



Commission on the Limits of the Continental Shelf

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New York, 15 July-30 August 2013

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 by the Commission and its subcommissions during the thirty-second session. In particular, it contains an overview of the work on the submissions made by the Russian Federation, in respect of the Okhotsk Sea (revised submission); Uruguay; the Cook Islands, in respect of the Manihiki Plateau; Argentina; Ghana; Iceland, in respect of the Ægir Basin area and the western and southern parts of Reykjanes Ridge; Denmark, in respect of the area north of the Faroe Islands; and Pakistan. The statement also contains an overview of the presentations made to the Commission by the Russian Federation, in respect of the Okhotsk Sea; Pakistan; France and South Africa, in respect of the area of the Crozet Archipelago and the Prince Edward Islands; France, in respect of La Réunion Island and Saint-Paul and Amsterdam Islands; Tuvalu, France and New Zealand (Tokelau), in respect of the area of the Robbie Ridge; China, in respect of part of the East China Sea; Kiribati; and the Republic of Korea.

* Reissued for technical reasons on 28 October 2013.



1. Pursuant to the decision adopted at its thirtieth session, as endorsed by the General Assembly in paragraph 74 of its resolution [67/78](#), the Commission on the Limits of the Continental Shelf held its thirty-second session at United Nations Headquarters from 15 July to 30 August 2013. The plenary parts of the session were held from 12 to 16 August and from 26 to 30 August (see [CLCS/76](#), para. 12). The other periods were used for the technical examination of submissions at the geographic information system (GIS) laboratories of the Division for Ocean Affairs and the Law of the Sea, Office of Legal Affairs of the Secretariat.

2. The following members of the Commission attended the session: Muhammad Arshad, Lawrence Folajimi Awosika, Galo Carrera, Francis L. Charles, Ivan F. Glumov, Richard Thomas Haworth, Martin Vang Heinesen, Emmanuel Kalngui, Wenzheng Lu, Mazlan Bin Madon, Estevao Stefane Mahanjane, Jair Alberto Ribas Marques, Simon Njuguna, Isaac Owusu Oduro, Yong-Ahn Park, Carlos Marcelo Paterlini, Walter R. Roest, Tetsuro Urabe and Szymon Uścińowicz. George Jaoshvili and Sivaramakrishnan Rajan did not attend the session.

3. The Commission had before it the following documents and communications:

- (a) Provisional agenda ([CLCS/L.35](#));
- (b) Statement by the Chair on the progress of work in the Commission at its thirty-first session ([CLCS/78](#));
- (c) Submissions made by coastal States¹ pursuant to article 76, paragraph 8, of the United Nations Convention on the Law of the Sea;²
- (d) Report of the twenty-third Meeting of States Parties to the United Nations Convention on the Law of the Sea ([SPLOS/263](#));
- (e) Communications received from China (14 December 2012 and 7 January, 15 April, 8 May and 2 and 5 August 2013); Costa Rica (15 July 2013); France (6 May 2009, 6 December 2012 and 25 March and 23 August 2013); India (16 July 2013); Japan (28 December 2012 and 11 January, 30 April, 23 May, 9 July and 13 and 28 August 2013); Kiribati (20 December 2012 and 6 August 2013); New Zealand (6 December 2012 and 29 July 2013); Nicaragua (13 June 2013); Oman (7 August 2009); Pakistan (20 April 2009 and 13 August 2013); the Republic of Korea (26 December 2012 and 23 January, 26 April, 28 May, 26 and 28 August 2013); the Russian Federation (28 February and 16 August 2013); South Africa (4 May 2009 and 26 March and 23 August 2013); Spain (5 July 2013); Tuvalu (7 December and 14 August 2013); and the United States of America (1 August 2013).

Item 1

Opening of the thirty-second session

4. The Chair of the Commission, Folajimi Awosika, opened the plenary of the thirty-second session of the Commission.

¹ For a full list of the submissions made to the Commission, see www.un.org/Depts/los/clcs_new/commission_submissions.htm.

² United Nations, *Treaty Series*, vol. 1833, No. 31363.

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, Gabriele Goettsche-Wanli, made a brief statement highlighting the important role played by the Commission in the effective implementation of the Convention, and pledged the continued support of the Division in assisting the Commission with its increased workload.

Item 2 Adoption of the agenda

6. The Commission considered the provisional agenda (CLCS/L.35) and adopted it, as amended (CLCS/79).³

Item 3 Organization of work

7. The Commission approved its programme of work and the schedule for deliberations, as outlined by the Chair.

Item 4 Workload of the Commission

Conditions of service of the members of the Commission

8. The Commission welcomed the establishment by the twenty-third Meeting of States Parties of the open-ended working group on the conditions of service of the members of the Commission (see SPLOS/259, para. 26, and SPLOS/263, sect. VI.B). In that context, the Chair reported on the meeting held between the Bureau of the Commission⁴ and the coordinators of the open-ended working group, Tomas H. Heidar (Iceland) and James Ndirangu Waweru (Kenya). During that meeting, the Chair of the ad hoc working group appointed by the Commission to address issues relating to its workload (see CLCS/76, para. 17), Galo Carrera, had delivered a presentation on the working conditions of the members of the Commission.

