ARHC9-A4b.1

Submitted by: Vice Chair ARHC-9 (United States of America)

Executive Summary: This report responds to ARHC8-23 action “*Vice Chair to make a proposal for amendments to the Statutes, in particular to make it possible to arrange alternative venues for the conference*.” The statutes do not currently allow ARHC meetings in venues other than the 5 full member state countries or in conjunction with the IHO Assembly. An initial option for a simple amendment to allow flexibility selecting ARHC meeting venues is offered. Also raised is a question if the ARHC wishes to revisit the Statutes for additional updates.

Related Documents: ARHC-8 meeting report and Action list

Annex A to C3-04.2

C3-05.2A

C3-06.1A

ARHC5--2 “Proposed order of future ARHC meetings 2016-2022”

ARHC3 Final Report

Related Projects: none

**Introduction/Background**

The Statutes of the ARHC[[1]](#footnote-1) were signed and took effect initially in June 2010, were amended October 2016 and updated September 2017 primarily to reflect changes within the IHO in accordance with the adoption of the Protocol of Amendments. The Statutes are 15 pages in length, including the Statutes themselves and 5 Annexes.

The statutes contain the following main structure:

Preamble

Article 1 Title and Effective Dates

Article 2 Interpretation

Article 3 Membership

Article 4 Objectives of the Commission

Article 5 Other claims regarding the Arctic

Article 6 Conferences

Article 7 Chair, Vice-Chair and Secretariat

Article 8 Organization of Conferences

Article 9 Conference Agenda

Article 10 Decisions and Resolutions

Article 11 Extraordinary Meetings

Article 12 Committees and Working groups

Article 13 Expenses

Article 14 Working Language

Article 15 Entry into Force, Abrogation and Amendments

ARHC action ARHC-8-23 calls for “*Vice Chair to make a proposal for amendments to the Statutes, in particular to make it possible to arrange alternative venues for the conference*” with due date at ARHC-9. The action was proposed largely in consideration of the possibility of convening ARHC meetings in venues outside the territories of the five full member governments.

**Analysis/Discussion**

Article 6 “Conferences” (b) states:

*The location of the Conferences shall be in the country of one of the Members, by*

*rotation. The order of the rotation is: Canada, Denmark, Norway, Russia, the*

*United States of America, and then Canada again and so on.*

“Conference” in the above is understood to refer to the Regional Hydrographic Commission meetings. As currently written, the ARHC cannot meet in other venues except in connection with IHO Conferences (ie, Assemblies) (Article 11). Note the current language of the Statutes does not envision ARHC meetings other than *alphabetical sequential order* *only*- CA, DK, NO, RU, US, and then back to CA, etc.. However, the ARHC did convene an “extraordinary meeting” in Abu Dhabi, UAE in Mary 2016. And ARHC-4 (January 2014, USA) and ARHC-5 (October 2015, Russian Federation) were convened “out-of-sequence.”

Article 7 “*Chair, Vice-Chair and Secretariat*” does not envision a potentially distinct role of a local meeting “host.” The ARHC-3 and ARHC-5 decided to assign the responsibility of local host to the Chair to facilitate local planning and local logistical arrangements in the hands of knowledgeable local people.

Other Observations from Review of the Statutes

Article 8 “*Organization of Conferences*” outlines a highly proactive schedule of preparations requiring invitations to be dispatched by the Chair 120 days prior to the “Conference,” proposals to the agenda 90 days in advance, and provisional agenda to all members 60 days in advance. These timelines could be reconsidered if they are indeed practical.

There may be additional considerations to revise the statutes beyond just the meeting venue issue. The Vice Chair notes the pending revisions to the IHO Resolutions 2/1997 (RHCs) and 1/2005 (Disasters), the pending revision of the IHO Strategic Plan, and pending IHO priorities anticipated over the next decade in such areas as Seabed 2030, MSDI, CSB, and others which are anticipated as long term (ie, at least 10 years) priorities. The role of local or native communities in the ARHC is not considered although this stakeholder group has been recognized as an important community at the Arctic Science Workshops (associated with ARHC meetings). Finally, the statutes do not highlight the importance of providing input to the IHO Work Program.

The current statutes may benefit from a full, clean-up revision and update. For example, Article 2 “*Interpretation*” clause c) indicates how organizational terms should be interpreted in light of the adoption of the protocol of amendments- for example, “IHB shall be read Secretariat,” etc… This could be reconciled by revising the Statutes to adopt the new terms in the first place. Additionally, Article 6 refers to “*Conferences*” but these may be more consistently termed “Commission Meetings.” The term “conference” also could refer to the previous International Hydrographic Conferences held every five years in Monaco, or the Extraordinary Hydrographic Conferences held between regular Conferences.

