

**ASIAN-AFRICAN LEGAL CONSULTATIVE ORGANIZATION**



---

**THE LAW OF THE SEA**

---

**Prepared by**

**The AALCO Secretariat  
29 C, Rizal Marg,  
Diplomatic Enclave, Chanakyapuri,  
New Delhi – 110 021  
(INDIA)**

**THE LAW OF THE SEA**  
**CONTENTS**

	<b>Pages</b>
<b>I</b> Introduction	
A. Background	<b>1-2</b>
B. Deliberations at the Fifty-Third Annual Session of AALCO held from 15th to 18th September 2014, in Tehran, Islamic Republic of Iran.	<b>2-7</b>
<b>II</b> Status of the United Nations Convention on the Law of the Sea (UNCLOS) and its Implementing Agreements	<b>7-8</b>
<b>III</b> Thirty-Fifth and Thirty-Sixth Sessions of the Commission on the Limits of the Continental Shelf (CLCS)	<b>8-10</b>
<b>IV</b> Twentieth Session of the International Seabed Authority	<b>11-13</b>
<b>V</b> Oceans and Law of the Sea: Report of the Secretary-General of the United Nations for the Sixty-Ninth Session of the UN General Assembly	<b>13-14</b>
<b>VI</b> International Tribunal for the Law of the Sea (ITLOS)	<b>14-15</b>
<b>VII</b> Fifteenth Meeting of the United Nations Open-ended Informal Consultative Process on Oceans and Law of the Sea	<b>15-17</b>
<b>VIII</b> The Ninth Meeting of the Ad Hoc Open-ended Informal Working Group on the Issues relating to Marine Biodiversity Beyond National Jurisdiction	<b>17-20</b>
<b>IX</b> Marine Scientific Research	<b>20-23</b>
<b>X</b> Exploration of Deep Sea Resources	<b>23-25</b>
<b>XI</b> Comments and Observations of the AALCO Secretariat	<b>26-28</b>
<b>XII</b> Draft Resolution on the Law of the Sea	<b>29-30</b>

# THE LAW OF THE SEA

## I. INTRODUCTION

### A. Background

1. The 1982 United Nations Convention on the Law of the Sea (hereinafter the UNCLOS or the Convention), came into force on 16 November 1994, twelve months after the deposit of the sixtieth instrument of ratification with the Secretary-General of the United Nations.

2. As of 10 January 2015, 167 parties have ratified the UNCLOS<sup>1</sup>, One of the UNCLOS's implementing agreements, namely the 1994 Agreement relating to the implementation of Part XI of UNCLOS, was adopted on 28 July 1994 and entered into force on 28 July 1996; the other implementing agreement, the 1995 United Nations Fish Stocks Agreement was opened for signature on 4 December 1995 and entered into force on 11 December 2001. Together, with the UNCLOS, these three agreements set up a comprehensive legal framework for almost all the activities in the oceans and seas. Thus, the regime for oceans and seas established by UNCLOS deals with a wide range of issues on ocean affairs and also recognizes that the problems of ocean space are closely interrelated and need to be considered as a whole. The Convention is no wonder regarded as the "Constitution for the Oceans".

3. It may be recalled that the item "Law of the Sea" was taken up for consideration by the Asian-African Legal Consultative Organization (AALCO) at the initiative of the Government of Indonesia in 1970, since then it has been considered as one of the priority items at successive Annual Sessions of the Organization. The AALCO can take reasonable pride in the fact that new concepts such as the Exclusive Economic Zone (EEZ), Archipelago States and Rights of Land Locked States originated and developed in the AALCO's Annual Session and were later codified in the UNCLOS.

4. Since the adoption of the Convention in 1982, the AALCO's Work Programme was oriented towards assisting Member States in matters concerning their becoming Parties to the UNCLOS and other related matters. With the entry into force of the UNCLOS in 1994, the process of establishment of institutions envisaged in the UNCLOS began. The AALCO Secretariat prepared studies monitoring these developments and the Secretariat documents for AALCO's Annual Sessions continuously reported on the progress of work in the International Sea Bed Authority (ISBA), the International Tribunal for Law of the Sea (ITLOS), the Commission on the Limits of the Continental Shelf (CLCS), the Meeting of States Parties to the UNCLOS and other related developments. The agenda item was discussed during the Fifty-Third Annual Session of AALCO held from 15th to 18th September 2014, in Tehran, Islamic Republic of Iran.

5. It is important to underline that the UNCLOS sets out the legal framework for almost all activities in the oceans and seas. However, limitations in capacity hinder

---

<sup>1</sup>State of Palestine is the 167<sup>th</sup> State Party to have ratified the UNCLOS on 2 January 2015.

States, in particular developing countries, not only from benefitting from oceans and seas and the exploration and exploitation of their resources pursuant to the UNCLOS, but also from complying with the range of obligations under the Convention. Therefore, the capacity-building needs of States in marine science and other areas of oceans affairs and the law of the sea remains of vital importance.

6. It is therefore, proposed by the Secretariat that during the Fifty-fourth Annual Session the focus may be on Marine Scientific Research and Exploration of Deep Sea Resources in view of the contemporary developments and interest of Member States.

**B. Deliberations at the Fifty-Third Annual Session of AALCO held from 15th to 18th September 2014, in Tehran, Islamic Republic of Iran.**

7. Mr. Feng Qinghu, Deputy Secretary General, AALCO introduced the Secretariat's Report on the agenda item, "The Law of the Sea" contained in Secretariat Document No. AALCO/53/TEHRAN/2014/SD/S 2. He expressed his views relating to the Status of the United Nations Convention on the Law of the Sea (UNCLOS) and its Implementing Agreements; Thirty-Second, Thirty-third and Thirty-Fourth Sessions of the Commission on the Limits of the Continental Shelf (CLCS); Nineteenth Session of the International Seabed Authority (ISBA); Twenty-Third and Twenty-Fourth Meetings of the States Parties to the UNCLOS; Fourteenth meeting of the UN open-ended informal consultative process on oceans and law of the sea; and the consideration of the Oceans and the Law of the Sea issues at the Sixty-Eighth Session of the UN General Assembly.

8. Mr. Feng drew the attention of the audience to the International Tribunal for the Law of the Sea (ITLOS), which has acted in four cases raising a number of complex issues, including: provisional measures for the release of a detained vessel and persons on board; the lawfulness of the arrest and confiscation of a vessel; the status of bunkering in support of foreign vessels fishing in the exclusive economic zone; reparation for damage; and IUU fishing. From the procedural perspective, two of these cases concerned the merits of a dispute; one was an urgent proceeding, and one an advisory opinion.

9. The ITLOS disposed of two cases in 2013 and one more in April 2014. The request for an advisory opinion remains on the docket and the hearing will take place in September 2014. In the M/V "Louisa" Case between Saint Vincent and the Grenadines and the Kingdom of Spain, the Tribunal concluded in its judgment that no dispute concerning the interpretation or application of the Convention existed between the Parties at the time the Application was filed and that, therefore, it had no jurisdiction *ratione materiae* to entertain the case.

10. He then referred to the developments at the CLCS. The increasing workload of the CLCS remains a matter that merited future consideration to expedite the submissions in a timely manner. Given the large number of submissions made by coastal States, it was important to facilitate its work for expeditious consideration of the submissions.

11. Mr. Feng pointed out that the Commission in fulfilling its responsibilities and consideration of submissions by coastal States should both meet international

expectations and stand the tests of science, law and time. There was a need to adopt a balanced approach that ensured the speed and quality of its consideration of submissions, and the need to expedite consideration should not be allowed to compromise the serious, scientific and professional nature of the Commission's work.

12. He further stated that the International Seabed Authority (ISBA) held its nineteenth session in Kingston, Jamaica from 15-26 July 2013. The highlight of the meeting was the adoption of a draft decision concerning overhead charges for administration and supervision of exploration contracts. It approved amendments to the Regulations on Prospecting and Exploration for Polymetallic Nodules in the Area, and appointed KPMG as independent auditor for 2013 and 2014. AALCO member states may consider renewing their efforts to control and restrict damage from seabed mining in keeping with these new regulations. The Session also discussed "Programmes to mark the 20th Anniversary of entry into force of UNCLOS". It also stressed the importance of capacity building for developing countries, including the African group, particularly in marine scientific research, noting that this would allow States to acquire the means to reap the benefits from the oceans while also preserving its resources for future generations.

13. Following the introduction of the Secretariat's report on the Law of the Sea by Mr. Feng, a presentation was made by H.P. Rajan, Legal Advisor to AALCO. The focus of the presentation was to recall some of the important contributions made by this Organization and, with twenty years of entry into force of the Convention, revisit some of the important elements of the package deal and the compromises made by Member States of AALCO. It was felt that such an exercise would be useful to evaluate how far the aspirations of Member States have been met, especially in view of the developments that have taken place since the entry into force of the Convention. The presentation highlighted some of the contemporary priority issues for review and proposed the following:

1. Preparation and release of Secretary General's Handbook on Basic Entitlements and Obligations under the 1982 United Nations Convention on the Law of the Sea, preferably during the 69th session of the General Assembly of the United Nations;
2. Convene a two- day meeting of the Subcommittee of the Whole on the Law of the Sea of Member States early next year to critically examine and evaluate the scope and the current working methods of the Commission on the Limits of the Continental Shelf,
3. Presentation of the outcome of the above meeting, as well as recommendations of the Secretary-General of AALCO on possible new initiatives to expedite the work of the Commission at the next Meeting of States Parties to the Convention in 2015.
4. Bring out a comprehensive study on work of the International Tribunal on the Law of the Sea, in particular, on the implications of the judgments, Advisory

opinions as well as some of the Arbitral awards, from the point of view of Member States of AALCO, before the Fifty-Fifth annual session.

