



INTERGOVERNMENTAL OCEANOGRAPHIC COMMISSION  
(of UNESCO)

### **Third Meeting of the Open-ended intersessional Working Group on the Status of the IOC Regional Committee for the Central Indian Ocean (IOCINDIO)**

**Tuesday, 24 May 2022, 13:30 to 15:30 (CET/Paris time)**

#### **Draft REPORT**

The third meeting of the Open-ended intersessional Working Group (OEIWG) on the Status of the IOC Regional Committee for the Central Indian Ocean (IOCINDIO) was organized online on Tuesday, 24 May 2022 from 13:30 to 15:30 (CET/Paris time).

47 participants in the meeting represented IOC Member States, IOCAFRICA WESTPAC, RCOC and former officers of IOCINDIO (list of participants as Annex 4).

#### **1. Welcome and Technical arrangements for the meeting.**

The acting Technical Secretary of IOCINDIO, Mr. Justin Ahanhanzo welcomed participants and provided information on technical arrangements, informing participants that the meeting was being recorded.

The Chair of the IOC, the Co-Chair of the Working Group, Captain Ariel Troisi welcomed Member States Representatives and observers and thanked the Executive Secretary, the Technical Secretary and Secretariat for the support to the Working Group. He called on the particular attention of participants to the documentation for the meeting including the documents used for the second meeting and the resulting draft report including related statements submitted to the Secretariat together with the documents of this third meeting.

He called upon the Co-Chair, IOCINDIO Chair, Rear Admiral (Retd) Khurshed Alam to provide introductory remarks, if any.

The Co-Chair, the IOCINDIO Chair thanked the IOC Chair, the Executive Secretary, the IOCINDIO Technical Secretary, IOCINDIO current and past Officers and Member States, the IOC Vice-Chair for Group IV, the IOCAFRICA and WESTPAC Representatives, distinguished Member States Representatives and observers for their contributions to the Working Group. He recalled that this third meeting is the last of the Working Group preceding the 55<sup>th</sup> Session of the Executive Council of the IOC (UNESCO, Paris, 14–17 June 2022) that will discuss the progress report and course of actions related to the transformation of the Regional Committee into an IOC Sub Commission. He requested

participants to not bring new issues at this stage other than a few issues unresolved such as the geographic area of responsibility of the further potential Sub commission. He agreed on the draft agenda proposed for the meeting and gave the floor back to the IOC Chair.

The IOC Chair, in his preliminary remarks, made a few clarifications related to the membership and participation in the Working Group based on its statute, nature and functions; as a response to a number of questions received between the Second and the third meetings. He recalled that based on the IOC Rules and Procedures and methods of work and, taking into consideration the Circular Letter 2872 inviting Member States to constitute this Open-ended intersessional Working Group on the Status of the IOC Regional Committee for the Central Indian Ocean (IOCINDIO); any Member State may join the Working Group at any point in time. The deadline in the Circular Letter for nominations of Member State Representatives was meant to serve as the basis to constitute the Working Group with the necessary critical mass, allowing to start the meetings. He stressed the fact that as an open-ended intersessional Working Group, any Member State can join any time with a notification to the IOC Secretariat of national nominations in order to allow that their Representatives are properly recorded and recognized. This is the reason why the Technical Secretary requested participants before the meetings start to indicate first, their Member State name together with their own names.

Furthermore, he recalled that for the upcoming 55<sup>th</sup> Session of the Executive Council of the IOC, the Working Group should submit a progress report of its proceedings. No decision is expected from the Executive Council. Only the Assembly will make a decision at its 32<sup>nd</sup> Session in 2023 based on the final report of the Working Group.

The written progress report has already been drafted for submission to the Executive Council in order to meet the statutory deadline, however, the Co-Chairs will highlight the discussions of this third meeting to complement the written report.

The WESTPAC Chair took the floor and thanked the IOC Chair for the clarifications on the procedures guiding the participation of Member States in the Working Group.

## **2. Presentation and adoption of the Agenda of the meeting.**

Following the above clarifications, the IOC Chair introduced the provisional agenda prepared for the meeting and requested comments.

The meeting adopted the proposed Agenda without comments.

## **3. Adoption of the Report of the second meeting of the Working Group.**

The IOC Chair called on the meeting to proceed with the review and subsequent adoption of the Report of the second meeting of the Working Group and requested the Technical Secretary to display it for comments.

The Technical Secretary informed the meeting that only the WESTPAC Chair has sent comments highlighted in track changes for easy reference.

The Representative of Indonesia, Dr. Zainal Arifin questioned the term of geographical area of responsibility as well as its extent and the associated map suggested for the potential further Sub Commission of IOCINDIO (his Statement attached as Annex 3) .

The IOC Chair reminded him and other participants that the current agenda item is on the review of the report of the second meeting related solely to the records of what has been discussed at that meeting for adoption. He assured the Indonesian Representative that after the conclusion of this item, the agenda of the third meeting will be opened for in-depth discussions of the point on geographical area which remained unresolved.

The Representative of Kenya also asked clarifications about the geographical area in relation to the map of Indian Ocean Limits with reference to the IHO S-23 in the draft publication of 2002.

The IOC Chair reminded the meeting that in the report of the first meeting of the IOCINDIO in Islamabad in 1988 which was adopted by the IOC Assembly in 1989, there was no map attached. He clarified that the proposed map from IHO S-23 helps only to visualize the description of the geographic area of the region. He pointed out that in the context of the Working Group, there has been no decision taken on the geographic area for the further potential IOC Sub Commission.

