



Commission on the Limits of the Continental Shelf

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New York, 21 July-5 September 2014

Progress of work in the Commission on the Limits of the Continental Shelf

Statement by the Chair

Summary

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



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

2. The following members of the Commission attended the session: Muhammad Arshad, Lawrence Folajimi Awosika, Galo Carrera, Francis L. Charles, Ivan F. Glumov, Richard Thomas Haworth, Martin Vang Heinesen, George Jaoshvili, Emmanuel Kalngui, Wenzheng Lu, Mazlan Bin Madon, Estevao Stefane Mahanjane, Jair Alberto Ribas Marques, Simon Njuguna, Isaac Owusu Oduro, Yong Ahn Park, Carlos Marcelo Paterlini, Rasik Ravindra,¹ Walter R. Roest, Tetsuro Urabe and Szymon Uścińowicz. Some members of the Commission attended only parts of the session. Two members of the Commission could attend only part of the session owing to family emergencies. Mr. Jaoshvili attended the session from 2 to 5 September 2014, indicating that he had been unable to attend the entire session owing to a lack of adequate financial support. Mr. Uścińowicz attended the session from 11 August to 5 September, indicating that he had not been able to attend the earlier part of the session owing to a lack of adequate financial support. Mr. Glumov attended the session from 18 August to 5 September.

3. The Commission had before it the following documents and communications:

- (a) Provisional agenda ([CLCS/L.37](#));
- (b) Statement by the Chair on the progress of work in the Commission at its thirty-fourth session ([CLCS/83](#));
- (c) Submissions made by coastal States² pursuant to article 76, paragraph 8, of the United Nations Convention on the Law of the Sea;
- (d) Report of the twenty-fourth Meeting of States Parties to the United Nations Convention on the Law of the Sea ([SPLOS/277](#));
- (e) General Assembly resolution [68/70](#);
- (f) Communications received from the Federated States of Micronesia (28 July and 22 August 2014), Ghana (21 January 2014), Japan (22 July 2014), Kenya (7 July and 28 August 2014) and Somalia (2 September 2014).

¹ Elected at the twenty-fourth Meeting of States Parties to the United Nations Convention on the Law of the Sea held in June 2014 to fill the vacancy resulting from the resignation of Sivaramakrishnan Rajan, for the remainder of Mr. Rajan’s term.

² For a full list of the submissions made to the Commission, see www.un.org/Depts/los/clcs_new/commission_submissions.htm.

Item 1

Opening of the thirty-fifth session

4. The Chair of the Commission, Mr. Awosika, opened the plenary of the thirty-fifth session of the Commission.

Statement by the Director

5. The Director of the Division made a statement. She informed the Commission, with reference to the decision adopted by the twenty-fourth Meeting of States Parties held in June 2014 (see [SPLOS/276](#)), about the ongoing efforts of the Secretariat to explore options for providing access to medical insurance coverage to members of the Commission with a view to communicating any updated information to the General Assembly. The Director expressed the continued commitment of the Division to support the Commission in the discharge of its functions.

Item 2

Adoption of the agenda

6. The Commission considered the provisional agenda ([CLCS/L.37](#)) and adopted it, as amended ([CLCS/84](#)).³

Item 3

Solemn declaration by a member of the Commission

7. Pursuant to rule 10 of the rules of procedure of the Commission ([CLCS/40/Rev.1](#)), Mr. Ravindra made the solemn declaration and handed over a signed copy thereof to the Secretary of the Commission.

Item 4

Organization of work

8. The Commission approved its programme of work and the schedule for deliberations, as outlined by the Chair.

³ In response to an invitation by the Chair to present their submissions to the Commission at its thirty-fifth session, the following indicated their preference to make presentations at a future session: Sri Lanka; Denmark, in respect of the southern continental shelf of Greenland; Angola; Canada, in respect of the Atlantic Ocean; Bahamas; and France, in respect of the area of Saint-Pierre-et-Miquelon. It was understood that the deferrals would not affect the position of the submissions in the queue.

Item 5

Workload of the Commission

Conditions of service of the members of the Commission

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

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

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

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

13. The Chair informed the Commission about an informal meeting that had been held on the margins of the thirty-fifth session between the two coordinators of the open-ended working group established by the Meeting of States Parties on the conditions of service of the Commission (see [SPLOS/263](#), para. 77) and the Bureau of the Commission. During the meeting, the Bureau conveyed the above view to the coordinators.

Item 6

Consideration of the submission made by Uruguay⁴

14. The Commission appointed Mr. Ravindra as the seventh member of the subcommission (see para. 81 below).

Report of the subcommission

15. The Chair of the subcommission, Mr. Charles, reported on the progress of its work during the intersessional period and at the thirty-fifth session of the Commission, noting that the subcommission had met from 28 July to 1 August and from 18 to 22 August.

