

**Meso American & Caribbean Sea Hydrographic Commission (MACHC)**  
*9<sup>th</sup> Meeting, Niterói, Brazil, October 9<sup>th</sup> – 10<sup>th</sup>, 2008*

**Report of Work Group on Council Representation**

Presented by: Capt. (Ret. - Brazil) Wesley W. Cavalheiro

Reference: Action List number 4 of the 8<sup>th</sup> Meeting held at Niterói, Brazil, in 2008.

**1. Introduction**

At the MACHC Meeting hold in 2006 (Acapulco, Mexico), Brazil and Mexico proposed the discussion about MACHC representation at the future IHO Council. At this opportunity it was presented an alternative model to the current criteria of Hydrographic Interest for the fulfillment of 1/3 of the Council seats. At that opportunity the decision was to postpone the discussion to the next meeting. Meanwhile, participants would study the paper and present their comments.

At the 9<sup>th</sup> MACHC Meeting (Rio de Janeiro, Brazil, 2007) the subject arose and it was decided to establish a Work Group composed by representatives from Cuba, Brazil (Chair), Mexico, Netherlands, and United States to study it, taking as starting point the paper in Annex A.

**2. Developed work**

Just after the 9<sup>th</sup> MACHC Meeting it was accorded by the Work Group the following schedule:

- until FEB 15th - comments, discussions, and alternatives on the submitted paper
- until MAR 15th - a draft conclusion
- until APR 15th - review of the conclusion by the WG
- until APR 30th (from now) - comments and discussions about hydrographic interest
- until MAY 30th - a draft conclusion
- until JUN 30th - review of the conclusion by the WG
- until JUN 30th - review of the draft report to MACHC
- until JUL 15th - submission of the draft report to MACHC Chairman / Secretariat.

While the group has been considering the mechanisms to select the MACHC Representative to the IHO Council, we have received no further comments, other than those presented at the 8<sup>th</sup> MACHC Conference in Brazil, except a paper from Nederland, produced by the Finnish Hydrographic Service, containing a simulation on some possible Hydrographic Interest parameters. This study was evaluated by SPWG (7<sup>th</sup> Meeting, Mexico, Dec 7<sup>th</sup> 2005) and concludes on tonnage being the more acceptable parameter. Thus, the WG considered that this topic is perhaps premature, and that Members may wish to wait for the Convention amendments to be ratified and perhaps to have more clarified reference data.

Nevertheless, some thought has been dedicated as to how this may be incorporated into the Statutes. Incorporating the selection mechanism into the Statutes is, of course, one means to accomplish this task. However, since further clarification may still be forthcoming, the easiest and simplest approach to address this, would be to insert a new short paragraph, potentially under Article 3, OF THE AIMS (of the MACHC), under paragraph b), stating simply:

*"To identify the MACHC Representative(s) to the IHO Council, as outlined in the guidance provided in Annex B to the Statutes"*

In order to provide some idea of what this Annex might look like, the materials which have already been developed by Brazil and USA (NOAA) and is provided on the MACHC website were considered. Using these materials, the attached proposed Annex B has been developed as a starting point. This approach allows work on the guidelines to continue, as further clarifications are made clear and the ratification of the Convention amendments moves towards approval. Perhaps more importantly, this also allows future modification of the selection guidelines at a later date if needed, without having to revise and approve the Statutes.

**3. Conclusions and Recommended Actions**

MACHC is invited to take note of this information paper and approve the proposed Statutes amendment text.

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## Annex A

### IHO Council MACHC Representation

**Presented by: Capt. (Ret. - Brazil) Wesley Cavalheiro**

**References: a) SPWG Report approved by the 3<sup>rd</sup> EIHC.  
b) IHO General Regulations approved at the XVIIth IHC.**

#### 1. PREAMBLE

The 3<sup>rd</sup> Extraordinary International Hydrographic Conference decided to make some changes to the IHO structure where the Regional Hydrographic Commissions will play a key role with a specific representation in the future Council and some of its Committees and Work Groups (Reference a), such as the Strategic Planning Work Group.

