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30 January 2008

HCA Letter No. 1/2008

AMENDMENTS TO THE HCA STATUTES

To: Members and Observers of the IHO Hydrographic Commission on Antarctica
References: a) Circular Letter 7/2008 dated 18 January 2008.
b) Circular Letter 11/2008 dated 25 January 2008
b) Decisions Nos. 8 & 9 of the 17th IH Conference, May 2007

Dear Sir or Madam,

1 As reported in the Circular Letter in reference a), the Hydrographic Commission on Antarctica considered the existing text of the HCA Statutes at its 7th Meeting (Buenos Aires, Argentina, October 2007) in order to identify changes that might be required to bring them in line with the new IHO structure (Decisions 8 & 9 of IHC-17 refer) as implementation progresses.

2 In the first instance it was agreed to rename the HCA as "Commission" to provide this body a formal existence within the IHO. The Circular Letter in reference b) explains the matter to the Member States and proposes a slight modification to the future Article 8 of the General Regulations. **Annex A** provides the updated and current version of the HCA Statutes which are also posted on the IHO website.

3 The second point considered was the new IHO structure which will be implemented on 01 January 2009, when the Inter Regional Coordination Committee will start operating. Some required changes to the Statutes were also identified and the agreed text that will enter into force for the HCA on 01 January 2009 is provided in **Annex B**.

4 Discussions also took place concerning the HCA Chairperson, and the following two options were considered :

- 1) HCA Chairperson from a Member State and supported by the IHO Secretariat; **or**
- 2) HCA Chairperson from the IHO Secretariat.

The matter was settled by vote and there was overwhelming support for the second option, which was therefore adopted. The text in **Annex C** provides the HCA Statutes that will apply when the amendments to the IHO Convention enter into force.

5 The Commission tasked the Chair to circulate the agreed amendments to the HCA Statutes to all HCA Members. Any improvements to the texts provided in **Annex B** and **Annex C** would be most welcome.

A handwritten signature in blue ink, consisting of a large, stylized 'H' and 'G' that are interconnected. The signature is written on a light yellow background.

Hugo M. GORZIGLIA
Captain – Chilean Navy
IHB Director and Chairman of HCA

Enclosures: Annexes A, B and C

STATUTES OF THE IHO HYDROGRAPHIC COMMISSION ON ANTARCTICA (HCA)
(revised at the 7th HCA Meeting, Buenos Aires, Argentina, October 2007)

Article 1

GENERAL

- 1.1. The IHO Hydrographic Commission on Antarctica (hereinafter referred to as "HCA") is a special Hydrographic Commission of the International Hydrographic Organisation (IHO). The HCA is established in conformity with Administrative Resolution T1.3 of the IHO "Establishment of Regional Hydrographic Commissions (RHC)" (Appendix A) and shall be governed according to these statutes.
- 1.2. The HCA is responsible for hydrographic surveying and nautical charting matters in International Region M. The geographic limits of this region are illustrated at Appendix B.

Article 2

MEMBERSHIP

- 2.1. Membership of the HCA is open to any IHO Member State whose government has acceded to the Antarctic Treaty and which contributes resources and/or data to IHO INT Chart coverage of Region M (see Appendix B), and which becomes a signatory to the Statutes of the HCA.
- 2.2. Associate Membership is open to any non-IHO Member State whose government has acceded to the Antarctic Treaty and which contributes resources and/or data to IHO INT chart coverage of Region M, and which becomes a signatory to the Statutes of the HCA. Associate Members may take part in the discussions but shall not have voting rights, except as contained in Articles 4.2 and 4.3.
- 2.3. Observer status in the HCA is open to any other IHO Member State, to the representatives of any national or international organisation, and to individual experts, having professional involvement in hydrographic surveying or nautical charting in Region M either by contributing to those activities, or by providing support to those activities, or as users of derived products. The participation of Observers in any activity of the HCA will be subject to the prior approval of the Chairman of the HCA. The Observers may take part in the discussions but shall not have voting rights.

Article 3

AIMS

The aims of the HCA, which is an integral part of the IHO, shall be:

- 3.1. To promote technical co-operation in the domain of hydrographic surveying, marine cartography, and nautical information within the region.

