



Commission on the Limits of the Continental Shelf

Distr.: General
3 April 2023

Original: English

Fifty-seventh session

New York, 23 January–10 March 2023

Progress of work in the Commission on the Limits of the Continental Shelf

Statement by the Chair

Summary

The present statement provides information on the work carried out during the fifty-seventh session of the Commission on the Limits of the Continental Shelf. In particular, it contains an overview of the progress made in the examination of the submissions made by the Russian Federation in respect of the Arctic Ocean (partial revised submission); Brazil in respect of the Brazilian equatorial margin (partial revised submission); France and South Africa, jointly, in respect of the area of the Crozet Archipelago and the Prince Edward Islands; Kenya; Mauritius in respect of the region of Rodrigues Island (partial submission); Nigeria; Palau in respect of the North Area (partial amended submission); Sri Lanka; Portugal; Spain in respect of the area of Galicia (partial submission); and India (partial submission). The statement also contains information on the approval of three sets of recommendations with regard to, respectively, the submissions made by the Russian Federation; France and South Africa, jointly; and Kenya. In addition, it provides information on the suspension of the consideration of the submissions made by Sri Lanka and India, as well as on other issues covered by the Commission during the session, such as the establishment of new subcommissions.



I. Introduction

1. The Commission on the Limits of the Continental Shelf held its fifty-seventh session at Headquarters from 23 January to 10 March 2023. The plenary part of the session was held from 30 January to 10 February and from 6 to 10 March.¹ The remainder of the session was devoted to the technical examination of submissions by the various subcommissions at the geographic information systems laboratories of the Division for Ocean Affairs and the Law of the Sea, Office of Legal Affairs of the United Nations Secretariat, with priority given to the examination of recommendations adopted by the respective subcommissions at the fifty-sixth and fifty-seventh sessions.

2. The following members of the Commission attended the session: Adnan Rashid Nasser Al-Azri, Lawrence Folajimi Awosika, Aldino Campos, Wanda-Lee De Landro-Clarke, Antonio Fernando Garcez Faria, Ivan F. Glumov, Martin Vang Heinesen, Mazlan bin Madon, Estevão Stefane Mahanjane, Marcin Mazurowski, Domingos de Carvalho Viana Moreira, David Cole Mosher, Simon Njuguna, Yong Ahn Park, Carlos Marcelo Paterlini, Clodette Raharimananirina, Yong Tang, Yamazaki Toshitsugu and Gonzalo Alejandro Yáñez Carrizo.²

3. The Commission had before it the following documents:

- (a) Provisional agenda (CLCS/57/L.1);
- (b) Statements by the Chair on the progress of work in the Commission at its fifty-fifth and fifty-sixth sessions (CLCS/55/2 and CLCS/56/1);
- (c) Letter dated 28 March 2022 from the Chair of the Commission on the Limits of the Continental Shelf addressed to the President of the thirty-second Meeting of States Parties (SPLOS/32/7);
- (d) Submissions made by coastal States³ pursuant to article 76, paragraph 8, of the Convention, including related communications;
- (e) General Assembly resolution 77/248 on oceans and the law of the sea;
- (f) Report of the thirty-second Meeting of States Parties to the United Nations Convention on the Law of the Sea (SPLOS/32/15);
- (g) Relevant communications from States parties to the Convention and States Members of the United Nations.

Item 1 Opening of the fifty-seventh session

4. The Chair, Mr. Al-Azri, opened the fifty-seventh session of the Commission.

Statement by the Director of the Division for Ocean Affairs and the Law of the Sea

5. The Director of the Division for Ocean Affairs and the Law of the Sea, speaking on behalf of the Under-Secretary-General for Legal Affairs and United Nations Legal

¹ See General Assembly resolution 77/248, para. 116.

² Emmanuel Kalngui did not attend the session. Mr. Campos attended the session from 30 January; Mr. Glumov attended from 30 January to 9 February; Mr. Mazurowski attended from 24 to 26 January, on 30 January, from 1 to 14 February and from 16 to 24 February; Mr. Moreira attended from 2 February; and Mr. Tang attended from 25 January.

³ For a full list of submissions, see www.un.org/Depts/los/clcs_new/commission_submissions.htm.

