

PAME I-2019 –Agenda 6.1(b) Background

Proposal to Develop a Memorandum of Understanding with the Arctic Regional Hydrographic Commission

By the USA and Canada

APPROVED BY SAOs IN NOV 2018

Background

PAME works on matters related to the protection and sustainable use of the Arctic marine environment. One of PAME’s key focus areas is Arctic shipping. Its 2009 Arctic Marine Shipping Assessment (AMSA) Report noted that critical improvements are needed to Arctic navigational charts and recommended linking with international organizations to enhance Arctic marine safety. Further, the first goal identified in the Arctic Marine Strategic Plan 2015–2025 is improving knowledge of the Arctic marine environment, including increased collection and dissemination of hydrographic data.

The Arctic Regional Hydrographic Commission (ARHC) aims to improve Arctic regional coordination in the domain of hydrographic surveying and marine cartography. The ARHC’s objectives include widening hydrographic activity in the Arctic Ocean and identifying regional surveying and charting needs. PAME and ARHC therefore have mutually supportive missions. In particular, both recognize that improving hydrographic surveys and charts in the Arctic is crucial to enhancing marine safety and protecting the environment from the effects of shipping.

Discussion

PAME and ARHC have previously interacted on an *ad hoc* basis. Formalizing the relationship between PAME and ARHC through a non-binding memorandum of understanding (MOU) would encourage more frequent exchanges of information. The objective of such an MOU would be to foster greater communication between the two organizations and enhance coordination on projects of mutual interest. Though the MOU would not be legally binding, it would allow each body to leverage the expertise of the other in order to develop a unified strategy for improving hydrographic charts and surveys in the Arctic. The United States and Canada submitted a parallel proposal to the ARHC for consideration at its September meeting (see Appendix A).

Possible MOU terms

The MOU would focus on providing greater opportunities for communication between the two organizations. MOU provisions could include the following:

- A provision indicating ARHC and PAME intend to invite representatives of the other to attend any meeting at which topics within the partner’s area of expertise are on the agenda.
- Statement of intent to consult one another on issues of mutual interest and provide notice of seminars, workshops, etc., that may be of interest to the partner.
- Procedures for soliciting input on matters within the purview of the partner. For example, PAME could offer to render assistance to ARHC upon request for issues that fall within PAME’s expertise, and vice versa.

- A provision noting neither body intends the MOU to be legally binding or create any rights or obligations under international law, nor does it bind any of the members of ARHC or of PAME, jointly or severally. All activities by members of each body are undertaken voluntarily on a consultative basis.
- A provision clarifying the MOU does not commit either body or any member of either to any expenditures, all activities are subject to the availability of funds, and cooperation is largely expected to consist of voluntary in-kind contributions by members.

Procedural requirements

Under the Arctic Council's Guidelines for Relationships with Outside Bodies, PAME must notify the Senior Arctic Officials (SAOs) and seek their approval if it would like to formalize relations with ARHC by means of an MOU. At minimum, a submission to the SAOs must include the following information:

- Objective: To foster greater communication between PAME and ARHC and enhance coordination on strategies to improve hydrographic data in the Arctic.
- Scope of the relationship: Activities focused on assessing or improving hydrographic information in the Arctic, or other issues relevant to the missions of both PAME and ARHC.
- Duration: PAME and ARHC will formally review MOU terms every five (5) years and make any necessary or appropriate modifications. Either MOU participant may terminate the relationship upon 30 days written notice to the other.
- Participants: PAME and ARHC.
- Funding arrangements: As noted above in the suggested MOU terms, contributions are expected to involve in-kind contributions and the MOU would not commit either body or any member of either body to any expenditures.
- Points of Contact: The Chairs of both PAME and ARHC.

Recommendations to PAME II-2018

The USA and Canada recommend that PAME II-2018 adopt a RoD:

- approving the development of a draft MOU between PAME and ARHC;
- authorizing the PAME SEG Co-Chairs to work with appropriate ARHC representatives to negotiate the terms of a draft MOU;
- directing the PAME SEG Co-Chairs to submit a report to PAME I-2019 on the status of their efforts, including a draft MOU for consideration if negotiations have proceeded to that stage.

APPENDIX A

ARHC8-D6x

**Arctic Regional Hydrographic Commission (ARHC)
Longyearbyen, Svalbard, Norway, Sept. 11–13, 2018**

**Proposal for a Memorandum of Understanding (MOU) with the Arctic Council's
Protection of the Arctic Marine Environment Working Group (PAME)**

Submitted by: Canada and United States

Executive Summary: This is a proposal to begin the process to draft and establish a formal relationship between ARHC and PAME through the development of an MOU encouraging greater cooperation on projects of mutual interest. If agreed, it is anticipated an MOU could be drafted and signed in 2019 at an appropriate venue or by correspondence.

