



**UNITED NATIONS  
OFFICE OF LEGAL AFFAIRS**

**Thirty-third session of the  
Commission on the Limits of the Continental Shelf**

**Statement**

by

**Mr. Miguel de Serpa Soares**  
Under-Secretary-General for Legal Affairs  
The United Nations Legal Counsel

12 November 2013, 2.45pm  
UNHQ, DOALOS Conference Room

Chairman,  
Distinguished Members of the Commission,

I would like to start by expressing my gratitude to you for having accommodated my request to hold this informal introductory meeting.

After I started my tenure as the Legal Counsel of the United Nations in September, I wanted to seize this opportunity to introduce myself and to meet you. I am pleased to be able to do so in a less formal setting than it would have been on the occasion of the official opening of a plenary.

As some of you may know, before joining the United Nations I worked for the Government of Portugal holding various positions, including those of Legal Advisor to the Permanent Representative of Portugal to the European Union and subsequently Director General of the Department of Legal Affairs of the Ministry of Foreign Affairs of Portugal.

In particular, in this last capacity I followed with great interest your work and, therefore, I am well aware of the central role played by the Commission in the delineation of the outer limits of the continental shelf beyond 200 nautical miles, examining submissions made by coastal States and making recommendations in their respect.



## UNITED NATIONS OFFICE OF LEGAL AFFAIRS

The significance of this complex and time-consuming task cannot be overestimated.

By envisaging a Commission of experts in the fields of geology, geophysics or hydrography, the drafters of the United Nations Convention on the Law of the Sea revolutionized the process of delineation of outer limits of a maritime zone. For the first time, this process is now overseen by a body of independent experts.

The implications of this paradigm-shift are manifold. In particular, I would like to recall two.

First, the fact that the Commission contributes, on behalf of the international community, to the effective implementation by coastal States of the complex provisions contained in Article 76 of the Convention. This is of particular relevance in view of the fact that the outer limits of the continental shelf not only mark the end of areas under national jurisdiction but also the beginning of the International Seabed Area, which represents the “Common Heritage of Mankind”.

Second, the fact that the Convention recognized the important role that science can play in international diplomacy. Incorporating the postulates of geology, geophysics and hydrography in the provisions of the Convention, the drafters acknowledged that science can shape the diplomatic discourse and facilitate the achievement of negotiated solutions.

Certainly, the application of the complex technical and scientific criteria of Article 76 can give rise to equally complex issues. But by employing technical and scientific language, the drafters of the Convention achieved what might be their single most important contribution to the maintenance of friendly relations among coastal States: now States have to look at their maritime space aspirations through the lens of science.

The importance of your role is further confirmed by the high number of submissions received so far – namely 67 following the receipt, on 30 August of this year, of the submission by the Federated States of Micronesia with respect to the Eauripik Rise.



## UNITED NATIONS OFFICE OF LEGAL AFFAIRS

The number of recommendations that have already been made by the Commission in respect of 18 submissions represents a significant achievement and indicates the great progress made by the Commission in fulfilling its mandate.

Since the establishment of the Commission in 1997, the workload of the Commission has grown considerably. You are now meeting for 21 weeks each year, evaluating submissions in nine different Subcommissions.

The sheer magnitude of the task faced by the Commission is well beyond what was originally anticipated by the Convention. Dealing with this workload is a monumental undertaking, something that can only be achieved due to your commitment, dedication and expertise.

This explains why the issue of the conditions of service of the members of the Commission is so important, in order for the Commission to be able to continue its work in an effective and efficient manner.

I acknowledge the needs expressed by the Commission with regard to the conditions of service, and that, in this connection, the Meeting of States Parties to the Convention established an Open-ended Working Group on the Conditions of Service of the Members of the Commission on the Limits of the Continental Shelf.

A survey on the conditions of service of CLCS members, including with regard to medical and dental insurance coverage, was recently prepared and presented to the Working Group.

I believe that this is a step in the right direction towards addressing the issues you have raised. Maintaining an engaged working relationship with the Working Group will be important.

In the meantime, I would like to recall the importance of the participation of all members in the work of the Commission and its subsidiary bodies.



## UNITED NATIONS OFFICE OF LEGAL AFFAIRS

I understand that you have addressed the issue of extended absences from the Commission during the plenary this year with a view to improving attendance of members.

I emphasize that your attendance at every session of the Commission is critical in order for the Commission to function effectively and to deliver recommendations as efficiently as possible, while maintaining a high level of quality and expertise.

I would also like to reiterate the duty of States under article 2, paragraph 5, of Annex II to the Convention to defray the costs of participation of members while in the performance of Commission duties.

For developing States, assistance is available from the voluntary Trust Fund to facilitate the participation of members from developing States in the Commission.

Therefore, it should not be a financial burden for individual members to attend sessions of the Commission.

On our side, we will continue to do our utmost to ensure that the Trust Fund is available to cover the costs incurred by members from developing States so that they can participate in all meetings of the Commission.

I also hope that members from States that cannot request assistance from the Trust Fund will always receive the necessary financial support by their nominating States. In this regard, I believe that it is very important that the Commission closely tracks the attendance of members and, through its Chair, brings this matter to the attention of the Meeting of States Parties, whenever necessary.

In conclusion, let me note that the Secretary-General and I highly appreciate your dedication to the work of the Commission. I would like to express our best wishes for your continued success.

I take this time to renew the commitment of the Office of Legal Affairs, through DOALOS, to assist the Commission in its endeavors and in upholding the United Nations Convention on the Law of the Sea.



**UNITED NATIONS  
OFFICE OF LEGAL AFFAIRS**

In this regard, I am pleased to inform you that I recently have approved the selection of a fourth GIS officer. I understand that the GIS officer is now being recruited and will report for duty soon.

I look forward to working with you in the coming years and wish you a successful continuation of the thirty-third session.

Thank you very much for your kind attention.