

12TH MEETING OF THE HYDROGRAPHIC SERVICES AND STANDARDS COMMITTEE

Report of the Advisory Board on Law of the Sea (ABLOS)

ABLOS is a joint board established by the International Hydrographic Organization (IHO) and the International Association of Geodesy (IAG)

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|---------------------------|--------------|
| Submitted by: | Chair, ABLOS |
| Related Documents: | C-51 |
| Related Projects: | None |

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|-------------------------------------|--|
| Chair: | Izabel King Jeck, Brazil (IHO Member) |
| Vice-Chair: | Juan Carlos Báez Soto, Chile (IAG Member) |
| Secretary: | David Wyatt, IHO |
| Members IHO: | Australia, Brazil, Republic of Korea, United Kingdom |
| Members IAG: | Chile, Denmark, France, |
| Ex Officio: | UN DOALOS and IHO |
| Observers: | Australia, India, Sweden and USA |
| <i>see Annex A for full details</i> | |

Meetings Held During Reporting Period

| | | |
|------------------------|---------------------|-----------------|
| ABLOS 26 | 7 & 10 October 2019 | IHO, Monaco |
| ABLOS 10 Conference | 8 – 9 October 2019 | IHO, Monaco |
| Future Meetings | | |
| ABLOS 27 | 6 - 9 October 2020 | Niterói, Brazil |

Work Program

The 26th Business Meeting of ABLOS was held at the IHO Secretariat in Monaco on 7 and 10 October 2019. The 10th ABLOS Conference, titled '*Opportunities and Challenges in the Governance of the Planet Ocean*' took place from 8 to 9 October 2019 and also was held at the IHO Secretariat.

The ABLOS members and observers from Australia, Brazil, Chile, Denmark, France, Republic of Korea the United Kingdom (UK) and United States were present; the appointed observers from Sweden (IAG) and India (IHO) sent apologies; representatives from Qatar and Japan also attended both events. The Chair, Professor Niels Andersen (IAG – Denmark), welcomed all Board members and observers to the business meeting.

The first session of the business meeting completed final preparations for the 10th ABLOS Conference.

ABLOS members and observers discussed notable topics from the various conferences, seminars and workshops that they had attended and undertaken since the previous business meeting. The meeting also discussed the ABLOS capacity building training course, the revision of the material and its ownership and a small group was established to lead this work.

During the 2nd session of the Business Meeting the Terms of Reference and Rules of Procedure for the ABLOS and the Conference Fund Guidelines were reviewed and a number of editorial amendments were identified. The ABLOS noted that two IHO appointed members and one AIG appointed member were due to end their terms in 2021. All were requested to advise whether they would be available for re-nomination by their respective host organizations or whether they were aware of suitable candidates to fill the forthcoming vacancies.

The final actions to complete Edition 6.0.0 of the TALOS Manual - C-51 – *Manual on Technical Aspects of the United Nations Convention on the Law of the Sea - 1982* – were agreed, noting the action placed on the ABLOS by HSSC11. In addition the French and Chilean members of the ABLOS provided progress reports on the French and Spanish translations of Edition 6.0.0. It was also agreed to start a holistic review of the C-51 in preparation for an Edition 7.0.0.

The ABLOS also identified the main resultant output and action from the 10th Conference and the ABLOS agreed to investigate the legal status of Crowdsourced Bathymetry (CSB) with respect to UNCLOS. It was hoped that opinion papers could be developed for publication and supporting presentations made at appropriate events to help clarify the status of CSB and potentially gain wider national acceptance for the activity.

The focus of the regional seminar in Brazil, which will be held immediately following the next Business Meeting, was discussed and agreed. The meeting then considered the theme, title and keynote speaker for the next Conference, the 11th ABLOS Conference, which will be held in Monaco in 2021. It was agreed that there was a need to maintain the momentum generated at the 10th Conference and therefore dates, the title and keynote speaker needed to be advertised at least 18 months ahead of the proposed dates. A Conference organizing committee was formed to undertake these tasks.

