

## IFAG/Assembly info doc proposal

### IOC GOVERNANCE AND MANAGEMENT

#### Ensuring alignment with the Statutes. Optimizing efficiency and effectiveness

##### Purpose of this paper

The IOC has a wide mandate and responsibility in the face of accelerating ocean changes. The Commission is however running on a limited budget and staff, with several areas identified by Member States as “critically vulnerable.” Furthermore, the Commission is operating under suboptimal conditions due to inconsistent compliance with the IOC Statutes.

Looking ahead, funding and other framework conditions are uncertain. Making the IOC fit-for-purpose and ensuring optimal use of its human and financial resources is imperative. The primary enabler for optimal resource use is effective and efficient governance and management. This document aims at establishing compliance with the IOC Statutes, thus clarifying responsibilities and streamlining accountability between the organs of the IOC.

##### Generally on governance and management

Governance and management can best be described by delineating the different responsibilities:

- A governing body is responsible for the strategic task of setting the organisation's goals and direction, limitations and accountability frameworks.
  - Goals and direction are normally set out in a strategy
  - Limitations are expressed through policies; plans and budgets; and individual decisions of governing bodies
  - Accountability frameworks are set out in statutory texts.
- Management is responsible for the allocation of resources and overseeing the day-to-day operations of the organisation.

##### The specific governance and accountability framework of IOC-UNESCO

The Governance of IOC is codified in the Statutes of IOC. The Statutes were adopted by the General Conference of UNESCO at its 11<sup>th</sup> Session in 1960, with revisions in 1970 and 1987. The present Statutes of the IOC came into force through adoption of 30 C/Resolution 22 on 16 November 1999.

As a multilateral body, the IOC is governed by its Member States. The first responsibility of IOC Member States is compliance with the IOC Statutes (Art 4.5 (a)). The membership of IOC is independent from the membership of UNESCO as Art. 4.1 states that “the membership is open to any Member State of any one of the organizations of the United Nations System”. For any IOC Member State not a member of UNESCO to be able to exercise its rights and responsibilities, IOC governance needs to be distinct from UNESCO’s governance.<sup>1</sup>

---

<sup>1</sup> Equality between Member States in exercising governance is fundamental in the multilateral system: see for example <https://www.un.org/en/global-issues/multilateral-system>

The organs of the Commission are the Assembly, the Executive Council, the Secretariat and such subsidiary bodies as it may establish (Statutes Art 5).

The IOC Statutes establish that “the Assembly is the principal organ of the IOC and shall perform all functions of the Commission unless otherwise regulated by these Statutes or delegated by the Assembly to other organs of the Commission” (Statutes Art 6.2).

The Statutes regulate that two Assembly functions are shared with the UNESCO General Conference:

- Adoption of the budget (Art 1.2)
- Amendments to the Statutes (Art 12)

Beyond these two functions, the Assembly can only delegate functions to other organs of the Commission itself, i.e. the Executive Council, the Secretariat or subsidiary bodies established by the Assembly (Art 5). Conversely, the Assembly cannot – by action or omission - delegate functions to organs of UNESCO, including the UNESCO Secretariat.

The accountability framework established by the Statutes thus clarifies that IOC governance is vested in the Assembly and the Executive Council, and that IOC management is vested in the IOC Secretariat.

### **Setting the Overall Goals and Strategic Direction of the IOC**

Next to establishing the governance and accountability framework, a key governance responsibility for Member States is to set the organisation’s goals and direction. IOC’s primary purpose is codified in Art. 2.1

*The purpose of the Commission 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 coastal areas 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.*

Pursuant to Art 6.4 of the Statutes, the Assembly shall establish “the main lines of work of the Commission.” The Assembly has done this through the Medium-Term Strategy. The current Strategy spans 2022-2029. It sets five high-level objectives and a total of 35 sub-objectives.

### **IOC programme and budget**

The IOC Statutes provide that the Commission defines and implements its programme according to its stated purposes and functions and within the framework of the budget adopted by its Assembly and the General Conference of UNESCO (Art 1.2).

