



## Council

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### **Agreement of cooperation between the International Seabed Authority and the International Hydrographic Organization**

#### **Note by the Secretary-General**

#### **I. Introduction**

1. By virtue of article 169, paragraph 1, of the United Nations Convention on the Law of the Sea of 10 December 1982, the Secretary-General of the International Seabed Authority shall, on matters within the competence of the Authority, make suitable arrangements for consultation and cooperation with international and non-governmental organizations recognized by the Economic Social Council of the United Nations. Such arrangements require the approval of the Council. Organizations with which the Secretary-General has entered into an arrangement are permitted to designate representatives to attend meetings of the organs of the Authority as observers in accordance with the rules of procedures of those organs. Written reports of the organizations on subjects related to the work of the Authority and in which they have special competence may be distributed to States parties by the Secretary-General.

#### **II. Agreement of cooperation between the Authority and the International Hydrographic Organization**

2. The International Hydrographic Organization is an intergovernmental consultative and technical organization that was established in 1921 and is currently governed by the Convention on the International Hydrographic Organization, signed at Monaco on 3 May 1967, as amended. The Organization enjoys observer status at the General Assembly, the International Maritime Organization and the Intergovernmental Oceanographic Commission of the United Nations Educational, Scientific and Cultural Organization. The Organization is recognized as the competent international authority regarding hydrography and nautical charting. As a general rule, United Nations instruments refer to its standards, guidelines and doctrine with regard to hydrography, nautical charting and associated activities. In addition to the global collection of nautical charts published by its member States,



the General Bathymetric Chart of the Oceans project of the Organization and the Intergovernmental Oceanographic Commission has been collecting bathymetric data and mapping the Earth's oceans since 1903. To underpin the project, the Organization established the International Hydrographic Organization Data Centre for Digital Bathymetry, which collects oceanic soundings acquired by hydrographic, oceanographic and other vessels during surveys or while on passage.

3. By virtue of rule 82, paragraph 1 (d), of the rules of procedure of the Assembly, the International Hydrographic Organization is an observer in the Assembly of the Authority and may participate in the deliberations of the Assembly upon the invitation of the President on questions within the scope of its competence. By extension, pursuant to rule 75 of the rules of procedure of the Council of the Authority, the Organization may, upon the invitation of the Council, designate a representative to participate in the deliberations of the Council, without the right to vote, on questions affecting it or the scope of its activities. The right to, among other things, participate in or consult the Council does not extend to subsidiary organs (as in the case of the Assembly) or to the secretariat, thus the need for an agreement of cooperation.

4. One of the recommendations of the workshop on submarine cables and deep seabed mining<sup>1</sup> was that the International Hydrographic Organization should be contacted to consider with the Authority the interest and feasibility of charting exploration areas under contract, in order to show the presence of cables. Discussions with the delegation of Monaco, as the depository to the Convention on the International Hydrographic Organization, took place during the twenty-first session of the Authority. The President of the Directing Committee of the International Hydrographic Bureau, which is the permanent secretariat of the Organization, and the Secretary-General of the Authority agreed to consider establishing suitable arrangements for a mutually beneficial relationship between the two organizations. Subsequently, informal exchanges took place at the secretariat level to initiate the preparation of a draft agreement of cooperation to improve common knowledge, understanding and mapping of the sea floor in the Area for the common benefit of mankind. This is particularly relevant in the context of Goal 14 of the recently adopted Sustainable Development Goals and supports the long-standing aims of the Organization and the regime governing activities in the Area.

5. The proposed agreement of cooperation, as drafted jointly by the secretariats of the International Hydrographic Organization and the Authority, is contained in the annex to the present document. The draft follows the pattern of similar agreements previously concluded by the Authority and the Organization with interested entities and is submitted for consideration by the Council, in accordance with article 169 of the United Nations Convention on the Law of the Sea.

6. In accordance with the relevant regulations of the International Hydrographic Organization, the Directing Committee of the International Hydrographic Bureau is responsible for conducting the relations of the Organization with other organizations, subject to consulting the States members of the Organization if and when appropriate. The President of the Directing Committee has therefore circulated in parallel the proposed agreement of cooperation, as drafted jointly by the secretariats of the Organization and the Authority, to the States members of the Organization.

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<sup>1</sup> Report of the workshop on submarine cables and deep seabed mining, held on 10 and 11 March 2015 (International Seabed Authority Technical Study No. 14, 2015).

Subject to no adverse comments being received from States members of the Organization by 1 July 2016, and subject to the approval of the text of the agreement according to the procedures of the Authority, the President of the Directing Committee will sign the proposed agreement on behalf of the Organization.

### **III. Action by the Council**

7. The Council is invited to take note of the present document and approve the agreement of cooperation between the Authority and the International Hydrographic Organization.

