Item 5.3 of the Provisional Agenda

SIXTH DRAFT REVISED GUIDELINES FOR THE PREPARATION AND CONSIDERATION OF DRAFT RESOLUTIONS

Summary. This document has been prepared by the IOC Secretariat pursuant to Decision 9.3.1 of the IOC Assembly at its 26th Session. The document replaces the 5th version of the Guidelines annexed to IOC Circular Letter 2412 sent on 14 February 2012, inviting Member States to provide inputs to the review of the Guidelines. Comments on the 5th version of the Guidelines were received from Australia, Chile, and United Kingdom.

Decision proposed: paragraph 3.
Introduction

1. This document has been prepared by the IOC Secretariat pursuant to Decision 9.3.1 of the Assembly at its 26th Session, in which the Assembly:

   (i) established an open-ended intersessional working group for the revision of the “Guidelines for the Preparation and Consideration of Draft Resolutions”, to be chaired by one of the newly elected Vice-Chairs. Argentina, Australia, Brazil, France, Japan, Mexico, U.K., and U.S.A. expressed their willingness to participate in the open-ended intersessional working group. Member States shall be invited by a Circular Letter to participate in the working group; the intersessional group shall work by electronic correspondence;

   (ii) requested the Executive Secretary, with the advice of the IOC Officers, to assist the open-ended intersessional working group in further developing the Guidelines and in particular: (a) provide a preamble in the document clarifying the intent of the guidelines within the context of the Statutes and Rules of Procedure, and of other documentation of IOC; (b) take into account the specific advice and suggested revisions provided by the Resolutions Committee in its review of the Draft Guidelines; (c) explicitly repeat the relevant parts of the Rules of Procedure at the head of each Section, to ensure that the guidelines are providing additional clarification and not re-interpreting the Rules of Procedure.

   (iii) decided that the revised Guidelines should be presented to the Executive Council at its 45th Session, in 2012, for adoption.

2. The Open-ended Intersessional Working Group for the Revision of the Guidelines for the Preparation and Consideration of Draft Resolutions will discuss further the following draft revised text at a meeting preceding the 45th Session of the Executive Council with a view to agreeing on a document to be presented for adoption to the Council.

Decision proposed

3. Having regard to the above, the Executive Council may wish to adopt the following decision:

   **Guidelines for Draft Resolutions**

   The Executive Council,

1. **Having examined** document IOC/EC-XLV/2 Annex 10,

SIXTH DRAFT REVISED GUIDELINES FOR THE PREPARATION AND CONSIDERATION OF DRAFT RESOLUTIONS

PREAMBLE

Regulations relating to draft resolutions¹ were not included in the IOC Statutes adopted by the Assembly in 1999 but in the IOC Rules of Procedure which were amended in 2001 to render them compatible with the new Statutes of the Commission.

The IOC Rules of Procedure refer to draft resolutions in the introduction and in Rule 42.

The current Rules of Procedure were adopted by the IOC Assembly at its 21st Session on 11 July 2001 by way of Resolution XXI-4 with the exception of the relevant procedure of adopting resolutions, for which the Assembly noted that “a further revision is under way.”

Rule 42 of the IOC Rules of Procedure contains a footnote in similar terms: “While approving the new Rules of Procedure, the 21st session of the Assembly also requested further revision of Rule 42, process that is under way.”

Although the IOC Assembly at its 21st session provided inputs to be taken into account when considering amendments to Rule 42 of the IOC Rules of Procedure, the IOC Executive Council at its 35th session agreed to retain the wording of Article 42 as it appears in the published Rules of Procedure (IOC/INF-1166).

As a consequence, the IOC Executive Secretary recommended that the updating of the procedure for the preparation and consideration of Draft Resolutions should be done through written guidelines², in replacement of the guidelines contained in the IOC Manual and its updated reprint IOC/INF-734 rev.

The task of revising the initial Guidelines for the Preparation and Consideration of Draft Resolutions that were included in the IOC Manual of March 1989 (IOC/INF-785, section 9.1)³ has been a slow and arduous process since 2001.

The preparation, submission, revision and approval of Draft Resolutions are key mechanisms for smooth and efficient running of the Commission.

Since the Rules of Procedure address briefly the mechanism for the preparation and consideration of Draft resolutions, the present Guidelines have been developed on the basis of all relevant documents, including the reports of former chairs of the Resolutions Committee, and on the practice of the Resolutions Committee.

¹ Australia proposes that the document should be primarily considering “resolutions”, instead of “draft resolutions”, though not everywhere in the document. Australia also note that although the main focus is resolutions, it is important to clarify when and when not to prepare the others, and proposes that the guidelines be extended to cover decisions and recommendations. The Chair considers that the draft resolution is the correct term throughout. One notable difference between DRs and Resolutions as noted in the document is that DRs shall include budgetary information, the latter not. Also the latter term should be reserved for resolutions after they have come into force. The Chair, whilst recognising the importance of having guidelines for decision and recommendations, consider that the mandate of the group is to focus primarily on resolutions, highlighting the criteria for when to use resolutions and when not, the alternative is decisions. The intersessional group may recommend that further guidelines on decisions and recommendations be developed during the next inter-sessional period.

² IOC/EC-XXXV/2 Annex 5.

³ Guidelines for the Preparation and Consideration of Draft Resolutions were originally included in document IOC/INF-734 rev.
I. Definitions

1. Resolution: Formal expression of a mandate or opinion or a declaration of a decision to act made by a Governing Body within the scope of Article II below.

2. Draft Resolution: A proposed text of a Resolution to be submitted by the relevant source to a Governing Body with a view to its adoption by the Governing Body concerned during the session to which the draft resolution is presented for consideration under the adopted agenda.

3. Decision: Formal expression of a mandate or opinion or a declaration of a decision to act made by a Governing Body not covered by a Resolution. It will be placed within the body of the corresponding Governing Body’s session report.

4. Recommendation: Formal expression of an opinion, advice or recommendation by an IOC Subsidiary Body to the IOC Executive Secretary and the body that created it.

II. Scope of a Draft Resolution

5. Draft Resolutions should be prepared only when necessary to fulfil at least one of the following criterion:

   (i) reflect major policy, programmatic, external relations, financial and institutional decisions;

   (ii) approve or modify the Commission’s programme and budget;

   (iii) take action on formal Recommendations made to the Commission by any recognized entities concerned with the oceans;

   (iv) urge actions by Member States on programmatic issues involving national resources [Australia proposal].

6. Respecting the division of authority and responsibility established in the UNESCO Constitution, Draft Resolutions will not deal with internal matters of the IOC Secretariat nor the mandate of the IOC Executive Secretary or the Director-General of UNESCO.

7. Draft Resolutions should be presented together with their related agenda item. Draft Resolutions should deal only with matters on the agenda of the corresponding session of the Governing Body and should accurately reflect the conclusions of the plenary discussions thereon.

III. Source of a Draft Resolution

8. Draft Resolutions may be submitted by:

   (i) One or more Member States;

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4 IOC/INF-785 (IOC Manual), p.73, section 9.1, Guidelines for the preparation and consideration of draft resolutions.
5 IOC-XXI/3, paragraph 453.
(ii) the Executive Secretary at his/her own initiative or in response to a request from the Executive Head of a UN organization or body co-operating in the work of the Commission, or an IOC Advisory Body;

(iii) the Chairperson of the Commission, alone or with the Vice-Chairperson(s) of the Commission;

9. The Executive Secretary will, at the closing of the relevant agenda item, identify the source(s) for submitting the Draft Resolutions as agreed by the Governing Body.

10. No governing body shall adopt a resolution involving expenditure unless it has before it a report by the chair of the Financial Committee containing an indication of the financial impact of each draft resolution.

IV. Submission (Based on Rule 42 of the IOC Rules of Procedure)

11. Draft Resolutions should be submitted in writing to the IOC Executive Secretary at least 36 hours [UK proposal: 1 month] before the opening of the session of a Governing Body.

