



IOC/ABE-LOS REVIEW

*Analysis of the Questionnaire
on the IOC Advisory Body
of Experts on Law of the Sea
(IOC/ABE-LOS)*

Working-group on the review of the IOC Advisory Body of Experts on the Law of the Sea

IOC/INF-1293

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ANALYSIS of the QUESTIONNAIRE on the IOC Advisory Body of Experts on Law of the Sea (IOC/ABE-LOS)

Introduction

The IOC Advisory Body of Experts on the Law of the Sea (IOC/ABE-LOS) was established in 1997 through IOC Resolution XIX-19 (Annex III) to provide advice on the Commission's role in relation to UNCLOS. IOC/ABE-LOS is an Intergovernmental body composed of two national experts (one with training in the Law of the Sea and the other with training in marine sciences) from IOC Member States. IOC/ABE-LOS had nine annual meetings from 2000-2009.

In 2010, the IOC Executive Council adopted Resolution EC-XLIII.4 (Annex II) that required to:

- (i) prepare a questionnaire on the achievements of IOC/ABE-LOS and opportunities for future activities where the advice of the Advisory Body may be necessary;
- (ii) suggest a mechanism to identify and prioritize issues of high interest to the IOC and its Member States.

To this end, the Executive Council established an intersessional open-ended working group made up of representatives of Member States under the coordination of the IOC Vice-person Cherif Sammari.

On 27 April 2011, the questionnaire was circulated through Circular Letter 2388 requesting Member States "to fill out the questionnaire and return it to the IOC Secretariat at your earlier convenience but not later than 30 May 2011."

Given that the deadline was very tight, around one month, the Coordinator of the working group sent several reminders to the Member States to encourage them to participate in the survey.

Up to 17 June 2011, 14 responses were received, from Angola, Argentina, Cameroon, Chile, Germany, India, Kuwait, Mexico, Portugal, Thailand, Togo, Tunisia, United Kingdom and the United States of America. The information on the focal points can be found in Annex I.

The First analysis of the questionnaire was presented by the former Coordinator of the working-group, Dr. Cherif Sammari, on 19 June to the 26th IOC Assembly.

The 26th IOC Assembly, through Resolution XXVI-4, decided to re-establish the Open-Ended Intersessional Working Group to Review IOC/ABE-LOS and requested the Executive Secretary to distribute again the Questionnaire on the IOC Advisory Body of Experts on the Law of the Sea (IOC/ABE-LOS) to IOC Member States. The Assembly agreed that the original deadline for responding to the questionnaire should be extended in order to give enough time to the Working

Group to collect and analyze new responses and provide recommendations to the Forty-fifth Session of the Executive Council (Decision 4.8 of the Assembly at its 26th session).

The Decision 4.8 of the Assembly decided that: “the deadline for responding to the questionnaire should be extended to 31 October 2011. This would give enough time to the Open-Ended Intersessional Working Group to Review IOC/ABE-LOS to collect and analyze new responses and provide recommendations to the Forty-fifth Session of the Executive Council”.

The IOC Assembly tasked the Intersessional Open-Ended Working Group made up of experts designated by Member States, with collating and analyzing the responses and, on the basis of this analysis:

- (i) prepare a report as a review of IOC/ABE-LOS; and
- (ii) suggest a mechanism to identify and prioritize issues of high interest to the IOC and its Member States.

After the Assembly, the IOC Vice-Chair Adoté Blim Blivi was elected the new Coordinator of the open-ended intersessional working group.

The IOC Executive Secretary sent the Circular Letter 2410 on the “Extension of the deadline for responding to the Questionnaire on the IOC Advisory Body of Experts on the Law of the Sea (IOC/ABE-LOS)” in order to implement the mandate given by the 26th Assembly.

Up to 30 November, 10 responses were received: Australia, Barbados, China, Colombia, Congo, Egypt, Greece, Guinea, Nigeria and Peru. Therefore, the current number of responses is 24.

The Questionnaire

Cherif Sammari coordinated discussions by electronic correspondence during the governing bodies’ intersessional period (from the EC-XLIII to the XXVI IOC Assembly) on the basis of different versions of the draft template of the questionnaire. After several months, the working group agreed on a template for a questionnaire relating to the review of the IOC Advisory Body of Experts on the Law of the Sea (IOC/ABE-LOS). The Questionnaire was approved for distribution only after IOC Member States were provided an opportunity to edit the questions for balance and objectivity.

The Questionnaire is divided into three sections:

- Questionnaire IOC/ABE-LOS review– Section One : IOC/ABE-LOS and Member States
- Questionnaire IOC/ABE-LOS review– Section Two : Structure of IOC/ABE-LOS
- Questionnaire IOC/ABE-LOS review– Section Three: Comments on issues of interest to IOC

Most questions were designed to be answered with a simple YES or NO, although respondents were welcome to add relevant comments. Other questions called for more detailed answers.

Analysis

The Member States’ respective responses to each question are analyzed below. The analysis takes the same form for each question (*via* a table detailing each response), although a different color is adopted for each section of the Questionnaire.

Comments are offered on trends evident in the resulting data set.

The analysis of those questions designed to be answered with a simple YES or NO is both quantitative and qualitative, and conclusions of a subjective character are suggested.

The analysis of those questions designed to be answered in more detail takes the form of a general conclusion.

The current analysis is a draft to initiate the discussions of the open-ended intersessional sub-group, whose mandate is to provide a review of IOC/ABE/LOS at the Forty-fifth Session of the Executive Council in June 2012.

Discussions

The 26th Assembly also decided that the Open-Ended Intersessional Working Group will work by electronic correspondence and that a meeting of the Working Group could take place just before the Forty-fifth Session of the Executive Council in June 2012 to discuss recommendations to be presented to the Council.

Questionnaire IOC/ABE-LOS – Section ONE

IOC/ABE-LOS AND MEMBER STATES

Question 1: Is your country aware of the IOC Advisory Body of Experts on Law of the Sea (IOC/ABE-LOS) of the Intergovernmental Oceanographic Commission of UNESCO?

MEMBER STATE	YES	NO
Angola	✓	
Argentina	✓	
Australia	✓	
Barbados	✓	
Cameroon	✓	
Colombia	✓	
Congo	✓	
Chile	✓	
China	✓	
Egypt	✓	
Germany	✓	
Greece	✓	
Guinea	✓	
India	✓	
Kuwait		✓
Mexico	✓	
Nigeria	✓	
Peru	✓	
Portugal	✓	
Thailand	✓	
Togo	✓	
Tunisia	✓	
UK	✓	
US	✓	

Quantitative analysis

- 24 of 142¹ IOC Member States responded to Question 1;
- 23 IOC Member States responded YES and 1 IOC Member State responded NO;
- 96% of the respondents Member States responded YES and 4% responded NO.

Qualitative analysis

- No omissions found;
- The question was direct and objective, such that the responses were not predisposed;
- The respondents were well-informed on State practice on Marine Scientific Research².

Conclusions

- The Advisory Body of Experts on the Law of the Sea (IOC/ABE-LOS) is an international mechanism known by most IOC Member States;
- The results suggest that IOC Member States are aware of the terms of reference and the functioning of IOC/ABE-LOS.

¹ The Commission had 142 Member States as of 4 October 2011.

² See Annex I.

Question 2: Has your country followed the activities of IOC/ABE-LOS?

MEMBER STATE	YES	NO
Angola		✓
Argentina	✓	
Australia	✓	
Barbados	✓	
Cameroon	✓	
Colombia		✓
Congo	✓	
Chile	✓	
China	✓	
Egypt	✓	
Germany	✓	
Greece	✓	
Guinea		✓
India	✓	
Kuwait		✓
Mexico	✓	
Nigeria	✓	
Peru	✓	
Portugal	✓	
Thailand	✓	
Togo	✓	
Tunisia	✓	
UK	✓	
US	✓	

Quantitative analysis

- 24 of 142 IOC Member States responded to Question 2;
- 20 IOC Member States responded YES and 4 IOC Member States responded NO;
- 83respondents IOC Member States responded YES and 17% responded NO.

Qualitative analysis

- No omissions found;
- The question was direct and objective, such that the responses were not predisposed;
- The respondents were well-informed on State practice on Marine Scientific Research.

Conclusions

- Most IOC Member States have followed IOC/ABE-LOS activities. It is presumed that they do so by sending delegates to the IOC/ABE-LOS annual meetings, by visiting the IOC/ABE-LOS website or by subscribing to the IOC/ABE-LOS electronic distribution list;
- Most IOC Member States are aware of the progress of IOC/ABE-LOS;
- Most IOC Member States have had the opportunity to implement IOC/ABE-LOS outputs.

Question 3: Has your country participated in the IOC/ABE-LOS activities?

MEMBER STATE	YES	NO
Angola		✓
Argentina	✓	
Australia	✓	
Barbados		✓
Cameroon	✓	
Colombia	✓	
Congo	✓	
Chile	✓	
China	✓	
Egypt	✓	
Germany	✓	
Greece	✓	
Guinea		✓
India	✓	
Kuwait		✓
Mexico	✓	
Nigeria	✓	
Peru		✓
Portugal	✓	
Thailand	✓	
Togo	✓	
Tunisia	✓	
UK	✓	
US	✓	

Quantitative analysis

- 24 of 142 IOC Member States responded to Question 3;
- 19 IOC Member States responded YES and 5 IOC Member States responded NO;
- 79% IOC respondents Member States responded YES and 21% responded NO.

