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Agenda items 134 and 79 (a)

Proposed programme budget for the biennium 2016-2017

Oceans and the law of the sea

Oceans and the law of the sea

Programme budget implications of draft resolution [A/70/L.22](#)

Thirty-ninth report of the Advisory Committee on Administrative and Budgetary Questions on the proposed programme budget for the biennium 2016-2017

1. The Advisory Committee on Administrative and Budgetary Questions has considered an advance version of the statement submitted by the Secretary-General ([A/C.5/70/17](#)), in accordance with rule 153 of the rules of procedure of the General Assembly, on the programme budget implications of draft resolution [A/70/L.22](#) on oceans and the law of the sea. During its consideration of the statement, the Committee met with representatives of the Secretary-General, who provided additional information and clarification, received on 10 December 2015.

2. In paragraph 1 of his statement, the Secretary-General provides a list of actions to be undertaken under the terms of paragraphs 84, 93, 273, 281-283, 285-287 and 322 of draft resolution [A/70/L.22](#). The Advisory Committee notes that under the terms of paragraphs 93 and 322 of the draft resolution, the General Assembly would request the Secretary-General to: (a) provide cost-effective, transportable, non-structural improvements to address some of the immediate working space needs of the Commission on the Limits of the Continental Shelf; and (b) make proposals in the context of the 2016-2017 budget in order to strengthen the capacity of the Division for Ocean Affairs and the Law of the Sea of the Office of Legal Affairs, including through the redeployment of existing resources, and to ensure that it can carry out the functions outlined in resolution 69/292 and as the secretariat of the Regular Process for Global Reporting and Assessment of the State of the Marine Environment, including Socioeconomic Aspects, in an efficient manner.

* Reissued for technical reasons on 14 December 2015.



3. In paragraph 2 of his statement, the Secretary-General indicates that the requested activities referred to in the draft resolution relate to programme 6, Legal affairs, and programme 25, Management and support services, of the biennial programme plan and priorities for the period 2016-2017, and section 8, Legal affairs, and section 29D, Office of Central Support Services, of the proposed programme budget for the biennium 2016-2017.

4. In paragraphs 3 to 19 of his statement, the Secretary-General provides information related to the activities through which the requests under the draft resolution would be implemented. The estimated resource requirements for the biennium 2016-2017 would amount to a total of \$968,900, including \$678,900 under section 8, Legal affairs, and \$290,000 under section 29D, Office of Central Support Services, as follows (see [A/C.5/70/17](#), paras. 7 and 20-22 and the table under para. 22):

(a) To strengthen the capacity of the Division (a total of \$825,900), consisting of:

(i) An amount of \$678,900 for one P-4 post (\$365,300), one P-3 post (\$302,000), and related operational costs (\$11,600);

(ii) An amount of \$147,000 under section 29D, Office of Central Support Services, for the rental of premises for the two posts (\$63,600) and a one-time cost for alterations to premises (\$62,800) and for office furniture (\$20,600);

(b) To address the immediate working space needs of the Commission (\$143,000 under section 29D), comprising provisions for computer desks and chairs for 26 Commission members (\$50,000); conference-room tables for large meetings at which maps are consulted (\$20,000); standard television screens on portable stands for presentations (\$20,000); stacked lockers to house the personal effects of the 26 Commission members (\$10,000); furnishings for a dry pantry and lounge area for the staff of the Commission and the Division (\$8,000); minor wall modification for the dry pantry (\$10,000); and minor upgrades to carpeting in conference rooms (\$25,000).

Procedural issues related to the request for the resource requirements

5. With regard to the new P-3 post requested to respond to the increased number of requests to the Division for additional outputs and the servicing of meetings, as outlined in resolution 69/292, the Advisory Committee recalls that it recently considered (see [A/70/7/Add.25](#)) the report of the Secretary-General on the revised estimates resulting from the decisions contained in General Assembly resolution 69/292 ([A/70/543](#)). However, the Secretary-General did not make any reference to these additional resource requirements in his report (see [A/70/7/Add.25](#)). **The Committee stresses that the Secretary-General should have informed the General Assembly of the additional resource requirements in his report on the revised estimates resulting from the decisions contained in General Assembly resolution 69/292.**