9. The presentation⁵ had outlined the history of interactions between the Commission and the Meeting of States Parties and described the current workload and the conditions of service of the members of the Commission. It had emphasized that the Commission considered that the open-ended working group should not restrict itself to the issue of medical and dental insurance coverage for members

³ In response to an invitation by the Chair to present their submissions to the Commission at its thirty-second session, Sri Lanka and Denmark, in respect of the southern continental shelf of Greenland, indicated a preference to make their presentations at a subsequent session. This was done on the understanding that the deferrals would not affect the position of the submissions in the queue.

⁴ The Bureau is composed of the Chair of the Commission and the four Vice-Chairs (see CLCS/76, paras. 7 and 9, and para. 79 of the present statement).

⁵ For the benefit of all members of the Commission, Mr. Carrera delivered the presentation also during a plenary meeting of the present session.

and, in that regard, that a distinction should not be made between members of the Commission from developing and developed States. In addition, it had been noted in the presentation that the obligation of States parties to defray the expenses of nominated experts, as provided in article 2, paragraph 5, of annex II to the Convention, was interpreted differently by States parties and that, therefore, the financial assistance received by the members of the Commission varied significantly, depending on the interpretation.

10. In response to the request of the coordinators of the open-ended working group for additional information, the Commission decided to conduct an internal survey of the working conditions of its members. Having reviewed the results of the survey, it requested that they be transmitted by the Chair to the coordinators and to the Meeting of States Parties. In that regard, the Commission emphasized that the results of the survey could not reflect issues related to the conditions of service of former members of the Commission. The results were also impacted by the fact that several of the members of the Commission had served for only a limited time. The Commission agreed that one of its members would make a presentation on the results of the survey to the open-ended working group and that the Chair of the ad hoc working group on issues relating to the workload of the Commission would coordinate the preparation of that presentation.

Establishment of new subcommissions

11. In the light of the considerable number of submissions yet to be considered and the progress of work in the existing subcommissions, the Commission decided to establish two new subcommissions.

12. The Commission reviewed the submissions at the head of the queue, namely: Myanmar; Yemen, in respect of south-east of Socotra Island; the United Kingdom of Great Britain and Northern Ireland, in respect of Hatton Rockall Area; Ireland, in respect of Hatton Rockall Area; and Fiji. Noting that there had been no developments to indicate that consent existed on the part of all States concerned which would allow for the consideration of those submissions, the Commission decided to defer further the establishment of the relevant subcommissions. It also decided that, since those submissions remained next in line for consideration, as queued in the order in which they were received, it would review the situation at the time of establishment of its next subcommission (see also [CLCS/76](#), paras. 22-24).

13. The Commission decided to establish subcommissions for the consideration of the two submissions next in line, namely: (a) Pakistan; and (b) Norway, in respect of Bouvetøya and Dronning Maud Land.

(a) Subcommission established for consideration of the submission made by Pakistan

14. After consultations, the Commission appointed Martin Vang Heinesen, Wenzheng Lu, Stefane Mahanjane, Simon Njuguna, Carlos Marcelo Paterlini and Tetsuro Urabe as members of the Subcommission for consideration of the submission made by Pakistan. The Commission agreed that, owing to the absence of members, the seventh member of the Subcommission would be appointed at a subsequent stage.

15. The Subcommission met and elected Mr. Urabe as Chair and Messrs. Heinesen and Lu as Vice-Chairs.

(b) Subcommission established for consideration of the submission made by Norway, in respect of Bouvetøya and Dronning Maud Land

16. After consultations, the Commission appointed Muhammad Arshad, Francis L. Charles, Ivan F. Glumov, Richard Thomas Haworth, Emmanuel Kalngui and Isaac Owusu Oduro as members of the Subcommission for consideration of the submission made by Norway in respect of Bouvetøya and Dronning Maud Land. The Commission agreed that, in view of the absence of members, the seventh member of the Subcommission would be appointed at a subsequent stage. In addition, in conformity with the decision taken at its twenty-fifth session (CLCS/66, para. 42), the Commission instructed the Subcommission to examine the information submitted in respect of Bouvetøya and not to consider the part of the submission relating to the continental shelf appurtenant to Dronning Maud Land.

17. The Subcommission met and elected Mr. Haworth as Chair and Messrs. Arshad and Oduro as Vice-Chairs.

Item 5

Consideration of the submission made by Uruguay⁶

Report of the Subcommission

18. The Chair of the Subcommission, Francis L. Charles, reported that the Subcommission had received additional data and materials towards the end of the intersessional period and during four meetings with the delegation of Uruguay, held during the week of 5 to 9 August 2013. The Subcommission had also held five additional meetings with the delegation during the week of 19 to 23 August, in the course of which several presentations had been made by both the delegation and the Subcommission.