⁴ Submission made on 7 April 2009; see www.un.org/Depts/los/clcs_new/submissions_files/submission_ury_21_2009.htm.

16. Mr. Charles informed the Commission that during the week of 28 July to 1 August, the subcommission had held three meetings with the delegation of Uruguay, during which the delegation had provided responses to additional questions and requests for clarification that had been raised by the subcommission at the thirty-fourth session.

17. The subcommission decided that its members would continue to work on the submission during the intersessional period and that it would resume its consideration of the submission during the thirty-sixth session.

18. The Commission subsequently decided that the meetings of the subcommission during the thirty-sixth session would be held from 27 to 31 October and from 24 to 28 November 2014. The subcommission invited the delegation to meet during the latter week, during which it planned to prepare and deliver its presentation, pursuant to paragraph 10.3 of annex III to the rules of procedure of the Commission, and subsequently start the preparation of its draft recommendations.

Item 7

Consideration of the submission made by the Cook Islands in respect of the Manihiki Plateau⁵

Report of the subcommission

19. The Chair of the subcommission, Mr. Carrera, reported on the progress of its work during the intersessional period and at the thirty-fifth session of the Commission, noting that the subcommission had met from 28 July to 1 August and from 25 to 29 August. During that period, it had held three meetings with the delegation. The subcommission had given a comprehensive presentation to the delegation on its consideration of the submission, in response to the presentation made by the delegation at the thirty-fourth session, which was the second preliminary response of the delegation to the presentation made by the subcommission, pursuant to paragraph 10.3 of annex III to the rules of procedure of the Commission. The presentation by the subcommission had also included a response to a written reply provided by the delegation to the statement that had been made by the Chair of the subcommission at the thirty-fourth session. The delegation had given two additional presentations as part of its preliminary response to the presentation made by the subcommission, pursuant to paragraph 10.3 of annex III to the rules of procedure of the Commission and presented additional data and information.

20. The subcommission decided that its members would continue to work on the submission individually during the intersessional period and that it would resume its consideration of the submission during the thirty-sixth session. The subcommission would consider the additional data and information presented by the delegation and provide its response by way of a presentation to the delegation at that session. The subcommission would then work on the preparation of its recommendations and, pending the receipt of any new data and information, might be in a position to submit draft recommendations to the Commission at the thirty-seventh session.

⁵ Submission made on 16 April 2009; see www.un.org/Depts/los/clcs_new/submissions_files/submission_cok_23_2009.htm.

21. The Commission subsequently decided that the meetings of the subcommission during the thirty-sixth session would be held from 20 to 31 October 2014.

Item 8

Consideration of the submission made by Argentina⁶

Report of the subcommission

22. The Chair of the subcommission, Mr. Carrera, reported on the progress of its work during the intersessional period and at the thirty-fifth session of the Commission, noting that the subcommission had met from 11 to 22 August. During that period, it held four meetings with the delegation and received presentations on new information and data, which had been provided by the delegation during the intersessional period. As a result of those meetings, the subcommission had made requests for additional data and information from the delegation. The subcommission had also begun to organize and prepare the presentation it would make in accordance with paragraph 10.3 of annex III to the rules of procedure in the areas of the submission where no additional requests for information from the delegation had been made.

23. The subcommission decided that its members would continue to work on the submission individually during the intersessional period and that it would resume its consideration of the submission during the thirty-sixth session. Pending the receipt and consideration of additional data and information, the subcommission might be in a position to make its presentation to the delegation in accordance with paragraph 10.3 of annex III to the rules of procedure during the thirty-sixth session. It might also be in a position to submit draft recommendations to the Commission at its thirty-seventh session, to be held in 2015.

24. The Commission subsequently decided that the meetings of the subcommission during the thirty-sixth session would be held from 17 to 28 November 2014.

Item 9

Consideration of the submission made by Ghana⁷

Consideration of draft recommendations

25. The Commission resumed its consideration of the draft recommendations, which had been introduced to it by the subcommission at the thirty-fourth session of the Commission (see [CLCS/83](#), paras. 56-58).

⁶ Submission made on 21 April 2009; see www.un.org/Depts/los/clcs_new/submissions_files/submission_arg_25_2009.htm.

⁷ Submission made on 28 April 2009; see www.un.org/Depts/los/clcs_new/submissions_files/submission_gha_26_2009.htm.

Adoption of recommendations

26. On 5 September 2014, the Commission adopted by consensus the recommendations of the Commission on the Limits of the Continental Shelf in regard to the submission made by Ghana on 28 April 2009, as amended.

