

CIRCULAR COMMUNICATION TO COMMISSIONERS
AND CONTRACTING GOVERNMENTS
IWC.CCG.682

Draft Agreement of Co-operation with the International Maritime Organisation (IMO)

You may recall that at IWC/58 following recommendations from the Ship Strikes Working Group (SSWG), the Conservation Committee recommended *inter alia* that the Secretariat approach IMO regarding the possibility of setting up a collaborative agreement between IWC and IMO.

Discussions subsequently took place between IWC and IMO Secretariats, as reported to Commissioners and Contracting Governments via Circular Communication IWC.CCG.595 of 12 February 2007, that led to my writing to the Secretary-General of IMO expressing IWC's interest in concluding an agreement of co-operation with IMO and thus gaining IGO status.

After some further discussion with the IMO Secretariat, "*Draft Terms of an Agreement of Co-operation Between IMO and IWC*" have been developed and are attached below for your review. These Draft Terms are also being submitted to the IMO Council for consideration at its meeting to be held from 16-20 June 2008, i.e. just prior to the Commission's 60th Annual Meeting in Chile. Please note that it is not anticipated that the agreement will lead to IWC incurring costs other than minimal costs associated with attendance at relevant IMO meetings, and that in any case, IWC will determine beforehand, the nature of any co-operative activities with IMO.

If approved by the IMO Council in June, IWC would be given interim IGO status. Formal approval will have to wait until the next meeting of the IMO General Assembly in 2009 after which the Agreement can be signed (by the Secretary-General for IMO and by me for IWC).

While the impetus for closer co-operation between IWC and IMO has been in relation to ship strikes on cetaceans, there are a number of other issues of potential mutual relevance including habitat degradation (e.g. via noise, chemical pollutants, oil spills, etc). Furthermore, closer co-operation would also be in keeping with the suggestion from the recent intersessional meeting on the future of IWC that co-ordination with other relevant international conventions be improved.

The Draft Terms will be reviewed by the Commission at IWC/60. However, given that the IMO Council meets prior to the Commission, it would be helpful to convey any concerns IWC Contracting Governments may have with the draft terms before the IMO Council meets. I would therefore be most grateful if you could send any comments to me by Friday 11 April 2008.

Dr Nicky Grandy
Secretary to the Commission

**DRAFT TERMS OF AN AGREEMENT OF CO-OPERATION BETWEEN
THE INTERNATIONAL MARITIME ORGANIZATION (IMO) AND
INTERNATIONAL WHALING COMMISSION IWC**

1 The International Maritime Organization (hereinafter referred to as "IMO") and International Whaling Commission (hereinafter referred to as "IWC") will consult each other on matters of common interest to both with a view to ensuring maximum coordination of the work and activities of their respective Organizations in respect of such matters.

2 Subject to such arrangements as may be necessary for safeguarding confidential information, the Secretary-General of IMO and the Secretary to the IWC 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 far as possible, taking into account their respective responsibilities and any decisions or wishes of the appropriate governing bodies of the respective entities.

3 The Secretary-General of IMO will invite the Secretary to the IWC to send representatives to observe meetings or conferences convened by or under the auspices of IMO to consider matters in which IWC has an interest, in accordance with procedures applicable to each meeting or conference. Conversely, the Secretary to the IWC will invite the Secretary-General of IMO to send observers to meetings or conferences convened by or under the auspices of IWC to consider matters in which IMO has an interest, in accordance with the procedures applicable to each meeting or conference.

4 The Secretary-General of IMO and the Secretary to the IWC may co-operate on matters of personnel, material, services, equipment and facilities for joint undertakings which may be agreed between them in fields of common interest to IMO and IWC.

5 IMO will, at the request of IWC, render assistance to IWC with respect to matters within the scope of activities of IWC; and IWC will, at the request of IMO, render assistance to IMO in matters falling within the scope of IMO's activities. Where assistance, which is required by either party under the terms of this Agreement, involves substantial expenditure, consultation will take place with a view to determining the most equitable manner for meeting such expenditure.

6 It is further agreed that nothing in this Agreement shall bind any of the Member States of IWC jointly or severally. Similarly, the Agreement shall not bind any of the Member States of IMO jointly or severally.

7 This Agreement shall be subject to revision by agreement between the Secretary-General of IMO and the Secretary to the IWC.

8 The Secretary-General of IMO and the Secretary to the IWC may terminate this Agreement by giving six months written notice to the other party.

9 This Agreement shall come into force on its approval by the Assembly of IMO and appropriate body of IWC.

Agreed for IWC by:

Agreed for IMO by:

DR. N.J. GRANDY
Secretary to the International Whaling Commission

E.E. MITROPOULOS
Secretary-General

Date:

Date: