



General Assembly

Distr.: General
18 April 2019

Original: English

Seventy-fourth session

Items 137 and 138 of the preliminary list**

Proposed programme budget for 2020

Programme planning

Proposed programme budget for 2020

Part III

International justice and law

Section 8

Legal affairs

Programme 6

Legal affairs

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* Reissued for technical reasons on 7 June 2019.

** A/74/50.

*** In keeping with paragraph 11 of resolution 72/266 A, the part consisting of the programme plan and programme performance information is submitted through the Committee for Programme and Coordination for the consideration of the General Assembly.

**** In keeping with paragraph 11 of resolution 72/266 A, the part consisting of the post and non-post resource requirements is submitted through the Advisory Committee on Administrative and Budgetary Questions for the consideration of the General Assembly.



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I. Office of Legal Affairs



Foreword

The United Nations is a rules-based organization. Founded on a legal instrument, the Charter of the United Nations, all of the Organization's activities are based on the legal authority that that instrument provides. Day in, day out, all over the world, in peacekeeping missions and humanitarian activities, on human rights and sustainable development, in resolutions and decisions, legal considerations are an integral part of the Organization's operation.

Over the more than 70 years of its existence, the United Nations has provided not only a forum for collective action, but also a defined legal framework encompassing almost all aspects of international life in the development and consolidation of legal norms.

It is my mission to lead the Office of Legal Affairs, one of the oldest departments in the Secretariat and a fundamental player in this unique legal world. While being responsible for providing a unified central legal service for the Organization, our activities also encompass actions and mandates as diverse as those related to oceans and the law of the sea, international trade, peacekeeping and special political missions, international tribunals, sanctions, privileges and immunities, and many others that are reflected in the present document.

While undertaking these new challenges in a rapidly evolving international environment, we strive daily to deliver better on our traditional mandates, including the treaty functions conferred on the Secretariat in Article 102 of the Charter and the substantive servicing of the International Law Commission and the Sixth Committee of the General Assembly, among others.

We provide advice not only to departments, offices away from Headquarters, funds and programmes, but also during international conferences on a wide range of topics resulting in the further development of international rules. As we approach 2020, I will continue to make it my priority to promote and support the implementation of the 2030 Agenda for Sustainable Development.

Our team, proud of its geographic diversity representing a wide range of legal cultures and of its gender balance, continues to look confidently into the future while undertaking and recommitting to the mission entrusted by Member States more than seven decades ago as the legal experts of the Organization.

(Signed) Miguel de Serpa Soares
Under-Secretary-General for Legal Affairs
and United Nations Legal Counsel