27. Pursuant to article 6, paragraph 3, of annex II to the Convention, the recommendations, including a summary thereof, were submitted in writing to the coastal State and to the Secretary-General on the same day.

Item 10**Consideration of the submission made by Iceland in respect of the Ægir Basin area and the western and southern parts of Reykjanes Ridge⁸****Consideration of draft recommendations**

28. The Commission resumed its consideration of the draft recommendations, which had been introduced to it by the subcommission at the thirty-fourth session of the Commission (see [CLCS/83](#), paras. 64-66). The Commission engaged in a detailed discussion of the draft recommendations, and decided to continue the discussion during the forthcoming session, with a view to reverting to the item at the plenary level during the thirty-seventh session, to be held in 2015.

Item 11**Consideration of the submission made by Pakistan****Report of the subcommission**

29. The Chair of the subcommission, Mr. Urabe, reported on the progress of its work during the intersessional period and at the thirty-fifth session of the Commission, noting that the subcommission had met from 21 July to 1 August. It had held three meetings with the delegation of Pakistan. During those meetings, the delegation had made two presentations on its response to the questions and requests for clarifications from the subcommission, which Pakistan had provided during the intersessional period. The subcommission had made a presentation in response to the presentations. The subcommission had made a final request for additional data and information, which was provided by the delegation during the thirty-fifth session.

30. The subcommission decided that, during the intersessional period, its members would consider Pakistan's response to the final request for additional data and information and that it would resume its consideration of the submission during the thirty-sixth session. The subcommission planned to prepare and deliver its presentation pursuant to paragraph 10.3 of annex III to the rules of procedure during the thirty-sixth session, following which it would prepare its draft recommendations.

31. The Commission subsequently decided that the meetings of the subcommission during the thirty-sixth session would be held from 3 to 14 November 2014.

⁸ Submission made on 29 April 2009; see www.un.org/Depts/los/clcs_new/submissions_files/submission_isl_27_2009.htm.

Item 12**Consideration of the submission made by Norway in respect of Bouvetøya and Dronning Maud Land**

32. The Commission appointed Mr. Ravindra as the seventh member of the subcommission.

Report of the subcommission

33. In the absence of the Chair of the subcommission, one of the Vice-Chairs, Mr. Oduro, reported on the progress of its work during the intersessional period and at the thirty-fifth session of the Commission, noting that the subcommission had met from 21 to 25 July. During that period, it had held four meetings with the delegation of Norway, in the course of which the delegation had made presentations on material that had been supplied intersessionally and had responded to questions and requests for clarification made by the subcommission.

34. The subcommission decided that its members would continue to work on the submission individually during the intersessional period and that it would resume its consideration of the submission during the thirty-sixth session.

35. The Commission subsequently decided that the meetings of the subcommission during the thirty-sixth session would be held from 3 to 14 November 2014.

Item 13**Consideration of the submission made by South Africa in respect of the mainland of the territory of the Republic of South Africa**

36. The Commission appointed Mr. Ravindra as the seventh member of the subcommission.

Report of the subcommission

37. In the absence of the Chair of the subcommission, one of the Vice-Chairs, Mr. Charles, reported on the progress of its work during the intersessional period and at the thirty-fifth session of the Commission, noting that the subcommission had met from 11 to 15 August and from 25 to 29 August. During that period, it had commenced the main scientific and technical examination of the submission. In the first week, the subcommission had held four meetings with the delegation of South Africa, in the course of which the delegation had given another detailed presentation on its submission to the subcommission, and the subcommission had presented its preliminary views and requested clarifications from the delegation on a number of issues. During the second week, the subcommission had continued with its examination of the submission.

38. The subcommission had decided that its members would continue to work on the submission individually during the intersessional period and that it would resume its consideration of the submission during the thirty-sixth session.

39. The Commission subsequently decided that the meetings of the subcommission during the thirty-sixth session would be held from 20 to 24 October

and from 17 to 21 November 2014. The subcommission had invited the delegation to meet during the latter week.

Item 14

Consideration of the joint submission made by the Federated States of Micronesia, Papua New Guinea and Solomon Islands in respect of the Ontong Java Plateau

Report of the subcommission

40. The Chair of the subcommission, Mr. Roest, reported on the progress of its work during the intersessional period and at the thirty-fifth session of the Commission, noting that the subcommission had met from 11 to 15 August and from 25 to 29 August. During that period, the subcommission had commenced the initial examination of the joint submission pursuant to section III of annex III to the rules of procedure.