14. **The Delegate of Thailand** stated that currently, Thailand has progressively adapted its domestic law for better implementation of UNCLOS to the Committee on the Law of the Sea and Maritime Boundary of Thailand. A new Bill on mineral and marine resources is awaiting consideration of the national legislative assembly. He pointed out that marine biological resources beyond areas of national jurisdiction shall be treated as Common Heritage of Mankind which ensures that immense benefits of the oceans are equitably shared by our nations and people. On the issue of maritime security, Thailand reaffirms its strong condemnation of piracy and armed robbery as it has caused enormous loss of many lives and damage to maritime trade and transport. Thailand has played an active role in international commerce particularly international shipping and has been elected to the Council of International Maritime Organization (IMO) for five consecutive terms.

15. **The Delegate of Democratic Socialist Republic of Sri Lanka** pointed out that the advancement and implementation of the rights of geographically disadvantaged and land locked state, is of paramount importance to all of us, in the view of its tremendous impact upon the Member States of AALCO. Equally important would be the rights of archipelagic states. With the acceptance of the deep seabed as Common Heritage of Mankind, a greater demand for the regulation of state activities by legal provisions, could be observed globally. The prominent role played by AALCO in this exercise should be acknowledged with deep appreciation.

16. **The Delegate of the People's Republic of China** pointed out that despite growth in the capacity of States to understand, use and protect oceans, there are still challenges faced in the implementation of the law, and the UNCLOS remains an important basis for solving these problems and facing these challenges. He further stated that the United Nations has launched a regular process for global reporting and assessment of the state of the marine environment and expressed satisfaction over the institution of a regular process for the same as well as the work being done to bring out an integrated global report of the state of the marine environment. He pointed out that sustainable development could be achieved only by balancing the proper protection of the ocean and its rational utilization and by facilitating capacity building of developing States- in both utilization and protection of the environment. The delegate stated that it was the view of China that the current rules of international law, in particular the definition of piracy and the obligation of states to establish universal jurisdiction over piracy and to provide judicial and administrative assistance, covered the main aspects concerning combating piracy through international cooperation. The delegation expressed the support of his country for enhancement of international cooperation, in conformity with the rules of international law for combating piracy, ensuring maritime safety and safeguarding the interests of the international community.

17. **The Delegate of Mauritius** referred to the dispute between Mauritius and the United Kingdom concerning the 'marine protected area', which the United Kingdom has purported to establish around the Chagos Archipelago. He asserted that the Chagos Archipelago forms an integral part of the territory of Mauritius and that Mauritius was

being prevented from exercising its sovereign rights over this area because of the unlawful control of the UK over the Archipelago, which UK acquired prior to its accession to independence. He informed the Member States that the Government of Mauritius had instituted arbitration proceedings and that the Tribunal had rejected the preliminary objections raised by the UK to its jurisdiction. He further stated that the case brought by Mauritius against the United Kingdom arose against the background of colonial legacy and that the Tribunal was being requested to interpret and apply the UNCLOS in a way that does not perpetuate a status quo which is inconsistent with the applicable law under the Convention, including the right to self-determination and respect for the territorial integrity of a country at independence. The Delegation expressed gratitude for AALCO's support with respect to the sovereignty of Mauritius over the Chagos Archipelago.

18. **The Delegate of the Republic of Korea** expressed support for the "Oceans Compact" initiative announced by the Secretary General of the United Nations to set out a strategic vision for the UN system to deliver its ocean related mandates consistent with the Rio+20 outcome document "The Future We Want". He pointed out that there was a substantial reduction in piracy related incidents off the coast of Somalia the previous year and that the global efforts to fight piracy are proving fruitful. He stated that to uproot piracy it was essential to end the practice of pirates getting away with impunity through more prosecutions and punishments of those committing acts of piracy. The delegation pointed out that his government was tackling the issue by pursuing legal action under domestic and international law.

19. **The Delegate of the Islamic Republic of Iran** pointed out that incidents of piracy in Gulf of Eden, off the coast of Somalia and in the Gulf of Guinea, continued to pose increasing challenges to maritime safety and ought not be treated in isolation. He pointed out that on some occasions Iranian vessels had also been the target of these attacks. He then outlined the efforts that were taken by Iran towards combating piracy and pointed out that the same has been recognized and commended by the international community and relevant UN bodies, including the Security Council. He referred to the internal situation in Somalia and stated that the problem of piracy could not be resolved without a comprehensive plan for peace and stability. He further referred to the alarming pollution levels in seas and problems caused by land reclamation and pointed out that, the General Assembly of the United Nations has already expressed its concern over this, vide Preambular Paragraph 14 of A/RES/67/78 and recalled operative paragraph 164 of that resolution which called for land reclamation activities to be carried out in a responsible manner.

20. **The Delegate of Japan** stated that as a maritime country, and from the standpoint of considering the rule of law to be essential in the international community, it valued the roles that the International Tribunal for the Law of the Sea (ITLOS) plays in the peaceful settlement of maritime disputes and the maintenance of legal order relating to the sea. The delegation informed that at the 24th meeting of States Parties of UNCLOS, Japan would be nominating a candidate for the election of judges to the Tribunal. He also stated that the working period of the Commission on the Limits of the Continental Shelf needed to be extended to complete their workload. He further pointed out that with respect to the

International Sea Bed Authority, a Voluntary Trust Fund has been established, to which Japan has been a key financial contributor, for the purpose of defraying the cost of participation of the members of the Legal and Technical Commission and the Finance Committee from developing countries in the meetings of the Commission that was held at Jamaica.

21. **The Delegate of Tanzania** pointed out that the importance of UNCLOS in the ocean affairs could not be overemphasized. He stated that the Asian and African continents have witnessed achievements in the reduction of piracy but that in order to maintain this, concerted efforts in strengthening the legal frameworks, enactment of relevant legislations, strengthening of relations and greater information sharing were required. He pointed out that the workload of the Commission on the Limits of Continental Shelf was growing due to the increase in the number of submissions and called on AALCO Member States to take concerted efforts to ensure the smooth functioning of the commission.

22. **The Delegate of the Republic of Kenya** stated that Kenya had recently brought into operation a law designed to curb risks posed to health, safety and the environment caused by foreign flag ships that called at its ports. She further stated that the issue of piracy off the Coast of Somalia remained of grave concern and that it has affected trade and commerce in the East African Region, fishing, tourism and shipping industries. She welcomed the efforts of the international community to combat piracy as these efforts have had deterrent effect on piracy and armed robbery in the region, and noted that such action has yielded results and that piracy cases in the Indian Ocean have considerably fallen. She further pointed out that there were several issues that were required to be addressed by public international law such as the use of private armed security guards, the use of force and transferring of suspects for trial and imprisonment, collection of evidence at the high seas and submission in courts, extradition and jurisdictional issues.

23. **The Delegate of Malaysia** noted that the lack of capacity building could limit the ability of states to protect the oceans and their resources from maritime pollution, maritime safety and security and overexploitation. He stated that capacity building was necessary to ensure that the States possess economic, legal, navigational, scientific and technical skills for the full implementation of the obligations and responsibilities as provided under the UNCLOS and for this priority had to be given in strengthening the institutions and standards to enable the least developed countries to fully benefit from the UNCLOS. He stated that national and international financial institutions could be invited to examine innovative approaches to assist low income countries, whilst academic and research institutions could contribute towards institutional developments. He stated that in addition to this, strengthening and improving standards relating to shipping, marine safety and pollution prevention requires the involvement of government as well as private actors and all other stakeholders to ensure a holistic approach. He pointed out that Malaysia has joined hands with Indonesia and Singapore to undertake the appropriate measures to reinforce the safety and security in the strait of Malacca. He further pointed out the need to improve implementation of and compliance with existing international rules and standards and that enhancing regional ties particularly through regional institutions would enable States to effectively address international concerns and



emerging challenges as regards the various activities that affect the marine biodiversity in areas beyond national jurisdiction. He also referred to the presentation made by the Legal Adviser of AALCO and expressed support for the proposals (1), (2), and (3) contained in his paper.

24. **The Delegate of India** described the UNCLOS to be the key instrument governing the ocean affairs and that it lies in the interest of the international community to extend full cooperation in the efforts towards ensuring the proper management and sustainable use of ocean resources. She stated that the outcome document of the Rio+20 Summit, “The Future We Want” recognized oceans and seas as an integral part of the earth’s ecosystem. She stated that the oceans are facing numerous challenges such as illegal, unreported and unregulated fishing, deterioration of the marine environment, biodiversity loss, climate change and those relating to maritime safety and security, including acts of piracy. She further stated that India was working on a comprehensive domestic legislation to provide the necessary legal framework within the country for prosecution of piracy related crimes. She also stated that the fisheries sector occupied an important place in the socio-economic development of a great number of countries and expressed support for concerted efforts of the international community towards achieving sustainable fisheries, including the adoption of measures to prevent and combat illegal, unreported and unregulated fishing, by the effective adoption of the fish stocks agreement and the relevant instruments at the regional level and by preventing over-fishing. She also stated that the presentation made by the Legal Adviser has touched upon some very important issues that call for a review and expressed support for the proposals contained in the paper.

