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INTERGOVERNMENTAL OCEANOGRAPHIC COMMISSION  
(of Unesco)

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 REGIME

As part of the intersessional work of the Task Team to Study the Implications, to the Commission, of the Convention on the Law of the Sea and the New Ocean Regime\*, this document was prepared, at the request of the Chairman of the Task Team, by Mr. J.D. Bradford (Canada) who was the Rapporteur for the first two Sessions.

The purpose of the document is to assemble the background documentation and summarize recent developments relating to the possible adaptation of the Commission's Statutes to the New Ocean Regime.

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\* Original title changed since the Convention on the Law of the Sea was adopted in December 1982

SUMMARY

The question of whether the IOC Statutes need to be revised to reflect the new needs of the Member States and the increasing role of the Commission under the New Ocean Regime has been under study by the Commission since 1977. A paper which recommended changes to Statutes 1, 2 and 3 was prepared in 1978 by a special Task Team set up by the IOC Working Group on the Future Role and Functions of the IOC (FUROF). However, the amendments recommended were not implemented because not enough Member States were present to constitute a quorum when a vote on the subject was called for at the Eleventh Session of the IOC Assembly (1979). Since then, the question has been addressed in a preliminary way by an IOC ad hoc 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\*. This paper gathers together the documentation which covers the Commission's examination of the Statute amendment question.

Ever since the earliest drafts of Articles began to emerge from the Third UN Conference on the Law of the Sea, IOC Member States have wondered whether the present IOC Statutes, adopted in 1970 (see Annex I); give the Commission adequate scope to carry out its mandate under the New Ocean Regime. The Revised Single Negotiating Text produced by the Conference in 1976, for example, contained 30 Articles that had a bearing on the marine sciences. The Informal Composite Negotiating Text (ICNT), which appeared a year later, contained 75 articles referring to "competent international organizations". What did all this mean for the IOC? That question was being increasingly asked by IOC Member States during the mid-1970s, and remains valid with the signature of the Convention.

The problem 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 the passing of Resolution EC-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.

At the Tenth Session of the IOC Assembly, seven months later, the Task Team Chairman, in reporting on the work accomplished, introduced a document entitled "Progress Report by the Chairman on his Review of the Potential Role and Functions of the IOC" which 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."*<sup>1</sup>

He went on to recommend that a working group should continue with a close examination of the structure and functions of the Commission including its relationship with Unesco and other organizations. After a wide-ranging discussion on the subject, the Assembly passed Resolution X-25 which established a full-fledged Working Group on the Future Role and Functions of the Commission. The full text of the Resolution is attached as Annex II to the present Document.

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\* With the adoption of the Convention in December 1982, the Task Team was renamed the IOC ad hoc Task Team to Study the Implications, for the Commission, of the Convention on the Law of the Sea and the New Ocean Regime.

<sup>1</sup> Document SC/MD/60 - Summary Report of the Tenth Session of the Assembly, 27 October - 10 November 1977, p. 53.

While an examination of the IOC Statutes was not specifically spelled out in the Terms of Reference of the Working Group, it was implicit in its overall mandate, especially considering that the opening paragraph of Resolution X-25 brought direct attention to Article 1, paragraph 2 of the Statutes of the Commission. Consequently, the Working Group, which decided to canvass by questionnaire the opinions of its members on the question of the Commission's future role and functions, asked its members explicitly whether, in their opinion, the IOC with its existing Statutes could perform the various functions being suggested. Opinions were divided on the issue; of the ten responses received to the question, five answered "yes" and five answered "no". (See Document IOC/WG-FUROF-I/4, Synthesis of Questionnaire Responses, attached as Annex III to the present Document.)

At the first full meeting of the Working Group held in Rome in June 1978, a subgroup was set up to examine the questionnaire responses on the broad topic of the role of the IOC in a New Ocean Regime. Based on its deliberations and on consideration of a Canadian working paper 1 entitled Possible IOC Responsibilities Following the United Nations Law of the Sea Conference, tabled at the meeting, the Working Group decided:

*"That a Task Team be established to study the IOC Statutes in the light of the ICNT Articles, keeping in mind possible changes to the ICNT and other relevant studies being undertaken, so that specific recommendations can be made to the second session of the group as to what future action is required."*<sup>2</sup>

Working by correspondence, the Task Team completed its study in time for presentation to the Second Session of the Working Group in Paris, December 1978. Its report, (Document IOC/WG-FUROF-II/8 - Task Team Study on the Possible Need to Revise the IOC Statutes as a Result of the U.N. Conference on the Law of the Sea) is attached as Annex IV to the present Document. 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. In its Report the Task Team stated that:

*"the IOC Statutes should be amended to make them more compatible functionally and philosophically with important trends emerging from the Third Law of the Sea Conference. By describing certain functions in more precise terms and using terminology accepted at UNCLOS III, the Commission's general role in marine scientific research, protection and preservation of the marine environment, and transfer of technology could be more clearly identified. This would serve a dual purpose. Not only would it clarify the Commission's role and functions for its own membership, but also it would reveal to other agencies within and outside the U.N. the Commission's intention and preparedness to conduct business in the new ocean regime."*

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<sup>1</sup> It is expected that this paper will be updated and submitted to the Third Session of the IOC Task Team on the Implications, to the Commission, of the Convention on the Law of the Sea and the New Ocean Regime

<sup>2</sup> Document IOC/WG-FUROF-I/3 - Summary Report of the First Session of the Working Group on the Future Role and Functions of the Commission, Rome, 12-15 June 1978, p. 8.

It went on to recommend:

*"that steps be initiated immediately to amend the IOC Statutes 1 to 3 in the light of the emerging Law of the Sea whose basic principles with regard to marine scientific research, protection and preservation of the marine environment, and transfer of technology have been generally agreed upon. Because the actual amendment process could be lengthy, perhaps up to four to six years, the Task Team further suggests that as soon as statutes acceptable to the Commission have been drafted they, along with a rationale for the amendments, be widely distributed (in draft form) for the information of international organizations concerned with the oceans including, of course, those within the U.N. system."*

The report also made a number of specific suggestions as to how the Articles could be amended to reach the above-mentioned objectives.

During the Second Session of the Working Group, the Report and its Recommendations were fully discussed, as was the idea of making amendments to Articles 4-13. In its report (Document IOC/EC-XI/21) to the Eleventh Session of the Executive Council, the Working Group reached the following conclusion:

*"Sufficient cause exists on functional and other grounds to clarify the IOC Statutes by amendment, as many of the important areas that form the basis for the Commission's activities are presently only found in an implicit manner in the Statutes. Therefore the Working Group considers that:*

- the IOC Statutes should be philosophically compatible with the new legal regime for the ocean;*
- the present IOC Statutes lack any reference to matters dealing with the preservation and protection of the marine environment, an area of major concern which has been addressed by the IOC for a number of years;*
- the present IOC Statutes do not directly address the important elements of the promotion of criteria and guidelines to assist developing countries in ascertaining the nature and implications of marine scientific research;*
- the new legal regime for the oceans recognizes the right of "competent international organizations" to conduct marine scientific research activities. It would appear to be appropriate to incorporate this fundamental right in the IOC Statutes.*

*Consequently, the IOC Statutes should be amended to make them more compatible with important trends emerging from the present international discussions. The Commission must be able to demonstrate that it has a valuable role*

to play in marine scientific research, protection and preservation of the marine environment, and transfer of knowledge and technology; otherwise, activities which might most effectively be conducted by the Commission could conceivably be undertaken by other competent organizations.

Also, a reason for amending the Statutes is that the Conference on the Law of the Sea is a UN undertaking. The philosophy which emerges from the Conference is expected to influence strongly the policies of the UN and the specialized agencies."<sup>3</sup>

However, although the Working Group debated at length the question of amending the Statutes, no consensus could be reached on all the amendments. The Working Group therefore prepared a Table showing the various alternatives proposed for the consideration of the Executive Council. These are listed on pages 9 to 17 of Document IOC/EC-XI/21 which is attached as Annex V hereto.

The Executive Council, at its Eleventh Session early in 1979, confined its consideration to IOC Statutes 1 to 8 because of time constraints. It noted, however, that three of the proposed amendments had received unanimous acceptance by the Working Group and, therefore, passed Resolution EC-XI.15 which recommended:

"(a) that Article 1, paragraph 1 of the Statutes be amended to read:

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

(b) that two new sub-paragraphs be added to Article 2 as follows:

*"j) promote, plan and co-ordinate research programmes, monitoring systems and assessment studies on the quality of the marine environment and thereby contribute to the management and protection of the marine environment in collaboration with Member States and the appropriate international organizations;*

*h) 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 sub-soil, and its interactions with the atmosphere and the land masses, as may be decided by its Member States."*

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<sup>3</sup> Recommendations of the Working Group on the Future Role and Functions of the Commission, Document IOC/EC-XI/21, page 7.

The Resolution went on to recommend that the Resolution be accompanied by 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. The full text of Resolution EC-XI.15 is attached as Annex VI hereto.

The decision to move ahead only with amendments to Articles 1 and 2 took into account the fact that the next meeting of the Unesco General Conference was due to take place in September 1980. There was therefore some urgency to have the amendments passed by the Eleventh Session of the IOC Assembly scheduled for the fall of 1979. Any delay or postponement would mean that the Unesco General Conference would not be able to consider the matter until its 22nd session in the second half of 1983. Thus it was decided to go forward with the amendments to the first two Articles. As the amendments to other Articles were designed merely to make them more precise and to bring them into harmony with the terminology of the Third UN Conference on the Law of the Sea, it was felt that a further revised text could be prepared later for possible adoption at the 22nd General Conference of Unesco.

In keeping with the spirit of Resolution EC-XI.15, the IOC Secretariat prepared a full explanation of the rationale behind the amendments, entitled: "Proposed Amendments to the Statutes of the Inter-Governmental Oceanographic Commission" (Document IOC/INF-408) which is attached as Annex VII to the present Document.

Immediately prior to the Eleventh Session of the Assembly, the Twelfth Session of the Executive Council was convened. Here, Document IOC/INF-408, along with an Assembly draft resolution proposing amendments to the Statutes, were discussed. Two problems arose. The first was that the draft resolution was not exactly the same as Resolution EC-XI.15 in that it contained a proposed amendment to Article 9 which would change the title of the IOC Secretary to "Executive Secretary". The second was that one delegate went on record as being unable to agree with several of the recommendations on the Future Role and Functions of the Commission, notably those recommendations which had implications for statute amendment. In his opinion, the IOC Statutes already provided the fullest and clearest guidance possible. Neither was he fully convinced of the usefulness of the proposed amendment to Article 2, by the addition of two new paragraphs (j) and (k), the implications of which were not clear, particularly regarding relationships with other international organizations in the case of paragraph (j), and, in the case of paragraph (k), in the lack of a definition of a framework for marine research, which was still being negotiated in the Third United Nations Conference on the Law of the Sea. He stated, however, that he would not stand in the way of a consensus at this stage, but would repeat his viewpoint when the item was taken up by the Assembly. In spite of these problems, it was decided to refer the matter to the Assembly for consideration.

The Eleventh Session of the Assembly took place between 15 October and 3 November, 1979. In the debate under Agenda Item B.6.2.1, (Proposal for Amendment to the Statutes of the Commission) a Draft Resolution (IOC-XI/DR.29 rev.) submitted by the Executive Council was discussed; it is attached as Annex VIII hereto. As expected, when discussion of the item began, the inclusion of an amendment to Article 9 was

questioned. Several Delegates wondered why this had been included when it had not been discussed by the Executive Council at its Eleventh Session (Document IOC/EC-XI/3, Section 4). Others pointed out that no decision could be taken on Article 9 because the proposed changes had not been circulated at least three months prior to the Session of the Assembly as stipulated in Rule of Procedure No. 56, paragraph 2a. It was therefore proposed that, before adopting that part of the draft resolution dealing with the change to the title of the Secretary's position, it would be necessary to suspend Rule 56, paragraph 2. While this proposal seemed to satisfy some delegations, it had the effect on others of making it seem as though the amendments were being pushed through too quickly.

On the question of Articles 1 and 2, a number of countries supported the amendment of both; some, only one or the other; and a few, neither. Most of those opposed were of the opinion that Document IOC/INF-408 did not satisfactorily explain the need for amendment and that the proposed amendments were premature considering that the Law of the Sea Conference was not yet resolved. As no consensus could be reached, the Chairman decided to put all four proposed amendments to the Statutes to a vote, but, when the time came for the vote, there was no quorum present.

In an effort to find a solution, the Assembly asked a legal advisor from the Unesco Secretariat for an opinion on what could be done. Quoting from the Commission's Rule of Procedure No. 56, paragraph 3, the legal advisor pointed out that:

*"A majority of all Member States of the Commission shall be required for the adoption of a recommendation for the amendment of the Statutes."*

Other possible avenues of putting the draft resolution before the General Conference were also explored: but in the final analysis the legal advisor reached the conclusion that:

*"... in the light of the situation in which resolution IOC-XI/DR.29 rev. found itself, it would not be technically feasible for the envisaged amendments indicated in that draft resolution to be adopted by the General Conference at its twenty-first session because, on the one hand, the Commission was unable to make before this session of the General Conference the recommendation required by Article 13 of the IOC Statutes and, on the other hand, it was not practicable for the "consultation" demanded by that Article to take place in time for the General Conference to adopt, if it so wished, the draft amendments which were the subject matter of resolution IOC-XI/DR.29 rev. In conclusion, he stated that it was possible for the views of IOC Member States regarding these draft amendments to be communicated to the General Conference for information, it being understood, however, that this could not constitute the "consultation" with the Commission required by Article 13 of its Statutes."<sup>4</sup>*

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<sup>4</sup> Summary Report, Eleventh Session of the Assembly, SC/MD/65, page 65.

In view of this advice, no vote was taken and the draft resolution therefore lapsed. After considerable discussion, it was decided that delegates wishing to do so could present their views on the proposed amendments in writing for inclusion in the Summary Report. Thirty-eight delegations did so. Of these, twenty-seven were basically in favour of the amendments, ten were opposed, and one was partially in favour but with some reservations.

Since the Eleventh Session of the Assembly, no further attempts have been made, either in the Executive Council or the Assembly, to have the Statutes amended. At the Thirteenth Session of the Executive Council in June 1980, however, the decision was made to establish an ad hoc 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 with a view to identifying the functions set forth in that text which the IOC is competent to perform or which may be the subject of a possible future request. At its First Session, which was held in Tenerife, Spain, in June 1981, the Task Team went through the draft Law of the Sea Convention Article by Article, examining each one in the light of four specific 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?

Although insufficient time was available at the First Session, the Task Team thought that two other important questions also needed to be addressed, namely:

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

Therefore, at its Second Session, the Task Team re-examined the Articles, this time including a preliminary assessment of their statutory, structural and budgetary implications. Interestingly, the initial reaction by the Task Team to the statute-amendment question was that most of the 57 Convention Articles examined would not necessitate changes in the IOC Statutes in order for the Commission to perform the functions implied. The only cases where an amendment might be warranted were with respect to three Convention Articles dealing with fundamental rights of competent international organizations to conduct marine scientific research and another seven Articles that would place specific obligations on the Commission if it were to conduct marine scientific research on its own account. The Summary Evaluation which was prepared by the Task Team and which includes the results of the statute-amendment question is attached as Annex IX to the present Document (and as Annex IV to Document IOC/TT-LOSI-II/3 - Summary Report of the Second Session of the Task Team).



Finally, in November, 1982, in reporting to the Twelfth Session of the Assembly on progress made by the Task Team, the Secretary pointed out that, owing to time limitations, the possible budgetary, staffing, structural and statutory implications of the relevant Articles of the Convention on the Law of the Sea had only been addressed in a preliminary way. Emphasizing that the implications are the most important matters to be discussed, the Assembly encouraged the Task Team to continue its work.

#### CONCLUSIONS

The UN Convention on the Law of the Sea has been adopted and has now been signed by about 130 countries. It is not now known if and when it will be ratified by the requisite number of States to bring it into effect, nor is it clear what would be the position of IOC Member States that have not signed it or will not ratify it. Nevertheless, many of its tenets (notably, the establishment of Exclusive Economic Zones) are being put into practice by Member States, and there is emerging, in effect, what is often referred to as the New Ocean Regime which is shaping national and international approaches to the use, management and protection of the ocean and its resources. As noted above, the governing bodies decided that detailed consideration of several aspects of the IOC Statutes should be deferred until the Third UN Conference on the Law of the Sea had completed its work. Nevertheless, they also recognized the need to adapt the Commission to the growing needs of the Member States, particularly in the context of the New Ocean Regime. It is hoped that this compilation of background documentation on the statute-amendment question will be of assistance in the further consideration of this important matter.

SECTION 1

Statutes of the Commission

The Statutes of the Commission were revised during 1969-1970, accepted by the Commission at its sixth session by the adoption of resolution VI-3, and brought into force immediately following the closure of the seventh session of the Commission, by the sixteenth session of the General Conference of Unesco through adoption of resolution 2.343 (13 November 1970).

Article 1

1. The Intergovernmental Oceanographic Commission, hereafter called the Commission, is established within the United Nations Educational, Scientific and Cultural Organization.
2. The purpose of the Commission is to promote scientific investigation with a view to learning more about the nature and resources of the oceans through the concerted action of its members.
3. The Commission shall seek to collaborate with all international organizations concerned with the work of the Commission and especially closely with those organizations of the United Nations system which are prepared to contribute to the Commission's Secretariat, to sustain the work of the Commission through the relevant parts of the programmes of such organizations, and to use the Commission for advice and review in the area of marine science.

Article 2

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;
- (f) make recommendations to strengthen education and training programmes in marine science and its technology;
- (g) develop and make recommendations for assistance programmes in marine science and its technology;
- (h) 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;

- (1) promote freedom of scientific investigation of the oceans for the benefits of all mankind, taking into account all interests and rights of coastal countries concerning scientific research in the zones under their jurisdiction,

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.

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 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.

#### Article 4

1. Membership of the Commission shall be open to any Member State of any one of the organizations of the United Nations system.
2. States covered by the terms of paragraph 1 above shall acquire membership of the Commission by notifying the Director-General of the United Nations Educational, Scientific and Cultural Organization, either directly or through the executive head of any organization of the United Nations system. Membership will take effect from the date of receipt by the Director-General of the United Nations Educational, Scientific and Cultural Organization of such notification.
3. Any member of the Commission may withdraw from it by giving notice of its intention to do so to the Director-General of the United Nations Educational, Scientific and Cultural Organization. Such notice shall take effect at the end of the first session of the Commission which follows the date on which notice has been given or, if notice has been given during the course of a session of the Commission, at the end of that session, unless withdrawn prior to that time.
4. A Member State of the Commission which practises apartheid may be suspended from exercise of the rights and privileges entailed by membership of the Commission by decision of the General Conference. Exercise of those rights and privileges may be restored by decision of the General Conference.
5. The Director-General of the United Nations Educational, Scientific and Cultural Organization shall inform the Chairman of the Commission, the executive heads of the organizations of the United Nations system and Member States of the Commission of all notifications received by him under the present Article.

#### Article 5

1. The Commission shall consist of an Assembly, an Executive Council, a Secretariat and such subsidiary bodies as it may establish.
2. The Assembly shall be the principal organ of the Commission and, without prejudice to the provisions of paragraph 3 of this Article, shall make all decisions necessary to accomplish the purpose of the Commission.
3. The Executive Council shall exercise the responsibilities delegated to it by the Assembly and act on its behalf in the implementation of decisions of the Assembly; for these purposes the Executive Council shall provide guidance to the Secretariat of the Commission. It shall convene as is laid down in the Rules of Procedure. It shall, in any case, convene when five of its members or the Chairman so request.

4. During the course of each ordinary session, the Assembly, taking into account the principles of geographical distribution shall elect:
  - (a) a Chairman and four Vice-Chairmen who shall be the officers of the Commission, its Assembly and its Executive Council;
  - (b) Member States of the Commission who shall each designate a representative of that State to serve on the Executive Council; the number of Member States to be elected to the Executive Council shall be fixed by the Rules of Procedure. This number shall not exceed one-fourth the number of the members of the Commission.
5. The Chairman, the four Vice-Chairmen and the representatives of the Member States so elected shall constitute the Executive Council.
  - (a) Each member of the Executive Council shall represent his State.
  - (b) Each member of the Executive Council shall have one vote.
  - (c) Members of the Executive Council may be accompanied by alternates and advisers.
  - (d) The Executive Council may not include among its members more than one national of a Member State.
6. The term of office of the members of the Executive Council shall commence at the end of the session of the Assembly during which they have been elected and expire at the end of the next ordinary session of the Assembly.

#### Article 6

The Commission may create, for the examination and execution of specific projects, committees or other subsidiary bodies composed of Member States interested in such projects, or of individual experts. Committees or other bodies composed of Member States or individual experts may also be established or convened by the Commission jointly with other organizations.

#### Article 7

1. The Assembly shall be convened in ordinary session every two years. Extraordinary sessions may be convened under conditions specified in the Rules of Procedure.
2. Each Member State shall have one vote and may send such representatives, alternates and advisers as it deems necessary to sessions of the Assembly.
3. The Assembly shall determine the Commission's Rules of Procedure.

#### Article 8

Subject to provisions in the Rules of Procedure regarding closed meetings, participation in the meetings of the Assembly, of the Executive Council and subsidiary bodies, without the right to vote, is open to:

- (a) representatives of Member States of organizations in the United Nations system which are not members of the Commission;
- (b) representatives of the organizations in the United Nations system;
- (c) representatives of such other intergovernmental and non-governmental organizations as may be invited subject to conditions to be determined in the Rules of Procedure.