41. On 28 July, the joint delegation had transmitted to the Commission, through the Secretary-General, an addendum to the executive summary of the joint submission, which, on 22 August, had been followed by amendments to the main body of that submission and by updated supporting documents. After having received the complete amendment to the joint submission, the subcommission had verified the format and completeness of the joint submission and had commenced its preliminary analysis.

42. The subcommission had held two meetings with the joint delegation in the second week of deliberations, in the course of which the joint delegation had made a presentation on key elements of the joint submission and the subcommission had made a presentation of its preliminary views and posed a number of questions to seek clarification on certain issues.

43. The subcommission had also concluded that it was not necessary to recommend seeking the advice of specialists, in accordance with rule 57 of the rules of procedure, or cooperation with relevant international organizations, in accordance with rule 56. The subcommission had further concluded that more time would be required to examine all the data and prepare recommendations for transmittal to the Commission.

44. The subcommission had decided that its members would continue to work individually on the submission during the intersessional period and that it would resume its consideration of the submission during the thirty-sixth session.

45. The Commission subsequently decided that the meetings of the subcommission during the thirty-sixth session would be held from 20 to 24 October and from 17 to 21 November 2014. The subcommission had decided that the first week would be allocated to the analysis of all additional data and information received and had invited the joint delegation to meet during the latter week. The subcommission had also transmitted to the joint delegation a request for further clarification and for additional data and information.

Item 15**Consideration of the joint submission made by France and South Africa in respect of the area of the Crozet Archipelago and the Prince Edward Islands****Report of the subcommission**

46. The Chair of the subcommission, Mr. Njuguna, reported on the progress of its work at the thirty-fifty session of the Commission, noting that the subcommission had met from 18 to 22 August. During that period, it had commenced an initial examination of the joint submission pursuant to section III of annex III to the rules of procedure of the Commission.

47. The subcommission had verified the format and completeness of the joint submission and had commenced its preliminary analysis. It had held two meetings with the joint delegation, on 19 and 21 August, during which the joint delegation had made a presentation on key aspects of the joint submission and the subcommission had made a presentation of its preliminary views and an initial request for clarification and additional data and information.

48. On 22 August, the subcommission had transmitted a communication to the joint delegation seeking clarifications and posing questions, to be possibly answered during the intersessional period, in order, *inter alia*, to evaluate if the test of appurtenance had been satisfied. It had also concluded that it was not necessary to recommend seeking the advice of specialists, in accordance with rule 57 of the rules of procedure, or cooperation with relevant international organizations, in accordance with rule 56. The subcommission had also concluded that further time would be required to examine all the data and prepare recommendations for transmittal to the Commission.

49. The subcommission had decided that its members would continue to work individually on the joint submission during the intersessional period and that it would resume its consideration of the joint submission at the thirty-sixth session.

50. The Commission subsequently decided that the meetings of the subcommission during the thirty-sixth session would be held from 27 to 31 October and from 24 to 28 November 2014. The subcommission had invited the delegation to meet during the latter week.

Item 16**Consideration of the submission made by Mauritius in respect of the region of Rodrigues Island****Report of the subcommission**

51. The Chair of the subcommission, Mr. Madon, reported on the progress of its work at the thirty-fifth session of the Commission, noting that the subcommission had met from 21 to 25 July. During that period, it had carried out an initial examination of the submission, pursuant to section III of annex III to the rules of procedure of the Commission.

52. The subcommission had verified the format and completeness of the submission and had commenced its preliminary analysis. The subcommission had

held two meetings with the delegation on 22 and 24 July, during which the delegation had made a presentation on key elements of its submission, and the subcommission had made a presentation of its preliminary views, which had been transmitted to the delegation in written format following the meeting.

53. The subcommission had also concluded that it was not necessary to recommend seeking the advice of specialists, in accordance with rule 57 of the rules of procedure, or cooperation with relevant international organizations, in accordance with rule 56. The subcommission had also concluded that further time would be required to examine all the data and prepare recommendations for transmittal to the Commission.

54. The subcommission had decided that its members would continue to work on the submission individually during the intersessional period and at the thirty-sixth session, particularly its consideration under annex III to the rules of procedure, with the aim of making a detailed presentation of its preliminary analysis to the delegation at the next session.

55. The Commission subsequently decided that the meetings of the subcommission during the thirty-sixth session would be held from 3 to 14 November 2014. The subcommission had invited the delegation to meet during the second of those two weeks.

Item 17

Presentation of the submission made by Kenya⁹

56. In a note verbale dated 7 July 2014, the Government of Kenya requested the opportunity to make another presentation of its submission of 6 May 2009 to the Commission in view of the partial change in the latter's membership that had occurred since the twenty-fourth session of the Commission held in August and September 2009, at which Kenya had originally presented its submission (see [CLCS/64](#), paras. 93-97).

