



IHB File N° S1/5012

**CIRCULAR LETTER 85/2015
09 December 2015**

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

Reference: IHO Resolution 5/1957 as amended - *IHO relations with other organizations*

Dear Hydrographer,

1. The International Cable Protection Committee (ICPC) is a non-profit corporation that was established in 1958 to represent the international submarine cable industry and promote the security and safeguarding of submarine cables against man-made and natural hazards.
2. Membership of ICPC is open to submarine cable owners, submarine cable maintenance authorities, submarine cable system manufacturers, cable ship operators, submarine cable route survey companies and to governments. The ICPC is currently composed of 162 members from 65 countries who represent more than 98% of installed submarine cables. The organization includes an Executive Committee, composed of 17 elected members, an outsourced Secretariat, an International Law Advisor, a Marine Environmental Advisor and six Working Groups. Its registered office is located in London, United Kingdom.
3. Through routine contacts related to the provision of cable data for charting purposes, the Directing Committee and the ICPC Executive Committee identified the need to foster cooperation between both organizations on matters related to submarine cable operations. Following further discussions at the ICPC Plenary Meeting held in Hong Kong in April 2015, where the IHO was kindly represented by Mr NG Kwok-Chu, Hydrographer of Hong Kong China, the ICPC Executive Committee agreed to participate in the 7th meeting of the Hydrographic Services and Standards Committee (HSSC) which took place in Busan, Republic of Korea, from 10 to 13 November.
4. The HSSC welcomed the participation of the ICPC representatives and benefited from an informative presentation on the issues associated with submarine cables¹. The Committee acknowledged the areas of common interest between the IHO and the ICPC and supported the ICPC's proposal to develop a Memorandum of Understanding (MoU) between the IHO and the ICPC. A draft MoU was proposed by the ICPC at HSSC-7. Further to its review by the Chairs of the Nautical Cartography Working Group and the Nautical Information Provision Working Group, a revised draft was agreed between the Directing Committee and the ICPC Executive Committee.
5. The proposed text of the MoU is provided in Annex A (*in English only*). The objective of the MoU is primarily to assist in facilitating and harmonizing the timely depiction of submarine cables on nautical charts and products through appropriate standards and procedures and therefore to contribute to the protection of submarine cable infrastructure. The MoU also addresses 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).

¹ The ICPC presentation is available from the HSSC page of the IHO website (https://www.iho.int/mtg_docs/com_wg/HSSC/HSSC7/HSSC7-07.12A_ICPC_IHO_November_Busan_Presentation_Final.pdf).

6. Subject to any comments received from IHO Member States and noting that the Chairman of the ICPC Executive Committee stands ready to sign on behalf of the ICPC, the President of the Directing Committee will sign the proposed Memorandum on behalf of the IHO.

7. Member States are kindly requested to review the proposed text at Annex A and to provide their comments, if any, to the IHB no later than **29 February 2016**.

On behalf of the Directing Committee
Yours sincerely,



Gilles BESSERO
Director

Annex A: Draft text of a Memorandum of Understanding between the IHO and the ICPC (*in English only*)

(DRAFT) MEMORANDUM OF UNDERSTANDING BETWEEN THE INTERNATIONAL HYDROGRAPHIC ORGANIZATION AND THE INTERNATIONAL CABLE PROTECTION COMMITTEE LIMITED

The purpose of this Memorandum of Understanding 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 Memorandum of Understanding and any measures that may be required to improve co-operation between the IHO and the ICPC.
4. That this Memorandum of Understanding 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 Memorandum of Understanding 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 Memorandum of Understanding 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 this Memorandum of Understanding shall bind any of the Member States of the IHO jointly or severally. Similarly, the Agreement shall not bind any of the Members of the ICPC jointly or severally.

IN WITNESS WHEREOF the undersigned have signed the present Memorandum of Understanding in duplicate.

Signature

Neil Rondorf

Chairman

For and on behalf of the ICPC

Date: DD:MMMM:YYYY

Signature

Robert Ward

President

For and on behalf of the IHO

Date: DD:MMMM:YYYY