Counsel, noted that that was the final session of the Commission in its current composition before the expiration of its term of office. He conveyed the congratulations of the Legal Counsel to all members of the Commission for their work during the past six years, including their commitment to undertaking an additional year of service following the challenges posed by the coronavirus disease (COVID-19) pandemic. He expressed the special appreciation of the Legal Counsel to Messrs. Awosika and Park, who had served as members of the Commission since its establishment. The Director recalled that, at the recent commemoration of the fortieth anniversary of the adoption and opening for signature of the United Nations Convention on the Law of the Sea in the context of meetings of the General Assembly, States had recognized the contributions of the Commission to the maintenance of international peace and security and the rule of law in the ocean. He noted the ongoing concerns in relation to the conditions of service of the members of the Commission, including with regard to health insurance, travel, accommodation and daily subsistence allowances, and the need for a sustainable, predictable and permanent solution to be found. He also noted that the long-standing vacancy in the Commission allocated to the Group of Eastern European States needed to be filled to ensure equitable geographical representation in the Commission and the effective discharge of its mandate. Acknowledging the heavy workload of the Commission and the growing complexity of submissions under consideration, the Director conveyed the commendation of the Legal Counsel for the efforts made by the Commission to ensure continuity in the consideration of submissions and the smooth induction of newly elected members. He reaffirmed the continued support of the Office of Legal Affairs, through its Division for Ocean Affairs and the Law of the Sea, for the Commission.

Item 2

Adoption of the agenda

6. The Commission considered the provisional agenda ([CLCS/57/L.1](#)) and adopted it with amendments ([CLCS/57/1](#)).

Item 3

Organization of work

7. The Commission approved the organization of work as outlined by the Chair.

Item 4

Workload of the Commission and working conditions of members

8. The Commission recalled the discussions at the thirty-second Meeting of States Parties on the possible mechanisms to ensure that the voluntary trust fund for the purpose of defraying the cost of the participation of the members of the Commission from developing States in its meetings would have sufficient funds to reimburse the costs associated with the minimum conditions of service of seven members of the Commission from developing States. Those discussions included consideration of a proposal by the Co-Coordination of the open-ended working group under which nominating States that were developed States and other nominating States that were in a position to do so would act as guarantors of the trust fund.⁴

9. The Chair informed the Commission that the open-ended working group would hold its next meeting after the Commission had concluded its session and that the

⁴ See [SPLOS/32/15](#), para. 59.

Co-Coordination planned to meet with the members of the Commission after the start of their term of office, on 16 June.

10. Having taken note of that information, the Commission decided to appoint Mr. Njuguna to act as a liaison between the Commission and the Co-Coordination of the open-ended working group.

Item 5

Consideration of the partial revised submission made by the Russian Federation in respect of the Arctic Ocean⁵

11. On 31 January, the subcommission, through a presentation delivered by the Chair of the subcommission, Mr. Madon, together with Messrs. Awosika and Campos, introduced to the Commission the recommendations with regard to the partial revised submission made by the Russian Federation in respect of the Arctic Ocean, which had been transmitted to the Chair of the Commission on 21 October 2022 (see [CLCS/56/1](#), para. 4).

12. On the same day, the delegation of the Russian Federation participated in the proceedings of the Commission and made a presentation pursuant to paragraph 15.1 bis of annex III to the Rules of Procedure of the Commission ([CLCS/40/Rev.1](#)). The presentation was delivered by the Minister of Natural Resources and the Environment of the Russian Federation and head of the delegation, Alexander Kozlov.

13. In addition to elaborating on substantive points of the submission, the delegation expressed its concurrence with the views and general conclusions of the subcommission arising from examination of the submission. It also informed the Commission that it was ready to make a revised submission in respect of the south-eastern part of the Eurasian basin in the Arctic Ocean,⁶ as needed.

14. On 6 February, following extensive deliberations, the Commission approved without a vote the recommendations, with amendments.

15. Pursuant to article 6, paragraph 3, of annex II to the Convention, the recommendations, including a summary thereof, were submitted in writing to the coastal State and to the Secretary-General on 7 February.

Item 6

Consideration of the partial revised submission made by Brazil in respect of the Brazilian equatorial margin⁷

16. The Chair of the subcommission, Mr. Awosika, reported on the progress of its work, noting that the subcommission had met from 27 February to 3 March. During that period, it had continued the main scientific and technical examination of the submission.

17. No meetings were held with the delegation. In view of the decision of the Commission to prioritize, during the fifty-seventh session, the consideration of recommendations adopted by the respective subcommissions at the previous and

⁵ Submission made on 3 August 2015; available at www.un.org/depts/los/clcs_new/submissions_files/submission_rus_rev1.htm.

⁶ On 14 February 2023, the Russian Federation made a partial revised submission in respect of the south-eastern part of the Eurasian basin in the Arctic Ocean. See www.un.org/Depts/los/clcs_new/submissions_files/submission_rus_rev2.htm.

