

Arctic routing guide WG - ARHCWG status report

Introduction

At the special ARHC meeting in conjunction with XVIIIth IHO Conference, Denmark gave a short presentation on the work of the MRGWG. The MS were asked whether, after their review of a first draft of the Routing Guide, there still was a commitment to move forward on the initiative. The following is an extract from the minutes of that meeting.

Canada noted that there may be some national legal issues to be considered before proceeding with the ARHC. Canada furthermore noted that their feedback from users of navigation products had indicated that any new products should be of a digital format and preferably accessible on the internet. Canada noted that the work had opened people's eyes for such a product and confirmed the importance that the work is carried on. Nations should be patient and not push the implementation until all aspects have been considered.

The Russian Federation noted that such information already exists in the Russian Federation. It furthermore informed that a bill of legislation has recently been proposed in the government of the Russian Federation to set up national rules and regulations for safe navigation in the Arctic area of the Russian Federation. These rules will be translated to other languages and made available for the ARHC when ready.

The USA made a comment that suggested changing the name from "Routing Guide" to "Planning Guide" in order to take out the legal issues related to the use of such a product. The USA was in favour of continuing with the important work.

In order to prepare an input paper on how to proceed to the ARHC3 meeting in September, Denmark volunteered to prepare and send a questionnaire on the issue to the MS.

Questionnaire results

See appendix A below.

Recommendations on how to proceed

Q1: Planning Guide vs Routeing Guide?

There appears to be consensus on its being a 'planning' guide'

Recommendation 1:

The name is changed from "Routing Guide" to "Planning Guide"

Q2: Territorial vs Regional coverage?

DK, NO and USA all prefer regional coverage. Only Canada preferred territorial coverage. Canada has had legal advice on this and must hold firm on territorial coverage though there is nothing to stop others from arranging a bilateral agreement to produce a regional coverage product.

Recommendation 2:

2.1: If regional Arctic Voyage Planning Guides are to be produced, production has to be carried out bilaterally or multilaterally between MS, allowing other MS to produce Arctic Voyage Planning Guide for their own waters.

2.2: Establishing an Arctic Voyage Planning Guide should be possible for the waters between Greenland-Svalbard-Norway.

Q3: Harmonize on common look and feel?

All agree on developing a common look and feel product. Since all except Canada prefer a paper-pdf version, Canada has proposed to offer its draft paper version as a basis for this common look and feel.

Recommendation 3:

3.1: Harmonisation of content and look between the MS in ARHC is needed. A minimum standard should be considered, and organized by a minimum set of themes (ie. Carriage requirements, regulatory requirements, common traffic patterns, maritime communication services as mandatory; weather services, aids to navigation, ice breaking services etc as optional).

3.2. It should be permissible to go slightly outside area of national coverage e.g. for traffic patterns and chart coverage.

Q4: What should be the overarching general statement to communicate what this product is and what it is not?

DK, NO and USA generally agree with the draft text by DK in the questionnaire. Canada had legal advice and drafted a new version that NO, Russia and USA had not seen. DK has indicated that the Canadian version could be acceptable.

Recommendation 4:

4.1: MS to support the proposal to adopt the Canadian text.

4.2: The ARHC version is intended as English only and it is noted as unofficial

Canadian text:

The purpose of the "Arctic Voyage Planning Guide" is to assist mariners plan a safe voyage in Arctic waters. It does not replace other national or international publications, the carriage and use of which is required by national or international law. It is intended to be used in addition to these publications.

The Guide should be easy to use and permit users access to the information that is required for strategic Arctic voyage planning. The relevant information presented in the Guide should as a general be compiled from existing official data or information already available within the Member States of the Arctic Regional Hydrographic Commission (Canada, Denmark, Norway, the Russian Federation and the United States). The objective of these A Guide of this nature, produced by one of these Member States should strive to conform to a standardized format agreed to by the Arctic Regional Hydrographic Commission.

Q5: Are there remaining legal issues?

There were varied answers to this by most respondents. This indicates it is likely an area that needs more consideration. Canada has indicated that they have had extensive legal involvement and are confident in their proposed approach pending how the project evolves within ARHC. Canadian response to the questionnaire recommended legal input to the entire suite of Arctic Voyage Planning Guides, especially if they are going to be viewed by mariners and the public as a collective effort.

Recommendation 5:

If ARHC follows the minimum content proposed above, then carriage and regulatory elements would be features of the product. Therefore, legal advice from all MS seems a mandatory expectation.

Q6: Is this digital or paper format?

DK, NO and USA propose digital distribution of a pdf-paper product as the first deliverable. Canada has informed that they will create an official web map digital product with an unofficial subset paper product.

Recommendation 7:

A pdf format should be preferred as the first deliverable. Some MS need to experiment with reduced resolution for a suitable print quality pdf.

Q7: How will this be made available?