Overall orientation

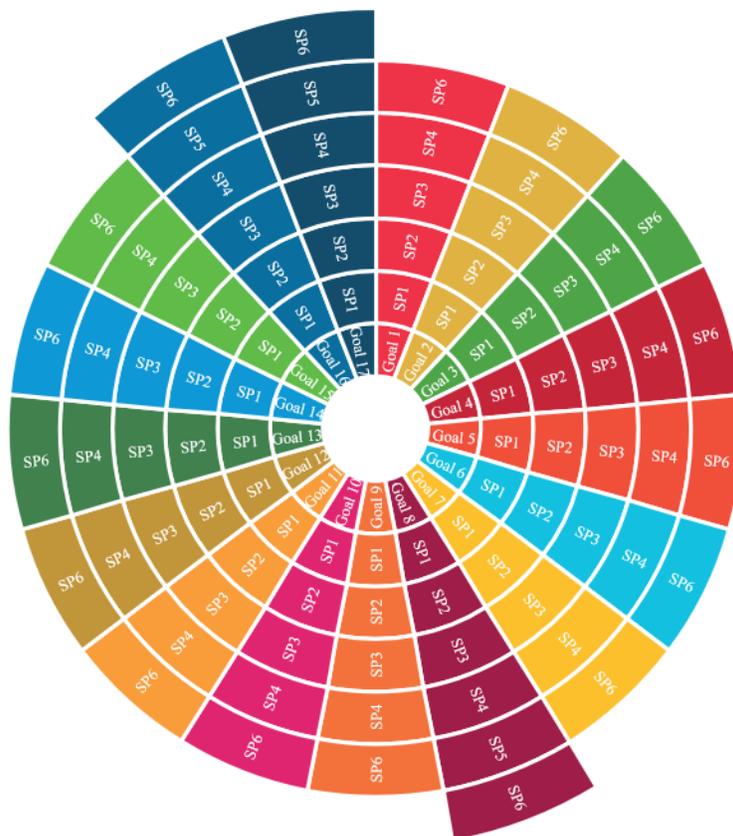
Mandates and background

- 8.1 The Office of Legal Affairs is responsible for providing a unified central legal service for the Organization; represents the Secretary-General in legal conferences and in judicial proceedings; performs substantive and secretariat functions for legal organs involved in public international law, including the Sixth Committee of the General Assembly and the International Law Commission and in the areas of the law of the sea and ocean affairs and international trade law; and performs the treaty functions conferred on the Secretariat in Article 102 of the Charter of the United Nations. The mandate of the Office derives from Article 13 of the Charter and the priorities established in relevant General Assembly resolutions, including resolution 13 (I) of 13 February 1946, as the central legal service for the Organization (including funds and programmes and treaty bodies institutionally linked to the United Nations).
- 8.2 The relevance of the services of the Office has grown in an increasingly interconnected world in which international law is the foundation for Member States to interact and cooperate in achieving their common goals.

Alignment with the Charter of the United Nations, the Sustainable Development Goals and other transformative agendas

- 8.3 The mandates of the Office of Legal Affairs guide the subprogrammes in producing their respective deliverables, which contribute to the attainment of each subprogramme's objective. The objectives of the subprogrammes are aligned with the Organization's purpose to maintain international peace and security, and to that end: to take effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace, and to bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace, as stipulated in Article 1 of the Charter of the United Nations. In the context of the 2030 Agenda for Sustainable Development, the purposes stipulated in Article 1 of the Charter are embodied by the Sustainable Development Goals. Figure 8.I summarizes the specific Sustainable Development Goals with which the objectives, and therefore the deliverables, of the respective subprogrammes are aligned.

Figure 8.1
Legal affairs: alignment of subprogrammes with Sustainable Development Goals



8.4 The objectives of the subprogrammes are also aligned with the declaration of the high-level meeting of the General Assembly on the rule of law at the national and international levels (Assembly resolution [67/1](#)); the SIDS Accelerated Modalities of Action (SAMOA) Pathway (Assembly resolution [69/15](#), annex); and the declaration entitled “Our ocean, our future: call for action” (Assembly resolution [71/312](#), annex). Similarly, the objectives are aligned with the mandates of the annual General Assembly resolutions on oceans and the law of the sea and on sustainable fisheries and those adopted by the Sixth Committee of the General Assembly. In addition, the objectives are aligned with the Addis Ababa Action Agenda of the Third International Conference on Financing for Development, Agenda 21 (Assembly resolution [73/227](#)), the Mauritius Declaration and the Mauritius Strategy for the Further Implementation of the Programme of Action for the Sustainable Development of Small Island Developing States, the Paris Agreement and the Vienna Declaration and Programme of Action for Landlocked Developing Countries for the Decade 2014–2024.

Recent developments

8.5 Recent developments in the Office of Legal Affairs include the following: the conclusion of a tripartite agreement for the provision of support to the regional force of the States members of the Group of Five for the Sahel; the negotiations mediated by the United Nations between Greece and the former Yugoslav Republic of Macedonia on the latter’s country name; the election of judges to the International Court of Justice and the International Residual Mechanism for Criminal Tribunals (IRMCT); the establishment of the investigative team to support domestic efforts to hold Islamic State in Iraq and the Levant (ISIL)/Da’esh accountable for potential war crimes, crimes against

humanity and genocide; and the negotiation and conclusion of the host country agreement on the Intergovernmental Conference to Adopt the Global Compact for Safe, Orderly and Regular Migration. Some of these developments will have an impact on the plan for 2020 of the Office.