## **II. STATUS OF THE UNITED NATIONS CONVENTION ON THE LAW OF THE SEA (UNCLOS) AND ITS IMPLEMENTING AGREEMENTS**

25. The United Nations Convention on the Law of the Sea as on 10 January 2015 had 167 Parties, of which 41 States are AALCO Member States.<sup>2</sup>

26. The Agreement Relating to the Implementation of Part XI of the UNCLOS was adopted on 28 July 1994 and has entered into force on 28 July 1996. As regards the status of this Agreement, as at 10 January 2015, there were 147 parties to it, of which 33 States are AALCO Member States<sup>3</sup>

---

2. The AALCO Member States Parties to the UNCLOS are: Bahrain, Bangladesh, Botswana, State of Palestine, Brunei Darussalam, Cameroon, China, Cyprus, Egypt, Gambia, Ghana, India, Indonesia, Iraq, Japan, Jordan, Kenya, Kuwait, Lebanon, Malaysia, Mauritius, Mongolia, Myanmar, Nepal, Nigeria, Oman, Pakistan, Qatar, Republic of Korea, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, South Africa, Sri Lanka, Sudan, Uganda, United Republic of Tanzania, Thailand, and Yemen. Out of forty-seven Member States only six states, namely, Democratic Peoples’ Republic of Korea, Islamic Republic of Iran, Libyan Arab Jamahiriya, Syrian Arab Republic, Turkey and United Arab Emirates are not yet Parties to the UNCLOS.

3 The AALCO Members who have ratified the Agreement include: Bangladesh, Botswana, Brunei Darussalam, Cameroon, China, Cyprus, India, Indonesia, Japan, Jordan, Kenya, Kuwait, Lebanon, Malaysia, Mauritius, Mongolia, Myanmar, Nepal, Nigeria, Oman, Pakistan, Qatar, Republic of Korea,

27. The Agreement for the Implementation of the Provisions of the UNCLOS Relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, was adopted on 4 August 1995 and has been signed by 59 States and as at 10 January 2015 was ratified by 81 States, of which 14 are AALCO Member States. The Agreement came into force from 11 December 2001 after receiving the requisite 30 ratifications or accessions<sup>4</sup>

### **III. THIRTY-FIFTH AND THIRTY-SIXTH SESSIONS OF THE COMMISSION ON THE LIMITS OF THE CONTINENTAL SHELF**

28. Apart from the work carried out in plenary meetings, the Commission also proceeded with a technical examination of submissions made by coastal States in accordance with Article 76 of the UNCLOS. Brief summaries of the proceedings in those sessions have been reflected below.

#### **A. The Thirty-Fifth Session of the CLCS**

29. Pursuant to the decision adopted at its thirty -second session (see CLCS/80, para. 89), as endorsed by the General Assembly in paragraph 79 of its resolution 68/70, the Commission on the Limits of the Continental Shelf held its thirty -fifth session at United Nations Headquarters from 21 July to 5 September 2014. The plenary parts of the session were held from 4 to 8 August and from 2 to 5 September. The other parts of the session were used for the technical examination of submissions at the geographic information systems (GIS) laboratories of the Division for Ocean Affairs and the Law of the Sea, Office of Legal Affairs of the Secretariat.

30. The Commission took note of the decision regarding the conditions of service of the members of the Commission on the Limits of the Continental Shelf, adopted by the twenty-fourth Meeting of States Parties to the United Nations Convention on the Law of the Sea (see SPLOS/276)<sup>5</sup>

31. The Commission recognized the efforts made by States parties, the General Assembly of the United Nations and the Secretariat, as they related to the consideration of the conditions of service of members of the Commission. The Commission observed, however, that according to decision of the twenty -fourth Meeting of States Parties (see SPLOS/276)<sup>6</sup>, current proposals focused specifically on options for providing medical coverage for members of the Commission from developing States.

---

Saudi Arabia, Senegal, Sierra Leone, Singapore, South Africa, Sri Lanka, Uganda, the United Republic of Tanzania and Thailand. Ibid.

4 The AALCO Member States Parties to the Straddling Stocks Agreement are: Bangladesh, Cyprus, India, Indonesia, Islamic Republic of Iran, Japan, Kenya, Mauritius, Nigeria, Oman, Republic of Korea, Senegal, South Africa and Sri Lanka. AALCO Member States signatories to this Agreement include: Bangladesh, Egypt, Indonesia, Pakistan, and Uganda. Ibid.

<sup>5</sup> <http://undocs.org/SPLOS/276>

<sup>6</sup> Ibid.

32. The Commission reiterated its view, unanimously supported by members of the Commission from both developing and developed States, that no such distinction should be made and that all members should be treated the same way. Furthermore, the concerns of the Commission in that regard went well beyond adequate medical coverage.

33. In the light of the current conditions of service of its members, the Commission decided to keep under review its working arrangements, as well as the measures taken by the Meeting of States Parties to address the whole range of issues related to the workload of the Commission.

34. The statement by the Chair provides information on the work carried out by the Commission on the Limits of the Continental Shelf and its subcommissions during its thirty-fifth session. In particular, it contains an overview of the progress made in the examination of the submissions made by the following: Uruguay; Cook Islands, in respect of the Manihiki Plateau; Argentina; Ghana; Iceland, in respect of the Egir Basin area and the western and southern parts of Reykjanes Ridge; Pakistan; Norway, in respect of Bouvetøya and Dronning Maud Land; South Africa, in respect of the mainland of the territory of the Republic of South Africa; Federated States of Micronesia, Papua New Guinea and Solomon Islands, concerning the Ontong Java Plateau; France and South Africa, in the area of the Crozet Archipelago and the Prince Edward Islands; and Mauritius, in the region of Rodrigues Island. The statement also contains information about a presentation made by Kenya to the Commission. In addition, the statement addresses the following issues: conditions of service and attendance of the members of the Commission; and future sessions of the Commission.

## **B. The Thirty-Sixth Session of the CLCS**

35. Pursuant to the decision adopted at its thirty-second session (see CLCS/80, para. 89), as endorsed by the General Assembly in paragraph 79 of its resolution 68/70, and as revised at its thirty-fifth session (see CLCS/85, para. 84), the Commission on the Limits of the Continental Shelf held its thirty-sixth session at United Nations Headquarters from 20 October to 28 November 2014. The session was entirely devoted to the technical examination of submissions at the geographic information system (GIS) laboratories of the Division for Ocean Affairs and the Law of the Sea, Office of Legal Affairs of the Secretariat.

36. Following submissions made by coastal States pursuant to article 76, paragraph 8, of the United Nations Convention on the Law of the Sea. The commission considered each submission on its merits and decided as follows:

a. Consideration of the submission made by Uruguay<sup>7</sup>: The subcommission decided that its members would continue to work on the submission during the intersessional period, and that it would resume its consideration of the submission during the thirty-seventh session.

---

<sup>7</sup> Submission made on 7 April 2009; see [www.un.org/Depts/los/clcs\\_new/submissions\\_files/submission\\_ury\\_21\\_2009.htm](http://www.un.org/Depts/los/clcs_new/submissions_files/submission_ury_21_2009.htm).

b. Consideration of the submission made by the Cook Islands in respect of the Manihiki Plateau: The subcommission decided that its members would continue to work on the preparation of its draft recommendations and their presentation to the Commission during the intersessional period, and that it would resume work during the thirty - seventh session.

c. Consideration of the submission made by Argentina: The subcommission decided that its members would continue to work individually on the submission during the intersessional period , and that it would resume its consideration of the submission during the thirty -seventh session.

d. Consideration of the submission made by Pakistan: The subcommission decided that its members would continue to work individually on the submission during the intersessional period , and that it would resume the preparation of its presentation to the Commission on the draft recommendations during the thirty-seventh session.

e. Consideration of the submission made by Norway in respect of Bouvetøya and Dronning Maud Land: The subcommission decided that its members would continue to work individually on the submission during the intersessional period, and that it would resume its consideration of the submission during the thirty-seventh session.

f. Consideration of the submission made by South Africa in respect of the mainland of the territory of the Republic of South Africa: The subcommission decided that its members would continue to work individually on the submission during the intersessional period, and that it would resume its consideration of the submission during the thirty -seventh session.

g. Consideration of the joint submission made by the Federated States of Micronesia, Papua New Guinea and Solomon Islands in respect of the Ontong Java Plateau: The subcommission decided that its members would continue to work individually on the joint submission during the intersessional period, and that it would resume its consideration of the submission during the thirty -seventh session.

h. Consideration of the joint submission made by France and South Africa in respect of the area of the Crozet Archipelago and the Prince Edward Islands: The subcommission decided that its members would continue to work individually on the submission during the intersessional period , and that it would resume its consideration of the submission during the thirty -seventh session.

i. Consideration of the submission made by Mauritius, in the region of Rodrigues Island: the subcommission decided that its members would continue to work individually on the submission during the intersessional period, and that its consideration of the submission during the thirty - seventh session.

37. The thirty-seventh session of the CLCS has started on 2 February 2015, and will conclude on 20 March 2015. The two plenary parts of the session will be held from 9 to 13 February and from 9 to 13 March, while the remainder of the time will be devoted to the technical examination of submissions at the Geographic Information Systems

laboratories and other technical facilities of the Division for Ocean Affairs and the Law of the Sea, Office of Legal Affairs.

