

INTERGOVERNMENTAL OCEANOGRAPHIC COMMISSION  
(of UNESCO)

PROPOSED AMENDMENTS TO THE STATUTES OF THE  
INTERGOVERNMENTAL OCEANOGRAPHIC COMMISSION

Secretariat Note

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

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

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

## 1. INTRODUCTION

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"'autonomous' should be understood as meaning a degree of self-government and separateness from the United Nations, but remaining within the United Nations framework."

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



read as follows:

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

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

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

FOOTNOTES

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

Resolution X-25

THE FUTURE ROLE AND FUNCTIONS OF THE COMMISSION

The Intergovernmental Oceanographic Commission,

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) Scheduled for June 1978.

(3) Scheduled for February 1979.

(4) Scheduled for October 1979.

Annex I to resolution X-25

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

1. Membership

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

2. Terms of reference

The Working Group shall:

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

3. Procedure of work

The Working Group shall:

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

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

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

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

4. Budget

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

Annex II to resolution X-25

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

Algeria	Italy	Philippines
Brazil	Japan	Portugal
Bulgaria	Kenya	Senegal
Canada	Mexico	Sweden
(Vice-Chairman)	(Chairman)	Trinidad and Tobago
Egypt	Netherlands	U. S. A.
India	Peru	USSR

RESOLUTION EC-XI.15

Proposed Amendments to the Statutes

The Executive Council,

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

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

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

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

Article 2, Add new sub-paragraphs as follows -

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

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

Recommends strongly that this submission be accompanied by a document giving a detailed explanation of what is meant by the phrase "a body with functional autonomy within the framework of Unesco" and a brief explanation of the reason for the amendment proposed to Article 2 of the Statutes;

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

No financial implications

A N N E X    I I I

STATUTES OF THE INTERNATIONAL INSTITUTE FOR  
EDUCATIONAL PLANNING

Article I

Establishment of the Institute

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

Article II

Aims and functions

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

Article III

Governing Board

Membership

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

- (a) One member designated for a period of three years by the Secretary-General of the United Nations;
- (b) One member designated for a period of three years by the President of the International Bank for Reconstruction and Development;
- (c) One member designated, for a period of three years, in turn and in the following order by:

the Director-General of the Food and Agriculture Organization of the United Nations,  
the Director-General of the World Health Organization,  
the Director-General of the International Labour Organisation;

- (d) One member appointed, for a period of three years, in turn and in the following order by the directors of the three regional institutes for economic planning established by:

the United Nations Economic Commission for Asia and the Far East,  
the United Nations Economic Commission for Africa,  
the United Nations Economic Commission for Latin America;

- (e) Three educators recognized for their contribution in the field of human resource development;
- (f) Four members elected from among educators, economists and other specialists, one of whom shall be from each of Latin America, Asia, Africa and the Arab States, who have made contributions in the field of human resource development;
- (g) The members referred to in sub-paragraphs (e) and (f) shall be elected for a period of four years, in accordance with the provisions of paragraph 2 of the present Article. They shall be immediately eligible for a second term but shall not serve consecutively for more than two terms;
- (h) A chairman elected from among educators, economists and other specialists of international repute in the field of human resource development. He shall hold office for five years, and shall be immediately eligible for a second term but shall not serve consecutively for more than two terms. If, however, the chairman is elected from among the members of the Board, his total period of consecutive service on the Board shall not exceed the maximum period during which he could have served consecutively as chairman and, if necessary, his term of office as chairman shall be reduced by the time required to implement this provision.



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

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

#### Transitional provisions

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

#### Article IV

##### Functions

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

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

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

4. The Board shall be consulted as to the appointment of the senior officials of the Institute and shall make recommendations to the Director-General of Unesco as to the appointment of the Director.

5. The Board shall submit a report on the Institute's activities to each of the ordinary sessions of the General Conference of Unesco.

#### Article V

##### Procedure

1. The Board shall meet in ordinary session once a year. It may meet in extraordinary session when convened by its Chairman, either on his own initiative or at the request of four of its members.

2. The Board shall adopt its own Rules of Procedure.

3. The Board shall set up an Executive Committee consisting of the Chairman of the Board and four members elected in accordance with the provisions of the Board's Rules of Procedure. Between the sessions of the Board, the Executive Committee shall perform the functions assigned to it by the Board.

#### Article VI

##### The Director

1. The Director of the Institute shall be appointed by the Director-General of the United Nations Educational, Scientific and Cultural Organization on the recommendation of the Governing Board.

2. The Director shall be responsible for the administration of the Institute.

3. He shall prepare its draft programme of work and budget estimates and shall submit them to the Board for approval.

4. Subject to the latter's approval, he shall draw up detailed plans for teaching and research, and shall direct their execution.

#### Article VII

##### The Staff

1. The Director and members of the staff of the Institute shall be regarded as officials of Unesco within the meaning of Article VI, Section 18 of the Convention on the Privileges and Immunities of the Specialized Agencies.

2. The working hours for specialized staff members of the Institute, and in particular its teaching staff, shall be so calculated as to enable them to devote sufficient time to a study of problems arising in the field of educational and economic planning.

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

### Article VIII

#### Finance

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

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

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

### Article IX

#### Transitional provisions

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

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