19. At the conclusion of the meetings, the delegation had informed the Subcommission that it would transmit a document prior to the thirty-third session of the Commission. The Subcommission and the delegation had agreed that the document would be considered by the Subcommission during the first week of that session. It had also been agreed that meetings between the Subcommission and the delegation would be scheduled during the week of 14 to 18 October. At those meetings, among other matters, the Subcommission would give its response to the document. Further meetings were tentatively scheduled for the week of 4 to 8 November.

Item 6

Consideration of the submission made by the Cook Islands in respect of the Manihiki Plateau⁷

Report of the Subcommission

20. The Chair of the Subcommission, Galo Carrera, reported on the progress of its work during the intersessional period and the present session of the Commission,

⁶ Submission made on 7 April 2009; see www.un.org/Depts/los/clcs_new/submissions_files/submission_ury_21_2009.htm.

⁷ Submission made on 16 April 2009; see www.un.org/Depts/los/clcs_new/submissions_files/submission_cok_23_2009.htm.

noting that the Subcommission had met from 15 to 26 July. He recalled the history of exchanges between the Subcommission and the delegation of the Cook Islands on the progress of work (see [CLCS/78](#), paras. 13 and 14).

21. At the commencement of the present session, the Subcommission had informed the delegation in writing that it had decided to address issues related to the test of appurtenance in the context of the main scientific and technical examination of the submission. On 30 July, the Subcommission had addressed a second communication to the delegation, providing its views to date concerning certain aspects of the submission and requesting additional data and information. In addition, the Subcommission had invited the delegation to meet as needed during the thirty-third session of the Commission to provide its views and general conclusions. On 5 August, the delegation had transmitted to the Subcommission additional data and information from recent surveys.

22. The Subcommission had decided that its members would continue to work on the submission during the intersessional period and that it would resume consideration of the submission during the thirty-third session of the Commission, from 7 to 20 October.

Item 7

Consideration of the submission made by Argentina⁸

Report of the Subcommission

23. The Chair of the Subcommission, Galo Carrera, reported on the progress of its work during the intersessional period and at the present session of the Commission, noting that the Subcommission had met from 29 July to 9 August and on 20, 21, 23 and 30 August. During those periods, the Subcommission had met with the delegation of Argentina on 10 occasions. At those meetings, the delegation had provided presentations and responded to a range of questions that had been raised by the Subcommission during the thirty-first session of the Commission. The Subcommission had presented its preliminary views on a number of issues and had indicated areas in which it was in agreement with the delegation on the basis of the data and information submitted by the latter.

24. The Subcommission had decided that its members would continue to work on the submission during the intersessional period, individually and in working groups, and that it would resume its consideration of the submission during the thirty-third session of the Commission, from 28 October to 8 November.

Item 8

Consideration of the submission made by Ghana⁹

Report of the Subcommission

25. The Chair of the Subcommission, Walter R. Roest, informed the Commission that the Subcommission had commenced its work during the present session, from

⁸ Submission made on 21 April 2009; see www.un.org/Depts/los/clcs_new/submissions_files/submission_arg_25_2009.htm.

⁹ Submission made on 28 April 2009; see www.un.org/Depts/los/clcs_new/submissions_files/submission_gha_26_2009.htm.

15 to 26 July 2013, and had met intermittently during the weeks of 5 to 9 and 19 to 23 August. Particular consideration had been given to the response of Ghana to the request made by the Subcommission following the thirty-first session of the Commission. That response had included additional information leading to significantly modified outer limits for the eastern area.

26. The Subcommission had held four meetings with the delegation of Ghana, during which the delegation and the Subcommission had made presentations. The delegation had also responded to additional questions and requests for clarification from the Subcommission. The Subcommission had transmitted a communication to Ghana requesting further clarifications. The Chair also reported that the delegation had informed the Subcommission that it would submit to the Secretary-General an addendum to the executive summary of the submission.

27. The Subcommission had decided to continue and to finalize, if possible, its consideration of the submission during the thirty-third session of the Commission, in particular from 7 to 11 October and from 21 October to 1 November. If possible, it would hold meetings with the delegation of Ghana during the week of 21 to 26 October.

Item 9

Consideration of the submission made by Iceland, in respect of the Ægir Basin area and the western and southern parts of Reykjanes Ridge¹⁰

Report of the Subcommission

28. The Chair of the Subcommission, Tetsuro Urabe, informed the Commission that the Subcommission had commenced its work during the present session of the Commission, from 29 July to 9 August and from 19 to 23 August. During those periods, it had continued its consideration of the submission and held four meetings with the delegation of Iceland, in the course of which both the delegation and the Subcommission had made presentations.

29. The Subcommission had transmitted to the delegation its preliminary views and considerations on certain issues regarding the Ægir Basin area and the western and southern parts of Reykjanes Ridge. The Subcommission would continue its consideration of the outer limit of the continental shelf in the Reykjanes Ridge area upon receipt from the delegation of a response to its communication.

30. The Subcommission had decided to continue its consideration of the submission during the thirty-third session of the Commission, from 14 to 18 October and from 28 October to 8 November; meetings would be held with the delegation of Iceland during the week of 4 to 8 November.

