DOC: ARHC9-A4b-Action D6 Report

Submitted by: United States of America and Canada

Executive Summary: This report responds to ARHC8 Agenda item D6 “Outreach-Arctic Council Working Groups” Action for the US and CA to respond to the US and CA representatives of PAME and take appropriate steps to develop a MOU. It reports on the development of a draft MOU between PAME and the ARHC and provides the document for consideration at ARHC-9.

Related Documents: Meeting reports of the ARHC-8, -7, -6, -5 where informal personnel and information exchanges between ARHC and PAME have occurred.

Related Projects: www.Pame.is

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**Background**

PAME II-2018 approved the development of a non-legally binding Memorandum of Understanding (MOU) with the Arctic Regional Hydrographic Commission (ARHC) to foster greater communication between the two bodies on projects of mutual interest, including enhanced coordination on strategies to improve hydrographic data in the Arctic. The ARHC-8 approved a parallel project proposal in September 2018.[[1]](#footnote-1) As required by the Arctic Council’s Guidelines for Relationships with Outside Bodies, PAME notified the Senior Arctic Officials (SAOs) of its interest in pursuing an MOU with ARHC and requested their approval. The SAOs approved the project at their November 2018 meeting in Rovaniemi, Finland. The MOU was developed by PAME in 2019 and is shared with the ARHC for its consideration.

PAME-II and ARHC-9 are both meeting in September 2019 and reviewing the draft MOU concurrently.

**Discussion**

The project leads, the United States and Canada, prepared a draft MOU for PAME I-2019 within the parameters approved by PAME members at PAME II-2018. The attached document (Appendix A) proposes a non-legally binding MOU agreeing to the following:

* PAME and ARHC intend to consult each other on projects of mutual interest to ensure maximum coordination of work;
* Each body intends to invite a representative of the other to attend any meeting during which topics within the other’s area of expertise are on the agenda;
* Each body intends to provide notice of seminars, workshops, etc., that may be of interest to the other;
* Procedures for soliciting input on matters within the purview of each body; and
* Procedures for reviewing, amending, and terminating the agreement.

PAME I-2019 invited members to provide the United States with comments on the draft MOU by 1 June, 2019. No comments were received on the current draft.

The Vice-Chair of ARHC informally shared the draft MOU with the ARHC members present at the IRCC11 meeting in June 2019 for initial feedback.

**Recommendation to ARHC-9**

PAME II-2019 will formally consider proceeding with the MOU at its September 10-12 meeting in Reykjavik, Iceland. If the text is agreed by PAME and ARHC, PAME would then submit the draft MOU to the Arctic Council SAOs for approval, and, subject to decision of the PAME-II 2019 meeting, the United States would submit a report to PAME I-2020 with a proposal for finalization and adoption of the MOU.

The United States and Canada recommend that ARHC members review, discuss, evaluate and if appropriate, approve the attached MOU in principle. The US and CA recommend ARHC-9 instruct the US and Canada to inform PAME immediately at the earliest practical time of the result of the ARHC-9 discussions and explore next steps for hopeful adoption by the two bodies (ARHC and PAME) as soon as practical.

**Actions requested of the ARHC**

The ARHC is invited to:

1. Review and discuss the MOU at ARHC-9 for its appropriateness “as is” or subject to edits;

2. Consider options for signing, if appropriate;

3. Respond to PAME by a date to be agreed at ARHC-9 on the outcome of ARHC-9 discussions; and

4. Take any action warranted

**APPENDIX A – DRAFT MOU**

**MEMORANDUM OF UNDERSTANDING**

**BETWEEN**

**THE ARCTIC REGIONAL HYDROGRAPHIC COMMISSION (ARHC)
AND**

**THE ARCTIC COUNCIL’S WORKING GROUP ON THE PROTECTION OF THE ARCTIC MARINE ENVIRONMENT (PAME)**

1. **Participants**

This document constitutes a Memorandum of Understanding (MOU) between the Arctic Regional Hydrographic Commission (ARHC) and the Arctic Council’s Working Group on the Protection of the Arctic Marine Environment (PAME).

1. **Background**

The 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 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 ARHC and PAME 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.

1. **Purpose**

The purpose of this MOU is to foster greater communication between the ARHC and PAME and enhance coordination on strategies to improve hydrographic data in the Arctic. The ARHC and PAME intend to maintain and increase opportunities for scientific, technical and professional exchange between their members, sharing knowledge and expertise to the advantage of both.

1. **Program of Activities**

In accordance with the background and purpose described above, the ARHC and PAME decide to cooperate as follows:

1. Each body intends to consult the other on matters of common interest with a view to ensuring maximum coordination of their work and activities;
2. Each body intends to invite a representative of the other to attend any meeting at which topics within the other’s area of expertise are on the agenda;
3. Each body intends to provide notice of proposed seminars, workshops, etc., that may be of interest to the other to enable joint participation should it be of mutual benefit. The bodies also intend to identify opportunities to organize seminars or workshops under joint sponsorship;
4. At the request of PAME, the ARHC will provide input to PAME with respect to matters within the scope of activities and expertise of the ARHC; and at the request of the ARHC, PAME will provide input to the ARHC for matters falling within the scope of activities and expertise of PAME.
5. **Financial and Resource Commitments**

This MOU does not commit either body or any member of either body to any expenditures or in-kind contributions. All activities of both bodies are subject to the availability of funds, and cooperation between them is largely expected to consist of voluntary in-kind contributions by member governments.

1. **Legal Status**

This MOU does not create a legal relationship between the two bodies or any of their members. Neither body intends this MOU to be legally binding or create any rights or obligations under international law, nor does it bind any of the members of the ARHC or PAME jointly or severally. All activities by members and observers to each body will be undertaken voluntarily on a consultative basis.

1. **Effective Date**

This MOU shall become effective upon signature by the chairs of both bodies and shall remain in force unless terminated by either participant upon 30 days written notice. The participants will review MOU terms every five (5) years. Changes may be proposed in writing by either participant. Amendments to this MOU are by mutual decision of the participants.

Date:

On behalf of the ARHC On behalf of PAME

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Chair, ARHC Chair, PAME

1. “*The proposal to formalize a relationship between ARHC and the Arctic Councils Protection of the Arctic Marine Environment Working Group (PAME) was discussed. It was proposed to start to formalize this cooperation by way of developing a Memorandum of Understanding (MoU) between the two groups. This was well received by both groups.”* ARHC-8 minutes, page 12. [↑](#footnote-ref-1)