

THIRTEENTH ABLOS BUSINESS MEETING
IHB Monaco 11 / 12 December 2006

1. Welcome by IHB and meeting arrangements.

Commander Shipman, Secretary, welcomed participants on behalf of Admiral Maratos, President of IHB, who was unable to join the meeting until the afternoon of 12th December. The arrangements for the meeting were briefly explained. Admiral Maratos added his own words of welcome when he joined the meeting the following day. Commander Shipman explained that the review of the TOR following the proposed re-organisation of the IHO committee structure and the news that IOC would withdraw from ABLOS was an important issue that needed to be finalised during the meeting.

2. Opening remarks by the Chairman.

Mr. Shin Tani, Chairman of ABLOS declared the 13th ABLOS Business Meeting open at 13:15 on December 11. In his opening remarks, he apologized for the delayed decision as to the date and venue of this meeting, due to circumstances beyond his control, and regretted that this had prevented some of the members from participating in the meeting. He reminded participants that the 2009 time limit for UNCLOS article 76 submissions had been imposing more pressure than ever on potential submitting States. This and any forthcoming recommendations from the CLCS regarding submissions currently under examination by the Commission could open new horizons and bring about further discussions. Under such circumstances ABLOS would have an even more important role to play. He also noted that the restructuring of IHO and the regrettable stepping down of IOC from the position of parent organization of ABLOS required the Board to review and revise its TOR. He pointed out that considering this, the preparations required for the next ABLOS Conference and the need for new / renewed membership of ABLOS, this particular business meeting had some very important matters to discuss and decisions to make.

The Chairman invited the participants to introduce themselves. He welcomed and thanked Dr. Zvonko Gržetić from Croatia, who was attending ABLOS for the first time as an IHO representative having replaced Captain Carlo Dardengo from Italy whose reappointment had taken him away from ABLOS related activities. The Chairman reported apologies from Professor Rizos and Dr. Grant whose schedules had not allowed them to attend this meeting; however it was hoped, due to the importance of some issues and allowing for the time difference between Monaco and Australia / New Zealand, that they would be available for discussion over the internet. He also informed the participants of the departure of IOC members due to IOC stepping down, He added that ABLOS had received some feedback on the last Conference from Mr Ron Macnab, who although a very active member of ABLOS for long time was no longer a member due to his status as an IOC representative. Macnab had also been the Acting Vice Chairman. The Chairman nominated Cdr. Shipman and himself as rapporteurs. (See Annex A)

3. Adoption of the Agenda.

Introducing the provisional agenda, (See Annex B) the Chairman proposed that Sunday would be used for a brain storming type discussion on agenda items 5 and 6, to be followed on Monday by a more formal progression through the Agenda taking due account of the discussions had on Sunday. This was accepted unanimously.

4. Approval of the minutes of the 12th Meeting.

The Secretary informed the Board that the draft minutes of the 12th Meeting had been prepared and circulated by the former chairman Professor Rizos before being placed on the ABLOS web site. Those initial comments made had been included and no subsequent comments had been received. The minutes were accepted.

5. ABLOS the way forward:

a. Relationship with parent organizations

Invited by the Chairman, the Secretary briefly explained the discussions which had taken place between IHO and UNESCO /IOC. He explained that ABLOS would remain as one of two advisory Boards of the IHO and that during the course of the review of the IHO committee structure the IHB had informed UNESCO /IOC of IHO's restructuring, inviting IOC's more active participation in ABLOS. In response IOC indicated that it had decided to withdraw from ABLOS in order to focus its efforts on IOC/ABE-LOS but hoped that there would be opportunities for ABLOS and ABE-LOS to cooperate. The Secretary also reported that he had recently heard from IAG that they considered that ABLOS had an important role to play and would continue to participate in its affairs.

