

Intergovernmental Oceanographic Commission
Reports of Governing and Major Subsidiary Bodies

**IOC ad hoc Task Team
to Study the Implications,
for the Commission,
of the UN Convention
on the Law of the Sea
and the New Ocean Regime**

Third Session

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In this Series

Reports of Governing and Major Subsidiary Bodies, which was initiated at the beginning of 1984, the reports of the following meetings have already been issued:

- Eleventh Session of the Working Committee on International Oceanographic Data Exchange
- Seventeenth Session of the Executive Council
- Fourth Session of the Working Committee for Training, Education and Mutual Assistance
- Fifth Session of the Working Committee for the Global Investigation of Pollution in the Marine Environment
- First Session of the IOC Sub-Commission for the Caribbean and Adjacent Regions

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1. OPENING

1 The Chairman of the Task Team, Dr. Agustin Ayala-Castanares (Mexico), called the Session to order at 10.15, 17 December 1984. He briefly reviewed the work of the Task Team so far: the First Session (Tenerife, 18-20 June 1981) had been exploratory, whereas, at the Second Session (New York, 26-30 July 1982), the main basic work had been carried out; the principal decisions of the First Session were incorporated into the Summary Report of the Second Session. The Chairman suggested that the major purposes of the present Session were to evaluate and adjust, if necessary, the proposed updating of certain parts (Annex II, Annex IV) of the Summary Report of the Second Session, and to prepare recommendations to the Assembly on specific improvements to the IOC objectives, functions, structure and resources, and adjustments to the Statutes considered desirable to adapt the Commission to the increased demands of the Member States, as a result of progress in marine science and technology and the emergence of a new ocean regime. He made it clear that, although, when originally formed, the Task Team consisted of the Members of the Executive Council, the Assembly, at its Twelfth Session, agreed that it should also be open to other Member States, so that all Member States represented would be regarded as full members of the Task Team. (The List of Participants is attached hereto as Annex III).

2 The Chairman reminded the participants that, at its First Session, the Task Team agreed that it should avoid attempting to interpret the Articles of the U.N. Convention on the Law of the Sea.

3 The Secretary of IOC expressed the regrets of the Assistant Director General of Unesco for Science, Prof. A.R. Kaddoura, at being unable to welcome the participants on behalf of the Director-General of Unesco. He therefore welcomed the participants on behalf of the Organization and in his own name.

2. ADMINISTRATIVE ARRANGEMENTS

2.1 ADOPTION OF THE AGENDA

4 The Chairman invited the Task Team to adopt the Provisional Agenda (Document IOC/TT-LOSI-III/1 prov. rev.2).

5 After some comments on the nature of the work before the Task Team at this Session, the Task Team adopted the Provisional Agenda without amendment. The Agenda is given in Annex I hereto.

2.2 DESIGNATION OF THE RAPPORTEUR

6 The Chairman invited proposals for the Rapporteur.

7 The Delegate of the Philippines proposed Mme Femke Groustra de Kat (Netherlands). The Delegates of Brazil, the UK, Peru and other Member States seconded the proposal.

8 Mme Groustra de Kat was accordingly designated Rapporteur for the Session.

2.3 CONDUCT OF THE SESSION, TIMETABLE AND DOCUMENTATION

9 The Secretary proposed a Timetable (Document IOC/TT-LOSI-III/1 prov. Add.), including working hours. He suggested that the Task Team work in plenary as far as possible, but with the possibility of forming ad hoc Sessional Drafting Groups to deal with specific subjects, prepare draft reports and/or recommendations. The Secretary then reviewed the Provisional List of Documents (IOC/TT-LOSI-III/4 prov.), noting that Document IOC/TT-LOSI-III/9 would be available in the course of the day. Document IOC/INF-608 was not available. He informed the Task Team that a revised List of Documents would be produced. It is attached as Annex V hereto.

3. ANALYSIS OF THE IMPLICATIONS FOR THE COMMISSION

10 The Chairman proposed that the Task Team consider dealing with Agenda Items 3.1 and 3.2 together. He proposed that the Task Team look briefly at Document IOC/TT-LOSI-III/7 - Updating of Annex II of the Report of the Second Session - and to consider in more detail the updating of Document IOC/TT-LOSI-III/8 rev. - Updating of Annex IV of the Report of the Second Session. This could be done in stages: Questions I (Is it a new (N), expanded (E) or regular (R) activity for the IOC?), II (Is the IOC the lead organization amongst international organizations (L), or playing a major rôle (M), or a contributory role (C)?), III (Does the initiative lie with the IOC, with the Member States (MS) or both together (MS/IOC)?) (in the Annex) could be considered under Agenda Items 3.1 and 3.2 (IOC Objectives and IOC Functions); Question IV (Does it have structural implications for IOC? Yes/no/maybe later (ml)) could be taken under Agenda Item 3.3 (IOC Structure); Question V (Would it require an amendment to the IOC Statutes? Yes/No) under Agenda Item 3.5 (IOC Statutes) and Question VI (Does it have budgetary implications for IOC? Yes/no/maybe (mb) and VII (Does it have staffing implications for IOC? Yes/no/probably (p)), under Agenda Item 3.4 (IOC Resources).

11 Several Delegates made general introductory statements, generally stressing the importance of keeping a proper balance between the scientific and technical aspects, on the one hand, and the legal aspects on the other, while recognizing that the two aspects could not always be taken completely independently of each other.

12 The Delegate of Turkey asked for the following statement to be put into the Summary Report.

13 "We see the ultimate objective of this Task Team as the achievement of technical and scientific co-operation, to which the Turkish Government is fully and enthusiastically dedicated. We see great merit in this ultimate goal, and we have been pursuing it since long before the signature of the UN Convention on the Law of the Sea.

14 There is, however, another aspect which is related to the Convention but which belongs to an area totally outside the mandate of this Task Team. I am referring to the general legal aspects of the Convention and their political implications. In our view, issues pertaining to these aspects are strictly outside the scope of our work. We already stated our position on this matter earlier at the Seventeenth Session of the IOC Executive Council, and I am repeating it here.

15 Indeed, certain problems and reservations with regard to certain legal and political aspects of the Convention obviously persist for certain countries, including my own, to some significant degree. This fact, however, as I said before, should be taken as a phenomenon belonging to a distinctly different area of work, and therefore, the results of the work of our Task Team should in no way be allowed to prejudice the positions of governments in this other area.

16 If the work of this Task Team is to be a productive one and not one with counter-productive results, we believe that our focus ought to be kept on technical and scientific matters."

17 The Delegate of Greece requested that the following statement be placed in the Summary Report of this Session.

18 "In the view of my Government, marine scientific research activities undertaken by a third State directly or through competent international organizations, according to customary international law, the new Convention on the Law of the Sea and international practice, cannot constitute a legal basis for any claim to any part of the marine environment and its resources. Marine scientific research in the Exclusive Economic Zone and on the continental shelf has to be planned and conducted with the consent of the coastal State.

19 This must be the main basis of the work of our ad hoc Task Team. The work of this Task Team has primarily a legal character."

20 The Task Team recalled its view (at the First Session) that its Members were participating in their personal capacities and not as representatives of governments. The Task Team agreed that the legal aspects served as a background to the consideration of the implications, for the Commission, in the field of marine science and the related aspects, of the UN Convention on the Law of the Sea.

21 The Task Team agreed to consider Agenda Items 3.1 and 3.2 together.

3.1, 3.2 IOC OBJECTIVES, IOC FUNCTIONS

22 The Chairman reminded the Task Team that the objectives and functions of the Commission are embodied principally in Articles 1 and 2 of the Statutes, and are reflected in its programmes. Since the present Statutes were adopted in 1970, the Commission has developed four major areas of scientific activity that give expression to its objectives and perhaps broaden them qualitatively: Ocean Science in Relation to Living Resources; Ocean Science in Relation to Non-Living Resources; Ocean Dynamics and Climate; Marine Pollution Research and Monitoring. These programmes have a general purpose: to ensure a sound scientific basis for the rational use and management of the resources and protection of the marine environment. The objectives of these programmes are therefore related to the objectives of the IOC. Ensuring the scientific basis implies the application of the relevant scientific knowledge and the related technology.

23 The development of the scientific basis and the application of scientific knowledge, for the benefit of Member States, requires substantial development of relevant ocean services and ocean monitoring systems. The answers to the first three questions (I, II and III, relating to IOC activity, IOC role and IOC Member State initiative, respectively), and particularly question I, addressed to the provisions of the UN Convention on the Law of the Sea, in Document IOC/TT-LOSI-III/8 rev. (Revision and Updating of Annex IV (Summary Evaluation of Articles of the Convention by Groups of Functions Concerning the IOC) of Document IOC/TT-LOSI-II/3), indicate where new objectives may arise.

- 24 Several Delegates made general comments on the importance of adapting the Commission to the challenges of the New Ocean Regime, particularly as embodied in the present practice of the Member States and in the UN Convention on the Law of the Sea. Some stressed the greatly increased need for ocean services and scientific and technical advice to Member States. The need would probably have arisen, and will continue to arise, independently of the Convention and its possible entry into force, if only because of the growth of the marine sciences themselves and of the multiple uses of ocean space and its resources for socio-economic purposes. There is, therefore, a clear need to adapt the IOC to these realities which are substantially different from those prevailing twenty-five years ago when the Commission's Statutes were first adopted, otherwise it will fall behind and cede its place to other organizations and international mechanisms.
- 25 The Chairman also reminded the Task Team that the functions of the IOC are mainly embodied in Article 2 of the Statutes, and are, to a certain extent, addressed by questions II and III (Document IOC/TT-LOSI-III/8 rev.). The Working Group on the Future Role and Functions of the Commission (WG-FUROF) synthesized suggested changes (see Document IOC/INF-607, A Review of IOC Documentation Relevant to a Reconsideration of Possible Adjustments to the Commission's Statutes to Reflect the New Needs of Member States and the Increasing Role of the Commission under the New Ocean Regimes. He invited the Task Team to analyse the IOC functions actual and potential, as indicated in Article 2, and as they may be revealed in the answers to questions II and III, as mentioned above, and in any other relevant documents (e.g., the ICSPRO Agreement, and "Ocean Science for the Year 2000"), as well as the 25 years of experience of the Commission. He suggested that IOC functions are best seen from the standpoint of the needs of Member States, the needs of Unesco itself, and the needs of the concerned organizations in the UN system, especially the Members of ICSPRO.
- 26 The Task Team decided to review Document IOC/TT-LOSI-III/8 rev. in this sense, with a view to identifying fundamental objectives and functions, and to define the means by which they could be reflected, on the one hand, in the future programme and activities of the Commission, and, on the other hand, in the Statutes and in other appropriate instruments (e.g., in the Guidelines for the Structure and Responsibilities of the Subsidiary Bodies of the Commission).
- 27 The Task Team reviewed the proposals for updating Annex IV (Summary Evaluation of Articles of the Convention by Groups of Functions Concerning the IOC) of the Summary Report of the Second Session of the Task Team. Agreement was reached on the revisions and a new column was added (Column VIII) indicating which Articles of the UN Convention on the Law of the Sea call for future work or consideration by the Commission because they imply the need for changes to existing procedures, for new policies, structures, functions or objectives.
- 28 The Task Team recognized that the conclusions reached in answer to questions I-VIII, in the updated tables, and in the related text, were indicative and were not intended to express the Member States' legal interpretation of the provisions of the Convention.

