

## Statutes of the United States Canada Hydrographic Commission

(USCHC)

### Table of Contents

Statutes of the United States Canada Hydrographic Commission.....	page tbd
Annex 1: Approvals of the Members .....	page tbd
Annex 2: Approvals of the Associate Members .....	page tbd
Annex 3: Resolution T1.3 Establishment of RHCs .....	page tbd
Annex 4: Text of Article 8 of the revised General Regulations of the IHO.....	page tbd
Annex 5: Selection Process for USCHC to IHO Council.....	page tbd

### **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 and the United States of America are IHO Member States;

**Considering** that Canada and the United States of America have common interests in data collecting and nautical charting in IHO Region A which includes the NW Atlantic Ocean (to 69 degrees North), NE Pacific Ocean, and the Great Lakes.

**Considering** that Canada and the United States of America desire to cooperate in the undertaking of surveys and other hydrographic projects in these waters;

**Considering** that Canada and the United States of America are Coastal States;

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

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

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

## **Statutes of the United States-Canada Hydrographic Commission**

### **Article 1**

#### Title

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

### **Article 2**

#### Interpretation

- a) "The Region A" means the Pacific and Atlantic Ocean and the Great Lakes 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 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 US-Canada 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."

- d) These Statutes are not binding under international law. Activities by Members, Associate Members and Observers under the Statutes are undertaken voluntarily, on a consultative basis, and are subject to the availability of funds. The Commission has no authority over Members, Associate Members, or Observers.

### **Article 3**

#### Membership

## Statutes of the United States Canada Hydrographic Commission

- a) The full Members of the Commission are Canada 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) To become an Associate Member, a State shall make a written proposal to the Chair of the Commission expressing how it will contribute to the work of the Commission; explain what kind of contribution will be made and when this contribution will be carried out.

The Chair distributes the proposal to the Members for consideration. Decision on acceptance is made by consensus.

- d) Other States and International Organizations involved in hydrographic surveying or nautical charting in the Region A either by contributing to these activities or by providing support to these activities or as users of derived products, may propose to be an Observer, or may be invited by the Commission to participate as Observers. If they propose, the procedure described in paragraph 3(c) shall apply.

Observers may take part in the discussions but 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 Region A 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;

Statutes of the United States Canada Hydrographic Commission

- c) To stimulate the widening of hydrographic activity in Region A 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

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 waters in Region A.

**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 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.

Statutes of the United States Canada Hydrographic Commission

- d) All the Members shall endeavor to attend all Conferences. However, the presence of two (2) 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. At the closing of the annual 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 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**

Statutes of the United States Canada Hydrographic Commission

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 among the Members, failing which they are adopted by means of a simple majority of the Members, which is currently two (2) 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 two 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.

## Statutes of the United States Canada Hydrographic Commission

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 latter Member signs.
- b) The Commission may be dissolved, and these Statutes abrogated by decision of the Members.



| Statutes of the United States Canada Hydrographic Commission

- 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.

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**Annex 1**

**Approvals of the Members**

We, duly authorized representatives of Canada and the United States of America, confirm by our signatures apposed below, our desire to establish the United States –Canada Hydrographic Commission and the approval of the *Statutes of the United States -Canada Hydrographic Commission*.

<i>Member State</i>	<i>Duly authorized representative</i>	<i>Date</i>	<i>Signature</i>
<i>Canada</i>	<i>Denis Hains</i>		
<i>United States of America</i>	<i>Rear Admiral Gerd F. Glang</i>		

**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 US-Canada Hydrographic Commission in a capacity of Associate Member and commit to be bound by the *Statutes of the US Canada Hydrographic Commission*.

<i>Associate Member State</i>	<i>Duly authorized representative</i>	<i>Date</i>	<i>Signature</i>

**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 signs 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.

**Comment [JJ1]:** ? is this a numbering protocol?

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:

## Statutes of the United States Canada Hydrographic Commission

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. Mesa-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)."



**Annex 5**

**Procedure for Selecting IHO member states from the USCHC to the IHO Council**

**(to be in force when the Protocol of Amendments take effect)**

Selection from USCHC to the IHO Council shall be determined in compliance with IHO General Regulations Article 2 and Article 16.

***Serving on the IHO Council is an important responsibility, as it is a primary means of communication and involvement by the USCHC in IHO matters. Thus, it is important that the Commission be served by knowledgeable, willing and capable representatives to the IHO Council. Therefore it is emphasized that any MS seeking Council representation should be aware of the 3-year time commitment. They must also be aware that there are resources and financial implications that the selected MS(s) must be prepared to assume.***

1. USCHC Member States who wish to be considered for selection from a Regional Hydrographic Commission (RHC) other than the USCHC shall inform the USCHC Chair and the IHO Secretary-General six months before the ordinary session of the Assembly.
2. Member States who wish to be selected from the USCHC to the Council shall submit their application to the USCHC members and the IHO Secretary-General six months before the ordinary session of the Assembly.
3. Selection of the member state from the USCHC to the IHO will be decided by the ARHC selection process described below no less than ## months before the -----.
4. If the number of candidate(s) is equal to the number of seats allocated for the USCHC by the IHO Secretary-General, then the aforementioned candidate(s) will be automatically selected.
5. If the number of candidates is fewer than the number of seats allocated, the candidates will be automatically selected.
6. If the number of candidates is more than the number of seats allocated by the IHO, voting will take place at a meeting of the USCHC, or by correspondence if no USCHC Commission meeting is scheduled within the six months prior to the Assembly. Each Member State will submit one voting paper listing the Member States from the list of candidates equal to the number of the seats allocated. The highest voted candidate(s) will be selected in order from ARHC until all available seats to the Assembly are filled. In case of a draw the Chair will cast a deciding vote. (A sample voting paper is attached as Annex A).

**Comment [JJ2]:** This section may need to be revised. It is currently based on the text the US submitted for consideration to the ARHC in 2015 which was based on text developed for the MACHC in 2014.

Need to review the changes made to the MACHC language in December 2015 and changes being proposed by Canada to the ARHC for 2016 consideration.

## Statutes of the United States Canada Hydrographic Commission

9. The Chair shall notify USCHC Member States of the results and status of the member state representation in the Council. If there is an insufficient number of states expressing desire to be selected through the USCHC selection process, those vacancies will be reported as “vacant” to the IHO Secretary General and remain so throughout the current Council period.
10. All expenses connected with the participation to the Council shall be borne by their respective States, in accordance with IHO General Regulations Article 3.

### **Duties and Responsibilities of the ARHC representative to the Council**

1. Attend all annual meetings of the Council in Monaco.
2. Solicit input from other IHO member states of the USCHC as to any opinions to be considered at the USCHC.
3. Be a representative of the member state itself per IHO guidance... *(cite decision document that says the member state to the Council from the RHCs does not represent the RHC but rather the member state itself)*
4. Be aware of issues that are before the Council.