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Presentation of the Commission on the Limits of the Continental Shelf to the Informal Working Group, concerning the workload of the Commission



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Potential Programme of Work

- The CLCS Rules of Procedure
- Exceptions to rule
- Communications from the CLCS to MSP
- Past, present and future Submissions
- Projected work
- Conclusions

UNCLOS and the Rules of Procedure



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- Article 5 of Annex II to UNCLOS:

“Unless the Commission decides otherwise, the Commission shall function by way of sub-commissions composed of seven members ...”

- In response to outcomes of 16th Meeting of SPLOS (SPLOS/144 and 148) the CLCS decided during the -18th session CLCS (CLCS/52) that:

“Only three subcommissions shall function simultaneously while considering submissions. The submissions shall be queued in the order they are received. The submission next in line shall be taken for consideration by a subcommission only after one of the three working subcommissions presents its recommendations to the Commission.”

- Represented a temporary and partial measure; It was subject to review.

Rule 51 of the Rules of Procedure



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The CLCS adopted Rule 51 during the 21st session April 2008 (CLCS/40/Rev.1):

4. Unless it decides otherwise, the Commission shall establish a subcommission in accordance with rule 42 for the consideration of each submission.
- 4 bis. Unless the Commission decides otherwise, only three subcommissions shall function simultaneously while considering submissions.
- 4 ter. The submissions shall be queued in the order they are received. The submission next in line shall be taken for consideration by a subcommission only after one of the three working subcommissions presents its recommendations to the Commission.

Three exceptions under rule 51



The CLCS has considered necessary and useful to appoint a fourth Subcommittee in three consecutive occasions to date as exceptions under Rule 51:

- Subcommittee appointed to consider the Submission of Mexico during the 21st Session, April 2008 (CLCS/58)
- Subcommittee appointed to consider the Submission of Indonesia during the 23rd Session, March 2009 (CLCS/62).
- Subcommittee appointed to consider the Submission of Japan during the 24th Session, August 2009 (CLCS/64).

Communications from the CLCS to MSP 2005, 2006, 2007



2005 15 MSP PowerPoint presentation by the CLCS Chairman – key messages Scenario A - 17 States, Scenario B - 28 States, Scenario C - 50 States by May 2009. Under Scenario B, members will be required in New York more than 3.5 months per year. For Sessions 21-25 it will become unsustainable – will require changes in working arrangements or submissions will need to be queued. Scenario C too difficult to consider.

2006 SPLOS/140 Letter from CLCS Chairman to President of 16 MSP
Annex contained draft decision that members of the CLCS receive emoluments and expenses through the regular budget of the UN. 4 months per year in New York was estimated as being required. This proposal was not supported by the MSP.

2007 SPLOS/156 Letter from CLCS Chairman to President of 17 MSP
Reintroduced proposal contained in SPLOS/140. Notified MSP that it had been decided that generally no more than 3 subcommittees would be working simultaneously, and that a queuing system had been introduced. The reintroduced SPLOS/140 proposal was again not supported by the MSP.

Communications from the CLCS to MSP 2007



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2007 17 MSP PowerPoint presentation by the CLCS Chairman – key messages

Current estimate of States with ECS is 65, of which 54 have a May 2009 deadline (essentially same as Scenario C above). Rate of receipt up to June 2007 was only at Scenario A rate (hockey-stick curve). Even so, number of weeks required in NY was then running at 11 weeks per year and forecast to reach 18 weeks for 2008-2009 (14 in fact). In order to process the 65 submissions time required will be up to 2014 at per year, 2021 at 4 per year and 2035 at 2 per year (current rate).

- Option 1 – do nothing
- Option 2 – increase rate to 4 per year (18 weeks per year) or 8 per year (with almost full-time CLCS presence in NY).
- Option 3 – Change the approach – Secretariat doing more background work, more efficient working practices in CLCS.