¹⁰ Submission made on 29 April 2009; see www.un.org/Depts/los/clcs_new/submissions_files/submission_isl_27_2009.htm.

Item 10**Consideration of the partial submission made by Denmark, in respect of the area north of the Faroe Islands¹¹****Report of the Subcommission**

31. The Acting Chair of the Subcommission, Richard Thomas Haworth (see para. 82), reported that, during the intersessional period, members of the Subcommission had continued to review the presentations made by Denmark on 6 March 2013. He further reported that he had communicated the findings of the Subcommission to the delegation, and reiterated its request for additional data. Those data had been submitted to the Subcommission prior to the present session of the Commission.

32. A series of communications between the delegation and the Subcommission had followed the analysis of the data during the first week of the present session. Those communications had clarified some issues concerning the data submitted by Denmark. The Subcommission had met with the delegation on 29 and 30 July and, on 30 July, had confirmed that it had all the material it needed to start drafting its recommendations; consequently, no further meetings were needed during the present session of the Commission. An understanding between the delegation and the Subcommission had been reached concerning a draft schedule, which anticipated the presentation of the recommendations to the Commission in the first plenary part of its thirty-fourth session. The Subcommission had decided to continue its consideration of the submission during the thirty-third session of the Commission and to invite the delegation to meet with it during the week of 21 to 25 October.

Item 11**Presentation of submissions, including revised submissions and addenda****1. Russian Federation: revised submission in respect of the Okhotsk Sea¹²****Reconstitution of the Subcommission for the examination of the revised submission**

33. Following the receipt of the revised submission made by the Russian Federation in respect of the Okhotsk Sea and in the light of the partial change in the membership of the Commission, which had occurred since the adoption of the recommendations in respect of the submission made by the Russian Federation on 20 December 2001,¹³ the Commission proceeded to fill certain vacancies in the Subcommission established to examine the submission.

34. It was noted that Lawrence Folajimi Awosika, Galo Carrera (Chair) and Yong-Ahn Park (Vice-Chair), members of the Subcommission, had been re-elected as members of the Commission. Following consultations, the Commission appointed Mazlan Bin Madon, Jair Alberto Ribas Marques, Walter R. Roest and Szymon

¹¹ Submission made on 29 April 2009; see www.un.org/Depts/los/clcs_new/submissions_files/submission_dnk_28_2009.htm.

¹² Submission made on 28 February 2013; see www.un.org/Depts/los/clcs_new/submissions_files/submission_rus_rev.htm.

¹³ See www.un.org/depts/los/clcs_new/submissions_files/submission_rus.htm.

Uścińowicz to fill the four vacancies. The Subcommittee met and elected Mr. Roest as the other Vice-Chair.

Presentation of the revised submission

35. The presentation of the partially revised submission of the Russian Federation to the Commission was made on 16 August by the head of delegation, Denis Gennadyevich Khramov, Deputy Minister of Natural Resources and Environment. The delegation also included Yuri Borisovitch Kazmin, deputy head of delegation, and Evgeny T. Zagaynov, Deputy Permanent Representative of the Russian Federation to the United Nations, New York, as well as a number of advisers.

36. In addition to elaborating on substantive points of the submission, Mr. Khramov informed the Commission that one of its members, Ivan F. Glumov, had assisted the Russian Federation by providing scientific and technical advice.

37. Mr. Khramov stated that the submission did not prejudice the issues related to delimitation of maritime boundaries between Japan and the Russian Federation in the southern Sea of Okhotsk and that Japan did not object to the consideration of the submission by the Commission.

38. The Commission then continued its meeting in private. Recalling the decision taken at its twenty-sixth session whereby revised submissions would be considered on a priority basis notwithstanding the queue (CLCS/68, para. 57), the Commission assigned the examination of the submission to the Subcommittee referred to in paragraph 34 above.

Report of the Subcommittee for the examination of the revised submission

39. The Chair of the Subcommittee, Galo Carrera, informed the Commission that the Subcommittee had met from 19 to 22 August and had carried out an initial examination of the revised submission, in conformity with section III of annex III to the rules of procedure of the Commission.

40. The Subcommittee had verified the format and completeness of the submission and completed a preliminary analysis of it, concluding, inter alia, that further time would be required to examine all of the data and to prepare recommendations for submission to the Commission. In addition, it had decided that it was not necessary to recommend that the advice of specialists, in accordance with rule 57 of the rules of procedure, or that cooperation with relevant international organizations, in accordance with rule 56, be sought.

41. The Subcommittee had held two meetings with the delegation, on 20 and 22 August, during which it requested the delegation to provide further data and information. The delegation had informed the Subcommittee that it would endeavour to provide such data and information during the intersessional period.

42. The Subcommittee decided to continue its consideration of the submission during the thirty-third session of the Commission, from 11 to 22 November, and during meetings with the delegation of the Russian Federation at a mutually acceptable time to be discussed following the receipt of the requested data and information.