- 8.6 During 2018, the Office was at the forefront of the Secretary-General's call for system-wide action to strengthen the Organization's efforts to prevent and respond to acts of sexual exploitation and abuse and sexual harassment. In particular, the Office played a significant role in the preparation of a new United Nations system model policy on sexual harassment, which was adopted by the United Nations System Chief Executives Board for Coordination in October 2018. To support the Secretary-General's new strategy to improve the Organization's response to sexual exploitation and abuse, the Office is also implementing a policy that strikes an appropriate balance between principles of confidentiality and the requirements of accountability when the Organization handles allegations of sexual exploitation and abuse.
- 8.7 Increased activity and requests for assistance and cooperation were noted in the modernization and harmonization of international commercial law and the development of sound commercial legal frameworks at the national level through the International Trade Law Division, which resulted in 31 treaty actions and national enactments based on texts of the United Nations Commission on International Trade Law (UNCITRAL).
- 8.8 For the first time in 40 years, in 2018, the General Assembly included the item entitled "Strengthening and promoting the international treaty framework" in the agenda of its seventy-third session to discuss a review of the regulations to give effect to Article 102 of the Charter of the United Nations. On 20 December 2018, the General Assembly adopted resolution [73/210](#), in which it partially amended the regulations and decided to continue the discussions with the Treaty Section of the Office on important remaining outstanding issues for its further consideration at its seventy-fifth session. The support to be provided to Member States in this matter constitutes a new and challenging mandate for the Treaty Section.
- 8.9 The process of reform of the Organization, particularly the reform of the development and management pillars, has also been a recent development, as the Office has been involved in supporting the establishment of the legal framework and in providing advice and assistance to ensure the application and implementation of the changes required for the implementation of the 2030 Agenda, as well as the new management paradigm for the Secretariat.

Strategy and external factors for 2020

- 8.10 The Office will continue to respond to the increasing demand for legal services from the Secretariat and United Nations organs and for capacity-building by Member States.
- 8.11 The Office endeavours to promote and strengthen respect for, and adherence to, international law and to further the development of international justice and accountability.
- 8.12 The Office contributes to the efforts to fight sexual exploitation and abuse, whether committed by United Nations personnel or by non-United Nations security forces operating under a United Nations mandate, and assumes a central role in the Organization's response to such allegations. To this end, the Office has taken a series of practical steps to ensure that the Organization cooperates promptly and effectively with national authorities investigating potential crimes of sexual exploitation and abuse and refers to national authorities, on an expeditious basis, credible allegations that such crimes may have been committed by United Nations or related personnel. The Office has also been at the centre of the system-wide actions to strengthen the Organization's response to claims of sexual harassment.
- 8.13 The Office will continue to implement the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law, on the assumption that Governments show readiness to host the training programmes and technical requirements are met. The Office will continue to provide substantive and technical assistance in the codification and

progressive development of international law to, inter alia, the International Law Commission and the Sixth Committee of the General Assembly, on the assumption that problems requiring legal regulation at the international level are universally recognized, favourable political conditions exist for their legal resolution and a political environment stimulating the participation of States in concluding international legal instruments continues to exist. In the medium term, it is anticipated that the demand for such assistance, provided by the Codification Division of the Office, will increase.

