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COUNCIL  
89th session  
Agenda item 25

C 89/25  
27 August 2002  
Original: ENGLISH

## RELATIONS WITH INTERGOVERNMENTAL ORGANIZATIONS

### Note by the Secretary-General

#### SUMMARY

**Executive summary:** This document refers to the documentation deferred from the eighty-eighth session of the Council and submits two new proposals for the establishment of co-operation links between IMO and the Secretariat of the South Pacific Community (SPC) and the Port Management Association of West and Central Africa (PMAWCA). It also reports on the conclusion of the Memorandum of Understanding on Co-operation between the International Maritime Organization (IMO) and the World Customs Organization (WCO).

**Action to be taken:** Paragraph 10

**Related documents:** C 88/23 and C 88/23/Add.1

1 At its eighty-eighth session, the Council was provided with a report on relations with intergovernmental organizations (C 88/23) and on the Memorandum of Understanding on Co-operation between the International Maritime Organization (IMO) and the World Customs Organization (WCO) (C 88/23/Add.1). The Council agreed that discussion of this item should be deferred to its eighty-ninth session.

#### **Memorandum of Understanding on Co-operation between the International Maritime Organization (IMO) and the World Customs Organization (WCO)**

2 In view of the existing arrangement for co-operation with the WCO concluded in 1963, the Secretary-General expressed the view that it was not necessary for the Council to enter into a new Agreement of Co-operation with the WCO (paragraph 7 of document C 88/23/Add.1).

3 Further to the related decision by the Council at its eighty-eighth session under item 10 entitled "Prevention and Suppression of Acts of Terrorism Against Shipping", whereby the Council agreed to the development of an MOU with the WCO and authorized the Secretary-General to sign it on behalf of the Organization, on 23 July 2002, the Secretary-General of IMO met the Secretary General of WCO at its headquarters in Brussels. Both Secretaries-General jointly signed the instrument. The Secretary General of WCO indicated that the MOU will serve as a useful framework for future co-operation as IMO continues to enhance the ship/port security interface and WCO starts to implement its Resolution on Security and Facilitation of the International Trade Supply Chain.

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4 Since the eighty-eighth session of the Council, the Secretary-General has received two proposals from the following intergovernmental organizations for the establishment of formal co-operation links with IMO:

- Secretariat of the South Pacific Community (SPC)
- Port Management Association of West and Central Africa (PMAWCA)

Both SPC and PMAWCA have co-operated with IMO in the past on an informal basis.

### **Co-operation with SPC**

5 SPC, formally known as the South Pacific Commission, serves the economic and social development of its members in the South Pacific. Its action plan includes a Regional Maritime Programme on STCW matters. IMO has co-operated with SPC in providing much support and encouragement, including technical assistance. SPC has also signed a second Memorandum of Understanding with IMO's Technical Co-operation Division for the biennium 2002-2003, which will further enhance co-operation between the two Organizations for the development of the maritime needs in the region.

### **Co-operation with PMAWCA**

6 PMAWCA promotes the development of shipping and port sectors in its member countries in West and Central Africa. Its action plan includes sensitization of Governments on the need to put into place national plans for the prevention of maritime accidents and the pollution of the environment and promotes each port putting into place a pollution control system, which PMAWCA carries out through its Technical and Environmental Protection Committee.

7 IMO provided support for a Seminar on Port Security in Cameroon in April 2002, which was organized by PMAWCA. In the first quarter of 2003, IMO will organize jointly with PMAWCA a regional workshop on maritime/port security.

### **Proposed agreements**

8 The proposed agreements, as developed by the Secretariat of IMO and the Secretariats of SPC (annex 1) and PMAWCA (annex 2), are submitted herewith for consideration by the Council in accordance with Article 25 of the IMO Convention. Each of the two agreements follows the pattern of arrangements previously concluded by IMO with other intergovernmental organizations.

### **Action requested of the Council**

9 The Council is invited to take note of the information contained in documents C 88/23 and C 88/23/Add.1 and in this document and to take note of the conclusion of the MOU between the IMO and the WCO. The Council is further invited to decide on the proposed agreements of co-operation between IMO and SPC and IMO and PMAWCA.

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## ANNEX 1

**DRAFT TERMS OF AN AGREEMENT OF CO-OPERATION BETWEEN  
THE INTERNATIONAL MARITIME ORGANIZATION (IMO) AND  
THE SECRETARIAT OF THE SOUTH PACIFIC COMMUNITY (SPC)**

1 The Secretary-General of the International Maritime Organization (hereinafter referred to as "IMO") and the Director General of the Secretariat of the South Pacific Community (hereinafter referred to as SPC) will consult each other on matters of common interest to the two Organizations with a view to ensuring maximum co-ordination of the work and activities of the respective Organizations in respect of such matters.

