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IOC/DOSS-III/3
Paris, 3 December 1992
Original: English



INTERGOVERNMENTAL OCEANOGRAPHIC COMMISSION
(of UNESCO)

Third Session of the *Ad hoc* Study Group
on IOC Development, Operations, Structure and Functions

Bergen, Norway, 27-31 July 1992

SUMMARY REPORT

QUO VADIS IOC ?

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INTRODUCTION

- 1 At its Sixteenth Session, the IOC Assembly considered the final report of the *ad hoc* Study Group on Measures to Ensure Adequate and Dependable Resources for the Commission's Programme of Work (FURES) (Document IOC/FURES-III/3). The Assembly appreciated the considerable progress that had been achieved by FURES¹, but noted also that there were a number of important issues which needed further study before the Governing Bodies of the Commission would be in a position to entertain possible amendments to the IOC Constitution. The Assembly therefore, in its Resolution XVI-19 decided to establish an *ad hoc* Study Group for Development, Operations, Structure and Statutes (DOSS), with terms of reference as found in Annex I.
- 2 In accordance with the resolution, the Past Chairman of the Commission serves as Chairman of DOSS, and the IOC Chairman designated five additional members of the group. Thus, the composition of DOSS (Annex II) includes:
- Chairman : Ulf Lie (Norway)
Roy M. Green (Australia)
John A. Knauss (USA)
Guillermo Garcia Montero (Cuba)
Mario Ruivo (Portugal)
Alexander Yankov (Bulgaria)
- 3 The Chairman of the Commission, Manuel Murillo; the Secretary IOC, Gunnar Kullenberg; and the Senior Assistant Secretary of the Commission, Natalie Philippon-Tulloch, have participated in all three meetings of the *ad hoc* Study Group.
- 4 DOSS held its first meeting in UNESCO, Paris, 16-18 December 1991; the second meeting in UNESCO, Paris, 2 March 1992, and the third meeting in Bergen, 26 July-1 August 1992. A progress report was presented to the Twenty-third Session of the Executive Council which provided guidance to the Chairman of DOSS as found in paras 284-291 of the Summary Report of the Council (Document IOC/EC-XXV/3).
- 5 The success of IOC and the recognition of the Commission as an important agent in ocean affairs depend primarily on the active participation and implementation of national institutions for ocean science; effective development of ocean policy in individual Member States; the resourceful, devoted, and imaginative contributions of the Member States through their representatives to the IOC Governing and Subsidiary Bodies; and on the diligence and efficiency of the IOC Secretariat.
- 6 The Commission is an organization for and of its Member States, and the success of the programmes of IOC are primarily related to the degree

1. The *ad hoc* Study Group on Measures to Ensure Adequate and Dependable Resources for the Commission's Programme of Work will hereafter be referred to as FURES and the *ad hoc* Study Group on IOC Development, Operations, Structure and Functions will hereafter be referred to as DOSS

of involvement of Member State institutions in programme formulation, financing and execution.

7 The *ad hoc* Study Group on DOSS considers that the ways and means of enhancing the awareness of the role of ocean science and related services in Member State institutions is a prerogative for further development of the Commission. The present report therefore starts with proposals for enhancing Member State involvement, and continues with proposals for programme development, financing, organization and constitution on the assumption that Member States are committed to using the Commission as their primary instrument for international cooperation in marine sciences.

8 In developing this report, the DOSS Members have also reviewed in detail the Terms of Reference set forth in Resolution XVI-19 to ensure that the conclusions reached and proposals made reflect an adequate response to the tasks assigned. Recalling that the Assembly and Executive Council both emphasized that the work of DOSS should be completed by the Seventeenth Assembly, the Members of the *ad hoc* Study Group present this report to IOC Member States as the conclusion of their deliberations.

1. RECOGNITION OF THE INTERGOVERNMENTAL OCEANOGRAPHIC COMMISSION

9 More than three decades have passed since the IOC was established as an intergovernmental body within UNESCO, based on the premise that no single nation, or even a few nations, can adequately explore and understand the whole of the ocean. The Commission was therefore established for the purpose of promoting (IOC Statutes, Article 1):

"..... scientific investigations and related ocean services, with a view to learning more about the nature and the resources of the oceans through the concerted actions of its members."

10 The commitment to concerted action by the international community has fostered the growth of the IOC, both in terms of the number of its Member States as well as the scope of its programmes and its role within the United Nations system. The pre-eminent role of IOC at global and regional/sub-regional levels, including the creation of favourable conditions for effective partnership in Ocean Affairs, is reflected in the relevant sections of Agenda 21 considered by the United Nations Conference on Environment and Development (Rio de Janeiro, 3-14 June 1992). Follow-up to Agenda 21, especially Chapter 17, as well as to the Framework Conventions on Climate Change, and the Convention on Biodiversity, are expected to have a bearing on the future role and functions of the Commission, as has been the case for the UN Convention on the Law of the Sea (UNCLOS).

11 It is worth recalling that the constitutional basis for the Commission at its origin was cast within the United Nations System, and more specifically within UNESCO, for both philosophical as well as practical reasons. Thus, on the assumption that the basic personnel and funding needs would be provided through UNESCO and other interested UN agencies, no statutory provisions were made regarding financial requirements for IOC membership.

12 Then, as now, the only formal commitment required from nations concerns essentially their statement of intent to join the IOC, by notifying

the Director-General of UNESCO to this effect, and to contribute to its goals through concerted action with other Member States. In the initial phases of IOC and within the context of cooperation in ocean research at that time, this procedure did not hamper the normal functioning of the Commission. However, with the increasing complexity of research and associated ocean services, the lack of formal commitment and clear definitions of the responsibilities of Member States within IOC constitutional texts has become an impediment to the consolidation of IOC activities.

13 The increased membership of the Commission from the original 41 to 119 Member States is a strong indication of the recognition by States of the importance of IOC for international oceanographic co-operation. This recognition is further demonstrated in the reference to IOC as a joint specialized mechanism in the ICSPRO Agreement and as a competent international organization in the UN Convention on the Law of the Sea, and by the acceptance of the IOC in its own right at the Second World Climate Conference and at the United Nations Conference on Environment and Development.

14 In its 30 years of activity, IOC has accumulated a capital of experience, both at global and regional levels, as the only UN organization fully devoted to marine research, ocean services and related training, education and mutual assistance. By its mandate and composition, IOC has a potential to respond to the philosophy embedded in the United Nations Conference on the Law of the Sea, now restated by UNCED under Agenda 21 (Chapter 17, para. 17.1), that the *"marine environment, including the oceans and all seas and adjacent coastal area (...) forms an integrated whole that is an essential component of the global life-support system and a productive asset that presents opportunities for sustainable development"*. This requires *"new approaches to marine and coastal areas management and development at the national, subregional, regional and global levels, approaches that are integrated in content and are precautionary and anticipating in ambit"*.

15 These goals and objectives, by their nature, call for an intersectoral approach involving all concerned sectors that can contribute to interdisciplinary research, long-term systematic observing and monitoring systems, and capacity building including that for human resources.

16 These important and diversified tasks are compatible with the objectives and functions of IOC, as defined in the amended statutes of the Commission which came into force in 1987, and reflected in the practice of the Commission and of its regional subsidiary bodies.

17 In this context, the IOC Programme of Work includes in a complementary and self-supporting strategy :

- (i) projects and activities aimed at a better understanding of the ocean processes and how the system operates both within the marine environment itself and its interfaces with the land, atmosphere and living organisms;
- (ii) fact finding activities for assessment, forecasting and evaluation purpose;
- (iii) development and maintenance of ocean observing and monitoring systems on physical, chemical, biological and geological parameters, supported

by related international data bases and information for scientific and management purposes;

- (iv) strengthening the capabilities of Member States in marine sciences in order to achieve national goals in ocean affairs and to participate in international cooperative efforts at regional, global levels, through capacity building measures.

18 Through this comprehensive approach, the IOC is already contributing to the creation of favourable conditions for the establishment of an effective partnership in ocean affairs, taking into account the levels of development of Member States and the need for concerted action on issues of mutual interest to individual States concerned and the world community as a whole.

19 National involvement is essential to the process of building up confidence and credibility in international efforts aimed at the management and protection of the marine environment and its resources, requiring independent advice and the participation of the scientific communities of all concerned States.

20 IOC is particularly receptive to national needs and wishes involvement of its Member States, in the scientific, technical and regional subsidiary bodies of the Commission. Its purview is widened through its coordination role, should co-operating bodies so wish, as a joint mechanism with other agencies having complementary functions (e.g. UN, FAO, UNESCO, WMO, IMO, UNEP).

21 The Commission may also facilitate the participation of experts from developing countries in major research programmes on scientific frontier areas undertaken under multilateral agreements. In this way, IOC contributes to reducing the gap between industrialized and developing countries in advanced marine research.

22 The IOC is also developing awareness systems for decision makers aimed at providing relevant updated information on major international scientific issues. In this context, it should be noted that an effective approach to develop the required level of cooperation should be based on the recognition, on the one hand, of the diversity of national goals and objectives in marine affairs; and, on the other, of the benefits to be expected from concerted action on issues of mutual interest. The latter is supported by adequate exchange of experience and knowledge, transfer of methodologies for worldwide use, access to costly equipment and research technologies, and the use of common ocean service and other facilities. To a large extent, the success of global and regional cooperative ventures depends upon the "broker" functions, by which interested parties associate themselves through their involvement with IOC.

23 The achievements of IOC and its present structure offer opportunities to optimize the use of ways and means available to Member States, including in connection with the increasing need to promote, recommend and coordinate the development of standards, reference materials and terminology for use in marine service and related ocean services, particularly in regard to implementation of the various modules of GOOS.

24 Thus, there is no doubt that the IOC and its programmes are recognized by the international community, but there is a need to strengthen the involvement of national institutions in the operational aspects of the Commission's programmes and to continue to build formal relationships with other organizations.

1.1 RECOGNITION OF IOC WITHIN ITS MEMBER STATES

25 IOC programmes are formulated in the Commission's Technical and Regional Subsidiary Bodies, decided upon by the Governing Bodies and administered by the Secretariat, but the activities themselves can only be carried out through the active participation of individual institutions and scientists in the Member States. This counterpart support from Member States and the catalytic effect of decisions made by the Commission mobilizes resources far beyond the operational budget of the IOC. The success of the IOC and its programmes is therefore dependent upon a wide awareness of the Commission at all levels of Government, administration and scientific institutions in Member States.

26 FURES discussed actions required to reinforce the spirit of partnership, both in terms of expectations and obligations of Member States (IOC/FURES-III/3), and proposed "Modalities of Support that Member States could Provide to Ensure the Success of Activities Promoted and Coordinated by the IOC", approved by the Assembly and reproduced in Annex III. The Sixteenth Assembly of IOC also requested DOSS to study steps that would facilitate their implementation.

