

30 years later ...

What do we know now?

Galo Carrera

Chairman

Commission on the Limits of the Continental Shelf

Overview

- Third Conference: Evensen Proposal and 1978 Study
- The Convention: Article 76 and Annex II
- The official documents of the CLCS
- Consideration of Submissions
- Advice to States
- Assistance mechanisms to States and the CLCS
- Conclusions: What do we know now?



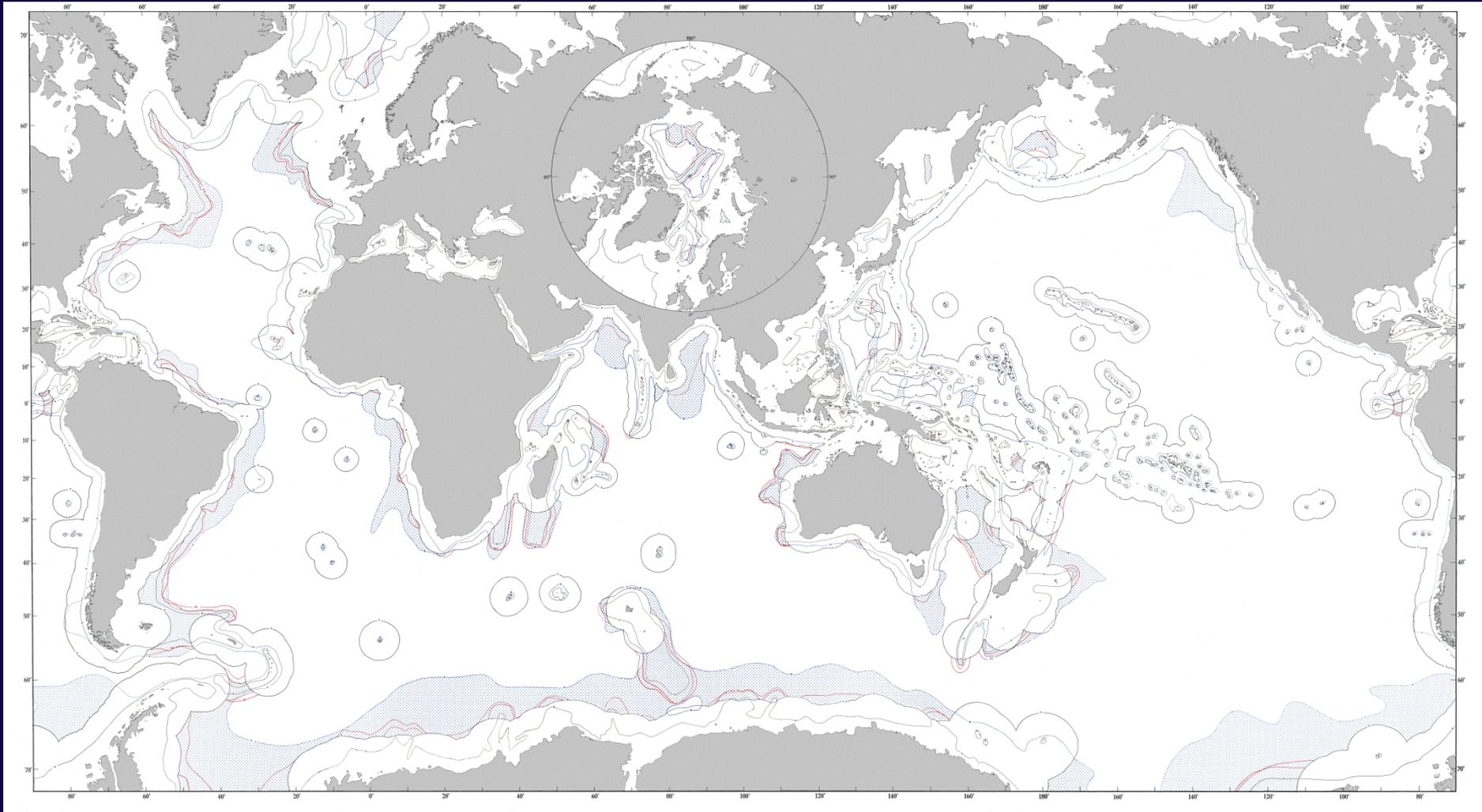
Footnote attached to paragraph 5 of Alternative A of the Evensen Proposal made in 1975

It is assumed that the Continental Shelf Boundary Commission is an independent organ, and that its composition would ensure that it dispose of the necessary technical and scientific expertise. The scope of powers of the Commission, and the questions of possible appeal procedures, of the participation of legal expertise of the Commission, and of the relationship with the proposed dispute settlement procedures under the new Convention, remain to be discussed.

