Resolution XXI-2
IOC AND UNCLOS

The Intergovernmental Oceanographic Commission,

Recalling Resolution XIX-19 of the IOC Assembly to establish an open-ended Advisory Body of Experts on the Law of the Sea (ABE-LOS) with specific terms of reference,

Bearing in mind Resolution 55/7 of the UN General Assembly, which considered as a matter of priority the issues of marine science and technology for discussion by the second meeting of the United Nations Open-Ended Informal Consultative Process on oceans, as well as focused on how best to implement the many obligations of States and competent international organizations under UNCLOS, in particular Part XIII (Marine Scientific Research) and Part XIV (Development and Transfer of Marine Technology)

Taking into account the outcome of the 2nd meeting of the Consultative Process,

Notes with satisfaction the progress made by ABE-LOS,

Adopts the three recommendations of the First Meeting of the Advisory Body of Experts on teh Law of the Sea (ABE-LOS), as given in the Annex of this Resolution,

Instructs the IOC Executive Council to take necessary actions for the full implementation of the ABE-LOS Recommendations.

Financial implications: US$ 15,000 from Regular Programme

Annex to Resolution XXI-2
First Meeting of the Advisory Group of Experts on the Law of the Sea (ABE-LOS I)

RECOMMENDATIONS

The IOC Advisory Body of Experts on the Law of the Sea (ABE-LOS) at its first meeting (ABELOS I), having considered various provisions of the United Nations Convention on the Law of the Sea (UNCLOS), in particular the ones dealing with the development and transfer of marine technology (Part XIV of UNCLOS) and marine scientific research (Part XIII of UNCLOS), recommended the following:
1) That further work is required for the development of guidelines, criteria and standards on the transfer of marine technology, including capacity building related to marine scientific research (MSR), in accordance with Article 271 of UNCLOS on guidelines, criteria and standards, and other related provisions of Part XIV of UNCLOS. To this end, an open-ended Sub-Group of ABE-LOS should be established to re-draft, by correspondence, the document IOC/INF-1054 on "Draft IOC principles on transfer of marine technology", taking into account the debate on this issue at the first meeting of ABE-LOS. This Sub-Group should operate in close co-operation with the Division for Ocean Affairs and the Law of the Sea, Office of Legal Affairs, United Nations Secretariat (UN/DOALOS). The Chairman of this Sub-Group should be designated by the Chairman of ABE-LOS in consultation with Member States. This Sub-Group should report back to the plenary session of the second meeting of ABE-LOS (ABE-LOS II), which should meet by April 2002 in order to submit its report to the next ordinary session of the IOC Executive Council.

2) That IOC considers establishing appropriate internal procedures related to an effective and appropriate use of Article 247 of UNCLOS on marine scientific research projects undertaken by or under the auspices of international organizations. To this end, an open-ended Sub-Group of ABE-LOS should be established, which should operate by correspondence and in close co-operation with UN/DOALOS. The Chairman of this Sub-Group should be designated by the Chairman of ABE-LOS in consultation with Member States. This Sub-Group should submit a progress report to the plenary session of the second meeting of ABE-LOS (ABE-LOS II).

3) That with regard to Article 251 of UNCLOS concerning the establishment of general criteria and guidelines to assist States in ascertaining the nature and implications of MSR, the work initiated by the Secretariat through the collection and analysis of information from Member States on their practices, should be continued and completed in close co-operation with UN/DOALOS.