27 DOSS considered various actions that might help Member States to provide greater support to IOC activities, including the issuance of guidelines for each modality and questionnaires to Member States to assess their ability to assume certain responsibilities or need for assistance. The Members concluded, however, that the basic issue lies in the importance attached at national level to international ocean cooperation and that implementation of modality 1 on national structures is a condition *sine qua non* for the following 15 modalities, or any others subsequently identified.

28 In the view of DOSS, the level of Member State support to international marine science is a reflection of the priority given to marine science on the national level. If Governments do not find scientific studies of the oceans and development of ocean services of importance for national development, it is highly unlikely that they will give support to international programmes, notably that of the IOC. The priority Governments assign to ocean science and services, and the resulting formulation of national policy on marine affairs, is related to the realized or potential benefits reaped from ocean resources and to the need to protect the ocean environment.

29 Clearly, the need to formulate national policies for marine affairs is not related to the level of economic development of States. The well-being of the population and economic development of small, developing coastal and island States are often dependent upon the resources of the ocean and the health of the ocean environment.

30 However, formulation of ocean policy requires scientific studies and access to relevant information for identification of ocean resources and

assessment of the state of the marine environment. This information needs to be derived from global sources as no single nation can adequately explore and study the ocean. It is the responsibility of national marine science communities to provide relevant advice and information to governments as reflected in the second Modality:

"Increasing awareness of the existence of IOC, its objectives, and the nature of its programmes."

31 The Governing Bodies of IOC have, in a number of resolutions, notably Resolution XII-8, called for the establishment of national marine science organizational infrastructures, and the "UNESCO-IOC Comprehensive Plan for a Major Assistance Programme to Enhance the Marine Science Capabilities of Developing Countries" (Document IOC/INF-612) provides suggestions for the mandate of such National Oceanographic Commissions (NOC) or equivalent bodies. Clearly, it is the prerogative of governments to decide to what extent NOCs would be involved in co-ordination of national marine science activities and advising governments, but one of the major roles of an NOC would be to stimulate international marine science and to interface with the IOC.

32 In the first item on the list of "Modalities of support that Member States could provide to ensure the success of activities promoted and coordinated by the IOC", FURES called for:

"Improving and establishing, when required, proper liaison mechanisms and counterpart arrangements for marine science activities, in general, and for the purposes of IOC coordination, in particular."

33 DOSS strongly supports this modality as being the highest priority for the future development of IOC. The primary needs of the Commission are not limited to additional posts in the Secretariat, streamlining of the internal organizational structure or improving the IOC Constitution. These are necessary but not sufficient conditions. The overriding objective is the recognition of IOC by governments, national marine science communities and funding agencies as a useful instrument for national development and scientific excellence through international scientific co-operation.

34 DOSS also draws to the attention of the Assembly that, although UNESCO has recognized the functional autonomy of IOC, there still remain a number of concrete measures to be taken in order to implement more effectively IOC functions and more clearly identify the status of the Commission both within and outside of its parent body.

1.2 PROPOSALS

35 In regard to measures concerning the recognition of IOC, the *ad hoc* Study Group proposes that:

(i) The Assembly reaffirms the status of the IOC² as an intergovernmental organization dealing in an integrated and interdisciplinary way with

2. recognized as a "competent international organization" within the UN Convention on the Law of the Sea (Annex II: Article 3(2) thereof).

ocean research, systematic ocean observations, related ocean services and capacity building (TEMA) so as to cover the whole of the ocean including the coastal zone and its interactions with the atmosphere and the land.

- (ii) Member States establish appropriate national mechanisms to liaise with and respond to IOC, and to ensure an intersectoral consideration of ocean affairs at the national level with a parallel intersectoral feedback to the international sphere.
- (iii) IOC national contacts (in National Oceanographic Commissions or equivalent bodies) should establish close working relationships with the national counterparts of other oceans-related UN organizations and programmes such as WMO, the UNEP Regional Seas programme and FAO's fisheries programmes.
- (iv) The Assembly reiterate the position that if the global and corresponding interacting national mechanism are to function properly, the necessary means and resources must be provided: through UNESCO, voluntary contributions, and an appropriate pledging system, possibly leading to a Treaty Status for the IOC.
- (v) The Officers continue to discuss with the Director-General of UNESCO concrete internal measures to reinforce the status of the Commission, including the upgrading of the post of Secretary IOC to the ADG level which would, *inter alia*, enhance the negotiating authority of the Secretary with external bodies and mandate a direct reporting function for IOC to the UNESCO Executive Board and General Conference (cf. para. 109 (ii)).

2. DEVELOPMENT AND IMPLEMENTATION OF IOC PROGRAMMES

36

At its Sixteenth Session, the IOC Assembly approved the goals of the Commission as set forth in the document: "The Intergovernmental Oceanographic Commission: a Strategy for the Future" (Document SC/MD/97, Annex VII) with the four following objectives :

- "(i) *Develop, promote and facilitate international oceanographic research programmes to improve our understanding of critical global and regional ocean processes and their relationship to the stewardship of ocean resources and their exploitation;*
- (ii) *Ensure effective planning for the establishment, and subsequently the co-ordination, of an operational global ocean observing system which will provide the information needed for oceanic and atmospheric forecasting, and for ocean management by coastal nations, and also serve their needs of international global environmental change research;*
- (iii) *Provide international leadership for the development of education and training programmes and technical assistance essential to global ocean monitoring and associated oceanographic research; and*
- (iv) *Ensure that ocean data and information obtained through research, observation and monitoring are efficiently husbanded and made widely available."*

37 In order to meet the problems of today and the challenges of the future, IOC must adapt its structure and increase its resources. The Annex to Resolution XVI-19 instructs DOSS to study the development of a comprehensive IOC Action Plan. Development of Action Plans at the subsidiary body level was considered to be a realistic exercise which would contribute to future elaborations of a more conceptual framework for the whole of IOC.

2.1 IOC PROGRAMMES

Science Programmes

38 The programmes of the Intergovernmental Oceanographic Commission have evolved gradually in accordance with the development and the needs of Member States. Thirty years ago, IOC's major role was to facilitate oceanographic cooperative investigations, such as the International Indian Ocean Expedition which was the Commission's first major initiative. Ocean science remained at a high priority level in the Commission's programmes during the period of the International Decade for Ocean Exploration (IDOE), the accelerated phase of the Long-range and Expanded Programme of Oceanographic Research (LEPOR). After the 1972 UN Conference on the Environment in Stockholm, the international community began to concentrate its attention on the problems of the environment. IOC responded by establishing the Working Committee for Global Investigation of Pollution in the Marine Environment (GIPME), which has been the focal point for the Commission's environmental programmes.

39 It is an expressed goal in the Commission's strategy to remain the central organization for development and co-ordination of international programmes in marine scientific research.

Ocean Services

40 When the IOC was formed, systematic monitoring of the ocean was not a priority, and in most cases not feasible, tide gauge observations being a major exception. With the development of technologies for ocean observations, data analysis and communication and the growing need for provision of ocean services to scientists, IOC has developed a number of service programmes such as IGOSS, IODE, and GLOSS.

41 An example of the increasing importance of the Ocean Services part of the Commission's programmes was the decision of the Fifteenth Assembly, confirmed by the Sixteenth Assembly (Resolution XVI-8), to undertake development of a Global Ocean Observing System (GOOS). GOOS currently includes two modules, a climate module and a coastal ocean module. GOOS is widely recognized as an important programme for the future to address global issues such as climate and global change as well as local coastal issues. Its development and implementation will require either significant new resources, a reordering of IOC priorities, or the development of a programme of shared responsibility with other UN agencies.

42 Given the growing need for ocean services on an international scale it seems likely that the next decade will see a further transition, with more focus on operations with the objective of delivering useful products and services to Member States and the scientific community.

43 GOOS could provide an integrating theme within which the IOC would focus the service component of its Programmes. The Member States have placed high priority on the GOOS Climate Module and the GOOS Health of the Ocean and Coastal Zone Module.

Training, Education and Mutual Assistance

44 Global scale oceanography depends on the widest possible participation in research and service programmes. IOC Member States realized very early that special efforts had to be made in order to involve the developing coastal and island states in the activities of the Commission. The programmes of the Committee for Training, Education and Mutual Assistance (TEMA) in the marine sciences have therefore been assigned a high priority, partly as an integrated part of all the Commission's programmes and partly as separate regional or national mutual assistance programmes. The programmes of the regional bodies, including IOCARIBE, WESTPAC, IOCEA, IOCINCWIO and IOCINDIO, serve as particularly efficient vehicles for linking the needs of Member States to the TEMA activities offered by the Commission. DOSS reiterates, however, numerous past positions that the UNESCO-IOC Comprehensive Plan for A Major Assistance Programme to Enhance the Marine Science Capabilities of Developing Countries, together with clearly identified regional components, is a valid conceptual basis for reducing the gap in marine science and technology. The framework for action by governments, provided through Agenda 21 of UNCED, will hopefully offer new impetus to this aspect of IOC endeavour which has suffered from lack of staff and extra-budgetary resources.

2.2 PRIORITIES

45 DOSS considers establishment and review of priorities essential for development of the framework for a comprehensive Action Plan. To establish priorities it is necessary to agree on the IOC mission for the coming decade. Even if the IOC is successful in developing new resources, it is necessary for the Commission to agree to a process and to criteria for evaluation of existing and proposed IOC programmes and activities in order to establish priorities. Establishing priorities will become of even greater importance if significant new resources are not available. In this situation the IOC must agree to suspend or terminate some otherwise worthwhile activities if top priority programmes are to be adequately funded. These will be difficult decisions.

2.3 PROPOSALS

46 In regard to IOC Programmes, the *ad hoc* Study Group proposes that:

- (i) The IOC should continue a balanced programme of science, service and training, education and mutual assistance.
- (ii) A comprehensive IOC Action Plan should be developed on a regular basis using the following guidelines and procedures, providing the framework required in the IOC Strategy for the Future:
 - a) the IOC Statutes, Articles 1, 2 and 3, taking into account current issues;

- b) the ICSPRO Agreement and the related role of the IOC as a joint specialized mechanism;
 - c) the responsibilities of the IOC as the marine science arm of UNESCO;
 - d) joint programming with other UN organizations and programmes based on formal agreements;
 - e) the responsibilities of the IOC identified through global and regional conferences, including the SWCC, UNCED, and legal instruments, in particular UNCLOS, Framework Convention on Climate Change, and Biodiversity Convention;
 - f) the requirement for the IOC to respond to the needs for training, education, mutual assistance and capacity building through different mechanisms and at different levels, and related regional needs;
 - g) the following factors :
 - the available financial and human resources in the secretariat, from UNESCO, the IOC Trust Fund and other extra-budgetary sources;
 - a fair and balanced development among substantive (scientific, technical) and regional subsidiary bodies;
 - the principle of consensus.
- (iii) To assist the Assembly in developing a Comprehensive Action Plan, all subsidiary bodies be required to produce forecasts of programme implementation and related resource requirements.
- (iv) On the basis of recommendations from subsidiary bodies, and consistent with the approved priorities, the Secretary and the Officers of the Commissions should prepare a programme and budget for consideration by the IOC Assembly.
- (v) The IOC Secretary should produce a review of Agenda 21 and a proposal for the role of the IOC in implementing it; a group of experts should be appointed by the Assembly to undertake for the next Medium Term Plan an in-depth review of the implications of UNCED and Agenda 21 for the IOC, and possibly updating the previous study on the implications of UNCLOS for the IOC.