The Representative of Kenya further called the attention of the Co-Chairs and the Working Group on the fact that positions and statements expressed by the Kenyan Representatives should be considered as the national country position and therefore requested to reflect this understanding as such in the report, avoiding to mention personal names of the Kenya Representatives.

The Representative of France, Dr. Marie-Alexandrine Sicre took the floor and informed the meeting that following internal consultations, France agreed that the name IOCINDIO be maintained for the further potential Sub Commission.

The Report of the second meeting was adopted based on comments received from participants.

#### **4. Continuation of discussions on the “Steps towards IOCINDIO with overall review of “A proposal for changing the status of IOCINDIO in a Sub Commission of IOC for the Indian Ocean”.**

The Chair of IOC recalled that this agenda item is the core of the task before the Working Group. He summarized the salient points of discussions including agreements reached as well as the unresolved questions and concerns of Member States Representatives based on the adopted Report of the second meeting. He reminded the meeting that only one country (France) has expressed the need for internal consultations before agreeing

on the name of the further potential Sub Commission of IOCINDIO. He took the opportunity to thank France for having now informed the meeting that after internal consultations, it agreed with the Working Group to maintain the name IOCINDIO for the future potential Sub commission.

The IOC Chair thanked the Working Group for the consensus reached to maintain the name IOCINDIO. Thus, it can be considered that the Working Group agreed to maintain the name IOCINDIO for the further potential Sub Commission of IOCINDIO.

He further recalled the unresolved discussions on the geographical area of the future IOCINDIO Sub Commission based on the description in the Report of the first Session of IOCINDIO in 1988 and the new proposal by the Secretariat using the definition of the Indian Ocean Limits from IHO S-23 in the draft publication of 2002, which suggests that the IOCINDIO area of responsibility shall be the whole Indian Ocean. He indicated that while there was no final agreement, there seemed to be a general consensus to keep the original geographic area of IOCINDIO as defined at the Islamabad founding meeting. He also recalled that unfortunately, there was no map attached to the text descriptions of the geographical area of responsibility. The text appeared difficult to read. Therefore, between the time of the second meeting and this third meeting, Dr. Tummala Srinivasa Kumar, (Vice Chair IOC, Group IV) has produced a map based on the Islamabad text for an easy visualization of the proposed area.

He called on the Executive Secretary to pursue his presentation on the remaining items of the agenda.

The Executive Secretary, Dr. Vladimir Ryabinin, thanked the Co-chairs and participants. He informed the meeting that he would proceed with his previous presentation that was adjusted including the plot produced by Dr. Tummala Srinivasa Kumar and his team at INCOIS. He thanked the Representative of France, Dr. Marie-Alexandrine Sicre for joining the consensus to keep the name IOCINDIO for the further Sub Commission. He welcomed the suggestion to use the term "Reference Area" instead of "geographical area of responsibility" which brings too much political divide, diverting the Working Group from its core task.

He presented the Statement letter of Kenya, highlighting the national position as follows:

- Kenya welcomes the proposal for changing the status of IOCINDIO into a Sub Commission of IOC for the Indian Ocean and shall therefore continue to positively contribute efforts to the Working Group towards its successful completion.
- Kenya underlines the need to keep the same geographical area of IOCINDIO as at the time of its creation as a Regional Committee for the Central Indian Ocean with no overlaps with the IOCAFRICA and accordingly requested the revision of the text presented by the IOC Secretariat.

- Kenya requested the IOC Secretariat to revise the text of the working document entitled "Elements for establishing IOCINDIO as an IOC Sub-Commission" to ensure that the role and scope of IOCAFRICA are not diminished. Any reference to IOCINDIO having a mandate over the entire Indian Ocean should be deleted.
- Kenya stressed the importance of coordination with other Sub-Commissions including IOCAFRICA with a view of maximizing value of work on issues of common interest and avoiding duplication, but with no prejudices for the IOCAFRICA.

The Executive Secretary suggested that the first step for this meeting may be to agree that the term "geographical area of responsibility" shall be replaced by the term "area of reference".

He further drew the particular attention of the Working Group on the fact that at the first meeting of the IOCINDIO in Islamabad, Pakistan 3-7 July, 1988; there were thorough discussions with a careful approach on geographical area; exemplifying that the IOC stands on the shoulders of giants who clearly spelt out in the resulting report the following:

- "...it was not the practice of the Commission to draw hard and fast boundaries to the area to be covered by a regional subsidiary body, the proximity of two other such bodies made it necessary to consider the most convenient ones for IOCINDIO." reminding the interest of countries bordering the Indian Ocean in Africa and Asia.

Participants at the first meeting further referred to the IOC Guidelines on the Structure and Responsibilities of the Subsidiary Bodies of the Commission, defining eligibility for membership of a subsidiary body, and indicated the desirable conditions for such membership as follows: "

- Although membership of the Commission's Scientific and/or Technical Committees, Sub-Commissions and Regional Committees is open to all Member States, such membership will not be automatically assumed, but will be dependent upon a formal declaration of wish, by a Member State, to be a member of a particular subsidiary body and to participate actively in a particular programme, and this should be confirmed in practice by the nomination of a specific National Focal Point, to provide liaison between the national activities directly related to the given programme and the subsidiary body itself or the Secretary of IOC. Such declarations and nominations should be renewed at each ordinary session of the Assembly or whenever necessary as a result of a change in the National Focal Point. This will result in considerable economy and increased efficiency since documents for a session of a Scientific and/or Technical Committee, Sub-Commission or Regional Committee will not, normally, be sent to a Member State that is not a declared member of such subsidiary bodies. Nevertheless, invitations to all sessions of a given Scientific and/or Technical Committee, Sub-Commission or Regional Committee will be sent to all Member States initially". (IOC Manual, Part I, Section 5)".