#### The Council.

The XVIIth International Hydrographic Conference held on May 2007 approved some new General Regulations (GR), Reference b, – Decision number 3: “The Conference approved the text of the “IHO General Regulations” with the amendments proposed by Germany and France. The implementation of these Regulations will be subject to the enforcement of the amendments to the IHO Convention”) –, which will simultaneously enforce the amendments to the IHO Convention, approved by the 3<sup>rd</sup> EIHC in 2005.

This Basic Document, Article 17 reads:

The Council shall be composed of Member States. Its composition shall be determined in accordance with the following principles.

- (a) No Member State may hold more than one Council seat;
- (b) Two-thirds of Council seats shall be held by Member States selected by the RHCs. Each RHC shall be entitled to select at least one Member State, subject to the following:
  - (i) a Member State may only apply to be selected by a RHC of which it is a full member;
  - (ii) a Member State may only apply to be selected by one RHC;
  - (iii) a Member State must apply to the RHC for selection, copying its application to the Secretary-General, at least six months before an ordinary session of the Assembly;
  - (iv) the number of seats allocated to each RHC shall be calculated by the Secretary-General based on the principle of a proportional representation in order to arrive at the required two thirds of Council seats provided for in this sub-paragraph (b);
  - (v) for the purpose of deciding how many Council seats are allocated to a RHC, no Member State applying for selection shall be considered a member of any RHC other than the one to which it has applied for selection;
  - (vi) three months before the ordinary session of the Assembly, the Secretary-General shall inform all Member States of the number of seats allocated to each RHC and those Member States eligible for selection by each RHC; and
  - (vii) each RHC shall declare to the Secretary-General, before the last day of each ordinary session of the Assembly, the Member States it has selected to take seats on the Council from among those eligible for selection.
- (c) The remaining one-third of Council seats shall be held by Member States that have the greatest interest in hydrographic matters and have not been selected under the procedure described in sub-paragraph (b) above. The definition of what constitutes an interest in hydrographic matters shall be reconsidered at the latest at the second Assembly meeting. Meanwhile, the scale by which an interest in hydrographic matters is measured shall be national flag tonnage. The table of national flag tonnages is derived in accordance with the procedures set forth in Articles 5 and 6 of the Financial Regulations. The Secretary-General shall determine which Member States will hold this one third of Council seats by identifying

them in descending order of their national flag tonnages, referring to the table of current national flag tonnages produced in accordance with Article 6(a) of the Financial Regulations, and by having ascertained the willingness of each of them to hold a seat on the Council.

(d) Before the end of the ordinary session the Secretary-General shall submit the full list of Council members to the Assembly.

(e) The Assembly shall review and endorse the selection process to ensure that these principles have been correctly followed.

(f) In the event that a Member State holding a seat on the Council should be denied voting rights and benefits in accordance with Article XV of the Convention, that Member State shall immediately forfeit its seat and the Secretary-General shall initiate the appropriate procedure to replace it in accordance with this Article 17.

As specified in the GR, the Council seats will be occupied according to two basic principles: RHC representatives and Hydrographic Interest (HI).

As for Hydrographic Interest, Mexico and Brazil had proposed alternatives to today's concept of tonnage at SPWG meetings. But no consensus was achieved, mainly because countries which preferred tonnage were majority.

As we may see, it is not clear how many representatives MACHC will have in the Council. However, it will be more than one, whether it be by RHC quote or by HI.

## **2. REQUESTED ACTION**

Although nobody can be sure of when the amendments to the Convention and the new General Regulations will enter into force, it does not seem to be a good approach to forsake the prevention of some situations. So the Commission has been requested to evaluate the following possibilities:

### **a) MACHC representation**

- MACHC representation will be initially made on a voluntary basis;
- The Voluntary Member States will keep the commitment to attend all the Council meetings;
- In case there are a larger number of voluntary Member States than the number of seats allocated for the Commission, the Commission Full State Members will choose the representatives by vote. If there is sufficient time, the voting will be held during the meetings of the Commission. Otherwise, by correspondence;
- The mandate of the representation will be of three years;
- In case of one or mores representatives ask to be substituted, the Chairman will communicate the fact to Member States and ask for nominations; and
- The Chairman / Secretariat will seek for a consensus among the MACHC Member States consensus for each Agenda item prior to the meeting, by electronic correspondence, and send the MACHC decision to the representatives.