⁷ Submission made on 8 September 2017; available at https://www.un.org/Depts/los/clcs_new/submissions_files/submission_bra_rev2.htm.

current sessions, the subcommission had only limited time available, which it dedicated in particular to the preparation of a “handover” document to ensure the continuity of its work, given the expiration of the term of office of the current members of the Commission in June 2023. At the end of the session, the subcommission transmitted a communication to the delegation.

18. The Chair of the subcommission also reported to the Commission on certain substantive matters concerning the submission. During the ensuing discussion, members of the Commission provided feedback and the subcommission responded to questions.

19. The subcommission decided that it would resume its consideration of the submission at the fifty-eighth session.

20. The meetings of the subcommission during the fifty-eighth session will be held from 20 July to 2 August 2023.

Item 7

Consideration of the joint submission made by France and South Africa in respect of the area of the Crozet Archipelago and the Prince Edward Islands⁸

21. On 2 February, the subcommission, through a presentation delivered by the Chair of the subcommission, Mr. Njuguna, together with Messrs. Mahanjane and Paterlini, introduced to the Commission its recommendations with regard to the joint submission made by France and South Africa in respect of the area of the Crozet Archipelago and the Prince Edward Islands, which had been transmitted to the Chair of the Commission on 17 November 2022 (see [CLCS/56/1](#), para. 11).

22. On the same day, the delegations of France and South Africa participated in the proceedings of the Commission and made a joint presentation pursuant to paragraph 15.1 bis of annex III to the Rules of Procedure. The presentation was made by the Chief State Law Adviser for International Law of the Department of International Relations and Cooperation and head of the delegation of South Africa, Sandea de Wet; the Chargé de mission of the General Secretariat for the Sea of the Office of the Prime Minister and head of the delegation of France, Yvan de Trogoff; the Manager of Petroleum Agency South Africa, Sean Johnson; a hydrographer with the Institut français de recherche pour l’exploitation de la mer (Ifremer), Benoit Loubrieu; a geophysicist with Ifremer, Walter R. Roest; and a consultant, Alain Murphy.

23. In addition to elaborating on substantive points of the submission, the delegation expressed its partial concurrence with the views and general conclusions of the subcommission arising from examination of the joint submission and offered alternative arguments on a number of aspects for the consideration of the Commission. In particular, the joint delegation underscored the divergence of views on the interpretation and application of article 76 between the subcommission and the joint delegation and requested guidance from the Commission, in the event that it recommended that a partial revised submission be made. The delegation emphasized that, “without clear guidance, France and South Africa may again have to incur significant financial expenses and spend human capital to obtain additional data for the preparation of a revised Joint Submission, just to be confronted by the same situation”. It stated that “this can clearly not be in line with the Convention’s collaborative spirit of the Commission working with the coastal State in order to

⁸ Submission made on 6 May 2009; available at www.un.org/Depts/los/clcs_new/submissions_files/submission_frazaf_34_2009.htm.

ensure the correct determination of the outer limits of the continental shelf in accordance with the Convention” and that “[t]he Convention bestowed on the Commission the legal mandate to assist coastal States in applying the fundamental scientific principles and considerations of article 76 [of the Convention]”.

24. On 7 March, following extensive deliberations, the Commission approved the recommendations with amendments without a vote. The amendments included a recommendation to provide a revised submission concerning the western and north-western regions of the Crozet Archipelago and the Prince Edward Islands.

25. Pursuant to article 6, paragraph 3, of annex II to the Convention, the recommendations, including a summary thereof, were submitted in writing to the coastal State and to the Secretary-General on 14 March.

Item 8

Consideration of the submission made by Kenya⁹

Report of the subcommission

26. The Chair of the subcommission, Mr. Heinesen, reported on the progress of its work, noting that the subcommission had met from 23 to 27 January and from 20 to 24 February. During that period, it had prepared its presentation of the recommendations to the Commission and addressed matters raised during the consideration of its recommendations in the first plenary of the session, respectively.

Consideration of recommendations

27. On 1 February, the subcommission, through a presentation delivered by the Chair of the subcommission, Mr. Heinesen, together with Messrs. Awosika and Madon, introduced to the Commission the recommendations with regard to the submission made by Kenya, which had been transmitted to the Chair of the Commission on 9 November 2022 (see [CLCS/56/1](#), para. 16).

