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**Commission on the Limits of the Continental Shelf: conditions
of service of members of the Commission**

Options to address the working conditions of the Commission on the Limits of the Continental Shelf

Note by the Secretariat

Summary

The twenty-ninth Meeting of States Parties to the United Nations Convention on the Law of the Sea requested the Secretariat to prepare a comprehensive study that would set out possible options to address the working conditions of the Commission on the Limits of the Continental Shelf, including its funding, to be discussed by the Meeting of States Parties in 2020.

The present note has been prepared pursuant to that request. It provides, against the background of the current workload of the Commission, information on the working conditions of the members of the Commission and details, for consideration by the Meeting of States Parties, on financing options to address them.

* SPLOS/30/L.1/Rev.1.



I. Introduction

1. In June 2019, the twenty-ninth Meeting of States Parties to the United Nations Convention on the Law of the Sea, deliberating under the agenda item entitled “Commission on the Limits of the Continental Shelf”, requested the Secretariat to prepare a comprehensive study that would set out possible options to address the working conditions of the Commission, including its funding, to be discussed by the Meeting of States Parties in 2020 (see [SPLOS/29/9](#), paras. 85 and 86). The Meeting of States Parties also requested that the study should cover such options as the payment of a fee in connection with the making of submissions, which developing States could pay with assistance from the relevant voluntary trust fund, and the conversion of the Commission into a full-time body. The Meeting further requested that the study include information on the minimum requirements that nominating States should meet with regard to the treatment of the members of the Commission nominated by them, if elected.

2. The present note has been prepared in response to those requests. However, it does not address the potential programme budget implications of the various proposals referred to in the requests. A statement of programme budget implications would be prepared, as appropriate, in accordance with established procedures, on the basis of any decision that States may take.

II. Current workload of the Commission

3. The current workload of the Commission exceeds the projections that informed the negotiation of the Convention in 1982 (see [SPLOS/208](#)). As at 31 March 2020, the Commission had received 92 submissions, namely 77 individual, 8 joint and 7 revised or partially revised submissions. The number of additional submissions that may be received by the Commission is difficult to predict as they may be received, inter alia, from States that will become parties to the Convention in the future, from States that have thus far made only partial submissions or from States that may disagree with the recommendations of the Commission and decide to make revised or new submissions, in accordance with article 8 of annex II to the Convention.

4. As at 31 March 2020, the Commission had issued 35 sets of recommendations, including 4 with regard to revised submissions. However, 46 submissions were still awaiting consideration. The current waiting time between the making of a submission and the establishment of a subcommission by the Commission has increased to approximately 11 years. Among the factors contributing to the increased time needed by subcommissions for the consideration of submissions is the growing complexity of submissions owing to improvements in science and technology, as well as the time required on the part of some submitting States to acquire and process additional data and information while the examination of their submissions is under way (see [SPLOS/29/6](#), para. 10).

III. Working conditions of the members of the Commission

5. The challenges faced by the Commission in terms of its workload have been exacerbated by issues relating to the conditions of service of its members, including, in particular, medical and dental insurance coverage; standards of travel and related costs; standards of accommodation and the daily subsistence allowance; working

space; loss of income and career opportunities; and other financial and non-monetary costs.¹

6. Issues and developments relating to the workload and working conditions of the members of the Commission have been regularly reported to the Meetings of States Parties and have been the subject of ongoing discussions, including in the context of the Open-ended Working Group on the Conditions of Service of the Members of the Commission on the Limits of the Continental Shelf.²

7. In that regard, delegations have taken note of the high level of expertise of the members of the Commission (see [SPLOS/29/9](#), para. 71), as well as its heavy workload and the direct link between improving the conditions of service of the members and the greater efficiency and productivity of the Commission (see [SPLOS/303](#), para. 75). They have accordingly recognized the need for creative, sustainable and permanent solutions in order to ensure that the Commission is able to perform its mandate effectively.³ While delegations have stressed the need for equal treatment of the members and the setting of minimum conditions regarding the space, time and resources for the Commission to review submissions in a timely fashion, concerns have also been expressed over any heavy financial burden that might be imposed on States.⁴

