

Statutes of the United States Canada Hydrographic Commission

(USCHC)

Table of Contents

Statutes of the United States Canada Hydrographic Commission.....	page 2
Annex 1: Approvals of the Members.....	page 11
Annex 2: IHO Publication M-3, 2 nd edition.....	page 12
Annex 3: Text of Article 8 of the revised General Regulations of the IHO.....	page 13
Annex 4: Selection Process for USCHC to IHO Council.....	page 15



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 Secretariat of the IHO 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 Secretariat;

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 "Region A," as defined by the IHO document S-4 Regulations for International (INT) Charts and Chart Specification of the IHO (edition 4.6.0, April 2016) section A-204.8, which includes the North-West Atlantic Ocean, NE Pacific Ocean, and Great Lakes and Hudson Bay;

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

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

Considering *IHO Resolution 2/1997 as amended regarding the Establishment of Regional Hydrographic Commissions;*

Considering Article 8 of the revised *General Regulations of the IHO* that entered into force on 8 November 2016;



Statutes of the United States Canada Hydrographic Commission

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 US-Canada Hydrographic Commission*.

Article 2

Interpretation

In these Statutes,

- a) "The Commission", or "USCHC," means the United States-Canada Hydrographic Commission.
- b) "Region A" means the geographical area defined in IHO document S-4, Regulations for International (INT) Charts and Chart Specifications of the IHO (Edition 4.6.0, April 2016) section A-204.8, which includes the North-West side of the Atlantic Ocean, the North-East side of the Pacific Ocean, the Great Lakes and Hudson Bay not included in the geographical area of any other Regional Hydrographic Commission on the date of entry into force of these Statutes;

"Members", or "full Members," means those States that are admitted to full Membership in the Commission pursuant to Article 3(a) of these Statutes;



Statutes of the United States Canada Hydrographic Commission

“Associate Members” means those States admitted to Associate Membership pursuant to Article 3(b) of these Statutes;

“Observers” means those organizations admitted to observer status pursuant to Article 3(c) of these Statutes; and

“Statutes” means the Statutes of the US-Canada Hydrographic Commission.

- c) Any other term not defined in these Statutes should be understood as defined or described in the IHO Basic Documents that came into force on November 8, 2016.
- d) The Preamble and the annexes are full parts of these Statutes.
- e) These Statutes are not binding under either domestic or 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.
- f) The activities undertaken under these Statutes, including exchange of information, are subject to the domestic laws, policies, and international obligations, including those applicable to access to information and protection of privacy, of each Member, Associate Member and Observer.

Article 3

Membership

- a) The full Members of the Commission are Canada and the United States of America. States within Region A which are Members of the IHO may apply to become full Members of the USCHC. An application should contain a written proposal to the Chair of the Commission expressing how the applicant 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 will distribute the proposal to the full Members for consideration. Admission to full Membership requires unanimous consent of the full Members of the USCHC.



Statutes of the United States Canada Hydrographic Commission

- b) States which are Members of the IHO may apply to become Associate Members of the USCHC. Associate Members may take part in the discussions and propose Conference Agenda items but do not have voting rights.
- c) An application for Associate Membership should contain a written proposal to the Chair of the Commission expressing how the applicant 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 will distribute the proposal to the full Members for consideration. Admission to Associate Membership requires unanimous consent of the full Members of the USCHC.
- d) Other States and International Organizations involved in hydrographic surveying or nautical charting in 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 an Observer. To become an Observer, an organization should 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 requires unanimous consent of the full members of the USCHC. Observers may take part in the discussions but they cannot propose Agenda items and they 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 will have the following objectives:

- a) To promote technical cooperation in the domain of hydrographic surveying, marine cartography and nautical information;



Statutes of the United States Canada Hydrographic Commission

- 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 Secretariat of the IHO and of any other body set up by the IHO;
- c) To stimulate the widening of hydrographic activity in Region A and to encourage the seeking of technical advice and assistance from the Secretariat of the IHO 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 should not be construed as any statement, position or admission whatsoever in relation to any claim regarding the waters in Region A or any other waters.

Article 6

Commission Meetings

- a) The Commission meets in plenary at least once between successive ordinary IHO Assembly meetings.



Statutes of the United States Canada Hydrographic Commission

- b) The location of the Commission Meetings is in the country of one of the Members, by rotation.
- c) Members are represented at Commission Meetings 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 should endeavor to attend all Commission Meetings. However, the presence of two (2) Members constitutes a quorum.

Article 7

Chair and Vice-Chair

- 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 Commission Meeting to the closing of the next Commission meeting.
- b) The Vice-Chair is the head of the Member's national authority responsible for hydrographic services in the other country. At the closing of that Commission Meeting, the Vice-Chair assumes the Chair and remains in office until the closing of the next Commission Meeting.
- c) The Vice-Chair assists the Chair, organizes the Commission meeting and assumes the duties if the Chair is unable to officiate.