#### **IV. TWENTIETH SESSION OF THE INTERNATIONAL SEABED AUTHORITY<sup>8</sup> (15-26 JULY 2014, KINGSTON, JAMAICA)**

38. The challenge of managing the increasing work load of the Authority as it moves towards elaborating exploitation regulations and the need for standardized data on the living resources of the seabed Area were highlighted by Secretary General ISA, Nii Allotey Odunton (Ghana) as he presented his annual report to the Assembly. The report observes that the Authority has achieved significant milestones since 2000. It has “cemented its place” as the central authority to organize and control activities in the seabed Area beyond national jurisdiction.

39. Amendments to the Regulations on Prospecting and Exploration for Polymetallic Nodules in the Area: The highlight of the meeting was the adoption of a draft decision concerning overhead charges for administration and supervision of exploration contracts. It approved amendments to the Regulations on Prospecting and Exploration for Polymetallic Nodules in the Area, and appointed KPMG as independent auditor for 2013 and 2014. Regarding other financial and budgetary matters, the Assembly urged its members to pay their assessed contributions to the budget on time and in full, pay all outstanding contributions, and to make voluntary contributions to the Endowment Fund and Voluntary Trust Fund of the Authority.

40. Endowment Fund for Marine Scientific Research in the Area: The Endowment Fund for Marine Scientific Research in the Area was established by the Assembly in 2006 (ISBA/12/A/11). The Endowment Fund promotes and encourages the conduct of marine scientific research in the seabed Area for the benefit of mankind as a whole, in particular by supporting the participation of qualified scientists and technical personnel from developing countries in marine scientific research programmes.

41. As reported to the General Assembly of the United Nations, as of 1 December 2014, a total of 66 scientists and government officials from about 30 countries have benefitted from financial support from the ISA Endowment Fund. The recipients are from Argentina, Bangladesh, Bolivia, Brazil, Cameroon, China, Colombia, Cook Islands, Costa Rica, Egypt, Fiji, Guyana, India, Indonesia, Jamaica, Madagascar, Malaysia, Maldives, Malta, Mauritania, Mauritius, Namibia, Micronesia, Nigeria, Palau, Papua New Guinea, Peru, the Philippines, the Russian Federation, Sierra Leone, South Africa, Sri Lanka, Suriname, Thailand, Tonga, Trinidad and Tobago, Tunisia and Viet Nam.

42. The Secretary General ISA described the Endowment fund as a very useful mechanism of the Authority. He outlined one strategy being used to increase the capital of the Fund. Having processed an application for a plan of work, he explained, the secretariat would inform the applicant of the cost and requested to apply any remaining balance of application fees to the fund. As at 30 April 2014, the capital of the fund stood

---

<sup>8</sup> <http://www.isa.org.jm/sessions/20th-session-2014>

at \$3,417,038, and a total of \$428,932 had been disbursed from the interest accrued on the capital.

43. Status of contracts for exploration in the Area: As at 19 May 2014, 16 exploration contracts were in force, covering approximately 900,000 kilometres of the seafloor in the Atlantic, Indian and Pacific Oceans. Twelve contracts cover exploration for polymetallic nodules, two for polymetallic sulphides and two for cobalt-rich crusts.

44. The Secretary-General ISA noted that with seven new contracts having been approved at this session, taking the total number contracts to 26, the workload of the Commission would increase significantly. He estimated that the time needed just to review the annual reports of all the contractors would be at least 13 days, more time than was currently allocated to the Commission to complete its entire agenda for the year. He suggested that the Authority should begin to consider how the work will be managed in the future.

45. The Secretary-General ISA mentioned that the second in the series of taxonomic exchange workshops which will focus on macro fauna will be held in the Republic of Korea in the last quarter of 2014. The third workshop, on meio fauna will take place in the first part of 2015. The first workshop, which took place in Germany last year, was supported by the Authority and the International Network for Scientific Investigation of Deep Sea Ecosystems.

46. At the twentieth session, the Assembly of the Authority elected 17 new members of this Council for a four-year period from 1 January 2015. Member States of AALCO who were elected as new members are: Group B: Republic of Korea, and Group E: Cameroon, Ghana, Indonesia, Nigeria, and Singapore.

47. As reported by the Secretary General of the ISA to the General Assembly of the United Nations on 9th December 2014, the Authority has signed a total of 18 contracts for exploration for mineral resources in the Area. Twelve of these contracts are for exploration for poly metallic nodules, four for exploration for poly metallic sulphides and two are for exploration for cobalt-rich ferromanganese crusts.

48. On 19 January 2015, the Authority and Marawa Research and Exploration Ltd. (a State owned enterprise of the Republic of Kiribati) signed a 15-year contract for exploration for polymetallic nodules.

49. On 22nd January 2015, a 15-year contract for exploration for polymetallic nodules between the Authority and Ocean Mineral Singapore Pte Ltd was finalized. Under the contract, the Contractor will have exclusive rights for exploration for polymetallic nodules in an area of 58,280 square kilometres in the eastern part in the Clarion-Clipperton Zone in the Pacific Ocean. The exploration area allocated to the Contractor lies within the Authority's reserved areas in the Clarion-Clipperton Fracture Zone of the Pacific Ocean and is divided into three regions in three blocks.

50. It may be noted that a number of the original contracts signed by the Authority in 2001, for exploration for polymetallic nodules in the Area are due to expire in 2016. In its

decision at the 20th Session of the Authority, the Council requested the Legal and Technical Commission, as a matter of urgency, and as its first priority, to formulate draft procedures and criteria for applications for extensions of contracts for exploration. In this regard, it was pointed out that, inter alia, the Commission should have sufficient information supplied by contractors as set out in the Standard Clauses for exploration contracts, that there was no automatic extension of a contract. It was further pointed out that the extension of contracts did not imply that contractors must have completed their preparatory work to proceed to the exploitation phase. It is expected that the draft procedures and criteria for extension of contracts will be available to the Council at the Twenty first session of the Authority in 2015.

51. The Legal and Technical Commission is also engaged as a matter of priority, in the preparation of regulations governing exploitation and to make available to all members of the Authority and all stakeholders a draft framework exploitation code as soon as possible after its February 2015 meeting.

#### **V. REPORT OF THE UN SECRETARY GENERAL ON OCEANS AND THE LAW OF THE SEA AT THE SIXTY NINTH SESSION OF THE GENERAL ASSEMBLY<sup>9</sup>, 1 SEPTEMBER 2014**

52. The Secretary General mentioned that oceans and seas not only provide livelihoods for millions of people around the world. They are also used by many people to escape from conflict, human rights violations, economic deprivation and depletion of natural resources. One of the objectives of the Convention is the economic and social advancement of all peoples of the world. Improving the situation of people at sea has been an increasing focus of the international community. Through relevant instruments dealing with workers in the maritime sector and international migrants by sea, including stowaways, efforts have concentrated on developing rules and standards for the better treatment of people at sea.

53. The Secretary General emphasised that States are increasingly looking to the oceans and seas and their resources as a source of economic growth and social advancement. In that regard, growing attention is being paid to developing “blue growth” or a “blue economy”. Marine ecosystems underpin a wide range of ecosystem goods and services, ranging, for example, from food, non-living resources, to energy, transport, livelihoods, coastal protection and climate change regulation. Oceans and seas can, therefore, play a critical role in the achievement of the Millennium Development Goals and in the post -2015 development agenda.

54. The Secretary General stressed on the need for conservation and management of marine living resources. The international community has paid increasing attention to the significant contribution of marine living resources to global food security, including as a critical source of nutrition, revenue and livelihoods, in particular for women in developing countries. For example, fish provide approximately 3 billion people with

---

<sup>9</sup> [http://www.un.org/ga/search/view\\_doc.asp?symbol=A/68/71](http://www.un.org/ga/search/view_doc.asp?symbol=A/68/71)

almost 20 per cent of their average animal protein. It is the sole source of critical proteins and the single most traded food product in some developing countries.

55. Despite these developments, the Secretary General highlighted that the traditional pressures continue to threaten the contribution of marine living resources to global food security, such as overexploitation and other unsustainable practices, as well as stressors on the marine environment that affect the health, productivity and resilience of marine ecosystems. It is estimated that almost one third of global fish stocks are overexploited or fished at biologically unsustainable levels notwithstanding recent commitments to improve the sustainability of fish stock.

56. The Secretary General stressed on sustainable exploitation of non-living resources. Advances in technology are enabling an increasing number of States, in particular developing countries, to fully benefit from the exploitation of non-living resources, both within and beyond national jurisdiction. While there are still technical limitations to the exploitation of both renewable and non-renewable resources in the oceans, commercial viability and concerns over energy security are driving innovations in extraction and production.

57. With regard to activities in the Area, the International Seabed Authority is working towards the development of an exploitation code, further evidence of the advance towards the extraction and commercialization of seabed minerals. To date, 26 contracts for exploration in the Area have been granted by the Authority. It is noteworthy that applications for exploration have been made by States spanning all levels of economic development.

58. Marine Genetic Resources: In light of the high potential of marine genetic resources for biotechnological applications in a number of sectors from bioremediation to food processing and pharmaceuticals, the maintenance of genetic diversity is also essential. Marine biotechnology is increasing in importance as a research priority in both developed and developing countries. Biofuels and marine bioactives seem to be the main focus in many States. Molecular aquaculture is also a research priority in several States.

59. Despite the increasing interest in marine biotechnology, very few States have developed specific national marine biotechnology research and development programmes, strategies, plans or policies. Instead, many States have developed general biotechnology strategies or marine development plans that contain some elements relevant to marine biotechnology.

