



IHB File N° S1/5014

CIRCULAR LETTER 29 /2013
22 April 2013

**PROPOSED AGREEMENT OF COOPERATION BETWEEN
THE INTERNATIONAL HYDROGRAPHIC ORGANIZATION AND
THE INTERNATIONAL MARITIME ORGANIZATION - PROGRESS REPORT**

Reference: Circular Letter 8/2013 dated 22 January - *Proposed Agreement of Cooperation between the International Hydrographic Organization and the International Maritime Organization.*

Dear Hydrographer,

- 1 CL 8/2013 proposed the signing of an Agreement of Cooperation between the IHO and the International Maritime Organization (IMO) to formally recognise the long and successful history of cooperation between the IHO and the IMO. The CL invited Member States to comment on the draft text of the Agreement of Cooperation.
2. The Directing Committee thanks the following States that all responded positively to the proposal: Algeria, Belgium, Canada, Chile, Cuba, Finland, India, USA.
3. In addition to supporting the proposal, Canada and UK provided a number of suggestions to improve the draft text to acknowledge that the text is not a legally binding text and therefore "arrangement" or "memorandum of understanding" were more appropriate terms to be used rather than "agreement". Other proposed improvements were intended to simplify the English for those whose first language is not English, or to ensure that the Secretary-General of the IMO and the President of the Directing Committee are able to delegate routine IHO/IMO business as appropriate.
4. The suggestions of Canada and UK were passed to the Secretariat of the IMO who commented that the proposed text of the Agreement of Cooperation has been based on similar Agreements enacted between the IMO and its other intergovernmental and international partner organizations and that neither the delegations of Canada nor the UK at the IMO had raised any concerns or suggestions to amend the form of words regularly used by that Organization. The Secretariat of the IMO also advised that in order not to complicate, and quite possibly hinder, the passage of an Agreement through the IMO Council, it would be better to submit to the Council a text that was very similar to the previous texts approved by the IMO.
5. Taking the comments of the Secretariat of the IMO into account and noting that the proposals from Canada and the UK were intended only to provide improvement and clarification to the draft text and would not introduce any substantive changes to the intention or meaning of the Agreement, the Directing Committee has now indicated to the Secretariat of the IMO to retain the text in its original form as circulated to IHO Member States under CL 8/2013 and for which there were no objections received from any Member States of the IHO.

6. The proposed text for an Agreement of Cooperation between the IHO and the IMO in its original form, as shown at Annex A, will therefore be considered by the IMO Council in July. Subject to approval by the Council of the IMO, it is anticipated that the President of the Directing Committee will sign the Agreement on behalf of the IHO shortly thereafter.

On behalf of the Directing Committee
Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Robert Ward', with a stylized flourish at the end.

Robert WARD
President

Annex A: Draft text of an Agreement of Cooperation between the IHO and the IMO

**DRAFT TEXT OF AN AGREEMENT OF COOPERATION
BETWEEN THE IHO AND THE IMO**

**AGREEMENT OF CO-OPERATION 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) that, 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 co-operation 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 co-operation, 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 CO-OPERATING 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: