Item 4.3 of the Provisional Agenda

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

Summary. The Assembly at its 26th session, 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 resend the Questionnaire on the IOC Advisory Body of Experts on the Law of the Sea (IOC/ABE-LOS) to IOC Member States with an extended deadline for responding to the questionnaire, to allow the Working Group to collect and analyse new responses and provide recommendations to the Executive Council at its 45th Session.

The present document provides a synthetic analysis by the Secretariat of the responses of Member States to the questionnaire. The extensive analysis is provided as document IOC/INF-1293.

Decision proposed: paragraph 10.
Introduction

1. The IOC Advisory Body of Experts on the Law of the Sea (IOC/ABE-LOS) was established in 1997 through IOC Resolution XIX-19 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 to 2009.

2. In 2010, the IOC Executive Council adopted Resolution EC-XLIII.4 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.

3. 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-chair Cherif Sammari.

4. 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 not later than 30 May 2011. Up to 17 June 2011, 14 responses were received. The First analysis of the questionnaire was presented to the Assembly at its 26th session.

5. The Assembly decided, through Resolution XXVI-4 and Decision IOC-XXVI/4.8, to re-establish the Open-Ended Intersessional Working Group to Review IOC/ABE-LOS and to extend the deadline for responding to the questionnaire.

6. The IOC Assembly tasked the Intersessional Open-Ended Working Group made up of experts designated by Member States, with collating and analysing the responses and, on the basis of this analysis (i) to prepare a report as a review of IOC/ABE-LOS and (ii) to suggest a mechanism to identify and prioritize issues of high interest to the IOC and its Member States.

7. The IOC Vice-Chair Adoté Blim Blivi was elected the new Coordinator of the open-ended intersessional working group. The questionnaire was distributed again by Circular Letter 2410 with a new deadline. Up to 30 November 2011, 10 additional responses were received bringing the total of responses to 24.

Analysis

8. The analysis below is a draft to initiate the discussions of the open-ended intersessional subgroup, whose mandate is to provide a review of IOC/ABE-LOS to the Executive Council at its 45th session in 2012. The preliminary indications are as follows:

   * The number of responses is 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 in assisting IOC Member States in the implementation of Parts XIII and XIV of UNCLOS 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.3, 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.

9. It is suggested that the role of IOC/ABE-LOS could be fostered by:

(i) a detailed work plan identifying specific activities, including fund-raising activities, aimed at ensuring the effectiveness of IOC/ABE-LOS outputs,

(ii) country reports on the implementation of IOC/ABE-LOS outputs, including the needs of each Member State under Parts XIII and XIV of UNCLOS,

(iii) the presence of both lawyers and scientists for the representation of a Member State at future meetings of IOC/ABE-LOS.

**Decision proposed**

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

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<th>Review of IOC/ABE-LOS</th>
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<td>The Executive Council,</td>
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<tr>
<td>1. Having examined document IOC/EC-XLV/2 Annex 7,</td>
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<td>2. Takes note of:</td>
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<td>(i) the report of the Open-Ended Intersessional Working Group to Review IOC/ABE-LOS,</td>
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<td>(ii) the fact that the response was low and represented only 17.6% of Member States;</td>
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3. Establishes an intersessional ad hoc open-ended working group chaired by a Vice-Chair to revisit the mandate of the IOC Advisory Body of Experts on the Law of the Sea (IOC/ABE-LOS) which was established in 1997 through IOC Resolution XIX-19 to provide advice on the Commission’s role in relation to UNCLOS and report to the 27th Session of the Assembly.