IOC Circular Letter No. 2338
(Available in English, French)

To: IOC Action Addresses

cc: Permanent Delegations to UNESCO and National Commissions for UNESCO
in IOC Member States

Subject: GUIDELINES FOR THE PREPARATION AND CONSIDERATION OF DRAFT RESOLUTIONS BY IOC GOVERNING BODIES

Sir/Madam,

The preparation and consideration of Draft Resolutions by IOC Governing Bodies is an essential procedure that needs to be improved and rationalised.

In accordance with the decision of IOC 25th Assembly, requesting the Executive Secretary to initiate the revision of the existing Guidelines for the Preparation and Consideration of Draft Resolutions, the Secretariat has prepared a revised document which is attached to this circular letter. By means of this letter, I would like to invite Member States to review this document and provide comments to the Secretariat, with a view to presenting these and consolidating inputs from Member States at the Executive Council at its 43rd Session, in 2010. It is expected that the final guidelines would be adopted by the IOC Assembly at its 26th session.


.../...
Member States should transmit their inputs to the IOC Secretariat (c/o Mr. Julian Barbiere, IOC Technical Secretary to the Resolutions Committee) by 14 May 2010 at the latest, either by fax or e-mail (j.barbiere@unesco.org).

With the assurances of my highest consideration, I remain,

Sincerely Yours,

[signed]

Wendy Watson-Wright
Assistant Director-General, UNESCO
Executive Secretary, IOC

Attachments: Third Draft revised Guidelines for the Preparation and Consideration of Draft Resolutions (19 March 2010)
THIRD DRAFT
REVISED GUIDELINES FOR THE PREPARATION
AND CONSIDERATION OF DRAFT RESOLUTIONS

(19 March 2010)

Annex to IOC Circular letter 2338
I. Definitions

Resolution: Formal expression of a mandate, opinion or a declaration of a decision to act made by a Governing Body within the scope of Article II below.

Draft Resolution: A proposed text of a Resolution to be submitted by the relevant source to a Governing Body with a view to its adoption by the body concerned.

Decision: Formal expression of a mandate, opinion or a declaration of a decision to act made by a Governing Body outside of the scope of Article II below. It will be placed within the body of the corresponding Governing Body’s session report.

Recommendation: Formal expression of an opinion, advice or recommendation by an IOC Subsidiary Body to the IOC Executive Secretary and the body that created it.

II. Scope of a Draft Resolution

Draft Resolutions should be prepared only when necessary to:

(i) reflect major policy, programmatic, external relations, financial and structural decisions,

(ii) approve or modify the Commission’s programme and budget,

(iii) take action on formal Recommendations made to the Commission by its Subsidiary Bodies \(^1\) or by other entities concerned with the oceans.

Respecting the division of authorities and responsibilities established in the UNESCO Constitution, Draft Resolutions will not deal with internal matters of the IOC Secretariat nor competences of the IOC Executive Secretary or the Director-General of UNESCO.

Draft Resolutions should deal only with matters that have been placed before to be discussed in plenary at the corresponding session of the Governing Body. Resolutions should accurately reflect the conclusions of the plenary discussions.

III. Source of a Draft Resolution

Draft Resolutions may be prepared and submitted by:

(i) One or several Member States,

(ii) the Executive Secretary at his/her own initiative or in response to a request from the Executive Head of a UN organization or body co-operating in the work of the Commission, or an IOC Advisory Body,

(iii) the Chairperson of the Commission, alone or with the Vice-Chairperson(s) of the Commission.

9. The Executive Secretary will, at the closing of the relevant agenda item, make note of the expected source of a Draft Resolution as agreed by the Governing Body.

\(^1\) The Assembly at its 24th session agreed on the following practice regarding reports of its Subsidiary Bodies: The Assembly or the Executive Council accepts the executive summary/report of the Subsidiary Body in the body of its own report (Decision). A Resolution may be deemed necessary if the Governing Body decides additional actions or modifications, notably on the proposed work plan.
IV. Submission

10. Draft Resolutions, and amendments to draft resolutions, shall be placed in writing before the IOC Executive Secretary.