#### Article 9

1. With due regard to the applicable Staff Regulations and Rules of the United Nations Educational, Scientific and Cultural Organization, the Secretariat of the Commission shall consist of personnel provided by the United Nations Educational, Scientific and Cultural Organization, as well as such personnel as may be provided, at their expense, by the United Nations, the Food and Agriculture Organization of the United Nations, the World Meteorological Organization and the Intergovernmental Maritime Consultative Organization, and other organizations of the United Nations system.

2. The Secretary of the Commission shall be appointed by the Director-General of the United Nations Educational, Scientific and Cultural Organization following consultation with the Executive Council of the Commission.

Article 10

1. The programmes sponsored and co-ordinated by the Commission and recommended to its Member States for their concerted action shall be carried out with the aid of the resources of participating Member States, in accordance with the obligations that each State is willing to assume.
2. The expenditures of the Commission shall be financed from funds appropriated for this purpose by the General Conference of the United Nations Educational, Scientific and Cultural Organization as well as from such additional resources as may be made available by other organizations of the United Nations system and by Member States, and from other sources.
3. Voluntary contributions may be accepted and established as trust funds in accordance with the financial regulations of the United Nations Educational, Scientific and Cultural Organization and administered by the Director-General of that Organization. Such contributions shall be allocated by the Commission for its programmes.

Article 11

The Commission may decide upon the mechanism through which it may obtain scientific advice.

Article 12

The Commission shall prepare regular reports on its activities, which shall be submitted to the General Conference of the United Nations Educational, Scientific and Cultural Organization. These reports shall also be addressed to the Member States of the Commission as well as to the organizations within the United Nations system covered by paragraph 3 of Article 1.

Article 13

The General Conference of Unesco may amend these Statutes following a recommendation of, or after consultation with, the Commission. Unless otherwise provided by the General Conference, an amendment to these Statutes shall enter into force on the date of its adoption by the General Conference.

Resolution X-25

THE FUTURE ROLE AND FUNCTIONS OF THE COMMISSION

The Intergovernmental Oceanographic Commission,

Referring to Article 1, paragraph 2, of the Statutes of the Commission,

Noting that the increased membership of IOC and the consequent larger participation of developing countries call for an increased effort by the Commission to promote international co-operation in marine scientific research and to provide appropriate assistance to Member States to allow them to participate fully in the exploration, rational exploitation and preservation of the marine environment and the protection of life and property,

Noting in particular the increased complexity of multilateral arrangements needed for the successful prosecution of marine scientific research, resulting from recent changes in, and possible changes which may result from, any new ocean regime,

Recognizing that the implementation of any new ocean regime might call for a review of the structure, functions, powers and capabilities of international organizations which are active in ocean affairs,

Noting the Progress Report by the Chairman of the ad hoc Task Team on the Potential Future Role and Functions of the Commission, established by resolution EC-VIII, 11 (document IOC/EC-IX/6),

Decides to establish a Working Group on the Future Role and Functions of the Commission with the membership, terms of reference, procedures of work and budget as described in the attached Annex I;

Requests the Member States listed in Annex II to designate their representatives on the Working Group within 6 weeks after the date of this resolution;

Invites those Member States to consider the designation of representatives who are familiar with the work of the Commission and who have experience in ocean affairs or the management of marine scientific research programmes or institutes;

Designates the Chairman of the Commission ex-officio as Chairman of the Working Group and as special envoy of the Commission in performing the tasks described in Annex I, particularly with respect to the ICSPRO<sup>(1)</sup> agencies in seeking their co-operation and assistance;

Further designates the First Vice-Chairman of the Commission ex-officio as Vice-Chairman of the Working Group, to assist the Chairman of the Working Group in his tasks and act as additional special envoy of the Commission, as and when necessary, and so required by the Chairman;

Instructs the Secretary to provide the Working Group and its Chairman with such assistance as is requested by them;

Requests the Chairman of the Working Group to report on the work of the Group to the tenth session of the Executive Council<sup>(2)</sup> and to submit the Group's recommendations and the Executive Council's comments to the eleventh session of the Executive Council;<sup>(3)</sup>

Further instructs the Secretary to distribute to Member States a summary of the work undertaken before the eleventh session of the Assembly;

Decides that the need for and the possible continuation of the Working Group together with its membership, terms of reference, chairmanship and procedure of work, shall be reviewed at the eleventh session of the Assembly.<sup>(4)</sup>

(1) Inter-secretariat Committee on Scientific Programmes Relating to Oceanography (i.e. at present the United Nations, FAO, Unesco, WMO, IMCO).

(2) Scheduled for June 1978.

(3) Scheduled for February 1979.

(4) Scheduled for October 1979.

Annex I to resolution X-25

The Working Group on the Future Role and Functions of the Commission

1. Membership

The Working Group shall consist of its Chairman, Vice-Chairman and the representatives of those Member States of the Commission as listed in Annex II, these Member States having been chosen with regard to geographical representation.

2. Terms of reference

The Working Group shall:

- (a) study the objectives, functions, work and structure of the Commission, including the budgetary requirements, in order to determine any deficiencies and to identify their causes;
- (b) identify possible future objectives and functions of the Commission in the light of its increased membership and the development of the regime for marine scientific research, the exploration and rational exploitation of marine resources and related activities;
- (c) examine the relationship of the Commission with the United Nations agencies, in particular with Unesco and its Division of Marine Sciences and the other ICSPRO agencies;
- (d) prepare recommendations for any necessary changes in the objectives, functions, work and structure, including budgetary planning requirements.

3. Procedure of work

The Working Group shall:

- (a) meet as soon as possible after the approval of this resolution;
- (b) consider the problems as identified by the Member States during the tenth session of the Assembly and the comments, suggestions or proposals subsequently received from Member States and other sources;
- (c) outline the method, procedures of work and the implementation of the necessary action;
- (d) consider the alternatives and their consequences in order to make appropriate recommendations to the Executive Council and Assembly.

The Chairman of the Working Group shall consult with the Member States as well as with Executive Heads of the United Nations, its Specialized Agencies and other competent international organizations.

Moreover, all Member States are invited to forward comments, suggestions or proposals on any topic connected with the Terms of Reference of the Group, to all members of the Working Group and to the Secretary, at least one month before the first session of the Group.

In submitting its report and recommendations to the eleventh session of the Executive Council, the Working Group shall take into account the results of these consultations.

4. Budget

It is estimated that the activities of the Chairman and/or the Vice-Chairman and any necessary secretariat support services will be in the order of \$20,000 per year, to which Member States are requested to make voluntary contributions to cover the aforementioned costs.

Annex II to resolution X-25

Member States of the Commission to be represented on the Working Group

Algeria  
Brazil  
Bulgaria  
Canada  
    (Vice-Chairman)  
Egypt  
India

Italy  
Japan  
Kenya  
Mexico  
    (Chairman)  
Netherlands  
Peru

Philippines  
Portugal  
Senegal  
Sweden  
Trinidad and Tobago  
U. S. A.  
USSR



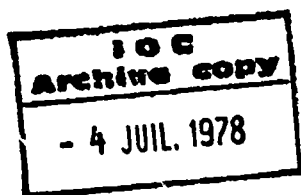
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IOC/INF-607  
Annex III

- 17 -

IOC/WG-FUROF -I/4  
Ottawa, 25 May 1978  
Original: English



INTERGOVERNMENTAL OCEANOGRAPHIC COMMISSION  
(of Unesco)

Working Group on the Future Role and Functions  
of the Commission

First Session, Rome, 12-15 June 1978

SYNTHESIS OF QUESTIONNAIRE RESPONSES

The attached material was prepared by an analysis team which met in Ottawa, 27-29 April 1978. Additional material which has been received since these dates will be incorporated in an appendix which will be made available at the session.

## SYNTHESIS OF QUESTIONNAIRE RESPONSES

### Introduction

A very encouraging response to the questionnaire was received. Eleven Working Group members, Bulgaria, Canada, India, Japan, Kenya, Mexico, the Netherlands, the Philippines, Sweden, U.S.A. and the U.S.S.R., submitted replies in time for the Joint Analysis Team to complete its synthesis. Although the answers were not always perfectly clear, the responses as a whole clearly revealed the general will of the Working Group.

All comments provided in the responses were carefully considered and were synthesized into suggested issues which could receive further consideration by the Working Group. The suggested issues indicate some of the basic problems surrounding the questions posed by the questionnaire.

**Questionnaire 1 Part 1 - Programme A:  
Marine Sciences Studies Related to the Protection of Life and Property**

**Question:**

Can you identify a marine-based phenomenon the study of which would be of interest to you or to countries in your region and which could result in the protection of life and property?

**Results and Comments:**

Three types of programmes were suggested namely studies on sea level variations, climatic change, and biological threats. Of these, sea level variation studies seemed to be of greatest concern with eight countries indicating an interest. Within the sea level variations group, five countries expressed an interest in tsunami studies.

The consensus for all programmes under this category was that IOC has a lead role to play. For the summary we have assumed that "programme coordination" is a lead role, which naturally encompasses cooperative and advisory roles.

Although IGOSS, GIPME, IODE, ITSU, etc. have on-going programmes in this area, most of the suggested studies would mean the initiation of new programmes.

In only one programme - Storm Surges - is the IOC role cited as "Advisory" only, a storm surge prediction programme being already in existence in the area concerned.

The designation of the Advisory, Programme Coordination, and Arranging Assistance, categories for the IOC role were answered very generally in the questionnaire and as such the value of these answers may be suspect.

Questionnaire 1 Part 1

**Programme A - Marine Studies Related to the Protection of Life and Property**

Name Group	Suggested Studies	Support	IOC Role			IOC Programme		
			Advisory	Cooperative	Lead	New	Extension	Existing
Variations	Tsunamis	5	xx	xxx	xxxx (5)			G
	Volcanic and tectonic activity	1	x	x	x			ITSU
	Storm surges (hurricanes and high winds)	3	x	x	x(4)			
	Tropical cyclones, typhoons (air-sea interaction in relation to typhoon generation and moderation)	3	x	x	x	0	IGOSS	
	Prediction and warning techniques for anomalous tides (including storm surge)	2	x	x	x	0		
	Sea state - prediction and warning	1	x		(2)			
	Comprehensive wave climate program including monitoring, forecasting, etc.	1		x	x	0		
	High waves	1	x	x	x			
Change	Climatic change in connection with long-term variations in sea ice content and corresponding changes in sea level	3			x(3)			
	Ocean influence on climate			x	x			
Threats	Prediction, detection and control of "red tide" type of phenomenon	1		x	x	0	MARMOPP IGOSS/ GIPME	
	Note: Circulation in the north and central western Indian Ocean, etc. - transferred to C.							

**Questionnaire 1 Part 1 - Programme 8:  
Marine Sciences Studies Related to Non-Renewable Resources**

**Question:**

Can you identify marine science studies related to non-renewable marine resources which would be of interest to you or to countries in your region?

**Results and Comments:**

In analysing the responses, the decision was made to divide the studies into two broad areas: Coastal Resources and Oceanic Resources. This was sometimes difficult because some of the studies suggested were unique and interesting in their own right. However, the division generally simplified the analysis and it was felt that the coastal/ocean split reflected real political concerns.

Interest was fairly evenly split in both programme areas. The most recurrent theme was the need for geological studies as indicated by seven countries.

In some cases the "support" for a programme group seems less than the number of programmes listed. This occurs because some answers listed more than one programme in the group.

One country indicated that this programme category would not be suitable for IOC involvement.

Questionnaire 1 Part 1

Programme B - Marine Science Studies Related to Non-Renewable Resources

Theme Group	Suggested Studies	S u p p o r t	IOC Role			IOC Programme		
			Advisory	Cooperative	Lead	New	Extension	Existing
Resources	Environmental geology of coastal areas for harbour maintenance, bathymetry, offshore mineral deposit origin and evaluation	4	x	x	x			
	Broad-scale geological and geophysical surveys along the coast of Somalia, Kenya, Tanzania, and Madagascar		x	x	x			
	Coastal zone management particularly recreational areas as well as littorodynamics and hydrodynamics of the coastal zone in general		-	-	-(4)	0		
	Energy sources on the continental shelf		x	x	x			
	Environmental geology of continental shelf margins		x	x	x			
	Marine geology of North Atlantic shelf areas with regard to minable sand, heavy minerals and gravel		x					
Resources	Geophysical/geological survey of the continental margins and deep ocean basins	7	x	x	x			
	The Westpac program		x	x			WESTPAC	
	Continued studies of plate tectonics and continental drift as they relate to explorations for minerals		x	x	x			
	Studies of metallogenesis in the ocean		x	x	x(5)	0		
	Environmental aspects of ocean mineral exploitation including studies of sea floor engineering properties		x	x	x			
	The study of areas of open sea and ocean in which there is a prospect of finding oil, gas, and other mineral sources				x			
	Geophysical/geological survey of the North Atlantic - geology of ocean floor (Mg nodules)		x					
	Geophysical/geological survey of the South China Sea		x	x	x		CCOP ESCAP	
	Geophysical/geological survey of the Celebes Sea		x	x	x			
	Continental rise study in the Arabian Sea and Bay of Bengal (including history of sedimentation and hydrocarbon potentials)		x	x	x			

**Questionnaire 1 Part 1 - Programme C:  
Marine Science Studies Related to Living Resources**

**Question:**

Can you identify marine science studies related to living marine resources which would be of interest to you or to countries in your region?

**Results and Comments:**

This category evoked an interesting and strong response from the Working Group. It is obvious that there is a great deal of interest in the living resources of the oceans and their variation with oceanographic conditions. Two broad programme areas emerged: Living Resource Management and Ocean Influences on Living Resources. Seven countries expressed interest in studies related to the former. Ecosystems studies seemed to be the approach most favoured.

Several answers referred to southern resources which, if extensive, may necessitate a multinational control mechanism.

Most of the answers put the IOC in a lead role; however, for the living resource management aspects the FAO would be an obvious choice. In terms of the biological productivity and its variation with oceanic parameters, the IOC through its IGOSS programme etc. would play an important role.

Questionnaire 1 Part 1

Programme C - Marine Studies Related to Living Resources

Theme Group	Suggested Programme	Support	ICC Role			IOC Programme		
			Advisory	Cooperative	Lead	New	Extension	Existing
source ment	Ecosystem study in oligotrophic waters - living aquatic resources management and particularly resources of krill in the southern seas	7	x	x	x			
	Cooperative studies on marine ecosystems in CINCWIO region and elsewhere		x	x	x			
	The Panama Zone in relation to resources of commercial interest		x	x	x			
	Dynamic and zoologic ecology of coral outcrops in the Caribbean		x	x	x(5)	0	IOCARIBE	
	IOCARIBE - Improved knowledge and data		x	x	x			
	Mariculture							
	Determination of deep-water shrimp resources in South China Seas or Kuroshio region			x	x		WESTPAC	
	Determination of the breeding areas of Pacific freshwater species			x	x			
	Determination of small deepwater pelagics not used for food, but possibly good source of fish meal			x x	x x			
	Circulation in the North & Central Western Indian Ocean associated with upwellings and fish migration	6	x	x	x			
Influences g Resources	Research on the biological productivity of the seas and oceans etc.			x	x			
	Long and short term fluctuation of oceanographic conditions and its influence on biological productivity		x		(4)	0	IGOSS	
	Studies on the general oceanographic conditions in the California Current and related areas		x	x	x			
	- Upwelling phenomena		x	x	x			
	- Thermal Fronts		x	x	x			
	Oceanography related to fisheries and ecosystems		x	x	x			
	Migratory routes of mackerel and sardines and their breeding grounds and effect of environment on the behavior of these fish			x				



**Questionnaire 1 Part 1 - Programme 0:**

**Marine Science Studies Related to the Preservation and Protection of the Marine Environment**

**Question:**

Can you identify studies related to the preservation and protection of the marine environment which could be of benefit to you or to countries in your region?

**Results and Comments:**

The studies fell into three general areas namely: Pollution monitoring, pollution research and pathways of pollution. The area of greatest interest appeared to be in the area of pollution monitoring where five countries suggested ten rather varied studies.

The majority of the proposed studies could be classified as extensions of the pollution research programs (GIPME) and the pollution monitoring programs (IGOSS) already underway.

Questionnaire 1 Part 1

Programme D - Marine Science Studies Related to the Preservation and Protection of the Marine Environment

Time Group	Suggested Programme	Support	IOC Role			IOC Programme		
			Advisory	Cooperative	Lead	New	Extension	Existing
Monitoring	The use of bio-indicators for a global study of pollutants	5			x			
	The impact of mineral resource exploitation from the sea bed on the living environment				x			
	Environmental quality and its human interrelationships		x	x	x			
	Study on the reef communities in the Gulf of Mexico and Caribbean with the purpose of preventing their deterioration		x	x	x(5)			IOCARIBE
	Study of pollution originating on land		x	x	x			POOL
	Study of the river input to ocean system		x	x	x		GIPME	RIOS
	Marine Pollution (Petroleum) Pilot Project							
	Monitoring and baseline studies of selected natural and artificial substances in seawater		x	x	x			
Research	MAPMOPP applied to CINCWIO	2	x	x	x			
	Transport and transfer of pollutants in the food chain		x	x	x			
	The relationship between geochemical behaviour of natural and man-made substances and the physical processes in river outlets				x(2)		GIPME	
	Determination of mutagenic activity of toxic substances in the marine environment				x			
	The hazards of organic halogenated compounds in the marine environment				x			
	Global research studies on pollution in the marine environment			x	x		GIPME	
	Pollution problems in coastal as well as offshore areas of the Arabian Sea and Bay of Bengal		x	x	x			GIPME
	Mangrove ecosystem as sewage and sediment buffer zones		x	x	x			GIPME
and 1 of	The development of ways and means to combat oil and other pollutants in the Black Sea	3		x	x			
	The identification of activities associated with determining the distribution of pollutants		x	x	x(3)	0		
	Cooperative study of the physical oceanography of the South China Sea		x	x	x			

**Questionnaire 1 Part 1 - Programme E:**

**Marine Science Studies Related to Coastal Zone Resources and Uses**

**Question:**

Can you identify coastal zone studies which would be of interest to you, to your region or to countries elsewhere with similar coastal zone problems or geographical features?

**Results and Comments:**

This category produced a noticeably weaker response, with only seven countries responding. Some of the studies proposed could perhaps be considered as sub-programmes to those proposed for programmes A-D.

Questionnaire 1 Part 1

Programme E - Marine Science Studies Related to Coastal Zone Resources and Uses

Theme Group	Suggested Programme	Support	IOC Role			IOC Programme		
			Advisory	Cooperative	Lead	New	Extension	Existing
one tent	Coastal zone management in the Western Pacific	6	x	x				
	Influence of coastal zone development on living resources			x	x			
	Beach erosion, coastal pollution and sand bar formation in estuaries		x	x				
	Engineering properties of sea floor			x	x			
	Estuaries, lagoon and inlet studies		x	x	x			
	Productivity studies of offshore shelves and banks		x	x	x(3)			
	Survey of mangrove swamps in CINCWIO area		x	x	x			
	Multidisciplinary study of the coastal zone particularly coastal lagoons and areas adjacent to the Caribbean and Gulf of Mexico		x	x	x			
	Influence of recreation on coastal zone ecology			x	x			
	Harnessing and storage of marine sources of non-fossil energy			x	x			

Questionnaire 1 Part 1

Other Programmes

**Results and Comments:**

These programmes are rather different from the other categories but are nonetheless interesting and could receive more support than at present if Member States were canvassed. Only studies related to the harnessing of ocean energy were mentioned by more than one country.

Questionnaire 1 Part 1

Other Programs

mm Group	Suggested Programme	Support	IOC Role				IOC Programme	
			Advisory	Cooperative	Lead	New	Extension	Existing
	Oceanographic Instrumentation in the IOCARIBE region	1	x	x	x			
	Environmental forecasting	1			x			
	Public awareness of the ocean	1	x	x	x			
	Remote Sensing	1		x	x			
	Harnessing non-fossil fuel energy from the oceans			x	x			
	Ocean energy	2	x	x	x			
	Regional management of oceanographic data and information	1	x	x	x		x	

**Questionnaire I - Part II:  
The Overall IOC Marine Science Programme**

**Questions:**

Should a study be undertaken to re-examine the Commission's role in marine science? If so, should the study address:

- i) the formulation of new objectives of the Commission with respect to its role in ocean science and services, as well as the training and educational components falling within these two categories;
- ii) the relationship of the Commission to other international marine scientific bodies;
- iii) the role of the Commission as a marine scientific advisory body to other U.N. agencies;
- iv) the role of the Commission as an advisory body to its members concerning those problems the solution of which requires international cooperation in the field of scientific investigation of the oceans;
- v) the role of the Scientific Advisory Board;
- vi) other?

**Results:**

	New Objectives (i)	Relation with other Bodies (ii)	Role as Advisor to U.N. Bodies (iii)	Role as Advisor to Member States (iv)	Role SAB (v)	(vi)
YES	10	10	11	9	6	3
NO	0	0	0	0	0	0

**Comments:**

1. The study should include an examination of the subsidiary bodies.
2. The Commission has gradually lost its lead role in ocean science with the result that SCOR now sets up and runs international studies at the forefront of knowledge. The IOC should therefore focus its attention on programmes of an applied nature involving developing countries.

**Suggested Issues for the Working Group**

Parts (i), (ii) are very closely related to section III and IV of the questionnaire. Part (iii) is related to questionnaire section III; part (iv) to questionnaire IV and (v) to questionnaire IV-A-1. Therefore the type of study should be considered in conjunction with the analysis of the stated sections.

