

1. Welcome address

Sobar Sutisna welcomed participants to the 16th ABLOS Business Meeting on behalf of the Head of BAKOSURTANAL who was unable to attend as he was chairing a session of the South East Asia Survey Conference (SEASC) which was being held at the same venue. He thanked those present for their contributions to the International Seminar on the Technical Aspects of the Law of the Sea which had just concluded (report attached at Annex A).

Admiral Maratos on behalf of the IHB thanked all attendees for their continued interest and support for ABLOS. He then gave a detailed explanation of the changes to the organisational structure and the consequential procedural amendments which the IHO was in the process of implementing.

2. Opening remarks by the Chairman

Chairman Chris Rizos declared the meeting open at 1403 on 4 August 2009 and thanked BAKOSURTANAL for their generous hospitality in hosting the meeting. He outlined the domestic and administrative arrangements for the meeting, and observed that as he would shortly have to slip away in order to make a presentation at the SEASC, Chris Carleton as Vice-Chairman would temporarily occupy his chair. The Chairman observed that ABLOS has evolved over the years to be less of the authority than was perhaps at first envisaged, but much more of a facilitator whose role was to assist in placing a spotlight on areas of uncertainty and to put their views forward in the form of the TALOS manual, as well as to encourage discussion of issues at biennial conferences. He mentioned that ABLOS was by no means to be regarded as a closed shop for members only, and that whilst it was true that observers had no vote, they were welcome and indeed actively encouraged to contribute to the proceedings.

4. Appointment of Rapporteur

The Chairman appointed John Brown an IHO Observer from the UK as rapporteur.

5. Introduction of participants and apologies

The Chairman invited the participants to introduce themselves. A list of participants who attended is appended at Annex B to these minutes.

Apologies for absence were noted from:

Zvonko Gržetić IHO
Muhammad Bashir IHO

Lars Sjöberg IAG

H P Rajan DOALOS (represented on this occasion by Vladimir Jares DOALOS)

Ron Macnab ABLOS Observer

6. Adoption of the Agenda

The Chairman proposed to include an additional agenda item dealing with the request which had been presented to him in his capacity as Chairman of ABLOS at the conclusion of the International Seminar on the Technical Aspects of the Law of the Sea (see Part C of Annex C). He also mentioned that he would have one other item to raise under AOB.

Admiral Maratos asked if an extra agenda item could be included under “ABLOS the way forward” to discuss ABLOS’s relationship with other organisations particularly IOC.

There being no objections, these amendments to the agenda were accepted and the agenda adopted.

7. Approval of the minutes of the 15th Business Meeting

The Secretary stated that he had circulated the draft minutes of the meeting to the members and had received one or two minor amendments to the draft minutes which had been incorporated. There being no further suggested amendments the minutes were approved.

8. ABLOS - the way forward

a Revised ToR

The Secretary gave an update on proposed editorial changes to the ABLOS ToR which are made necessary in order to accurately reflect changes to the committee structure of the IHO which came into effect on 1 January 2009. ABLOS now came under the Hydrographic Services and Standards Committee (HSSC) for IHO oversight. Additional draft amendments have been included to cover the situation when the Protocol of Amendments to the IHO Convention has been ratified. These cover the replacement of the International Conference by the IHO Assembly and Council and the change of name from the International Hydrographic Bureau (IHB) to the IHO Secretariat. A change to the structure and grouping of IHO publications required the reference number of the TALOS Manual “S-51” to be changed to “C-51”. The “C” designation indicates a publication with Capacity Building qualities.

There were also similar changes to the ABLOS Conference Fund Guidelines.

As no changes were of a substantial nature it was agreed that the Chairman would seek the agreement of the IAG Executive Committee meeting on 30 August 2009 prior to consideration by the IHO HSSC on 24 October 2009.

The Chairman expressed concern that the ToR may be in danger of becoming dated and asked the question “is ABLOS fulfilling its objectives?” It was felt that ABLOS was particularly good at assembling a body of knowledge/opinion but this was not necessarily reflected in the ToR. Following on from the discussion, there was an action placed on all members to review the ToR before the next Business Meeting and to submit proposals for amendments to the Chairman by e-mail by 1 August 2010 in order that any proposals for amended ToRs could be ready for submission by the HSSC deadline of 1 September 2010. **Action All**

b Membership

The appointment of members was discussed and there were several matters arising.

Chris Carleton's current term runs from October 2006 to October 2010, at which point he is due to succeed Chris Rizos as Chairman. In order for this to happen, he would have to be re-appointed; the UK will write to the IHB requesting this. **Action UK**

Zvonko Gržetić's term will also run until 2010, however since declining to progress to Chairman from Vice Chairman at last year's meeting, and intimating that due to a forthcoming job change his ongoing participation in ABLOS may be curtailed, nothing further had been heard from him other than an apology for absence at this meeting. IHB were therefore tasked by the Chairman to write to him seeking clarification of his membership status. The Secretary remarked that in accordance with the selection of the candidate for the previous IHO vacancy, the unsuccessful candidate at that time, Captain Luiz Torrez of Brazil, currently an IHO Observer, should fill the next IHO vacancy. **Action IHB**

Shin Tani's term is due to expire in October 2009. Japan will write to the IHB requesting his re-appointment. **Action Japan**

Muhammad Bashir's term is due to expire in 2011.

Chris Rizos' and Lars Sjoberg's terms run until 2011, although the Chairman would be writing to Lars seeking clarification of his retirement plans. **Action Chairman**

Both Sunil Bisnath's and Graeme Blick's terms run until 2012.

Ravi Nautiyal asked if there were any geographic considerations given to membership, to which the reply was that as far as the IAG was concerned there were none for their representatives, however the IHO reported that they did try to achieve this and indeed the Rules of Procedure for ABLOS state that "ABLOS shall be composed of eight full members, preferably chosen with wide geographic representation".

At this point in the proceedings, Chris Rizos had to leave in order to give his presentation to the SEASC. Chris Carleton took over as acting Chairman.

c Capacity Building Training Course

A report on the inaugural meeting of the ABLOS Working Group on "The Law of the Sea Training Programme" which was held at the UK Hydrographic Office (UKHO) in Taunton, UK on Friday 20 February 2009 had been circulated. A wide ranging discussion followed during the course of which the following points were noted:

- Training should not be delivered to a single discipline audience
- IHO was requested to clarify the nature of training required by member states
- The ideal length of a training course was between three and five days
- As far as possible the delivery of the training should be in a "hands-on" workshop format as that was felt to be the most appropriate
- It was felt that the IHO CBC should fund instructors T&S at the very least

- Training should be delivered on a regional/sub-regional basis and, consequently, could only be general in nature and not specific to one particular country
- There was scope for co-operation between DOALOS and IHO on the subject

It was agreed that amongst the Members of ABLOS there was a great deal of expertise and training material and that a training package could be put together in a fairly short space of time. However it was felt that little more could be done until such times as the IHO were in a position to articulate the specific requirements for training requested by Member States.

Action IHB

d ABLOS relationship with other organisations

The purpose of this additional agenda item was to examine methods of widening relationships with other international organisations in general, and to see if there were any ways in which relationships with other suitable organisations could be strengthened.

It was noted that ABLOS already enjoyed a good working relationship with DOALOS, and indeed had a representative of that organisation as an ex-officio member.

In trying to identify other organisations which may have a common interest, Chris Carleton said that he was a member of the ILA Committee on Baselines and that he would forward a copy of the minutes of this meeting to the Chairman of that committee so that they might be aware of our work.

Action Vice-Chairman

After discussion it was felt that subject to IAG approval, the IHO should write under the terms of the existing IHO / IOC Memorandum of Understanding to invite the Chairman of the IOC Advisory Body of Experts on the LOS (ABE-LOS) or his nominated representative to attend the next ABLOS Business Meeting and Conference in the interests of liaison between ABLOS and IOC. **Action Chairman to seek IAG approval at IAG Executive Committee meeting and inform IHB of outcome. Subsequent Action on IHB to write to Chairman of IOC**

9. 6th ABLOS conference planning

As part of the general discussion for this item, the collated results from the questionnaire designed by Ron Macnab were debated. It was felt that if the conference were to take place at the IHB the ideal numbers should be around 80 paying delegates; however the Salle des Variétés may be available which would mean that there could be a larger number of attendees.

Steve Shipman reported that the “early bird” system used for pre-bookings at the last conference had proved to be quite successful in that it did encourage at least 50% of the delegates to pay by the deadline whereas the figure for 2003 had been only 10 people with 6 weeks to go. Taking into account the present financial situation, it was felt that there should be no increase in fees. It was agreed that the early bird system be used again.

If the Salle des Variétés were to be available, it is hoped that it would be at no cost, however there would be the matter of support costs which might have to be paid. Steve Shipman would make enquiry as to a guideline figure for these and report back at the same time as potential dates.

Action IHB

It was suggested and agreed that the conference fee should be waived for any postgraduate student who had a submitted paper accepted for presentation at the conference.

a Title

The working title of “Contentious Issues in UNCLOS – Surely Not?” was adopted.

b Sessions

Suggested sessions were:

- Polar regions
- Islands
- Sea level rise / climate change
- Geodetic aspects
- Nautical charting and Cartographic / Hydrographic aspects including use of satellite images , baselines, databases
- Anomalous features of the continental margin
- Freedoms of navigation
- Deep sea bed resources
- Establishing a level playing field for developing states

c Dates

Dates for the conference could not be decided until such times as the availability of the Salle des Variétés could be checked with the Government of Monaco. Steve Shipman undertook to do this as soon as possible and report the result to the Chairman and the organising committee.

Action IHB

It was felt that the proceedings could start with a brief Business Meeting on the Monday morning to cover last minute conference matters, followed by the Conference opening on Monday afternoon, running on Tuesday and finishing on Wednesday afternoon. The Remainder of the Business Meeting would be on the Thursday

d Venue

Either at the IHB or Salle des Variétés, to be confirmed depending upon availability and associated support costs.

e Organising committee

Chris Carleton and John Brown agreed to look at submitted papers and put the sessions together.

Ron Macnab assisted by Sunil Bisnath would look after publicity and associated matters. Ron would also be invited to Chair the Organising Committee.

Chris Rizos and Steve Shipman offered help where necessary.

It was suggested that noting the issues raised by the recently concluded TALOS conference, HE Hasjim Djalal be approached and invited to be the keynote speaker for the conference.

Action IHB

f Conference fund

The conference fund has a healthy balance of 11,809 Euros as of November 2008. It was noted that this was slightly higher than anticipated due to the fact that Ron Macnab was unable to attend this meeting, however it was agreed that it was better to have money set aside for a “rainy day than be running too close to the wind”. It should mean that the fees for the next conference will remain at the previous level.

At this point the Chris Rizos returned from his short absence and resumed the chair.

10. Status and maintenance of TALOS Manual (C-51) – (formerly S-51)

In giving an update on the status of C-51, the Secretary said that there had been little change from the update he gave at the last two Business Meetings with regards to the translation into French and Spanish. The Indonesian translation is now available, for which BAKOSURTANAL is to be commended for the work undertaken by them in order to achieve this.

It had been noted at the previous Business Meeting that Zvonko Gržetić was the current Chairman of the Editorial Committee, however nothing had been heard from him since the last meeting other than apologies for absence at this meeting. As noted at the last meeting this matter was raised under this agenda item. It was felt by those present at the meeting that the best way ahead with C-51 was to keep an electronic version constantly updated which would be available for download from the website. In order to achieve this, the editorial committee was re-constituted and now consists of Chris Rizos as Chairman, assisted by Shin Tani, Ron Macnab, Graeme Blick, Sunil Bisnath. Chris Carleton and John Brown would also be available to assist if required.

11. Reports on members’ attendance at LOS related conferences & seminar/ workshops

Shin Tani had attended the Minerals Resources Seminar in The South and Equatorial Atlantic International Area, Rio de Janeiro, 26 to 28 November 2008, 23rd Session of CLCS, New York, March 2009, where he deliver Japan’s presentation to CLCS, and 19th Meeting of States Parties of UNCLOS, New York, June 2009, as part of the Japanese delegation.

Chris Carleton had attended the IBRU Conference on The State of Sovereignty in April 2009 at Durham University. He and John Brown were tutors at the IBRU workshop on Maritime Boundary Delimitation held at Durham University in July 2009. He will shortly attend the inaugural meeting of the ILA Working Group on Baselines.

Luiz Torres had attended the Minerals Resources Seminar in The South and Equatorial Atlantic International Area, Rio de Janeiro, 26 to 28 November 2008. He was also a member of the Brazilian Technical Mission to verify the status of Mozambique regarding the Establishment of the Outer Limit of the Continental Shelf Beyond 200 Nautical Miles, Maputo, 01 to 05 December 2008. Luiz was also Scientific Coordinator onboard MV Sea

Surveyor in order to verify geophysical data gathered in the Brazilian Margin which will be used to support new Brazilian Submission, Santos-Rio de Janeiro, 09 June to 10 July.

John Brown attended the Arctic Domain Awareness Conference held by NGA in March 2009. He co-presented a workshop on Maritime Boundary Delimitation at IFLOS Summer Academy in Hamburg in July 2009.

The Pakistan Hydrographic Department is presently conducting a Basic Hydrographic course for the students of regional countries (United Arab Emirates, Sri Lanka, Azerbaijan and Pakistan) and a 3 days training through lectures and practical exercises was conducted by Muhammad Bashir on the Law of the Sea (Article 76).

12. New developments relating to CLCS submissions

Vladimir Jares, representing the DOALOS ex-officio member, gave an update on the status of submissions to the CLCS as well as preliminary information transmitted by States pursuant to the decision of the Meeting of States Parties to UNCLOS (SPLOS/183), as well as on the ongoing discussion regarding the workload of the CLCS. He said that, already at the last session, the commissioners had formed a fourth sub-commission to speed up the progress, however that the present challenge is how to deal with almost 40 new submissions having been made this year. He said that, only at the next session, the CLCS would receive 17 or 18 initial presentations. There then followed a lively and wide ranging discussion on the work of the Commission after which Shin Tani gave a presentation on the recent Japanese submission to the CLCS.

13. Review of requests to ABLOS

There had been no requests submitted to ABLOS since the last meeting with the exception of the report which had been passed to the Chairman of ABLOS at the conclusion of the TALOS seminar immediately preceding this meeting.

The paper submitted by the TALOS Seminar at its conclusion was discussed. It was felt that many of the uncertainties highlighted in the document would be worthy of further discussion at next year's ABLOS conference and indeed had been raised during the discussions concerning possible sessions at that particular agenda item. They should also fit in with potential updates to the TALOS manual; members were urged to take note of them when proposing amendments to the manual under agenda item 10. After the 2010 ABLOS Conference there may be other issues which will be addressed at the Business Meeting immediately following that conference.

14. Report to IHO Hydrographic Services and Standards Committee (HSSC)

Steve Shipman gave a briefing on the requirement for reporting to the HSSC and the format used. He had drafted a report based on the CHRIS guidelines (CHRIS being the predecessor of HSSC). There were a couple of minor amendments proposed, including addition of the dates of terms of members. With these minor amendments completed, the report would be submitted by the Secretary to HSSC in line with the reporting deadline.

Action IHB

15. Any Other Business

The Chairman extended an invitation to the two Indonesian delegates present to attend the next Business Meeting and Conference in Monaco and indicated that their conference fees would be waived.

The DOALOS representative and Chris Carleton gave an update on the initiative by DOALOS to develop a GIS database of maritime limits and boundaries. The first draft of a library of LOS attributes has been prepared and will be discussed shortly at a meeting between DOALOS and UKHO representatives in New York.

The United Nations Group of Experts on Geographical Names (UNGEGN) was also meeting at the Bali Convention Centre and Admiral Maratos took the opportunity to meet with Helen Kerfoot, Chair of UNGEGN, to discuss items of mutual interest.

16. Date and venue of the next Business Meeting

The venue of the next Business Meeting would be at the IHB, dates to be confirmed as indicated in previous agenda items concerning the Conference.

The Chairman invited expressions of interest for hosting the Business Meeting in 2011. Captain Carrasco offered to investigate the possibility of hosting that meeting in Chile. He would confirm willingness to host with the Chairman as soon as he could.

