



Commission on the Limits of the Continental Shelf

Distr.: General
1 October 2015

Original: English

Thirty-eighth session

New York, 20 July-4 September 2015

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 on the Limits of the Continental Shelf and its subcommissions during its thirty-eighth session. In particular, it contains an overview of the progress made in the examination of the submissions made by Uruguay; the Cook Islands, in respect of the Manihiki Plateau; Argentina; Iceland, in respect of the Ægir Basin area and the western and southern parts of Reykjanes Ridge; Norway, in respect of Bouvetøya and Dronning Maud Land; South Africa, in respect of the mainland of the territory of the Republic of South Africa; the Federated States of Micronesia, Papua New Guinea and Solomon Islands, jointly, concerning the Ontong Java Plateau; France and South Africa, jointly, in the area of the Crozet Archipelago and the Prince Edward Islands; and Mauritius, in the region of Rodrigues Island. The statement also contains information about the newly established subcommissions and the initial examination of the submission made by Nigeria, as well as information about presentations to the Commission of new or revised submissions made by Brazil, Angola, Spain and, jointly, by Cabo Verde, the Gambia, Guinea, Guinea-Bissau, Mauritania, Senegal and Sierra Leone. In addition, it provides information about presentations made by the Cook Islands and Argentina and other issues dealt with by the Commission during the thirty-eighth session.



1. Pursuant to the decision adopted at its thirty-fifth session (see [CLCS/85](#), para. 87), as endorsed by the General Assembly in paragraph 85 of its resolution 69/245, the Commission on the Limits of the Continental Shelf held its thirty-eighth session at United Nations Headquarters from 20 July to 4 September 2015. The plenary parts of the session were held from 3 to 7 August and from 24 to 28 August. The other parts of the session were used for the technical examination of submissions at the geographic information systems 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 Lyu, Mazlan Bin Madon, Estevao Stefane Mahanjane, Jair Alberto Ribas Marques, Simon Njuguna, Isaac Owusu Oduro, Yong Ahn Park, Carlos Marcelo Paterlini, Rasik Ravindra, Walter R. Roest, Tetsuro Urabe and Szymon Uścińowicz. Mr. Glumov attended the session from 3 to 28 August. Mr. Roest attended the session from 20 July to 27 August. Nenad Leder, who was expected to take up his duties following his election at the twenty-fifth Meeting of States Parties to the United Nations Convention on the Law of the Sea, did not attend the session.¹

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

- (a) Provisional agenda ([CLCS/L.39](#));
- (b) Statement by the Chair on the progress of work in the Commission at its thirty-seventh session ([CLCS/88](#));
- (c) Submissions made by coastal States² pursuant to article 76, paragraph 8, of the United Nations Convention on the Law of the Sea;
- (d) Decision regarding the conditions of service of the members of the Commission on the Limits of the Continental Shelf ([SPLOS/286](#));
- (e) Report of the twenty-fifth Meeting of States Parties to the United Nations Convention on the Law of the Sea ([SPLOS/287](#));
- (f) General Assembly resolution 69/245;
- (g) Relevant communications from States parties to the Convention and States Members of the United Nations, including Brazil (10 April 2015 and 29 July 2015), the Democratic Republic of the Congo (11 April 2014), Fiji (4 April 2015), Gabon (30 May 2014), Indonesia (5 June 2015), Kenya (29 October 2013), Morocco (29 July 2015), Myanmar (30 July 2015), Norway (19 May 2015), Portugal (1 April 2015), the Russian Federation (21 July 2015 and 3 August 2015), Somalia (7 July 2015) and Spain (7 April 2015 and 22 April 2015).

¹ On 22 September 2015, the Chair of the Commission received a letter from Mr. Leder in which he conveyed his decision to resign from his position as a member of the Commission, for personal reasons.

² For a full list of the submissions made to the Commission, see www.un.org/Depts/los/clcs_new/commission_submissions.htm.

Item 1

Opening of the thirty-eighth session

4. The Chair of the Commission, Mr. Awosika, opened the plenary meeting of the thirty-eighth session of the Commission.

Statement by the Assistant Secretary-General for Legal Affairs

5. The Assistant Secretary-General for Legal Affairs, Stephen Mathias, made a statement on behalf of the Legal Counsel. He recalled the work of the Secretariat to assist the Meeting of States Parties to the United Nations Convention on the Law of the Sea in addressing the issue of the working conditions of the members of the Commission, in particular with regard to medical insurance and working space. The Assistant Secretary-General expressed the commitment of the Office of Legal Affairs, through its Division for Ocean Affairs and the Law of the Sea, to do everything possible, within the means provided by the General Assembly, to provide its assistance in responding to the concerns expressed by the Commission with respect to the conditions of service of its members.

Item 2

Adoption of the agenda

6. The Commission considered the provisional agenda (CLCS/L.39) and adopted it, as amended (CLCS/89).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 recognized the attention given by States parties, the General Assembly and the Secretariat to the conditions of service of members of the Commission. The Commission took note of the decision regarding the conditions of service of the members of the Commission on the Limits of the Continental Shelf, adopted by the twenty-fifth Meeting of States Parties to the United Nations Convention on the Law of the Sea (SPLOS/286) and recalled relevant paragraphs of the report of the twenty-fifth Meeting of States Parties (SPLOS/287) and of General Assembly resolution 69/245.

³ In response to an invitation by the Chair to present their submissions to the Commission at its thirty-eighth session, the following States indicated their preference to make presentations at a future session: Bahamas, Canada, Denmark, France, Somalia and Sri Lanka. It was understood that the deferrals would not affect the position of their submissions in the queue.