29 In addressing Annex IV, the Task Team also considered the related text in the Summary Report of the Second Session (paragraphs 7-63) and brought it into harmony with the changes to Annex IV. In addition, it addressed the four Articles listed in Group 5 (Functions: Organizational and Legal Aspects) of Annex III of the Summary Report of the Second Session; this Group 5, because of time constraints, had not been included in Annex IV. The Task Team agreed upon the responses to Question I-VIII for these Articles, thus bringing the examination of the Articles of the Convention completely up to date.

30 However, the Task Team was not able to determine specifically what future work or future thought needed to be undertaken by the Commission relative to 16 of the Articles calling for such follow-up. These sixteen Articles cut across most of the Groups of Articles covered in Annex IV and impinge upon the full range of the Commission's functions and programmes.

31 In general terms, the 16 Articles cover the following activities:

- a) creation of favourable conditions and the development of general criteria and guidelines for the conduct of marine scientific research (Articles 243, 251);
- b) the promotion and co-ordination of marine scientific research (Articles 143 (3a) (3b), 239, 242, 278);
- c) acting in an advisory capacity to the Commissions of the International Sea-bed Authority in providing a scientific basis for the management of marine living resources (Articles 163(13), 169(1) (2));
- d) acting in an advisory capacity to the Commissions of the International Sea-bed Authority and promoting international co-operation in providing a scientific basis for the exploration and exploitation of non-living resources (Article 163 (13), 169(1) (2), 143(3b));
- e) contributing to the scientific basis for the protection of the marine environment in the Area (Articles 143(3b), 145, 163(13), 169(1) (2));
- f) publication and dissemination of marine scientific data and information (Articles 143(3), 198, 200, 278);
- g) co-operation with the Commission on the Limits of the Continental Shelf in the areas of ocean mapping and charting (Annex II Art. 3);
- h) the establishment of marine national and regional centres and co-operation with international organizations and the Authority in the context of TEMA (Articles 275, 276, 273).

32 The Task Team noted that several other Articles in the tabulation, by suggesting an expanded role for the Commission and/or increased budgetary measures, should also receive further consideration.

33 It therefore considered it advisable that an appropriate subsidiary body be charged, on the basis of the present analysis, with making further proposals on the position to be adopted by the Commission. Such a body should also use the expertise of the Commission's other subsidiary bodies in formulating its proposals.

- 34 The full tabulation of the Articles examined, with the response to the eight questions addressed to each of them, as well as the updated accompanying text, are attached to the present report as Annex IV.
- 35 The Task Team, having completed this analysis, recognized that the decade of the 1970s saw a growing interest and awareness by Member States in the oceans and their potential for improving their socio-economic development. In this decade covered by the Conference, many countries established Exclusive Economic Zones or equivalent maritime areas, and thus found themselves faced with new problems concerning the greatly increased areas which now came under their national jurisdiction, from the delimitation of those areas to the extraction of living and non-living resources, including their rational management and the protection of the marine environment, which brings into relief the importance of establishing a sound scientific basis for such purposes, and of enhancing the required international (global or regional) co-operation.
- 36 During this period, the programme of work of the Commission evolved beyond all recognition over the years since it was founded in the early 1960s. At the same time, there was an accelerating trend from programme planning to execution.
- 37 This evolution in the context of the New Ocean Regime has led to a considerably increased demand for ocean services by its Member States, and to meet these demands the Commission has been developing the bases for ocean observing systems, particularly in support of various scientific programmes such as the major experiments being promoted in the framework of the programme on Climatic Changes and the Ocean (TOGA and WOCE)*, and as a basis for a global ocean monitoring system. Such observing systems, as they become progressively operational, will also support the relevant programmes and activities of the UN organizations members of the ICSPRO.** The development of these systems has important implications for the Member States, on whose efforts such growth will largely depend. This is expected eventually to result in the Commission offering, in the future, ocean services comparable to those meteorological services now offered by WMO with respect to the atmosphere.
- 38 As a follow-up of UNCLOS, a Preparatory Commission for the International Sea-bed Authority was established by the UN, and the IOC has expressed its willingness to collaborate actively with it, as well as with the UN Secretariat for the Law of the Sea, particularly as regards the training and education aspects of marine science. A Commission on the Limits of the Continental Shelf will likewise be established when the UN Convention enters into force. This Commission "may co-operate, to the extent considered necessary and useful, with the Intergovernmental Oceanographic Commission of Unesco....., with a view to exchanging scientific and technical information which might be of assistance in discharging that Commission's responsibilities." With respect to ocean mapping aspects, the IOC, if requested, will provide technical advice in collaboration with the International Hydrographic Organization. These tasks may further increase the demands on the IOC and need to be evaluated so as not to constitute a financial burden on the Commission.

* TOGA : Tropical Oceans and Global Atmosphere

WOCE : World Ocean Circulation Experiment

** ICSPRO: Inter-Secretariat Committee on Scientific Programmes Relating to Oceanography

39 The Task Team concluded that the above-mentioned trends are expected to continue and even accelerate over the years ahead; nevertheless, the Commission should continue to respond to these trends effectively.

40 The objectives and functions of the Commission do not, at present, adequately reflect the IOC's role of providing ocean services; nor do they reflect its work in monitoring the marine environment, or in the application of the results of scientific investigations to the use, management and protection of the marine environment and its resources.

41 There is therefore a need to adjust the objectives and functions of the Commission accordingly; the changes proposed are considered under Agenda Item 3.5.

42 The new development mentioned above, and the expansion of present IOC activities, have major implications for the ways and means assigned to the IOC (Agenda Item 3.4) - staff and budget - and, in certain cases, require the improvement of the IOC structure (Agenda Item 3.3).

3.3 IOC STRUCTURE

43 The IOC Assistant Secretary in charge of the Task Team introduced Document IOC/TT-LOSI-III/9, which reviews the content of the present Guidelines for the Structure and Responsibilities of the Subsidiary Bodies of the Commission (IOC Manual, Part I, Section 5; and, for Sub-Commissions, SC/MD/73, Annex V). There are, at present, six kinds of major subsidiary bodies: Sub-Commissions, Working Committees, Programme Groups, Working Groups, Task Teams and Groups of Experts, as well as joint subsidiary bodies with other organizations. Some subsidiary bodies have been created with titles that do not correspond to the categories of IOC subsidiary bodies covered in the Guidelines, but these can be assigned to the existing categories. The review shows that in the basic Terms of Reference of the various categories of subsidiary bodies, similar ideas or functions (planning, promotion, development, co-ordination, for example) are not expressed in a standard form. Obviously, this had not impeded the considerable and productive contribution of the subsidiary bodies to the work of the Commission. The various functions of subsidiary bodies are analysed, and a basic text to describe such functions, as part of the basic Terms of Reference, is suggested, with a view to streamlining the present Guidelines, as agreed by the Executive Council at its Seventeenth Session (Document IOC/EC-XVII/3 para 79). It would also appear useful to include in the Terms of Reference for all the categories, a clear indication of whether a subsidiary body is intergovernmental or not. The criteria by which major subsidiary bodies can create secondary subsidiary bodies would appear to be in need of revision, since some apparent anomalies arise; secondary subsidiary bodies cannot, strictly speaking, follow the Guidelines - otherwise, third-order subsidiary bodies are possible, which is presumably not intended.

44 The Task Team was asked to decide how the Guidelines could best be adjusted, harmonized (as between different categories of subsidiary bodies) and rationalized.

45 Several Delegates, while welcoming the Document (IOC/TT-LOSI-III/9), stated that they could only make preliminary comments on the proposals therein, since the Document deals with a complex problem; although streamlining was

obviously desirable, they felt obliged to refer it to the appropriate national authorities and institutions in their respective countries, to get their advice. One Delegate stressed the fact that neither the present Guidelines nor the proposal in the review went far enough towards ensuring a more balanced participation of Member States; another stressed the relation between the question of "functional autonomy" (as embodied in a proposal, by the IOC Working Group on the Future Role and Functions of the Commission (1977), for an Amendment to Article 1 (1) of the Statutes - see Agenda Item 3.5 - of the IOC) and its responsibilities and administrative procedures.

46 The Task Team expressed its appreciation of the useful review and proposals given in Document IOC-TT-LOSI-III/9, and agreed that the Secretary should submit the Document to the Member States for commentary and, on the basis of comments received, prepare a revised proposal for submission to the Executive Council at its Nineteenth Session, directly or through the Task Team should it be maintained with a revised mandate.

47 The Secretary invited Delegates to submit, during the present Session, any comments they might have to enable him to benefit from them in improving the review paper before its despatch to Member States.

3.4 IOC RESOURCES

48 The Chairman invited the Vice-Chairman of the Task Team, Mlle Marie-Annic Martin Sané to introduce the subject; in particular she reviewed Document IOC/TT-LOSI-III/10 (Improving the Stability and Continuity of the Resources Required for the Effective Implementation of the Commission's Programme of Work).

49 In the 1970s, the increasing utilization of the ocean and its resources, and the adoption of new technology for that purpose, modified the practice of States with respect to such use, and a new ocean regime began to emerge, which triggered the need to codify this practice and, in fact, to shape it. The Third United Nations Conference on the Law of the Sea began in 1973 and ended in 1982. To date, 159 countries and organizations have signed the Convention.

50 During the period, there was an accelerating trend in IOC from programme planning to execution. In addition, in recent years, in keeping with the trend in efforts to facilitate the participation of developing countries, the Commission increased the implementation of its activities through its regional subsidiary bodies, of which there are now seven (one Sub-Commission for the Caribbean and Adjacent Regions - IOCARIBE; five Programme Groups, for the Western Pacific - WESTPAC; for the Northern and Central Western Indian Ocean - IOCINCWIO, for the Central Indian Ocean - IOCINDIO, for the Central Eastern Atlantic - IOCEA; and for the Southern Oceans - IOCSOC; and one Joint Working Group on the Investigations of El Nino, with WMO and CPPS.

51 Regarding the staff of the IOC Secretariat, she noted that it comprises three categories: (i) Unesco posts; (ii) staff seconded by the UN organizations collaborating with the IOC under the ICSPRO Agreement; (iii) temporary experts seconded by Member States. In spite of these efforts to strengthen it, the Secretariat staff is clearly insufficient to carry out all the tasks assigned to it.