### **b) Other MACHC Members participation**

All IHO Member States may participate in the Council meetings, although those which are not Members cannot vote.

Nevertheless, MACHC may officially enlarge its representation by having Council Members choose by HI. In this case, the definition of HI must be changed. The Commission is requested to evaluate the proposal in Annex.

### **c) Communication among MACHC Members**

Communication matters may be considered a present critical point for MACHC, when a quickly exchange of information is the basis of any organization. Out of date contact points and discontinuity of subjects are common.

To be effective, communication among Members States must have the MACHC website as a focal point, which must have a continuous updated contact list and a Forum Section.

A Member State and an Observer should be in charge of updating the contact list. Most communication problems occur due to failures to update data, mainly the personal e-mail of the Person of Contact (PoC). In order to facilitate the updating of information, the web master is requested to to make an on line form available.

The Forum Section will be useful in order to maintain an open register and discussion about the ongoing subjects of the Commission.

Each subject would have a person in charge of coordinating the discussion and the steps to be taken. In the case of the Council agenda items, they would be divided among the Representatives, who would nominate the coordinator.

### **3. PROPOSAL**

This Commission is requested to establish a Work Group with the following Terms of Reference and Rules of Procedure:

#### Terms of Reference

The Working Group in the IHO Representation shall:

- a) Evaluate the paper MACHC.8-BR05 in the light of the Article 17 of the IHO General Regulation approved by the XVIIth IHC.
- b) Identify actions that MACHC should take to participate efficiently in the IHO Council and subsidiary organs.
- c) Propose the appropriate Administrative Resolutions that should reflect the MACHC's policy with regard to IHO strategic and administrative matters.
- d) Submit a Report to the MACHC members through the Secretariat by 15 July 2008.

#### Rules of Procedure

1. The Working Group for the IHO Representation must be composed of Member States' representatives that have expressed their willingness to participate in it.
2. The Chairman, Vice Chairman, and Secretary must elected by the WG from its membership by correspondence.
3. The WG will normally and preferably work by correspondence. If necessary, formal WG meetings may be set.
4. Decisions should generally be made by consensus. If votes are required, decisions will be taken by simple majority of Members of the WG.

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**Annex** (to VIIIth MACHC proposal)

**DETERMINATION OF HYDROGRAPHIC INTERESTS BASED ON A DEFINITION  
AND THREE SIMPLE PARAMETERS**

**The Meso-American and Caribbean Sea Hydrographic Commission is requested to approve a proposal of an amended text of Article 17 paragraph c of the General Regulations with respect to the 1/3 of the Council that have to be selected based on “Hydrographic Interests”**

**EXPLANATORY NOTE**

One of the most polemic issues discussed by the SPWG was the “Hydrographic Interests”. And one of the tasks of the SPWG during the 3<sup>rd</sup>. EIHC last year in Monaco was to analyze the concept of “Hydrographic Interests” and to report it to the 17<sup>th</sup>. IHC the following year.

In the SPWG7 celebrated in Mexico City in December 2005 we had several discussions over this concept. The Finland Delegate, Juha Korhonen, representing the Baltic Sea and the Nordic Hydrographic Commissions made a brilliant presentation comparing some parameters with the tonnage and it was clear that unless we can get consensus with respect to the parameters that define “Hydrographic Interests”, any effort in this matter would be useless. During the past few months some distinguish delegates from SPWG Member States have presented their worries and reasoning to consider other parameters and not leave the “tonnage” concept as the only criterion to determine hydrographic interests.

It is true that “Hydrographic Interests” will only be used to determine 1/3 of the members of the Council; it is also true that this one third will be the group confirming the permanent members, because the other 2/3 will have a temporal character. It is for this reason that Mexico and Brazil think that it is our responsibility to consider the best criteria possible to determine the most equitable way the countries which have true hydrographic interests and that these aspects should be considered for the benefit of the Organization and then to the World’s Hydrography.

