IOC Circular Letter No. 2388

 IOC/MA/pbo
 Paris, 27 April 2011

To : Member States (main national co-ordinating bodies for liaison with the IOC)

cc. : Permanent Delegates/Observer Missions to UNESCO of IOC Member States
 National Commissions for UNESCO in IOC Member States
 Officers of the IOC and Major Subsidiary Bodies

Subject : Questionnaire on the IOC Advisory Body of Experts on the Law of the Sea (IOC/ABE-LOS)

The IOC Executive Council, through Resolution EC-XLIII.4, established an inter-sessional open-ended working group made up of representatives of Member States to:

(i) prepare a questionnaire on the achievements of the IOC/ABE-LOS and opportunities for future activities where the advice of an expert body may be necessary; and
(ii) suggest a mechanism to identify and prioritize issues of interest to the Commission.

Over the past few months, the open-ended working group has been working on the template for a questionnaire relating to the review of the IOC Advisory Body of Experts on the Law of the Sea (IOC/ABE-LOS) under the coordination of the IOC Vice-chair, Prof. Cherif Sammari.

I invite you, on behalf of the open-ended working group and its chair, to consider and fill out the attached questionnaire and return it to the IOC Secretariat at your earliest convenience but not later than 30 May 2011.

I take this opportunity to remind you that your comments are essential to conclude the task entrusted to the open-ended working group, which will collate and analyse the responses to the questionnaire and, on the basis of this analysis, will prepare a report as a review of IOC/ABE-LOS to be presented for consideration of the Assembly at its 26th session (document IOC-XXI/2 Annex 7; agenda item 4.8).

With the assurances of my highest consideration, I remain,

[signed]
Wendy Watson-Wright
Executive Secretary, IOC
Assistant Director-General, UNESCO
Attachment: Questionnaire on the IOC Advisory Body of Experts on the Law of the Sea (IOC/ABE-LOS)
The IOC Advisory Body of Experts on the Law of the Sea (IOC/ABE-LOS) was established in 1997 through IOC Resolution XIX-19 (Appendix II) to provide advice on the Commission’s role in relation to UNCLOS. IOC/ABE-LOS is an Intergovernmental body composed of two national experts (one with training in the Law of the Sea and the other with training in marine sciences) from IOC Member States. IOC/ABE-LOS had nine annual meetings from 2000–2009.

In accordance with Resolution EC-XLIII.4 of the IOC Executive Council (Appendix I), the intersessional open-ended Working Group on the Review of IOC/ABE-LOS seeks to: (i) prepare a questionnaire on the achievements of IOC/ABE-LOS and opportunities for future activities where the advice of the Advisory Body may be necessary; and (ii) suggest a mechanism to identify and prioritize issues of high interest to the IOC and its Member States.

The Questionnaire is divided into three sections: Questions are designed to be answered with a simple YES or NO, although respondents are most welcome to add any relevant comment they may have. It would be most helpful if the entire questionnaire could be completed and returned to Prof. Cherif Sammari, IOC Vice-chair and Coordinator of the working group, at c.sammari@yahoo.fr at your earliest convenience but not later than 30 May 2011. Thank you in advance for your co-operation.

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1. Is your country aware of the IOC Advisory Body of Experts on Law of the Sea (IOC/ABE-LOS) of the Intergovernmental Oceanographic Commission of UNESCO?
   □ YES  □ NO

2. Has your country followed the activities of IOC/ABE-LOS?
   □ YES  □ NO

3. Has your country participated in the IOC/ABE-LOS activities?
   □ YES  □ NO

4. Is your country aware of the outputs of IOC/ABE-LOS?
   □ YES  □ NO

5. Does your country contribute to the IOC/ABE-LOS activities?
   □ YES  □ NO

6. Does your country benefit from the IOC/ABE-LOS activities?
   □ YES  □ NO

7. Please comment on the value of the following outputs of IOC/ABE-LOS to your country:
   - Practice of Member States in the application of Parts XIII (Marine Scientific Research) and XIV (Transfer of Marine Technology) of UNCLOS;
   - the Criteria and Guidelines on Transfer of Marine Technology (CGTMT);
   - the Procedure for the Application of Article 247 of UNCLOS (Marine scientific research projects undertaken by or under the auspices of international organizations) by IOC;
   - Guidelines for the implementation of Resolution XX-6 of the IOC Assembly regarding the deployment of profiling floats in the High Seas within the framework of the Argo Programme.