Reproduced in XI Platzöder 501.



What did we know in 1978?



A/CONF.62/C.2/L.98 and Add.1, 18 April 1978

30 years later ... What do we know now?
by G. Carrera, Chairman, CLCS

United Nations Headquarters
New York, 8 June 2012



The Convention



The Law of the Sea

**United Nations Convention
on the Law of the Sea**

**with Index and Final Act
of the Third
United Nations Conference
on the Law of the Sea**



United Nations

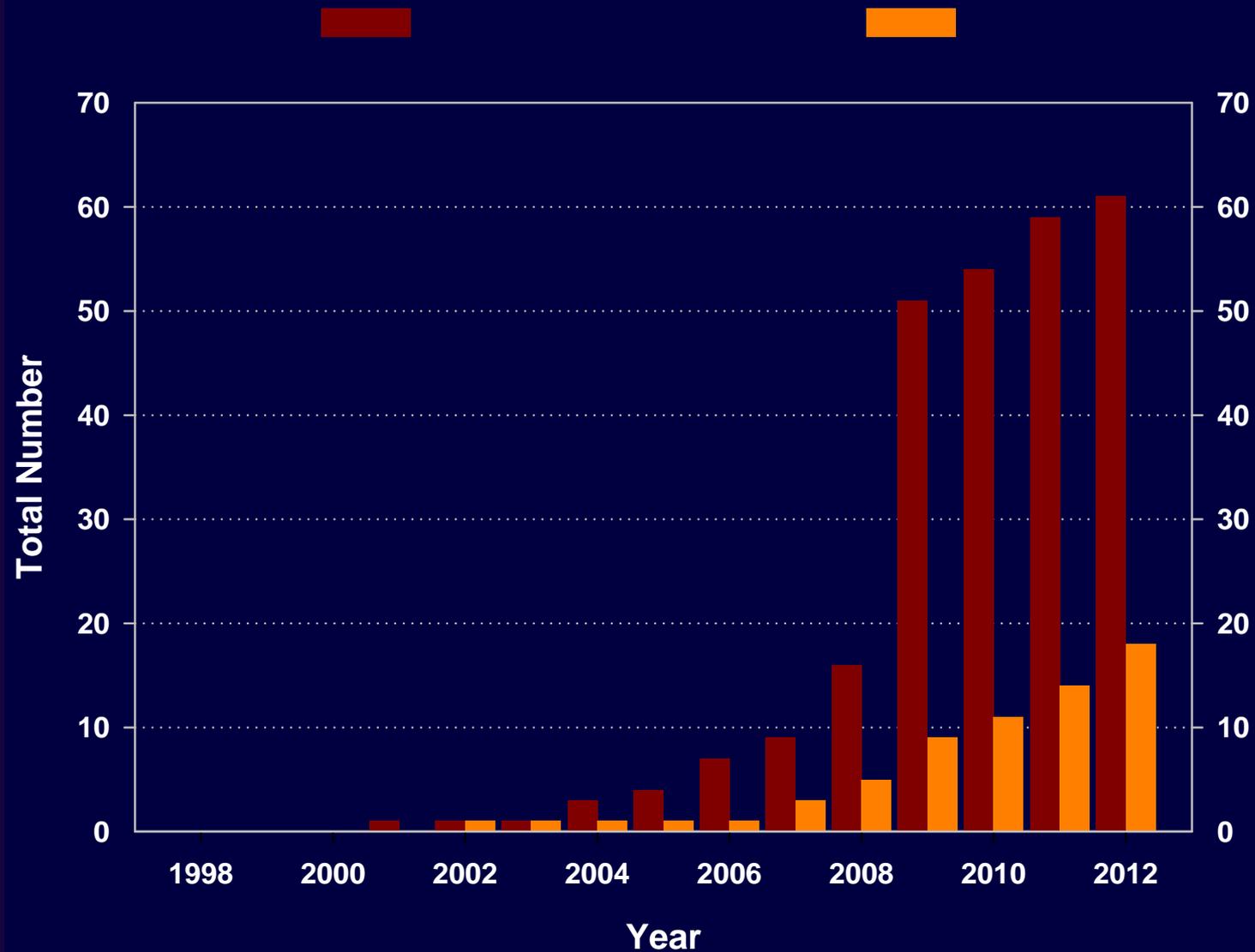
Part VI: Article 76

Annex II

Official Documents of the CLCS

- Rules of procedure (1997 to 2008)
- Scientific and Technical Guidelines (1999)