Qualitative analysis

- No omissions found;
- The question was direct and objective, such that the responses were not predisposed;
- The respondents were well-informed on State practice on Marine Scientific Research.

Conclusions

- The results suggest that most of the respondents Member States have participated in the activities of IOC/ABE-LOS;
- It is presumed that IOC/ABE-LOS activities were of interest of IOC Member States.

Question 4: Is your country aware of the outputs of IOC/ABE-LOS?

MEMBER STATE	YES	NO
Angola		✓
Argentina	✓	
Australia	✓	
Barbados	✓	
Cameroon		✓
Colombia	✓	
Congo	✓	
Chile	✓	
China	✓	
Egypt	✓	
Germany	✓	
Greece	✓	
Guinea	✓	
India	✓	
Kuwait		✓
Mexico	✓	
Nigeria	✓	
Peru		✓
Portugal	✓	
Thailand	✓	
Togo	✓	
Tunisia	✓	
UK	✓	
US	✓	

Quantitative analysis

- 24 of 142 IOC Member States responded to Question 4;
- 20 IOC Member States responded YES and 4 IOC Member States responded NO;
- 83% IOC respondents Member States responded YES and 17% responded NO.

Qualitative analysis

- No omissions found;
- The question was direct and objective, such that the responses were not predisposed;
- The respondents were well-informed on State practice on Marine Scientific Research.

Conclusions

- The outputs of /ABE-LOS were known by the IOC Member States and therefore, could be fully implemented by them.

Question 5: Does your country contribute to the IOC/ABE-LOS activities?

MEMBER STATE	YES	NO
Angola		✓
Argentina	✓	
Australia		✓
Barbados		✓
Cameroon		✓
Colombia		✓
Congo	✓	
Chile	✓	
China	✓	
Egypt	✓	
Germany	✓	
Greece	✓	
Guinea		✓
India	✓	
Kuwait		✓
Mexico	✓	
Nigeria	✓	
Peru		✓
Portugal	✓	
Thailand	✓	
Togo	✓	
Tunisia	✓	
UK	✓	
US	✓	

Quantitative analysis

- 24 of 142 IOC Member States responded to Question 5;
- 16 IOC Member States responded YES and 8 IOC Member States responded NO;
- 67% IOC respondents Member States responded YES and 33% responded NO.

Qualitative analysis

- No omissions found;
- The question was direct and objective, such that the responses were not predisposed;
- The respondents were well-informed on State practice on Marine Scientific Research.

Conclusions

- While 83% of respondents IOC Member States participated in IOC/ABE-LOS activities (question 2), only 67% of the respondents Member States contributed to IOC/ABE-LOS activities (question 5). It is a slight distinction but it may suggest that some Member States have attended the meetings but not contributed so closely to the IOC/ABE-LOS intersessional work or provided financial support.

Question 6: Does your country benefit from the IOC/ABE-LOS activities?

MEMBER STATE	YES	NO
Angola		✓
Argentina	✓	
Australia		✓
Barbados		✓
Cameroon		✓
Colombia	✓	
Congo	✓	
Chile	✓	
China	✓	
Egypt	✓	
Germany	✓	
Greece	✓	
Guinea		✓
India		✓
Kuwait		✓
Mexico	✓	
Nigeria	✓	
Peru		✓
Portugal	✓	
Thailand	✓	
Togo	✓	
Tunisia	✓	
UK	✓	
US	✓	

Quantitative analysis

- 24 of 142 IOC Member States responded to Question 6;
- 16 IOC Member States responded YES and 8 IOC Member States responded NO;
- 67% IOC respondents Member States responded YES and 33% responded NO.

Qualitative analysis

- No omissions found;
- The question was direct and objective, such that the responses were not predisposed;
- The respondents were well-informed on State practice on Marine Scientific Research;

❖ **Colombia** further added: “*In the participation of some meetings*”.

Conclusions

- The results suggest that the activities of IOC/ABE-LOS were useful to IOC Member States for the implementation of Part XIII and XIV of UNCLOS.

Question 7.1: Comment on the value of the following outputs of IOC/ABE-LOS to your country³**7.1 Practice of Member States in the application of Parts XIII (Marine Scientific Research) and XIV (Transfer of Marine Technology) of UNCLOS**

MEMBER STATE	COMMENTS
Angola	"The application of the Aquatic Living Resources ACT in Angola is the base for management of marine scientific research in Angola."
Argentina	"Argentina promotes and encourages the proper application of Parts XIII & XIV of UNCLOS. The work done on actual practices is a good reference material though it needs to be reviewed/revisited on a regular medium-term basis to ensure is up to date and also to establish trends."
Australia	"Minimal"
Barbados	"Yes, Barbados has a very good permitting system in place for managing requests for MSR. Transfer of technology is more applicable at the regional level and Barbados also does its part."
Cameroon	"There is no practice in the application of Parts in Cameroon."
Colombia	"With the establishment of IOC / ABE-LOS, has tended to create and establish guidelines to facilitate the application of Parts XIII and XIV , article 247 of UNCLOS by the member states, for this reason the participation and contribution states is very important in the application process."
	Marine scientific research that develops the country is done with own parameters or derived from organizations as COI (GOOS, JCOMM, TSUNAMI, IODE, among others), OHI, CPPS (ERFEN) and IRD, that are consistent with the results of IOC ABE-LOS statements, but they haven't been taken as a reference."
Congo	"Initiative de Loango sur l' érosion côtière dans la sous région Afrique central tenu du 6 au 9 octobre organisé par l' UNESCO"
Chile	"The Chilean law applies the provisions contained in UNCLOS regarding the three issues suggested even before the constitution of the ABE-LOS group. Notwithstanding the foregoing, the creation of the study group has contributed to the discussion of these issues at the exchange with other Member States, a situation which is always suitable for the development of the States, for the development of national and international organizations and for the harmonious development of the relations between States."
China	"It provided good reference for the implementation of national legislation, such as the procedure to apply for or to approve a MSR, types of research, the distinction between suppliers and recipients in TMT."
Egypt	"There is a need to reach consensus among MS of certain ways based on neutral understanding to implement recommendation reached ..."
Germany	"The responsible authorities are well aware of the effort of ABE-LOS in this regard, supportive and consider the outcome important for future decisions in this field; in particular with a view on the improvement of capacity building and its legal framework."
Greece	"Useful reference material for the drafting of our new national legislation on Marine Scientific Research (MSR) (under preparation)"
Guinea	"Recherche Océanographique, Il existe un Centre de recherché en science de la mer"
India	"Practise of Marine Scientific Research (MSR) under UNCLOS."
Kuwait	No opinion
Mexico	"These instruments constitute a privileged and a practical-oriented source of information for Member States by providing ways and means for the consistent and uniform implementation of the relevant UNCLOS provisions. This is exactly why a more in-depth

³ Angola commented: "Angola is in the initial phase of engagement of IOC activities. So, we think that this is the great opportunity for Angola to be involved in the IOC/ABE-LOS activities."

	analysis, along with some practical examples concerning the value of its outputs, is desirable.
Nigeria	The relevance of the IOC/ABE-LOS' outputs related to MSR and Transfer of Marine Technology such as the CGTMT seems undeniable. Proof of this are their endorsement by UNESCO/IOC Assembly and its welcoming by the UN General Assembly. In addition, the CGTMT have been referred to by several delegations in the context of the United Nations Ad Hoc Open-ended Informal Working Group to study issues relating to the conservation and sustainable use of marine biological diversity beyond areas of national jurisdiction."
Peru	"It has been of immense benefit to Nigerian institute of oceanography and marine research as it has added value to their research activities."
Portugal	"The practice of member states in the application of Part XIII is appropriate and according to UNCLOS and only restricted by budgetary issues, about Part XIV, we expect its soon implementation"
Thailand	"The results of the various 'IOC Questionnaire on the Practice of States in the fields Marine Scientific Research) and Transfer of Marine Technology' provided an useful tool for the Portuguese authorities responsible for assessing and advising on permits to foreign entities seeking authorization to conduct scientific research in areas under national jurisdiction."
Togo	"Thailand benefits from IOC/ABE-LOS' guidelines and recommendations insofar as they have been adopted by the IOC. TMT has two major aspects; namely, know-how (the 'software' aspect) and the hi-tech equipment (the 'hardware' aspect). The hardware aspect has not been effectively transferred to developing countries, including Thailand. On the other hand, the 'software' aspect has become widely accessible, thanks to the IOC."
Tunisia	"These two parties help us within the framework of the oil research in water under jurisdiction of Togo.
United Kingdom	Professor Adoté Blim BLIVI, member of ABELOS Experts Group, working in all sessions, has contributed to application of Parts XIII and XIV of UNCLOS. The documents has distributed and available in NODC library for consultation by students and others researchers, consultants."
United States	"We contributed to up to date our National legislation to make it in harmony with the Abe-Los recommendation."
	"This document has informed our practice with respect making application to undertake MSR in third party Coastal States waters and also to provide an understanding what that Coastal States expectations are with respect to TMT arising from the MSR cruise. [Moderate Value]"
	"Good value: provides heightened awareness of State practice (requirements, implementation, etc.)."

Conclusion

Comments on the value of "Practice of Member States in the application of Parts XIII (Marine Scientific Research) and XIV (Transfer of Marine Technology) of UNCLOS" were generally positive. However, it is suggested that the information should be regularly updated.

