

Memorandum of understanding between the International Cable Protection Committee and the International Seabed Authority

The purpose of this memorandum of understanding is to specify the scope of cooperation between the International Cable Protection Committee Ltd (hereinafter referred to as “the ICPC”) and the International Seabed Authority (hereinafter referred to as “the Authority”).

WHEREAS:

The ICPC is an organization representing the submarine cable industry that has been established to promote the security and safeguarding of submarine cables against man-made and natural hazards;

Submarine cables provide critical infrastructure, and the laying of submarine cables is one of the freedoms of the high seas under articles 87 and 112 to 115 of the United Nations Convention on the Law of the Sea of 10 December 1982 (“the Convention”), which freedoms shall be exercised by all States with due regard for the interests of other States and for the rights under the Convention with respect to activities in the Area, defined in article 1, paragraph 1 (1), of the Convention as the seabed and ocean floor and subsoil thereof, beyond the limits of national jurisdiction;

The Authority is the organization through which States parties to the Convention shall, in accordance with Part XI of the Convention and the Agreement relating to the implementation of Part XI of the Convention adopted on 28 July 1994 by the United Nations General Assembly in its resolution 48/263 (“the Agreement”), organize and control activities in the Area, particularly with a view to administering the mineral resources of the Area;

Both the ICPC and the Authority have a strong interest in the protection of the marine environment from harmful effects arising from their respective activities;

Increased cooperation between the ICPC and the Authority would help to avoid potential conflicts between the laying and maintaining of submarine cables and current and future activities in the Area;

THE ICPC AND THE AUTHORITY 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;

2. To invite each other’s representatives to attend and participate in the meetings of their respective governing bodies as observers in accordance with the rules of procedures of such bodies;

3. To exchange where practicable, or to facilitate by direct liaison with the owners of international cable systems, information on cable routings and prospecting and exploration areas, subject to confidentiality provisions;

4. To cooperate, where appropriate and practical, in the collection of environmental data and information and, where possible, to exchange standardized data and information;

5. To conduct, where appropriate, cooperative studies and seminars;

6. To invite each other's representatives to participate in relevant meetings of experts and workshops;

7. That this memorandum of understanding is without prejudice to agreements concluded by either party with other organizations and programmes;

8. That the cooperation between the two organizations referred to herein is subject to the requirements of confidentiality of data and information imposed upon the Authority by the Convention, the Agreement and the relevant rules, regulations and procedures of the Authority in respect of data and information submitted to it by applicants and contractors for exploration and exploitation in the Area and upon the ICPC in accordance with its rules, articles and member approval as provided therein;

9. That this memorandum of understanding will come into effect upon its signature by the Chairman of the ICPC and the Secretary-General of the Authority. It may be terminated by any of the parties by giving to the other a written notice six months prior to the proposed date of termination.

IN WITNESS WHEREOF, the undersigned have signed the present memorandum of understanding in duplicate.

(Signed)
Chairman of the International Cable
Protection Committee
25 February 2010

(Signed)
Secretary-General of the
International Seabed Authority
15 December 2009