Article 8

Organization of Commission Meetings

- a) The Chair should send invitations to the Members, Associate Members, and any Observer(s) at least 120 days before the Commission Meeting opening date.



Statutes of the United States Canada Hydrographic Commission

- b) Proposals to be included in the Agenda of a Commission Meeting should be sent to the Chair at least ninety (90) days before the Commission Meeting opening date.
- c) The Chair should send the Provisional Agenda to the Members, Associate Members, and any Observers at least sixty (60) days before the Commission Meeting opening date.
- d) An invitation to attend the Commission Meeting and a Provisional Agenda is also sent to the Secretary-General of the IHO who may attend in person or nominate one of the two Directors of the Secretariat.

Article 9

Commission Meeting Agenda

- a) Subject to any provision of these Statutes, only the Members may decide on the final content of a Commission Meeting Agenda.
- b) The Commission Meeting Agenda is adopted by the Members at the beginning of each Commission Meeting.
- c) In the course of a Commission Meeting, 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 Commission Meeting or otherwise should be taken by consensus among the Members, failing which they are adopted by means of a simple majority of the Members.
- 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.



Statutes of the United States Canada Hydrographic Commission

- d) All decisions become effective immediately, unless the Members decide otherwise. In such a case, the date on which the decision becomes effective 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 IHO Secretariat. 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 Assembly of the IHO meeting, and/or other mutually agreed venue.
- b) In the case of urgent matters which cannot be treated by correspondence and which cannot be postponed until the next Commission Meeting, the Chair, with the agreement of the Members, convenes an Extraordinary Meeting to be held in the country of the next Commission Meeting or the place considered most appropriate.
- c) The provisions applicable to the Commission Meetings 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, Associate Members, and Observer(s) interested in particular projects with the object of examining and executing such projects.
- b) The mandate of these committees or working groups should 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 Commission Meetings, Extraordinary Meetings and committees or working groups are defrayed by the participants' respective State or organization.

Article 14

Working Language

The working language of the Commission is English.

Article 15

Entry into Force, Abrogation and Amendments



- a) These Statutes come into force on the date when the latter Member signs Annex 1.
- b) The Commission may be dissolved, and these Statutes abrogated by decision of the Members. Any Member may withdraw from the Commission by providing written notice of such withdrawal to the other Members.
- c) These Statutes may be amended by decision of the Members. When an amendment is approved, the Chair updates the Statutes and circulates among 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 IHO Secretariat is the repository of these Statutes.



ANNEX 1

Approvals of the Members

We, duly authorized representatives of Canada and the United States of America, confirm by our signatures apposed below, that we have agreed to establish the United States - Canada Hydrographic Commission and adopt 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 Hydrographer General of Canada Canadian Hydrographic Service</i>	<i>27 April 2017</i>	
<i>United States of America</i>	<i>Rear Admiral Shep M. Smith Director NOAA Office of Coast Survey</i>	<i>27 April 2017</i>	



ANNEX 2

IHO Resolution 2/1997, as amended

Establishment of Regional Hydrographic Commissions (RHC)

IHO Publication M-3, 2nd Edition, 2010

Link

http://www.iho.int/iho_pubs/misc/M3-E-MARCH17.pdf



ANNEX 3

**Text of Article 8 of the revised General Regulations of the IHO
that entered in to force on 8 November 2016**

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.



Statutes of the United States Canada Hydrographic Commission

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);
14. South West Atlantic Hydrographic Commission (SWAtHC);
15. Arctic Regional Hydrographic Commission (ARHC); and
16. Hydrographic Commission of Antarctica (HCA).



ANNEX 4

RULES FOR SELECTION OF MEMBER STATES (MS)

FROM

THE U.S.-CANADA HYDROGRAPHIC COMMISSION (USCHC)

TO

THE INTERNATIONAL HYDROGRAPHIC ORGANIZATION (IHO) COUNCIL

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 Member State seeking Council representation should be aware of the 3-year time commitment. The Member State(s) should also be aware that there are resources and financial implications that the selected Member State(s) will assume.

1. These Rules are intended to be in accordance with the Convention on the IHO and the General Regulations of the IHO that came into force on November 8, 2016.
2. Member States who wish to be selected from the USCHC to the IHO Council should be full members of the USCHC and 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 Council will be decided by the USCHC in accordance with the selection process described below no less than six months before the upcoming Assembly meeting.
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.



Statutes of the United States Canada Hydrographic Commission

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 Commission meeting, 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 USCHC until all available seats to the Assembly are filled. In case of a draw the Chair will cast a deciding vote.
7. The Chair will 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.

Duties and Responsibilities of the USCHC representative occupying the seat (s) on the Council allocated to the USCHC

1. Attend all annual meetings of the Council in Monaco or the designated location.
2. Be aware of issues that are before the Council and communicate those issues to USCHC states in advance.
3. Solicit input from other IHO member states of the USCHC as to any opinions or proposals being considered at the Council meetings.
4. All expenses connected with the participation to the Council will be borne by their respective States, in accordance with Article 3 of the IHO General Regulations.