**Questionnaire II:  
The Role of the IOC in a New Ocean Regime**

Close to <sup>140</sup>~~100~~ countries were represented at the seventh session of the Third United Nations Conference on the Law of the Sea (UNCLOS), held in Geneva, Switzerland, from March 28 to May 19, 1978.

Questionnaire II listed only those 38 articles that refer to a "competent international organization" in three parts of the ICNT: Protection and preservation of the marine environment, Marine scientific research and Development and transfer of marine technology. It was considered that these were the areas more directly connected with the functions and programmes of the IOC.

This part of the questionnaire was answered by eight members of the Working Group. Preferences indicated were as follows (underlined articles are those chosen by at least 5 countries):

**Part XII:**

**Protection and Preservation of the Marine Environment**

Lead Role	Supportive	General	No Role
Article <u>201</u>	<u>198</u>	211	None
<u>202</u>	206	213	
<u>203</u>	<u>208</u>		
<u>205</u>	<u>209</u>		
	210		
	<u>212</u>		

**Part XIII:**

**Marine Scientific Research**

Lead Role	Supportive	General	No Role
Article <u>240</u>	256	253	None
<u>243</u>	263	254	
<u>244</u>		255	
<u>245</u>		257	
248		258	
249		264	
250		266	
<u>252</u>			

**Part XIV:**

**Development and Transfer of Marine Technology**

Lead Role	Supportive	General	No Role
Article <u>267</u>	272	None	None
<u>269</u>	273		
270	274		
271			
<u>271</u>			
278			

In general terms, the trend was in favour of an active role on the part of IOC, particularly in marine scientific research and the development and transfer of marine technology.



According to the majority of opinions received, the IOC is expected to adopt a leading role in the following areas (again, underlined functions are those preferred by at least 5 of the respondents):

**A. Preservation of the marine environment:**

- 1) Promotion of studies, research programmes and exchange of information and data (Art. 201)
- 2) Scientific criteria and regulations (Art. 202)
- 3) Scientific and technical assistance to developing states (Art. 203), and
- 4) Monitoring of the risks or effects of pollution (Art. 205).

**B. Marine scientific research:**

- 1) Promotion of marine scientific research (Art. 240)
- 2) Promotion of international cooperation (Art. 243)
- 3) Creation of favourable conditions (Art. 244)
- 4) Publication and dissemination of information (Art. 245)
- 5) Research project undertaken by an international organization (Art. 248)
- 6) Duty to provide information to the coastal state (Art. 249)
- 7) Duty to comply with certain conditions (Art. 250), and
- 8) General criteria and guidelines (Art. 252).

**C. Development and Transfer of marine technology:**

- 1) Promotion of development and transfer of marine technology (Art. 267)
- 2) Basic objectives (Art. 269)
- 3) Measures to achieve the basic objectives (Art. 270)
- 4) Ways and means of international cooperation (Art. 271)
- 5) Establishment of regional centers (Art. 276), and
- 6) Cooperation among international organizations (Art. 278).

In some instances, it was also evident that the IOC's emphasis should be in a supporting role, particularly in the following areas:

Part XII: Cooperation in formulating international rules, (Art. 198), publication of reports (Art. 206), pollution from land-based sources (Art. 208), from sea-bed activities (Art. 209), from activities in the International Area (Art. 210) and pollution from vessels (Art. 212).

Part XIII: Measures to facilitate marine scientific research (Art. 258) and identification markings and warning signals (Art. 263).

A variety of comments was received, some formulated in very general terms, others in a detailed manner. However, the following could be said to represent the major concerns: IOC should give assistance to developing countries in conducting marine scientific research projects (especially in resource-oriented areas), and IOC should be an effective mechanism for overall coordination.

The following results were obtained for the question:

"Do you feel that the IOC could perform the functions you identified:

	Yes	No
a) with its present statutes - ,	4	5
b) with its present relationship with UNESCO and the ICSPRO agencies -	1	5
c) with its present (in terms of size) Secretariat -?"	2	7

In other words a bare majority was of the opinion that the IOC could not perform the functions identified in the ICNT articles with its present statutes. On the other hand, almost all respondents felt that these functions could not be performed adequately given the present relationship with Unesco and the ICSPRO agencies; and a clear majority felt that the functions could not be carried out given the present (in terms of size) secretariat.

These results should be taken into consideration with respect to other parts of the questionnaires dealing with (a) interrelationships with ICSPRO and other U.N. agencies and (b) work methods.

**Questionnaire III**  
**Interrelationships with ICSPRO and other U.N. Agencies**

**Question 1:**

In order of priority, which U.N. agencies are most important to the IOC?

- U.N.
- UNESCO
- WMO
- FAO
- IMCO
- Others

**Results:**

Respondants assigned priorities 1, 2 or 3 to the agencies listed above as follows:

	UN	UNESCO	WMO	FAO	IMCO	Others
Priority 1	3	7	1	1	0	1
Priority 2	2	2	2	3	0	1
Priority 3	2	1	4	4	2	1

If rank 3 is given to priority 1, rank 2 to priority 2 and rank 1 to priority 3, the following scores result:

		UN	UNESCO	WMO	FAO	IMCO	Others
Rank 3	x	3	7	2	1	0	1
Rank 2	x	2	2	2	3	0	1
Rank 1	x	2	1	4	4	2	1
<b>Scores</b>		<b>15</b>	<b>26</b>	<b>14</b>	<b>13</b>	<b>2</b>	<b>8</b>

This question created difficulties chiefly through the different interpretations placed upon the word "important". As a result, various criteria were used by various respondents and, consequently, the U.N., UNESCO, WMO, FAO and UNEP all received at least one vote for top priority while only IMCO failed to receive at least second priority rating.

**Comments:**

1. "Importance" could be considered in terms of: finances, sciences, programmes and politics.
2. "Importance" would depend upon the IOC's position vis a vis UNESCO. For example, if IOC remains under UNESCO, UNESCO is the most important agency to the IOC; if IOC becomes independent, various agencies (including UNESCO) are more or less equally important.

**Suggested Issues for the Working Group**

The responses reflect the need for further inquiry into the IOC/UNESCO and IOC/other U.N. agencies relationships. Question 3 also addresses this question.

**Questionnaire III**  
**Interrelationships with ICSPRO and other U.N. Agencies**

**Question 2:**

- (a) Are there any non-ICSPRO agencies which are important to the IOC?
- (b) On what ocean matters do you see the IOC serving these other agencies?

**Results:**

- (a) The agencies that the responses identified as being important to the IOC (in order of numerical preference) were:

High        UNEP\*, IHO, ICES

Medium     IAEA, SCOR, WHO, ICSU

Low        UNDP, IAPSO, ILO, ICSEM, SCAR, SEATAR, ECOR, FAO Fisheries Committees

\*Note:     A number of agencies both within and outside the U.N. system was included in the responses.

- (b) The service functions listed (also in numerical order of preference) were:

- Coordination
- Initiation of scientific projects
- Identification of TEMA requirements
- Advice
- Identification of research programmes
- Methodology development

**Suggested Issues for the Working Group**

The responses to this question should be taken into account if a study is generated out of Questionnaire I - Part 2, (ii).

**Questionnaire III**  
**Interrelationships with ICSPRO and other U.N. Agencies**

**Question 3:**

Recognizing that the present ICSPRO arrangement serves the respective secretariats, do you feel that this arrangement is satisfactory?

**Results:**

Yes. - 3      No. - 7

The responses to this question were somewhat split, but the trend was negative indicating some degree of dissatisfaction with the ICSPRO arrangement.

**Comments:**

1. Several responses indicated that the IOC lacked sufficient stature within ICSPRO to exert any appreciable degree of influence.
2. The IOC should be the coordinating mechanism for ICSPRO agency interests in marine science (Related to IV-C).
3. ICSPRO agencies could finance projects of common interest.
4. Greater cooperation between IOC and ICSPRO agencies is necessary.

**Suggested Issues for the Working Group:**

Working Group should attempt to reach a consensus on this question. The need for such a study should also be considered in the light of Questionnaire III-4, II, IV-C and III-5.

**Questionnaire III**  
**Interrelationships with ICSPRO and other U.N. Agencies**

**Question 4:**

A problem has been identified with regard to the status of the IOC within UNESCO and with respect to other agencies. In the light of the present and possible roles of the IOC, which of the following organizational arrangements do you think would be most effective? List your first three choices in order of priority and give reasons:

- (a) the IOC as a UNESCO programme (such as MAB, IHP) with its decisions and elections the responsibility of the General Conference of UNESCO;
- (b) the present arrangement with the IOC as an independent unit within the science sector of UNESCO, having in addition certain responsibilities to the other ICSPRO agencies;
- (c) elevation of the IOC status by the physical separation of the IOC from UNESCO, Paris while retaining most of the present organizational structure (e.g. the International Bureau of Education, Geneva);
- (d) the IOC reporting role transferred to another (more appropriate) U.N. organization. (If so, specify which organization);
- (e) the IOC as an autonomous organization reporting to a board consisting of representatives from all interested U.N. agencies;
- (f) the IOC as an independent U.N. body, alone or grouped with other bodies or units (the following have been mentioned at one time or another: IMCO; Department of Fisheries, FAO; Office of Ocean Economics and Technology, U.N.; Division of Marine Sciences, UNESCO; International Seabed Authority, UNCLOS; IHO.);
- (g) other.

**Results:**

Respondants listed their first three choices in order of priority as follows:

	(a)	(b)	(c)	(d)	(e)	(f)	(g)
Priority 1	0	3	1	0	2	3	1
Priority 2	0	3	3	0	1	1	1
Priority 3	0	1	2	1	1	0	0

If rank 3 is given to priority 1, rank 2 to priority 2 and rank 1 to priority 3, the following scores result:

	(a)	(b)	(c)	(d)	(e)	(f)	(g)
Rank 3 x	0	3	1	0	2	3	1
Rank 2 x	0	3	3	0	1	1	1
Rank 1 x	0	1	2	1	1	0	0
<b>Scores</b>	<b>0</b>	<b>16</b>	<b>11</b>	<b>1</b>	<b>9</b>	<b>11</b>	<b>5</b>

The strongest preference amongst the Working Group was for (b) i.e. for the status quo. However, more respondents gave top priority to some form of change (either (c), (d), (f) or (g)).

**Comments:**

1. One suggestion made was to promote the IOC Secretary to the position of Assistant Director-General.
2. Another alternative mentioned was the possible function of a World Oceanographic Organization (WOO).

**Suggested Issues for the Working Group**

As the vote between change and the status quo was split, the Working Group should attempt to reach a consensus. Inhibiting factors in the present arrangement should be explained as should the feasibility of (c), (e), (f) and (g).

**Questionnaire III**  
**Interrelationships with ICSPRO and other U.N. Agencies**

**Question 5:**

The respective roles of the Secretariat and the Division of Marine Sciences of UNESCO have been examined many times in the past. In the light of the present "in-depth" study of the role and functions of the Commission should another study be carried out? If so, should this study be undertaken by:

- i) the Secretariat and the Division of Marine Sciences.(OCE)?
- ii) a member of the Working Group?
- iii) a consultant?

**Results:**

Yes - 7      No - 1      Possibly - 1

Although not as many countries answered this particular question as others, enough countries indicated "yes" to warrant further discussion on the possibility of a study.

A slight preference for a member of the Working Group to undertake such a study was indicated.

**Comments:**

1. UCE and IOC should be merged.
2. A clear division of responsibilities is required between IOC and OCE.

**Suggested Issues for the Working Group**

The Working Group should discuss this question further in order to identify exactly what the problem is. What problems would be created for the IOC if an amalgamation did take place? (It has been suggested that if amalgamation did take place, IOC would then be a UNESCO programme, a situation which the Working Group unanimously disfavours). (See III-4). Also the question of what is feasible must be considered. All these issues would need to be addressed in order to provide the necessary direction to the proposed study.



**Questionnaire IV-A:**  
**Work Methods**

**Question 1:**

In order to achieve a logical development of the Commission's programme from expert groups through to Assembly decisions, should a detailed study be undertaken of the scheduling of meetings on the present 2-year cycle, a new 4-year or other appropriate cycle?

**Results:**

Yes - 9      No - 2

**Comments:**

1. Many opinions favoured a 3 or 4 year cycle for the Assembly, and a 1 year cycle for the Executive Council.
2. Other opinions favoured a 2 or 3 year cycle for the Assembly, with ad hoc meetings of IOC subsidiary bodies.

**Suggested Issues for the Working Group**

Key priorities to be considered in designing such a study are:

- a) What are the purposes of the meetings?
- b) What is the relationship between Working Committee, Executive Council, and Assembly meetings?
- c) If frequency of meetings is reduced, what other means are available for meeting the existing work load (e.g. by correspondence)?

**Questionnaire IV-A:**  
**Work Methods**

**Question 2:**

Should a study be undertaken into the organization of the Executive Council and Assembly sessions in order to streamline the procedures and to highlight the scientific activities?

**Results:**

Yes - 8      No - 2

The responses were clearly in favour of a study.

**Comments:**

1. Scientific and organizational sessions should be separated.
2. Administrative and organizational sessions should be reduced.

**Suggested Issues for the Working Group**

It was pointed out in IV-A-1 that the purpose and relationship of the Executive Council and Assembly meetings should be clarified.

Also, the possibility of increasing administrative power for office bearers and/or secretariat in order to reduce the administrative and organizational loads in the sessions should be discussed.

**Questionnaire IV-A:  
Work Methods**

**Question 3:**

Should a study be undertaken into the documentation publication and translation policies of the Commission with the objective of reducing effort and cost?

**Results:**

Yes - 11    No - 0

This was the only unanimous choice in the questionnaire.

**Comments:**

1. The study could be done by the Secretariat.
2. Material must be provided in the working languages.
3. An individual should be commissioned to undertake the study.
4. The Secretary should (be able to) use his discretion as to how much needs to be translated.

**Suggested Issues for the Working Group**

There are two basic problems in relation to translation and documentation:

- a) The effort required by the Secretariat to fulfill this task.
- b) The effort required by Member States to go through the large amount of documents produced. It may be necessary to put more emphasis on executive summaries and filtering processes in order to reduce the documentation while keeping member states fully informed.

The Working Group will have to consider these problems in formulating a study proposal.

**Questionnaire IV-B:  
Regional Requirements**

**Question:**

Should a study be undertaken to determine the effectiveness of IOC regional offices and how these would be maintained under the present financial and manpower restraints?

**Results:**

Yes - 6      No - 3

This question evoked a considerable difference of opinion.

**Comments:**

1. There is a need for closer cooperation between IOC regional offices and regional activities of the ICSPRO agencies and other U.N. bodies.
2. It is premature for a meaningful study to be carried out until the IOCARIBE experiment is complete.

**Suggested Issues for the Working Group**

The Working Group should attempt to reach a consensus on this question. It should consider:

- a) What can be evaluated at this time?
- b) What type of collaboration with ICSPRO and other U.N. bodies is feasible in relation to regionalization?

**Questionnaire IV-C:  
IOC Resources**

**Question:**

Would you agree that a study should be undertaken to investigate other possible sources of assistance and funding:

- i) within the U.N. system? (e.g.
  - (a) funding under regular programme budgets from other ICSPRO agencies as well as UNESCO,
  - (b) contributions from Member States,
  - (c) part of the contributions from Member States to UNESCO (and other ICSPRO agencies?) to be earmarked specifically for IOC).
- ii) other possible sources of funding? (e.g.
  - (a) trust fund contributions,
  - (b) foundations and world economic bodies,
  - (c) ocean exploitation royalties.)

**Results:**

Yes - 10      No - 1

The Working Group seemed to be clearly in favour of a study. A slight preference was indicated for i(a), i(b) and ii(b) as potential sources of funding.

**Comments:**

1. UNDP funds could be handled by the IOC.
2. The study should be undertaken by the Chairman and Vice-Chairman along with the Secretary.
3. There is a need for compulsory contributions from Member States.
4. The outcome of the Law of the Sea Conference may have an influence on IOC funding.
5. Funding should be raised through VAP.
6. Make a clear distinction between IOC and UNESCO budget.
7. A good financial background with adequate staff will enable the IOC to execute its programmes efficiently.

**Suggested Issues for the Working Group**

This question depends heavily on the outcome of Questionnaires III-4 (relationship between IOC and UNESCO), III-3 (ICSPRO arrangement), and on the outcome of the U.N. Conference on the Law of the Sea (UNCLOS).

**Questionnaire IV-D:  
Member States Participation In IOC Activities**

**Question:**

Would you agree that a study should be undertaken to examine how Member States participation could be improved?

**Results:**

Yes - 9      Maybe - 1      No - 1

**Comments:**

1. Greater effort is needed to explain the possible benefits and applications of the various IOC activities.
2. There is a need to strengthen the regional organizations and establish others (e.g. South East Asia, Africa, South America).
3. A better balance is needed between the interests of Developed and Developing countries.
4. The preparation of an information booklet would be useful.

**Suggested Issues for the Working Group**

Any proposed study should examine ways of ensuring that at least a minimal team of scientists in each Member State is able to make use of the benefits to be derived from participation in IOC activities. The study should also consider ways in which communication could be improved between scientists and their governments and should give examples of how Member States have increased their participation in the past.

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Annex IV

- 47 -

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INTERGOVERNMENTAL OCEANOGRAPHIC COMMISSION

Working Group on the Future Role and Functions of the Commission

Second Session, Paris, December 1978

**TASK TEAM STUDY ON THE POSSIBLE NEED  
TO REVISE THE IOC STATUTES AS A RESULT OF  
THE U.N. CONFERENCE ON THE LAW OF THE SEA**

The Task Team was comprised of Dr. M. Ruivo, Portugal; Dr. J.A. Vargas, Mexico; Mr. V. Sladkov, U.S.S.R.; and Mr. J.D. Bradford, Canada.

Functions described in articles related to marine scientific research, protection and preservation of the marine environment, and transfer of technology as contained in the Informal Composite Negotiating Text developed at the Third United Nations Conference on the Law of the Sea are analysed in the light of Articles 1-3 of the IOC Statutes. Philosophical implications of the new legal regime are also taken into consideration.

## TASK TEAM STUDY ON THE POSSIBLE NEED TO REVISE THE IOC STATUTES AS A RESULT OF THE U.N. CONFERENCE ON THE LAW OF THE SEA

### I. Introduction

In the late 1940s a reactivation of international cooperation in marine scientific research took place, essentially on a regional basis. This belief that a better understanding of the oceans and of their processes could be achieved adequately only through international cooperation gained momentum in the fifties. Thus, a major outcome of the consultation which took place at, and following, the First International Oceanographic Congress was the establishment of the IOC in 1960 by the General Conference of UNESCO. The main purpose of the Commission was defined as being "to promote scientific investigation and cooperation with a view to learning more about the nature and resources of the oceans through the concerted action of its members". Initial membership was mainly from developed countries.

Increased membership by developing countries generated new programme priorities as well as a more practical outlook. Programmes under the Commission expanded and, by the end of the 1960s, it was clear that it was necessary for IOC to clarify its mandate and to broaden its basis, so as to be able to interact and collaborate efficiently with other U.N. organizations with major responsibilities in ocean research and applications (FAO, WMO, IMCO and certain units of the U.N.). This was acknowledged in 1968 in the General Assembly Resolution 2414 (XXIII), which led to the establishment of ICSPRO. The ICSPRO arrangement facilitated the use of the Commission by several U.N. organizations which agreed to use the Commission for discharging certain of their responsibilities in the field of marine sciences and services. This led to a revision of the Statutes of the Commission which was approved by the UNESCO General Conference (1970).

Research and monitoring needs and the protection of the marine environment led the U.N. Conference on the Human Environment (Stockholm, 1972) to adopt a recommendation (8F) "requesting Governments to broaden the constitutional, financial and operational basis under which the IOC is at present operating so as to make it an effective joint mechanism for the Governments and the U.N. organizations concerned, and in order that it may be able to take on additional responsibilities for the promotion of scientific programmes and services". Thus the IOC Assembly (1973) adopted two important resolutions aimed at rationalizing the structure of the Commission and at developing the concept of the Commission functioning as a joint specialized mechanism "through the establishment of working relationship documents among the IOC and the agencies concerned".

The level of ocean uses and their interaction as well as ocean research, management, and development increased considerably in the last decade both in magnitude and complexity, without a parallel development and improvement of the international mechanisms with competence in ocean affairs. This trend, among other factors, opened the road to the negotiation of a new ocean régime still being discussed in the Third UNCLOS.

As a result of the work undertaken by UNCLOS III, an Informal Composite Negotiating Text (ICNT) has been produced which contains certain articles referring to functions, rights and duties of "competent international organizations" in marine scientific research, protection of the marine environment and transfer of technology. Should the Conference succeed in producing a Convention, its entering into force would call for an



expanded role of those organizations in order to facilitate an adequate implementation of the Treaty and the necessary cooperation among States. The establishment of Exclusive Economic Zones or of similar areas of national jurisdiction offers new opportunities for socio-economic development of coastal States. Simultaneously, it creates new duties for them, particularly in the study, rational use, conservation and protection of common resources and in the prevention, reduction and control of marine pollution.

Moreover, marine research activities are a source of information and data which can be used as a basis for planning, development, management and rational use of marine environment and resources. The ICNT includes provisions for promoting the flow of scientific information and data and the transfer of knowledge resulting from marine scientific research, in particular to developing States, a process in which competent international organizations are expected to play an important role. The same applies to the transfer of technology taken in its broader sense - that is, including training and education of marine scientific and technical personnel and improvement of national institutions in developing States. Accelerating self-reliance and increasing the participation by all States on an equal footing in the solution of marine problems of common interest are major tasks of international organizations under the new ocean régime.