28. On the same day, the delegation of Kenya participated in the proceedings of the Commission and made a presentation pursuant to paragraph 15.1 bis of annex III to the Rules of Procedure. The presentation was made by the Attorney General and head of the delegation, Justin B.N. Muriu; and the Director of the Maritime and Continental Shelf of the Kenya International Boundaries Office, Michael Gikui. The delegation included the Permanent Representative of Kenya to the United Nations, Martin Kimani, and the Deputy Permanent Representative of Kenya to the United Nations, Michael Kiboino, as well as a number of advisers.

29. In addition to elaborating on scientific and technical matters relating to its submission, the delegation expressed its concurrence with the views and general conclusions of the subcommission arising from the examination of the submission. The delegation reiterated its position that the provisions contained in the Statement of Understanding Concerning a Specific Method to be Used in Establishing the Outer Edge of the Continental Margin¹⁰ should apply to any State that was able to demonstrate the existence of the special circumstances and the attendant inequity envisaged therein. In the view of the delegation, the application of the Statement of Understanding should be based on the fulfilment of the requirements stipulated therein, regardless of the geographical location of the State.

⁹ Submission made on 6 May 2009; available at www.un.org/Depts/los/clcs_new/submissions_files/submission_ken_35_2009.htm.

¹⁰ See the Final Act of the Third United Nations Conference on the Law of the Sea, annex II, available at www.un.org/depts/los/clcs_new/documents/final_act_annex_two.htm.

30. Following extensive discussions, including interventions of a scientific and technical nature by members, the Commission concluded that the unique tectonic and sedimentologic history of the region required application of the Statement of Understanding in this case.

31. On 7 March 2023, following extensive deliberations, the Commission approved without a vote the recommendations, with amendments.

32. Pursuant to article 6, paragraph 3, of annex II to the Convention, the recommendations, including a summary thereof, were submitted in writing to the coastal State and to the Secretary-General on 10 March.

Item 9

Consideration of the partial submission made by Mauritius in respect of the region of Rodrigues Island¹¹

33. The Chair of the subcommission, Mr. Campos, reported that, in view of the decision of the Commission to prioritize, during the fifty-seventh session, the consideration of recommendations adopted by other subcommissions at the previous and current sessions, that subcommission was not in a position to hold the meeting originally scheduled for 24 February 2023.

34. The subcommission decided that it would resume its consideration of the submission at the fifty-eighth session, which may include meetings with the delegation.

35. It was decided that the meetings of the subcommission during the fifty-eighth session would be held from 3 to 7 and from 14 to 22 August 2023.

Item 10

Consideration of the submission made by Nigeria¹²

Report of the subcommission

36. The Chair of the subcommission, Mr. Mahanjane, reported on the progress of its work, noting that the subcommission had met from 13 to 17 and on 23 and 24 February. During that period, it had prepared its recommendations pursuant to paragraph 10.5 of annex III to the Rules of Procedure, which it adopted and transmitted to the Chair of the Commission on 17 February, in accordance with rule 51, paragraph 5, of the Rules of Procedure, and had then prepared its presentation of the recommendations to the Commission.

Consideration of recommendations

37. On 6 March, the subcommission, through a presentation delivered by its Chair, Mr. Mahanjane, together with Messrs. Heinesen, Njuguna and Yamazaki, introduced to the Commission the recommendations with regard to the submission made by Nigeria.

38. On the same day, the delegation of Nigeria participated in the proceedings of the Commission and made a presentation pursuant to paragraph 15.1 bis of annex III to the Rules of Procedure. The presentation was made by the Attorney General of the

¹¹ Submission made on 6 May 2009; available at www.un.org/Depts/los/clcs_new/submissions_files/submission_mus_36_2009.htm.

¹² Submission made on 7 May 2009 and amended on 18 November 2016; available at www.un.org/Depts/los/clcs_new/submissions_files/submission_nga_38_2009.htm.

Federation, Minister of Justice and head of the delegation, Abubakar Malami; the head of the Nigeria Extended Continental Shelf Project Office, Aliyu Omar; a technical consultant with the Australian National Centre for Ocean Resources and Security at the University of Wollongong, Phil Symonds; and a technical consultant and project coordinator/senior geologist with the Norwegian Petroleum Directorate, Harald Brekke. The delegation of Nigeria also included a number of advisers.

39. In addition to elaborating on scientific and technical matters related to its submission, the delegation noted a difference of views on some of the particulars of the outer limits of the continental shelf as recommended by the subcommission, notably in relation to the determination of the foot of the continental slope points. The delegation expressed its concerns and its views regarding the approach taken by the subcommission and stated a view that that approach was not consistent with the Convention, the Scientific and Technical Guidelines, the Rules of Procedure and the past practices of the Commission. The delegation stated that it hoped that “the Commission will take time to study [the] data and information in [its] presentation ... and take the right step that [would] respect States’ rights and instill [the] Commission’s integrity and scientific credibility with particular regards to established procedure and scientific consistencies institutionalized and established”.