The Chairman reported on a conversation that he had had with IOC, on the occasion of the IOC "Major Subsidiary Bodies Meeting" held in June 2006 at the UNESCO HQ in Paris. He had not been invited as the Chairman of ABLOS but had attended as the representative of the Chairman of the GEBCO Guiding Committee. He had taken the opportunity to discuss ABLOS with Dr. Patricio Bernal, the Executive Secretary of IOC and the IOC person responsible for ABLOS. Within IOC, ABLOS did not hold the status of an IOC subsidiary body, as it had not been established in such a way. The Chairman felt that there were misunderstandings on both sides, but believed that a remedy could be found. He added that IOC's official departure from ABLOS was a personal surprise and something which he regretted.

The consequence of the departure of IOC was discussed. In order to retain its ability to answer all technical questions ABLOS believed that it needed some input from the ocean science sector. It was agreed that discrete inquiries would be made regarding other international scientific organizations, such as IUGG, that might be able to provide this expertise and investigate whether they were interested in joining ABLOS. It was considered that Macnab's assistance in identifying possible candidate organizations would be valuable.

It was reported that IHB had already replied to the letter from IOC. The Chairman indicated his intention to reply as Chairman to IOC, acknowledging its departure, thanking it for its contribution to ABLOS activities, and expressing ABLOS's desire for continued cooperation with IOC/ABE-LOS.

DOALOS is an ex-officio member of ABLOS but had not participated in the last two meetings. ABLOS considered that the active participation of DOALOS was important for the effective performance of ABLOS. It was agreed that the Chairman / Secretary would write a letter to DOALOS seeking confirmation of its continued active participation in ABLOS.

b. Membership

The chairman requested the Secretary to report on the status of the current membership of ABLOS (see Annex A). Present IHO members are: Carleton, Gržetić and Tani and from IAG:

Grant, Rizos, and Sjoberg. Gržetić, as reported earlier, had been nominated by the IHO following the resignation of Captain Dardengo on appointment to a new position within the Italian Hydrographic Service. It was also noted that the 4-year membership term of Carleton, Rizos and Sjoberg came to an end following this meeting although they could be re-appointed by their parent organisations. Following the departure of IOC, Macnab, a very active member and currently Acting Vice Chairman, had to leave ABLOS. The Chairman expressed his intention to send a letter of thanks to Macnab and Dardengo particularly with respect to their contribution to the ABLOS Conference(s) and TALOS Manual and this was unanimously supported. Acknowledging Macnab's expressed wish to continue contributing to ABLOS, the Chairman indicated that he would seek ways to enable Macnab to stay involved in ABLOS affairs especially with the ABLOS Conferences and TALOS Manual.

The vacant Vice-Chairmanship was discussed. The Board needed to appoint a new Vice-Chairman, who would normally be expected to succeed to the position of Chairman after the next business meeting / conference. Since the Vice-Chairman should normally come from a different parent organization to the Chairman, and given that the current Chairman, Tani, was an IHO member, the Vice-Chairman should now be nominated from the IAG members, However it was noted: that the tenure of two of the three IAG members, Rizos and Sjoberg had expired and needed to be re-appointed; that Sjoberg was not sure of his ability to continue as a member; that Rizos was the immediate past Chairman and might not wish to take up the position again so quickly; and that Grant had indicated that he would probably have to step down due the workload of his new position in New Zealand. Consequently after lengthy discussion, it was agreed that Gržetić, an IHO member would serve as the Acting Vice-Chairman, until the next meeting. The matter of Chairman and Vice-Chairman would be discussed by correspondence, prior to the next Business Meeting, once the revised membership had been agreed by the parent organizations.

c. Terms of Reference

Under this agenda item, the Secretary distributed a draft revised Terms of Reference for ABLOS which had been prepared by the IHB. A few modifications for clarity were proposed and accepted (see Annex C). The Secretary indicated that the IHB would send a Circular Letter to IHO Member States, informing them of the departure of IOC from ABLOS and the agreement of the IAG to continue participating in ABLOS; the draft TOR for approval; and seeking nominations / re-nominations for membership. ABLOS agreed to this approach.