- 3.2. To stimulate the Members, Associate Members and Observers forming the HCA to widen hydrographic activity in the region in accordance with Antarctic Treaty Consultative Meeting (ATCM) Resolution 3 of 2003 (Appendix C), and to encourage them to seek technical advice and assistance from the International Hydrographic Bureau (IHB) in establishing and strengthening their hydrographic capabilities in order to promote safe navigation in the region.
- 3.3. To facilitate the exchange of information between Hydrographic Authorities and with other organisations concerning surveys, research or scientific, technical and operational developments, to aid in the planning and organisation of hydrographic activities in the widest sense of the term.
- 3.4. To encourage Members, Associate Members and Observers forming the HCA to participate actively, of their own free will, on all possible occasions - whether in the form of advice or of assistance - in those hydrographic programmes requiring concerted action, but without prejudice to or interference with their national activities.
- 3.5. To examine the implications, in its area of interest, of matters of general interest with which the IHO is concerned, avoiding any interference with the prerogatives of the IHB and of any other Regional Hydrographic Commissions set up by the IHO.
- 3.6. To implement the INT chart scheme for the region and to monitor its suitability.
- 3.7. To define the needs for new surveys and if necessary to develop co-operative approaches to meet those needs.
- 3.8. To facilitate the provision and wide dissemination of information for scientific purposes (for example through the GEBCO programme).
- 3.9. To carry out studies as a Working Group of the IHO, when considered appropriate.
- 3.10. To develop an annual report of the status and plans for hydrographic surveys in the region, including updating and amplifying relevant IHO Publications.
- 3.11. The HCA may appoint working groups of Members and Associate Members interested in particular projects with the object of examining and executing such projects.

Article 4

CONFERENCES

- 4.1. The HCA shall meet in plenary conference in the country of one of its Members or Associate Members, at least twice between two successive ordinary sessions of the International Hydrographic Conference (IHC).
- 4.2. At the end of each conference the Members and Associate Members desirous of hosting the following conference shall put forward their candidatures. Priority shall be given to a country that has not yet hosted a conference, or to the one that did so the longest time ago. In cases of equal priority a vote shall be held, the decision being taken by a simple majority of Members and Associate Members present.
- 4.3. If it is in the interest of the HCA, and agreed upon by a simple majority of Members and Associate Members, an alternative venue may be selected.
- 4.4. Members and Associate Members shall be represented at conferences by heads of Hydrographic Services or their nominees or, where such services do not exist, by heads of national authorities

responsible for hydrography and navigation. They may be accompanied by advisors, but it is most desirable that their number be kept to a minimum.

- 4.5. The presence of a third (1/3) of the Members of the HCA shall constitute a quorum at all conferences.

Article 5

CHAIRMAN, VICE-CHAIRMAN AND SECRETARIAT

- 5.1. The activities of the HCA shall be conducted by the Chairman, who shall be a Director of the IHB appointed by the President of the Directing Committee of the IHB. The Chairman shall also preside over the conference.
- 5.2. The Chairman shall be assisted by a Vice-Chairman from a Member State of the HCA. The Vice-Chairman shall be elected at the beginning of each Conference by a simple majority of those Members present.
- 5.3. The IHB shall provide the Secretariat for the Commission regarding all questions to be dealt with by correspondence. The Chairman will prepare a Provisional Agenda for the next conference and will present, as the first item, his report on the activities of the Commission since the last conference.
- 5.4. The Chairman will report the activities and future plans of the HCA to the relevant sessions of the IHC. Between sessions, reports of studies or other activities, which may be considered of general interest to all Member States, should be reported through the Chairman to the IHB for general dissemination.

Article 6

ORGANISATION OF CONFERENCES

- 6.1. The Chairman shall issue invitations at least one year before the conference.
- 6.2. Proposals to be included in the Agenda of a conference shall be sent to the Chairman at least four months before the date fixed for the opening of the conference.
- 6.3. The Chairman shall prepare the Provisional Agenda in consultation with the Vice-Chairman and host nation, and forward it to the participants at least eight weeks before the opening of the conference.
- 6.4. The Chairman shall be responsible for the organisation of the conference, in conjunction with the Vice-Chairman and host nation.
- 6.5. The host nation will provide the Rapporteur and the secretarial facilities for the conference.
- 6.6. The host nation shall be responsible for the expenses of the conference except those expenses described in Article 6.8 below.
- 6.7. The host nation will assist with the arrangement of authorisations and visas, so as to facilitate attendance at the conference.
- 6.8. All expenses connected with the participation of the Chairman and the delegates in the conference shall be defrayed by their respective organisations.

