

**Expediting the Workload of the Commission on the Limits of the Continental Shelf**

The following information and observations forms Sri Lanka's preliminary submission in accordance with paragraph 4 of document SPLOS/CLCS.Workload. The views and suggestions maybe supplemented if necessary.

The Report of the 19<sup>th</sup> MSP (document SPLOS/203), in particular paragraph 86,<sup>1</sup> sets out in essence many concerns of and problems faced by States Parties that have presented their submissions to the Commission on the Limits of the Continental Shelf (CLCS) and by those States Parties that have provided preliminary indications of their intention to make submissions, within the prescribed time frame, but are likely to encounter extensive delays in the consideration of their submissions.

It is recommended that there be a streamlining of the procedures of the Commission and the sub commissions and a greater degree of direct interaction between Commission members and Member States in a mutual search for expeditious procedures. All recommendations or options to be considered should ensure that the more rapid pace of processing submissions will not in any way impact negatively on the high quality of the technical work now achieved by the Commission.

It would be desirable to approach the future activity of the Commission in three phases.

**The three phases may consist of:**

- (a) **Short term:** extending up to the next election of Commissioners in June 2012;
- (b) **Medium term:** extending from June 2012 for perhaps one year from the installation of the newly elected Commissioners; and
- (c) **Long term:** From 2013 on a continuous basis for the consideration of pending submissions and then at least for 10 years thereafter to deal with any partial submissions, prospective submissions, any re-submissions, and submissions of States Parties acceding to the Convention later.

**Short term:**

**The Report should address the following:**

- I. The possible enhancement of financial means presently available including the possible expansion of the mandate of the Trust Fund established by resolution 55/7 of the General Assembly to facilitate the travel and subsistence costs of Commissioners from developing States:
  - (a) to alleviate the financial constraints of Commissioners nominated by States Parties considered to be 'emerging economies' in addition to those from developing countries; and
  - (b) to accommodate incidental expenditures of Commissioners, e.g. Medical Insurance and communication costs etc.,

2. Propose possible measures and make financial provisions for the Commissioners to work at more extensive sessions and at more frequent meetings than under the current rules and practice, and for those purposes:
  - (a) to review and recommend necessary adjustments to the rules and guidelines of the Commission in order that it may function expeditiously;
  - (b) to extend the length of the plenary sessions of the Commission, *inter alia* to give each submitting State the same allocation<sup>1</sup> of time to present their submission overviews to the full Commission as was given previously to other States to present their submission overviews to the full Commission;
  - (c) to extend the duration of meetings of the Sub-Commissions<sup>11</sup> and provide for more than three subcommissions to meet concurrently;
  - (d) to ensure a minimum number of subcommission members constituting the quorum and to ensure among them, that all relevant technical fields, the full range of technical expertise and widest experience are included when subcommissions are constituted with less than seven members;
  - (e) to facilitate the pre-examination of submissions and the carrying out of subsequent outside work over secured websites by Commissioners, in cases where the submitting coastal State agrees;
  - (f) to relax the current arrangement that a GIS officer is required to be present when a Commissioner is working on a submission in the GIS laboratory;<sup>111</sup> if the submitting State agrees; and
  - (g) to permit Commissioners to work on submissions away from the UN GIS Laboratories, in cases where the submitting State consents;

**Medium term:**

Transitional arrangements for funding/financing should be in place, supplementary staffing should be operational and the Commissioners should be serving for more extensive periods, and for these purposes the report should:

- I. Propose practical arrangements that would facilitate a political accommodation to be adopted by the 20<sup>th</sup> MSP, prior to the next election:
  - (a) regarding the full time participation of Commissioners, in order to secure extended functioning of the Commission;
  - (b) considering the election of a Commission that would allow for the possible configuration of more than 3 sub commissions, each with no less than 7 members. Due regard must be given to the composition of sub commissions to ensure that the full range of expertise are appropriately represented in each sub commission. Geographical representation must also be considered in this process. <sup>iv</sup>
  - (c) to amend the Rules of the Commission to permit of measures identified in sub-items (a) and (b) above.