57. The presentation of the submission of Kenya was made on 3 September 2014, by the Head of the delegation, Githu Muigai, Attorney General, and by Michael Gikuhi, Geophysicist and member of the task force on delineation of Kenya's outer continental shelf. The delegation of Kenya also included the Permanent Representative of Kenya to the United Nations, Macharia Kamau, and the Deputy Permanent Representative of Kenya to the United Nations, Koki Muli Grignon, as well as a number of scientific, legal and technical advisers.

58. In addition to elaborating on substantive points of the submission, Mr. Muigai noted that one member of the Commission, Mr. Njuguna, had provided Kenya with advice and assistance concerning the submission.

59. In reference to paragraph 2 (a) of annex I to the rules of procedure, Mr. Muigai indicated that Kenya had entered into a maritime boundary agreement with the United Republic of Tanzania on 23 June 2009, which applied to the territorial sea, exclusive economic zone and continental shelf, including the continental shelf beyond 200 nautical miles upon the finalization of its delineation.

⁹ Submission made on 6 May 2009; see www.un.org/depts/los/clcs_new/submissions_files/submission_ken_35_2009.htm.

60. Mr. Muigai observed that Kenya had yet to conclude a maritime boundary agreement with Somalia, although negotiations were ongoing. He noted that provisional arrangements of a practical nature had been entered into, in accordance with article 83, paragraph 3, of the Convention, as contained in a memorandum of understanding signed on 7 April 2009, whereby the parties had undertaken not to object to the examination of their respective submissions. Mr. Muigai noted that the note verbale from Somalia dated 19 August 2009 affirmed the position mutually agreed upon by the two States in the memorandum of understanding. Mr. Muigai also referred to communications from Somalia, dated 10 October 2009 (see [CLCS/66](#), para. 48) and 4 February 2014, in which Somalia had respectively, requested that the memorandum of understanding be treated as “non-actionable” and had objected to the consideration of Kenya’s submission. In addition, Mr. Muigai noted that Somalia had instituted proceedings against Kenya at the International Court of Justice with regard to a dispute concerning maritime delimitation in the Indian Ocean. In that respect, Mr. Muigai observed that, pursuant to the Convention and the rules of procedure of the Commission, the actions of the Commission would not prejudice matters relating to the delimitation of boundaries between States. Mr. Muigai submitted that the Commission was not stopped from considering Kenya’s submission, notwithstanding paragraph 5(a) of annex I to the rules of procedure; otherwise, Kenya would be prejudiced with respect to time and resources and its rights under the Convention.

61. In respect of the communication from Sri Lanka dated 22 July 2009 (see [CLCS/64](#), paras. 3(d) and 96), in which Sri Lanka had indicated that “the principal State referred to in paragraph 3 of the statement of understanding is Sri Lanka”, Mr. Muigai emphasized that neither the Convention nor the statement of understanding had made any reference to a “principal State”. He further affirmed that, in the view of the Government of Kenya, the principles contained in the statement of understanding could apply whenever a State was able to demonstrate the existence of the special conditions envisaged in the statement. Mr. Muigai also noted that in the note verbale, Sri Lanka had not raised any objection to the consideration of the submission made by Kenya in terms of annex I to the rules of procedure.

62. In respect of the legal basis for delineation of the continental shelf beyond 200 nautical miles, Mr. Muigai emphasized that Kenya’s continental margin had exhibited special characteristics similar to those stipulated in paragraph 1 of the statement of understanding and that the application of article 76, paragraph 4 (a), of the Convention would give rise to an inequity, as specified in paragraph 2 of the statement of understanding. He indicated that Kenya, therefore, had applied that exception in establishing the outer edge of its continental margin.

63. Mr. Muigai subsequently urged the Commission to establish a subcommission when the submission was next in line for consideration, as queued in the order in which it was received.

64. The Commission subsequently continued its meeting in private. Recalling the decision taken at its thirty-fourth session (see [CLCS/83](#), para. 18), and taking note of the presentation made by Kenya on 3 September 2014, the Commission, in keeping with its practice, reiterated its decision to defer further consideration of the submission and the communications from Kenya and Somalia.

65. Following that decision, the Commission received a note verbale dated 2 September 2014 from Somalia. The Commission took note of it and determined that no change in the aforementioned decision would be required.

Item 18

Report of the Chair of the Commission on the twenty-fourth Meeting of States Parties to the United Nations Convention on the Law of the Sea

66. The Chair of the Commission provided an overview of the proceedings of the twenty-fourth Meeting of States Parties to the United Nations Convention on the Law of the Sea held in June 2014, which were deemed of relevance to the Commission (see [SPLOS/270](#) and [SPLOS/277](#), sect. VII). In particular, he drew the attention of the members to the decision of the Meeting of States Parties regarding the conditions of service of the members of the Commission (see [SPLOS/276](#)).

