



Dossier du BHI n° S1/5012

LETTRE CIRCULAIRE 18/2016
18 avril 2016

**ETABLISSEMENT D'UN PROTOCOLE D'ACCORD ENTRE
L'ORGANISATION HYDROGRAPHIQUE INTERNATIONALE
ET LE COMITE INTERNATIONAL DE PROTECTION DES CÂBLES**

Référence : LC de l'OHI 85/2015 du 9 décembre – *Proposition de protocole d'accord entre l'Organisation hydrographique internationale et le comité international de protection des câbles*

Madame la Directrice, Monsieur le Directeur,

1. Le Comité de direction a l'honneur de vous informer que la proposition de texte objet de la lettre circulaire en référence, visant à établir des liens plus étroits entre l'OHI et le comité international de protection des câbles (CIPC) par le biais d'un protocole d'accord (MoU), n'a soulevé aucune objection de la part des Etats membres.
2. Le Comité de direction remercie les Etats membres suivants : Canada, Chili, Equateur, Irlande et Royaume-Uni, qui ont explicitement exprimé leur soutien à la proposition. Les commentaires additionnels du Chili, de l'Equateur et du Royaume-Uni sont reproduits à l'annexe A, conjointement avec le résultat de leur examen, le cas échéant.
3. Un texte révisé comprenant certains des amendements éditoriaux proposés par le Royaume-Uni a été convenu avec le comité exécutif du CIPC et ultérieurement signé par le président du comité exécutif du CIPC et par le président du Comité de direction.
4. Une copie du MoU (en anglais uniquement) est jointe à l'annexe B, aux fins de référence. Le MoU est disponible sur le site web de l'OHI à l'adresse : Accueil > Lettres et documents > Protocoles d'accord et accords de coopération.

Veillez agréer, Madame la Directrice, Monsieur le Directeur, l'assurance de ma haute considération,

Pour le Comité de direction,

A handwritten signature in blue ink, appearing to read 'Robert Ward', is placed above the printed name.

Robert WARD
Président

Annexe A : Réponses des Etats membres à la LC de l'OHI 85/2015 et commentaires du BHI

Annexe B : Protocole d'accord entre l'Organisation hydrographique internationale et le comité international de protection des câbles (*en anglais uniquement*)

**REPONSES DES ETATS MEMBRES A LA LC DE L'OHI 85/2015
ET COMMENTAIRES DU BHI**

*Proposition de protocole d'accord entre l'Organisation hydrographique internationale
et le comité international de protection des câbles*

CHILI

Le Chili souhaite exprimer son vif soutien à la signature du MoU avec le comité international de protection des câbles, conformément au texte proposé dans la lettre circulaire susmentionnée.

Nous reconnaissons qu'il existe plusieurs domaines d'intérêt commun, depuis la collecte de données bathymétriques jusqu'à la représentation des câbles sous-marins sur les cartes marines.

EQUATEUR

L'Equateur accueille avec satisfaction la proposition de MoU entre l'OHI et le CIPC. Néanmoins, il convient de noter que conjointement avec cette initiative, il est également nécessaire de s'assurer que les entreprises responsables de la pose de câbles suivent les normes de l'OHI, ou toutes autres normes plus sévères, relatives à l'exécution de levés hydrographiques ainsi qu'au positionnement final de câbles. C'est la raison pour laquelle il est impératif que ces activités soient coordonnées avec les Services hydrographiques nationaux avant leur exécution.

Commentaire du BHI :

La consultation préalable entre les Services hydrographiques et les opérateurs de câbles est un item qui devrait être examiné au titre de l'article 1 du MoU.

ROYAUME-UNI

Le Royaume-Uni accueille avec satisfaction la proposition de MoU entre l'OHI et le comité international de protection des câbles. Par souci de concision et de cohérence, et afin d'éviter l'utilisation du langage des contrats ou des traités, le Royaume-Uni propose les amendements indiqués dans la copie du MoU ci-jointe.

Commentaire du BHI :

Les amendements éditoriaux ont été examinés par le Comité de direction, et il a été convenu avec le comité exécutif du CIPC d'introduire l'acronyme « MoU » dans le préambule et de remplacer « Memorandum of Understanding » par « MoU » dans toutes les clauses suivantes.

Le Comité de direction n'a pas introduit la proposition du Royaume-Uni d'ajouter l'article suivant en tant qu'article 9 :

9. That neither this MoU nor anything done by either Participant in consequence of it will operate to create any contractual agreement or other legally-binding relationship between the Participants (en français : *Que ni ce MoU, ni rien de ce que pourraient faire chacun des participants en conséquence de ce MoU, n'aura pour effet la création d'un accord contractuel ou d'un lien juridique entre les participants*).

Il n'existe pas de telle clause dans des accords similaires signés entre l'OHI et d'autres organisations internationales. En outre, cela restreindrait la possibilité de conclure des accords contractuels à l'avenir (le cas échéant et sous réserve d'acceptation selon les processus appropriés propres à chaque organisation).

**MEMORANDUM OF UNDERSTANDING BETWEEN
THE INTERNATIONAL HYDROGRAPHIC ORGANIZATION AND
THE INTERNATIONAL CABLE PROTECTION COMMITTEE**

*Protocole d'accord entre l'Organisation hydrographique internationale et
le comité international de protection des câbles
(en anglais uniquement)*



**MEMORANDUM OF UNDERSTANDING
BETWEEN
THE INTERNATIONAL HYDROGRAPHIC
ORGANIZATION
AND
THE INTERNATIONAL CABLE
PROTECTION COMMITTEE LIMITED**



The purpose of this Memorandum of Understanding (hereinafter referred to as "MoU") is to specify the scope of co-operation between the **International Hydrographic Organization** (hereinafter referred to as "the IHO") and the **International Cable Protection Committee Ltd** (hereinafter referred to as "the ICPC").

