IOC Circular Letter No. 2288

(Available in English and French)

To: Member States (main national co-ordinating body for liaison with the IOC)

Cc: IOC Officer
Chairman and Vice-chairmen of the IOC Major Subsidiary Bodies of IOC
Permanent Delegates/Observer Missions to UNESCO of IOC Member States
National Commissions for UNESCO of IOC Member States

Subject: Ninth Session of the IOC Advisory Body of Experts on the Law of the Sea (IOC/ABE-LOS IX)

I have the honour to invite you to attend the Ninth session of the IOC Advisory Body of Experts on the Law of the Sea (IOC/ABE-LOS IX), which will be held from:

30 March to 3 April 2009
Opening on Monday 30 March 2009 at 10.00 in room IX
UNESCO Headquarters
7, Place Fontenoy
75007-Paris

Registration for the session will take place at the Registration Desk outside the Conference Room on Monday 30 March 2009 from 09.00 a.m. to 10.00 am.

The meeting will take place in room IX on 30–31 March and in room XII from 1 to 3 April.

As you are aware, in accordance with Resolution XIX-19, it is recommended that Delegations be composed of two national experts from two special areas of competence: one expert with training in Law of the Sea and another expert with training in Marine Sciences.

.../...
On the other hand, in accordance with Rule of Procedure No. 26, it is requested that Member States make nominations of Delegates through the official designated national coordinating body specified for liaison with the Commission.

Being necessary to ensure the participation of the largest possible number of developing countries, the IOC may offer travel support for a small number of Delegations (and not more than 1 expert per country) in the light of the funds available for this purpose. Please kindly remind that in these cases the per diem shall remain at the expenses of the participating country. Requests for assistance should be sent together with the application form to the IOC Secretariat to examine them with respect to the budget, which is trying to be increased by requesting extra-budgetary contributions.

It would be greatly appreciated if you can confirm your attendance, using the attached form to be forwarded to the IOC Secretariat (Attention: Aurora Mateos) by 15th March 2009, in order to facilitate the smooth organization of the meeting.

Please be informed that the working languages of the session are English and French

Yours truly,

[signed]

Patricio Bernal
Assistant Director-General, UNESCO
Executive Secretary, IOC

**Enclosures:** Provisional Agenda
Registration form
IOC Resolution EC-XLI.4
INTERGOVERNMENTAL OCEANOGRAPHIC COMMISSION
(of UNESCO)

NINTH MEETING OF THE ADVISORY BODY OF EXPERTS
ON THE LAW OF THE SEA (IOC/ABE-LOS IX)
Paris, France, 30 March–3 April 2009

PROVISIONAL AGENDA

1. OPENING

2. ADMINISTRATIVE ARRANGEMENTS
2.1 DESIGNATION OF THE RAPPORTEUR
2.2 ADOPTION OF THE AGENDA
2.3 DOCUMENTATION
2.4 CONDUCT OF THE SESSION

3. REPORTS ON INTERSESSIONAL ACTIVITIES
3.1 CHAIRMAN’S REPORT
3.2 PROGRESS REPORT BY THE COORDINATOR OF THE IOC/ABE-LOS
   SUBGROUP ON THE IOC LEGAL FRAMEWORK FOR THE COLLECTION OF
   OCEANOGRAPHIC DATA WITHIN THE CONTEXT OF UNCLOS
3.3 OTHER BUSINESS
   3.3.1 Updating process under UN/OLA/DOALOS of the “Marine Scientific Research: A
         Guide to the Implementation of the relevant provisions of the United Nations
         Convention on the Law of the Sea”
Ninth Session of the IOC Advisory Body of Experts on the Law of the Sea  
Neuvième session de l’Organe consultatif d’experts sur le droit de la mer  
Paris, France (30 March-3 April 2009)

PRELIMINARY FORM FOR LIST OF PARTICIPANTS  
FORMULAIRE PRELIMINAIRE EN VUE D’ETABLIR LA LISTE DES PARTICIPANTS

Persons expecting to participate in the Ninth Session of the IOC Advisory Body of Experts on the Law of the Sea are kindly requested to complete the form below and to return it to the IOC Executive Secretary, Intergovernmental Oceanographic Commission, UNESCO, 1, rue Miollis, 75732 Paris cedex 15, by mail or fax, by 15th March 2009. The information contained herein should be as complete as possible and will be reproduced in the provisional List of Participants to be prepared before the meeting. Nevertheless, it is the registration form, as filled in by the participants before the opening of the Session that will be considered as the best available information for use in the preparation of the final List of Participants to be annexed to the Summary Report of the Session.

Les personnes qui participeront à la septième session du Groupe Consultatif d’experts en droit de la mer sont priées de remplir le formulaire ci-dessous et de le renvoyer au Secrétaire Exécutif, Commission océanographique intergouvernementale, UNESCO, 1 rue Miollis, 75732 Paris cedex 15, par courrier ou par fax, avant le 15 mars 2009. Les renseignements donnés devront être aussi complets que possible, car ils serviront à l’établissement de la liste provisoire des participants avant la réunion. Néanmoins, c'est la fiche d'inscription, telle que remplie par le participant avant l'ouverture de la session, qui sera considérée comme meilleure source de renseignement pour la préparation de la liste finale des participants annexée au rapport succinct de la session.

