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Commission on the Limits of the Continental Shelf:

information reported by the Chair of the Commission

Letter dated 5 April 2019 from the Chair of the Commission on the Limits of the Continental Shelf addressed to the President of the twenty-ninth Meeting of States Parties

Introduction

1. In my capacity as Chair of the Commission on the Limits of the Continental Shelf, I wish to inform you about the progress of work of the Commission since the twenty-eighth Meeting of States Parties to the United Nations Convention on the Law of the Sea, held in June 2018.
2. The Commission held its forty-seventh, forty-eighth and forty-ninth sessions at Headquarters from 16 July to 31 August 2018, 15 October to 30 November 2018 and 28 January to 15 March 2019, respectively. Documents [CLCS/105](#), [CLCS/106](#) and [CLCS/108](#) contain a more detailed account of the progress in the work of the Commission during those sessions, in particular with regard to the submissions under active consideration. The focus of the present letter is on, inter alia, issues of importance for the discharge by the Commission of its mandate under the United Nations Convention on the Law of the Sea.

Membership of the Commission

3. Following his election at the resumed twenty-eighth Meeting of States Parties, held on 15 January 2019, Yong Tang assumed his duties at the forty-ninth 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 vacancy that arose following the resignation of Wenzheng Lyu in July 2018.
4. That positive development has been, however, overshadowed by the ongoing vacancy of one seat in the Commission allocated to the Eastern European States. That vacancy, which has affected the past 13 sessions of the Commission over a period of more than four years, continues to pose considerable challenges and, combined with unresolved issues concerning the conditions of service of the members of the Commission, has hampered the discharge of the functions of the Commission.

* [SPLOS/29/L.1](#).



Consideration of submissions

5. During the sessions referred to above, the following 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 Southern Region (partial revised submission); Norway, in respect of Bouvetøya and Dronning Maud Land; France and South Africa, jointly, in respect of the area of the Crozet Archipelago and the Prince Edward Islands; Kenya; Nigeria; Seychelles, in respect of the Northern Plateau Region; France, in respect of Reunion and the Saint-Paul and Amsterdam islands; Côte d'Ivoire; Sri Lanka; Portugal; and Tonga, in respect of the eastern part of the Kermadec Ridge.

6. With respect to draft recommendations before the plenary of the Commission, I am pleased to inform the Meeting that the Commission has been very productive, approving three sets of recommendations during the reporting period. At its forty-seventh session, the Commission approved its recommendations in regard to the submission made by Seychelles in respect of the Northern Plateau Region, and at its forty-ninth session, its recommendations in regard to the submission made by Norway in respect of Bouvetøya and Dronning Maud Land, as well as its recommendations in regard to the partial revised submission made by Brazil in respect of the Brazilian Southern Region. At the latter session, the Commission also began its consideration of the draft recommendations in regard to the submission made by Tonga in respect of the eastern part of the Kermadec Ridge, which were transmitted to it by the relevant subcommission at the forty-eighth session. In addition, the subcommission established to consider the submission made by Côte d'Ivoire approved and transmitted draft recommendations to the Commission at the forty-ninth session, and those recommendations will be before the plenary of the Commission at its fiftieth session.

7. Since the twenty-eighth Meeting, the Commission has also heard presentations on new submissions made by the following submitting States: Bahamas; Benin and Togo, jointly; and Liberia.

8. At its forty-ninth session, the Commission established a subcommission to consider the partial amended submission made by Palau in respect of the North Area, and the subcommission subsequently held an organizational meeting. Following the completion of its work with regard to the partial revised submission made by Brazil in respect of the Brazilian Southern Region, the subcommission established to consider that submission will now begin its examination of the partial revised submission made by Brazil in respect of the Brazilian equatorial margin (see [CLCS/103](#), para. 91).

Workload of the Commission and working conditions of its members

9. Let me recall that, at the time of the negotiation of the Convention and annex II thereto, the expectations with regard to the number and volume of submissions were relatively modest, and a limited amount of work and time was anticipated for the Commission to consider those submissions.

10. Experience has shown that the actual workload of the Commission far surpasses those initial projections. As at 26 March 2019, 71 States parties had made submissions either individually or jointly. Overall, the Commission has received 89 submissions, including individual, joint and revised or partially revised submissions, the partial submission made by Mauritius concerning the southern Chagos Archipelago region being the most recent. More are expected to be received in the coming years. In addition, the scientific and technical components of the submissions far exceed the complexity originally envisaged. The situation is related, in part, to evolving

knowledge and technologies and, in part, to the efforts of coastal States to support the proposed delineation with comprehensive data and information.

