

**Report by the Co-Coordinator on 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**

Mr. President,

Introduction

I have the honour to inform the Meeting of States Parties about the progress of work of the Informal Working Group on the Conditions of Services of Members of the Commission on the Limits of the Continental Shelf since the thirty-third Meeting of States Parties held in June 2023. I am also making this statement on behalf of the outgoing Co-Coordinator, Ms. Maria Sande of Uruguay, who announced her resignation during our informal consultations earlier this year. I would like to thank her for all her efforts and hard work in this regard and wish her all the best.

Mr. President,

I would like to congratulate you on your election, and the Members of the Bureau on theirs. I am convinced that under your able leadership the thirty-fourth Meeting of States Parties will conclude its work successfully and expeditiously. I look forward to working together with you and the Members of Bureau to achieve this also within the context of the working group.

I would also like to express our appreciation to the Members of the Commission on the Limits of the Continental Shelf for the important work they do and under extraordinary circumstances. I congratulate Mr. Aldino Campos on his election as Chairperson of the Commission and I look forward to working with him.

I thank the Chairperson of the Commission for his statement and letter in which he notes a number of important issues, in particular:

- (1) The waiting time between the date on which a submission is made and the date on which a subcommission is established has increased to more than 14 years;
- (2) The decision on a plan according to which, from 2025 to the end of the current term of office, the pattern of the annual meetings would consist of three sessions of 5 weeks each, for a total of 15 weeks a year;
- (3) The significant disparities in the levels of support provided to members of the Commission for the fulfillment of duties, still prevail. The Chairperson, as has also been said by his predecessors, again emphasized the importance of finding a long-term and sustainable solution to this issue to ensure that all members of the Commission receive similar and reasonable treatment related to their duties, including reasonable travel and

accommodation allowances and full insurance coverage, with United Nations standards as a minimum.

On a positive note, I wish to highlight that the current balance of the Voluntary Trust Fund is sufficiently funded to reimburse Members of the Commission from developing States. However, we cannot be complacent as a sufficient level of funds is not guaranteed from year to year. States Parties still have to agree on a viable, sustainable and predictable solution.

Work of the Open-ended Working Group

The Open-ended Working Group has been working in trying to propose such viable solutions. Delegations will recall that at the thirty-third Meeting of States Parties, the Co-Coordination proposed a two-track solution to address the conditions of service of the members of the Commission, without prejudice to the obligations of nominating States to defray the expenses of their members while in performance of Commission duties, in accordance with article 2, paragraph 5, of annex II to the Convention.

The first track would aim for a structural, long-term solution that addressed the systemic issues related to the Commission based on a system of calculated contributions of all States Parties to the Convention and/or payment of an administrative fee by submitting States whose submissions were under active consideration by the Commission. The aim of the proposal is to defray the costs of participation of the members of the Commission in the meetings of the Commission with regard to medical and dental insurance, travel-related expenses and daily subsistence allowance, with United Nations standards serving as a minimum. The system would intend to defray the costs of participation of all members of the Commission or, alternatively, the members from developing States and would come to an end once the Commission had delivered on its mandate.

The second track would aim at ensuring that the Voluntary Trust Fund was sufficiently funded in the short term to defray the costs of participation of the members of the Commission from developing States, while work on seeking a long-term solution continued. Proposals were made by the Co-Coordination in this connection in the context of the informal consultations on the draft resolution of the General Assembly on oceans and the law of the sea, urging States, including those that have already received recommendations from the Commission, to make additional contributions to the Trust Fund (see, for example, paragraph 99 of resolution 78/69)

At our request, the Secretariat provided background information for consideration by Delegations on the costs of the first track of the proposed two-track solution. In the absence of any guidance from the Open-ended Working Group with regard to the criteria to be used in estimating the amount of the calculated contributions for States Parties to the Convention, the estimates concerning contributions by individual States Parties are based on the

parameters used to calculate the assessed contributions to the ITLOS budget and are for illustrative purposes only.

