WGS 84 was considered to be a system.

Mr. HECHT (Germany), supported by Lt. Commander TBER (Morocco), Dr. COX (United Kingdom) and Dr. GHADERI (Islamic Republic of Iran), proposed that the matter be referred to the IHO Tidal Committee for continued consideration with a view to formulating a proposal which contained sufficient evidence and reasoning for all the technical issues to be considered for circulation in a Circular Letter so that in due time Member States could consult their experts and make up their minds.

Commander MAIA PIMENTEL (Portugal), while supporting in principle the proposal that the matter be referred for continued discussion by the IHO Tidal Committee, said that WGS 84 was not necessarily the final solution because work was also under way on a European system.

Rear Admiral ANDREASEN (United States of America) said that his Government was not proposing that the reference to the ellipsoid be a datum, merely that it be an element towards future determination of datums and that work on the matter should continue in the Tidal Committee. He withdrew his earlier proposal.

The PRESIDENT said that he would take it that Conference wished to refer the matter for continued consideration by the IHO Tidal Committee.

It was so decided.

PRO 13 - COMPILATION SCALES FOR SUPPORT OF ELECTRONIC CHART DATABASES (CONF.16/G/02) (Agenda item 33)

Rear Admiral ANDREASEN (United States of America) said that his Government was submitting the proposal in order to open discussions as to how the IHO might meet the future needs of the geographic information community. Some years ago the United States National Oceanic and Atmospheric Administration (NOAA) digitized the shorelines of charts, and the reaction of GIS users had been negative due to the wide and non-continuous nature of the shoreline with varying scales. As a result, NOAA had redigitized the entire 95,000-mile shoreline at a uniform scale. The United States proposed that the IHO begin consideration as to how it was to meet the future needs of the GIS community. It thanked Member States for their comments and proposed that the matter be referred to the CHRIS Transfer Standard Maintenance Working Group (TSMAD).

The PRESIDENT said he took it that the Conference wished to refer PRO 13 to the CHRIS TSMAD.

It was so agreed.

PRO 15 - IHO MULTINATIONAL AGREEMENT FOR USE OF SMALL-SCALE DATA (CONF.16/G/02) (Agenda item 34)

Rear Admiral ANDREASEN (United States of America) said that his country was pleased to be a member of the IHO Caribbean Sea Gulf of Mexico Hydrographic Commission, which had the potential for some 30 national members under the current IHO Regulations. For a nation to make a small-scale chart product in that region it would have to conclude up to 30 bilateral agreements, requiring the expenditure of significant resources in order to make a product which probably did not have a very high sale. The proposal of his Government was not intended to have an impact on the copyright rights of any nation. What it was proposing was totally voluntary. The proposal merely sought a more efficient means for co-operation within IHO, and his Government would be pleased for the issue to be referred either to CHRIS or to the Legal Advisory Committee (LAC), and was also open to it being addressed through an IHO Resolution, as noted in the comment of the United Kingdom.

Commander WARD (Australia) said that his Government did not see the benefit of drawing up a universal agreement but, if the proposal were to be adopted by the Conference, its view was that it would be inappropriate to use LAC to draft such an agreement. To do so would incur considerable expense for those Member States which participated in LAC because the members of LAC were funded directly by a relatively small number of Member States. If work was to proceed it should be funded either by those States supporting the proposal, and therefore presumably prepared to use the standard agreement, or centrally by the IHO.

Rear Admiral AGLIATA (Italy) supported the proposal made by the representative of Australia.

Lt. Commander TBER (Morocco) expressed support for the proposal of the United States of America.

Mr. HECHT (Germany) supported in principle the proposal of the United States of America, and also the position expressed by the representative of Australia that the matter should not be referred to LAC. He commented that since the proposal was motivated primarily by technical and not by legal considerations, it should be dealt with by CHRIS.

Commander MAIA PIMENTEL (Portugal) did not support the proposal, which he said involved copyright issues. As there were no general guidelines to follow, the matter should be resolved by bilateral arrangements in accordance with the national legislation of both countries.

Rear Admiral GUY (Director IHB), speaking as the Chairman of CHRIS, said that the issue could be addressed in the first instance to CHRIS since it was primarily technical. If reservations were subsequently expressed, CHRIS would refer the matter back by Circular Letter. It would be helpful to CHRIS if the United States were able to provide a comprehensive paper elaborating the issues.

Ingénieur en chef LE GOUIC (France) said that the IHO Worldwide Electronic Navigational Chart Database Committee (WEND) was also concerned.

Mr. HECHT (Germany) pointed out that CHRIS would be meeting sooner than WEND, and so could deal first with the technical aspects; if further aspects remained to be considered they could be dealt with by WEND at its meeting in 2003.

The PRESIDENT said he took it that the Conference wished to refer PRO 15 to CHRIS on the understanding that the United States of America would provide a comprehensive paper on the issue.

It was so agreed.

SEVENTH PLENARY SESSION

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Rapporteur : Mrs. Liz DUNN (United Kingdom)

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-

REPORT ON WORK PROGRAMME No. 4 - INFORMATION MANAGEMENT AND PUBLIC RELATIONS; BENCHMARKING SERVICE (CONF.16/WP.4) (Agenda Item 35)

The PRESIDENT OF THE DIRECTING COMMITTEE, introducing the report on Work Programme No. 4, recalled that the IHB had introduced a new system for the distribution of IHO information. The system had been judged satisfactory by most Member States. In the view of the Directing Committee, visits by the IHB to government departments and port authorities were an extremely important aspect of public relations work, to persuade countries, especially those which had inadequate hydrographic services or none at all, of the importance of expanding and adequately funding their services and, if possible, participating in technical cooperation projects.

