

**ENTITLEMENT, EVIDENCE,  
EXPERTISE AND EXPENSE:  
*THE QUANDARY FACING  
DEVELOPING COASTAL STATES  
STRIVING TO IMPLEMENT UNCLOS  
ARTICLE 76***

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# DISCLAIMER

*“The fine print”*

This presentation describes the outcome of an analysis of information and data sets that were obtained from numerous sources. To enable meaningful comparisons, every effort was made to treat information and data in a manner that preserved their accuracy and consistency. However no warranty can be implied concerning their completeness or their currency.

Opinions expressed in this presentation are the authors' personal views only, and do not reflect those of any government or organization.

# **SOURCES OF INFORMATION AND DATA USED IN THIS STUDY**

- **Personal observations**
- **Literature reviews**
- **Internet searches**
- **Direct communications with knowledgeable individuals**

## **Special mentions**

- **ISA Technical Report No. 1 (Murton et al)**
- **Website of the UN Conference on Trade and Development**
- **[www.infoplease.com](http://www.infoplease.com)**

# ASSEMBLED INFORMATION AND DATASETS: SOME CAVEATS

- **VINTAGES**
  - Ages vary, but each class of information is the most recent available
- **PROVENANCES**
  - Originators likely applied different procedures and criteria when creating and conveying this material, necessitating critical assessments of its accuracy and currency
- **CONSISTENCY**
  - Every effort was made to maintain coherency within each class of information
- **ANONYMITY AND RELATIVITY**
  - Focus of this study was to make general comparisons, not to describe specific situations

# **CHARACTERISTICS OF LEAST DEVELOPED COUNTRIES (LDC)**

- **LOW INCOMES**
- **WEAK HUMAN ASSETS**
  - Nutrition
  - Health
  - School enrolment
  - Adult literacy
- **ECONOMIC VULNERABILITY**
  - Instability of agricultural production
  - Instability of exports of goods and services
  - Diversification from traditional economic activities
  - Merchandise export concentration
  - Economic smallness

*- Official UN criteria*

# **CHARACTERISTICS OF SMALL ISLAND DEVELOPING STATES (SIDS)**

- **Small populations**
- **Lack of resources**
- **Remoteness**
- **Susceptibility to natural disasters**
- **Excessive dependence on international trade**
- **Vulnerability to global developments**
- **Lack of economies of scale**
- **High transportation and communication costs**
- **Costly public administration and infrastructure**

*- Unofficial UN criteria*

# THE LDC AND SIDS COMMUNITY ENCOUNTERS A BARRIER TO PROGRESS...



## Official UN List of LDCs



## Unofficial UN List of SIDSs



Antigua and Barbuda	Palau
Bahamas	Papua New Guinea
Barbados	Samoa
Cape Verde	Sao Tome and Principe
Comoros	Seychelles
Dominica	Solomon Islands
Fiji	St. Kitts and Nevis
Grenada	St. Lucia
Jamaica	St. Vincent and the Grenadines
Kiribati	Timor-Leste
Maldives	Tonga
Marshall Islands	Trinidad and Tobago
Micronesia (Federated States of)	Tuvalu
Mauritius	Vanuatu
Nauru	

Afghanistan	Madagascar
Angola	Malawi
Bangladesh	Maldives
Benin	Mali
Bhutan	Mauritania
Burkina Faso	Mozambique
Burundi	Myanmar
Cambodia	Nepal
Cape Verde	Niger
Central African Republic	Rwanda
Chad	Samoa
Comoros	Sao Tome and Principe
Congo (Democratic Republic of the)	Senegal
Djibouti	Sierra Leone
Equatorial Guinea	Solomon Islands
Eritrea	Somalia
Ethiopia	Sudan
Gambia	Timor-Leste
Guinea	Togo
Guinea-Bissau	Tuvalu
Haiti	Uganda
Kiribati	United Rep. of Tanzania
Lao People's Democratic Rep.	Vanuatu
Lesotho	Yemen
Liberia	Zambia