40. The Commission then proceeded with the consideration of the recommendations. While the Commission made progress in that regard, owing to the limited time available, it was not in a position to complete the consideration of the recommendations at the fifty-seventh session and decided to defer consideration of the recommendations to the fifty-eighth session.

Item 11

Consideration of the partial amended submission made by Palau in respect of the North Area¹³

41. The Chair of the subcommission, Mr. Paterlini, reported on the progress of its work, noting that the subcommission had met from 23 to 27 January and from 20 to 24 February. During that period, it continued the main scientific and technical examination of the submission.

42. No meetings were held with the delegation. In view of the decision of the Commission to prioritize, during the fifty-seventh session, the consideration of recommendations adopted by the respective subcommissions at the previous and current sessions, the members of the subcommission also dedicated some of the time to reviewing recommendations. At the end of the session, the subcommission transmitted a communication to the delegation.

43. The Chair of the subcommission reported to the Commission on certain substantive matters concerning the submission. During the ensuing discussion, members of the Commission provided feedback and the subcommission responded to questions.

44. The subcommission decided that it would resume its consideration of the submission at the fifty-eighth session, which would include meetings with the delegation.

45. It was decided that the meetings of the subcommission during the fifty-eighth session would be held from 3 to 7 and from 14 to 22 August 2023.

¹³ Submission made on 8 May 2009 and amended on 26 October 2017; available at www.un.org/depts/los/clcs_new/submissions_files/submission_plw_41_2009.htm.

Item 12

Consideration of the submission made by Sri Lanka¹⁴

46. The Chair of the subcommission, Mr. Yáñez, reported on the progress of its work, noting that the subcommission had met on 24 January and on 20 and 22 February.

47. In view of the decision of the Commission to prioritize, during the fifty-seventh session, the consideration of recommendations adopted by the respective subcommissions at the previous and current sessions, the subcommission had only limited time available, which it dedicated to the preparation of a “handover” document to ensure the continuity of its work, given the expiration of the term of office of the current members of the Commission in June 2023.

48. The Commission took note of the communication from the Permanent Mission of India to the United Nations addressed to the Secretary-General dated 25 October 2022. It noted that the note verbale, inter alia, invoked paragraph 5 (a) of annex I to the Rules of Procedure.

49. Taking into account the aforementioned note verbale, the Commission decided, after considerable discussion concerning the notification of the objection at the advanced stage of consideration of the submission of Sri Lanka, to suspend the consideration of the submission made by Sri Lanka. The Commission will consider any further developments that might occur, noting that the States concerned may wish to make use of the avenues available to them, including provisional arrangements of a practical nature provided for in annex I to the Rules of Procedure.

Item 13

Consideration of the submission made by Portugal¹⁵

50. The Chair of the subcommission, Ms. De Landro-Clarke, reported on the progress of its work, noting that the subcommission had met from 27 February to 3 March. During that period, the subcommission had continued the main scientific and technical examination of the submission.

51. No meetings were held with the delegation. In view of the decision of the Commission to prioritize, during the fifty-seventh session, the consideration of recommendations adopted by the respective subcommissions at the previous and current sessions, the subcommission had only limited time available, which it dedicated in particular to the preparation of a “handover” document to ensure the continuity of its work, given the expiration of the term of office of the current members of the Commission in June 2023. At the end of the session, the subcommission transmitted a communication to the delegation.

52. The Chair of the subcommission reported to the Commission on certain substantive matters concerning the submission. During the ensuing discussion, members of the Commission provided feedback and the subcommission responded to questions.

¹⁴ Submission made on 8 May 2009; available at www.un.org/depts/los/clcs_new/submissions_files/submission_lka_43_2009.htm.

¹⁵ Submission made on 11 May 2009 and amended on 1 August 2017; available at www.un.org/depts/los/clcs_new/submissions_files/submission_prt_44_2009.htm.

53. The subcommission decided that it would resume its consideration of the submission at the fifty-eighth session, which may include meetings with the delegation.

54. It was decided that the meetings of the subcommission during the fifty-eighth session would be held from 20 July to 2 August 2023.

Item 14

Consideration of the partial submission made by Spain in respect of the area of Galicia¹⁶

55. The Chair of the subcommission, Mr. Mosher, reported on the progress of its work, noting that the subcommission had met from 13 to 17 February 2023. During that period, it had continued the main scientific and technical examination of the submission, focusing on the data and information received from the delegation in response to observations and views made by the subcommission at the fifty-sixth session.