67. The Commission took note of the information reported by the Chair and, in particular, of the decision of the twenty-fourth Meeting of States Parties (see also paras. 9-12 above).

Item 19

Report of the Chair of the Committee on Confidentiality

Referral of a matter to the Committee

68. On 4 August 2014, the Commission was informed by its Chair of a potential breach of confidentiality that had allegedly taken place during the international workshop on the new developments on the Law of the Sea, which was held at the University of Xiamen, China, from 24 to 25 April 2014. The allegations concerned the potential disclosure of internal procedures of the Commission and the disclosure of information contained in a note verbale from a State, which was not in the public domain.

69. In accordance with the rules of procedure of the Commission ([CLCS/40/Rev.1](#)) related to an alleged breach of confidentiality by a member of the Commission, and considering the nature of the allegation, the Commission decided to refer the matter to the Committee on Confidentiality in order to establish the facts. The Committee constituted an investigating body comprising all five of its members (Messrs. Park (Chair), Heinesen, Kalngui, Marques and Uścińowicz).

Report by the Chairman of the Committee

70. The Chair of the Committee on Confidentiality, Mr. Park, reported that the Committee and its investigating body had held meetings to consider the case referred to the Committee and to investigate the allegations. He presented to the Commission a report providing information on the work carried out by the Investigating Body to ascertain whether any behaviour contrary to annex II to the rules of procedure had occurred during the international workshop. The Chair informed the Commission that, after a thorough examination of the report of the investigating body, the Committee had endorsed it by consensus, on 2 September 2014, and had subsequently reached the conclusions set out below.

Divulging of information pertaining to the internal proceedings of the Commission

71. The Committee on Confidentiality endorsed the conclusion reached by the investigating body that the available evidence had not been sufficient to conclude that a breach of confidentiality had taken place in that regard at the international workshop.

Divulging of information pertaining to confidential correspondence (note verbale not in the public domain)

72. The Committee on Confidentiality endorsed the conclusion reached by the investigating body that the available evidence was sufficient to conclude that a breach of confidentiality had taken place in that regard at the international workshop.

73. The report of the Committee included:

- (a) The allegations of a breach of confidentiality;
- (b) The statement of the member of the Commission concerned;
- (c) A synopsis of the evidence and the evaluation of it by the investigating body;
- (d) The findings, indicating that one of the two allegations was supported by the evidence.

74. The work of the investigating body was conducted in strict confidentiality and followed established procedures with regard to due process. The report did not contain any dissenting or separate opinions.

75. The Chair of the Committee reported that he had been re-elected as Chair; He also reported that Messrs. Kalngui and Marques had been re-elected as Vice-Chairs of the Committee, for a term of office that would commence in December 2014 and expire on 15 June 2017.

Deliberations of the Commission on the matter

76. The Commission took note of the report of the investigating body, endorsed by the Committee on Confidentiality. Following a thorough examination of the matter, in accordance with paragraph 5.2 of annex II to the rules of procedure, the Commission decided to inform the Meeting of States Parties to the Convention of the following:

The Commission,

Concerned about the integrity of the work carried out by the Commission for coastal States and the international community as a whole,

Mindful of the need to preserve the confidentiality of all the materials marked as confidential by States,

Notes the general interest of States Members of the United Nations, as well as States parties to the Convention, in the transparency of the work of the Commission,

Takes note, with appreciation, of the report prepared by the investigating body, as adopted by the Standing Committee on Confidentiality,

Notes that insufficient evidence exists to support the first allegation, which relates to disclosure of internal procedures of the Commission,

Accepts the conclusion that the evidence supports the second allegation that information contained in a note verbale that is not in the public domain was disclosed during the meeting,

Notes the willingness of the member to cooperate to clarify a complex question in the interest of transparency and accepts his apology,

Reminds all members of the high standard of conduct that is expected of them in discharging their duties,

Reiterates the need for all members of the Commission to perform their duties honourably, faithfully, impartially and conscientiously,

Recommends the arrangement of a meeting with the State Party affected by the breach of confidentiality in order to ensure full transparency,

Recommends that the States Parties consider the results of the investigation and take action, if required.

Item 20

Report of the Chair of the Editorial Committee

77. The Acting Chair of the Editorial Committee, Mr. Charles, reported that the Committee had held several meetings. He presented to the Commission draft paragraphs to be reflected in the present statement with respect to the position of the Commission concerning the decision regarding the conditions of service of the members of the Commission on the Limits of the Continental Shelf, adopted by the twenty-fourth Meeting of States Parties to the Convention (see [SPLOS/276](#); see also above paras. 10-12).