12. After examining their admissibility (see Article VI here below), the Executive Secretary shall circulate the Draft Resolutions to the IOC Member States for information before their formal review by the Resolutions Committee.

13. Formatting and editorial changes shall be processed by the IOC Secretariat.

14. The Draft Resolution shall mention whether it replaces partly or wholly a past Resolution, stating that the latter is no longer in force.

V. Deadline

15. With the exception of the programme and budget resolution or urgent matters as decided by the plenary, no draft resolution shall be discussed or put to the vote unless copies of it have been made available in the working languages of the Commission to all delegations at least twenty-four hours before the discussion of the item in plenary.

16. During the session, amendments to draft resolutions shall be submitted in writing, preferably in English, or orally during the discussion of the relevant agenda item in plenary.

VI. Admissibility

17. The IOC Executive Secretary shall examine Draft Resolutions to determine their admissibility, in accordance with the provisions of the present guidelines.

18. Admissibility of Draft Resolutions may also be judged on their relevance to the Commission’s needs, modus operandi and allowable sources of funding, as determined by its Governing Bodies.

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6 Drafted following meeting of the Resolution Committee of 29 June 2011.
7 Under Rule of Procedure 42.
8 Based in recommendation of Chair of Resolutions Committee contained in IOC-XXI/3, p.56, paragraph 453.
9 Based on Rule 79.2, Rules of Procedure of UNESCO General Conference.
10 Based on Rule 81, Rules of Procedure of UNESCO General Conference Adopted by the General Conference at its 3rd session and amended at its 4th, 5th, 6th, 7th, 8th, 9th, 10th, 11th, 12th, 13th, 14th, 15th, 16th, 17th, 18th, 19th, 20th, 21st, 23rd, 24th, 25th, 26th, 27th, 28th, 29th, 30th, 31st and 32nd sessions.
And finally, admissibility may also depend on the correctness, clarity and preciseness of a Draft Resolutions’ text.

19. No draft resolution shall be accepted without an accompanying statement on its financial implications as specified in article 24 (below).\(^\text{11}\)

20. The Draft Resolutions the Executive Secretary considers inadmissible should not be translated or distributed. Such a decision—of the Executive Secretary—should be justified and notified to the sponsors with an invitation to modify and resubmit the Draft Resolution within the stated deadline.

21. The sponsors of these Draft Resolutions may submit an appeal to the IOC Assembly or IOC Executive Council through the Chairperson of the Resolutions Committee. To consider these appeals, the Resolutions Committee may be convened as soon as necessary.

22. The Resolutions Committee and the Financial Committee will examined the practicability of draft Resolutions.

VII. Structure

23. A Resolution should be published as a self-standing text that contains all the annexes mentioned.

24. The wording of a Draft Resolution should meet the criterion of being necessary and sufficient and should avoid extraneous and duplicative material. In particular, a Draft Resolution should not replicate or duplicate a decision already in the body of the corresponding summary report.\(^\text{12}\)

25. Draft Resolutions should comprise an initial preambular section\(^\text{13}\), which should be kept to a minimum and should address the question “Why is a Resolution needed?”

26. This should be followed by an operative section\(^\text{14}\), which should define the action called for by the Resolution and how the action is to be carried out. If possible, a Draft Resolution should consist of one preambular section followed by the corresponding operative section. If more than one operative section is envisaged, the Draft Resolution should be subdivided, with each subdivision comprising one preambular section and one operative section for each action.

27. Draft Resolutions shall include a statement on the financial implications stating\(^\text{15}\):
   
   i. whether these refer to identified resources in the Regular Programme and Budget (C/5) with an associated work plan;
   
   ii. financial implications in terms of:
      
      • extra-budgetary resources for which there is a formal commitment by one or more Member States or other bodies,
      
      • extra-budgetary contributions to be sought,
   
   iii. when funds would be needed, and for what period, and
   
   iv. IOC Secretariat resources over and above the allocation.

\(^{11}\) Based on Annex VII and Doc. IOC XXVI/3 and paragraph 258 of IOC-XXVI/3.