Action Captain Carrasco

17. Closure of the Meeting

There being no further business, the Chairman concluded the proceedings by once again thanking our hosts for their organisation and hospitality, he thanked all delegates for attending and wished them a safe and speedy return home and closed the meeting at 12:28 on 5 August 2009.

Executive Report by the Local Organizing Committee

ABLOS 2009 Business Meeting and International Seminar on TALOS

From Monaco to Bali (Indonesia), it was a great honour for Indonesia to host the 16th ABLOS Business Meeting in Bali, after a decision made at the 15th ABLOS Business Meeting in Monaco, October 2008. Prior to the Business Meeting on 4-5 August, an International Seminar on the “Technical Aspects of the Law of the Sea (TALOS)” 2009 was held 3-4 August.

International Seminar on TALOS, Bali 2009 was organised by the Boundary Mapping Center of BAKOSURTANAL (Coordinating Agency for Surveying & Mapping) in cooperation with the Director General (DG) for Legal and International Treaties of the Department of Foreign Affairs, and supported by the following organisations: the DG for Defense Strategy of the Department of Defense, the Indonesian Ocean Council, the Hydro-Oceanographic Office of the Indonesian Navy, the Agency for the Assessment and Application of Technology, the Indonesian Institute of Sciences, the Research & Development Agency of the Department of Energy and Mineral Resources, the DG for Public Administration of the Department of Home Affairs, the Agency for Research of the Department of Marine and Fisheries, and the Deputy for State Defense of the Coordinating Ministry for Politics, Laws and Security. The seminar took place one and half days, in the Westin Convention Hotel, Nusa Dua Bali, on the 3rd and 4th August 2009, and was attended by 120 participants from 16 countries (including Indonesia). The international participants represented ABLOS, the UN-DOALOS (Department of Ocean Affairs and the Law of the Sea), the International Hydrographic Organisation (IHO), the International Association of Geodesy (IAG), and the International Hydrographic Bureau (IHB), as well as many experts from Australia, Brazil, Canada, Chile, China, Greece, India, Indonesia, Japan, Malaysia, Monaco, New Zealand, Oman, Singapore, Taiwan, and the United Kingdom. Their backgrounds were varied, such as international law, law of the sea, geodesy, hydrography, cartography, geology, geophysics, oceanography, fisheries, political geography, GIS, remote sensing and environmental management.

The theme of the seminar was “Problems and Challenges in Maritime Boundary Delimitation and the Role of Geospatial Data in UNCLOS 1982”, and covered topics such as Maritime Delimitations, Charts and Geodetic Datums, Extended Continental Shelves (Art. 76 UNCLOS 1982), Ocean Resources and Marine Environment, Climate Change, Global Warming and Sea Level Rise, as well as the role of Geospatial Data in relation to the UN Convention on the Law of the Sea. The seminar was organised into six sessions, i.e. Opening Session and Keynote Speech, Invited Paper Session, and four Technical Presentation Sessions. The Opening Session started by the report from the Organizing Committee, welcoming speech by the Chairman of ABLOS, welcoming and opening address by the Head of BAKOSURTANAL, followed by a keynote presentation by Ambassador Professor Dr. Hasyim Djalal. The Invited Paper Session had three speakers, Professor Etty R Agoes of the University of Pajajaran, Bandung; Professor Shin Tani of the Secretariat of the Headquarters for Ocean Policy, Cabinet Secretariat, Government of Japan; and Mr. Arif Havas Oegroseno, Director General for Legal and International Treaties of the Department of Foreign Affairs, Republic of Indonesia. The full list of papers and authors in the TALOS seminar are listed in the following table.

