



INTERNATIONAL HYDROGRAPHIC ORGANIZATION  
MESO AMERICAN & CARIBBEAN SEA HYDROGRAPHIC COMMISSION



MACHC Letter 13 / 2009  
03 March 2009

To: MACHC Member States and Observers

Subject: **MACHC Statutes**

References: a) 9<sup>th</sup> MACHC Action List 9-15 and 9-16; and  
b) MACHC Letter 08/2009.

Dear Hydrographer,

1. Considering the above referenced documents, MACHC Secretary distributed MACHC Statutes as amended by the 9<sup>th</sup> MACHC Meeting for consideration of Member States. We thank Colombia, France, Mexico, and The Netherlands for their contribution.

2. Beyond the requested action to verify the work agreed at the 9<sup>th</sup> Meeting, Colombia, France, and Mexico made new proposals of amendments to the Statutes. However, I could not consider those proposals at this time because they were out of the scope of the Decision agreed at the mentioned meeting (9<sup>th</sup> MACHC Action List numbers 9-15 and 9-16: to include a Vice Chair, to establish the Secretary duties, to provide a mechanism for the future IHO Council representation, and to update MACHC Region). I just considered those suggestions which do not change the content of the Statutes and provided editorial improvement.

Once there was no discussion on Colombia, France, and Mexico proposals, we suggest to these countries to formalize their proposals to the 10<sup>th</sup> MACHC Meeting. The mentioned proposals are in the Annex.

3. The Statutes, as amended by the 9<sup>th</sup> MACHC Meeting follows as an Annex to this letter. I kindly request you to provide the signature of your National Authority at the correspondent place on pages 5 and 6, typing his/her full name and rank, and send this signed page to the address below.

Yours sincerely,

LUIZ FERNANDO PALMER FONSECA  
Vice Admiral (Brazil)  
Brazilian Director of Hydrography and Navigation  
MACHC Chairman

**Annex:**

- A) Suggestions of Statutes Amendments.
- B) MACHC Statutes

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Note: To improve the Commission's effectiveness, this letter is provided only by e-mail.

## Annex A to MACHC Letter 13/2009

### Member States Proposals / Comments to MACHC Statutes

#### Colombia

- 1) to include a reference to the Committees; and
- 2) to include Spanish as an Official work language.

#### France

- 1) Article 5.b/ is not totally compliant with Article 4.a/. Example:
  - According to Article 4.a/, we can have the case when MACHC meets in 2008 and in 2011 between two International Hydrographic Conferences (2007 and 2012).
  - In Article 5.b/, the term for the Chair and Vice Chair is for two years, in this example, 2008 until 2010. It shows that there is a gap in the Chairmanship allowed by the Statutes between 2010 and 2011, which should be avoided. Thus, it would be more appropriate to precise than Chair and Vice Chair are elected at the end of each Conference (instead of a period of two years).
- 2) It seems to us that Article 5.d/ and Article 4.b/ are not coherent. When the Chair and Vice Chair, having ranks of heads of Hydrographic Authorities, are not able to officiate at the Conference, the Conference should be postponed. It is not appropriate to have directors of Hydrographic Offices, attending a Conference, which is not chaired by their counterparts at the same rank; and
- 3) proposal for item 6a:

“At the end of each conference the Full Members desirous of hosting the following conference shall put forward their candidatures. Proposals for holding the conference in a country of an Associate Member may also be considered. Where no other compelling circumstances exist, priority shall be given to a Full Member state which has not yet hosted a conference, or to the one which did so the longest time ago.”

#### Mexico

- 1) Supports Colombia Proposals, and commented “ya que la mayoría de los países miembros son de lengua hispana” (once the majority of Member States have Spanish as their language).

Chairman observation: the rank of Official / Recognized languages of MACHC participants are:  
English: 19 (Antigua & Barbuda, Bahamas, Barbados, Belize, Dominica, Grenada, Guyana, Jamaica, Suriname, St. Kitts and Nevis, St. Lucia, St. Vicent & The Grenadines, Trinidad & Tobago, United Kingdom, United States of America, IHB, Jeppesen, ESRI, Caris)  
Spanish: 12 (Colombia, Cuba, Guatemala, Mexico, Venezuela, Honduras, Nicaragua, Panama, El Salvador, Belize, Rep. Dominicana, IHB)  
French: 4 (France, Haiti, St. Lucia, IHB)  
Dutch: 2 (Suriname, The Netherlands)  
Portuguese: 1 (Brazil)
- 2) Proposes the following amendments:

Article 1: Of the Commission  
Add c)The commission, which is an integral part of the IHO, shall have an advisory, scientific and technological character; it shall not exert any authority over the Hydrographic Services or Institutions responsible for hydrography and navigation of the Member countries and activities shall not extend to matters concerning international political issues.