The Task Team in undertaking the study assigned to it by the IOC Working Group on the Future Role and Functions of the Commission has taken into account these trends in ocean uses and their institutional implications. Particular attention has of course been paid to those ICNT articles which because of their nature seem to fall within the realm of IOC interests both present and future.

## II. Method

The ICNT, including its seven annexes, consists of 373 articles of which 75 refer to "competent international organizations." After studying each of the articles which referred to "competent international organizations, the Task Team felt that 51 articles were of possible interest to the IOC.

The approach adopted was to group the ICNT articles into three main functional categories as follows:

1. Functions which the Commission could clearly undertake given its present Statutes;
2. Functions which the Commission could probably undertake given a very broad interpretation of the IOC Statutes;
3. Functions which would probably necessitate a substantive change in the IOC Statutes.

In attempting this approach it became clear that nearly half of the ICNT Articles could be included in the first category (i.e. Functions which the Commission could clearly undertake given its present Statutes) under four general functions, namely:

- (a) Exchange of marine information, documentation and scientific data (Articles 61, 119, 151, 201, 206, 207, 245);
- (b) Promotion and facilitation of marine scientific research activities and programmes (Articles 123, 143, 151, 201, 240, 243, 244, 251, 252, 256, 276, 278, ICNT Annex VII);

- (c) Promotion and coordination of training programmes in transfer of technology (Articles 144, 203, 204, 267, 269, 273, 274);
- (d) Strengthening the marine sciences infrastructure in developing countries (Articles 252, 270, 271, 272, 276);

Annotations of all the ICNT articles listed above appear in Annex I along with an indication of which IOC Statutes would enable the Commission to perform these functions. Nine ICNT articles qualified for inclusion in the second category (i.e. functions which the Commission could probably undertake given a very broad interpretation of the Statutes). Eight of these (Articles 145, 198, 202, 208, 209, 211, 212 and 213) deal with cooperation in the establishment of guidelines and/or scientific criteria in aid of marine pollution prevention, reduction, or control. The ninth (Article 205) deals with monitoring the risks or effects of pollution. It could be argued that the Commission's statutes presently allow for IOC participation in these fields under Article 2(d) which gives the Commission license to "make recommendations to international organizations concerning activities of such organizations which relate to the Commission's programme". But it can also be argued, particularly by those who look upon the Commission from the outside, that there is nothing in the IOC giving the Commission any mandate whatsoever to participate in matters dealing with marine pollution other than scientific research. It was felt, therefore, that in the light of this difference of opinion these articles should be included in the group which requires broad interpretation of the IOC Statutes. Annotations of the nine ICNT articles thus included appear in Annex II.

Seventeen articles fell into the category of "functions which would probably necessitate a substantive change in the IOC Statutes" (see Annex III). Most of the articles in this group refer to the rights, obligations and responsibilities of a "competent international organization" undertaking research on its own account. The basic rights and obligations are spelled out in ICNT Articles 239, 247, 253, 254, 256, 257, 258, 264 and 266. In addition, a competent international organization such as the Commission would have a duty to carry out other specific functions such as:

- notification of intention to carry out marine scientific research in the exclusive economic zone of coastal states (Articles 248, 255).
- provision of specified information and data to coastal states in whose waters the Commission wishes to conduct marine scientific research (Articles 249, 250).
- encouragement and facilitation of coastal state participation in marine scientific research undertaken by the Commission (Article 250).
- provision of proper identification markings and warning signals on equipment.
- provision of guarantees of responsibility and liability.

Because the wording of the present IOC Statutes nowhere suggests that the Commission is empowered to conduct or carry out marine scientific research on its own account, a substantive change in the Statutes would be required for the IOC to fulfill this mandate in the new ocean regime.

Two others (Articles 199 and 224) describe functions which the IOC might also legitimately wish to perform. Article 199 calls for a "competent international organization" to be notified by any coastal state which perceives the marine environment as being endangered

or damaged by pollution. While another U.N. organization, IMCO, for example, may have been in the minds of the drafters of this article, the IOC may feel that this central office function for the reporting of marine pollution incidents is partially within its sphere of interests. Article 224 calls for a "competent international organization" to participate in legal proceedings resulting from marine pollution violations. Again, IMCO may have been in the minds of the drafters but the IOC might also wish to be actively involved if only in a supportive role.

While Articles 65 and 200 could also conceivably refer to the IOC, it is doubtful that the Commission would be interested in performing such functions as participating in the development of recommendations for the protection and rational use of mammals or, as in Article 200, the joint promotion of contingency plans for responding to pollution incidents.

### III. Discussion

The Task Team is of the opinion that sufficient cause exists on functional grounds to warrant the amendment of the IOC Statutes. There are, however, additional compelling reasons in support of statute amendment.

One reason is that the general philosophical tone of the Statutes, as presently constituted, fails to give sufficient cognizance to the new legal regime which has emerged from UNCLOS III. Part XIII of the ICNT (composed of six sections and 28 articles) explicitly refers to "Marine Scientific Research." It represents the result of negotiations reached in the Third Committee of UNCLOS and embraces the "consent régime" for the conduct of marine scientific research activities. In general, this means that in order for a State or international organization to conduct marine scientific research activities in the Exclusive Economic Zone or on the continental shelf of a particular coastal state, the consent of that coastal state must first be obtained (Article 247, para. 2). This consent régime is different from either the "freedom of scientific research" approach or the so-called "notification" system.

In the IOC Statutes Article 2(i) refers to rights of coastal countries concerning activities in zones under their jurisdiction. But, while granting that this concept is recognized, Article 2(i) weakens or confuses the concept by having as its opening words "Promote freedom of scientific investigation of the oceans." By general agreement at UNCLOS III for the waters of the Exclusive Economic Zone the freedom of marine scientific research concept is incompatible with the consent régime philosophy. Article 2(i) should, therefore, be amended accordingly.

A second deficiency is the lack of any specific indication of interest on the part of the Commission in matters dealing with Part XII of the ICNT i.e. matters dealing with the preservation and protection of the marine environment. By not referring to the pollution problem in its Statutes, the IOC appears to be neglecting or avoiding a problem which not only has been a major issue at the Law of the Sea Conference but has also been an area of major concern to the U.N. for well over a decade. While the term marine scientific research can certainly be interpreted broadly enough to include research on marine pollution, persons outside the IOC might not realize the Commission's commitment in this field. A stronger expression of this commitment in the Articles would be useful in the new ocean regime.

One of the most important roles which the IOC should consider performing in the future is described in Article 252: "... to promote ... the establishment of general criteria and guidelines to assist states in ascertaining the nature and implications of marine scientific

research. In many respects, this is the core issue involving any conduct of marine scientific research activities. This article is fundamental to the consent régime and is a response to the views of the majority at UNCLOS, the poor and developing countries. The Task Team feels that the advisory role of the IOC to its Member States is very important and will be increasingly so in the new ocean régime and should be clearly indicated in the Statutes. Almost certainly a mechanism will have to be devised in the IOC to cope with the task which Article 252 describes.

An important innovation introduced in the ICNT is the recognition, as expressed in Article 239, of the "right to conduct marine scientific research activities," not only by states but also - and this is the important part - by "competent international organizations" such as the IOC. If the IOC were to build this concept into its statutes, it would be the first international organization to affirm its right to conduct marine science. It might also be advantageous to declare in the Statutes that the Commission should coordinate marine scientific activities undertaken by other competent international organizations. Although this might seem like a bold step, it might be an extremely useful one which could result in preventing duplication of effort in future.

#### IV. Suggested Amendments to the IOC Statutes

The new articles and alterations to articles suggested here are presented for discussion purposes only and illustrate the kinds of changes that the Task Team feels are desirable. At this stage, the suggested amendments to the Statutes focus on Articles 1 to 3 which define the purposes and functions of the Commission and its nature and position within the UN system. It is possible that the Working Group studies on financial aspects and implications of constituting the IOC as an independent body will result in suggestions for further amendments.

##### Article 1, Paragraph 1

The Intergovernmental Oceanographic Commission . . . is established, as a body with financial and administrative autonomy within the framework of UNESCO.

##### Comments:

The purpose of this amendment, while not directly related to developments at the Law of the Sea Conference, is to provide the IOC with the stature necessary for a more effective discharge of its functions under the new ocean régime and to enable the Commission to operate more effectively as a joint member of ICSPRO.

##### Article 1, Paragraph 2

The purpose of the Commission is to promote marine scientific research with a view to learning more about the nature, state, and resources of the oceans through the concerted action of its members and to contribute to the application of this knowledge particularly for the benefit of developing countries.

##### Comments:

The inclusion of the word state is intended to indicate in a more positive way the Commission's commitment to research related to the protection and preservation of the

marine environment. The additional material at the end of the paragraph is intended to indicate the Commission's interests in ocean services and the transfer of technology. Thus the IOC's interest in marine scientific research, protection and preservation of the marine environment and transfer of technology, all of which are key elements in the new ocean regime (Parts XII, XIII and XIV of the ICNT), would all be clearly identified in IOC Article 1.

#### Article 1, Paragraph 3

The Commission shall act as a joint specialized mechanism of the organizations of the United Nations system which have agreed formally to use the Commission as an instrument for discharging certain of their responsibilities in the field of marine science and to sustain the work of the Commission through budgetary contributions and relevant parts of the programmes of such organizations, hereafter referred to as sponsoring organizations.

#### Article 1, Paragraph 4 (corresponds to the first two lines of Art. 1, Para 3 of the Statutes)

The Intergovernmental Oceanographic Commission shall seek to cooperate with all other international organizations concerned with the work of the Commission. . . ).

#### Comments:

With the amendments to Paragraph 3 and its splitting into two paragraphs (the first of which includes elements of Article 3 of the Statutes), 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 mechanism of the 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 a 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 member agencies of ICSPRO - a feedback arrangement in which users compensate for costs - is different in nature from the traditional cooperation 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.

#### Article 2

The functions of the Commission shall be:

- (a) define those problems the solution of which requires international cooperation in marine scientific research and review the results of such research;
- (b) develop, recommend, coordinate, and, if appropriate, conduct international marine scientific research programmes and related services which call for concerted action by its members;
- (c) develop, recommend and coordinate with interested international organizations, international marine scientific research programmes and related services which call for concerted action with interested organizations;

Comments:

The purpose of the changes to (a) and (c) is simply to replace the words "scientific investigation of the oceans" with the words "marine scientific research." This is an important change because the participants in the Law of the Sea Conference have, after considerable discussion, agreed on the latter terminology and its use in the ICNT articles. The change would therefore make the IOC Statutes more compatible with the new ocean regime. The same change appears in (b) along with the inclusion of wording which makes it clear that the Commission has a mandate to conduct marine scientific research.

(d) no comments;

(e) promote (and), make recommendations and coordinate services for the exchange of (oceanographic) data, documentation and information in the field of marine scientific investigation and its technology and transfer of knowledge, including the publication and dissemination of results.

Comments:

The purpose of this amendment is to cover the role expected to be played by the IOC in assisting participating Member States, the ICSPRO agencies and other interested bodies in maintaining information services like ASFIS as well as the world, regional and national oceanographic and specialized data centers, as components of global systems (e.g., UNISYST, IRS/UNEP).

(f) make recommendations, promote actively and coordinate the development and transfer of marine science and its technology through the strengthening of national and regional institutions, assistance programs and mutual aid and by developing a strong transfer of technology component in all IOC programmes and services.

Comments:

This amendment is based on the expected increased role to be played by IOC in transfer of technology in its broader sense. The wording follows the relevant provisions of the ICNT.

(g) deleted as covered under (f).

(h) review, make recommendations and provide technical guidance as to the formulation and execution of the marine science programmes of the (UNESCO) sponsoring organizations.

Comments:

The proposed new wording intends to express the special relation between the Commission and the agencies which are members of ICSPRO. Reviewing marine science programmes and formulating recommendations on them and assisting in their implementation are services expected to be provided by the Commission as part of its obligations vis a vis the sponsoring organizations, not only UNESCO.

(i) promote marine scientific research for the benefits of all mankind, in respect of national sovereignty and jurisdiction and with emphasis on the application of marine sciences for the benefit of developing countries.

Comments:

The purpose of this amendment is to avoid what has been one of the most controversial issues in the negotiation under III UNCLOS (freedom versus consent) and to recognize the expressed wish on the part of developing countries for practical applications of marine scientific research. The wording for the first part closely parallels that of Article 243 of the ICNT.

Article 2, Penultimate Paragraph

In carrying out . . . of States which may need and request assistance in the field of marine science and its technology, in particular developing . . .

Comments:

The purpose of the proposed change is to cover the situation contemplated in the relevant Articles of the ICNT dealing with the transfer of technology which have a broader scope than the present penultimate paragraph. It also adds emphasis to the Commission's functions of providing advice to its Member States in accordance with ICNT Articles 212 and 252.

Article 3

Deleted as covered by Article 1, Paragraphs 3 and 4.

Eventual New Function (2(j))

The Commission shall promote, plan and coordinate research programmes and monitoring systems on pollution of the marine environment and contribute to environmental assessment studies and the management and protection of the marine environment in collaboration with the appropriate international organizations and Member States.

Comments:

The purpose of this new article is to cover activities being, in part, already undertaken by the Commission under its Working Committees for GIPME and IGOSS and which are expected to expand in the future. A specific reference to this function in the statutes may help in identifying the Commission's role in the context of activities being undertaken by other international organizations such as IMCO and UNEP, thus facilitating coordination and joint action when appropriate. It would clearly reveal the Commission's preparedness to participate in the formulation of criteria for marine pollution prevention as called for under ICNT Articles 145, 190, 202, 208-213.

V. Conclusion and Recommendation

The Task Team after examining the ICNT articles concludes that the IOC statutes should be amended to make them more compatible functionally and philosophically with important trends emerging from the Third Law of the Sea Conference. By describing certain functions in more precise terms and using terminology accepted at UNCLOS III, the Commission's general role in marine scientific research, protection and preservation of the marine environment, and transfer of technology can be more clearly identified. This would

serve a dual purpose: Not only would it clarify the Commission's role and functions for its own membership, but also it would reveal to other agencies within and outside the U.N. the Commission's intention and preparedness to conduct business in the new ocean régime. The importance of this cannot be over emphasized especially if, after UNCLOS III, a ground swell develops in favour of the creation of some new, world marine science organization such as the proposed new Seabed Authority. The Commission must be able to demonstrate that it has a valuable role to play in marine scientific research, protection and preservation of the marine environment, and transfer of technology; otherwise activities which might easily be conducted by the Commission could conceivably be lost to other organizations to the detriment of efficiency and with increasing costs to member countries.

Equally important as a reason for amending the statutes is the fact that because the Law of the Sea Conference is a U.N. undertaking the philosophy which emerges from the Conference is expected to strongly influence the policies of the organizations comprising the U.N. It is therefore imperative, if the IOC is to seek greater recognition within the U.N. organization, that its roles and functions as revealed by its statutes are clearly in line with U.N. policy with regard to the Law of the Sea.

The Task Team therefore recommends that steps be initiated immediately to amend the IOC Statutes 1 to 3 in the light of the emerging Law of the Sea whose basic principles with regard to marine scientific research, protection and preservation of the marine environment, and transfer of technology have been generally agreed upon. Because the actual amendment process could be lengthy, perhaps up to four to six years, the Task Team further suggests that as soon as statutes acceptable to the Commission have been drafted they, along with a rationale for the amendments, be widely distributed (in draft form) for the information of international organizations concerned with the oceans including, of course, those within the U.N. system.



FUNCTIONS WHICH COULD BE UNDERTAKEN  
GIVEN THE PRESENT IOC STATUTES

Relevant IOC Statute

ICNT Part V Exclusive Economic Zone

Article 61. Conservation of Living Resources.

- para 5.
- Available scientific information . . . , and other data relevant to the conservation of fish stocks shall be contributed and exchanged on a regular basis through subregional, regional and global organizations . . . .

Article 2 (e).

ICNT Part VII High Seas

Article 119. Conservation of the Living Resources of the High Seas.

- para 2.
- Available scientific information . . . , and other data relevant to the conservation of fish stocks shall be contributed and exchanged on a regular basis through subregional, regional and global organizations . . . .

Article 2 (e).

ICNT Part IX Enclosed or Semi-Enclosed Seas

Article 123. Co-operation of States Bordering Enclosed or Semi-Enclosed Seas.

- paras (c) and (d).
- (c) Coordination of state's scientific research policies and undertake where appropriate joint programmes of scientific research in the area.
- (d) Promotion of cooperation with other international organizations in the implementation of (c).

Article 2 (c).

ICNT Part XI The Area

Article 143. Conduct of Marine Scientific research in the "Area".

- para 2 (a), (b), (c).
- Promotion of participation in international programmes.
- Promotion of programmes of benefit to developing countries.
- Dissemination of research results.

Article 1.2, 2 in co-operation with "The Authority".

Article 144. Transfer of technology (In the "Area").

- para (b).
- Promotion of opportunities for the training of personnel from developing countries in marine science and technology.

Article 2 (h).

Article 151. Functions of the Authority.

- para 7.
- Cooperation with the Authority in promoting and encouraging the conduct of marine scientific research in the Area, in coordinating such research and in disseminating the results thereof.

Article 1.2, 2 in co-operation with the Authority.

ICNT Part XII Protection and Preservation of the Marine Environment

Article 201. Promotion of studies, research programmes and exchange of information and data.

- Promotion of studies, undertaking of programmes of scientific research and encouraging the exchange of information and data acquired about pollution of the marine environment.

Articles 1.2, 2 (a), (b), (c), (e), (i).

Article 203. Scientific and technical assistance to developing states.

- Promotion of programmes of scientific, educational, technical and other assistance to developing countries for the protection and preservation of the marine environment and the prevention of marine pollution.
- Provision of appropriate assistance, especially to developing states, for the minimization of the effects of major incidents which may cause serious pollution of the marine environment.
- Provision of appropriate assistance in particular to developing states, concerning the preparation of environmental assessments.

Article 1.2, 2 (f), (g), (ii) and penultimate para.

Article 204. Preferential treatment for developing states.

- Granting of preference to developing countries in the allocation of appropriate funds, technical assistance facilities and the utilization of specialized services.

Article 2.

Article 206. Publication of reports.

- To receive reports of the results obtained relating to risks or effects of pollution of the marine environment from states and make them available to all other states.

Article 2 (e).

Article 207. Assessments of potential effects of activities.

- To receive reports of the results of assessments made of the effect on the marine environment of planned activities of member states and make these reports available to all other states.

Article 2 (e).

ICNT Part XIII Marine Scientific Research

Article 240. Promotion of marine scientific research.

- To promote and facilitate the development and conduct of marine scientific research in accordance with the provisions of the Convention. Article 1.2, 2 (b), (c), (i).

Article 243. Promotion of international cooperation.

- To promote international cooperation in marine scientific research for peaceful purposes, in respect of sovereignty and on the basis of mutual benefit. Article 1.2.

Article 244. Creation of favourable conditions.

- To cooperate through bilateral, regional and multilateral agreements to create favourable conditions for the conduct of marine scientific research. Article 2 (i).

Article 245. Publication and dissemination of information and knowledge.

- paras 1, 2. Article 2 (e), (f), (g).
- To make available information on proposed major programmes and their objectives and on knowledge resulting from marine scientific research.
- To promote the flow of data and information and the transfer of knowledge in particular to developing countries and the strengthening of the autonomous marine research capabilities of these states.

Article 251. Communications concerning research project.

- To act as "appropriate official channel" for communications concerning the research project. Article 2 (b), (c).

Article 252. General criteria and guidelines.

- To promote the establishment of general criteria and guidelines to assist states in ascertaining the nature and implications of marine scientific research. Article 1.2.

Article 256. Measures to facilitate marine scientific research and assist research vessels.

- Reference to the development of reasonable and uniformly applied rules, regulations and administrative procedures to be adopted by coastal states applicable to the organizations desiring to carry out research activities in the EEZ or on the continental shelf. Article 2 (c).

Annex VII. Special Arbitration Procedure.

- The Commission would be obliged to draw up a list of marine scientists who would be available in cases of dispute over the application of marine scientific research articles.

ICNT Part XIV Development and Transfer of Marine Technology

Article 267. Promotion of development and transfer of marine technology.

- To promote actively the development and transfer of marine science.. Article 2 (e), (f), (g), (h). and marine technology.

Article 269. Basic objectives.

- To promote the acquisition, evaluation and dissemination of marine technological knowledge, information and data; the development of appropriate marine technology; the development of the necessary technological infrastructure to facilitate the transfer of marine technology; the development of human resources through training and education at all levels, particularly at the regional, subregional and bilateral levels. Article 2 (e), (f), (g), (h).

Article 270. Measures to achieve basic objectives (in transfer of technology).

- To establish programmes of technical cooperation for effectively transferring technology especially to developing countries. Article 2 (g).
- To facilitate the making of arrangements, contracts, etc.
- To promote the exchange of scientists, technologists, experts and their information, knowledge and data.
- To undertake projects, promote joint ventures and other forms of bilateral and multilateral cooperation.

Article 271. Ways and means of international cooperation.

- International cooperation in the transfer of marine technology shall where feasible be carried out through existing, bilateral, regional or multilateral programmes and also through expanded and new programmes. Article 2 (f), (g).

Article 272. Guidelines, criteria and standards.

- To promote the establishment of generally accepted guidelines, criteria and standards for the transfer of marine technology taking into account in particular the interests and needs of developing states. Article 2 (f), (h).