Communications from the CLCS to MSP 2009



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2009 19 MSP PowerPoint presentation by the CLCS Chairman – key messages

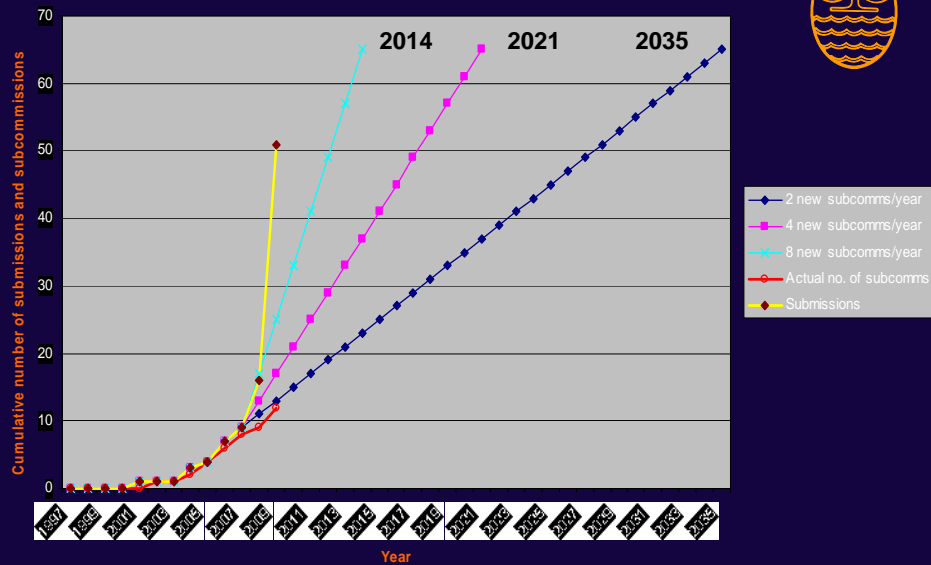
The reality of 51 submissions and 43 SPLOS/183 P.I.s, partial submissions adding to the number and the possibility of revised submissions. Assuming 4 Sessions required for each submission, and not more than 3 subcommissions working simultaneously, then it would take till 2030 to complete the submission by Cuba (no. 51).

Re-introduced SPLOS/140 proposal. As an alternative to that, it introduced a new proposal contained in SPLOS/195 regarding the definition of expenses for members, as referred to in Annex II of the Convention. The MSP did not support either of these proposals.

Number of submissions - The hockey-stick curve



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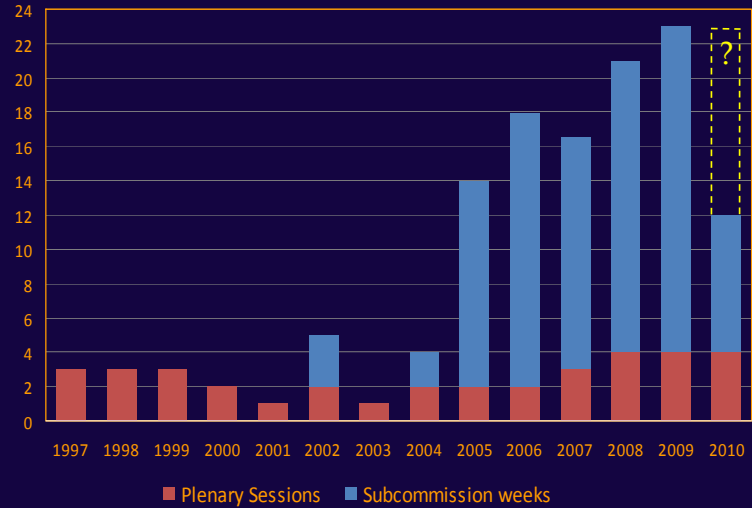
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CLCS Work Weeks in New York CLCS Work at home country not included



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Past, present and future Submissions



- Nine (9) recommendations were completed between 2000 and 2009.
- Four (4) Submissions under simultaneous consideration since 2007.
- Thirty eight (38) Submissions to consider in the future between 2009 and 20??
- The list does not include new and revised submissions.
- Forty four (44) Preliminary Notes received by the Secretary-General, one became a Submission.

The practical scenario (recommendations adopted)



States	Presentation	Subcommission formed	Draft Recommendations tabled	No. of sessions over which examination occurred (initial presentation to adoption)	No. of weeks of Subcommission meetings
Russian Federation	Mar-Apr 2002 (10th session)	Mar-Apr 2002 (10th session)	Jun 2002 (11th session)	2	3
Brazil	Aug-Sep 2004 (14th session)	Aug-Sep 2004 (14th session)	Mar-Apr 2007 (19th session)	6	12
Australia	Apr 2005 (15th session)	Apr 2005 (15th session)	Mar-Apr 2007 (19th session)	7	12.5
Ireland	Aug-Sep 2005 (16th session)	Aug-Sep 2005 (16th session)	Aug-Sep 2006 (18th session)	4	7
New Zealand	Aug-Sep 2006 (18th session)	Aug-Sep 2006 (18th session)	Mar-Apr 2008 (21st session)	5	7.5
FISU	Aug-Sep 2006 (18th session)	Aug-Sep 2006 (18th session)	Mar-Apr 2009 (23rd session)	6	9
Norway	Mar-Apr 2007 (19th session)	Mar-Apr 2007 (19th session)	Mar-Apr 2009 (23rd session)	5	12
France (NC/FG)	Aug-Sep 2007 (20th session)	Aug-Sep 2007 (20th session)	Aug-Sep 2009 (24th session)	5	4.5
Mexico	Mar-Apr 2008 (21st session)	Mar-Apr 2008 (21st session)	Mar-Apr 2009 (23rd session)	3	2