7.2 Criteria and Guidelines on Transfer of Marine Technology (CGTMT)

MEMBER STATE	COMMENTS
Angola	No opinion
Argentina	"Argentina values the efforts done in the elaboration of the criteria and guidelines though considers they have not been "practically" adopted and/or applied by the community in general nor duly publicized by the Secretariat"
Australia	"Minimal"
Barbados	"The information is valuable even though we have not benefited directly."
Cameroon	"No criteria and guidelines exist in the country with regard to marine science"
Colombia	See response 7.1
Congo	No opinion
Chile	See response to question 7.1
China	"The CGTMT outlines a framework for putting the Transfer of Marine Technology into action. It can be used as a reference for China's practice in TMT at the national, subregional/regional and international level."
Egypt	"The previous comment have an answer to this question"
Germany	"The responsible authorities are well aware of the Guidelines and take them into consideration in the decision making process"
Greece	No opinion
Guinea	No opinion
India	"Almost non-starter"
Kuwait	No opinion
Mexico	See response to question 7.1
Nigeria	"The criteria and guidelines so far are adequate."
Peru	"The CGTMT should offer flexible, specific, balanced and simple mechanism for finally making operative Part XIV of UNCLOS, despite the UNGA collaboration on this purpose, the progress is poor, and we are still waiting for its effectiveness"
Portugal	No opinion
Thailand	"See my comment in the preceding paragraph. It is disappointing that the TMT-Contacts/Potential Supplier Directory has not been successful in the transfer of hi-tech marine technological equipment to developing countries. The IOC might consider pooling resources to purchase such technology for use in developing countries."
Togo	"They were used to warn within the framework of this oil research (prospection sismique)"
Tunisia	No opinion
United Kingdom	"The UK has had no recourse to use this publication since published as there has been no published requests for TMT that the UK was able to participate in. The UK views this publication as a useful reference document which it would call upon to seek guidance should it participate in any TMT activities. [Moderate Value]"
United States	"Neutral value: reiterates obligations of States per UNCLOS Part XIV"

Conclusion

There is no consensus among Member States on the value of "Criteria and Guidelines on Transfer of Marine Technology". However, it is suggested that implementation of the CGTMT has been poor and that a more practical approach is needed. Additionally, new ways of dissemination should be explored.

7.3 Procedure for the Application of Article 247 of UNCLOS (Marine scientific research projects undertaken by or under the auspices of international organizations) by IOC

MEMBER STATE	COMMENTS
Angola	"The marine scientific research projects by or under auspices of international organizations is based on the National Regulation of Scientific Research."
Argentina	"Argentina encourages the development of projects under the auspices of international organizations and understands that this procedure is an important contribution towards proper application of Part XIII."
Australia	"Minimal"
Barbados	"Not aware of this procedure"
Cameroon	No opinion
Colombia	See response 7.1
Congo	No opinion
Chile	<i>See response to question 7.1</i>
China	"The implementation of "the Procedure for the Application of Article 247 of UNCLOS by IOC" has effectively provided guidance to China in several projects."
Egypt	"This part is applied and accepted by MS"
Germany	"The responsible authorities are well aware of the Guidelines and take them into consideration in the decision making process."
Greece	"Very useful for the interpretation and implementation of Article 247"
Guinea	"La COI a finance des projets de recherché sur la productivité de la mangrove"
India	"MSR carried out as a Pioneer Investor, contractor to ISBA under UNCLOS."
Kuwait	No opinion
Mexico	<i>See response to question 7.1</i>
Nigeria	"The procedure are very relevant to the Nigerian situation"
Peru	"Our country has not currently informed on the procedure for the application of Article 247 of UNCLOS by IOC"
Portugal	No opinion
Thailand	"Very useful."
Togo	No opinión
Tunisia	"In order to facilitate Marine Research activities in our territorial area, we applied the new version of the article 247 us adopted by Abe-Los."
United Kingdom	"The UK has had no recourse to use the procedures laid out in this useful document. That said, the UK views the publication as a very important contribution to the understanding and application of Part XIII of UNCLOS."
United States	"Poor value: suggests an onerous procedure that serves as a disincentive for marine scientific research."

Conclusion

There is no consensus among Member States on the value of "Procedure for the Application of Article 247 of UNCLOS (Marine scientific research projects undertaken by or under the auspices of international organizations) by IOC". However, it is suggested that implementation of the "Procedure" has been poor.

7.4 Guidelines for the implementation of Resolution XX-6 of the IOC Assembly regarding the deployment of profiling floats in the High Seas within the framework of the Argo Programme

MEMBER STATE	COMMENTS
Angola	No opinion
Argentina	"Argentina values these guidelines as an important step towards full normalization of operation oceanography."
Australia	"Provides a significant bureaucratic overhead for float deployers, though it has allowed Argo to continue in more or less its original form"
Barbados	"Not applicable for Barbados, even though we have tried to participate in the program"
Cameroon	"Cameroon is not participating to the Argo programme."
Colombia	See response 7.1
Congo	No opinion
Chile	<p>"Chile through Hydrographic and Oceanographic Service of the Chilean Navy (SHOA), deployed in 2005 two drifting floats which are no longer operating. Other ARGO floats have been deployed in Chile by Concepcion University. Nevertheless, all the ARGO Program incoming information is being stored and managed by SHOA through its National Data Center.</p> <p>By means of SHOA ORD. N°13200/4/48 dated December 6th, 2010, the Executive Secretary, IOC was informed (Sra. Wendy Watson-Wright) that the Argo Focal Point for Chile is the Hydrographic and Oceanographic Service of the Chilean Navy (SHOA), represented by the Head of Oceanography Department Lt. Cmdr. Miguel E. Vásquez. Besides, it was pointed that following the guidelines submitted by resolution EC-XLI.4, our Service, wishes to be notified of the deployment in the high seas of all Argo Programme floats that may enter our EEZ."</p>
China	"China has now conducted Argo-Programme through cooperation with many coastal countries and shared the data & information collected by the programme under effective mechanism. The guidelines provide solutions when the profiling floats float into the EEZ of coastal countries. It can serve as an effective guidance document in reducing the disputes between countries, including China."
Egypt	"The guidelines are accepted and applied"
Germany	The agency responsible for the co-operation of the Argo program in Germany, the Federal Maritime and Hydrographic Agency, has participated in the negotiation and implementation of the guidelines. They are of high value to the program, as they provide effective principles and procedures in dealing with issues of sovereignty under the argo program. They are also an excellent effort to balance the interest in free scientific exchange with the concerns of some states regarding their rights to the exclusive economic zone under UNCLOS."
Greece	"Greece participated actively in the negotiations for the elaboration of these Guidelines which proved to be a rather controversial issue. Follow-up is needed"
Guinea	"Pas eu d'activités"
India	"India has been deploying Profiling float regularly in the Indian Ocean with the frame work of Argo floats."
Kuwait	No opinion
Mexico	No opinion
Nigeria	"The guidelines are adequate"
Peru	"We agree to state that concerned coastal states must be informed in advance, through appropriate channels of all deployments of profiling floats which might drift into waters under their jurisdiction, indicating the exact locations of such deployments"
Portugal	"The guidelines for the implementation of Resolution XX-6 of the IOC Assembly regarding the deployment of profiling floats in the High Seas within the framework of the Argo Programme have been a relevant source of awareness and guidance for Portuguese experts involved in research activities under the Argo programme."
Thailand	"Very useful."
Togo	"We regularly receive information on the program Argo, the settings in water of the floats, more than 3000 recordings on the floats."
Tunisia	No opinion

United Kingdom	“The UK views the publication as an important practical contribution to the consistent application of Part XIII of UNCLOS, especially given the differing views among Member States on how such observing programmes should be treated. The UK has put the Guidelines into practice and has encountered little difficulty in doing so. [High Value]”
United States	
	“Good value: procedure is practical and in use by IOC Member States.”

Conclusion

Comments on the value of “Guidelines for the implementation of Resolution XX-6 of the IOC Assembly regarding the deployment of profiling floats in the High Seas within the framework of the Argo Programme” were generally positive. A study on the implementation of the Guidelines should be considered.

Question 8: Does your country believe that IOC/ABE-LOS has contributed to the implementation of the United Nations Convention on Law of the Sea, especially Part XIII (Marine Scientific Research) and Part XIV (Transfer Marine Technology)?

MEMBER STATE	YES	NO
Angola	✓	
Argentina	✓	
Australia	✓	
Barbados	✓	
Cameroon		✓
Colombia		✓
Congo	✓	
Chile	✓	
China	✓	
Egypt	✓	
Germany	✓	
Greece	✓	
Guinea	✓	
India		✓
Kuwait		✓
Mexico	✓	
Nigeria	✓	
Peru	✓	
Portugal	✓	
Thailand	✓	
Togo	✓	
Tunisia	✓	
UK	✓	
US	✓	

Quantitative analysis

- 24 of 142 IOC Member States responded to Question 8;
- 20 IOC Member States responded YES and 4 IOC Member States responded NO;
- 83% IOC respondents Member States responded YES and 17% responded NO.

Qualitative analysis

- No omissions found;
- The question was direct and objective, such that the responses were not predisposed;
- The respondents were well-informed on State practice on Marine Scientific Research;
- ❖ **Mexico** further added: “*The CGTMT provide such potential which could be maximized if that document is periodically reviewed to reflect the contemporary trends in the development and transfer of all kinds of marine technology, including marine biotechnology. In addition, the periodic review of such document should facilitate the implementation of measures to achieve the basic objectives set out in Articles 268, 269 and 270 of UNCLOS as well as Section B of the CGTMT.*”

Conclusions

- Results suggest that the international instruments developed by IOC/ABE-LOS are a contribution to the implementation of UNCLOS;
- IOC/ABE-LOS guidelines provide responses to specific situations under law of the sea.

