



IHB File No. S3/0302/ABLOS

CIRCULAR LETTER 29/2007
08 March 2007

ADVISORY BOARD ON THE LAW OF THE SEA (ABLOS)

Reference: IHB CL 87/2006 dated 21 December 2006

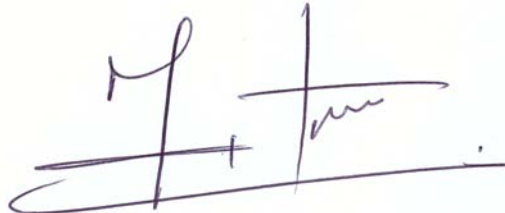
Dear Hydrographer,

The IHB thanks the following 8 Member States who provided comments on the revised ABLOS Terms of Reference circulated with the Reference: Argentina, Finland, France, Japan, Norway, Peru, Spain, and the United Kingdom. All responses approved the revised ToR with France providing some comments which are attached at Annex A together with the IHB response.

The IHB has been informed that IAG have approved the revised ToR and these are therefore now adopted.

The only nomination for membership of ABLOS was from the UK who have proposed that Commander Chris Carleton should continue for another 4-year term and consequently this has been approved. Given that the revised ToR, now adopted, allow each Organization to have 4 members, there remains a vacancy for another IHO representative and Member States are therefore **invited to submit nominations by 1 May 2007**. The IHB has not yet received revised membership information from the IAG and the current membership of ABLOS is given at Annex C.

On behalf of the Directing Committee
Yours sincerely,



Vice Admiral Alexandros MARATOS
President

Annex A Comments in response to CL87/2006
Annex B Revised ToR for ABLOS
Annex C ABLOS Membership

COMMENTS BY FRANCE IN RESPONSE TO CL 87/2006:

In the above-referenced CL, the IHB Directing Committee informs Member States of the withdrawal of IOC from ABLOS and proposes maintaining a bilateral arrangement between the IHO and the IAG.

SHOM approves this proposal. It notes however that the IOC decision to focus on its own body (concerned with the application of Parts XIII and XIV of the UN Convention) would have merited an explanation in order to emphasize that there is no risk of duplication of efforts between the two bodies. In this context, SHOM believes that it would be useful if the Terms of Reference of the IHO-IAG Committee more clearly specified its limits in line with the areas of competence of the two parent organizations. The proposed wording for the objective of the Committee (“to provide advice on technical aspects of the Law of the Sea”) seems rather too general, compared to the wording of the current technical resolution K2.20, which the proposed text is intended to replace.

Moreover, in order to properly reflect in French the nuance between the English terms “committee” and “board”, SHOM suggests replacing the French title “comité consultatif” by “comité consultatif restreint”. Lastly SHOM suggests not fixing in an a priori manner the frequency of the technical conferences organized by the Board. To that end, para. 2.11 of the Rules of Procedure could be modified as follows:

ABLOS may organize technical conferences and seminars as the need arises, preferably in conjunction with an ABLOS meeting.

The adjective “biennial” (in French “biennale” and not “biennale” as written in CL87) would then have to be deleted in the title of para. 2 of Annex B (ABLOS CONFERENCE FUND GUIDELINES).

Comments by the IHB:

The revised ToR were restructured in the manner adopted by other IHO bodies i.e. with a simpler statement of “Objective” and the details contained within section 1 “ToR”. Consequently the detailed objectives within the existing resolution K2.20 are retained within the revised ToR but under the heading ToR rather than “Objectives”. The IHB considers that the existing text does not mandate a biennial technical conference although it suggests that this will “normally” be the case.

The IHB will bring these points to the attention of ABLOS and invite them to make any proposals considered appropriate.

The amendments to the French text proposed by France will be incorporated into the revised ToR, which will be inserted as M-3 - Technical Resolution K2.20 at the next revision.



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.

Membership / Affiliation / Term of Office

Shin Tani (Japan) (Chairman)	IHO	2003 – 2007
Chris Carleton (UK)	IHO	2007 – 2010
Zvonko Gržetić (Croatia)	IHO	2006 – 2009
Vacancy	IHO	
Lars Sjoberg (Sweden)	IAG	2002 – 2006
Chris Rizos (Australia)	IAG	2002 – 2006
Don Grant (New Zealand)	IAG	2004 – 2008
Vacancy	IAG	
Alexei Zinchenko (UN DOALOS)	Ex Officio	
Steve Shipman (IHB)	Ex officio	