11. While the Commission has already issued 32 sets of recommendations, including for four of the revised submissions, 45 submissions are still pending consideration. At the current stage, the waiting time between the making of a submission and the establishment of a subcommission is approximately 10 years and is expected to increase even further. Given the workload, the remaining work of the Commission may last several more decades.

12. The Commission is mindful of the expectations of submitting States to have their submissions considered as soon as possible and of the importance of the efficient discharge of its functions, but the considerable amount of submissions yet to be examined, which comprise many terabytes of information and data, puts a considerable burden of responsibility on the members of this expert body.

13. Against that background, I wish to address issues related to the conditions of service. In that regard, I should like to reiterate, on behalf of all members of the Commission, our gratitude to the Meeting of States Parties for its continued support for the work of the Commission. The Commission appreciates, in particular, the continued commitment of the Meeting to identifying measures to assist the Commission in addressing its considerable workload and examining submissions efficiently. As my predecessors and I have conveyed in the past, the members have noted with appreciation the improvements of the Geographic Information System laboratories used by the Commission at the premises of the Division for Ocean Affairs and the Law of the Sea of the Office of Legal Affairs of the Secretariat. The members also appreciate the recent decision of the General Assembly to allow them the option of joining the Headquarters medical insurance scheme upon payment of the full premium.

14. In terms of the ongoing challenges, I wish to recall that they have been raised on multiple occasions in communications from my predecessors and from me addressed to the Presidents of the Meetings of States Parties and to co-coordinators of the open-ended working group on the conditions of service of members of the Commission.

15. Regarding the issue of medical insurance, I wish to inform the Meeting that, most recently, at the forty-ninth session, medical problems experienced by several members, combined with the unfilled vacancy in the Commission, meant that some subcommissions lacked, on occasion, the quorum necessary for the conduct of business. Such a situation underscores the importance and urgency of a prompt and adequate solution.

16. Thus far, several measures have been taken by the Secretariat and the General Assembly to address the matter. In its resolution [69/245](#), the Assembly authorized the Secretary-General, as an interim measure and subject to the availability of funds in the trust fund established pursuant to Assembly resolution [55/7](#) for facilitating the participation of members of the Commission from developing States in the meetings of the Commission, following the allocation of the required funds to cover the costs of travel and daily subsistence allowance of the members of the Commission from developing States for the sessions of the Commission in 2015, to reimburse those members for the costs of medical travel insurance from that trust fund on a session-by-session basis and subject to a reasonable limit that the Secretary-General was to determine, based on the information regarding medical travel insurance available to him.

17. The Secretariat had also informed the Commission about the new insurance option available to its members, namely, Orion International Insurance Services.

18. As noted above, in its resolution [73/124](#), the General Assembly decided that, on an exceptional basis and without setting a precedent for other agenda items, the members of the Commission would have the option to join the Headquarters medical insurance scheme upon payment of the full premium.

19. Those measures, while greatly appreciated, are, however, of relatively limited benefit. On several occasions, the Division for Ocean Affairs and the Law of the Sea, which administers the trust fund, was not in a position to reimburse the members of the Commission from developing States for the cost of medical travel insurance owing to the low balance in the trust fund. Moreover, the insurance option available is akin to medical travel insurance and does not ensure the comprehensive medical coverage required by members working at Headquarters for extended periods. At the time of the finalization of the present letter, the Secretariat had yet to provide information on ways to implement the new insurance option and on the cost of the full premium. Members indicated that, without exact projections regarding the insurance premium to be paid in order to exercise that option, they were not in a position to determine whether they could benefit from it.

20. Contingency options for medical emergencies are limited. In a communication dated 22 August 2018 addressed to permanent representatives of all States that had nominated current members of the Commission, the Office of Legal Affairs noted that, during the present term of office, a number of members had experienced medical emergencies. The Office also noted that the Secretariat was ill-equipped to deal with medical conditions manifesting themselves by a sudden onset of acute symptoms of sufficient severity to place a member's health in serious jeopardy in the absence of immediate medical attention and that, in medical emergencies, members of the Secretariat had been instructed to immediately contact New York City emergency services, pursuant to the United Nations instructions for reporting a medical emergency.

21. The Office of Legal Affairs further noted that, in such circumstances, any cost related to the transportation to a hospital and subsequent medical bills would be the responsibility of the member concerned. Therefore, members would need to carry adequate medical insurance, and, in medical emergency situations, assistance by their respective nominating States would be expected. For that purpose, the Office drew the attention of the permanent missions to the United Nations to paragraph 91 of General Assembly resolution [72/73](#), requesting them to designate medical focal points. I understand that, at the time of writing of the present letter, some nominating States had not yet responded to the request by the Office. Therefore, in the light of the aforementioned concerns, the issue of medical insurance for members of the Commission has not yet been fully resolved.