11. Prior to the concerned Governing Body session, Draft Resolutions may be submitted to the IOC Executive Secretary in one of the four official languages of the Commission as soon as the provisional agenda for the session has been circulated.

12. After examining their admissibility (see Article VI), the Executive Secretary shall circulate the Draft Resolutions translated in the four official languages of the Commission to the IOC Member States for information before their formal review by the Resolutions Committee.

13. During the session, Draft Resolutions must be submitted preferably in English and considered in English by the Resolutions Committee (see article VII below).

14. The Draft Resolution will mention whether it replaces a past Resolution or not, stating the latter is not longer in force.

V. Deadline

15. No Draft Resolution shall be discussed or put to the vote unless it has been delivered to the Executive Secretary at least two working days before the adoption of the resolutions. This article will not be applicable to the “Programmes and Budget” resolutions.

VI. Admissibility

16. The IOC Executive Secretary shall examine Draft Resolutions to determine their admissibility on the basis of Articles II and III above.

17. Admissibility of DRs may also be judged on its relevance to the Commission’s needs, modus operandi and allowable sources of funding, as determined by its Governing Bodies. And finally, admissibility may also depend on the correctness; clarity and preciseness of its text.

18. The Draft Resolutions the Executive Secretary considers inadmissible shall not be translated or distributed. Such a decision —of the Executive Secretary– should be motivated and notified to the Sponsors with an invitation to modify and resubmit the Draft Resolution within the stated deadline.

19. The sponsors of these draft resolutions may submit an appeal to the IOC Assembly or IOC Executive Council through the Chairperson of the Resolutions Committee. To consider these appeals, the Resolutions Committee may be convened as soon as necessary.

VII. Structure

20. The wording of a Draft Resolution should meet the criterion of being necessary and sufficient and should avoid extraneous and duplicative material. In particular a Draft Resolution should not replicate or duplicate a decision already in the body of the report.

21. Draft Resolutions should comprise an initial preambular section3, which should be kept to a minimum and should address the question “Why is a Resolution needed?”

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2 Under Rule of Procedure 42
22. This should be followed by an operative section, which should define the action called for by the Resolution and how the action is to be carried out. If possible, a Draft Resolution should consist of one preambular section followed by the corresponding operative section. If more than one operative section is envisaged, the Draft Resolution should be subdivided, with each subdivision comprising one preambular section and one operative section for each action.

VIII. Resolutions Committee

23. A Resolutions Committee should be established at the beginning of each Assembly session or each Executive Council session to consider Draft Resolutions as they are presented to ensure that the text of the Resolution is clear and explicit.

24. If the Resolutions Committee considers it necessary to propose changes in a draft resolution, it should ensure that these are strictly of an editorial nature so that the substance of the original draft is maintained.

25. The Resolutions Committee has no responsibility for the substance of Draft Resolutions. Should a substantive change be considered necessary for any reason, the Draft Resolution should be referred back to the IOC Executive Secretary, with an explanatory note. To facilitate any eventual redrafting of a Draft Resolution, the originator(s) or his/her/their representative could be invited to the meeting of the Resolutions Committee at which the DR in question is discussed.

26. The Resolutions Committee should submit, via the IOC Executive Secretary, to the Financial Committee any Draft Resolution before the Draft Resolution is considered in Plenary. The Financial Committee’s role is to examine the financial implications, be they explicit or implicit, of Draft Resolutions and thus their practicality. In particular it shall clearly identify the funds that are not committed in the current approved budget.

27. The Resolutions Committee shall review a Draft Resolution in English. Following Article IV, official translation shall be provided if the Draft Resolution is presented in another official language of the Commission.

28. The Chairperson of the Resolution Committee shall be agreed upon, among the present Delegates, by the Governing Body at the beginning of each session.

29. The Chairperson of the Resolutions Committee together with the IOC Executive Secretary shall submit a report to the Governing Body by the end of the session about the proposed Draft Resolutions and the work of the Resolutions Committee.

IX. Past Resolutions

30. A document entitled “Review of Past Resolutions” should be presented by the IOC Executive Secretary at each session of the IOC Assembly. This document shall list all the past resolutions still in force.