Article 7

CONFERENCE AGENDA

- 7.1. The Agenda shall be adopted by the HCA at the beginning of each conference.
- 7.2. The HCA may modify in the course of the conference the order in which Agenda items are to be discussed.

Article 8

DECISIONS AND RESOLUTIONS

- 8.1. Decisions taken during each conference should be prepared in written form by the Chairman and presented the next day to the participants present.
- 8.2. At the end of the conference, the Chairman shall circulate the decisions taken during the conference. These decisions shall be adopted by means of a simple majority of the Members present. Votes in favour shall be indicated by a show of hands unless a secret ballot is requested by any Member present. However, when the Chairman, or a majority of Members present, decide that the decision so requires, the decision shall be made by correspondence. Such decision will be approved by a simple majority of the Members who have responded by the due date, provided that the number of votes received is at least equal to the quorum indicated at Article 4.5.
- 8.3. Only Members are entitled to vote, each having the right to one vote. The sole exception to this rule is to be found at Articles 4.2 and 4.3.
- 8.4. All decisions become operative immediately, except in the case where a Member objects and asks that the matter be referred to the IHO. However, such a procedure shall not be applicable to the provisions of Articles 4.2 and 4.3, concerning the hosting of conferences.
- 8.5. The Chairman shall dispatch within one month of the close of the conference a copy of the Summary Report containing the discussions, decisions and recommendations of the conference for verification or comment, to each Member, Associate Member and Observer. Comments are to reach the Chairman within one month of the receipt of the Summary Report. The final version of the Minutes shall be forwarded within four months of the close of the Conference.
- 8.6. Any decision, which may be of interest to the Member States of the IHO as a whole, shall be brought to the attention of the IHB. This fact shall be mentioned as part of the text of the decisions reached.

Article 9

EXTRAORDINARY MEETINGS

- 9.1. The Chairman may call for a meeting of the Members and Associate Members of the HCA when their representatives are assembled for a session of the IHC, inviting others qualified to attend as Observers.
- 9.2. In the case of urgent matters, which cannot be treated by correspondence and which cannot be postponed until the next conference, the Chairman, or a majority decision of the conference may request that an extraordinary meeting be held in a place considered most appropriate.
- 9.3. The provisions applicable to the conference shall apply to all extraordinary meetings.

- 9.4. When these extraordinary meetings do not include all Members, the decisions reached shall be reported by correspondence.

Article 10

STATUTES

- 10.1. The IHB shall be the custodian of these Statutes.
- 10.2. Members of the HCA may propose amendments to the Statutes. The Chairman shall submit the proposal(s) by correspondence to all Members for voting. A simple majority of Members of HCA is required for approval. If an amendment is approved, the Chairman will update the Statutes and circulate them to all Members, Associate Members and Observers.
- 10.3 Updated versions of IHO and ATCM resolutions will be added to the Statutes, as appropriate, by the Chairman without the approval of the Members of the HCA. These changes would not constitute formal amendments to the Statutes.

Article 11

LANGUAGE OF THE HCA

- 11.1. The working language of the HCA shall be English.

Approved by the Commission at the IHB, Monaco, September 2003.

Amendments approved at the HCA-7, Buenos Aires, Argentina, October 2007.

Appendices:

- A. Resolution T 1.3 of the IHO [Adopted by the XVI IHC, 2002]
- B. Geographic Limits of IHO INT Chart Region M
- C. Resolution of the Antarctic Treaty Consultative Meeting 2003

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To enter into force on 01 January 2009.

Article 1

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- 1.1 The IHO Hydrographic Commission on Antarctica (hereinafter referred to as "HCA") is a special Hydrographic Commission of the International Hydrographic Organisation (IHO). The HCA is established in conformity with Administrative Resolution T 1.3 of the IHO "*Establishment of Regional Hydrographic Commissions (RHC)*" (Appendix A) and shall be governed according to these statutes.
- 1.2 The HCA shall be a subordinate of the IHO Inter Regional Coordination Committee (IRCC).
- 1.3 The HCA is responsible for hydrographic surveying and nautical charting matters in International Region M. The geographic limits of this region are illustrated at Appendix B.

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MEMBERSHIP

- 2.1 Membership of the HCA is open to any IHO Member State whose government has acceded to the Antarctic Treaty and which contributes resources and/or data to IHO INT Chart coverage of Region M (see Appendix B) and which becomes a signatory to the Statutes of the HCA.
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To enter into force when the amendments to the IHO Convention enter into force.