56. The subcommission held two meetings with the delegation that included an exchange of views. In addition to its presentation, the subcommission transmitted a summary of observations to the delegation.

57. The Chair of the subcommission also reported to the Commission on certain substantive matters concerning the submission. During the ensuing discussion, members of the Commission provided feedback and the subcommission responded to questions.

58. The subcommission decided that it would resume its consideration of the submission at the fifty-eighth session.

59. It was decided that the meetings of the subcommission during the fifty-eighth session would be held from 6 to 19 July 2023.

Item 15

Consideration of the submission made by India¹⁷

60. The Commission resumed deliberations concerning the communications from the Permanent Mission of India to the United Nations addressed to the Secretary-General dated 17 November 2020 and 29 November 2021, as well as those from the Permanent Mission of Pakistan to the United Nations addressed to the Secretary-General dated 6 June 2020 and 14 January 2021 (see [CLCS/54/2](#), para. 58, and [CLCS/55/2](#), para. 55).

61. The Commission observed that the notes verbales from Pakistan, inter alia, invoked paragraph 5 (a) of annex I to the Rules of Procedure with reference to land or maritime disputes. The Commission also took note of the views expressed in the notes verbales from India.

62. Taking into account the aforementioned notes verbales, the Commission decided, after considerable discussion concerning the transmission of the note after the establishment of a subcommission, to suspend the consideration of the submission made by India. The Commission will consider any further developments that might occur, noting that the States concerned may wish to make use of the avenues available

¹⁶ Submission made on 11 May 2009; available at www.un.org/depts/los/clcs_new/submissions_files/submission_esp_47_2009.htm.

¹⁷ Submission made on 11 May 2009; available at www.un.org/depts/los/clcs_new/submissions_files/submission_ind_48_2009.htm.

to them, including provisional arrangements of a practical nature provided for in annex I to the Rules of Procedure.

Item 16

Report of the Chair of the Committee on Confidentiality

63. The Chair of the Committee, Mr. Campos, reported that no meetings of the Committee had been required during the present session.

Item 17

Report of the Chair of the Scientific and Technical Advice Committee

64. The Chair of the Committee, Mr. Madon, reported that no meetings of the Committee had been required during the present session, as no request had been received from any State.

Item 18

Other matters

Communication dated 1 October 2022 from Bangladesh

65. On 1 October 2022, Bangladesh addressed a communication to the Chair of the Commission concerning the decision taken by the Commission following its consideration of the amended submission at the fifty-fourth session.¹⁸ Owing to the limited time available, the Commission decided to defer the matter to the fifty-eighth session.

Working groups

66. The Chair of two open-ended working groups established by the Commission to: (a) identify needs for upgrades to existing technical facilities; and (b) review the working methods of the Commission, Mr. Mosher, reported on their work.

67. Mr. Mosher submitted, on behalf of the two open-ended working groups, the proposals that led to the decisions of the Commission described in paragraphs 69, 72 and 73. In addition, he submitted a proposal to merge the two groups. The Commission endorsed that proposal and appointed Mr. Mosher as Chair of a new working group on the working methods and technical needs of the Commission. Messrs. Yáñez Carrizo and Garcez were appointed as the Vice-Chairs of the new group.

Matters to be brought to the attention of the Meeting of States Parties to the United Nations Convention on the Law of the Sea

68. Upon the proposal of the open-ended working group established at the fifty-fifth session to identify the needs of the Commission for upgrades to existing technical facilities,¹⁹ the Commission decided that, with a view to ensuring the effective and timely consideration of submissions, funding should be sought to upgrade the geographic information systems laboratories of the Division with dual, larger computer monitors, additional secure network storage space and new software. To that end, the Commission decided that the Chair of the Commission would bring this

¹⁸ See [CLCS/54/2](#), paras. 62 and 63.

¹⁹ See [CLCS/55/2](#), para. 88.

matter to the attention of the thirty-third Meeting of States Parties to the United Nations Convention on the Law of the Sea.

69. During the deliberations on its working methods, the Commission addressed the matter of submissions in areas where land or maritime disputes existed. It recalled that it was governed by annex I to its Rules of Procedure, specifically, paragraph 5 (a), in which it was indicated that, “[i]n cases where a land or maritime dispute exists, the Commission shall not consider and qualify a submission made by any of the States concerned in the dispute”. The Commission requested that the Chair draw the attention of States parties to the fact that objections to some submissions had been received at an advanced stage of consideration, in one case after over six years since the establishment of the subcommission. This situation is beyond the control of the Commission and has had an adverse impact on the progress and efficiency of the work of the Commission, including its ability to make recommendations in a timely manner.