Article 273. Coordination of international programmes.

- To coordinate activities in the field of transfer of technology including any regional or global programmes, taking into account the interests and needs of the developing states, particularly land-locked and geographically disadvantaged states. Article 2 (g).

Article 274. Cooperation with international organizations and the Authority in the transfer of technology to developing states.

- To cooperate actively with states and the Authority to encourage and facilitate the transfer to developing states, their nationals and the enterprise of skills and technology with regard to the exploitation of the Area, of its resources and other related activities. Article 2 (f).

Article 276. Establishment of regional centres.

- To act in coordination with states in the establishment, especially in developing states, of regional marine scientific and technological research centers in order to stimulate and advance the conduct of marine scientific research by developing countries and foster the transfer of technology. Article 2 (g).

Article 278. Cooperation among international organizations.

- The Commission would have an obligation to take all appropriate measures to ensure, either directly or in close cooperation with other organizations, the effective discharge of the functions and responsibilities assigned to it under this part. Article 2 (g).

FUNCTIONS WHICH COULD BE UNDERTAKEN GIVEN A  
BROAD INTERPRETATION OF THE PRESENT IOC STATUTES

Relevant IOC Statute

ICNT Part XI The Area

Article 145. Protection of the marine environment in the "Area".

- all.
- Formulation of appropriate rules, regulations and procedures for the prevention of pollution and contamination of the marine environment and the conservation of the natural flora, fauna and resources of the area.

Article 2 (a), (e).

ICNT Part XII Protection and Preservation of the Marine Environment

Article 198. Cooperation on a global or regional basis.

- To formulate and elaborate international rules, standards and recommend practices and procedures for the protection and preservation of the marine environment, taking into account characteristic regional features.

Article 2 (d).

Article 202. Scientific criteria and regulations.

- To cooperate in establishing scientific criteria for the formulation and elaboration of rules, standards and recommended practices and procedures for the prevention of pollution of the marine environment.

Article 2 (d).

Article 205. Monitoring of the risks or effects of pollution.

- To observe, measure, evaluate and analyse, by recognized methods, the risks or effects of pollution of the marine environment.

Article 2 (b), (c).

Article 208. Pollution from land-based sources.

- para 4.
- To establish global and regional rules, standards and recommended practices and procedures to prevent, reduce or control pollution of the marine environment from land-based sources.

Article 2 (b), (c), (d).

Article 209. Pollution from sea-bed activities.

- para 5.
- To establish global and regional rules, standards and recommended practices and procedures to prevent, reduce and control pollution of the marine environment arising in connection with sea-bed activities and from artificial islands, installations and structures under their jurisdiction.

Article 2 (b), (c), (d).

Article 211. Dumping.

- para 4.
- To establish global and regional rules, standards and recommended practices and procedures to prevent, reduce and control pollution of the marine environment by dumping of wastes and other matter.

Article 2 (b), (c), (d).

Article 212. Pollution from vessels.

- paras 1, 5.
- To establish global and regional rules and standards for the prevention of pollution of the marine environment from vessels.
- To be consulted by states concerning special areas, in order to determine if the ecological and oceanographic conditions in that area correspond to the requirements that justify the adoption of special measures for the prevention of pollution from vessels (and some complementary tasks).

Article 2 (b), (c), (d).

Article 213. Pollution from or through the atmosphere.

- para 3.
- To establish global and regional rules, standards and recommended practices and procedures to prevent, reduce and control pollution of the marine environment from and through the atmosphere.

Article 2 (b), (c), (d).

FUNCTIONS WHICH WOULD NECESSITATE  
A SUBSTANTIVE CHANGE IN THE STATUTES

Part V Exclusive Economic Zone

Article 65. Marine Mammals.

- To cooperate with States with a view to the protection and management of marine mammals.

Part XII Protection and Preservation of the Marine Environment

Article 199. Notification of imminent or actual damage.

- To be notified by a State in cases where it becomes aware that the marine environment is in imminent danger of being damaged or has been damaged by pollution.

Article 200. Contingency plans against pollution.

- To cooperate, to the extent possible, in eliminating the effects of pollution and preventing or minimizing the damage by inter alia the joint promotion and development of contingency plans for responding to pollution incidents in the marine environment.

Article 224. Measures to facilitate proceedings.

- To present witnesses, submit evidence and attend in proceedings undertaken by States in result of violation of rules or standards for the protection and preservation of the marine environment.

Part XIII Marine Scientific Research

Article 239. Right to conduct marine scientific research.

- Right to conduct marine scientific research in accordance with the provisions of the Convention.

Article 247. Marine scientific research in the Exclusive Economic Zone and on the continental shelf.

- Right to expect consent from States under normal circumstances (Article describes circumstances under which States may withhold consent).

Article 248. Research project under the auspices of, or undertaken by, international organizations.

- Provision to the coastal state of a full description of the research project.



Article 250. Duty to provide information to the Coastal State.

- Provision to the coastal state of a full description of the research project.

Article 250. Duty to comply with certain conditions.

- para 1.
- Compliance with the conditions specified in this Article when undertaking marine scientific research on the Exclusive Economic Zone or continental shelf of a coastal state.

Article 253. Implied consent.

- Right to proceed with a research project six months after the information required by Article 247 has been provided to the coastal state unless valid grounds for refusing consent have been provided by the coastal state within four months.

Article 254. Cessation of research activities.

- Requirement to cease research activities in the Exclusive Economic Zone following non-compliance with fundamental conditions.

Article 255. Rights of neighbouring land-locked and geographically disadvantaged States.

- para 1.
- Notification of such States of proposed research projects and provision (if requested) of relevant information and assistance.

Article 256. Measures to facilitate marine scientific research and assist research vessels.

- Right to expect access for research vessels carrying out marine scientific research programmes in accordance with the Convention.

Article 257. Marine scientific research in the Area.

- Right to conduct marine scientific research in the Area.

Article 258. Marine scientific research in the water column beyond the Exclusive Economic Zone.

- Right to conduct marine scientific research in the water column beyond the Exclusive Economic Zones.

Article 264. Responsibility and liability.

- Acceptance of responsibility and liability for measures undertaken in contravention of the Convention in the conduct of research projects.

Article 266. Interim measures.

- Obligation to suspend research during dispute settlement procedures pending approval by coastal state to proceed.

SECTION 1

Statutes of the Commission

The Statutes of the Commission were revised during 1969-1970, accepted by the Commission at its sixth session by the adoption of resolution VI-3, and brought into force immediately following the closure of the seventh session of the Commission, by the sixteenth session of the General Conference of Unesco through adoption of resolution 2, 343 (13 November 1970).

Article 1

1. The Intergovernmental Oceanographic Commission, hereafter called the Commission, is established within the United Nations Educational, Scientific and Cultural Organization.
2. The purpose of the Commission is to promote scientific investigation with a view to learning more about the nature and resources of the oceans through the concerted action of its members.
3. The Commission shall seek to collaborate with all international organizations concerned with the work of the Commission and especially closely with those organizations of the United Nations system which are prepared to contribute to the Commission's Secretariat, to sustain the work of the Commission through the relevant parts of the programmes of such organizations, and to use the Commission for advice and review in the area of marine science.

Article 2

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;
- (f) make recommendations to strengthen education and training programmes in marine science and its technology;
- (g) develop and make recommendations for assistance programmes in marine science and its technology;
- (h) 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;

- (i) promote freedom of scientific investigation of the oceans for the benefits of all mankind, taking into account all interests and rights of coastal countries concerning scientific research in the zones under their jurisdiction.

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.

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 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.

#### Article 4

1. Membership of the Commission shall be open to any Member State of any one of the organizations of the United Nations system.
2. States covered by the terms of paragraph 1 above shall acquire membership of the Commission by notifying the Director-General of the United Nations Educational, Scientific and Cultural Organization, either directly or through the executive head of any organization of the United Nations system. Membership will take effect from the date of receipt by the Director-General of the United Nations Educational, Scientific and Cultural Organization of such notification.
3. Any member of the Commission may withdraw from it by giving notice of its intention to do so to the Director-General of the United Nations Educational, Scientific and Cultural Organization. Such notice shall take effect at the end of the first session of the Commission which follows the date on which notice has been given or, if notice has been given during the course of a session of the Commission, at the end of that session, unless withdrawn prior to that time.
4. The Director-General of the United Nations Educational, Scientific and Cultural Organization shall inform the Chairman of the Commission, the executive heads of the organizations of the United Nations system and Member States of the Commission of all notifications received by him under the present Article.

#### Article 5

1. The Commission shall consist of an Assembly, an Executive Council, a Secretariat and such subsidiary bodies as it may establish.
2. The Assembly shall be the principal organ of the Commission and, without prejudice to the provisions of paragraph 3 of this Article, shall make all decisions necessary to accomplish the purpose of the Commission.
3. The Executive Council shall exercise the responsibilities delegated to it by the Assembly and act on its behalf in the implementation of decisions of the Assembly; for these purposes the Executive Council shall provide guidance to the Secretariat of the Commission. It shall convene as is laid down in the Rules of Procedure. It shall, in any case, convene when five of its members or the Chairman so request.
4. During the course of each ordinary session, the Assembly, taking into account the principles of geographical distribution shall elect:
  - (a) a Chairman and four Vice-Chairmen who shall be the officers of the Commission, its Assembly and its Executive Council;

XI. 2Ac

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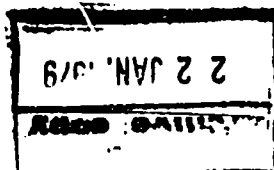
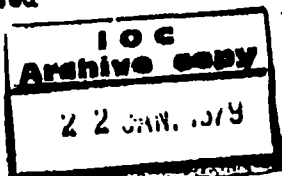
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Annex V

Distribution: limited

- 69 -

IOC/EC-XI/21 *& Annex I*  
Paris, 20 December 1978  
Original: English



INTERGOVERNMENTAL OCEANOGRAPHIC COMMISSION  
(OF UNESCO)

Eleventh session of the Executive Council  
Mexico City, 26 February-3 March 1979

RECOMMENDATIONS OF THE WORKING GROUP  
ON THE FUTURE ROLE AND FUNCTIONS OF  
THE COMMISSION

Secretariat Note

By resolution X-25, the Assembly formed a Working Group on the Future Role and Functions of the Commission. The Working Group has met twice since then: WG/FUROP-I, Rome, 12-15 June 1978 and WG/FUROP-II, Paris, 14-20 December 1978. The Chairman of the Working Group takes pleasure in submitting the Group's recommendations to the eleventh session of the Executive Council, as requested in the above resolution. In so doing, he wishes to inform the Council that the attached document which contains explanatory material as well as the recommendations requested, was approved by the Working Group at its second session.

## **I. Introduction**

Recognizing developments at the Third UN Conference on the Law of the Sea (UNCLOS-III) and acknowledging the various points of view as expressed by the greatly increased IOC membership, in 1976 it was decided to establish an ad hoc Task Team on the Future Role and Functions of the Commission led by the Chairman, Dr. G.F. Humphrey.

Taking into consideration the Task Team's findings and the interest expressed by a number of Member States to upgrade the role of the IOC in marine scientific research activities, including the co-ordination of international projects, the Commission, by resolution X-25, established in November 1977 a Working Group on the Future Role and Functions of the Commission. In particular, this Group was to consider the future role of the Commission from both short- and long-term viewpoints. The Working Group was requested to:

- study the objectives, functions, work and structure of the Commission, including the budgetary requirements, in order to determine any deficiencies and to identify their causes;
- identify possible future objectives and functions of the Commission in the light of its increased membership and the development of the regime for marine scientific research, the exploration and rational exploitation of marine resources and related activities;
- examine the relationship of the Commission with the United Nations agencies, in particular with Unesco and its Division of Marine Sciences and the other ICSPRO agencies;
- prepare recommendations for any necessary changes in the objectives, functions, work and structure, including budgetary planning requirements.

Four questionnaires were prepared and circulated to the nineteen Working Group members, for completion. In addition, copies were sent for comments to all IOC Member States, Chairmen of Working Committees, UN agencies members of ICSPRO, UNEP, IOC Officers, Advisory Bodies and several individual scientists having long-term involvement with the Commission's activities. The questionnaires were also distributed amongst the members of the Scientific Advisory Board (SAB). In order to obtain the necessary information the questionnaire was based on previous documentation and specific interests and problems identified by Member States. The responses were examined by an Analysis Team which prepared a synthesis of questionnaire responses for the first session of the Working Group (WG/FUROF-I). During WG/FUROF-I, considerable progress was made in examining the opinions and trends expressed in the questionnaires. The Working Group discussed and debated at length the topics and questions raised. These topics and questions were translated into intersessional

IOC/EC-XI/21

studies, which were used in the preparation of this report by the second session of the FUIROF Working Group (WG/FUIROF-II).

The analysis of the results of WG/FUIROF-I, as well as the reports of the intersessional studies, showed that the decisions to be taken can be divided into three areas: the IOC structure and objectives, IOC programmes, and, IOC working methods.

It was recognized that the three areas are closely interrelated and decisions made in any one of these areas will eventually create further implications of an administrative and budgetary nature and may necessitate some changes in the rules of procedure. In addition, the priority of implementation will have to be taken into account.

## II. Studies undertaken by the Working Group

The following studies were initiated by the Working Group in the course of its deliberations:

- The Long-term implications of constituting the IOC as a more autonomous or independent body (doc. IOC/WG-FUIROF-II/7).
- A study of possible sources of funding for the Intergovernmental Oceanographic Commission (IOC) (doc. IOC/WG-FUIROF-II/9).
- Task Team study on the possible need to revise the IOC Statutes as a result of the UN Conference on the Law of the Sea (doc. IOC/WG-FUIROF-II/8).
- Future directions for the IOC's Marine Science programme (doc. IOC/WG-FUIROF-II/12 prov. and 12 prov. (Summary)).
- Specific studies into the need for programmes in climate (not available); non-renewable resources (not available), renewable resources (not available) and ocean-energy (On-going and possible future programmes for the co-ordination of ocean-energy activities (doc. IOC/WG-FUIROF-II/19)).
- Identification of IOC programmes of greatest benefit to developing countries (incomplete - doc. IOC/WG-FUIROF-II/16).
- Study of the implications of the suggested changes to the Assembly cycle and also to the Executive Council cycle (whether or not the Assembly is altered) (docs. IOC/WG-FUIROF-II/6 and 6 Add.).
- Additional proposals for scientific activities in governing body sessions (doc. IOC/WG-FUIROF-II/14).
- IOC documentation (doc. IOC/WG-FUIROF-II/10).

However, not all of the above studies were available to the second session of the FUIROF Working Group.

In addition, other studies and documents were of relevance to, and considered by, the FUROP Working Group. These were, inter alia:

- Report by the Scientific Advisory Board on the Global Investigation of Pollution in the Marine Environment (GIPME) (doc. IOC/WG-FUROP-II/18).
- Response from ICSPRO Agencies to a request from the Chairman to prepare a list of type species of activities that might be expected of the Commission as a "Joint Specialized Mechanisms for the ICSPRO Agencies" (doc. IOC/WG-FUROP-II/15).
- Report on Consultation between representatives of the Advisory Bodies of the IOC on the Commission's Future Role and Functions (doc. IOC/WG-FUROP-II/11).
- The Role of IOC regarding Information Services in the transfer of Marine Technology (doc. IOC/WG-FUROP-II/21).
- Summary Report of ICSPRO-XVIII (doc. IOC/INF-384).

### III. Syntheses of studies

The results of each study or commentary received were discussed and synthesized. Conclusions are presented in accordance with the three areas identified.

#### 1. IOC Structure and objectives

##### 1.1 The long-term implications of constituting the IOC as a more autonomous or independent body

The Commission is generally free to decide on its own course of action. Unesco however essentially controls the overall IOC regular budget, and the Unesco General Conference retains the final word on amendment of the Statutes. The Commission is required to report regularly to the Unesco General Conference, but its approval of IOC decisions is not required. The final selection and appointment of IOC staff officers is in the hands of the Director-General of Unesco and therefore subject to Unesco constraints on such matters as geographical representation, rather than IOC needs. Also, Unesco and IOC have different membership which could lead to some differences of policy when the Unesco General Conference addresses IOC matters. Additionally, there are some administrative difficulties within Unesco and IOC, which may create restrictions in implementing IOC decisions or programmes.

The possible actions can be considered from short- and long-term viewpoints respectively:

A long-term solution might be to set up the IOC apart from other organizations and set up as an independent marine science body, either within or outside the UN system. This would allow the total effort in



IOC to be devoted to its own programme. The cost of establishing a new organization would be high. A home would have to be provided, complete with the facilities and services now provided by Unesco.

Also, a future consideration could be a treaty which would provide for an organization encompassing both IOC and other ocean components. This could include the World Meteorological Organization (WMO) or part of it, the Inter-Governmental Maritime Consultative Organization (IMCO) or part of it, the Food and Agriculture Organization (FAO) Fisheries Department, the United Nations Environment Programme (UNEP) or part of it, the UN Ocean Economics and Technology Office, the proposed International Seabed Authority, and the International Hydrographic Organization (IHO). Various other permutations and combinations could also be considered. A world science organization including the present scientific activities of Unesco, may provide a more sympathetic home for marine science although the IOC would still have to compete with other science interests for available resources.

Using as an example the Inter-Secretariat Committee on Scientific Programmes Relating to Oceanography (ICSPRO), a possibility would be to constitute the IOC as a joint body of Unesco, FAO, IMCO, WMO and UN. In this situation the IOC would have to expend more effort in serving a multiplicity of international bodies. It would be very difficult to justify the programmes in order to get the necessary funds from the agencies in view of the different budgetary cycles, financial regulations, etc.

The final option considered was UN General Assembly action to establish the IOC as a UN Ocean Programme (UNOP). However, the IOC would be a small fish swimming in an even bigger pond in the UN than in Unesco, and this might handicap it even more when competing for resources.

The Working Group agreed that the most realistic course of action was to develop the IOC within Unesco, whilst recognizing that this development was contingent upon recognition of greater status for the Commission by the Unesco Executive Board and the General Conference.

Of the above options only the Unesco General Conference or the UN General Assembly options could be exercised in the short-term.

The Unesco General Conference could act in 1980 if the proposed amendments are prepared in due time to be submitted to and approved by the eleventh session of the IOC Assembly. Otherwise, the Unesco General Conference could act in 1983 according to the circumstances and following a resolution adopted by the Executive Council at its eleventh session (February 1979) and after consideration by Unesco, the UN General Assembly could act either in 1980 or in 1983. The new or revised IOC Statutes could come into effect immediately after General Conference or General Assembly action. The treaty process would be much longer. The conclusion is that the IOC undertake the necessary action to initiate discussion of the longer term possibilities of a more autonomous IOC with Unesco, the ICSPRO Agencies and the UN and in the meantime adopt a resolution to improve the present working relationship with Unesco.

The Working Group therefore recommends that in the short-term:

- R.1 consideration be given to ways and means for funding IOC in a satisfactory way as a functional autonomous body within the framework of Unesco;
- R.2 consideration be given to the appointment of a full time executive officer of the IOC (Commissioner General); and
- R.3 the selection of the IOC staff officers be made in agreement with the Commission, taking into account geographical representation and the needs of the Commission;

And, in the long-term:

- R.4 the IOC take the necessary action to initiate a study on the future possibility of establishing the IOC as an independent UN body, or as part of a comprehensive organisation established by treaty and including oceanographic components of other UN bodies.

The Working Group recognized that the above considerations, if adopted, would necessitate changes in the IOC Statutes, Articles 9-13. These changes were considered in a preliminary way by an ad hoc group set up in WG/FUROP-II; however, as translation of these suggested amendments was not available they were not discussed or adopted in plenary. They are therefore given in Annex I solely for the information of the Executive Council.

#### 1.2 Possible sources of funding for the IOC

It would appear that several potential sources exist for increased IOC funding.

However, whether the IOC succeeds in finding additional sources of revenue or not, the Commission requires a self-imposed financial control system. Too often the Commission embarks on new programmes or activities without first considering the financial implications of these actions. The result is that the overall IOC budget becomes spread too thinly which could at least partially explain why some past initiatives have failed to live up to expectations. A possible remedy to this problem would be to amend the rules of procedure to make it out of order to adopt any resolution containing financial implications for the Commission, unless a certification of funding is available.

It is unrealistic to expect new sources of funds to be found without justification. Therefore, requests for funds would have to be accompanied by a description of the programme and expenditures.

In considering the several possibilities for increased funding it would seem that they fall into three categories:

- those which could be accomplished chiefly by IOC Secretariat and Member State actions;

- those which could be accomplished chiefly by Unesco action; and,
- those which could be accomplished by outside action (in response to IOC initiatives).

Falling into the first category would be such measures as special programmes, management by objectives, trust fund contributions, and regional association funding.

Falling into the second category are: reallocation of Unesco funds, compulsory funding, added apportionment, i.e. a sum designated for the Commission by Member States in addition to their regular Unesco contributions, and funding by the ICSPRO Agencies where the IOC would act as the focal point for the agencies' ocean interests.

The category of measures which could be accomplished by outside action includes funding by: foundations and world economic bodies where the IOC would attempt to interest such agencies in supporting its activities; national funding agencies where the IOC would attempt to demonstrate why its activities are worthy of support; other international organizations which have a broad mandate to improve relationships amongst their member countries; and possibly in the future, ocean exploitation royalties.

Obviously, some of the options discussed are dependent upon decisions affecting the IOC structure. Many options are, however, available for immediate action and it is considered that these should be acted upon at the eleventh session of the IOC Assembly.