Article 3: Of the Aims  
a) To promote the aims of the IHO on a regional level. (Eliminate the rest of the paragraph that could be in Article 1, proposed as c))



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*as amended by the 9<sup>th</sup> Conference of the Commission in Niterói, Rio de Janeiro, Brazil.  
(October 2008)*

### ARTICLE 1: OF THE COMMISSION

- a) The Meso American-Caribbean Sea Hydrographic Commission has been constituted in conformity with Administrative Resolution T1.3 of the International Hydrographic Organization (IHO), included as Annex 1, and shall be governed according to these Statutes.
- b) The geographic Region covered by the Commission shall be that defined by the IHO INT Charting Scheme Region B, included as Annex 2, hereafter referred as "the Region".

### ARTICLE 2: OF THE MEMBERS

- a) Full Members of the Commission shall be IHO Member States within the Region who are signatories of these Statutes.
- b) Associate Membership is open to any non-IHO Member State within the Region who is a signatory of these Statutes. Other Members of the IHO who contribute to the safety of navigation through their activities in the fields of hydrography, nautical charting or nautical information in the Region and are signatories to these Statutes may be accepted as Associate Members. Associate Members have the same rights and obligations as the Full Members of the Commission except the right to vote or to be elected Chair.
- c) The Chair shall also invite other IHO Member States who are not signatories to these Statutes but who contribute to the safety of navigation by their activities in the fields of hydrography, nautical charting or nautical information in the Region, or organisations active in the Region to attend as Observers.

### ARTICLE 3: OF THE AIMS

- a) The Commission, which is an integral part of the IHO and which promotes the aims of the Organization at the regional level, shall have an advisory, scientific and technological character; it shall not exert any authority over the Hydrographic Services or institutions responsible for hydrography and navigation of the Member countries and activities shall not extend to matters concerning international political issues.
- b) Particular aims of the Commission are:
  1. To promote technical co-operation and training in the domain of hydrographic surveying, marine cartography and nautical information.
  2. To examine in its area of interest, matters with which the IHO is concerned, avoiding any interference with the prerogatives of the International Hydrographic Bureau (IHB) and of any other bodies set up by the IHO.
  3. To stimulate all countries of the Region to expand their hydrographic activities and to encourage them to seek advice and technical assistance from the IHB and other organisations in order to strengthen their hydrographic capabilities.
  4. To facilitate the exchange of information related to surveys, research and/or scientific and technical development to assist in planning and organizing the hydrographic activities in the widest sense of the aims, but without interference in national responsibilities.



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5. To implement the INT and ENC Chart Schemes for the Region and to monitor their suitability.
6. To carry out studies and projects through working groups of the Commission or as a working group of the IHO when deemed necessary.
7. To identify the MACHC Representative(s) to the IHO Council, as outlined in the guidance provided in Annex 3 to the Statutes".

### ARTICLE 4: OF THE ORDINARY CONFERENCE

- a) The Commission shall meet in ordinary Conference in a country of the Region at least twice between two successive ordinary sessions of the International Hydrographic Conference (IHC).
- b) The Members shall be represented at the Conferences by the heads of the Hydrographic Authorities or their nominees or, where such services do not exist, by heads of national authorities responsible for hydrography and navigation.
- c) The presence of at least one-half ( $\frac{1}{2}$ ) of the Full Members of the Commission shall constitute the necessary quorum to hold the meeting.
- d) An invitation to attend the Conference shall always be sent to the Directing Committee of the IHB.
- e) The Chair shall invite those countries of the Region that are not Members of the Commission and the Coordinators of adjacent INT-Chart Regions to send Representatives to attend the Commission Conferences as Observers. Any Members may propose to the Chair the invitation of technical experts as Observers. Observers can participate in the discussions and in the working groups set up by the Commission but shall not have voting rights.
- f) The host country may limit the number of participants to not more than two per country pending availability of facilities.

### ARTICLE 5: OF THE CHAIR AND VICE CHAIR

- a) The Conferences of the Commission are conducted by the Chair with the assistance of the Vice Chair.
- b) The Chair and Vice Chair of the Commission shall be from a Full Member State of the Commission, elected on a rotational basis. Under normal circumstances, the term for the Chair and Vice Chair will be two years.
- c) At the conclusion of a Conference, Full Members will offer suggestions regarding the election of a new Chair and Vice Chair. In order to assure the continuity, it is suggested that the Vice Chair be elevated to the position of Chair for the next period.
- d) If the Chair, or the Vice Chair, is unable to officiate at the Conference, he or she shall be replaced by his or her Representative.
- e) The incoming Chair shall take office three months after the conclusion of an ordinary Conference.

