



INTERGOVERNMENTAL OCEANOGRAPHIC COMMISSION
(of UNESCO)

**Procedure for the Application of Article 247
of the United Nations Convention on the Law of the Sea
by the Intergovernmental Oceanographic Commission of UNESCO**

1. This Procedure will apply to a marine scientific research project governed by the provisions of Part XIII of the UN Convention on the Law of the Sea ("the Convention") which the Intergovernmental Oceanographic Commission ("the Commission") wants to carry out in accordance with Article 247 of the Convention.¹
2. The Assembly hereby establishes, in accordance with the Commission's Statutes and Rules of Procedure, an advisory body for the application of this procedure (the Advisory Body for the application of Article 247 of the United Nations Convention on the Law of the Sea by the Commission, the "Advisory Body"). All IOC Member States are entitled to participate in the work of the Advisory Body.
3. An initiative by one or more IOC Member States to submit a proposal that the Commission undertake a marine scientific research project under Article 247 of the Convention shall be referred by the Executive Secretary to the Advisory Body. The Executive Secretary shall ensure that all Member States in whose exclusive economic zone ("EEZ") or on whose continental shelf such project is to be carried out, or otherwise to be involved in the execution of the project, shall be appropriately and timely notified and be invited to participate in the discussion of the proposed project within the Advisory Body.
4. The Advisory Body shall make a recommendation to the Assembly as to whether or not the proposed project should be carried out. A positive recommendation by the Advisory Body that the Commission undertake the proposed project shall be submitted to the Assembly in the form of a draft resolution. To the draft resolution shall be annexed a detailed description of the project containing the

¹ Article 247 of the UN Convention on the Law of the Sea reads as follows:
"A coastal State which is a member of or has a bilateral agreement with an international organization, and in whose exclusive economic zone or on whose continental shelf that organization wants to carry out a marine scientific research project, directly or under its auspices, shall be deemed to have authorized the project to be carried out in conformity with the agreed specifications if that State approved the detailed project when the decision was made by the organization for the undertaking of the project, or is willing to participate in it, and has not expressed any objection within four months of notification of the project by the organization to the coastal State."

information referred to in Article 248 of the Convention and the proposed ways to comply with the conditions set out in Article 249 of the Convention.

5. A decision that the Commission undertake a marine scientific research project under Article 247 of the Convention shall be taken by the Assembly by means of the adoption of a resolution. The draft for such a resolution, together with the Annex as referred to in paragraph 4, shall be communicated to all Member States at least two months in advance of the starting date of the meeting of the Assembly, and shall explicitly indicate that its adoption is for the purpose of applying Article 247 of the Convention.
6. If it is deemed necessary for an effective execution of the proposed project, the Assembly will be convened, in accordance with the Rules of Procedure of the Commission, in an extraordinary session for the purpose of the adoption of the resolution. Such session can only be held if the conditions of paragraphs 3 and 4 are respected.
7. Subject to paragraphs 8 and 9, a project shall not be carried out in the EEZ or on the continental shelf of a Member State unless that State has voted in favour of the resolution referred to in paragraph 5 or has otherwise expressed its willingness to participate in the project as described in the Annex to the resolution prior to the notification referred to in paragraph 8.
8. The IOC Executive Secretary shall provide notification through appropriate official channels to each Member State in whose EEZ or on whose continental shelf the research project is to be carried out as soon as possible after the adoption of the resolution, but no later than six months in advance of the actual starting date of the project in the EEZ or on the continental shelf. The notification shall include the text of the adopted resolution and its Annex.
9. The research activities may be commenced in the EEZ or on the continental shelf of a Member State six months after the receipt of the notification referred to in paragraph 8 by the Member State if no objection has been communicated by such State to the IOC Executive Secretary within four months of the receipt of that notification.
10. In case of a marine scientific research project under Article 247, part of which is planned to be carried out in the EEZ or on the continental shelf of a coastal State which is not a Member of the Commission, bilateral negotiations may be initiated by the Commission with the coastal State in question, with a view to conclude an agreement on the conditions under which the research activities may be carried out in those maritime zones. The coastal State shall be invited to contribute to the discussion of the project before its submission to the Assembly. The part of the project concerning such a coastal State may be only carried out if the referred agreement, including in the Annex to the resolution corresponding to the project, has been concluded between the coastal State and the Commission, in conformity

with the Statutes and Rules of Procedure of the Commission. In that event, paragraphs 8 and 9 of the present procedure will apply.

11. Nothing in this Procedure shall prejudice the rights, jurisdiction and duties of States under the international law of the sea, in particular the Convention. This Procedure shall be interpreted in the context of and in a manner consistent with the provisions of the Convention.