



COUNCIL
23rd extraordinary session
Agenda item 14(b)

C/ES.23/14(b)
31 August 2005
Original: ENGLISH

EXTERNAL RELATIONS

(b) Relations with intergovernmental organizations

Note by the Secretary-General

SUMMARY

Executive summary: This document reports on developments concerning a draft Agreement of Co-operation between IMO and the International Criminal Police Organization - Interpol

Action to be taken: Paragraph 3

Related document: C 93/D

International Criminal Police Organization - Interpol

1 The Council may recall that, at its ninety-third session in November 2004, it noted the exchange of communications between the Secretariats of IMO and Interpol with a view to concluding an Agreement of Co-operation between the two organizations and requested the Secretary-General to keep it informed of any further developments.

2 The proposed draft Agreement, as agreed by the Secretariats of IMO and Interpol, attached at annex, 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 and has been approved by Interpol's Executive Committee.

Action requested of the Council

3 The Council is invited to take note of the information provided in this document and, in particular, to decide on the proposed Agreement of Co-operation between IMO and Interpol.

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.

ANNEX



DRAFT AGREEMENT OF CO-OPERATION

BETWEEN

THE INTERNATIONAL MARITIME ORGANIZATION

AND

THE INTERNATIONAL CRIMINAL POLICE ORGANIZATION - INTERPOL

Preamble

The International Maritime Organization, hereinafter referred to as IMO and the International Criminal Police Organization – Interpol, hereinafter referred to as Interpol;

Wishing to co-ordinate their efforts within the framework of the missions assigned to them;

Recognizing that IMO is the specialized United Nations agency responsible for the development of international standards concerning maritime safety, maritime security and marine environmental protection;

Recognizing that Interpol is responsible for ensuring and promoting the widest possible mutual assistance between all the criminal police authorities within the limits of the laws existing in the different countries and in the spirit of the Universal Declaration of Human Rights;

Recognizing the desirability of IMO's co-operation with Interpol, in activities relating to unlawful acts against the safety of maritime navigation and in combating, among other things, terrorism; piracy and armed robbery against ships; transportation of illegal migrants by sea; smuggling on board ships and trafficking of drugs, psychotropic substances and precursor chemicals; resolution of stowaway cases; and pollution from ships;

Have agreed on the following:

Article 1

Mutual consultation

1. IMO and Interpol will consult each other on matters of common interest for the purpose of realizing their objectives and co-ordinating their respective activities.
2. IMO and Interpol will exchange information on developments in any of their fields and projects that are of mutual interest and may reciprocally take observations concerning such activities into consideration with a view to promoting effective co-operation.
3. When appropriate, consultation may be arranged at the required level between representatives of IMO and Interpol to agree upon the most effective way in which to organize particular activities and to optimize the use of their resources in compliance with their respective mandates.

Article 2

Exchange of information

1. IMO and Interpol may combine their efforts to achieve the best use of all available information relevant to activities relating to unlawful acts against the safety of maritime navigation and in combating, among other things, terrorism; piracy and armed robbery against ships; transportation of illegal migrants by sea; smuggling on board ships and trafficking of drugs, psychotropic substances and precursor chemicals; resolution of stowaway cases; and pollution from ships.
2. Subject to such arrangements as may be necessary for the safeguarding of confidential information, IMO and Interpol will exchange information concerning matters of common interest, within the framework of activities and objectives of each Organization.
3. Communication of police information by Interpol to IMO shall be subject to Interpol's regulations. If an item of information communicated by Interpol to IMO is subsequently modified or deleted, Interpol shall inform IMO so that the latter may keep its own archives up-to-date. Interpol shall not be liable in the event that the use by IMO of an item of information is prejudicial to an individual's or entity's interests, if Interpol has informed IMO that that item of information has been modified or deleted. Police information communicated by Interpol to IMO shall be used by IMO exclusively for the purposes of prevention or suppression of transnational ordinary law crime, with due respect for national laws and international treaties.
4. Communication of information by IMO to Interpol shall be subject to the provisions of IMO's regulations. If an item of information communicated by IMO to Interpol is subsequently modified or deleted, IMO shall inform Interpol so that the latter may keep its own archives up-to-date. IMO shall not be liable in the event that the use by Interpol of an item of information is prejudicial to an individual's or entity's interests, if IMO has informed Interpol that that item of information has been modified or deleted.

Article 3

Reciprocal representation

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

Article 4

Technical Co-operation

1. IMO and Interpol may, in the interests of their respective activities, seek each other's expertise and resources to optimize the effects of such activities.
2. IMO, at Interpol's request, may review projects at national, regional and global levels in order to provide comments and suggestions appropriate to its domain of expertise.
3. Joint technical co-operation activities may be conducted, monitored and evaluated through a separate partnership arrangement made and agreed by both parties.

Article 5

Joint initiatives

By mutual agreement, IMO and Interpol may co-operate in the development and execution of programmes, projects and activities relating particularly to unlawful acts against the safety of maritime navigation and in combating, among other things, terrorism; piracy and armed robbery against ships; transportation of illegal migrants by sea; smuggling on board ships and trafficking of drugs, psychotropic substances and precursor chemicals; resolution of stowaway cases; and pollution from ships.

Article 6

Personnel arrangements

Subject to their relevant internal regulations, IMO and Interpol may examine the possibility of organizing the exchange of personnel on a temporary basis. Both Organizations will enter into special arrangements, if necessary, for that purpose.

Article 7

Waiver

Nothing contained in this agreement shall constitute a waiver, express or implied, of any privilege or immunity which the parties may enjoy, whether pursuant to the Convention on Privileges and Immunities of the Specialized Agencies or any other convention or agreement, law, order or decree of international or national character.

Article 8

Entry into force, modification and duration

1. The present Agreement of Co-operation shall enter into force 45 days after its signature by the Secretary-General of IMO and the Secretary General of Interpol subject to the approval of the Assembly of IMO and of Interpol's Executive Committee.
2. The present Agreement of Co-operation may be modified by mutual consent expressed in writing. It may also be revoked by either party by giving six months notice to the other party.

In witness whereof, the Secretary-General of the International Maritime Organization (IMO) and the Secretary-General of the International Criminal Police Organization (Interpol) have signed the present Agreement of Co-operation on the dates appearing under their respective signatures.

For IMO:

For Interpol:

Secretary-General

Secretary General

Date:

Date:
