

COUNCIL  
110th session  
Agenda item 18(c)

C 110/18(c)  
13 May 2013  
Original: ENGLISH

## EXTERNAL RELATIONS

### (c) Relations with intergovernmental organizations

#### Note by the Secretary-General

##### SUMMARY

*Executive summary:* This document reports on a new request for an agreement of cooperation between IMO and the United Nations Environment Programme (UNEP), representing the Northwest Pacific Action Plan (NOWPAP) Secretariat, and a request by the International Hydrographic Organization (IHO) to sign an agreement of cooperation with IMO to reflect the long-standing cooperation between IMO and IHO, as well as to provide the basis for future work

*Strategic direction:* 1.2

*High-level action:* 1.2.1

*Planned output:* 1.2.1.2

*Action to be taken:* Paragraph 9

*Related documents:* None

#### New request for an agreement of cooperation

1 The Secretariat received, by letter dated 31 August 2011 from the Director of the Marine Environmental Emergency Preparedness and Response Regional Activity Centre (MERRAC), a request for an agreement of cooperation between IMO and MERRAC.

2 MERRAC is one of four Regional Activity Centres (RACs) of the Action Plan for the Protection, Management and Development of the Marine and Coastal Environment of the Northwest Pacific Region (NOWPAP). NOWPAP was adopted in 1994 by its four Member States (China, Japan, Republic of Korea and Russian Federation), as part of the Regional Seas Programme of the United Nations Environment Programme (UNEP). It is administered by UNEP under the Division of Environmental Policy Implementation (DEPI).

3 The four RACs are responsible for carrying out individual NOWPAP activities and projects approved by the Intergovernmental Meeting, the high-level governing body of NOWPAP. They comprise the Special Monitoring and Coastal Environment Assessment

Regional Activity Centre (CEARAC), based in Japan; the Data and Information Network Regional Activity Centre (DINRAC), based in China; the Marine Environmental Emergency Preparedness and Response Regional Activity Centre (MERRAC), based in the Republic of Korea; and the Pollution Monitoring Regional Activity Centre (POMRAC), based in the Russian Federation.

4 It was agreed that an agreement of cooperation between IMO and UNEP, representing NOWPAP, should be pursued rather than an agreement between IMO and MERRAC alone, as the latter would restrict NOWPAP's ability to cover IMO matters if, in future, issues were to come up at IMO which might warrant the involvement of other NOWPAP Activity Centres.

5 The proposed agreement of cooperation, as drafted by the Secretariats of IMO and UNEP, is attached in annex 1. The draft generally follows the pattern of similar agreements previously concluded between the Organization and interested entities but also includes elements specific to this agreement due to NOWPAP's administrative structure. The draft agreement of cooperation is submitted for consideration by the Council, in accordance with Article 25 of the IMO Convention.

#### **Agreement of cooperation between IMO and the International Hydrographic Organization (IHO)**

6 Since 1963, there has been a formal arrangement of cooperation between IMO and IHO, as reflected in Assembly resolution A.64(III). The arrangement was amended in 1999 to reflect IHO's change in name in 1970 from "International Hydrographic Bureau (IHB)" to "International Hydrographic Organization (IHO)".

7 By letter dated 3 December 2012, the President of the IHO Directing Committee requested the Secretary-General to establish a formal memorandum of recognition and cooperation between IMO and IHO, rather than continue to rely on the 1963 Assembly resolution, with a view to reflecting the long-standing cooperation between both organizations, and to providing a clear framework for future work.

8 The proposed agreement of cooperation, as drafted by the Secretariats of IMO and IHO, is attached in annex 2. The draft follows the pattern of similar agreements previously concluded between the Organization and interested entities; however, in order to reflect the long-standing relationship between the two organizations, and to preserve 1963 as the official date for the start of the formal relations between IMO and IHO, four preambular paragraphs have been inserted which provide background information on the agreement, which is submitted for consideration by the Council, in accordance with Article 25 of the IMO Convention.

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

9 The Council is invited to decide on the proposed agreements of cooperation with UNEP, representing NOWPAP and with IHO.

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## ANNEX 1

### **DRAFT AGREEMENT OF COOPERATION BETWEEN THE INTERNATIONAL MARITIME ORGANIZATION (IMO) AND THE UNITED NATIONS ENVIRONMENT PROGRAMME (UNEP), REPRESENTING THE NORTHWEST PACIFIC ACTION PLAN (NOWPAP) SECRETARIAT**

WHEREAS the International Maritime Organization (hereinafter referred to as "IMO") is the United Nations specialized agency with responsibility for the safety and security of international shipping and the prevention of pollution of the environment, including the marine environment;

WHEREAS the United Nations Environment Programme (hereinafter referred to as "UNEP") is the leading organization within the United Nations system in the field of environment and has as a major area of focus of its global mandate the conservation, protection, enhancement and support of nature and natural resources, including biological diversity, worldwide;

WHEREAS UNEP and IMO (hereinafter collectively referred to as "Parties") share common objectives with regard to the conservation, protection, enhancement and support of nature and natural resources, including biological diversity worldwide, and wish to collaborate to further these common goals and objectives within their respective mandates and governing rules and regulations;

WHEREAS the Parties intend to conclude this agreement of cooperation (hereinafter referred to as "Agreement") with the aim of consolidating, developing and detailing their cooperation and effectiveness to achieve the common objectives in the field of environment, including preparedness and response to spills of oil and chemicals, marine litter, pollution damage civil liability and compensation, ballast water management.

