



IHB File No S3/0302/ABLOS

**CIRCULAR LETTER 28/2008  
19 March 2008**

**REVIEW OF TECHNICAL AND ADMINISTRATIVE RESOLUTIONS (M-3)  
BY THE ADVISORY BOARD ON THE LAW OF THE SEA (ABLOS)**

Reference: CL 5/2008 dated 14 January

Dear Hydrographer,

1 The IHB would like to thank the following 45 Member States who replied to the Reference: Algeria; Argentina; Australia; Belgium; Brazil; Canada; Chile; Colombia; Cuba; Cyprus; Denmark; Ecuador; Estonia; Fiji; Finland; France; Germany; Greece; Iceland; Italy; Ireland; Japan; Korea Rep of; Malaysia; Morocco; Mexico; Netherlands; New Zealand; Nigeria; Norway; Pakistan; Papua New Guinea; Peru; Poland; Qatar; Russian Federation; Singapore; Slovenia; South Africa; Spain; Sweden; Thailand; Turkey; UK; and the USA. Forty-four Member States supported the revised text of resolution K4.4 and one voted against. Some Member States provided comments and these together with explanatory responses are included at Annex A.

2 In accordance with the IHO Convention Article VI paragraph 6, a simple majority of Member States is required to approve amendments to TRs. This is currently 39 Member States (50% of 78 [80 – 2 suspended]). The resolution has therefore been approved. The new text of resolution K4.4 is at Annex B and this will be included in M-3 at the next opportunity.

On behalf of the Directing Committee  
Yours sincerely,

Vice Admiral Alexandros MARATOS  
President

**Algeria:**

Affects the French text only. At the end of the second line of point 1 before “du” add “et”. The rest remains the same.

*Comment by IHB: The French text has been amended accordingly.*

**Cuba:**

We agree with the revision of TR K4.4, but we would like to clarify that, when in the text reference is made to the continental shelf, the term includes the delimitation of the continental shelf extended beyond 200 nautical miles. If not being so, we consider that it would be important to have this defined in its contents.

*Comment by the IHB: It is confirmed that the term includes the continental shelf beyond 200 nautical miles where this is permitted by UNCLOS.*

**Ecuador:**

Ecuador approves the amendments. However it is necessary to indicate that Article 76 of the Convention of the Law of the Sea is the one containing the legal provisions to extend the continental shelf beyond 200 nm, and that there is CLCS 11 technical scientific guidelines issued by the Commission of the Continental Shelf Limits and approved on 13 May 1999.

In these documents hydrography is important because of the undersea charting, with detailed determination of the morphology of the natural prolongations of the seabed and the identification of the foot of the continental slope. Therefore, training should be directed to the operation and processing of the multibeam sonars, the application and determination of gradients and the second derivative, as well as to knowledge of the geological features of the seabed.

*Comment by the IHB: See Comment for Cuba. The point raised regarding training is noted however it is not considered relevant to be included in this Technical Resolution which simply encourages the provision of training in this topic.*

**France:**

Affects the French text only. In the preamble and point 1 replace “~~tracé cartographique~~” with “représentation cartographique” (4 times) and change the preceding article from either “~~au~~” to “à la” or from “~~du~~” to “de la”. In the preamble replace “~~Conférence des Nations Unies~~” with “Convention des Nations unies”. In point 3 replace “~~aideront~~” with “qui aideront”.

*Comment by the IHB: The French text has been amended accordingly.*

**Korea Rep of:**

Recommend the following changes: “Recognizing the importance of the delimitation and delineation of coastal States’ maritime zones and in particular the delineation of the continental shelf, in accordance with the UNCLOS and the technical difficulties in the application of ~~these provisions~~ the relevant provisions of the UNCLOS.”

*Comment by the IHB: This amendment has been incorporated.*

**Nigeria:**

The initiative to review TR K4.4 regarding TALOS by ABLOS was appropriate and commendable. The revised text is now more detailed and very explicit and it leaves no one in doubt as what to do and who does what. The review is hereby endorsed by Nigeria.

**Pakistan:**

The IHB may be requested to allocate seats for the hydrographers / cartographers in institution already conducting specialized courses in matters of Law of the Sea with particular requirement of delineation of the Continental Shelf. Addition of the following to para 2 of K4.4 may be considered:  
“... and facilitate in availability of seats in these specialised courses to the hydrographers & marine cartographers of interested national hydrographic offices and, where possible, wholly or partly fund the courses as well.”

*Comment by the IHB: The aim of this TR is to promote the availability of courses provided by other institutions. The IHB would have no control over the allocation of places and the costs of such courses. Funding of courses by the IHO would be covered by the guidelines for the Capacity Building Committee and requests should be made through the Regional Hydrographic Commissions to the Capacity Building Committee.*

**Spain:**

Affects the Spanish text only. At the end of point 2 replace “~~marinos~~” with “náuticos”.

*Comment by the IHB: The Spanish text has been amended accordingly.*

**Turkey:**

The territorial waters are under the states’ jurisdiction and sovereignty. Implementing any international rule to the states’ territorial waters may cause the loss of authority and independence of coastal states over their jurisdictional areas. Therefore, mentioned Technical Resolution (M-3) K4.4 should remain as it is.

*Comment by the IHB: The resolution recognises that delimitation and delineation of maritime zones are important matters for coastal States and that there are technical difficulties in applying the provisions of UNCLOS and then invites the IHB to: maintain a register of experts; encourage the development of courses; and to support the provision of publications to assist the understanding of the technical aspects. None of these provisions affect the jurisdiction or sovereignty of coastal States over their territorial waters.*

K4.4 TECHNICAL ASPECTS OF THE LAW OF THE SEA

The IHO,

RECOGNIZING the importance of the delimitation and delineation of coastal States' maritime zones and in particular the delineation of the continental shelf, in accordance with the UNCLOS and the technical difficulties in the application of the relevant provisions of the UNCLOS,

FURTHER RECOGNIZING the contribution of the IHO-IAG Advisory Board on the Law of the Sea (ABLOS),

REQUESTS the IHB to:

- 1) Maintain a register of experts who may be called upon to provide Member States with Technical Assistance related to the delimitation and delineation of maritime zones and the continental shelf and other matters concerning technical aspects of delimitation and delineation;
- 2) Encourage the development of specialized courses in matters of Law of the Sea of concern to hydrographers and marine cartographers,
- 3) Support the preparation and the publication of manuals and other literature, which will be of assistance to Hydrographic Offices and others in the understanding of the technical aspects of the Law of the Sea.