8. Does your country believe that IOC/ABE-LOS has contributed to the implementation of the United Nations Convention on Law of the Sea, especially Part XIII (Marine Scientific Research) and Part XIV (Transfer Marine Technology)?
   □ YES  □ NO
9. Do you think that outputs delivered are commensurate with the period of nine sessions of work?

☐ YES ☐ NO

10. Has the work of the IOC Secretariat in providing support for IOC/ABE-LOS been satisfactory?

☐ YES ☐ NO

11. Have the IOC/ABE-LOS outputs been adequately disseminated by the Secretariat?

☐ YES ☐ NO

12. Have the outputs of IOC/ABE-LOS been communicated internally to all the relevant centres and institutions within your country?

☐ YES ☐ NO

13. Has your country taken any measure to implement the outputs of IOC/ABE-LOS?

☐ YES ☐ NO

14. Has the work of IOC/ABE-LOS promoted and facilitated the communications between scientific and legal experts in your country and those in other States?

☐ YES ☐ NO
15. Does your country believe that the IOC Assembly, Executive Council and/or Executive Secretary should continue to request advice from IOC/ABE-LOS, per the existing terms of reference, on the IOC’s possible role in relation to UNCLOS?

☐ YES  ☐ NO

16. Does your country believe that the existing terms of reference for IOC/ABE-LOS should be modified?

☐ YES  ☐ NO

17. Does the present *modus operandi* of IOC/ABE-LOS provide a suitable mechanism for supporting the Commission in its possible role in relation to UNCLOS?

☐ YES  ☐ NO

18. If not, please explain

19. How do you think IOC/ABE-LOS should work?:
   
   • As a permanent mechanism like an IOC subsidiary body?

      ☐ YES  ☐ NO

   • As an *ad hoc* mechanism to be called upon for advice when needed?

      ☐ YES  ☐ NO

   • Are there any other potential mechanisms?

      ☐ YES  ☐ NO  *(If yes, please list)*
20. Please suggest any mechanism to identify and prioritize activities regarding IOC’s possible role in relation to UNCLOS:

21. Please identify possible future activities regarding IOC’s possible role in relation to UNCLOS:

22. Are there any issues your State would like to have considered by the Commission as a potential future request on IOC’s possible role in relation to UNCLOS?

23. Please suggest any further points to be considered in the review:
APPENDIX I
Resolution EC-XLIII.4

Review of IOC Advisory Body of Experts on the Law of the Sea (IOC/ABE-LOS)

The Executive Council,

Acknowledging the valuable role of the IOC Advisory Body of Experts on the Law of the Sea (IOC/ABE-LOS) and the progress made by IOC/ABE-LOS at its 9th Session (UNESCO Headquarters, Paris, 30 March–3 April 2009),

Recalling the United Nations General Assembly Resolutions A/RES/61/222, paragraph 110, A/RES/62/215, paragraph 123, A/RES/63/111, paragraph 144, and A/RES/64/71, paragraph 166, which acknowledge the work done by IOC through its IOC/ABE-LOS,

Recalling IOC Resolutions XXII-12, XXIII-8 and XXIII-9, and XXIV-12, EC-XXXVII.8 and EC-XXXIX.7, which specified the mandate of IOC/ABE-LOS with respect to its work on:

(i) the practice of Member States with respect to Parts XIII and XIV of the United Nations Convention on the Law of the Sea (UNCLOS),