The 10th ABLOS Conference was attended by 70 delegates and 25 different States were represented, (Australia, Belgium, Brazil, Canada, Chile, China, Denmark, Faeroes Islands, France, Germany, Indonesia, Japan, Kuwait, Netherlands, New Zealand, Norway, Oman, Portugal, Qatar, Republic of Korea, Saudi Arabia, South Africa, Sweden, United Kingdom and USA). The Conference included 20 presentations covering a wide variety of topics and issues in relation with the theme “*Opportunities and Challenges in the Governance of the Planet Ocean*”. IHO Secretary-General, Dr Mathias Jonas, welcomed the delegates on behalf of the IHO. The opening key note address was given by Professor Ronán Long, Director of World Maritime University-Sasakawa Global Ocean Institute. The general theme of the conference was the growing recognition that the oceans are crucial to global sustainability and play a key equilibrating role in global climate as the primary sink for excess heat and carbon present in the global climate system and represent a vital repository and supporter of global biological diversity. Noting coastal and ocean areas are the drivers for the global economy, especially through sea-borne trade as well as via a rising ‘Blue Economy’ around the world, and play a crucial and increasingly important role in global food security. These areas are therefore of critical importance across scales, from the global to the regional, national and sub-national coastal community levels. Acknowledging that the oceans are also increasingly under threat, notably as a result of enhanced competition for coastal and marine resources, and intense and diverse uses of coastal and marine spaces, threatening their sustainability. All too frequently this competition leads to friction and tension among marine users and incompatible spatial and temporal overlaps between uses of ocean space. The impacts of climate change on the oceans further compound these issues. Governing our ‘Planet Ocean’ therefore represents a vital and pressing opportunity and challenge. The conference provided an opportunity to reflect on, principally, legal and technical aspects relating to a range of these themes. The presentations on various aspects of the Law of the Sea generated numerous questions and comments in plenary and much discussion in the margins during the breaks

On completion of the ABLOS Conference, Mrs Izabel King-Jeck (IHO-Brazil) assumed the role of Chair and Dr Juan-Carlos Báez (IAG – Chile) was elected as Vice-Chair.

It was agreed that the next Business Meeting (BM27) and Seminar will be held in Niterói, Brazil, 6 to 9 October 2020 and the 28th Business Meeting and the 11th ABLOS Conference will be held in Monaco and is planned for the period 4 to 7 October 2021.

Progress on HSSC Action Items

HSSC 11/65 - IHO Secretariat to issue an IHO CL seeking the approval of IHO Member States for C-51 Edition 6.0.0:

IHO CL 61/2019 dated 9 December published with a response deadline of 28 February 2020. 33 Member States responded, 32 voted to approve Edition 6.0.0, which has been adopted, and one voted against. 6 Member States provided additional comments, which were considered by the Chair and Vice-Chair and appropriate replies were provided in collaboration with the IHO Secretariat. It was highlighted that a holistic review of the entire document was appropriate and that this task would be commenced immediately by the Editorial Board to prepare an Edition 7.0.0.

Problems Encountered

It is noted that 2 of the 4 IHO appointed ABLOS members are now serving their second term and due to complete their appointments in 2021.

It is noted that 1 of 4 IAG members has not yet been appointed, but finding a suitable candidate is in full process in coordination with the Secretary General of IAG; an IAG Observer has been appointed.

It is of considerable concern that IHO Secretariat representation and direct support is not guaranteed for the ABLOS BM27 in Niterói, Brazil, in October. Absence of the Secretariat will have a significant impact on the work of ABLOS and its preparation for the 11th Conference in 2021 in Monaco.

Any Other Items of Note

The creation of ABLOS web site, supported by the fund, in order to increase its visibility and to provide information regarding its activities and the C-51 publication.