3. FINANCIAL SUPPORT FOR THE IOC PROGRAMMES

47

During its entire history, the IOC has grappled with a basic contradiction between the activities Member States wish to undertake and the level of resources available for adequate implementation. During the 1970's the global economic situation and specific attention given to ocean research created favourable conditions for the IOC. However, recent trends within the UN system have led to severe cash-flow problems, resulting in zero-based budgets, at best. In the particular case of UNESCO, IOC's parent body, the

withdrawal of three Member States has resulted in overall reductions of staff and programme funding in the order of 30% and this has had a direct impact on the Commission.

48 Since 1980, IOC programme funding provided by UNESCO has not increased in real terms. The UNESCO regular budget for IOC during the two year period 1990-91 was \$3,524,800, divided between \$1,867,900 for IOC and \$1,656,900 for the former Division of Marine Sciences. These funds do not include staff salaries or a variety of support services that UNESCO provides IOC, nor special allocations made from the Director General. It is estimated that the total UNESCO support, including administrative support, for the IOC for the two-year period 1990-91 was about 9.5 million dollars, about two and a half percent of the UNESCO budget of \$378,788,000 for the same period. Additional support comes to the IOC through contributions to its Trust Fund, including support from the United States and the United Kingdom who are not currently members of the UNESCO. This support amounted to about \$1.5 million during the 1990-91 budget years.

49 Despite the support provided by the Director-General, the staffing situation of the IOC Secretariat has continued to deteriorate. The seven IOC professional posts funded through UNESCO today is less than the number funded in 1980 even though there has been an expansion in the programmes and increased workload. More than half the present staff in the IOC Secretariat is seconded through Member States. While valuable for the launching of new initiatives, secondment does not provide a stable basis for the manning of the ongoing programmes. The core staff expected from UNESCO should be set at at least 14 professional posts.

50 Throughout the various studies made on financial aspects of IOC endeavours one theme has consistently risen to the fore: the need for a clearer definition and formal commitment on the part of IOC Member States to the work of the Commission. While some progress has been made in terms of definition (Annex III), the legal basis for commitment has not yet been adequately addressed.

3.1 MOBILIZATION OF FINANCIAL SUPPORT

51 As noted in various resolutions and guidelines approved by the governing bodies of IOC, the trend towards increasing responsibilities by the Commission is paradoxically undermined by chronic shortfalls and uncertainties in funding. This is a source of continual flux in planning and has a negative impact on effective and timely implementation of the approved Programmes. This situation is a continuous source of frustration to all those involved in the Commission's affairs. The shortage of funds and staff for programme implementation creates risk of a serious institutional crisis with heavy and unforeseeable implications to international cooperative ventures, including those involving other organizations of the UN system, and the search for effective remedies cannot be further postponed. The IOC is faced with the following options:

3.1.1. Significant new revenue

52 In order for the IOC to fulfil its mission and plans, the funds available to the IOC need to increase substantially. A challenging but achievable target is to double the total resources over the next four years.

This will require some combination of a larger share of the UNESCO budget; a significant increase in Member State contributions to the IOC Trust Fund; and other new forms of matching any increase in the UNESCO contribution to the IOC budget with a similar increase in contributions to the IOC Trust Fund. A clear statement of what such new funds will be used for must be developed as a part of the IOC comprehensive Action Plan.

3.1.2. IOC Voluntary Co-operation Programme

53 At the Fifth Session of the IOC Committee for TEMA in 1991 new guidelines were proposed for the IOC Voluntary Cooperation Programme (IOC-VCP), and subsequently approved at the Sixteenth Assembly. Two components are foreseen: a Voluntary Cooperation Fund and a Technical Training, Equipment and Maintenance Programme. The IOC-VCP is modelled on the WMO-Voluntary Cooperation Program (WMO-VCP), and designed to help developing countries participate in IOC Programmes. The successful WMO-VCP has been linked to programmes, such as the World Weather Watch (WWW) and the World Climate Programme (WCP), for which there are strong mutual interests in WMO Member States. It is conceivable that linking the IOC-VCP to the Global Ocean Observing System might result in a significantly increased level of funding and in-kind support.

3.1.3 An IOC Pledging System

54 The Fifteenth Session of the Assembly, confronted with the chronic budgetary shortfall of the Commission, assigned FURES (Resolution XV-12) to consider:

"the feasibility of setting up a pledging system by which Member States could create more dependable conditions for the promotion of financial resources to the Commission beyond that presently provided."

55 The rationale and conceptual basis for an International Oceanographic Cooperating Fund (IOC-F) were considered by FURES and presented to the Sixteenth Session of the IOC Assembly, which requested DOSS to further study the matter.

56 On the basis of a survey of existing models for such a pledging system, and taking into account comments made during the discussion of this issue by the Assembly, DOSS recommends the formal establishment of a pledging system for IOC. The establishment of such a pledging system is expected to enhance the work of IOC by capitalizing on the experience and achievements of the Commission, at the same time reinforcing its credibility as an effective mechanism for Member State cooperation and as a reliable partner to other organizations and programmes within the UN system.

57 The present legal basis of IOC establishes the Commission as a body within UNESCO, with open membership to all Member States of an UN organization and with no formal complementary financial or counterpart commitments. This has a direct correlation with the perception by Member States of their responsibilities vis-à-vis IOC as an intergovernmental organization. The statutory nature of IOC within UNESCO and the weak and ambiguous nature of the Statutes themselves, makes it difficult for Member States to appropriate, on a regular basis, a contribution to the IOC budget.

Hence, the establishment of a pledging system under a Convention or other formal Treaty is, in the view of DOSS, necessary and urgent.

58 Considering the triple nature of IOC: (i) as an intergovernmental organization established with functional autonomy; (ii) as an organization within UNESCO, serving as its marine scientific arm; (iii) as a joint specialized mechanism of the UN organizations' members of ICSPRO, various alternatives could be envisaged regarding the scope, objectives and *modus operandi* of the Pledging System as well as the most appropriate depository arrangement.

59 Concerning the scope and objectives, DOSS suggests that the proposed pledging system be focused on the financing of implementation of the Programmes of IOC at global and regional levels, including related mutual assistance activities, thus complementing the contribution by UNESCO to the IOC budget. The UNESCO contribution would provide the funding of basic functions of the Commission, mainly oriented towards the formulation of policies and basic services: the operation of governing bodies (Assembly and Executive Council); coordinating bodies, major scientific, technical and regional subsidiary bodies, including those for GOOS; and the provision of the core staff of international civil servants.

60 While provisions for voluntary contributions either ear-marked or to be used at the discretion of the Secretary of IOC, could be included in the provisions of the proposed International Oceanographic Cooperation Fund, for the time being, the existing IOC Trust Fund should be maintained and operated under the present procedures.

61 In order to simplify machinery, both for Member States and the Secretariat, the IOC-F should operate within the general policy objectives and guidelines of the Commission, and be managed by the Secretary of IOC. However, a Governing Committee for the IOC-F to supervise its functioning should be formed by the signatories of the Convention. The IOC Chairman and one Vice-chairman should be members *ex officio* of the Governing Committee with no voting rights.

62 DOSS has identified the need for further revisions of the IOC Statutes (see Section 5). Considering the effort required to achieve such a task and the parallel effort to prepare an acceptable draft for a Convention establishing a pledging system for IOC, it would be more effective to merge these two exercises. This would consolidate the base of the Commission as a proper Treaty organization, and the associated legal instrument could eventually be deposited with UNESCO.

63 A preliminary proposal for the provisions to be included in the proposed Convention for the IOC-F appears in Annex IV.

3.1.4. IOC as the marine science arm of UNESCO

64 The role of IOC as the marine scientific arm of UNESCO needs to be more formally recognized both within legal instruments such as the ICSPRO Agreement as well as in more precise understanding with UNESCO regarding financial support. In return for the services provided by IOC, the Organization should provide the core staff and budget for the basic tasks of the Commission as mentioned above, as well as for specific projects and

activities undertaken at the request of UNESCO, as part of IOC's role as a joint specialized mechanism discharging the functions of the organization and activities in the overall field of the ocean and coastal environments.

65

As noted in para. 59, ideally UNESCO's contribution should provide for the funding of all basic functions of the Commission, mainly oriented towards the formulation of policies and basic services and provision of the core staff of international civil servants. This would require a very considerable increase from the current level of the UNESCO contribution, and it is recognized that this is not likely to be achieved. Nevertheless, it is important that the IOC has a secure basis from which it can plan its future activities. DOSS considers that the best way to achieve this is to negotiate with UNESCO to provide IOC with an agreed percentage of UNESCO's total budget. Taking a pragmatic approach this percentage can only be in the order of the current level, and it is therefore suggested that the subvention be at least 3% of UNESCO's budget.

3.2 PROPOSALS

66

In regard to IOC finances, the *ad hoc* Study Group proposes that:

- (i) the IOC campaign actively, at officer, delegate and secretariat levels, to achieve a subvention of at least 3% of UNESCO's budget as a basis for long term planning;
- (ii) the Chairman and First Vice-Chairman prepare a background paper to support the case for the 3% subvention, and provide it to all IOC national representatives for their appropriate use;
- (iii) the IOC Secretary should continue to present to the IOC Assembly a proposed programme and budget that includes anticipated funding from UNESCO and contribution to the IOC Trust Fund from Member States non-Member States of UNESCO, as well as other resources. Likewise, indication of programme requirements and gaps in funding should be continued and distributed to Member States in advance of the Assembly to facilitate their efforts to mobilize additional funding to be announced at sessions of the Assembly whenever possible as pledged voluntary contributions. Such a budget should be developed in consultation with representatives of those Member States most likely to make significant contributions to an augmented Trust Fund;
- (iv) an IOC Pledging System should be established, aimed mainly at:
 - a) implementation of the approved ocean science and services programmes of the Commission, particularly their global and regional/sub-regional components of special interest to Member States as a whole, or to groups of States; and
 - b) supporting mutual assistance activities considered essential by the Commission for the implementation of priority programmes and activities by assisting developing countries to acquire the required national capabilities in ocean research and, thus, to participate effectively in the implementation of international oceanographic cooperative ventures.