The practical scenario (still under consideration
or yet to be considered)

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States	Presentation	Subcommission formed	Draft Rec. tabled	No. of sessions over which examination occurred (initial presentation to adoption)
Barbados	Aug-Sep 2008 (22nd session)	Mar-Apr 2009 (23rd session)	Mar-Apr 2010 (25th session)	?
UK (Ascension Isl)	Aug-Sep 2008 (22nd session)	Mar-Apr 2009 (23rd session)	Mar-Apr 2010 (25th session)	?
Indonesia	Mar-Apr 2009 (23rd session)	Mar-Apr 2009 (23rd session)	Aug-Sep 2010 (26th session)	?
Japan	Mar-Apr 2009 (23rd session)	Aug-Sep 2009 (24th session)	Mar-Apr 2012 (29th session)	?
Mauritius/ Seychelles	Mar-Apr 2009 (23rd session)	Aug-Sep 2010 (26th session)	Mar-Apr 2012 (29th session)	4
Suriname	Aug-Sep 2009 (24th session)	Aug-Sep 2010 (26th session)	Mar-Apr 2012 (29th session)	4

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The practical scenario

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States	Presentation	Subcommission formed	Draft Rec. tabled	No. of sessions over which examination occurred (initial presentation to adoption)
Myanmar	Aug-Sep 2009 (24th session)	Mar-Apr 2012 (29th session)	Aug-Sep 2013 (32nd session)	4
France (FA/KI)	Mar-Apr 2010 (25th session)	Mar-Apr 2012 (29th session)	Aug-Sep 2013 (32nd session)	4
Yemen		Mar-Apr 2012 (29th session)	Aug-Sep 2013 (32nd session)	4
UK (HRA)	Aug-Sep 2009 (24th session)	Aug-Sep 2013 (32nd session)	Mar-Apr 2015 (35th session)	4
Ireland (HRA)	Aug-Sep 2009 (24th session)	Aug-Sep 2013 (32nd session)	Mar-Apr 2015 (35th session)	4
Uruguay	Aug-Sep 2009 (24th session)	Aug-Sep 2013 (32nd session)	Mar-Apr 2015 (35th session)	4

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States	Presentation	Subcommission formed	Draft Rec. tabled	No. of sessions over which examination occurred (initial presentation to adoption)
Philippines	Aug-Sep 2009 (24th session)	Mar-Apr 2015 (35th session)	Aug-Sep 2016 (38th session)	4
The Cook Islands	Aug-Sep 2009 (24th session)	Mar-Apr 2015 (35th session)	Aug-Sep 2016 (38th session)	4
Fiji	Aug-Sep 2009 (24th session)	Mar-Apr 2015 (35th session)	Aug-Sep 2016 (38th session)	4
Argentina	Aug-Sep 2009 (24th session)	Aug-Sep 2016 (38th session)	Mar-Apr 2018 (41st session)	4
Ghana	Aug-Sep 2009 (24th session)	Aug-Sep 2016 (38th session)	Mar-Apr 2018 (41st session)	4
Iceland		Aug-Sep 2016 (38th session)	Mar-Apr 2018 (41st session)	4
Denmark/ Faroe Islands	Aug-Sep 2009 (24th session)	Mar-Apr 2018 (41st session)	Aug-Sep 2019 (44th session)	4

