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Agenda item 14(b)

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EXTERNAL RELATIONS

(b) Relations with intergovernmental organizations

Note by the Secretary-General

SUMMARY

Executive summary: This document reports on requests for Agreements of Co-operation between IMO and:

- the Paris Memorandum of Understanding on Port State Control (Paris MoU);
- the Acuerdo de Viña del Mar;
- the Tokyo Memorandum of Understanding on Port State Control (Tokyo MoU);
- the Indian Ocean Memorandum of Understanding on Port State Control (IOMoU);
- the Caribbean Memorandum of Understanding on Port State Control (CMoU); and
- the West and Central Africa Memorandum of Understanding on Port State Control (Abuja MoU)

Action to be taken: Paragraph 14

Related documents: None

1 Since the ninety-fourth session of the Council, the Secretariat has received communications from the following organizations regarding the possibility of concluding Agreements of Co-operation with IMO:

- the Paris Memorandum of Understanding on Port State Control (Paris MoU);
- the Acuerdo de Viña del Mar;
- the Tokyo Memorandum of Understanding on Port State Control (Tokyo MoU);
- the Indian Ocean Memorandum of Understanding on Port State Control (IOMoU);
- the Caribbean Memorandum of Understanding on Port State Control (CMoU); and
- the West and Central Africa Memorandum of Understanding on Port State Control (Abuja MoU).

For reasons of economy, this document is printed in a limited number. Delegates are kindly asked to bring their copies to meetings and not to request additional copies.

PARIS MEMORANDUM OF UNDERSTANDING ON PORT STATE CONTROL (PARIS MOU)

2 In a letter dated 22 June 2005 from the Secretary-General of the Paris MoU, the Secretary-General was informed about the unanimous decision of the Port State Control Committee at its 38th meeting (Helsinki, Finland, 9 to 13 May 2005), to the effect that the Paris MoU should enter into an Agreement of Co-operation with IMO.

3 The Secretariat has since been advised that the proposed Agreement, as drafted by the Secretariats of IMO and the Paris MoU, has been considered and agreed by the Paris MoU Advisory Board. The proposed Agreement, attached at annex 1, is now submitted for consideration by the Council in accordance with Article 25 of the IMO Convention. The draft follows the pattern of similar agreements previously concluded by IMO with other international organizations.

ACUERDO DE VIÑA DEL MAR

4 In a communication dated 28 September 2005, from the Secretary of the Acuerdo de Viña del Mar, the Secretary-General was consulted about the possibility of establishing an Agreement of Co-operation between IMO and the Acuerdo de Viña del Mar.

5 The proposed Agreement, as drafted by the Secretariats of IMO and the Acuerdo de Viña del Mar, attached at annex 2, is submitted for consideration by the Council in accordance with Article 25 of the IMO Convention. The draft follows the pattern of similar agreements previously concluded by IMO with other international organizations.

TOKYO MEMORANDUM OF UNDERSTANDING ON PORT STATE CONTROL (TOKYO MOU)

6 The Secretary-General has also received a communication dated 4 October 2005 from the Secretary of the Tokyo MoU Secretariat informing him that the Port State Control Committee of the Tokyo MoU has agreed to seek an Agreement of Co-operation between IMO and the Tokyo MoU.

7 The proposed Agreement, as drafted by the Secretariats of IMO and Tokyo MoU, attached at annex 3, is submitted for consideration by the Council in accordance with Article 25 of the IMO Convention. The draft follows the pattern of similar agreements previously concluded by IMO with other international organizations.

INDIAN OCEAN MOU ON PORT STATE CONTROL (IOMOU)

8 In a communication dated 29 September 2005, the Secretary of the Indian Ocean MoU on Port State Control (IOMoU) Secretariat submitted to the Organization a draft Agreement of Co-operation between IMO and IOMoU.

9 The proposed Agreement, as drafted by the Secretariats of IMO and IOMoU, attached at annex 4, is submitted for consideration by the Council in accordance with Article 25 of the IMO Convention. The draft follows the pattern of similar agreements previously concluded by IMO with other international organizations.