4. ORGANIZATION AND STRUCTURE OF THE IOC

67 The Report of the Third Session of FURES (IOC/FURES-III/3) discussed and proposed concrete measures for more efficient and effective operation of IOC meetings, with the objectives of:

- (i) reducing the length of Assembly and Executive Council meetings;
- (ii) reducing the proportion of Secretariat time required for these meetings; and
- (iii) focussing on the required outcomes of the meetings.

68 The Sixteenth Session of the IOC Assembly expressed general agreement with the principles expressed in the FURES proposals, but alternative proposals were made and the Assembly therefore requested further study of the issues.

4.1 FREQUENCY OF MEETINGS

69 FURES discussed the question of frequency of meetings for the Assembly and the Executive Council at some length, and presented a rationale which led to a proposal for a triennial cycle. This would achieve savings of about \$100,000 and 65 person-months each biennium for the Secretariat. FURES also noted that increasing to a four-year cycle (used for example by WMO) would increase the savings further.

70 The FURES-II Report and Resolution XVI-18 make no reference to the question of frequency of meetings, while the first meeting of the DOSS concluded that:

"the present cycle for the Assembly and Executive Council should be maintained." (Document IOC/DOSS-I/3, para. 21)

71 Information about the rationale for this decision was requested by the Executive Council at its Twenty-fifth Session, and DOSS members have therefore further discussed the issue. It is necessary to assess and reach a judgement on the arguments for and against the present cycle.

72 The arguments in favour of changing the frequency of meetings (i.e. increasing the time-span between subsequent meetings of Governing and Subsidiary Bodies) have been related to savings in expenses and Secretariat work-load, as well as significant economies for Member State Delegations as indicated above in para. 69.

73 The main arguments in favour of maintaining the present cycles are the need to :

- (i) maintain cohesion with the UNESCO budget cycle;
- (ii) maintain IOC's profile in the UN system and particularly in UNESCO;
- (iii) ensure that all Member States continue to be involved, and feel that they are involved, in establishing IOC's policy and programmes.

Cohesion with the UNESCO budget Cycle

74 The IOC Assembly meets in the spring of the year of the UNESCO General Conference, and any decisions by the Assembly regarding budget will be too late to influence the formulation of the Draft UNESCO Programme and Budget (Draft C/5). The decisions of the previous Assembly and Executive Council (2.5 or 1.5 years before UNESCO General Conference) are those which may be taken into consideration in the preparatory phase of UNESCO programming, during which internal adjustments are made as proposals by the Director-General to UNESCO governing bodies.

75 Resolutions of the Assembly, while not directly effecting the text of the Draft C/5, do assist the Secretary IOC in internal negotiations. They should serve IOC Member States as policy statements that can be used to generate amendments to the Draft C/5 through Draft Resolutions presented by UNESCO Member States to the General Conference. This opportunity is rarely used by IOC focal points at their national level.

76 In summary, the guidelines and resolutions of the Assembly offer an useful basis to the Officers and the Secretariat, as well as Member States, for their interface in the subsequent process of finalization of such proposals, including consideration and support by the General Conference of UNESCO. Timely input by the IOC Assembly would, in any case, be desirable, *inter alia*, through consideration of relevant matters by the previous Assembly session and the preparation of a medium-term rolling Action Plan.

Maintaining IOC's profile in UNESCO

77 IOC's profile in UNESCO is maintained in several ways: by the continuous interaction of the IOC Secretariat with the UNESCO administration; by the interventions of representatives of Member State delegations to the UNESCO General Conferences; and by the various results of meetings of the IOC Governing Bodies. The frequency of meetings is therefore a factor in maintaining IOC's profile, albeit difficult to quantify.

Involvement of Member States

78 The involvement of IOC Member States with the establishment of policy and programmes is regulated by the Constitution of the Commission and thus, in principle, is independent of the frequency of meetings. On the other hand, frequent meetings tend to enhance the visibility of the Commission in Member States. Meetings also have a strong influence on the cohesion of Member States: the establishment of a "family" attitude to the achievement of common goals and the internal resolution of any differences of view. Again this is difficult to quantify, but it is undoubtedly a powerful factor in favour of regular meetings. There may be other ways of achieving the same results, but they are not immediately obvious, nor are they in place at this time.

79 On balance, DOSS favours continuation of the current frequency of meetings. DOSS notes, however, that this opinion could change as a consequence of changes in the above factors, in particular the status of the IOC, and suggests this should be revisited if and when circumstances change.

4.2 IOC GOVERNING BODIES

The Assembly

80 As specified in Article 5 of the IOC Statutes, the Assembly is the principal organ of the Commission and:

"shall make all decisions necessary to accomplish the purpose of the Commission."

81 The sessions of the Assembly are the fora for determination and implementation of policy and, as recommended by FURES and agreed at the Sixteenth Session of the Assembly, this requires that the agendas of the Assembly be comprehensive and (Article 5):

"cover all IOC programmes and define general policy."

82 Nevertheless, it is the view of DOSS that the length of Assembly sessions can be reduced by adopting changes to: the structure and timetable of the meeting; papers prepared for the meeting and their presentation; and implementing a rigorous subsidiary body reporting procedure to the Assembly.³

The Executive Council

83 Article 5 of the IOC Statutes states that:

"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."

84 However, Rule 21(1) of the Rules of Procedure does not reflect clearly the role of the Executive Council as specified in Article 5, and FURES noted that the agendas for Executive Council do not reflect the special role of the Council. Executive Council agendas have tended to be very similar in content to Assemblies, englobing issues and functions beyond those of an executive body.

85 The Sixteenth Session of the Assembly determined that:

"the Executive Council should concentrate on implementation and management aspects, bearing in mind that it must also be able to act on unexpected issues." (Document SC/MD/99, para. 458)

86 This suggests that Rule 21(1) needs to be revised, and DOSS recommends changes as part of its general review of the Rules of Procedure (Part 5.2).

3. DOSS, at its first session, proposed certain adjustments to the subsidiary body reporting procedure which are found in para. 103.

87 As a guide, the following generic agenda for Executive Council meetings is suggested : Opening; Administrative Arrangements; Secretary's Report; Matters referred by the Assembly; Report of Subsidiary Bodies; Co-operation with other bodies; Programme and Budget; Other Business.

4.3 THE OFFICERS

IOC Vice-Chairmen

88 Recognizing that the four Vice-Chairmen are distinguished individuals commanding a high level of experience and expertise, DOSS suggested that their role should be specified to ensure that advantage be taken of their attributes. Resolution VIII-33 assigns responsibilities to the Vice-Chairmen. The First Vice-Chairman essentially has the role of deputy to the Chairman, especially for financial matters, plus responsibility for the scientific content of the Assembly sessions. The other three Vice-Chairmen are assigned by the Chairman to take special responsibility for one of the three main activities: ocean science, ocean services, and training, education and mutual assistance; and for one of three regions: Atlantic Ocean, Pacific Ocean, and Indian and Antarctic Oceans.

89 This provides a reasonable framework for the role of the Vice-Chairmen, but it needs further elaboration. In particular, there is scope for the Vice-Chairmen to assist in developing regional relationships, through active communication and dialogue with Member States, and by representing the IOC at relevant meetings.

4.4 THE SECRETARIAT

90 The composition, role and functions of the IOC Secretariat must take into account the special nature of IOC as an intergovernmental body; its functional autonomy within UNESCO; and its coordination role within the UN System for matters relating to oceanography. As noted throughout the present report, there is continual expansion of IOC programmes and responsibilities. This obviously impacts upon the workload of the Secretariat as well as on the types of expertise required.

91 As pointed out by FURES, the IOC Secretariat should ideally be composed of a core staff of international civil servants provided by UNESCO and supplemented by staff seconded by Member States and cooperating international organizations. In order that these two components work in an effective manner, the core staff needs to be sufficient in number to provide continuity and guidance to seconded staff, most of which are assigned for limited periods and for specific programmes. The status of seconded staff, within the UNESCO staff establishment, needs to be improved and well-defined in respect to administrative and legal arrangements.

92 In a parallel manner, the level of responsibility of the Secretary IOC, and the need to ensure that this post reflects the status of the Commission itself, has led both FURES and DOSS to emphasize the necessity of adjusting the post description to that of an ADG level. Within this process, the authority of the Secretary in regard to staff matters, including recruitment, needs to be defined and agreed upon by UNESCO.

4.5 THE SUBSIDIARY BODIES

93 At present there are in excess of 90 formally constituted subsidiary, technical and regional bodies of the Commission and whilst each may not necessarily meet during a biennium, the Secretariat has advised that it is involved with between 110 and 150 activities during a biennium. This is probably an underestimate. In calendar year 1991 there were 96 activities, and there seems to have been an inexorable increase in the number of and requirements for such bodies.

94 There is a need to examine critically the plethora of subsidiary bodies with a view to rationalizing the schedule of meetings and the reporting functions, and by considering appropriate criteria which can be applied to determine whether bodies should be created, and subsequently whether they should continue. The suggestion that a termination clause be included when constituting any such body is one obvious step which can be taken. This would require that there be agreed justification for the continued existence of a body, couched in terms of the programme's effectiveness and the relevance of its mission to then-current IOC goals and objectives. In the absence of such, the IOC Assembly, in accordance with Rule 24 of the Rules of Procedure, would decide whether the programme be terminated or phased out within a given time schedule.

4.6 GEOGRAPHICAL DISTRIBUTION

95 The term "geographical distribution" is referred to within the IOC Statutes in Article 5, para. 4.

96 It is important to point out that this Article (paras. 1 to 6) includes the basic elements that define the composition of the Commission, particularly in reference to the Executive Council where it is stated, in para. 4, that:

*"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) a number of Member States to the Executive Council, which number shall not exceed one quarter of the Member States of the Commission..."*

97 Thus, in the process of election of the Vice-Chairmen of the Commission and representatives to the Executive Council, there is often reference, particularly in informal negotiations, to the principle of a fair and equitable geographical distribution. This implies that there exists an approved grouping of Member States into geographic entities, but neither the Statutes nor the Rules of Procedure give information about the procedures to be followed in defining such groupings.

98 Vice-Chairmen of the Commission and experts are primarily selected on a personal basis, taking into account the individual's qualifications and technical expertise, while at the same time trying to ensure that major

geographic areas are represented. Considering the roles of Vice-Chairmen or experts, a more formal application of the principle of geographic distribution seems unwarranted. The situation is quite different with respect to composition of the Executive Council. Decisions of the Executive Council may have consequences which are different for different regions or other groupings of Member States.

99 Nominations for membership in the Executive Council have been influenced by *ex officio* consultation among Member States via existing groups as practiced within UNESCO, but there is no guidance in the IOC constitution for selecting the number of seats per group. The *ex officio* selection has been based on consideration of the number of states in the various regional groups, while at the same time trying to ensure representation of the major oceanographic states. As a result, some groups have been numerically over-represented compared with other groups. In the present atmosphere of co-operation and guided by the principle of consensus, the impact on composition of the Executive Council has had no practical consequences. Furthermore, all IOC Member States have the opportunity to participate in the Executive Council meetings as observers, with the same access to information as the official members.