9. The Commission reiterated its view that, when matters pertaining to the conditions of service were addressed, no distinction should be made between members of the Commission from developing and developed States, and that the concerns of the Commission went well beyond adequate medical coverage.⁴

10. The Commission restated its understanding that the reimbursement of the costs of medical travel insurance for those members who benefited from the trust fund established pursuant to General Assembly resolution 55/7 for facilitating the participation of members of the Commission from developing countries in the meetings of the Commission was an interim measure and that a more permanent solution would be presented in the future.⁵

11. The Commission also expressed its expectation that the Meeting of States Parties would satisfactorily address other conditions of service of its members, as reflected in paragraph 77 of the report of the twenty-third Meeting of States Parties (SPLOS/263), before the end of the term of office of the current Commission in June 2017.

Reconstitution and establishment of subcommissions

12. In the light of the progress in its work, the Commission decided to proceed with the further consideration of three new or revised submissions by reconstituting or establishing subcommissions, on the basis of its rules of procedure (CLCS/40/Rev.1), in particular rule 42, paragraphs 1 and 2, and practice regarding the establishment of subcommissions.

13. In doing so, the Commission took into account the decision taken at its twenty-sixth session whereby revised submissions would be considered on a priority basis notwithstanding the queue (see CLCS/68, and Corr.1, para. 57). Therefore, in view of the receipt of the partial revised submission made by Brazil in respect of the Southern Region on 10 April 2015,⁶ the Commission first proceeded to fill certain vacancies in the subcommission for consideration of the submission made by Brazil on 17 May 2004. These vacancies had resulted from the partial change in the membership of the Commission since the adoption of the recommendations in respect of the submission made by Brazil on 17 May 2004.⁷

14. In this connection, the Commission noted that Messrs. Awosika, Carrera (Chair of the subcommission for consideration of the submission made by Brazil on 17 May 2004), Lyu and Park, members of the subcommission established in 2004, were still members of the Commission. Following consultations, the Commission appointed Messrs. Heinesen, Madon and Oduro to fill the three vacancies. In addition, the Commission decided that Mr. Lyu would no longer serve as a member of the subcommission, so that he could be appointed as a member of another subcommission with a view to ensuring an even distribution of the workload among

⁴ See CLCS/83, para. 10; CLCS/85, para. 11; and CLCS/88, para. 9.

⁵ See CLCS/88, para. 9.

⁶ See also the section of the present report concerning item 14.

⁷ See www.un.org/depts/los/clcs_new/submissions_files/submission_bra.htm. See also rule 42, paragraph 2, of the rules of procedure of the Commission, according to which “the term of a subcommission shall extend from the time of its appointment to the time that the submitting coastal State deposits, in accordance with article 76, paragraph 9, of the Convention, the charts and relevant information, including geodetic data, regarding the outer limits for that part of the continental shelf for which the submission was originally made”.

the members of the Commission, (see para. 23 below). In this regard, the Commission agreed that the seventh member of the subcommission would be appointed at a subsequent stage.⁸ The subcommission met and elected Messrs. Oduro and Park as Vice-Chairs. The Commission decided that the meetings of the subcommission during the thirty-ninth session would be held from 2 to 13 November 2015.

15. Subsequently, the Commission, in accordance with its practice, reviewed the other submissions at the head of the queue, namely, those made by 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; Fiji; Malaysia and Viet Nam, jointly, in respect of the southern part of the South China Sea; Kenya; and Viet Nam, in respect of North Area.

16. Noting that, except in the case of the submission made by Kenya, there had been no developments communicated by States to indicate that consent existed on the part of States concerned which would allow for the consideration of those submissions, the Commission decided to defer further the establishment of the respective subcommissions. The Commission also decided that, since those submissions remained next in line for consideration, as queued in the order in which they had been received, it would review the situation at the time of establishment of its next subcommission (see [CLCS/76](#), paras. 22-24).

17. With regard to the submission made by Kenya, the Commission recalled the decision taken during the thirty-fifth session (see [CLCS/85](#), paras. 64 and 65) to revert to the consideration of that submission at the plenary level at the time when it would be next in line for consideration as queued in the order in which it had been received. In this regard, the Commission took note of a communication received since the thirty-fifth session, namely, the communication from Somalia dated 7 July 2015. In the light of that communication, the Commission determined that it was in a position to proceed with the establishment of a subcommission.

18. After consultations, the Commission appointed Messrs. Awosika, Carrera, Heinesen, Madon, Marques, Oduro and Park as members of the subcommission. The subcommission met and elected Mr. Park as Chair and Messrs. Awosika and Marques as Vice-Chairs. The Commission decided that the meetings of the subcommission during the thirty-ninth session would be held from 19 to 30 October and from 16 to 20 November 2015.

19. In relation to the submission by Kenya, the Commission also recalled the communication from Sri Lanka dated 22 July 2009 (see [CLCS/64](#), para. 96), in which it was stated, inter alia, that:

Sri Lanka also wishes to confirm its position that the application of the Statement of Understanding and the Commission's mandate to make recommendations under the said Statement, as per paragraph 1 (a) of article 3 of annex II to the Convention on the Law of the Sea, is limited to the States in the southern part of the Bay of Bengal, as reflected in paragraph 5 of the Statement of Understanding.

⁸ Thus, the current composition of the subcommission is as follows: Messrs. Awosika, Carrera, Heinesen, Madon, Oduro and Park.