Judging from the responses received, Member States, with one exception, appeared satisfied with the new arrangements for the "I.H. Review", which was now licensed to a commercial publisher, though closely monitored by the IHB. He thanked Mr. Adam KERR for his work in the Review's production.

Captain MINGRAM (Chile) congratulated the Bureau on the progress made with publications and documentation generally, and thanked France for providing a server to host the IHO web site. He urged Member States which had no hydrographic web site to develop one and to set up a link to the IHO website in order to facilitate communication between hydrographic services. He added that Chile was ready to assist countries in that regard.

Captain BARRITT (United Kingdom) thanked the Bureau for their work in the production of M-2; it had certainly been of great benefit to the study team operating for the CGMHC. The United Kingdom had noted with gratitude the Directors' personal commitment to raising the profile of hydrography among governments, especially in the sphere of the RHCs. It would be helpful if the Directing Committee could provide Member States with up-to-date feedback on the current state of advocacy for hydrography, for example on whether regional differences existed, whether smaller states in particular would be well advised to base their project applications on environmental protection, or on transport and economic factors.

The PRESIDENT OF THE DIRECTING COMMITTEE believed that most advocacy work should be carried out within the RHCs, and that their activities should include regional projects because, as the representative of ROPME had pointed out in an earlier meeting, donor organizations were displaying a preference for regional projects over bilateral projects. The Directing Committee had already begun to build a new awareness of the work of the IHO, *inter alia* through efforts within the United Nations, the World Bank, the Global Environment Facility and the Inter-American Development Bank. But that process had only just begun and it was important to continue it, not least in order to attract more funds for regional projects.

Rear Admiral GUY (Director IHB) added that IMO, IALA, IHO and IAPH have been working together in the regions to promote the establishment of hydrographic operations. He warned against persuading countries to join the IHO before there is a satisfactory operation in place, a path which led only to default and suspension. A shortage of funding was the principle constraint everywhere, whereas consultant and other services were in plentiful supply. The IHB had offered assistance at both ends of the project spectrum: to assist aid agencies with project analysis, and countries and regions with the preparation of project proposals.

Commodore ABULU (Nigeria), while acknowledging the importance of funding, stressed that promoting an understanding of hydrography among decision-makers was also extremely important. Ongoing efforts to promote the acceptability of hydrography in technical agencies and in countries which had not yet established hydrographic services should be continued, to ensure that available funds from bilateral and multilateral sources were used for hydrographic development.

The PRESIDENT said he took it that the Conference wished to adopt the report on Work Programme No. 4.

It was so decided.

PRO 14 - CATALOGUES; INDEX CHARTS (CONF.16/G/02) (Agenda item 36)

Rear Admiral BARBOR (United States of America) said that PRO 14 sought a consensus on updating the language of IHO Resolution Chapter B – CHARTS (TR B1.12), in order to encourage the use of the worldwide web for the dissemination of catalogue information. He agreed with France's suggestion that the word "data" in the proposed new wording should be replaced by "information".

Lieutenant Commander CATAPANG (Philippines) said he expected PRO 14 to meet with universal approval, especially as some Member States, including his own, were already putting the recommendations into practice.

The PRESIDENT said that he took it that the Conference wished to adopt PRO 14.

It was so decided.

PRO 24 - DRAFT STATEMENT BY THE MEMBER STATES OF THE INTERNATIONAL HYDROGRAPHIC ORGANIZATION (IHO) DURING THE WORLD SUMMIT ON SUSTAINABLE DEVELOPMENT (JOHANNESBURG 2002) (CONF.16/G/02 Add.2) (Agenda item 36 bis)

Ingénieur général CAILLIAU (France), supported by Lieutenant Commander TBER (Morocco), said that since the IHO could not be mentioned in the statement by the Intergovernmental Oceanographic Commission of UNESCO at the World Summit on Sustainable Development, it was suggested that the IHO should deliver a formal statement of its own, as a means of publicizing the work of the IHO and possibly tapping new sources of public and private financing. The IHO could be represented either by the Directing Committee or by a Member State. If insufficient time were available at the Conference to set up a drafting group, as suggested in PRO 24, the Directing Committee might be requested to draft a general statement for subsequent circulation to Member States.

Mr. BROWN (United States of America), welcoming the proposal, said that the IHO statement should highlight the importance of hydrography for the environment, making the point that hydrographic data were an essential tool in coastal management and had applications in the planning and approval of development projects, in boundary determination and many other non-traditional areas. In fact it was likely that geographic information system needs would have an impact on the Organization's work in developing the S-57 data standard.

Captain BARRITT (United Kingdom), expressing his delegation's agreement with all that had been said by previous speakers, recalled the point made by Nigeria about the profile of hydrographers among decision-makers. For that reason alone, IHO's participation at the Summit was essential.

Rear Admiral GUY (Director IHB), observing that the Bureau had been aware of the Summit and had intended to seek an opportunity to present IHO's activities, thanked France for its initiative in bringing the matter to the attention of the Conference. The Bureau was in a position to request that it make a presentation; the statement could either be drafted for consideration at the Conference or perhaps, given the shortage of time, circulated immediately after it.

