THIRD MEETING OF THE IOC ADVISORY BODY OF EXPERTS ON THE LAW OF
THE SEA (IOC/ABE-LOS III)

The Intergovernmental Oceanographic Commission,

Taking note of the oral report of the Chairperson of IOC/ABE-LOS,

Having considered the Revised Draft IOC Criteria and Guidelines on the Transfer of Marine Technology as contained in Document IOC-XXII/2 Annex 12 Rev.,

Recalling:

(i) the role of IOC as a competent international organization to respond to the requirements deriving from the United Nations Convention on the Law of the Sea (UNCLOS), in particular its Part XIII (Marine Scientific Research) and Part XIV (Development and Transfer of Marine Technology), Articles 271 and 272,

(ii) the document IOC/INF-612 on “Marine Science and Ocean Services for Development: UNESCO/IOC Comprehensive Plan for a Major Assistance Programme to Enhance the Marine Science Capabilities of Developing Countries” adopted by the 12th Session of the IOC Assembly in 1982,

Noting the various references in UN General Assembly Resolution A/RES/57/141 on “Oceans and the Law of the Sea”, to the many obligations of competent international organizations under Part XIII – in particular paragraphs 23, 24; and to the cooperation, coordination and strengthening as regards capacity building and transfer of marine technology –in particular, paragraphs 25, 35, 36, 37 and 40,

Recognizing that in response to the call made to IOC in UNGA A/RES/57/141, a comprehensive Plan could be reinforced and implemented through a flexible and generally accepted international scheme for promoting the transfer of marine technology in accordance with Part XIV of UNCLOS, which complements current efforts at the bilateral, sub-regional and regional levels,

Expresses satisfaction with the progress made by IOC/ABE-LOS;

Endorses the Recommendations annexed to this resolution and in particular adopts the revised IOC Criteria and Guidelines on the Transfer of Marine Technology as contained in document IOC-XX/2 Annex 12 Rev.;
Recognizes that in any transfer of marine technology it is essential to take into account the capacity of the recipient State to pay such transfer;

Decides to disseminate these Criteria and Guidelines among Member States and other international organizations, and to set up and monitor the mechanisms by which Member States make use of them;

Decides that the IOC Executive Secretary, in consultation with the Chair of IOC/ABE-LOS, shall establish an open-ended sub-group of IOC/ABE-LOS, working by electronic correspondence and in consultation with the I-GOOS Board with regards to the scientific and technical aspects and UN/OLA/DOALOS, to provide advice on the legal framework within the context of UNCLOS which is applicable for the collection of oceanographic data.

Invites the Chair of IOC/ABE-LOS to report on the progress of this initiative at the next session of the Executive Council.

Financial implications: US$15,000 (from Regular Programme) for the IOC/ABE-LOS IV meeting

Annex to Resolution XXII-12

RECOMMENDATIONS

The IOC Advisory Body of Experts on the Law of the Sea at its third meeting (IOC/ABE-LOS III) recommended the following:

1) That the 22nd Session of the Assembly adopts the Revised Draft IOC Criteria and Guidelines on the Transfer of Marine Technology;

2) That the 22nd session of the Assembly take note of the progress report by the Chairman of the IOC/ABE-LOS sub-group on the work related to an appropriate internal procedure related to an effective and appropriate use of Article 247 of the UN Convention on the Law of the Sea (IOC/ABE-LOS III/8), and request that IOC/ABE-LOS continue its work on this topic with the view to consider the adoption of such internal procedure by the 23rd Session of the Assembly. This Sub-group should work by electronic mail and in close cooperation with the Division of Ocean Affairs and the Law of the Sea of the United Nations (UN/OLA/DOALOS);

3) That an open-ended Sub-group on the practices of IOC Member States regarding marine scientific research and transfer of marine technology be established. This Sub-group should work by electronic mail and in close cooperation with the United Nations Office of Legal Affairs, Division of Ocean Affairs and the Law of the Sea of the United Nations (UN/OLA/DOALOS). It should draw preliminary conclusions from the data provided in Annex 6 of Document IOC/ABE-LOS III/9, as complemented by the UN/OLA/DOALOS database on MSR legislations, and by further replies to the Questionnaire No. 3, and relevant other objective data, with a view to assisting IOC in fulfilling effectively its purpose and functions as set out in Articles 2 and 3 of its Statutes.