100 The argument has been made, however, that representation on the Executive Council clearly gives a Member State more visibility within the organization, and presumably also more influence on the decisions of IOC Governing Bodies. For many of the smaller Member States it is easier to validate travel expenditure for official Members of the Executive Council than to those with observer status.

101 It should also be borne in mind that DOSS is advocating a more focussed role for the Executive Council which would enhance the executive role of individual members. This, in turn, would lead to increase interest in attaining status as a Member of the Council.

102 The term "need for a broad geographical participation", as used in Rule of Procedure 24, clearly refers to the need to ensure the widest possible participation in all of IOC's activities, in order to ascertain a comprehensive representation of the specific views and concerns of all of its Member States. In principle, the establishment of groups of experts and other *ad hoc* bodies should adhere to these principles, but it must be recognized that the selection of experts on those grounds could be difficult. One should therefore recommend that technical excellence should be the primary objective, while measures should be taken to ensure that no nation or group of nations tend to dominate those groups.

4.7 PROPOSALS

103 The *ad hoc* Study Group proposes, in regard to:

Frequency of meetings

104 The frequency of meetings of the Governing bodies of the Commission remains unchanged for the present.

Structure of Assembly Sessions

- 105 (i) Following presentation of the Report of the Secretary on Intersessional Activities, there should be an extended Plenary Session providing the opportunity for any Member State wishing to do so, to comment on the whole of the programme, including pertinent national activities. It might be both useful and appropriate to specify a time limit for such presentations.
- (ii) Discussion of individual agenda items in plenary should concentrate on policy issues, and actions requiring decisions by the Assembly including those based on the draft resolutions.
- (iii) The Anton Bruun Memorial Lecture(s) should be programmed early during the Assembly and could be restricted to one lecture on a topic of relevance to the Commission's work.

Executive Council Sessions

- 106 The Agenda should be restricted primarily to those issues concerning the programme implementation of the Commission requiring decisions or management actions (see proposed revised Rule of Procedure 21(1)).

Documentation

- 107 (i) Each subsidiary body should provide an executive summary of its deliberations, to which should be attached: an Action Plan, with a proposed project implementation schedule; a summary of financial and staff requirements, including indications of Member State commitments; draft resolution(s) concerning any decisions required of the Assembly.
- (ii) The Secretary shall prepare a reduced Action Paper addressing the items not covered through the subsidiary bodies reports which provide the background information for the item; the analysis and proposals by the Secretary; the request of actions by the Assembly.

Officers

- 108 (i) The Officers of the Commission, in consultation with the Secretary, should propose an elaborated set of responsibilities for the Chairman and the Vice-Chairmen, including interface with other bodies and regional organizations.
- (ii) Based on recent inter-sessional experience, the Officers should provide their views on the need for periodic consultations as a means of providing guidance to the Secretary between sessions of the Executive Council and the Assembly.

Secretariat

- 109 (i) The Secretary IOC should formally request the Director-General to instruct the relevant office(s) within UNESCO to study the status of seconded staff within the organization with a view to clarifying administrative and legal arrangements.

- (ii) The Assembly reiterate the wish of the Commission that the post of Secretary IOC be re-evaluated in function of increased responsibilities and to better reflect the status of IOC, bearing in mind the need to adjust the title of the post and provide for an upgrading to the ADG level (cf. para. 35 (v)).

Subsidiary Bodies

110 As a means of ensuring the continued relevance of Subsidiary Bodies and their programmes,

- (i) All new Subsidiary Bodies and programmes should be approved for a finite period. Extension for each additional period requires approval of the Assembly;
- (ii) All existing Subsidiary Bodies and programmes should be reviewed on a schedule and by means recommended by the Secretary and approved by the Assembly. Decisions to continue existing Subsidiary Bodies and programmes should be made on the basis of their supporting the Assembly Action Plan described above in para. 107.

Geographical Distribution⁴

- 111
- (i) Recognizing that the world of geographical groupings is changing, DOSS recommends that the IOC apply for the present the same geographical groupings as adopted by UNESCO, taking into account the need to assimilate within these groupings IOC Member States that are not Member States of UNESCO.
 - (ii) Also recognizing the interest of many members to adopt both a more formal means of determining the geographical representation of the Executive Council and of continuing the IOC practice that all Members States agree on membership of the Executive Council, DOSS proposes a formula for consideration. If approved, the formula given below should be made part of the Rules of Procedure.
 - a) Members of the Executive Council are elected by the Assembly, it being understood that a majority of those present and voting is required even if it requires more than one ballot.
 - b) There is no limit by geographical distribution to the number of candidates nominated to the Executive Council.
 - c) Each geographical group is entitled to a minimum number of members of the Executive Council assuming that states proposed for election receive a majority as indicated in para. (i).
 - d) In electing Members of the Executive Council and, in particular, Chairman and Vice-Chairmen, special attention should be paid to their active participation in ocean affairs and to their expertise.

4. Throughout this section, in calculating the number of seats, the DOSS Members have followed the statistical rule that a "X.5" number is rounded off to the higher integer if X is an odd number and to the lower integer if X is an even number.

- e) For the purpose of election, seats on the Executive Council will be divided between assigned seats and floating seats. The number of assigned seats will be three quarters of the total number of seats to be considered for election in accordance with Article 5 (4.b) of the Statutes.
- f) For purposes of election, seats to the Executive Council are divided between assigned seats and floating seats. The ratio of assigned seats to floating seats is three to one. [If the total number of available seats is not divisible by four, they are divided according to the nearest whole number].
- g) The assigned seats are divided amongst the five geographical groups in proportion to the number of members in each geographical group. [The number assigned to each geographical group is the nearest whole number. If the total number of "whole number seats" is either smaller or larger than the total number of assigned seats, a corresponding adjustment is made in the number of floating seats.
- h) On the basis of the vote, those with the highest votes in each geographical group will be awarded the "assigned seats", assuming each achieves the majority of votes as required by para.(a). If one or more assigned seats are not filled because of the lack of a majority, these seats are assigned to the "floating seat" category.
- i) The "floating seats" are assigned to those nominated in the order of the size of their majority independent of which geographical group the member represent. However, all members elected to floating seats must achieve a majority of the votes cast as required in para. a).
- j) If a sufficient number of those nominated do not achieve a majority vote to fill all of the floating seats, a second election will be held from amongst those previously nominated but not elected. In the second election (and further elections, if necessary), all seats will be "floating".

112

To illustrate the formula, we give below the example of how the formula would apply if it were in place at the Seventeenth Session of the Assembly, based on the membership of the Commission as of August 1992.

- (i) For the Seventeenth Session of the Assembly, there are 118 members of the IOC; therefore there are 30 seats on the Executive Council available for election (25% times 118 equals 29.5; round up to 30⁵) plus five officers.

5. This is based on the statistical rule referred to in the footnote number 4. As no provision for determining the calculation of "one quarter of Member States" is made in the Rules of Procedure, application of the statistical rule or another formula needs to be agreed upon and included in the Rules of Procedure.

- (ii) With 30 seats for election, of which 75% are assigned seats and 25% floating seats, there are 22 seats (rounding down from 22.5) given to assigned seats and eight seats (rounding up from 7.5) given to the floating seats.
- (iii) The assigned number for each group for the Seventeenth Session of the Assembly on the basis of the calculation would be four for the Group I (24 divided by 118 times 22 = 4.5); one for the Group II (7 divided by 118 times 22 = 1.3); four for the Group III (22 divided by 118 times 22 = 4.1); four for the Group IV (23 divided by 118 times 22 = 4.3); eight for the Group V (42 divided by 118 times 22 = 7.8).
- (iv) Because of rounding to whole numbers this calculation totals only 21 assigned seats. (Note that a different total membership of the Commission and with different members in each geographical grouping, the calculation could have come out with an additional seat or with the correct number of seats). The additional seat would be assigned to the floating category. For the Seventeenth Session of the Assembly, there would be nine floating seats and 21 assigned seats as shown in the following table.

CATEGORY	NUMBER OF SEATS
Group I (24 members)	4
Group II (7 members)	1
Group III (22 members)	4
Group IV (23 members)	4
Group V (42 members)	8
Floating	9
Total	30

5. THE IOC CONSTITUTION⁶

113 FURES acknowledged in its final report (IOC/FURES-III/3, para. 13)
that:

"... a progressive development of the legal framework of the IOC is needed, and that the existing legal rules determining the Statutes of IOC and the implementation of its functional autonomy need further precision and elaboration in order to meet the new requirements and challenges facing IOC."

114 In identifying the areas where further precision and elaboration of the Statutes and Rules of Procedure are required (as reflected in its Terms

6. IOC constitutional texts englobe, but are not restricted to, its Statutes and Rules of Procedure.

of Reference), DOSS is of the view that the following considerations are of particular relevance:

- (i) Enhancing the *functional autonomy* of IOC within UNESCO.
- (ii) Determining the *rights, obligations and partnership* of Member States for the effective implementation of decisions and programmes of IOC.
- (iii) Increasing the *efficiency of IOC* and improving the *functions and powers of governing bodies*.
- (iv) Functions assigned to *IOC as a "competent international organization" for ocean science and related services*, following the possible entry into force of the UN Convention on the Law of the Sea and taking into account the involvement of IOC in major global issues relating to ocean affairs, especially within the context of UNCED decisions and in application of international instruments on global climate change and biodiversity.

115 The analysis of the IOC Constitution undertaken by DOSS is confined to an outline of provisions in the Statutes which would require further consideration, while suggestions on the Rules of Procedure are more specific. This approach is based on the recommendation by FURES to take up the revision of the Rules of Procedure as an immediate task, keeping under examination the Statutes as a medium-to-long-term task.

116 Normally, it should be the reverse, with the Rules of Procedure being based on the Statutes as the constitutional instrument of higher legal authority. However, in this particular case, considerations of expediency prevailed.

117 It was agreed that amendments to the Statutes would take more time since they have to be approved by the General Conference of UNESCO following a recommendation of, or after consultation with the IOC. Furthermore, substantive amendments to the Statutes would be more appropriate subsequent to such important events as UNCED and entry into force of the UN Convention on the Law of the Sea, because it is expected that these two events will have significant impact on IOC. DOSS has also raised the possible merging of several initiatives that would require revised or new legal instruments, i.e., the IOC-F, changes in Statutes to reflect conditions for Membership, and a treaty process.