The Summit started, he pointed out, on the day the new Directing Committee took office. Should the latter agree, he could represent the Bureau in Johannesburg on his way back to Cape Town. The Bureau was in a position, he concluded, to provide a statement if delegates so wished.

The PRESIDENT said he took it that there was agreement that a statement should be made at the Summit and that the Bureau was entrusted with drafting a statement to go out to Member States in a Circular Letter for comments; and that the Bureau be authorized to take part in the Summit and make a presentation.

It was so decided.

Proposal 24 was adopted.

PRO 25 - ESTABLISHING AN INTERNATIONAL HYDROGRAPHERS' DAY (CONF.16/G/02 Add.3) (Agenda item 36 ter)

Admiral KOMARITSYN (Russian Federation), introducing the proposal, said that the entire hydrographic community was concerned with problems relating to the improvement of life

worldwide. Other international organizations addressed similar problems and had instituted special days to bring together people involved in the same field. Yet IHO was practically the only comparable organization without its own special day, which fact tended to diminish its visible role. It was therefore being proposed that the Bureau request the United Nations to establish an International Hydrographers' Day, the date of which might be the anniversary of the founding of IHO.

The PRESIDENT commented that he would ask the Bureau to elaborate on the requisite procedure.

Lt. Commander TBER (Morocco), strongly supporting the proposal from the Russian Federation, said that such a day would act as a vector for hydrography and what it is about. If established, it could be celebrated each year in a Member State. That would make it possible to bring together everyone dealing with hydrography to discuss and learn about it. Since many countries had only small hydrographic services, it would help their cause in particular if everyone publicized and took an interest in hydrography on the occasion.

Commodore ABULU (Nigeria), expressing support for the proposal from the Russian Federation, said there was no doubt that the celebration of a special day for hydrography by the United Nations would help to draw more attention from governments and decision-makers to the importance of and need for development of hydrographic services. He suggested that, in connection with the day, hydrography should be linked to sustainable environmental issues. The various regional commissions could then be entrusted with celebrating the day, if approved, in the various countries in rotation for the sake of closer attention to the development of hydrography.

Commander MOURÃO EZEQUIEL (Portugal), expressing full support for the Russian proposal, suggested that, if the date of the special day could not be the anniversary of the founding of IHO, it should be that of the signing of the Convention.

Ms PRESCIUTTINI (Italy) said her country supported the proposal in view of all that had been said about the importance of hydrography. It nevertheless believed that such a celebration should carry some scientific weight, possibly through the publication of studies and specific research findings, so as not to be just a symbolic celebration but a proper vehicle of scientific work and activity.

Dr. EHLERS (Germany) said his country had no objection to the proposal if the Conference thought it an appropriate way of making hydrography more visible. Germany was a little reluctant, however, because many special days were already celebrated, which means that they carry less weight with the public. He drew the Conference's attention in that connection to the fact that for the past 15 years there had been a World Maritime Day and wondered whether hydrographic services used that Day to raise the visibility of hydrography. Germany did, but admittedly not very successfully.

An alternative might be to combine IMO's World Maritime Day with IHO's hydrographic purposes. Germany would nevertheless not object to a separate day.

Mr. ZENONOS (Cyprus) said his country fully supported the Russian proposal. He nevertheless called for terminological clarification since "hydrographer" was a profession and "hydrography" a function in which many professions were involved.

The PRESIDENT said the explanatory note made it clear that the proposal concerned the profession.

The PRESIDENT OF THE DIRECTING COMMITTEE said the Bureau would investigate with the United Nations whether it could celebrate an International Hydrographers' Day, and could then report. The Conference could conclude on the proposal by asking the Bureau to investigate how the United Nations might recognize a Hydrographers' Day.

Mr. O'CONNOR (Canada), supporting the comments from the representative of Cyprus, suggested

that the title “Day for Hydrography” would be more inclusive of such allied activities as marine cartography.

Rear Admiral SRINIVASAN (India), expressing full support of PRO 25, suggested that the day might be called World Hydrographic Day. The date also had to be finalized and, after consultation with the United Nations, the Bureau could circulate the title of the day and the possible date, which he considered should be the anniversary of the entry into force of the Convention.

Mr. NORDSTROM (Sweden), expressing support for the position of Germany, said he thought the best course would be to combine the day with another celebration, such as that of World Maritime Day.

Dr. EHLERS (Germany) remarked that, if a different date from that of World Maritime Day were sought, it would be preferable to take the anniversary of the founding of IHO, making it clear that IHO is one of the oldest international organizations.

Lt. Commander TBER (Morocco) spoke of the need to define the border between IMO and IHO; a joint day would tend to eliminate the division. The Bureau should first ascertain with the United Nations whether instituting such a day was feasible, and then decide on a date. He suggested another possible date would be the anniversary of the first maritime chart in the world.

The PRESIDENT said the core issue was to secure United Nations recognition of the day, which it seemed to be generally thought should be the anniversary of the founding of IHO.

Commander MOURÃO EZEQUIEL (Portugal) said he agreed with the representative of Germany that the best date would be the anniversary of the founding of IHO on 21 June 1921. Should that not be possible, the date of the adoption of the Convention, 3 May 1967, could be used.

Rear Admiral GUY (Director IHB) said that the date would have to be settled by negotiation. In the Bureau’s discussions with the Russian Federation, it had been quite clear that the profession – the middle way between the person and the science – was involved; that is, to include not only the gathering of data, but also its processing. Cartographers would consequently not be excluded.