List of Invited Presentations

No	Author	Institution	Title
1.	Prof. Ety R Agoes	University of Padjajaran, Indonesia	The Need to Manage the Technical Aspects of the 1982 UNCLOS and Challenges for Indonesia
2.	Prof. Shin Tani	Secretariat of the Headquarters for Ocean Policy, Cabinet Secretariat, Government of Japan	Implementing Article 76 of UNCLOS in Geologically Complex Areas
3.	Arif Havas Oegrosono	Department of Foreign Affairs of the Republic of Indonesia	Indonesian Maritime Boundaries

List of Technical Presentations

No	Author	Institution	Title
1.	Evi Purwanti	Faculty of Law, University of Tanjungpura	Analysis on the Application of Baselines Regulation in Determining Maritime Boundary of a State According to <i>United Nations Convention on the Law of the Sea</i> 1982
2.	Sora Lokita, I Made Andi Arsana, Clive Schofield	The Australian National Centre for Ocean Resources and Security (ANCORS), University of Wollongong, Australia	The Use of Archipelagic Baseline in Maritime Boundary Delimitation
3.	F.Adm Sugeng Supriyanto, Capt. Trismadi, LCdr. Muhammad Yazid, Leut. M Qisthi A	The Indonesian <i>Naval</i> Hydrographic Office	Geodetic and Chart Datum Problem Arising from the Map Annexure of the Maritime Boundary Treaties in Non-Wgs84 Datum (Lessons Learned from Indonesia-Singapore Case)
4.	Khafid and Agus Santoso	Center for Marine Base Mapping and Aeronautical Charting, BAKOSURTANAL	Implementation of Gardiner Formula for Determination of Indonesia Extended Continental Shelf
5.	Emily Artack and Andrick Lal	SOPAC Pacific Islands Applied Geoscience Commission	Implementation of UNCLOS Article 76 for the SOPAC Member Countries
6.	Khafid and Agus Santoso	Center for Marine Base Mapping and Aeronautical Charting, BAKOSURTANAL	Applying Mathematical Model to Identify Maximum Change of Gradient for Determination of Foot of Slopes in Indonesian Waters and its Surroundings

7.	Clive Schofield and I Made Andi Arsana	The Australian National Centre for Ocean Resources and Security (ANCORS), University of Wollongong, Australia	Outer Continental Shelf Submissions in Asia Pacific Region: Challenges and Opportunities
8.	Yanti Fristikawari	Faculty of Law, AtmaJaya Catholic University Jakarta	Prevention of Marine Pollution in Indonesia Conducted from Transportation Of Hazardous Material
9.	Kumala Hardja Widjaksana, Kris Budiono, I Wayan Nugra	Marine Geological Institute of Indonesia	Tectonogenesis of the Outermost of Small Islands of Indonesia: Its Implication to the Indonesian Maritime Boundaries
10.	Kris Budiono, Subaktian Lubis, Ediar Usman	Marine Geological Institute of Indonesia	Geological Setting and Mineral Resources & Energy Potency at ZEE of Indonesia
11.	Yusuf S. Djajadihardja Christope Gaedicke, Stefan Ladage Won Soh	Agency for the Assessment and Application of Technology-BPPT Bundessanstalt für Geowissenschaften und Rohstoffe-BGR Japan Agency for Marine-Earth Science and Technology-JAMSTEC	The Unique Tectonics of Marine Geology of Indonesia
12.	A.Rimayanti, S. Lokita, T. Patmasari, K. Widodo	Center for Boundary Mapping, BAKOSURTANAL	The Role of Geospatial Data in Maritime Border Management
13.	S. Lévesque, S. Cockburn, O. Büchsenschütz-Nothdurft	CARIS	Software for Delineation And Management of Maritime Boundaries – Post May 13, 2009 Challenges
14.	Dewayany Sutrisno, Iramdi Nahib, Suseno, Anggoro Fitriyanto	Center for Marine Natural Resource, BAKOSURTANAL	Implementing the Role of Archipelagic State in the EEZ: A GIS Approach for Living Resources
15.	S. Marina, C. Purwanto, R. Rahardiawan, Susilohadi	Marine Geological Institute of Indonesia	Geomarine III: A New Tool for Supporting Indonesian Continental Shelf Claim

The seminar concluded at 12.30 on 4th August with the presentation of notes addressed to the 16th ABLOS Business Meeting for consideration, as attached in Annex B.

