



**ORGANIZACION HIDROGRAFICA INTERNACIONAL**

**Dossier del BHI N° S1 / 5012**

**CARTA CIRCULAR N° 18/ 2016**  
**18 de Abril del 2016**

**ESTABLECIMIENTO DE UN MEMORANDUM DE ACUERDO ENTRE  
LA ORGANIZACIÓN HIDROGRÁFICA INTERNACIONAL Y  
EL COMITE INTERNACIONAL PARA LA PROTECCIÓN DE  
LOS CABLES SUBMARINOS**

Referencia: Carta Circular de la OHI N° 85/2015 de fecha 9 de Diciembre - *Propuesta de Memorándum de Acuerdo entre la Organización Hidrográfica Internacional y el Comité Internacional para la Protección de los Cables Submarinos*

Estimado(a) Director(a),

1. El Comité Directivo se complace en informar que no ha habido ninguna objeción por parte de los Estados Miembros al texto propuesto contenido en la Carta Circular de referencia, para establecer vínculos más estrechos entre la OHI y el Comité Internacional para la Protección de los Cables Submarinos (ICPC) mediante un Memorándum de Acuerdo (MoU).
2. El Comité Directivo da las gracias a los siguientes Estados Miembros: Canadá, Chile, Ecuador, Irlanda y el Reino Unido, que han expresado explícitamente su apoyo a la propuesta. Se adjuntan en el Anexo A los comentarios adicionales proporcionados por Chile, Ecuador y el Reino Unido, junto con el resultado de su examen, según proceda.
3. Un texto revisado que incorpora algunas de las enmiendas editoriales sugeridas por el Reino Unido, fue convenido con el Comité Ejecutivo del ICPC y, posteriormente, fue firmado por el Presidente del Comité Ejecutivo del ICPC y por el Presidente del Comité Directivo.
4. Se adjunta en el Anexo B una copia del MoU (*en Inglés únicamente*) para facilitar la referencia. Se ha publicado en el sitio web de la OHI en: *Home > Letters & Documents > MOU & Agreements*.

En nombre del Comité Directivo  
Atentamente,

Robert WARD  
Presidente

- Anexo A: Respuestas de los Estados miembros a la CC de la OHI N° 85/2015 y comentarios del BHI;
- Anexo B: Memorándum de Acuerdo entre la Organización Hidrográfica Internacional y el Comité Internacional para la Protección de los Cables Submarinos.

**RESPUESTAS DE LOS ESTADOS MIEMBROS A LA CC. de la OHI N° 85/2015 Y  
COMENTARIOS DEL BHI**

*Propuesta de Memorandum de Acuerdo entre la Organización Hidrográfica Internacional y el  
Comité Internacional para la Protección de los Cables Submarinos.*

**CHILE**

Nos gustaría expresar nuestro firme apoyo a la firma del MoU con el Comité Internacional para la Protección de Cables Submarinos, en conformidad con el texto propuesto en la Carta Circular arriba indicada.

Estamos de acuerdo en que hay varias áreas de interés común, desde la captura de datos batimétricos a la presentación de los cables submarinos en las cartas náuticas.

**ECUADOR**

Este Estado Miembro toma con agrado la propuesta de Memorandum de Acuerdo entre la Organización Hidrográfica Internacional (OHI) y el Comité Internacional para la Protección de Cables Submarinos (ICPC). Sin embargo, es importante señalar que, junto con esta iniciativa, es necesario también asegurar que quienes se encargan del tendido de cables sigan los estándares de la OHI, o alguna otra norma más rigurosa en cuanto a la ejecución de los levantamientos hidrográficos y el posicionamiento final de los cables. Por este motivo, es imperativo que estos trabajos de alguna manera sean coordinados de forma previa con los Servicios Hidrográficos nacionales.

*Comentarios del BHI:*

*La consulta previa entre los Servicios Hidrográficos y los operadores de cables sería un elemento a tener en cuenta en virtud del artículo 1 del MoU.*

**REINO UNIDO**

El Reino Unido agradece la propuesta de MoU entre la OHI y el Comité Internacional para la Protección de los Cables Submarinos. En interés de la brevedad y de la coherencia y para evitar el uso de un texto de contrato o de tratado, el Reino Unido propone las enmiendas que se muestran en la copia adjunta del MoU.

*Comentarios del BHI:*

*Las enmiendas editoriales fueron revisadas por el Comité Directivo y se convino con el Comité Ejecutivo del ICPC introducir el acrónimo "MoU" en el preámbulo y reemplazar "Memorandum de Acuerdo" por "MoU" en todas las cláusulas siguientes.*

*El Comité Directivo no incluyó una propuesta del Reino Unido para incluir un artículo 9 adicional como sigue:*

9. Que ni este MoU ni ninguno hecho por cualquiera de los Participantes como consecuencia de éste funcionará para crear cualquier acuerdo contractual o bien otra relación jurídicamente vinculante entre los participantes.

*No hay tal cláusula en acuerdos similares entre la OHI y otras organizaciones internacionales. Además, se restringiría la posibilidad de tener acuerdos contractuales en el futuro (si es apropiado y sujeto a los procesos pertinentes de aprobación en ambas organizaciones).*



**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*