Question 9: Do you think that outputs delivered are commensurate with the period of nine sessions of work?

MEMBER STATE	YES	NO
Angola	✓	
Argentina	✓	
Australia		✓
Barbados	✓	
Cameroon		✓
Colombia		✓
Congo	✓	
Chile		✓
China	✓	
Egypt	✓	
Germany	✓	
Greece	✓	
Guinea		
India		✓
Kuwait		
Mexico		
Nigeria	✓	
Peru	✓	
Portugal	✓	
Thailand		✓
Togo	✓	
Tunisia		✓
UK		✓
US		✓

Quantitative analysis

- 21 of 142 IOC Member States responded to Question 9;
- 12 IOC Member States responded YES and 9 responded NO;
- 57% IOC respondents Member States to this question responded YES and 43% responded NO.

Qualitative analysis

- Three omissions found;
 - The question was direct and objective, such that the responses were not predisposed;
 - The respondents were well-informed on State practice on Marine Scientific Research;
- ❖ **Colombia** further added: *“We can’t deny the results that have been generated in IOC ABE-LOS concerning Parts XIII and XIV, Article 247 of UNCLOS; But it is also important to mention that should establish a work plan to facilitate the prioritization of issues to be addressed”*;
- ❖ **Mexico** further commented: *“It is difficult to provide and answer with a “yes” or “no”. This issue will be commented upon in the framework of an oral intervention at the 26th Session of the IOC Assembly”*;

- ❖ **Togo** further commented: *“This kind of group of experts has to discuss (science and law) around application, this is a large part of outputs supporting expert culture”*;
- ❖ The **United States** further commented: *“A major undertaking over the last nine sessions was “THE LEGAL FRAMEWORK WITHIN THE CONTEXT OF UNCLOS WHICH IS APPLICABLE FOR THE COLLECTION OF OCEANOGRAPHIC DATA.” This charge was extremely broad. The lack of specific focus required IOC/ABE-LOS to devote several sessions to define the scope of work that ABE-LOS could effectively address. Eventually, ABE-LOS identified the systems (floats, drifting buoys, and XBTs) for inclusion within its scope of work. The low turnout of technical representatives to several ABE-LOS sessions, however, prevented the development of protocols for those three systems that could be practically implemented by Member States.”*

Conclusions

- Even though there is no consensus, results suggest that most IOC Member States believe that IOC/ABE-LOS should have made more progress within the nine sessions of work.

Question 10: Has the work of the IOC Secretariat in providing support for IOC/ABE-LOS been satisfactory?

MEMBER STATE	YES	NO
Angola	✓	
Argentina		✓
Australia	✓	
Barbados	✓	
Cameroon		✓
Colombia	✓	
Congo	✓	
Chile	✓	
China	✓	
Egypt	✓	
Germany		✓
Greece	✓	
Guinea		✓
India	✓	
Kuwait		
Mexico		
Nigeria	✓	
Peru	✓	
Portugal	✓	
Thailand	✓	
Togo	✓	
Tunisia		✓
UK		✓
US	✓	

Quantitative analysis

- 22 of 142 IOC Member States responded to Question 10;
- 16 IOC Member States responded YES and 6 responded NO;
- 73% IOC respondents Member States of this question responded YES and 27% responded NO.

Qualitative analysis

- Three omissions found;
 - The question was direct and objective, such that the responses were not predisposed;
 - The respondents were well-informed on State practice on Marine Scientific Research;
- ❖ **Mexico** further commented: *“It is difficult to provide and answer with a “yes” or “no”. This issue will be commented upon in the framework of an oral intervention at the 26th Session of the IOC Assembly”;*
- ❖ **Togo** further commented: *“Support for ticket and hotel, even though I ask what kind of support really! IOC could pay per diem for participants.”*

Conclusions

- Results suggest that Member States have divided opinions on the work of the Secretariat; even though the majority of Member States are satisfied with the work of the Secretariat.

Question 11: Have the IOC/ABE-LOS outputs been adequately disseminated by the Secretariat?

MEMBER STATE	YES	NO
Angola		✓
Argentina		✓
Australia	✓	
Barbados		✓
Cameroon		✓
Colombia	✓	
Congo	✓	
Chile	✓	
China	✓	
Egypt	✓	
Germany	✓	
Greece	✓	
Guinea	✓	
India	✓	
Kuwait		✓
Mexico		
Nigeria	✓	
Peru	✓	
Portugal		✓
Thailand	✓	
Togo	✓	
Tunisia		✓
UK		✓
US		✓

Quantitative analysis

- 23 of 142 IOC Member States responded to Question 11;
- 14 IOC Member States responded YES and 9 responded NO;
- 61% IOC respondents Member States of this question responded YES and 39% responded NO.

Qualitative analysis

- One omission found;
 - The question was direct and objective, such that the responses were not predisposed;
 - The respondents were well-informed on State practice on Marine Scientific Research;
- ❖ **Mexico** further added: *“It is difficult to provide and answer with a “yes” or “no”. This issue will be commented upon in the framework of an oral intervention at the 26th Session of the IOC Assembly”*;
- ❖ **Portugal** also commented the following: *“More could be done, we believe, to encourage Member States to diffuse IOC/ABE-LOS outputs through a large spectrum of domestic institutions involved in marine scientific research and in the transfer of marine technology”*;

- ❖ **Togo** further commented: “*But no monitoring party to know the implementation in the country*”;
- ❖ The **United States of America** further commented: “*In our view, the website could be improved.*”

Conclusions

- Even though most Member States think that IOC/ABE-LOS outputs have been adequately disseminated, there is a reasonable number of MS who expect wider dissemination.

Question 12: Have the outputs of IOC/ABE-LOS been communicated internally to all the relevant centres and institutions within your country?

MEMBER STATE	YES	NO
Angola		✓
Argentina	✓	
Australia	✓	
Barbados		✓
Cameroon		✓
Colombia		✓
Congo	✓	
Chile	✓	
China	✓	
Egypt		✓
Germany	✓	
Greece		✓
Guinea	✓	
India	✓	
Kuwait		✓
Mexico	✓	
Nigeria		✓
Peru		✓
Portugal		✓
Thailand		✓
Togo	✓	
Tunisia		✓
UK	✓	
US	✓	

Quantitative analysis

- 24 of 142 IOC Member States responded to Question 12;
- 12 IOC Member States responded YES and 12 responded NO;
- 50% IOC respondents Member States responded YES and 50% responded NO.

Qualitative analysis

- No omissions found;
 - The question was direct and objective, such that the responses were not predisposed;
 - The respondents were well-informed on State practice on Marine Scientific Research;
- ❖ **Colombia** further added: “*The main obstacle is the lack of socialization and discussion of these issues within the country.*”
- ❖ **Mexico** further added: “*While this question, in principle, seems not to fall under the terms of Resolution EC-XLIII.4 in particular concerning the achievements of IOC/ABE-LOS, it is important to indicate that the outputs of IOC/ABE-LOS have been communicated to various relevant entities. However, work remains to be done in order to achieve the target to send them to the totality of relevant institutions*”;
- ❖ **Togo** further commented: “*This is done through NODC Network in my country*”.

Conclusions

- The results suggest that only around half of IOC Member States have fulfilled their obligations to disseminate internally IOC/ABE-LOS outputs.

Question 13: Has your country taken any measure to implement the outputs of IOC/ABE-LOS?

MEMBER STATE	YES	NO
Angola		✓
Argentina	✓	
Australia	✓	
Barbados	✓	
Cameroon		✓
Colombia		✓
Congo	✓	
Chile		✓
China	✓	
Egypt	✓	
Germany	✓	
Greece	✓	
Guinea	✓	
India		✓
Kuwait		
Mexico	✓	
Nigeria	✓	
Peru		✓
Portugal	✓	
Thailand	✓	
Togo	✓	
Tunisia	✓	
UK	✓	
US	✓	

Quantitative analysis

- 23 of 142 IOC Member States responded to Question 13;
- 17 IOC Member States responded YES and 6 responded NO;
- 74% IOC respondents Member States responded YES and 26% responded NO.

Qualitative analysis

- One omission found;
 - The question was direct and objective, such that the responses were not predisposed;
 - The respondents were well-informed on State practice on Marine Scientific Research.
- ❖ **Angola** further added: “For the question number 13, we said NO because we never receive any information or request from this project or programme”;
- ❖ **Mexico** further commented: “*Such outputs have been referred to in the context of the Mexican Coordinating National Commission on Oceanographic Research*”;
- ❖ **Togo** further commented: “*NODC-TOGO inform relevant institutions about dispositions taken*”.

Conclusions

- The results suggest that Member States have taken measures to implement IOC/ABE-LOS outputs.

Question 14: Has the work of IOC/ABE-LOS promoted and facilitated the communications between scientific and legal experts in your country and those in other States?