8. At its forty-fifth and forty-sixth sessions, the Commission conducted a preliminary internal survey on the conditions of service of its members in response to a request from the Co-Coordination of the Working Group for additional information, including with regard to medical and dental insurance coverage for members of the Commission (see [SPLOS/319](#), paras. 16–27). At the request of the twenty-ninth Meeting of States Parties, the Secretariat conducted a follow-up survey during the fiftieth and fifty-first sessions (see [SPLOS/29/9](#), paras. 85–86; [CLCS/50/2](#), para. 9; and [CLCS/51/1](#), para. 48).⁵

9. The results of the surveys were considered in a meeting between the members of the Commission and the Co-Coordinator of the Working Group, held on 18 November 2019, and by the Working Group, which met on 20 November 2019 on the margins of the informal consultations on the draft resolution of the General Assembly on oceans and the law of the sea. A summary of the results of the survey was made available to the Working Group.⁶

¹ [SPLOS/29/9](#), para. 81; [SPLOS/324](#), para. 62; [SPLOS/319](#), paras. 15–27; [SPLOS/316](#), para. 66; [SPLOS/303](#), para. 71; [SPLOS/277](#), para. 29; [SPLOS/259](#), para. 25; [SPLOS/208](#); letter dated 20 January 2010 from the Secretariat to the Coordinator of the informal working Group on the workload of the Commission; letter dated 12 February 2010 from the Secretariat to the Coordinator of the informal working group on the workload of the Commission; letter dated 24 May 2010 from the Secretariat to the Coordinator of the informal working group on the workload of the Commission; [SPLOS/157](#); and [CLCS/108](#), para. 10. The letters are available at www.un.org/Depts/los/clcs_new/clcs_workload.htm.

² See [SPLOS/208](#). See also [SPLOS/218](#), paras. 82–100; [SPLOS/231](#), paras. 93–108; [SPLOS/251](#), paras. 69–71; [SPLOS/263](#), paras. 74–77; [SPLOS/277](#), paras. 29, 78 and 85–94; [SPLOS/287](#), paras. 66–74; [SPLOS/303](#), paras. 71–85; [SPLOS/316](#), paras. 51 and 66–70; [SPLOS/319](#), paras. 15–27; [SPLOS/324](#), paras. 72–76; [SPLOS/29/9](#), paras. 66 and 79–86; [SPLOS/29/6](#), paras. 14–27; [CLCS/108](#), paras. 9–13; [CLCS/83](#), paras. 8–12; [CLCS/85](#), paras. 9–13; [CLCS/88](#), paras. 8–13; [CLCS/50/2](#), para. 9; and [CLCS/51/1](#), para. 48.

³ See [SPLOS/303](#), para. 75; [CLCS/50/2](#), para. 8; [SPLOS/287](#), para. 70; [SPLOS/277](#), para. 29 and [SPLOS/29/9](#), para. 71.

⁴ See [SPLOS/29/9](#), paras. 66 and 71; and [SPLOS/303](#), para. 76.

⁵ The survey was presented in the form of a questionnaire and was completed by 18 of the 19 members of the Commission present.

⁶ The Commission emphasized that the results of the survey reflected the experiences only of current members participating in it and did not attempt to predict the future needs of the members of the Commission.

10. As reflected in that summary, members of the Commission continue to face significant challenges in terms of their conditions of service, including with regard to health insurance, standards of accommodation and the daily subsistence allowance, as well as other monetary and non-monetary aspects, such as career opportunities and advancement, loss of benefits (such as vacation, pension, severance and health insurance) and separation from family members for almost half of the year (see [SPLOS/29/6](#), paras. 14–27; and [SPLOS/29/9](#), para. 66).