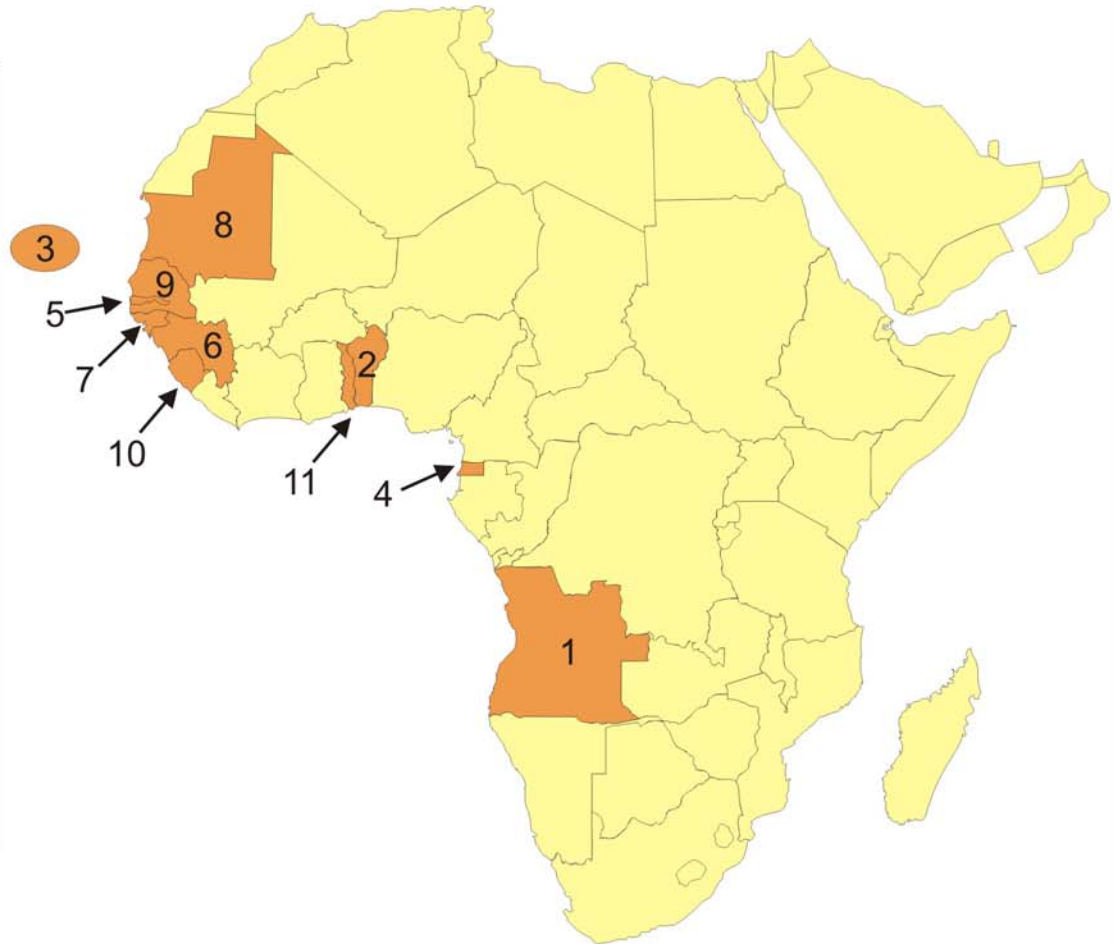


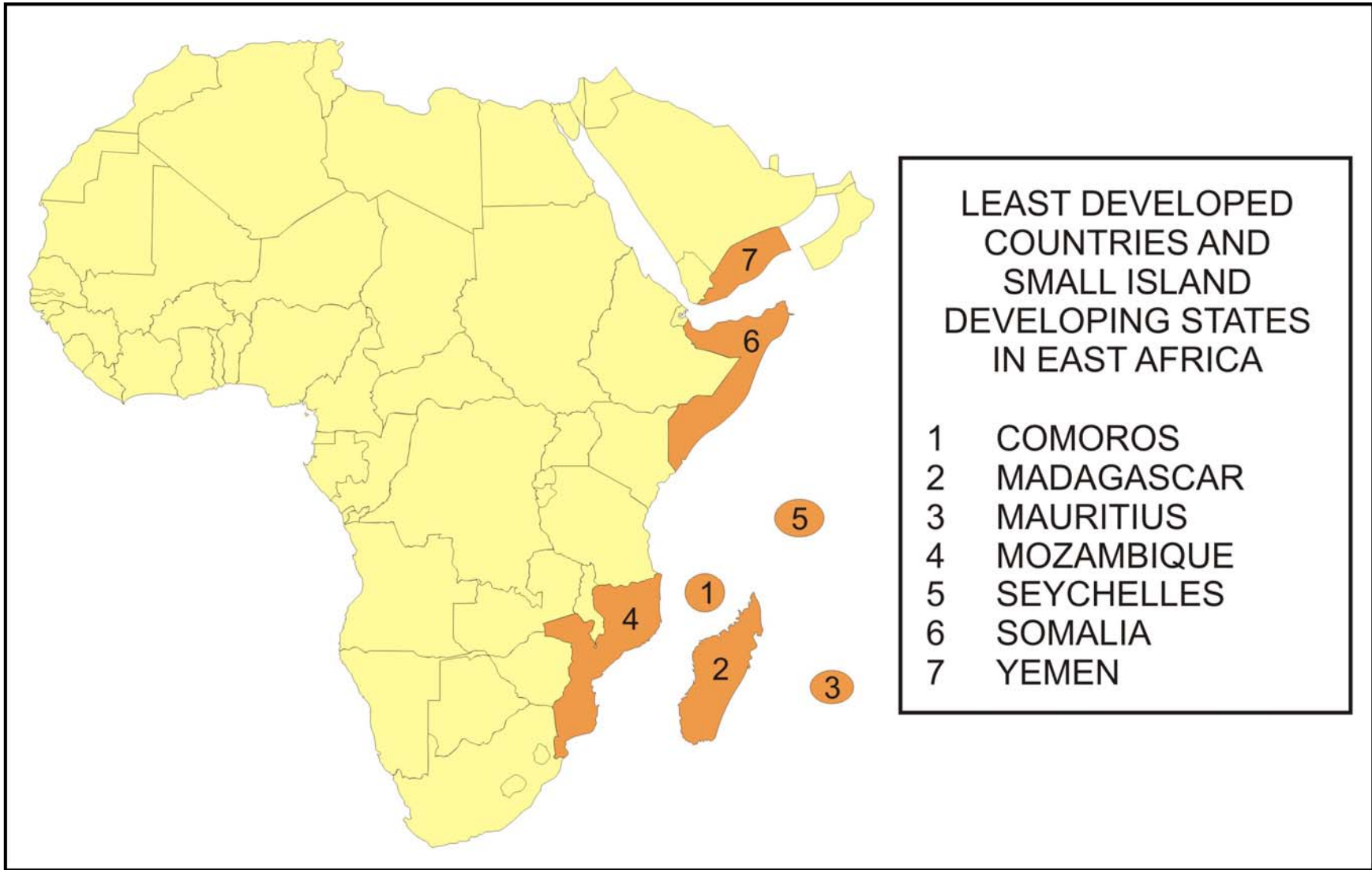
# **LEAST DEVELOPED STATES AND SMALL ISLAND DEVELOPING STATES**

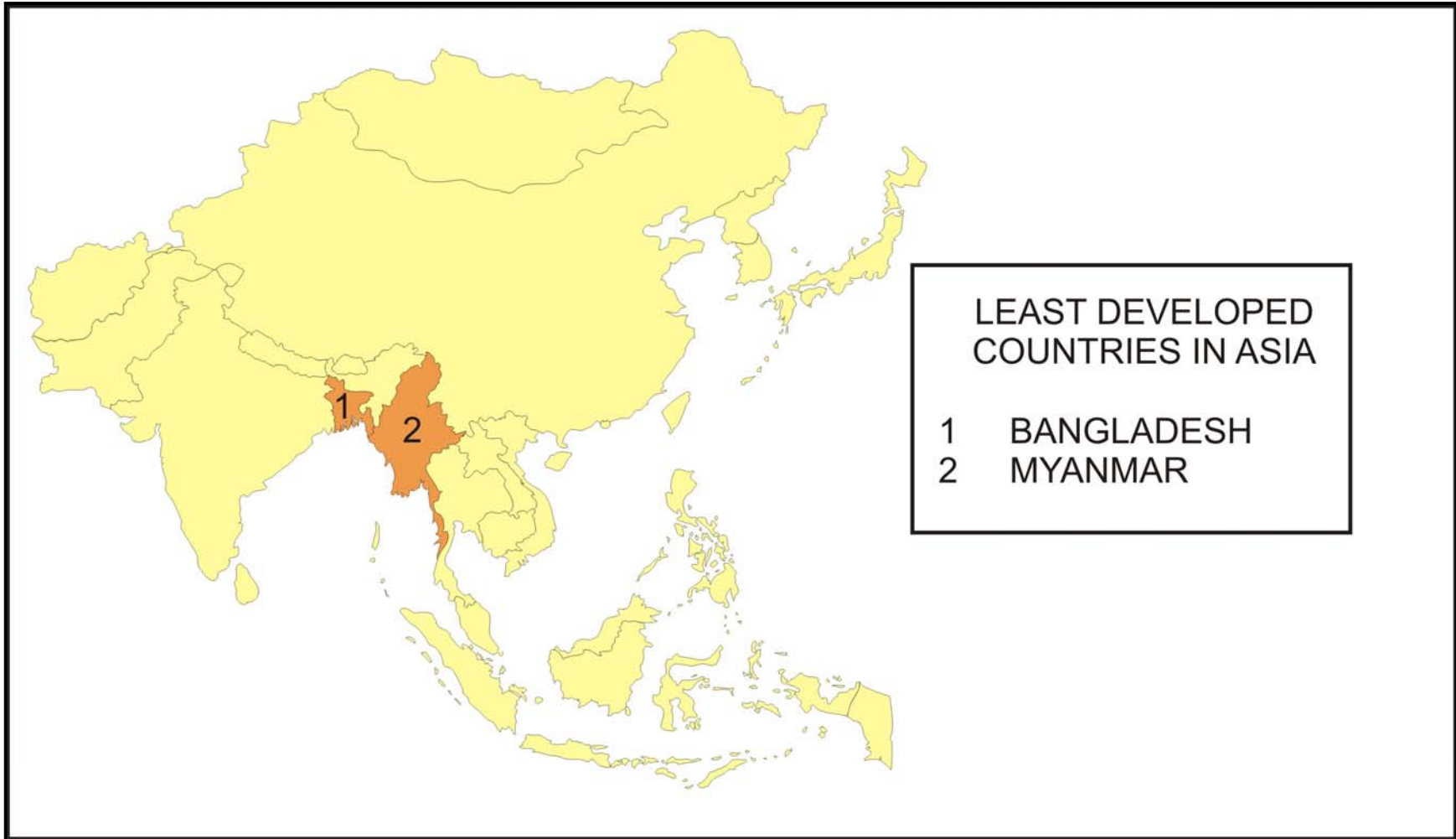
- **Regions considered in this study**
  - West Africa
  - East Africa
  - Asia
  - SOPAC
- **Region not considered in this study**
  - Caribbean

