



## Meeting of States Parties

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### Thirtieth Meeting

New York, 15–19 June 2020

Item 10 (a) of the provisional agenda\*

**Commission on the Limits of the Continental Shelf:  
information reported by the Chair of the Commission**

### **Letter dated 13 April 2020 from the Chair of the Commission on the Limits of the Continental Shelf addressed to the President of the thirtieth Meeting of States Parties**

#### **Introduction**

1. In my capacity as Chair of the Commission on the Limits of the Continental Shelf, I wish to inform you about the progress of work of the Commission since the twenty-ninth Meeting of States Parties to the United Nations Convention on the Law of the Sea, held in June 2019.

2. The Commission held its fiftieth, fifty-first and fifty-second sessions at Headquarters from 1 July to 16 August 2019, 14 October to 29 November 2019 and 27 January to 13 March 2020, respectively. Documents [CLCS/50/2](#), [CLCS/50/2/Corr.1](#), [CLCS/51/1](#) and [CLCS/52/2](#) contain a more detailed account of the progress in the work of the Commission during those sessions, in particular regarding the submissions under active consideration. The focus of the present letter is on, inter alia, issues of importance for the discharge by the Commission of its mandate under the United Nations Convention on the Law of the Sea.

#### **Election of officers of the Commission**

3. At its fiftieth session, the Commission proceeded with the election of its officers, in conformity with rule 13 of the rules of procedure of the Commission ([CLCS/40/Rev.1](#)), which provides that the term of office of the officers of the Commission is two and a half years ([CLCS/50/2](#), para. 70).

4. Following the decision by Yong Ahn Park to decline the nomination for his re-election in order to encourage the rotation of the office of Chair of the Commission, and in the absence of other nominations, I was elected by acclamation as Chair for a term of office starting on 16 December 2019 and expiring on 15 June 2022. In the absence of any other nominations, Martin Vang Heinesen and Simon Njuguna were re-elected and Marcin Mazurowski and Gonzalo Alejandro Yáñez Carrizo were elected by acclamation as Vice-Chairs of the Commission. The Commission expressed gratitude to Mr. Park for his leadership in his capacity as Chair since the

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\* [SPLOS/30/L.1/Rev.1](#).



forty-fourth session and for his contribution to work of the Commission since 1997 (ibid., paras. 71–74).

5. At the fifty-second session, the Committee on Confidentiality, a subsidiary body of the Commission, elected, without a vote, Aldino Campos as its Chair and Estevao Stefane Mahanjane as its Vice-Chair. The Scientific and Technical Advice Committee, another subsidiary body of the Commission, confirmed in office the officers who had been elected at the forty-fourth session, namely Mazlan Bin Madon as its Chair and Lawrence Folajimi Awosika as its Vice-Chair.

### **Consideration of submissions**

6. During the sessions referred to above, the following 13 submissions were considered by the Commission and its subcommissions: Russian Federation, in respect of the Arctic Ocean (partial revised submission); Brazil in respect of the Brazilian Equatorial Margin (partial revised submission); France and South Africa, jointly, in respect of the area of the Crozet Archipelago and the Prince Edward Islands; Kenya; Nigeria; France, in respect of Reunion and the Saint-Paul and Amsterdam islands; Palau, in respect of the North Area (partial amended submission); Côte d'Ivoire; Sri Lanka; Portugal; Tonga, in respect of the eastern part of the Kermadec Ridge (partial submission); Spain, in respect of the area of Galicia (partial submission); and India (partial submission).

7. With respect to draft recommendations before the plenary of the Commission, the Commission approved three sets of recommendations during the reporting period. At its fiftieth session, the Commission approved its recommendations with regard to the submission made by Tonga in respect of the eastern part of the Kermadec Ridge. At its fifty-second session, the Commission approved its recommendations with regard to the submission made by Côte d'Ivoire and with regard to the submission made by France in respect of Reunion and the Saint-Paul and Amsterdam islands.

8. Since the twenty-ninth Meeting, the Commission has also heard presentations on new partial submissions made by the following submitting States: France in respect of French Polynesia; Mauritius concerning the southern Chagos Archipelago region; and Indonesia in respect of the area of North of Papua (Eauripik Rise).

### **Workload of the Commission and working conditions of its members**

9. The Commission continues to make progress in the consideration of submissions, doing its utmost to deal with its considerable workload and ever mindful of the importance of the efficient discharge of its functions, despite ongoing unresolved issues concerning the conditions of service of its members, which remain of significant concern. The Commission reiterates its gratitude to the Meeting of States Parties for its continued efforts and commitment to address those issues and looks forward to further progress in that regard.

10. With regard to the workload, 71 States parties had made submissions, either individually or jointly, as at 31 March 2020. Overall, the Commission has received 92 submissions, including seven revised submissions. Since the twenty-ninth Meeting, the Commission has received a new partial submission made by Malaysia regarding its continental shelf in respect of the South China Sea.