11. Particularly significant among these issues has been the need for medical insurance coverage for members of the Commission while working in New York during the sessions of the Commission. The General Assembly has decided to provide options for possible insurance coverage for members of the Commission, including the option to join the United Nations Headquarters medical insurance scheme upon payment of the full premium.⁷ However, the practical utility of the options ultimately depends on the availability of funds in the voluntary trust fund, which has been chronically underfunded (see resolution [74/19](#), para. 102).

12. In the absence of sufficient funding, some members have continued to participate in the sessions of the Commission without comprehensive medical coverage or without any medical coverage. In some instances, they have also been expected to cover, fully or partially, the overall costs of their participation in sessions of the Commission, including medical insurance. For some, those expenses have not been fully reimbursed, or the members concerned have had to wait several months for payment (see [SPLOS/29/6](#), paras. 13 and 23).

13. In the light of the significant disparities in the level 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 the daily subsistence allowance, the Commission remains of the view that all members should receive similar and reasonable treatment related to their duties, including reasonable travel conditions and accommodation and full insurance coverage, with the United Nations standards serving as a minimum. The members have repeatedly stressed in that regard that temporary measures have proven not to be effective and that both short-term and reasonable long-term and sustainable solutions are required (see [SPLOS/29/6](#), paras. 26 and 27).

14. At its fifty-second session, the Commission established an open-ended working group to consider the issues raised during the twenty-ninth Meeting of States Parties. The conclusions of the working group are reflected in paragraph 20 of the letter from the Chair of the Commission addressed to the President of the thirtieth Meeting of States Parties ([SPLOS/30/10](#)).

IV. Financing options for consideration in addressing the current working conditions of the members of the Commission

15. As recognized in the Meetings of States Parties, there are significant logistical and financial implications in the consideration of any short- or long-term solution to address the working conditions of the members of the Commission.⁸

⁷ See General Assembly resolutions [69/245](#), para. 80; [70/235](#), para. 89; [71/257](#), para. 96; [72/73](#), para. 99; [73/124](#), paras. 99 and 101; and [74/19](#), paras. 105 and 106.

⁸ See [SPLOS/208](#), paras. 34–37; [SPLOS/316](#), paras. 66–70; [SPLOS/324](#), paras. 72–76; [SPLOS/29/9](#), paras. 77–86; and [SPLOS/231](#), para. 102.

16. Any measures that may be taken by the Meetings of States Parties to address the working conditions of the Commission, in addition to those already implemented, could also have implications for the working arrangements of the Commission⁹ and associated human, financial and logistical factors, including additional staffing requirements and related costs; office space and related costs, such as rent, improvement and maintenance of premises and the procurement of furniture and supplies; costs related to servicing the Commission, including interpretation, document production and translation; and information and communications technology facilities to allow for secured means of communication between the members (see [SPLOS/324](#), para. 63). For example, if the Commission were asked to work on a full-time basis at Headquarters, an extensive review of the arrangements for the servicing of the Commission by the Secretariat (see [SPLOS/208](#), para. 78), with input from a number of departments and offices, would be required. In turn, any programme budget implications resulting from such a review would need to be addressed by the General Assembly.

17. Paragraphs 18 to 36 below provide an overview of a number of options for consideration by the Meeting of States Parties to address the working conditions of the Commission. The options, which are focused on the key issue of defraying the costs related to the participation of members of the Commission in its work, do not need to be considered in a mutually exclusive way. For example, assessed contributions from States parties could be considered together with the payment of fees by coastal States in connection with the making of submissions or the defraying of expenses by nominating States parties of members while in the performance of Commission duties, or both.

Regular budget of the United Nations

18. No resources from the United Nations budget are currently allocated to facilitate the participation of members of the Commission in its work (see [SPLOS/208](#), para. 68). However, the costs associated with services and assistance provided to the Commission by the Division for Ocean Affairs and the Law of the Sea of the Office of Legal Affairs, as the unit of the Secretariat entrusted to perform the functions of the Secretary-General under the Convention, are covered by the regular budget of the United Nations.

