

Protocol of Amendments to the Convention on the International Hydrographic Organization

Introduction

- 4.1 The *Protocol of Amendments, adopted in Monaco on 14 April 2005, to the Convention on the International Hydrographic Organization, done at Monaco on 3 May 1967* (the Amendments) will improve the efficiency of the International Hydrographic Organization (IHO) by creating new structures and processes to improve corporate governance. This includes the establishment of the IHO Assembly, Council, and Finance Committee.
- 4.2 In addition, the Amendments introduce voting procedures that will apply where consensus between Member States cannot be reached. The new procedures will also make it easier for new States to join the IHO.¹

¹ National Interest Analysis (NIA), paras 2 and 3.

Background

The International Hydrographic Organization

- 4.3 Established in 1921,² the IHO is an intergovernmental consultative and technical organisation that supports safety in navigation and the protection of the marine environment.³
- 4.4 The objectives of the IHO are to:
- coordinate the activities of the national hydrographic offices
 - ensure uniformity in nautical charts and documents
 - adopt reliable and efficient methods of carrying out and exploiting hydrographic surveys
 - develop sciences in the field of hydrography and techniques for descriptive oceanography.⁴
- 4.5 Australia shared membership of the IHO with the United Kingdom of Great Britain and New Zealand from 1921 until 1958.⁵ Australia exercises its obligations under the IHO Convention through the Australian Hydrographic Service.⁶
- 4.6 The Committee was informed that there are currently 76 Member States to the IHO Convention with a number of others waiting to join.⁷ These include Cameroon and Ireland. Both countries require 47 approvals from IHO Member States to join. Cameroon has obtained 32 approvals and Ireland 38 approvals. Bulgaria, Mauritania, Qatar, Romania and Saudi Arabia have had their applications for membership approved, but are yet to deposit an instrument of accession to the IHO.⁸

2 NIA, para. 6.

3 NIA, para. 2; International Hydrographic Organization <www.iho.shom.fr>, viewed 13 March 2006.

4 International Hydrographic Organization <www.iho.shom.fr>, viewed 13 March 2006.

5 NIA, para. 6; Captain Roderick Nairn, *Transcript of Evidence*, 27 February 2006, p. 9.

6 Captain Roderick Nairn, *Transcript of Evidence*, 27 February 2006, p. 9.

7 Captain Roderick Nairn, *Transcript of Evidence*, 27 February 2006, p. 9.

8 Australian Hydrographic Organization, *Submission 2*, p. 1.

The Australian Hydrographic Service

- 4.7 The Australian Hydrographic Service (AHS) is part of the Royal Australian Navy. AHS is responsible for the conduct of hydrographic surveys and providing Australia's national charting service under the Safety of Life at Sea (SOLAS) Convention and the *Navigation Act 1912* (Cth).⁹
- 4.8 Australia has been an active member of the IHO's Strategic Planning Working Group (SPWG), which has been responsible for reviewing the operations of the IHO. The SPWG reported in April 2004 recommending changes which have been incorporated into the current Amendments. In addition, Australia was appointed Deputy Chair of the recent 'Third Extraordinary International Hydrographic Conference' held in Monaco in April 2005 where the Amendments initiated by the SPWG were adopted.¹⁰
- 4.9 The AHS has national, international and defence responsibilities and commitments. These include:
- publishing and maintaining national navigational charts, Australian National Tide Tables, Australian Series of Sailing Directions, compilation and maintenance of the Australian Hydrographic data collection
 - determining the priority of national hydrographic survey requirements through liaison with various scientific and maritime agencies
 - representing national hydrographic interests on various bodies and committees
 - active participation in IHO working groups and advisory committees
 - coordination of regional charting
 - hydrographic data collection, providing hydrographic and oceanographic military geospatial information services and military meteorology services.¹¹

9 Australian Hydrographic Service <www.hydro.gov.au>, viewed 13 March 2006.

10 NIA, para. 7.

11 Australian Hydrographic Service <www.hydro.gov.au>, viewed 13 March 2006.

- 4.10 In addition, the AHS is assisting countries in the South West Pacific with hydrographic services and in particular Papua New Guinea. Australia has been assisting Papua New Guinea with hydrographic services through an agreement that has been in place since 1975.¹²

Overview

- 4.11 The Committee received evidence that Australia will benefit from the IHO's expected improvement in efficiency as a result of the Amendments entering into force.¹³ This includes improvements in internationally accepted nautical charting products which will benefit maritime trade and defence activity in Australia's area of maritime interest.¹⁴
- 4.12 Australia's defence and commercial maritime interests are served by adhering to internationally agreed technical standards for the provision of its hydrographic service. International standards ensure a high level of quality in the surveys and the subsequent publication of nautical charts and other essential nautical references in all forms of media, including electronic formats and bathymetric imagery.¹⁵
- 4.13 Noting the advances in contemporary electronic navigation systems and their need for conforming data, the adoption of the appropriate international standards for electronic navigational charts and their ancillary information is increasingly important for Australia's navigation interests as they impact on safety of life at sea, maritime trade and protection of the environment.
- 4.14 The Committee received further information that it is in Australia's interest to agree to the Amendments as Australia has been an active Party to all preceding discussions and has been instrumental and proactive in formulating the Amendments.¹⁶

The amendments primarily affect the internal business processes, improving corporate governance, streamlining decision-making processes and making it easier for new

12 Captain Roderick Nairn, *Transcript of Evidence*, 27 February 2006, p. 11.

13 Captain Roderick Nairn, *Transcript of Evidence*, 27 February 2006, p. 10.

14 NIA, para. 7.

15 Bathymetric imagery is the science of measuring the depths of the oceans, seas and other bodies of water and mapping the corresponding topography of those depths. NIA, para. 10.

16 NIA, para, 10.

states to join the organisation. The benefit to Australia comes from its ongoing membership of a more efficient and effective organisation.¹⁷

Consultation

4.15 The AHS consulted with the Office of International Law, Attorney-General's Department, and the Sea Law Section of the Department of Foreign Affairs and Trade.¹⁸

Costs

4.16 No additional costs will be imposed on Australia as a result of the Amendments entering into force. Australia will gain additional value from its current financial subscription to IHO as a result of the expected improved governance of the IHO through the Amendments.¹⁹

Entry into force, implementation and withdrawal

4.17 The Agreement will enter into force three months after the Government of the Principality of Monaco receives notifications of approval by two thirds of the Member States who are Party to the Convention.²⁰

4.18 The Amendments will not require any changes to domestic legislation.²¹

4.19 Australia may withdraw from the Convention with one year's written notice to the Government of the Principality of Monaco. Withdrawal would take effect on 1 January following the expiration of the receipt of notice.²²

17 Captain Roderick Nairn, *Transcript of Evidence*, 27 February 2006, p. 10.

18 NIA, Consultation Annex, para. 2.

19 NIA, para. 14.

20 NIA, paras 1 and 12.

21 NIA, para. 11.

22 NIA, para. 18.

Conclusion and recommendation

- 4.20 The Committee acknowledges that the Amendments will improve the efficiency of the IHO by creating new structures and processes to improve corporate governance, thereby benefiting Australia as a Member State.
- 4.21 The Committee believes the Amendments will also serve to improve internationally accepted nautical charting products and in turn benefit Australia's maritime trade and defence activities.

Recommendation 2

The Committee supports the *Protocol of Amendments, adopted in Monaco on 14 April 2005, to the Convention on the International Hydrographic Organization, done at Monaco on 3 May 1967* and recommends that binding treaty action be taken.