Ingénieur général DESNOËS (France) observed that the French homonym of hydrography referred also to professions concerned with rivers and other water bodies but not with bathymetry. France had no wish to encroach on the ground of other professions, but it had no objection to PRO 25.

The PRESIDENT, observing that “hydrographic” was part of the title of IHO, said that PRO 25 was entirely appropriate and seemed to enjoy strong support. The Bureau would be asked to apply to the United Nations and seek to base the date on that of the founding of IHO or, if not possible, that of the signing of the Convention.

PRO 25 was adopted.

REPORT OF THE ELIGIBILITY COMMITTEE (CONF.16/E/Rep) (Agenda item 39)

Captain CHUA (Singapore), speaking as Chairman of the Eligibility Committee, detailed its members and said it had met once (15 April 2002) and that its sole task had been to review the eligibility of the ten candidatures for election to the Directing Committee on the basis of the relevant provisions of the General Regulations. Having done so, the Eligibility Committee had formed the opinion that all ten candidates were eligible and it therefore confirmed to the Conference that they are eligible for election of 2002-2007.

The Report of the Eligibility Committee (CONF.16/E/Rep) was adopted.

UNFINISHED BUSINESS (1) (Agenda item 38)

ELECTIONS AND APPOINTMENTS

Chairman and Vice-Chairman of the Strategic Planning Working Group

The PRESIDENT said that under the Terms of Reference for the SPWG adopted at the second Plenary meeting, the Conference was to elect that body's Chairman. Only one candidature had been received - his own. Two names had been put forward for Vice-Chairman, however: Dr. Williams of the United Kingdom and Dr. Nishida of Japan. The Terms of Reference of the SPWG said nothing about whether it was the Conference or the SPWG itself that should elect the Vice-Chairman, and he would like to know the Conference's views on that point.

Vice Admiral VAN AALST (Netherlands), supported by Rear Admiral SRINIVASAN (India) and Rear Admiral AGLIATA (Italy), said he strongly advocated leaving it to the SPWG to elect its own Vice-Chairman.

Captain CHUA (Singapore) suggested that the country that hosted the SPWG's meeting might be invited to put forward a candidate for Vice-Chairman.

The PRESIDENT noted that the next meeting is 20 April 2002 in Monaco, at the IHB.

Rear Admiral BARBOR (United States of America) said the Terms of Reference had been drafted carefully but adopted only recently, and some of their provisions might be found with time to need clarification. Although they did not stipulate that the Vice-Chairman should be elected by the Conference, it would seem reasonable for that to be the case, by analogy with the procedure for election of the Chairman. Most other committees had that symmetry in respect of elections.

Mr. NORDSTROM (Sweden) and Captain BIN ISMAIL (Malaysia) supported those comments by the United States.

Dr. EHLERS (Germany) said he had no strong feelings about the question but perhaps, since there were in fact only two candidates for Vice-Chairman and the SPWG had a heavy workload, both candidates could be elected.

Rear Admiral BARBOR (United States of America), Commodore ABULU (Nigeria), Lt. Commander TBER (Morocco) and Admiral KOMARITSYN (Russian Federation) supported that proposal.

The PRESIDENT, noting that there was support for the German proposal which might help make the work of the SPWG more manageable, said that if he heard no objection, he would take it that the Conference wished to elect himself to the position of Chairman of the SPWG and Dr. Williams and Dr. Nishida to the positions of Vice-Chairman.

It was so decided.

Chairman and Vice-Chairman of the Legal Advisory Committee (LAC)

Rear Admiral GUY (IHB Director), noting that the Chairman of the Committee had fallen seriously ill during the past year and that Mr. Pogson of Australia had taken over as Acting Chairman, said that candidatures for the chairmanship had been invited by Circular Letter 61/2001. By the closing date of 28 February 2002, only one candidature had been received, that of Ms. Webster of the United States, with Mr. Pogson having been proposed as Vice-Chairman.

He wished to announce that they had thus been duly appointed.

OTHER MATTERS

Mr. VELARD (IHB) drew attention to Circular Letter 59/2001 containing proposed modifications to the Staff Regulations on which Member States had been requested to vote before 28 February 2002. The statutory majority not having voted, the IHB Directing Committee urged all delegations to do so before the end of the Conference.

CONF.16/P/SR.8

EIGHTH PLENARY SESSION**18 April 2002****1430-1515**

Rapporteur : Mr. Keith ALEXANDER (United States of America)

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Consideration of the Finance Committee Report (Agenda item 37)

Other Business

CONSIDERATION OF THE FINANCE COMMITTEE REPORT (CONF.16/F/REP, CONF.16/F/02 Rev.1 and CONF.16/F/03 Rev.1) (Agenda item 37)

1. CONSIDERATION OF THE FIVE-YEAR FINANCE REPORT FOR THE PERIOD 1997-2001 (CONF.16/F/01)

Mr. MICHEL (Monaco), Chairman of the Finance Committee, said that document CONF.16/F/REP summarized the proceedings of the meetings of the Finance Committee held on Saturday 13 April 2002.

In the discussion on the first item on the Committee's agenda, the Five-Year Finance Report for the period 1997-2001, several delegations had commented on the level of expenditure devoted to travel; and it had been questioned whether the members of the Directing Committee, in particular, needed to travel as often as they did. The Finance Committee had concluded that the Bureau should achieve the best possible "satisfaction of expectations/costs" ratio, given that Member States had very high expectations; and that consequently the present level of IHB attendance needed to be maintained. It had also been suggested that the Hydrographer in the country of the meeting, or one in a neighbouring country, should be entrusted with the task of speaking for the IHO. Lastly, with regard to participation in conferences, it had been noted that organizing them in Monaco was expensive, and that conferences might be organized

at significantly lower cost in other European countries or elsewhere. Following a brief debate, on a proposal made by the United States delegation, the report had been approved by consensus, and was thus submitted for approval by the Plenary Session.