\(^{12}\) IOC/INF-785 (IOC Manual), p.73, section 9.1, Guidelines for the preparation and consideration of draft resolutions.

\(^{13}\) See the proposed standardized presentation of DR appended to this document.

\(^{14}\) See the proposed standardized presentation of DR appended to this document.

\(^{15}\) Inserted following request by the Chair of the sessional Financial Committee at the 26th session of the Assembly, Dr Savi Narayanan, Annex VII, Doc. IOC XXVI/3.
In all cases, Draft Resolutions should clearly specify the activities for which extrabudgetary resources are sought. This additional information will inform the discussion of each Draft Resolution by the Financial Committee (see para. 28 below). Once a Resolution is adopted, the financial information mentioned above is removed.

VIII. Resolutions Committee

28. A Resolutions Committee should be established at the beginning of each Assembly session or each Executive Council session to consider Draft Resolutions as they are presented to ensure that the text of the Resolution is clear and explicit.

29. The Chairperson of the Resolutions Committee should be agreed upon, among the present delegates, by the Governing Body at the beginning of each Governing Body session.[Proposal from UK to move former Article 33 to respect chronological order]

30. The Resolutions Committee is responsible for determining whether Draft Resolutions placed before it conforms to the scope mentioned in Article 5, to 7. If the Resolutions Committee considers it necessary, in terms of brevity, clarity and accuracy, to propose changes in a draft resolution, it should ensure that, these are strictly of an editorial nature so that the substance of the original draft is maintained.

31. The Resolutions Committee has no responsibility for the substance of Draft Resolutions. Should a substantive change be considered necessary for any reason, the Draft Resolution should be referred back to the IOC Executive Secretary, with an explanatory note. To facilitate any eventual redrafting of a Draft Resolution, the originator(s) or his/her/their representative can be invited to the meeting of the Resolutions Committee at which the Draft Resolution in question is discussed. The Resolutions Committee will also have the responsibility for ensuring that Draft Resolutions are conform with the conclusions of the plenary [Proposal Australia].

32. The Resolutions Committee should submit, via the IOC Executive Secretary, to the Financial Committee any Draft Resolution before the Draft Resolution is considered in plenary. The Financial Committee’s role is to examine the financial implications, be they explicit or implicit, of Draft Resolutions and thus their practicality. In particular it should clearly identify the funds that are not committed in the current approved budget.

33. The Resolutions Committee should review Draft Resolutions in English. Following Article IV, here above, official translation should be provided if the Draft Resolution is presented in another official language of the Commission. At the same time, at a later stage (after Adoption of Resolutions in plenary), the Resolutions Committee will however have the added responsibility of ensuring that all four language versions of each adopted Resolution are identical in content.

34. The Chairperson of the Resolutions Committee together with the IOC Executive Secretary should submit a report to the Governing Body by the end of the session about the proposed Draft Resolutions and the work of the Resolutions Committee.

IX. Past Resolutions

35. A document entitled “Review of Past Resolutions” should be presented by the IOC Executive Secretary at each session of the IOC Assembly. This document should list all the past resolutions still in force, with proposed actions: to be kept in force; not to be kept in force; to be replaced by a new resolution [Proposal Australia].

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17 Under Rule of Procedure 42.
X. Subsidiary Bodies

36. In general, Subsidiary Bodies should follow similar procedures to those proposed above for the Governing Bodies when adopting Decisions and Recommendations\(^{18}\).

37. In determining whether to formulate Decisions or Recommendations, Subsidiary Bodies should conform to the following general principles:

(i) Decisions [Australia: delete recommendations] may be formulated if they are within the mandate of the Subsidiary Body, contain actions which involve only the Subsidiary Body and/or its members, and do not have direct implications for IOC, its agreed budget and programme, and membership as a whole;

(ii) Any actions, within the mandate of a Subsidiary Body, which have budgetary implications for IOC beyond the agreed budget and programme, require actions by the Governing Bodies, and/or require additional actions by the Secretariat beyond those already mandated under the budget and programme, shall be formulated as Recommendations to an IOC Governing Body.