Conclusions and Recommended Actions

N/A

Justification and Impacts

N/A

Action Required of HSSC

The HSSC is invited to:

- a. **Note** this report
- b. **Endorse** the continuation of ABLOS to pursue its work under the Terms of Reference
- c. **Review and endorse** the work program at Annex B



Joint IAG-IHO Advisory Board on the Law of the Sea



MEMBERS OF ABLOS

IHO representatives:

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12. ABLOS WORK PLAN 2020-21

12.1 ABLOS Tasks

| | |
|---|---|
| A | Organise the 11 th ABLOS Conference in 2021 (IHO Task 2.12.2) |
| B | Maintain IHO Publication C-51 "Technical Aspects of the Law of the Sea (TALOS) Manual" (IHO Task 2.12.3) |
| C | Deliver a standard training program on the hydrographic aspects of maritime delimitation (IHO Task 3.5.2) |
| D | Provide advice and guidance on the technical aspect of the Law of the Sea to relevant organizations, bodies and Member States (IHO Task 2.12.3) |
| E | Organize and prepare ABLOS business meetings in 2020 and 2021 (IHO Task 2.12.1) |

| Task | Work item | Priority H-high M-medium L-low | Next milestone | Start Date | End Date | Status P-planned O-ongoing C-completed | Contact Person(s) * indicates leader | Related Pubs / Standard | Remarks |
|------|--|---|--|------------------------------|------------------------------|---|--|-------------------------|---------|
| A1 | Organise 11 th ABLOS Conference | H | Begin advertising Identify and invite key note speaker Confirm conference title Attract presentation abstracts | 2019 2019 2019 2019 | 2021 2021 2020 2021 | O O O P | All members of ABLOS through Committee | N/A | |
| A2 | Conference support and outreach | H | Develop and maintain ABLOS website | 2019 | On going | P | Niels Andersen | | |
| B1 | Prepare draft 6 th Edition of C-51 (TALOS Manual) for adoption by Member States | M M M M | Review initial French translation and propose amendments Review Spanish translations of animations Review initial Spanish translation and propose amendments | 2018 2018 2018 | 2019 2020 2019 2020 | C O C O | Grant Boyes* Marie-Françoise Lequentrec-Lalancette* Juan Carlos Báez Soto* Juan Carlos Báez Soto* | IHO Publication C-51 | |

| Task | Work item | Priority H-high M-medium L-low | Next milestone | Start Date | End Date | Status P-planned O-ongoing C-completed | Contact Person(s) * indicates leader | Related Pubs / Standard | Remarks |
|------|---|---|---|------------|------------|---|--|----------------------------|---|
| B2 | Commence 7 th Edition | M | Confirm Format and Content | 2019 | 2021 | O | Grant Boyes* Editorial Board | IHO Publication C-51 | |
| C1 | Deliver standard training programmes for the CBSC | H | Develop and maintain core training material | 2011 | Continuous | O | Hyunsoo Kim* Steve Keating Grant Boyes Isabel King Jeck Fiona Bloor Juan Carlos Báez Soto | IHO Publication C-51 | No workshops planned in 2020 in the CBSC Work Plan. |
| D1 | Provide advice and guidance on the technical aspect of the Law of the Sea | H | | Continuous | | O | All members of ABLOS through the Chair | | |

12.2 ABLOS Meetings (Tasks A & E)

| Date | Location | Activity |
|----------------------|---------------------|--|
| 1 - 6 October 2012 | IHB, Monaco | ABLOS 19 and 7 th ABLOS Conference |
| 28 - 29 October 2013 | Muscat, Oman | ABLOS 20 |
| 21 - 22 October 2014 | Copenhagen, Denmark | ABLOS 21 |
| 19 - 23 October 2015 | IHB, Monaco | ABLOS 22 and 8 th ABLOS Conference |
| 26 - 28 October 2016 | Seoul, Korea | ABLOS 23 |
| 9 - 12 October 2017 | IHO, Monaco | ABLOS 24 and 9 th ABLOS Conference |
| 22 – 25 October 2018 | Qatar | ABLOS 25 |
| 7 - 10 October 2019 | IHO, Monaco | ABLOS 26 and 10 th ABLOS Conference |
| 6 - 9 October 2020 | Niterói, Brazil | ABLOS 27 |
| 4 - 7 October 2021 | IHO, Monaco | ABLOS 28 and 11 th ABLOS Conference |