(ii) the dissemination and implementation of the “Criteria and Guidelines on the Transfer of Marine Technology”,

(iii) the procedure for the application of Article 247 of UNCLOS by IOC,

(iv) the IOC legal framework that is applicable to the collection of oceanographic data within the context of UNCLOS,

Recalling IOC Resolution XXV-1 on the “IX Session of the IOC Advisory Body of Experts on the Law of the Sea (IOC/ABE-LOS IX)”,

Bearing in mind the views expressed by Member States at Agenda Items 3.2 and 4.4 of the Forty-Third Session of the Executive Council,

Invites IOC/ABE-LOS to continue its work on the Questionnaire N° 3 on “The practices of Member States in the field of Marine Scientific Research (MSR) and Transfer of Marine Technology (TMT)” within the framework of UNCLOS in close cooperation with the United Nations Division for Oceans Affairs and Law of the Sea (UN/DOALOS);

Establishes an intersessional open-ended working group made up of representatives of Member States to:

(i) Prepare a questionnaire on the achievements of the IOC/ABE-LOS and opportunities for future activities where the advice of an expert body may be necessary;

(ii) Suggest a mechanism to identify and prioritize issues of interest to the Commission;

Requests the IOC Executive Secretary to distribute the questionnaire among Member States via Circular Letter inviting their comments;

Tasks the open-ended working group with collating and analyzing the responses of the Member States and, on the basis of this analysis, prepare a report as a review of IOC/ABE-LOS to be
presented for consideration by the Executive Council at its 44th Session and the Assembly at its 26th session. The open-ended working group will conduct its business by electronic means;

**Encourages** Member States to provide experts to serve on the open-ended working group and to complete the questionnaire.
APPENDIX II

Resolution XIX-19

IOC and UNCLOS

The Intergovernmental Oceanographic Commission,

Having examined the Summary Report of the First Session of the open-ended Intersessional Working Group on IOC’s Possible Role in Relation to the United Nations Convention on the Law of the Sea (IOC-LOS), endorsed by the 29th Executive Council,

Endorses the above-mentioned Summary Report;

Recognizes the value of having an advisory mechanism on the possible implementation of the recommendations and proposals included in the above-mentioned Summary Report;

Decides therefore to establish an open-ended Advisory Body of Experts on the Law of the Sea (ABE-LOS), to work in accordance with the terms of reference contained in the Annex to this Resolution;

Invites interested Member States to designate a maximum of two experts to the ABE-LOS, taking into account the need for an adequate balance in the membership of the ABE-LOS between experts with training in the Law of the Sea and experts with training in marine sciences, preferably familiar with IOC activities and programmes.

Annex to Resolution XIX-19

Terms of Reference
for the Advisory Body of Experts on the Law of the Sea
(ABE-LOS)

1. The ABE-LOS shall provide advice upon request to the IOC Assembly, Executive Council and/or Executive Secretary IOC on the possible implementation of the proposals and recommendations included in the Summary Report of the First Session of the open-ended Intersessional Working Group on IOC’s Possible Role in Relation to the United Nations Convention on the Law of the Sea (IOC-LOS) (Document IOC/INF-1035).

2. The ABE-LOS shall take into account:
   (i) The purpose and functions established by the IOC Statutes and Rules of Procedure;
   (ii) The rights and duties of the coastal States as stipulated in UNCLOS;
   (iii) Other applicable provisions of UNCLOS related to marine scientific research;
   (iv) The role of the bodies established under UNCLOS;
   (v) The need to co-ordinate efforts with other relevant bodies in the United Nations system and/or other relevant international organizations.

3. The bulk of the Advisory Body’s work shall be done by correspondence, co-ordinated by the Executive Secretary IOC.

Financial implications:
Work by correspondence mainly; if any meeting, participation at national expense; service of potential meeting, including relevant interpretations if required, at IOC expense.