Illustrating the wisdom of the pioneers who established the IOCINDIO on solid foundations, the Executive Secretary stressed the flexible and consensual approach of the IOC practices.

The Islamabad meeting furthermore listed the countries most likely to be interested in the IOCINDIO, bordering the Indian Ocean including Oman, United Arab Emirates, Qatar, Saudi Arabia, Kuwait, Iraq, Iran, Pakistan, India, Sri Lanka, Maldives, Bangladesh, Burma, Thailand, Malaysia, Indonesia, Australia, as well as the United Kingdom and France. It also noted that Member States from outside the region, but with specific marine scientific interest in the region, are entitled to be members. However, the Islamabad founding meeting stressed “the value it attached to its regional character, and appealed to those regional Member States that had not sent delegations to the present Session (Iraq, Saudi Arabia, Qatar, United Arab Emirates, Sri Lanka, Burma, Thailand, Malaysia, Indonesia, and Australia) to do so for future sessions, and in any case to participate fully in its intersessional activities. The Regional Committee requested at the time, the Secretary IOC to proactively approach the aforementioned Member States in this sense”.

The Executive Secretary further pointed out a very specific and sound statement by an Observer at the Islamabad meeting, the *People's Democratic Republic of Yemen*, reminding that the oceanographic characteristics of the Arabian Sea make it desirable to consider the inclusion of those African Member States bordering this sea within the geographical coverage of IOCINDIO, rather than IOCINCWIO as at present, if the concerned Member States were agreeable (Para. 163 of the Report of the First Session, Islamabad, Pakistan, 3-7 July 1988). Subsequently, the Regional Committee requested the Executive Secretary of IOC to pursue this possibility through direct contacts with the governments concerned, notably Somalia (Para. 164 of the above Report).

The Regional Committee therefore agreed at the Islamabad meeting that, “bearing in mind the large-scale ocean phenomena in the region, and subject to the concurrence of the African Member States concerned, the geographical area to be covered by IOCINDIO be, in the west, from the southern boundary of Somalia eastward to 60°E then southward to the Antarctic Convergence (about 60°S), and, in the east, the western coasts of Thailand, part of Malaysia (if the boundary is put across the Strait of Malacca at, say, 4°N), Indonesia eastward to the longitude of 120°E, north and south of Australia down to the Antarctic Convergence. The Regional Committee so recommended to the Assembly” (Para/ 165 of the same Report). Thus, the meeting agreed on the verbal descriptions of that area.

Based on the above, the Executive Secretary considered that the map drawn by Dr. Tummala Srinivasa Kumar and his team taking into consideration the geographic area defined at the Islamabad meeting is a clear, accurate and technical representation of the descriptions in the previous paragraphs. However, he pointed out that he would not think that Africa would agree with that consideration because Somalia in this map is actually part of IOCINDIO and subsequently, it is important for the Working Group to recognize the statements of Kenya and concerns expressed by other Member States Representatives. For instance, Mauritius is part of Indian Ocean, but is not on this Map

and this does not make sense as fish would not recognize this map and its limits, nor would birds.

The Executive Secretary noted that the report of the first meeting of IOCAFRICA which is a merger of two Regional Committees in Africa, respectively the IOCEA and IOCWIO; participants did not draw a map. They however agreed that African countries that would like to join IOCAFRICA joined, and then they decided to have three electoral Groups, A, B, C within the Sub commission and nobody was concerned about a map. The Group B which is composed of countries in the eastern coast of Africa are those most likely interested in the Indian Ocean.

The Executive Secretary also pointed out that the Red Sea is an area which very strongly interacts with the Indian Ocean in terms of water exchanges, oxygen dynamics, thus Egypt may be interested in that area.

He further recalled a plea from the Co-Chair, Rear Admiral Khurshed Alam, the Chair of IOCINDIO asking to not overdue with the geographic area because the Working Group should not be drawing borders in oceans as it is the case for countries on land.

To conclude with this point, he called again on the Working Group to consider agreeing with the term "Reference Area" instead of the term "Geographic Area of Responsibility" and to point broadly in the Indian Ocean without indication on territorial waters of Member States.

He humbly expressed apologies for the first proposal of the geographical area of responsibility and noted that the subsequent discussions were excellent and useful.

He expressed appreciation and thanks to all participants who actively contributed to the discussions, notably; Kenya, Tanzania, Dr. Tummala Srinivasa Kumar and his team for drawing the map for visualization the proposed texts descriptions.

He requested the Co-Chairs and participants that if there is an agreement on the above consideration on the "Reference Area", he would then pursue his presentation with the remaining part.

The Co-Chairs, both expressed their agreement with the suggestion of the Executive Secretary. There was no further objection on that point. With the understanding that the Working Group has reached an agreement on the Reference Area, he continued his presentation on the Terms of Reference.