20. In addition, the Commission recalled the communication from Kenya dated 29 October 2013 (see [CLCS/83](#), and Corr.1, para. 18), in which it was stated, *inter alia*, that:

Kenya wishes to reiterate and affirm her position in regard to the application of the Statement of Understanding as stated in her note verbale dated 30 April 2009 that referred to the Secretary-General's circular CLCS.16.2008.LOS (Continental Shelf Notification) dated 23 December 2008. Further, Kenya observes that consideration of practice and principles of international Law including, but not limited to, the Vienna Convention on the Law of Treaties, hold with esteem the equality and fairness in treatment of States. In this regard Kenya's position in application of the Statement of Understanding concerning a specific method to be used in establishing the outer edge of the continental margin (Statement of Understanding) as provided for in annex II to the United Nations Convention on the Law of the Sea is that of a general nature provided that the submitting State's continental margin exhibits special characteristics and that application of article 76 occasions an inequity.

21. The Commission concluded that there was a difference of views as to the interpretation and applicability of the provisions relating to the implementation of the Statement of Understanding among States. It also acknowledged that States, not the Commission, interpreted the Convention. While recalling its need to be kept informed about any further developments on this matter, and bearing in mind the definition of its mandate contained in paragraph 1 (a) and (b) of article 3 of annex II to the Convention, the Commission instructed the subcommission to consider the submission made by Kenya on a scientific and technical basis under the provisions of article 76 of the Convention and the Statement of Understanding.

22. The Commission then proceeded with the establishment of a subcommission for the consideration of the submission next in line, as queued in the order in which it had been received, namely, the submission made by Nigeria.

23. After consultations, the Commission appointed Messrs. Heinesen, Lyu, Mahanjane, Njuguna, Paterlini and Urabe as members of the subcommission. The Commission agreed that the seventh member of the subcommission would be appointed at a subsequent stage. The subcommission met and elected Mr. Mahanjane as Chair and Messrs. Heinesen and Lyu as Vice-Chairs (see also paras. 85-89).

24. Subsequently, in order to optimize the distribution of work among its members, the Commission appointed Mr. Marques as the seventh member of the subcommission established to consider the joint submission made by France and South Africa in respect of the area of the Crozet Archipelago and the Prince Edward Islands.

Item 5

Consideration of the submission made by Uruguay⁹

Report of the subcommission

25. The Chair of the subcommission, Mr. Charles, reported on the progress of its work during the intersessional period and at the thirty-eighth session, noting that the subcommission had met from 20 to 24 July and from 17 to 21 August 2015.

26. He stated that the subcommission had held two meetings with the delegation of Uruguay. During the second meeting, the subcommission had presented to the delegation its views and general conclusions arising from the examination of the submission, pursuant to paragraph 10 (3) of annex III to the rules of procedure of the Commission, to which the delegation had responded.

27. He added that the subcommission had decided that it would resume its consideration of the submission during the thirty-ninth session, with a view to finalizing its draft recommendations.

28. The Commission subsequently decided that the meetings of the subcommission during the thirty-ninth session would be held from 2 to 13 November 2015.

Item 6

Consideration of the submission made by the Cook Islands in respect of the Manihiki Plateau¹⁰

Report of the subcommission

29. The Chair of the subcommission, Mr. Carrera, reported on the progress of its work during the intersessional period and at the thirty-eighth session, noting that the subcommission had met from 20 to 31 July 2015.

30. He stated that, during that period, the subcommission had finalized its draft recommendations, which had been adopted, by majority vote, on 31 July and transmitted to the Chair of the Commission on 12 August.

Consideration of draft recommendations

31. On 26 August 2015, the subcommission introduced to the Commission the draft recommendations of the Commission on the Limits of the Continental Shelf in regard to the submission made by the Cook Islands in respect of the Manihiki Plateau on 16 April 2009, through a presentation delivered by the Chair of the subcommission, Mr. Carrera, together with Messrs. Awosika, Madon, Marques, Oduro and Park.

32. On the same day, the delegation of the Cook Islands participated, at its request, in the proceedings of the Commission with a view to making a presentation pursuant to paragraph 15 (1 bis) of annex III to the rules of procedure of the Commission. The presentation of the Cook Islands was made by Mark Brown,

⁹ Submission made on 7 April 2009; see www.un.org/Depts/los/clcs_new/submissions_files/submission_ury_21_2009.htm.

¹⁰ Submission made on 16 April 2009; see www.un.org/Depts/los/clcs_new/submissions_files/submission_cok_23_2009.htm.

Minister of Finance, Seabed Minerals and Natural Resources, Head of Delegation; Joshua Mitchell, Director, United Nations and Treaties Division, Ministry of Foreign Affairs; Josh Brien, Legal Advisor; and Alain Murphy, Technical Adviser. In his statement, Mr. Brown acknowledged the important work being undertaken by the Commission and recognized the demanding workload, as well as the significant challenges and constraints on its resources and time. Mr. Brown then stated that the Cook Islands was deeply concerned about the state of affairs in the Commission and, in particular, about the approach that it had adopted in the examination of the submission made by the Cook Islands. He emphasized that, given the unique nature of the Commission and its role under the Convention, it was imperative that the Commission assess every submission in a fair, unbiased and science-based manner, without prejudgement and consistently with the established practices and rules of the Commission. He expressed dissatisfaction with the treatment accorded to the delegation of the Cook Islands by the subcommission and stated that the Commission would undermine the confidence placed in it by States parties if it were to endorse the draft recommendations. He also expressed the expectation of his Government that the Commission would address issues raised by the delegation in an appropriate manner. In this regard, the delegation suggested a number of possible actions for the consideration of the Commission. The delegation also addressed scientific and technical matters related to its submission, as well as the views and general conclusions of the subcommission arising from the examination of the submission.