19. The Commission presented the option of funding the Commission through the regular budget of the United Nations as being among the most sustainable long-term solutions (see [SPLOS/140](#), annex) and, consequently, that option has been considered by previous Meetings of States Parties. During the deliberations of the Meetings of States Parties, some delegations have taken the view that funding the Commission through the regular budget would be inconsistent with the Convention, in particular article 2, paragraph 5, of annex II to the Convention,¹⁰ while other delegations have indicated that all options to address the issues should be considered, even those that might appear to be at variance with the provisions of that annex.¹¹ In that regard, delegations have also raised concerns over the mandate of the Meeting of States

⁹ See [SPLOS/29/9](#), paras. 66 and 85–86; [SPLOS/29/6](#), para. 27; [SPLOS/316](#), para. 51; [SPLOS/303](#), para. 75; [SPLOS/277](#), para. 89; [SPLOS/270](#), para. 28; [SPLOS/259](#), paras. 25 and 28; [SPLOS/251](#), paras. 25 and 70; [SPLOS/231](#), para. 101; [SPLOS/225](#), paras. 24 and 35; [SPLOS/209](#), para. 18; [SPLOS/162](#), preamble and para. 1; [SPLOS/164](#), paras. 60–62; [SPLOS/157](#), para. 3; and [SPLOS/148](#), para. 70.

¹⁰ It is stipulated in the article that “the State Party which submitted the nomination of a member of the Commission shall defray the expenses of that member while in performance of Commission duties”.

¹¹ See [SPLOS/218](#), paras. 96 and 98; [SPLOS/277](#), para. 91; [SPLOS/208](#), para. 64; [SPLOS/203](#), para. 88; [SPLOS/148](#), para. 68; and [SPLOS/164](#), para. 61.

Parties and whether it can consider matters of a substantive nature relating to the interpretation or implementation of the Convention (see [SPLOS/72](#) and [SPLOS/138](#)), or whether it is limited to the consideration of financial and administrative matters relating to the bodies established by the Convention, namely, the International Tribunal for the Law of the Sea, the International Seabed Authority and the Commission.¹²

Assessed contributions from States parties to the Convention

20. The possibility of resorting to a method of assessed contributions, which is currently in place with regard to the other two institutions established under the Convention, namely, the Tribunal and the Authority, would also offer the advantage of a sound financial basis for the functioning of the Commission (see [SPLOS/208](#), para. 77). By virtue of article 2, paragraph 5, of annex II to the Convention, the Commission is the only institution established under the Convention without an annual budget based on assessed contributions of State parties to the Convention. A recommendation by the Meeting of States Parties for the General Assembly to finance the expenses and emoluments of the members of the Commission through assessed contributions from States parties would require, inter alia, that modalities for the receipt of such contributions and for the preparation of the scale of assessment be addressed.

Payment of a fee in connection with the making of submissions

21. The twenty-ninth Meeting of States Parties requested that the study also address the payment of a fee in connection with the making of submissions. This option had not been fully considered before by the Meetings of States Parties.

22. Article 2, paragraph 5, of annex II to the Convention already provides that “the coastal State concerned shall defray the expenses incurred in respect of the advice referred to in article 3, paragraph 1 (b)”, of the annex, namely “scientific and technical advice requested by a coastal State during the preparation of a submission”. The Convention, however, does not provide for the levying of a fee with regard to the principal function of the Commission, which is the consideration of a submission and the making of recommendations thereupon, as provided for in article 3, paragraph 1 (a) of the annex.