78. Mr. Charles also reported that Mr. Haworth had been re-elected as Chair and that Messrs. Charles and Paterlini had been re-elected as Vice-Chairs of the Editorial Committee.

Item 21

Report of the Chair of the Scientific and Technical Advice Committee

79. The Chair of the Scientific and Technical Advice Committee, Mr. Urabe, reported that the Committee had held one meeting. He informed the Commission that he had been re-elected as Chair. He also reported that Messrs. Haworth and Paterlini had been re-elected as Vice-Chairs, for a term of office that would commence in December 2014 and expire on 15 June 2017. He reiterated the proposal described in paragraph 94 below, concerning issues of a scientific and technical nature.

Item 22**Report of the Chair of the Training Committee and other training issues**

80. The Chair of the Training Committee, Mr. Carrera, reported that, following consultations, he had been re-elected Chair of the Committee. He also reported that Messrs. Park and Roest had been re-elected as Vice-Chairs, for a term of office that would commence in December 2014 and expire on 15 June 2017. He informed the Commission that members of the Commission had, in their individual capacity, given lectures at the Summer Academy on the Continental Shelf, held in the Faroe Islands, Denmark, from 21 to 28 June 2014.

Item 23**Other matters****Appointment of members of subcommissions and other subsidiary bodies**

81. In addition to his appointment to the subcommissions (see paras. 14, 32 and 36 above), Mr. Ravindra was appointed as a member of both the Editorial Committee and the Training Committee. The Commission also decided to appoint Mr. Uścińowicz as a member of the Committee on Confidentiality to replace Mr. Jaoshvili.

Election of the officers of the Commission

82. In conformity with rule 13 of the rules of procedure, the officers of the Commission are elected for a term of two-and-a-half years and are eligible for re-election. Considering that the current term of office of the officers of the Commission would expire in December 2014 and that no plenary meetings with full conference services had been scheduled for the thirty-sixth session, the Commission decided to proceed with the election of the officers at the thirty-fifth session.

83. Following consultations, Mr. Awosika was re-nominated as Chair and Messrs. Carrera, Glumov, Park and Roest as Vice-Chairs. In the absence of any other nominations, the Commission re-elected them as the officers of the Commission by acclamation, for a term of office that would commence in December 2014 and expire on 15 June 2017.

Future sessions of the Commission

84. The Commission adopted the programme of work for its thirty-sixth session, which had originally been scheduled to be held from 13 October to 28 November 2014 (see [CLCS/80](#), para. 89). In that regard, the Commission noted that the Chairs of the subcommissions had requested that no more than two weeks of work be allocated to each subcommission during the session, given that responses to questions and requests for clarification from submitting States were likely to be submitted late in October. The Commission also noted that a number of submitting States had requested to meet with the respective subcommissions towards the end of the session in November. In that regard, the Commission decided that the thirty-sixth session would be held from 20 October to 28 November 2014.

85. The following items would be on the programme of work of the Commission at its thirty-sixth session:

1. Consideration of the submission made by Uruguay;
2. Consideration of the submission made by the Cook Islands in respect of the Manihiki Plateau;
3. Consideration of the submission made by Argentina;
4. Consideration of the submission made by Iceland in respect of the Ægir Basin area and the western and southern parts of Reykjanes Ridge;
5. Consideration of the submission made by Pakistan;
6. Consideration of the submission made by Norway in respect of Bouvetøya and Dronning Maud Land;
7. Consideration of the submission made by South Africa in respect of the mainland of the territory of the Republic of South Africa;
8. Consideration of the joint submission made by the Federated States of Micronesia, Papua New Guinea and Solomon Islands in respect of the Ontong Java Plateau;
9. Consideration of the joint submission made by France and South Africa in respect of the area of the Crozet Archipelago and the Prince Edward Islands;
10. Consideration of the submission made by Mauritius in respect of the region of Rodrigues Island;
11. Other matters.

86. Under item 11, the Commission may, *inter alia*, address matters pertaining to the participation by members in international conferences and to the referral by subcommissions of issues of a general nature encountered during the examination of submissions to the plenary of the Commission.

87. The Commission also decided that, in 2015, it would hold three sessions of seven weeks each, including plenary meetings, for a total of 21 weeks of meetings of the Commission and its subcommissions. It also decided that four of the 21 weeks would be devoted to plenary meetings. The decision was taken on the understanding that it could be revisited during the thirty-seventh session, in the light of the progress made in the work of the subcommissions and other developments related to both the workload of the Commission and the conditions of service of its members. The decision was as follows:

(a) The thirty-seventh session would be held from 2 February to 20 March 2015. The plenary parts of the session would be held, subject to the approval of the General Assembly, from 9 to 13 February and from 9 to 13 March 2015;

(b) The thirty-eighth session would be held from 20 July to 4 September 2015. The plenary parts of the session would be held, subject to the approval of the General Assembly, from 3 to 7 and from 24 to 28 August 2015;

(c) The thirty-ninth session would be held from 12 October to 27 November 2015, with no plans for plenary meetings.