11. To date, the Commission has issued 35 sets of recommendations, including for four revised submissions. There are currently 10 subcommissions actively considering submissions. An eleventh subcommission has suspended its work, following a request from the submitting State. As a result, 46 submissions are still awaiting consideration. Currently, the waiting time between the making of a submission and the establishment of a subcommission has increased to approximately

11 years and is expected to increase further. Improvements in science and technology, coupled with deeper knowledge of continental shelf areas, has increased the complexity of submissions, requiring more time and analysis by the Commission.

12. In this context, ongoing issues concerning attendance and the absence of some members during sessions of the Commission, as well as the conditions of service, continue to negatively affect the work the Commission. The ongoing vacancy of one seat in the Commission allocated to the Eastern European States has continued to hamper the discharge of the functions of the Commission for the past 16 sessions, over a period of more than five years. The Commission was informed that the vacancy could not be filled at the twenty-ninth Meeting of States Parties, as the group had not been in a position to put forward a nomination. Furthermore, no candidates were nominated in time for a by-election to be held at a resumed twenty-ninth Meeting, nor at the thirtieth Meeting of States Parties. The Commission hopes that this matter can be urgently resolved so that the equitable geographical representation on the Commission can be met and the mandate of the Commission can be effectively discharged.

13. In addition to the unfilled vacancy in the Commission, in some cases, owing to the absence of members, subcommissions did not have the quorum needed for the conduct of business. In this regard, I wish to bring to the attention of the Meeting of States Parties that one member of the Commission was unable to attend the fiftieth, fifty-first and fifty-second sessions owing to visa-related issues.

14. With regard to the conditions of service of the members of the Commission, the Commission noted the initiatives taken at the twenty-ninth Meeting of States Parties, in particular, requesting the Secretariat to conduct a comprehensive survey among Commission members and nominating States with respect to the conditions of service of the members of the Commission and the costs currently defrayed by nominating States; proposing an amendment to the terms of reference of the voluntary trust fund established pursuant to General Assembly resolution 55/7 for facilitating the participation of members of the Commission from developing States in the meetings of the Commission, to allow for the reimbursement of the costs of joining the Headquarters medical insurance scheme; and requesting the Secretariat to prepare a comprehensive study setting out possible options to address the working conditions of the Commission, including its funding, for discussion at the thirtieth Meeting of States Parties (SPLOS/29/9, para. 85).

15. The Commission also noted the decision of the General Assembly to authorize the Secretary-General to reimburse the full costs of the premium paid by members of the Commission from developing States for the Headquarters medical insurance scheme from the relevant voluntary trust fund, subject to the availability of funds following the allocation of the required funds to cover the costs of travel and daily subsistence allowance of the members of the Commission from developing States (resolution 74/19, para. 105). In this regard, the Commission understands that, if the trust fund is unable to cover the full costs of the Headquarters medical insurance scheme, the Secretary-General remains authorized to reimburse members for the costs of medical travel insurance and short-term medical insurance from that trust fund on a session-by-session basis, subject to both the availability of funds and a reasonable limit that the Secretary-General shall determine (*ibid.*, para. 106).

16. The results of the internal follow-up survey on the conditions of service of the members of the Commission, which was conducted by the Secretariat during the fifty-first session and which integrated information gathered from a previous survey conveyed at the twenty-eighth Meeting of States Parties (SPLOS/319, paras. 16–27), clearly indicate that members of the Commission continue to face challenges regarding their conditions of service, including with respect to health insurance,

standards of accommodation and daily subsistence allowance, as well as such non-monetary aspects as career advancement, loss of benefits and separation from family members for lengthy periods.

17. The Commission continues to take steps to address issues related to the conditions of service of its members, in support of the ongoing work of the Meeting of States Parties. On 18 November 2019, the members of the Commission met with the Co-Coordinator of the Open-ended Working Group on the Conditions of Service of the Members of the Commission on the Limits of the Continental Shelf, Sidney Gregory Kemble (Netherlands), in order to review the results of the survey requested at the twenty-ninth Meeting of States Parties and to convey the ongoing concerns of the Commission with regard to the conditions of service of its members to the Working Group. It is the Commission's understanding that these issues will now be considered by the Working Group, together with proposals as to how they may be addressed. The members of the Commission plan to meet with the Co-Coordinator again, following the publication by the Secretariat of the comprehensive study on possible options to address the working conditions of the Commission, including its funding, which will also be discussed at the thirtieth Meeting of States Parties.

18. It is the expectation of the Commission that States parties will continue their efforts to address the conditions of service of the members of the Commission with both short-term and reasonable long-term and sustainable solutions (SPLOS/29/6, paras. 26–27). It is also imperative that nominating States fulfil their obligations under article 2 (5) of annex II to the Convention and continue to ensure the full participation of members in the work of the Commission by defraying their expenses while in the performance of Commission duties, with applications to the voluntary trust fund established for that purpose, as needed.

19. The Commission notes, however, that, as a consequence of current arrangements, significant disparities continue to exist in the levels of support and treatment of members by individual nominating States in the fulfilment of their obligations under the Convention, including with regard to compensation and daily subsistence allowance. For that reason, in all matters concerning the conditions of service of its members, the Commission continues to maintain its position that all members should receive similar and reasonable treatment related to their duties, including reasonable travel conditions and accommodation and full insurance coverage, with United Nations standards serving as a minimum.

