



Meeting of States Parties

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Report of the thirty-first Meeting of States Parties

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I. Introduction

1. The thirty-first Meeting of States Parties to the United Nations Convention on the Law of the Sea (“Convention”) was convened from 21 to 25 June 2021, in accordance with article 319, paragraph 2 (e), of the United Nations Convention on the Law of the Sea¹ and paragraph 56 of General Assembly resolution 75/239 of 31 December 2020. In the light of the continuing situation related to the coronavirus 2019 (COVID-19) pandemic, the Meeting was held in a format combining in-person plenary meetings at United Nations Headquarters with virtual consultations.

2. The Meeting was attended by representatives of States parties to the Convention and observers, including the International Tribunal for the Law of the Sea, the International Seabed Authority and the Commission on the Limits of the Continental Shelf, some of whom participated by virtual means due to the COVID-19 pandemic.^{2,3}

II. Organization of work

A. Opening of the Meeting and election of officers

3. The Vice-President of the thirtieth Meeting of States Parties, Ibrahima Toure (Côte d’Ivoire), opened the thirty-first Meeting on behalf of the President of the thirtieth Meeting, Burhan Gafoor (Singapore).

4. The Meeting observed a minute of silent prayer or meditation.

5. The Meeting elected Holger Martinsen (Argentina) as President of the thirty-first Meeting, by acclamation.

6. The Meeting elected Ibrahima Toure (Côte d’Ivoire), Muhammad Taufan (Indonesia), Enrico Milano (Italy) and Wladyslaw Andrzej Manteuffel (Poland) as Vice-Presidents, by acclamation.

Statement by the Under-Secretary-General for Legal Affairs and United Nations Legal Counsel

7. In his statement, the Under-Secretary-General for Legal Affairs and United Nations Legal Counsel underscored the devastating impacts of the COVID-19 pandemic on the progress towards achieving the Sustainable Development Goals of the 2030 Agenda for Sustainable Development, including those related to the oceans. He drew attention to the disruption caused by the pandemic as a reminder of the major role played by oceans in economic development and food security. He underscored in that regard the impacts of climate change on oceans and coastal areas and welcomed the discussions under the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea, which were focused on sea-level rise and its impacts. He also highlighted the vital role of the Convention in underpinning and strengthening international peace and security and ensuring the sustainable

¹ United Nations, *Treaty Series*, vol. 1833, No. 31363.

² See rules 5, 18, 37 and 38 of the rules of procedure for Meetings of States Parties (SPLOS/2/Rev.5). The list of participants in the Meeting is available at [SPLOS/31/INF.1](https://www.un.org/News/Press/docs/2021/06/20210621.splos31inf1.doc.htm).

³ Statements by delegations and speakers for circulation are available for a limited time at: [https://journal.un.org/en/meeting/officials/73c287c1-34c4-eb11-911f-0050569e8b67/2021-06-21/statements](https://www.un.org/News/Press/docs/2021/06/20210621.splos31inf1.doc.htm); <https://journal.un.org/en/meeting/officials/6dc287c1-34c4-eb11-911f-0050569e8b67/2021-06-21/statements>; <https://journal.un.org/en/meeting/officials/6cc287c1-34c4-eb11-911f-0050569e8b67/2021-06-23/statements>; and <https://journal.un.org/en/meeting/officials/68c287c1-34c4-eb11-911f-0050569e8b67/2021-06-25/statements>.

development of the ocean and its resources. In that regard, he conveyed his appreciation to the new parties to the implementing agreements, namely Bosnia and Herzegovina, which had acceded to the Agreement relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea,⁴ and Cambodia, which had acceded to the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks.⁵ He also highlighted the significance of the intersessional work being carried out in the context of the intergovernmental conference on an international legally binding instrument under the United Nations Convention on the Law of the Sea on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction. Furthermore, he emphasized the significant workload of the Commission and the need for full membership and attendance by members in the Commission for its effective functioning. Regarding the conditions of service of the members of the Commission, he noted the pressing need to find sustainable and long-term practical solutions.

B. Adoption of the agenda and organization of work

8. The Meeting adopted the agenda (SPLOS/31/1) and approved the organization of work on the understanding that it could be adjusted as necessary to ensure the efficient conduct of the Meeting.

III. Credentials Committee

A. Appointment of the Credentials Committee

9. On 21 June 2021, pursuant to rule 14 of the rules of procedure, the Meeting appointed a Credentials Committee, consisting of the following States parties: Botswana, Costa Rica, Republic of Korea, Russian Federation, South Africa, Sri Lanka, Sweden and United Kingdom of Great Britain and Northern Ireland.⁶

B. Report of the Credentials Committee

10. The Credentials Committee held its first meeting on 21 June 2021 and the second meeting on 23 June 2021. At its first meeting, the Credentials Committee elected Julia Fielding (Sweden) as Chair.

11. The Chair of the Credentials Committee introduced an advance unedited version of the report of the Committee at the Meeting of States Parties on 23 June 2021 (subsequently issued as SPLOS/31/7). She stated that the Committee had examined and accepted the credentials of representatives of 116 States parties to the thirty-first Meeting, of which 31 were formal credentials. Provisional information concerning the appointment of representatives participating in the thirty-first Meeting had been received from 85 States parties on the understanding that formal credentials would be communicated to the Secretariat as soon as possible. The Chair informed the Meeting

⁴ United Nations, *Treaty Series*, vol. 1836, p. 3.

⁵ United Nations, *Treaty Series*, vol. 2167, p. 3.

⁶ Rule 14 provides that the Credentials Committee is to consist of nine States parties; however, only eight nominations were received from the regional groups.

of the credentials⁷ and information concerning the appointment of representatives⁸ received after the Credentials Committee had held its meeting on 23 June 2021. The Chair suggested the acceptance of the additional credentials by the Meeting. In addition, the Chair noted that, as reflected in the report, the Committee, having considered three communications concerning representatives of Myanmar to the thirty-first Meeting of States Parties, had decided to defer its consideration of those communications.

