

**First Report by the Co-Coordinator on the work of the Open-ended Working Group on the
Conditions of Service of the Members of the Commission on the Limits of the
Continental Shelf**

Madam/Mister President,

Introduction

We have the honour to inform the Meeting of States Parties about the progress of work of the Open-ended Working Group on the Conditions of Service of the Members of the Commission on the Limits of the Continental Shelf since the thirty-second Meeting of States Parties held in June 2022.

We would first like to congratulate you on your election, and the Members of the Bureau on theirs. We are convinced that under your able leadership the thirty-third Meeting of States Parties will conclude its work successfully and expeditiously. We look forward to working together with you and the Members of the Bureau over the coming year to achieve this.

We would also like to express our appreciation to the Members of the Commission on the Limits of the Continental Shelf for the important work they do and under extraordinary circumstances for some members, personally.

We thank the Chair of the Commission, Mr. Adnan Rashid Nasser Al-Azri, for his statement and letter to the President of the thirty-third Meeting of States Parties (SPLOS/33/10) in which he again emphasized the particular importance of finding a long-term and sustainable solution to this issue to ensure that all members of the Commission receive similar and reasonable treatment related to their duties, including reasonable travel and accommodation allowances and full insurance coverage, with United Nations standards as a minimum.

We also wish to thank Mr. Simon Njuguna (Kenya), who was appointed by the Commission at its fifty-seventh session to act as a liaison between the Commission and the Open-ended Working Group. The decision was taken with the view to strengthening communication between the Commission and the Open-ended Working Group on important issues of utmost interest to the Commission.

First of all, on a positive note: as the Chairman of the Commission noted in his letter, the current balance of the Voluntary Trust Fund is sufficiently funded to reimburse Members of the Commission from Developing States for the full costs of the premium for the United Nations Headquarters medical insurance scheme. However, we cannot be complacent as this has only become possible due to an accumulation of funds while the Commission did not meet during the COVID-19 Pandemic. Therefore, a sufficient level of funds is not

guaranteed from year to year. States Parties still have to agree on a viable, sustainable and predictable long-term solution.

On the Proposed Funding Mechanism

Last year, the thirty-second Meeting of States Parties took note of the information reported by us and requested that the Open-ended Working Group continue its intersessional work. Over the past year the Open-ended Working Group met twice (29 March 2023 and 19 April 2023) to discuss: (a) minimum standards for the conditions of service of the members of the Commission, and (b) financial mechanisms to raise the annual funds needed to cover the costs for the participation of seven members of the Commission from developing States with respect to: (i) Medical and dental insurance; (ii) Travel conditions, including standards of accommodation; and (iii) Daily subsistence allowance.

The most important issue the Open-ended Working Group discussed is the possible mechanisms to ensure that the Voluntary Trust Fund can be sufficiently funded in order to continue to reimburse all costs associated with the agreed minimum conditions of service.

We, as Co-coordinators, have put forward a proposal whereby Nominating States that are developed States and other Nominating States that are in a position to do so, would act as guarantors of the Voluntary Trust Fund. In case the Voluntary Trust Fund was depleted or not sufficiently funded to defray the associated costs, developed Nominating States and Nominating States in a position to do so, would together contribute the necessary funds in order to continue enable the Voluntary Trust Fund to defray the associated costs.

A number of delegations have indicated their willingness to continue negotiations on this proposal, other delegations proposed to broaden the scope of contributors. We would like to emphasize that the current proposal is not intended to limit the scope of contributors. How we envisage this system to work is as follows:

In paragraph 108 of General Assembly resolution 77/248 on Ocean affairs and the law of the sea, the General Assembly urged States (among others) to make additional contributions to the Voluntary Trust Fund. We would now propose that the General Assembly requests the Secretary-General, or the Co-Coordination of the Open-ended Working Group, to send an annual invitation to all States to contribute to the Voluntary Trust Fund. The invitation would be sent at the beginning of the year, shortly after adoption by the General Assembly of the annual resolution on Ocean affairs and the law of the sea.

Then, the Co-Coordination would convene a meeting of the Open-ended Working Group to discuss the status of the Voluntary Trust Fund (in particular, whether the Voluntary Trust Fund was sufficiently funded or not) and to start informal consultations on a draft resolution to be

considered by the Meeting of States Parties. The draft resolution is intended to reflect: (1) the contribution of each developed Nominating State, (2) the contribution of other Nominating States in a position to do so, and (3) the contributions of any other States that have made or have indicated they would make contributions for the coming year. It would also reflect the anticipated costs for the nine members of the Commission from developing States on behalf of whom assistance from the Voluntary Trust Fund has been requested.

Under this mechanism, Nominating States that are not developed States and whose Member of the CLCS does not benefit from the Voluntary Trust Fund, would indicate annually whether they will be in a position to contribute to the Voluntary Trust Fund.

The draft Resolution of the Meeting of States Parties reflecting all pending and completed contributions to the Voluntary Trust Fund would hopefully incentivize other States Parties to contribute to the Voluntary Trust Fund. At the same time, this mechanism can help to ensure the Voluntary Trust Fund is sufficiently funded. I would emphasize the word 'can' because whether the Voluntary Trust Fund is sufficiently funded would still depend on the voluntary contributions of all States to make up any difference.

During our discussions in the Open-ended Working Group this week, we aim to put forward a draft proposal requesting the Secretary-General or the Co-Coordination to invite States to contribute to the Voluntary Trust for inclusion in the resolution of the General Assembly on Oceans and law of the sea.

Status of the Voluntary Trust Fund

As the Director of the Division of Ocean Affairs and Law of The Sea has stated, since the adjournment of the thirty-second Meeting of States Parties contributions have been received from: China, Costa Rica, France, Iceland, Ireland, Malta, Norway, Philippines, Portugal, the Republic of Korea and Spain. We thank these delegations for their contributions. As at 31 May 2023, the balance of the Voluntary Trust Fund available for disbursement was estimated to be \$1,068,000.

We would like to thank all delegations for their support and engagement in the work of the Open-ended Working Group and their commitment and determination to come to a final solution on the issue. We look forward to continue to work closely with the Division of Oceans Affairs and Law of the Sea and wish to express our ongoing appreciation for all the work and support provided by the Division.