

# Process of Consideration of Submissions of Coastal States

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# Sources of the documents

1. UNCLOS: United Nations Convention on the Law of the Sea, Annex II
2. CLCS/40 Rules of Procedures of the Commission on the Limits of the Continental Shelf (CLCS)
3. CLCS/48, 50, 52: Statements by the Chairman of CLCS for CLCS Sessions 16<sup>th</sup> (2005), 17<sup>th</sup> (2006), and 18<sup>th</sup> (2006)

**\*All the sentences in the following slides are excerpts from the above documents.**

# CLCS: Commission on the Limits of the Continental Shelf

## UNCLOS Annex II, *Article 2*

- **21 members** who shall be experts in the field of **geology, geophysics or hydrography, elected by States Parties to the Convention**
- The members of the Commission shall be elected for a term of five years. They shall be eligible for re-election.

## CLCS: Commission on the Limits of the Continental Shelf UNCLOS Annex II, *Article 3*

- The functions of the Commission:
  - (a) **to consider the data and other material** submitted by coastal States concerning the outer limits of the continental shelf in areas, and **to make recommendations** in accordance with article 76
  - (b) **to provide scientific and technical advice** if requested by the coastal State concerned during the preparation of the data

## CLCS: Commission on the Limits of the Continental Shelf UNCLOS Annex II, *Article 3*

- The Commission may cooperate, to the extent considered necessary and useful, with the Intergovernmental Oceanographic Commission of UNESCO, the International Hydrographic Organization and other competent international organizations with a view to exchanging scientific and technical information.

## Sub-commission of CLCS UNCLOS Annex II, *Article 3*

- The Commission shall function by way of sub-commissions composed of **seven members**, appointed in a balanced manner taking into account the specific elements of each submission by a coastal State.
- Nationals of the coastal State making the submission and any Commission member who has assisted a coastal State by providing scientific and technical advice shall not be a member of the sub-commission.

# Adoption of recommendation

## UNCLOS Annex II, *Article 6*

1. The sub-commission shall submit its recommendations to the Commission.
2. Approval by the Commission of the recommendations of the sub-commission shall be by a majority of two thirds of Commission members present and voting.
3. The recommendations of the Commission shall be submitted in writing to the coastal State which made the submission and to the Secretary-General of the United Nations.

# Rules of Procedure CLCS/40

## Annex III. Modus operandi for the consideration of a submission

### CLCS 13<sup>th</sup> Session (2004)

- 1<sup>st</sup> amendments  
CLCS 16<sup>th</sup> Meeting (Aug-Sept 2005)
- 2<sup>nd</sup> amendments  
CLCS 17<sup>th</sup> Meeting (Mar-Apr 2006)



## Rules of Procedure CLCS/40

### Annex III section III (6) “Clarifications”

1. **The subcommission shall** determine whether there are any matters to be clarified by the coastal State.
2. If necessary, **the Chairperson of the subcommission shall**, through the Secretariat, request clarification from the representatives of the coastal State on those matters.

# Rules of Procedure CLCS/40

## **Amendments: Annex III section III (6)**

CLCS 16<sup>th</sup> Session (2005)

3. **The coastal State may provide** additional clarification to the Subcommission on any matters relating to the submission.
4. Clarifications can be provided **in the form of presentations or additional materials** and translated by the Secretariat, if necessary, into the working language of the Subcommission.

# Rules of Procedure CLCS/40

## Annex III section IV (10) “Additional data, information or advice”

1. At any stage of the examination, should the subcommission arrive at the conclusion that there is a need for additional data, its **Chairperson shall request the coastal State** to provide such data.
2. If necessary, the subcommission may **request the advice of other members of the Commission** and/or, on behalf of the Commission, request the advice of a, **and/or the cooperation of relevant international organizations.**

# Rules of Procedure CLCS/40

## **Amendments: Annex III section IV (10)**

CLCS 17<sup>th</sup> Session (2006)

3. At an advanced stage during the examination of the submission, **the subcommission shall invite the delegation of the coastal State to one or several meetings** at which it shall provide a **comprehensive presentation of its views** and general conclusions arising from the examination of part or all of the submission.

# Rules of Procedure CLCS/40

## **Amendments: Annex III section IV (10)**

CLCS 17<sup>th</sup> Session (2006)

4. **The coastal State shall have the opportunity to provide a response to the presentations of the subcommission** during the same session, and/or at a later stage.
5. Following the meeting(s) with the delegation of the coastal State, the subcommission shall proceed to prepare its recommendations to be submitted to the Commission for its consideration.

## CLCS: Commission on the Limits of the Continental Shelf

### UNCLOS Annex II, *Article 5*

- The coastal State which has made a submission to the Commission may send its representatives to participate in the relevant proceedings without the right to vote.

# Rules of Procedure CLCS/40

## Amendments to Rule 52

### CLCS 17<sup>th</sup> Session (2006)

#### Rule 52

#### Attendance by the coastal State at the consideration of its submission

- The Commission shall notify the coastal State which has made a submission of the date and place at which its submission will be first considered.
- The coastal State shall, in accordance with article 5 of Annex II to the Convention, be invited to send its representatives to participate, without the right to vote, in the proceedings deemed relevant by the Commission pursuant to section VII of Annex III to these Rules.

## Amendments to Annex III, section VII

- After the subcommission presents its recommendations to the Commission, and before the Commission considers and adopts the recommendations, **the coastal State may give a presentation on any matter related to its submission to the plenary of the Commission**, if it so chooses. For that presentation, the coastal State may be allowed up to half a day. **The coastal State and the Commission shall not engage in discussion on the submission or its recommendations at that meeting.** After the presentation made by the coastal State, the Commission shall proceed to consider the recommendations in private.



# Measures to increase the efficiency of the work of the Commission

## CLCS 18<sup>th</sup> Session (2006)

1. **The full content of the submission** of any State is in principle **available** at any time for examination **by all members of the Commission**. Practical ways to view the material should be agreed with the secretariat.
2. **The written records of the internal proceedings of a subcommission are not confidential** vis-à-vis the other Commission members.

3. The written communications between a subcommission and the coastal State shall be copied to all members of the Commission.
4. All members of the Commission may freely discuss between them any matters related to any submission, notwithstanding the fact that it is the prerogative and responsibility of the subcommission, through private deliberations, to carry out the examination of a submission on behalf of the Commission and to prepare the final recommendations for consideration by the Commission.
5. The meetings of the subcommission shall take place in private in accordance with paragraph 4.2 of annex II of the rules of procedure. No records of the oral deliberations in the subcommission meetings may be disclosed to anyone outside the subcommission.

# Number of active subcommissions CLCS 18<sup>th</sup> Session (2006)

Considering the difficulties experienced in handling five submissions simultaneously, the Commission adopted by consensus the following decision:

1. **Only three subcommissions shall function simultaneously while** considering submissions.
2. The submissions shall be **queued** in the order they are received.
3. The submission next in line shall be taken for consideration only after one of the three working subcommissions presents its recommendations to the Commission.

# Summary

1. Submission of a coastal state made.
2. The coastal state's presentation at a plenary CLCS session.
3. Subcommittee is established (submission may be in a cue if three subcommittees are already active).
4. Frequent meetings/communications between the coastal state and subcommittees.

## Summary (contd.)

5. Subcommission submits the draft recommendation to the Commission.
6. The coastal state make final presentation at the plenary session of the Commission.
7. The Commission adopt the recommendation.
8. The recommendation is submitted to the Secretary-General of the United Nations.

**END END END**