6. 5th ABLOS Biennial Conference

a. Subject

Topics suggested that might be of interest for the next ABLOS Conference included: recommendations from CLCS to the submitting coastal States; coastal States experience with submissions; "ridge" issues; baseline issues, especially with regard to horizontal datums and vertical datum in the light of global warming; inexpensive data gathering methods for an UNCLOS submission and their evaluation e.g. the use of satellites. It was considered that these difficult issues in implementing the provisions of UNCLOS were not always solved by simple technical answers alone and needed a multi-disciplinary approach including legal viewpoints. Consequently it was proposed that the subject of the next ABLOS conference should be "Difficulties in implementing the provisions of UNCLOS." It was agreed to seek comments from the non-present members prior to finalizing the subject but that this must be done as a matter of urgency.

b. Dates and Venue

It was considered that the delay in having the ABLOS Business Meeting had made it impossible to hold the next ABLOS Conference in October 2007, as the preparation needed at least one year. The Secretary noted that the IMO MSC meeting, which was usually held in May, would, due to the refurbishment of IMO HQ building, now be held in the first two weeks of October 2007, and that this would make it difficult for the IHB to provide the support needed to hold a Conference in October 2007. Similarly the IMO Assembly during the first 2 weeks of December 2007 and the start of the festive season also made it unrealistic to hold the conference in December. Having considered many factors the Board concluded that early February 2008 would be the best time to hold the Conference.

As regards venue, it was recalled that at the 2004 business meeting, DOALOS had indicated the possibility of holding the Conference in New York in 2007. However the Board felt that given the lack of attendance at meetings by DOALOS since 2004 and the possibility of bad weather in New York in February that this was a non starter. Gržetić proposed Dubrovnik, Croatia, as a candidate venue. The Board welcomed the proposal and having discussed the pros and cons of holding a Conference in Dubrovnik concluded that potential participants might find Dubrovnik less easily accessible than Monaco, whilst noting that Dubrovnik was a beautiful place that they wanted to visit. Holding a business meeting in Dubrovnik might be discussed later on. Finally the Board agreed to have Monaco as the venue for the 2008 Conference.

c. Organizing Committee

The invaluable contribution made to past Conferences by Macnab was unanimously recognized. Furthermore, given the current status of membership of ABLOS and the need for new members, or the reappointment of existing members, it was decided to postpone the establishment of the organizing committee until existing members are reappointed or new members appointed. However since the call for papers and distribution of fliers needed to happen in January 2007, it was agreed that the Chairman, in close communication with Macnab, the chairman of the 2005 Conference organizing committee, would take the task forward, pending the formal appointment of an organising committee.

7. Status and maintenance of TALOS Manual (S-51)

It was reported by the Secretary that 4th Edition of the TALOS Manual, completed in early 2006, was recognised as a major improvement on the 3rd Edition. It had been finalized by Macnab and Shipman and made available from the IHO web site for free download. The Chairman thanked the Editorial Committee led by Macnab for preparing the 4th edition. It was noted that the diagrams of the 4th edition had been newly prepared by a Japanese team led by Kasuga with support from Tani and funding from the Nippon Foundation and the Ocean Policy Research Foundation of Japan. The clarity and use of colour in the diagrams significantly enhanced the publication. ABLOS expressed its gratitude to Japan for this generous support.

The Secretary also reported that a Spanish text was close to completion following the translation efforts of IHO Member States Cuba, Ecuador and Uruguay. The IHB is also seeking assistance from Member States for the translation into French.

Following a question from the Chairman, the Secretary answered that it was not currently possible to monitor the number of downloads from the IHO web site. The Secretary indicated that a benefit of the provision of electronic copies was the ease with which they could be amended. As

for a hard copy, the IHB would prepare one only as requested by an IHO Member State. There had been one such request so far.

It was considered that the TALOS Manual be regularly reviewed and that there was therefore a continuous need for an editorial committee for which some new membership was required. It was agreed that the selection of members for this would be initiated once the new membership was established.