Attendance of members

88. The Commission addressed the issue of the attendance of its members and re-emphasized that it was important for all members of the Commission to attend its meetings in full and to participate in the work of the subcommissions. It was recalled that the Chair, at the request of the Commission, had brought the absence of members who had not attended two consecutive sessions of the Commission to the attention of the twenty-fourth Meeting of States Parties (see [CLCS/83](#), para. 96).

89. In that regard, the Commission also took note of the pattern of absences of Mr. Jaoshvili.¹⁰ It was recalled that the Chair had met with the Permanent Representative of the nominating State, who had been apprised of the fact that the member had been unable to participate fully in the work of the Commission owing to an alleged lack of financial support. The Permanent Representative was also informed about the repercussions of such an absence on the work of the Commission (see [CLCS/83](#), paras. 2 and 97). The Commission concluded that Mr. Jaoshvili was no longer able to perform his duties owing to his pattern of absences, including for two consecutive sessions.

90. The Commission consequently proposed that the member's seat be considered vacant, pursuant to rule 8 of the rules of procedure of the Commission, and that it would request the Meeting of State Parties to declare such a vacancy and to elect a new member for the remainder of the Mr. Jaoshvili's term.

91. The Commission also took note of the information provided by the Chair about other similar meetings he had held with representatives from the permanent missions of other States in relation to members nominated by those States who had not attended the thirty-fifth session in full.

Trust funds

92. The Commission was informed by the Secretariat about the status of the trust fund for the purpose of defraying the cost of the participation in its meetings of the members of the Commission from developing States. For the thirty-fourth session, assistance had been provided to eight members of the Commission, in the amount of approximately \$170,000. For its thirty-fifth session, an estimated total of \$172,000 in financial assistance was being provided to eight members. The Commission was also informed that since the issuance of the latest statement of the Chair, contributions had been received from Iceland and Ireland. At the twenty-fourth Meeting of States Parties, one State had indicated its intention to make a contribution to the trust fund. As at the end of July 2014, the trust fund had an approximate balance of \$670,000.

93. An overview was also provided by the Secretariat on the status of the trust fund for the purpose of facilitating the preparation of submissions to the

¹⁰ From his first election to the Commission in 2007, the member did not attend the following sessions: twentieth (see [CLCS/56](#), para. 3), twenty-first (see [CLCS/58](#), para. 3), twenty-third (see [CLCS/62](#), para. 2), twenty-fifth (see [CLCS/66](#), para. 2), twenty-sixth (see [CLCS/68](#), para. 2), twenty-seventh (see [CLCS/70](#), para. 2), twenty-eighth ([CLCS/72](#), para. 3), thirty-second ([CLCS/80](#), para. 2) and thirty-third (see [CLCS/81](#), para. 2). He attended, only in part, the following sessions: twenty-second ([CLCS/60](#)), twenty-fourth ([CLCS/64](#)), twenty-ninth ([CLCS/74](#)), thirtieth ([CLCS/76](#)), thirty-first ([CLCS/78](#), para. 2), and thirty-fourth ([CLCS/83](#), para. 2).

Commission by developing States, in particular the least developed countries and small island developing States, and compliance with article 76 of the Convention. The Commission was also informed that, since the issuance of the most recent statement of the Chair, a contribution had been received from Costa Rica. As at the end of July 2014, the trust fund had an approximate balance of \$1,306,000.

Communication dated 22 July 2014 from Japan

94. On 22 July 2014, Japan addressed a communication to the Commission concerning the recommendations in respect of the submission made by Japan on 12 November 2008. The Commission took note of the communication and the views expressed therein.

Issues of scientific and technical nature

95. The Commission considered again the possibility of devoting time to internal discussions of topics of a scientific and technical nature during a future session. In view of the heavy workload of the thirty-fifth session related to the consideration of submissions, it was decided that such internal discussions might be held at future sessions, when the workload so permitted.

Acknowledgements

96. The Commission noted with appreciation and gratitude the high standard of Secretariat services rendered to it by the Division.

97. The Commission expressed its appreciation to other members of the Secretariat for the assistance they had provided to the Commission and, in particular, noted the high professional standard of interpretation in the official languages of the United Nations and the assistance provided by the conference officers.