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States	Presentation	Subcommission formed	Draft Rec. tabled	No. of sessions over which examination occurred (initial presentation to adoption)
Pakistan		Mar-Apr 2018 (41st session)	Aug-Sep 2019 (44th session)	4
Norway (Bouvetøya/ DML)	Mar-Apr 2010 (25th session)	Mar-Apr 2018 (41st session)	Aug-Sep 2019 (44th session)	4
South Africa		Aug-Sep 2019 (44th session)	Mar-Apr 2021 (47th session)	4
FSM, PNG, SI	Mar-Apr 2010 (25th session)	Aug-Sep 2019 (44th session)	Mar-Apr 2021 (47th session)	4
Malaysia, Viet Nam	Aug-Sep 2009 (24th session)	Aug-Sep 2019 (44th session)	Mar-Apr 2021 (47th session)	4
France, South Africa		Mar-Apr 2021 (47th session)	Aug-Sep 2022 (50th session)	4
Kenya	Aug-Sep 2009 (24th session)	Mar-Apr 2021 (47th session)	Aug-Sep 2022 (50th session)	4

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States	Presentation	Subcommission formed	Draft Rec. tabled	No. of sessions over which examination occurred (initial presentation to adoption)
Mauritius	Aug-Sep 2009 (24th session)	Mar-Apr 2021 (47th session)	Aug-Sep 2022 (50th session)	4
Viet Nam	Aug-Sep 2009 (24th session)	Aug-Sep 2022 (50th session)	Mar-Apr 2024 (53rd session)	4
Nigeria	Aug-Sep 2009 (24th session)	Aug-Sep 2022 (50th session)	Mar-Apr 2024 (53rd session)	4
Seychelles (Northern)	Aug-Sep 2009 (24th session)	Aug-Sep 2022 (50th session)	Mar-Apr 2024 (53rd session)	4
France (La Réunion, Saint-Paul, Amsterdam)		Mar-Apr 2024 (53rd session)	Aug-Sep 2025 (56th session)	4
Palau		Mar-Apr 2024 (53rd session)	Aug-Sep 2025 (56th session)	4
Côte d'Ivoire	Aug-Sep 2009 (24th session)	Mar-Apr 2024 (53rd session)	Aug-Sep 2025 (56th session)	4

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States	Presentation	Subcommission formed	Draft Rec. tabled	No. of sessions over which examination occurred (Initial presentation to adoption)
Sri Lanka		Aug-Sep 2025 (56th session)	Mar-Apr 2027 (59th session)	4
Portugal	Mar-Apr 2010 (25th session)	Aug-Sep 2025 (56th session)	Mar-Apr 2027 (59th session)	4
UK (Falkland, South Georgia, South Sandwich)*	Mar-Apr 2010 (25th session)	Aug-Sep 2025 (56th session)	Mar-Apr 2027 (59th session)	4
Tonga	Mar-Apr 2010 (25th session)	Mar-Apr 2027 (59th session)	Aug-Sep 2028 (62nd session)	4
Spain	Mar-Apr 2010 (25th session)	Mar-Apr 2027 (59th session)	Aug-Sep 2028 (62nd session)	4
India		Mar-Apr 2027 (59th session)	Aug-Sep 2028 (62nd session)	4
Trinidad and Tobago	Mar-Apr 2010 (25th session)	Aug-Sep 2028 (62nd session)	Mar-Apr 2030 (65th session)	4
Namibia	Mar-Apr 2010 (25th session)	Aug-Sep 2028 (62nd session)	Mar-Apr 2030 (65th session)	4
Cuba	Mar-Apr 2010 (25th session)	Aug-Sep 2028 (62nd session)	Mar-Apr 2030 (65th session)	4

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* See the title of the executive summary of the present submission

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Statement made by the Kingdom of Tonga in the presentation of their Submission before the CLCS



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Our Government has been informed that a subcommission to consider the partial submission made by the Kingdom of Tonga will not be appointed at this session of the Commission and that, as a result of a decision by the Commission, the consideration of our submission will be queued in the order in which it has been received by the Commission. We have also been made aware by the Commission through its various communications and presentations to the Meeting of States Parties that the waiting period for the consideration of some submissions ranges from a few years to up to several decades from now.

Statement made by the Kingdom of Tonga (cont.)



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Our Government feels that that this backlog of work, at no fault of the Commission, was not anticipated by the drafters of the Convention, but most importantly, it is not consistent with the spirit of the Convention itself. In fact, any reasonable interpretation of the provision contained in article 4 of Annex II to the Convention must conclude that the objective of the ten-year deadline was precisely to expedite the submission process to allow States to exercise their national jurisdictions over their continental shelves extended beyond 200 nautical miles and also to allow the International Seabed Authority to manage the international seabed Area as the Common Heritage of Mankind without undue delays. We believe that the current situation does not serve well the timely, effective and efficient implementation of the international legal regime envisaged in Annex II to the Convention.