23. In considering the option of the payment of fees by coastal States in connection with the making of submissions, a number of factors need to be taken into account, such as the stage at which the fees might apply (for example, at the time of making a submission by the coastal State or at the time of the examination of a submission by the Commission or its subcommissions, or upon the approval of recommendations by the Commission); the basis for determining the applicable fees and their amount; the modalities for the payment and receipt by the Secretariat of such fees; and any special considerations for developing countries, in particular the least developed countries and small island developing States.¹³ In addition, the types of expenses or costs that may be defrayed through the assessed fees would need to be determined, including whether such fees would cover administrative expenses of the Commission, the procuring of equipment or costs of services provided by the Secretariat.

¹² Discussions in that regard have been the focus of debate during consideration of the reports of the Secretary-General under article 319 for informing States parties on issues of a general nature, relevant to States Parties, that have arisen with regard to the Convention. See, for example, [SPLOS/287](#), para. 81.

¹³ For example, it was suggested during the twenty-ninth Meeting of States Parties that developing States could pay the fee with assistance from the voluntary trust fund (see [SPLOS/29/9](#), paras. 85–86).

24. Another element for the Meeting of States Parties to consider in that regard is whether fees would be required from coastal States in connection with submissions in relation to which the Commission has already made recommendations, including whether such fees would apply retroactively.

25. With regard to similar existing arrangements, both the Tribunal and the Authority may, under determined circumstances, prescribe fees for certain services or to cover costs incurred in servicing certain entities. According to article 19 (2) of the statute of the Tribunal, when an entity other than a State party or the Authority is a party to a case submitted to it, the Tribunal will fix the amount that the party is to contribute towards the expenses of the Tribunal. However, no case has been submitted to the Tribunal that would have triggered the application of that provision, so no decision has ever been made on the calculation of the amount.

26. With regard to the Authority, article 13 (2) of annex III to the Convention provides that the Authority will levy a fee for the administrative cost of processing an application for approval of a plan of work in the form of a contract for exploration and exploitation activities in the international seabed area and that such a fee will be fixed at an amount of \$500,000 per application. The amount of the fee will be reviewed from time to time by the Council of the Authority in order to ensure that it covers the administrative cost incurred. If the administrative cost incurred by the Authority in processing an application is less than the fixed amount, the Authority will refund the difference to the applicant. In addition, the standard clauses for an exploration contract developed by the Authority provide that the contractor will pay, at the time of submission of the annual report, an annual overhead charge of \$47,000 to cover the costs to the Authority of the administration and supervision of the contract and of reviewing the reports.¹⁴ The amount of the annual overhead charge may be revised by the Authority to reflect its costs actually and reasonably incurred.¹⁵ Finally, there is a fee of a fixed amount of \$67,000 for processing an application for a five-year extension of a contract for exploration (see [ISBA/21/C/19](#), annex, para. 4).

27. Article 35 (3) of the Statute of the International Court of Justice also provides for the payment of a fixed amount by a State that is not a Member of the United Nations when that State is a party to a case.¹⁶ In such an event, the Court is required to fix the amount that the party is to contribute towards the expenses of the Court, although the requirement does not apply if the State is bearing a share of those expenses.¹⁷ In assessing the contributions due, the Court is primarily guided by the amount that the State in question would have had to contribute if it were a State Member of the United Nations, as well as the time spent and expenses incurred by the Court on the case.¹⁸

Voluntary trust fund for the purpose of defraying the cost of participation of the members of the Commission from developing States in meetings of the Commission

28. The voluntary trust fund was established by the General Assembly for the purpose of defraying the cost of participation of the members of the Commission from

¹⁴ See [ISBA/19/A/9](#), [ISBA/19/A/12](#), [ISBA/19/C/17](#), [ISBA/16/A/12/Rev.1](#), and [ISBA/18/A/11](#).

¹⁵ The charge has been revised from \$47,000 to \$60,000, effective 1 January 2019, by the Assembly of the International Seabed Authority in its decision relating to the budget of the Authority for the financial period 2019–2020 (see [ISBA/24/A/11](#), para. 8).

¹⁶ Pursuant to article 33 of the Statute, the expenses of the Court are otherwise borne by the United Nations in a manner decided by the General Assembly.