The 16th ABLOS Business Meeting opened at 14.00 on 4th August and concluded at 14.00 on the 5th August. The meeting was attended by eight ABLOS members, the UN-DOALOS representative, the IHO President, and several observers (Annex C). The opening was addressed by the Chairman of ABLOS, followed by a welcoming speech from BAKOSURTANAL's representative as the host, and speeches by the President of IHO and

the DOALOS representative. (The minutes of the meeting will be posted on the ABLOS website at <http://www.iho-ohi.net/english/committees-wg/hssc/ablos.html>.) At the close of the meeting the OC on behalf of the Head of BAKOSURTANAL distributed copies of the Indonesian translation of the IHO's TALOS Manual to all ABLOS members and observers. All ABLOS members expressed their appreciation to BAKOSURTANAL for hosting and facilitating the 16th ABLOS Business Meeting.

Cibinong, 10 August 2009

For the Organizing Committee
SS



Participants and Affiliations

Members

Prof. Chris Rizos	Chairman	IAG (Australia)
Chris Carleton	Vice-Chairman	IHO (UK)
Prof. Sunil Bisnath		IAG (Canada)
Graeme Blick		IAG (NZ)
Vladimir Jares		DOALOS (ex-officio)
Cdr. Steve Shipman		IHB (ex-officio)
Prof. Shin Tani		IHO (Japan)

Observers

John Brown		IHO (UK)
Captain Ravi Nautiyal		IHO (India)
Captain Luiz Carlos Torres		IHO (Brazil)
Captain Patricio Carrasco		(Chile)
Cdr. Izabel King Jeck		(Brazil)
Serge Levesque		(Canada) (Wednesday only)
Admiral Maratos		(IHB)
Dr. Elly Rasdiani		(Indonesia)
Admiral Laksma Sugeng		(Indonesia)
Dr. Sobar Sutisna		(Indonesia)
Dr. Yoshinobu Takei		(Japan)

**NOTES FROM THE TALOS SEMINAR PRESENTED TO THE ABLOS BUSINESS
MEETING
BALI, 3-4 AUGUST 2009**

A. BACKGROUND

1. There is still unfinished battle between “territorialist groups/archipelagist groups” and “the holder of freedom of the sea principles/maritime countries groups” since the ancient era of maritime uses until present time.
2. The dimension of the ocean affairs therefore includes the political, strategic, resources, environment, scientific, economic and social well being of mankind as well as the maritime military dimension of some powers.
3. Even though containing a lot of compromises, the United Nations on the Law of the Sea of 1982 (UNCLOS 1982) has successfully created law and order on the use of the ocean space, their resources and their environment. The 1982 UNCLOS is one of the most complex treaties ever produced.
4. As of 20th July 2009 the 1982 United Nations Convention on the Law of the Sea (UNCLOS) which is accepted by many as the “Constitution for the Oceans” has been ratified by 159 States, despite some significant countries, like the United States, which have not ratified the Convention.
5. It should be recalled that on many occasions the UN General Assembly has called upon States to harmonize their national legislation with the Convention’s provisions to ensure that they are in conformity with the Convention.
6. As underlined by international law, States which have ratified international treaties or conventions are bound with the obligation to implement its provisions, therefore, for a ratifying State the question is not merely that of management but more of implementation.
7. Issues for implementation of the 1982 UNCLOS that brings challenges to ratifying State can be classified into legislation and regulation, regulation by activity, publication or notification, surveillance and enforcement, administrative and organizational requirements, co-operation directly with other States or through international organizations, and some scientific and technical aspects.
8. In the process of implementation of the 1982 UNCLOS, States are faced with the problems of adjusting to the new legal regime of the ocean, which may bring them to the questions of redefining its overall ocean policy objectives, by formulating general and specific policies, develop the requisite legal

framework, administrative and organizational mechanisms to implement those policies.

9. In this context, it should be noted that by the 1990s it became apparent that one of the problems for the maritime industrial countries to ratify the Convention was the regime and the rules regarding seabed mining in international seabed area beyond the limit of national jurisdiction. The Implementing Agreement on Part XI regarding sea bed mining was adopted in 1994 in order to remove this problem.
10. The International Seabed Authority (ISBA) has agreed on the Rules and Regulations on Prospecting and Exploration of Polymetallic Nodules in the International Seabed Area (the "Area"). It is the realization of the dream of mankind to make use of the international seabed resources in the future for the benefit of mankind as a whole and as the implementation of the principle of the "Common Heritage of Mankind".
11. Many countries are expected to bring their submission for the resources of the continental margin, beyond 200 miles EEZ to the Committee on the Limits of Continental Shelf (CLCS), another Institution established under the aegis of UNCLOS 1982, and hopefully the Commission would be able to deal with them in a proper manner, consistent with the provisions of UNCLOS, particularly Article 76.
12. The problems of delimitation are also compounded by the various unsettled territorial claims to islands, rocks, and reefs. Unless those delimitation problems are settled as soon as possible, the peace and stability in the ocean use would be always at the perils of conflict and confrontation.