LEAST DEVELOPED  
COUNTRIES AND SMALL  
ISLAND DEVELOPING  
STATES IN WEST AFRICA

- 1 ANGOLA
- 2 BENIN
- 3 CAPE VERDE
- 4 EQUATORIAL GUINEA
- 5 THE GAMBIA
- 6 GUINEA
- 7 GUINEA-BISSAU
- 8 MAURITANIA
- 9 SENEGAL
- 10 SIERRA LEONE
- 11 TOGO







## OCEANIA



### SMALL ISLAND DEVELOPING STATES IN THE SOUTH PACIFIC

1. FIJI
2. FS MICRONESIA
3. KIRIBATI
4. PALAU
5. PAPUA NEW GUINEA
6. SOLOMON ISLANDS
7. TONGA
8. TUVALU
9. VANUATU

## CENTRAL AMERICA AND THE CARIBBEAN



### SMALL ISLAND DEVELOPING STATES IN THE CARIBBEAN

1. BARBADOS
2. BAHAMAS
3. TRINIDAD & TOBAGO

# HUMAN RESOURCE REQUIREMENTS

*Typical skill sets needed for Article 76 implementation*

- Project planners and managers
- Financial controllers and managers
- Contract managers (tendering, awarding, and monitoring)
- Team leaders and managers
- Database experts (construction and management)
- GIS (Geographical Information Systems) experts
- Cartographers
- Data interpreters (bathymetry, geology, and geophysics)
- Survey managers (planning, design, and execution)
- Documentation experts (legal and technical)

# INFRASTRUCTURE AND INSTITUTIONAL REQUIREMENTS

*Administrative and organizational arrangements*

- National commitment to the initiative
- Designated leadership for the overall undertaking
- Clear management and communication framework
- Cost-benefit analysis: prospective economic return of an OCS
- Multiyear budget plan for the duration of the project
- Legal and diplomatic infrastructures (government, academia)
- Agencies with ability to collect, manage, and analyze data
- Facilities for data management, processing, and visualization
- High-speed communications for information data exchange.
- Programs for staff training and succession



# COMPETING PRIORITIES

*Constraints to the mobilization of national will  
and to the allocation of resources*

- Governance problems
- Health and education
- Trade imbalances
- National security
- Population trends
- Land and marine management
- Foreign relations
- Domestic or regional unrest
- Etc...

# **PRIMARY EXPENDITURES DURING THE ARTICLE 76 CYCLE**

- Provisional assessment and interpretation – desktop study
- Acquisition of supplementary data - if necessary
- Definitive continental shelf interpretation
- Preparation of submission document
- Presentation of submission to CLCS
- Defence of submission
- Follow-up action - if necessary

# ARTICLE 76: AN INDUSTRY

*Enabling goods and services that are usually provided on a commercial basis*

- Staff training: courses and workshops
- External advisory services
- Computer hardware and software
- Communications
- Travel and accommodations
- Conference attendance
- Physical facilities
- Vessel charters
- Equipment rental

*When the above are not available domestically, they must be acquired in the international marketplace - and paid for at international prices...*

# THE UN TRUST FUND

*Established to provide financial assistance to developing states*



## **Purpose:**

- \* Training of technical and administrative staff
- \* Conduct of desktop studies
- \* Project planning
- \* Preparation of Article 76 submissions

## **Provisions**

- \* Pre-approval by Independent Panel
- \* Grants payable in advance
- \* Reimbursement an option