33. The Commission then continued its deliberations in private. The Commission took note of the concerns expressed by the delegation as well as the information presented. Following a discussion related to the non-technical concerns raised by the delegation, the Commission recalled its independent status and the fact that the rules of procedure would guide it in the consideration of the draft recommendations. The Commission then requested its Chair to address a communication to the delegation.

34. Taking into account the presentations made by the delegation and the subcommission, and in order to allow sufficient time for its members to consider the submission and the draft recommendations, the Commission decided, in accordance with rule 53, paragraph 1, of its rules of procedure, to defer further consideration of the draft recommendations to its fortieth session.

Item 7

Consideration of the submission made by Argentina¹¹

Report of the subcommission

35. The Chair of the subcommission, Mr. Carrera, reported on the progress of its work during the intersessional period and at the thirty-eighth session, noting that the subcommission had met from 10 to 21 August 2015.

36. He stated that the subcommission had held four meetings with the delegation, during which the delegation had given a presentation on the additional data and information that it had provided in response to the presentation made by the

¹¹ Submission made on 21 April 2009; see www.un.org/Depts/los/clcs_new/submissions_files/submission_arg_25_2009.htm.

subcommission during the thirty-seventh session. Subsequently, the subcommission had given its presentation in accordance with paragraph 10.3 of annex III to the rules of procedure of the Commission and made two requests to the delegation for additional data and information. At the third meeting, the delegation had provided its response to the requests for additional data and information; at the fourth meeting, it had given its presentation in accordance with paragraph 10.4 of annex III to the rules of procedure. At the latter meeting, the subcommission had requested that the delegation provide the final tables and figures with respect to the outer edge of the continental margin and the outer limits of the continental shelf.

37. He added that the subcommission had finalized its draft recommendations, which had been adopted, by majority vote, on 21 August 2015 and transmitted to the Chair of the Commission on 25 August.

Consideration of draft recommendations

38. On 27 August 2015, the subcommission introduced to the Commission the draft recommendations of the Commission on the Limits of the Continental Shelf in regard to the submission made by Argentina on 21 April 2009, through a presentation delivered by the Chair of the subcommission, Mr. Carrera, together with Messrs. Awosika, Madon, Marques, Oduro and Park. In concluding the presentation, the Chair of the subcommission requested that it be placed on record that the secretariat had provided valuable assistance to the subcommission.

39. On the same day, the delegation of Argentina participated, at its request, in the proceedings of the Commission with a view to making a presentation pursuant to paragraph 15 (1 bis) of annex III to the rules of procedure of the Commission. At that meeting, the presentation of Argentina was made by María Cristina Perceval, Permanent Representative of Argentina to the United Nations and Head of Delegation; Osvaldo Marsico, Alternate Chair of the Comisión Nacional del Límite Exterior de la Plataforma Continental (COPLA); Frida M. Armas Pfirter, General Coordinator of COPLA; Ariel Hernán Troisi, Geophysicist and Coordinator of the Technical Subcommittee of COPLA; and the following representatives of COPLA: Paula María Vernet, Lawyer; Yanina Berbeglia, Geologist and María Lucila Dalmau, Oceanographer. The delegation of Argentina also included a number of scientific, legal and technical advisers.

40. In its presentation, the delegation of Argentina expressed its appreciation to the Chair and the members of the subcommission for their work, and to the members of the Commission and the secretariat for their helpful cooperation. The delegation addressed scientific and technical matters related to its submission. It indicated those areas where it agreed with the views and general conclusions of the subcommission arising from the examination of the submission. It also indicated those areas where agreement had not been reached between the delegation and the subcommission.

41. The Commission then continued its deliberations in private. Taking into account the presentations made by the delegation and by the subcommission, and in order to allow sufficient time for its members to consider the submission and the draft recommendations, the Commission decided, in accordance with rule 53, paragraph 1, of its rules of procedure, to defer further consideration of the draft recommendations to its fortieth session.

Item 8
Consideration of the submission made by Iceland in respect of the Ægir Basin area and the western and southern parts of Reykjanes Ridge¹²

Consideration of draft recommendations

42. The Commission resumed its consideration of the draft recommendations, which had been introduced to it by the subcommission at the thirty-fourth session (see CLCS/83, and Corr.1, paras. 64-66). The Commission devoted a considerable amount of time to the discussion of the scientific and technical aspects of the submission and the draft recommendations, noting the unique complexity of this particular submission. Recalling rule 35, paragraph 2, of its rules of procedure, the Commission decided to further explore the possibility of reaching agreement on substantive matters by way of consensus and to continue further consideration of the draft recommendations at the plenary parts of its fortieth session.

Item 9
Consideration of the submission made by Norway in respect of Bouvetøya and Dronning Maud Land

Report of the subcommission

43. The Chair of the subcommission, Mr. Haworth, reported on the progress of its work during the intersessional period and at the thirty-eighth session, noting that the subcommission had met from 27 to 31 July and from 31 August to 4 September 2015.

44. He stated that the subcommission had held two meetings with the delegation of Norway, during which the delegation had provided additional information in support of the revised executive summary transmitted to the Commission on 19 May 2015. The delegation had also transmitted data and information to the subcommission in response to requests for clarification that had been made by the subcommission during the session.

45. He added that the subcommission had decided that its members would continue to work on the submission during the intersessional period and that it would resume its consideration of the submission during the thirty-ninth session, including meetings with the delegation.

46. The Commission subsequently decided that the meetings of the subcommission during the thirty-ninth session would be held from 23 November to 4 December 2015.

