

Paper for Consideration by ARHC

Draft Statutes of the Arctic Regional Hydrographic Commission

Submitted by:	Canada
Executive Summary:	Original draft Statutes were provide via email dated August 14, 2009. A follow-up version was provided vie email dated January 04, 2010 that had incorporated editorial comments from the United States (date Sept xx, 2009). The version Canada distributed via email January 04, 2010 remain as the current proposal of ARHC Statutes.
Related Documents:	none
Related Projects:	none

Introduction / Background

At an informal meeting in Monaco in June 2009 between Canada, Denmark, Norway, the Russian Federation and the United States agreed to continue discussion on formation of a Regional Hydrographic Commission for the Arctic. Subsequently, in August 2009 a draft Statute was circulated by Canada.

Analysis/Discussion

The draft version of the Statutes provided by email dated August 14, 2009 remain as the active proposal for the ARHC Statutes. Comments provided by the United States were circulated to ARHC participants by S. Narayanan via email dated January 4, 2010.

Any further comments should be provided through this proposal process to the 1st ARHC meeting.

Conclusions

Original draft Statutes as circulated August 14, 2009, are included with this proposal as a separate PDF.

Recommendations

Comments to the circulated draft ARHC Statutes should be circulated to participants of the 1st ARHC meeting.

Justification and Impacts

To be determined

Action Required of ARHC

To note the draft ARHC Statutes and comment as appropriate.

Statutes

of the

Arctic Regional Hydrographic Commission

(ARHC)

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Preamble

Considering that the International Hydrographic Organization (IHO) is a competent international organization recognized in the *United Nations Convention on the Law of the Sea* (UNCLOS);

Considering that the IHO has a consultative and technical nature;

Considering that the IHO aims at coordinating on a worldwide basis the setting of standards for the production of hydrographic data and the provision of hydrographic services as well as facilitating capacity building of national hydrographic services;

Considering that the International Hydrographic Bureau (IHB) encourages the IHO 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, in complement to the work of the IHB;

Considering that Canada, Denmark, Norway, Russia and the United States of America are IHO Member States;

Considering that Canada, Denmark, Norway, Russia and the United States of America have common interests in data collecting and nautical charting in the Arctic Ocean Region;

Considering that Canada, Denmark, Norway, Russia and the United States of America desire to cooperate in the undertaking of surveys and other hydrographic projects in the Arctic Ocean Region;

Considering that Canada, Denmark, Norway, Russia and the United States of America are the only Arctic Coastal States;

Considering *Resolution T1.3 of the IHO regarding the Establishment of Regional Hydrographic Commissions* as adopted by the *XVIth International Hydrographic Conference* in 2002;

Considering Article 8 of the revised *General Regulations of the IHO* as approved by the *3rd Extraordinary International Hydrographic Conference* in 2005 (not yet into force);

Canada, Denmark, Norway, Russia and the United States of America, as per the signatures of their duly authorized representatives appended in Annex 1, have agreed to establish the *Arctic Regional Hydrographic Commission (ARHC)* and have approved its Statutes which read as follows:

Statutes of the Arctic Regional Hydrographic Commission

Article 1

Title

These statutes shall be cited as the *Statutes of the Arctic Regional Hydrographic Commission*.

Article 2

Interpretation

a) In these Statutes,

“Arctic Ocean Region” means the Arctic Ocean in the area not included in the geographical area of any other Regional Hydrographic Commission on the date of entry into force of these Statutes.

“Associate Members” means the IHO Member States described in Article 3(b) of these Statutes;

“Commission” means the Arctic Regional Hydrographic Commission;

“Members” means the full Members of the Commission listed in Article 3(a) of these Statutes; and

“Statutes” means the *Statutes of the Arctic Regional Hydrographic Commission*.

b) The Preamble and the annexes are full parts of these Statutes.

c) In these Statutes, and upon coming into force of the *Protocol of Amendments to the Convention on the International Hydrographic Organization*, as approved by the 3rd Extraordinary International Hydrographic Conference in 2005, the terms

“International Hydrographic Bureau” shall be read “Secretariat”.