DK, NO and USA indicate they will consider to place pdfs on their national websites. Canada is not advised to do this as they do not have intention to update this inter-departmental paper product. The work and risk of error is deemed to great. Canada proposes disclaimers on its paper product indicating their unofficial status, and directing readers to the website for the official product. It is also not badged as a Canadian product for the same liability reasons. It is currently identified as a contribution to the collective ARHC effort and is illustrative only.

Recommendation 7:

Since there is divergence on this question, more discussion on the topic is required in order to obtain an agreement between ARHC MS. Communication channels and strategies should also be a point of discussion and agreement.

Q8: Do any ARHC MS produce a similar product?

It is unanimous that no MS has done a similar product in past.

Recommendation 8:

Each Member State of the ARHC should seek legal advice from its legal counsel to ensure there are no risks of a legal nature (such as civil liability) for the Member State to participate in the production of a paper 'planning guide', even if it is deemed to be 'unofficial'.

Additional areas of discussion

1. Are there risks or downsides if only 4 of 5 ARHC MSs participate?
2. What would be anticipated as the update regime? Annual would likely be satisfactory to Canada given the product is not official.
3. Is a scientific/production workshop desirable at this time?
Should ARHC MS take time to internally evaluate the new Canadian prototype(s) and return to ARHC4 with their national intentions? Once we have State intentions and/or limitations we can seriously evaluate mandatory vs optional features and common look and feel standards.
4. Once we know MS' ability to commit what would be production timelines in order to proceed and communicate with confidence?

Recommendations on work plan

(With focus on a digital web-based Arctic Voyage Planning Guide and a digital paper version of an Arctic Voyage Planning Guide in pdf format.)

- To ensure there is no risk of a legal nature, an investigation of legal issues should be initiated in order to present a status report at ARHC 4. The report should enable the ARHC MS to evaluate mandatory vs optional features and common look and feel standards.
- To get an overview over relevant data and datasets available, the production of a table/schema should be initiated. The schema could focus on different relevant national themes related to safety of navigation e.g. nationality, responsibility/owner, availability, quality and status.
- It has to be investigated if regional Arctic Voyage Planning Guides can be produced for the waters between Greenland-Svalbard-Norway, and how this can be carried out bilaterally or multilaterally between MS, still allowing other MS to produce Arctic Voyage Planning Guide for their own waters.

Conclusions and Recommended Actions

Tasking the WG to address these recommendations on how to proceed may be seen as the best way forward. Continuing the WG will also ensure the exchange of knowledge and expertise.

If the WG continues, the ToR have to be adjusted accordingly and the name changed to Arctic Voyage Planning Guides Work Group - AVPGWG.

ARHC3 is recommended to endorse the continued activity of the WG.

Action Required of ARHC3

The ARHC is invited to:

- a. **endorse** this report
- b. **agree** the continuation of WG
- c. **take** appropriate actions

Appendix A:

Questionnaire on the establishment of an Arctic Mariners' "Planning Guide"

Four countries responded, Canada, Denmark, Norway and USA

1. Do you prefer the name "Planning Guide" over the name "Routing Guide" for the product?

CHS - Yes, to avoid confusion with the IMO definition of "routeing"

CHS – Proposed on-line version will be named "Arctic Voyage Planning Guide"

Denmark – Planning Guide

Norway - Planning

US - Yes, the legal implications for the term "Routing Guide" infer mandatory use.

2. Do you agree that each MS should establish a "Planning Guide" that primarily covers its own territorial waters? Overlap would be possible but have to be agreed between the MS.

CHS – Yes. Each MS should be responsible for the area of the Arctic waters that is under its jurisdiction, such as territorial sea and EEZ. An agreed common look and feel should be encouraged to improve utility and mariner's comfort with adjacent guides.

Denmark – Regional waters seems to be the best solution.

Norway - No, we prefer regional waters when applicable. For example a Planning guide should exist for the waters between Greenland-Svalbard-Norway-North Western Russia

US - No; dividing the Arctic into national waters-specific areas would less useful than dividing the Arctic into three or four areas based upon arbitrary geographic areas.

3. Do you agree that harmonisation and coordination between the MS in ARHC is needed in order to provide mariners with a uniform product for planning?

CHS – Yes, harmonization of content and look and feel would be the role of ARHC MS

Denmark – YES. Harmonisation and coordination between the MS in ARHC is needed

Norway - Yes

US - Yes; disparate formats and non-uniform information would cause confusion and lessen usage of the guides.

4. Can you approve the following statements? If not please indicate which corrections you would require for approval?

The prototype Arctic Mariners' Planning Guide should provide mariners with essential information for safe navigation in the Arctic region.

CHS

The purpose of the "Arctic Voyage Planning Guide" is to assist mariners plan a safe voyage in Arctic waters. It does not replace other national or international publications, the carriage and use of which is required by national or international law. It is intended to be used in addition to these publications.