Related Documents: Statutes of the Arctic Regional Hydrographic Commission

PAME 2009 Arctic Marine Shipping Assessment Report
Arctic Council Guidelines for Relationships with Outside Bodies

Related Projects: None

PROPOSAL

The ARHC and the Arctic Council's Protection of the Arctic Marine Environment Working Group (PAME) share a common goal of protecting marine environmental health in the Arctic. The groups have cooperated and exchanged information related to navigation conditions in the Arctic over the past several years.

USA representatives participate in both ARHC and PAME meetings and hereby invite members of the ARHC to consider the establishment of a more formal relationship with PAME through development of a Memorandum of Understanding (MOU).

Members of the ARHC are invited to:

- Take note of this proposal as an approach to developing a unified strategy to improve hydrographic charts and surveys in the Arctic.
- Discuss the ways in which a formal partnership with PAME would help achieve the objectives specified in Article 4 "Objectives of the Commission" of the Statutes of the ARHC.¹
- Discuss the benefits of coordinating with PAME to identify and address gaps in hydrographic information in the Arctic.
- Approve the development of an MOU between ARHC and PAME.

BACKGROUND

¹ https://www.iho.int/mtg_docs/rhc/statutes/ARHC_Statutes_20170901.pdf

The Arctic Council's Protection of the Arctic Marine Environment Working Group (PAME) works on matters related to the protection and sustainable use of the Arctic marine environment. One of PAME's key focus areas is Arctic shipping. Its 2009 Arctic Marine Shipping Assessment Report noted that critical improvements are needed to Arctic navigational charts and recommended linking with international organizations to enhance Arctic marine safety. The Arctic Regional Hydrographic Commission (ARHC) aims to improve Arctic regional coordination in the domain of hydrographic surveying and marine cartography. The ARHC's objectives include widening hydrographic activity in the Arctic Ocean and identifying regional surveying and charting needs. PAME and ARHC therefore have mutually supportive missions. In particular, both recognize that improving hydrographic surveys and charts in the Arctic is crucial to enhancing marine safety and protecting the environment from the effects of shipping.

PAME and ARHC have previously interacted on an ad hoc basis. Formalizing the relationship between PAME and ARHC through a memorandum of understanding (MOU) would encourage more frequent exchanges of information. The objective of such an MOU would be to foster greater communication between the two organizations and enhance coordination on projects of mutual interest. Though the MOU would not be legally binding it would allow each organization to leverage the expertise of the other in order to develop a unified strategy for improving hydrographic charts and surveys in the Arctic. Further, a more formal relationship with PAME would help the ARHC achieve several objectives specified in Article 4 of its organizing Statutes, including: 1) stimulating the widening of hydrographic activity in the Arctic; 2) defining needs for new hydrographic products and services and developing cooperative approaches to meet those needs; and 3) facilitating the exchange of information concerning surveys, research or scientific and technical developments and aiding in the planning and organization of hydrographic activities.

POSSIBLE MOU TERMS

The MOU would focus on providing greater opportunities for communication between the two organizations. MOU provisions could include the following:

- A provision indicating ARHC and PAME intend to invite representatives of the other to attend any meeting at which topics within the partner's area of expertise are on the agenda.
- Statement of intent to consult one another on issues of mutual interest and provide notice of seminars, workshops, etc., that may be of interest to the partner.
- Procedures for soliciting input on matters within the purview of the partner. For example, PAME could offer to render assistance to ARHC upon request for issues that fall within PAME's expertise, and vice versa.
- A provision noting neither body intends the MOU to be legally binding or create any rights or obligations under international law, nor does it bind any of the members of ARHC or of PAME, jointly or severally. All activities by members of each body are undertaken voluntarily on a consultative basis.
- A provision clarifying the MOU does not commit either body or any member of either to any expenditures, all activities are subject to the availability of funds, and cooperation is largely expected to consist of voluntary in-kind contributions by members.

CONCLUSION

An MOU between PAME and ARHC would help both organizations fulfill mission objectives and lead to greater coordination on a strategy to improve hydrographic charts and surveys in the Arctic. The United States recommends ARHC member states approve the development of an MOU to be signed by the chairs of ARHC and PAME, or their designees.

The ARHC is invited to

- Note this proposal;
- Discuss the merits and determine if such a MOU would be desirable;
- If so, outline a plan of action including initial thinking of scope and administrative considerations; and
- Provide a response to PAME to this proposal as soon as possible hopefully prior to the PAME-II 2018 meeting October 1-4.