

## **20<sup>th</sup> Meeting of States Parties 14 – 18 June, 2010**

### **Presentation on the workload of the Commission on the Limits of the Continental Shelf (CLCS)**

Alexandre Tagore Medeiros de ALBUQUERQUE  
CLCS, Chairman

## **SUMMARY**

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

## UNCLOS and the Rules of Procedure

- 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 16<sup>th</sup> Meeting of SPLOS (SPLOS/144 and 148) the CLCS decided during the -18<sup>th</sup> 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.

## Four exceptions

As exceptions, the CLCS has considered necessary and useful to appoint a fourth Subcommission in four consecutive occasions to date:

- Subcommission appointed to consider the Submission of Mexico during the 21<sup>st</sup> Session, April 2008 (CLCS/58)
- Subcommission appointed to consider the Submission of Indonesia during the 23<sup>rd</sup> Session, March 2009 (CLCS/62).
- Subcommission appointed to consider the Submission of Japan during the 24<sup>th</sup> Session, August 2009 (CLCS/64).
- Subcommission appointed to consider the Submission of Suriname during the 25<sup>th</sup> Session, April 2010 (CLCS/66).

## 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 subcommissions 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

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). 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

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.

## Past, present and future Submissions

- Eleven (11) recommendations were completed between 2000 and 2010.
- Four (4) Submissions under simultaneous consideration since 2007.
- Thirty six (36) Submissions to consider in the future between 2010 and 20??
- Forty five (45) Preliminary Information received by the Secretary-General, one became a Submission.
- The list does not include new and revised submissions.

## The practical scenario

. 11 recommendations adopted (Russian Federation, Brazil, Australia, Ireland-P, New Zealand, France/Ireland/Spain/UK-J, Norway, France -P, Mexico - P, Barbados and UK-P).

.04 submissions under examination (Indonesia-P, Japan, Mauritius/Seychelles -J and Suriname).

. 36 submissions to be considered in the future (Myanmar, France-P, Yemen, UK-P, Ireland-P, Uruguay, Philippines-P, Cook Is-P, Fiji, Argentina, Ghana, Iceland-P, Denmark-P, Pakistan, Norway-P, South Africa-P, FSM/PNG/Solomon Is-J, Malaysia/Viet Nam-J, France/South Africa-J, Kenya, Mauritius-P, Viet Nam-P, Nigeria, Seychelles-P, France - P, Palau, Côte D'Ivoire, Sri Lanka, Portugal, UK-P, Tonga, Spain-P, India, Trinida & Tobago, Namibia and Cuba).

## 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

- 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).



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



### Issues that impact the workload of the CLCS

- 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 (SPLOS/183).
- Informal Working Group and SPLOS/157 Secretariat update

## Projected work

### 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 4<sup>th</sup> Subcommission on four consecutive occasions since 2008 (Mexico, Indonesia, Japan and Suriname).
- **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.

## Conclusions

- **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 45 Preliminary Information.**



## 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.

Thank you