Now we bring up to your consideration our position with respect to the “Hydrographic Interests”, our reasoning and proposal:

We consider that the “tonnage” concept should be taken into account but it should not be the only parameter to determine what countries have the most legitimate “hydrographic interests”.

It is clear to us that all Member States of the IHO have hydrographic interest; otherwise they wouldn’t be member states. Although, within the Organization there are some MS that could give support and some others that require support and advice to help them in their hydrographic development.

In this sense, some Member States have suggested certain parameters that could be considered, such as the EEZ, length of shoreline and some others that can be polemic in certain areas of the World or difficult to measure in best cases.

We think that the first step is to define “Hydrographic Interests”. We also believe that the definition should contain three basic parameters easily measurable and easy to identify from official IHO publications:

Level of training through availability of category A and/or category B hydrographic training programs.

Hydrographic Infrastructure based on the number of hydrographic vessels of at least 500 tons  
Potential users of the national waters.

So, based on a definition framework we could establish those parameters that could measure appropriately the level of Hydrographic Interests for each MS, and that definition should be included in Article 17 paragraph c of the General Regulations as follows:

*“The remaining one-third of the Council seats shall be held by Member States that have the greatest interest in hydrographic matters and have not been selected under the procedure described in sub-paragraph b) above. The definition of what constitutes an interest in hydrographic matters shall be those characteristics of a Country that shows its capabilities in conducting hydrographic surveys, producing nautical charts in different formats and the potential amount of users of its national waters, and will be calculated as defined in Technical Resolution T\_.”*

#### ***Tx.x CALCULATION OF HYDROGRAPHIC INTEREST GRADE***

*1.- The General Regulation, Article 17, sub-paragraph c), provides that 1/3 of the Council seats will be held by Member States that have the greatest interest in hydrographic matters, and have not been selected under the procedure described in Article 17 sub-paragraph a) and b.*

*2. – The ranking of the hydrographic interests will be calculated based on the proposed definition above, which could be measured and quantified in an easier way without controversies, assigning the measurable numerical values described below.*

*3. – Percentage of coverage of Paper Nautical Charts with respect to the Nautical Cartography National Plan of its jurisdictional waters (1:100 000 scale and larger): It wouldn't be fair that we count absolute values for the number of charts per Member State, some countries have larger coast lines than others and so. But any MS with hydrographic interest should have a well defined National Plan for Nautical Cartography of its jurisdictional waters, the updated percentage of coverage with respect to that Plan is also an indicator of interest because it shows that the MS has the proper hydrographic information that allows safe navigation through its national waters. Where CC will be the percentage of Paper Chart Coverage parameter.*

*4. – Percentage of ENC's with respect to the Paper Chart Scheme: Just like the above mentioned point, a MS with ENC production capacity shows one more hydrographic interest and has the possibility to contribute with its data according to the WEND principles and give some advice to other MS and to assist in the development of their own ENC production. Here ENC will be the percentage of ENC coverage related to its defined National Plan for Nautical Cartography of its jurisdictional waters.*

*5. – Hydrographic Infrastructure: Any MS with a hydrographic interest carries out surveys, and must have some kind of collecting platforms to get the data. Again, as established before, some coastal states with large coastal areas would need more survey platforms than other states with shorter shorelines. It would be fair if we*

*considered the absolute value of the number of survey platforms of any size. In this matter, we must establish a criterion to proportionally count the number of survey vessels as a foundation of hydrographic infrastructure. First we propose to count vessels of 500 tons and more; second we have to establish a relationship between the number of survey platforms and the number of charts produced by the MS, then*

$$HInf = Ch/SP$$

Where

HInf: Hydrographic Infrastructure.

Ch: Number of Nautical Charts produced.

SP: Number of Survey Platforms.

*6. – Potential users of national waters: We recognize that tonnage shouldn't be left outside the equation, because it represents the amount of national users or potential users of hydrographic products of an MS and it is also directly related to its annual contribution to the Organization. In this way, here we also have to establish a quantitative criterion to determine the specific weight of this hydrographic interest of each MS. The more equitable way of doing this is taking the MS with the largest annual contribution to the IHO and consider it as 100% and from here determine the percentage of the rest*

$$T = (C*100/MC)$$

Where

T: Tonnage parameter.