MEMBER STATE	YES	NO
Angola		✓
Argentina	✓	
Australia		✓
Barbados	✓	
Cameroon		✓
Colombia		✓
Congo	✓	
Chile	✓	
China	✓	
Egypt	✓	
Germany	✓	
Greece	✓	
Guinea	✓	
India		✓
Kuwait		✓
Mexico	✓	
Nigeria		✓
Peru		✓
Portugal	✓	
Thailand	✓	
Togo	✓	
Tunisia	✓	
UK	✓	
US		✓

Quantitative analysis

- 24 of 142 IOC Member States responded to Question 14;
- 15 IOC Member States responded YES and 9 Member States responded NO;
- 62% IOC respondents Member States responded YES and 38% responded NO.

Qualitative analysis

- No omissions found;
 - The question was direct and objective, such that the responses were not predisposed;
 - The respondents were well-informed on State practice on Marine Scientific Research;
- ❖ **Colombia** further added: “We can’t ignore the work that IOC/Abelos has been developing between scientific and legal experts regarding Parts XIII and XIV of UNCLOS, the problem here is the lack of commitment as a member state to support such initiatives, in addition to generate real coordination between scientific and administrative instances responsible to the countryside”;
- ❖ **Portugal** further commented: “Not yet. We believe that Member States should actively promote awareness of IOC/ABE-LOS activities and outputs to scientific and legal experts at the appropriate institutional levels through, for example, workshops and working parties”;

- **Togo** further commented: “*Legal expert of the sea, really it has to be put on place. But discuss and communications exist between scientific and legal experts*”.

Conclusions

The results suggest that even though IOC/ABE-LOS activities have been a tool to facilitate the cooperation of different stakeholders at national and international level in the field of marine scientific research, this has not been very successful.

Questionnaire IOC/ABE-LOS – Section TWO

STRUCTURE OF IOC/ABE-LOS

Question 15: Does your country believe that the IOC Assembly, Executive Council and/or Executive Secretary should continue to request advice from IOC/ABE-LOS, per the existing terms of reference, on the IOC's possible role in relation to UNCLOS?

MEMBER STATE	YES	NO
Angola	✓	
Argentina	✓	
Australia		✓
Barbados		✓
Cameroon	✓	
Colombia	✓	
Congo	✓	
Chile	✓	
China	✓	
Egypt	✓	
Germany		✓
Greece	✓	
Guinea	✓	
India		✓
Kuwait	✓	
Mexico		✓
Nigeria	✓	
Peru		✓
Portugal	✓	
Thailand		✓
Togo	✓	
Tunisia		✓
UK		✓
US		✓

Quantitative analysis

- 24 of 142 IOC Member States responded to Question 15;
- 14 IOC Member States responded YES and 10 Member States responded NO;
- 58% IOC respondents Member States responded YES and 42% responded NO.

Qualitative analysis

- No omissions found;
- The question was direct and objective, such that the responses were not predisposed;
- The respondents were well-informed on State practice on Marine Scientific Research;

- ❖ The **United States of America** further commented: “*We believe that only the Assembly or the Executive Council should task IOC/ABE-LOS for any future necessary tasks.*”

Conclusions

- The results suggest divided opinions over whether the terms of reference meet the expectations of Member States. However, the majority of Member States believe that the IOC Assembly, the IOC Executive Council and/or Executive Secretary should continue to request advice from IOC/ABE-LOS.

Question 16: Does your country believe that the existing terms of reference for IOC/ABE-LOS should be modified?

MEMBER STATE	YES	NO
Angola	✓	
Argentina	✓	
Australia	✓	
Barbados	✓	
Cameroon	✓	
Colombia		✓
Congo		✓
Chile		✓
China		✓
Egypt	✓	
Germany	✓	
Greece	✓	
Guinea		✓
India	✓	
Kuwait		
Mexico	✓	
Nigeria		✓
Peru		✓
Portugal		✓
Thailand	✓	
Togo	✓	
Tunisia	✓	
UK	✓	
US	✓	

Quantitative analysis

- 24 of 142 IOC Member States responded to Question 16;
- 16 IOC Member States responded YES and 8 Member States responded NO;
- 67% IOC respondents Member States of this question responded YES and 33% responded NO.

Qualitative analysis

- One omission found;
 - The question was direct and objective, such that the responses were not predisposed;
 - The respondents were well-informed on State practice on Marine Scientific Research;
- ❖ The **United States of America** further commented: “*We propose the following modification (from para. 1 in Annex to Resolution XIX-19, Terms of Reference for the Advisory Body of Experts on the Law of the Sea (ABE-LOS)):*

The ABE-LOS shall provide advice upon request by the IOC Assembly and/or, Executive Council on the possible implementation of the proposals and recommendations included in the Summary Report of the First Session of the open-ended Intersessional Working Group on IOC’s Possible Role in Relation to the United Nations Convention on the Law of the Sea (IOC-LOS) (Document IOC/INF-1035).”

Conclusions

- The results suggest that Member States believe the current terms of reference should be amended.

Question 17: Does the present modus operandi of IOC/ABE-LOS provide a suitable mechanism for supporting the Commission in its possible role in relation to UNCLOS?

MEMBER STATE	YES	NO
Angola	✓	
Argentina	✓	
Australia		✓
Barbados	✓	
Cameroon	✓	
Colombia	✓	
Congo	✓	
Chile	✓	
China	✓	
Egypt	✓	
Germany		✓
Greece		✓
Guinea		
India	✓	
Kuwait		
Mexico		✓
Nigeria	✓	
Peru	✓	
Portugal	✓	
Thailand		✓
Togo	✓	
Tunisia	✓	
UK	✓	
US	✓	

Quantitative analysis

- 22 of 142 IOC Member States responded to Question 17;
- 17 IOC Member States responded YES and 5 Member States responded NO;
- 77% IOC respondents Member States responded YES and 23% responded NO.

Qualitative analysis

- Two omissions found;
- The question was direct and objective, such that the responses were not predisposed;
- The respondents were well-informed on State practice on Marine Scientific Research.

Conclusions

- The results suggest that most Member States are satisfied with IOC/ABE-LOS modus operandi for supporting the Commission in its role with UNCLOS.

Question 18: If not, please explain

MEMBER STATE	Comments on <i>modus operandi</i> of IOC/ABE-LOS as suitable mechanism
Angola	No opinion
Argentina	No opinion
Australia	“See 19 below”
Barbados	No opinion
Cameroon	No opinion
Colombia	No opinion
Congo	No opinion
Chile	No opinion
China	No opinion
Egypt	No opinion
Germany	“The present ABE-LOS <i>modus operandi</i> is a good starting point. However, the efficiency could be greatly improved if ABE-LOS would adopt some of the tried and tested practices in place in other IOs, such as IMO: - Extensive use of correspondence groups - Diligent and focused preparation of meetings by the secretariat - Strengthening of the role of the coordinator”
Greece	“IOC/ABE-LOS would benefit from a more permanent structure enabling both the undertaking and the subsequent evaluation of projects”
Guinea	No opinion
India	“Not applicable”
Kuwait	No opinion
Mexico	“The existing Terms of Reference set out in Resolution XIX-19 should be further developed and refined to enable ABE-LOS to contribute in a more effective and practical-oriented manner to IOC’s role in relation to UNCLOS.”
Nigeria	No opinion
Peru	No opinion
Portugal	No opinion
Thailand	“Too few face-to-face meetings. Meeting one a year or once every few years leaves huge gaps to fill. Besides, there should be more concrete outcomes to implement the relevant provisions of UNCLOS 1982 on marine scientific research and TMT.”
Togo	No opinion
Tunisia	No opinion
United Kingdom	No opinion
United States	No opinion

Conclusions

- The results suggest that Member States either have no opinion or believe that the present *modus operandi* could be improved.

Question 19: How do you think IOC/ABE-LOS should work?

MEMBER STATE	Permanent	Ad hoc	Other	Other potential mechanism (comments)
Angola		✓		
Argentina	✓	✓		
Australia		✓		"Neutral on this. IOC could possibly use other mechanisms such as DOALOS and/or ICP."
Barbados		✓		
Cameroon	✓			
Colombia	✓			
Congo		✓		
Chile	✓			
China		✓		
Egypt		✓		
Germany	✓		✓	<p>"The establishment of an ad hoc mechanism should be avoided. Germany considers ABELOS to be unique as a forum of legal and scientific experts. As such it is both well suited to address technically difficult legal questions concerning the law of the sea and to provide a forum for discussion of upcoming challenges. Both aspects would be all but lost if ABE-LOS were to be reduced to an ad hoc mechanism.</p> <p>To foster these unique aspects of ABE-LOS and address concerns regarding its productivity, the following changes are suggested:</p> <ul style="list-style-type: none"> - ABE-LOS could and should be transformed to a permanent advisory body of experts. - Experts should be nominated by member states, but should take part in the discussions not as member state representatives, but in their personal capacity as experts. - The body should agree on one working language. - Discussions should be prepared by correspondence by the coordinator and the chairman. - Chairman and coordinator should make extensive use of electronic communications, such as electronic meeting systems. - Meetings in person should be called from the existing roster of experts by the chairman only when correspondence has shown that finalisation of a document can be achieved in one session.
Greece	✓			
Guinea	✓			
India	✓	✓		
Kuwait				
Mexico	✓	✓	✓	<p>General: "ABE-LOS should primarily continue providing advice upon request by the Commission's bodies in accordance with Resolution XIX-19. However, it should also be given the capacity to take a more proactive role by being able to propose areas or topics concerning Parts XIII and XIV of UNCLOS, where advice is likely to be desired or areas where coordination with other relevant bodies is needed. In doing so, it should facilitate the implementation of measures to achieve the basic objectives set out in Articles 268, 269 and 270 of UNCLOS, including capacity-building needs related to Article 266(2). As an IOC subsidiary, it could meet on biannual or triennial basis, and/or more frequently on ad hoc basis if it is deemed necessary by the relevant IOC bodies. However, the approach reflected in Resolution XIX-19 referring to the need to conduct the bulk of work by correspondence needs to be maintained. This may require an invitation to Ministries of Foreign Affairs to review the designated ABE-LOS focal point so as to ensure expertise on the Law of the</p>