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*Tick one language only/Indiquer une seule langue
Resolution EC-XLI.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

The Executive Council,

Recalling IOC Resolution XX-6 on The Argo Project,

Considering that:

(i) a full array of more than 3,000 Argo profiling floats has been deployed in the world ocean and the Argo Project is now working and it should be sustained in the future as the Argo Programme,

(ii) the Argo Information Centre was established by the IOC Secretariat, in close cooperation with WMO, in 2001 to fulfil the requirements of Resolution XX-6 and provides international technical coordination for the Argo programme, and is a component of JCOMMOPS which provides coordination, inter alia, for float programmes,

(iii) an Argo Focal Point must be designated by each Member State pursuant to Joint IOC-WMO Circular Letter JCOMM No. 00-2 of 7 February 2000 to receive information,

Recalling further that IOC Resolution XX-6, inter alia:

(i) concluded 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, and

(ii) instructed the IOC Executive Secretary to inform Member States of float locations and how to access float data,

Acknowledging the work of the Argo Information Centre to facilitate the deployment of Argo profiling floats, to inform Member States, as appropriate, of planned and actual deployments, and to facilitate dissemination of identification and location of deployments and float data,

Emphasizing the desirability of cooperation and collaboration among Argo implementers and competent institutions of coastal States,

Recognizing the need to ensure that implementers and coastal States should be able to operate in a practical and effective manner,

Expresses its appreciation to the IOC Advisory Body of Experts on the Law of the Sea (IOC/ABE-LOS) for the work undertaken to date in providing advice on the legal framework within the context of UN Convention on the Law of the Sea (hereinafter UNCLOS) which is applicable for the collection of oceanographic data by specific means,

Confirms that the Argo Programme shall be fully consistent with UNCLOS;

Adopts 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, given in annex to this resolution;
**Confirms further** that the Guidelines shall be applied in the context of and in a manner consistent with UNCLOS and without prejudice to the sovereign rights of the coastal states over their continental shelf and exclusive economic zone;

**Requests** the Executive Secretary:

(i) to actively promote and disseminate the Guidelines among IOC Member States,

(ii) to take necessary action to develop practical, routine procedures with Member States and the relevant bodies, to implement the Guidelines;

**Further requests** IOC/ABE-LOS to continue its work on the legal framework within the context of UNCLOS which is applicable to the collection of oceanographic data by other specific means;

**Invites** Member States to report to the IOC Assembly at its 25th Session in 2009 on the implementation of these Guidelines

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**Annex to Resolution EC-XLI.4**

**Guidelines for the Implementation of Resolution XX-6 of the IOC Assembly Regarding the Deployment of Floats in the High Seas within the Framework of the Argo Programme**

The IOC Member States recall and confirm the validity of Resolution XX-6, in particular the following elements of the resolution:

- The Argo Project is an important contribution to the operational ocean observing system of GOOS and GCOS, as well as a major contribution to CLIVAR and other scientific research programmes.
- There is a need to ensure that Member States gain maximum benefit from the data of the Argo project in real-time and at longer time scales, and that they have the possibility to participate in and contribute to the project.
- 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.

For the purposes of implementing Resolution XX-6 regarding the deployment of Argo floats in the high seas that may enter the Exclusive Economic Zone (EEZ), IOC Member States should follow these Guidelines and promote awareness of them among interested institutions:

1. In accordance with Resolution XX-6, an IOC Member State must be informed in advance, through appropriate channels, of the deployment in the high seas of any float within the framework of the Argo Programme (hereinafter, Argo Programme float) that may enter its EEZ. In implementing this provision, the Executive Secretary of IOC will invite all IOC Member States to state at any time, if they so desire and by written note addressed to him, that they wish to be notified of the deployment in the high seas of all Argo Programme floats that may enter their respective EEZs. The Executive Secretary of IOC will immediately communicate such written note to IOC Member States.

2. A governmental, non-governmental or private entity designated as responsible for Argo Programme floats deployed in the high seas (hereinafter, the implementer) will transmit through the Argo Information Centre to the Argo focal points designated by the IOC Member States the following information:
   - type and number of floats planned to be deployed
3. Whenever an Argo Programme float deployed in the high seas might drift into the EEZ of an IOC Member State that has requested the notification referred to in paragraph 1, the implementer of such Argo Programme float will notify the Argo focal point of the IOC Member State, by transmitting to it, reasonably in advance of the expected entry of the float into the EEZ, the following information:

- type of the float deployed
- date and geo-coordinates of location where the float was deployed in the high seas
- date and geo-coordinates of latest location of the float
- contact information of the implementer
- parameters and variables being collected by sensors
- other information that the implementer might consider of interest
- other Argo Programme float information that the coastal State might consider of interest, as specified in the original notification.

Upon request of the responsible IOC Member State, and with the express agreement of the coastal State that has requested notification referred to in paragraph 1, the Argo Information Centre can undertake the notification on behalf of the implementer.

4. All the data obtained by the Argo Programme floats once they enter the EEZ will be made freely available by the implementer, with the exception of data of direct significance for the exploration and exploitation of natural resources, whether living or non-living, which, to protect its sovereign rights and jurisdiction in its EEZ, the IOC Member State whose EEZ the float enters formally requires the implementer not to be distributed. The aforementioned IOC Member State is encouraged, when possible, to determine a time limit for this request.

5. The guidelines set forth in paragraphs 1, 3 and 4 apply mutatis mutandis to an Argo Programme float deployed in the high seas and drifting into the EEZ of an IOC Member State from the EEZ of another IOC Member State.

6. No action or activity taken on the basis of these Guidelines shall be interpreted or considered as prejudicing the positions of State Parties to a land or maritime sovereignty dispute or to a dispute concerning the delimitation of maritime areas.

7. For the purpose of an effective application of these Guidelines including, in particular, the notification to be provided by the implementer:
   a. the charts and lists of geographical coordinates of points, specifying the geodetic datum, duly publicized and deposited by IOC Member States with the Secretary-General of the United Nations will be used, or
   b. when such information is not available, the IOC Member States are encouraged to provide the relevant information to the Secretary-General of the United Nations, to the IOC or to the implementer, as appropriate.