“International Hydrographic Conference” shall be read “Assembly”.

“President of the IHB” shall be read “Secretary-General of the IHO”.

Article 3

Membership

- a) The full Members of the Commission are Canada, Denmark, Norway, Russia and the United States of America.
- b) The Associate Members are other IHO Member States who wish to contribute to the work of the Commission and commit to be bound by these Statutes as per the signatures of their duly authorized representatives appended in Annex 2.

Associate Members may take part in the discussions and propose Conference Agenda items but do not have voting rights.

- c) Other States who are not members of the IHO and International Organizations involved in hydrographic surveying or nautical charting in the Arctic Ocean either by contributing to these activities or by providing support to these activities or as users of derived products, may be invited by the Commission to participate as observers.

Observers may take part in the discussions but do not propose Conference Agenda items and do not have voting rights.

Article 4

Objectives of the Commission

Being an integral part of the IHO and established to improve regional coordination, enhance exchange of information and foster training and technical assistance, in pursuance of the objectives, resolutions and recommendations of the IHO, the Commission shall have the following objectives:

- a) To promote technical cooperation in the domain of hydrographic surveying, marine cartography and nautical information;
- b) To examine the implications in the Arctic Ocean Region of matters of general interest with which the IHO is concerned, without interfering with the prerogatives of the IHB and of any other body set up by the IHO;
- c) To stimulate the widening of hydrographic activity in the Arctic Ocean Region and to encourage the seeking of technical advice and assistance from the IHB in establishing and strengthening hydrographic capabilities;
- d) To define the needs for new hydrographic products and services including surveys

and charts and, where appropriate, develop cooperative approaches to meet those needs;

- e) To facilitate the exchange of information concerning surveys, research or scientific and technical developments; and to aid in the planning and organization of hydrographic activities, without interfering with the domestic responsibilities of the national authorities responsible for hydrographic services; and
- f) To participate in IHO Working Groups, as required.

Article 5

Other claims regarding the Arctic

All activities, including exchange of information, technical cooperation, statements made or positions taken in the course of the works of the Commission are without prejudice to the respective national legal positions or sovereign rights of each member and shall not be construed as any statement, position or admission whatsoever in relation to any claim regarding the Arctic Ocean Region.

Article 6

Conferences

- a) The Commission meets in plenary Conferences at least once between successive ordinary International Hydrographic Conferences (IHC).
- b) The location of the Conferences shall be in the country of one of the Members, by rotation. The order of the rotation is: Canada, Denmark, Norway, Russia, the United States of America, and then Canada again and so on. The location of the first Conference is decided by the Members. The location of the following Conferences is determined following the order of rotation.
- c) Members and Associate Members are represented at Conferences by the heads of their national authorities responsible for hydrographic services or their nominees. They may be accompanied by advisors, but it is most desirable that their number be kept to a minimum.
- d) All the Members shall endeavor to attend all Conferences. However, the presence of four (4) Members constitutes a quorum.

Article 7

Chair, Vice-Chair and Secretariat

- a) The Chair of the Commission is the head of a Member's national authority responsible for hydrographic services. The Members decide who will be the first Chair. The Chair assumes responsibilities from the closing of a Conference to the closing of the next Conference.
- b) The Vice-Chair is the head of the Member's national authority responsible for hydrographic services in the country of which the Conference takes place. At the closing of that Conference, the Vice-Chair assumes the Chair and remains in office until the closing of the next Conference.
- c) The Chair provides the Secretariat for the Commission regarding all questions to be dealt with by correspondence until the closing of the Conference including the preparation of a Provisional Agenda and a Summary Report of the Conference, which contains the decisions taken; Chairs that Conference; prepares and presents a report on the activities of the Commission since the last Conference; and liaise as required with the IHB on behalf of the Commission.
- d) The Vice-Chair assists the Chair, organizes the Conference and assumes the duties if the Chair is unable to officiate.