- 52 When the Commission was established, it was envisaged that "members of the staff of FAO and other agencies of the UN System may be added to the personnel of the IOC Secretariat by agreement with these agencies". This arrangement was confirmed by the ICSPRO Agreement (IOC Manual Part I, Section 3) which was concluded between the Director-General of Unesco and the Executive Heads of the other Organizations (UN, FAO, WMO, IMO) members of ICSPRO in 1969. The purposes of the ICSPRO Agreement are seen to be threefold; firstly to emphasize the Commission's role as a "joint specialized mechanism" which would be used by the organizations members of ICSPRO as an instrument for discharging certain of their responsibilities in the field of marine science"; secondly, to strengthen the IOC Secretariat to enable it to carry out its functions more effectively; and thirdly, to enable the ICSPRO member organizations to interact more effectively with the Commission in matters of mutual concern, and to facilitate co-ordination of their activities with those of the Commission, in particular as they relate to their own programmes. As a result, FAO, WMO and IMO have each assigned one of their staff members to the IOC Secretariat and have provided full or partial secretarial support for them.
- 53 The Commission has not, in recent years, undertaken a detailed study of staff requirements, which would call for: (i) an evaluation of realistic needs for adequate servicing and technical backstopping of current programmes; (ii) a projection of future requirements relative to programme growth (either in number or extent) to 1990 and a preliminary assessment of reasonable future needs up to the year 2000; and (iii) an evaluation of probable sources (e.g., expansion of staff provided by Unesco, ICSPRO and other UN organizations; secondments by Member States; and other possible arrangements).
- 54 Regarding financial support, the Vice-Chairman stressed the efforts of the Director-General to increase the budgetary resources made available by Unesco, and the favourable reaction of the Unesco Executive Board and the General Conference, in response to the recommendations of the IOC Assembly and Executive Council. The Vice-Chairman also informed the Task Team that the President of the Republic of France had formally recognized the oceans and outer space as key-stones of French foreign policy, in a recent televised address to the nation.
- 55 She reminded the Task Team that the General Conference of Unesco, at its 22nd Session, under the constraint of an overall Unesco budget increase of approximately 6%, nevertheless accorded an overall increase of about 25% in the Commission's budget for the 1984-85 biennium. Also, the Director-General of Unesco, in his statement to the Seventeenth Session of the Executive Council, drew attention to the budgetary constraints presently facing Unesco, and "appealed to the Member States of IOC, and to the United Nations bodies and organizations that work jointly with the Commission, to add their weight to Unesco's efforts to increase IOC's resources and strengthen its programmes".
- 56 The Chairman of the Task Team suggested that the demands of the Member States were always likely to exceed the means available but a substantial improvement of the situation is required.
- 57 The Chairman of IOC noted that marine affairs have evolved considerably in the last decade and this had made IOC's role much more important. So now the Member States must give much more thought to how to increase their contributions to IOC, perhaps with a view to formalizing Member States' contributions, even if only in kind.

- 58 A former Secretary of the Commission, Mr. D.P.D. Scott, explained some of the problems with staffing that were not always perceived by the Member States, stressing the importance of adequate tenure for staff to allow a fruitful development of their work, and the need to take fullest possible advantage of staff seconded to IOC by ICSPRO organizations (notably FAO, WMO and IMO), as a potentially strong means of co-ordination between IOC and the relevant ICSPRO organizations.
- 59 Several Delegates noted, in this matter, that some Member States had supported, at the IOC Assembly, an increase in the IOC budget, but that, at the Unesco General Conference, which decides the IOC budget, they defended the notion of zero growth in resources. In any case, 2% of the Unesco Regular Budget had been set aside for Technical Co-operation amongst Developing Countries (TCDC), and IOC should try to take advantage of this opportunity to strengthen its role in this important field. Also, not enough attention is given to harmonizing programmes developed under bilateral funding with those being developed by the Commission, as a means of concentrating efforts on common problems.
- 60 The Task Team concluded that the budget of the Commission and, in parallel with this, its staff (in headquarters and in the regions) have not kept pace with the considerable increase in the number and extent of the activities which the Member States have decided to undertake through IOC as co-operative activities or implement through the Commission. It recalled that this situation has been remarked upon on numerous occasions during Sessions of the IOC Assembly and Executive Council, and led to a recommendation, embodied in Resolution EC-XIV.1; addressed to the Director General of Unesco, that the budget of the Commission be increased by 50% for the 1984-85 biennium, and a further 50% for the following four years (1986-89 biennia).
- 61 The Task Team recognized that, in the short to medium term, it might be difficult to improve the Commission's resources rapidly, but that there was a need to do so in the long term, if it was to correspond to the needs and demands of the Member States.
- 62 It recognized also that there is a need to improve the interaction between the Secretariat of the Commission and its Member States, so as to increase mutual awareness of problems and possible solutions thereto. It also recognized that it was essential to determine why certain multilateral arrangements, or possibilities, have not worked as well as hoped (e.g., VCP) or have been substituted increasingly by bilateral arrangements.
- 63 In the light of these considerations, the Task Team agreed that it would be desirable to undertake an in-depth study of the Commission's needs, in terms of budget and staff, in particular and, in the light of probable programme growth, in terms of depth and variety, in the medium to long term. Such a study could be expected to provide a basis for determining the commensurate growth of the Commission in accordance with the growth of demands made on the Commission by its Member States, by ICSPRO organizations and, possibly, by other organizations concerned with the development of international co-operative marine science, and the related ocean services, training, education and mutual assistance, and thus allow the Commission to respond to the needs of the Member States and the world community and generally to play its role in the coming years in the context of the New Ocean Regime.

64 The Task Team adopted Recommendation LOSI-III-1,* following discussion of a Draft Recommendation by the Delegate of the Netherlands (See Agenda Item 5).

3.5 IOC STATUTES

65 The Vice-Chairman of the Task Team, briefly summarized the previous efforts to consider amendments to the Statutes as reviewed in Document IOC/INF-607. She reminded the Task Team that the matter first came under sharp focus at the Eighth Session of the IOC Executive Council in April 1977. There, a lengthy discussion on developments at the UN Conference on the Law of the Sea resulted in Resolution EX-VIII.11 which established an ad hoc Task Team on the Potential Role and Functions of the Commission. Member States were invited to forward their views on the future of the Commission to the Task Team Chairman.

66 At the Tenth Session of the IOC Assembly, later in 1977, the Chairman of this Task Team reported on the work accomplished (Progress Report by the Chairman on his Review of the Potential Role and Functions of the Commission); he emphasized that "IOC needs to begin to adapt its structure, functions and powers to meet the challenges and implications that the new legal regime for the oceans is likely to present." The Assembly passed Resolution X-25 which established a full-fledged Working Group on the Future Role and Functions of the Commission (WG-FUROF).

67 At the first full meeting of the Working Group held in Rome in June 1978, it was decided "that a Task Team be established to study the IOC Statutes in the light of the ICNT Articles,...". The Task Team's study was presented to the Second Session of the Working Group in Paris, December 1978. The Task Team focussed only on Articles 1, 2 and 3 of the Statutes, since it was decided that these were the ones which most clearly described the Commission's role and functions and its position within Unesco.

68 The Summary Report of the Second Session of the Working Group, and its Recommendations, were submitted to the Eleventh Session of the Executive Council.

 The Executive Council, at its Eleventh Session (Mexico City, 26 February-3 March 1979), noted that three of the proposed amendments had received unanimous acceptance by the Working Group, and supported them in Resolution EC-XI.15. The Resolution called for a document giving a detailed explanation of what is meant by the phrase "a body with functional autonomy within the framework of Unesco" and a brief explanation of the reason for the amendments proposed to Article 2.

69 This was considered at the Twelfth Session (Paris, 22-24 October 1979) of the Executive Council which submitted a Draft Resolution to the Eleventh Session of the Assembly (15 October-3 November 1979). This Draft Resolution (IOC-XI/DR.29 rev.) was not adopted, on a technicality.

70 At the Thirteenth Session of the Executive Council (Paris, 23-28 June 1980), the decision was made to establish the Task Team to Study the Draft Convention on the Law of the Sea and Any Future Text Developed by UNCLOS, and the Implications to the Commission.

* The Recommendations of the Task Team are given in Annex II, hereto.

71 The Vice-Chairman noted that, ever since the Eleventh Session of the Assembly, when the question of Statute changes was last discussed by a governing body of the Commission, the need for ocean services, including ocean monitoring and the application of scientific knowledge to the management of the marine environment and its resources, and to the protection of the marine environment, had grown significantly.

72 The absence from the present Statutes of adequate reference to the provision of ocean services and the conduct of ocean monitoring was stressed.

73 Some Delegates suggested that, since the question of amendments should be addressed, it should be done carefully, and to the minimum extent necessary so as to reflect properly the role and functions of the Commission in the context of the New Ocean Regime.

74 The Task Team then addressed various proposals for possible rewording of Articles 1, 2 and 3.

Article 1

75 Regarding Article 1, paragraph 1, the following text was considered:

"The Intergovernmental Oceanographic Commission, hereafter called the Commission, is established as a body with functional autonomy within the framework of the United Nations Educational, Scientific and Cultural Organization."

76 The underlined text was recommended by the IOC Working Group on the Future Role and Functions of the Commission to the Executive Council at the Council's Eleventh Session (March 1979). The Working Group made the following comments:

77 "The purpose of this amendment is to allow IOC a more effective discharge of its functions under the emerging new ocean regime and to enable the Commission to operate more efficiently as a 'joint specialized mechanism' for the UN agencies members of ICSPRO. The amendment is at the same time in line with the generally accepted opinion within Unesco and IOC that it is desirable 'to upgrade IOC' (Unesco Executive Board's resolution at its 105th session on 12 October 1978, which opinion was endorsed at the 20th General Conference). It should also be noted that the concept of an autonomous body within Unesco is not a new one, vide: the International Bureau of Education, in the Statutes of which (Article 1, paragraph 2) it is said that the Bureau " shall enjoy wide intellectual and functional autonomy within the framework of Unesco."

78 The Task Team agreed in general with the comments of the Working Group on the Future Role and Functions of the Commission; it also agreed that the proposed amendment was not intended to alter in any way the existing relationship between the Commission and its parent body, Unesco. The Task Team considered, however, that it would be more appropriate to keep this amendment in abeyance and to consider it at a later stage.

79 For Article 1, paragraph 2, the following text was considered:

"The purpose of the Commission is to promote scientific investigations with a view to learning more about the nature and resources of the oceans through the concerted action of its members, and to develop the related ocean services".

80 The underlined text arose from the discussion of Agenda Item 3.1 and 3.2 at the present Session, and has not hitherto been proposed in the context of Statute consideration; it is intended to reflect the considerable development of the ocean service activities of the Commission, which are not clearly specified either in the objectives or the functions.

81 The Task Team agreed that a rearrangement of the wording was desirable and recommended the following revised text:

"The purpose of the Commission is to promote scientific investigation and to develop the related ocean services, with a view to learning more about the nature and resources of the oceans through the concerted action of its members."

82 The Task Team agreed that Article 1, paragraph 3, could remain unchanged since a specific reference to the role of the IOC as a joint specialized mechanism of the organizations members of ICSPRO which is implied here, as well as in Article 3, is proposed, below, in an amendment to Article 3.

Article 2

83 A new version of Article 2, item (i) based on an amendment proposed by the Working Group on the Future Role and Functions of the Commission was considered:

"promote and facilitate scientific investigations of the oceans, and the application of the results thereof for the benefit of all mankind taking into account all interests and rights of coastal countries concerning scientific research in zones under their jurisdiction."

84 The comments of the Working Group were:

"The purpose of this amendment is to avoid what has been one of the most controversial issues in the negotiation under UNCLOS-III (freedom versus consent) and to recognize the expressed wish on the part of developing countries for practical applications of marine scientific research. It was felt that reference in this paragraph to various forms of jurisdiction can easily be avoided without doing harm to what is intended and probably facilitate discussion on this amendment."