X. Subsidiary Bodies

31. In general, Subsidiary Bodies should follow similar procedures to those proposed above for the Governing Bodies when adopting Recommendations and Resolutions.

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3 see the proposed standardized presentation of DR appended to this document
4 see the proposed standardized presentation of DR appended to this document
5 Under Rules of Procedure 12.2 and 19.2
6 Under Rule of Procedure 42
32. In determining whether to formulate Resolutions/Decisions or Recommendations, Subsidiary Bodies should conform to the following general principles:

(i) Resolutions and/or other decisions may be formulated if they are within the mandate of the Subsidiary Body, contain actions which involve only the Subsidiary Body and/or its members, and do not have direct implications for the broader Organization, its agreed budget and programme, and membership as a whole.

(ii) Any actions which have budgetary implications for the Organization beyond the agreed budget and programme, require actions by the broader Organization membership, and/or require additional actions by the Secretariat beyond those already mandated under the budget and programme, should be formulated as Recommendations to the Parent Body of the Subsidiary Body.

33. Subsidiary Bodies should review all relevant Governing Body Resolutions still in force that refer to the Subsidiary Body at the date of their session, as well as their own Recommendations.

XI. Publication

34. All resolutions will be published in the official languages of the Intergovernmental Oceanographic Commission.

XII. Coding and citation of Resolutions

35. Assembly Resolutions – [Number of Assembly in roman numerals]-[1,2…number of the particular Resolution]; e.g., IOC Resolution XXIII-3 (third Resolution adopted by the IOC Assembly at its 23rd Session)

36. Executive Council Resolutions – EC-[Number of Executive Council in roman numerals].[1,2…number of the particular Resolution]; e.g., IOC EC-XXXIX.2 (second Resolution adopted by the IOC Executive Council at its 39th Session)

37. Primary IOC Subsidiary Body Resolutions and Recommendations– [Acronym of the Subsidiary Body]-[Number of the session in roman numerals].[1,2…number of the particular Resolution]; e.g., IODE-XVIII.1 (first Resolution adopted by the IOC Committee on International Oceanographic Data and Information Exchange (IODE) at its 18th Session).
APPENDIX I

PROPOSED STANDARIZED PRESENTATION OF DRAFT RESOLUTIONS

A resolution is composed of:

- **The “author”**: The Intergovernmental Oceanographic Commission is the “author” of an Assembly Resolution. Otherwise the “author” of Resolutions is the body that adopt the resolutions; e.g. “The Executive Council,”

- **A preambular part** (paragraphs start with a verb in gerund marked in bold face and end with a comma): The preambular part states the problem and briefly identifies the appropriate texts of reference (reports, past decisions/resolutions, etc.) and facts and events. While the following customary preambular terms may be used, it may be helpful to group more than one consideration under one such term (i), (ii) etc.

  Preambular terms: **Having considered, Acknowledging, Appreciating, Welcoming, Noting, Taking note, Bearing in mind, Aware of,**

- **An active part** (paragraphs starts with an operative verb marked in bold face and end with a semi-colon): The active part of the draft Resolution states precisely what the body in session resolved to do. Every effort should be made to define who or which entity will carry out the action called for. While the following customary preambular terms may be used, it may be helpful to group more than one consideration under one such term (i), (ii) etc.

  Active terms: **Decides; Resolves; Accepts; Endorses; Adopts; Authorizes; Congratulates; Thanks; Supports; Urges; Requests; Invites; Encourages; Calls upon**
DRAFT RESOLUTION ....../DR.(Agenda item)
Submitted by       (See article III)

[TITLE]

The Intergovernmental Oceanographic Commission/The Executive Council,

Having considered,

Acknowledging,

Appreciating, Welcoming, Noting, Taking note, Bearing in mind, reports, past resolutions or any other documents...,,

Emphasizing,

Reiterating,

Reaffirming, Recalling, Recognizing, Considering,...facts, subject,

Decides to

    (i) take action on Recommendation ... of a Subsidiary Body as follows

    Requests7, Authorizes the IOC Executive Secretary to.........................

    Urges, Encourages, calls upon relevant governmental authorities in IOC Member States............

Invites the Director-General of UNESCO...

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7 The word “Instruct” and similar expressions will be avoided.