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EXTERNAL RELATIONS

(c) Relations with intergovernmental organizations

Collective Arrangement between competent international organizations on cooperation and coordination regarding selected areas in areas beyond national jurisdiction in the North-East Atlantic

Submitted by France and Norway

SUMMARY

Executive summary: This document proposes to the Council to consider IMO's participation in a "Collective Arrangement between competent international organizations on cooperation and coordination regarding selected areas in areas beyond national jurisdiction in the North-East Atlantic" in close cooperation with the OSPAR Commission and NEAFC

Strategic direction: 1.1, 1.2 and 7.1

High-level action: 1.1.2, 1.2.1 and 7.1.2

Planned output: 1.1.2.1 and 1.2.1.1

Action to be taken: Paragraph 14

Related documents: A 21/26, annex 3; MEPC 63/INF.3, MEPC 67/10/1 and MEPC 68/WP.1

Introduction

1 Both the United Nations Convention on the Law of the Sea (UNCLOS) and the resolutions of the General Assembly on ocean affairs and the law of the sea emphasize the fact that activities in the oceans are interrelated and need to be considered as a whole. Better cooperation and coordination between international organizations with mandates over activities in the ocean is therefore essential, not only for a consistent approach but also to ensure the comprehensive protection of the marine environment as part of sustainable development.

2 IMO and the Commission for the Protection of the Marine Environment of the North-East Atlantic (OSPAR Commission) signed an Agreement of Cooperation in 1999 with the approval of the IMO Council and Assembly.

3 Under paragraph 2 of this Agreement of Cooperation, the Secretariat of IMO and the OSPAR Commission agreed to "*exchange information and keep each other fully informed of projected activities and programmes of work in fields of common interest*". In addition, the text of the Agreement continues "*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*".

Proposal for a Collective Arrangement between competent international organizations on cooperation and coordination regarding selected areas in areas beyond national jurisdiction in the North-East Atlantic

4 In the spirit of the above-mentioned Agreement of Cooperation and with the aim of implementing articles 192 and 197 of UNCLOS, France and Norway propose that a new Collective Arrangement between the competent authorities in the North-East Atlantic be agreed. Such an Arrangement would represent a further step forward in the development of closer cooperative measures between relevant international organizations and, in particular, with respect to the coordination of area-based measures to safeguard biodiversity in the North-East Atlantic.

5 The proposed Collective Arrangement would define the basis for cooperation between competent organizations. This basis would consist of applicable internationally-agreed principles, standards and norms, memorandums of understanding and other bilateral cooperation arrangements between competent international organizations, scientific evidence and relevant binding and non-binding international instruments.

6 Under the proposed Collective Arrangement, the parties would commit, within the framework of their respective mandates and competence, to cooperate to ensure that suitable measures for the conservation and management of the selected areas are implemented. To this end, the Arrangement would elaborate on the means of cooperation, which would include the exchange of standardized data, the sharing of databases, scientific information and environmental assessment and monitoring data, as well as by the regular review of the status of the areas and existing measures.

7 In order to achieve the above, the competent international organizations taking part in the proposed Collective Arrangement should¹:

- a) inform each other, as appropriate, of any relevant updated scientific information and environmental assessment and monitoring data;
- b) notify and inform each other of existing and proposed human uses relating to any area agreed by the parties to the Collective Arrangement;
- c) cooperate, where appropriate, on environmental impact assessments, strategic environmental assessments and equivalent instruments;
- d) consult annually to review their respective objectives in relation to the areas agreed by the parties to the Collective Arrangement, the status of the areas concerned and existing measures;
- e) cooperate to obtain a better knowledge of the areas concerned through, where appropriate, developing exchange of data, sharing of databases and collecting data in standardized formats; and

¹ Subparagraphs a) to f) have been taken from the existing Collective Arrangement between the OSPAR Commission and NEAFC and might need to be adapted should IMO participate in the Arrangement.

- f) consult the relevant coastal State in those cases where the areas agreed by the parties to the Collective Arrangement are adjacent to areas under national jurisdiction, as appropriate.

8 IMO and the North-East Atlantic Fisheries Commission (NEAFC) also entered into an Agreement of Cooperation in 2009 similar to the one between IMO and the OSPAR Commission (see paragraph 2). A Collective Arrangement with the terms described in paragraphs 5 to 7 was adopted by the OSPAR Commission and NEAFC in 2014.

9 Since both the OSPAR Commission and NEAFC felt that the Arrangement would benefit from including other international organizations, in July 2014, it was presented at the twentieth session of the Assembly of the International Seabed Authority (ISA). ISA's Council decided that the Secretariat of the Authority would conduct intersessional discussions on the terms of the Collective Arrangement and that it would report back to the next meeting of the ISA Council, to be held in July 2015.

10 Given the fundamental role of IMO in the protection of the marine environment, the cosponsors believe that its part in the Collective Arrangement is critical. Should the Organization decide to take part in it, it is expected that the cooperation for the protection of the marine environment with other competent authorities in accordance with their respective mandates would be reinforced, whilst fully respecting the primacy of IMO on shipping issues and the respective geographical scope of action of the other parties to the Collective Arrangement.

11 By taking part in the Collective Arrangement, IMO and other participating organizations would cooperate at a regional scale and, at the same time, ensure that both the international rules approved by IMO and the rights of its Member States are adequately considered.

12 Prior to this submission to the Council, France and Norway submitted document MEPC 67/10/1 to MEPC 67 seeking the views of the Committee. This document contained a proposed text for a Collective Arrangement between IMO, the OSPAR Commission and NEAFC. The Committee examined the document at its sixty-eighth session and noted that the proposed Collective Arrangement went beyond the existing Agreement of Cooperation between the Secretariats of IMO and the OSPAR Commission. The Committee also noted that the duties of the parties in the new agreement mainly refer to cooperation, notification and consultation, are rather non-obligatory in nature and would apply to "areas beyond national jurisdiction" in the North-East Atlantic.

13 Following consideration, the Committee agreed that entering into the Arrangement was a policy decision for Member States to decide and that, under Article 25(a) of the IMO Convention, the proposal would first need to go to the Council before it could be approved by the Assembly and that the Council may request the advice of other bodies on the matter, if considered necessary. Consequently, the Committee invited the proponents to submit a relevant proposal to the Council.

Action requested of the Council

14 The Council is invited to consider IMO's participation in a "Collective Arrangement between competent international organizations on cooperation and coordination regarding selected areas in areas beyond national jurisdiction in the North-East Atlantic" in close cooperation with the OSPAR Commission and NEAFC, and decide accordingly. Should the Council agree with this proposal, a final text containing the terms of the Arrangement would be presented for the Council's consideration at a later stage.