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Commission on the Limits of the Continental Shelf:

information reported by the Chair of the Commission

Letter dated 28 March 2022 from the Chair of the Commission on the Limits of the Continental Shelf addressed to the President of the thirty-second Meeting of States Parties

Introduction

1. In my capacity as Chair of the Commission on the Limits of the Continental Shelf, I wish to inform you about the progress of work of the Commission since the thirty-first Meeting of States Parties to the United Nations Convention on the Law of the Sea, held in June 2021.¹
2. The Commission held its fifty-third and fifty-fourth sessions at United Nations Headquarters from 6 October to 23 November 2021 and from 21 February to 11 March 2022, respectively.² Both sessions were held in observance of the mitigation measures in effect at the time owing to the coronavirus disease (COVID-19) pandemic. Documents [CLCS/53/1](#) and [CLCS/54/2](#) contain a more detailed account of progress in the work of the Commission during those sessions, in particular with regard to the submissions under active consideration.
3. The focus of the present letter is on issues of importance for the discharge by the Commission of its mandate under the Convention, including the continued impact of the COVID-19 pandemic on its work.

Impact of the pandemic on the work of the Commission

4. The COVID-19 pandemic has continued to pose challenges for the work of the Commission. Owing to the strict preventive and mitigation measures in place, the

* [SPLOS/32/L.1](#).

¹ The thirty-first Meeting of States Parties was held from 21 to 25 June 2021. The Meeting was resumed on 8 December 2021 to elect one member of the Commission on the Limits of the Continental Shelf.

² The fifty-third session, originally scheduled to be held in 2020, was the first session to be convened since the onset of the coronavirus disease 2019 (COVID-19) pandemic. The opening of the fifty-fourth session, originally scheduled to be held on 24 January 2022, was postponed owing to the ongoing pandemic.



fifty-third session was devoted to the technical examination of submissions by the various subcommissions at the geographic information system laboratories and other technical facilities of the Division for Ocean Affairs and the Law of the Sea, albeit without holding meetings with the delegations of the submitting States. Such meetings were made possible only during the fifty-fourth session and, in some cases, were held in a hybrid format (in person and via videoconference). Videoconferencing arrangements were made with the delegations concerned once they had acknowledged the limitations regarding the confidentiality of exchanges through means other than in-person meetings. In addition, only limited conference services were available for the plenary of the fifty-fourth session. Several members of the Commission were unable to travel to New York; thus, during both sessions, some subcommissions lacked the quorum required to make substantive decisions.

5. The Commission continues to assess the situation concerning the COVID-19 pandemic and is hopeful that future sessions will be less affected in this regard.

Membership of the Commission

6. Following his election at the resumed thirty-first Meeting of States Parties, held on 8 December 2021, Antonio Fernando Garcez Faria (Brazil) assumed his duties at the fifty-fourth session of the Commission, making the solemn declaration pursuant to rule 10 of the Rules of Procedure of the Commission (CLCS/40/Rev.1). His election filled the vacant seat in the Commission resulting from the death of Jair Alberto Ribas Marques (Brazil) on 18 July 2021. Mr. Marques will be remembered as a dedicated, long-serving member and former Vice-Chair of the Commission, and the members of the Commission and I have conveyed our condolences to his family and to the Government of the nominating State.

Consideration of submissions

7. During the above-mentioned sessions, the following 10 submissions were considered by the Commission and its subcommissions: Russian Federation, in respect of the Arctic Ocean (partial revised submission); Brazil, in respect of the Brazilian equatorial margin (partial revised submission); France and South Africa, jointly, in respect of the area of the Crozet Archipelago and the Prince Edward Islands; Kenya; Nigeria; Palau, in respect of the North Area (partial amended submission); Sri Lanka; Portugal; Spain, in respect of the area of Galicia (partial submission); and India (partial submission).