Article 1

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- 1.1 The IHO Hydrographic Commission on Antarctica (hereinafter referred to as "HCA") is a special Hydrographic Commission of the International Hydrographic Organisation (IHO). The HCA is established in conformity with IHO General Regulation Article 8 and shall be governed according to these statutes.
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- 5.1 The activities of the HCA shall be conducted by the Chairman, who shall be a member of the Secretariat appointed by the Secretary General of the IHO. The Chairman shall also preside over the meeting.
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- 5.3 The HCA will have its permanent secretariat at the IHO Secretariat. The secretariat will provide the secretarial and administrative support needed to gather, hold and disseminate information on behalf of the HCA. The HCA will also have a Secretary nominated by the IHO Secretariat. The Secretary will provide direct support to all activities of the Chairman including preparing a summary of the HCA's activities to be included in the Annual Report.
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- 5.5 A member who holds a seat on the Council will be nominated to represent HCA matters at the Council.

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DECISIONS AND RESOLUTIONS

- 8.1 Decisions taken during each meeting should be prepared in written form by the Chairman and presented the next day to the participants present.
- 8.2 At the end of the meeting, the Chairman shall circulate the decisions taken during the meeting. These decisions shall be adopted by means of a simple majority of the members present. Votes in favour shall be indicated by a show of hands unless a secret ballot is requested by any Member present. However, when the Chairman, or a majority of Members present, decide that the decision so requires, the decision shall be made by correspondence. Such decision will be approved by a simple majority of the Members who have responded by the due date, provided that the number of votes received is at least equal to the quorum indicated in Article 4.5.
- 8.3 Only Members are entitled to vote, each having the right to one vote. The exception to this rule is found at Articles 4.2 and 4.3.
- 8.4 All decisions become operative immediately, except in the case where a Member objects and asks that the matter be referred to the IHO. However, such a procedure shall not be applicable to the provisions of articles 4.2 and 4.3, concerning the hosting of meetings.
- 8.5 The Secretary, on the approval of the Chairman, shall dispatch within one month of the close of the meeting a copy of the draft Minutes containing the discussions, decisions and recommendations of the meeting for verification or comment, to each Member, Associate Member and Observer. Comments are to reach the Chairman within one month of the receipt of the Summary Report. The final version of the Minutes shall be forwarded within four months of the close of the Meeting.
- 8.6 Any decision, which may be of interest to the Member States of the IHO as a whole, shall be brought to the attention of the IHO Secretariat. This fact shall be mentioned as part of the text of the decisions reached.

Article 9

EXTRAORDINARY MEETINGS

- 9.1 The Chairman may call a meeting of the Members and Associate Members of the HCA when their representatives are assembled for a session of the IHO Assembly, inviting others qualified to attend as Observers.
- 9.2 In the case of urgent matters, which cannot be treated by correspondence and which cannot be postponed until the next meeting, the Chairman, or a majority decision of the meeting may request that an extraordinary meeting be held in a place considered most appropriate.

- 9.3 The provisions applicable to the meeting shall apply to all extraordinary meetings.
- 9.4 When these extraordinary meetings do not include all Members, the decisions reached shall be reported by correspondence.

Article 10

STATUTES

- 10.1 The IHO Secretariat shall be the custodian of these Statutes.
- 10.2 Members of the HCA may propose amendments to the Statutes. The Chairman shall submit the proposal(s) by correspondence to all Members for voting. A simple majority of Members of HCA is required for approval. If an amendment is approved, The Chairman will update the Statutes and circulate them to all Members, Associate Members and Observers.
- 10.3 Updated versions of the IHO and ATCM resolutions will be added to the Statutes, as appropriate, by the Chairman without the approval of the Members of the HCA. These changes would not constitute formal amendments to the Statutes.

Article 11

LANGUAGE OF THE HCA

- 11.1 The working language of the HCA shall be English.

Approved by the Commission at the IHB, Monaco, September 2003.

Amendments approved at the HCA-7, Buenos Aires, Argentina, October 2007, to enter into force when the amendments to the Convention enter into force.

Appendices:

- A. Resolution T 1.3 of the IHO [Adopted by the XVI IHC, 2002]
- B. Geographic Limits of IHO INT Chart Region M
- C. Resolution of the Antarctic Treaty Consultative Meeting 2003