- 8.14 Activities under the Programme of Assistance include: (a) four training programmes in international law; (b) the United Nations Audiovisual Library of International Law; and (c) publications in international law. In 2018, the Office organized and conducted the following four-week training programmes in international law for young professionals: the United Nations Regional Course in International Law for Africa, in Addis Ababa; the United Nations Regional Course in International Law for Latin America and the Caribbean, in Santiago; and the United Nations Regional Course in International Law for Asia and the Pacific, in Bangkok. It also organized and conducted a six-week International Law Fellowship Programme in The Hague, Netherlands. A total of 104 participants (56 women and 48 men) attended the training programmes. During this period, the Office also maintained and continued to develop the Audiovisual Library, which provides high-quality training and research materials on international law to an unlimited number of recipients around the world entirely free of charge. In 2018, 63 new lectures were recorded for the Library. As at 31 December 2018, the Library had been accessed by over 1.8 million users in all 193 Member States since its establishment. Also in 2018, several publications in international law were issued.
- 8.15 The Office will continue its efforts to improve the accessibility of the Audiovisual Library's Lecture Series to reach more users in all countries. Previously, lectures were accessible in video format only, which requires a large bandwidth to be viewed and in turn can make such videos difficult to access in places without widespread and reliable access to high-speed Internet. Significant efforts were made to also make all lectures available as audio files, thus making the Lecture Series more accessible. In 2018, the podcasts were launched and all lectures are now accessible as audio files free of charge on the Library's website (http://legal.un.org/avl/intro/welcome_avl.html) and on various podcast streaming platforms. The audio files are accessible on mobile devices and can be streamed or downloaded.
- 8.16 There has been a substantial increase in the activities on oceans and the law of the sea, in particular in view of the growing number of requests for deliverables and relating to the servicing of meetings, the provision of technical assistance and capacity-building and the need for enhanced support and assistance to the Commission on the Limits of the Continental Shelf. The substantial increase in activities relating to oceans and the law of the sea was also due to the role of the Division for Ocean Affairs and the Law of the Sea in carrying out the functions as the secretariat of the Regular Process for Global Reporting and Assessment of the State of the Marine Environment, including Socioeconomic Aspects, in relation to the functions of the Legal Counsel as the focal point for UN-Oceans, which was confirmed by the General Assembly in its resolution 73/124, and in relation to support for the implementation by Member States of the oceans-related Sustainable Development Goals in the 2030 Agenda, as well as the Office's role in providing the intergovernmental conference on 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 with the necessary assistance for the performance of its work, including secretariat services and the provision of essential background information and relevant documents. The first session of the conference was convened from 4 to 17 September 2018, and the second and third sessions will be convened from 25 March to 5 April and from 19 to 30 August 2019, respectively. The fourth session will be held in the first half of 2020. An expansion of activities is foreseen regarding the support to be provided for the fourth session under subprogramme 4.
- 8.17 The Office will continue to undertake capacity-building activities in the area of oceans and the law of the sea, in particular through its fellowship and training programmes. During 2018, 27 fellows, 25 alumni and 75 delegates (a total of 65 females and 62 males) participated. The 2018 Thematic Fellowship was specifically focused on the implementation of the 2030 Agenda for Sustainable

Development through the United Nations Convention on the Law of the Sea and ocean governance frameworks.