CARIBBEAN MOU ON PORT STATE CONTROL (CMoU)

10 The Secretary-General has also received a communication dated 15 September 2005 from the Chairman of the Caribbean MoU on Port State Control (CMoU) informing him that, in order to further enhance co-operation with IMO, the CMoU, at its tenth Committee Meeting (Georgetown, Cayman Islands), had decided to seek an Agreement of Co-operation between IMO and CMoU.

11 The proposed Agreement, as drafted by the Secretariats of IMO and CMoU, attached at annex 5, is submitted for consideration by the Council in accordance with Article 25 of the IMO Convention. The draft follows the pattern of similar agreements previously concluded by IMO with other international organizations.

WEST AND CENTRAL AFRICA MOU ON PORT STATE CONTROL (ABUJA MOU)

12 The Secretary-General has also received a communication dated 13 October 2005 from the Secretary General of the Abuja MoU informing him that, at its 4th Committee Meeting (Accra, Ghana 28 to 30 September 2005), the Abuja MoU had decided to seek an Agreement of Co-operation with IMO.

13 The proposed Agreement, as drafted by the Secretariats of IMO and Abuja MoU, attached at annex 6, is submitted for consideration by the Council in accordance with Article 25 of the IMO Convention. The draft follows the pattern of similar agreements previously concluded by IMO with other international organizations.

Action requested of the Council

14 The Council is invited to take note of the information provided in this document and to decide on the proposed Agreements of Co-operation.

ANNEX 1

**DRAFT TERMS OF AN AGREEMENT OF CO-OPERATION BETWEEN
THE INTERNATIONAL MARITIME ORGANIZATION (IMO) AND
THE PARIS MEMORANDUM OF UNDERSTANDING
ON PORT STATE CONTROL (PARIS MoU)**

1 The International Maritime Organization (hereinafter referred to as "IMO") and the Paris Memorandum of Understanding on Port State Control (hereinafter referred to as "Paris MoU") 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 Secretary-General of IMO and the General-Secretary of the Paris MoU 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 Organizations 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 Secretary-General of IMO will invite the General-Secretary of the Paris MoU to send representatives to observe meetings or conferences convened by or under the auspices of IMO to consider matters in which the Paris MoU has an interest, in accordance with procedures applicable to each meeting or conference. The General-Secretary of the Paris MoU will invite the Secretary-General of IMO to send observers to meetings or conferences convened by or under the auspices of the Paris MoU to consider matters in which IMO has an interest, in accordance with the procedures applicable to each meeting or conference.

4 The Secretary-General of IMO and the General-Secretary of the Paris MoU 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 the Paris MoU.

5 IMO will, at the request of the Paris MoU, render assistance to the Paris MoU with respect to matters within the scope of activities of the Paris MoU; and the Paris MoU will, at the request of IMO, render assistance to IMO in 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 the Paris MoU 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 General-Secretary of the Paris MoU.

8 The Secretary-General of IMO and the General-Secretary of the Paris MoU 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 Advisory Board of the Paris MoU.

Agreed for the Paris MoU by:

Agreed for IMO by:

Name:

E.E. MITROPOULOS

Title:

Secretary-General

Date:

Date:

ANNEX 2**Translation****DRAFT TERMS OF AN AGREEMENT BETWEEN THE INTERNATIONAL
MARITIME ORGANIZATION (IMO) AND THE LATIN AMERICAN
AGREEMENT ON PORT STATE CONTROL OF VESSELS
(ACUERDO DE VIÑA DEL MAR, 1992)**

1 The International Maritime Organization (hereinafter referred to as “IMO”) and the Latin American Agreement on Port State Control of Vessels (hereinafter referred to as “Acuerdo de Viña del Mar”) 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 two organizations in respect of such matters.