85 The word "facilitate" caused some difficulty for some Delegations, especially those that had already ratified the UN Convention on the Law of the Sea; other Delegates thought it was desirable to retain it since it was the same wording as that of the Convention. For others, the dropping of the word "freedom" from the present Article 2 (i) was regrettable even if it was in contradiction to the notion of "consent" (of a coastal state to a research state to conduct research in a zone of national jurisdiction of the coastal state) as embodied in the Convention. For some Delegations, the word "facilitate" is open to too wide a range of interpretations.

86 After considerable discussion, a new version was accepted, and the Task Team agreed the following text for Article 2(i):

"promote and co-operate with States to facilitate scientific investigations of the oceans and the application of the results thereof, for the benefit of all mankind, taking into account all rights and interests of coastal States concerning scientific research in the zones under their jurisdiction."

87 The Delegate of Turkey stated, for the record, that this version does not improve the present item (i) of Article 2, and reserved his Government's position on the proposed draft.

88 In Draft Resolution IOC-XI/DR.29 rev., submitted by the Executive Council to the Eleventh Session of the Assembly, Paris, October-November 1979, two new paragraphs were proposed to be added to Article 2: items (j) and (k). They were considered by the Task Team.

89 The following text for Article 2(j), somewhat modified (underlined text) from that in IOC-XI/DR.29 rev., was considered:

"promote, plan and co-ordinate research programmes, observing and monitoring systems on the properties and quality of the marine environment, and the preparation of products and assessment studies, thereby contributing to the management of resources and protection of the marine environment in collaboration with Member States and the appropriate international organizations".

90 The main views on this text were that the promotion, planning and co-ordination of research programmes were adequately covered elsewhere (e.g., Art. 2(b)), so this should be deleted, thus limiting the Article to clarifying functions of the Commission.

91 The Task Team did not believe that the term 'preparation of products' was adequately self-explanatory, and introduced the words 'and dissemination'. There was some doubt as to what these activities would in fact contribute to; thus the Task Team opposed any text (as that put forward here) that seemed to be merely a shopping list. It agreed to delete all text after the word 'studies'.

92 The Task Team agreed the following text for Article 2(j):

(j) "promote, plan and co-ordinate observing and monitoring systems, on the properties and quality of the marine environment, as well as the preparation and dissemination of products and assessment studies."

93 The Task Team also considered the second proposed new Article 2(k):

(k) "undertake, directly or in co-operation with other international organizations, as appropriate, any other action compatible with its purpose and functions concerning the ocean, its floor and subsoil, and its interaction with the atmosphere and the land masses, as may be decided by its Member States."

94 The Task Team accepted this text as is (unchanged from IOC-XI/DR.29 rev.).

95 In response to a proposal from the Delegate of Algeria, the Task Team considered a new item (f) to Article 2.

The text considered was:

"to promote and co-ordinate the development and transfer of marine science and its technology to developing countries".

96 The Task Team agreed the following text for this new item (to be labelled (f)):

"promote and co-ordinate the development and transfer of marine science and its technology, particularly to developing countries".

97 The Task Team then considered a new item (to be labelled (g), in due course) proposed from the floor and based on the present item (f):

"develop and strengthen education and training projects in marine science and its technology, as components of each of its programmes."

98 The Task Team agreed with this text, and with the reordering and lettering of the items of the first paragraph of Article 2.

99 At the end of Article 2 are two supplementary qualifying paragraphs. To ensure a better balance between the three paragraphs of this Article, by strengthening the last two, as well as to follow the layout adopted in other Articles, the Task Team recommended a slight modification of the penultimate paragraph (now no. 2), which would read:

"The Commission, in carrying out its functions, shall take into account (previously "bear in mind") the special needs and interests of developing countries, including in particular the need to further the capabilities of these countries in marine science and technology."

100 The Task Team considered the modification of the last paragraph of Article 2; the present text is:

"Nothing in this Article shall be construed as implying the expression of a position regarding the nature or extent of the jurisdiction of coastal States in general or of any coastal State in particular."

101 The Task Team considered first the following new text:

"Nothing in this Article shall be construed as implying the expression of a position regarding the nature or extent of the sovereignty and jurisdiction of coastal States in general or of any coastal State in particular, and any rights they may exercise as a consequence thereof."

102 The underlined words are new.

103 The text stimulated a wide range of views as to its acceptability. Some Delegates thought that the word "jurisdiction" included the concepts "sovereignty" and "other rights", so that the inclusion of the two latter terms was not necessary. However, other Delegates considered it appropriate to include them, since the term "jurisdiction" had been given a particular connotation in the UN Convention on the Law of the Sea; this connotation refers to the competence of the coastal State in its Exclusive Economic Zone and the continental shelf.

104 These views led to a second proposal from the floor, to overcome the difficulties:

"Nothing in this Article shall be construed as implying the expression of a position by coastal States regarding the legal regime applicable to their national marine zones."

105 This, in turn, gave rise to a considerable range of opinions. The word "by" was replaced by "of" and "their national marine zones" by, first, "ocean space" and then, "international ocean space".

106 The Task Team concluded that the diversity of positions and the shortage of time did not allow an agreed text to be found, but agreed that further effort should be made in the intersessional period and possibly at a future Session of the Task Team, to arrive at such a text.

Article 3

107 Regarding this Article, the Task Team considered a revised text:

"The Commission shall act also as a joint specialized mechanism of the organizations of the United Nations system that have agreed formally to use the Commission for discharging certain of their responsibilities in the field of marine science and accordingly to sustain the work of the Commission".

108 It is a (part of the) proposal of the IOC Working Group on the Future Role and Functions of the Commission (1978), and was originally submitted by the Working Group as modification of Article 1 (3). It is derived directly from the ICSPRO Agreement (IOC Manual, Part 1, Section 3). It is intended to reflect, in the Statutes, IOC's role vis-à-vis the UN organizations members of ICSPRO.

109 The relevant comment of the IOC Working Group on FURF (1978) was:

"... it is intended to emphasize that beside the role of the Commission as a mechanism of its Member States, it acts also as a joint specialized mechanism of the UN Agencies members of ICSPRO. Such an arrangement reflects the present thinking of the Member States with respect to the future ocean regime. Not only would this provide better means of interaction, but also it would reduce overlapping and duplication of efforts and make the best use of funds, means and facilities for the implementation of agreed programmes of common interest to the ICSPRO membership.

The special relation with the UN Agencies members of ICSPRO - a feed-back arrangement in which users compensate for costs - is different in nature from the traditional co-operation with other organizations based on mutual interest but with no formal commitment to provide financial and other support to the Commission on a permanent basis."

110 Some Delegates requested clarification regarding the meaning of the term "joint specialized mechanism".

111 The Secretary explained that the term appeared in the ICSPRO Agreement; it is a mechanism of the UN organizations, members of ICSPRO, to enable the IOC to perform the special co-ordinating and surrogate functions required by the ICSPRO organizations to discharge certain of their responsibilities in the field of marine science.

112 The Task Team decided to make two amendments. The first, to allow a concept in the UN Convention on the Law of the Sea to find appropriate expression in the IOC Statutes, was the inclusion of the clause "as the competent intergovernmental* organization concerned with marine scientific research", following the word Commission in the first line. The second was to delete the last phrase starting "and accordingly...", on the grounds that this idea is implied in the second sentence of Article 3.

113 The Task Team agreed to retain, as is, the second sentence of the present Article 3. It therefore agreed the following text for Article 3:

"The Commission, as the competent intergovernmental organization concerned with marine scientific research, shall act also as a joint specialized mechanism of the organizations of the United Nations system that have agreed formally to use the Commission for discharging certain of their responsibilities in the field of marine science. On the other hand, the Commission may request these organizations to take its requirements into account in planning and executing their own programmes."

4. STRENGTHENING THE COMMISSION AND ITS ROLE IN RESPONSE TO THE NEW NEEDS OF MEMBER STATES UNDER THE NEW OCEAN REGIME

114 The Secretary introduced Document IOC/TT-LOSI-III/6 (Advantages and Responsibilities of Membership of the Intergovernmental Oceanographic Commission) which had been prepared by the Chairman and the Vice-Chairman of the Task Team, in collaboration with the Secretary. He noted that, in view of the vastness of the oceans and the multitude, dimensions, and variability of oceanic processes and phenomena, it is only through international collaboration that the problems of marine scientific research can be tackled with some prospect of success.

115 Since this Commission can only operate effectively through the concerted action of its members, it is obvious that being a member of IOC implies, for any State, advantages and benefits on the one hand, but on the other hand, responsibilities and obligations as well. It is in the interest of each Member State of

* The word "international" is used in the text of the UN Convention on the Law of the Sea, but in the case of IOC, among others, the specific term "intergovernmental" is understood and does not contradict the spirit of the Convention.

IOC to keep benefit and commitment in balance. Furthermore, membership in the IOC should be considered as a commitment by a Member State to play a role in the concerted action of the Commission's members that is commensurate with that Member State's capabilities and resources.

116 Over the past twenty-five years, the scientific programmes and related ocean services of the Commission have diversified considerably and, as a result, have developed to an extent that could not have been envisaged by its farsighted founders. However, although these changes have taken place, the institutional relationships and liaison arrangements with IOC have altered little from those established a quarter of a century ago, and they are now in need of improvement.

117 The then Chairman of the Commission, in his opening statement to the IOC Assembly, at its Twelfth Session (Document SC/MD/73, Annex III-D), drew attention to three problems encountered by the Commission, for which solutions should be sought: First, on account of its intergovernmental character, the IOC has not yet been able to secure strong direct participation on the part of the scientific community in Member States;... secondly, the channels of communication between the Secretariat and structures in member countries are still limited; and, thirdly, there is the problem of financial resources --- the IOC cannot be expected to function effectively without an adequate budget.

118 The present system of liaison between the Secretariat and the Member States is principally via the IOC Correspondence Manual consisting of the names and addresses of the main (up to 5 addresses for each Member State) national institutions concerned with IOC activities, and including an Action Address. It is very difficult to keep the Manual up-to-date, which results in poor response to IOC Circular Letters etc., and sometimes defective document distribution.

119 It would appear desirable that a Member State be willing and prepared to participate, as appropriate, in the scientific programmes and service activities sponsored by the Commission, by: ensuring close liaison between the relevant national institutions and the Secretariat of the Commission; being appropriately represented at IOC intergovernmental and technical meetings; being willing to nominate (and support, if they are elected) appropriate candidates for Officers of the IOC or IOC intergovernmental subsidiary bodies; being prepared to contribute to IOC's Voluntary Co-operation Programme; strengthening the machinery and resources of the Commission through the secondment of experienced marine scientists and technicians to the IOC Secretariat, voluntary contributions to the IOC Trust fund, making available personnel and/or facilities (e.g., vessels, laboratories, equipment, etc.) for the conduct of IOC activities, or offering to host IOC meetings in this country.

120 The Task Team noted that the basic national requirements for intergovernmental oceanographic co-operation are that each Member State: be aware of the opportunities offered by, and the responsibilities arising from, the establishment of a New Ocean Regime; have a national interest in marine science and the determination to develop the country's capabilities and creativity in this field; make an effort to build-up a basic national marine science infrastructure; provide vigorous and steady governmental support; consider the creation of a high-level national co-ordinating body for marine science, to act

as a focal point for the country's participation in inter-governmental oceanographic programmes and projects, especially those of the Commission and of the UN organization members of ICSPRO.