The PRESIDENT invited comments and questions on the Finance Report for the period 1997-2001 (CONF.16/F/01).

Mr. MANZONE (Monaco), referring to the problem of the cost of conferences held in the Principality of Monaco, said that IH Conferences had always received support from the Monegasque Government; *inter alia*, the XVth Conference enjoyed the use of all conference premises free of charge throughout the period of the Conference. While certain ancillary costs had to be borne by the IHO budget, his Government was ready to increase its ongoing support so as to ensure that Conferences continued to be held in the best possible financial conditions.

The PRESIDENT thanked the Government of Monaco, on behalf of the Conference, for its support.

The Finance Report for the period 1997-2001 was approved.

2. APPOINTMENT OF A NEW AUDITOR

Mr. MICHEL (Monaco), Chairman of the Finance Committee, said that the second item on the Finance Committee's agenda had been the appointment of a new Auditor, following the announcement by the present Auditor, Mr. Pozzi, that he wished to retire. The Directing Committee had sought candidates with the help of the Monaco Institute of Chartered Accountants, and several candidates had been interviewed individually. Having interviewed the candidates, the Directing Committee had chosen the Office of Mr. Frank Morel, a registered Chartered Accountant who worked in collaboration with Miss Pascale Taramazzo. The Finance Committee recommended that that choice be endorsed.

The PRESIDENT invited the Conference to approve the choice of Mr. Frank Morel's Office as the next Auditor.

It was so decided.

3. CONSIDERATION OF A SUBMISSION MADE BY THE CATEGORY A STAFF (CONF.16/F/02 Add.2)

Mr. MICHEL (Monaco), Chairman of the Finance Committee, said that the document submitted had been based on the Category A staff's observation that the Five-Year Budget did not include any provision for the alignment of their salary with that of their counterparts in the United Nations, as had been decided by the XIVth Conference in 1992. Following a full debate, the view had emerged that it was desirable that IHB should continue to attract the best international competencies available. Several delegations had stressed the need to achieve that alignment without a financial impact, either by increasing income through sponsors, or by reducing other costs, or by reducing the number of staff. One representative had pointed out that that situation constituted a precedent inasmuch as a decision of the 1992 Conference had not been implemented, since the XVth Conference in 1997 had deemed the gap between the salaries of United Nations staff and their IHB counterparts to be too small to justify an alignment. Lastly, unanimous concern had been expressed that the Organization's costs should continue to be kept within a strict frame, bearing in mind that staff costs accounted for more than 80% of the budget.

The Finance Committee had decided to recommend to the Conference that the question be examined by a working group.

Rear Admiral GUY (Director IHB) said that IHB had already identified the additional costs entailed in the event of Category A staff salaries being aligned with the United Nations scale. The analysis would be extended to Category B and C staff as soon as possible. Thereafter the main consideration would be how an increase could be implemented within the framework of the existing budgets; a phased introduction of the scales was one possible solution.

The PRESIDENT drew the Conference's attention to Decision No. 54 of the XIVth Conference and Decision No. 52 of the XVth Conference. The proposal was that the Finance Committee establish a working group to examine the situation of all the salaries of all the categories of personnel, including the Directors; if necessary, make proposals for any adjustments considered necessary; quantify the financial impact of those adjustments on IHO expenditure; and submit its conclusions to the Member States within nine months at the most.

The proposals were adopted.

4. CONSIDERATION OF THE IHO FIVE-YEAR BUDGET, 2003-2007 (CONF.16/F/02 and CONF.16/F/02-US)

Mr. MICHEL (Monaco), Chairman of the Finance Committee, said that the Directing Committee had prepared a budget based on zero real growth, considering that it would not be realistic to opt for a zero nominal growth budget which, in the long term, would only prejudice the smooth running of the Bureau and of the Organization. It was useful to recall that more than 80% of the budget represented salary costs, which were adjusted in accordance with the cost-of-living index.

Among the various comments made on the proposal, strong opposition had been expressed by the United States delegation, which wished the actual number of shares of all the IHO Member States, including Mexico which had recently joined the Organization, to be taken into account and possible Member State suspensions to be disregarded; the level of the operating fund of the Organization to be reduced to cover a month's activities; and expenditure on computer equipment and International Conference funds to progress by only 1.7% per annum. The Directing Committee had agreed that the United States counter-proposal should be formalized and submitted for examination by the Committee. The counter-proposal had been rejected in a first vote.

Germany, considering that it was necessary to plan more frequent Conferences, had also submitted a proposal to retain the draft budget produced by the IHB, while modifying the increase in the unit value of the share as follows: no increase in 2003 and 2004, and a limited increase in the following three years. That proposal had been put to the vote and approved by more than two-thirds of the delegations present, and it was consequently submitted to the Plenary Session of the Conference for approval.