*Some respondents report difficulty with application process, citing excessive paperwork and delayed responses*

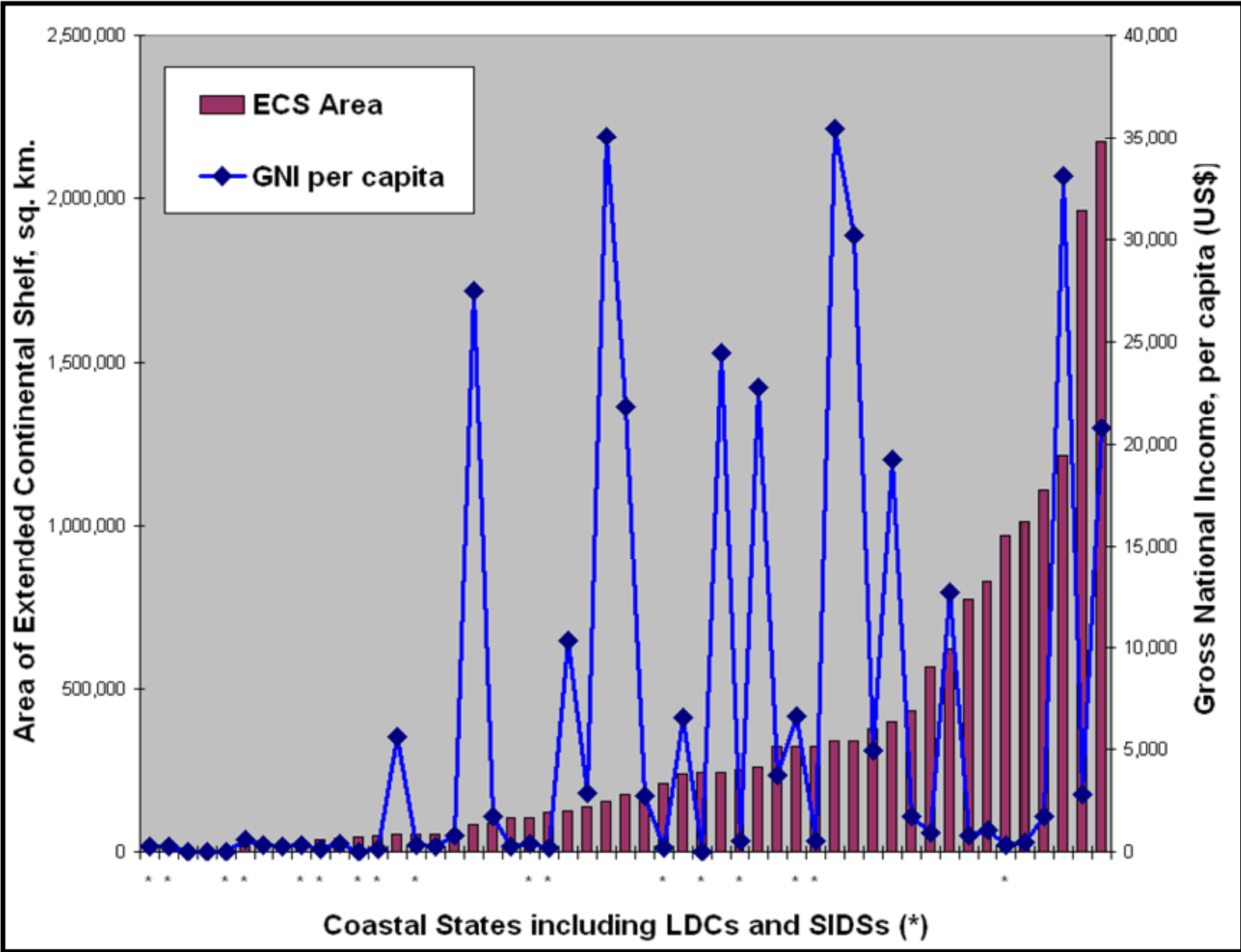
# SOME COMPARISONS WITH DEVELOPED COUNTRIES...

- **ECS area versus Gross National Income (GNI) per capita**
  - *Illustrates the magnitude of the ECS task against the ability to pay for it*
- **ECS area versus projected value of Non-Living Resources (NLR) of the seabed**
  - *Illustrates the magnitude of the ECS task against the potential returns*