2 Subject to such arrangements as may be necessary for safeguarding confidential information, the Secretary-General of IMO and the Secretary of the Acuerdo de Viña del Mar 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 Organizations 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 Secretary-General of IMO will invite the Secretary of the Acuerdo de Viña del Mar to send representatives to observe meetings or conferences convened by or under the auspices of IMO to consider matters in which the Acuerdo de Viña del Mar has an interest, in accordance with procedures applicable to each meeting or conference. The Secretary of the Acuerdo de Viña del Mar will invite the Secretary-General of IMO to send observers to meetings or conferences convened by or under the auspices of the Acuerdo de Viña del Mar to consider matters in which IMO has an interest, in accordance with the procedures applicable to each meeting or conference.

4 The Secretary-General of IMO and the Secretary of the Acuerdo de Viña del Mar 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 the Acuerdo de Viña del Mar.

5 IMO will, at the request of the Acuerdo de Viña del Mar, render assistance to the Acuerdo de Viña del Mar with respect to matters within the scope of activities of the Acuerdo de Viña del Mar; and the Acuerdo de Viña del Mar will, at the request of IMO, render assistance to IMO in 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 the Acuerdo de Viña del Mar 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 of the Acuerdo de Viña del Mar.

8 The Secretary-General of IMO and the Secretary of the Acuerdo de Viña del Mar 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 Committee of the Acuerdo de Viña del Mar.

Agreed for the Acuerdo de Viña del Mar by:

Agreed for IMO by:

JUAN JOSÉ BELTRUTTI
Secretary

E.E. MITROPOULOS
Secretary-General

Date:

Date:

ANNEX 3

**DRAFT TERMS OF AN AGREEMENT OF CO-OPERATION BETWEEN
THE INTERNATIONAL MARITIME ORGANIZATION (IMO) AND THE
MEMORANDUM OF UNDERSTANDING ON PORT STATE CONTROL
FOR THE ASIA-PACIFIC REGION (TOKYO MoU)**

1 The International Maritime Organization (hereinafter referred to as "IMO") and the Memorandum of Understanding on Port State Control for the Asia-Pacific Region (hereinafter referred to as "Tokyo MoU") 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 Secretary-General of IMO and the Secretary of the Tokyo MoU 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 Organizations 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 Secretary-General of IMO will invite the Secretary of Tokyo MoU to send representatives to observe meetings or conferences convened by or under the auspices of IMO to consider matters in which Tokyo MoU has an interest, in accordance with procedures applicable to each meeting or conference. The Secretary of Tokyo MoU will invite the Secretary-General of IMO to send observer to meetings or conferences convened by or under the auspices of Tokyo MoU to consider matters in which IMO has an interest, in accordance with the procedures applicable to each meeting or conference.

4 The Secretary-General of IMO and the Secretary of Tokyo MoU 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 Tokyo MoU.

5 IMO will, at the request of Tokyo MoU, render assistance to Tokyo MoU with respect to matters within the scope of activities of Tokyo MoU; and Tokyo MoU will, at the request of IMO, render assistance to IMO in 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 Tokyo MoU 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 of Tokyo MoU.

8 The Secretary-General of IMO and the Secretary of Tokyo MoU 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 Tokyo MoU's Port State Control Committee.

Agreed for Tokyo MoU by:

Agreed for IMO by:

YOSHIO SASAMURA
Secretary

E.E. MITROPOULOS
Secretary-General

Date

Date

ANNEX 4

**DRAFT TERMS OF AN AGREEMENT OF CO-OPERATION BETWEEN
THE INTERNATIONAL MARITIME ORGANIZATION (IMO) AND
THE INDIAN OCEAN MoU ON PORT STATE CONTROL (IOMoU)**

1 The International Maritime Organization (hereinafter referred to as "IMO") and the Indian Ocean Memorandum of Understanding on Port State Control (hereinafter referred to as "IOMoU") 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 Secretary-General of IMO and the Chairman/Secretary of IOMoU 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 Organizations 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 Secretary-General of IMO will invite the Chairman/Secretary of IOMoU to send representatives to observe meetings or conferences convened by or under the auspices of IMO to consider matters in which IOMoU has an interest, in accordance with procedures applicable to each meeting or conference. The Chairman/Secretary of IOMoU will invite the Secretary-General of IMO to send observer to meetings or conferences convened by or under the auspices of IOMoU to consider matters in which IMO has an interest, in accordance with the procedures applicable to each meeting or conference.