### ARTICLE 6: OF THE SEATS OF THE CONFERENCES

- a) The Chair-elect of the Commission shall make arrangements for hosting the next Conference in a country in the Region.



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- b) The host country will assist with the arrangement of authorizations and visas, so as to facilitate attendance at the Conference.

### ARTICLE 7: OF THE CONFERENCE

- a) The Chair shall prepare the Provisional Agenda in conjunction with the Members at least two (2) months before its opening. The Provisional Agenda shall contain all standard items required by the IHO (e.g., National Reports, INT Charts and ENC Cell scheme). The first item shall be the Chair's report on the activities of the Commission since the last Conference. All Conference Documents shall be made available on the IHO/MACHC web site at least one month prior to the meeting.
- b) Members' Proposals to be included on the Agenda of a Conference should be sent to the Chair for the next Conference at least four (4) months in advance of the date agreed for the commencement of the Conference.
- c) The Agenda shall be adopted by the Commission at the beginning of each Conference.
- d) The Commission can modify the order of discussion of the different items of the Agenda during the Conference.
- e) Proposals of Members not included in the Agenda shall be submitted to the Chair and, with the agreement of the Members, shall be added to the Agenda for consideration.
- f) Each Full Member has one vote and votes shall be indicated by a show of hands.
- g) At the end of each Conference, the Chair shall present the Resolutions and Decisions taken in the working language of the Commission. Twenty (20) days after the close of the Conference, the Chair will submit to the Full Members and Participants a report, (in the working language of the Commission) which will include those Resolutions and Decisions, as well as any supporting information submitted. Full Members shall report any objections of the report within twenty (20) days. Any objections to the report shall be made by electronic mail.
- h) Between Conferences, if necessary, subjects may be discussed and decided by correspondence in the MACHC working language.
- i) In preparation for, during and between Conferences, the Chair shall be assisted by the Secretary appointed by him/her. The duties of the Secretary includes the following:
1. To collate, three (3) months before the Conference, all proposals from the Full Members, to be included in the Agenda.
  2. To forward proposals and the provisional Agenda to the Chair and Vice Chair at least two (2) months prior to the Conference.
  3. To prepare and distribute a list of participants at least one (1) month prior to the Conference.
  4. To receive and to forward any requirements from the Members to the Chair and Vice Chair as appropriate.
  5. To prepare for the Chair, a report of the Conference within twenty (20) days following its conclusion, including the discussions resolutions and decisions taken, as well as any supportive information that was submitted.
  6. To prepare the final report and forward it to the IHB.



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7. To assure with the host country, the nominal organization of the Conference.

### ARTICLE 8: OF RESOLUTIONS AND DECISIONS

- a) The resolutions and decisions of the Conference shall usually be reached by consensus among Full Members. If consensus cannot be reached, resolutions and decisions shall be adopted by a simple majority of the Full Members present. In case of an equal number of votes (tie), a second vote shall take place after listening to the comments of the Representative of the IHB.
- b) The Chair each day shall prepare a written text of the decisions taken on each item of the Agenda and shall see to its distribution to all the attendees present for the next day.
- c) Each Full Member has only one vote.
- d) At the end of the Conference, the Chair shall read the text of the resolutions and decisions taken. All decisions become operative immediately.

### ARTICLE 9: OF CORRESPONDENCE

- a) The Chair shall send, within two months after the closing of the Conference, one (1) copy of the Draft Report regarding the discussions and decisions taken during the Conference to each of the Full Members for its approval, and for Associate Members and Observers to comment. The Full Members shall send back their approval or any amendments within two months after its receipt. Any objection shall be resolved by correspondence. A signature page shall be circulated to obtain final approval.
- b) A copy of the Final Report of the Conference shall be sent to the Full Members, Associate Members, Observers and the IHB.

### ARTICLE 10: OF EXTRAORDINARY CONFERENCES

- a) The Chair may convene an Extraordinary Conference of the Members of the Commission when their Representatives are assembled for a session of the IHC, inviting others qualified to attend as Observers.
- b) In the case of urgent matters, which cannot be treated by correspondence nor can be delayed for the next Conference, the Chair, in agreement with the Full Members may convene an Extraordinary Conference.