Resolutions of GA (A/RES/64/71)



47. Notes with concern that the heavy workload of the Commission, owing to the considerable number of submissions, places additional demands on and challenges before its members and the secretariat as provided by the Division, and in that regard emphasizes the need to ensure that the Commission can perform its functions expeditiously, efficiently and effectively and maintain its high level of quality and expertise;

Resolutions of GA (A/RES/64/71)



52. Encourages States to participate actively and contribute constructively to the ongoing work of the informal working group considering the issues related to the workload of the Commission, so that the Meeting of States Parties to the Convention may consider ways and means, including short-, medium- and long-term measures, to ensure that the Commission can perform its functions under the Convention expeditiously, efficiently and effectively and maintain its high level of quality and expertise;

58. Notes the number of submissions yet to be considered by the Commission, and in this regard stresses the urgent need for States Parties to the Convention to take appropriate and prompt steps that will allow the Commission to consider the increased number of submissions in a timely, efficient and effective manner;

Issues that impact the workload of the CLCS

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- The large size and high scientific and technical complexity of Submissions made by States, irrespective of submitted area (e.g., one large: 9 regions - 26 presentations and 59 documents in response to 15 questions/requests for clarification from the Subcommission; a group of States: 6 sessions; one State: 1 Terabyte = 1,000 Gigabytes of data). CLCS RoP and STG ensure the examination of all data contained in submissions prepared by States over periods between 5 to 10 years.
- The large amount of submissions delivered a few weeks prior to the deadline of 13 May 2009.
- Annex III, 1 (additional materials, an increasing number of States).
- Bilateral schedule for work established between the CLCS and each submitting State – Annex III, 6 (Clarifications, e.g., a group of States, 15 meetings over 6 sessions plus original and final presentations to the CLCS; one State 9 meetings over 3 sessions).

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One copy of hard copy of documents
in one large submission

All the original submission materials
contained in the submission over
900 kg of material

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Short, Medium and Long Term Measures implemented by the CLCS



- **Short Term:**
It has invoked an exception provision contained in Rule 51 4bis in order to create a 4th Subcommission on three consecutive occasions since 2008 (Mexico, Indonesia and Japan).
- **Mid Term:**
It has extended to its maximum current capacity the number of work weeks conducted by Subcommissions at UN premises -and- home countries on an annual basis.
- **Long term:**
Without financial support, the most important suggestions made by the Informal Working Group could not possibly be implemented.

Recent Activities conducted by the MSP and the Secretariat



- **MSP decided that its Bureau would facilitate the creation of an Informal Working Group (IWG) designed to address the workload of the CLCS.**
 - Compiled different proposals and comments.
 - Meeting held with the Chair of the CLCS and two other members in their personal capacities.
 - Letter dated 15 March 2010 addressed to the Secretariat to update SPLOS/157
- **The Secretariat of MSP update of SPLOS/157**
 - Not yet available to CLCS members at this time according to the General Assembly Rules relating to translation to all official languages.

UNCLOS, MSP and the work of CLCS



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- The date of election of the members of the first CLCS.
- The commencement date for the ten year period of 13 May 1999 (SPLOS/72).
- Preliminary Information Notes (SPLOS/183).
- Informal Working Group and SPLOS/157 Secretariat update

Conclusions



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- Rule 51 of the Rules of Procedure: Unless the CLCS decides otherwise, only 3 simultaneous Subcommissions. Three exceptions to date.
- The CLCS has consistently brought up to the attention of the Meeting of States Parties information relating to its workload with concrete proposals.
- Under the current *modus operandi* of the CLCS, the consideration of 51 Submissions received to date will extend to 2030. This scenario does not include the consideration of new and revised submissions from existing submissions, submissions from States for which the deadline has not arrived, submissions in disputed areas, submissions from new States Parties to UNCLOS and submissions stemming from 44 Preliminary Information Notes.

Conclusions



- The CLCS has taken every action possible within its current capacity to extend the maximum number of existing subcommissions and its work weeks in NY and home countries.
- Nine years of experience considering submissions indicate that the CLCS operates most effectively when all members are present in New York.
- Without financial support, the most important suggestions made by the Informal Working Group in its letter to the Secretariat dated 15 March 2010 with a view to updating SPLOS/157 could not possibly be implemented.

Proposal for the procedure for exchanges



- The Commission kindly proposes that any questions and requests for clarification relating to the workload of the Commission, which might be posed by the Informal Working Group during the consideration of measures designed to resolve it, be made in writing.
- The Commission proposes to respond in the same written manner to the Informal Working Group.