**Proposed Terms of Reference for the further potential Sub Commission.**

***Mechanisms for coordination with adjacent Sub-Commissions:*** It is important to make sure that there is a very strong interaction between all IOC Regional Subsidiary Bodies. The principle is to maximise the value of joint work on issues of common interest and minimize duplication. It will require cross-participation in the work of Governing Bodies of Sub Commissions and, where appropriate, subsidiary bodies, such as Working Groups and Task Teams, or other activities. Implementation plans of IOCINDIO, IOCAFRICA and WESTPAC will have to be coordinated as much as possible wherever useful. The experience of the Decade showed increases of co-design and efficiency. Regular consultations between Sub-Commissions' Chairs, Bureaux, and Secretariats will be required to achieve co-design.

As an intergovernmental body, the Sub Commission will have its own Member States, however, activities may involve Member States or/and partners that are not members of the Sub Commission.

Activities of any of the three IOC Sub-Commissions may involve Member States from the other two Sub-Commissions or both of them.

Capacity development and training facilities and activities may be shared depending on their thematic and regional focus. Potential specific collaborations may include:

- Training of participants from IOCINDIO at the Ocean Teacher Global Academy-2 centres in India, Indonesia, Islamic Republic of Iran, Kenya, Malaysia, and Mozambique and the WESTPAC Regional Training and Research Centres.
- A stronger involvement of IOCAFRICA and IOCINDIO in IIOE-2.

## **Mission**

Taking into consideration the controversial nature of discussions on the proposed geographic area of responsibility of the IOCINDIO Sub Commission for the entire Indian Ocean, the Executive Secretary indicated that he has adjusted the formulation of this part of his presentation to consider that the work of the Sub Commission will be focused in the Indian Ocean. He suggested for the sake of time, allowing him to conclude the full presentation, that discussions on this point may be delayed further after he will send the document to participants of the Working Group for their written critical review and comments. The adjusted mission statement is read:

*"The IOC Sub-Commission for the Indian Ocean (IOCINDIO) is a primary regional intergovernmental subsidiary body of the Intergovernmental Oceanographic Commission of UNESCO, focused on the Indian Ocean, and its purpose is to promote international cooperation and to coordinate programmes in research, services, and capacity-building, in order to learn more about the nature and resources of the ocean and to apply that knowledge for the improvement of management, sustainable development, the protection of the marine environment, and the decision-making processes of its Member States".* He stressed that the two underlined words "focused" and "ocean" (without Indian) help to avoid the misinterpretation with the geographic area of responsibility.

## **Objectives**



The Executive Secretary recalled that the objectives are not sensitive to the geographic area of responsibility and are read as follows:

*The Sub-Commission shall:*

- *Promote international cooperation and coordinate activities agreed by governing bodies of the Intergovernmental Oceanographic Commission of UNESCO;*
- *Make recommendations to the Intergovernmental Oceanographic Commission of UNESCO on issues and areas of its competency;*
- *Prepare a plan for implementation of the agreed activities;*
- *Offer a platform for identifying regional problems and solutions to them based on international cooperation;*
- *Cooperate with relevant organizations, agencies, and institutions; and*
- *Cooperate with other subsidiary bodies and programmes of the Intergovernmental Oceanographic Commission of UNESCO on matters of common interest, in particular with the IOCAFRICA and WESTPAC.*

He clarified that according to the IOC Manual, it is very important to recognize that the IOC Standards are global, and as such it is the IOC itself as a global Intergovernmental Body that has the norm and standard-setting role. Regional and thematic subsidiary bodies are not expected to develop their own policies and technical standards.

- IOCINDIO will adhere to all existing and potential new IOC policies and standards as applicable to IOCINDIO activities.

### **Structure**

The Sub-Commission will include:

- Member States
- Officers
- Thematic or subregional Working Groups or Task Teams, as required; and
- Secretariat.

### **Member States**

The Sub-Commission will include the IOC Member States that appropriately inform the IOC Executive Secretary about their adhesion. IOCINDIO membership will not be limited to Member States geographically attached to the Indian Ocean. IOC national focal points for IOCINDIO Member States will be the same as for IOC.

### **Officers**

The Bureau of the Sub Commission will comprise the Chair and two Vice-Chairs elected by its Member States and shall serve in accordance with the Guidelines for Structure and Responsibilities of the Subsidiary Bodies of the IOC.

### **Working Groups and Task Teams**

The Sub-Commission will establish its subsidiary working bodies as required and in accordance with the Guidelines for Structure and Responsibilities of the Subsidiary Bodies of the IOC.

The Executive Secretary added a suggestion that : “As needed, joint subsidiary working bodies, especially with IOCAFRICA and WESTPAC will be established”.

### **Secretariat**

He indicated that this is a standard clause. The IOCINDIO Secretariat will operate as a part of the IOC Secretariat under the authority of the IOC Executive Secretary, capitalizing on UNESCO representation in the Indian Ocean region. The Technical Secretary of IOCINDIO will report to the Executive Secretary of the IOC. There is a need to capitalize on the UNESCO presence and network in the IOCINDIO region, taking into account ongoing UNESCO field reform. A Memorandum of Understanding may be required.

### **Meetings**

IOCINDIO Member States will meet regularly, at least once in two years for the Intergovernmental Sessions, preferably in the first part of the year of an IOC Assembly and well in advance of that Assembly to ensure a quality statutory reporting.

### **Governance of and reporting by IOC programmatic activities in the Indian Ocean region**

Reports of IOC programmes of relevance for the Indian Ocean will be included in the agenda of IOCINDIO meetings.

*Regional components of IOC global programmes, e.g. for tsunami warnings, will continue to be coordinated and governed by their dedicated intergovernmental bodies. This may also be applied to Ocean Observations. This consideration helps to not spoil best practices with ongoing successful governance approach of the above programmes.*

### **Programme and budget**

IOCINDIO budget will comprise regular programme budget and extrabudgetary contributions, consistent with the funding for all IOC Sub-Commissions. The Sub-Commission will explore opportunities for raising additional resources for implementation of its programmes including in-cash and in-kind contributions by its Member States and other sources.