8. Reports on members' attendance at LOS related conferences.

The members present reported on their attendance at the following conferences, seminars, workshops etc. of relevance to ABLOS:

March 6 - 7, Tokyo, Japan. "International Symposium on Scientific and Technical Aspects on the Establishment of the Outer Limits of the Continental Shelf beyond 200 Nautical Miles co-sponsored by Ministry of Foreign Affairs of Japan, and United Nations University. About 150 participants of whom some 100 Japanese. Tani chaired a session "Support for developing States", and gave a talk "ABLOS contribution" under this session.

March 6-10, World Maritime Technology Conference London. Paper presented by Carleton "The Technical Determination of Maritime Space, what are the Challenges".

March 8 - 9, Tokyo, Japan. Expert Meeting on Technical Matters regarding the Outer Continental Shelf organized by Hydrographic and Oceanographic Department of Japan, jointly with Ocean Policy Research Foundation. 51 participants (9 from developing states, 7 experts from abroad, 4 experts from Japan, 7 overseas observers, 24 Japanese observers). Tani provided advice and suggestion during the course design stage

March 27 – 29, IQCP Conference, Kuala Lumpur. International Boundary Disputes and Unitisation in E&P

April 5-7, IBRU Conference University of Durham "Border Management in an Insecure World"

April 10 - 11, IAG ICP1.2 Meeting on the Development of a world-wide vertical reference frame. Attendance by Shipman cancelled due to illness. Work is ongoing.

May 29 - June 2, 15th General Meeting of the Nordic Geodetic Commission, Copenhagen – Two papers presented by Lars Sjöberg:

- From normal height to orthometric height and from quasigeoid to geoid.
- Progress in the determination of a gravimetric quasigeoid model over Sweden. (Joint paper by J. Ågren, R. Kiamehr and L E Sjöberg)

June 14 - 21, Bremerhaven, Germany. GEBCO Sub-Committee on Digital Bathymetry, and GEBCO Guiding Committee. Tani is a SCDB member, discussed the bathymetric aspects of UNCLOS

June 20, Paris, France. Meeting of the Chairpersons of IOC Major Subsidiary Bodies
Tani represented the Chair of GEBCO, talked to IOC people on ABLOS

June 30, Chatham House Expert Meeting on "Climate Change and Borders".

July 12 - 14, Dublin, Ireland. 30th Virginia Law of the Sea Conference -Law, Science & Ocean Management- co-sponsored by Marine Institute, Ireland; the Martin Ryan Institute; the Law of the Sea Institute of Iceland; and the Centre for Oceans Law and Policy, University of Virginia School of Law

August 28-September 1, 1st Symposium of the Int. Gravity Field Service, Istanbul
Presentation: The Swedish geoid as evaluated by the method of least squares modification with additive corrections (J. Ågren, R. Kiamehr and L E Sjöberg)

October 11-12, Society of Underwater Technology (SUT)/Greenwich Forum conference on Mariculture – Malta

November 14-15, Tokyo, Japan. Joint Meeting of UJNR Sea Bottom Surveys Panel hosted by Hydrographic and Oceanographic Department of Japan - talked about US continental surveys adjacent to Japan

9. Science / Technical questions (brought forward from 12th meeting)

It was recalled that issues such as: ridges; vertical references; Article 76; MSR; ocean mapping; training activities; and charts and coordinates in digital form had been discussed since the 2004 business meeting. It was felt that MSR had been addressed by the last Conference and that the others were the candidate subjects to be dealt with by the 2008 Conference.

10. New developments relating to CLCS submissions.

Tani reported that New Zealand had made its Art. 76 submission to the CLCS in April; a joint British, French, Irish and Spanish submission had been made in May and that Norway had made its submission in November. Carleton mentioned that UK was likely to submit another partial submission next May.