2. Pakistan¹⁴

Presentation of the submission

43. The presentation of the submission of Pakistan to the Commission was made on 16 August by the head of delegation, Akhlaq Ahmad Tarar, Secretary, Ministry of Science and Technology, together with Ali Rashid Tabrez, Director General, National Institute of Oceanography; Asif Inam, Project Director, National Institute of Oceanography; and M. Mahmood, Deputy Chief, Maritime Affairs (who provided a technical presentation). The delegation also included Sahebzada Ahmed Khan, Acting Permanent Representative of Pakistan to the United Nations, New York, as well as a number of advisers.

44. With regard to the communication from Oman dated 7 August 2009, Mr. Tarar informed the Commission that, by virtue of the Muscat Agreement of 2000, a maritime boundary had been delimited between the exclusive economic zones of Oman and Pakistan. He also informed the Commission that the area in the submission was not in dispute. Mr. Tarar further informed the Commission that three of its members, Messrs. Arshad, Haworth and Roest, had assisted Pakistan by providing scientific and technical advice.

45. The Commission then continued its meeting in private. Addressing the modalities for the consideration of the submission and taking into account the communication from Oman and the presentation made by the delegation, the Commission decided to establish a subcommission to consider the submission made by Pakistan (see paras. 14 and 15).

Report of the Subcommission for the examination of the submission

46. The Chair of the Subcommission, Tetsuro Urabe, reported that it had held a preliminary meeting on 30 August. He stated that the Subcommission had decided to commence its work on the submission of Pakistan during the thirty-third session of the Commission, from 11 to 22 November, and to inform the delegation of its availability to meet at that time, should the delegation consider it useful.

3. France and South Africa, in the area of the Crozet Archipelago and the Prince Edward Islands¹⁵

47. The presentation of the partial joint submission of France and South Africa to the Commission was made on 27 August by the head of the delegation of France, Elie Jarmache, Secrétariat général de la mer, and the head of the delegation of South Africa, Dire Tladi, Principal State Law Adviser, Department of International Relations and Cooperation. The delegations of France and South Africa also included a number of advisers.

48. In addition to elaborating on substantive points of the submission, Mr. Jarmache noted that France and South Africa had presented their partial joint submission on 19 August 2010, during the twenty-sixth session of the Commission (see [CLCS/68](#) and Corr.1, paras. 24-27). On 26 March 2013, France and South

¹⁴ Submission made on 30 April 2009; see www.un.org/Depts/los/clcs_new/submissions_files/submission_pak_29_2009.htm.

¹⁵ Submission made on 6 May 2009; see www.un.org/Depts/los/clcs_new/submissions_files/submission_frazaf_34_2009.htm.

Africa had lodged an addendum to the original joint submission, based on new bathymetric data collected specifically for the purpose of the submission, to which due publicity had been given. Mr. Jarmache recalled the partial change to the membership of the Commission, which had resulted from the elections held at the twenty-second Meeting of States Parties. He stated that in view of those developments, the submitting States had accepted an invitation to re-present the submission to the Commission.

49. Mr. Jarmache observed that the area of the continental shelf included in the submission was not the subject of any dispute and that no notes verbales had been received from other States. In that regard, he informed the Commission that, on 26 June 2012, a trilateral declaration had been signed on behalf of the Governments of France, Madagascar and South Africa, declaring that the considerations of the respective submissions to the Commission were without prejudice to any future delimitation and that the Commission might consider any overlapping claims in the respective submissions on the understanding that the submissions and the recommendations of the Commission on any such overlapping claim would not prejudice any future boundary delimitation between the respective Governments. He also informed the Commission that one of its members, Mr. Roest, had provided France and South Africa with advice and assistance. Mr. Tladi provided details on the technical and scientific aspects of the joint partial submission, highlighting the new bathymetric data that had been obtained regarding the Discovery II Ridge.

50. The Commission then continued its meeting in private. Addressing the modalities for the consideration of the submission, the Commission recalled that, at its twenty-sixth session, it had decided that the submission would be considered at a future session by a subcommission and that it would revert to the consideration of the submission at the plenary level when the submission was next in line for consideration, as queued in the order in which it was received (CLCS/68 and Corr. 1, para. 27). The Commission confirmed that decision.

4. France, in respect of La Réunion Island and Saint-Paul and Amsterdam Islands¹⁶

51. The presentation of the partial submission of France to the Commission was made on 28 August by the head of delegation, Elie Jarmache, Secrétaire général de la mer. The delegation also included a number of scientific and technical advisers.

52. In addition to elaborating on substantive points of the submission, Mr. Jarmache informed the Commission that one of its current members, Mr. Roest, had provided scientific and technical assistance in the preparation of the submission. He recalled that the area of the continental shelf included in the submission was not the subject of any dispute and that no notes verbales had been received from other States. Furthermore, the submission had been made without prejudice to the delimitation with Madagascar and Mauritius, States neighbouring La Réunion.

53. The Commission then continued its meeting in private. Addressing the modalities for the consideration of the submission, the Commission decided that, as provided in article 5 of annex II to the Convention and in rule 42 of its rules of procedure, the submission would be considered at a future session by a subcommission established in accordance with rule 51, paragraph 4 ter, of the rules.