Denmark - Yes

Norway – Yes

US - Concur.

The Guide should be easy to use and permit users to instantly access necessary information. All of the relevant information for the guide is already in use within the individual Arctic countries (USA, Canada, Denmark, Norway, Finland and Russia), and this initiative will foster the compilation of this information in a standardized, cross-boundary format¹.

CHS - Caution not to try to link this to S-49 as this publication was designed to standardize presentation of formal IMO vessel traffic systems. There should be no confusion to the mariner that these Arctic Voyage Planning Guides portray IMO approved routes.

¹ Preparation and production of the Arctic mariners' planning guide should as a principle follow the guidelines given by the IHO publication S-49 STANDARDIZATION of MARINERS' ROUTEING GUIDES (Edition 2.0 – April 2010).

CHS

The Guide should be easy to use and permit users access to the information that is required for strategic Arctic voyage planning. The relevant information presented in the Guide should be compiled from existing official data or information already available within the Member States of the Arctic Regional Hydrographic Commission (Canada, Denmark, Norway, the Russian Federation and the United States). The objective of these A Guide of this nature, produced by one of these Member States should strive to conform to a standardized format agreed to by the Arctic Regional Hydrographic Commission.

Denmark – Ok with Denmark

Norway - It might not be correct that all information for the guide is already in use. The analysis for a new product might conclude that additional information should be included

US - Finland is not a member of the ARHC; so after removal of “Finland”, then concur.

5. What, if any, national legal issues in your country need be considered before proceeding with ARHC- Arctic Voyage Planning Guides.

CHS – The digital web-based Arctic Voyage Planning Guide in Canada will be an official product of Canada and there will be no national legal issues with this. It must be noted that this digital ‘planning guide’ will not be a mandatory carriage requirement.

If a paper sub-set is still an expectation of the ARHC then it will contain appropriate legal disclaimers indicating it is unofficial and updated only on an ad hoc basis. A suitable hosting and distribution arrangement would have to be made for these ‘unofficial’ products. The paper ‘planning guide’ will not be a mandatory carriage requirement.

Denmark – Has to be studied more carefully. If a planning guide not will be a mandatory carriage requirement or an unofficial product, there should be no conflict with national legal issues.

Norway - As long as the product is a Planning Guide we see no conflict with national legal issues.

US - Use of national flags on the guide is attracting negative legal attention; therefore recommend removing the national flags from the guide.

6. In which format(s) would you prefer that the ARHC- Planning Guides are produced?

CHS – Digital. The guide being developed by Canada is an internet web-mapping service hosted on a GIS server. ArcGIS is the engine to manage spatial data to be served via the web-map tool.

Denmark – Digital pdf format

Norway - We suggest that the Guide is prepared for a digital format, but with functionality to print a one sheet paper product (A0 format?)

US - Digital .pdf format, so that the guide can be distributed easily and used on screen or printed.

7. Who do you view as the Arctic Voyage Planning Guides’ most important user groups, and how should the information in the Guides be made accessible to meet their needs and requirements?

CHS – Worldwide mariners intending an Arctic voyage are the expected users. The information in the Guide will be made available via a Government of Canada web site.

Denmark – Mariners. Through printed digital versions and the web.

Norway - Cruise vessels, commercial traffic, research expeditions, resource exploration companies. An updated version should be available for downloading from the Internet.

Printed versions to be plotted by the users or on request to the relevant HO.

US - Mariners, especially those that infrequently navigate in the Arctic or have never been there.

Post the guides on the IHO Regional Commissions website and encourage RENCs to include the guides whenever Arctic RNCs and ENC are distributed.

8. Does your country already produce similar products?

CHS – No, Canada does not have an Arctic Voyage Planning Guide or any Routeing Guides that comply with IHO S-49.

Denmark - No

Norway has no similar product.

US - No

9. If you have any additional comments or remarks, please list them here

Canada recommendation: Ref. question 2 above - If the proposition that each Member State establishes a "Planning Guide" that primarily covers its own waters is not retained, there will be some concerns of a legal nature (i.e. civil liability of each MS related to an ARHC product; validity of waivers; how each MS could save the others harmless). We would then feel more comfortable if the other MS seek legal advice from their respective legal counsel. That would allow a better legal risk assessment of the project.

Canada recommendation: Ref. question 5 above - Each Member State of the ARHC should seek legal advice from their legal counsel to ensure there are no risks of a legal nature (such as civil liability) for the Member State to participate in the production of a paper 'planning guide', even if it is deemed to be 'unofficial'.

Canada recommendation: If these 'planning guides' are produced, the Member States should announce this to IMO (NAV?) as an information piece, so that IMO diffuses the information more broadly to its Member States and stakeholders.

US - The guide can be refined after mariners get the chance to use it and comment on it. Let's get into the hands of those that can use it sooner than later.