Article 8

Organization of Conferences

- a) The Chair sends invitations to the Members, the Associate Members and the Observers at least 120 days before the Conference opening date.
- b) Proposals to be included in the Agenda of a Conference must be sent to the Chair at least ninety (90) days before the Conference opening date.
- c) The Chair sends the Provisional Agenda to the Members, the Associate Members and the Observers at least sixty (60) days before the Conference opening date.
- d) An invitation to attend the Conferences and a Provisional Agenda is also sent to the President of the IHB who could attend in person or nominate one of the two Directors of the IHB. The President of the IHB enjoys the same status as an Associate Member.

Article 9

Conference Agenda

- a) Subject to any provision of these Statutes, only the Members may decide on the final content of a Conference Agenda.
- b) The Conference Agenda is adopted by the Members at the beginning of each Conference.
- c) In the course of a Conference, the Members may modify the order in which the agenda items are to be discussed.

Article 10

Decisions and Resolutions

- a) All decisions provided by these Statutes or to be taken during a Conference or otherwise shall, as far as possible, be taken by consensus amongst the Members, failing which they are adopted by means of a simple majority of the Members, which is three (3) votes.
- b) Only the Members are entitled to vote, each having the right to one vote.
- c) Votes in favor are indicated by a show of hands unless a secret ballot is requested by any Member present. Decisions may be made by correspondence if the Members present decide so. In case only four Members are present and the vote is tied, the decision is made by correspondence.
- d) All decisions become operative immediately, unless the Members decide otherwise. In such a case, the date on which the decision becomes operative is mentioned as part of the text of the decision.
- e) Decisions which, in the opinion of the Members, may be of interest to all the IHO Member States are brought to the attention of the IHB. This fact is mentioned as part of the text of the decision.

Article 11

Extraordinary Meetings

- a) The Chair may call an Extraordinary Meeting of the Commission when its Members are assembled for an International Hydrographic Conference.
- b) In the case of urgent matters which cannot be treated by correspondence and which cannot be postponed until the next Conference of the Commission, the Chair, with the agreement of the Members, convenes an Extraordinary Meeting to be held in the country of the next Conference or the place considered most appropriate.
- c) As far as possible, the provisions applicable to the Conferences apply to all Extraordinary Meetings.

Article 12

Committees and Working Groups

- a) The Commission may set up small committees or working groups composed of Members and Associate Members interested in particular projects with the object of examining and executing such projects.
- b) The mandate of these committees or working groups shall be limited in time and their Terms of Reference are defined in writing by the Members.

Article 13

Expenses

All expenses connected with the participation in the Conferences, Extraordinary Meetings and committees or working groups are defrayed by the participants' respective States or organizations.

Article 14

Working Language

The working language of the Commission is English.

Article 15

Entry into Force, Abrogation and Amendments

- a) The Commission is established, and these Statutes come into force on the date when the last of the five Members sign.
- b) The Commission may be dissolved, and these Statutes abrogated by decision of the Members.
- c) These Statutes may be amended by decision of the Members. When an amendment is approved, the Chair updates the Statutes and circulates amongst the Members a new annex, similar to Annex 1, for their signatures. The new annex is numbered accordingly and added to these Statutes.
- d) The IHB is the repository of these Statutes.

ANNEX 1

Approvals of the Members

We, duly authorized representatives of Canada, Denmark, Norway, Russia and the United States of America, confirm by our signatures apposed below, our desire to establish the Arctic Regional Hydrographic Commission and the approval of the *Statutes of the Arctic Regional Hydrographic Commission*.