12. On 23 June 2021, the Meeting approved, based on the proposal by the Committee, the report of the Credentials Committee on the understanding that the credentials would continue to be valid, in accordance with rule 1 of the rules of procedure, until the convening of the thirty-second Meeting ([SPLOS/263](#), para. 101), and on the understanding that, if there were to be a resumed thirty-first Meeting of States Parties, the Credentials Committee would be able to resume its consideration of the credentials of representatives of States parties. The Meeting also accepted, on the same understandings, credentials⁹ and information concerning the appointment of representatives¹⁰ received after the Credentials Committee had held its meeting on 23 June 2021. On 25 June 2021, the Meeting accepted the credentials of Mauritius and decided that that update should be reflected in the report of the Committee, bringing the total number of States parties participating in the Meeting, including the European Union, to 118.

IV. Matters related to the International Tribunal for the Law of the Sea

A. Report of the Tribunal for 2020

13. The President of the Tribunal, Albert Hoffmann, introduced the annual report of the Tribunal for 2020 ([SPLOS/31/2](#)) and provided an overview of its activities for the period from 1 January to 31 December 2020, which also supplemented information provided to the thirtieth Meeting of States Parties in his written statement, dated 12 November 2020.¹¹ Information on recent developments in the work of the Tribunal that had taken place in 2021 before the present Meeting was also provided.

14. With regard to judicial matters, the President outlined developments that had taken place in case No. 28, *Dispute concerning delimitation of the maritime boundary between Mauritius and Maldives in the Indian Ocean (Mauritius/Maldives)* and in case No. 29, *The M/T “San Padre Pio” (No. 2) case (Switzerland/Nigeria)*, including an overview of the judgment on preliminary objections delivered by the Special Chamber on 28 January 2021.

15. Addressing the organizational matters, the President observed that, in the light of the COVID-19 pandemic, the Rules of the Tribunal had been amended to enable hearings and other meetings to take place via video link, thereby ensuring the continuity of the Tribunal’s mandate while protecting the health of judges, staff and representatives of States parties. Several sessions had been held in hybrid format. The President also informed the Meeting of plans to upgrade the audiovisual equipment in the court and deliberations room. The President noted that the Tribunal had also revised the Rules of the Tribunal in March 2021 to ensure gender inclusivity.

⁷ From Brazil and Japan.

⁸ From Cameroon.

⁹ From Brazil and Japan.

¹⁰ From Cameroon.

¹¹ See [SPLOS/30/14/Add.1](#), section IV.

16. The President gave an overview of various activities undertaken by the Tribunal to further capacity-building in the law of the sea, taking into account the impacts of the COVID-19 pandemic, including the nine-month programme on dispute settlement under the Convention conducted with the support of the Nippon Foundation, the Tribunal's internship programme and the International Foundation for the Law of the Sea summer academy. The President noted that new capacity-building activities were planned for 2021, namely, a workshop for legal advisers, which was funded by the Republic of Korea. The President observed that, despite the COVID-19 pandemic, the Tribunal was exploring options to mark its twenty-fifth anniversary, including by hosting commemorative events in October 2021 and in the fourth quarter of 2022.

17. A group of States and some delegations emphasized their support for the Tribunal and its work, highlighting the crucial function of the Tribunal in the settlement of disputes, the promotion of the legal order in the oceans and seas, and the interpretation and application of the Convention. Delegations also commended the Tribunal on its judicial, legal and administrative work, noting how it had adjusted its working methods to ensure continued operation under challenging conditions and to ensure the protection of the health of the Judges and the staff, as well as efficiency and cost-effectiveness in the administration of justice. One delegation underlined the importance of adhering to the decisions of the Tribunal.

18. A group of States expressed appreciation for the work of the Registry of the Tribunal in preparing information relating to declarations under articles 297 and 298 of the Convention. They expressed appreciation also for how the Tribunal had promoted dialogue among judges, academia, international organizations and maritime affairs specialists. Several delegations also highlighted the importance of developing human resources in the field of the law of the sea through capacity-building programmes.

19. The Meeting took note of the report of the Tribunal for 2020.

B. Administrative and budgetary matters

1. Report on budgetary matters for the financial period 2019–2020

20. The Registrar of the Tribunal, Ximena Hinrichs Oyarce, introduced the report on budgetary matters for the financial period 2019–2020 (SPLOS/31/3), covering the matters outlined below.

(a) Budget performance report for 2019–2020

21. The Registrar drew attention to the information contained in section I of the report and to the related annex. She noted, in particular, that the total expenditure for the period 2019–2020 stood at €19,922,264, representing 97.08 per cent of the appropriations allocated for that year. She noted that over-expenditures on certain budget lines were absorbed by transfers of savings from other budget lines, in accordance with the authorization of the thirtieth Meeting of States Parties.¹² The Registrar highlighted that the unforeseen costs related to preliminary objections proceedings in case No. 28 could be accommodated owing to the Registry's forward planning as well as the fact that meetings with respect to cases Nos. 25, 26 and 27 were slightly shorter than anticipated. With regard to overexpenditures, the Registrar noted the revision to the post adjustment for Hamburg, Germany, and a corresponding impact on the salaries of staff in the professional and higher categories as well as the daily subsistence allowance for non-local interpreters. She also noted that expenditure

¹² See SPLOS/30/17, para. 4.

under section 5, “Official travel”, had reached approximately 50 per cent of the approved provision owing to COVID-19-related travel restrictions.

22. The Registrar drew attention to the fact that assessed contributions in the amount of €1,289,091 had not been paid by the end of 2020, representing more than 6.2 per cent of the approved budget. As at 15 June 2021, the unpaid amount stood at €422,505. She stressed that all States parties were required to pay their contributions in accordance with regulation 5.5 of the Financial Regulations and the Rules of the Tribunal.

23. A group of States and some delegations welcomed the sound administration of the budget, and the optimal and efficient use of resources. Delegations also called upon all States parties to honour their commitments and pay contributions in full and on time.