- Session Agendas, and Statements by the Chairperson
- Other documents:
 - Internal code of conduct for members of the CLCS (2001)
 - Open Meeting (2005)
 - Outline of a training course (2004)
 - Letters
- Recommendations to States (2002 – 2012)

61 Submissions and 18 Recommendations

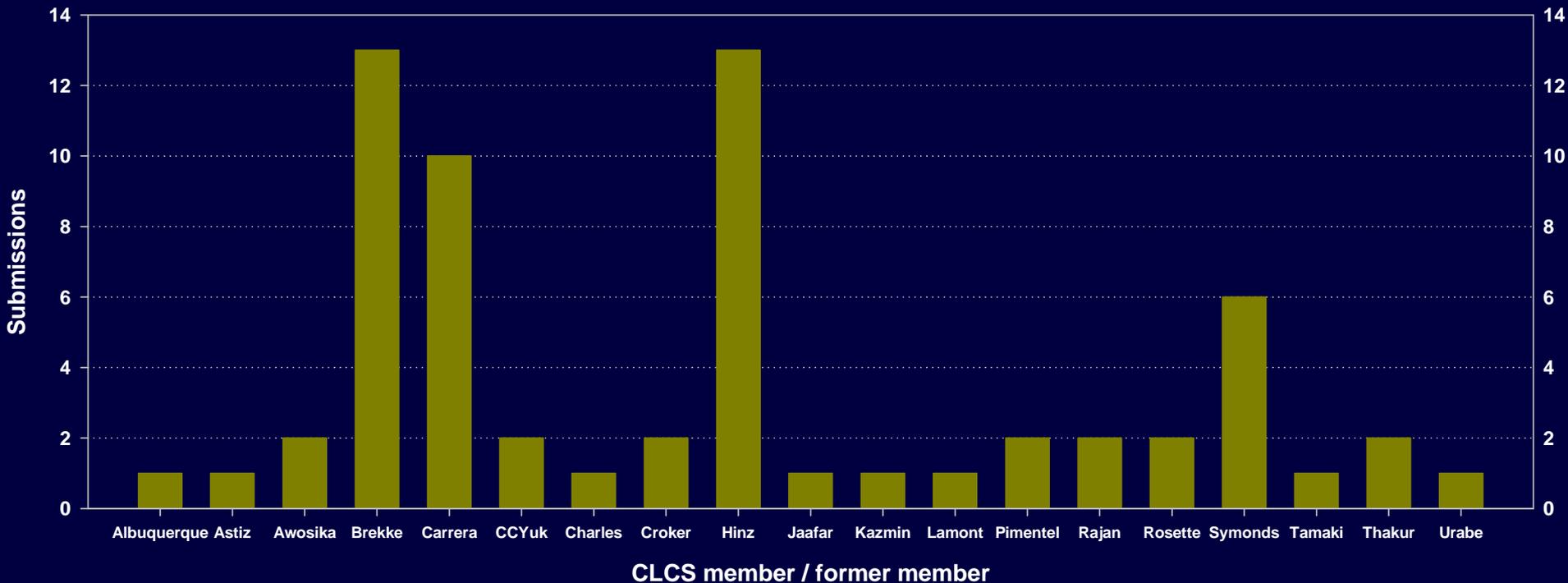


Future Submissions

- 45 Preliminary information notes
- New or revised submissions from previous Submissions
- New Submissions for States whose deadline is beyond 2012
- New Submissions from States which have not yet become Parties
- The total number of Submissions is estimated to approach 120