118 Consequently, amendments to the Rules of Procedure should have priority. They should be in conformity with the present provisions of the Statutes, in anticipation, as much as possible, of any changes in the Statutes that might occur at a later stage. Following this approach DOSS, when dealing with the Rules of Procedure, has focussed its proposals on the following:

- (i) Bringing the Rules of Procedure in conformity with the relevant provisions of the Statutes, particularly with regard to the difference in the functions and powers of the Assembly and the Executive Council (Article 5 of the Statutes and Rules 8 and 21 of the Rules of Procedure).
- (ii) Enhancing the efficiency and organization of meetings of governing committees and subsidiary and other bodies. (Rules 10, 22, 49).

- (iii) Filling in certain gaps.
- (iv) Improving the structure of the Rules of Procedure.
- (v) Drafting amendments.
- (vi) An outline of some possible improvements of the Statutes.

5.1 THE STATUTES

Functional Autonomy

119 Article 1, Para.1 (a) and (b) referring to the general concept of functional autonomy would need certain adjustments. The IOC is defined:

".. as a body with functional autonomy within the United Nations Educational, Scientific and Cultural Organization."

120 The generic term "body" does not reflect the legal personality of IOC as an *intergovernmental organization* with independent decision-making and operational functions and powers. It would therefore, be more appropriate to use the term "*intergovernmental organization*" in conformity with the scope and content of the concept of functional autonomy. Furthermore, sub-para (b) places the emphasis on the subordination of IOC to UNESCO and does not adequately articulate the peculiar legal Statutes of IOC, entailing a wide range of competences of its own.

121 It is suggested to reconsider this provision which may either be deleted or redrafted. In the latter case, sub-para. (b) should spell out in general terms the two intrinsic elements of the notion of functional autonomy, namely: on the one hand, independent functions and powers in decision making, elaboration and implementation of programmes; and on the other hand, subordination to UNESCO on membership, budgetary and administrative matters in accordance with the relevant provisions of the present Statutes.

122 The specific elements of the functional autonomy of IOC and its implications should be embodied in specific provisions of the Statutes. This is the approach reflected in the present text of Articles 1, 2, 3, 5, 6, 7, 10 and 11, as indicated in the previous documents on this subject. Of course, these provisions could be further adjusted to new functions assigned to IOC as a result of ongoing developments (UNCED, UNCLOS etc.).

123 Another indication of the process of strengthening the functional autonomy of IOC would be a new title for the head of IOC Secretariat, namely, a *Secretary-General* with all implications, including, if necessary, amendment to the Staff Regulations and Rules of UNESCO with regard to the Secretary and Staff of IOC.

Rights, Obligations and Partnership

124 The problem of responsibilities of Member States with regard to the implementation of decisions and programmes and increasing their effectiveness has acquired prominent significance in view of the disparity between expansion of IOC activities on the one hand and the lack of adequate

resources, on the other. This problem has been emphasized in a number of important IOC documents. Thus the IOC Assembly, in the report of its Sixteenth Session (SC/MD/97, para. 439) noted that:

"Giving effect to the concept of functional autonomy is an evolutionary process that will require further consultation and negotiation in the light of experience. Due recognition was given to the fact that the exercise of functional autonomy implies greater responsibilities for the commission and its Member States in ensuring that the IOC follows up its commitments appropriately."

125 Furthermore, the Assembly in its important statement entitled "The Intergovernmental Oceanographic Commission: A Strategy for the Future" (SC/MD/97, Annex VII, page 2) stated that:

"The development of national capabilities for marine sciences and services through world-wide partnership of its Member States and their scientific institutions and national organizations is one of the major themes of IOC. The commitment to Training, Education and Mutual Assistance in the marine sciences (TEMA) is intimately interwoven with other objectives of the Commission, including the fashioning of oceanographic research programmes and the development of global and regional networks of ocean services."

126 It was also emphasized in the same statement that:

"The developing global partnership in response to global problems of climate change and sea level rise adds new dimensions to TEMA."

127 The most detailed description of the obligations and responsibilities of Member States in the implementation of the decisions and programmes of IOC is the list of "Modalities of support that Member States could provide to ensure the success of activities promoted and coordinated by IOC" (reproduced in Annex III). Further elaboration of this list should provide the background for the formulation of certain provisions in the Statutes relating to obligations, responsibilities and partnership of Member States of IOC.

128 In the light of other studies undertaken by DOSS, it is suggested to include a special chapter in the Statutes with specific provisions on rights, obligations and partnership. Provisions on this subject may provide the legal basis for the implementation of decisions and programmes with a view to enhancing the effective functions of IOC.

**IOC as a "Competent International Organization"
in the Field of Ocean Science and Related Services**

129 The revised Statutes should reflect the role of IOC in view of the new developments in ocean affairs, particularly with regard to the increasing role of ocean science and related ocean services in planning and implementing global change research programmes, as well as management and protection of the marine environment and its resources.

130

The major revision of the Statutes in 1987 was inspired by the UN Convention on the Law of the Sea, though the Convention was not in force. Most of the provisions of Article 2 on the functions of IOC were drafted under the impact of Part XIII of the Convention on Marine Scientific Research. However, there are some important functions and powers on marine science and technology conferred to competent international organizations which have still to be considered when undertaking further study on the Statutes of IOC:

"With a view to recommending adjustments to better reflect IOC practice, functional autonomy of the commission and its special status as a "Competent international organization" under the UN Convention on the Law of the Sea,"

as provided for in the Annex to Resolution XVI-19.

131

It is suggested to consider the following possible amendments:

- (i) At the end of Article 1, para.3, to add the words: *Scientific investigations and related ocean services*. The alternative suggestion would be to add a new para. 4 to read: *The Commission, in pursuing of its purposes shall serve as the competent international organization the field of marine scientific investigations and related ocean services.*
- (ii) Under Article 251 in connection with Article 248 of the UN Convention on the Law of the Sea, the Commission may assume the function of assisting States in the establishment of general criteria and guidelines in ascertaining the nature and implications of marine scientific research. A provision of this kind may have practical significance in the application of the consent regime for the conduct of marine scientific investigations in the Exclusive Economic Zone and on the continental shelf contemplated by Article 246 and related articles in the Convention.
- (iii) Explicit reference to IOC as *competent international organization* is contained in Annex II, Article 3, para. 2 of the United Nations Convention on the Law of the Sea, with regard to the functions of the commission on the limits of the continental shelf under Article 76, Para. 8 of the Convention. It is stipulated that the Commission:

"May co- operate, to the extent considered necessary and useful, with the International Oceanographic Commission of UNESCO, the International Hydrographic Organization and other competent international organizations with the view to exchanging scientific information which might be of assistance in discharging the Commissions responsibilities."

Accordingly, a provision on this function of IOC should be embodied in an appropriate part of the Statutes, preferably in the part dealing with functions and powers.

- (iv) Another instance of specific reference to IOC is Article 2 in connection with Article 1 of Annex VIII of the Convention relating to special arbitration. In accordance with these provisions any dispute concerning the interpretation or application of the Convention relating to fisheries, protection and preservation of the marine environment, marine scientific research, or navigation may be submitted to special arbitral

procedure. The special arbitral tribunal shall consist of experts. In the field of marine scientific research the list of experts shall be drawn by IOC. Consequently, an adequate provision to this effect should be included in the Statutes of IOC.

132 UNCED will be another important source of constitutional rules which may be incorporated in the revised Statutes of IOC. The decisions and recommendations of this important conference together with international instruments which may be adopted there will obviously have an important impact on the activities of IOC. The ocean component has acquired a prominent place in global change research programmes relating to environment and sustainable development. These developments would inevitably affect the role of IOC and should have their imprint on the Statutes. It is suggested to undertake a comprehensive study of the implications of UNCED and translate them appropriately in the Statutes and operation of IOC.

Efficiency of the IOC and Distinction of Functions and Powers of the Governing Bodies

133 The studies undertaken within the terms of reference of DOSS should provide the basis for a comprehensive discussion on the development and operations of IOC. Some of the conclusions and suggestions resulting from this discussion may crystallize in specific provisions of the Statutes. The process of precision and elaboration may affect the determination of the functions and powers of the governing and subsidiary bodies, the organization of their work and the implementation of their decisions and programmes. In this connection present Articles 2, 5, 6, and 8 of the Statutes should be amended accordingly.

134 An important condition for enhancing the effective operation of the institutional structure of IOC is the clear distinction of the functions and powers of its organs. The present formulation of Article 5, Paras 2 and 3, needs further precision and elaboration with the view to clearly defining the functions and powers of the Assembly (Para. 2) and those of the Executive Council (Para. 3). The Assembly as the highest governing body of IOC should establish general policy and consider all IOC programmes and activities, while the Executive Council should ensure that these programmes are appropriately carried out, as an organ for implementation and management (IOC/EC-XXIV/3, paras. 16-18). This problem is of constitutional character and should be solved through relevant amendments of the Statutes.

135 However, at this stage a distinction of the agendas of these two governing bodies is proposed (see paras 105 (ii) and 106) as an interim solution through amendment to the Rules of Procedure (see below the proposal to amend rules 8 and 21). It may be recalled that the constitutional documents of a number of international organizations within the UN system contain well elaborated and specific provisions regarding the functions and powers of their governing bodies. This is the case with UNESCO (Articles IV.B and V.B of the constitution of UNESCO; WMO (Articles 7 and 14 of the Convention of WMO); IMO (Articles 16 and 22 of the Convention on IMO); ICAO (Articles 49, 54 and 55 of the Convention on International Civil Aviation); ITU (Articles 6, 7, 9.B and 10 of the International Telecommunication Convention); UPU (Articles 11 and 16 of the Universal Postal Convention) and other international organizations.

136 Special attention should be given to further improvement of the provisions in the Statutes and Rules of Procedure of IOC relating to measures to ensure adequate and dependable resources as a prerequisite for the efficient operations of the commission. In this connection particular importance has been given to the duty of Member States to meet their financial obligations, including the contributions by Member States of the Commission that are not Member States of UNESCO. One option to find a solution would be to amend Article 10 of the Statutes to the effect that the financial obligations of such Member States should be explicitly stated under an acceptable formula. The other option was advanced by FURES through revision of Rule 55 of the Rules of Procedure stipulating that these Member States:

"...shall contribute to the resources of the Commission, in accordance with the scale of assessment of the United Nations, as applied to the membership of the Commission and to its budget."

137 It is suggested to reconsider this problem in order to arrive at generally agreed solutions.

Some other Possible Improvements to the Statutes

138 The DOSS group proposes an improvement in the form of the Statutes by introducing headings and sub-headings in order to facilitate the use and cross-reference of the articles, following the example of constitutional documents of most international organization. It is further proposed to introduce certain changes in the structure of the Statutes with the view to improving the systematic order of the articles.

5.2 THE RULES OF PROCEDURE

139 The elaboration of amendments to the present Rules of Procedure should attempt to achieve the following objectives:

- (i) to rationalize the organization and functioning of the IOC Governing Bodies in conformity with the concept of functional autonomy;
- (ii) to further clarify the distinction between the role of the Assembly and Executive Council with a view to increasing the efficiency of the Commission; and
- (iii) to introduce drafting and structural improvements reflecting practice and experience of IOC.