			Sea matters.” Potential mechanism: “A potential mechanism could be based on the mixed or hybrid approach explained above, in other words, combining the features of both a permanent and an ad hoc body. In addition, ABE-LOS should take a more proactive role as explained above by being able to propose areas or topics concerning Parts XIII and XIV of UNCLOS, where advice is likely to be desired or areas where coordination with other relevant bodies is needed. In doing so, it should facilitate the implementation of measures to achieve the basic objectives set out in Articles 268, 269 and 270 of UNCLOS, including capacity-building needs related to Article 266(2).”
Nigeria	✓		
Peru		✓	
Portugal	✓		
Thailand	✓		
Togo	✓		
Tunisia		✓	
UK			✓ “As an IOC standing Group of Experts to be called upon by the IOC Governing Bodies to undertake law of the sea related tasks against a clear mandate within set timescales as required. This Group should consist of both marine science/technology experts and experts on law of the sea matters.”
US		✓	“ABE-LOS has been functioning as a “secondary subsidiary body” as described in Rule 24 of IOC Rules of Procedure. According to this, the Assembly or the Executive Council shall “...approve the creation, terms of reference and the expected lifetime of secondary subsidiary bodies (groups of experts and tasks teams)”. We believe this definition of secondary subsidiary body matches the ad hoc mechanism implied in this question.”

Quantitative analysis

- 24 of 142 IOC Member States responded to Question 19;
- 13 Member States believe that IOC/ABE-LOS should be a permanent mechanism of IOC;
- 13 Member States believe that IOC/ABE-LOS should be an *ad hoc* mechanism;
- 3 Member States believe that IOC/ABELOS should work both as permanent and *as hoc* mechanism of IOC;
- 1 Member States believes that IOC/ABE-LOS should be an *ad hoc* mechanism and as other kind of mechanism.
- 3 Member States believe that IOC/ABE-LOS should work in a different way.
- 1 Member State believes that IOC/ABE-LOS should work as permanent, *ad hoc* and other mechanism.

❖ **Egypt** further added: “*Maybe*” as per “other mechanisms”

Conclusions

- Even though there is no consensus among Member States on how IOC/ABE-LOS should work, half Member States believe that IOC/ABELOS should work as a permanent mechanism and half that it should work as an ad hoc mechanism.

Questionnaire IOC/ABE-LOS – Section THREE

COMMENTS ON ISSUES OF INTEREST TO IOC

Question 20: Please suggest any mechanism to identify and prioritize activities regarding IOC's possible role in relation to UNCLOS.

MEMBER STATE	COMMENTS
Angola	"As outlined above that Angola never participated on any meeting related to IOC/ABE-LOS's activities, it will not be easy to make any comment on this matter."
Argentina	"Conduct discussion at the proposal of MS, IOC Governing bodies and or ES via electronic means whenever possible and as an agenda item at the A & EC"
Australia	"Should be a task for EC and Assembly, with advice from subsidiary bodies (RSBs, Committee for IODE, JCOMM, ICGs, etc)"
Barbados	"The IOC Executive Secretary should ensure that a review of ABELOS is conducted and an update, with recommendations on priorities provided to the IOC Assembly, as appropriate, every 4 years, for comment and ratification. The first review should, as much as feasible, focus on known challenges with the implementation of UNCLOS within specific groups of states."
Cameroon	"Meeting of Experts"
Colombia	"Communication between the focal points of each Member States should create the UNCLOS framework route, so it can be discussed and socialized in the context of the General Assembly for the initial consensus and compliance between the parties."
Congo	"As an <i>ad hoc</i> mechanism"
Chile	"Basically, gathering the opinions of the Member States according to their needs and requirements. It is necessary to consider that not all States have legal, institutional and technological equity, hence the opinions suggested, such as workshops, seminars, courses, conferences, etc ., are decisive."
China	No opinion
Egypt	"This should be left for the <i>ad hoc</i> committee"
Germany	"The IOC's activity should focus on marine scientific research. It would be feasible in preparation for Assembly and EC meetings for the secretariat to call upon member states to submit possible topics for referral to ABE-LOS (or permanent group of experts)."
Greece	No opinion
Guinea	No opinion
India	"As per the mandate of IOC, Marine Scientific Research (MSR) and Capacity Building are main thrust of IOC"
Kuwait	"No Opinion Ignorant about the whole Process, never made aware nor benefited, difficult to provide answers"
Mexico	"The topics that ABELOS deals with are, as clearly stated in Res. XIX-19, dependent upon a "request to the IOC Assembly, Executive Council and/or Executive Secretary IOC". It is the perception of Mexico that it would primarily correspond to the Governing Bodies of the Commission to identify and determine if any topic should be dealt with as a matter of priority. However, as referred to above in the answer to question 19, ABE-LOS should take a more proactive role."
Nigeria	"The most urgent concerns or pressing problems that is generic to member states should be considered as top priority."
Peru	"We consider this questionnaire a good first step and suggest making a poll among the member states in relation to specific topics"
Portugal	No opinion
Thailand	"The UN Open-ended Informal Consultative Process on Oceans and the Law of the Sea"

Togo	“the mechanism would be meeting of experts of IOC regions, (for example IOCEA), intercalled of meeting of experts of all regions around the world (following the example organized sessions ABELOS I,.....IX)”
Tunisia	“We recommend adopting the UNCLOS legislation to the new technologies used in Marine Science (Glider, Voluntary Observing Ship, Drifter Buoy, etc.)”
United Kingdom	<p>“Identification</p> <p>The Group of Experts could be permanently tasked by the IOC Governing Bodies with horizon scanning to identify law of the seas issues that could be put before the IOC EC/Assembly for discussion and or action on an annual basis.</p> <p>Prioritisation</p> <p>The GoE would not prioritize the identified activities. This prioritisation would be worked up by the IOC Secretariat under the guidance of the current IOC Chairperson and presented at the annual EC/Assembly meetings for the Member States to approve.”</p>
United States	<p>“IDENTIFY: IOC Rules of Procedure (9-11, 21-22) provide the mechanism by which Member States or cooperating organizations can identify items for the agenda of the Assembly and Executive Council.</p> <p>PRIORITIZE: The Assembly/EC should consider the following criteria to determine the appropriateness and relative priority among proposed activities submitted by Member States:</p> <ol style="list-style-type: none"> 1. Does the activity require intergovernmental involvement (and specifically the IOC) to be effective, or can it be initiated and/or coordinated by others (NGOs, academics, ICSU, etc)? 2. Does the activity clearly benefit a user community? 3. Is there appropriate balance of activities among the elements of IOC’s High Level Objectives? 4. Can the IOC’s involvement in this activity achieve a measurable impact? 5. What is the timeliness and urgency of the activity? 6. Does the activity or expected outcome justify the anticipated cost and resource use?”

Question 21: Please identify possible future activities regarding IOC's possible role in relation to UNCLOS.

MEMBER STATE	COMMENTS
Angola	Ibid
Argentina	"Provide guidance for the implementation of observational/operational programs, projects and activities"
Australia	"Facilitation of routine, long-term ocean monitoring (operational oceanography), as opposed to MSR"
Barbados	"The response in question 20 should inform this."
Cameroon	"-Management and exploitation of continental shelf resources in relation with article 76 of UNCLOS -extension of continental shelf and UNCLOS -Training on the limitation of the continental shelf beyond 200 miles"
Colombia	"A. Strengthening legal subgroups and practices of member states in the application of Parts XIII and XIV of UNCLOS, in order to define the road map that will work on each one of them. B. Invite member states to nominate their experts in both marine science and in law of the sea. C. Continue to implement the application of Article 247 of UNCLOS."
Congo	"Applying of Article 76 of UNCLOS 1982 about the extension of the continental shelf"
Chile	"Development of meetings, courses, conferences, workshops, exhibitions about relevant items in the relation between UNCLOS and IOC."
China	No opinion
Egypt	"IOC and ad hoc Committee keep track of to any part of the Law and Act as required"
Germany	"Germany considers that ABE-LOS or a permanent group of experts should be tasked with developing the legal aspects of one of the crucial challenges facing IOC: the development of a stable framework for ocean observation. It should also be noted that ABE-LOS IX unanimously identified two topics deemed particularly relevant for future discussion: - Collection of oceanographic data by gliders - Environmental impact assessment of MSR Of this the last first topic seems particularly pertinent in light of recent scientific developments."
Greece	"- Definition of MSR under UNCLOS and relation to similar concepts, i.e. archaeological research - Use of submarine cables for Ocean/Climate Monitoring and Disaster Warning - Ocean noise pollution"
Guinea	
India	"IOC plays an important role in providing various aspects relating to Marine Scientific Research (MSR) aspects of required to be taken up at UNCLOS, while legal issues can be addressed by DOALOS. It is always advisable to consider Law of the Sea issues at UN level, which is well represented by state parties"
Kuwait	"NO Opinion Ignorant about the whole Process, never made aware nor benefited, difficult to provide answers"
Mexico	"Many of such possible activities may derive from the answers given to questions 7, 8, 19 and 20 of the present survey. Furthermore, IOC/ABE-LOS could play a pivotal role in promoting implementation of the legal framework of Parts XIII and XIV of UNCLOS, including initiatives on capacity-building on legal issues. One concrete example could be the development of a model law on marine scientific research based on UNDOALOS work and taking due account of current trends on MSR, including legal issues connected to marine biotechnology."
Nigeria	"Setting standards based on individual country needs or peculiarity of their situation."
Peru	"As Peru is not a signatory of the UNCLOS we refrain from giving an opinion on this matter"