Annex 3 (IHO Resolution 2/1997 (RHCs)) could be integrated into the Statutes as footnote hyperlink instead of a separate one page annex. Additionally, depending on the outcome of revisions to IHO Resolution 2/1997, additional updates to the ARHC Statutes could be considered in order to best align the RHC statutes to the IHO Resolution.[[2]](#footnote-2)

Annex 5 (Representation to the IHO Council) could be integrated into the body of a revised version of the statutes which may streamline the Statutes themselves into one core document.

**Recommendations**

At a minimum, if the members of the ARHC wish to allow Conference (Commission) meetings in venues other than Canada, Denmark, Norway Russian Federation, United States of America, or Monaco, the Statutes must be updated. This could be accomplished as a simple update to Article 1 adding an update and recording it as an entry following the previous update and making the appropriate text changes in the body of the document.

Recommended

|  |  |  |
| --- | --- | --- |
| Article | Current | Proposed |
| Article 1 Title and Effective Dates | | |
| under clause b) |  | -At the ## Conference (location, country, date). |
| Article 6 Conferences | | |
| b) | The location of the Conferences shall be in the country of one of the Members, by rotation. The order of the rotation is: Canada, Denmark, Norway, Russia, the United States of America, and then Canada again and so on. The location of the first Conference is decided by the Members. The location of the following Conferences is determined following the order of rotation. | The location of the Conferences shall generally be in the country of one of the Members, by rotation. The order of the rotation is: Canada, Denmark, Norway, Russian Federation, the United States of America, and then Canada again and so on. The location of the first Conference is decided by the Members. The location of the following Conferences is determined following the order of rotation. |
| New c) |  | Members may decide by consensus to convene Conferences (Commission meetings?) in alternative venues on a case- by-case basis when the members decide such would be beneficial to the goals and program of the ARHC. In such case, the functions and duties of the local host should be coordinated and agreed with the Chair. |

The ARHC could additionally discuss merits of additional edits to the Statutes such as:

* Address management and planning in light of the anticipated revision to Resolution 2/1997 and in light of ARHC experiences since 2010;
* Seek to streamline the statutes from 15 pages with 5 annexes to a shorter version;
* Incorporate core long term goals and programmatic priorities of IHO into the work of the ARHC;[[3]](#footnote-3)
* Consider recognition of the ARHC logo proposed at ARHC-8 and subsequently adopted by correspondence for outreach, branding, and communications;[[4]](#footnote-4)
* Establish a time horizon for the statues for their periodic update, for example decadal validity 2020-2030

If the above comprehensive review of the Statutes is desired, the ARHC-9 may task a team to revise the statutes anew by April 2020 (*as though pending documents for consideration at the Assembly will be approved*) for review at an intersessional meeting of the ARHC during the Assembly-2, revision and further review at IRCC, and anticipated adoption at ARHC-10. A question of whether the Statutes would need be resigned or can be adopted as an update and amendment would need to be addressed.

The ARHC Vice Chair recommends utilizing the opportunity for a robust revision of the statutes with a view toward the upcoming decade of 2020-2030.

**Action requested of ARHC**

The ARHC is invited to

1. Discuss this report and observations
2. Discuss merits of recommendations, including means of communications (for example use of IHO’s GotToMeeting) following ARHC-9 if a robust update is decided;
3. Take any action appropriate

1. https://www.iho.int/mtg\_docs/rhc/statutes/ARHC\_Statutes\_20170901.pdf [↑](#footnote-ref-1)
2. See C3-04.2A “report and Proposals from IRCC” to Council-3, especially Annex A “Proposal for Amendments to IHO Resolution 2/1997. https://iho.int/mtg\_docs/council/C3/C3\_2019\_04.2\_EN\_AnxA-Proposal-Res2-1997\_v1.pdf [↑](#footnote-ref-2)
3. Such as support realization of Seabed 2030, MSDI, disaster mitigation, the IMO Polar Code, desired partnerships and key stakeholder groups, develop regional products and assessments for external audiences [↑](#footnote-ref-3)
4. https://www.iho.int/mtg\_docs/rhc/ArHC/ARHC8/ArHC8Docs.html [↑](#footnote-ref-4)