6. With respect to improvements to address some of the Commission's immediate working space needs, the Advisory Committee was informed, upon enquiry, that the Commission is currently accommodated in the DC-2 building, and that the proposed improved working space is to address a request made in 2012 by the States parties to the United Nations Convention on the Law of the Sea and by Member States for

the speedier processing of submissions to the Commission, and subsequently the extension of the length of the sessions of the Commission from 21 to 26 weeks. The Commission had decided to accommodate this request. **Given the nature of the additional resources requested for the improvement of the working space and facilities of the Commission under section 29D, Office of Central Support Services, the Committee is of the view that such resource requirements should have been requested in the context of the proposed programme budget rather than through a General Assembly resolution which has financial implications and represents a charge against the contingency fund. The Committee is of the view that the established procedures related to requests for resource requirements do not appear to have been followed.**

Resource requirements and recommendations

7. In paragraph 23 of his statement, the Secretary-General indicates that no provision has been made under the proposed programme budget for the biennium 2016-2017 for upgrading the working space of the Commission and strengthening the capacity of the Division. As it is not possible to identify activities within the section of the proposed programme budget for the biennium 2016-2017 that could be terminated, deferred, curtailed or modified during the biennium at the current stage, it is necessary that additional resources be provided through an additional appropriation for the biennium 2016-2017.

8. Upon request, the Advisory Committee received information related to the functions of the proposed two posts for the Division (see annex). **The Committee recommends that the General Assembly approve the establishment of the two posts (1 P-4 Programme Officer and 1 P-3 Legal Officer), under section 8, Legal affairs, of the proposed programme budget for the biennium 2016-2017. Furthermore, the Committee reiterates its recommendation that the Assembly apply the vacancy rate of 50 per cent for new Professional posts in the budget for the biennium 2016-2017, given the persistently long recruitment timelines connected to the filling of newly established posts (A/70/7, para. 57). The related staff cost estimates for the two new posts should be reduced accordingly for the biennium 2016-2017.**

9. With respect to the requested provision of \$143,000 for the improvements to the working conditions of the Commission under section 29D, Office of Central Support Services, the Advisory Committee notes that while the Commission has 21 members, certain resources are requested for “26 members” (the Committee was informed verbally that some of the requirements would be for staff members) (see para. 4 (b) above and [A/C.5/70/17](#), para. 4). **The Committee understands the special technical needs of the Commission that may result in specific requirements. At the same time, the Committee is of the view that the requirements listed in paragraph 4 (b) should be prioritized in order to better serve the needs of the members of the Commission. Furthermore, taking into account that provisions for minor alteration and improvements have been provided for section 29D, Office of Central Support Services, in the proposed programme budget for the biennium 2016-2017, the Committee recommends that the General Assembly request the Secretary-General to absorb the additional requirements requested under section 29D of the programme budget for the biennium 2016-2017.**

10. Subject to its comments and recommendations in paragraphs 8 and 9 above, the Advisory Committee recommends that the Fifth Committee inform the General Assembly that, should it adopt draft resolution [A/70/L.22](#), additional resource requirements in the amount of \$378,400 would be required under section 8, Legal affairs, \$147,000 under section 29D, Office of Central Support Services, and \$38,400 under section 36, Staff assessment, to be offset by the same amount under income section 1, Income from staff assessment, of the proposed programme budget for the biennium 2016-2017. The amount of \$525,400 would require an additional appropriation for 2016-2017 to be approved by the Assembly and, as such, would represent a charge against the contingency fund.

Annex

Functions of the proposed posts for the Division for Ocean Affairs and the Law of the Sea of the Office of Legal Affairs

Programme Officer (P-4)

1. The Programme Officer would be instrumental for leading the efficient and effective secretariat services provided by the Division to the Regular Process for Global Reporting and Assessment of the State of the Marine Environment, including Socioeconomic Aspects (Regular Process), including its established institutions, as mandated by the General Assembly in paragraph 210 of its resolution 65/37 A. In that context, the Programme Officer would be expected primarily to perform the following substantive functions:

- (a) Coordinate the secretariat services provided to the bodies of the Regular Process;
- (b) Organize, plan and support the meetings of the Regular Process, including by providing administrative support to the Ad Hoc Working Group of the Whole of the General Assembly and its Bureau, the Group of Experts and the pool of experts;
- (c) Serve as lead officer, including by reviewing and advising on the preparation of substantive documents and reports;
- (d) Provide guidance and support to the Ad Hoc Working Group of the Whole and its Bureau, including the Co-Chairs, the Group of Experts and the pool of experts in undertaking their respective functions, including facilitating communication between them;
- (e) Provide guidance and support to the Member States and observers participating in the Regular Process;
- (f) Prepare the meetings of the Bureau, including by providing draft texts on lessons learned and “the way forward”, in close consultation with the members of the Group of Experts;
- (g) Prepare the substantive documentation in advance of the informal meetings of the Ad Hoc Working Group of the Whole to enable the Bureau to inform the seventh meeting of the Working Group;
- (h) Establish collaboration and partnerships with key officials at all levels inside and outside the Organization. Direct research and programme evaluation and present information gathered from diverse sources;
- (i) Represent the Regular Process at intergovernmental processes, with a view of fostering coordination and coherence with similar initiatives, bearing in mind the specific mandate and programme of the Regular Process;
- (j) Guide the dissemination of public information and assist in outreach activities and in the production of relevant communication materials on the Regular Process;
- (k) Provide briefings on the Regular Process, including the first global integrated marine assessment;

- (l) Provide legal advice on diverse substantive and procedural questions of considerable complexity;
- (m) Contribute to the development and delivery of marine scientific research training courses and other workshops, including for the collection of information on capacity gaps and needs for the Regular Process;
- (n) Coordinate the preparation for publication (at no cost to the Organization) of the first global integrated marine assessment and other assessments prepared under the Regular Process and contribute to the review of its content from a legal and other points of view;
- (o) Provide guidance relating to the voluntary trust fund for the Regular Process;
- (p) Organize technical support for the implementation of the work programme of the Regular Process;
- (q) Organize and assist in the provision of substantive support, including in the preparation of assessments;
- (r) Lead and participate in the preparation of inventories of ongoing recent assessments and other processes at the regional and global level relevant to the Regular Process;
- (s) Lead and participate in the preparation of inventories of capacity-building programmes for assessments;
- (t) Liaise with United Nations agencies, programmes and bodies supporting the Regular Process;
- (u) Lead and participate in the preparation of reports for presentation to the General Assembly, and other intergovernmental bodies;
- (v) Coordinate activities related to budget and funding (programme/project preparation and submissions, progress reports, financial statements, etc.) and ensure preparation of related documents/reports (pledging, work programme, programme budget, etc.) for the second cycle of the Regular Process.

Legal Officer (P-3)

2. The Legal Officer will provide assistance to the preparatory committee established by the General Assembly in its resolution 69/292 to make substantive recommendations to the General Assembly on the elements of a draft text of an international legally binding instrument under the United Nations Convention on the Law of the Sea on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction. In that context, the Legal Officer will be expected to perform the following functions:

- (a) Provide assistance to the Chair and the Bureau of the preparatory committee in the preparation of pre-session documentation, including the agenda/annotated agenda, the programme of work and the format of meetings;
- (b) Provide guidance and support to the Member States and observers participating in the preparatory committee;

- (c) Prepare or assist in the preparation of legal advice on diverse substantive and procedural questions of considerable complexity;
- (d) Prepare working documents, including background papers and studies, as required, on the topics included in the package of issues to be addressed by the preparatory committee, taking into account the reports of the former Ad hoc Open-ended Informal Working Group to study issues relating to the conservation and sustainable use of marine biological diversity beyond areas of national jurisdiction and the compilation of views by Member States on the scope, parameters and feasibility of an international instrument;
- (e) Assist in the preparation of summaries of discussion of meetings and the final report;
- (f) Service meetings of established subsidiary bodies;
- (g) Assist in the organization and planning of required informal intersessional meetings;
- (h) Monitor the work of relevant competent intergovernmental organizations, the specialized agencies and the funds and programmes;
- (i) Research and analyse documents of the Third United Nations Conference on the Law of the Sea and documents of relevant competent intergovernmental organizations, the specialized agencies and the funds and programmes, as well as relevant academic articles;
- (j) Contribute to and assist in the coordination of any outputs to be issued during the meetings of the preparatory committee;
- (k) Contribute to and assist in the development of elements of a draft text of an international legally binding instrument on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction;
- (l) Contribute to and assist in the development of recommendations of the preparatory committee;
- (m) Participate in and contribute to meetings of relevant global, regional and sectoral bodies;
- (n) Organize or assist in the organization of relevant capacity-building activities;
- (o) Assist in the management of the established trust fund for the purpose of assisting developing countries, in particular the least developed countries, landlocked developing countries and small island developing States, in attending the meetings of the preparatory committee and the intergovernmental conference;
- (p) Provide guidance to more junior staff.
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