121 The Task Team considered the proposal in Document IOC/TT-LOSI-III/6 to create National IOC Representatives, and noted its relationship to the parallel proposal to create a high-level national co-ordinating body for marine science.

122 Some Delegates informed the Task Team of the steps their countries have taken to create National Oceanographic Commissions. Other Delegates informed the Task Team that their countries had already established such bodies.

123 The Delegates of Costa Rica and Cuba emphasized the considerable strengthening of the marine sciences in their countries as a result of the creation of such bodies.

124 The Task Team recognized that, if the principle of designating a National Representative to the Commission were retained, this would, in the case of the Officers and members of the Executive Council, entail an extension of their present functions; for the remaining Member States of the Commission, it would require the nomination of specific persons as National Representatives, and would require a revision to IOC Rule of Procedure No. 26.

125 The Task Team recognized that the designation of National Representatives, especially if allied to the creation of National Oceanographic Commissions, would considerably strengthen the IOC. It would help to ensure a much better focus of national marine scientific and technical resources on the solution of national problems in this field, and to meet national goals in marine affairs, as well as enhancing national participation in IOC programmes. It would improve co-ordination at the national level, and improve the relationship between a Member State and the IOC, by ensuring the presence of appropriate technical experts on Member States' delegations to meetings. It would greatly assist in bilateral co-operation between Member States and sharing of facilities in general. It would also greatly facilitate the work of the Secretary.

126 The Task Team considered the following proposal (Document IOC/TT-LOSI-III/10) for a revised text for Rule of Procedure No. 26):

- "1. Each Member State shall designate, by written notification to the Secretary of the Commission, a National Representative to act on technical matters for the Member State. National Representatives shall be the normal channel of communication between the Commission and their respective countries and shall maintain contact with the competent authorities, governmental and non-governmental, of their own countries on matters concerning the work of the Commission.
2. The Officers of the Commission elected, and the Representatives of the States Members of the Executive Council designated, in accordance with Article 5 of the Statutes of the Commission, shall normally be the National Representative of their Member States.

3. Member States members of technical and regional subsidiary bodies of the Commission should designate National Focal Points for the programmes and activities being conducted by these bodies. These National Focal Points shall work closely with the National Representatives referred to in paragraph 1 above.
4. When Member States of the Commission designate their delegations to, or their representatives on, the different technical and regional subsidiary bodies, or other bodies, of the Commission, their specialized scientific and technical character should be taken into account.

127 The present text of Rule of Procedure No. 26 (see IOC Manual, Part 1, Section 2) is essentially as in point 4 above; points 1, 2 and 3 are totally new.

128 The Task Team accepted this proposal, except that, to allow flexibility at the national level, the word 'shall' at the beginning of the fourth line in item 2, above, should be 'should'.

129 The Task Team adopted Recommendation LOSI-III.3

5. FUTURE WORK OF THE TASK TEAM

130 The Chairman recalled that the need for further work, as a result of the analysis of relevant articles of the UN Convention on the Law of the Sea, had been identified during the present Session but had not yet been expressed in a concrete form. He invited proposals to this effect.

131 The Delegate of the Netherlands submitted a Draft Recommendation on the future work of the Task Team, recalling the various factors that made such work necessary.

132 The Task Team considered that the required work was necessary if IOC was to be competent to fulfil its role in the UN system, particularly in the context of ICSPRO, and in the world community in general. The Commission, therefore, needed adequate resources (human and material) and appropriate structures. How these requirements could be met was the crux of the work proposed to be undertaken.

133 The Task Team adopted Recommendation LOSI-II.1 (see Agenda Item 3.4, above).

6. ADOPTION OF THE SUMMARY REPORT

134 The Task Team adopted the Summary Report of its Third Session.

7. CLOSURE

135 The Chairman thanked the participants for their spirit of co-operation in dealing with the important issues taken up in the present Session. He thanked the Secretary and staff and the interpreters for their excellent support; he expressed the Task Team's appreciation of the IOC Consultants who had prepared the various information documents made available to the Task Team at this Session.

136 The Chairman closed the Session at 19.00, on 21 December 1984.

ANNEX I

AGENDA

1. OPENING
2. ADMINISTRATIVE ARRANGEMENTS
 - 2.1 ADOPTION OF THE AGENDA
 - 2.2 DESIGNATION OF A RAPPORTEUR
 - 2.3 CONDUCT OF THE SESSION, TIMETABLE AND DOCUMENTATION
3. ANALYSIS OF THE IMPLICATIONS FOR THE COMMISSION
 - 3.1 IOC OBJECTIVES
 - 3.2 IOC FUNCTIONS
 - 3.3 IOC STRUCTURE
 - 3.4 IOC RESOURCES
 - 3.5 IOC STATUTES
4. STRENGTHENING THE COMMISSION AND ITS ROLE IN RESPONSE TO THE NEW NEEDS OF MEMBER STATES UNDER THE NEW OCEAN REGIMES
5. FUTURE WORK OF THE TASK TEAM
6. ADOPTION OF THE SUMMARY REPORT
7. CLOSURE

A N N E X I I

ADOPTED RECOMMENDATIONS

<u>Recommendation number</u>	<u>Title</u>
LOSI-III.1	Continuation of the Work of the Ad hoc Task Team
LOSI-III.2	Amendments to Articles 1, 2 and 3 of the IOC Statutes
LOSI-III.3	Amendment to Rule of Procedure No. 26

Recommendation LOSI-III.1

CONTINUATION OF THE WORK OF THE AD HOC TASK TEAM

The ad hoc Task Team to Study the Implications, for the Commission, of the UN Convention on the Law of the Sea and the New Ocean Regime,

Having analysed the Articles of the UN Convention on the Law of the Sea having significance for the work of the Commission,

Bearing in mind the recommendation of the Assembly, at its Twelfth Session, that the Task Team continue its work to complete its assignment, with special attention to programmatic, budgetary, staffing and statutory implications, and the proposal of the Executive Council, at its Seventeenth Session, to streamline the structure of the Commission,

Also bearing in mind the substantial amount of work identified by the Task Team, at its present Session, as being necessary as a result of the completion of its analysis of the implications of the Articles of the Convention,

Recommends to the Assembly that it consider the desirability of creating a new subsidiary body to carry out the new tasks that should be undertaken as a result of the aforementioned analysis, and naming it ad hoc Task Team on the Reinforcement of the Role and Capabilities of the Commission,

Also recommends to the Assembly the following Terms of Reference:

- (i) propose measures to ensure the stability and continuity of the resources required for the implementation of the Commission's programme of work;
- (ii) review the present structure of the Commission with the aim of recommending streamlining of the Guidelines for the Structure and Responsibilities of the IOC Subsidiary Bodies of the Commission;
- (iii) undertake an in-depth study of measures to enhance the role and efficiency of the Commission in the long term to meet the new needs of Member States and the world community;

Further recommends that this Task Team meet immediately prior to the Nineteenth Session of the Executive Council, and report thereto.

Recommendation LOSI-III.2

AMENDMENTS TO ARTICLES 1, 2 AND 3 OF THE IOC STATUTES

The ad hoc Task Team to Study the Implications, for the Commission, of the UN Convention on the Law of the Sea and the New Ocean Regime,

Having completed its study of the implications, for the Commission, of the Convention on the Law of the Sea and the new ocean regime,

Recalling that the Assembly, at its Twelfth Session, agreed (Document SC/MD/73, paragraph 232) that the statutory implications of the Articles of the Convention were one of the most important matters to be addressed by the Task Team,

Taking into account the recommendations of the Working Group on the Future Role and Functions of the Commission (Document IOC/EC-XI/21),

Noting that the provision of ocean services has developed considerably as an activity of the Commission, but is not reflected in the objectives of the Commission under Article 1,

Considers that some of the objectives and functions of the Commission, as laid down in the Statutes, in Articles 1 and 2, need slight adjustments and certain clauses require greater emphasis to make them more applicable to the changed circumstances resulting from the new ocean regime;

Considers also that, at the same time, it would be advantageous to revise Article 3 of the Statutes to emphasize the Commission's role as a "joint specialized mechanism of the organizations of the United Nations system", as embodied in the Agreement between the Executive Heads of the United Nations and certain of the specialized agencies, members of the Inter-secretariat Committee on Scientific Programmes Relating to Oceanography (ICSPRO);

Recommends that the revisions and amendments to Articles 1, 2 and 3 of the Statutes shown in the Annex hereto be considered at the earliest opportunity.

Recommendation LOSI-III.2

Annex

Article 1 paragraph 1 - Unchanged

Article 1 paragraph 2 - Proposed revised text (new text underlined; changes in present text shown by comparison.)

"The purpose of the Commission is to promote scientific investigation and to develop the related ocean services, with a view to learning more about the nature and resources of the oceans through the concerted action of its members."

Article 1 paragraph 3 - Unchanged

Article 2 - The three sub-paragraphs are numbered 1, 2 and 3, in order.
The proposed revised text is:

1. The functions of the Commission shall be to:
 - (a) define those problems the solution of which requires international co-operation in the field of scientific investigation of the oceans and review the results of such investigations;
 - (b) develop, recommend, and co-ordinate international programmes for scientific investigation of the oceans and related services which call for concerted action by its members;

- (c) develop, recommend and co-ordinate with interested international organizations, international programmes for scientific investigation of the oceans and related services which call for concerted action with interested organizations;
 - (d) make recommendations to international organizations concerning activities of such organizations which relate to the Commission's programme;
 - (e) promote and make recommendations for the exchange of oceanographic data and the publication and dissemination of results of scientific investigation of the oceans;
 - all new (f) promote and co-ordinate the development and transfer of marine science and its technology, particularly to developing countries.
 - old f modified (g) develop and (previously "make recommendations to") strengthen education and training projects (previously "programmes") in marine science and its technology, as components of each of its programmes.
 - old g (h) develop and make recommendations for assistance programmes in marine science and its technology;
 - old h (i) make recommendations and provide technical guidance as to the formulation and execution of the marine science programmes of the United Nations Educational, Scientific and Cultural Organization;
 - old i modified (j) promote and co-operate with States to facilitate (previously "freedom of") scientific investigations of the oceans and the application of the results thereof, for the benefits of all mankind, taking into account all rights and interests (previously "interests and rights") of coastal States (previously "countries".) concerning scientific research in the zones under their jurisdiction.
 - all new (k) promote, plan and co-ordinate observing and monitoring systems, on the properties and quality of the marine environment, as well as the preparation and dissemination of products and assessment studies.
 - all new (l) undertake, directly or in co-operation with other international organizations, as appropriate, any other action compatible with its purpose and functions concerning the ocean, its floor and subsoil, and its interactions with the atmosphere and the land masses, as may be decided by its Member States.
2. The Commission, in carrying out its functions, shall take into account (previously "In carrying out its functions, the Commission shall bear in mind") the special needs and interests of developing countries, including in particular the need to further the capabilities of these countries in marine science and technology.
 3. Nothing in this Article shall be construed as implying the expression of a position regarding the nature or extent of the jurisdiction of coastal States in general or of any coastal State in particular.