- 8.18 The Office will continue to provide support to Member States and the coordinators of the informal consultations on draft General Assembly resolutions on oceans and the law of the sea and on sustainable fisheries, in addition to performing functions as the secretariat of the United Nations Convention on the Law of the Sea and of the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks.
- 8.19 The Office has identified the opportunities emanating from the increased number of requests for technical assistance in commercial law reform to promote existing UNCITRAL instruments, particularly to developing countries.
- 8.20 The Office will continue to promote capacity-building activities on the rule of law in commercial transactions. During 2018, those activities included briefing and consultation missions, the provision of advice on national legislation, seminars, training sessions, meetings of experts, colloquiums, conferences, participation in working groups and in plenaries of governing bodies of other organizations and teaching courses in commercial law reform. Particular attention has been given to the strategic importance of the proper maintenance of the UNCITRAL website in all six official languages.
- 8.21 The Office will continue to improve its capacity-building efforts in relation to treaty law, the depositary practice of the Secretary-General and the registration of treaties. These exercises have been tailored for government officials and representatives from permanent missions and international organizations, and two were successfully undertaken in 2018. The Office also provided information and legal advice concerning treaty law, depositary practice and the registration of treaties to States, intergovernmental organizations, United Nations offices and other treaty bodies, in particular in relation to subjects covered by final clauses of treaties and other matters of international law, such as treaty-making capacity and succession to treaties.
- 8.22 The Office will continue to discharge the mandate under Article 102 of the Charter and the regulations to give effect to Article 102. In 2018, the Office processed 2,627 treaties and subsequent treaty actions. The website of the Treaty Section is frequently consulted, averaging 255,775 monthly page views.
- 8.23 The Office continues to protect the legal interests of the United Nations by providing central legal support to all departments, offices away from Headquarters, the separately funded and administered funds and programmes and other subsidiary bodies in their efforts to promote the Sustainable Development Goals. In particular, the Office supports Member States in their implementation of the Goals by providing legal advice on the rules of procedure and other procedural questions to United Nations entities servicing related meetings and United Nations conferences, and by ensuring that appropriate legal arrangements are in place to strengthen the means of implementation and to revitalize the Global Partnership for Sustainable Development.
- 8.24 The Office develops a strategic relationship with States and international organizations, which increasingly rely on it to obtain information and legal advice and assistance, often on an urgent basis.
- 8.25 With regard to the external factors, the overall plan for 2020 is based on the following planning assumptions:
- (a) Member States will request legal and technical assistance before concluding multilateral treaties to be deposited with the Secretary-General, in particular with respect to final clauses of treaties, which will avoid complex legal issues of interpretation and application, and will submit treaty actions in proper form guided by the provisions of the treaty in question and the legal advice provided;
 - (b) Undisrupted support by the vendors of technology platforms normally utilized by the Office will continue to allow the Office to work productively;

- (c) Member States will be supportive of the Organization and recognize its status, and its privileges and immunities, through their legal systems; organizational units will seek timely legal advice, provide sufficient information for analysis and be guided by advice rendered.
- 8.26 The Office integrates a gender perspective in its operational activities, deliverables and results, as appropriate. For example, for subprogramme 3, 54 per cent of the fellowships to participate in the training programmes on international law were awarded to female candidates. Furthermore, in 2018, 46 per cent of the lectures recorded at the United Nations Audiovisual Library of International Law were delivered by women compared with 34 per cent in 2017, decreasing the gender gap among lecturers at the Library. Finally, a gender-specific lecture was launched on the Library in observance of International Women's Day. For subprogramme 5, the International Trade Law Division has raised relevant diversity issues in commercial law reform, with the result that UNCITRAL Working Group III is assessing arbitrator diversity in the context of investor-State dispute settlement processes, and the UNCITRAL *Legislative Guide on Key Principles of a Business Registry*, adopted in 2018, includes a policy on non-discrimination and the express equal right of women to access registry services. The Division has also ensured the use of gender-inclusive language in report-writing and gender balance among speakers and participants in meetings it organizes or co-organizes. For subprogramme 6, the delivery of capacity-building activities is inclusive in terms of gender perspectives with respect to the presenters and the monitoring of participation.
- 8.27 With regard to cooperation with other entities, the following examples can be highlighted:
- (a) UNCITRAL: partnerships undertaken to develop activities directly related to the promotion of the rule of law in commercial transactions through the adoption and use of UNCITRAL texts include those with the Asia-Pacific Economic Cooperation forum, the European Bank for Reconstruction and Development, the Organization for the Harmonization of Business Law in Africa, the International Organization of la Francophonie and the World Bank Group;
- (b) The Office continues to receive support from the Nippon Foundation under a project agreement to provide capacity-building opportunities to developing countries called the United Nations-Nippon Foundation Fellowship Programme. The Fellowship Programme has been recognized by the General Assembly as making an important contribution to human resources development for developing States in the field of ocean affairs and the law of the sea and related disciplines. In June 2017, cooperation with the Nippon Foundation was extended under the new United Nations-Nippon Foundation Sustainable Ocean Programme. The subsequent launch of supplementary fellowships and training activities provided thematic capacity-building to mid-level ocean professionals and critical capacity assistance to government officials from developing States. The alumni of the programmes are members of an alumni network, also supported by the Nippon Foundation and subprogramme 4.
- 8.28 The Codification Division cooperates with The Hague Academy of International Law with respect to the International Law Fellowship Programme, and with the African Union with respect to the Regional Course in International Law for Africa. Furthermore, the Division facilitates cooperation meetings between the International Law Commission and the African Union Commission on International Law, the Asian-African Legal Consultative Organization, the Inter-American Juridical Committee and the Ad Hoc Committee of Legal Advisers on Public International Law.
- 8.29 With regard to inter-agency coordination and liaison, the Office provides a central legal service to offices away from Headquarters and funds and programmes. In addition, the Office manages three informal networks: (a) the network of the legal advisers of the specialized agencies and other organizations of the United Nations system; (b) the network of the legal advisers of the United Nations offices, funds and programmes; and (c) the network of the field legal officers in peacekeeping and special political missions.