11. Requests to ABLOS

Tani reported that some of the participants at a Conference held in Tokyo, Japan, in March had expressed interest in ABLOS activities, especially in the next ABLOS Conference and reported that several countries were interested in presenting their experiences in making a submission to the next ABLOS Conference. He also informed the participants of a request that ABLOS provide a list of potential submitting countries and likely dates of submission. It was agreed that such a task was outside the TOR and beyond the current capacity of ABLOS. ABLOS would not compile such a list.

12. Any Other Business

During an email exchange Grant asked whether, given the IOC decision, it might be considered that ABLOS had fulfilled its mission and should be closed down. It was noted that the departure of IOC would not adversely affect the activities of ABLOS, other than for the unavailability of Macnab. The ABLOS Conference provided a unique opportunity for a multi-disciplinary discussion by lawyers, administrators, scientists, engineers etc. and that it attracted 80 plus audiences every time. It was also considered that under the current situation it was more likely that the relevance of ABLOS would increase. The Board concluded that the role of ABLOS remained extant. The Chairman however pointed out that many organizations tended

to extend their life time beyond necessity, and thus this kind of review was beneficial and should be continued.

During the period of trying to find a suitable date for this meeting Macnab had suggested holding an Internet meeting. However, following a “real” meeting, the participants felt that the type of information exchange that had taken place would not have been possible using the Internet. Some of the participants in their experience considered that video conferencing, for example, might be practical and convenient if the subject to be discussed was limited in scope.

13. Date and Venue of next meeting

A Business Meeting was usually held immediately before the ABLOS Conference. However, because of the significant change in the membership of ABLOS, it was felt that there was a need to have another Business Meeting before the February 2008 Conference. The Board therefore decided to have the next Business Meeting on 30/31 October 2007, in Dubrovnik, Croatia, and thanked Gržetić for his kind offer to host the meeting. The Board would review the status of the Conference preparation during the Dubrovnik Business Meeting, together with any other outstanding issues.

14. Close of Meeting

The Chairman, thanking the participants and especially the Secretary, adjourned the meeting at 16:00:00, looking at his atomic watch!

Membership / Attendance / Affiliation

Present

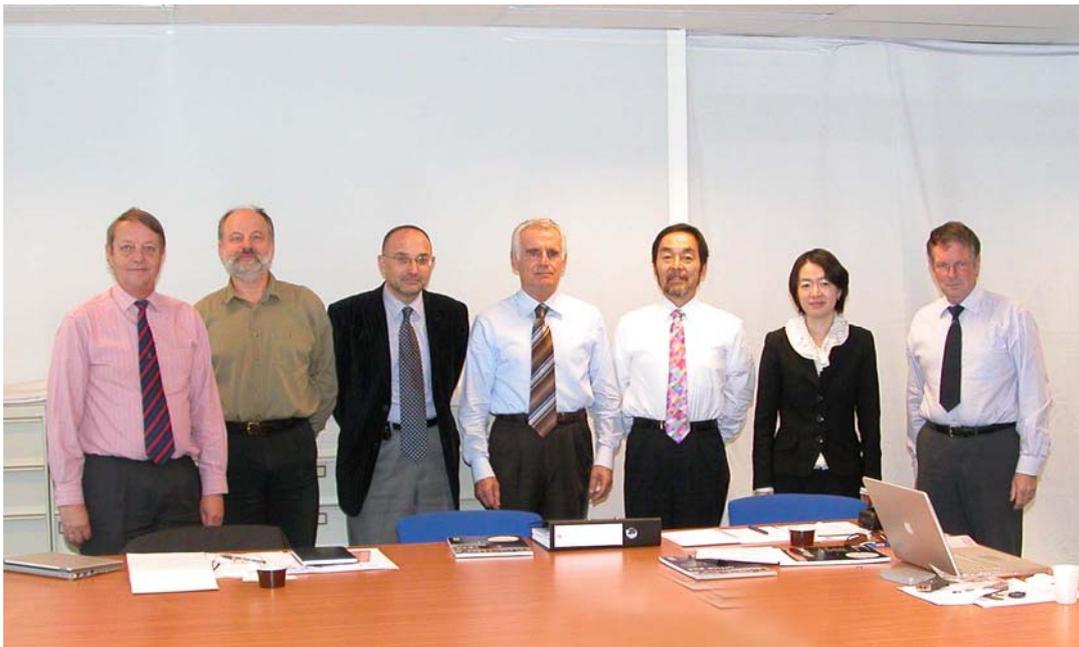
Shin Tani (Japan) (Chairman)	IHO	2003 – 2007
Chris Carleton (UK)	IHO	2002 - 2006
Zvonko Gržetić (Croatia)	IHO	2006 – 2009
Lars Sjoberg (Sweden)	IAG	2002 – 2006
Steve Shipman (IHB)	Ex officio	
Asano Usui (Japan- Ocean Policy Research Foundation)	Observer	
Alexandros Maratos (IHB)	Observer	