Article 3

The Commission, as the competent intergovernmental organization concerned with marine scientific research, shall act also as a joint specialized mechanism of the organizations of the United Nations system that have agreed formally to use the Commission (previously "shall give due attention to supporting the objectives of the international organizations with which it collaborates and which may request the Commission to act, as appropriate, as an instrument") for discharging certain of their responsibilities in the field of marine science. On the other hand, the Commission may request these organizations to take its requirements into account in planning and executing their own programmes.

Recommendation LOSI-III.3

AMENDMENT TO RULE OF PROCEDURE NO. 26

The ad hoc Task Team to Study the Implications, for the Commission, of the UN Convention on the Law of the Sea and the New Ocean Regime,

Recognizing that liaison between Member States and the Secretariat of the Commission needs strengthening in order to avoid existing operational difficulties, resulting from, inter alia, frequent changes in the names and/or addresses of IOC Action Addressees, and a lack, in many Member States, of a national co-ordinating mechanism and of a national representative to the Commission, in the field of marine scientific affairs,

Believing that the creation, or the strengthening if already existing, of such national mechanisms, would not only strengthen national marine scientific capabilities but also greatly enhance Member State involvement in the programmes and activities of the Commission, through the enhancement of national programmes,

Recommends to the Assembly that Rule of Procedure No. 26 be amended as follows:

- all new "1. Each Member State shall designate, by written notification to the Secretary of the Commission, a National Representative to act on technical matters for the Member State. National Representatives shall be the normal channel of communication between the Commission and their respective countries and shall maintain contact with the competent authorities, governmental and non-governmental, of their own countries on matters concerning the work of the Commission.
- all new 2. The Officers of the Commission elected, and the Representatives of the States Members of the Executive Council designated, in accordance with Article 5 of the Statutes of the Commission, should also be the National Representatives of their Member States.

- all new
3. Member States members of technical and regional subsidiary bodies of the Commission should designate National Focal Points for the programmes and activities being conducted by these bodies. These National Focal Points shall work closely with the National Representatives referred to in paragraph 1 above.
 4. When Member States of the Commission designate their delegations to, or their representatives on, the different technical and regional subsidiary bodies, or other bodies, of the Commission, their specialized scientific and technical character should be taken into account."

(Previously: "When the Assembly proceeds to elect persons for, and when Member States of the Commission designate their delegations to or their representatives in the different organs, committees, subsidiary and other bodies of the Commission, the specialized scientific and technical character of the purposes and functions of the Commission should be taken into account.")

A N N E X III

LIST OF PARTICIPANTS

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ANNEX IV

IDENTIFICATION OF FUNCTIONS IN THE PRESENT OR FUTURE
TEXTS OF THE CONVENTION ON THE LAW OF THE SEA THAT THE IOC
IS COMPETENT TO PERFORM (RESOLUTION EC-XIII.16)

The Task Team was established by Resolution EC-XIII.16 of the Executive Council at its Thirteenth Session (June 1980) to identify the functions set forth in the Convention which the IOC is competent to perform or which may be the subject of a possible future request. With this goal in mind, the Task Team, which is composed of representatives of all Member States who are members of the Executive Council, has met twice; in Tenerife, Spain (June 1981), and in New York (July 1982).

At Tenerife, the Task Team agreed that its first task was to identify all of the Articles of the (then) Draft Convention that could have a bearing on the Commission. The main approach adopted was to examine each Article in the light of the following four questions:

- (i) Is the IOC presently active in the field covered by the Article?
- (ii) If yes, should it be more active?
- (iii) If the IOC is not active in the area, is there a role it can play?
- (iv) What role could the IOC play?

However, upon actual examination, it was found that the relevance to the IOC of certain Articles could not usefully be assessed by means of these four questions; such Articles were, therefore, addressed in general terms only.

Using this approach, the Task Team, at its First Session, identified 53 Articles which (or parts of which) had implications for the Commission. On each Article the Task Team made its "Remarks" which indicated the consensus reached on the Article's relevance.

At its First Session, the Task Team also decided that, to carry out its assigned task, it should consider two other key questions:

- (i) What are the programmatic, structural and budgetary implications of the Articles?
- (ii) Do the present IOC Statutes allow the IOC to assume new roles and functions?

As time did not permit the Task Team (at its First Session) to consider these questions, it was decided to defer posing them until a later date.

Finally, to assist the Task Team in its further work, the Secretary prepared and made available to the members of the First Session a tentative classification of the Articles, in four groups, by major functions:

- (1) Scientific functions
- (2) Exchange of information and data
- (3) Training, education and mutual assistance (TEMA)
- (4) New functions or institutional functions

At the Second Session, the Task Team began its work by reviewing the 53 Articles and their covering remarks.

The Task Team agreed that all but one Article (Article 139) should be retained. The reason for deleting Article 139 was that this Article is concerned with liability for damage caused by activities in the Area, which, according to the legal definitions in the convention on the Law of the Sea, are only activities of exploration for, and exploitation of, the resources of the Area (Article 1 para. 2 of the Convention) for which, at present, the IOC is not directly competent to determine the responsibilities for setting damages due to activities by Member States in the Area.

The Task Team agreed to add five new Articles: Articles 258, 259, 260, 261 and 271.

The Task Team then focussed on the grouping of Articles; it debated at length the criteria used and the articles to be assigned to the various groups. The agreed headings and the Articles considered under each of them are as follows:

*GROUP 1 FUNCTIONS: OCEAN SCIENCE**

1.1 Development of favourable conditions for the conduct of marine scientific research

Articles 238, 243, 244 (i), 246, 247, 248, 249, 250, 251, 252, 253, 254, 256, 257.

1.2 Promotion and co-ordination of marine scientific research

Articles 123 (c) (d), 143 (3a) (3b), 239, 242, 278.

1.3 Contribution to the scientific basis for:

a) the management and conservation of marine living resources;

Articles 61 (2) (5), 163 (13), 169 (1) (2).

b) the exploration and exploitation of non-living resources (minerals and energy);

Articles 143 (3b), 163 (13), 169.

c) the protection of the marine environment.

Articles 143 (3b), 145, 163 (13), 169 (1) (2), 197, 198, 199, 200, 201, 204 (1), 206.

GROUP 2 FUNCTIONS: OCEAN SERVICES AND PRODUCTS

2.1 Publication and dissemination of marine scientific data and information

Articles 61 (5), 119 (2), 143 (3), 198, 200, 205, 206, 244, 268 (a), 269 (c), 278

*The numbers and/or letters in parenthesis are paragraph identifiers.

2.2 Ocean mapping and charting

Article 3 of Annex II (relates to Article 76)

2.3 Ocean Data Acquisition Systems

Articles 258, 262.

GROUP 3 *FUNCTIONS: ENHANCING NATIONAL MARINE SCIENTIFIC CAPABILITIES*

3.1 Facilitation of the transfer of marine scientific knowledge and marine technology

Articles 244 (2), 266 (1), 268, 269 (a)(c), 270, 272, 278.

3.2 Training, education and mutual assistance

Articles 143 (b), 198, 199, 202, 203, 244 (2), 268, 269, 270, 273, 275, 276

GROUP 4 *FUNCTIONS: PROVISION OF SCIENTIFIC AND TECHNICAL ADVISORY SERVICES TO OTHER ORGANIZATIONS AND TO MEMBER STATES*

Articles 144, 163 (13), 260, 261, 262, 266 (), 272, 278, 3 of Annex II, 2 of Annex VIII, 3 of Annex VIII.

GROUP 5 *FUNCTIONS: ORGANIZATIONAL AND LEGAL ASPECTS*

Articles 93, 162, 263, 265.

Note: The numbers and/or letters in parenthesis are paragraph identifiers.

Having identified all the Articles that appeared to bear on IOC activities and interests, and having grouped them by functions, the Task Team examined their implications.

For each Article or group of Articles, the significance (high, medium, low) to IOC was determined; then, seven questions were addressed to each Article. These are given in the Table in the Appendix hereto.

The present Annex represents the updating of Annex IV of the Summary Report of the Second Session of the Task Team, as requested by the Task Team (op.cit. paragraph 197).

General remarks of the Task Team on each group of Articles

GROUP 1. *OCEAN SCIENCE*

1.1 Development of favourable conditions for the conduct of marine scientific research

Article 243 is a general article calling upon States and international organizations to facilitate, promote and generally create favourable conditions for marine scientific research. IOC, as the only intergovernmental organization covering all aspects of marine scientific research, is already active in the field and should continue to play a leading role. How this could appropriately be done will require further careful analysis.

Article 244 (1); The aspects that relate to the promulgation of information about proposed major programmes falling within the general co-ordinating and facilitating role of IOC is one of the ways in which IOC creates a favourable environment for scientific research, as dealt with in Article 243.

Articles 238, 256, 257 are only enabling articles for States and competent international organizations to conduct marine scientific research. With respect to their relevance to the IOC, the same comments as those made subsequently on Article 246 etc. apply here.

Articles 246, 248, 249, 250, 252, 253 and 254 regulate the exercise of jurisdiction of the coastal States over marine scientific research in the EEZ or on the continental shelf. These Articles will directly affect States, either in the conduct of their marine scientific research or with respect to marine scientific research proposed to be carried out in their EEZ or on their continental shelf by other States.

It may be that there are ways in which the IOC could provide procedural or technical assistance to Member States, if they expressly wish it, in the discharge of their responsibilities. The Task Team agreed that this is a matter that will require careful study by the IOC in due course.

On the other hand, the Articles in question would have a direct bearing on the IOC only if the Commission should undertake marine scientific research in its own name.

Article 247 deals with projects under the auspices of international bodies, such as those carried out through the different IOC Working Committees (IODE, GIPME, IGOSS, TEMA), and regional subsidiary bodies (e.g., IOCARIBE) and programmes (e.g., the Joint IOC/WMO/CPPS Working Group on the Investigations of "El Niño"). This Article will be an important instrument in facilitating the conduct of research projects developed by the Commission, and it requires, in due course, further consideration by the Task Team.

Article 251 asks for the establishment of general criteria and guidelines to assist States in ascertaining the nature and implications of marine scientific research. IOC, as the only international organization covering all aspects of marine science, and with a global mandate should be the lead organization to undertake such a task, if so desired by the Member States.

An effective response, in the spirit of this Article, will possibly have budgetary implications, which would require further study.

1.2 Promotion and co-ordination of marine scientific research

Article 123 (paras c and d) calls upon States bordering enclosed or semi-enclosed seas to co-ordinate their scientific research policies, and, where appropriate, to undertake joint programmes in the area, and, if appropriate, to invite other states or international organizations to co-operate with them.

Article 143 (3a, 3b) refers to the promotion of international co-operation in marine scientific research in the "Area"*. IOC is already active in this field through the development of a programme on Ocean Sciences in Relation to Non-living Resources.

The future role of the IOC in relation to the work of the Preparatory Commission and, eventually, the Authority, should be clarified and needs further thought.

Article 239 calls for the promotion, development and conduct of marine scientific research, which is a role of high priority to IOC. Expanding activities could be envisaged following the growing awareness of the importance of marine science.

Article 242: IOC is already carrying out international co-ordination. This is one of the basic functions in which IOC should continue to play an active role, which may be intensified at the initiative of Member States if necessary.