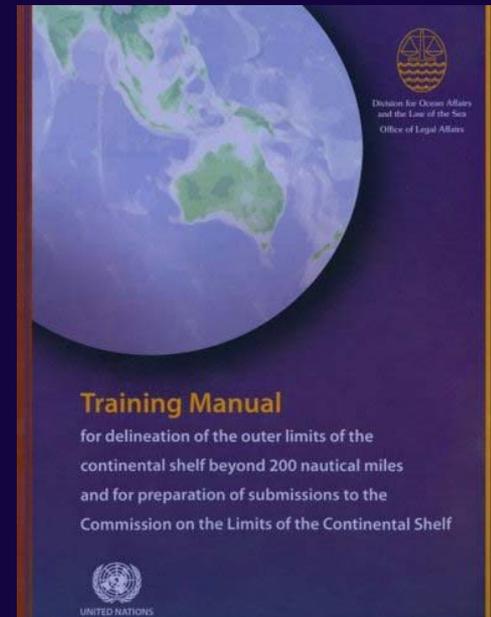
Advice to States

- 44 among the 61 Submissions received to this date benefitted from advice given by former and current members of the CLCS



Training Activities

- Training Manual for Delineation of the Outer Limits of the Continental Shelf Beyond 200 M
- Members of the CLCS lectured in:
 - Suva, Fiji, 28 February - 4 March 2005;
 - Colombo, Sri Lanka, 16 - 20 May 2005;
 - Accra, Ghana, 5 - 9 December 2005;
 - Buenos Aires, Argentina, 8 - 12 May 2006;
 - Bandar Seri Begawan, Brunei Darussalam, 12 - 16 February 2007;
 - Cape Town, South Africa, 13 - 17 August 2007;
 - Port of Spain, Trinidad and Tobago, 14 - 18 January 2008;
 - Windhoek, Namibia, 22 - 26 September 2008; and
 - Luanda, Angola, 16 - 20 May 2011.



Assistance mechanisms to States and the CLCS

- Trust fund for the purpose of facilitating the preparation of submissions to the Commission on the Limits of the Continental Shelf for developing States, in particular the least developed countries and small island developing States, and compliance with article 76 of the United Nations Convention on the Law of the Sea
- Voluntary fund to enable the participation of the members of the Commission from developing countries in the work of the Commission by meeting their costs of participation (travel expenses and daily subsistence allowance)

First Conclusion: What do we know now?

1. The work to be conducted by States was underestimated in terms of its scientific and technical breadth and scope, cost and time:
 - The amount of scientific and technical data contained in a single national submission surpasses the size of the full World data set used in 1978
 - The cost of a submission can range from hundreds of thousands of dollars to hundreds of millions of dollars. Trust Funds have made an important contribution.
 - The preparation of a submission can range from 3 to 10 or more years (deadlines 2004, 2009, 20??).

Second Conclusion: What do we know now?

2. The work to be conducted by the CLCS was underestimated:
 - A preliminary estimate of a total of 33 submissions, 1978
 - 60 Submissions + 1 Revised Submission  +120
 - 10 years?
 - The CLCS is the only UNCLOS organization not dedicated full-time to fulfill its mandate



Third Conclusion: What do we know now?

3. The work of the CLCS and other organizations created by the Convention:
 - The CLCS is not explicitly enabled by the Convention to request advisory opinions from ITLOS.
 - The CLCS is not explicitly enabled to provide scientific opinions to ITLOS.
 - The CLCS is not explicitly enabled to provide information to ISA.



Ambassador Arvid Pardo Speech
1 November 1967

"the unique opportunity to lay solid foundations for a
peaceful and increasingly prosperous future for all peoples"