¹² 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 submission made by South Africa in respect of the mainland of the territory of the Republic of South Africa****Report of the subcommission**

47. The Chair of the subcommission, Mr. Haworth, reported on the progress of its work during the intersessional period and at the thirty-eighth session, noting that the subcommission had met from 10 to 14 August 2015.

48. He stated that the subcommission had held three meetings with the delegation of South Africa, during which the delegation had provided responses to questions and requests for clarification that had been made by the subcommission at the thirty-seventh session. The delegation had also transmitted data and information to the subcommission in response to its request. The subcommission had presented to the delegation its preliminary views on the area of the Mozambique Ridge-Agulhas Plateau and continued its analysis of the Western Margin.

49. He added that the subcommission had decided that its members would continue to work on the submission during the intersessional period and that it would resume its consideration of the submission during the thirty-ninth session, including meetings with the delegation.

50. The Commission subsequently decided that the meetings of the subcommission during the thirty-ninth session would be held from 19 to 30 October and from 16 to 20 November 2015.

Item 11**Consideration of the joint submission made by the Federated States of Micronesia, Papua New Guinea and Solomon Islands in respect of the Ontong Java Plateau****Report of the subcommission**

51. The Chair of the subcommission, Mr. Roest, reported on the progress of its work during the intersessional period and at the thirty-eighth session, noting that the subcommission had met from 27 to 31 July and from 10 to 14 August 2015.

52. He stated that the subcommission had held three meetings with the joint delegation. During those meetings, the joint delegation had made a presentation in response to the document which had been provided to them intersessionally. In response to that presentation and the associated documents, the subcommission had also made a presentation. The subcommission had then prepared a document outlining its views and requests for further clarifications, which had subsequently been transmitted in writing to the joint delegation.

53. He added that the subcommission had decided that its members would continue to work on the submission during the intersessional period and that it would resume its consideration of the submission during the thirty-ninth session, including meetings with the joint delegation.

54. The Commission subsequently decided that the meetings of the subcommission during the thirty-ninth session would be held from 19 to 30 October and from 16 to 20 November 2015.

Item 12
Consideration of the joint submission made by France and South Africa in respect of the area of the Crozet Archipelago and the Prince Edward Islands

Report of the subcommission

55. The Chair of the subcommission, Mr. Njuguna, reported on the progress of its work during the intersessional period and at the thirty-eighth session, noting that the subcommission had met from 20 to 24 July and from 17 to 21 August 2015.

56. He stated that the subcommission had held four meetings with the joint delegation of France and South Africa, during which several presentations had been exchanged concerning the five sections of the margin.

57. He added that the subcommission had decided that its members would continue to work on the submission during the intersessional period and that it would resume its consideration of the submission during the thirty-ninth session, including meetings with the joint delegation.

58. The Commission subsequently decided that the meetings of the subcommission during the thirty-ninth session would be held from 2 to 13 November 2015.

Item 13
Consideration of the submission made by Mauritius in respect of the region of Rodrigues Island

Report of the subcommission

59. The Chair of the subcommission, Mr. Madon, reported on the progress of its work during the intersessional period and at the thirty-eighth session, noting that the subcommission had met from 31 August to 4 September 2015.

60. He stated that no meetings had been held with the delegation during the thirty-eighth session. Prior to the meetings of the subcommission, the delegation had transmitted additional data and information to the subcommission in response to the presentation on the results and conclusions of the preliminary analysis, including the test of appurtenance, which had been given by the subcommission at the thirty-sixth session. The delegation had subsequently confirmed to the subcommission that it would submit to the Secretary-General a revised executive summary of its submission prior to the thirty-ninth session.

61. He added that, during its meetings, the subcommission had considered the additional data and information provided by the delegation. It had also decided that its members would continue to work on the submission during the intersessional period and that it would resume its consideration of the submission during the thirty-ninth session, including meetings with the delegation.

62. The Commission subsequently decided that the meetings of the subcommission during the thirty-ninth session would be held from 23 November to 4 December 2015.

Item 14

Presentation of submissions

1. Brazil, in respect of the South Region¹³

63. The presentation of the partial revised submission to the Commission was made on 25 August 2015 by the head of the delegation of Brazil, Carlos Sérgio Sobral Duarte, Deputy Permanent Representative of Brazil to the United Nations; Chargé d'affaires a.i., Antonio Reginaldo Lima Junior, Director; and Izabel King Jeck, Geologist, from the Directorate of Hydrography and Navigation, Brazilian Navy. The delegation of Brazil also included a number of advisers.

64. Mr. Duarte noted that the current submission was the first of a number of partial revised submissions which were being submitted by his Government following the recommendations which had been adopted on 4 April 2007 with regard to the submission made by Brazil on 17 May 2004. He also informed the Commission that one of its members, Mr. Marques, had assisted Brazil by providing scientific and technical advice.

65. Mr. Duarte stated that the area of continental shelf covered by the submission was not subject to any disputes.

66. The Commission then continued its meeting in private. Addressing the modalities for the consideration of the submission, and recalling the decision taken at its twenty-sixth session whereby revised submissions would be considered on a priority basis notwithstanding the queue (see [CLCS/68](#), and Corr.1, para. 57), 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 by way of a subcommission. To that end, it proceeded to reconstitute the subcommission for the examination of the submission by Brazil.¹⁴

2. Angola¹⁵

67. The presentation of the submission to the Commission was made on 24 August 2015 by the head of the delegation of Angola, João Lourenço, Minister of National Defence; Mário Von Haff, First Secretary of the Multilateral Affairs Directorate of the Ministry of External Relations and expert of the Inter-Ministerial Commission for the Delimitation and Demarcation of Maritime Spaces of Angola (CIDDEMA); and Lúmen Sebastião, Engineer, Angolan Oil Company, and Expert of CIDDEMA. The delegation of Angola also included Ismael Abraão Gaspar Martins, Permanent Representative of Angola to the United Nations, and a number of advisers.