Thus, based on the UNESCO General Conference’s regular budget allocation to the IOC (currently set at ~3% of UNESCO’s total regular budget), it is entirely up to the Commission to define and implement its programme.

For Member States to ensure optimal effectiveness and efficiency, they should ensure that the IOC work programme is in alignment with the IOC Medium-term Strategy in terms of goals, objectives, indicators and results frameworks.

The funding for the work programme will come from diverse sources. The Statutes provide that “the financial resources of the Commission shall consist of:

- (a) Funds appropriated for this purpose by the General Conference of UNESCO;
- (b) Contributions by Member States of the Commission that are not Member States of UNESCO;

- (c) Such additional resources as may be made available by Member States of the Commission, appropriate organizations of the United Nations system and from other sources.” (Art 10.1)

The funds appropriated for the Commission by the General Conference of UNESCO amount to the (regular) budget referred to in the Statutes Art 1.2. Other contributions, such as those from Member States, in particular those that are not Members of UNESCO, need to be under the authority of the IOC Assembly.

Over recent years the regular budget received from UNESCO contributed around half of IOC total budget. The other half are voluntary contributions from a whole host of sources, such as philanthropy or grant funding. As voluntary contributions are more volatile than the regular budget, permanent programmes and services that require permanent staff rely on the regular budget. Thus, Art 2.1 grants Member States full control over both the regular budget and the voluntary contributions in order to ensure the functioning of IOC.

Consequently, IOC's Integrated Budget Framework (IBF) is a blend of regular budget and voluntary contributions, and as in accordance with IOC Statute Art 3.2 the Commission is mandated to submit an IOC Assembly adopted report to UNESCO General Conference.

### **Optimal use of IOC financial resources**

The IOC's financial resources are inextricably linked to IOC functions and execution of its programme, and the Secretariat must therefore be accountable to the IOC Assembly for its overall financial management. This is all the more the case because the IOC is in a position to receive funding from Member States that are not Member States of UNESCO. The IOC furthermore reports directly to the UNESCO General Conference in order to ensure accountability for the part of the IOC budget which is appropriated by the UNESCO General Conference.

In keeping with the Statutes, and under the authority of the IOC Assembly, the IOC Secretariat needs to be responsible for:

- Execution of the IOC programme and budget in alignment with the Medium-term Strategy
- Mobilization of voluntary resources
- Management and reallocation of its budget

### **Reporting of IOC to UNESCO**

As mentioned above the IOC Statutes set the reporting mechanisms from IOC to UNESCO. The IOC Assembly reports directly to UNESCO's General Conference in keeping with the Statutes Art 3.2:

*“The Commission shall prepare regular reports on its activities, which shall be submitted to the General Conference of UNESCO. These reports shall also be addressed to the Member States of the Commission as well as to the organizations within the United Nations system covered by paragraph 2 of Article 2.”*

This direct reporting mechanism between the IOC and the UNESCO General Conference reflects the fact that IOC's governance and management are distinct from UNESCO's,<sup>2</sup> emblematic of IOC's functional autonomy, given IOC is not subject to the general administrative processes of UNESCO reporting.

---

<sup>2</sup> Currently, this report has been incorporated into the UNESCO management report to its Executive Board, something which is not in line with the direct relationship between IOC and the UNESCO General Conference established by the Statutes.

Art 3.1 (e) is another example of this principle. It states that one of IOC's function is to:

*"make recommendations and provide technical guidance to relevant intersectoral activities of UNESCO and undertake mutually agreed duties within the mandate of the Commission"*

This provision encourages collaboration between UNESCO and IOC whilst at the same time it also sets boundaries in that any activities need to be mutually agreed and be within the scope of IOC's mandate.

### **Optimizing IOC human resources**

Human Resources are the most essential enabler for the IOC to carry out its functions and deliver on its programme. IOC staff carry out tasks mandated by Member States which require highly specialized ocean expertise. Moreover, IOC staff engage with highly skilled individuals and institutions in Member States who contribute significantly to IOC programmes, and IOC staff hence need to be qualified peers for these counterparts.