## Steps for the establishment of the IOCINDIO

Two parallel and interacting processes will have to be pursued towards the establishment of the new IOCINDIO Sub Commission.

**The first process** relates to the formal intergovernmental design of IOCINDIO determining its ToRs, preparing the draft Resolution and the process leading to its endorsement and adhesion of Member States. This is the ongoing process within this Working Group.

### Draft Resolution on IOCINDIO

IOC Member States wishing to become Members of the IOCINDIO Sub Commission are invited to propose, within statutory deadline, a corresponding resolution to be considered by the 32<sup>nd</sup> Session of IOC Assembly to be held in mid-2023. If such a Resolution is endorsed by the IOC-32, the Regional Committee of IOCINDIO will be dissolved and a Sub Commission of IOCINDIO will be founded.

### Adhesion of Member States to IOCINDIO

In the case that the IOC-32 adopts the Resolution on the new status of IOCINDIO as an IOC Sub-Commission, IOC Member States wishing to join the new Sub Commission will be expected to officially notify the IOC Executive Secretary of their adhesion.

The Sub-Commission will be considered established after at least three (4,5?) letters of adhesion of IOC Member States are received by the Executive Secretary.

**The second process** relates to IOCINDIO function.

It should involve identification of issues, problems, and opportunities in the Indian Ocean that IOCINDIO will be meaningfully addressing, leading to interest and genuine commitments of Member States.

It is imperative to start filling the agenda of the emerging Sub Commission with such items already now. Otherwise, there is a risk that the Sub-Commission will be established, but will have no meaningful program of work. The Ocean Decade provides a unique and major opportunity to mobilize actors in the region. IIOE-2 is a resource. IIOEC 2022 was a great meeting. The Working Group should start thinking of what IOCINDIO has to achieve, beyond formal establishing itself, and how, and where to start the work. The IOCINDIO Chair proposed a meeting on the Decade. This is an appropriate opportunity to define a work programme.

The Executive Secretary ended his presentation at this point.

**Commented [AJ1]:** The Executive Secretary asked the WG if this clause would be needed and to which extent?  
JA's personal view for your consideration: though, the question is legitimate and sound, my humble opinion is that the WG is not mandated as it does not have the authority to bring clauses and criteria that are not in the IOC Statutes and Guidelines for RSBs. The WG should strictly adhere to existing rules on RSBs membership applied to the existing Sub Commissions in order to keep the UNIVERSAL nature of the IOC and UNESCO rules, avoiding double standard. However, in the case that the Secretariat or Member States wish to modify the existing rules, this should be done through formal mechanisms with adoption by the Assembly.

The IOC Chair thanked him for his informative presentation. He noted that the Executive Secretary proposed to send his presentation to participants in order to allow them a critical review of specific concerns and details which could be discussed at the following meetings. He requested initial reactions from participants.

**The Representative of Kenya** took the floor and thanked the IOC Chair and expressed appreciation for the efforts of the Executive Secretary, enabling in-depth discussions on the upgrading of the IOCINDIO into a Sub Commission. She however expressed remarks and requested clarifications in line with the national position set at previous meetings. She reiterated the support of Kenya to the establishment of the Sub Commission. But she pointed out the consistent overwhelming reference to IOCAFRICA, in particular in pages 11, 12 and 14 of the presentation and indicated that from legal point of view, the IOC Statutes provide very descriptive elements on the nature, mission, functions, objectives and operations including what the Sub Commissions can do. Subsequently, there should be no deviation from the above Statutes applied to the other Sub Commission.

In addition, she expressed the view that it would have been expected that the presentations of the Executive Secretary should have been sent to the Members of the Working Group well in advance prior the meeting in order for them to seek concurrence from respective national competent institutions on the issues that are presented at present. She further commented on the principle of maximizing value of work on issues of common interests, minimizing duplication and recalled that in the establishment of the Regional Office of IOCAFRICA, one of the main preambles that defines that office is that it takes cognizance of the Past, the Present and the Future of Africa within the IOC Programmes which are very key and very central to African Member States. This is specifically the reason why the IOC Regional Office in Africa was created to exemplify the priority status of African Member States and the entire continent within UNESCO.

She further drew the particular attention of the meeting on the UNESCO flagship programmes in science, noting that the IOC being the central body covering marine and ocean sciences, Africa would benefit from that flagship programme also from the IOC. She stressed that in process of maximizing common interests on issues and minimizing duplication, IOCAFRICA should be allowed to carry out its mandate and to fulfill all its six functions as expected by the IOC and which are clearly cited in the Statutes and Resolutions that set up IOCAFRICA. She therefore pointed to the concerns related to the suggestion in the presentation that IOCINDIO will cover all programmatic areas in the Indian Ocean. She expressed again as at previous meetings, the concerns of overlap and requested that a clear statement be made in the document that *“there shall be no overlap in the geographic, nor the programmatic areas in the Indian Ocean with IOCAFRICA when the IOCINDIO Sub Commission will be established”*. She insisted that this clarity should appear in the document.