The Working Group therefore recommends that in the short-term:

- R.5 the IOC in reviewing its biennial budget identify the need for additional resources and submit, as appropriate, such requirements to Unesco;
- R.6 the IOC initiate action to solicit increased contributions from Member States by means of:
  - i) Trust Fund contributions
  - ii) Special Programme funding
  - iii) Regional Association funding;
- R.7 the IOC arrange for a workshop in the near future on "the funding of ocean programmes" to be attended by national agencies and independent funding organizations;
- R.8 the IOC include funding implications in all aspects of negotiations on possible changes to the IOC structure;

- R.9 the IOC adopt procedures whereby all draft resolutions submitted to the Commission for adoption be accompanied by financial, technical and personnel implications connected with their implementation.

And in the longer term that:

- R.10 the IOC initiate and submit budget requirements in response to the identified needs of the ICSPRO agencies, and be accountable for the administrative control of any related expenditures.

### 1.3 Possible need to revise the IOC Statutes

Sufficient cause exists on functional and other grounds to clarify the IOC Statutes by amendment, as many of the important areas that form the basis for the Commission's activities are presently only found in an implicit manner in the Statutes. Therefore the Working Group considers that:

- the IOC Statutes should be philosophically compatible with the new legal regime for the ocean;
- the present IOC Statutes lack any reference to matters dealing with the preservation and protection of the marine environment, an area of major concern which has been addressed by the IOC for a number of years;
- the present IOC Statutes do not directly address the important elements of the promotion of criteria and guidelines to assist developing countries in ascertaining the nature and implications of marine scientific research;
- the new legal regime for the oceans recognizes the right of "competent international organizations" to conduct marine scientific research activities. It would appear to be appropriate to incorporate this fundamental right in the IOC Statutes.

Consequently, the IOC Statutes should be amended to make them more compatible with important trends emerging from the present international discussions. The Commission must be able to demonstrate that it has a valuable role to play in marine scientific research, protection and preservation of the marine environment, and transfer of knowledge and technology, otherwise activities which might most effectively be conducted by the Commission could conceivably be undertaken by other competent organizations.

Also, a reason for amending the statutes is that the Conference on the Law of the Sea is a UN undertaking. The philosophy which emerges from the Conference is expected to influence strongly the policies of the UN and the specialized agencies.

For the Informal Consolidated Negotiating Text (ICNT) developed at the Third UN Conference on the Law of the Sea, 75 articles refer to "Competent International Organizations". Of these 51 could conceivably apply to the IOC.

The Working Group debated changes in Amendments to the IOC Statutes at length without reaching a consensus on all amendments. However, the following table is presented showing alternatives proposed by the Working Group for the consideration of the Executive Council.

Amendments to the IOC Statutes

New Text Proposed

or

Alternate Proposal

Article 1.

- 1.1 The Intergovernmental Oceanographic Commission herein-  
after called the Commission, is established as a body  
with functional autonomy within the framework of the  
United Nations Educational, Scientific and Cultural  
Organization, hereinafter called Unesco.

Comments: 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  
in its 105th session on 12 October 1978, which  
opinion was endorsed at the 20th General Confe-  
rence). 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."

Unanimous acceptance

- 1.2 The purpose of the Commission is to promote and facili-  
tate the development and conduct of marine scientific  
research with a view to learning more about the nature,  
condition and resources of the oceans and their sub-  
soil through the concerted action of its Member States  
and to contribute to the application and transfer of  
the resulting knowledge.

No change

### New Text Proposed

Comments: The purpose of the addition of the words: 'and facilitate the development and conduct of' is to indicate that in view of the emerging new ocean regime, one of the tasks of the IOC should be to assist Member States and especially the developing states with the implementation of marine scientific research under the new conditions.

The inclusion of the word 'conditon' is intended to indicate in a more positive way the Commission's commitment to research related to the quality of the marine environment and its protection and preservation. The addition at the end of the paragraph is intended to indicate the Commission's interests in ocean services and the transfer of scientific knowledge and technology. Thus the IOC's interest in marine scientific research, protection and preservation of the marine environment and transfer of scientific knowledge and technology all of which are key elements in the new ocean regime, would be clearly identified in Article 1.

- 1.3 The Commission shall act also as a joint specialized mechanism of the organizations of the United Nations system which have agreed formally to use the Commission as an instrument for discharging certain of their responsibilities in the field of marine science and to sustain the work of the Commission through budgetary contributions and relevant parts of the programmes of such organizations, hereinafter referred to as sponsoring organizations.

### Alternate Proposal

Comments: In the existing Statutes this point is well covered in Article 2.

No change

New Text Proposed

- 1.4 The Commission shall seek to co-operate with all interested organizations concerned with the work of the Commission, and may be represented at any appropriate meeting of such organizations.

Comments: (paragraphs 1.3 and 1.4) With the amendments to paragraph 3 and its splitting into two paragraphs (the first of which includes elements of Article 3 of the Statutes), 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 feedback 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.

- 1.5 The Commission may enter into working relationship agreements with any organization referred to in this Article.

Comments: The addition of this paragraph to Article 1, as well as the last phrase of paragraph 1.4 of the same article are to codify current practice of the Commission, so as to facilitate the necessary arrangements.

Alternate Proposal

Comments: It is considered that the deletion of Article 3 and the substitution of 1.3, 1.4 and 1.5 is damaging to the Commission rather than of assistance.



New Text Proposed

Alternate Proposal

IOC/EC-XI/21

Article 2.

General comments: Since the functions as defined in this article follow from what is stated in Article 1, it was necessary to redraft them so as to make clear the services the IOC can offer.

The functions of the Commission shall be to:

- a) define those problems, the solution of which requires international co-operation in marine scientific research, technology and related services, and review the results thereof;
- b) develop, recommend, co-ordinate and, if appropriate, conduct international marine scientific research programmes and related services which call for concerted action by its Member States;
- c) develop, recommend and co-ordinate with interested international organizations, marine scientific research programmes and related services which call for concerted action with such organizations;

No change

No change

No change

Comments on (a), (b) and (c): The purpose of the changes to (a) and (c) is simply to replace the words "scientific investigation of the oceans" with the words "marine scientific research". This is an important change because the participants in the Law of the Sea Conference have, after considerable discussion, agreed on the latter terminology and its use in the ICNT articles. The change would therefore make the IOC Statutes more compatible with the new ocean regime. The same change appears in (b) along with the inclusion of wording which makes it clear that the Commission has a mandate to conduct marine scientific research, since in the new regime the concept of international organizations conducting marine scientific research is generally accepted. It is also elaborated for purposes of clarity.

Comments: The present sub-articles cover the functions of the Commission adequately.

New Text Proposed

d) no change

e) promote, make recommendations and co-ordinate services for the exchange of data, documentation and information in the field of marine scientific research and its technology and transfer of knowledge, including the publication and dissemination of results;

Comments: The purpose of this amendment is to cover the role expected to be played by the IOC in assisting participating Member States, the UN agencies members of ICSPRO and other interested bodies, in maintaining information services like ASFIS as well as the world, regional and national oceanographic and specialized data centres, as components of global systems (e.g. UNISIST, IRS/UNEP).

f) make recommendations, promote and co-ordinate the development and transfer of marine science and its technology through the strengthening of national and regional institutions and transfer of knowledge and technology components in the Commission's programmes and services;

Comments: This amendment is based on the expected increased role to be played by IOC in transfer of technology in its broader sense. The wording follows the relevant provisions of the ICFT.

g) make recommendations, promote and co-ordinate mutual aid and assistance programmes in marine science and its technology;

Comments: The amendments in paragraphs (f) and (g) are based on the expected increased role to be played by IOC in transfer of scientific knowledge and technology.

h) review, make recommendations and provide technical guidance as to the formulation and execution of the marine science programmes of Unesco and other sponsoring organizations;

Alternate Proposal

No change

No change

Comments: The present sub-article covers the function of the Commission adequately.

No change

Comments: The present sub-article covers the function of the Commission adequately.

No change

Comments: The present sub-article covers the function of the Commission adequately.

No change

### New Text Proposed

Comments: The proposed new wording intends to express the special relation between the Commission and the UN agencies members of ICSPRO. Reviewing marine science programmes and formulating recommendations on them and assisting in their implementation are services expected to be provided by the Commission as part of its obligations vis-à-vis the sponsoring organizations. Although Unesco is also one of the sponsoring organizations, it was felt that Unesco should be mentioned separately to indicate the special relationship of IOC with the marine science programme of that organization.

- i) promote and facilitate marine scientific research and its application for the benefit of all mankind, with emphasis on the needs of the developing countries;

Comments: 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 references 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.

- j) provide, to the extent possible, advice and assistance with regard to marine science and its technology to Member States which need and so request it, particularly developing countries.

Comments: The purpose of the proposed change is to cover the situation contemplated in the relevant Articles of the ICNT dealing with the transfer of technology which have a broader scope than the present penultimate paragraph of Article 2. It also adds emphasis to the Commission's functions of providing advice to its Member States in accordance with ICNT Articles 212 and 252.

### Alternate Proposal

Comments: The present sub-article covers the function of the Commission adequately.

No change

Comments: The present sub-article covers the function of the Commission adequately.

No change

Comments: The present sub-article covers the function of the Commission adequately.

New Text Proposed

- k) promote, plan and co-ordinate research programmes and monitoring systems on marine pollution and contribute to environmental assessment studies and the management and protection of the marine environment in collaboration with Member States and the appropriate international organizations;

Comments: The purpose of the new sub-article is to cover activities being, in part, already undertaken by the Commission under its Working Committees for GIPME and IGOSS and which are expected to expand in the future. A specific reference to this function in the statutes may help in identifying the Commission's role in the context of activities being undertaken by other international organizations such as INCO and UNEP, thus facilitating co-ordination and joint action when appropriate. It would clearly reveal the Commission's preparedness to participate in the formulation of criteria for marine pollution prevention as called for under ICFT Articles 145, 198, 202, 208-213.

- 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 sub-soil, and its interfaces with the atmosphere and the land masses, as may be decided by its Member States.

Comments: The insertion of this function indicates that the IOC's mandate extends to all parts of the marine environment. It could be very useful in any future discussions concerning IOC's possible relationship to any future institutional arrangements.

Alternate Proposal

Unanimous acceptance

Unanimous acceptance

Unanimous acceptance

Unanimous acceptance

New Text Proposed

Alternate Proposal

100/EO-XI/21

- 85 -

Article 4.

- |  |           |
|--|-----------|
| 4.1 Membership of the Commission shall be open to any Member State of <u>Unesco or of any one of the sponsoring organisations.</u>   | No change |
| 4.2 States covered by the terms of paragraph 1 above shall acquire membership of the Commission by notifying the Director-General of Unesco <u>directly, or, if not a Member of Unesco, through the Executive Head of one of the sponsoring organisations of which the State is a member.</u> Membership will take effect from the date of receipt by the Director-General of Unesco of such notification.                           | No change |
| 4.3 Any member of the Commission may withdraw from it by giving notice of its intention to do so to the Director-General of Unesco. Such notice shall take effect at the end of the first session of the <u>Assembly</u> which follows the date on which notice has been given or, if notice has been given during the course of a session of the <u>Assembly</u> , at the end of that session, unless withdrawn prior to that time. | No change |
| 4.4 A Member State of the Commission which practises apartheid may be suspended from exercise of the rights and privileges entailed by membership of the Commission by decision of the General Conference of Unesco. Exercise of those rights and privileges may be restored by decision of the General Conference of Unesco.  | No change |
| 4.5 The Director-General of Unesco shall inform the Chairman of the Commission, the Executive Heads of the <u>sponsoring organisations</u> , and Member States of the Commission of all notifications received by him under the present Article.   | No change |

New Text Proposed

Comments: Paragraphs 4.1, 4.2 and 4.5 have been amended to confine membership of the Commission to Member States of the sponsoring organizations, rather than "any one of the organizations of the United Nations system" as in the existing Statutes, which is considered to be unnecessarily comprehensive in scope.

These changes are a refinement of the present Article 4 if 1.3, 1.4 and 1.5 are adopted.

Article 5. (unchanged except as follows):

5.4(b) Member States of the Commission, the governments of which shall each designate a representative to serve on the Executive Council; the number of Member States to be elected to the Executive Council shall be fixed by the Rules of Procedure. The total membership of the Executive Council (including the Chairman and Vice-Chairmen) shall not exceed one-fourth of the number of the members of the Commission.

Comments: The amendment to paragraph 5.4(b) has been made to avoid an ambiguity in the existing statutes.

Articles 6, 7 and 8. No change

Alternate Proposal

Comments: No change necessary if Article 3 is left unchanged and suggested changes 1.3, 1.4 and 1.5 are not adopted.

No change

Not necessary

No change

#### 1.4 Interaction with UN Agencies members of ICSPRO

At the first session of the Working Group it was decided that the Chairman should request the UN Agencies members of ICSPRO to consider the programmes identified in FUIROF Questionnaire I part 1 and forward to the second session a list of preferred programmes in light of their own priorities and responsibilities.

The Agencies carried out two tasks:

- Identification of UN agencies members of ICSPRO that are or could be involved in the various marine science studies listed.
- Listing of a set of functions and a list of type species of activities that might be expected of the IOC.

The functions listed were as follows:

- 1) Identify the needs and requirements of Member States in marine science and its technology as well as the existing infrastructure and national capabilities towards meeting such needs.
- 2) Co-ordinate interagency activities (ICSPRO), if and when required, for agreed topics.
- 3) Develop, recommend and co-ordinate international programmes for scientific investigation of the oceans and related services which call for concerted action by its Members.
- 4) Co-ordinate marine science activities of IOC (and Unesco) Member States.
- 5) Arrange for the provision of scientific advice when needed on matters such as marine pollution monitoring, review of manuals, etc.
- 6) Make recommendations and provide technical guidance as to the formulation and execution of:
  - a) The marine science programmes of Unesco; and
  - b) Programmes in physical, chemical, biological and geological oceanography.
- 7) Act as lead agency for the development of training, education and mutual assistance in marine science and its technology, e.g. organisation of seminars/workshops on coastal area management, etc.
- 8) Provide data and information services: IOOSS - IODE - ASITS.
- 9) Develop principles, guidelines, manuals and supporting documentation.

- 88 -

During their discussions the representatives of the UN agencies members of ICSPRO present recognized that the IOC may also expand its regional programmes and activities and provide scientific input to regional organizations responsible for management and other practical purposes.

Discussions with the ICSPRO agencies have revealed primarily that if the IOC is to serve these agencies then its programme must be seen to respond to those specific requirements in the marine science field that are complementary to the efforts of the other agencies without imposing on their respective roles. The importance and progress of the present discussions between the Chairman IOC and the Executive Heads of the UN agencies members of ICSPRO was recognized. Therefore the Working Group recommends:

- R.11 that the Chairman continue having discussions with the UN Agencies members of ICSPRO in order to formulate closer working relationships with the Member Agencies of ICSPRO as a whole and where necessary to negotiate working relationship agreements.
- R.12 That Unesco and the other UN Agencies members of ICSPRO review the ICSPRO agreement to determine its adequacy in the light of the proposed new role of the Commission.

## 2. IOC programmes

### Future directions for the IOC's Marine Science Programme

Ideally, the co-ordination of marine science field programmes and the provision of technical assistance should take place under one intergovernmental organization the primary concern of which is ocean science. This is a long term process. However, and in the meantime, the IOC must be able to co-ordinate more effectively marine science research and service programmes which include a strong component in training, education and mutual assistance, for the benefit of developing Member States.

Within the context of the Commission's prime scientific objective, namely to learn more about the nature and resources of the oceans through the concerted action of its members (Art. 1.2 of the Statutes), five criteria should be applied to determine whether the IOC should be involved.

These criteria are:

- a) Is the problem scientifically of high interest?
- b) Is the problem of interest to a number of the IOC's Member States?
- c) Is a solution to the problem within reach of the scientific competence and financial resources of the Member States and IOC?



- d) Is the problem one the solution of which would be facilitated substantially from commitments by governments?
- e) Is the problem so long-term in nature that the Commission would have to develop an effective programme to deal with the problem?

The first three of these criteria have traditionally been applied; the latter two have not.

The primary new directions which the Working Group recommends for the Commission are as follows: in research, to improve our understanding of the oceanic climate; of marine ecosystems, especially the relationship between oceanic processes and fisheries; coastal and continental shelf processes; geological and geophysical processes related to oceanic margins and to the study of mineral and energy resources, and the impact of man's activities in the ecosystem of the oceans, in services to develop a monitoring capability directed at the above research objectives; to assist Member States to acquire, utilize and maintain needed oceanographic instrumentation; to ensure the comparability of collected data; to upgrade and simplify the system for exchange of oceanographic data and dissemination of information related to marine science; and, on Transfer of Knowledge and Technology, to ensure that all IOC Member States are able, scientifically and technologically, to participate to the fullest extent possible in IOC programmes of interest to them.

The suggested programme will be interdisciplinary in character and will emphasize scientific activities which have direct practical applicability, and is intended to improve the ability of Member States, particularly the Developing Countries, to participate in and benefit from the activities of the Commission.

The Working Group therefore recommends:

- R.13 that the Executive Council consider the various studies on the marine science programme of the IOC completed and under way, and decide what additional intersessional activities are required prior to the eleventh session of the Assembly, in particular:
- a) whether the paper "Future Directions for the IOC's Marine Science Programme" should be further circulated for comment to enable it to be prepared as a Working Document for the Assembly;
  - b) the need to examine the Commission's new role in promoting and facilitating marine science programmes, especially in view of the changes that are emerging in the new regime for the oceans;
  - c) the need to complete for special consideration the study "Identification of Programmes of greatest benefit to Developing Countries" recognising the importance of stronger participation by these countries in the Commission's programmes;

- 90 -

the last three sessions of the Assembly. It was recognized in this regard that:

1. The Assembly should review and assess the IOC's objectives and should identify overall directions of the Commission's programmes; the Assembly should also decide which specific programmes should be established and what their priorities should be.
2. The Executive Council should review and assess the progress of the Commission's programmes and, on the basis of their findings, take the necessary action to ensure the effective implementation of these programmes; the Executive Council may also authorize new programmes when special needs arise.
3. Each of the Commission's subsidiary bodies should be responsible for prioritizing its programmes and projects, and should keep the Assembly and Executive Council apprised of any major changes.

In each one of the above levels there is an urgent need for scientific rationale. Five categories of scientific reports are seen to be necessary for Assembly and Executive Council deliberations:

- a) Scientific reports determining the general strategy for international scientific investigations under IOC;
- b) The scientific programme of planned co-operative international investigations;
- c) Scientific information on activities being implemented and possible adjustment of the programme of co-operative investigations in the course of project implementation;
- d) Integrated scientific reports on the results of co-operative investigations;
- e) Brunu Memorial Lectures.

The Working Group therefore recommends that:

- R.15 the Assembly considers the scientific problems and their priorities in the light of IOC objectives, bearing in mind the general strategy of international oceanographic investigations.
- R.16 the Executive Council should approve the programme and implementation proposals of the Commission's activities.
- R.17 each subsidiary body and regional secretariat must accept the responsibility of preparing the plans for and supervising the implementation of its programme.

- d) the need to offer assistance in the preparations for the UN Conference on New and Non-Conventional Energy Sources as it relates to the ocean environment.

### 3. IOC working methods

#### 3.1 Study of implications of the suggested changes to the Assembly cycle and also the Executive Council cycle (whether or not the Assembly cycle is altered)

The present practice under the IOC Statutes is to hold Assembly sessions in Unesco headquarters, Paris, every two years, on alternate years to the Unesco General Conference. Of the three Executive Council sessions held intersessionally between Assemblies, one is held in Paris immediately prior to each Assembly and the other two normally in the territory of a Member State or in the headquarters of a UN agency member of ICSFR. The present Assembly cycle allows for non-interference with the Unesco General Conference and its obvious monopolization of the documentation and meeting facilities.

At this time the frequency of meetings of the IOC Assembly, every two years, would appear to be adequate and the disruption afforded by any change to the Assembly cycle would outweigh any possible increase in efficiency yielded by change. However, the frequency of Executive Council meetings could possibly be reduced to a 12 month interval from the present 8 month cycle. A reduction of one Executive Council meeting per Assembly cycle could release IOC funds for an additional one or two working committee meetings and ease the documentation burden on the Secretariat. It is recognized by the Working Group that more responsibilities may fall on Working Committees but that this in itself may be desirable.

The Working Group was informed of the decision to change the Unesco General Conference sessions to odd years which will necessitate stretching the Assembly cycle to 2½ years for two cycles. In the light of the experience acquired during this period, the Commission will consider whether to make a permanent change to the Assembly and the Executive Council cycles.

The Working Group therefore recommends:

- R.14 that the Executive Council at its eleventh session approve the revised Assembly and Executive Council session schedule as presented by the Secretary (Annex II).

#### 3.2 On increasing the scientific content of IOC governing body meetings

Taking into consideration previous IOC resolutions on the necessity of increasing the scientific content of governing body meetings of the Commission and the decisions arising therefrom, an analysis was made of

### 3.3 IOC documentation

The report addresses the following problems: too many documents at meeting sessions; categories of documents not understood by most delegates; documents often available too late for adequate preparation; specific proposals of actions for agenda items difficult to find in the meeting documentation; and working documents different in format and content. The critique examines these problems and makes recommendations, taking into account preparations, participation, and workloads.

The Working Group therefore recommends:

- R.18 a) that the Secretary improve the IOC system of documentation, taking into account the study undertaken by the FUROP Working Group and update the pertinent sections of the IOC Manual;
- b) that an Executive Summary be prepared by the Chairman of each official IOC meeting, with the assistance of the Secretariat.



