

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 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 the UN Convention on the Law of the Sea (hereinafter UNCLOS) which is applicable to 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 the present 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 that 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

Annex to 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 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 that 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
 - dates and geo-coordinates of locations where floats are to be deployed in the high seas
 - contact information of the implementer
 - parameters and variables to be collected by sensors
 - other information that the implementer might consider of interest.
3. Whenever an Argo Programme float deployed in the high seas drifts into the EEZ of an IOC Member State that has requested the notification referred to in paragraph 1, the implementer of the said 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 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 the request of the responsible IOC Member State, and with the express agreement of the coastal State that has requested the 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 into 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 States 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.