Evaluation activities

- 8.30 The following evaluations and self-evaluations completed in 2018 have guided the programme plan for 2020:
- (a) A self-evaluation entitled “Assessment of the coherence and relevance of coordination between the United Nations, its agencies and other multilateral bodies in ocean affairs and the law of the sea: UN-Oceans”;
 - (b) A self-evaluation by the Office entitled “Records and information management (Office of Legal Affairs)”, which was carried out in September and October 2018.
- 8.31 The findings of the self-evaluations referenced in paragraph 8.30 above have been taken into account for the programme plan for 2020 of the relevant subprogrammes, such as an improvement in the management of the information workflow between the front office and the different subprogrammes.

A. Proposed programme plan for 2020 and programme performance for 2018

Programme of work



Subprogramme 1

Provision of legal services to the United Nations system as a whole

1. Objective

8.32 The objective, to which this subprogramme contributes, is to ensure respect for, and adherence to, public international law and the development of international justice and accountability.

2. Alignment with the Sustainable Development Goals

8.33 Given its enabling nature, the objective is aligned with all of the Sustainable Development Goals.

3. Highlighted result in 2018

Establishment of the investigative team to support domestic efforts to hold Islamic State in Iraq and the Levant (Da'esh) accountable for potential war crimes, crimes against humanity and genocide

In 2018, following the adoption by the Security Council of resolution 2379 (2017), the subprogramme, in consultation with the Department of Political Affairs, prepared the instruments necessary for the establishment and full functioning of an investigative team in Iraq. The subprogramme negotiated with the Government of Iraq the terms of reference of the investigative team, which outlines key questions related, among other things, to the mandate and structure of the investigative team, as well as its standards and procedural requirements. The terms of reference were approved by the Security Council. The investigative team will support domestic efforts to hold Islamic State in Iraq and the Levant (ISIL) accountable by collecting, preserving and storing evidence in Iraq of acts that may amount to war crimes, crimes against humanity or genocide committed by ISIL in Iraq. The subprogramme also provided advice to the Department of Political Affairs regarding the establishment of a trust fund, as requested by the Security Council in resolution 2379 (2017), to receive voluntary contributions from Member States. The investigative team is one of the first international accountability mechanisms of its kind.



Members of the investigative team conducting an initial assessment of a mass grave site in Sinjar, Iraq. Source: United Nations Assistance Mission for Iraq Public Information Office on behalf of the investigative team

Result and evidence

The deliverable contributed to the result, which is the establishment of a mechanism to ensure accountability for the atrocities committed by ISIL. Evidence of the result includes the appointment of a Special Adviser to head the investigative team and the subsequent deployment of the Special Adviser to Iraq in November 2018.

The result demonstrates progress made in 2018 towards the collective attainment of the objective.

- 8.34 A planned result for 2018, which is effective functioning of the principal and subsidiary organs of the United Nations in accordance with international law, including the United Nations legal regime, and supporting international justice mechanisms, as mandated, as referred to in the proposed programme budget for the biennium 2018–2019, was achieved, as evidenced by 100 per cent of legal instruments finalized in respect of the activities of the United Nations, as well as by the advice provided on questions relating to the interpretation and application of the Charter of the United Nations, legal agreements, United Nations resolutions and general questions of public international law to ensure uniform and consistent practice of the law. The legal instruments in relation to the operations and activities of the United Nations included host country office and conference agreements, pieces of advice given to the principal and subsidiary organs of the United Nations relating to the interpretation and application of the Charter, legal agreements, United Nations resolutions and general questions of public international law to ensure uniform and consistent application of the law, and the advice and support provided to the international and United Nations-assisted criminal tribunals as well as to the non-judicial accountability mechanisms established by the United Nations.