¹⁶ Submission made on 8 May 2009; see www.un.org/depts/los/clcs_new/submissions_files/submission_fra_40_2009.htm.

The Commission decided that it would establish a subcommission when the submission was next in line for consideration, as queued in the order in which it was received.

5. Tuvalu, France and New Zealand (Tokelau), in respect of the area of the Robbie Ridge¹⁷

54. The presentation of the joint submission of Tuvalu, France and New Zealand (Tokelau) to the Commission was made on 29 August by the head of the delegation of Tuvalu, Aunese Makoi Simati, Permanent Representative of Tuvalu to the United Nations, New York; the head of the delegation of France, Elie Jarmache, Secrétaire général de la mer; the head of the delegation of New Zealand (Tokelau), Stephanie Lee, Chargé d'affaires a.i. of the Permanent Mission of New Zealand to the United Nations; Faatasi Malologa, Director of Lands, Tuvalu; Benoît Loubrieu, Head of the French Continental Shelf Extension Project, French Research Institute for the Exploitation of the Sea (IFREMER); and Joshua Brien, Head of the Economic and Legal Section and Senior Legal Adviser, Commonwealth Secretariat. The delegations of Tuvalu, France and New Zealand (Tokelau) also included a number of advisers.

55. Ms. Lee noted that the joint submission was a partial submission in respect of a portion of the continental shelf of two of the three coastal States, namely, France and New Zealand (Tokelau). She noted that New Zealand had submitted preliminary information indicative of the outer limits of the continental shelf in respect of Tokelau on 11 May 2009,¹⁸ and that the present joint submission was the final submission in respect of the continental shelf of Tokelau beyond 200 nautical miles in the west. She informed the Commission that one of its members, Mr. Roest, had provided scientific and technical assistance.

56. Ms. Lee noted that the area of the continental shelf included in the submission was not the subject of any dispute and that no notes verbales had been received from other States.

57. The Commission then continued its meeting in private. Addressing the modalities for the consideration of the submission, the Commission decided that, as provided in article 5 of annex II to the Convention and in rule 42 of its rules of procedure, the submission would be considered at a future session by a subcommission established in accordance with rule 51, paragraph 4 ter, of the rules. The Commission decided that it would establish a subcommission when the submission was next in line for consideration, as queued in the order in which it was received.

6. China, in respect of part of the East China Sea¹⁹

58. The presentation of the partial submission of China to the Commission was made on 15 August by the head of delegation, Wang Min, Deputy Permanent Representative of China to the United Nations; the deputy head of delegation, Yi

¹⁷ Submission made on 7 December 2012; see www.un.org/depts/los/clcs_new/submissions_files/submission_tft_62_2012.htm.

¹⁸ See www.un.org/depts/los/clcs_new/commission_preliminary.htm.

¹⁹ Submission made on 14 December 2012; see www.un.org/depts/los/clcs_new/submissions_files/submission_chn_63_2012.htm.

Xianliang, Deputy Director-General, Department of Border and Ocean Affairs, Ministry of Foreign Affairs; the deputy head of delegation, Zhang Zhanhai, Director-General, Department of International Cooperation, State Oceanic Administration; Li Jiabiao, Vice Dean, Second Institute of Oceanography, China; and Zhang Haiwen, Vice Dean, China Institute for Maritime Affairs. The delegation also included a number of advisers.

59. With respect to the notes verbales from Japan dated 28 December 2012 and 13 August 2013, and the notes verbales from China dated 7 January and 5 August 2013, Zhang Haiwen noted that the extended continental shelf in the submission was the natural prolongation of the mainland territory of China and that the submission made no reference to the islands of Diaoyu Dao and its affiliated islands.

60. Zhang Zhanhai noted that this was a partial submission which addressed one part of the continental shelf in the East China Sea and that it did not prejudice China's future submission on delineation of the outer limits of the continental shelf in the East China Sea and other areas. He informed the Commission that one of its members, Mr. Lu, had provided China with advice and assistance.

61. The Commission then continued its meeting in private. Addressing the modalities for the consideration of the submission, the Commission took note of the notes verbales from China and Japan. It observed that the notes verbales from Japan invoked, *inter alia*, paragraph 5 (a) of annex I to the rules of procedure, relating to a dispute in the area of the submission. The Commission also took note of the views expressed by the delegation in connection with the notes verbales. Taking into account the notes verbales and the presentation made by the delegation, the Commission decided to defer further consideration of the submission and the notes verbales until such time as the submission was next in line for consideration, as queued in the order in which it was received. The Commission took the decision to take into account any further developments that might occur throughout the intervening period, during which States may wish to take advantage of the avenues available to them, including the provisional arrangements of a practical nature outlined in annex I to its rules of procedure.

7. Kiribati²⁰

62. The presentation of the submission of Kiribati to the Commission was made on 14 August by the head of delegation, Makurita Baaro, Permanent Representative of Kiribati to the United Nations, New York; Naomi Biribo, Director of Minerals, Ministry of Fisheries and Marine Resources and Development; and Romano Reo, Chief Surveyor, Ministry of Environment, Lands and Agriculture Development. The delegation also included a number of advisers.