Article 278 is of special significance to IOC in view of the Commission's existing responsibility (outlined in UN General Assembly Resolutions 2467 (XXIII) of December 1968 and 2560 (XXIV) of December 1969) for updating and co-ordinating the Long-term and Expanded Programme of Oceanic Exploration and Research (LEPOR) and facilitating concerted action of the specialized UN agencies through the ICSPRO agreement. IOC must be provided with the necessary means to continue to discharge this important function which the Convention reaffirms.

1.3 Contribution to the scientific basis for: a) the management and conservation of marine living resources; b) the protection of the marine environment; and c) the exploration and exploitation of non-living resources (minerals and energy)

The most important Articles in Groups 1.3 a), b) and c) are Articles 143, 197, 200, 201 and 204, covering international co-operation in marine scientific research, in developing rules, standards and recommended practices for the protection of the marine environment, the promotion of research programmes and exchange of information and data, and monitoring of the effects of pollution, indicate the need for expanded activity by IOC, which would therefore have budgetary and staffing implications for the IOC; however structural changes are not necessary, nor is there a need for any amendment to the IOC Statutes. Co-operation with other organizations will continue to be an important element of IOC's co-ordinating role.

Four Articles were considered to be of secondary significance. These were: Article 145, which deals with protection (by the Authority) of the marine environment in the Area; Article 163 para. 13, which deals with possible advisory roles for the IOC vis-à-vis the Commissions of the Authority; Article 199, which deals with the development of contingency plans against marine pollution; and Article 61 paras. (2) and (5), which deal with the conservation of living resources. All four Articles indicate a need for increased IOC involvement but in a supporting rather than a leading role, and,

* "Area" means the sea-bed and ocean floor and subsoil thereof beyond the limits of national jurisdiction (Article 1, para. (1)).

except possibly Article 61, no new structural mechanisms would be needed for the Commission to carry out the functions these Articles would entail. The implementation of these four Articles would result in greater co-operation between the IOC and: (a) the Authority (Articles 145 and 163, para.(13)); (b) FAO (Article 61, para. (5); and (c) UNEP and IMO (Article 199).

The increased effort carries with it increased budgetary considerations, and, with regard to future co-operation and advisory relations with the Authority, an increase in staff might also be needed.

Some Articles indicate a possible new role for the IOC; advisory role to existing or new bodies responsible for the management and conservation of marine living resources and on the exploration and exploitation of non-living resources (minerals and energy) in the Area (Article 163, para. 13, Article 169, paras. 1 and 2), notification of imminent or actual damage (Article 206). Although the IOC will be ready to undertake such tasks, it is not foreseen that they will constitute any major part of IOC's activities in the near future and thus will have only minor budgetary and staffing implications.

GROUP 2 OCEAN SERVICES AND PRODUCTS

2.1 Publication and dissemination of marine scientific data and information

The IOC oversees the system for worldwide exchange of oceanographic data, and publishes relevant scientific and technical documents; it is expected to expand these activities into a comprehensive programme to publish and disseminate scientific data and information. Such expansion will require innovations in system design, staffing, hardware and software, and full advantage should be taken of possible economies of scale. The developments are being undertaken by the IOC Working Committee on International Oceanographic Data Exchange, in consultation with the UN organizations members of ICSPRO and will have substantial regular and extrabudgetary and staffing implications.

2.2 Ocean mapping and charting

The IOC, at the Twelfth Session of the Assembly, considered in some detail the consolidation of its work on ocean mapping, including its co-operation with IHO, and approved revised Terms of Reference for the Joint IOC-IHO Guiding Committee for GEBCO (Note: these revised Terms of Reference had previously been approved by the XIIth International Hydrographic Conference in April 1982; consequently they came into force immediately upon their approval by the IOC Assembly, i.e., on the adoption of Resolution XII-3). In these revised Terms of Reference, the GEBCO Guiding Committee is required, inter alia, to "Draw up administrative plans for, and actively pursue, the formation and continued operation of a full-time GEBCO Ocean Mapping Unit ... etc." and "Provide advice on ocean mapping, as requested by intergovernmental and non-governmental organizations." The administrative structure needed to enable the Commission to fulfil the various responsibilities placed upon it by the UN Convention on the Law of the Sea, particularly acquisition and analysis of any scientific input and data (and their presentation in the form of maps), that may be called for by the Commission on the Limits of the Continental Shelf (ref.: UN Convention on the Law of the Sea, Annex II, Article 3.2), have therefore been foreseen and acted upon.

However, substantial new extrabudgetary resources will certainly be needed both to establish the proposed GEBCO Ocean Mapping Unit, and, depending on their nature, which cannot at present be foreseen to fulfil the tasks emanating from the UN Convention on the Law of the Sea.

2.3 Ocean Data acquisition Systems

The IOC, at the Twelfth Session of the Assembly, decided (Resolution XII.9) to reactivate its co-operation with IMO to complete the preparation of a Convention on Ocean Data Acquisition Systems (ODAS), having regard to Articles 258, 259, 260, 261 and 262 of the UN Convention on the Law of the Sea. This reactivation could have some budgetary and staffing implications, including, at some stage, a major plenipotentiary conference.

GROUP 3 ENHANCING NATIONAL MARINE SCIENTIFIC CAPABILITIES

The group of Articles dealing with the facilitation of the transfer of marine scientific knowledge and marine technology (Articles 244, 266 (1), 268, 269 (a, a), 270, 272 and 278), and those dealing directly with training, education and mutual assistance (Articles 143 (3b), 198, 199, 202, 203, 244 (2), 268, 269, 270, 273, 275 and 276) are directly relevant to IOC's role in implementing the new ocean regime.

The transfer of marine scientific knowledge and marine technology and TEMA already constitute a major part of IOC activities and they are expanding; the Division of Marine Sciences, of Unesco, is also deeply involved.

The increased demands by Member States for assistance must be given the highest priority by IOC and by Unesco as a whole. An effective response will require the mobilization of substantial extra-budgetary funding by multilateral and bilateral funding agencies, particularly UNDP and the World Bank, and their active support.

Therefore, the IOC has a leading role to play, at the global and regional levels, through, inter alia, implementation of the Comprehensive Plan for a Major Assistance Programme to Enhance the Marine Science Capabilities of the Developing Countries.

3.1 Transfer of marine scientific knowledge and marine technology

For Group 3.1, three different criteria were chosen which should be taken separately, depending on the nature of the Articles.

- a) Articles 266 (1), 268, 269 (a, b) and 244 (2) are directly related to the transfer of marine scientific technology in which the IOC and the Member States are involved. They have implications for the IOC with respect to budget and staff, particularly as regards the expansion of the operative capacity of the IOC in training, education and mutual assistance.

- b) Articles 270 and 272 are related to co-operation between the international organizations and the Member States that conduct marine scientific work. The IOC, if requested, could facilitate communication between Member States and access to other international organizations, as part of its co-ordinating role in the context of ICSPRO and otherwise. This may imply for the IOC increased budget and staff.
- c) Article 278 was separated from the two previous Articles since it refers to co-operation amongst international organizations, amongst which the IOC plays a leading role in this field.

3.2 Training, education and mutual assistance

For Group 3.2, four aspects were considered:

- a) Training and education in marine sciences - comprising seven Articles (143 (3b), 202, 203, 244 (2), 268, 269, 270) that have considerable implications for the IOC.
- b) Establishment of regional and national marine centres - comprising two Articles (275, 276) - would call for the highest possible level of budgetary and staff resources.
- c) Two Articles (198, 199) refer to marine pollution emergencies. IOC does not now play an active role as regards intervention in pollution emergencies. However, if IOC help were to be sought in relation to an emergency, the response would need to be confined to the roster of scientific experts on marine pollution research, under study by the Working Committee for GIPME.
- d) Co-operation with international organizations and the Authority (Article 273): the IOC, vis-à-vis the Authority, could provide advice on marine scientific research in general, in view of its co-ordinating functions at the highest global level in this field.

GROUP 4 *PROVISION OF SCIENTIFIC AND TECHNICAL ADVISORY SERVICES TO OTHER ORGANIZATIONS AND TO MEMBER STATES*

Articles 144, 163 (13) and Annex II Art. 3 provide for possible co-operation and consultation between IOC, the International Sea-Bed Authority and the other bodies established under the Convention.

IOC, in co-operation with the Authority or independently, should take necessary and reasonable measures to give its assistance, through advisory services relevant to the Area, to the Member States, and, above all, to the developing countries; these services would be directed towards advancement of their national science and technology programmes to enable their full participation in activities in the Area. The activity in this regard could be an expanded or a new function for the IOC and could also involve some structural changes.

One of the important and new activities of the IOC may be assistance to the Commission on the Limits of the Continental Shelf, to be established according to Article 76 and Annex II of the Convention.

Articles 266(1), 272 and 278 cover a number of important functions including;

- promotion, in co-operation with international organizations and Member States, of the development of marine sciences and technology;
- co-ordination of regional and global programmes implemented by other international organizations in the field of ocean sciences and technology, taking into account needs of the developing countries, and,
- establishment and development of co-operation among international organizations in the different fields of ocean sciences and technology, which are within the competence of the IOC. These functions are not new ones, but the IOC should play a more active and leading role through close co-operation with other international organizations and Member States.

The third group of Articles (260, 261, 262) will involve the IOC in rendering assistance through consultation, to countries or international organizations, which use scientific installations in the high seas.

The IOC has a primary role in, and responsibility for, the promotion of the most up-to-date marine scientific and technological information and its dissemination among Member States and other international organizations. In terms of providing technical and advisory services, some of these IOC functions would involve new and expanded activities with budgetary and staffing implications, and, in some cases, even require structural modifications. The IOC is currently negotiating, or has concluded, co-operative agreements (in the form of Memoranda of Understanding) with various organizations (UNEP, IAEA, CPPS, ICES, ICSEM) with a view to facilitating the conduct of major programmes of Ocean Science in Relation to Living Resources, and in Relation to Non-Living Resources, and the development of a Marine Pollution Monitoring system (MARPOLMON), for which new IOC bodies (e.g., Joint Committees or Working Groups) may be required.

GROUP 5 ORGANIZATIONAL AND LEGAL ASPECTS

The Task Team concluded that these Articles (93, 162, 263 and 265) would only have implications for the IOC if it undertook marine research in its own name which, at present, is unlikely but which might require further thought and possible amendment of the IOC Statutes.

