



**UNITED NATIONS
OFFICE OF LEGAL AFFAIRS**

**Opening Remarks
by
Mr. Miguel de Serpa Soares,
Under-Secretary-General for Legal Affairs
and United Nations Legal Counsel
at the
Forty-sixth session of the
Commission on the Limits of the Continental Shelf**

5 February 2018

Mr. Chairperson,

Distinguished members of the Commission,

It is my sincere pleasure to join you on the occasion of the forty-sixth session of the Commission on the Limits of the Continental Shelf and for the first time since your election as members of the Commission. I regret that conflicting engagements prevented me from participating in your induction during the last plenary session of the Commission, which was officiated by the Assistant Secretary-General for Legal Affairs, Mr. Mathias. This is why I am particularly pleased to be able to personally extend the Secretary-General's, and my own, welcome to the United Nations Headquarters today. Let me also extend my belated congratulations to each one of you on your election, and to Mr. Park for his election as Chair of the Commission. It is a great pleasure to see this body established under the United Nations Convention on the Law of the Sea headed by one of the members that has participated in its work since its establishment more than twenty years ago.



As signaled at the twenty-seventh meeting of States Parties and the seventy-second session of the General Assembly, Member States continue to express support for the work of the Commission. However, concerns remain over the conditions of service, including the continued lack of medical coverage for members of the Commission.

While some advances have been made in addressing this issue, including improvements made to the GIS laboratories and common areas, I understand that the Commission considers that further progress is needed.

In this regard, I note that, at its seventy-second session, the General Assembly took note of the written information, provided by the Secretary-General on options for mechanisms to provide medical insurance coverage to members of the Commission, including costs, and the information provided by the Secretariat during the twenty-seventh Meeting of States Parties, and expressed its intention to continue to consider these and other options and, if necessary, to further review the terms of reference for the trust fund established for the purpose of facilitating the participation of members of the Commission from developing States in the meetings of the Commission.

While the General Assembly will continue to consider options for mechanisms to provide medical insurance coverage to the members of the Commission while fulfilling their duties at Headquarters, I recall that the members of the Commission



have consistently expressed the urgent need for a permanent solution, which does not depend on voluntary contributions to the Trust Fund, and which covers all members of the Commission.

Medical insurance, while central, is but one output of the working conditions of the members of the Commission.

In keeping with the decision taken at the twenty-seventh Meeting of States Parties, the Secretariat circulated a questionnaire to assess the working conditions of the Commission in its present composition with a view to identifying appropriate solutions to pending issues.

These findings will be reviewed by the Commission during its plenary meetings at this session and then shared at the twenty-eighth Meeting of States Parties to facilitate deliberations in the context of the Working Group on the conditions of service of the members of the Commission established by the Meeting of States Parties to the Convention.

The Commission is encouraged to consider in this context its working conditions and any necessary improvements so that a frank and full discussion of these matters can be held at the upcoming Meeting of States Parties in June.

The General Assembly also reaffirmed the importance of the work of the Commission for coastal States and for the international community, and recognized again the significant workload of the Commission in view of the large number of submissions already received and a number of submissions yet



to be received, which places additional demands and challenges on its members and on the secretariat. In this context the General Assembly expressed its appreciation over the decision of the Commission at its forty-fourth session to continue to hold three sessions of seven weeks each, including plenary meetings, as well as the decision of the Commission to establish new Subcommissions so that nine Subcommissions would actively consider submissions.

In that regard, I continue to strongly emphasize in my dealings with States Parties that the effective functioning of the Commission depends on its full membership and the need to fill the remaining seat in the Commission allocated to the Eastern European Group of States. In particular, I have just addressed a letter to the Chair of this Group to remind the Group about the need for nominations for the vacant seat in the Commission, to be made in time to conduct elections at the Meeting of States Parties in June 2018.

Distinguished members of the Commission,

With respect to the matter of confidentiality, I would like to remind members of the Commission of the importance of confidentiality for the work and reputation of the Commission.

As you are well aware, all submissions made by States and all proceedings of the Commission and its Subcommissions are covered by confidentiality. This applies regardless of whether the submitting State has declared that it does not object to the possibility for members of a Subcommission to bring the data



away from United Nations Headquarters to work on it intersessionally.

In those cases in which the submitting States have granted this privilege, they do so on the understanding that the data will remain in the exclusive possession of the members of the Commission and only for the purpose of expediting the examination of the submission.

Of course, an even higher degree of confidentiality is required when States invoke the provisions of Annex II to the Rules of Procedure of the Commission.

In the most unfortunate of circumstances when alleged breaches of confidentiality are made, under Annex II to the Rules of Procedure, the Confidentiality Committee is required to investigate the breaches and then report on its findings.

I have been informed that, at the present session, a report of the Committee will be presented in respect of the alleged breaches by three members of the Commission. As per its rules of procedure, the Commission will have, in turn, to inform the Meeting of States Parties of the allegations and the results of the investigation, together with its recommendations. All States Parties to the Convention will then be informed of the findings and recommendations of the Commission in this regard.



It is clear that the mere fact of reporting a breach of confidentiality to the Meeting of States Parties may have an adverse impact on the reputation of the entire Commission, especially as this would be the second time that this will happen. These matters are being taken seriously by the Meeting of States Parties and thus require your considered reflection and attention.

Distinguished members of the Commission,

In conclusion, and on a more positive note, let me say that I am especially pleased to note the intense level of work undertaken by the members of the Commission since the election at the twenty-seventh Meeting of States Parties in June of 2017. I understand that the work of the past two sessions has been very productive and characterized by a renewed energy and a constructive and collaborative spirit, which represents a very positive omen for your future sessions.

Let me assure you that my Office, through the Division for Ocean Affairs and the Law of the Sea, will continue to provide all necessary support to the Commission. I continue to personally follow the work of the Commission and will support your work in any way possible.

I wish you a productive session and also convey my best wishes to you and your families for the New Year. Thank you.

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