63. With respect to the communication from the United States of America dated 1 August 2013, Ms. Biribo observed that the United States did not object to the consideration of the submission.

64. The Commission then continued its meeting in private. Addressing the modalities for the consideration of the submission and taking into account the communication from the United States as well as the presentation made by the

²⁰ Submission made on 24 December 2013; see www.un.org/depts/los/clcs_new/submissions_files/submission_kir_64_2012.htm.

delegation, the Commission decided that, as provided in article 5 of annex II to the Convention and in rule 42 of its rules of procedure, the submission would be considered at a future session by a subcommission established in accordance with rule 51, paragraph 4 ter, of the rules. The Commission decided that it would establish a subcommission when the submission was next in line for consideration, as queued in the order in which it was received.

8. Republic of Korea²¹

65. The presentation of the partial submission of the Republic of Korea to the Commission was made on 28 August by the head of delegation, Kang Jeong-Sik, Director-General, International Legal Affairs Bureau, Ministry of Foreign Affairs; Choi Kyung Sik, Assistant Professor, College of Natural Sciences, School of Earth and Environmental Sciences, Seoul National University; and Chung Keeyong, Counsellor, Embassy of the Republic of Korea in the United States of America. The delegation also included a number of advisers.

66. Mr. Kang noted that the submission was a partial one, in respect of the East China Sea. He informed the Commission that one of its current members, Mr. Park, had provided the Republic of Korea with advice and assistance. Mr. Choi stated that the area in the submission was the natural prolongation of the land territory to the outer edge of the continental margin in the East China Sea.

67. Mr. Chung noted that the Republic of Korea had made good-faith efforts to assure its neighbouring States that its partial submission was made without prejudice to the question of delimitation of the continental shelf with them. He recalled that notes verbales dated 11 January, 30 April and 28 August 2013 had been transmitted by Japan requesting the Commission not to consider the submission and that the Republic of Korea had responded to them by notes verbales dated 23 January and 26 August 2013. He noted that the Republic of Korea and Japan had concluded a joint development agreement in 1974 which covered a substantial portion of the East China Sea, including the area referenced in the submission. He assured the Commission that the submission had been made without prejudice to the question of delimitation of the continental shelf between States with opposite or adjacent coasts in the East China Sea. He noted that the absence of a final and permanently agreed delimitation line should not be construed as an indication of the existence of a dispute. He also commented on the note verbale from China dated 15 April 2013 and the response from the Republic of Korea dated 26 April 2013.

68. The Commission then continued its meeting in private. Addressing the modalities for the consideration of the submission, the Commission took note of the notes verbales from China, Japan and the Republic of Korea. It observed that the notes verbales transmitted by Japan invoked, inter alia, paragraph 5 (a) of annex I to the rules of procedure, relating to a dispute in the area of the submission. The Commission also took note of the views expressed in the presentation by the Republic of Korea in connection with the notes verbales. Taking into account the notes verbales and the presentation made by the delegation, the Commission decided to defer further consideration of the submission and the notes verbales until such time as the submission was next in line for consideration, as queued in the order in which it was received. The Commission took this decision to take into account any

²¹ Submission made on 26 December 2012; see www.un.org/depts/los/clcs_new/submissions_files/submission_kor_65_2012.htm.

further developments that might occur throughout the intervening period, during which States may wish to take advantage of the avenues available to them, including the provisional arrangements of a practical nature outlined in annex I to its rules of procedure.

Item 12

Report of the Chair of the Commission on the twenty-third Meeting of States Parties to the United Nations Convention on the Law of the Sea

69. The Chair of the Commission provided an overview of the proceedings of the twenty-third Meeting of States Parties to the United Nations Convention on the Law of the Sea of relevance to the Commission (see [SPLOS/259](#) and [SPLOS/263](#), sect. VI). In particular, he drew attention to the decision of the Meeting of States Parties to establish the open-ended working group on the conditions of service of the members of the Commission (see para. 8).

70. The Commission took note of the decision of the twenty-third Meeting of States Parties and of the information reported by the Chair (see paras. 9 and 10).

Item 13

Report of the Chair of the Committee on Confidentiality

71. The Chair of the Committee on Confidentiality, Yong-Ahn Park, reported that the Committee had met once. He stated that no issues that fell within the purview of the Committee had arisen.

Item 14

Report of the Chair of the Editorial Committee

72. The Chair of the Editorial Committee, Richard Thomas Haworth (see para. 81), reported that the Committee had held meetings on 12 and 27 August. The Committee, as mandated by the Commission, had continued its work on the preparation of the draft template for recommendations of the Commission in respect of a submission. The draft template, which incorporated the suggestions received from the members of the Commission, had been considered and endorsed by the Committee. The Commission took note of the report and agreed that the template would be for the internal use of the subcommissions in preparing the recommendations of the Commission.

