

Second Oral 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

Agenda sub-item 10(c) "Conditions of service of members of the Commission"

Mr President,
Distinguished Colleagues,

Thank you for giving me the floor and opportunity to provide the Meeting of States Parties with the following update on the work of the Open-ended Working Group on the Conditions of Service of Members of the Commission.

The Open-ended Working Group met yesterday afternoon in the format of informal consultations, following the discussions held in the plenary of the Meeting of States Parties on the information reported by the Chair of the Commission and on our report on the work of the Open-ended Working Group.

During the discussions, delegations emphasized the important work of the Commission. They noted that the Commission has a key mandate under the Convention in the delineation of the outer limits of the continental shelf of coastal states beyond 200 nautical miles. They highlighted the impact that this work has on the Common Heritage of Humankind.

The Working Group acknowledged the need to place the highest value on the important geo-scientific knowledge required to serve in the CLCS and ensure that the Commission is given the same support as legal bodies, such as ITLOS and the ICJ, including ensuring that vacancies in the Commission are promptly filled.

The Working Group discussed how to address the issues concerning the conditions of service of the members of the Commission. Delegations emphasized in this regard that these issues were of a structural nature and required a structural solution.

Thus, the Working Group discussed how to put the Commission on a more equal footing with the other institutions established by the Convention and how to ensure, as best as possible, equal treatment with regard to defraying the costs of participation of the members of the Commission, including reasonable travel and accommodation allowances and full insurance coverage, with United Nations standards as a minimum.

At the same time, the Working Group acknowledged that the Voluntary Trust Fund could never guarantee this.

A number of delegations voiced their concern that the Commission was becoming more politicized and noted that it was important to remember the geo-scientific knowledge required for the Commission and not conflate this with political issues.

The Working Group then discussed a two-track solution to address the issues relating to the conditions of service of the members of the Commission. The first track is to come to a structural, long-term solution that addresses systemic issues related to the Commission. With regard to this track, delegations have indicated their willingness to look at a system of 'calculated' contributions of all States Parties to the Convention intended to defray the costs related to the participation of members of the Commission in its work.

We, as Co-Coordicators, will engage with the Secretariat and provide information to delegations on how a system of 'calculated contributions' could work, defraying the costs of participation of the Commission as a whole or, alternatively, defraying the costs of only the members of the Commission from Developing States.

Another funding option for this track is a system that would require payment of an 'administrative fee' by Submitting States whose submissions were under active consideration by the Commission. We, as Co-Coordicators, will work with the Commission (in its new composition) and the Secretariat in order to provide information to delegations on how this scheme could work, including an estimate of the administrative fee required from submitting States per submission under active consideration.

These options focus on the key issue of defraying the costs related to the participation of members of the Commission in its work and do not need to be considered in a mutually exclusive way. For example, the calculated contributions could be considered together with the payment of an administrative fee, in order to reflect the benefits that coastal States gain when receiving a recommendation from the Commission.

In addition, these options are without prejudice to the obligations of Nominating States to defray the expenses of the expert that they have nominated while in performance of Commission duties, in accordance with article 2, paragraph, of annex II to the Convention.

We would like to stress that even as we call this track a long-term, sustainable solution, this scheme eventually will come to an end once the Commission has delivered on its mandate. The Commission is likely to end its work sooner if it is provided conditions of service commensurate with the importance of this work.

The second track is to ensure that the current Voluntary Trust Fund is sufficiently funded in order to defray the costs of participation of the members of the Commission from Developing States in the short-term, while work continues on the long-term solution.

In this regard we, as Co-Coordicators, will engage with the Working Group to put forward a proposal for inclusion in the General Assembly's annual resolution of the on Oceans and Law of the Sea, requesting the Secretary-General to invite all States Parties to contribute to the Voluntary Trust Fund. Those States that have already received recommendations from the Commission, in particular, will be called upon to consider making a contribution to the Voluntary Trust Fund.

Another option that was raised during the discussions is the possibility of considering a redirecting of funds from the ISA to the Voluntary Trust Fund. We, as Co-Coordicators, have limited options in this regard, as this would depend on a decision to be taken by the ISA. However, we have discussed this option with the Secretary-General of the ISA and come to the conclusion that this will not help us in the short term.

We hope that this short-term track will incentivize States to continue to contribute to the Voluntary Trust Fund in the coming year in order to ensure the Voluntary Trust Fund is sufficiently funded while we are working on track one.

We took note of the comment of the Chair of the Commission with regard to the issue of reimbursement and the difficulty that members of the Commission face paying the full premium of the UN Health Insurance and even the medical travel insurance. We will engage with the Secretariat to see whether it is possible that the Secretariat pays the premium upfront and in full on behalf of the Members of the Commission and what would be needed to make this possible.

Having said that, we propose that the Meeting: takes note of this report by the Co-Coordicators, requests the Open-ended Working Group to continue its work intersessionally as proposed in this report and to report back to the thirty-fourth meeting of States Parties, and also requests the Secretariat to continue to support the Open-ended Working Group.

I would like to thank all delegations that participated in the Open-ended Working Group yesterday for their flexibility and willingness to think outside the box and their readiness to consider all possible options to ensure it will once again be an honour for members to serve in the Commission on the limits of the Continental Shelf.

We thank you,
Mr. President