It could be seen from document CONF.16/F/02 Rev.1 that no rate of increase in the share value was foreseen for 2003 and 2004; and that the maximum increases for 2005, 2006 and 2007 were 2.50%, 2.90% and 3.00% respectively. The number of shares had been revised upwards to take account of the accession not only of Mexico but also of Slovenia, and took account of Member States currently suspended but not of Member States likely to be suspended. As to Conferences, it could be seen from page 3 of the document that the amount allocated for one Conference of ten working days was €282,031, and that the amount necessary for two Conferences totalling 14 working days would be €437,148. A difference in finance of €155,117 would thus have to be found. It could be seen from page 4 of the document that the budget estimates for 2003-2007 showed a slight surplus, which had been transferred in part to the working capital fund, and in part to the Conferences fund on the assumption that there would henceforth be two Conferences totalling 14 days. The difference required to cover the cost of a second Conference was thus covered.

The PRESIDENT said that the proposal contained in document CONF.16/F/REP was thus slightly modified, so as to increase the number of shares to take account of the accession of Mexico and Slovenia; to allow for a quantified increase in the unit share value in 2005, 2006 and 2007; and to cover the cost of holding an additional Conference.

Ms. WYNES (United States of America) said that while her country strongly supported the mission set forth in the IHO Programme, as a matter of policy it continued to advocate strict budget discipline for international organizations. While it believed that IHO had exercised budget restraint and appreciated the changes made, it could not support the budget. Its comments on the issue were well reflected in the summary records of the Finance Committee meetings held on Saturday 13 April 2002. In closing, the United States encouraged IHO to further develop appropriate, objective, measurable performance indicators for incorporation into a results-based budget which would allow IHO adequately to assess its performance in meeting its goals and objectives.

Captain BARRITT (United Kingdom) asked whether the costs of the work of the SPWG had been taken into account in the reworking of the budget.

The PRESIDENT OF THE DIRECTING COMMITTEE said that no supplementary costs had been budgeted to cover the SPWG. Over the past quinquennium the cost of SPWG had been absorbed in the budget. IHB hoped that the SPWG would continue to meet in Monaco.

Vice Admiral VAN AALST (Netherlands) asked whether any indication could be given of the likely impact of an alignment of IHB and United Nations salaries in the coming years. Were any serious budget problems foreseen in that regard?

Rear Admiral GUY (Director IHB) said that the incoming Directing Committee would have to work within the framework of the approved budget for the foreseeable future. The impact of an across-the-board increase in IHB salaries was not yet known. In due course IHB would report to Member States on the quantified costs of implementing the 1992 decision, should they wish to implement it.

The PRESIDENT pointed out that detailed information on the cost of implementing the proposal would be available once the working group had submitted its conclusions, and in any case within nine months at the most.

Rear Admiral SRINIVASAN (India) asked whether any relief measure for staff could be considered in the interim period pending finalization of the recommendations.

The PRESIDENT OF THE DIRECTING COMMITTEE said that item 3 of the Finance Committee report set out what was to be done. The separate question of when it was to be done could be addressed, if appropriate, once the study had been submitted, and perhaps in the next quinquennium.

The IHO Five-Year Budget, 2003-2007, was approved, with note taken of the comment by the United States of America.

It was so decided.

5. IHO BUDGET FOR 2003 (CONF.16/F/03 Rev.1)

Mr. MICHEL (Monaco), Chairman of the Finance Committee, asked the Conference to include consideration of the detailed IHO Budget for 2003 (CONF.16/F/03 Rev.1) in its consideration today of the Finance Committee Report. He stated that this should be a non-confrontational issue as the total budget for 2003 had already been approved as part of the Five-Year Budget of the IHO earlier during this Plenary Session.

The PRESIDENT invited the Conference to approve in detail the IHO budget for 2003 (CONF.16/F/03 Rev.1), which remained within the limits set forth in document CONF.16/F/02 Rev.1, concerning the Five-Year Budget of the IHO.

The budget for 2003 was approved.

The Finance Committee report as a whole, as amended, was approved.

OTHER BUSINESS

Statement by Vice Admiral Torres Sobral (Portugal)

Vice Admiral TORRES SOBRAL (Portugal) said that since he would shortly be leaving his post as Director of the Hydrographic Institute of Portugal, and a very rewarding 30-year career in hydrography, he was sad to say that this was the last time he would be attending an International Hydrographic Conference. The support of the international hydrographic community had always been a decisive factor in the development of hydrography not only in Portugal but also in the world at large. The main challenge the IHO faced in pursuing its key objectives, which were technical, was that of technological progress. That should gradually provide for global coverage of electronic charts. Also, the harmonization of IHO Basic Documents and the new institutional design of the Bureau were essential prerequisites for improving the IHO's performance. It was to be hoped as well that the SPWG, with its new Terms of Reference, would be able to enhance technical standardization. The exchange of experience between hydrographic services and the continuing support of the Bureau would ensure the IHO's enduring success as well as safer oceans.

CONF.16/P/SR.9

NINTH PLENARY SESSION

19 April 2002

0910-1240

Rapporteur : Mr. Mark HAMBREY (IHB)

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Election of the Directing Committee 2002-2007 (Agenda item 40)

ELECTION OF THE DIRECTING COMMITTEE 2002-2007 (CONF.16/E/01) (Agenda item 40)

The PRESIDENT explained the procedure to be followed for the election of the Directing Committee, which was based on the relevant provisions of the Convention, the General Regulations and the Rules of Procedure. The election would be held by secret ballot and all delegates who were not entitled to vote, and observers, should leave the hall. He intended to hold the three ballots for Directors, and the ballot for President, in closed session and would then reopen the session in order to inform the Conference of the names of those who had been elected. A roll-call would be taken during which each delegation would be informed of the number of votes to which it was entitled, based on the Table of Tonnages, Shares and Votes.