60. Similarly, few States have adopted laws or regulations related specifically to access to and benefit -sharing from the utilization of marine genetic resources of areas within national jurisdiction, such resources being encompassed, in most States, in broader laws and regulations on access and benefit-sharing. Regarding infrastructures and supporting capacities, many States seem to rely on regional initiatives and transregional cooperation activities.

## **VI. INTERNATIONAL TRIBUNAL FOR LAW OF THE SEA (ITLOS)**



61. On 11 June 2014, the Meeting of States Parties to UNCLOS, elected seven judges to the Tribunal for a term of nine years. Five judges of the Tribunal have been re-elected: Albert Hoffmann of South Africa; James Kateka of the United Republic of Tanzania; Jin-Hyun Paik of the Republic of Korea; Stanislaw Pawlak of Poland; and Shunji Yanai of Japan. The judges newly elected are Alonso Gómez-Robledo Verduzco of Mexico and Tomas Heidar of Iceland.

62. On 30 September 2014, Judge Shunji Yanai, completed his three-year term as President of the Tribunal. On 1 October 2014, Judge Valdimir Golitsyn, was elected President of the Tribunal for a three-year term, and the Tribunal elected Judge Bouguetaia Vice-President and Judge José Luis Jesus President of the Seabed Disputes Chamber.

**63. Dispute Concerning Delimitation of the Maritime Boundary between Ghana and Côte d'Ivoire in the Atlantic Ocean, in the International Tribunal for the Law of the Sea (ITLOS).** This is the twenty third dispute brought before the court and it concerns one of AALCO Member State. After due consultations with Judge Golitsyn, the President of the Tribunal, in Hamburg in December 2014, the representatives of the two parties agreed to transfer the dispute – initially submitted to arbitration under Annex VII to the UNCLOS – to a special chamber of the Tribunal, consisting of three Members of the Tribunal and two Judges ad hoc.

64. By Order of 12 January 2015, the International Tribunal for the Law of the Sea has formed a Special Chamber to deal with a dispute concerning delimitation of the maritime boundary between the Republic of Ghana and the Republic of Côte d'Ivoire. This Special Chamber consists of Vice-President Bouguetaia (Algeria), Judges Wolfrum (Germany) and Paik (Republic of Korea) and Judges ad hoc Thomas Mensah (Ghana) and Ronny Abraham (France). Vice-President Bouguetaia will preside over the Chamber. The Parties are supposed to file their memorials in September later this year.

65. Currently, oral proceedings are listed for the case to decide the rules of procedure and other administrative issues.

## **VII. FIFTEENTH MEETING OF THE UNITED NATIONS OPEN-ENDED INFORMAL CONSULTATIVE PROCESS ON OCEANS AND LAW OF THE SEA<sup>10</sup> (17-20 JUNE 2014, UN HEADQUARTERS, NEW YORK)**

66. Area of focus for the fifteenth meeting was on the 'role of seafood in global food security'. In accordance with the annotated agenda, discussions in the Panel segments were structured around: (a) understanding global food security and the current role of seafood therein; (b) the role of seafood in global food security in the context of the three pillars of sustainable development; and (c) opportunities and challenges for the future role of seafood in global food security. Meeting consisted of presentations from panellists, followed by interactive discussions.

---

<sup>10</sup> <http://daccess-ods.un.org/TMP/8623564.8393631.html>

67. The meeting highlighted the importance of seafood as a means to improve food security and nutrition, particularly in developing countries where it was often the sole source of critical proteins. They noted that fish provided approximately 3 billion people with almost 20 per cent of their average animal protein and that fish was an important source of minerals, vitamins and micronutrients and an excellent source of long chain omega-3 fatty acids, which were required for numerous normal body functions. Regular consumption of fish could reduce the risk of various diseases and disorders and benefit brain health and development and inflammatory conditions. The important contribution of seafood to food security as a key input in the production of food, such as fishmeal, was also noted. The need for education on the benefits of seafood as a healthy diet choice was underlined.

68. The meeting also stressed on the detrimental impacts on the marine environment from man made pollutants that commonly entered the marine environment from land based sources, including nano-plastics, persistent organic contaminants, antibiotics, pesticides, herbicides, chemical fertilizers, detergents, oil, sewage, plastics, heavy metals such as mercury and other solids. Several delegations also highlighted threats due to pharmaceuticals in the marine environment that had not been fully processed by the human body. These pollutants were collecting at ocean depths and consumed by small marine organisms, which then entered the global food chain. One delegation highlighted the threat of underwater noise pollution to at least 55 marine species, including 20 commercially valuable species of fish, and encouraged further studies on these links. It was noted that noise from air guns reduced fish catch rates for certain species including cod, haddock and herring, by 40 to 80 per cent.

69. Many delegations from Asian African region expressed concern over limited access to seafood in developing countries. Particular concerns were raised over exports that reduced the local supply of seafood and foreign fishing in the context of access agreements, which constrained the access of developing States to their own fish resources. They underlined the need to enhance developing countries' capacity to profit in a sustainable manner from their own resources by building capacity for exploitation of resources, improving marine science and enhancing monitoring, surveillance and control.

70. In terms of sustainable management measures, delegations in the meeting emphasized the need for management objectives to obtain the maximum benefit from harvesting without reducing the value of the marine environment. Some delegations indicated that these objectives could be met through ecosystem in formation, stock assessments and improved fishing methods. In this context, it was noted that there was a need to take full advantage of existing international processes and legal frameworks to reduce overfishing, while implementing precautionary and ecosystem-based approaches.

71. Several delegations reported on current efforts to ensure sustainable fisheries management based on good governance, the best available science, the precautionary principle, broad stakeholder involvement and a long-term perspective. The new European Union Common Fisheries Policy, for example, aimed to maintain harvest stock populations at sustainable yield as soon as possible but not later than 2020, while also

reducing by-catch, eliminating discards on a case-by-case basis and improving selectivity through adaptations to fishing gear.

72. Many delegations highlighted the need for capacity-building and transfer of marine technology in order to improve food security in developing countries. Delegations recognized in this context the lack of infrastructure and capacity for the science-based management of resources. It was noted, for example, that lack of infrastructure had led to post-harvest losses equivalent to 30 per cent of catch in some areas. Several delegations underscored that actions needed to restore fish stocks to sustainable levels depended on the capacity of developing countries to conduct marine science and implement technology-based controls. Capacity-building in marine science was particularly important in undertaking scientific studies to establish the maximum sustainable yield of fish stocks. There was also a need for capacity-building in the enforcement of conservation and management measures, including assistance in the monitoring, control and surveillance of fishing activities.

#### **VIII. THE NINTH MEETING OF THE AD HOC OPEN ENDED INFORMAL WORKING GROUP TO STUDY ISSUES RELATING TO THE CONSERVATION AND SUSTAINABLE USE OF MARINE BIOLOGICAL DIVERSITY BEYOND AREAS OF NATIONAL JURISDICTION<sup>11</sup>, UN HEADQUARTERS, NEW YORK, 20-23 JANUARY 2015**

73. The ninth meeting of the Ad Hoc Open-ended Informal Working Group to study issues relating to the conservation and sustainable use of marine biological diversity beyond areas of national jurisdiction (hereafter, the Working Group) was held at UN Headquarters, New York, 20 to 23 January 2015. The meeting was the last of three meetings (April 2014, June 2014 and January 2015) convened by the UN General Assembly through its resolution 68/70 to discuss the scope, parameters and feasibility of a possible new international instrument on marine biodiversity in areas beyond national jurisdiction (BBNJ) under the UN Convention on the Law of the Sea (UNCLOS). The meeting produced recommendations for a decision to be taken by the UN General Assembly on the development of a new international instrument on BBNJ under UNCLOS, as mandated by the 2012 UN Conference on Sustainable Development (Rio+20).

74. Marine biological diversity beyond areas of national jurisdiction: The United Nations Convention on the Law of the Sea (UNCLOS) provides the legal framework within which almost all activities in the oceans and seas must be carried out, including that for the conservation and sustainable use of marine biodiversity beyond areas of national jurisdiction. It is complemented by two implementing agreements, namely the Agreement relating to Part XI of UNCLOS, which addresses matters related to the Area, and the Agreement for the Implementation of the Provisions of UNCLOS relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks.

---

<sup>11</sup> <http://www.un.org/depts/los/biodiversityworkinggroup/biodiversityworkinggroup.htm>

75. In addition to UNCLOS and its implementing agreements, a number of international instruments at the global and regional levels are relevant to the conservation and sustainable use of marine biodiversity beyond areas of national jurisdiction. At the global level, in addition to the regulations adopted by the International Seabed Authority for the protection and preservation of the marine environment in the Area, these include instruments related to: biodiversity, such as the Convention on Biological Diversity (CBD); fisheries, such as instruments adopted by the Food and Agriculture Organization of the United Nations (FAO); point and non-point sources of pollution, such as measures adopted in the context of the International Maritime Organization; trade and intellectual property, such as measures considered in the context of the World Trade Organization and the World Intellectual Property Organization.

76. At the regional level, relevant measures include those adopted by regional fisheries management organizations and arrangements (RFMO/As) and by regional seas organizations having competence beyond areas of national jurisdiction.

77. Non-binding instruments also provide policy guidance of relevance to marine biodiversity, including beyond areas of national jurisdiction. These include the Rio Declaration and Chapter 17 of Agenda 21 adopted at the 1992 United Nations Conference on Environment and Development, the Johannesburg Plan of Implementation (in particular its paragraphs 30-36) adopted in 2002 at the World Summit on Sustainable Development, the outcome document of the 2012 United Nations Conference on Sustainable Development, i.e. The Future We Want (in particular its paragraphs 158-177), and the resolutions of the General Assembly on oceans and the law of the sea and on sustainable fisheries.