¹⁷ See *I.C.J. Yearbook* (1949–1950), p. 90; *I.C.J. Yearbook* (1953–1954), p. 98; *I.C.J. Yearbook* (1968–1969), p. 111; and *I.C.J. Yearbook* (1973–1974), p. 125.

¹⁸ *I.C.J. Yearbook* (1949–1950), p. 90; *I.C.J. Yearbook* (1953–1954), p. 98; and *I.C.J. Yearbook* (1973–1974), p. 125.

developing States in its meetings (see resolution [55/7](#), para. 20), including, in particular, the travel expenses and daily subsistence allowance of those members. In that regard, it is noted that the establishment by the Secretary-General of the voluntary trust fund did not discharge States parties of their obligation under article 2, paragraph 5, of annex II to the Convention.

Increased use of the voluntary trust fund to defray the cost of participation of members from developing States, in particular the least developed countries and small island developing States

29. The possibility of increasing the use of the voluntary trust fund has been the subject of ongoing discussions and decisions by the Meetings of States Parties in order to address the conditions of service of the members of the Commission, including by amending the terms of reference of the fund to include other expenses incurred by the members in the performance of Commission work.¹⁹

30. In that context, the General Assembly has authorized the Secretary-General to reimburse members of the Commission from developing States for the costs of medical travel insurance and short-term medical insurance from the voluntary trust fund on a session-by-session basis and subject to a reasonable limit that the Secretary-General will determine, on the basis of information available regarding medical travel insurance.²⁰ The Assembly also decided that, on an exceptional basis and without setting a precedent for other agenda items, the members of the Commission would have the option to join the Headquarters medical insurance scheme upon payment of the full premium (see resolution [73/124](#), para. 101).

31. Following a proposal by the twenty-ninth Meeting of States Parties, the General Assembly also authorized 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 voluntary trust fund for the purpose of defraying the cost of the participation of the members from those States in meetings of the Commission, subject to the availability of funds following the allocation of the required funds to cover the costs of travel and daily subsistence allowance of those members (see resolution [74/19](#), paras. 105 and 106). A full description of support provided from the voluntary trust fund is provided in the annex to the present note.

32. Since contributions to the fund are voluntary, the viability of any decision to expand its use to defray expenses related to the working conditions of the Commission depends on the ability and willingness of States to contribute sufficient amounts to support the payment of such expenses (see [SPLOS/208](#), para. 66). Depending on the expenses to be paid, the application of the voluntary trust fund to the payment of the costs may also necessitate a modification of its terms of reference (*ibid.*, para. 63).

33. During the discussions on the above items, delegations at the Meetings of States Parties have recognized that the trust fund, being a voluntary mechanism, was not a reliable source of funding ([SPLOS/148](#), para. 69). They have also noted that, owing to the institution of new arrangements to deal with the increasing workload of the Commission, the voluntary trust fund could soon be depleted (see [SPLOS/164](#), para. 61). Despite the appeal by the General Assembly for international financial institutions, donor agencies, intergovernmental organizations, non-governmental organizations and natural and juridical persons to make contributions to the fund, no such contribution has been received (see, e.g., resolution [74/19](#), para. 102).

¹⁹ See [SPLOS/208](#), para. 29; [SPLOS/218](#), para. 96; [SPLOS/203](#), para. 88; [SPLOS/164](#), para. 62; and [SPLOS/148](#), para. 69.

²⁰ See General Assembly resolutions [69/245](#), para. 80, [70/235](#), para. 89; [71/257](#), para. 96; [72/73](#), para. 99; and [73/124](#), para. 99.