WHEREAS

The IHO is an intergovernmental consultative and technical organization that was established to support safety of navigation and the protection of the marine environment. Its principal aim is to ensure that all the world's seas, oceans and navigable waters are surveyed and charted, through the coordinated endeavours of national Hydrographic Offices (HOs).

The objectives of the IHO are:

- To promote the use of hydrography for the safety of navigation and all other marine purposes and to raise global awareness of the importance of hydrography;
- To improve global coverage, availability and quality of hydrographic data, information, products and services and to facilitate access to such data, information, products and services;
- To improve global hydrographic capability, capacity, training, science and techniques;
- To establish and enhance the development of international standards for hydrographic data, information, products, services and techniques and to achieve the greatest possible uniformity in the use of these standards;
- To give authoritative and timely guidance on all hydrographic matters to States and international organizations;
- To facilitate coordination of hydrographic activities among the Member States; and
- To enhance cooperation on hydrographic activities among States on a regional basis.

The ICPC is a non-profit corporation that represents the international submarine cable industry and has been established to promote the security and safeguarding of submarine cables against man-made and natural hazards via delivery of the following services:

- Producing and maintaining industry recommendations that define the minimum standards for cable route planning, installation, operation, maintenance and protection.
- Facilitating the exchange of technical, environmental and legal information pertaining to submarine cable systems.
- Responding to general enquiries on matters relating to international law and environmental issues in relation to submarine cables.
- Monitoring of emerging legislation and providing information wherever necessary to protect the legal rights of submarine cables.
- Promoting awareness of the strategic, economic and social benefits of submarine cables, especially to Government agencies, the fishing industry and other seabed users.
- Sponsorship of projects and/or programmes that are agreed to be beneficial for the protection of submarine cable systems.
- Providing relevant information to prospective new cable owners to encourage the adoption of minimum industry standards.
- Facilitating effective communication between the members of the ICPC and the leading suppliers of technology in the submarine cable industry.
- Developing and maintaining a website to serve the common interest of the ICPC's members via public and private (password protected) areas.
- Developing affiliations with other international and national associations representing seabed users.

While the IHO has a strong interest in achieving the greatest possible uniformity in nautical charting products such as nautical charts and in charting standards, safety at sea, and protection of the marine environment; the ICPC has a strong interest in the protection of submarine cable infrastructure and ensuring that submarine cable activities necessary to achieve that protection have minimal impact on the marine environment.

Increased cooperation between the IHO and the ICPC should help to facilitate:

- The development of a uniform set of cable charting standards for submarine cables adopted globally by HOs;
- The development of compatible digital input formats for as-laid cable data that address charting requirements;
- Global consistency in the treatment of charting data for cables to facilitate data re-use by HOs around the world, and to allow data correlation without further manipulation;
- Optimization of resources to reduce lead times from data availability from the relevant cable operator to the publishing of updates to nautical charts;

- The development of a global approach to the issuance of Notices to Mariners for new cables;
- The development of standardized information in nautical publications drawing the mariners' attention to the necessity to protect cables against damage caused by ship operations;
- The development of charting policies that address hazards to submarine cables from deep sea mining, oil and gas activities as well as renewable energy developments;
- The development of procedures to encourage and facilitate the provision of survey data, or metadata, collected as part of cable laying or maintenance activities, to the IHO Data Centre for Digital Bathymetry (DCDB).

THE IHO AND THE ICPC THEREFORE AGREE:

1. To consult, where appropriate and practical, on issues of mutual interest with a view to promoting or enhancing a better understanding of their respective activities and to better delineate such activities between the two organizations; and to co-operate, where appropriate and practical, in the collection and exchange of standardized data and information.
2. To invite each other's representatives to attend and participate in the meetings of their respective governing bodies (or workshops or working groups) in accordance with the rules of procedures of such bodies; and to conduct, where appropriate, co-operative studies and seminars.
3. To discuss at least annually the effectiveness of this MoU and any measures that may be required to improve co-operation between the IHO and the ICPC.
4. That this MoU is without prejudice to agreements, legally binding or otherwise, concluded by either party with other organizations and programmes.
5. That the co-operation between the two parties is subject to the requirements of confidentiality of data and information imposed upon each by its rules of procedures, articles, Membership Agreements or other such relevant documentation. Each party agrees to obtain the written consent of the other prior to disclosing any proprietary materials of the other to any third party.
6. That this MoU will come into effect upon its signature by the President of the Directing Committee of the International Hydrographic Bureau (IHB) ("President of the Directing Committee of the International Hydrographic Bureau (IHB)" to be replaced by "Secretary-General of the IHO" when the Protocol of amendments to the IHO Convention enters into force) and the Chairman of the ICPC. It may be terminated by any of the parties by giving to the other a written notice three months prior to the proposed date of termination.

- 7. That nothing in the MoU limits the independence and freedom of action of either organization to consider and independently act on matters of ocean policy and law, regardless of geography and is not be considered a delegation of any authority or creating an agency relationship of any kind whatsoever.
- 8. That nothing in the MoU shall bind any of the Member States of the IHO jointly or severally. Similarly, the MoU shall not bind any of the Members of the ICPC jointly or severally.

IN WITNESS WHEREOF the undersigned have signed the present MoU in duplicate.

 

Signature

Neil Rondorf
Chairman
For and on behalf of the ICPC
Date:

Signature

Robert Ward
President
For and on behalf of the IHO
Date: *18 April 2016*