78. In the last decade, questions have been raised whether the current framework sufficiently addresses the conservation and sustainable use of marine biodiversity beyond areas of national jurisdiction. In 2004,<sup>12</sup> the General Assembly established the Ad Hoc Open-ended Informal Working Group to study issues relating to the conservation and sustainable use of marine biological diversity beyond areas of national jurisdiction (the Working Group).

79. In particular, the Working Group was requested (General Assembly resolution 59/24, paragraph 73) to:

(a) survey the past and present activities of the United Nations and other relevant international organizations with regard to the conservation and sustainable use of marine biological diversity beyond areas of national jurisdiction;

(b) examine the scientific, technical, economic, legal, environmental, socio-economic and other aspects of these issues;

(c) identify key issues and questions where more detailed background studies would facilitate consideration by States of these issues; and

---

<sup>12</sup> <http://www.un.org/depts/los/biodiversityworkinggroup/biodiversityworkinggroup.htm>

(d) Indicate, where appropriate, possible options and approaches to promote international cooperation and coordination for the conservation and sustainable use of marine biological diversity beyond areas of national jurisdiction.

**80. Issues Relating Marine biological diversity beyond areas of national jurisdiction as identified by the Working Group**

- a. Developing national, regional and international programmes for halting the loss of marine biodiversity, in particular fragile ecosystems.
- b. The conservation and management of marine biodiversity and ecosystems and national policies in relation to marine protected areas.
- c. Adverse impacts on marine biodiversity and ecosystems, including seamounts, hydrothermal vents and cold water corals.
- d. Developing and facilitating the use of diverse approaches and tools, including the ecosystem approach, the elimination of destructive fishing practices, the establishment of marine protected areas.
- e. The management of risks to marine biodiversity of seamounts, cold water corals and hydrothermal vents and certain other underwater features within the framework of UNCLOS.
- f. Improving understanding and knowledge of the oceans and the deep sea, including, in particular, the extent and vulnerability of deep sea biodiversity and ecosystems, by increasing their marine scientific research activities in accordance with UNCLOS.
- g. Investigating how to better address, on a scientific basis, including the application of precaution, the threats and risks to vulnerable and threatened marine ecosystems and biodiversity in areas beyond national jurisdiction.
- h. Developing contingency plans for responding to pollution incidents, as well as other incidents that are likely to have significant adverse effects on the marine environment and biodiversity.
- i. Enhancing scientific activity to better understand the effects of climate change on the marine environment and marine biodiversity and develop ways and means of adaptation, taking into account, as appropriate, the precautionary approach and ecosystem approaches.
- j. Building capacity in the field of marine scientific research taking into account the need to create greater taxonomic capabilities.
- k. Enhancing cooperation, coordination and collaboration relating to the conservation and sustainable use of marine biodiversity beyond areas of national jurisdiction.

l. Addressing impacts on marine ecosystems within and beyond areas of national jurisdiction, in conformity with international law, including UNCLOS and other applicable instruments, taking into account the integrity of the ecosystems concerned.

81. **Recommendations of the Ad Hoc Open-ended Informal Working Group** In the final meeting, the Working Group decided to develop an international legally-binding instrument under the Convention on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction and to that end decide the following:

(i) prior to holding an intergovernmental conference, decide to establish a preparatory committee, open to all Member States of the United Nations, members of specialized agencies, and Parties to the Convention, with others invited as observers in accordance with past practice of the United Nations, to make substantive recommendations to the General Assembly on the elements of a draft text of an international legally-binding instrument under the Convention, taking into account the various reports of the Co-Chairs on the work of the Ad Hoc Open-ended 2/9 Informal Working Group established pursuant to paragraph 73 of General Assembly resolution 59/24. The preparatory committee will start its work in 2016 and by the end of 2017 will report to the General Assembly on its progress;

(ii) before the end of the seventy-second session of the General Assembly, and taking into account the aforementioned report of the preparatory committee, will decide on the convening and on the starting date of an intergovernmental conference, under the auspices of the United Nations, to consider the recommendations of the preparatory committee on the elements and to elaborate the text of an international legally-binding instrument under the Convention;

(iii) Decide that negotiations shall address the topics identified in the package agreed in 2011, namely the conservation and sustainable use of marine biodiversity of areas beyond national jurisdiction, in particular, together and as a whole, marine genetic resources, including questions on the sharing of benefits, measures such as area-based management tools, including marine protected areas, environmental impact assessments and capacity-building and the transfer of marine technology;

(iv) Recognize that the process indicated above should not undermine existing relevant legal instruments and frameworks and relevant global, regional and sectoral bodies;

(v) Recognize also that neither the participation in the negotiations nor their outcome may affect the legal status of non-parties to the Convention or any other related agreements with regard to those instruments, or the legal status of parties to the Convention or any other related agreements with regard to those instruments.

## **IX. MARINE SCIENTIFIC RESEARCH**

82. The Convention does not define the term marine scientific research. All States, irrespective of their geographical location, and competent international organizations have a right to conduct marine scientific research, subject to the rights and duties of other States<sup>13</sup>. The Convention also does not define the term “competent international organizations”. However it may generally be construed as to include intergovernmental organizations which are empowered by their constituting instruments or other rules to undertake, coordinate or promote and facilitate the development and conduct of marine scientific research. An indicative list of such organizations is contained in Annex VIII, article 2 of the Convention. The conduct of marine scientific research does not constitute a legal basis for any claim to any part of the marine environment or its resources<sup>14</sup>.

83. The Convention contains general principles for the conduct of marine scientific research. In the territorial waters, coastal States in the exercise of their sovereignty have the exclusive right to regulate, authorize and conduct marine scientific research. This will require express consent of the coastal State and under conditions that may be set forth by it.

84. In straits used for international navigation and in archipelagic waters, foreign ships, including marine scientific vessels and hydrographic survey ships shall not conduct marine scientific research or survey activities during their transit without prior authorization of States bordering straits.

85. In the exclusive economic zone and continental shelf, coastal States enjoy sovereign rights over the resources. Coastal States have the right to regulate, authorize and conduct marine scientific research and conduct of marine scientific research requires consent of the coastal State. Under normal circumstances, coastal State shall grant their consent for marine scientific research. Coastal States may withhold their consent if the marine scientific research:

- (i) of direct significance for the exploration and exploitation of natural resources, whether living or non-living;
- (ii) involves drilling into the continental shelf, the use of explosives, or the introduction of harmful substances into the marine environment;
- (iii) involves construction, operation or use of artificial islands, installations and structures;
- (iv) information provided to the coastal State is inaccurate in the nature and objectives, or if the researching State or competent international organization has outstanding obligations to the coastal State from a prior research project.

86. In areas beyond the limits of national jurisdiction, the high seas regime prevails. The freedom of the high seas includes the freedom of marine scientific research. It is well known that marine minerals provide raw materials for the manufacturing and

---

<sup>13</sup> Article 238 of the Convention

<sup>14</sup> Article 241 of the Convention.

construction sectors, energy for industrial and domestic use, fertilizers for the agriculture sector. Recent scientific studies and discoveries indicate that the potential contribution of mineral resources from the sea to the global economy will increase.

87. Marine organisms are associated with marine mineral deposits. In activities relating to marine minerals, such as prospecting, exploration and exploitation, and the corresponding obligation for the protection and preservation of the marine environment, the protection of marine organisms and the conservation of biological diversity is equally important.

88. With respect to marine organisms and the related issue of biological diversity, the provisions of the Convention on Biological Diversity will also need to be taken into account. The objectives of the Convention on Biological Diversity (CBD) are the conservation of biological diversity, the sustainable use of its components and the fair and equitable sharing of the benefits arising out of the utilization of genetic resources. The Convention on Biodiversity Convention makes two important distinctions with respect to its jurisdictional application, namely, between “components of biological diversity” and “activities and processes” and secondly between areas within and those beyond the limits of national jurisdiction. In areas within national jurisdiction, the provisions of the Convention on Biological Diversity apply to components of biological diversity and to activities and processes that may have adverse impacts on biological diversity.

89. In areas beyond the limits of national jurisdiction, the provisions of the CBD apply only to activities and processes carried out under a Party’s jurisdiction or control which may have adverse impact on biological diversity. There is no direct obligation in the Convention on Biodiversity with regard to the conservation and sustainable use of specific components of biological diversity in areas beyond the limits of national jurisdiction. Consequently, the Convention on Biodiversity only underscores the need for cooperation amongst Parties for the conservation and sustainable use of biological diversity.

90. However, under article 145 (b) of the Convention, the International Seabed Authority is required to adopt appropriate rules, regulations and procedures for the protection and conservation of natural resources of the Area and the prevention of damage to the flora and fauna of the marine environment. Pursuant to its functions, the Authority has so far adopted Regulations for Prospecting and Exploration of three resources, namely, polymetallic nodules, polymetallic sulphides, and cobalt rich ferromanganese crusts. In all these Regulations, it is expressly provided that these Regulations shall not in any way affect the freedom of scientific research, pursuant to article 87 of the Convention, or the right to conduct marine scientific research in the Area pursuant to articles 143 and 256 of the Convention. Nothing in these Regulations shall be construed in such a way as to restrict the exercise by States of the freedom of the high seas as reflected in article 87 of the Convention.