PROPOSED AMENDMENTS  
TO ARTICLES 9 - 13 OF THE STATUTES

ARTICLE 9

- 9.1 With due regard to the applicable Staff Regulations of Unesco, the Secretariat of the Commission shall consist of personnel provided by Unesco and the other sponsoring organizations. The Secretariat shall consist of the Commissioner General, the Secretary, and such other staff as may be necessary.
- 9.2 The Commissioner General shall be appointed by the Director-General of Unesco for a period of four years, following election by the Assembly. He shall be eligible for re-election for one term and shall act as the executive director of the Commission, and shall hold a rank equivalent to that of Deputy Director-General of Unesco.
- 9.3 The Secretary of the Commission shall be appointed by the Director-General on the recommendation of the Executive Council. He shall manage the programmes and staff of the Commission under the authority of the Commissioner General and shall serve as Secretary of the Assembly and the Executive Council.
- 9.4 (a) The Commissioner General and the Secretary, or deputies designated by them shall participate, without the right to vote, in all sessions of the Assembly, the Executive Council, and of subsidiary bodies of the Commission. They shall formulate proposals for appropriate action by the Assembly and the Executive Council.
- (b) The Commissioner General, or a Deputy designated by him, shall represent the Commission in external relations of the Commission. The Commissioner General shall also prepare and communicate to Member States and to the Assembly and Executive Council periodic reports on the activities of the Commission. He shall represent the Commission in meetings of the General Conference and the Executive Board of Unesco.
- 9.5 The Commission shall constitute a separate administrative unit within Unesco under the direction of the Commissioner General.

ARTICLE 10

- 10.1        Unchanged
- 10.2        The General Conference of Unesco shall set aside funds for the operation of the Commission. Gifts and bequests as are allocated to the Commission by other sponsoring organizations and other United Nations organizations, governments, public or private organizations, associations or individuals, and fees collected for special purposes may also be received for the support of the Commission.
- 10.3        Funds set aside or received pursuant to paragraphs 2 or 3 of this Article shall be paid into a special account to be set up by the Director-General of Unesco in accordance with the relevant provisions of the Financial Regulations of Unesco.
- 10.4        The Assembly, or the Executive Council, as directed and authorized by the Assembly, shall determine how the funds available in the special account shall be utilized in support of the Commission, and the Assembly shall adopt special Rules or Regulations for this purpose.
- 10.5        Voluntary contributions may also be accented and established as trust funds in accordance with the Financial Regulations of Unesco and administered by the Commissioner General acting on behalf of the Director-General of Unesco. Such contributions shall be allocated by the Commission for its programmes.

ARTICLE 11

Unchanged.

ARTICLE 12

In addition to the reports required by Article 9, the Commission shall prepare regular reports on its activities, which shall be submitted to the General Conference of Unesco and to the governing bodies of the other sponsoring organizations, as well as to the Member States of the Commission.

ARTICLE 13

The General Conference of Unesco may amend these Statutes following a recommendation of the Commission. Unless otherwise provided by the Commission, an amendment to these Statutes shall enter into force on the date of its adoption by the General Conference.

RESOLUTION EC-XI.15

Proposed Amendments to the Statutes

The Executive Council,

Having studied the recommendations of the Working Group on the Future Role and Functions of the Commission (document IOC/EC-XI/21), section 1.3 "Possible need to revise the IOC Statutes",

Pursuant to Rule of Procedure no. 56, paragraph 2,

Recommends to the Assembly at its eleventh session that the following proposed amendments to the Statutes of the Commission be adopted:

Article 1, paragraph 1, amend to read "The Intergovernmental Oceanographic Commission, hereinafter called the Commission, is established as a body with functional autonomy within the framework of the United Nations Educational, Scientific and Cultural Organization, hereinafter called Unesco".

Article 2, Add new sub-paragraphs as follows -

- "j) . promote, plan and co-ordinate research programmes, monitoring systems and assessment studies on the quality of the marine environment and thereby contribute to the management and protection of the marine environment in collaboration with Member States and the appropriate international organizations;
- 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 sub-soil, and its interactions with the atmosphere and the land masses, as may be decided by its Member States."

Invites the Assembly to submit the above proposed amendments to the IOC Statutes to the Unesco General Conference at its 21st session, with a request that appropriate action be taken in accordance with Article 13 of the IOC Statutes;

Recommends strongly that this submission be accompanied by 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 amendment proposed to Article 2 of the Statutes;

Instructs the Secretary to prepare such a document at an early date, obtaining the agreement of the Director-General Unesco and the Chairman of the Commission thereto before the text is finalized, and to submit this document to the Assembly as an Information Document.

No financial implications

INTERGOVERNMENTAL OCEANOGRAPHIC COMMISSION  
(of UNESCO)

PROPOSED AMENDMENTS TO THE STATUTES OF THE  
INTERGOVERNMENTAL OCEANOGRAPHIC COMMISSION

Secretariat Note

The Executive Council at its eleventh session, 26 February - 3 March 1979, adopted resolution EC-XI.15 (copy attached as Annex II to this document) in which it recommended to the Assembly that certain amendments be made to Articles 1 and 2 of the IOC Statutes.

Furthermore the Council instructed the Secretary to prepare a supporting document giving a detailed explanation of what is meant by the phrase "a body with functional autonomy within the framework of Unesco" (proposed amendment to Article 1) and a brief explanation of the reason for the amendment to Article 2 of the Statutes, obtaining the agreement of the Director-General, Unesco and the Chairman of the Commission thereto before the text is finalized.

This instruction has been carried out and the resulting document is attached hereto.



## 1. INTRODUCTION

1.1 The Intergovernmental Oceanographic Commission is historically and legally an integral part of Unesco: it was established in 1960 by resolution 2.31, adopted by the General Conference of Unesco at its eleventh session. The first session of the Commission was held from 19 to 27 October 1961.

1.2 During its first decade, the Secretariat for the Commission was provided by the Office of Oceanography and the two developed together as one unit. However, inter-governmental activities in the various scientific disciplines that constitute oceanography in its broadest sense and consequently the tasks falling on the Commission, have been expanding steadily and by the end of the decade, it became clear that it was necessary for the Commission to expand its mandate and obtain a greater measure of autonomy.

1.3 By resolution 2414 (XXIII), 17 December 1968, the United Nations General Assembly endorsed the concept of a long-term programme of oceanographic research "designed to assist in a better understanding of the marine environment through science..." and requested "a comprehensive outline of the scope of this long-term programme".

1.4 A "comprehensive outline of the scope of a Long-term and Expanded Programme of Oceanic exploration and Research, of which the International Decade of Ocean Exploration will be an important element" was forwarded by the Chairman of the Commission to the Secretary-General of the United Nations <sup>(1)</sup> and acknowledged in General Assembly resolution 2560 (XXIV), 13 December 1969.

1.5 The same resolution "requests the United Nations Educational, Scientific and Cultural Organization and its Intergovernmental Oceanographic Commission to keep that programme up to date and consider its implementation in appropriate stages, in co-operation with other interested organizations, in particular the United Nations, the Food and Agriculture Organization of the United Nations, the World Meteorological Organization and the Inter-Governmental Maritime Consultative Organization"; it "urges Member States (of the United Nations) to co-operate with the Intergovernmental Oceanographic Commission in the implementation of that programme in appropriate stages"; and commends the establishment of the Inter-secretariat Committee on Scientific Programmes Relating to Oceanography (ICSPRO).

1.6 A further statement on the Long-term and Expanded Programme of Oceanic exploration and Research was presented in May 1970 to the United Nations Economic and Social Council (ECOSOC) in document E/4836.

1.7 These developments led to a revision of the Statutes of the Commission (approved by the Unesco General Conference during its sixteenth session, November 1970 - resolution 2.343), to ensure that they reflect more satisfactorily the above developments and the consequent increased responsibilities that had devolved on the Commission.

1.8 As a second move towards greater autonomy within Unesco, the Secretariat of the Commission was separated from that of the Office of Oceanography (now Division of Marine Sciences) in October 1972 and it has subsequently been confirmed as an independent unit within the Natural Science Sector.<sup>(2)</sup> It is co-located in Unesco House with the Division of Marine Sciences and the two secretariats continue to collaborate very closely.

1.9 At its tenth session, Paris, October - November 1977, the IOC Assembly adopted resolution X-25 (see Annex I) which established a small Group of Experts on the Future Role and Functions of the Commission. This group has met on two occasions (Rome, June 1978 and Paris, December 1978) and has in addition carried out a large number of inter-sessional studies. A report on its conclusions, including a number of recommendations, was submitted to the IOC Executive Council at its eleventh session, Mexico City, February/March 1979 (doc. IOC/EC-XI/21).

1.10 Amongst many other decisions on this subject, the Executive Council adopted resolution EC-XI.15 (see Annex II) in which it recommended to the Assembly that certain amendments be made to Articles 1 and 2 of the IOC Statutes. Furthermore the Council instructed the Secretary to prepare a supporting document giving a detailed explanation of what is meant by the phrase "a body with functional autonomy within the framework of Unesco" (proposed amendment to Article 1) and a brief explanation of the reason for the amendment to Article 2 of the Statutes, obtaining the agreement of the Director-General, Unesco and the Chairman of the Commission thereto before the text is finalized.

## 2. CONCEPT OF FUNCTIONAL AUTONOMY OF THE COMMISSION WITHIN THE FRAMEWORK OF UNESCO

2.1 The IOC, it will be recalled, was set up by Unesco following the Intergovernmental Conference on Oceanographic Research held in Copenhagen in July 1960. That Conference was a response to initiatives to promote international research into the oceans and to promote the joint operation by states of research and training vessels. Prior to that Conference it had been felt that some sort of international institution would have to

be set up to co-ordinate any joint programmes and the example of the European Organization for Nuclear Research (CERN) had been cited.<sup>(3)</sup> CERN had been set up by the agreement of European states as the result of a resolution of the Unesco General Conference encouraging the formation of regional research centres. To adopt this example, therefore, would have involved setting up IOC as a separate international organization based upon its own treaty.

2.2 However, the suggestion was made to the Preparatory Committee for the Copenhagen Conference that another approach was available. In a document submitted to the Preparatory Committee by the Unesco Secretariat, dealing with legal and administrative measures (item 7 of the agenda of the Conference),<sup>(4)</sup> it was pointed out that to follow the CERN model would not achieve the objective of the International Advisory Committee on Marine Sciences that "the closest possible relations" be established between the proposed programme and Unesco. It was, however, also pointed out that while in theory the project for international collaboration on research and training in oceanography could be included in Unesco's regular programme and budget, this would mean that "the States mainly concerned and willing to make a special contribution to the financing of the project would thus be deprived of the possibility of taking a corresponding part in the direction and implementation of the project." The Secretariat document accordingly proposed a "compromise solution" designed both to provide for the association of interested states and to allow the new organization to have the same legal personality, privileges, immunities and facilities enjoyed by Unesco. This consisted in "establishing within Unesco's constitutional framework, a subsidiary body which would be entrusted by the General Conference with the task of implementing a special project coming within the Organization's competence."

2.3 The Secretariat document acknowledged that this was a novel procedure for Unesco,<sup>(5)</sup> but cited several examples of subsidiary bodies created by the General Assembly of the United Nations and one example of such a body about to be created by the International Labour Organization. The document also reviewed the varying structures, powers and financial arrangements of these subsidiary bodies.

2.4 The approach of establishing an international commission for oceanographic research by resolution of the Unesco General Conference was endorsed by both the Preparatory Meeting and the Copenhagen Conference. Statutes were drawn up for the commission and these were adopted by the Eleventh General Conference of Unesco as Resolution 2.31.

2.5 It can be seen, therefore, that the objective in setting up IOC by resolution of the General Conference was to avoid either setting up an independent organization under its own treaty or simply including oceanographic research within the regular programme of Unesco. The objective was rather to create a body with a membership not necessarily identical with that of Unesco and with the responsibility of promoting international collaboration in oceanographic programmes and making recommendations on such programmes to governments. Nevertheless it was intended that the organization should remain within the "constitutional framework" of Unesco. A considerable number of subsidiary organs have been created by the U.N., but the bodies most similar to IOC are those which have been established with intergovernmental organs<sup>(6)</sup> to determine their policies and to direct their programmes.

2.6 The resolutions setting up subsidiary bodies have not been consistent in the way they have described them. Some simply name the organ, others refer to the body as "an organ of the General Assembly", others describe the organ as "an autonomous organ within the United Nations". The question of what is an "autonomous" organ within the United Nations arose recently in discussions surrounding the creation of the Institute for Training and Research for the Advancement of Women. The response given by the secretariat of the United Nations<sup>(7)</sup> in the Social Committee of ECOSOC was that, "autonomous" should be understood as meaning a degree of self-government and separateness from the United Nations, but remaining within the United Nations framework."

2.7 On a subsequent occasion in ECOSOC a representative of the Secretary-General stated that the words "autonomous" and "subsidiary" were not mutually exclusive. He said,<sup>(8)</sup>

"There was no provision in the Charter for autonomous bodies, although the word had been used in reference to other subsidiary bodies of the United Nations, such as UNDP. However, the word 'autonomous' itself added nothing to the powers and functions of a body that was not contained in its terms of reference. It only suggested the intention that some unspecified authority would be delegated."

In further elaboration, the Deputy Director of the General Legal Division of the U.N. Secretariat said:<sup>(9)</sup> "the fact of describing a body as 'subsidiary' did not prevent the United Nations from giving it substantial autonomy." However, in commenting on draft statutes for the African Institute for Economic Development and Planning, the Secretary-General pointed out that "a separate status as 'an autonomous African institution' would be inconsistent with its present status" as a subsidiary organ of the United Nations.<sup>(10)</sup>

2.8 From the position taken in the United Nations it can be seen that the "autonomy" of a subsidiary organ is measured by the extent of the powers granted to it by the parent body. To say that an organ has "functional autonomy" suggests that the degree of autonomy granted is limited to the functions that the organ has to perform. In fact this appears to express no more than the statement that the degree of autonomy is determined by the scope of the powers granted. Thus, in the case of IOC, the extent of its autonomy is determined by its statutes. In other words, IOC is autonomous precisely to the extent that it has been granted specific powers and functions by the General Conference of Unesco.

2.9 This view is supported by the position taken by the Legal Adviser to Unesco in a note concerning the status of the International Institute for Educational Planning, (IIEP) as follows: <sup>(11)</sup>

"The Institute, IIEP has been established 'within the framework of UNESCO' by a resolution of the General Conference. It is therefore legally part of UNESCO and any autonomy which it may enjoy is an autonomy within UNESCO."

The Legal Adviser pointed out that it was clear from a report of a Working Party set up by the Twelfth Session of the Conference, and from debates at the Conference itself, that it was the intention to recognize that the Institute had "a high degree of intellectual and administrative autonomy". In spite of the fact that the word "autonomy" was not used in the statutes, the Legal Adviser said "this intention is reflected in various clauses of the statutes." (See Annex III) He then referred to the fact that the Governing Board of the Institute approves the Institute's programme and budget, which is, therefore, distinct and separate from the programme and budget of the rest of the Organization, although at least part of the Institute's funding comes from an annual allocation made by the General Conference from the regular budget of the Organization.

2.10 There are two important aspects to the opinion of Unesco's Legal Adviser. First, there is clear recognition that a concept of "autonomy" applies to a subsidiary organ of Unesco; it is an autonomy within the constitutional framework of Unesco. Secondly, there is an equally clear recognition that the degree of autonomy possessed by the organ is to be derived from the statutes of the organ; an explicit reference to autonomy in the statutes is not necessary, nor presumably would it add to or modify the scope of the autonomy otherwise found in the statutes.

2.11 The statutes of IOC indicate broad functions that are to be undertaken by the Commission, including determining the matters for international co-operation in the scientific investigation of the oceans (Art. 2(a)), recommending to Member States co-operative programmes for the scientific investigation of the oceans (Art. 2(b)), making recommendations to States for the exchange of oceanographic data (Art. 2(d)), and making recommendations to Member States relating to training and education programmes and programmes of assistance (Art. 2(f) and (g)). In addition, the Commission itself is to collaborate with other international organizations concerned with the oceans (Art. 1.3). In carrying out these functions the Commission is empowered to take appropriate necessary decisions, both of an internal and procedural nature,<sup>(12)</sup> and of a substantive nature in order to effect the Commission's purposes.<sup>(13)</sup> Control is exercised by the Unesco General Conference in a general manner; the Commission must submit regular reports on its activities to the General Conference,<sup>(14)</sup> and its budget is largely made up of an allocation from the regular budget of Unesco. Thus the Commission has to submit its regular programme and budget to the General Conference for approval.

2.12 It can be seen, therefore, that in setting up IOC, the General Conference of Unesco delegated to it broad powers for the purpose of carrying out its functions. The principles of law relating to the interpretation of constitutions of international bodies indicate that such bodies have the powers that are expressed in their constitutions together with those powers that are reasonably necessary to carry out the functions of the organization. This is, of course, subject to the qualification that the powers so implied must not conflict with an express provision in the constituent document, and in the case of subsidiary organs the power so implied must not conflict with any rules or regulations of the parent body. The "autonomy" of IOC, therefore, extends to those powers granted to it under its statutes and any further powers reasonably necessary for carrying out its functions, provided that these implied powers are not inconsistent with the statutes of IOC and are not in conflict with any rules or regulations of Unesco.

2.13 The concept of "functional autonomy" refers to a degree of autonomy limited to the functions of the organization concerned. To say that IOC has "functional autonomy", therefore, indicates that the autonomy of IOC is limited to the carrying out of the functions it has been given under its statutes. It follows from this, and from the practice of the United Nations, that all subsidiary organs have functional autonomy; that is, a degree of autonomy limited to the functions accorded to them by the parent body. The addition of the words "functional autonomy" to the statutes of IOC would not of itself grant greater power to IOC, although, as the representative of the Secretary-General of the United Nations has pointed out,<sup>(15)</sup> it might suggest that some unspecified authority was intended to be delegated.

2.14 It has been suggested that the statutes of IOC indicate that the General Conference of Unesco delegated broad powers to IOC. That the Conference intended to grant some degree of autonomy to the Commission is further confirmed by the fact that membership in the Commission was to be open to any Member State in the United Nations system, and not merely to Unesco Member States, and the Conference did not retain any control over the selection of members of the Executive Council of IOC.<sup>(16)</sup> Further evidence of this intention to grant a degree of autonomy to IOC is found in the composition of its secretariat which is made up of personnel from Unesco and from other international organizations participating in ICSPRO.

2.15 In two important respects, however, Unesco's control over IOC is manifested. First, the moneys allocated for IOC from the regular budget of Unesco by the General Conference are administered by Unesco in accordance with its financial regulations in the same manner as all regular budget moneys.<sup>(17)</sup> Secondly, although IOC has a secretariat provided for it partly by Unesco, and can expect that the Secretariat so provided will be utilized for the purposes of the Commission, the Unesco members of IOC's Secretariat remain part of the Unesco secretariat subject to the staff regulations and rules of Unesco, in the same way that the members of the Secretariats of the UN subsidiary bodies are subject to the staff regulations and rules of the United Nations. In both of these respects, therefore, IOC is similar to any other unit within Unesco.

2.16 Thus, it can be said that in law IOC's autonomy in respect of the funds allocated from the regular budget of Unesco and in respect of secretariat personnel provided by Unesco is restricted, although through delegation from the Director-General of Unesco some practical autonomy in these matters can be achieved.

2.17 In conclusion, the addition of the words "functional autonomy within the framework of Unesco" to Article 1 of the Statutes of IOC does not of itself increase the powers or the scope of the autonomy of IOC. The words serve to recognize that IOC is "within the framework" of Unesco, that is, it is a subsidiary organ of Unesco, that enjoys under its statutes a degree of autonomy corresponding to the extent of its functions. Though the words do not add anything to the powers of IOC, they do serve to explain its status and draw attention to the manifest intention of Unesco to grant to the Commission a degree of autonomy for the purpose of carrying out its functions.

### 3. BRIEF EXPLANATION OF THE REASON FOR THE AMENDMENT PROPOSED TO ARTICLE 2 OF THE STATUTES - FUNCTIONS OF THE COMMISSION

3.1 The proposed amendment relating to Article 2 of the Statutes of the IOC consists of the addition of two new sub-paragraphs (j) and (k) to that Article. These would

read as follows:

- j) promote, plan and co-ordinate research programmes, monitoring systems and assessment studies on the quality of the marine environment and thereby contribute to the management and protection of the marine environment.
- k) undertake any other action compatible with its purpose concerning the ocean, its floor and sub-soil, and its interactions with the atmosphere and the land masses, as may be decided by its Member States.

3.2 The purpose of this new function, foreseen by the proposed sub-paragraph (j), is to cover activities being, in part, already undertaken by the Commission under its Working Committee for the Global Investigation of Pollution in the Marine Environment (GIPME) and the Joint IOC/WMO Working Committee for the Integrated Global Ocean Station System (IGOSS) and which are expected to expand in the future. A specific reference to this function in the Statutes would help in identifying the Commission's role in the context of activities being undertaken by other international organizations such as the Inter-Governmental Maritime Consultative Organization (IMCO) and the United Nations Environment Programme (UNEP), thus facilitating co-ordination and joint action when appropriate. Insertion of this new sub-paragraph in the Commission's functions would emphasize the IOC's preparedness to participate in the formulation of criteria for the prevention of marine pollution.