68. In addition to elaborating on substantive points of the submission, Mr. Von Haff informed the Commission that one of its members, Mr. Carrera, had assisted Angola by providing scientific and technical advice.

69. Mr. Von Haff stated that the area of continental shelf covered by the submission was not subject to any disputes. In this connection, he recalled that, on

¹³ Submission made on 10 April 2015; see www.un.org/depts/los/clcs_new/submissions_files/submission_bra_rev.htm.

¹⁴ See paras. 13 and 14 of the present report.

¹⁵ Submission made on 6 December 2013; see www.un.org/depts/los/clcs_new/submissions_files/submission_ago_69_2013.htm.

4 June 2002, Angola and Namibia had agreed on the delimitation and demarcation of their maritime borders. He also stated that the area of continental shelf covered by the submission was the subject of potential overlaps with the Democratic Republic of the Congo, Gabon and the Congo. With respect to the communications from the Democratic Republic of the Congo, dated 11 April 2014, and from Gabon, dated 30 May 2014, Mr. Von Haff noted that both communications contained objections, full and partial, respectively, to the consideration of the submission by the Commission.

70. The Commission then continued its meeting in private. Addressing the modalities for the consideration of the submission, the Commission took note of the above-mentioned communications. It observed, in particular, that the communication from the Democratic Republic of the Congo invoked, inter alia, paragraph 5 (a) of annex I to the rules of procedure of the Commission, relating to a dispute in the area of the submission. The Commission also took note of the views expressed in the presentation by Angola in connection with the communications. Taking into account the communications and the presentation made by the delegation, the Commission decided to defer further consideration of the submission and the communications until such time as the submission was next in line for consideration, as queued in the order in which it had been received. The Commission took that decision in order to take into account any further developments that might occur throughout the intervening period, during which the States concerned might 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.

3. Cabo Verde, the Gambia, Guinea, Guinea-Bissau, Mauritania, Senegal and Sierra Leone, jointly, in respect of areas in the Atlantic Ocean adjacent to the coast of West Africa¹⁶

71. The presentation of the joint submission was made on 25 August 2015 by the head of the joint delegation, Fernando Wahnou Ferreira, Permanent Representative of Cabo Verde to the United Nations; Carlos Semedo, Director General for Global Affairs, Ministry of External Relations of Cabo Verde, and Chair of the Liaison Committee for the Establishment of the Outer Limits of the Continental Shelf; Jinnah S. Momoh, Senior Lecturer, Fourah Bay College, University of Sierra Leone; Celedónio Plácido Vieira, Director of Marketing and Business and Development of Petroguin of Guinea-Bissau; Ibrahim Wurie, Head, Safety Department, Sierra Leone Maritime Administration; António Lobo de Pina, Vice-Rector, University of Cabo Verde; Cheikh Zamel, Director of Mining Cadastre and Geology at the Ministry of Petroleum, Energy and Mines of Mauritania; Joseph O. Medou, Exploration and Production Director, Senegal National Oil Company; Jerreh Barow, Principal Assistant Secretary, Ministry of Foreign Affairs of the Gambia; Miriam Boye, Assistant Director, Geological Department of the Gambia; and Ambassador Cheikh Tidiane Thiam, Technical Adviser at the Ministry of Foreign Affairs and for Senegalese living abroad. The joint delegation also included Mamady Toure, Permanent Representative of Guinea to the United Nations; Fodé Seck, Permanent Representative of Senegal to the United Nations; and a number of advisers.

¹⁶ Submission made on 25 September 2014; see www.un.org/depts/los/clcs_new/submissions_files/submission_wa7_75_2014.htm.

72. Ms. Boye stated that the area of continental shelf covered by the submission was not subject to any disputes and was based on the framework agreement on subregional cooperation between the seven submitting West African coastal States, while recalling that the establishment of the outer limits of the continental shelf was without prejudice to matters relating to the delimitation of the continental shelf between States. She acknowledged in this regard the assistance received by the seven States from the Government of Norway.

73. The Commission then continued its meeting in private. It was noted that, according to the executive summary of the submission, no members of the Commission had assisted Cabo Verde, the Gambia, Guinea, Guinea-Bissau, Mauritania, Senegal and Sierra Leone by providing scientific and technical advice.

74. Addressing the modalities for the consideration of the submission, and taking note of the communication from Morocco dated 29 July 2015,¹⁷ the Commission decided that, as provided in article 5 of annex II to the Convention and in rule 42 of the rules of procedure of the Commission, the joint submission would be addressed by a subcommission to be established in accordance with rule 51, paragraph 4 ter, of the rules of procedure, at a future session. The Commission decided that it would establish a subcommission at the time when the submission was next in line for consideration, as queued in the order in which it had been received. The Commission would also at that time consider any future relevant developments.

4. Spain, in respect of the area west of the Canary Islands¹⁸

75. The presentation of the partial submission in respect of the area west of the Canary Islands was made on 26 August 2015 by the head of the delegation of Spain, Ana María Salomón Pérez, President of the Committee on Limits with France and Portugal, Ministry of Foreign Affairs and Cooperation; José Martín y Pérez de Nanclares, Head of the International Law Division, Ministry of Foreign Affairs and Cooperation; and Luis Somoza Losada, Scientific Coordinator, Geological and Mining Institute of Spain, Ministry of Economy and Competitiveness. The delegation of Spain also included a number of advisers.