### ARTICLE 11: OF EXPENSES

- a) The Chair and the host country shall be responsible for the organisation of the Conferences and shall pay the expenses except those described below.
- b) Travelling, hotel and per diem expenses of the delegates shall be defrayed by their respective organizations.

### ARTICLE 12: OF THE STATUTES

- a) The IHB shall be the custodian of these Statutes.
- b) The modification of the Statutes requires the approval of at least two-thirds (2/3) of the Full Members of the Commission.



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- c) If modifications to the present Statutes are agreed by those Full Members attending a Conference, but they do not receive the approval of at least two-thirds (2/3) of the Full Members as required, the Chair shall submit the proposal(s) by mail to all Full Members with information copies to Associate Members. Final approval shall be subject to the provisions of Article 12b. All approved modifications to the Statutes shall then appear in the report of the Conference.

### **ARTICLE 13: OF THE LANGUAGE OF THE COMMISSION**

- a) The working language of the Commission shall be English.



## STATUTES

### Signatures:

#### Full Members

##### Brazil:

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Name  
Title / Post

##### Colombia:

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Name  
Title / Post

##### Cuba:

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Name  
Title / Post

##### France:

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Name  
Title / Post

##### Guatemala:

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Name  
Title / Post

##### Jamaica:

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Name  
Title / Post

##### Mexico:

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Name  
Title / Post

##### Netherlands:

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Name  
Title / Post

##### Suriname:

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Name  
Title / Post

##### Trinidad and Tobago:

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Name  
Title / Post

##### United Kingdom:

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Name  
Title / Post

##### United States of America:

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Name  
Title / Post

##### Venezuela:

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Name  
Title / Post



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### Associate Members

#### Antigua and Barbuda:

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Name  
Title / Post

#### Barbados:

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Name  
Title / Post

#### El Salvador:

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Name  
Title / Post

#### Guyana:

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Name  
Title / Post

#### Haiti:

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Name  
Title / Post

#### Honduras:

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Name  
Title / Post

#### Nicaragua:

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Name  
Title / Post

#### Panama:

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Name  
Title / Post

#### Santa Lucia:

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Name  
Title / Post

#### St. Kitts and Nevis:

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Name  
Title / Post



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### Annex 1

#### IHO Technical Resolution

#### **T1.3 ESTABLISHMENT OF REGIONAL HYDROGRAPHIC COMMISSIONS (RHC)**

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



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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.<br>New technologies and /or equipment<br>New ships<br>Problems encountered   |
| 3. New charts & updates:          | ENCs<br>ENC Distribution method<br>RNCs<br>INT charts<br>National paper charts<br>Other charts, e.g. for pleasure craft<br>Problems encountered   |
| 4. New publications & updates:    | New Publications<br>Updated publications<br>Means of delivery, e.g. paper, digital<br>Problems encountered  |
| 5. MSI                            | Existing infrastructure for transmission<br>New infrastructure in accordance with GMDSS Master Plan<br>Problems encountered   |
| 6. S-55                           | Latest update (Tables)  |
| 7. Capacity Building              | Offer of and/or demand for Capacity Building<br>Training received, needed, offered<br>Status of national, bilateral, multilateral or regional development projects with hydrographic component. (In progress, planned, under evaluation or study)<br>Definition of bids to IHOCBC |
| 8. Oceanographic activities       | General   |



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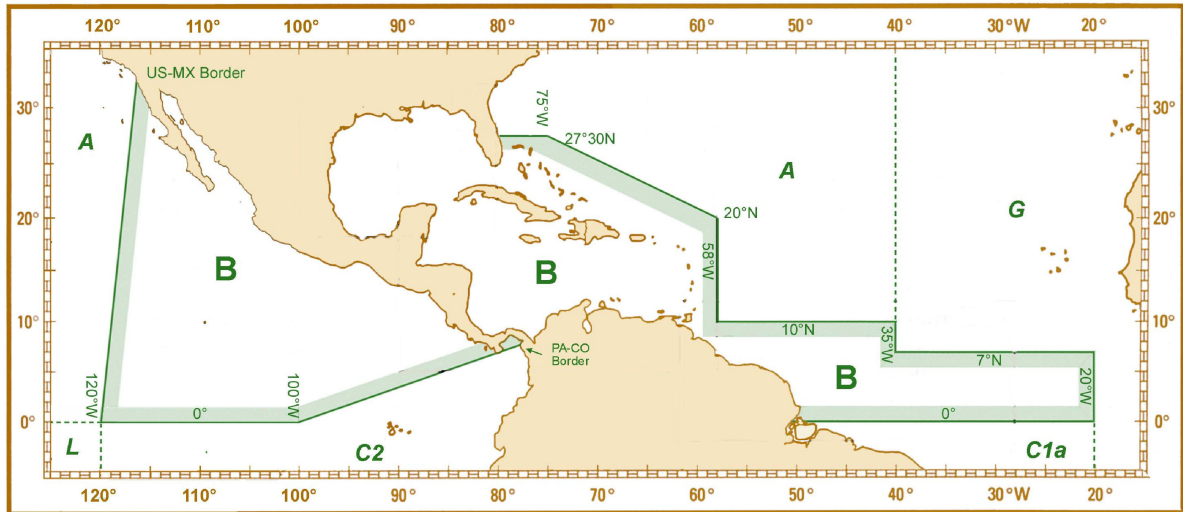
- GEBCO/IBC's activities
  - Tide gauge network
  - New equipment
  - Problems encountered
9. Other activities
- Participation in IHO Working Groups
  - Meteorological data collection
  - Geospatial studies
  - Disaster prevention
  - Environmental protection
  - Astronomical observations
  - Magnetic/Gravity surveys
  - International
  - Etc.
10. Conclusions