Revising the terms of reference of the voluntary trust fund or establishing an additional trust fund

34. During the discussions at the Meeting of States Parties, delegations have proposed broadening the scope of the terms of reference of the voluntary trust fund relating to the work of the Commission in order to, inter alia, include States with economies in transition among the beneficiaries of the fund (see [SPLOS/164](#), para. 61). Other delegations have maintained, however, that they would not be in a position to contribute to a trust fund that provided assistance to countries other than developing countries (*ibid.*). Delegations have also proposed amending the terms of reference of the voluntary trust fund to include other expenses incurred by the members in the performance of the work of the Commission (see [SPLOS/218](#), para. 96). In addition, delegations have tasked the Open-ended Working Group with considering the possibility of establishing a new trust fund to cater to purposes not provided for under the terms of reference of the current voluntary trust fund (see [SPLOS/277](#), para. 77).

35. The terms of reference of the voluntary trust fund have been amended on previous occasions by the General Assembly in order to address the working conditions of the members of the Commission. While consideration could be given to revising the terms of reference to defray expenses not originally provided for under the current terms of reference, it would be important to ensure that any decision in that regard has practical utility in addressing the working conditions of the members, especially given the chronic underfunding of the voluntary trust fund.

36. Likewise, any decision to establish a new voluntary trust fund, for example, to provide assistance to members of the Commission who are not from developing countries or to cater for expenses not contemplated under the current fund, would confront the same problems of a lack of sustainable funding.

V. Nominating State defraying costs in accordance with article 2, paragraph 5, of annex II to the Convention

37. The General Assembly has repeatedly affirmed the duty of nominating States under article 2, paragraph 5, of annex II to the Convention to defray the expenses of the experts that they nominated while in performance of Commission duties and has urged those States to do their utmost to ensure the full participation of such experts in the work of the Commission, in accordance with the Convention (see, e.g., resolution [74/19](#), para. 99).

38. It may be useful to recall in that regard that, during the Third United Nations Conference on the Law of the Sea, some delegations expressed the view that requiring a nominating State party to defray the expenses of the member that it nominated would be too onerous for developing States and could disincentivize certain States, including, in particular, landlocked developing States, from nominating members to participate in the work of the Commission. Some States suggested at that time that the approach of defraying the expenses of the members of the Commission might exacerbate doubts concerning the integrity of the Commission and might not safeguard its autonomy. A number of alternative proposals were advanced, including defraying the expenses of the Commission through the regular budget of the United Nations or requiring either the “broad-margin” States, the Authority or the

international community, with major contributions from coastal States, to defray the expenses of the Commission.²¹

39. Within a year of the election of the first members of the Commission, some developing States faced difficulties in defraying the expenses for the participation of the members that they had nominated (see [SPLOS/31](#), para. 53). This prevented some members from developing States from participating in the work of the Commission and necessitated the establishment by the General Assembly of the voluntary trust fund for the purpose of defraying the cost of participation of those members in the meetings of the Commission.²²

Minimum requirements that nominating States should meet with regard to the treatment of members of the Commission nominated by them, if elected

40. In the Convention, the types of expenses that nominating States should defray with regard to the participation of members nominated by them in the work of the Commission are not specified. This has led to significant disparities in the level of support provided to, and the treatment of, members by nominating States in the fulfilment of their obligations under the Convention (see [SPLOS/29/6](#), para. 23).

41. In the letters of the Chair of the Commission addressed to the Presidents of the Meetings of States Parties, the Commission has repeatedly drawn the attention of delegations to those disparities and the need for long-term and sustainable solutions to the issues (*ibid.*, for example). The Commission has, therefore, proposed that expenses referred to in paragraph 5, article 2, of annex II to the Convention be clarified (see [SPLOS/195](#), annex) and that a minimum standard be established by the Meeting of States Parties with regard to, *inter alia*, travel, accommodation, the daily subsistence allowance and other financial and non-monetary aspects of the conditions of service of the members of the Commission along the lines of the standards applicable to members who benefit from assistance from the voluntary trust fund, with a view to achieving equal treatment for all members of the Commission, without discrimination between those from developed and developing States, and for nominating States to be called upon to adhere to those standards (see [SPLOS/29/6](#), para. 26).