140 There are several issues which deserve special consideration in light of the objectives stated above. Particular attention should be accorded to the conduct of business and reporting at the sessions of Assembly and Executive Council with the view to rationalizing the organization and functioning of the governing and subsidiary bodies. Secondly, there should be clear distinction between the agendas of the Assembly and Executive Council in accordance with their respective powers and functions as determined by the relevant provisions of the Statutes. Thirdly, there should be supplementary rules regarding the appointment of the Secretary-General of IOC as one of the implications of functional autonomy.

141 The proposed amendments to the Rules of Procedure have been elaborated on the basis of conclusions and suggestions contained in the reports on FURES and their consideration by the Assembly and Executive Council.

142 In searching for a solution to the financial and staffing situation of the Commission, FURES, mainly for reasons of time and political momentum, recommended that it might not be advisable to proceed to further amendments to the Statutes which had just recently been revised. It was agreed that, in practice, the same objective could be achieved by amendments and further elaboration of relevant rules contained in section VIII - Finance, of the Commission's Rules of Procedure. To that effect, it was specifically recommended (Document IOC/FURES-I/3, para. 75) to amend Rule 55 and DOSS now reiterated that recommendation in the proposed changes found below.

143 However, due recognition should be given to the fact that the financial problems of the IOC would not be solved through 'full' implementation of Article 10 as the required resources extend beyond the level of short-falls associated with the UNESCO budget which itself is increasingly effected by cash-flow problems due to non-payment of assessments.

5.3 PROPOSALS

144 The *ad hoc* Study Group on DOSS proposes, in regard to:

Proposed New Format for the IOC Statutes

PART I PURPOSES OF THE COMMISSION

ARTICLE 1 (Revised text of the present Article 1, Para.1, (a) and (b) on functional autonomy).

ARTICLE 2 The purposes of the commission are: (Revised text of Article 1, Paras. 2 and 3)

PART II FUNCTIONS

ARTICLE 3 (Revised text of Articles 2 and 12. It is also possible to have separate articles on the functions of the Commission)

PART III MEMBERSHIP

ARTICLE 4 (Revised text of present Article 4)

PART IV RIGHTS, OBLIGATIONS AND PARTNERSHIP OF MEMBER STATES

ARTICLE 5 To be subject of further study

PART V ORGANS

ARTICLE 6 (Present Article 5, Para. 1)

PART VI ASSEMBLY

ARTICLE 7 (Composition)

ARTICLE 8 (Functions and powers. Present Article 5, Para. 2 further elaborated)

ARTICLE 9 (Organization. Present Article 5, Para. 4, Articles 6, 7 and 8)

PART VII THE EXECUTIVE COUNCIL

ARTICLE 10 (Composition. Present Article 5, Paras. 4, (b) and 5)

ARTICLE 11 (Functions and powers, present Article 5, Para. 3 but further elaborated)

PART VIII THE SECRETARIAT

ARTICLE 12 (Composition. Present Article 9 further elaborated)

ARTICLE 13 (Appointment of Secretary-General).

ARTICLE 14 (Functions and powers).

PART IX COMMITTEES AND OTHER SUBSIDIARY BODIES

ARTICLE 15 (Establishment of Committees and other subsidiary bodies. Present Article 6).

ARTICLE 16 (Organization of the work of the Committees and other subsidiary bodies).

PART X FINANCIAL AND OTHER RESOURCES

ARTICLE 17 (Revised present Article 10).

PART XI RELATIONS WITH OTHER INTERNATIONAL ORGANIZATIONS

ARTICLE 18 (Relations with UNESCO)

ARTICLE 19 (Relations with organizations within the UN system)

ARTICLE 20 (Relations with other regional or global international organizations)

PART XII AMENDMENTS

ARTICLE 21 (The present Article 13 revised)

Proposed Amendments to the Rules of Procedure ²

- 145 RULE 1: It is proposed to delete the section on Membership and Rule 1, since this is a matter for the Statutes and has no relevance to the Rules of Procedure. Consequently Section II, should become Section I under the title "I. Sessions of the Assembly".
- 146 RULE 2 Rule 2 relates to delegations and it might be more appropriate to have new section "III. Delegations and credentials" with rules relating to composition of the delegations, submission of credentials and Credentials Committee (see the proposed text below).
- 147 RULES 3 and 4 UNCHANGED
- 148 RULE 5 should be amended with regard to the financial implications of sessions of Governing Bodies held outside the headquarters of IOC. It is suggested to add the following sentence at the end of the text: "In this case, any additional expenses for conference services and administrative matters exceeding those for a session held at the Headquarters shall be covered by the inviting Member State or international organization."
- 149 The term "Secretary" throughout should be substituted with "Secretary-General."
- 150 RULES 6 and 7 UNCHANGED.
- 151 Section III should read: "II. Agenda and Working Documents"
- 152 RULE 8, para.1 Add new sub-para. (g) to read: "(g) Items proposed by the Executive Council or Secretary-General relating to establishment of subsidiary bodies or suspending or terminating their existence, taking into consideration their effectiveness"
- 153 RULE 8, para. 4 At the end after a comma, the following words (from the last part of Rule 21, para.3): "... together, to the fullest extent possible, with documentation required for consideration of the various items on the provisional agenda."
- 154 RULES 9, 10, 11 UNCHANGED.
- 155 New Rule "Rule A. The Secretary-General shall submit an Annotated
on Annotated Agenda containing references to relevant documents and
Agenda action requested by the Assembly."

7. Capital letters for the proposed new rules are used only for the purpose of this draft. When the proposed amendments are adopted there should be a complete renumbering of the Rules of Procedure.

- 156 New Section III, with new rules to read: "III. Delegations and Credentials
- Rule A "The delegation of a Member State shall consist of representatives, alternates and advisers as may be required by the delegation."
- Rule B "Each Member State of the Commission shall notify the Secretariat of the Commission of the names of its designated representatives, alternates and advisers for each session of the Assembly" (present Rule 2)
- Rule C "An alternate representative may act as a representative upon designation by the chairman of the delegation."
- Rule D "The credentials of representatives and other members of a delegation shall be issued by the competent authorities of the Member State."
- 157 Sections IV (Organization of the Assembly) and V (Officers),
- 158 RULES 12-17 UNCHANGED.
- 159 The title of Section VI should read: "VI. Sessions of the EXECUTIVE Council."
- 160 RULES 18-20 UNCHANGED.
- 161 RULE 21, Para.1 after the words "... Council shall...", add the following: "... be confined to matters of programme implementation and management, and shall include:"
- 162 RULE 21 (1) Preliminary suggestion for a revision: "The provisional agenda of an ordinary session of the Executive Council shall include: a) items whose inclusion has been referred to the Executive Council by the assembly; b) items whose inclusion has been decided by the Executive Council itself; c) items which the Chairman, in consultation with the Secretary General, determines require discussion and/or decision before the next Assembly."
- The final clause (c) will accommodate 'unexpected issues'; it will also allow subsidiary bodies to report in those instances where the body has met and requires decisions to be made (see below regarding rule of Procedure 49(3)).
- 163 RULE 21, paras. 1. (d) and (f) to be deleted since the same items should be considered within the competence of the Assembly. The Executive Council should be relieved from such matters requiring decision on policy or programmes. The purpose of this amendment obviously is to restrict the agenda of the Council and avoid exercise of functions beyond those inherent to an executive body.
- 164 New sub-para. (d) should be added, to read: "(d) annotated agenda containing references to relevant documents and action requested by the Executive Council."

- 165 RULES 22 and 23 UNCHANGED.
- 166 The title of Section VII should read "VII. Meetings of Committees, Subsidiary and other Bodies."
- 167 RULE 24 UNCHANGED
- 168 RULES 25-38 UNCHANGED
- 169 New Rules after Rule 38 "Rule A. Introduction of any agenda items should be limited to a specific length of time, to be determined by the Chairman."
- 170 "Rule B. The Chairman shall establish the list of speakers on each agenda item at the beginning of the discussion on that item and may suggest the length of time for each speaker."
- 171 RULE 39 (To follow the above proposed 2 new Rules) UNCHANGED
- 172 New Rule to follow the present Rule 39 to read: "Rule A. Discussions of individual agenda items shall be limited to consideration of the draft resolutions previously circulated or to broad policy issues identified by representatives of Member States."
- 173 RULES 40-47 UNCHANGED.
- 174 RULE 48 to be inserted in Section XIV (Voting) following Rule 46.
- 175 New Section "XV. Elections of Members of the Executive Council."
- 176 New Section "XVI. Election of Secretary-General and Appointment of IOC staff."
- 177 New Rule "Rule A. The Secretary-General of the commission shall be appointed by the Director-General of the United Nations Educational, Scientific and Cultural Organization upon the result of election in the IOC Executive Council."
- 178 New Rule "Rule A. The appointment of the staff of the Commission shall be made, on the recommendation by the Secretary-General in accordance with the relevant provisions of the staff regulations and rules of UNESCO."
- 179 Section "XV. Reports" should read: "XVII. Reports"
- 180 RULE 49, para.3 should be redrafted, to read: "3. Each subsidiary body shall approve for presentation to the Assembly of Executive Council, an Executive Summary Report, of its work since the last such report, containing the following elements; brief account of the proceedings; draft resolutions setting forth any decisions required; an action plan or revisions

thereto; summary of financial implications and staff requirements and annexes as needed."

181 RULES 50-54 UNCHANGED.

182 RULE 55⁸ Rule 55 should be reconsidered in the light of the consideration of Article 10 of the Statutes, taking into account previous discussions and proposals on contributions of Member States of IOC not Members of UNESCO.

(i) The Programme of Work of the Commission, in accordance with Article 10, paragraph 1, shall be carried out with resources as provided for in that article.

(ii) The financial resources of the Commission shall consist of the following categories,

a) funds appropriated by the General Conference of the United Nations Educational, Scientific and Cultural Organization;

b) contributions by Member States of the Commission that are not Member States of the United Nations Educational, Scientific and Cultural Organization;

c) financial resources deriving from the IOC Pledging System; and

d) voluntary contributions of Member States of the Commission, additional resources provided by other organizations of the United Nations system, and from other sources.

(iii) The Programme of Work and Budget of the Commission shall be approved by the Assembly, taking into account the expected level of appropriation to be made by the General Conference of the United Nations Educational, Scientific and Cultural Organization.

(iv) Member States of the Commission that are not Member States of the United Nations Educational, Scientific and Cultural Organization shall contribute to the resources of the Commission, through membership dues calculated on the basis what would be their membership dues to UNESCO, if they were Member States of that organization, to be multiplied by the ratio of the UNESCO budget that supports the IOC to the total UNESCO budget.