Apologies

Chris Rizos (Australia)	IAG	2002 – 2006
Don Grant (New Zealand)	IAG	2004 – 2008

Other

Alexei Zinchenko (UN DOALOS)	Ex Officio	
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Draft Agenda

1. Welcome by IHB and meeting arrangements.
2. Opening remarks by the Chairman.
3. Adoption of the Agenda.
4. Approval of the minutes of the 12th Meeting.
5. ABLOS the way forward:
 - a. Relationship with parent organisations
 - b. Membership
 - c. Terms of Reference
6. 4th ABLOS Biennial Conference:
 - a. Subject
 - b. Dates
 - c. Organizing Committee
7. Status and maintenance of TALOS Manual (S-51)
8. Reports on members' attendances at LOS related conferences.
9. Science / Technical questions (brought forward from 12th meeting)
10. New developments relating to CLCS submissions.
11. Requests to ABLOS
12. Any Other Business
13. Date and Venue of next meeting
14. Close of Meeting



TERMS OF REFERENCE
For the Advisory Board on the Law of the Sea (ABLOS)
of the
International Hydrographic Organization (IHO) and
the International Association of Geodesy (IAG)
(as amended 11 December 2006)

OBJECTIVE:

To provide advice on technical aspects of the Law of the Sea.

1. Terms of Reference

- 1.1. To provide advice, guidance and, where applicable, offer expert interpretation of the technical aspects of the Law of the Sea to the parent Organizations, their Member States or to other organizations on request.
- 1.2. To review State practice and jurisprudence on Law of the Sea matters which are relevant to the work of ABLOS so as to be in a position to provide expert advice when needed.
- 1.3. To study, promote and encourage the development of appropriate techniques in the application of the technical provisions contained within the UN Convention on the Law of the Sea.
- 1.4. To review and update IHO Special Publication S-51 "A Manual on Technical Aspects of the United Nations' Convention on the Law of the Sea - 1982" (TALOS Manual).
- 1.5. To prepare, review and update other ABLOS publications as required by the parent organizations.

2. Rules of Procedure

- 2.1. ABLOS shall be composed of eight full members, preferably chosen with wide geographic representation. Each parent Organization shall appoint four members. The Division for Ocean Affairs and the Law of the Sea of the UN Office of Legal Affairs (DOALOS), and the IHB as the Secretariat shall have representatives in an ex-officio capacity without voting rights.
- 2.2. ABLOS should normally take decisions by consensus. Should a vote be necessary then a simple majority of those present and voting is required, subject to a minimum of 4

voting members being present. In the case of a tied vote the Chairman shall have a casting vote.