Each Article is classified as to its significance (high^{xxx}, medium^{xx} or low^x) to IOC; then the following eight questions are addressed to each Article:

- I Is it a new (N), expanded (E) or regular (R) activity for the IOC?
- II Is the IOC the lead organization amongst international organizations (L), or playing a major role (M), or a contributory role (C) ?
- III Does the initiative lie with the IOC, with the Member States (MS) or both together (MS/IOC)?
- IV Does it have structural implications for IOC?
Yes/no/maybe, later (ml).
- V Would it require an amendment to the IOC Statutes?
Yes/no.
- VI Does it have budgetary implications for IOC?
Yes/no/maybe (mb)
- VII Does it have staffing implications for IOC?
Yes/no/probably (p).
- VIII Is further consideration by the Commission necessary to determine required changes in the Commission's activities and modus operandi ? Yes or -(no)

Article	GROUP 1.1 Development of favourable conditions for the conduct of marine scientific research	Overall significance to IOC	I	II	III	IV	V	VI	VII	VIII
243	Creation of favourable conditions	xxx	E	M	MS/IOC	ml	No	mb	p	Yes
251	General criteria and guidelines	xxx	N	L	MS/IOC	ml	No	Yes	Yes	Yes
244(1)	Information on proposed programmes	xx	E	L	IOC/MS	ml	No	mb	p	-
244(2)	General information and data exchange	xxx	E ^{1/}	L ^{1/}	MS/IOC	ml	No	Yes	p	-
247	Marine scientific research undertaken under auspices of international organizations	x	R	L	MS	No	No	No	No	-
238	Right to conduct marine scientific research	x	N	L	IOC	Yes	Yes	Yes	Yes	-
256	Right to conduct marine scientific research in Area									
257	Right to conduct marine scientific research in EEZ									
246	Marine scientific research in EEZ and Continental Shelf	x	N	L	IOC	Yes	Yes	Yes	Yes	-
248	Duty to provide information to coastal states									
249	Duty to comply with certain conditions									
250	Communications concerning marine scientific research projects									
252	Implied consent									
253	Suspension or cessation of marine scientific research									
254	Rights of landlocked and geographically disadvantaged states									

only enabling Articles

Obligations of IOC in the event of conducting marine research on its own account

^{1/} Includes new developments (e.g., satellite data acquisition) for some aspects of which IOC would play a major role, together with WMO.

Article	GROUP 1.2 Promotion and co-ordination of marine scientific research	Overall significance to IOC	I	II	III	IV	V	VI	VII	VIII
123(c)(d)	Co-operation of States bordering enclosed/ semi-enclosed seas	xx	E	M	MS	No	No	mb	p	-
143(3a) (3b)	Marine scientific research	xxx xx	E E	M M	MS/IOC MS/IOC	No No	No No	No mb	No p	Yes -
239	Promotion of marine scientific research	xxx	E	L	MS/IOC	No	No	Yes	p	Yes
242	Promotion of international co-operation	xxx	E	L	MS/IOC	No	No	Yes	p	Yes
278	Co-operation among international organizations	xxx	E	L	IOC	No	No	No	No	Yes

Article	GROUP 1.3 Contributions to the scientific basis for : a) the management and conservation of marine living resources	Overall significance to IOC	I	II	III	IV	V	VI	VII	VIII
61 (2)(5)	Conservation of the living resources	xx	E	M (FAO)	MS/IOC	No	No	Yes	p	-
163 (13)	Advisory role to the Commissions of the Authority	x	N	M	Autho- rity	No	No	No	No	Yes
169(1)(2)	Advisory role to the Commissions of the Authority	x	N	M	Autho- rity	ml	No	ml	p	Yes

Article	b) the exploration and exploitation of non-living resources (minerals and energy)	Overall significance to IOC	I	II	III	IV	V	VI	VII	VIII
163 (13)	Advisory role to the Commissions of the Authority	xx	N	M	Authority	ml	No	ml	p	Yes
169(1)(2)	Advisory role to the Commissions of the Authority	x	N	M	Authority	ml	No	ml	p	Yes
143(3b)	International co-operation in marine scientific research in the Area	xxx	E	L	MS/IOC	No	No	Yes	p	Yes

Article	c) the protection of the marine environment	Overall significance to IOC	I	II	III	IV	V	VI	VII	VIII
143 (3b)	International co-operation in marine scientific research in the Area	xxx	E	L	MS/IOC	No	No	Yes	p	-
145	Protection of the marine environment in the Area by the Authority	xx	E	M	Authority	No	No	No(?)	No	Yes
163 (13) 169(1)(2)	Advisory role to the Commissions of the Authority	x	N	M	Authority	No	No	No	No	Yes
197 ¹	Global and regional co-operation for elaborating rules etc. for the protection of the marine environment	xxx	R	L	MS/IOC	No	No	No	No	-
198 ²	Notification of imminent or actual damage	x	N	C	MS	No	No	No	No	-
199 ²	Contingency plans against pollution	x	N	C	MS/IOC	No	No	No	No	-
200	Studies, research programmes and exchange of information and data	xxx xxx	R E	M L	MS/IOC MS/IOC	No No	No No	No Yes	No Yes	- -
201	Scientific criteria for regulations	xxx	R	L	MS/IOC	No	No	No	No	-
204 (1)	Monitoring of the risks or effects of pollution	xx	E	M	MS/IOC	No	No	ml	p	-
206	Assessment of potential effects of activities	x	N	C	MS	No	No	mb	p	-

¹ Science and methodology only in relation to Art. 200 and 201

² Scientific aspects only if applicable

Article	GROUP 2.1 Publication and dissemination of marine scientific data and information	Overall significance to IOC	I	II	III	IV	V	VI	VII	VIII
61 (5)	States through competent international organizations whether subregional, regional or global organizations	x	N	C	MS/IOC	No	No	No	No	-
119 (2)	Conservation of the living resources of the high seas	x	N	C	MS/IOC	No	No	No	No	-
143 (3)	Marine scientific research	xxx	N	L	IOC/MS	No	No	Yes	p	Yes
198	Notification of imminent or actual damage	x	N	C	MS	No	No	No	No	Yes
200	Promotion of studies, research programmes and exchange of information and data	xx	E	C	IOC/MS	No	No	No	p	Yes
205	Publication of reports	x	R	C	MS	No	No	No	No	-
206	Assessment of potential effects of activities	x	E	C	MS	No	No	mb	No	Yes
244	Publication and dissemination of information and knowledge	xxx	E	L	IOC	No	No	Yes	p	-
268 (a)	Basic objectives	xxx	E	M	IOC	No	No	Yes	mb	-
269 (c)	Measures to achieve the basic objectives	xxx	E	M	IOC	No	No	Yes	mb	-
278	Co-operation among international organizations	xxx	E	L	IOC	No	No	No	No	Yes

Article	GROUP 2.2 Ocean mapping and charting	Overall significance to IOC	I	II	III	IV	V	VI	VII	VIII
Annex II Art. 3	Commission on the Limits of the Continental Shelf	xxx	N	M	IOC	ml	No	Yes	p	Yes

Article	Group 2.3 Ocean data acquisition systems	Overall significance to IOC	I	II	III	IV	V	VI	VII	VIII
258	Deployment and use (of scientific research equipment)	xxx	E	M	IOC	No	No	No	No	-
262	Identification markings and warning signals (or scientific research equipment)	xxx	E	M	IOC	No	No	No	No	-

Article	Group 3.1 Facilitation of the transfer of marine scientific knowledge and marine technology	Overall significance to IOC	I	II	III	IV	V	VI	VII	VIII
266 (1) 268 269(a)(c) 244 (2)	Transfer of marine scientific technology } }	xxx	E	L	MS/IOC	No	No	Yes	Yes	-
270 272	Co-operation with international organizations }	xxx	E	L	IOC/MS	No	No	Yes	Yes	-
282	Co-operation among international organizations (ICSPRO - GESAMP - transfer of marine scientific technology)	xxx	E	L	IOC	No	No	Yes	Yes	-

Article	GROUP 3.2 Training, Education and Mutual Assistance	Overall significance to IOC	I	II	III	IV	V	VI	VII	VIII
244(2) 268 270 269 143(3b) 202 203	Education and training in marine sciences	xxx	E	L/M	MS/IOC	No	No	Yes	Yes	-
276 275	Establishment of marine national and regional centres	xxx	E	L/M	MS/IOC	No	No	Yes	Yes	Yes
198 199	Assistance on request against pollution incidents	x	N	C	MS/IOC	No	No	mb	No	-
273	Co-operation with international organizations and the Authority	xxx	N(?)	L	MS/IOC	No	No	Yes	Yes	Yes

Article	GROUP 4 Provision of scientific and technical advisory services to other organizations	Overall significance to IOC	I	II	III	IV	V	VI	VII	VIII
144	Transfer of technology relating to activities in the Area	xx	N	M	IOC/MS	ml	Nc	mb	p	-
163(13)	Consultations from organs of the Council	xx	N	M	IOC	No	No	No	No	-
260	Safety zones	x	R	L	IOC	No	No	No	No	-
261	Non-interference with shipping routes	x	R	L	IOC	No	No	No	No	-
262	Identification markings and warning signals	x	R	L	IOC	No	No	No	No	-
266(1)	Promotion of the development and transfer of marine technology	xxx	E	M	MS/IOC	Yes	No	Yes	Yes	-
272	Co-ordination of international programmes	xxx	E	L	IOC	ml	No	mb	p	-
278	Co-operation among international organizations	xxx	E	L	IOC	ml	No	mb	p	-
Annex II, Art. 3	Commission on the Limits of the Continental Shelf	xxx	N	M	IOC	ml	No	mb	p	-
Annex VIII Art. 2 and 3	Special arbitration procedure	xx	N	M	IOC	No	No	No	No	-

ANNEX V

LIST OF DOCUMENTS

WORKING DOCUMENTS

IOC/TT-LOSI-III/1 prov. rev.2	Provisional Agenda
IOC/TT-LOSI-III/2	Annotated Provisional Agenda
IOC/TT-LOSI-III/3	Summary Report
IOC/TT-LOSI-III/4	List of Documents
IOC/TT-LOSI-III/5	List of Participants
IOC/TT-LOSI-III/6	Advantages and Responsibilities of Membership of the Intergovernmental Oceanographic Commission
IOC/TT-LOSI-III/7	Revision and updating of Annex II (Annotated table of provisions of the Convention on the Law of the Sea that have a bearing on the IOC) of Document IOC/TT-LOSI-II/3
IOC/TT-LOSI-III/8 rev.	Revision and updating of Annex IV (Summary Evaluation of Articles of the Convention by Groups of Functions concerning the IOC) of Document IOC/TT-LOSI-II/3
IOC/TT-LOSI-III/9	Proposed revision of IOC Manual Part. I, Section 5 (Guidelines for the Structure and Responsibilities of the Subsidiary Bodies of the Commission
IOC/TT-LOSI-III/10	Improving the stability and continuity of the resources required for the effective implementation of the Commission's programme of work

INFORMATION AND OTHER REFERENCE DOCUMENTS

IOC/INF-477 rev.	National Legislation and Regulations Relating to the Conduct of Marine Scientific Research by Non-nationals in Maritime Zones Subject to National Jurisdiction
IOC/INF-560	Summary of the Preparatory Commission for the Sea-bed Authority and Tribunal (First Session - March/April 1983) and resumed First Session (August/September 1983)
IOC/INF-586	Scientific Basis for the Management of Fisheries and the Conservation of Marine Living Resources under the New Ocean Regime

- IOC/INF-606 Marine Scientific Research, and development and Transfer of Technology under the UN Convention on the Law of the Sea and the New Ocean Regime: General Implications for International Co-operation and the Role of IOC
- IOC/INF-607 A Review of Documentation Relevant to a Reconsideration of the Commission's Statutes in the Light of the UN Convention on the Law of the Sea and the New Ocean Regime
- IOC/INF-616 Comparative Study of Compiled National Legislation in Force on Marine Scientific Research
- IOC/MIM ad hoc/6 Implications of the UN Convention on the Law of the Sea on the Activities of the Working Committee on International Oceanographic Data Exchange