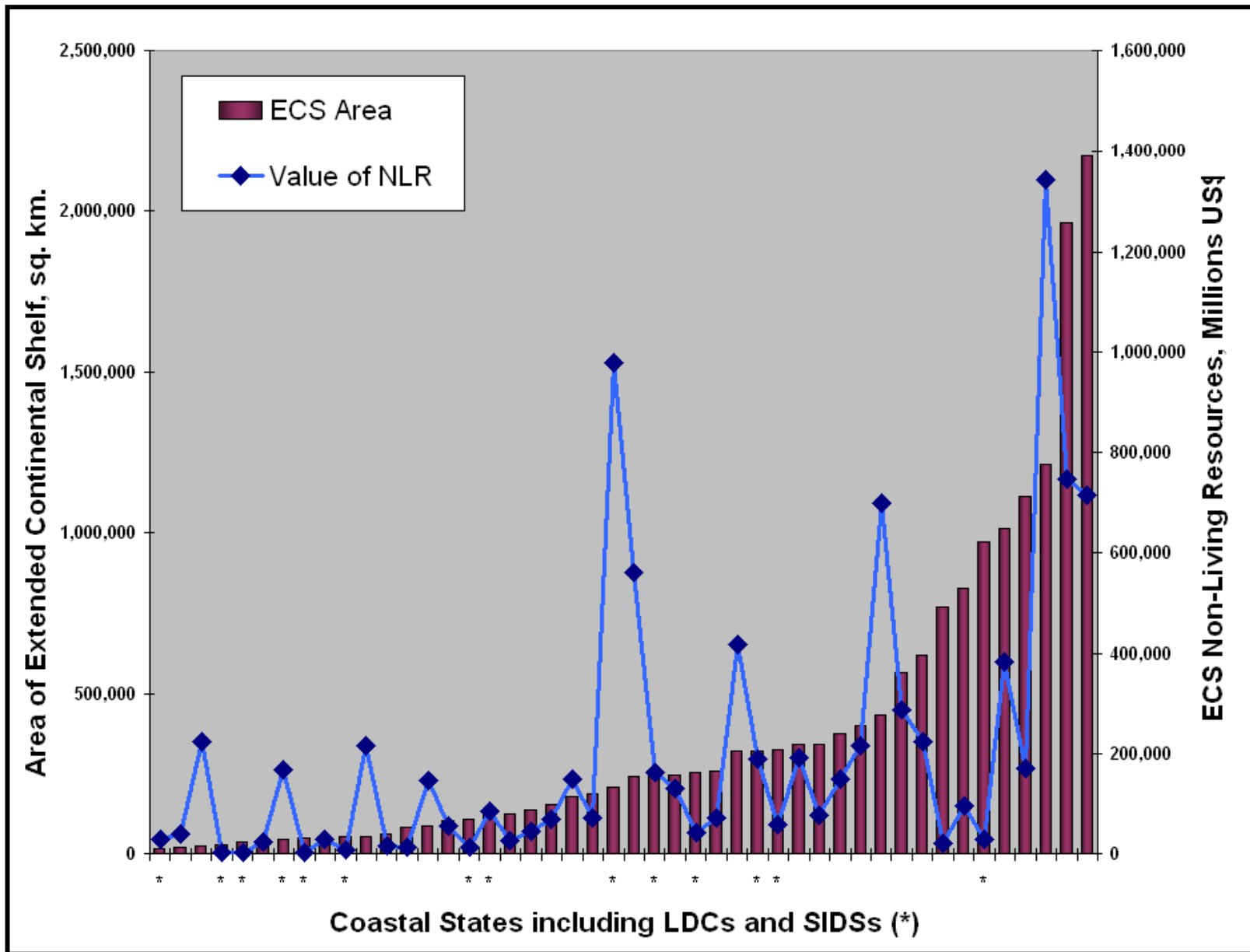
## *Notes:*

- *ECS areas are estimates that may not reflect all recent developments*
- *GNI statistics have been derived by a variety of means and are subject to adjustment*
- *NLR values were compiled prior to the current spike in the price of oil*
- *No account is taken here of biological resources.*