4. Highlighted planned result for 2020

Creating the authorizing environment for the reinvigorated resident coordinator system

In 2018, the General Assembly adopted resolution [72/279](#) on the repositioning of the United Nations development system in the context of the quadrennial comprehensive policy review of operational activities for development of the United Nations system. Pursuant to the resolution, the functions of the resident coordinator are to be separated from those of the resident representative of the United Nations Development Programme (UNDP) as of 1 January 2019.

Challenge and response

The challenge is that as a result of this separation, the resident coordinators will no longer operate under the legal framework of UNDP in Member States.

In response, for 2020, the subprogramme will, as a result, be providing direct legal support to all resident coordinators and their offices with respect to privileges and immunities, including the negotiation and interpretation of agreements regarding their status in the country concerned. This is in addition to the legal advice that the Office will continue to provide to the resident representatives on issues relating to privileges and immunities, in consultation with the UNDP Legal Support Office. The subprogramme, in conjunction with subprogramme 2, also plans to complete its consultations with the Governments of the 149 Member States in which there is a resident coordinator to conclude the necessary legal framework for the resident coordinator to establish an office in each of those Member States.

Result and evidence

The planned deliverable is expected to contribute to the result, which is the adoption of the requisite legal framework, including the necessary privileges and immunities, which will allow the resident coordinators to undertake their functions in the territory of the Member States.

Evidence of the result, if achieved, will include the 149 agreements signed between the United Nations and Member States in relation to the offices of the resident coordinators, as shown in the table below.

The result, if achieved, will demonstrate progress made in 2020 towards the collective attainment of the objective.

Performance measures

2018	2019	2020
Absence of host country agreements for reinvigorated resident coordinator system	Negotiation and conclusion of host country agreements	149 host country agreements signed, providing the legal framework necessary for the resident coordinators and their offices to perform their functions and to ensure their privileges and immunities

8.35 The subprogramme will continue to be guided by all mandates entrusted to it, which provide the legislative framework for its deliverables.

5. Deliverables for the period 2018–2020

8.36 Table 8.1 lists all deliverables, by category and subcategory, for the period 2018–2020 that contributed and are expected to contribute to the attainment of the objective stated above.

Table 8.1

Subprogramme 1: deliverables for the period 2018–2020, by category and subcategory

	2018 planned	2018 actual	2019 planned	2020 planned
Quantified deliverables				
A. Facilitation of the intergovernmental process and expert bodies				
Parliamentary documentation (number of documents)	9	22	7	11
Substantive services for meetings (number of three-hour meetings)	83	114	83	83
B. Generation and transfer of knowledge				
Field and technical cooperation projects (number of projects)	1	1	1	1
Seminars, workshops and training events (number of days)	24	37	20	20
Publications (number of publications)	1	2	2	–
Non-quantified deliverables				
C. Substantive deliverables				
Consultation, advice and advocacy				
D. Communication deliverables				
Outreach programmes, special events and information materials				
E. Enabling deliverables				
Legal services				
Legal advice				

6. Most significant relative variances in deliverables

Variances between the actual and planned figures in 2018

8.37 The variance in parliamentary documentation was driven mainly by changes in the number of reports and notes submitted to the General Assembly, reports concerning the election of judges to the International Court of Justice and letters addressed to the President of the Security Council. In 2018,

the Office of Legal Affairs submitted requests to the General Assembly for subventions to the Extraordinary Chambers in the Courts of Cambodia and to the Residual Special Court for Sierra Leone, which were not planned activities. In addition, there was an ad hoc election of a judge to the International Court of Justice and an election to replace two judges on the roster of judges for IRMCT, which were not foreseen.