C: MS Contribution.

MC: Maximum Contribution by a MS.

*7. – Finally, by adding these four parameters, we will obtain a quantifiable value to determine the hydrographic interests of each MS in a more equitable way:*

$$HI = CC + ENC + HInf + T$$

Where HI= Hydrographic Interests.

*8. – The above parameters will be taken from the S-5 and P-5 publication. The Member State with maximum points will be considered the one with the highest hydrographic interests.*

We hope that these proposals can contribute in a positive way to the discussion and to establish this very important 1/3 of the IHO Council.

We may end up having almost the same top ten countries with these criteria. But at least, it will show a better and more equitable way of establishing hydrographic interests and not the simplest and unfair decision of only tonnage.

## Annex B

### The Selection of MACHC Representative(s) to the IHO Council Council Selection Guidelines

The duties of MACHC Representatives to the IHO Council are an important responsibility, as it is one of the primary means of communication and involvement by the MACHC in IHO matters. Thus, it is important that the MACHC be served by knowledgeable, willing and capable representatives to the IHO Council. The following provides guidelines and procedures for selecting the MACHC Representatives on the IHO Council.

Fundamental assumptions are:

1. The MACHC will be allotted two representatives for the Council (although this number could increase or even decrease for which adjustments may be required),
2. All MACHC representatives to the Council will serve a 3-year term (to coincide with the newly structured 3-year IHO Assemblies), *[This is a commitment representatives and their sponsoring Member States must be willing to support, both in time required and financial expenses]*
3. The MACHC will meet at minimum once during the 3-year period between IHO Assemblies (to address MACHC representation on the IHO Council),
4. The MACHC Council representative must be from a Member State with full Member status in MACHC,
5. The MACHC will be informed as to the number of Council seats allocated 3 months prior to the Assembly, and
6. The MACHC must identify and inform the IHO of their Council representative(s) 6 months prior to the Assembly, the following selection process is proposed.

**The Method of Selection of MACHC Representative(s) to the IHO Council shall be as follows:**

1. At every MACHC Conference prior to an IHO Conference or Assembly, the MACHC shall place the “Selection of MACHC Representatives to the IHO Council” on its Agenda as a matter of procedure.
2. At the appropriate time, the Chair shall put forward a list of MACHC Member States who are eligible to serve as Council representatives.
3. The MACHC Chair shall entertain volunteers or nominations for candidates for each Council position, as allocated to MACHC by IHO, from among the eligible MACHC Member States who wish to serve on the IHO Council. Candidates and their Member States should be cognizant of the following:
  - a. The position of Council representative is for a 3-year term,
  - b. In accordance with Article 14, paragraph (b), iii, of the “General Regulations of the IHO,” Member States who wish to put themselves forward for selection to the Council, must inform the Commission, with a copy to the Secretary General of the IHO, of such a decision 6 months prior to an IHO Assembly.
  - c. Member States’ Candidates must be willing to serve the full term of three years (to coincide with the Assembly schedule),
  - d. Candidates must have the support from their Member State and the resources to attend annual meetings in Monaco (or elsewhere), and
  - e. No Member State can have more than one representative on the Council at any given time.

4. Once nominations have closed, a decision shall be made by consensus, or if necessary, votes shall be taken among all full MACHC Member States with each country having one vote, as follows:
  - a. Using separate ballots for each allotted Council seat, the candidate with the highest number of votes on the first ballot shall be the primary MACHC Council representative to the IHO Council.
  - b. On the next ballot, the candidate with the highest number of votes on the second ballot shall be the second MACHC Council representative to the IHO Council, should the MACHC be allocated two Council seats.
  - a. On the next ballot (if necessary), the candidate with the highest number of votes on the third ballot shall be the third MACHC Council representative to the IHO Council, should the MACHC be allocated three Council seats.
  
- 5 Should a MACHC Council representative be unable to fulfill the obligations for whatever reason, or miss two consecutive Council meetings, he (she) shall be replaced with an alternate representative selected by the Chair, MACHC, and confirmed by IHO, until the next MACHC Conference, when this issue can be addressed according to the procedures described in paragraphs 2-4, above.