91. It is also important to note that these Regulations contain definitions of the terms “prospecting”, “exploration”, “exploitation”, “marine environment” and “serious harm to



marine environment”, terms not defined in the Convention. These definitions are as below and have an important bearing in the context of marine scientific research.

92. “Prospecting” means the search for deposits of ( polymetallic nodules/ ploymetallic sulphides/ cobalt crusts) in the Area, including estimation of the composition, sizes and distributions of deposits of (polymetallic nodules/ ploymetallic sulphides/ cobalt crust) and their economic values, without any exclusive rights;

93. “Exploration” means the searching for deposits of (polymetallic nodules/ ploymetallic sulphides/ cobalt crusts) in the Area with exclusive rights, the analysis of such deposits, the use and testing of recovery systems and equipment, processing facilities and transportation systems and the carrying out of studies of the environmental, technical, economic, commercial and other appropriate factors that must be taken into account in exploitation;

94. “Exploitation” means the recovery for commercial purposes of (polymetallic nodules/ ploymetallic sulphides/ cobalt crusts) in the Area and the extraction of minerals therefrom, including the construction and operation of mining, processing and transportation systems, for the production and marketing of metals;

95. “Marine environment” includes the physical, chemical, geological and biological components, conditions and factors which interact and determine the productivity, state, condition and quality of the marine ecosystem, the waters of the seas and oceans and the airspace above those waters, as well as the seabed and ocean floor and subsoil thereof;

96. “Serious harm to the marine environment” means any effect from activities in the Area on the marine environment which represents a significant adverse change in the marine environment determined according to the rules, regulations and procedures adopted by the Authority on the basis of internationally recognized standards and practices.

97. Activities concerning marine scientific research, prospecting, and exploration are often inter-related as these activities involve large scale investments. The legal framework as it stands under the Convention and related instruments as well as the treatment of the subject in other international bodies and divergence of views on the nature of activities, rights and obligations as well as impact on the marine environment and biological diversity, has indeed made it a complex subject. Given the importance of the subject to Member States of AALCO and their continuing role in the development of law and policies on matters of contemporary issues, it is proposed that the focus of the next Workshop on the Law of the Sea to be convened later this year might be “Marine Biodiversity, Marine Scientific Research and Deep Sea Resources”.

## **X. EXPLORATION OF DEEP SEA RESOURCES**

98. The exploration of deep sea resources can be divided into three parts. Firstly, exploration of marine biodiversity beyond national jurisdiction; Secondly, fisheries and eatable resources in the high seas; and Thirdly mineral and non-living resources in the deep sea bed area. In this part of the report the focus is predominantly on the mineral

resources in the deep sea bed area and the regulatory work of the international seabed authority in the exploitation and sustainable use of these resources.

99. The lack of new discoveries and decreasing average grades of on-land resources have pushed exploration of the seabed for valuable minerals to the forefront of the global minerals sector.<sup>15</sup> With the seabed exploration industry rapidly gaining momentum, it is anticipated that many more seabed resources will be discovered, developed and reported in the near future.<sup>16</sup>

100. In recent years interest in marine solid-mineral resources has been renewed and has rapidly gained momentum as internationally accepted regulations for seabed exploration and exploitation<sup>17</sup> have been established and global demand for commodities increases concurrent with dwindling discoveries of new onshore deposits and decreasing grades of land-based resources.<sup>18</sup>

101. There are numerous potential benefits offered by seabed mining. Seabed resources tend to be rich in widely utilised elements that are under increasing demand and that have no substitute in their technological and industrial applications (such as Ni and Mn).<sup>19</sup> Seabed mining offers an alternative and often high grade, polymetallic source of such commodities without the need for permanent infrastructure at a mine site as the equipment could be remobilised and reused to exploit other deposits in different locations.<sup>20</sup> The numerous offshore solid mineral resources currently under development typically have little or no overburden and will not dislocate communities for mining operations to be carried out.<sup>21</sup>

102. Global mineral resources are not evenly distributed. Seabed resources offer the chance for nations with limited land-based deposits to develop their own metal supplies. Maritime nations have opportunities to develop resources within their Exclusive Economic Zones (EEZs) and extended continental shelves, and both maritime and land-locked nations can apply for exploration licences for seabed resources within

---

<sup>15</sup> ISA (2013) Regulations on Prospecting and Exploration for Polymetallic Nodules in the Area. International Seabed Authority. 22 July 2013. 47 pp.

<sup>16</sup> Bertram, C., Krättschell, A., O'Brien, K., Brückmann, W., Proelss, A., & Rehdanz, K., (2011) Metalliferous Sediments in the Atlantis II Deep -- Assessing the Geological and Economic Resource Potential and Legal Constraints. Kiel Institute for the World Economy, (Kiel Working Paper No. 1688): pp. 29.

<sup>17</sup> ISA (2010) Regulations on prospecting and exploration for polymetallic sulphides in the Area. International Seabed Authority. 15 November 2010. 49 pp.

<sup>18</sup> Hoagland, P., Beaulieu, S., Tivey, M.A., Eggert, R.G., German, C., Glowka, L., & Lin, J., (2010) Deep-Sea Mining of Seafloor Massive Sulfides. Marine Policy, 34: pp. 5.

<sup>19</sup> ISA (2012) Regulations on Prospecting and Exploration for Cobalt-rich Ferromanganese Crusts in the Area. International Seabed Authority. 22 October 2012. 49 pp.

<sup>20</sup> Heydon, R. (2011) Deepsea Mining, for the Benefit of Mankind. Presented to: UMI 2011 - Marine Minerals: Recent Innovations in Technology. Hilo, Hawaii USA.

<sup>21</sup> Clark, A.L., Clarke, J.C., & Pintz, S. (2013) Towards the Development of a Regulatory Framework for Polymetallic Nodule Exploitation in the Area. ISA Technical Study. Vol. 11. 90 pp.

international waters<sup>22</sup>. These fall under the jurisdiction of the International Seabed Authority (ISA) whose duty it is to enforce stringent environmental and safety regulations, as well as to ensure developing nations benefit from mining developments in international waters. Consequently, seabed resources have the potential to provide some balance in terms of global supply and financial benefit from exploitation of numerous commodities<sup>23</sup>.

103. International Seabed Authority: Approximately 64% of the world's oceans (by surface area, 95% by volume) is classified as international waters. Consequently the majority of global seabed and its mineral resources fall under the jurisdiction of the ISA.<sup>24</sup> Seabed beyond the limits of national jurisdiction constitutes international waters and is referred to collectively as the "Area". UNCLOS Part XI defines the Area and its resources as "the common heritage of mankind" and the ISA (referred to in UNCLOS as "the Authority") has the responsibility to oversee and regulate activities in the Area, particularly with regard to administration of its resources.<sup>25</sup>

104. The ISA has established deposit-specific regulations for prospecting and exploration as part of a Mining Code, including specific regulations for polymetallic nodules (adopted in 2000 and amended in 2013), for polymetallic sulphides (i.e. SMS) (adopted in 2010) and for cobalt-rich ferromanganese crusts (adopted in 2012).<sup>26</sup>

105. Prospecting within the Area can be undertaken in accordance with UNCLOS and the regulations, following notification to the ISA of a prospector's intentions. It is not necessarily clear from this Mining Code what the rules are if there are no regulations for a specific deposit.<sup>27</sup> While reasonable quantities of minerals can be recovered for testing purposes, prospectors do not have exclusive rights to the areas in which they are conducting their activities, nor do they have any rights to exploit minerals for commercial

---

<sup>22</sup> Roche, C. & Feenan, J. (2013) Drivers for the Development of Deep Sea Minerals in the Pacific. In: Deep Sea Minerals: Deep Sea Minerals and the Green Economy, E. Baker and Y. Beaudoin, Editors. 2013. Secretariat of the Pacific Community. Fiji. pp. 22-40.

<sup>23</sup> Fouquet, Y. & Depauw, G. (2014) Polymetallic Resource Classification. French Effort 1970-2014. Presented to: ISA Workshop on Polymetallic Nodules Resource Classification. Goa, India. 13-17 October 2014.

<sup>24</sup> Web Page: ISA. International Seabed Authority Website. <http://www.isa.org.jm> [Accessed: 14 January 2015]

<sup>25</sup> ISA Council (2014) Report and recommendations of the Legal and Technical Commission to the Council of the International Seabed Authority relating to an application for the approval of a plan of work for exploration for polymetallic nodules by the Cook Islands Investment Corporation. International Seabed Authority Council. Prepared for: International Seabed Authority, 9 July 2014. 10 pp.

<sup>26</sup> ISA Council (2014) Draft decision of the Council relating to an application for the approval of a plan of work for exploration for polymetallic nodules submitted by the Cook Islands Investment Corporation. International Seabed Authority Council. Prepared for: International Seabed Authority, 21 July 2014. 2 pp.

<sup>27</sup> ISA (2014) Workshop On Polymetallic Nodules Resource Classification Background Document. In: Workshop On Polymetallic Nodules Resource Classification. 13-17 October 2014. Goa, India.

use without first applying for an exploration licence and signing a contract with the ISA.<sup>28</sup>

## **XI. COMMENTS AND OBSERVATIONS OF THE AALCO SECRETARIAT**

### **A. Marine Biological Diversity Beyond Areas of National Jurisdiction**

106. The currently existing regulatory, institutional and general governance gaps show that threats to marine biodiversity in ABNJ are not sufficiently addressed by existing frameworks, and thus cannot be dealt with solely through their enhanced implementation. While in some regions these gaps could at least be partly filled through regional instruments and institutions, it is important to recognize that not all ocean regions have adopted legally binding instruments, or have the same institutional capacity.