4 The Secretary-General of IMO and the Chairman/Secretary of IOMoU 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 IOMoU.

5 IMO will, at the request of IOMoU, render assistance to IOMoU with respect to matters within the scope of activities of IOMoU and IOMoU will, at the request of IMO, render assistance to IMO in 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 IOMoU 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 Chairman/Secretary of IOMoU.

8 The Secretary-General of IMO and the Chairman/Secretary of IOMoU 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 IOMoU.

Agreed for IOMoU by:

Agreed for IMO by:

SUDHIR KUMAR
Chairman

E.E. MITROPOULOS
Secretary-General

Date:

Date:

ANNEX 5**DRAFT TERMS OF AN AGREEMENT OF CO-OPERATION BETWEEN THE INTERNATIONAL MARITIME ORGANIZATION (IMO) AND THE CARIBBEAN MEMORANDUM OF UNDERSTANDING ON PORT STATE CONTROL (CMoU)**

1 The International Maritime Organization (hereinafter referred to as "IMO") and the Caribbean Memorandum of Understanding on Port State Control (hereinafter referred to as "the CMoU") 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 Secretary-General of IMO and the CMoU Secretariat 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 organizations 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 Secretary-General of IMO will invite CMoU on Port State Control Committee through the Secretariat to send representatives to observe meetings or conferences convened by or under the auspices of IMO to consider matters in which CMoU has an interest, in accordance with procedures applicable to each meeting or conference. The CMoU Secretariat will invite the Secretary-General of IMO to send observers to meetings or conferences convened by or under the auspices of the CMoU to consider matters in which IMO has an interest, in accordance with the procedures applicable to each meeting or conference.

4 The Secretary-General of IMO and the CMoU Secretariat 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 CMoU.

5 IMO will, at the request of the CMoU, render assistance to the CMoU with respect to matters within the scope of activities of the CMoU; and the CMoU will, at the request of IMO, render assistance to IMO in 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 the CMoU 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 Chairman of CMoU.

8 The Secretary-General of IMO and Chairman of CMoU 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 CMoU Committee.

Agreed for CMoU by:

Agreed for IMO by:

Name:

E.E. MITROPOULOS

Title:

Secretary-General

Date

Date

ANNEX 6**DRAFT TERMS OF AN AGREEMENT OF CO-OPERATION BETWEEN THE
INTERNATIONAL MARITIME ORGANIZATION (IMO) AND THE
WEST AND CENTRAL AFRICA MEMORANDUM OF
UNDERSTANDING ON PORT STATE CONTROL (ABUJA MoU)**

1 The International Maritime Organization (hereinafter referred to as “IMO”) and the West and Central Africa Memorandum of Understanding on Port State Control (hereinafter referred to as “Abuja MoU”) 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 Secretary-General of IMO and the Abuja MoU Secretariat 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 Organizations 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 Secretary-General of IMO will invite Abuja MoU on Port State Control Committee through the Secretariat to send representatives to observe meetings or conferences convened by or under the auspices of IMO to consider matters in which Abuja MoU has an interest, in accordance with procedures applicable to each meeting or conference. The Abuja MoU Secretariat will invite the Secretary-General of IMO to send observers to meetings or conferences convened by or under the auspices of the Abuja MoU to consider matters in which IMO has an interest, in accordance with the procedures applicable to each meeting or conference.

4 The Secretary-General of IMO and the Abuja MoU Secretariat 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 Abuja MoU.

5 IMO will, at request of the Abuja MoU, render assistance to the Abuja MoU with respect to matters within the scope of activities of the Abuja MoU; and the Abuja MoU will, at the request of IMO, render assistance to IMO in 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 determine 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 the Abuja MoU jointly or severally. Similarly, the Agreement shall not bind any 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 Abuja MoU.

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

9 This Agreement shall come into force on its approval by the Assembly of IMO and Abuja MoU Committee.

Agreed for Abuja MoU by:

Agreed for IMO by:

Name:

E.E. MITROPOULOS

Title:

Secretary-General

Date

Date