(b) Report on action taken pursuant to the Financial Regulations and Rules of the Tribunal

24. The Registrar referred to section II of the report and noted that a cash surplus from the financial period 2017–2018, in the amount of €2,956,912, had been surrendered to States parties and deducted from their contributions for 2021. The Registrar drew attention to the fact that Deutsche Bank had stopped offering interest on short-term investments of less than 12 months during the financial period 2019–2020, which was the maximum period allowed for short-term investments under rule 109.1 of the Financial Regulations and Rules of the Tribunal. She also noted that in 2019 the bank had started to pass on interest charges on cash deposits to its customers, as instituted by the European Central Bank in 2014. The Registrar also informed the Meeting of the performance and current status of the trust fund for the law of the sea and the Nippon Foundation trust fund, as well as of the opening of the Republic of Korea trust fund which was formed to assist in the organization of a workshop for legal advisers.

25. A group of States and one delegation welcomed the surrendering of the cash surplus back to States parties.

26. The Meeting took note, with satisfaction, of the report on budgetary matters for the financial period 2019–2020.

2. Report of the external auditor for the financial period 2019-2020

27. The Registrar introduced the report of the external auditor for the financial period 2019–2020, with financial statements of the Tribunal as at 31 December 2020 ([SPLOS/31/4](#)), which had been examined by the Tribunal during its session in March 2021. The Registrar highlighted that, according to the auditor, the financial statements provided a true and fair view of the Tribunal’s net assets, liabilities and financial position as at 31 December 2020 and of its financial performance in accordance with the Financial Regulations and Rules of the Tribunal.

28. The Meeting took note, with satisfaction, of the report.

3. Amendments to the Financial Rules of the Tribunal

29. The Registrar presented document [SPLOS/31/5](#) on proposed amendments to the Financial Rules of the Tribunal, noting that the amendments were necessitated by the implementation of the International Public Sector Accounting Standards. She informed the Meeting that the proposed amendments were approved by the Tribunal on 7 October 2020 and had been provisionally applied as from 1 January 2021.

30. A group of States expressed support for the amendments to the Financial Rules of the Tribunal.

31. The Meeting endorsed the amendments to the Financial Rules of the Tribunal, as contained in document [SPLOS/31/5](#), noting that the Tribunal had applied them provisionally from 1 January 2021.

V. Information on the activities of the International Seabed Authority

32. The Secretary-General of the International Seabed Authority, Michael Lodge, provided information on the activities carried out by the Authority since the thirtieth Meeting.

33. He highlighted that despite the lack of in-person meetings since February 2020, critical decisions had been adopted that made it possible for the Authority to deal with essential work effectively. That included the adoption of a budget for the Authority for the financial period 2021–2022, the election by consensus of one-half of the membership of the Council, the election of the Secretary-General of the Authority and the adoption of a decision, on an exceptional basis, to extend the terms of office of the members of the Legal and Technical Commission of the Authority by one year, to 31 December 2022. The Secretary-General also drew attention to the approval of a new plan of work for the exploration of polymetallic nodules in the Area, sponsored by Jamaica, and to a contract signed with Blue Minerals Jamaica Ltd., which made Jamaica the sixth small island developing State to become a sponsoring State of activities in the Area. He further highlighted the adoption by the Assembly of the Authority's action plan for marine scientific research in support of the United Nations Decade of Ocean Science for Sustainable Development, noting that the promotion and encouragement of marine scientific research in the Area was at the core of the mandate of the Authority under the Convention. He also highlighted a decision by the Assembly relating to the implementation of a programmatic approach to capacity development, and he encouraged all States parties to nominate their national focal points for capacity development.

34. The Secretary-General noted that the first priority of the Legal and Technical Commission in 2021 had been to review seven requests for extension of exploration contracts. He further noted that the Legal and Technical Commission had also drafted and issued, for public consultation, all of the standards and guidelines for exploitation of mineral resources in the Area to be developed under the first phase of the anticipated schedule. Regarding the work of the Finance Committee, he highlighted continued work on the issue of equitable sharing of financial and other economic benefits from activities in the Area.

35. He drew attention to the launch of the Women in Deep-Sea Research project which, building on the voluntary commitment registered by the Authority at the United Nations Ocean Conference held in 2017, was aimed at addressing the critical barriers preventing women's empowerment and leadership in disciplines and activities related to deep-sea research.

36. Addressing the financial situation of the Authority, the Secretary-General emphasized that 35 per cent of assessed contributions for 2021 were outstanding, and he urged the States concerned to pay their contributions as soon as possible. He stressed that the total amount of arrears for prior periods was \$993,251, that 56 States were in arrears of contributions for more than two years and that 8 States had never paid any contributions since becoming parties to the Convention. That meant that 33 per cent of the membership of the Authority was potentially disqualified from the exercise of voting rights.

37. In the ensuing discussions, many delegations expressed support for the Authority in fulfilling its mandate. Some of these delegations highlighted the role of the Authority in organizing, regulating and controlling activities in the Area on behalf of and for the benefit of humankind and in ensuring effective protection of the marine environment, and of human life, from the harmful effects of activities in the Area. The potential for activities in the Area to contribute to the achievement of the Sustainable Development Goals was noted.

38. Many delegations commended the progress that had been made in the work of the Authority despite the challenges posed by the COVID-19 pandemic, with reference to specific achievements mentioned by the Secretary-General. A group of States highlighted the importance of in-person meetings in ensuring inclusive and participative discussions.

39. A group of States and several delegations extended their congratulations to the Secretary-General of the Authority on his re-election. Some of those delegations took note of the decision to extend the terms of office of the members of the Legal and Technical Commission by one year on an exceptional basis owing to the impact of the COVID-19 pandemic. The importance for States parties to find agreement on the composition of the Legal and Technical Commission ahead of the upcoming elections was highlighted.

40. A group of States and some delegations welcomed the progress made by the Authority in developing the regulatory framework for the exploitation of mineral resources in the Area, in particular in relation to the preparation of draft standards and guidelines, and the efforts to develop the financial terms of exploitation contracts, as well as to address the potential economic impact of mineral production from the Area on developing land-based producers. The need for expeditious finalization of the regulations on exploitation in order to provide contractors with certainty was also stressed.