2 Subject to such arrangements as may be necessary for safeguarding confidential information, the Secretariat of IMO and the Secretariat of SPC will exchange information and keep each other fully informed of projected activities and programmes of work in fields of common interest. Accordingly, when either Organization proposes to initiate a programme or activity on a subject in which the other has or may have a substantial interest, consultation will be initiated between the Secretariats with a view to harmonizing their efforts as far as possible, taking into account their respective responsibilities and any decisions or wishes of the appropriate governing bodies of the respective Organizations.

3 The Secretariat of IMO will invite the Secretariat of SPC to send representatives to observe meetings or conferences convened by or under the auspices of IMO to consider matters in which SPC has an interest, in accordance with procedures applicable to each meeting or conference. The Secretariat of SPC will invite the Secretariat of IMO to send representatives to observe meetings or conferences convened by or under the auspices of SPC to consider matters in which IMO has an interest, in accordance with the procedures applicable to each meeting or conference.

4 The Secretariat of IMO and the Secretariat of SPC may consult, where appropriate, on the use of personnel, material, services, equipment and facilities for joint undertakings which may be agreed between them in fields of common interest to IMO and SPC.

5 IMO will, at the request of SPC, render assistance to SPC with respect to matters falling within the scope of SPC's activities and SPC will, at the request of IMO, render assistance to IMO with respect to matters falling within the scope of IMO's activities. Where assistance which is required by either party under the terms of this Agreement involves substantial expenditure, consultation will take place with a view to determining the most equitable manner for meeting such expenditure.

6 It is further agreed that nothing in this Agreement shall bind any of the Member States of SPC jointly or severally. Similarly, the Agreement shall not bind any of the Member States of IMO jointly or severally.

7 This Agreement shall be subject to revision by agreement between the Secretary-General of IMO and the Director General of SPC.

8 The Secretary-General of IMO and the Director General of SPC may terminate this Agreement by giving six months written notice to the other party.

9 This Agreement shall come into force on its approval by the Assembly of IMO and the Commission of SPC.

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## ANNEX 2

**DRAFT TERMS OF AN AGREEMENT OF CO-OPERATION BETWEEN  
THE INTERNATIONAL MARITIME ORGANIZATION (IMO) AND  
THE PORT MANAGEMENT ASSOCIATION OF WEST AND CENTRAL AFRICA  
(PMAWCA)**

1 The Secretary-General of the International Maritime Organization (hereinafter referred to as "IMO") and the Director General of the Secretariat of the Port Management Association of West and Central Africa (hereinafter referred to as PMAWCA) will consult each other on matters of common interest to the two Organizations with a view to ensuring maximum co-ordination of the work and activities of the respective Organizations in respect of such matters.

2 Subject to such arrangements as may be necessary for safeguarding confidential information, the Secretariat of IMO and the Secretariat of PMAWCA will exchange information and keep each other fully informed of projected activities and programmes of work in fields of common interest. Accordingly, when either Organization proposes to initiate a programme or activity on a subject in which the other has or may have a substantial interest, consultation will be initiated between the Secretariats with a view to harmonizing their efforts as far as possible, taking into account their respective responsibilities and any decisions or wishes of the appropriate governing bodies of the respective Organizations.

3 The Secretariat of IMO will invite the Secretariat of PMAWCA to send representatives to observe meetings or conferences convened by or under the auspices of IMO to consider matters in which PMAWCA has an interest, in accordance with the procedures applicable to each meeting or conference. The Secretariat of PMAWCA will invite the Secretariat of IMO to send representatives to observe meetings or conferences convened by or under the auspices of PMAWCA to consider matters in which IMO has an interest, in accordance with the procedures applicable to each meeting or conference.

4 The Secretariat of IMO and the Secretariat of PMAWCA may consult, where appropriate, on the use of personnel, material, services, equipment and facilities for joint undertakings which may be agreed between them in fields of common interest to IMO and PMAWCA.

5 IMO will, at the request of PMAWCA, render assistance to PMAWCA with respect to matters falling within the scope of PMAWCA's activities and PMAWCA will, at the request of IMO, render assistance to IMO with respect to matters falling within the scope of IMO's activities. Where assistance which is required by either party under the terms of this Agreement involves substantial expenditure, consultation will take place with a view to determining the most equitable manner for meeting such expenditure.

6 It is further agreed that nothing in this Agreement shall bind any of the Member States of PMAWCA jointly or severally. Similarly, the Agreement shall not bind any of the Member States of IMO jointly or severally.

7 This Agreement shall be subject to revision by agreement between the Secretary-General of IMO and the Secretary General of PMAWCA.

8 The Secretary-General of IMO and the Secretary General of PMAWCA may terminate this Agreement by giving six months written notice to the other party.

9 This Agreement shall come into force on its approval by the Assembly of IMO and the Annual Council of PMAWCA.