Approach concerning revised submissions

70. Upon the proposal of the open-ended working group established at the fifty-fifth session to review the working methods of the Commission,²⁰ the Commission recalled its decision taken at the twenty-sixth session with respect to the order in which revised submissions are considered.²¹

71. The Commission noted in that regard that the priority accorded by that decision to the consideration of revised submissions, combined with an increase in the number and complexity of revised submissions, has had an adverse impact on the progress of work with regard to the consideration of submissions in the general queue. The Commission is of the view that, if this practice were to continue, the Commission might soon be fully occupied with the consideration of revised submissions and might be unable to advance to the consideration of submissions in the original queue. The Commission decided that the consideration of submissions in future sessions would be such that, at any given time, the ratio of original submissions to revised submissions under consideration would be limited to 2 to 1, unless the Commission decides otherwise.

72. The Commission decided that it would proceed on the basis of two queues, one for original submissions and the other for revised submissions. In this approach, under the current working method of having nine active subcommissions, a maximum of three revised submissions would be under active consideration at any one time. The Commission also decided that revised submissions would be considered in the order in which they were received pursuant to rule 51, paragraph 4 ter, of the Rules of Procedure.

73. The Commission decided to keep the aforementioned policy under review to ensure the efficiency of its working methods and the fair and equitable treatment of submitting coastal States.

Consideration of additional submissions

74. In the light of the progress in its work (see paras. 11–15, 22–26, 27–33, 61 and 62), the Commission decided that, at the fifty-eighth session, it would commence the consideration of four submissions, in addition to those still under consideration at the subcommission level.²² In keeping with the newly adopted approach concerning

²⁰ See *ibid.*, para. 89.

²¹ See [CLCS/68](#), para. 57.

²² List of submissions: partial submission made by Mauritius in respect of the region of Rodrigues Island; partial amended submission made by Palau in respect of the North Area; submission made by Portugal; and partial submission made by Spain in respect of the area of Galicia. List of revised submissions: partial revised submission made by Brazil in respect of the Brazilian equatorial margin.

revised submissions (see paras. 72 and 73), the Commission decided that it would consider a total of six submissions and three revised submissions and that, therefore, two of the additional submissions would be considered from the queue of submissions and two from the queue of revised submissions.

75. To this end, the Commission first reviewed the status of the submissions that were next in line in the queue of submissions for whose consideration a new subcommission would be established. The Commission noted that, in the absence of consent given by all States that were parties to disputes that had caused their deferral, it was not yet in a position to commence the consideration of the following submissions: Myanmar; Yemen in respect of south-east of Socotra Island; the United Kingdom of Great Britain and Northern Ireland in respect of the Hatton-Rockall Area; Ireland in respect of the Hatton-Rockall Area; Fiji; Malaysia and Viet Nam, jointly, in respect of the southern part of the South China Sea; Viet Nam in respect of the North Area; and the United Kingdom in respect of the Falkland Islands and of South Georgia and the South Sandwich Islands. The status of these submissions would be reviewed by the Commission again, at the time of the future establishment of new subcommissions.

76. The Commission therefore decided to establish subcommissions for the consideration of the two submissions next in line, namely those made by Trinidad and Tobago and by Namibia, respectively.

77. Turning to the queue of revised submissions, and recalling that, pursuant to rule 42, paragraph 2, of the Rules of Procedure, the term of a subcommission extends to the time that the submitting coastal State deposits the outer limits for that part of the continental shelf for which the submission was originally made, the Commission reviewed the status of revised submissions to assign to the respective subcommissions.

78. With regard to the partial revised submission made by the Russian Federation in respect of the south-eastern part of the Eurasian basin in the Arctic Ocean, which had been received during the fifty-seventh session, the Commission decided to defer the decision on its consideration to the fifty-eighth session, when that submission would be on the agenda.

79. With regard to the next revised submission in the queue of revised submissions, namely the partial revised submission made by Brazil in respect of the Brazilian oriental and meridional margin, according to practice (see [CLCS/103](#), para. 65), the Commission decided that it would be considered by the subcommission established to consider the submission made by Brazil after the completion of its examination of the partial revised submission in respect of the Brazilian equatorial margin.

80. With regard to the next revised submission in the queue of revised submissions, namely the revised submission made by the Cook Islands concerning the Manihiki Plateau, the Commission decided to commence its consideration by way of the respective subcommission.