41. The importance of ensuring a balance between mineral exploitation and environmental protection in developing the framework for activities in the Area was underscored by a group of States and some delegations. In that regard, the further development of regional environmental management plans was welcomed. In addition, the need to apply a precautionary approach also for open, transparent and inclusive decision-making processes was highlighted. A delegation stressed the importance of devising a system whereby the Authority and developing countries received a fair share of the revenue generated from extraction activities.

42. Many delegations welcomed the adoption by the Authority of an action plan for marine scientific research in support of the United Nations Decade of Ocean Science for Sustainable Development. A group of States also welcomed the efforts by the Authority to join the International Oceanographic Data and Information Exchange network to serve as a node for the Ocean Biodiversity Information System. Many delegations welcomed the continuing efforts of the Authority in relation to capacity-building. References were made, in particular, to the endorsement by the Assembly of a programmatic approach to capacity development, the launch of the ISA-China Joint Training and Research Centre, and a national capacity-building workshop jointly organized by the Authority and the Government of Indonesia.

43. The Meeting took note of the information reported by the Secretary-General of the Authority.

VI. Matters related to the Commission on the Limits of the Continental Shelf

A. Information reported by the Chair of the Commission

44. The Chair of the Commission, Adnan Rashid Nasser Al-Azri, provided information on the progress of work of the Commission since the thirtieth Meeting (see also [SPLOS/31/6](#) and [SPLOS/31/6/Add.1](#)), including regarding the consideration of submissions, workload and conditions of service of its members, absences and terms of office, as well as the decision of the Commission not to hold its fifty-third and fifty-fourth sessions at United Nations Headquarters as originally scheduled¹³ in the light of the ongoing COVID-19 pandemic. Further to the information contained in his letter dated 6 May 2021 to the President of the Meeting ([SPLOS/31/6/Add.1](#)), the Chair informed that in order to assess the feasibility of holding a partial session in August, members of the Commission had shared information about their ability to travel to United Nations Headquarters under the ongoing COVID-19-related uncertainties. After reviewing this information, the members of the Commission concluded that it would be difficult to ensure a quorum of members even if the session was to be conducted in a reduced or shortened format.

45. The Chair also underscored how the pandemic had brought into the open many of the issues already faced by the Commission as a result of its significant workload and the unsatisfactory conditions of service of its members. While reiterating the gratitude of members of the Commission for the efforts of States parties in that regard, the Chair noted the little progress made over the years, observing how several aspects considered important for improvement of the conditions of service had not yet been addressed, while solutions offered for other aspects had been unworkable. In that connection, the Chair reiterated the position of the Commission that all solutions be based on the equality of treatment of all members of the Commission and expressed concern that, in the absence of tangible and sustainable improvement in the conditions of service of the members, it might become increasingly difficult for States to attract future candidates for elections of the Commission who have the level of expertise and competence required for the consideration of submissions for which States parties have invested significant financial resources, time and effort.

46. In the ensuing discussions, a group of States and several delegations commended the work of the Commission in the fulfilment of its mandate under the Convention, despite the ongoing challenges and reiterated their appreciation and support for its work. Delegations recalled the importance of the Commission in ensuring the exercise by coastal States of their sovereign rights as well as in identifying the regime of the Area. A group of States and one delegation also highlighted the high quality of scientific exchange and cooperation between the Commission and submitting States during its consideration of submissions. One delegation expressed hope that the Commission would continue to adhere strictly to its rules of procedure and noted, in particular, paragraph 5 of annex I, which provided, inter alia, that in cases of land or maritime disputes, the Commission should not consider and qualify a submission made by any of the States concerned in the dispute ([CLCS/40/Rev.1](#)). A group of States and some delegations expressed their gratitude to the Chair for his leadership during the difficult period and noted that, in spite of the absence of formal sessions, the members of the Commission had remained actively engaged in matters concerning its work.

47. A group of States and several delegations noted the considerable number of submissions yet to be considered by the Commission and the heavy workload of the

¹³ See General Assembly resolution [75/239](#), para. 110.

Commission and the secretariat. Some of these delegations expressed concern that the waiting period between making a submission and the establishment of a subcommission had already surpassed 12 years and was expected to increase further as a result of the COVID-19 pandemic and related challenges. One delegation encouraged the Commission to consider conducting remote work, taking into account the challenges of ensuring compliance with data security requirements, with the support of the secretariat. In that connection, the importance of ensuring the integrity and confidentiality of the deliberations of the Commission and adherence to the rules of procedure was highlighted by one delegation. Another delegation pointed out that the expected increase in the waiting period would pose additional challenges to maintain the specialized datasets and relevant software, especially for developing States, and called for urgent attention to this matter.

48. Some delegations made pledges or mentioned their contribution to the voluntary trust fund for the purpose of defraying the cost of participation of the members of the Commission from developing States and called on other State parties to do the same in order to facilitate the participation of all members of the Commission and support the improvement of their conditions of service (see paras. 87–89 below).

49. Concerns were expressed by a group of States and some delegations regarding the ongoing vacancy in the Commission, with some of those delegations also urging for an outcome to be identified as soon as possible, either by proposal of a candidate or by considering alternative solutions, in order to ensure the full functioning of the Commission and its subcommissions.

50. On behalf of the Commission, the Chair expressed appreciation for the continued support by States parties to the Commission, which was crucial at that time, given the current challenges. The Chair renewed an appeal to the Meeting for a timely solution to the conditions of service of the members of the Commission and reaffirmed the full commitment of the members to resume their work as soon as the circumstances permitted.