76. In addition to elaborating on substantive points of the submission, Ms. Salomón Pérez noted that the submission was one of three partial submissions made by Spain to the Commission. She also informed the Commission that none of its members had assisted Spain by providing scientific and technical advice. Mr. Martín y Pérez de Nanclares stated that the area of continental shelf covered by the submission was not subject to any disputes, notwithstanding the fact that some of its parts were the subject of overlapping claims. With respect to the communication from Portugal dated 1 April 2015, he noted that Spain did not object to the examination of the submission, and that it would resolve any delimitation issues that might arise by means of bilateral negotiations once the Commission had concluded its examination of the submissions by both States. With respect to the notes verbales from Morocco dated 10 March and 29 July 2015, he noted that, while Morocco had raised some reservations, it did not object to the examination of the submission. In this regard, Mr. Martín y Pérez de Nanclares expressed the view of his Government that these communications highlighted a potential overlap with a future submission concerning

¹⁷ See also para. 76.

¹⁸ Submission made on 17 December 2014; see www.un.org/depts/los/clcs_new/submissions_files/submission_esp_77_2014.htm.

the continental shelf beyond 200 nautical miles from the territory of Western Sahara, which was a non-self-governing territory undergoing a decolonization process. Mr. Martín y Pérez de Nanclares affirmed the willingness of Spain to negotiate an equitable solution, based on international law, with both Portugal and the entity in sovereign control of the coast and territory of Western Sahara, once the decolonization process was deemed to have been concluded.

77. The Commission then continued its meeting in private. Addressing the modalities for the consideration of the submission and taking into account the communication from Portugal and the communications from Morocco, as well as the presentation made by the delegation, the Commission decided that, as provided for in article 5 of annex II to the Convention and in rule 42 of its rules of procedure, the submission would be addressed by a subcommission to be established in accordance with rule 51, paragraph 4 ter, of the rules of procedure at a future session. The Commission also decided to revert to the consideration of the submission and the communications received, as well as of any future relevant developments, at the plenary level when the submission was next in line for consideration, as queued in the order in which it was received.

Item 15

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

78. The Chair of the Commission provided an overview of the proceedings of the twenty-fifth Meeting of States Parties to the United Nations Convention on the Law of the Sea, held in June 2015, which were deemed of relevance to the Commission (see [SPLOS/287](#), sect. VI). In particular, he drew attention to the decision of the Meeting of States Parties regarding the conditions of service of the members of the Commission ([SPLOS/286](#)).

79. The Commission took note of the information reported by the Chair and by the secretariat with regard to medical travel insurance and working space, and, in particular, of the above-mentioned decision (see also paras. 8-11 above). In this context, the Commission expressed its appreciation to the States parties for their attention to the work of the Commission. The Commission also took note of concerns expressed by some States parties at the twenty-fifth Meeting, and invited the States parties that had concerns to convey them directly to the Commission, through the secretariat.

Item 16

Report of the Chair of the Committee on Confidentiality

80. The Chair of the Committee on Confidentiality, Mr. Park, reported that no issues that fell within the purview of the Committee had arisen and that, consequently, no meeting of the Committee had been required during the thirty-eighth session.

Item 17

Report of the Chair of the Editorial Committee

81. The Chair of the Editorial Committee, Mr. Haworth, reported that no meeting of the Committee had been required during the thirty-eighth session. He also informed the Commission that the Committee had been receiving additional comments with respect to the template for recommendations of the Commission and had introduced a new version of the template.¹⁹ The Chair encouraged members of the Commission to continue reviewing the template in the light of further recommendations that were being prepared, and to forward any additional comments or suggestions for improvements to him.

Item 18

Report of the Chair of the Scientific and Technical Advice Committee

82. The Chair of the Scientific and Technical Advice Committee, Mr. Urabe, reported that no meeting of the Committee had been held during the thirty-eighth session owing to time constraints and that no issues that fell within the purview of the Committee had arisen.

Item 19

Report of the Chair of the Training Committee and other training issues

83. The Vice-Chair of the Training Committee, Mr. Park, reported that no meeting of the Committee had been required during the period under review.

84. The Commission also took note of the information provided by the Secretariat concerning a five-day training course on the preparation of submissions to the Commission on the Limits of the Continental Shelf to be held in Breckenridge, Colorado, United States of America, from 21 to 25 September 2015, to which the organizers had invited a number of experts from developing coastal States.

Item 20

Other matters

Consideration of the submission made by Nigeria

85. The Chair of the subcommission, Mr. Mahanjane, informed the Commission that the subcommission had met from 31 August to 4 September 2015.

86. During that period, the subcommission had proceeded with the initial examination of the submission pursuant to section III of annex III to the rules of procedure. In particular, the subcommission had verified the format and completeness of the submission and had commenced its preliminary analysis. No meetings were held with the delegation during the thirty-eighth session.

¹⁹ See [CLCS/62](#), para. 82; [CLCS/78](#), paras. 41 and 42; [CLCS/80](#), para. 72; and [CLCS/83](#), para. 88.

87. The subcommission had also concluded that it was not necessary to recommend seeking the advice of specialists, in accordance with rule 57 of the rules of procedure, or cooperation with relevant international organizations, in accordance with rule 56. The subcommission had further concluded that more time would be required to examine all the data and prepare recommendations for transmittal to the Commission.

88. Subsequently, the subcommission transmitted a communication to Nigeria containing preliminary observations and requests.