- (d) to carry out consultations on the above issues together with regional group consultations contemplated in Annex II, Article 2 of the Convention.
2. Propose practical alternative sources of financing with computations of costs and the implications on States Parties. Financing aspect will also have to be looked at, in the context of:
- (a) sessions and meetings, with the possibility of longer duration with the Commissioner's travel and subsistence being covered;
  - (b) having full time or extensive service periods for Commissioners who would be remunerated at an appropriate level- the level to be based on comparable technical positions within the UN system (Official UN status may have to be accorded to them for the purpose of working in NY).
  - (c) strengthening and supplementing the Secretariat with an appropriate high level management structure with 4-5 additional professional staff (GIS officers and Legal Officers) to service extended meetings of the sub commissions and initial review and evaluation of submissions
  - (d) providing the long term cost evaluation in relation to the long term services of Commissioners with residency in NY vs. extended part time services where they are not resident in NY. The former more likely to be cost efficient.
  - (e) providing cost estimates and Member State contributions for all related cost implications on the regular budget of the UN, or as a dedicated budget supplementing the budget of the UN with indications of the additional contribution resulting
  - (f) As an alternative to (d) above, States that have made submissions to the Commission should be allowed to contribute an additional amount for the extended meetings and/or sessions on the basis of a special assessment to provide for this. <sup>v</sup>

**Long term:**

Arrangements for funding/financing should be put in place, the institutional arrangements comprising a dedicated Secretariat with appropriate high level management structure and full staffing should be made operational and a body of Commissioners with full time members is serving, and for these purposes the report should:

- (a) recommend practical arrangements for the extended duration of Commissioners employment and the implications;
- (b) evaluate practical needs for instituting remote access to submissions by Commissioners;
- (c) propose a structure for the servicing secretariat with an appropriate high level management structure with adequate staffing to service at least 5 Subcommissions concurrently with additional GIS and Legal staff to preview and pre-evaluate submissions to facilitate the Commissioners review;
  - i. Additional review, recommendation on technical, legal and procedural matters would be made by Secretariat teams.

- ii. Recourse maybe had to consultants on strict confidentiality directives to facilitate the technical work of the Commissioners under direct supervision of a high level manager.
- (d) assess the advantages and functionality of integrating the Secretariat management structure with the Commission and its Sub Commissions as a joint functioning entity. This could be either independent of OLA, or within the OLA management structure.<sup>vi</sup>

### Funding

Alternatives should be explored:

- (a) Alternatives in the short term to include: the regular budget supporting the Secretariat; supplemented by the Trust Fund expanded for the Commissioners including essential perquisites and certain additional expenses (medical etc.); with States Parties defraying the expenses of their nationals.
- (b) Medium term could also be the same as the short term, but during this term it is desirable to put in place the longer term main funding which could include: The 3 current sources of financing, viz. The UN Regular Budget; the Trust Fund and Commissioners' expenses defrayed by nominating states;
  - (i) Supplemented by a special assessment to be included with the UN Budget;
  - (ii) Supplemented by an assessment to be contributed by all State Parties following the pattern of ISA and ITLOS, with separate assessments, separate budget and separately managed. (Such an arrangement should avoid the UN charges for maintaining trust funds and special accounts at 13 % per annum.)
  - (iii) The flexibility to draw funds from other non-UN agencies, but dispensed through existing trust fund mechanisms, should also be considered. This would enable additional financial resources that the UN member States are unwilling to contribute, but is available elsewhere be harnessed.

### Alternatives

Should it prove to be impossible to have the alternative of a full time Commission of 21 members, consideration should be given to increasing the number of Commissioners to 42. This can be achieved through the amendment process of the Convention<sup>vii</sup> or implementing the agreement process adopted for inter-alia the Part XI Agreement and the Fish Stocks Agreement.

### Other Considerations

There needs to be a consultative process prior to the next MSP. Therefore the Secretariat is requested to circulate or make public all proposals made and views communicated by States Parties in connection with expediting the work of the CLCS.<sup>viii</sup>