## Annex

### **Draft agreement of cooperation between the International Hydrographic Organization and the International Seabed Authority**

The purpose of this agreement is to specify the scope of cooperation between the International Hydrographic Organization (hereinafter referred to as “IHO”) and the International Seabed Authority (hereinafter referred to as “ISA”).

IHO and ISA will consult each other on matters of common interest with a view to ensuring maximum coordination of their relevant work and activities.

*Whereas* IHO is an intergovernmental consultative and technical organization that was established in 1921 and is currently governed by the Convention on the International Hydrographic Organization, signed at Monaco on 3 May 1967, as amended,

*Whereas* IHO contributes to making navigation easier and safer throughout the world by improving nautical charts and publications,

*Whereas* the main activities of IHO are the setting of standards for the production of hydrographic data and the provision of hydrographic services, the coordination of the hydrographic activities of all coastal and interested States and the exchange of bathymetric and related data in support of the safety of life at sea, safe navigation and the protection of the marine environment,

*Whereas* ISA is an intergovernmental organization established by the United Nations Convention on the Law of the Sea, signed at Montego Bay, Jamaica, on 10 December 1982, through which its member States, in accordance with the Convention and the Agreement relating to the Implementation of Part XI of the Convention, adopted on 28 July 1994, organize and control activities in the Area, in particular with a view to administering the mineral resources of the Area, as defined in article 1, paragraph 1 (1), of the Convention,

*Whereas* ISA promotes and encourages the conduct of marine scientific research with respect to activities in the Area and the collection and dissemination of the results of such research and analysis, when available, with particular emphasis on research related to the environmental impact of activities in the Area,

*Whereas* ISA is competent to take necessary measures in order to ensure effective protection of the marine environment from harmful effects that may arise from activities in the Area,

*Considering* that increased cooperation between IHO and ISA should help to facilitate, inter alia:

(a) The development of procedures to encourage and facilitate the provision and exchange of bathymetric survey data, or metadata, collected as part of the activities in the Area that are controlled or organized by ISA;

(b) The development of compatible digital input formats for the representation of ISA contract areas in relation to nautical charting requirements;

(c) Global consistency in the treatment of bathymetric data covering ISA contract areas to facilitate data reuse by hydrographic offices around the world and allow data correlation without further manipulation;

(d) The optimization of resources to reduce lead times from data availability from the relevant ISA contractors to the publishing of updates to nautical charts;

(e) The development of a global approach to the issuance of notices to mariners and related navigational warnings as may be required for the safe conduct of activities by ISA contractors;

(f) The development of standardized information in nautical publications that draws mariners' attention to installations used by ISA contractors;

(g) The development of charting policies that address hazards related to concurrent activities in ISA contract areas,

*Noting* that, until the Protocol of Amendments to the Convention on the International Hydrographic Organization enters into force, the responsibilities conferred by this agreement to the Secretary-General of IHO shall be borne by the President of the Directing Committee of the International Hydrographic Bureau,

IHO and ISA therefore agree:

(a) 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 delineating such activities between the two organizations, and to cooperate, where appropriate and practical, in the collection and exchange of standardized data and information;

(b) 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, cooperative studies and seminars;

(c) That the Secretary-General of IHO and the Secretary-General of ISA 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 IHO and ISA;

(d) That IHO will, at the request of ISA, render assistance to ISA with respect to matters within the scope of activities of ISA, and ISA will, at the request of IHO, render assistance to IHO in matters falling within the scope of activities of IHO. 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;

(e) To discuss at least annually the effectiveness of this agreement and any measures that may be required to improve cooperation between IHO and ISA;

(f) That this agreement is without prejudice to agreements, legally binding or otherwise, concluded by either party with other organizations and programmes;

(g) That, subject to such arrangements as may be necessary for safeguarding confidential information and data, the Secretary-General of IHO and the Secretary-General of ISA 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 much as possible, taking into account their respective responsibilities and any decisions or wishes of the appropriate governing bodies of the respective entities. Each party agrees to obtain the written consent of the other prior to disclosing any proprietary materials of the other to any third party;

(h) That this agreement will come into effect upon its signature by the Secretary-General of IHO and the Secretary-General of ISA. The Secretary-General of IHO and the Secretary-General of ISA may terminate this agreement by giving six months' written notice to the other party;

(i) That this agreement shall be subject to revision by agreement between the Secretary-General of IHO and the Secretary-General of ISA;

(j) That nothing in this agreement shall bind any of the States members of IHO jointly or severally. Similarly, the agreement shall not bind any of the members of ISA jointly or severally.

In witness whereof, the undersigned have signed the present agreement in duplicate.

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*Signature*  
  
Nii Allotey **Odunton**  
Secretary-General  
For and on behalf of the International  
Seabed Authority

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*Signature*  
  
Robert **Ward**  
President of the Directing Committee of  
the International Hydrographic Bureau  
For and on behalf of the International  
Hydrographic Organization

Date: \_\_\_\_\_

Date: \_\_\_\_\_

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