



**IHB File No. S3/0523
S3/0122**

**CIRCULAR LETTER 32/2016
19 July 2016**

**SIGNING OF A MEMORANDUM OF UNDERSTANDING BETWEEN
THE INTERNATIONAL HYDROGRAPHIC ORGANIZATION AND
THE MARITIME ORGANISATION OF WEST AND CENTRAL AFRICA**

Reference: IHO CL 38/2015 dated 5 June - *Proposed Memorandum of Understanding between the International Hydrographic Organization and the Maritime Organisation of West and Central Africa*

Dear Hydrographer,

1. The Circular Letter at the reference informed IHO Member States of a proposal to sign a Memorandum of Understanding (MoU) between the IHO and the Maritime Organisation of West and Central Africa (MOWCA) subject to not receiving any adverse comments.
2. The following Member States all responded positively: Belgium, Canada, Chile, Colombia, Ecuador, France, Ireland, Italy, Nigeria, Spain, Suriname, and United Kingdom. All expressed support for the proposal with some additional comments reproduced in the Annex together with the outcome of their review when appropriate.
3. A revised text incorporating the adjustments indicated in the Annex was proposed to the Secretariat of the MOWCA with a view to signing the MoU at the first subsequent opportunity which was expected before the end of 2015. Due to a succession of circumstances outside the control of the two parties, the signature of the agreed revised text could only take place on 15 July 2016 on the occasion of a visit of the Secretary General of MOWCA to Europe.
4. A copy of the signed MoU 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 'Gilles Bessero', is written over a light blue circular stamp.

Gilles BESSERO
Director

Annex: Member States' responses to IHO CL 38/2015 and IHB comments

MEMBER STATES' RESPONSES TO IHO CL 38/2015 AND IHB COMMENTS

*Proposed Memorandum of Understanding between the International Hydrographic Organization and
the Maritime Organisation of West and Central Africa*

Canada

Canada supports the proposed MoU between the IHO and the Maritime Organization of West and Central Africa (MOWCA).

In Canada's opinion, it is important for the IHO to continue to engage organizations such as the MOWCA and to actively encourage all States that have not already done so, to join the IHO. Canada appreciates the Bureau's efforts in building these relationships.

Chile

We support the signature of a MoU between IHO and MOWCA, as an action to reinforce the need to increase the priority that hydrography should have in the region of influence of MOWCA. After the signature of this MoU it will make sense to withdraw the one that was signed in 2006 with PMAWCA.

As we were invited to review the proposed text, we would like to offer the following comments:

1.- Regional Hydrographic Commissions.

There is no reference at all in the proposed text on the existence of the two RHCs covering the area of influence of MOWCA - EAHC and SAIHC, Commissions with which MOWCA should work jointly, aiming at fulfilling the aim of the MoU.

Both MoUs referred to under paragraph 7 of the Circular Letter makes explicit reference to RHCs. For example, the Secretariat of the Pacific Community (SPC) indicates:

“The IHO and the SPC, through their respective secretariats and through their relevant subordinate or associate bodies such as RHCs, shall”

It indicates also:

“Encourage all States in the region to join and actively participate in the appropriate Regional Hydrographic Commission”.

The MoU subscribed with the Organisation of Eastern Caribbean States (OECS) includes the following paragraph:

“Scope of Activity

The IHO and the OECS, through their respective executing organs, which is the Commission on the part of the OECS and through the relevant subordinate, or associated bodies such as the Meso American and Caribbean Sea Hydrographic Commission on the part of the IHO, shall “

So it has been the practice to make reference to the RHCs in the previous texts of the MoUs and we do not see any reason not to keep such reference in the proposed text. We encourage the IHB to introduce a paragraph on this important matter, as in fact the RHCs shall be, from the IHO perspective, a relevant actor in the MoU implementation.

2.- Finances

There is no explicit mention in the proposed text, about the “no financial commitment” for the organizations, derived from the signature of the MoU. Other MoUs, as for example the one signed with SPC and the one approved for signature with OECS contain a paragraph that reads:

“Financial Commitment.

It is understood that neither organization can commit the other to any expenditure, save that from administering their MoU, without the specific written consent of both organizations.

Having been this paragraph a sort of standard paragraph in previous MoUs, we do not see a reason for having excluded it from the proposed text. We encourage the IHB to introduce this paragraph which from the IHO perspective, should be an important matter.

After having offered these two comments, we would like to express our support to the initiative of signing the MoU with MOWCA, provided that the proposed text is duly completed to include reference to both subjects referred to in the comments.

IHB Comment:

The comments of Chile were duly considered and taken into account through the following additional provisions:

Article 2: Cooperation:

(...)

- establish appropriate liaison between their relevant subordinate, specialized or associated organs such as the Eastern Atlantic Hydrographic Commission (EAHC) on the part of IHO and the Port Management Association of West and Central Africa (PMAWCA) on the part of MOWCA;*

(...)

Article 8: Benefits, immunities and facilities of the Participants

(...)

Neither Participant can commit the other to any expenditure, save that from administering this MoU, without the specific written consent of both Participants.

Colombia

Colombia supports the proposed MoU as it contributes to the capacities of the Organization. Colombia notes the need to review the existing MoU between the IHO and the PMAWCA, taking account that this association is a specialized organ of the MOWCA.

IHB Comment:

The review of the existing MoU between the IHO and PMAWCA will be considered in liaison with the Eastern Atlantic Hydrographic Commission.

Ecuador

Ecuador congratulates the IHO for the demonstrated cooperation and will support any action in favour of the countries in the region.

France

MOWCA will be an essential support for SHOM as leader of project HydroMAOC on developing hydrographic capacities in the region. This project is naturally implemented in accordance with the framework defined by the MoU.