8. With respect to the partial submission made by India, I wish to recall that, in a communication dated 6 July 2020, Pakistan had requested the Commission not to consider and qualify the part of the submission pertaining to the western offshore region of India in the Arabian Sea, pursuant to paragraph 5 (a) of annex I to the Rules of Procedure of the Commission. At its fifty-fourth session, the Commission took note of the communications subsequently received from India and Pakistan and decided to defer further consideration of the matter to the fifty fifth session.

9. Since the thirty-first Meeting, the Commission has also heard presentations on new or amended submissions made by the following submitting States: Bangladesh; and Costa Rica and Ecuador, jointly, concerning the Panama basin.

10. The Commission will continue to do its utmost to make further progress in the consideration of submissions, including the drafting of recommendations, in the time remaining of the extended terms of office of the present members.

Conditions of service of the members of the Commission

11. With regard to the conditions of service of the members of the Commission, including with regard to health insurance, standards and costs of travel, standards of accommodation and daily subsistence allowances, members continued to experience significant disparities in the levels of support provided for the fulfilment of their duties. The Commission wishes to highlight, once again, the importance of ensuring that all members receive similar and reasonable treatment in this regard, with United Nations standards serving as a minimum.

12. The Commission wishes to express its appreciation for the work of the Open-ended Working Group on the Conditions of Service of the Members of the Commission on the Limits of the Continental Shelf and its ongoing efforts to ensure that the voluntary trust fund is sufficiently funded in order to reimburse the costs associated with the minimum conditions of service of members of the Commission from developing States, including by considering means to create incentives for States to make contributions to the trust fund.

13. I would like to make an observation in respect of the decisions of the General Assembly³ to authorize the members of the Commission to join the Headquarters medical insurance scheme upon payment of the full cost of the premium and to reimburse members from developing States for those costs or, alternatively, to reimburse those members for the costs of medical travel insurance and short-term medical insurance on a session-by-session basis, by using the voluntary trust fund established for the purpose of facilitating the participation of members of the Commission from developing States in the meetings of the Commission, subject to the availability of funds. While the current balance of the trust fund allows for such reimbursement, it has not been possible in previous sessions owing to insufficient funds; accordingly, this approach does not seem to represent a viable, longer-term practical solution for members from developing States, as a sufficient level of funds is not guaranteed from year to year.

14. The Commission thus continues to encourage States parties to find a long-term and sustainable solution to these issues at their thirty second Meeting.

Workload of the Commission

15. As at 28 March 2022, 74 States parties had made submissions, either individually or jointly. Overall, the Commission has received 99 submissions, including 9 revised submissions. Since the thirty-first Meeting, held in June 2021, the Commission has received three new or revised submissions, namely a revised submission made by the Cook Islands concerning the Manihiki Plateau; a partial submission made by Chile, in respect of the western continental shelf of the Chilean Antarctic Territory; and a partial submission made by Ecuador in respect of the southern region of the Carnegie Ridge.

16. To date, the Commission has issued 35 sets of recommendations, including for four revised submissions. There are currently 11 subcommissions established for the consideration of submissions, one of which suspended its work following a request from the submitting State (SPLOS/30/10, para. 11). As a result, 53 submissions are awaiting consideration, representing a further increase in the existing backlog of submissions.

17. The waiting time between the making of a submission and the establishment of a subcommission by the Commission has increased to almost 13 years. This increase

³ General Assembly resolutions [73/124](#), para. 101; [74/19](#), paras. 105–106; [75/239](#), paras. 106–107; and [76/72](#), paras. 110–111.

is due to several factors, including the complexity of submissions and the associated, prolonged exchanges between subcommissions and submitting States during their consideration, as well as, most recently, delays arising from the COVID-19 pandemic. Furthermore, objections raised with regard to submissions involving unresolved land or maritime disputes have resulted in the deferment of consideration by the Commission of several submissions. The Commission has taken note of the concerns expressed by some delegations with regard to progress in the consideration of the submissions in the queue, including related proposals (CLCS/54/2, para. 68). In this regard, the Commission continues to encourage States to take advantage of avenues available to them, such as provisional arrangements of a practical nature, as provided for in annex I to the Rules of Procedure, so as to allow for the unimpeded consideration by the Commission of the submissions before it (SPLOS/319, para. 29; and CLCS/54/2, para. 63).