20. In order to consider the issues raised at the twenty-ninth Meeting of States Parties and to formulate proposals, the Commission established an open-ended working group composed of Messrs. Awosika (Co-Coordinator), Campos, Mazurowski, Park (Co-Coordinator) and Yáñez Carrizo. The working group requested that the following conclusions be reflected in the present letter: first, that, under the present conditions, it was not guaranteed that the Commission could sustain meeting for 21 weeks each year; second, that the voluntary trust fund meant to fund the participation of members from developing States was not sustainable owing to chronic underfunding; third, that a more sustainable way of funding the participation of all members in the meetings of the Commission was needed, irrespective of their regional association; and fourth, that the solutions to issues related to the conditions of service should include remuneration to all members to ensure equality and sustainability of the work of the Commission, including the provision of health insurance, to be borne by States parties, without being restricted to members from developing States.

21. In the short term, the priority remains ensuring the provision of medical insurance for members of the Commission while fulfilling their duties in New York. While the recent decision of the General Assembly, in its resolution 74/19, allows for

the possible application of the relevant voluntary trust fund to reimburse the full costs of the premium paid by members of the Commission from developing States for the Headquarters medical insurance scheme, such assistance ultimately depends on the availability of the required funds each year. In the view of the Commission, the high costs of the premium for this coverage, which must be paid in full and in advance before the annual enrolment deadline of 1 July, does not present, under the current arrangements, a viable or practical long-term solution for all members.

22. As to medical travel insurance, the Commission notes with regret that the Division for Ocean Affairs and the Law of the Sea of the Office of Legal Affairs of the Secretariat, as the administrator of the trust fund, has not been in a position to reimburse Commission members from developing States for the cost of such insurance, owing to the low balance of funds in the trust fund. Moreover, unlike the Headquarters medical insurance scheme, other insurance options, including medical travel insurance, do not ensure the comprehensive medical coverage needed by members working at Headquarters for extended periods. Members of the Commission have ongoing concerns regarding the limited contingency arrangements in place for medical treatment, should they experience medical emergencies, as well as regarding the costs for such treatment.

23. It is therefore hoped that the discussions at the thirtieth Meeting of States Parties, in the context of its consideration of the comprehensive study to be prepared by the Secretariat on possible options to address the working conditions of the Commission, including its funding, will yield positive results and achieve progress in resolving these issues.

#### **Other matters**

24. When reporting to the plenary of the Commission at the fifty-second session, the Chair of the Scientific and Technical Advice Committee noted that, currently, no requests for scientific and technical advice had been made by coastal States. In this regard, the Commission requested me to draw the attention of States parties to the fact that, pursuant to article 3 (1) (b) of annex II to the Convention, providing scientific and technical advice to coastal States, where so requested, was an important function of the Commission.

25. With respect to financing, the Commission is regularly informed by the Division for Ocean Affairs and the Law of the Sea about the status of the voluntary trust fund for the purpose of defraying the cost of participation of the members of the Commission from developing States in the meetings of the Commission. Since the fifty-first session (see [CLCS/51/1](#)), contributions have been received from Canada, Costa Rica, France, Ireland, Japan, New Zealand and Portugal. As at 9 April 2020, the trust fund had an approximate balance of \$150,000.

26. The Commission wishes to express its deep appreciation to those States that have made recent contributions and to all other States that have contributed to the trust fund over the years. However, the Commission is concerned that, without additional contributions, there will not be sufficient funds to cover the expected funding requirements for its upcoming sessions during the second half of 2020.

27. In that regard, the Commission notes that a communication was sent by the Secretariat to all Member States and observer States at the fifty-second session to draw attention to resolution [74/19](#), in which the General Assembly reiterated its serious concern that the chronic underfunding of the trust fund may preclude the Commission from advancing its work as a result of the potential lack of a quorum at future sessions and may prevent it from further implementing the decision of the twenty-sixth Meeting of States Parties that requested the Commission to meet for up to 26 weeks each year (resolution [74/19](#), para. 102). The Secretariat further indicated

in its communication that the trust fund would be almost completely depleted after the fifty-second session and that, without additional contributions in advance of the fifty-third session in July 2020, it would not be possible to provide assistance to all the members from developing States who were expected to request such assistance. Consequently, the Secretariat highlighted a critical need for additional contributions to the trust fund in order to ensure the continued operation of the Commission throughout 2020.

28. The Commission underscores the urgent need for those additional contributions so that it can continue to meet in 2020 as planned and so that the necessary assistance can be provided. The need for sustained contributions remains critical. The Commission simply cannot plan its sessions and work in the face of continued uncertainty as to the participation of its members from developing States, whose attendance depends on the availability of assistance from the trust fund.

29. On behalf of the Commission, I should also like to express gratitude to the Division for Ocean Affairs and the Law of the Sea for the high standard of secretariat services rendered to the Commission.

30. I should like to request that the present letter be circulated as a document of the thirtieth Meeting of States Parties.

*(Signed)* Adnan Rashid Nasser **Al-Azri**  
Chair of the Commission on the Limits of the Continental Shelf

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