She further noted that the presentation indicated that as soon as the IOCINDIO Sub Commission will be established, it should have a programme of work to engage Member States. On this specific point, she pointed out that the Central Indian Ocean which is the current region covered by IOCINDIO is a very large area of diverse countries, very rich in

themselves and there is lot of programmes of work at present. IOCAFRICA does not look into the Central Indian Ocean but focuses on the issues that African Member States are passionate with as their own priorities within the six functions including programmes and coordination. Therefore, IOCAFRICA should not be reduced to capacity development activities alone, delegating the other functions and programme activities to IOCINDIO.

She requested to underline in the records of the meeting that Kenya needs more time to critically review the document with the view to seek internal consultations and approvals at various national levels.

*Subsequently, Kenya is not agreeable to what was proposed at present in the presentation.*

**The Representative of Thailand** took the floor and thanked the IOC Chair together with the IOCINDIO Chair as the Co-Chairs for the kind arrangements enabling the proceedings of the Working Group. She expressed the regrets that Thailand could not participate in the two previous meetings, but tried the best to follow up with the reports. She expressed the view that Thailand does not have any objection to the attempt for upgrading the status of IOCINDIO as an IOC Sub Commission. However, there are points of concern that she wanted to highlight for the consideration and records of the present meeting.

First, as intergovernmental Body of the United Nations, the new Sub Commission under the IOC should strictly follow the IOC Rules and Procedures, moreover the process for establishing previous Sub Commissions should also be taken into account and be followed in order to ensure the implementation of best practices.

Regarding the Geographic Area of Responsibility, Thailand fully understands that it has not applied to the determination of any territorial waters but is indeed the reference boundary for scientific responsibility and cooperation. Thailand truly welcomed the term "Reference Area" proposed by the WESTPAC Chair. However, she proposed that the new Sub Commission should not set its boundaries to overlap with the existing Sub Commissions in the area and regretted that the proposed Reference Area for the new IOCINDIO Sub Commission clearly overlaps with WESTPAC in the Eastern Indian Ocean. She recalled that WESTPAC has been actively operating over three decades. She therefore requested that IOCINDIO should reset its Reference Area to avoid possible duplication of activities, especially in the South East with respect to existing adjacent areas. In conclusion, Thailand looked forward to the transformation of IOCINDIO that follows IOC Principles, Rules and Procedures including a timely reporting to the IOC Executive Council at its 55<sup>th</sup> Session in June 2022 and to the 32<sup>nd</sup> Session of the IOC Assembly in 2023.

The IOC Chair thanked Thailand and called on the speakers to send written statements to the Secretariat in order to ensure their inclusion in the Report of the meeting.

**The Representative of Indonesia** took the floor and expressed the wish for a vibrant IOC Regional Subsidiary Body which can advance ocean science in the Central Indian

Ocean. He further indicated that the current map is unacceptable to Indonesia, as its imaginary line on the East divides the Republic of Indonesia into several parts. He stressed that the delimitation of the IOCINDIO geographic area shall give full respect to the national jurisdiction of coastal states, including Indonesia, in accordance with the United Nations Convention on the Law of the Sea (UNCLOS). Indonesia, as one of founding countries of WESTPAC, insisted that the upgrading of IOCINDIO and its geographic area of responsibility shouldn't give any prejudice or limitations to IOCAFRICA and IOC WESTPAC Sub-Commissions to work in the Indian Ocean. Based, on the above, he recommended that the map of geographic line shall be deleted in all official IOC document because the subject is a contested issue among Member States.

Subsequently, he called on the meeting to focus attention and efforts on activities and programmes rather than the definition of the geographic area of responsibility. Unfortunately, during his intervention his connection to the meeting was lost and the Working Group could no longer hear him. The IOC Chair therefore requested him to send his writing statement attached in the Annex 3.

The IOC Chair as the Co-Chair of the Working Group indicated that he is personally hesitant to use map to represent the geographic area and would rather opt for a different solution to represent the Reference Area for the new Sub Commission. He pointed out that the map will lead to lengthy discussions which will not facilitate the needed consensus. He stressed that the purpose of the current efforts is to develop synergy between IOCINDIO, IOCAFRICA and WESTPAC.

**The Representative of Malaysia** took the floor and stressed the importance of coordination with other Sub Commissions including IOC WESTPAC with the view to maximize value of work on issues of common interest, avoiding duplication of work and resources and to effectively address issues of transboundary nature. Malaysia strongly feels that the proposed IOCINDIO region should not have any overlap with the IOC Sub Commission for Western Pacific because this situation would create unnecessary duplication, confusion and difficulties in managing overlaps. She requested that official communications and invitations should go through national focal points.

**Dr. Atmanand, the immediate past Chair of IOCINDIO** took the floor. He thanked the IOC Secretariat and IOCINDIO Chair for having invited him as an observer. He is happy to see that the work is proceeding well. He took the opportunity to compliment the IOC Chair, the IOCINDIO Chair, the Executive Secretary and the Technical Secretary, the people behind the scene. He stressed the point that the discussions are too much focusing on borders while ocean do not respect any border and as a science community, this Working Group should rather direct attention to scientific matters. He noted that in his presentation, the Executive Secretary expressed the view that any Member State, even located outside the region may join the new Sub commission upon a formal notification to the Executive Secretary of the IOC. With such an open approach, this working Group should move ahead without much concerns about the geographic area.