(v) The Assembly or the Executive Council may accept or reject any offer of a voluntary contribution to the Trust Fund of the Commission, the expenditure of which has been restricted or designated for specific purposes by the contributor. The Secretary may accept voluntary contributions the purposes of which are in accordance with the approved programme and correspond to the provisions of the Statutes and shall report to the Executive Council or Assembly, as the case may be. The

8. This proposal is based on the recommendations by FURES in 1988, contained in its Summary Report (Document IOC/FURES-I/3, para. 75)

Trust Fund of the Commission shall be operated under special rules for that purpose.

183 RULE 56 The Secretary shall manage and expend funds allocated to the Commission as provided for in Rule 55 and shall submit an annual report of income and expenditures to the Executive Council or Assembly, as the case may be.

184 RULE 57 (i) In offering any voluntary contributions (as defined in Rule 55), to the Trust Fund of the Commission, Member States shall provide the Secretary with the amount of the contribution and, if restricted, its intended use.

(ii) Contributions to the Trust Fund of the Commission in support of programmes or activities not provided for within the approved Programme and Budget, but falling within the objectives or functions of the Commission, should be notified to the Secretary by Member States or other sources prior to sessions of the Assembly or Executive Council.

185 It is suggested for brevity to use the term "Members" for "Member States" throughout the Rules of Procedure. Moreover, it is obvious that due to the legal Statutes of IOC there are no other Members of the Commission than states.

6. CONCLUDING REMARKS

186 Recent developments in global affairs, notably UNCED and adoption of Agenda 21 as guidance for governments, clearly demonstrate that the ocean is coming to the forefront of the international agenda. As a result, new challenges are confronting the world community and, in particular, the organizations which are part of the UN system. These and other factors will inevitably lead to an evolution in institutional arrangements in areas of responsibility which fall within the mandate of the IOC.

187 The proposals contained in this report are targeted to equip the IOC for the changing conditions and requirements. If approved, some of these proposals will lead to revision of the IOC Statutes. Others would result in the formal establishment of an IOC pledging system and possibly a treaty status for the Commission which, *inter alia*, would strengthen the status of the IOC as the competent international organization in the fields of marine science, ocean services and related activities.

188 Considerable effort will be required to reach this goal, bearing in mind both the need for continued study of certain topics and the spirit of consensus which characterizes the work of the IOC. It is the view of DOSS that the proposals, which all bear upon a strengthened constitutional basis for the Commission, should be regarded as a whole, but may well be implemented in a step-wise fashion, drawing on expertise and views from Member States.

189 The Members of DOSS present their report to the Assembly and convey their view that the *ad hoc* Study Group has completed the tasks assigned under its terms of reference. Should the Assembly decide that further study of constitutional and other aspects is required, it is the view of DOSS that another *ad hoc* mechanism (either *ad hoc* or standing) should be established.

ANNEX I

TERMS OF REFERENCE OF THE *AD HOC* STUDY GROUP
ON IOC DEVELOPMENT, OPERATIONS, STRUCTURE AND STATUTES

An *ad hoc* Study Group on IOC Development, Operations, Structure and Statutes, taking into account the work undertaken by the *ad hoc* Study Group on FURES and views expressed by the Sixteenth Session of the Assembly, shall undertake further study on the following subjects:

- (i) Means to achieve the Commission's goals, as set forth in "The Intergovernmental Oceanographic Commission: A Strategy for the Future", including development of a comprehensive IOC Action Plan.
- (ii) Further steps required to identify means to achieve implementation of the "Modalities of Support That Member States Could Provide to Ensure the Success of Activities Promoted and Coordinated by the IOC".
- (iii) Recommended action to mobilize further financial support for the IOC Programmes, including increased commitment to the IOC Trust Fund.
- (iv) The feasibility, in the longer-term, of an IOC Pledging System.
- (v) The organization and scheduling of IOC meetings, taking into account the need to clarify and document reporting and decision functions within the entire spectrum of IOC subsidiary bodies.
- (vi) The IOC Statutes and Rules of Procedure with a view to recommending adjustments to better reflect IOC practice, the functional autonomy of the Commission and its special status as a "competent international organization" under the UN Convention on the Law of the Sea (Study of the Statutes and Rules of Procedure should include special reference to Article 10).
- (vii) All aspects having a bearing on "geographical distribution".

ANNEX II

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ANNEX III

MODALITIES OF SUPPORT THAT MEMBER STATES COULD PROVIDE
TO ENSURE THE SUCCESS OF ACTIVITIES PROMOTED AND COORDINATED BY THE IOC

- 1) Improving and establishing, when required, proper liaison mechanisms and adequate national coordinating structures and counterpart arrangements for marine science activities, in general, and for the purposes of IOC coordination, in particular. In this context, the importance of rapid communication through electronic mail and/or tele fax links is underlined.
- 2) Increasing awareness about the existence of IOC, its objectives, and the nature of its programmes.
- 3) Responding in due time to the requests of the IOC in regards to the inventories of research institutions and marine scientists.
- 4) Incorporation of relevant IOC ocean science, ocean services and related activities, in bilateral agreements signed by Member States.
- 5) Facilitation of the work of research vessels carrying out scientific and/or training activities under the coordination of the IOC.
- 6) Exchanging data and information relevant to the IOC Programme of Work.
- 7) Acknowledging in publications and reports, the support received from the Commission.

This should also be done in relation to scientific and operational activities. For this purpose a "code of practice" should be prepared by the IOC Secretariat.
- 8) Provision of in kind contributions pertinent to the IOC scientific programme, ocean services and TEMA activities, to complement allocations made by the IOC. This modality could include hosting of scientific and technical meetings; provision conference services; and supporting domestic travel.
- 9) Allocation of funds (per diem and international travel) to facilitate the participation of national representatives and experts in scientific and technical meetings organized by the IOC.
- 10) Allocation of ship time and access to specialized equipment for the execution of the IOC ocean science, ocean services and related programmes.
- 11) Transferring of equipment, through the IOC Voluntary Co-operation Programme (VCP), from technologically advanced to developing Member States. When possible, this transfer should take place through the IOC regional bodies, and should, as a requisite, be used in ongoing marine research and monitoring activities.

- 12) Supporting training courses, seminars, workshops and other activities coordinated by IOC.

When Member State offer or accept hosting IOC activities, they should ideally be aware of the financial implications involved. It seems appropriate to draw out a "code of conduct" regarding the implications of offering to host IOC activities.

- 13) Making obligatory and voluntary financial contributions in support of the IOC Programme of Work.
- 14) Secondment of personnel and provision of associate experts to the IOC Secretariat.
- 15) Selecting Member States to function as "lead states" for specific activities coordinated by the IOC. This mechanism could be an effective way of decentralization, as it has been often suggested by the regional bodies.
- 16) Allocating funds to prepare and publish series of informative documents (brochures, updated versions of the IOC Manual, expanded versions of the biennial report of the Commission, and other pertinent documents). Such materials should be widely distributed to Member States and appropriate international organizations.

ANNEX IV

ELEMENTS FOR A CONVENTION ESTABLISHING A FUND
FOR INTERNATIONAL OCEANOGRAPHIC COOPERATION

1. PREAMBLE

Noting the gap between the ways and means available to the Intergovernmental Oceanographic Commission and the programme of work required by Member States and the world community,

Recalling that the Commission, in addition to its traditional scientific programmes, is playing an increasing similar role regarding related operational ocean services and supporting systems, which call for advanced planning, continuity, stability and timeliness in implementation,

Realizing that such demands tend to increase under the stimulation of the Commission's own programme, and the role expected from IOC as a result of the outcome of the UN Conference on Environment and Development (1992),

Being aware that the ocean space is becoming a key component in world economy and a sustainable development and related scientific and environmental issues, and the role of international cooperation, in ocean research, all of them calling for a better knowledge of the oceans and its resources, as well as the functioning of natural processes as a source of information and data for management and development purposes,

Being aware also of the role expected to devolve upon the Intergovernmental Oceanographic commission under the new ocean regime inspired within the United Nations Convention on the Law of the Sea,

Noting the responsibility of IOC in promoting and facilitating global and regional cooperation and with a view of strengthening effective partnership in ocean affairs through the building up of national capabilities in Member States, especially developing ones,

Considering that IOC is a corporate body of Member States and that it is their responsibility to provide the financing, ways and means required to ensure adequate and timely implementation of the programme of work approved by the Assembly, either directly or through the Unesco budgetary component aimed mainly at maintaining the staff and funds for the basic activities of the Commission,

2. THE FUND

2.1 NATURE

Trust Fund to be operated by the IOC.

2.2 RESOURCES

Compulsory contributions to be made by States Parties to the Convention.

Contributions, gifts or bequests made by: other States, UN organizations members of ICSPRO and others, interests from the resources of the Fund, funds raised by collections and receipts from events or/activities for the benefit of the Fund, all other resources authorized by the Fund's regulations and compatible with the IOC goals and objectives.

The States Parties of the Convention shall consider or encourage the establishment of nations, public or private foundations and associations with the purpose of inviting donations to the Fund.

3. CONTRIBUTIONS

[The question of contributions and scales needs to be carefully scrutinized to ensure that the options offered facilitate, rather than hamper, Member State efforts to contribute. Thus several alternatives should be considered, taking into account situations at the national level.]

Alternative A:

Without prejudice to any supplementary voluntary contributions, the States Parties to the Convention shall pay every two years to the fund contributions, the amount of which (in the form of a uniform percentage applicable to all States) shall be determined by the governing body of the Fund. In no case, shall the compulsory contribution by States Parties to the Convention exceed 1% of their assessed contribution to the Budget of Unesco.

Alternative B:

....shall pay every year to the Fund a contribution not less than \$ xxxx.

Alternative C:

....of not less than a sum corresponding to one of the following three categories, the choice of which is to be made by the Member State on a biennial basis.

Category I:.....; Category II:.....; Category III:.....

Compulsory contributions due by a State Party withdrawing from the Convention shall not take effect in regard to the compulsory contribution due by the State until the date of the subsequent session of the Governing Council of the Fund.

4. GOVERNING BODY OF THE FUND

A Governing Council of the Fund, acting as an assembly of all States Parties to the Convention, the Chairman and (one) Vice- Chairman of IOC without voting rights.

The Governing Council of the Fund shall meet in conjunction with the Assembly of the Intergovernmental Oceanographic Commission.

Observers from Member States of IOC, of the UN Organizations Members of ICSPRO not States Parties of the Fund, shall be allowed to attend the sessions of the Governing Council of the Fund.

Functions:

- a) decide on distribution of resources from the Fund, based on proposals by the Secretary IOC, taking into account the whole of the [proposed] [approved] Programme;
- b) decide on distribution of the Fund, based on project proposals from Member States, to be developed in accordance with approved criteria and forming part of the Commission's programmes;
- c) combination of a and b, with total percentage available for b limited at xx% of resources from the Fund.