81. The Commission also decided that, at the fifty-eighth session:

(a) The subcommission established for consideration of the submission made by Trinidad and Tobago would meet from 6 to 19 July 2023;

(b) The subcommission established for consideration of the submission made by Namibia would meet from 20 July to 2 August 2023;

(c) The subcommission established for consideration of the submission made by the Cook Islands concerning the Manihiki Plateau would meet from 3 to 7 and from 14 to 22 August 2023.

82. In view of the expiration of the term of office of the current members of the Commission on 15 June 2023, the Commission decided that the membership of the three subcommissions would be determined at the fifty-eighth session.

Programme of meetings for future sessions

83. The Commission recalled its decision to hold its fifty-eighth session from 5 July to 22 August 2023. It also recalled its decision to schedule the fifty-ninth session from 4 October to 21 November 2023, with no plenary meetings. The Commission took note of the fact that the General Assembly, in its resolution [77/248](#), had established that the plenary parts of the fifty-eighth session would be held on 5 July and from 8 to 11 August 2023.

Induction of newly elected members of the Commission

84. The Chair of the open-ended working group established at the fifty-fifth session²³ to consider how best to facilitate the induction of new members, Mr. Garcez, proposed an action plan with respect to informing newly elected members of the relevant procedural, scientific and technical, administrative, and logistical aspects of the work of the Commission through presentations during the first week of the fifty-eighth session and subsequent workshops, to be scheduled as time would allow.

Capacity-building activities

85. The secretariat informed the Commission of its capacity-building activities relevant to the work of the Commission. In cooperation with the Government of Chile, the Division delivered a regional training course in Santiago from 9 to 12 January 2023. The course addressed the delineation of the outer limits of the continental shelf beyond 200 nautical miles and the preparation of a submission to the Commission. It was attended by 31 participants from the Latin America and Caribbean region. The instructors were Messrs. Paterlini and Yáñez, as well as two members of the secretariat. The training course was part of a four-year capacity-building project implemented by the Division with the support of the Norwegian Agency for Development Cooperation, aimed at building sustainable blue economies in accordance with the Convention and to strengthen ocean governance, under the aegis of which additional regional courses were expected in the coming years.

Trust funds

86. The secretariat informed the Commission of 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 its meetings. Since the fifty-fifth session of the Commission, contributions had been received from China, France, Ireland, Malta, Norway, the Philippines and Spain. As at 17 February 2023, the trust fund had an approximate balance of \$885,000.

87. The secretariat informed the Commission that, in 2019, upon the request of the nominating State, it had provided a member of the Commission, from that voluntary trust fund, with a daily subsistence allowance advance in the amount of \$14,568 in relation to his participation in the fiftieth session of the Commission. However, that member did not attend the fiftieth session and has not since participated in the work of the Commission. The secretariat had requested that member to reimburse the amount advanced, but, notwithstanding multiple attempts and communications in writing, including through the Permanent Mission of the nominating State, the funds had not been returned. The Commission took note of that information.

²³ See [CLCS/55/2](#), para. 90.

88. For the fifty-seventh session, financial assistance for a total of approximately \$156,600, inclusive of programme support costs, was provided to six members.

89. With regard to the trust fund for the purpose of facilitating the preparation of submissions to the Commission on the Limits of the Continental Shelf for developing States, in particular the least developed countries and small island developing States, and in compliance with article 76 of the United Nations Convention on the Law of the Sea, the secretariat reported that, as at 17 February 2023, the trust fund had an approximate balance of \$360,000 and that no contributions had been received since the previous session. Approximately \$63,000 would be disbursed from the aforementioned balance for assistance provided to Cuba. In addition, Nigeria, Palau and South Africa had received assistance from the trust fund to participate in meetings held with the Commission or the relevant subcommissions during the current session of the Commission.

Acknowledgements

90. As the fifty-seventh session marked the end of the current term of office, the Chair expressed his appreciation to all members of the Commission for their continuous cooperation and support during the challenging term of office, including their related commitment to serving for one year longer than originally anticipated.

91. The Chair recognized the contributions of the members who had been serving since the establishment of the Commission, namely Messrs. Awosika and Park, and of the contributions of Ms. De Landro-Clarke and Ms. Raharimananirina, the first women elected as members of the Commission. He expressed his hope that, in future elections, States parties would take more resolute steps towards ensuring gender balance within the Commission. He then conveyed to all members, and in particular those members whose tenure on the Commission was coming to an end, his best wishes for their future endeavours.

92. The Chair noted with appreciation and gratitude the high standard of secretariat services rendered to it by the Division for Ocean Affairs and the Law of the Sea. He also expressed his appreciation to the conference services, including interpreters and conference officers.
