



Council

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Agenda item 18

Cooperation with other relevant international organizations

Memorandum of understanding between the Indian Ocean Rim Association and the International Seabed Authority

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 and Social Council of the United Nations. Such arrangements require the approval of the Council of the Authority. 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. Memorandum of understanding between the Indian Ocean Rim Association and the International Seabed Authority

2. In the light of the number of areas of common interest, the secretariat of the Authority and the secretariat of the Indian Ocean Rim Association have exchanged intensively throughout 2019 on the possibility of formalizing cooperation between the two organizations.

3. The Secretary-General of the Authority met with the Chair of the Indian Ocean Rim Association in Pretoria in May 2019. The meeting was the occasion to identify shared objectives and common interests of both organizations. The Secretary-General of the Authority also met with the Secretary-General of the Association at the Association's third ministerial conference on the blue economy, held in Dhaka in



September 2019, during which the work of the Authority and potential areas of cooperation between the two organizations were further discussed.

4. Once the terms of the draft memorandum of understanding were finalized at the secretariat levels, the steps necessary for approval were taken first within the Indian Ocean Rim Association. As a first step, the secretariat of the Association sought, on 10 December 2019, the approval of the Chair of the Association, held by the United Arab Emirates, to circulate the draft memorandum to the States members of the Association¹ for consideration and to request their comments thereon. Once approval was received from the Chair on 11 December 2019, the draft memorandum was sent to the member States on 18 December 2019, with a deadline to provide comments, if any, by 20 January 2020. Thereafter, the secretariat of the Association revised the draft memorandum on the basis of the comments received from member States, noting that, as per the Association's usual practice, an absence of reply conveys the approval of the member State in question. Once the revised draft memorandum was finalized, it was sent again to all member States on 28 January 2020 to inform them that the draft had been finalized and that it would be sent to the Authority for consideration by its Council. Subsequently, approval was sought on 6 February 2020 from the Association's troika, namely, the Chair, Vice-Chair (Bangladesh) and former Chair (South Africa) of the Association, to send the final memorandum to the Authority, to be tabled at the Council session in July 2020. Upon approval on 16 April 2020, the final memorandum was sent to the Secretary-General of the Authority. The memorandum of understanding approved by the member States of the Association is annexed to the present note.

III. Action by the Council

5. The Council is invited to take note of the present note and its annex and approve the memorandum of understanding between the Authority and the Indian Ocean Rim Association.

¹ Australia, Bangladesh, Comoros, India, Indonesia, Iran (Islamic Republic of), Kenya, Madagascar, Malaysia, Maldives, Mauritius, Mozambique, Oman, Seychelles, Singapore, Somalia, South Africa, Sri Lanka, Thailand, United Arab Emirates, United Republic of Tanzania and Yemen. See www.iora.int/en/about/member-states.

Annex

Memorandum of understanding between the Indian Ocean Rim Association and the International Seabed Authority

This memorandum of understanding is entered between the Indian Ocean Rim Association, based in Ebene, Mauritius, and the International Seabed Authority, located in Kingston, Jamaica.

The Indian Ocean Rim Association, which was established on 7 March 1997, is an intergovernmental organization and comprises 22 member States, 10 dialogue partners, 2 observers and 2 specialized agencies. The aim of the organization is to promote the sustained growth and balanced development of the region and of the member States, and to create common ground for regional economic cooperation.

The Authority, established by the United Nations Convention on the Law of the Sea signed in Montego Bay on 10 December 1982, is the competent organization through which States parties to the Convention will, in accordance with Part XI of the Convention and the 1994 Agreement relating to the implementation of Part XI of the Convention adopted on 28 July 1994 by the General Assembly, in resolution [48/263](#), organize and control activities in the Area, particularly with a view to administering the mineral resources of the Area, as defined in article 1, paragraph 1 (1) of the Convention.

The Authority 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 in accordance with article 143 of the Convention and section 1, paragraph 5 (h) of the 1994 Agreement.

The Authority is competent to take necessary measures in order to ensure effective protection of the marine environment from harmful effects which may arise from activities in the Area as set out in article 145 of the Convention and section 1, paragraph 5 (g) of the 1994 Agreement.

The Authority seeks consultation and cooperation with, inter alia, international organizations on matters within the competence of the Authority.

Recognizing the importance of the protection of the marine environment, sustainable development of deep seabed minerals and marine scientific research as critical elements in support of the implementation of the blue economy;

Aware that increased cooperation between the Indian Ocean Rim Association and the Authority will help ensure appropriate coordination of measures to achieve this common objective;

The Indian Ocean Rim Association and the Authority have reached the following understandings:

1. Purpose

The purpose of this memorandum of understanding is to provide a framework of cooperation and facilitate collaboration between the Indian Ocean Rim Association and the Authority in the areas of common interest.

2. Areas of cooperation

The participants mutually consent to encourage and develop collaborative and reciprocal activities in the following areas of mutual interest:

(a) To consult, where appropriate and practical, on matters of mutual interest with a view to promoting or enhancing a better understanding and coordination of their respective activities in respect of such matters;

(b) To develop joint capacity-building programmes related to seabed exploration, legal and policy formulation, and environmental management planning;

(c) To cooperate, where appropriate and practical, for the sharing and managing of information and non-confidential data related to offshore hydrocarbon and seabed mineral deposits;

(d) To promote, where appropriate, exchange of information and sharing of technologies related to seabed exploration and mining;

(e) To promote and encourage marine scientific research.

3. Implementation arrangements

The implementation of each area of cooperation in this memorandum of understanding may be carried out through supplementary arrangements regarding programmes of cooperation for the implementation of the present memorandum.

4. Confidentiality

The cooperation between the organizations referred to herein is subject to the requirement of confidentiality of data and information imposed upon the Authority by the Convention in respect of data and information submitted to it by applicants and contractors for activities in the Area.

5. Amendments, validity and duration

The memorandum of understanding may be amended at any time by the mutual consent, expressed in writing, of the signees. Any such amendment will come into effect three months following the consent by the two organizations. The memorandum will come into effect when signed by both participants and will have a duration of five years, after which any extension or amendments may be made as understood by both organizations. Either participant upon 90 days' written notice to the other participant may terminate the memorandum.

6. Settlement of disputes

The participants mutually decide to resolve any disagreements or disputes that may arise in relation to this memorandum of understanding in a mutually agreeable manner.

7. Privileges and immunities of the organizations

Nothing in this memorandum of understanding will be considered as a waiver of the privileges and immunities of the Indian Ocean Rim Association and of the Authority, in accordance with the memorandum of understanding between the Government of the Republic of Mauritius and the Association relating to the rights, privileges and immunities of the Association secretariat, in respect of the Association, and in accordance with the Protocol on the Privileges and Immunities of the International Seabed Authority of 27 March 1998 and with subsection G of Part XI of the Convention, in respect of the Authority.

8. Use of name and logo

The participants will not be entitled to use or display each other's name or logo without the prior consent of the owner of the said name or logo.

In witness whereof, the undersigned have signed the present memorandum of understanding in duplicate, in English and French, all originals being equally valid.

Signed at thein

Date:

Date:

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Dr. Nomvuyo N. Nokwe
Secretary-General
Indian Ocean Rim Association

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Michael W. Lodge
Secretary-General
International Seabed Authority