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Executive Secretary
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International Council for the
Exploration of the Sea

Conseil International pour
l'Exploration de la Mer

General Secretary
Anne Christine
Brusendorff

Our Ref: G.5.d

27 September 2016

Subject: Agreement in the form of exchange of letters between the Secretariat of the Convention on Biological Diversity and the International Council for the Exploration of the Sea regarding enhanced cooperation

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Dear Mr. Executive Secretary,

I refer to your letter of 26 September on the Agreement in the form of an exchange of letters regarding the intensified cooperation between CBD Secretariat and ICES Secretariat.

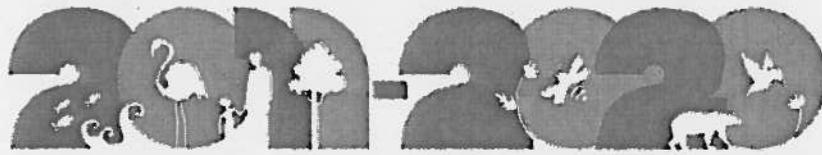
I am pleased to inform you of ICES Secretariat acceptance of the terms of the Agreement as set out in your letter and I confirm that your letter together with my response constitute the Agreement between the Secretariat of the Convention on Biological Diversity and the ICES Secretariat.

Please accept the assurances of my highest consideration.

Sincerely,



Anne Christine Brusendorff
General Secretary



United Nations Decade on Biodiversity

Ref.: SCBD/SPS/SBG/JL/JM/85990

26 September 2016

Agreement in the form of exchange of letters between the Secretariat of the Convention on Biological Diversity and the International Council for the Exploration of the Sea regarding enhanced cooperation

Dear Ms. Brusendorff,

I have the honour to refer to the recent correspondence between the Secretariat of the Convention on Biological Diversity ("SCBD" hereinafter) and the Secretariat of the International Council for the Exploration of the Sea ("ICES" hereinafter) regarding enhanced cooperation between the two secretariats.

In that context, I wish to obtain, with the present letter, your acceptance of the following:

1. The two secretariats agree to cooperate, among other things, in exchanging experience and knowledge in the area of marine and coastal biological diversity with emphasis on:
 - a. Sharing experiences, expertise and lessons learned, as appropriate, in undertaking capacity building and training activities and various expert processes (e.g. scientific and technical workshops and other international conferences) on issues related to conservation and sustainable use of marine and coastal biodiversity;
 - b. Sharing knowledge, case-studies, best practices and lessons learned in application of the ecosystem approach towards achieving Aichi Biodiversity Targets and Sustainable Development Goals relating to marine and coastal biodiversity, and collaborating on the development and application of indicators to measure the progress in achieving these targets and goals;
 - c. Sharing scientific and technical information regarding anthropogenic pressures and impacts (e.g. unsustainable fishing practices, pollution, marine debris, climate change, ocean acidification, underwater noise) on marine and coastal biodiversity;
 - d. Sharing of information, best practices, guidance or guidelines on how biodiversity considerations are taken into account in fisheries assessments and management strategies/policies;
 - e. Cooperation in the field of data and information management relating to the conservation and sustainable use of marine and coastal biodiversity, including information on ecologically or biologically significant areas, marine protected areas and other relevant areas;
 - f. Keeping each other informed of relevant ongoing and planned programs, projects and activities, and inviting each other to be represented at relevant meetings;
 - g. Facilitation of access to non-restricted information and outputs of their respective activities, including meeting documents, technical reports and other publications; and
 - h. Consulting each other with a view to reviewing progress in these areas of cooperation and identify the most appropriate ways and means of ensuring the highest effective cooperation.

Ms. Anne Christine Brusendorff
General Secretary
The International Council for the Exploration of the Sea
Copenhagen, Denmark
E-mail: info@ices.dk



Convention on
Biological Diversity

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2. The above list is not exhaustive and should not exclude or replace cooperative initiatives between the two secretariats on other issues of common interest, including any further cooperation that may be identified in response to any newly emerging issues relevant to the conservation and sustainable use of marine and coastal biological diversity.

3. All correspondence should be addressed to:
The International Council for the Exploration of the Sea
Ms. Anne Christine Brusendorff
General Secretary
The International Council for the Exploration of the Sea
H.C. Andersen Boulevard 44-46
Copenhagen, DK-1553
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and

Secretariat of the Convention on Biological Diversity
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4. I also wish to propose the application of the following terms to this agreement:

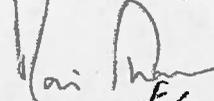
- (a) Each secretariat shall use the name, emblem and logo of the other secretariat only with the prior express consent or written approval of the other secretariat in each case;
- (b) Nothing in or relating to this agreement in the form of exchange of letters shall be deemed a waiver, express or implied, of any of the privileges and immunities of the SCBD and the United Nations, including its subsidiary organs;
- (c) Each secretariat will be responsible for dealing with any claims or demands arising out of its actions or omissions, and those of its respective personnel, in relation to this agreement in the form of exchange of letters; and
- (d) The two secretariats shall use their best efforts to settle amicably any dispute, controversy or claim arising out of this agreement in the form of exchange of letters. Where the Parties wish to seek such an amicable settlement through conciliation, the conciliation shall take place in accordance with the United Nations Commission on International Trade Law (UNCITRAL) Conciliation Rules then prevailing, or according to such other procedure as may be agreed between the Parties. Any dispute, controversy or claim between the Parties arising out of this agreement which is not settled amicably in accordance with the foregoing sub-article may be referred by either Party to arbitration under the UNCITRAL Arbitration Rules then in

force. The arbitral tribunal shall have no authority to award punitive damages. The Parties shall be bound by any arbitration award rendered as a result of such arbitration as the final adjudication of any such controversy, claim or dispute.

5. I further propose that upon receipt, from you, of confirmation in writing of the above, this exchange of letters shall constitute a cooperation agreement between the SCBD and the Secretariat of the ICES which shall enter into force on the date of your reply and shall remain in force for five years unless either party provides written notification of termination of this letter of agreement.

I wish to take this opportunity to thank ICES for its continued cooperation and support towards the work of the Convention on Biological Diversity.

Yours sincerely,



Bráulio Ferreira de Souza Dias
Executive Secretary