**The WESTPAC Chair** took the floor. He indicated that following the interventions of Thailand and Malaysia, there is a clear overlap area for the proposed IOCINDIO Sub Commission with regard to WESTPAC. He pointed out that even though, the discussions relate to scientific boundaries, the Decision at the IOC Assembly will be made by Governments; therefore the Working Group should take into consideration concerns expressed by Member States in anticipation to political debate at the Assembly. He recalled that the geographic area proposed in the document dated back in 1989. But, since that time, Member States face new issues relate to EEZ. He considered that the proposed geographic area of responsibility would create unnecessary confusion at the Assembly. He therefore called on the Working Group participants to raise at present any worries and concerns of coastal Member States, in particular; the Eastern side of Indian Ocean in order to try finding a consensus before the Assembly.

**The Representative of Kuwait** through the chat box seconded the intervention of Dr. Atmanand, the past Chair of IOCINDIO that the Working Group should not focus too much on artificial boundaries.

**The Co-Chair, Rear Admiral Khurshed Alam** took the floor and thanked both the IOC Chair, the Co-Chair for the good conduct of the meeting; and the Executive Secretary for the elaborated presentation for this meeting. He also thanked participants and acknowledged that this presentation is better than the one of the Second Meeting. He echoed the intervention of the past Chair of IOCINDIO and added that the issues of territorial jurisdiction of a political nature are guided by UNCLOS (1982) referring to EEZ, Continental Shelf and territorial seas under the responsibility of United Nations DOALOS in New York and the International Sea Bed Authority. UNESCO and its IOC in Paris are scientific bodies. He recalled that in scientific expeditions and experiments, it is difficult to draw a straight line at sea. He pointed out that WESTPAC for instance has carried out experiments and scientific research in the Bay of Bengal in 2007 and 2008 within the area of IOCINDIO with no objection from any IOCINDIO Member State. For instance, Bangladesh is member of both IOCINDIO and WESTPAC. These good examples should serve the spirit of scientific cooperation among the IOC Regional Subsidiary Bodies and Member States without undermining any region.

**The Executive Secretary** took the floor, thanked participants and speakers. He indicated that taking into consideration the intervention of the Representative of Kenya, the Working Group should abandon the use of map for the geographic area. When there is no map, there is no overlap. He recalled that for the establishment of IOCAFRICA, there was no map associated with the geographic coverage.

Responding to Thailand about the process that preceded the establishment of various Regional Subsidiary Bodies, the Executive Secretary indicated that in the IOC, there is unfortunately no uniform history of establishing those Regional Subsidiary Bodies.

- IOCAFRICA was organized by a merger of two Regional Committees.
- WESTPAC went through a thorough assessment with a Task Group that was transformed into a Sub Committee.
- A similar approach as for WESTPAC was applied to IOCARIBE.

- For IOCINDIO, it is even more interesting on how the process was initiated.

Basically, there is no “One size fits all” approach for the establishment of the IOC Regional Subsidiary Bodies. There is no unique mechanism, but the IOC has Guidelines, and there is a need for the IOC to transform the IOCINDIO into a Sub Commission and the Working Group has to find the best way to achieve the task.

An approach to avoid an overlap may be to focus on country-based membership with those countries that would like to work together on specific subjects and programmes. He recalled that at the first IOCINDIO meeting in Islamabad in 1988, a number of countries decided to work together and hence created IOCINDIO. Thus, in the attempt to avoid overlap, the new Sub Commission may be restricted to the Central Indian Ocean or the Northern Indian Ocean. The Working Group may wish to consider various approaches.

Responding to the Representatives of Indonesia, Thailand, and WESTPAC Chair, the Executive Secretary recalled that IOCINDIO was established in 1988, six years after the signature of UNCLOS, but still eight years before UNCLOS came into force and the EEZ became a reality.

He further called the attention of the Working Group on the fact that the IOC Secretariat has been trying to offer solutions with two presentations which now appeared to be unsuccessful. The IOCINDIO Sub Commission is however needed and the Secretariat needs the wisdom of Member States. At this point, he would like to request Member States to send their suggestions or alternative proposals to the Co-Chairs and to the Technical Secretary of IOCINDIO. In particular, he requested IOCAFRIKA, WESTPAC, Kenya, Malaysia, Indonesia to propose alternative solutions to advance the proposal.

He informed the Working Group that at the 55<sup>th</sup> Session of the Executive Council in June 2022, there will only be a progress report, stressing the good quality and thorough discussions within the Working Group. He is optimistic that there will be a good Resolution at the end with the transformation of the Regional Committee into an IOC Sub Commission.

The IOC Chair thanked the Executive Secretary and expressed his appreciation for his capacity and wisdom helping the Working Group with background informative presentations.

He further invited the Working Group to avoid direct reference to maritime space and territorial jurisdictions. Member States should rather look at the benefits for enhancing regional and international cooperation, synergies, coordination, and mutual participation in the activities of any existing Sub Commission with no prejudice for neither WESTPAC, IOCAFRIKA, nor IOCINDIO.

He concurred with the intervention of WESTPAC Chair that discussions at the Assembly are not only scientific, but also political because diplomatic missions representing their Member States at UNESCO attend the IOC major Governing Body meetings.



Subsequently, the Working Group should find an appropriate approach to accommodate aspirations, needs and comments expressed in order to avoid lengthy discussions which would not give a due credit to the hard work accomplished through the series of meetings.

**The Representative of India, Dr. Tummala Srinivasa Kumar** took the floor and clarified the point that the map only meant to visualize the graphical representation of texts outlined in the Islamabad meeting report. The only objective was to present a graphical representation with the view to simplify complex discussions arisen from the second meeting of the Working Group. He noted that the extensive discussions apparently indicated the consensus that there is no need for map, in particular taking into consideration that none of the previous Sub Commission has a map.