22. As to the conditions of service other than medical insurance, I wish to recall that, pursuant to paragraph 5 of article 2 of annex II to the Convention, the State party that submitted the nomination of a member of the Commission is to defray the expenses of that member while in performance of Commission duties. The cost of the participation of the several members from developing States in the meetings of the Commission is being met, upon the request of nominating States, from the voluntary trust fund established for that purpose by the General Assembly in its resolution [55/7](#).

23. However, as a consequence of current arrangements, significant disparities continue to exist in the level of support provided to and in the treatment of the members by individual nominating States in the fulfilment of their obligations undertaken under the Convention. As an example, the Commission notes with concern that, in some cases, members are expected to cover, fully or partially, the cost of their participation in sessions of the Commission, including medical insurance. In some cases, those expenses are not fully reimbursed; in some others, they are reimbursed

but the members concerned have to await payment for several months. Members also continue to be exposed to the loss of benefits (such as vacation, pension, severance and health insurance) and career opportunities or opportunities for advancement, in addition to incurring complications related to family obligations owing to their absence for almost half of the year.

24. All the circumstances mentioned above have a negative impact on the work of the Commission. The Commission has already highlighted on several occasions that equal and fair conditions of service for all members are of vital importance. I have also brought those issues to the attention of the permanent representatives of States that have nominated the current members in my letter on behalf of the Commission dated 26 November 2018. I raised again the significant concerns regarding the wide disparities in compensation and daily subsistence allowance that exist among the members in another letter dated 20 February 2019 that I addressed, on behalf of the Commission, to a current co-coordinator of the open-ended working group, Anastasia Strati (Greece). We reiterated that point when members and I met the co-coordinator during the forty-ninth session.

25. In preparation for the interactions with the co-coordinator, an informal survey was conducted among members. The results confirmed the challenges described above and drew attention to challenges additional to those captured in the survey conducted at the forty-fifth and forty-sixth sessions (see [SPLOS/319](#), paras. 16–27), such as out-of-pocket costs to members related to their stay in New York, subject to later reimbursement.

26. Members of the Commission and I appealed to the co-coordinator to identify, together with States parties, promptly and permanently, a solution to the issues mentioned above. On behalf of the Commission, I proposed that a minimum standard with respect to, *inter alia*, travel, accommodation, daily subsistence allowance and other financial and non-monetary aspects of the conditions of service of the members should be established by States parties. The minimum standard should be established along the lines of that applicable to members who benefit from assistance from the voluntary trust fund with a view to achieving equal treatment for all members of the Commission without discrimination between members from developed and developing nominating States. Nominating States should be called upon to adhere to those standards.

27. The members have high respect for the role of the Meeting of States Parties. When States parties requested the Commission to meet for up to 26 weeks but not less than an intended minimum of 21 weeks annually, the Commission promptly made the necessary adjustments to its working arrangements. That action had, however, a direct impact on the conditions of service. In the light of the above, it is, therefore, with regret that the Commission notes the fact that some of the critical challenges that it faces in terms of the conditions of service of its members have not yet been resolved. Experience has shown that temporary measures are not effective and that not only short-term but also reasonable long-term and sustainable solutions are required.

Other matters

28. The Commission is regularly being 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 the meetings of the Commission. Most recently, at the forty-ninth session, the Division stated that, since the previous session, contributions had been received from Canada, Ireland, Norway and Portugal and that, as at 6 March 2019, the trust fund had an approximate balance of \$224,000.

29. The Commission wishes to express its appreciation to those States that made the most recent contributions and to all other States that have contributed to the trust fund over the years. However, the Commission is concerned that, without additional contributions, there will not be sufficient funds to cover expected funding requirements for its fifty-first session, in October and November 2019. In that regard, the Commission notes that it was not possible to reimburse travel medical insurance costs to members from developing countries who had purchased such insurance. Consequently, the Commission wishes to underscore that additional contributions to the trust fund are urgently needed so that it can meet in October and November as initially planned and so that necessary assistance costs can be met. The need for sustained contributions is critical. The Commission simply cannot plan its sessions and work facing continued uncertainty as to the participation of its members from developing countries whose attendance depends on the availability of assistance from the trust fund.

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

31. I should like to request that the present letter be circulated as a document of the twenty-ninth Meeting of States Parties.

(Signed) Yong Ahn **Park**
Chair of the Commission on the Limits of the Continental Shelf