Item 15

Report of the Chair of the Scientific and Technical Advice Committee

73. The Chair of the Scientific and Technical Advice Committee, Tetsuro Urabe, reported that the Committee had met on 12 August 2013 and had decided to continue the compilation of information on the expertise available in the Commission.

Item 16**Report of the Chair of the Training Committee and other training issues**

74. The Chair of the Training Committee, Galo Carrera, reported that no meeting of the Committee had been required during the period under review. He informed the Commission that informal queries by certain coastal States in relation to training had been referred to the Division for Ocean Affairs and the Law of the Sea.

Item 17**Other matters****Attendance of members and replacement of officers**

75. The Commission addressed the issue of attendance of its members and noted the extended absence of two members during consecutive sessions.

76. The Commission requested the Chair to address letters to those members, drawing their attention to the impact of non-participation on the work of the Commission. In accordance with rule 7, paragraph 4, of the rules of procedure, the Commission agreed to bring the issue of the extended absence of members to the attention of the Meeting of States Parties.

77. The Commission took note of the information informally received from one of the absent members, who had indicated that he had been unable to attend its sessions because the State that had nominated him did not provide the necessary financial assistance.

78. The Commission determined that the absent members were no longer in a position to act as officers of the Commission and of its subsidiary bodies. In that regard, it unanimously decided to apply rule 15 of the rules of procedure and to proceed, as appropriate, with their replacement.

79. After consultations, the Commission elected Ivan F. Glumov as Vice-Chair of the Commission to replace the absent Vice-Chair.

80. The Commission decided to recommend to the subsidiary bodies in which the absent members had acted as officers to consider their replacement under the same rule.

81. The Editorial Committee met and elected Richard Thomas Haworth as its Chair, to replace the absent Chair, and Francis L. Charles as the other Vice-Chair, to replace Mr. Haworth.

82. The Subcommission established to consider the partial submission made by Denmark in respect of the area north of the Faroe Islands met and elected Richard Thomas Haworth as its Chair and Ivan F. Glumov as a Vice-Chair. The subcommissions established to consider the submissions made by Ghana and Uruguay will address the replacement of their Vice-Chairs in due course.

Trust funds

83. The Commission was informed about the status of the trust fund for the purpose of defraying the cost of participation of the members of the Commission

from developing States in its meetings. For the thirty-first session, assistance had been provided to eight members of the Commission, in the amount of \$176,000. For its thirty-second session, an estimated total of \$172,000 in financial assistance was being provided to eight members. The Commission was also informed that, since its thirty-first session, contributions had been received from Costa Rica (\$5,143), Japan (\$704,200) and Ireland (\$32,686). As at the end of July 2013, the trust fund had an approximate balance of \$1,058,000.

84. An overview was provided of the status of the trust fund for the purpose of facilitating the preparation of submissions to the Commission by developing States, in particular the least developed countries and small island developing States, and compliance with article 76 of the United Nations Convention on the Law of the Sea. The Commission was informed that, since its thirty-first session, a contribution had been received from Ireland (\$32,686). As at the end of July 2013, the trust fund had an approximate balance of \$1,296,400.

Response to the note verbale dated 9 July 2013 from Japan

85. On 9 July 2013, Japan addressed a note verbale to the Commission requesting clarifications concerning the recommendations in relation to the submission made by Japan on 12 November 2008.

86. The Commission took note of the note verbale and tasked a working group composed of Lawrence Folajimi Awosika, Gola Carrera, Richard Thomas Haworth and Walter R. Roest with the preparation of a draft response, to be submitted to the Commission for consideration and approval at a plenary meeting, preferably at its thirty-fourth session.

Summary of recommendations

87. The Commission took note of the communication from Brazil, dated 26 February 2013, concerning the summary of the recommendations issued in relation to the submission made by it on 17 May 2004. In the communication, the Government of Brazil had agreed to the publication of the summary, as adopted by the Commission, in its entirety, on the understanding that any additional information and data that the Government might wish to make public along with the summary could be submitted to the Secretary-General. The Commission noted that the summary had been published on the website of the Commission maintained by the Division for Ocean Affairs and the Law of the Sea.

Future sessions of the Commission

88. The Commission discussed and approved the organization of work for its thirty-third session, to be held from 7 October to 22 November 2013.

89. The Commission decided to hold its sessions in 2014 as follows:

(a) The thirty-fourth session would be held from 27 January to 14 March 2014. The plenary parts of the session would be held, subject to the approval of the General Assembly, from 10 to 14 February and from 10 to 14 March 2014;

(b) The thirty-fifth session would be held from 21 July to 5 September 2014. The plenary parts of the session would be held, subject to the approval of the General Assembly, from 4 to 8 August and from 2 to 5 September 2014;

(c) The thirty-sixth session would be held from 13 October to 28 November 2014, with no plans for plenary meetings.

Acknowledgements

90. The Commission 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.

91. The Commission expressed its appreciation to other members of the Secretariat for the assistance they provided to the Commission and, in particular, noted the high professional standard of interpretation in the official languages of the United Nations and the assistance provided by the officers.