51. The Meeting took note of the information reported by the Chair of the Commission.

B. Conditions of service of the members of the Commission

Report of the Open-ended Working Group

52. The Co-Coordiators of the Open-ended Working Group, Sidney Gregory Kemble (Netherlands) and María Alejandrina Sande (Uruguay), reported to the Meeting on the progress made by the Working Group since the thirtieth Meeting. In that regard, the Co-Coordiators recalled that the Working Group had held one round of informal consultations, on 14 December 2020, shortly after the conclusion of the thirtieth Meeting, during which delegations had agreed that further factual information on the costs involved to address the working conditions of the Commission might assist the Meeting in taking a decision on the matter. The Co-Coordiators, consequently, requested further information from the secretariat on: (a) the costs related to possible minimum standards for the conditions of service of the members of the Commission; and (b) the costs and cost components to be defrayed from nominating States or reimbursed from the voluntary trust fund per session and annually.

53. Following receipt of that information, the Working Group had held four rounds of virtual informal consultations focusing, first, on disparities in the conditions of service of members of the Commission in order to determine whether minimum conditions of service should be established; second, on determining the costs associated with the possible minimum conditions of service; and third, on possible financial mechanisms to cover those costs. While delegations were unable to agree

on minimum conditions of service that would be provided to all members of the Commission, a consensus had emerged on minimum conditions of service that should be provided to members of the Commission from developing States based on United Nations standards, the costs of which would be defrayed by the voluntary trust fund. In that connection, delegations had agreed that the minimum standard for those members of the Commission would consist of three cost elements, namely: (a) travel-related expenses, including standards of travel and accommodation; (b) daily subsistence allowance; and (c) medical and dental insurance.

54. In terms of the possible financial mechanism to raise the annual funds needed to cover the costs for the participation of those members of the Commission, delegations indicated that three of the options reflected in the comprehensive study prepared by the Division at the request of States parties (SPLOS/30/11) – namely the regular budget of the United Nations, assessed contributions from States parties and payment of a fee in connection with the making of submissions – were inconsistent with article 2, paragraph 5, of annex II to the Convention, which provided for nominating States to defray the expenses of their nominated member while they are in the performance of Commission duties. Consequently, the Working Group focused on possible mechanisms to ensure that the voluntary trust fund would be sufficiently funded in order to reimburse the costs associated with the minimum conditions of service of seven members of the Commission from developing States, based on the history of recent applications to the voluntary trust fund.

55. In the light of the challenge of the chronic underfunding of the voluntary trust fund, the Co-Coordinator put forward a proposal under which nominating States that were developed States and other nominating States that were in a position to do so would act as guarantors of the voluntary trust fund and would, in the event of its depletion or deficiency, together contribute the necessary funds in order to enable the voluntary trust fund to defray those costs for seven members of the Commission. The proposal was also discussed in the context of informal consultations held by the Open-Ended Working Group during the thirty-first Meeting, with some delegations indicating the need for further discussions on the available information and options, including through consultations with regional groups.

56. During the plenary session, a group of States and several delegations commended the work of the Working Group, in particular the efforts of the Co-Coordinator to find sustainable and long-term solutions to address the issues concerning the conditions of service of the members of the Commission. Delegations also emphasized the importance of creating conditions that enabled the members of the Commission to conduct their work effectively, with one delegation noting the importance of reaching a solution prior to the election of the members of the Commission in 2022.

57. Some delegations noted the important role of the voluntary trust fund in ensuring that the Commission could work efficiently. A group of States and one delegation acknowledged that long-term solutions based on the voluntary trust fund were not viable and called for a more sustainable way of funding the participation of all members in the meetings of the Commission, including with regard to the issue of medical coverage. In that context, some delegations emphasized the obligation of nominating States under the Convention to defray those costs. One delegation noted the need for realistic and voluntary solutions. A view was expressed that the minimum standards related to the costs of travel expenses, accommodation and daily subsistence allowance payable to the members from developing countries should only apply to those cases where the costs were to be defrayed by the voluntary trust fund and that nominating States should otherwise apply their own standards when defraying the costs for their nominated members.

58. Some delegations expressed their support for the continued work of the Working Group. A group of States and some delegations also expressed gratitude to the secretariat for its support to the Working Group.

59. The meeting took note of the information reported by the Co-Coordination and requested that the Working Group continue its intersessional work, including by considering means to create incentives for States to make contributions to the voluntary trust fund, such as ways to acknowledge or recognize contributions made, and to report to the thirty-second Meeting.

C. Filling of a vacancy in the Commission

60. The President recalled that the twenty-seventh Meeting of States Parties had not been in a position to elect all 21 members of the Commission, as the Group of Eastern European States, which was entitled to three seats (see [SPLOS/201](#)), had put forward only two nominations. Owing to a lack of nominations, States parties were also unable to fill the vacancy at subsequent Meetings of States Parties.

61. The President recalled that during the thirtieth Meeting, concerns were raised by several delegations concerning the ongoing vacancy and he underscored the responsibility of States parties to ensure that the Commission can operate with full membership. The President further recalled the statements made by the Legal Counsel and the Chair of the Commission, which noted the significant impact of the absence of one member on the work of the Commission as a whole, including its individual subcommissions.

62. Slovakia, as the Chair of the Group of Eastern European States for the month of June 2021, reported that no nominations had been made but that efforts had been ongoing to identify a candidate as soon as possible.

63. The Meeting decided that, if the Group of Eastern European States informed the President by 17 September 2021 that a candidate or candidates had been identified, a call for nominations would be circulated by the Secretary-General. A resumed session of the thirty-first Meeting would then be convened to conduct a by-election before the thirty-second Meeting of State Parties, subject to the approval of the General Assembly in the light of the financial implications involved. If, following the election of members of the Commission at the thirty-second Meeting, in June 2022, there remained a vacant seat among those allocated to the Group of Eastern European States, or any other regional group, the Meeting would revert to the consideration of the matter of vacancies in the Commission prior to the thirty third Meeting, in 2023.

VII. Report of the Secretary-General under article 319 of the Convention

64. The Meeting considered the most recent annual report of the Secretary-General on oceans and the law of the sea ([A/75/340](#)) that was submitted to States parties pursuant to article 319 of the Convention. The President recalled that, owing to the working arrangements that were rendered necessary as a result of the COVID-19 pandemic, the thirtieth Meeting had resumed its work in December 2020 and had addressed the report during the plenary sessions. Given its ongoing relevance, the President invited delegations to address the report in the light of developments since the thirtieth Meeting.