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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 25 October 2018)

Ref: 1st HSSC Meeting (Singapore 2009)
11th HSSC Meeting (Cape Town 2019)

OBJECTIVE:

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

1. Terms of Reference

- 1.1. To provide information and advice with regard to the technical aspects of the Law of the Sea to:
 - a) the parent Organizations (IHO/IAG) or to other organizations; and
 - b) to their Member States.
- 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 concepts contained within certain provisions of the United Nations Convention on the Law of the Sea.
- 1.4. To review and update IHO Special Publication C-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 (IHO/IAG).

2. Rules of Procedure

- 2.1. ABLOS shall be composed of eight voting Members, preferably chosen with wide geographic representation. Each parent Organization (IHO/IAG) shall appoint four members. The Division for Ocean Affairs and the Law of the Sea of the United Nations Office of Legal Affairs (DOALOS), and the IHO 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 Chair shall have a casting vote.
- 2.3. The Member States of the IHO, the IAG and ABLOS through its Chair may appoint observers to ABLOS. Observers may participate in correspondence and attend meetings but may not vote.
 - 2.4. Appointed Members and Observers shall serve for a term of four years, renewable by a recommendation of the Board for one additional four-year term and with the approval of the corresponding parent organization. Observers may be reappointed with the approval of the ABLOS for further terms. The Chair shall inform the relevant parent organization of any foreseeable vacancy in a timely manner. Members and Observers are expected to attend every meeting of ABLOS. Where a Member or Observer fails to attend two consecutive meetings the Chair should raise the matter with the parent Organization (IHO/IAG) with a view to rectifying the situation.
 - 2.5. Whilst Members of ABLOS are appointed by their parent Organizations (IHO/IAG), 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 Chair and Vice-Chair shall be elected by ABLOS and should normally come from different parent Organizations (IHO/IAG) on a rotational basis. They will serve for a two-year period, after which the Vice-Chair becomes Chair and a new Vice-Chair is elected. If the Chair is not present or available, the Vice-Chair shall act in this capacity until the next meeting. Should the Vice-Chair not be available to take office as Chair when required, a new Chair and Vice-Chair 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 IHO Secretariat, Monaco. The Secretariat will publish the documents and publications produced by the Board as required.
 - 2.9. Members and Observers of ABLOS are expected to be supported by their own host organizations or governments for travel expenses and work. Exceptionally, an ABLOS appointed Observer may be supported by ABLOS for a specific task.
 - 2.10. ABLOS will normally meet once a year at a venue and time that minimizes cost and conducts 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 Chair or his/her nominated representative shall report on the activities of the Board to the annual meeting of the IHO Hydrographic Services and Standards Committee (HSSC) and to each ordinary session of the Assembly through the Council. The Chair or his/her nominated representative shall also provide an annual report on ABLOS's activities to the IAG and a report covering the inter-sessional period to the General Assembly of the IAG.
 - 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 (IHO/IAG) for approval.

ABLOS CONFERENCE FUND GUIDELINES

(As amended 27 October 2016)

Reference: IHO resolution 1/2014, as amended

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 IHO Secretariat. The parent organizations (IHO/IAG) approve the Terms of Reference (TOR) for ABLOS. The Division of Ocean Affairs and Law of the Sea (DOALOS) of the United Nations Office of Legal Affairs and the IHO Secretariat 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.

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.

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. Limited support for travel / subsistence in connection with production of a new edition of C-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 IHO Secretariat and reported in the fund accounts.

5. Operation

5.1 The fund will be operated by the IHO Secretariat 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.