- 2.3. The Member States of the IHO, the IAG and ABLOS through its Chairman may nominate additional observers to ABLOS. Observers may participate in correspondence and attend meetings but may not vote.
- 2.4. The term of office of a full member is four years, after which he/she may be re-appointed or replaced by his/her parent organization. Members are expected to attend every meeting of ABLOS. Where a member fails to attend two consecutive meetings the Chairman should raise the matter with the Parent Organization with a view to rectifying the situation.
- 2.5. Whilst members of ABLOS are appointed by their parent Organizations, to whom they are accountable, members are expected to serve as individual experts in their own right. No statements or publications may be issued in the name of ABLOS without ABLOS's prior approval.
- 2.6. The Chairman and Vice-Chairman shall be elected by ABLOS and should normally come from different parent Organizations on a rotational basis. They will serve for a two-year period, after which the Vice-Chairman becomes Chairman and a new Vice-Chairman is elected. If the Chairman is not present or available, the Vice-Chairman shall act in this capacity until the next meeting. Should the Vice-Chairman not be available to take office as Chairman when required, a new Chairman and Vice-Chairman should be elected.
- 2.7. ABLOS may establish Working Groups to carry out specific tasks.
- 2.8. ABLOS will have its permanent Secretariat at the International Hydrographic Bureau, Monaco. The Secretariat will publish the documents and publications produced by the Board as required.
- 2.9. Members of ABLOS are expected to be supported by their own organizations for travel expenses and work.
- 2.10. ABLOS will normally meet once a year at a venue and time that minimize cost and conduct business by correspondence between meetings.
- 2.11. ABLOS may organise conferences and seminars. A biennial technical conference will normally be held in Monaco in conjunction with an ABLOS Meeting. ABLOS may operate a fund to cover the receipts and expenses of running such a conference. Guidelines for the operation of this fund are appended to these terms of reference.
- 2.12. The Chairman shall provide an annual report on ABLOS's activities to the IHO and IAG and a report covering the inter-sessional period to the Conferences/General Assemblies of the parent Organizations.
- 2.13. These TOR should be reviewed by ABLOS as required and not less frequently than every 4 years. Amendments, recommended by ABLOS, are to be submitted to the parent Organizations for approval.

ABLOS CONFERENCE FUND GUIDELINES

(As amended December 2006)

1. Introduction

1.1 The Advisory Board on the Law of the Sea (ABLOS) is formed by four representatives from each of the following bodies: The International Hydrographic Organization (IHO) and the International Association of Geodesy (IAG). Secretarial support for ABLOS is provided by the IHB. The parent organizations approve the Terms of Reference (TOR) for ABLOS. The UN Division of Ocean Affairs and Law of the Sea (DOALOS) and the International Hydrographic Bureau (IHB) attend ABLOS meetings in an ex-Officio capacity.

2. Biennial Conference

2.1 The TOR invite ABLOS to organise seminars and technical conferences and permit the operation of a fund to support such activities. This fund will be operated by the IHB on behalf of ABLOS.

3. Income

3.1 The primary source of income for the fund will be from the registration fees of delegates attending such seminars / conferences. ABLOS should set the level of registrations fees in order to provide a modest excess of income over expenditure given an estimated attendance.

3.2 Additional income may be provided by royalties due on publications produced by ABLOS such as 'Continental Shelf Limits – The Scientific and Legal Interface.'

4. Expenditure

4.1 The primary expenditure for the fund will be to cover the costs of running the seminars / conferences. Expenditure may include but is not limited to: assistance to speakers / tutorial leaders, conference equipment, documentation, proceedings, staff overtime, reception and tea breaks.

4.2 ABLOS may use any funds in excess of 3000 Euros remaining after all expenses for a seminar / conference have been settled, to fund other activities conducted by ABLOS. Support for travel / subsistence in connection with production of a new edition of S-51 'A Manual on Technical Aspects of the Law of the Sea' might be considered such an activity. Such expenditure must be approved by a simple majority of the ABLOS Membership.

4.3 Routine expenditure in support of a seminar / conference may be transacted by the IHB and reported in the fund accounts.

5. Operation

5.1 The fund will be operated by the IHB on behalf of ABLOS. A copy of the fund accounts will be provided to the Annual Business Meeting of ABLOS and immediately after finalising the accounts following a seminar / conference.

6. Review

6.1 This guidance should be reviewed, and amended as necessary, by ABLOS at intervals not exceeding 4 years.