He suggested to the Executive Secretary that before sharing his presentation with participants, it would be useful to indicate a comment in the bottom of the map, highlighting the above intent of its presentation.

The IOC Chair and the Executive Secretary agreed with the Representative of India and thanked him and his team for drawing the illustrative map.

**The Representative of Kenya** took the floor and thanked the Secretariat for organizing the Working Group and its meetings with the various presentations. Kenya reiterated a genuine support to the establishment of the IOCINDIO Sub Commission and clarified that it was important to express genuine, sincere, honest, and legitimate concerns. She recalled that Kenya, as the Chair of the Implementation Committee of the Africa Group on the Priority Africa; taking into consideration the many developmental discussions on flagship programme Five, the Africa Group is keen to see the realization of Priority Africa, especially in terms of IOC programmes because the results would bring great benefits to African people, populations, and the continent at large. This understanding is and should be very clear to all. She reiterated that Kenya is not opposed to the launching of the new Sub Commission, however, it was important for Kenya to state national position on issues of concerns regarding African Member States with the geographic area of responsibility, the overlaps, and delegation of tasks, duties, and responsibility from one Sub Commission to another which may imply that one Sub Commission is senior to another through the process. She appreciated that there is an evolving consensus to not have a map as well as the contingent conflicting issues of overlaps seemed to be cleared. These issues were genuine and legitimate concerns which needed to be stated and adequately addressed. With the above understanding, Kenya reiterated its support to the elevation of the IOCINDIO Committee to the level of IOC Sub Commission and as such, Kenya is willing to participate and will continue to actively participate in right feet throughout this process. The working Group can always count on the support of Kenya.

The IOC Chair stressed the fact that it was never the intention, and it would never happen within the IOC that one Sub Commission will be senior to the others. The Working Group is looking at interests and needs of Member States. He added that from the point of view of Member States from the African continent, taking part in the IOCINDIO activities will still cover the priority Africa because it would address the needs and requirements from

African countries. He called on the Working Group to look at interactions among Member States in the Indian Ocean in the light of international cooperation whereby Member States work together to achieve common goals and common interests and not with the perspective that Sub Commissions should be disputing ownership over the ocean.

The Executive Secretary took the floor and indicated that he would like to elaborate on the interventions of the Kenya Representative, Mrs. Dorcas Marwa who reminded him the high-level contributions of Kenya to the recent *African Conference on Priority Setting and Partnership Development for the UN Decade of Ocean Science for Sustainable Development, Current Status, Challenges and Opportunities, a meeting held in Cairo, Egypt from the 10<sup>th</sup> to the 12<sup>th</sup> May 2022*. He scored that Kenya was represented at that meeting at the level of Ambassador, Dr. Hellen Gichuhi, Deputy Permanent Delegate of Kenya to UNESCO and Mr. John-Paul Oluoch, Senior Programme Officer. He recorded with appreciation that the participation of Ambassador Gichuhi as the Kenya Representative, significantly contributed to elevate the discussions on the importance of sustainable ocean economy (blue economy), ocean governance and the needed policy-science interface requiring the support of high-level policy-decision makers.

He further noted that at the present Working Group meeting, he is impressed by the constancy and continuity in the interventions of Kenya, even though in the absence of the Deputy Permanent Delegate of Kenya, the Third Secretary at the Permanent Delegation of Kenya to UNESCO, spoke and made exactly the same points with a strong understanding of the challenges. It is worth noting that Kenya has a clear and very strong lead on sustainable ocean economy, ocean governance and associated regional challenges. He concluded that the IOC and the Working Group need Kenya onboard to help constructing a proper design of IOCINDIO. He added that he kindly requested the Delegation of Kenya to send written comments on the weaknesses of the presentations. The Secretariat will take them into account for improvement.

The IOC Chair thanked the Executive Secretary for an impressive and comprehensive presentation, providing food for thought. He indicated that on the geographic area and other points discussed at the meeting there is a space to find a solution if the Group keeps focus on the subject matter.

## **5. Conclusion.**

**The IOCINDIO Chair** thanked the IOC Chair and all participants and reminded the Working Group that the region has asked for the transformation of the Committee into an IOC Sub Commission since 1998. 34 years have now passed and the region is still waiting for the IOC to respond positively to a legitimate rightful demand. He asked the meeting if participants would like the IOCINDIO region including countries such as India, Iran, Iraq, Kuwait, United Arab Emirates, Pakistan, Qatar, Oman, Malaysia, Indonesia, etc., that have invested immense national resources to develop strong scientific capacity and studies to stop and not to move to the level of Sub Commission? How long 1.5 billion of people should wait before receiving the same status to enjoy the right that the other IOC

regions have been enjoying for decades? On these notes, he appealed to the Working Group to consider the aspirations of the countries and people of IOCINDIO.

**The IOC Chair** requested participants to send their comments and written statements to the Secretariat. He concluded with thanks to all participants for their attendance, efforts and insightful contributions leading to a good progress of the Working Group.

## ANNEXES

### Annex 1: Agenda.

### Annex 2: Presentation of the Executive Secretary of the IOC.

- The document prepared by the Executive Secretary entitled: “Elements for establishing IOCINDIO as an IOC Sub-Commission” including the suggested Area of Geographic Responsibility and Terms of Reference of the potential IOCINDIO Sub Commission.

### Annex 3: Statement by Member States

- 1- Statement of the Representative of Indonesia.

### Annex 4: List of participants.

### Annex 5: Composition and electoral Groups of IOCAFRICA