The cost for the participation of one member from a developing State in the three sessions held by the Commission in 2023 was estimated at \$130,352. For the purposes of this exercise, it is noted that the number of members from developing States participating in the work of the Commission in 2023 was nine, for a total of approximately \$1.2 million. Based on the parameters used to calculate the assessed contributions to the ITLOS budget, the calculated contributions of States Parties to the Convention to defray this amount would range from approximately \$116 to \$236,181.

The total cost for 21 members of the Commission to participate in the three sessions of the Commission at the above-described costs in 2023 was estimated at approximately \$2.7 million. Based on the parameters used to calculate the assessed contributions to the ITLOS budget, the calculated contributions of States Parties to the Convention to defray this amount would range from approximately \$271 to \$551,084.

The Open-ended Working Group met to discuss the information provided by the Secretariat. A system of calculated contributions was endorsed by some delegations, while some others viewed a fee-based system more favorable.

Over the past years, the Working Group has discussed: (a) minimum standards for the conditions of service of the members of the Commission, and (b) financial mechanisms to raise the annual funds needed to cover the costs for the participation of seven members of the Commission from developing States with respect to: (i) Medical and dental insurance; (ii) Travel conditions, including standards of accommodation; and (iii) Daily subsistence allowance. Some progress has been made, in particular, the decision by the General Assembly to allow members of the Commission the option of joining the United Nations Headquarters medical insurance scheme upon payment of the full cost of the premium.

However, one of the most important questions that needs resolving is agreeing on possible mechanisms to ensure that the Trust Fund can be sufficiently funded in order to continue to reimburse all costs associated with agreed minimum conditions of service.

In this regard, I would like to recall that the Secretariat has also (in the past) prepared background information on different financing options to address the working conditions of the Commission (see SPLOS 30/11) including through: (i) the regular budget of the United Nations, (ii) assessed contributions from States Parties to the Convention, (iii) the payment of a fee in connection with the making of a submission, and (iv) the Voluntary Trust Fund. These options have been discussed by the Open-ended Working Group during the Meetings of States Parties and during the informal consultations. The Co-Coordination have put forward

an additional proposal whereby Nominating States that are developed States and other Nominating States that are in a position to do so, would act as guarantors of the Trust Fund. In case the Trust Fund was depleted or not sufficiently funded to defray the associated costs, developed Nominating States and Nominating States in a position to do so, would together contribute the necessary funds in order to continue enabling the Trust Fund to defray the associated costs.

Unfortunately, to date, none of the proposals put forward has garnered consensus among Member States. Although a system of calculated contributions could ensure that the Voluntary Trust Fund in theory is sufficiently funded, we need to take into consideration that the experience in other international organizations shows that assessed contributions are not always paid by all Member States, in full and on time. Therefore, there would always be a possibility that the Voluntary Trust Fund is not sufficiently funded in case Member States do not pay their contribution in full and on time, leaving us with the same problem.

Since my Co-Coordinator and I were appointed, we have tried to facilitate and help guide delegations in their decision-making in a thorough and systematic way, in order to enable the Meeting of States Parties to take a decision on the matter. We have provided delegations with all the information needed to make an informed decision. In this connection, I understand that the latest proposal by the Co-Coordination was also circulated in advance of this Meeting.

Mr. President

As I mentioned, my colleague, Ms. Maria Sande of Uruguay informed the informal consultations that she is stepping down as Co-Coordinator. I am looking forward to working together with a new co-coordinator from developing States. In this connection, I cannot emphasize enough the importance of someone being appointed from developing States to help co-ordinate the Working Group, especially as we come to a pivotal point in the negotiations.

Voluntary Trust Fund

In closing, regarding the Voluntary Trust Fund, I would like to thank those delegations that have made contributions, to help keep the Trust Fund replenished.

Thank you.