65. A number of delegations reaffirmed that the Convention set out the legal framework within which all activities in the oceans and seas must be carried out and

underlined the universal and unified character of the Convention and its role as a “constitution for the oceans”, while noting its flexibility. A number of delegations also underscored the contribution of the Convention to maintaining international peace and security, settling disputes peacefully, enhancing friendly relations among all States, protecting and preserving the marine environment and strengthening the rule of law in the oceans and seas. Delegations also expressed appreciation for the important work of the three bodies established under the Convention. While one delegation welcomed progress towards universal participation in the Convention and its implementing agreements, Member States who were not yet party to the Convention were also called upon to become party as soon as possible. A view was expressed that for matters not stipulated in the Convention, the principles and rules of general international law should continue to apply.

66. Several delegations underlined the importance of the ongoing work of the intergovernmental conference on an international legally binding instrument under the United Nations Convention on the Law of the Sea on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction. They underlined the importance of its intersessional work and stressed the need for early conclusion of the negotiations. Several delegations referred to the decision of the General Assembly to postpone the fourth session of the intergovernmental conference to the earliest possible available date in 2022, preferably during the first half of the year. Several delegations expressed their views on various issues under negotiation. One delegation hoped to have new working documents that would allow progress to be made and to recover time lost as a result of the pandemic.

67. The need for the full and effective implementation of the Convention and related agreements, as well as a cooperative, coordinated and integrated approach to ocean-related issues was stressed. Several delegations highlighted national and regional actions, including recently adopted national laws and strategies, aimed at giving effect to the Convention. Some delegations highlighted the importance of the Convention, as well as capacity-building, the transfer of marine technology and financing for the full implementation of Sustainable Development Goal 14, and stressed the need for progress in this regard at the United Nations Conference to Support the Implementation of Sustainable Development Goal 14: Conserve and sustainably use the oceans, seas and marine resources for sustainable development, which would be co-hosted by Kenya and Portugal in Lisbon in 2022.

68. Some delegations stressed the need to maintain the integrity of the Convention. Some delegations announced in that regard the launch of the Group of Friends of the Convention, the purpose of which was to facilitate open discussions on issues and challenges for the Convention, and encouraged all member States to join.

69. Some delegations drew attention to the detrimental impacts of the COVID-19 pandemic on the oceans and maritime sectors and activities, including shipping, fishing and tourism, such as unemployment, loss of revenue and income and reductions in investments. Seafarers and fishers had been significantly affected. Reference was made in that regard to General Assembly resolution [75/17](#), on international cooperation to address challenges faced by seafarers as a result of the COVID-19 pandemic to support global supply chains, and efforts to designate seafarers as essential workers to facilitate their movement and repatriation. The observer delegation of the International Maritime Organization (IMO) highlighted recent activities in that regard, including the adoption of a resolution on recommended action to prioritize COVID-19 vaccinations for seafarers in May 2021. The gender impacts of COVID-19 were also highlighted, including disproportionate job loss by women in the maritime sector and the necessity of addressing the needs of women and girls in a post-COVID era. Some delegations also noted the impacts of the

pandemic on ocean governance regimes, including the institutions established under the Convention, while also acknowledging efforts to work through virtual means.

70. Some delegations noted that the COVID-19 pandemic had significantly hindered progress in achieving the 2030 Agenda for Sustainable Development, including Sustainable Development Goal 14. However, some delegations also underlined the opportunity provided by post-pandemic recovery efforts to build sustainable blue economies. One delegation noted the reprieve that the oceans had enjoyed from reduced human activities during the pandemic, which had contributed to a resurgence of marine life across the world's oceans.

71. Some delegations highlighted the critical role of marine science and technology in transforming blue economies and promoting the conservation and sustainable use of the ocean. Delegations also underscored the United Nations Decade of Ocean Science for Sustainable Development as a powerful tool to strengthen scientific collaboration, ocean partnerships and the science-policy interface, and to address data gaps. The contribution of the Regular Process for Global Reporting and Assessment of the State of the Marine Environment, including Socioeconomic Aspects to strengthening the science-policy interface was noted, including the recently launched second World Ocean Assessment. The importance of gender equality for the proper sustainable management of the oceans was also noted, including in the context of marine science.

72. Some delegations stressed the importance of capacity-building and partnerships, including for small island developing States, and appreciation was expressed for capacity-building programmes of the institutions under the Convention, as well as those of bilateral partners, the United Nations system and the Global Environment Facility. Some donor States drew attention to their contributions to various trust funds and capacity-building initiatives, including through private charitable organizations.

73. A number of delegations highlighted threats to the oceans and stressors on the marine environment, including plastic pollution, marine litter, loss of coral and oil spills, as well as actions taken at the global, regional and national levels to protect the marine environment, including to combat plastic pollution. Several delegations expressed support for a new legally binding instrument on plastic pollution.

74. A number of delegations underscored the adverse impacts of climate change on the oceans, including sea level rise and ocean acidification, which posed threats to low-lying coastal States and small island developing States. Some delegations stressed the important role of the Convention in the context of sea level rise and the need to prevent the erosion of maritime boundaries and to develop a climate resilient future, including through a nexus approach. Several delegations noted the work of the twenty-first meeting of the Open-ended Informal Consultative Process, which had focused on sea level rise and its impacts, as well as the ongoing work of the International Law Commission on sea level rise.

75. Several delegations expressed concerns over the planned release of wastewater from the Fukushima nuclear plant in Japan into the marine environment, without adequate assessment or consultation with relevant stakeholders. Those delegations called for a reconsideration of the decision in the light of obligations under the Convention for the protection and preservation of the marine environment. Another delegation indicated that it would act in accordance with international law in that regard and would ensure safety, transparency and accountability, including by taking measures in line with established international standards and practice and by taking into account potential impacts on the environment and the health and safety of people. That delegation also highlighted actions it had taken in that regard through the International Atomic Energy Agency.