18. The Commission has also continued to face challenges arising from the long-standing issue of the vacant seat allocated to the Eastern European States. The Commission recalls that the seat has remained vacant since the current members of the Commission were elected by the twenty-seventh Meeting of States Parties, notwithstanding the repeated commitments of the States concerned to identify a candidate. The Commission looks forward to progress being made in this regard in the interests of ensuring equitable geographical representation in the Commission and the effective discharge of its mandate.

Absence of members

19. I also wish to inform the Meeting of States Parties of ongoing issues concerning the participation of some members in the work of the Commission and of issues that continue to have an impact on the work of the Commission. These issues have been compounded by the COVID-19 pandemic, which has precluded some members of the Commission from travelling to New York. In the case of Emmanuel Kalngui (Cameroon), as has previously been reported, the absences have continued since the fiftieth session in 2019 (SPLOS/31/6, paras. 18 and 19).

20. The Commission continues its practice of addressing instances of non-attendance on a case-by-case basis, as necessary and appropriate, with a view to ensuring the full participation of all members in its work, and, if warranted, of reminding nominating States of their obligations under article 2, paragraph 5, of annex II to the Convention. In this regard, I wish to recall that, under rule 7, paragraph 4, of the Rules of Procedure, the absence of a member of the Commission during two consecutive sessions of the Commission without justification shall be brought to the attention of the Meeting of States Parties.

21. The Commission has noted that, as a result of the continuous and extended absences of some of its members, some subcommissions have lacked the quorum required for the conduct of their business. At its fifty-fourth session, the Commission thus revisited the appointments of members of its subcommissions and decided that Mr. Kalngui would no longer serve as a member of three subcommissions. As a standing member of the Commission, Mr. Kalngui's assignment to subcommissions would be addressed again at any future session to which he might be in a position to attend.

Election cycle

22. The decision of the thirty-first Meeting of States Parties to extend the term of office of the current members of the Commission by one year, until 15 June 2023, while maintaining the existing cycle of elections for the 21 members of the Commission, has resulted in a one-year gap between the elections and the assumption

by the newly elected or re-elected members of their functions. This has actually brought many benefits, namely by allowing these experts to adequately plan their professional and personal lives; familiarize themselves, if necessary, with the basic documents and past work of the Commission; and avoid hasty and stressful last-minute travel arrangements for the summer session of the Commission, which usually starts in early July, just a couple of weeks after the elections. The Commission therefore invites the Meeting of States Parties to consider holding elections of members of the Commission one year before the expiration of the five-year term of office of the sitting members.

Other matters

23. The Commission is regularly informed by the Division for Ocean Affairs and the Law of the Sea about the status of the voluntary trust fund for the purpose of defraying the cost of the participation of the members of the Commission from developing States in its meetings, including information on contributing States (CLCS/54/2, paras. 78 and 79). As at 28 February 2022, the trust fund had an approximate balance of \$1,065,443. The Commission wishes to express its deep appreciation to those States that have made contributions to the trust fund over the years.

24. The funding requirements for the upcoming fifty fifth and fifty-sixth sessions of the Commission in 2022 have been estimated at \$120,000 per session. Following the allocation of funds to cover the costs of travel and the daily subsistence allowance for the members of the Commission from developing States, the balance of the trust fund is currently sufficient to reimburse the full costs of the premiums paid by the members of the Commission from developing States who joined the Headquarters medical insurance scheme or the costs of medical travel insurance. The Commission wishes to encourage continued contributions to the voluntary trust fund so that the necessary assistance can be provided, including with respect to health insurance.

25. On behalf of the Commission, I should like to express gratitude to the Division for the high standard of secretariat services rendered to the Commission.

26. I should like to request that the present letter be circulated as a document of the thirty second Meeting of States Parties.

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