INTEGOVERNMENTAL OCEANOGRAPHIC COMMISSION
(of UNESCO)

Thirty-first Session of the IOC Executive Council
Paris, 17-27 November 1998

SUMMARY REPORT

SUMMARY REPORT OF AN INFORMAL ADVISORY CONSULTATION ON IMPLEMENTATION OF IOC ASSEMBLY RESOLUTION XIX-19
UNESCO, Paris 2 -3 November 1998
1. INTRODUCTION

An informal advisory consultation on implementation of IOC Assembly Resolution XIX-19, establishing the Advisory Body of Experts on the Law of the Sea (ABE-LOS), was convened by the Executive Secretary of IOC in Paris, UNESCO, on 2 and 3 November 1998.

At the invitation of the Executive Secretary, the meeting was attended by Mr. Ariel González, Dr. David Pugh, and Prof. Alfred Soons in their individual capacities.

The Secretariat was represented by Ms Diénaba Beye and the Executive Secretary of IOC Dr. Patricio Bernal.

Prof. Soons was designated Chairman of this informal meeting.

2. ADVISORY BODY OF EXPERTS ON THE LAW OF THE SEA

2.1 TERMS OF REFERENCE


2.2 COMPOSITION OF ABE-LOS

Resolution XIX-19 provides that ABE-LOS is open-ended. Every Member State may nominate a maximum of two experts, preferably one with expertise in the law of the sea and one with expertise in marine science. The experts nominated by the Member States constitute the ABE-LOS. The meeting recommended that the Executive Secretary write to those Member States which have nominated more than 2 experts to indicate which are the intended members. Also all Member States which have not yet nominated members should be invited to do so.

2.3 WORKING PROCEDURES

The meeting suggested that the Executive Secretary takes the initiative of proposing to the Executive Council or the Assembly specific topics to be dealt with by the ABE-LOS. This leaves unaffected the possibility of both to take their own initiatives.

Once a topic has been selected to be dealt with by the ABE-LOS, the Executive Secretary will be responsible for preparing an appropriate draft document for discussion, if necessary after consultations. This draft document will be circulated by him to the members of ABE-LOS for written comments. The Executive Secretary will then prepare a revised draft taking into account the comments. This revised draft may be submitted to a meeting of ABE-LOS. Alternatively, a second round of written comments may be held. The resulting document will be submitted through the Executive Secretary to the Executive Council or Assembly for approval.
2.4 PROGRAMME OF WORK

Noting the previous work of the IOC Secretariat in this field, as well as document IOC/INF-1035, the meeting suggested that the following 3 topics should be given priority initially:

1) Guidelines for the implementation of Article 247 UNCLOS by IOC;
2) Principles for the transfer of marine technology, implementing Part XIV UNCLOS;
3) Criteria and guidelines for ascertaining the nature and implications of marine scientific research (Art. 251 UNCLOS).

2.4.1 Implementation of Art. 247 UNCLOS

Document IOC/INF-1055 should be completely re-drafted.

It should start with a short explanation of the potential benefits of using the procedure available under Article 247.

The meeting made a preliminary list of the following main issues:

1) Identification of the criteria for selecting research projects which would qualify for the procedure under Article 247. This would involve clarification of the concept of “under the auspices of”.
2) Identification of the information which is necessary for the IOC to approve particular projects for this purpose, including definition of which IOC organs are competent for this purpose.
3) Clarification of the steps to be taken after formal approval of a particular project, including notification to the coastal states concerned.

2.4.2 Transfer of Marine Technology

The meeting considered that Doc.IOC/INF.-1054 provides a good basis for discussion by ABE-LOS. The Executive Secretary may consider submitting this text after minor updating and specifying the need for further elaboration on implementation, as the first project for ABE-LOS consideration.

2.4.3 Nature and implications of marine scientific research

The meeting considered that, in order to deal adequately with this topic, it will be necessary first to collect pertinent information on state practice from the Member States. Such information should be collected through a questionnaire containing specific questions, in particular relating to
implementation of Article 246, paragraph 5 (a). The questionnaire could be circulated by the Executive Secretary next year. On the basis of the responses, draft criteria and guidelines could be prepared for consideration by ABE-LOS for the implementaton of this article.

2.4.4. Possible endorsement by meeting of State parties to UNCLOS

Depending on their final contents, documents approved by the IOC Governing Bodies on any of the above-mentioned issues, may require further endorsement by the Conference of States parties to UNCLOS.

3. IOC REGIONAL BODIES

The meeting endorsed paragraph (e) of Doc. IOC/INF-1035. It suggested that the Executive Secretary, in collaboration with UN-DOALOS, encourages and assists IOC Regional Bodies to promote projects on national legislation, rules and administrative practices concerning marine scientific research.

4. ODAS

The meeting endorsed paragraph (f) of Doc. IOC/INF.-1035

5. SPECIAL ARBITRATION

The meeting suggested to the Executive Secretary some procedures to execute IOC’s responsibilities, under Article 2 of Annex VIII of the UN Law of the Sea Convention, to maintain the list of experts nominated by Member States parties to the Law of the Sea Convention. This list should be up-dated regularly, in principle at least every 3 years. A first revision should be done soon, asking those Members States which have nominated more than 2 experts to indicate which names should be retained. The Executive Secretary should also remind Member States that nominations of more than two persons are not valid, and as such cannot be included in the list. When up-dating the list, the names and addresses of nominated experts should be confirmed and the up-dated list should be made publicly available (for example on the Internet). It should be sent to all Member States, and to the Secretary-General of the United Nations.
ANNEX I

LIST OF ACRONYMS

ABE-LOS  Advisory Body of Experts on the Law of the Sea
ODAS     Ocean Data Acquisition Systems, Aids and Devices
UN-DOALOS United Nations/Division for Ocean Affairs and the Law of the Sea