In order for the IOC Assembly to be able to execute its responsibility to perform all functions of the Commission, it must be in a position to exercise oversight of human resources practices. In effect it needs to be able to hold the IOC Secretariat and the Executive Secretary to account for:

- Staffing: the establishment of posts, recruitment and retention
- Performance: the management of all IOC personnel at HQ as well those serving subsidiary and regional bodies
- Staff savings: the management of any savings due to staff vacancies.

This is to be done "with due regard to the applicable Staff Regulations and Staff Rules of UNESCO" (Art 8.1).

IOC Member states express their priorities in the medium-term strategy as well as in the work programme. Member states can thus expect that IOC staff dedicate their time to deliver these tasks. The allocation of staff time is the primary task of the Executive Secretary as Head of the secretariat. As mentioned above Art 3.1 (e) regulates the collaboration with UNESCO and sets boundaries. It explicitly stipulates that duties need to be mutually agreed and must lay within the mandate of the commission.<sup>3</sup>

### **Representation of IOC in other organizations**

Ever since its inception, it has been part of the purpose (Art 2.2) and programme of the IOC to work closely with other UN bodies and intergovernmental processes. With the evolution of UNCLOS IOC was designated a competent international organization (Art 3.1.c) and the IOC Statutes established its functional autonomy (Art 1.1).

Collaboration with other organizations is fundamental to fulfill IOC's role as a competent organization for ocean science within the UN system. Art. 11 of IOC's Statutes specifically sets different modalities for collaboration. IOC has a number of partnerships, co-sponsorships, joint mechanisms and other formal agreements with a variety of partners. It is thus fundamental that the IOC has ownership of these relationships and that the IOC Executive Secretary with delegated authority to the Secretariat maintain

---

<sup>3</sup> Currently IOC staff dedicate a significant amount of time to contribute to UNESCO processes, e.g. responding to general planning and coordination of UNESCO sections, attending meetings etc. This situation is not in line with the provisions of IOC's Statutes.

these relationships through close collaboration, inter alia by participating in meetings, conducting visits etc.<sup>4</sup>

### **Communication, publications and visual identity**

As the UN body for ocean research and observations, the IOC functions include the dissemination and use of the results of its programmes (Art 3). These are programmes which are carried out by Member State institutions and representatives in collaboration with the IOC Secretariat.

The Commission is also under the obligation to prepare regular reports on its activities to Member States but also to international organizations concerned with the mandate of the Commission (Art 3.2 cfr 2.2). As statutory functions these activities need to be carried out by the Secretariat under the authority of the IOC governing organs. Hence the Secretariat should report to the Executive Council and the Assembly on the discharge of these functions.

In keeping with the position of the IOC as a competent international organization under UNCLOS, with its own accreditation to UN institutions and processes, and with a membership and governance distinct from that of UNESCO's, it is necessary for the IOC to have distinct visual identity, communications and publications. The adoption, promotion and reporting of IOC activities under the auspices of UNESCO should be avoided, in no small part in that UNESCO has no authority to act on behalf of Member States that are members of the IOC but not of UNESCO.<sup>5</sup>

### **Proposed elements for a resolution**

An Assembly resolution proposed by Member States may contain

- A commitment to efficient and effective governance and management through a clearly defined accountability framework in line with the IOC Statutes
- A statement of interpretation and application of the Statutes
- A revamped definition of the role of IFAG as a consultative body between meetings of the governing organs
- A specific mandate to IFAG to support and oversee the changes needed to the functioning of IOC governance and management

---

<sup>4</sup> Currently UNESCO decides on duty travels, in cases preventing IOC staff in participating in meetings with close partners. Furthermore, UNESCO makes the attendance on internal meetings mandatory for IOC staff, even if IOC's mandate is not relevant/included. This also results in IOC staff being unable to attend meetings with IOC member states or close partners.

<sup>5</sup> IOC currently rebranded as UNESCO-Oceans.