A roll-call was taken and the PRESIDENT announced that the total number of votes to be cast was 261, distributed as follows: Algeria (4), Argentina (4), Australia (5), Bahrain (3), Bangladesh (3), Belgium (3), Brazil (5), Canada (5), Chile (4), China (6), Colombia (2), Croatia (4), Cuba (3), Cyprus (6), Democratic People’s Republic of Korea (4), Denmark (5), Ecuador (3), Egypt (4), Estonia (3), Fiji (2), Finland (4), France (5), Germany (5), Greece (6), Iceland (3), India (5), Indonesia (5), Islamic Republic of Iran (5), Italy (6), Japan (6), Malaysia (5), Mexico (4), Monaco (2), Morocco (3), Mozambique (2), Netherlands (5), New Zealand (3), Nigeria (3), Norway (6), Oman (2), Pakistan (3), Peru (3), Philippines (5), Poland (4), Portugal (4), Republic of Korea (5), Russian Federation (6), Singapore (6), Slovenia (2), South Africa (4), Spain (4), Sri Lanka (3), Sweden (5), Thailand (5), Tonga (2), Tunisia (3), Turkey (5), United Arab Emirates (4), United Kingdom (6), United States of America (6), Ukraine (5), Uruguay (2), Venezuela (4), Yugoslavia (2).

The PRESIDENT requested all delegates other than heads of delegation and observers to withdraw.

Those persons withdrew.

A first vote was taken by secret ballot.

The result of the vote was as follows:

Number of ballot papers:	261
Number of valid ballots:	258
Number of invalid ballots:	3
Total number of votes recorded:	258

Number of votes received by each candidate:

Colonel Slimane HERDA (Algeria)	11 votes
Commander Robert WARD (Australia)	33 votes
Mr. Anthony O’CONNOR (Canada)	18 votes
Captain Hugo GORZIGLIA (Chile)	48 votes
Ingénieur général Etienne CAILLIAU (France)	8 votes
Rear Admiral Alexandros MARATOS (Greece)	84 votes
Rear Admiral K.R. SRINIVASAN (India)	19 votes
Vice Admiral (Ret.) Joost L.A. van AALST (Netherlands)	5 votes
Commodore Joseph O. ABULU (Nigeria)	2 votes
Rear Admiral (Ret.) Kenneth BARBOR (United States of America)	30 votes

Rear Admiral Alexandros MARATOS (Greece) was therefore elected a member of the new Directing Committee.

A second vote was taken by secret ballot.

The result of the vote was as follows:

Number of ballot papers:	261
Number of valid ballots:	251
Number of invalid ballots:	10
Total number of votes recorded:	251

Number of votes received by each candidate:

Colonel Slimane HERDA (Algeria)	17 votes
Commander Robert WARD (Australia)	45 votes
Mr. Anthony O'CONNOR (Canada)	12 votes
Captain Hugo GORZIGLIA (Chile)	85 votes
Ingénieur général Etienne CAILLIAU (France)	5 votes
Rear Admiral K.R. SRINIVASAN (India)	32 votes
Vice Admiral (Ret.) Joost L.A. VAN AALST (Netherlands)	0 vote
Commodore Joseph O. ABULU (Nigeria)	4 votes
Rear Admiral (Ret.) Kenneth BARBOR (United States of America)	51 votes

Captain Hugo GORZIGLIA (Chile) was therefore elected a member of the new Directing Committee.

A third vote was taken by secret ballot.

The result of the vote was as follows:

Number of ballot papers:	261
Number of valid ballots:	257
Number of invalid ballots:	4
Total number of votes recorded:	257

Number of votes received by each candidate:

Colonel Slimane HERDA (Algeria)	16 votes
Commander Robert WARD (Australia)	86 votes
Mr. Anthony O'CONNOR (Canada)	6 votes
Ingénieur général Etienne CAILLIAU (France)	5 votes
Rear Admiral K.R. SRINIVASAN (India)	34 votes
Vice Admiral (Ret.) Joost L.A. VAN AALST (Netherlands)	1 vote
Commodore Joseph O. ABULU (Nigeria)	3 votes
Rear Admiral (Ret.) Kenneth BARBOR (United States of America)	106 votes

Rear Admiral (Ret.) Kenneth BARBOR (United States of America) was therefore elected a member of the new Directing Committee.

The PRESIDENT invited the heads of delegation to elect the President of the new Directing Committee.

A vote to elect the President of the Directing Committee was taken by secret ballot.

The result of the vote was as follows:

Number of ballot papers	257
Number of valid ballots:	257
Total number of votes recorded:	257

Number of votes received by each candidate:

Captain Hugo GORZIGLIA	(Chile)	64 votes
Rear Admiral Alexandros MARATOS	(Greece)	122 votes
Rear Admiral (Ret.) Kenneth BARBOR	(USA)	71 votes

Rear Admiral Alexandros MARATOS was therefore elected President of the new Directing Committee.

Delegates and observers resumed their seats in the Hall.

The PRESIDENT announced the composition of the new Directing Committee, offered the Conference's congratulations to the new team and wished it every success in its work. He invited the newly elected Directors to take up their duties on 1 September 2002.

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TENTH PLENARY SESSION	19 April 2002	1415-1455

Rapporteur : Mr. Richard MACDOUGALL (Canada)

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The PRESIDENT invited the newly-elected members of the Directing Committee of the IHB to come to the podium.