89. The subcommission decided that its members would continue to work on the submission during the intersessional period and that it would resume its consideration of the submission during the thirty-ninth session, including meetings with the delegation.

90. The Commission subsequently decided that the meetings of the subcommission during the thirty-ninth session would be held from 23 November to 4 December 2015.

Attendance

91. The Commission addressed the issue of the attendance of its members and re-emphasized that it was important for all members of the Commission to attend all its meetings on time and in full. The Chair informed the Commission that he would bring to the attention of Permanent Missions, as necessary, the absence of members of the Commission nominated by their Governments and the repercussions of their absence on the work of the Commission.

Issues of a scientific and technical nature

92. The Commission considered again the possibility of devoting time to internal discussions of topics of a scientific and technical nature during a future session. In view of the heavy workload of the present session, it was decided that such internal discussions might be held at future sessions, when the workload so permitted.

Referral by a subcommission to the plenary of the Commission of issues of a general nature encountered during the examination of a submission

93. Notwithstanding its intention to address this matter at the thirty-eighth session (see [CLCS/88](#), para. 66), the Commission decided to defer its consideration to the fortieth session. This decision was taken in view of the priority given to the consideration of draft recommendations before the Commission and in the light of the number of presentations made by the submitting States at the present session.

Procedures and practices of subcommissions

94. Notwithstanding its intention to address this matter at the thirty-eighth session (see [CLCS/88](#), para. 68), the Commission decided to defer its consideration to the fortieth session. This decision was taken in view of the priority given to the consideration of draft recommendations before the Commission and in the light of the number of presentations made by the submitting States at the present session.

Geographic information management software used for submissions

95. The Commission re-emphasized to submitting States the importance of ensuring that the parts of their submissions for which geographic information management software was used, were compatible with the software version used by the Commission.

Parts of a submission which are stored remotely by the submitting State

96. The Commission discussed a situation which had emerged in which data and information provided in a submission, including visualization or examination tools to facilitate its consideration, would be made available to the Commission by the submitting State through a remote connection to a server or servers of the Commission. Recalling paragraph 1 of annex II to its rules of procedure and paragraph 1 of annex III concerning the format of submissions, the Commission concluded that any such data, information and/or tools could be considered part of a submission only if the submitting State were to transmit them to the Commission, through the Secretary-General.

Access to submissions not currently or previously under consideration

97. In relation to the consideration of a submission by a currently active subcommission, the Commission discussed whether it would be appropriate for that subcommission to access submissions not currently or previously under consideration by other subcommissions.

98. The Commission concluded that, taking into account the provisions contained in its rules of procedure, should a subcommission presume that useful data and information might have been included in submissions other than that for which the subcommission had been established, it could bring this to the attention of the submitting State. The submitting State could then consider obtaining and submitting such data and information, as appropriate.

Future sessions of the Commission

99. The Commission adopted the programme of work for its thirty-ninth session, which had originally been scheduled to be held from 12 October to 27 November 2015 (see [CLCS/85](#), para. 87 (c)). Following discussions on the programme of work, the Commission decided to postpone the thirty-ninth session by one week in order to optimize the work of the subcommissions. Consequently, the thirty-ninth session would be held from 19 October to 4 December 2015. The following items would be on the programme of work of the Commission at its thirty-ninth session:

1. Consideration of the partial revised submission made by Brazil in respect of the Southern Region;
2. Consideration of the submission made by Uruguay;
3. Consideration of the submission made by Norway in respect of Bouvetøya and Dronning Maud Land;
4. Consideration of the submission made by South Africa in respect of the mainland of the territory of the Republic of South Africa;
5. Consideration of the joint submission made by the Federated States of Micronesia, Papua New Guinea and Solomon Islands in respect of the Ontong Java Plateau;

6. Consideration of the joint submission made by France and South Africa in respect of the area of the Crozet Archipelago and the Prince Edward Islands;
7. Consideration of the submission made by Kenya;
8. Consideration of the submission made by Mauritius in respect of the region of Rodrigues Island;
9. Consideration of the submission made by Nigeria;
10. Other matters.

100. In keeping with the decision taken at its thirty-seventh session (CLCS/88), the Commission also decided that, in 2016, it would hold three sessions of seven weeks each, including four weeks of plenary meetings, as follows:

(a) The fortieth session would be held from 1 February to 18 March 2016. The plenary parts of the session would be held, subject to the approval of the General Assembly, from 8 to 12 February and from 7 to 11 March 2016;

(b) The forty-first session would be held from 11 July to 26 August 2016. The plenary parts of the session would be held, subject to the approval of the General Assembly, from 18 to 22 July and from 15 to 19 August 2016;

(c) The forty-second session would be held from 17 October to 2 December 2016, with no plans for plenary meetings.

Trust funds

101. The Commission was informed by the Secretariat about the status of the trust fund for the purpose of defraying the cost of the participation in its meetings of the members of the Commission from developing States. For the thirty-seventh session, assistance had been provided to eight members of the Commission, in the amount of approximately \$154,000. For its thirty-eighth session, an estimated total of \$155,000 in financial assistance was being provided to eight members. As at the end of July 2015, the trust fund had an approximate balance of \$559,000.

102. An overview was also provided by the Secretariat on 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 Convention. The Commission was informed that, as at the end of July 2015, the trust fund had an approximate balance of \$1,314,000. The Secretariat stated that it continued to encourage States to make contributions to both trust funds.

Acknowledgements

103. The Commission noted with appreciation and gratitude the high standard of secretariat services rendered to it by the Division.

104. The Commission expressed its appreciation to other members of the Secretariat for the assistance they had 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 conference officers.