#### **UNEP AND IMO HAVE AGREED TO COOPERATE UNDER THIS AGREEMENT OF COOPERATION AS FOLLOWS:**

1 UNEP, representing the Northwest Pacific Action Plan (hereinafter referred to as NOWPAP)<sup>1</sup> and IMO will consult each other on matters of common interest to both with a view to ensuring maximum coordination of the work and activities of their 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 Executive Director of UNEP or their designated representatives will exchange information and keep each other informed of projected activities and programmes of work in fields of common interest. Accordingly, when either Party 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 two 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 Parties. Implementation of specific projects or programme activities would necessitate the execution of a separate agreement between the Parties in accordance with the policies and procedures of the respective Parties.

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<sup>1</sup> NOWPAP is administered by the United Nations Environment Programme (UNEP) under the Division of Environmental Policy Implementation (DEPI).

3 The Secretary-General of IMO will invite the Executive Director of UNEP to send representatives to observe meetings or conferences convened by or under the auspices of IMO to consider matters in which NOWPAP has an interest, in accordance with procedures applicable to each meeting or conference. Conversely, the Executive Director of UNEP will invite the Secretary-General of IMO to send observers to meetings or conferences convened by or under the auspices of NOWPAP 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 Executive Director of UNEP may consult on matters of personnel, material, services, equipment and facilities for joint undertakings which may be agreed between them in fields of common interest to IMO and NOWPAP.

5 IMO will, at the request of NOWPAP, render assistance to NOWPAP with respect to matters within the scope of activities of NOWPAP; and NOWPAP 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, consultations 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 NOWPAP jointly or severally. Similarly, the agreement shall not bind any of the Member States of IMO jointly or severally.

7 This agreement may be subject to revision by written agreement between the Secretary-General of IMO and the Executive Director of UNEP.

8 The Secretary-General of IMO and the Executive Director of UNEP may terminate this agreement by giving six months' written notice to the other party.

9 This agreement shall come into force on approval by the Assembly of IMO and the NOWPAP Intergovernmental Meeting, whichever is the later.

10 This agreement shall remain valid for six years, unless terminated pursuant to paragraph 8 above.

Agreed for UNEP by:

Agreed for IMO by:

Achim Steiner  
Executive Director

Koji Sekimizu  
Secretary-General

Date: .....

Date: .....

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## ANNEX 2

### **DRAFT AGREEMENT OF COOPERATION BETWEEN THE INTERNATIONAL MARITIME ORGANIZATION (IMO) AND THE INTERNATIONAL HYDROGRAPHIC ORGANIZATION (IHO)**

WHEREAS Assembly resolution A.64(III) of 25 October 1963 on Relations with intergovernmental organizations – International Hydrographic Bureau (IHB) and Customs Co-operation Council (CCC), formalized the relations between the International Maritime Organization (hereinafter referred to as "IMO") and IHB,

WHEREAS, as noted by the IMO Council, at its eighty-second session (June 1999), and the IMO Assembly, at its twenty-first regular session (November 1999), as from 22 September 1970, IHB became known as the International Hydrographic Organization (hereinafter referred to as "IHO"),

WHEREAS IMO and IHO now wish to restate in a comprehensive written agreement their long-standing relationship and cooperation in the field of hydrography and related aspects within the scope of their respective competences and areas of activity, as provided for in their respective conventions, as well as provide a clear framework for future cooperation, and

NOTING that, when the Protocol of Amendments to the Convention on IHO comes into force, the position of President of the Directing Committee of IHB will be replaced by that of Secretary-General of IHO,

#### **IMO AND IHO AGREE TO CONTINUE COOPERATING AS FOLLOWS:**

1 IMO and IHO will consult each other on matters of common interest to both with a view to ensuring maximum coordination of the work and activities of their 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 President of the Directing Committee of IHB (hereinafter referred to as "the President of the IHB Directing Committee") will exchange information and keep each other informed of projected activities and programmes of work in fields of common interest. Accordingly, when either entity 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 two 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 entities.

3 The Secretary-General of IMO will invite the President of the IHB Directing Committee to send representatives to observe meetings or conferences convened by or under the auspices of IMO to consider matters in which IHO has an interest, in accordance with procedures applicable to each meeting or conference. Conversely, the President of the IHB Directing Committee will invite the Secretary-General of IMO to send observers to meetings or conferences convened by or under the auspices of IHO 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 President of the IHB Directing Committee may consult on matters of personnel, material, services, equipment, capacity building and facilities for joint undertakings which may be agreed between them in fields of common interest to IMO and IHO.

5 IMO will, at the request of IHO, render assistance to IHO with respect to matters within the scope of activities of IHO; and IHO 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, consultations 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 IHO 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 President of the IHB Directing Committee.

8 The Secretary-General of IMO and the President of the IHB Directing Committee 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 Member States of IHO, whichever is the later.

Agreed for IHO by:

Agreed for IMO by:

Robert Ward  
President of the IHB Directing Committee

Koji Sekimizu  
Secretary-General

Date: .....

Date: .....

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