Portugal	<p>“We would like to recall that at the 2008 and 2009 sessions of the ABE-LOS, suggestions were presented by several delegates for the forthcoming agenda of IOC/ABE-LOS, which, in our view, maintain their full relevance. (see in particular, United Kingdom discussion paper on suggested future topics of work to be undertaken by IOC/ABE-LOS, IOC/ABE-LOS VIII/INF-01, 20.3.2008 and the 2009 official report of IOC/ABE-LOS).</p> <p>Three topics were pointed out as potentially relevant:</p> <ul style="list-style-type: none"> • Issues relating to Part VI of UNCLOS concerning the Continental Shelf; • Follow-up of the “IOC Legal framework for the collection of oceanographic data within the context of UNCLOS” aiming at extending this framework to data collection technologies other than those used under the Argo programme; • Examination of the various assertions of the expression “marine scientific research” in academic, commercial and governmental spheres and their implications for Oceans Governance; • Appraisal for the legal framework of scientific research and technology in several international instruments (OSPAR, Convention on Biodiversity, Convention on Migratory species, etc.); <p>Topic 2 was emphasized by IOC/ABE-LOS delegates as possibly the priority”</p>
Thailand	<p>“- It should serve as international legal advisory body to IOC on marine scientific research and TMT. This would involve annual sessions in Paris to deliberate on the work entrusted by the IOC in the same vein as the International Law Commission works for the UN on progressive development and codification of international law.</p> <p>- It should raise fund to purchase hi-tech equipment for marine scientific purposes in developing countries.”</p>
Togo	<p>“The Law of the sea will have to be the subject of workshop in the country of Africa. The applicable legal framework does not seem to be effective; few usual in the maritime practices. Workshops are needed aiming at users and scientists and lawyers on the matter”</p>
Tunisia	<p>“IOC should cooperate with UNCLOS to focus on the problems in the future such as the marine biodiversity, the fertilization and the seagrass bed, etc.”</p>
United Kingdom	<p>“The development of a legal regime for ocean observations from merchant vessels</p> <p>Review of the efficacy of the use of the ‘implied consent’ regime</p> <p>The future of the use of moorings and floats if the London Convention and protocol was to be amended to ban the materials used in such equipment</p> <p>The legal regime of streaming oceanographic observations in real time from a Research Vessel or platform of opportunity operating under Part XIII in a third party Coastal State’s waters.</p> <p>Changes to the MSR Form A to reflect the nature of Glider deployments</p> <p>The definition of ‘significant science’ with respect to the regulation of ocean fertilisation scientific studies.</p> <p>A legal regime for the protection of high value moorings and ocean observatories deployed in the high seas/area.</p> <p>The types of MSR allowed in the water column above seabed designated under Article 76 claims.</p> <p>The use of the MSR regime to regulate the exploration and exploitation of Underwater Cultural Heritage sites across the range of maritime zones.”</p>
United States	<p>“None at this time.”</p>

Question 22: Are there any issues your State would like to have considered by the Commission as a potential future request on IOC's possible role in relation to UNCLOS?

MEMBER STATE	COMMENTS
Angola	Ibid to response 20
Argentina	"Provide guidance for the implementation of observational/operational programs, projects and activities"
Australia	"In fact, it is unclear that IOC does have a formal role defined under UNCLOS. See also answer to Q 19 above."
Barbados	"NO"
Cameroon	"Training on the Delimitation of the continental shelf boundaries"
Colombia	"For Colombia, the most important issue it's to consider the country as a potential state to the XII ABELOS session."
Congo	"Applying of Article 76 of UNCLOS 1982 about the extension of the continental shelf"
Chile	No opinion
China	No opinion
Egypt	"The answer of 21 may be applied to this section"
Germany	"See 21"
Greece	"Legal regime of MSR under UNCLOS and relation to similar concepts, i.e. archaeological research"
Guinea	No opinion
India	"Not at this stage"
Kuwait	"No Opinion Ignorant about the whole Process, never made aware nor benefited, difficult to provide answers"
Mexico	"In this regard, and in addition to the answer given above (question 21), one potential area for consideration is related to the legal issues connected with public- private research and development partnerships on marine biotechnology, including the process from "University to Industry."
Nigeria	"NO"
Peru	"We suggest to the Commission consider that the effectiveness of the IOC/ABELOS will help countries Non signatories of the UNCLOS as Peru, be signatory"
Portugal	<p>"The last edition of the analysis of the results of the questionnaire to Member States on marine scientific research practices is dated 2005. In a rapid evolving domain, it appears to us that an effort should be made by the IOC to promote an updating of this information to enable both quantitative and qualitative analysis of the data collected along the line of consensus reached on this issue in ABE-LOS in 2009. Such a qualitative analysis could bring to surface both good practices of States, and problems encountered in the implementation of Part XIII of UNCLOS.</p> <p>The continuous intensification of ocean issues, as well as of scientific research activities having a growing impact on the environment (ocean fertilization is a case in point) also renders the role of ABE-LOS as a producer of guidelines more significant. Inclusion of the topic of risk assessment in the context of authorization procedures for marine scientific research in an IOC/ABE-LOS future agenda was welcome by a number of delegations in 2009.</p> <p>Generally speaking, we recognize the importance of IOC/ABE-LOS for the fulfilment of the responsibilities of IOC in the promotion of a framework conducive to peaceful international cooperation in marine science and technology"</p>
Thailand	"Ensuring the transfer of the hi-tech marine technological equipment for use in developing countries, including in the following fields: climate change, sea-level rise; natural disaster prevention and management; eco-system protection; and equitable natural marine resources utilization"
Togo	"Teaching of laws and marine science combined within the framework of Master of faculties constitutes an ideal. It is raised that the environments must integrate into the legal context. To form qualified executives on the interdependence of the 2 domains would

	make results easy because the expert would be well engaged on the questions aiming of the objectives of law and science. Thus IOC would support the opening of Regional Master of laws and marine science. The University of Lome would host this initiative, project for the French-speaking people or countries; university of Tanzania for the anglophone countries.”
Tunisia	“IOC has to think about a new mechanism able to facilitate the know-how exchange in marine science during surveys carried out within the territorial water and/or area under National Jurisdiction by foreign vessels.”
United Kingdom	“No”
United States	“None at this time.”

Question 23: Please suggest any further points to be considered in the review.

MEMBER STATE	COMMENTS
Angola	Ibid
Argentina	No opinion
Australia	“The future of ABELOS is not just a yes/no issue. The reality is that we have to consider the value of such work in the context of all the other issues to be addressed by IOC. Our (Australia’s) judgement has been that participation in ABELOS is tasked lower than many other priorities, and we suspect that this consideration should apply to IOC generally.”
Barbados	No opinion
Cameroon	“Improvement of capacity building of African states to understand article 76 of UNCLOS”
Colombia	“None”
Congo	No opinion
Chile	No opinion
China	No opinion
Germany	No opinion
Greece	No opinion
Guinea	No opinion
India	“With regard to collection of data in EEZ of Member State, it often works better through Bilateral cooperation and Regional Alliance.”
Kuwait	“No Opinion Ignorant about the whole Process, never made aware nor benefited, difficult to provide answers”
Mexico	“Mexico considers ABELOS to be a privileged body within international law of the sea. One that is aimed at having “an adequate balance in the membership of the ABE-LOS between experts with training in the Law of the Sea and experts with training in marine sciences” as stated in Res. XIX-19. The Commission should fully take advantage of the existence of such a unique body, and therefore, should take this opportunity to develop clearer and more detailed terms of reference and methods of working for ABELOS. The Commission should also take due account of the potential offered by ABE-LOS outputs and expertise in the context of capacity-building concerning the implementation of Parts XII and XIII of UNCLOS, as referred to in the answer to question 21 above. This would allow ABELOS to better advise the Commission and its Member States in relation to the law of the sea topics within IOCs mandate.”
Nigeria	“None for now”
Peru	“The participation of the member states is crucial and faces difficulties as we all know. It is very important to have involved all of them; otherwise the solution will be state without legitimacy making the final decisions non viable”
Portugal	No opinion
Thailand	“- More concrete outcomes within a shorter timeframe - More regular face-to-face meetings with constructive agenda - Avoid too technical discussion that has no practical value”
Togo	“After 9 sessions of ABELOS, the maturity of experts in marine science and Law of the sea is carrying effectiveness on the various approaches used, questions discussed with returns and pointed answers. With the point of capitalization, it will not appear credible that IOC deviates from this massive effort which, from the point of view of member of ABELOS, will be a heavy lost. It is necessarily to reactivate the group of the experts; to take again the contents of its specifications, to develop all the acquired resources and to again start the session X. ABELOS would be profitable also to areas IOC (IOCEA, IOCWIO, etc) if it could be agreed to undertake activities by areas IOC. This coordination would belong to the loads of the President of IOC areas entrusted to an expert already having worked in the 9 sessions, responsible for these joint subjects Laws and Marine science.”