107. As a consequence, there is a need for a more comprehensive and stringent set of rules at the global level. An international instrument could first of all clarify and strengthen the common global mandate for conservation and sustainable use of biodiversity in ABNJ. Furthermore, it could establish a comprehensive legal, institutional and governance framework that builds on the existing regional and sectoral institutions but addresses and closes all existing gaps. Once into force, such an instrument could provide for a set of shared and more specific binding obligations that would greatly improve conservation efforts, and provide clear procedures and mechanisms for cooperation and coordination.

108. Keeping in mind the Recommendations of the Ad Hoc Open-ended Informal Working Group to the sixty-ninth session of the General Assembly, Member States may mandate a research study on the topic from the perspective of Asian African States on the subject. For this purpose special seminars or workshops may be held to discuss the further relevant issues concerned recommendations made relating to the conservation and sustainable use of marine biological diversity beyond areas of national jurisdiction.

### **B. Marine Scientific Research**

109. Without marine scientific research, it would be impossible to explore, exploit, manage or conserve marine resources or navigate safely or to protect our coasts. As the term 'marine scientific research' *prima facie* encompasses a plethora of scientific disciplines, such as biology, biotechnology, geology, chemistry, physics, geophysics, hydrography, physical oceanography, ocean drilling and coring, and the research of marine flora and fauna. There is a need to evolve a comprehensive definition of marine scientific research.

110. Legal work requires a viable definition in order to determine what is actually covered by the UNCLOS regime on marine scientific research and to specify the exact scope of rights and obligations of the actors involved. Due to this, AALCO Member

---

<sup>28</sup> KIOST (2014) Status of Korea Activities in Resource Assessment & Mining Technologies. Presented to: ISA Workshop on Polymetallic Nodules Resource Classification. Goa, India. 13-17 October 2014.

States could use AALCO as a platform for formulating a definition of Marine Scientific Research so as to specify the exact scope of rights and obligations of the actors involved.

111. Marine scientific research is being used in order to constantly monitor the size of and recruitment to particular stocks of fish in order to prevent overfishing; to study waves, currents, the seabed and weather, effectively making navigation safer; and to preserve the marine environment by identifying substances harmful to the sea and its living organisms and by finding ways through which pollution could be eliminated. Because of the importance and significance of this discipline for the development of humankind, stake holders may agree to devote their time and energies for the legally streamlined growth of this discipline.

112. As to the question whether hydrographic surveys and bioprospecting may be subsumed under Part XIII of UNCLOS, this continuing legal uncertainty could have detrimental effects on marine scientific research. On the contrary, legal certainty would have two major advantages: First, if coastal States enacted respective legislation on the conduct of marine scientific research in waters within their jurisdiction, they would be compelled to re-evaluate their policies and verify whether these are in conformity with the international law of the sea. Second, potential researching States would then have a solid legal basis on which they can foresee the exact conditions the coastal State requires them to comply with in order to grant its consent.

113. Article 238 UNCLOS provides that all States, irrespective of their geographical location, have the right to conduct marine scientific research. This wording implicitly refers to landlocked and geographically disadvantaged States, which enjoy this right as an indispensable corollary of the other freedoms of the high seas under Article 87 UNCLOS, and is complemented by Article 254 UNCLOS on the rights of neighbouring land-locked and geographically disadvantaged States. According to this provision, such States shall be given notice of proposed research projects and provided with relevant information on them.

114. Emphatically, the right to conduct marine scientific research in maritime zones beyond national jurisdiction, i.e. on the high seas and in the deep seabed, should not be unfettered. Due regards must be given to the historical or customary practice in each maritime zones. Resources in the high seas and in the deep seabed are common heritage of Humankind, there should sustainable use of technology and as well as access and benefit sharing.

115. AALCO Member States may enhance regional and multilateral cooperation in the field of Marine Scientific Research. It would benefit Member States who do not have the capacity or the expertise to conduct marine scientific research independently, especially the land locked states. The costal states with capacity and expertise are encouraged to enter into multilateral cooperation with other states to conduct marine scientific research. It is to be noted that International Organisations also have a right to conduct marine scientific research for the benefit of Member States under UNCLOS. Therefore, Member States may wish to consider further this aspect of the issue.

### C. Exploration of Deep Sea Resources

116. The deep seabed has enormous potential to offer large and high grade alternatives to land-based commodity sources. In addition, exploitation of the seabed has potentially numerous advantages over land-based mining such as the lack of overburden and mobility of mining equipment. Technological advances in recent years have made deep seabed mining a viable option and consequently numerous seabed deposits are being explored around the world. The majority of work is being conducted on polymetallic nodules, primarily within the EEZ, however a number of polymetallic sulphide and phosphorite nodule resources have also been explored. Exploration for ferromanganese crusts is also being undertaken.

117. The ISA has established deposit-specific regulations for prospecting and exploration as part of a Mining Code, including specific regulations for polymetallic nodules (adopted in 2000 and amended in 2013), for polymetallic sulphides (i.e. SMS) (adopted in 2010) and for cobalt-rich ferromanganese crusts (adopted in 2012).<sup>29</sup>Prospecting within the Area can be undertaken in accordance with UNCLOS and the regulations, following notification to the ISA of a prospector's intentions. It is not necessarily clear from this Mining Code what the rules are if there are no regulations for a specific deposit<sup>30</sup>. While reasonable quantities of minerals can be recovered for testing purposes, prospectors do not have exclusive rights to the areas in which they are conducting their activities, nor do they have any rights to exploit minerals for commercial use without first applying for an exploration licence and signing a contract with the ISA.<sup>31</sup>

118. While ISA has tried to regulate deep sea bed mining, there is a lot which needs to be done in terms of capacity building for developing countries and land locked states. Whereas the coastal states are still wary of the deep sea bed mining and sharing of resources in common heritage area, it is high time that states especially developing countries, must assert their right in terms of access and benefit sharing in common heritage area.

119. Conservation and sustainable management of resources in the deep sea is a highly neglected area in terms of participation of developing and least developed countries. There is a need to conserve fish stocks and marine genetic resources through strong regional mechanism of Access and Benefit sharing in the deep sea area. As the land based mineral resources are limited and fast depleting, there is a pressing need for countries to take cognizance of deep sea mineral resources and develop their capacities for its sustainable use.

---

<sup>29</sup> ISA Council (2014) Draft decision of the Council relating to an application for the approval of a plan of work for exploration for polymetallic nodules submitted by the Cook Islands Investment Corporation. International Seabed Authority Council. Prepared for: International Seabed Authority, 21 July 2014. 2 pp.

<sup>30</sup> ISA (2014) Workshop On Polymetallic Nodules Resource Classification Background Document. In: Workshop On Polymetallic Nodules Resource Classification. 13-17 October 2014. Goa, India.

<sup>31</sup> KIOST (2014) Status of Korea Activities in Resource Assessment & Mining Technologies. Presented to: ISA Workshop on Polymetallic Nodules Resource Classification. Goa, India. 13-17 October 2014.

**THE LAW OF THE SEA**  
*(Deliberated)*

*The Asian-African Legal Consultative Organization at its Fifty-Fourth Session,*

**Considering** the Secretariat Document No. AALCO/54/BEJING /2015/SD/S 2,

**Noting** with appreciation the introductory remarks of the Deputy Secretary-General,

**Recalling** the United Nations Convention on the Law of the Sea 1982 (UNCLOS), as well as the customary international law relating to the management of the oceans,

**Mindful** of the historical contribution made by the Asian-African Legal Consultative Organization in the elaboration of the UNCLOS,

**Conscious** that the AALCO has been regularly following the implementation of the UNCLOS and its implementing agreements as well as other issues regarding the law of the sea,

**Hopeful** that in view of the importance of the law of the sea issues, AALCO would maintain its consideration on the agenda item and continue to perform its historical role on the law of the sea matters,

**Taking note** of the deliberations at the United Nations Open-ended Informal Consultative Process established by the United Nations General Assembly to facilitate annual review of the developments in ocean affairs,

**Welcoming** the active role being played by the International Tribunal for the Law of the Sea (ITLOS) in the peaceful settlement of disputes with regard to ocean related matters,

1. **Reaffirms** that in accordance with the UNCLOS, the “Area” and its resources are the common heritage of mankind;
2. **Encourages** AALCO Member States not yet parties to the UNCLOS and its implementing instruments, to consider the possibility to ratify or accede thereto, in compliance with their domestic policies;
3. **Urges** the full and effective participation of its Member States which are Parties to UNCLOS in the work of the International Seabed Authority and other related bodies established by the UNCLOS, and further urges effective

contribution of its Member States to the United Nations Informal Consultative Process, so as to ensure and safeguard their legitimate interests;

4. ***Directs** the Secretariat to conduct a research study on the topic of, marine biological diversity beyond areas of national jurisdiction, from the perspective of Asian African States on the subject;*
5. ***Also directs** the Secretariat to hold Seminars or Workshops, depending on the availability of financial and personnel resources, to discuss the issues and recent developments relating to the conservation and sustainable use of marine biological diversity beyond areas of national jurisdiction, marine scientific research and exploration of deep sea resources;*
6. **Requests** the Secretariat of AALCO to assist the capacity building of Member States within the field of law of the sea through varied ways such as joint training programmes with States and inter-governmental organizations, and calls upon its Member States to offer all possible support and assistance; and
7. **Decides** to place this item on the provisional agenda of the Fifty-Fifth Annual Session.