38. Subsidiary Bodies should review [Australia: and make recommendations on ] all relevant Governing Body Resolutions still in force that refer to the Subsidiary Body at the date of their session, as well as their own Recommendations.

39. Subsidiary bodies should not adopt decisions and recommendations that are not consistent with Resolutions of the Commission in force.

XI. Publication

40. All resolutions will be published in the official languages of the Intergovernmental Oceanographic Commission.

XII. Coding and citation of Resolutions

41. Assembly Resolutions – [Number of Assembly in roman numerals]-[1,2…number of the particular Resolution]; e.g., IOC Resolution XXIII-3 (third Resolution adopted by the IOC Assembly at its 23\(^{rd}\) Session)

42. Executive Council Resolutions – EC-[Number of Executive Council in roman numerals],[1,2…number of the particular Resolution]; e.g., IOC EC-XXXIX.2 (second Resolution adopted by the IOC Executive Council at its 39\(^{th}\) Session)

43. Primary IOC Subsidiary Body Decisions and Recommendations – [Acronym of the Subsidiary Body]-[Number of the session in roman numerals],[1,2…number of the particular Decision]; e.g., IODE-XVIII.1 (first Decision adopted by the IOC Committee on International Oceanographic Data and Information Exchange (IODE) at its 18\(^{th}\) Session).

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\(^{18}\) If it is agreed that Subsidiary Bodies may produce only Decisions and Recommendations, not Resolutions, it would help to differentiate and to rank the respective mandates of the IOC Governing Bodies and IOC Subsidiary Bodies.
APPENDIX I

PROPOSED STANDARDIZED PRESENTATION OF DRAFT RESOLUTIONS

A draft resolution is composed of:

The “author”: The Intergovernmental Oceanographic Commission is the “author” of an Assembly Resolution. Otherwise the “author” of Resolutions is the body that adopt the resolutions; e.g. “The Executive Council”.

A preambular part (paragraphs start with a verb in gerund marked in bold face and end with a comma): The preambular part states the problem and briefly identifies the appropriate texts of reference (reports, past decisions/resolutions, etc.) and facts and events. While the following customary preambular terms may be used, it may be helpful to group more than one consideration under one such term (i), (ii) etc. If a report from a Subsidiary Body will require action from the Commission in the active part, it should first be acknowledged in the preambular part (for e.g. Having considered Report...).

Preambular terms: Having considered, Acknowledging, Appreciating, Welcoming, Noting, Taking note of, Bearing in mind, Aware of, etc.

An active part (paragraphs starts with an operative verb marked in bold face and end with a semi-colon). The active part of the Draft Resolution states precisely what the body in session resolved to do. Every effort should be made to define who or which entity will carry out the action called for. While the following customary preambular terms may be used, it may be helpful to group more than one consideration under one such term (i), (ii) etc.

Active terms: Decides; Resolves; Accepts; Endorses; Adopts; Authorizes; Congratulates; Thanks; Supports; Urges; Requests; Invites; Encourages; Calls upon, etc.
DRAFT RESOLUTION (Acronym-number of the session/DR.(number of agenda item)

Submitted by: (See section III of the guidelines)

[TITLE]

The Intergovernmental Oceanographic Commission/The Executive Council,

Having considered, (comma)

Acknowledging,

Appreciating, Welcoming, Noting, Taking note of, Bearing in mind, reports, past resolutions or any other documents...,,

Emphasizing,

Reiterating,

Reaffirming, Recalling, Recognizing, Considering,... facts, subject,

Accepts Subsidiary Report xx and decides to take action on Recommendation ... of a Subsidiary Body as follows:

(i) Recommendation XX-1
(ii) Recommendation XX-2;

Requests¹⁹, Authorizes the IOC Executive Secretary to.........................; (semicolon)

Urges, Encourages, Calls upon relevant governmental authorities in IOC Member States...........

6. Invites the Director-General of UNESCO…;

7. -----------------------------

8. Financial implications:

¹⁹ The word “Instruct” and similar expressions will be avoided.