Tunisia	“Abe-Los group composition must be balanced (as well as lawyers and scientists, balanced between North and South countries, very precise work schedule).”
United Kingdom	“It is vital for IOC to maintain an activity in law of the sea issues in MSR issues if it is to be able to advise its Member States and to be able to fulfil its role in respect of Parts XIII and XIV of UNCLOS. Failure to do so will adversely affect its ability to bridge the gap between marine science and marine policy.”
United States	“None at this time.”

General Conclusions

- The number of responses was low (24 out of 142);
- Most Member States are aware of the outputs of the Advisory Body of Experts on the Law of the Sea (IOC/ABE-LOS), but only the “Practice of Member States in the application of Parts XIII (Marine Scientific Research) and XIV (Transfer of Marine Technology) of UNCLOS” and the “Guidelines for the implementation of Resolution XX-6 of the IOC Assembly regarding the deployment of profiling floats in the High Seas within the framework of the Argo Programme” are considered valuable by most Member States;
- The activities of IOC/ABE-LOS assist IOC Member States in the implementation of Part XIII and XIV of UNCLOS, even if these activities could be improved;
- Most Member States expect a wider dissemination of IOC/ABE-LOS’s outputs;
- The present terms of reference of IOC/ABE-LOS should be amended;
- As stated in the latest conclusions in questionnaire n.3⁴, some Member States suggest that IOC/ABE-LOS should engage in capacity-building activities;
- There are divided views over the appropriate working mechanism (permanent or *ad hoc*) for IOC/ABE-LOS;
- The IOC/ABE-LOS website is a valuable instrument and should be updated and optimized;
- At future IOC/ABE-LOS intergovernmental meetings, the balance between scientists and lawyers should be guaranteed;
- The IOC Secretariat should increase the use of IOC/ABE-LOS outputs within the IOC. Additionally, IOC should look for partnerships with other institutions (including other international organizations), as well as with UNESCO’s other programmes and projects to ensure the effectiveness of the IOC/ABE-LOS outputs;
- The IOC Secretariat should develop *ad hoc* country-oriented assistance, promoting IOC-Law of the Sea activities in the field;
- All comments provided by Member States, particularly those in section 3, should be taken into account when the governing bodies consider future mandates for IOC/ABE-LOS.

SUGGESTIONS

- The 46th IOC Executive Council could create a detailed work-plan identifying specific activities, including fund-raising activities, aimed at ensuring the effectiveness of IOC/ABE-LOS outputs. To that aim, a working-group could be established at the EC 46th.
- Request a country-report on the implementation of IOC/ABE/LOS outputs, including the needs of each Member State on Part XIII and XIV of UNCLOS;
- The Governing Bodies should consider that at future IOC/ABE-LOS intergovernmental meetings the presence of scientists is mandatory for the representation of a Member State.

⁴ IOC/ABE-LOS V/7

ANNEX I: Contact details of person responsible for completing the questionnaire

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ANNEX II: Resolution EC-XLIII.4

REVIEW OF IOC Advisory Body of Experts on the Law of the Sea (IOC/ABE-LOS)

The Executive Council,

Acknowledging the valuable role of the IOC Advisory Body of Experts on the Law of the Sea (IOC/ABE-LOS) and the progress made by IOC/ABE-LOS at its 9th Session (UNESCO Headquarters, Paris, 30 March–3 April 2009),

Recalling the United Nations General Assembly Resolutions A/RES/61/222, paragraph 110, A/RES/62/215, paragraph 123, A/RES/63/111, paragraph 144, and A/RES/64/71, paragraph 166, which acknowledge the work done by IOC through its IOC/ABE-LOS,

Recalling IOC Resolutions XXII-12, XXIII-8 and XXIII-9, and XXIV-12, EC-XXXVII.8 and EC-XXXIX.7, which specified the mandate of IOC/ABE-LOS with respect to its work on:

- (i) the practice of Member States with respect to Parts XIII and XIV of the United Nations Convention on the Law of the Sea (UNCLOS),
- (ii) the dissemination and implementation of the “Criteria and Guidelines on the Transfer of Marine Technology”,
- (iii) the procedure for the application of Article 247 of UNCLOS by IOC,
- (iv) the IOC legal framework that is applicable to the collection of oceanographic data within the context of UNCLOS,

Recalling IOC Resolution XXV-1 on the “IX Session of the IOC Advisory Body of Experts on the Law of the Sea (IOC/ABE-LOS IX)”,

Bearing in mind the views expressed by Member States at Agenda Items 3.2 and 4.4 of the Forty-Third Session of the Executive Council,

Invites IOC/ABE-LOS to continue its work on the Questionnaire N° 3 on “The practices of Member States in the field of Marine Scientific Research (MSR) and Transfer of Marine Technology (TMT)” within the framework of UNCLOS in close cooperation with the United Nations Division for Oceans Affairs and Law of the Sea (UN/DOALOS);

Establishes an intersessionnal open-ended working group made up of representatives of Member States to:

- (i) Prepare a questionnaire on the achievements of the IOC/ABE-LOS and opportunities for future activities where the advice of an expert body may be necessary;
- (ii) Suggest a mechanism to identify and prioritize issues of interest to the Commission;

Requests the IOC Executive Secretary to distribute the questionnaire among Member States via Circular Letter inviting their comments;

Tasks the open-ended working group with collating and analyzing the responses of the Member States and, on the basis of this analysis, prepare a report as a review of IOC/ABE-LOS to be presented for consideration by the Executive Council at its 44th Session and the Assembly at its 26th session. The open-ended working group will conduct its business by electronic means;

Encourages Member States to provide experts to serve on the open-ended working group and to complete the questionnaire.

ANNEX III: Resolution XXVI-4

REVIEW OF THE IOC ADVISORY BODY OF EXPERTS ON THE LAW OF THE SEA (IOC/ABE-LOS)

The Intergovernmental Oceanographic Commission,

Acknowledging the valuable role of the IOC Advisory Body of Experts on the Law of the Sea (IOC/ABE-LOS), established by Resolution XIX-19 to provide advice on IOC's role in relation to the United Nations Convention on the Law of the Sea (UNCLOS),

Recalling the United Nations General Assembly Resolutions A/RES/61/222, paragraph 110; A/RES/62/215, paragraph 123; A/RES/63/111, paragraph 144; A/RES/64/71, paragraph 166; and A/RES/65/37, paragraphs 25 and 189, which acknowledge the work done by IOC through its IOC/ABE-LOS,

Recalling further Resolution EC-XLIII.4, on the review of the Advisory Body of Experts on the Law of the Sea through a questionnaire prepared by an open-ended intersessional working group,

Acknowledging the work undertaken by the working group and **taking note** of the low number of responses to the questionnaire,

Requests the Executive Secretary to distribute again the questionnaire before the end of July 2011;

Encourages Member States to complete and return the questionnaire before 31 October 2011;

Re-establishes the open-ended intersessional working group and tasks it with collating and analysing the responses of the Member States and, on the basis of this analysis:

- (i) prepare a report as a review of IOC/ABE-LOS; and
- (ii) suggest a mechanism to identify and prioritize issues of high interest to the IOC and its Member States;

both to be presented for consideration by the Executive Council at its Forty-fifth Session. The open-ended intersessional working group will conduct its business by electronic means;

Requests the Executive Secretary to inform Member States of the reactivation of the open-ended intersessional working group.

ANNEX IV: Resolution XIX-19 - IOC AND UNCLOS

The Intergovernmental Oceanographic Commission,

Having examined the Summary Report of the First Session of the open-ended Intersessional Working Group on IOC's Possible Role in Relation to the United Nations Convention on the Law of the Sea (IOC-LOS), endorsed by the 29th Executive Council,

Endorses the above-mentioned Summary Report;

Recognizes the value of having an advisory mechanism on the possible implementation of the recommendations and proposals included in the above-mentioned Summary Report;

Decides therefore to establish an open-ended Advisory Body of Experts on the Law of the Sea (ABE-LOS), to work in accordance with the terms of reference contained in the Annex to this Resolution;

Invites interested Member States to designate a maximum of two experts to the ABE-LOS, taking into account the need for an adequate balance in the membership of the ABE-LOS between experts with training in the Law of the Sea and experts with training in marine sciences, preferably familiar with IOC activities and programmes.

Annex to Resolution XIX-19

Terms of Reference for the Advisory Body of Experts on the Law of the Sea (ABE-LOS)

1. The ABE-LOS shall provide advice upon request to the IOC Assembly, Executive Council and/or Executive Secretary IOC on the possible implementation of the proposals and recommendations included in the Summary Report of the First Session of the open-ended Intersessional Working Group on IOC's Possible Role in Relation to the United Nations Convention on the Law of the Sea (IOC-LOS) (Document IOC/INF-1035).

2. The ABE-LOS shall take into account:

- (i) The purpose and functions established by the IOC Statutes and Rules of Procedure;
- (ii) The rights and duties of the coastal States as stipulated in UNCLOS;
- (iii) Other applicable provisions of UNCLOS related to marine scientific research;
- (iv) The role of the bodies established under UNCLOS;
- (v) The need to co-ordinate efforts with other relevant bodies in the United Nations system and/or other relevant international organizations.

3. The bulk of the Advisory Body's work shall be done by correspondence, co-ordinated by the Executive Secretary IOC.

Financial implications: Work by correspondence mainly; if any meeting, participation at national expense; service of potential meeting, including relevant interpretations if required, at IOC expense.