76. Several delegations pointed to the challenges raised by illegal, unreported and unregulated fishing and highlighted measures adopted, including through regional cooperation and by strengthening monitoring, control and detection measures. A delegation also recalled the threats to conservation and sustainable use under national jurisdiction from unmanaged exploitation of marine living resources on the high seas. Another delegation recalled the sovereign rights of the coastal State over sedentary species on the continental shelf beyond 200 nautical miles and highlighted measures taken to conserve and manage such sedentary species. A concern was expressed regarding the lack of knowledge over fish species on the high seas, which would be important for ensuring their adequate protection. One delegation noted the ongoing work at the World Trade Organization to adopt disciplines on fisheries subsidies. Attention was also drawn to the recent entry into force of the Agreement to Prevent Unregulated High Seas Fisheries in the Central Arctic Ocean. Another delegation noted plans to become a party to the Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas. One delegation drew attention to the importance of the International Year of Artisanal Fisheries and Aquaculture in 2022.

77. Some delegations expressed concerns over threats to maritime security, including terrorism, piracy and armed robbery against ships, smuggling, trafficking, intentional and unlawful damage to the marine environment, as well as illegal, unreported and unregulated fishing and other illegal activities in the fisheries sector. The need for domain awareness and regional cooperation, as well as capacity-building and technical assistance on maritime security, was underscored and specific regional initiatives were highlighted. A delegation expressed concern over the deterioration of maritime security in the Gulf of Guinea while highlighting the work of IMO and the Group of Seven Group of Friends of the Gulf of Guinea. The observer delegation of IMO drew attention to the issue of unlawful practices associated with the fraudulent registration and fraudulent registries of ships.

78. A delegation reaffirmed its commitment to promoting and protecting the rights of seafarers and fishers in order to meet standards of the International Labour Organization (ILO) and comply with the United Nations Guiding Principles on Business and Human Rights and to ensure maritime safety, including crewing of ships and training of crews. Another delegation reaffirmed its commitment to protecting the lives of all migrants, in line with the Global Compact for Safe, Orderly and Regular Migration. One delegation drew attention to the work of IMO on the regulation of maritime autonomous surface ships and noted the important roles of the General Assembly and the Meeting of States Parties in the discussion, in addition to dialogue taking place between the Division and the IMO secretariat on the topic.

79. Some delegations called on States parties in the South China Sea region to enhance mutual trust and refrain from activities that would escalate tensions, while stressing the importance of continuing discussions in the Association of Southeast Asian Nations on the conclusion of the code of conduct in the South China Sea. Some other delegations from the region called on States parties to resolve their differences through cooperation and consultation.

80. With regard to the Black Sea, the Sea of Azov and the Strait of Kerch, a delegation raised concerns regarding activities conducted by another State party in those areas, which it deemed to be in violation of international law and its sovereignty, including a decision to close parts of the Black Sea to foreign military and official vessels. The delegation called on that State party to respect its sovereign rights, cease and revoke all unlawful activities, decisions and violations of the Convention and pay compensation and offer other relief. Another delegation, in the exercise of its right of

reply, stated that under international law it enjoyed sovereign rights in the maritime areas concerned and had obligations to ensure safe navigation therein.

81. A delegation drew attention to the recent judgment of the Special Chamber of the Tribunal concerning delimitation of the maritime boundary between Mauritius and Maldives in the Indian Ocean and highlighted the findings that Mauritius ought to be regarded as the coastal State in respect of the Chagos Archipelago and that the determinations of the International Court of Justice in its advisory opinion of 25 February 2019 on the Legal Consequences of the Separation of the Chagos Archipelago from Mauritius in 1965 had legal effect. That delegation stressed that all States parties must protect the integrity of the Convention and demonstrate respect for international law by complying with international rulings as well as General Assembly resolution [73/295](#) of 22 May 2019. Another delegation noted that it was not a party to the proceedings before the Tribunal and that the judgment did not have legal effect, while asserting that the Chagos Archipelago had been under its continuous sovereignty since 1814. That delegation noted that it was only bound by the award of the Arbitral Tribunal constituted under annex VII of the Convention regarding the Chagos Marine Protected Area between Mauritius and the United Kingdom of Great Britain and Northern Ireland. That delegation reiterated its commitment to ceding sovereignty over the Chagos Archipelago to Mauritius when it was no longer required for defence purposes. The first delegation, in the exercise of its right of reply, expressed a different interpretation while making reference to the existing rulings, and reiterated the calls of the Assembly contained in resolution [73/295](#). Both delegations stressed, including in the exercise of their second right of reply, respect for the rule of law, both nationally and internationally.

82. Some delegations expressed the view that the mandate of the Meeting under article 319 of the Convention was restricted to administrative, financial and procedural issues and that the Meeting was not empowered to hold substantive discussions. Another delegation maintained that the Meeting was the competent forum to consider substantive aspects relating on the interpretation and implementation of the Convention.

83. The Meeting took note of the report of the Secretary-General under article 319 and the views expressed by delegations under that agenda item and decided to include the same agenda item in the provisional agenda of its thirty-second Meeting.

VIII. Other matters

A. Decision on the extension of the term of office of the current members of the Commission

84. The Meeting considered a draft decision on the extension of the five-year term of office of the current members of the Commission, which was proposed by India, Portugal, the Russian Federation, Spain and Sri Lanka (issued as [SPLOS/31/L.2](#)). Introducing the draft decision, one delegation noted that the COVID-19 pandemic had prevented the members of the Commission from meeting and carrying out their duties in person and, as a result, a full year of work had been lost. That delegation also reminded the Meeting of the Commission's large workload, including many submissions that were expected to be received in the future. To address that extraordinary situation, it was proposed in the draft decision that the members of the Commission serve for one additional year, until June 2023.

85. Some delegations expressed their support for the draft decision because it remedied the fact that, owing to the exceptional circumstances caused by the

pandemic, the members of the Commission would otherwise be unable to discharge their functions for the entirety of the five-year term of office set by the Convention.