B. ISSUES TO ADDRESS

1. The problems of maritime claims and delimitation between states as the result of the various maritime zones stipulated in UNCLOS 1982. There are still plenty of unsettled territorial sea boundaries between neighboring states. Several efforts to establish joint development or joint cooperation zones have however been developed, such as in some parts of the South China Sea, Timor Sea as well as in other parts of the world.
2. The developing countries, which were expecting the positive results of the transfer of technology of utilizing maritime space and its resources, have not generally been able to take advantage from the new regime, mainly due to lack of financial resources and knowledge as well as technical capacities.
3. The seabed mining technology is still largely in the hands of the developed industrial countries with most of the developing countries are still on the onlookers side, hoping someday to be able to share some benefits of those resources.

4. Many of the provisions concerning scientific and technical issues will depend on the effective application of scientific and technical capabilities in the marine sector and on international co-operation to develop and improve the capabilities of the countries.
5. All activities associated with the establishment of baselines, delineation of territorial sea, contiguous zone, exclusive economic zone and continental shelf, including submission to the Secretary-General of the United Nations of charts, lists of geographical co-ordinates, and other information such as the geodetic datum used, also involves administrative matters.
6. The academic and think-tank groups have played significant roles in promoting the negotiating process before the adoption of UNCLOS. The academic and think-tank groups could still promote these processes in the spirit of cooperation between states and the various regions and interest groups; and the UN-DOALOS could encourage the relevant parties to achieve all these goals

C. ADVICE TO SEEK FROM ABLOS

1. For the past 16 years, the Advisory Board on the Law of the Sea has continued to provide advice, guidance and, where applicable, offer expert interpretation of the hydrographic, geodetic, and marine geo-scientific aspects of the law of the sea.
2. In the process of implementation of the 1982 UNCLOS, States are faced with the problems of adjusting to the new legal regime of the ocean, which may bring them to the questions of redefining its overall ocean policy objectives, by formulating general and specific policies, develop the requisite legal framework, administrative and organizational mechanisms to implement those policies.
3. The Technical Aspects of the Law of the Sea meeting, particularly on the technical aspects of delimitation, is expected to be able to formulate certain understanding regarding certain issues, such as the clear understanding on “low water line”, the precise length of “nautical miles”, “fringing reefs”, “fringe of islands along the coast”, “coastline in deeply indented and cut into”, “the rocks and the islands”, the meanings of “cannot sustain human habitation or economic lives of their own”, “special circumstances” and “historic title”, the criteria for determining “throughout the natural prolongation of land territory” to the “outer edge of the continental margin” in Article 76 (1), “submarine ridges”, “submarine elevations that are natural components of the continental margin”, “plateau, rises, caps, banks and spurs”, “slope” and “rises” in Article 76 (3), the “foot of the continental slope”.

D. RECOMMENDATIONS TO THE INDONESIAN GOVERNMENT

1. Accelerate the proper implementation of UNCLOS through the national legislations;
2. Take advantage of the transfer of technology of utilizing maritime space and its resources within the limit of the country's financial capacity;
3. Keep battling illegal fishing, various kinds of smuggling and other illegal acts and crimes at sea with the ultimate purpose of maintaining the sustainability of the resources and their environment;
4. Push the effort to master the seabed mining technology in order to be able to share some benefits of those resources;
5. Redefine its overall ocean policy objectives;
6. Involve all sectors responsible with different aspects of a comprehensive maritime policy: international relations, security, law enforcement, fisheries, mineral resources, energy, environment, navigation, transportation, labour, and scientific and technological development including training (i.e. in geodesy, hydrography and other marine geosciences);
7. Establish a forum for Indonesians on TALOS.