Member State	Duly authorized representative	Date	Signature
Canada			
Denmark			
Norway			
Russia			
United States of America			

ANNEX 2

Approvals of the Associate Members

We, duly authorized representatives of IHO Member States, confirm by our signatures apposed below, our desire to contribute to the work of the Arctic Regional Hydrographic Commission in a capacity of Associate Member and commit to be bound by the *Statutes of the Arctic Regional Hydrographic Commission*.

Associate Member State	Duly authorized representative	Date	Signature

ANNEX 3

Resolution T1.3 of the IHO

Establishment of Regional Hydrographic Commissions (RHC)

As adopted by the

XVIth International Hydrographic Conference, 2002

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.

8. - The following structure is to be used for National Reports made to those RHCs that wish to receive such reports:

Structure for National Reports to Regional Hydrographic Commissions

Executive summary

1. Hydrographic Office/Service:

General, including updates for the IHO Yearbook e.g. reorganization.

2. Surveys:

Coverage of new surveys; New technologies and /or equipment; New ships; Problems encountered.

3. New charts & updates:

ENCs; ENC Distribution method; RNCs; INT charts; National paper charts; other charts, e.g. for pleasure craft; Problems encountered.

4 New publications & updates:

New Publications; Updated publications; Means of delivery, e.g. paper, digital; Problems encountered.

5. MSI:

Existing infrastructure for transmission; New infrastructure in accordance with GMDSS Master Plan; Problems encountered.

6. S-55:

Latest update (Tables).

7. Capacity Building:

Offer of and/or demand for Capacity Building; Training received, needed, offered; Status of national, bilateral, multilateral or regional development projects with hydrographic component (In progress, planned, under evaluation or study); Definition of bids to IHOCBC.

8. Oceanographic activities:

General; GEBCO/IBC's activities; Tide gauge network; New equipment; Problems encountered.

9. Other activities:

Participation in IHO Working Groups; Meteorological data collection; Geospatial studies; Disaster prevention; Environmental protection; Astronomical observations; Magnetic/Gravity surveys; International Etc.

10. Conclusions

ANNEX 4

Text of Article 8 of the revised General Regulations of the IHO

As approved by the

3rd Extraordinary International Hydrographic Conference, 2005

“ Regional Hydrographic Commissions

ARTICLE 8

(a) Regional Hydrographic Commissions (hereinafter RHCs) are regional bodies, established by Member States and recognized by the Assembly to improve regional coordination, enhance exchange of information and foster training and technical assistance.

(b) RHCs recognized by the Assembly are listed in the Annex to these General Regulations.

(c) RHCs shall be established by an agreement of their members.

(d) RHC membership may include full members and associate members, both willing to contribute to the objectives of the Organization in the region concerned.

(e) Full membership is reserved for Member States within the region.

(f) Associate membership is available to:

- (i) other Members States; and
- (ii) States of the region who are not Member States.

(g) Other States and international organizations active in the region concerned may be invited by the RHC to participate as observers.

(h) RHCs shall assess regularly the hydrographic capacity and requirements within their region.

[...]

ANNEX

RHCs referred to in Article 8(b).

1. Baltic Sea Hydrographic Commission (BSHC);
2. East Asia Hydrographic Commission (EAHC);
3. Eastern Atlantic Hydrographic Commission (EAtHC);
4. Mediterranean and Black Seas Hydrographic Commission (MBSHC);
5. Meso-American and Caribbean Sea Hydrographic Commission (MACHC);
6. Nordic Hydrographic Commission (NHC);
7. North Indian Ocean Hydrographic Commission (NIOHC);
8. North Sea Hydrographic Commission (NSHC);
9. Regional Organization for the Protection of the Marine Environment (ROPME) Sea Area Hydrographic Commission (RSAHC);
10. Southern Africa and Islands Hydrographic Commission (SAIHC);
11. South East Pacific Hydrographic Commission (SEPHC);
12. South West Pacific Hydrographic Commission (SWPHC);
13. US/Canada Hydrographic Commission (USCHC); and
14. South West Atlantic Hydrographic Commission (SWAtHC).”