86. The Meeting decided that the five-year term of office of the current members of the Commission would be extended by one year and expire on 15 June 2023, stressing that the decision was made on an exceptional basis, owing to the unprecedented circumstances arising as a result of the COVID-19 pandemic, would not constitute a precedent and was also without prejudice to article 2, paragraph 4, of annex II of the Convention.¹⁴

B. Trust funds and fellowships

87. The Meeting was informed about the current status and projected funding requirements of the trust funds administered by the Division, including in a written statement that was posted on the Division's website.¹⁵

88. Regarding the voluntary trust fund for the purpose of defraying the cost of participation of the members of the Commission on the Limits of the Continental Shelf from developing States in the meetings of the Commission, the Meeting was informed that, since the thirtieth Meeting, contributions had been received from Canada, Costa Rica, France, Japan, the Philippines, Portugal and Spain. Iceland announced its intention to make a contribution in the amount of \$50,000 and China informed that it planned to make a contribution in the amount of \$45,000. Japan also announced its plans to make an additional substantial contribution to the trust fund. The Meeting was also informed that, owing to the postponement of the sessions of the Commission, no funds from the trust fund had been required to defray the cost of participation of members of the Commission from developing countries. Thus, as at 31 May 2021, the balance in the trust fund that was available for disbursement, which factors in the programme support costs, was estimated to be \$566,000.

89. Concerning the voluntary trust fund for the purpose of facilitating the preparation of submissions to the Commission on the Limits of the Continental Shelf for developing States, in particular the least developed countries and small island developing States, in compliance with article 76 of the Convention, the Meeting was informed that no contributions or applications for assistance had been received since the thirtieth meeting. As at 31 May 2021, the balance in the trust fund that was available for disbursement was estimated to be \$427,000, including programme support costs.

90. With regard to the voluntary trust fund to assist States in the settlement of disputes through the International Tribunal for the Law of the Sea, the Meeting was informed that contributions had been made by Finland and the Philippines since the thirtieth Meeting, and that no applications for assistance had been received. As at 31 May 2021, the balance in the trust fund that was available for disbursement was estimated to be \$166,000.

91. With regard to the Hamilton Shirley Amerasinghe Memorial Fellowship on the Law of the Sea, no contributions had been made since the thirtieth Meeting of States Parties. As at 31 May 2021, the balance that was available for future disbursement was estimated to be \$110,000. In the light of the COVID-19 pandemic, the 2020 fellowship was postponed to 2021. Given the continuing restrictions on international travel, the 2020 fellow, Linda Bana of Ghana, was given the option to conduct her fellowship virtually in 2021 or postpone it until 2022. The Meeting was reminded that

¹⁴ The next election of 21 members of the Commission will take place at the thirty-second Meeting of States Parties, in 2022. The five-year term of office of the members of the Commission elected at that Meeting will start on 16 June 2023.

¹⁵ See https://www.un.org/Depts/los/meeting_states_parties/thirtyfirstmeetingstatesparties.htm.

the fund had been chronically underfunded for a number of years and that without additional contributions it might continue to be underfunded.

92. Regarding the voluntary trust fund for the Regular Process for Global Reporting and Assessment of the State of the Marine Environment, including Socioeconomic Aspects, no contributions had been received since the thirtieth Meeting. As at 31 May 2021, the balance in the trust fund that was available for disbursement was estimated to be \$187,000.

93. Regarding the voluntary trust fund for the purpose of assisting developing countries, in particular least developed countries, small island developing States and landlocked developing States, in attending meetings of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea, no contributions had been received since the thirtieth Meeting. As at 31 May 2021, the balance in the trust fund that was available for disbursement was estimated to be \$46,000. Given the virtual nature of the meeting of the twenty-first Open-ended Informal Consultative Process, the Meeting was informed that no funds were required from that trust fund to defray the cost of participation of panellists or meeting participants from developing countries.

94. Regarding the voluntary trust fund for the purpose of assisting developing countries, in particular the least developed countries, landlocked developing countries and small island developing States, in attending the meetings of the preparatory committee and an intergovernmental conference on the development of an international legally binding instrument under the United Nations Convention on the Law of the Sea on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction, a contribution had been received by the Division from Estonia, and the Division had also been informed of a forthcoming contribution from France. As at 31 May 2021, the balance in the trust fund that was available for disbursement was estimated to be \$136,000. In the light of the strong demand for assistance under the trust fund, the Meeting was informed that, without additional contributions, the Division would not be in a position to satisfy all requests for assistance in respect of the future forth session of the intergovernmental conference.

95. The contributions process at the United Nations was recalled in order to remind delegations of the importance of ensuring that the intended beneficiary trust fund was clearly annotated in the transfer order and that related correspondence was received by the Division on a timely basis, failing which additional time would be needed for contributions to be properly allocated to the correct trust fund. Such delays in the allocation of funds would hamper the Division's ability to accurately and effectively administer the trust funds, including reporting on fund balances and acknowledging contributions in a timely manner.

96. The secretariat expressed gratitude to all States that had made contributions to the trust funds, emphasized that the chronic underfunding of the funds was a serious problem and reiterated the appeal contained in General Assembly resolution [75/239](#) to States, international financial institutions, donor agencies, intergovernmental organizations, non-governmental organizations and natural and juridical persons to make financial contributions.

97. The Meeting took note of the information on trust funds and fellowships that was provided by the secretariat.

C. Gender balance

98. In his closing remarks, the President of the Meeting, after recalling the recent revision of the rules of procedure for Meetings of States Parties, which had been conducted to ensure gender inclusivity, noted that out of the 50 Bureau positions available from 2010 to 2020, only 15 were occupied by women. Out of those, only three related to the role of President, while the remaining 12 were for the role of Vice-President. The President observed that promoting gender equality, by working to achieve gender balance in the representation in the Bureau, would align the practice of the Meeting with initiatives taken in other international forums, and he encouraged States parties, through the regional groups, to take into account the importance of achieving gender balance when nominating candidates for the positions of President and Vice-Presidents of future Meetings of States Parties.