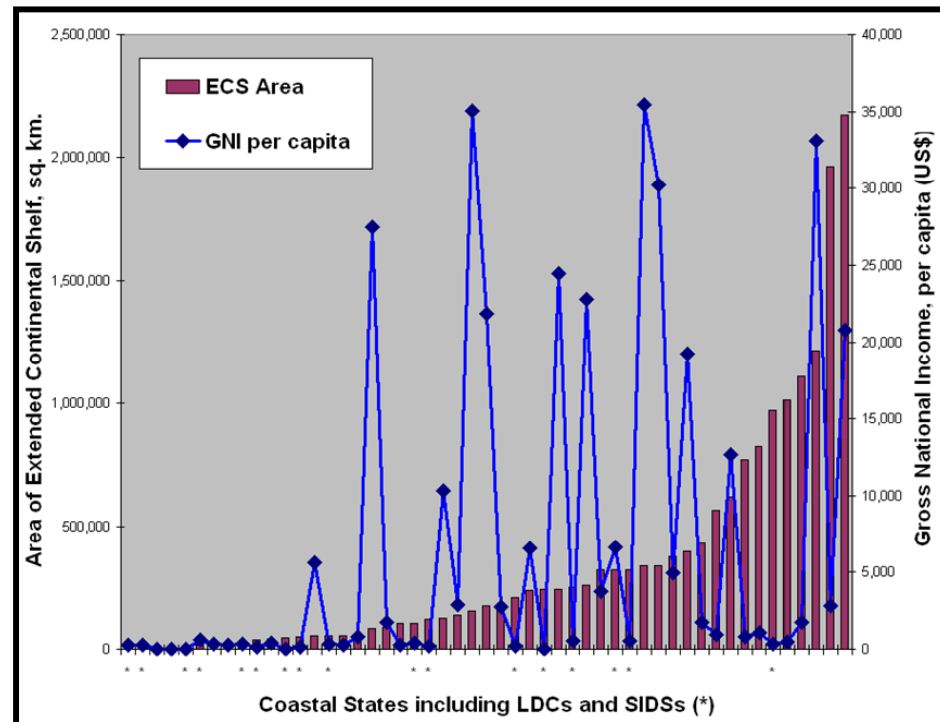
# ECS AREA VS. NATIONAL INCOME



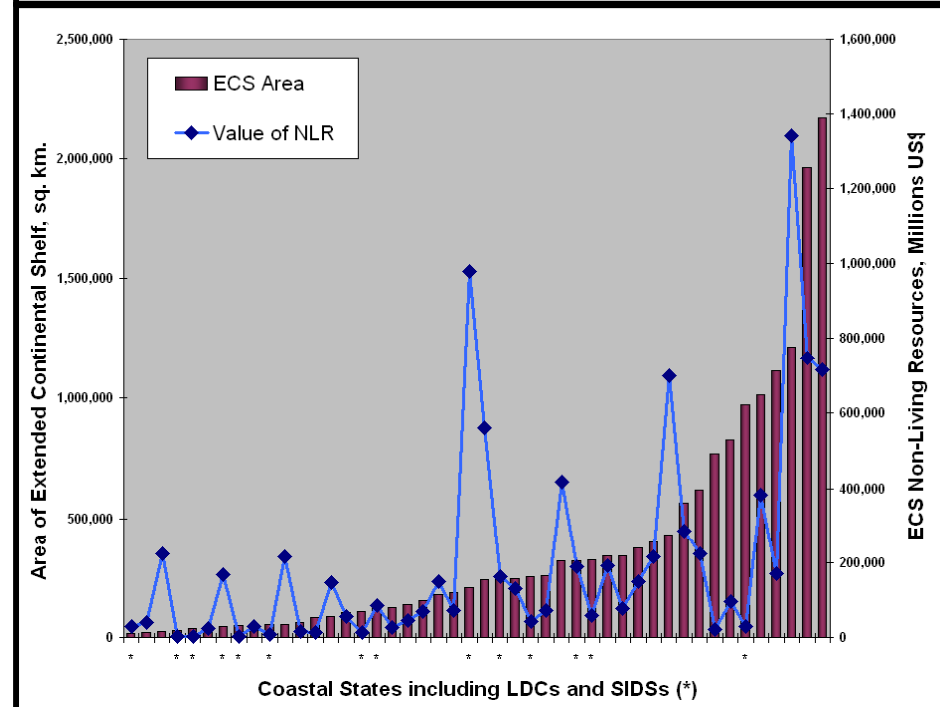
# ECS AREA VS. VALUE OF NLR



# ECS AREA VS. GROSS NATIONAL INCOME

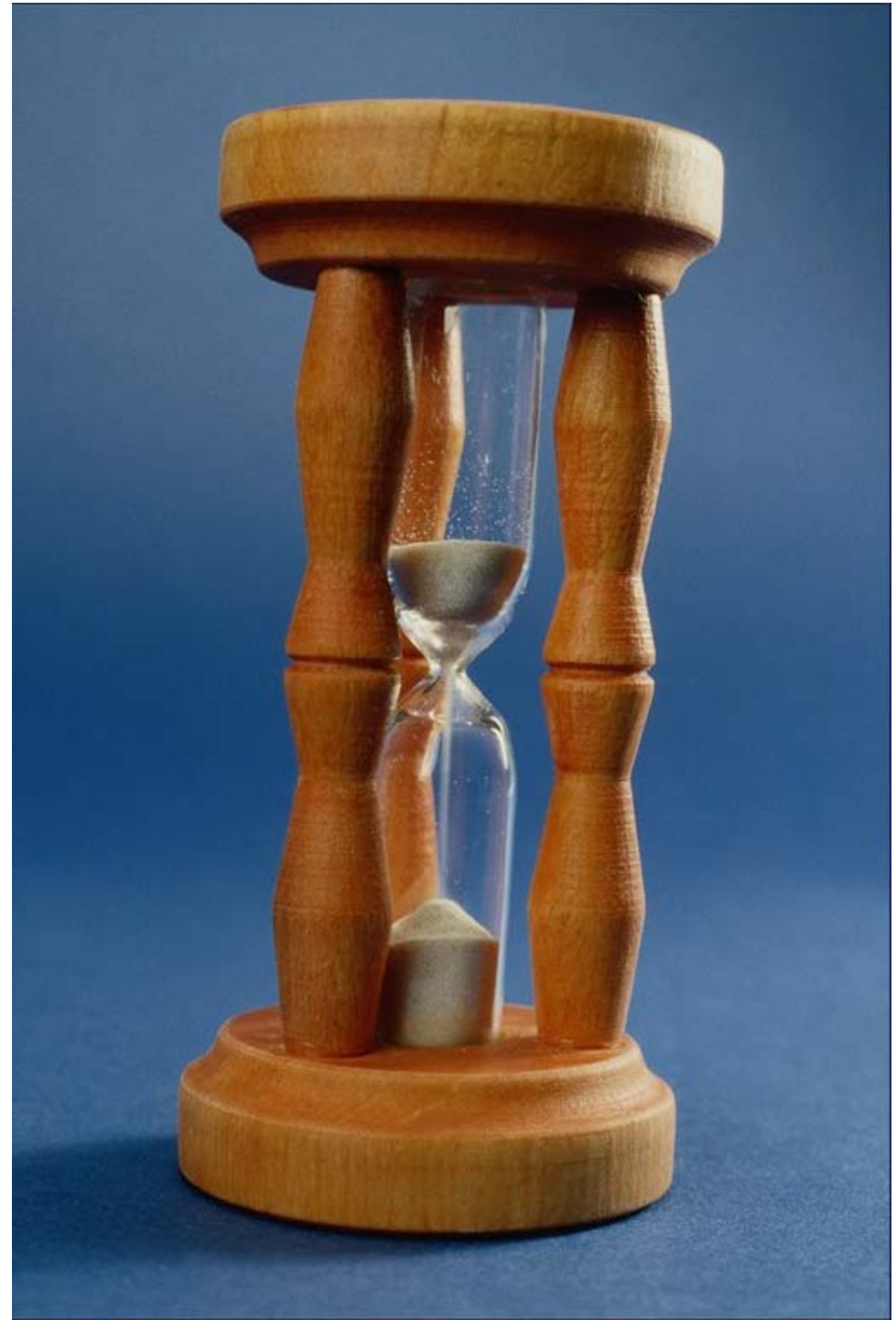


# ECS AREA VERSUS VALUE OF NON-LIVING RESOURCES





# THE QUESTION OF TIMING...



# PROJECTED COMPLETIONS OF ARTICLE 76 PROCESS, WORLDWIDE

*Presented by CLCS Chairman at 2007 Meeting of SPLoS,  
assuming a total of 65 submissions*

<i>Number of submissions assessed per year</i>	<i>Required duration of CLCS sessions per year, in weeks</i>	<i>Projected year of completion</i>
2 (current rate)	9	2035
4	18	2021
8	36	2014

# DELAYED COMPLETIONS: IMPLICATIONS

- **For SPLOS and DOALOS**
  - Financing Commissioners' emoluments and expenses: by the UN, or by sponsor states?
  - Providing DOALOS with staff and technical resources
  - Dealing with Commissioners' other obligations
- **For submitting states**
  - Deferring shelf-related decisions, e.g. bilateral boundaries, licensing
  - Reacting to new developments that could justify modifications to submissions
  - Maintaining legal and technical teams on standby basis

# Article 76 team members awaiting examination of their national submission by the CLCS 😊



*From 2001: A Space Odyssey (Stanley Kubrik)*

# MAKING THE ARTICLE 76 PROCESS MORE LDC- AND SIDS-FRIENDLY

*Some suggestions*

- Relaxed data restrictions
- Softened deadline requirements
- Assistance from developed countries
- Cost-sharing through joint operations with neighbours
- Sponsored training and capacity building
- Improved global public-domain databases
- Improved mechanisms for data sharing
- 'Implementation fund' against future NLR earnings
- Increased access to major conferences - \$\$\$ and visas
- Regional workshops for developing submissions

# CONCLUSIONS

- *Many if not most LDCs and SIDSs are at a genuine disadvantage relating to the implementation of Article 76*
- *SPLoS and CLCS might consider provisions that would facilitate the Article 76 process for these countries*
- *Developed countries that are also Article 76 beneficiaries could have a role to play in improving the situation*
- *Specialist organizations could bring their expertise and their resources to bear on the problem*

**THANK YOU!**