3.3 The proposed sub-paragraph (k) would, on the other hand, emphasize that the Commission's mandate extends comprehensively to all parts of the marine environment including the sea-floor and the interfaces between land, sea and air. This would clarify the Commission's role if discussions should arise in the future concerning the relationship of the Commission to any inter-governmental mechanism concerned with marine scientific research which may be established as a result of the Third United Nations Conference on the Law of the Sea.



FOOTNOTES

1. Reproduced with a note by the Secretary-General as United Nations Document A/7750.
2. Document 18 C/86 Status and Responsibilities of the Intergovernmental Oceanographic Commission
3. The matter had been considered by the Interim Advisory Committee on Marine Sciences (UNESCO/NS/129), by a Sub-Committee (UNESCO/NS/OCEAN 59, Annex), and by the International Advisory Committee on Marine Sciences (UNESCO/NS/141; NS/150 and NS/153), and a group of consultants convened by the Advisory Committee (NS/153 Annex).
4. UNESCO/NS/OCEAN 96, 20 January 1960, reissued on 31 May 1960 for the Copenhagen Conference.
5. Since then other bodies have been constituted by Unesco in this way, e.g. International Institute for Educational Planning. The UNESCO constitution contains no general provision for the creation of subsidiary bodies comparable to Article 7(2) of the U.N. Charter. Article IV.11 provides that the General Conference "shall set up special and technical committees and such other subordinate bodies as may be necessary for its purposes," but this provision appears to relate to sessional bodies established by the Conference. In any event UNESCO's subsequent practice in establishing subsidiary bodies appears to constitute recognition that a power to do so is implied.
6. There are two differences between IOC and subsidiary organs of the United Nations. First, the U.N. practice appears to be to limit membership in subsidiary organs to members of the parent organization, and, second, the parent organ selects the membership of intergovernmental organs of limited membership. In the case of IOC, membership is not restricted to Unesco Member States (Art. 4.1), and the Assembly of IOC elects the members of the Executive Council (Art. 5.4(a) and 5.5).
7. E/A.7/S.R. 776, para. 39 The statement was made by the Deputy Director of the Centre for Social Development and Humanitarian Affairs.
8. E/1978/C. 2/S.R. 18, para. 35 The statement was made by the Chief of the Economic, Social and Human Rights Section of the Budget Division of the U.N. Secretariat.
9. Ibid., para. 38
10. A/C. 5/32/62, at 8
11. Internal Note of 4 May 1966; [1966] U.N. Juridical Yearbook 266, para. 2.
12. See e.g. Arts. 5.4 and 7.3
13. Art. 5.2 "The Assembly...shall make all decisions necessary to accomplish the purpose of the Commission."
14. Art. 12
15. Supra, text at n. 4
16. Supra, n. 2
17. Voluntary contributions to IOC, however, although administered by Unesco as trust funds in accordance with its financial regulations, are allocated by the Commission itself (Art. 10.3)

Resolution X-25

THE FUTURE ROLE AND FUNCTIONS OF THE COMMISSION

The Intergovernmental Oceanographic Commission,

Referring to Article 1, paragraph 2, of the Statutes of the Commission,

Noting that the increased membership of IOC and the consequent larger participation of developing countries call for an increased effort by the Commission to promote international co-operation in marine scientific research and to provide appropriate assistance to Member States to allow them to participate fully in the exploration, rational exploitation and preservation of the marine environment and the protection of life and property,

Noting in particular the increased complexity of multilateral arrangements needed for the successful prosecution of marine scientific research, resulting from recent changes in, and possible changes which may result from, any new ocean regime,

Recognizing that the implementation of any new ocean regime might call for a review of the structure, functions, powers and capabilities of international organizations which are active in ocean affairs,

Noting the Progress Report by the Chairman of the ad hoc Task Team on the Potential Future Role and Functions of the Commission, established by resolution EC-VIII, 11 (document IOC/EC-IX/6),

Decides to establish a Working Group on the Future Role and Functions of the Commission with the membership, terms of reference, procedures of work and budget as described in the attached Annex I;

Requests the Member States listed in Annex II to designate their representatives on the Working Group within 6 weeks after the date of this resolution;

Invites those Member States to consider the designation of representatives who are familiar with the work of the Commission and who have experience in ocean affairs or the management of marine scientific research programmes or institutes;

Designates the Chairman of the Commission ex-officio as Chairman of the Working Group and as special envoy of the Commission in performing the tasks described in Annex I, particularly with respect to the ICSPRO<sup>(1)</sup> agencies in seeking their co-operation and assistance;

Further designates the First Vice-Chairman of the Commission ex-officio as Vice-Chairman of the Working Group, to assist the Chairman of the Working Group in his tasks and act as additional special envoy of the Commission, as and when necessary, and so required by the Chairman;

Instructs the Secretary to provide the Working Group and its Chairman with such assistance as is requested by them;

Requests the Chairman of the Working Group to report on the work of the Group to the tenth session of the Executive Council<sup>(2)</sup> and to submit the Group's recommendations and the Executive Council's comments to the eleventh session of the Executive Council;<sup>(3)</sup>

Further instructs the Secretary to distribute to Member States a summary of the work undertaken before the eleventh session of the Assembly;

Decides that the need for and the possible continuation of the Working Group together with its membership, terms of reference, chairmanship and procedure of work, shall be reviewed at the eleventh session of the Assembly.<sup>(4)</sup>

(1) Inter-Secretariat Committee on Scientific Programmes Relating to Oceanography (i.e. at present the United Nations, FAO, Unesco, WMO, IMCO).

(2) Scheduled for June 1978.

(3) Scheduled for February 1979.

(4) Scheduled for October 1979.

Annex I to resolution X-25

The Working Group on the Future Role and Functions of the Commission

1. Membership

The Working Group shall consist of its Chairman, Vice-Chairman and the representatives of those Member States of the Commission as listed in Annex II, these Member States having been chosen with regard to geographical representation.

2. Terms of reference

The Working Group shall:

- (a) study the objectives, functions, work and structure of the Commission, including the budgetary requirements, in order to determine any deficiencies and to identify their causes;
- (b) identify possible future objectives and functions of the Commission in the light of its increased membership and the development of the regime for marine scientific research, the exploration and rational exploitation of marine resources and related activities;
- (c) examine the relationship of the Commission with the United Nations agencies, in particular with Unesco and its Division of Marine Sciences and the other ICSPRO agencies;
- (d) prepare recommendations for any necessary changes in the objectives, functions, work and structure, including budgetary planning requirements.

3. Procedure of work

The Working Group shall:

- (a) meet as soon as possible after the approval of this resolution;
- (b) consider the problems as identified by the Member States during the tenth session of the Assembly and the comments, suggestions or proposals subsequently received from Member States and other sources;
- (c) outline the method, procedures of work and the implementation of the necessary action;
- (d) consider the alternatives and their consequences in order to make appropriate recommendations to the Executive Council and Assembly.

The Chairman of the Working Group shall consult with the Member States as well as with Executive Heads of the United Nations, its Specialized Agencies and other competent international organizations.

Moreover, all Member States are invited to forward comments, suggestions or proposals on any topic connected with the Terms of Reference of the Group, to all members of the Working Group and to the Secretary, at least one month before the first session of the Group.

In submitting its report and recommendations to the eleventh session of the Executive Council, the Working Group shall take into account the results of these consultations.

4. Budget

It is estimated that the activities of the Chairman and/or the Vice-Chairman and any necessary secretariat support services will be in the order of \$20,000 per year, to which Member States are requested to make voluntary contributions to cover the aforementioned costs.

Annex II to resolution X-25

Member States of the Commission to be represented on the Working Group

Algeria  
Brazil  
Bulgaria  
Canada  
(Vice-Chairman)  
Egypt  
India

Italy  
Japan  
Kenya  
Mexico  
(Chairman)  
Netherlands  
Peru

Philippines  
Portugal  
Senegal  
Sweden  
Trinidad and Tobago  
U. S. A.  
USSR

RESOLUTION EC-XI.15

Proposed Amendments to the Statutes

The Executive Council,

Having studied the recommendations of the Working Group on the Future Role and Functions of the Commission (document IOC/EC XI/21), section 1.3 "Possible need to revise the IOC Statutes",

Pursuant to Rule of Procedure no. 56, paragraph 2,

Recommends to the Assembly at its eleventh session that the following proposed amendments to the Statutes of the Commission be adopted:

Article 1, paragraph 1, amend to read "The Intergovernmental Oceanographic Commission, hereinafter called the Commission, is established as a body with functional autonomy within the framework of the United Nations Educational, Scientific and Cultural Organization, hereinafter called Unesco".

Article 2, Add new sub-paragraphs as follows -

- "j) promote, plan and co-ordinate research programmes, monitoring systems and assessment studies on the quality of the marine environment and thereby contribute to the management and protection of the marine environment in collaboration with Member States and the appropriate international organizations;
- 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 sub-soil, and its interactions with the atmosphere and the land masses, as may be decided by its Member States."

Invites the Assembly to submit the above proposed amendments to the IOC Statutes to the Unesco General Conference at its 21st session, with a request that appropriate action be taken in accordance with Article 13 of the IOC Statutes;

Recommends strongly that this submission be accompanied by 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 amendment proposed to Article 2 of the Statutes;

Instructs the Secretary to prepare such a document at an early date, obtaining the agreement of the Director-General Unesco and the Chairman of the Commission thereto before the text is finalized, and to submit this document to the Assembly as an Information Document.

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No financial implications

A N N E X III

**STATUTES OF THE INTERNATIONAL INSTITUTE FOR  
EDUCATIONAL PLANNING**

**Article I**

**Establishment of the Institute**

An International Institute for Educational Planning (hereinafter termed 'the Institute') is hereby established within the framework of the United Nations Educational, Scientific and Cultural Organization.

**Article II**

**Aims and functions**

1. The purpose of the Institute is to promote instruction and research on educational planning in relation to economic and social development.
2. To realize this purpose, the Institute will:
  - (a) provide instruction, by organizing in-service training courses, seminars and symposia, for senior civil servants, educational planners and economists or experts attached to institutions responsible for the promotion of social and economic development;
  - (b) endeavour to co-ordinate existing knowledge and experience gained on this subject, and to promote research into new concepts and methods of educational planning likely to further economic and social development.

**Article III**

**Governing Board**

**Membership**

1. The Institute shall be administered by a Governing Board (hereinafter called 'The Board'), consisting of twelve members chosen for their competence and sitting in a personal capacity. The members shall be designated or elected in the following way:

- (a) One member designated for a period of three years by the Secretary-General of the United Nations;
- (b) One member designated for a period of three years by the President of the International Bank for Reconstruction and Development;
- (c) One member designated, for a period of three years, in turn and in the following order by:
  - the Director-General of the Food and Agriculture Organization of the United Nations,
  - the Director-General of the World Health Organization,
  - the Director-General of the International Labour Organisation;
- (d) One member appointed, for a period of three years, in turn and in the following order by the directors of the three regional institutes for economic planning established by:
  - the United Nations Economic Commission for Asia and the Far East,
  - the United Nations Economic Commission for Africa,
  - the United Nations Economic Commission for Latin America;
- (e) Three educators recognized for their contribution in the field of human resource development;
- (f) Four members elected from among educators, economists and other specialists, one of whom shall be from each of Latin America, Asia, Africa and the Arab States, who have made contributions in the field of human resource development;
- (g) The members referred to in sub-paragraphs (e) and (f) shall be elected for a period of four years, in accordance with the provisions of paragraph 2 of the present Article. They shall be immediately eligible for a second term but shall not serve consecutively for more than two terms;
- (h) A chairman elected from among educators, economists and other specialists of international repute in the field of human resource development. He shall hold office for five years, and shall be immediately eligible for a second term but shall not serve consecutively for more than two terms. If, however, the chairman is elected from among the members of the Board, his total period of consecutive service on the Board shall not exceed the maximum period during which he could have served consecutively as chairman and, if necessary, his term of office as chairman shall be reduced by the time required to implement this provision.

2. Subject to the provisions of paragraph 4 of the present Article, the members of the Board mentioned in sub-paragraphs (e), (f) and (h) shall be elected by the Board as a whole.

3. The organizations and institutes mentioned in paragraph 1 above may be represented at the Board's sessions and participate in the Board's deliberations without the right to vote.

#### Transitional provisions

4. (a) The term of office of the members of the Board mentioned in sub-paragraphs (a), (b) and (c) of paragraph 1 of Article III of the Institute's Statutes, as adopted by the General Conference at its twelfth session, shall expire on the date of the entry into force of the present revised Statutes. Subsequently, the members mentioned in sub-paragraphs (a), (b), (c) and (d) of paragraph 1 of Article III of the present revised Statutes shall be designated in accordance with the provisions of the said sub-paragraphs.
- (b) The term of office of the members of the Board mentioned in sub-paragraphs (d), (e) and (f) of paragraph 1 of Article III of the Statutes of the Institute, as adopted by the General Conference at its twelfth session shall continue for the period stipulated in those Statutes. Subsequently the members mentioned in sub-paragraphs (e), (f) and (h) of paragraph 1 of Article III of the present revised Statutes shall be elected in accordance with paragraph 2 of the said Article.

#### Article IV

##### Functions

1. The Board shall determine the general policy and the nature of the Institute's activities within the framework of the general policy of Unesco, with due regard to the obligations resulting from the fact that the Institute has been established within the framework of Unesco.

2. It shall decide how the funds available for the operation of the Institute are to be used, in accordance with the provisions of Article VIII, and shall adopt the budget. The budget ceiling shall not exceed the total sum available, including contributions and subventions paid to the Institute under formal agreement for the relevant financial year.

3. The Board shall lay down the conditions for the admission of participants to the Institute's courses and meetings. It shall make whatever general arrangements it may deem necessary for the establishment and execution of the programme of the Institute.



4. The Board shall be consulted as to the appointment of the senior officials of the Institute and shall make recommendations to the Director-General of Unesco as to the appointment of the Director.
5. The Board shall submit a report on the Institute's activities to each of the ordinary sessions of the General Conference of Unesco.

#### Article V

##### Procedure

1. The Board shall meet in ordinary session once a year. It may meet in extraordinary session when convened by its Chairman, either on his own initiative or at the request of four of its members.
2. The Board shall adopt its own Rules of Procedure.
3. The Board shall set up an Executive Committee consisting of the Chairman of the Board and four members elected in accordance with the provisions of the Board's Rules of Procedure. Between the sessions of the Board, the Executive Committee shall perform the functions assigned to it by the Board.

#### Article VI

##### The Director

1. The Director of the Institute shall be appointed by the Director-General of the United Nations Educational, Scientific and Cultural Organization on the recommendation of the Governing Board.
2. The Director shall be responsible for the administration of the Institute.
3. He shall prepare its draft programme of work and budget estimates and shall submit them to the Board for approval.
4. Subject to the latter's approval, he shall draw up detailed plans for teaching and research, and shall direct their execution.

#### Article VII

##### The Staff

1. The Director and members of the staff of the Institute shall be regarded as officials of Unesco within the meaning of Article VI, Section 18 of the Convention on the Privileges and Immunities of the Specialized Agencies.
2. The working hours for specialized staff members of the Institute, and in particular its teaching staff, shall be so calculated as to enable them to devote sufficient time to a study of problems arising in the field of educational and economic planning.

3. Members of the Institute's specialized staff may be authorized, under conditions to be laid down by the Director, to take part in research and planning, or in surveys organized by other international institutions or by governments on questions which fall within the Institute's field of competence. In no case, however, may the loan of the services of a staff member of the Institute entail interruption or serious delay in the instruction provided by the Institute.

### Article VIII

#### Finance

1. The funds set aside for the operation of the Institute shall consist of the annual allocation determined by the General Conference of the United Nations Educational, Scientific and Cultural Organization, of such subventions, gifts and bequests as are allocated to it by other United Nations agencies, governments, public or private organizations, associations or individuals, and of fees collected for special purposes.

2. Funds allocated for the operation of the Institute shall be paid into a special account to be set up by the Director-General of the United Nations Educational, Scientific and Cultural Organization, in accordance with the relevant provisions of the Organization's Financial Regulations. This special account shall be operated and the Institute's budget administered in accordance with the above-mentioned provisions.

3. Upon termination of the life of the Institute its assets shall be vested in Unesco.

### Article IX

#### Transitional provisions

1. The Director-General of the United Nations Educational, Scientific and Cultural Organization shall make all necessary arrangements for the Institute's entry into operation and for the establishment of its Governing Board. For this purpose, pending the adoption of the Institute's first annual budget, the Director-General shall incur the necessary expenditure from funds voted by the General Conference.

2. Notwithstanding the provisions of Articles IV and VI, the Director-General of the United Nations Educational, Scientific and Cultural Organization shall appoint the first Director and, in agreement with the latter, appoint the first senior officials of the Institute without consulting the Governing Board.

## RESOLUTION IOC-XI/DR.29 rev.

Submitted by the Executive Council  
Agenda item B.6.2.1

## PROPOSED AMENDMENTS TO THE STATUTES

The Intergovernmental Oceanographic Commission,

Having studied the report and recommendations of the Executive Council regarding the Future Role and Functions of the Commission (documents IOC/EC-XI/3 and IOC/EC-XII/3),

Noting the report of the Chairman on his discussions with the Director-General of Unesco regarding the Administrative Structure of the Commission and Functions of the Secretariat (document IOC-XI/16),

Pursuant to IOC Statutes, Article 13,

Recommends to the General Conference of Unesco that, at its twenty-first session, it adopt the following proposed amendments to the Statutes of the Commission:

Article 1, paragraph 1, amend to read "The Intergovernmental Oceanographic Commission, hereinafter called the Commission, is established as a body with functional autonomy within the framework of the United Nations Educational, Scientific and Cultural Organization, hereinafter called Unesco".<sup>+</sup>

Article 2, add new subparagraphs as follows:

- "(j) promote, plan and co-ordinate research programmes, monitoring systems and assessment studies on the quality of the marine environment and thereby contribute to the management and protection of the marine environment in collaboration with Member States and the appropriate international organizations;
- (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 interactions with the atmosphere and the land masses, as may be decided by its Member States;"

Article 9, paragraph 2, for "Secretary" read "Executive Secretary";

Recommends strongly that this submission be accompanied by 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 Articles 2 and 9 of the Statutes;

+ Underlined only to indicate proposed amendment to wording.

Wishes to take this opportunity to place on record for the information of the Unesco General Conference that it is of the opinion that the above amendments are of an urgent nature in view of the increased responsibilities that have devolved on the Commission in recent years and that this reflects great credit on Unesco for the support it has given over the years to the Commission in the execution of its work;

Believes however that there may be a need to study the IOC Statutes further in light of developments in the Third United Nations Conference on the Law of the Sea.

ANNEX IV

SUMMARY EVALUATION OF ARTICLES  
OF THE CONVENTION BY GROUPS  
OF FUNCTIONS CONCERNING THE IOC \*

Each Article is classified as to its significance (high, medium or low) to IOC; then the following seven questions are addressed to each Article:

- |     |  |
|-----|--|
| I   | Is it a new (N), expanded (E) or normal (n) 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).   |

\* See Nota Bene on page 2 of Annex III.

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
243	Creation of favourable conditions		xxx	E	C	IOC/MS	?	No	mb	p
251	General criteria and guidelines		xxx	N	L	MS	ml	No	Yes	Yes
244(1)	Information on proposed programmes		xx	E	L	IOC/MS	ml	No	mb	p
247	Marine scientific research undertaken under auspices of international organizations (IOC might facilitate implementation of certain projects under auspices of IOC)		xx	N	C	MS	No	No	No	No
238	Right to conduct marine scientific research	} only enabling Articles	x	N	L	IOC	Yes	?	Yes	Yes
256	Rights 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	} Obligations of IOC in the event of conducting marine research on its own account*	x	N	L	IOC	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									

\* There are other aspects in which IOC may become involved and which will require further examination.  
At this stage the Task Team did not study them sufficiently to allow detailed evaluation.

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

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
61 (2) (5)	Conservation of the living resources	xx	E	M (FAO)	MS	Yes?	No	Yes	p
163 (13)	Advisory role to the Commissions of the Authority	x	N	M	Authori- ty	ml	No	ml	p
169 (1) (2)	Advisory role to the Commissions of the Authority	x	N	M	Authori- ty	ml	No	ml	p



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

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

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

Article	GROUP 2.2 <i>Ocean mapping and charting</i>	Overall signifi- cance to IOC	I	II	III	IV	V	VI	VII
Annex II Art. 3	Commission on the Limits of the Continental Shelf	xx	N	M	IOC	No	No	mb	mb

Article	Group 2.3 Ocean data acquisition systems	Overall signifi- cance to IOC	I	II	III	IV	V	VI	VII
258	Deployment and use (of scientific research equipment)	xxx	E	L	IOC	No	No	No	No
262	Identification markings and warning signals (of scientific research equipment)	xxx	E	L	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
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
278	Co-operation among international organizations (ICSPT - 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
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
198 199	Assistance on request against pollution incidents	x	N	M(?)	MS/IOC	Yes(?)	No	mb	No
273	Co-operation with international organizations and the Authority	xxx	N(?)	L	MS/IOC	No	No	Yes	Yes

Article	GROUP 4 <i>Provision of scientific and technical advisory services to other organizations</i>	Overall significance to IOC	I	II	III	IV	V	VI	VII
144	Transfer of technology relating to activities in the Area	xx	N	M	IOC/MS	ml	No	mb	p
163 (13)	Consultations from organs of the Council	xx	N	M	IOC	No	No	No	No
260	Safety zones	x	n	L	IOC	No	No	No	No
261	Non-interference with shipping routes	x	n	L	IOC	No	No	No	No
262	Identification markings and warning signals	x	n	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