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### Annex 2

### MACHC Region





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### Annex 3

#### Council Selection Guidelines

The duties of MACHC Representatives to the IHO Council are an important responsibility, as it is one of the primary means of communication and involvement by the MACHC in IHO matters. Thus, it is important that the MACHC be served by knowledgeable, willing and capable Representatives to the IHO Council. The following provides guidelines and procedures for selecting the MACHC Representatives on the IHO Council.

#### **Fundamental assumptions are:**

1. The MACHC will be allotted two Representatives for the Council (although this number could increase or even decrease for which adjustments may be required);
2. All MACHC Representatives to the Council will serve a 3-year term (to coincide with the newly structured 3-year IHO Assemblies), *[This is a commitment Representatives and their sponsoring Member States must be willing to support, both in time required and financial expenses]*;
3. The MACHC will meet at minimum once during the 3-year period between IHO Assemblies (to address MACHC representation on the IHO Council);
4. The MACHC Council Representative must be from a Member State with full Member status in MACHC;
5. The MACHC will be informed as to the number of Council seats allocated 3 months prior to the Assembly; and
6. The MACHC must identify and inform the IHO of their Council Representative(s) 6 months prior to the Assembly, the following selection process is proposed.

#### **The Method of Selection of MACHC Representative(s) to the IHO Council shall be as follows:**

1. At every MACHC Conference prior to an IHO Assembly, the MACHC shall place the "Selection of MACHC Representatives to the IHO Council" on its Agenda as a matter of procedure.
2. At the appropriate time, the Chair shall put forward a list of MACHC Member States who are eligible to serve as Council Representatives.
3. The MACHC Chair shall entertain volunteers or nominations for candidates for each Council position, as allocated to MACHC by the Secretary-General of the IHO, from among the eligible MACHC Member States who wish to serve on the IHO Council. Candidates and their Member States should be cognizant of the following:
  - a. The position of Council Representative is for a 3-year term;



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- b. In accordance with Article 14, paragraph (b), iii, of the “General Regulations of the IHO,” Member States who wish to put themselves forward for selection to the Council, must inform the Commission, with a copy to the Secretary-General of the IHO, of such a decision 6 months prior to an IHO Assembly;
    - c. Member States’ Candidates must be willing to serve the full term of three years (to coincide with the Assembly schedule);
    - d. Candidates must have the support from their Member State and the resources to attend annual meetings in Monaco (or elsewhere); and
    - e. No Member State can have more than one Representative on the Council at any given time.
4. Once nominations have closed, a decision shall be made by consensus, or if necessary, votes shall be taken among all full MACHC Member States with each country having one vote, as follows:
  - a. Using separate ballots for each allotted Council seat, the candidate with the highest number of votes on the first ballot shall be the primary MACHC Council Representative to the IHO Council;
  - b. On the next ballot, the candidate with the highest number of votes on the second ballot shall be the second MACHC Council Representative to the IHO Council, should the MACHC be allocated two Council seats; and
  - c. On the next ballot (if necessary), the candidate with the highest number of votes on the third ballot shall be the third MACHC Council Representative to the IHO Council, should the MACHC be allocated three Council seats.
5. Should a MACHC Council Representative be unable to fulfill the obligations for whatever reason, or miss two consecutive Council meetings, he (she) shall be replaced with an alternate Representative selected by the Chair, MACHC, and confirmed by IHO, until the next MACHC Conference, when this issue can be addressed according to the procedures described in paragraphs 2-4, above.