The newly-elected members of the Directing Committee took their seats on the podium.

DATE OF THE NEXT CONFERENCE (Agenda item 42)

Rear Admiral GUY (Director IHB) explained that the proposed dates of the next Conference were between 2 and 13 May 2007, the exact dates to be determined nearer the time, depending on availability of facilities and the results of the work of the SPWG, and Member States would be notified.

The PRESIDENT accordingly proposed that the XVIIth International Hydrographic Conference should be held between 2 and 13 May 2007.

It was so agreed.

SEATING ORDER AT THE NEXT CONFERENCE (Agenda item 43)

The letter “S” was drawn, and the PRESIDENT noted that Singapore would be the first in the seating order in 2007.

ANY OTHER BUSINESS (Agenda item 44)

Presentation of Prize for Chart Exhibition

Rear Admiral GUY (Director IHB) said that the Chart Exhibition, which was now a customary part of International Hydrographic Conferences, had been evaluated by a panel of judges according to criteria relating to general presentation, innovativeness, thematic presentation and the catalogue entry appearing in the Conference documents. Three winners had initially emerged, the large displays of the United Kingdom; and the United States of America and Italian exhibits, but, as it was felt that the former two countries were perhaps particularly well placed to stage impressive exhibits, it had been decided to award the Prize to Italy for its three-panel display, which met all the criteria.

The PRESIDENT OF THE DIRECTING COMMITTEE presented the award to the Head of the Italian Delegation.

Presentation of the Commodore Cooper Medal 2000

The PRESIDENT OF THE DIRECTING COMMITTEE announced that the medal was being awarded to Captain Hugo Gorziglia, Chile for the outstanding article he had written on the management of a modern hydrographic service.

The Commodore Cooper Medal was awarded to Captain Hugo Gorziglia.

RESOLUTION EXPRESSING GRATITUDE TO THE HOST COUNTRY

The PRESIDENT said he took it that the Conference wished to adopt the proposal requesting the delegation of Monaco to convey to H.S.H. Prince Rainier III and the Government of the Principality of Monaco the sincere gratitude of the Conference for the generous support provided to the Organization in so many ways.

The Resolution was adopted by acclamation.

STATEMENTS BY OUTGOING AND INCOMING DIRECTORS

The PRESIDENT OF THE DIRECTING COMMITTEE expressed his gratitude for having had the opportunity to serve the Organization for five years as a Director and a further five years as President of the Directing Committee. He said that the main task facing the Organization and towards which everyone's energies must be directed was that of enhancing technical co-operation and strategic objectives. In that respect, he particularly thanked the countries of Africa for attending the Conference since the African region was the one in greatest need of good hydrographic services. It had been especially gratifying that an African country, Nigeria, had put forward a candidate for Director.

Rear Admiral GUY (Director IHB), thanking the staff of the Bureau for their support over the past five years, as well as Admiral Angrisano and also Commodore Leech for the time he was with the Bureau, said that many did not appreciate the amount of work handled by the Bureau. He also thanked all from around the world who had made it easier for himself and Mrs. Guy. He observed that an enormous number of tasks had been given to the SPWG, and unless Member States were positive, creative and forward-looking in their approach to its results, its work would be wasted. It was time for Member States to become participants and not merely observers. If the Organization was to maintain its credibility in the international maritime community it had to examine very carefully the way it managed its business and streamline the manner in which it made decisions.

Rear Admiral MARATOS (Greece) said there were no winners and losers today, it was time to turn the page and for each to focus on continuing the work of IHO from our different posts. He noted there was a great deal of important work to be done, and it could not wait. The SPWG would be beginning its work the next day. He pledged that the new Directing Committee, of which he had been elected President, would do its very best to serve the Organization and the Member States.

Rear Admiral BARBOR (United States of America) said that the new Directing Committee was aware of the tasks ahead, appreciated the trust and opportunity placed in them and was ready to work hard with all Member States to ensure that the Organization flourished in the new millennium.

Captain GORZIGLIA (Chile) thanked the Conference for entrusting him the responsibility to be part of the Directing Committee team and took the opportunity to remind the audience that the Organization would flourish only if its Member States really made contributions to accomplish the agreed tasks, with a cooperative and collaborative spirit.

CLOSURE OF THE CONFERENCE

The PRESIDENT OF THE DIRECTING COMMITTEE congratulated the President of the Conference on the efficient and good-natured way in which he had chaired its proceedings, and presented him with a ceremonial gavel.

Applause.

The PRESIDENT said that the Conference had been successful in dealing with a very heavy programme, and had achieved a good deal thanks to the positive and constructive approach of all delegations. There were many important matters upon which the Organization must focus in the future, notably capacity-building, the need to develop the focus on ENC coverage and to increase co-operation with industry on harmonizing standards. Such tasks had to be performed to the satisfaction of the user community. The SPWG had been entrusted with important work, and he was honoured to have been given the opportunity to guide it.

He thanked the Directing Committee and Bureau staff, as well as the interpreters, précis writers, translators and Conference organizers. He also thanked the Vice-President of the Conference, the Committee Chairmen and Vice-Chairmen, the chairmen of the drafting groups and the Rapporteurs.

He proposed a vote of thanks to the outgoing Directors, Rear Admiral Angrisano and Rear Admiral Guy.

Applause.

The PRESIDENT declared the XVIth International Hydrographic Conference closed.
