



IHB File N° S1/5012

CIRCULAR LETTER 18/2016
18 April 2016

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

Reference: IHO CL 85/2015 dated 9 December - *Proposed Memorandum of Understanding between the International Hydrographic Organization and the International Cable Protection Committee*

Dear Hydrographer,

1. The Directing Committee is pleased to report that the proposed text contained in the referenced Circular Letter to establish closer ties between the IHO and the International Cable Protection Committee (ICPC) through a Memorandum of Understanding (MoU) has raised no objection from the Member States.
2. The Directing Committee thanks the following Member States: Canada, Chile, Ecuador, Ireland and the United Kingdom, who have expressed explicitly their support of the proposal. The additional comments provided by Chile, Ecuador and the United Kingdom are reproduced in Annex A together with the outcome of their review as appropriate.
3. A revised text incorporating some of the editorial amendments proposed by the United Kingdom was agreed with the ICPC Executive Committee and subsequently signed by the Chairman of the ICPC Executive Committee and the President of the Directing Committee.
4. A copy of the MoU (in English only) is attached in Annex B for ease of reference. It is posted on the IHO website at: Home > Letters & Documents > MOU & Agreements.

On behalf of the Directing Committee
Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Robert Ward', is written over a light blue circular stamp.

Robert WARD
President

- Annex A: Member States' responses to IHO CL 85/2015 and IHB comments
Annex B: Memorandum of Understanding between the International Hydrographic Organization and the International Cable Protection Committee

MEMBER STATES' RESPONSES TO IHI CL 85/2015 AND IHB COMMENTS

Proposed Memorandum of Understanding between the International Hydrographic Organization and the International Cable Protection Committee

CHILE

We would like to express our strong support to the signature of the MOU with the International Cable Protection Committee, according to the text proposed in the above-mentioned Circular Letter.

We agree that there are several areas of common interest, from the capture of bathymetric data to the presentation of the submarine cables on nautical charts.

ECUADOR

This Member State welcomes the proposed MoU between the IHO and the ICPC. Nevertheless, it is worth noting that together with this initiative it is also necessary to ensure that those who are responsible for laying cables follow the IHO standards, or any more rigorous standards, related to the execution of hydrographic surveys and the final positioning of cables. For this reason, it is imperative that these activities be coordinated with the national Hydrographic Offices, prior to their execution.

IHB Comment:

Prior consultation between Hydrographic Offices and cable operators would be an item to be considered under article 1 of the MoU.

UNITED KINGDOM

UK welcomes the proposed MoU between IHO and the International Cable Protection Committee. In the interest of brevity and consistency and to avoid the use of contract or treaty language, UK proposes the amendments shown in the attached copy of the MoU.

IHB Comment:

The editorial amendments were reviewed by the Directing Committee and it was agreed with the ICPC Executive Committee, to introduce the acronym "MoU" in the preamble and to replace "Memorandum of Understanding" with "MoU" in all subsequent clauses.

The Directing Committee did not include a proposal from UK to include an additional article 9 as follows:

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.

There is no such clause in similar agreements between the IHO and other international organizations. Furthermore, it would restrict the possibility to have contractual agreements in the future (if appropriate and subject to the relevant approval processes in both organizations).

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



**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