42. The Meetings of States Parties have considered the pressing need to establish and guarantee minimum conditions for the members of the Commission in order to ensure equal and fair conditions of service and to send a clear message to all nominating States. However, such proposals have been complicated by legal and political factors, including restrictions in domestic legislation, so that a permanent solution is yet to be found (see, for example [SPLOS/29/6](#), para. 26; and [SPLOS/29/9](#), paras. 71 and 84).

²¹ See [A/CONF.62/SR.127](#), 127th meeting, ninth session, 3 April 1980, para. 34; [A/CONF.62/SR.135](#), 135th meeting, resumed ninth session, 25 August 1980, para. 113; [A/CONF.62/SR.136](#), 136th meeting, resumed ninth session, 26 August 1980, paras. 17 and 20; [A/CONF.62/SR.128](#), 128th meeting, ninth session, 3 April 1980, paras. 50 and 121.

²² See resolution [55/7](#), para. 20; [SPLOS/31](#), para. 53; and [SPLOS/58](#).

Annex

Support available to the members of the Commission on the Limits of the Continental Shelf from developing States through the voluntary trust fund for the purpose of defraying the cost of participation of those members in the meetings of the Commission

1. On the application of the nominating developing State, the voluntary trust fund covers the following for the members of the Commission on the Limits of the Continental Shelf from developing countries: (a) return air travel arranged by the United Nations; (b) daily subsistence allowance; and (c) as authorized by the General Assembly, funds permitting, medical travel insurance or short-term medical insurance.¹
2. The General Assembly also authorized the use, as appropriate, of the trust fund, in accordance with its terms of reference, to defray the cost of participation of the Chair of the Commission, when nominated by a developing country, in the Meetings of States Parties to the Convention (see, e.g., resolution [74/19](#), para. 103).
3. The General Assembly has decided that, on an exceptional basis and without setting a precedent for other agenda items, the members of the Commission would have the option to join the Headquarters medical insurance scheme upon payment of the full premium and that such costs paid by members of the Commission from developing States could be reimbursed from the voluntary trust fund, subject to the availability of funds (see resolutions [73/124](#), para. 101; and [74/19](#), para. 105).
4. The travel arrangements are made by the United Nations in accordance with the Organization's applicable travel policies (see [ST/AI/2013/3](#)). Return air travel consists of an air ticket in economy class for travel from the home country of the member to United Nations Headquarters and back. Terminal expenses (i.e. transfers to and from airports of origin and destination) are not covered. Travel costs have ranged, depending on the origin city of travel, from \$500 to \$2,500.
5. The daily subsistence allowance is calculated according to the rates established periodically by the International Civil Service Commission (see [ST/AI/2014/2](#)). The current rates, effective from 1 January 2020, are \$433 per day for the first 30 days and \$368 per day for additional days (see [ICSC/CIRC/DSA/538](#)). The days are calculated as the number of nights spent in New York. For the fifty-second session, members from developing States who requested assistance from the voluntary trust fund received a total of approximately \$19,500 in daily subsistence allowance.
6. Regarding medical travel insurance and short-term medical insurance, in accordance with General Assembly resolution [73/124](#), reimbursement was only available in 2019 once sufficient funds were available in the voluntary trust fund to cover travel and the daily subsistence allowance for the full year. Owing to the low balance of the fund throughout 2019, reimbursements for medical travel insurance and short-term medical insurance could only be processed at the end of the year, after the costs of the fifty-first session were allocated, at which time no requests were received.
7. The rates for the Headquarters medical insurance have also varied from year to year, ranging from \$1,123.75 to \$821.61 in 2019, depending on the coverage sought, with dental coverage available at \$64.98. The rates applicable to the enrolment campaign that will be held in June 2020 are expected to be made available in May 2020. Enrolment can only take place during the campaign in June.

¹ See General Assembly resolutions [69/245](#), para. 80; [70/235](#), para. 89; [71/257](#), para. 96; [72/73](#), para. 99; and [73/124](#), para. 99.