- 8.38 The variance in substantive services for meetings was driven mainly by changes in the number of meetings of the General Assembly and its committees, as well as in the number of meetings of United Nations conferences and treaty bodies. In 2018, with respect to meetings of the Assembly and its committees, the variance was due to certain unforeseen meetings and meetings which continued beyond their scheduled time owing to the number of speakers. With respect to United Nations conferences and meetings of United Nations treaty bodies, the Office of Legal Affairs provided additional substantive support that was not anticipated for the intergovernmental conference to elaborate the 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 (see Assembly resolution [72/249](#)), the twenty-fourth session of the Conference of the Parties to the United Nations Framework Convention on Climate Change, held in Katowice, Poland, and the third United Nations Conference to Review Progress Made in the Implementation of the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects and the meetings of its preparatory committee.
- 8.39 The variance in seminars, workshops and training events was driven mainly by an increase in the number of seminars on international criminal justice, training events on United Nations rules of procedure and training events on peacekeeping matters. These increases cannot be predicted, as requests for seminars, workshops and training events are received throughout the year.

Variances between the planned figures for 2020 and 2019

- 8.40 The variance in parliamentary documentation is driven mainly by an increase in the number of reports concerning the election of judges to the International Court of Justice, owing to the fact that in 2019, there will not be any elections of judges to the Court or reappointments of judges to IRMCT, but both will occur in 2020.
- 8.41 The variance in publications is driven by a decrease in the number of publications on international law, owing to the fact that the Office of Legal Affairs has already received two requests for publications for 2019 but has not yet received any such requests for 2020.



Subprogramme 2

General legal services provided to United Nations organs and programmes

1. Objective

8.42 The objective, to which this subprogramme contributes, is to maximize the protection of the Organization's legal interests.

2. Alignment with the Sustainable Development Goals

8.43 Given its enabling nature, the objective is aligned with all of the Sustainable Development Goals.

3. Highlighted result in 2018

Potential financial liability of approximately \$75 million halted

The subprogramme represents the Secretary-General before the United Nations Appeals Tribunal in cases involving the Secretariat and offers legal services to the offices representing the Secretary-General before the United Nations Dispute Tribunal, including through the coordination of legal strategies and the formulation of consistent legal arguments. In 2018, the subprogramme represented the Secretary-General in various cases in which it sought to ensure that actions taken by the Secretary-General to comply with decisions of the General Assembly cannot be subject to challenge in the system for the administration of justice in the United Nations.

In the past year, staff members have filed cases in the United Nations Dispute Tribunal and the United Nations Appeals Tribunal challenging the payment of salaries according to the unified salary scale, changes to the post adjustment multiplier in Geneva, the eligibility criteria for after-service health insurance and deductions of contributions to the United Nations Joint Staff Pension Fund. In all of these cases, the subprogramme formulated legal arguments to maintain that where the General Assembly or the International Civil Service Commission had decided on the terms and conditions of service for staff members, the Secretary-General cannot be held liable for correctly executing such decisions.

Result and evidence

The deliverables contributed to the result, which is, in connection with the unified salary scale cases, that the Organization was not compelled to make payments of salaries and entitlements in a manner that would violate the decisions of the General Assembly. Had the Secretary-General not prevailed, the Organization would have incurred a financial liability of approximately \$75 million in additional salary payments. Evidence of the result includes the ruling by the United Nations Appeals Tribunal, in a challenge to the unified salary scale brought by staff in Geneva, that the Secretary-General cannot be held liable for correctly executing decisions of the General Assembly on the salary to be paid to staff. Cases challenging the unified salary scale brought by staff in New York remain pending,



A view of the judges' panel inside the General Assembly Hall during a hearing related to the second session of the United Nations Appeals Tribunal, New York, 1 July 2010. Source: United Nations

and the subprogramme will be involved in the litigation of those cases for some time. In addition, other cases concerning challenges to the post adjustment multiplier and the other items remain pending before the Tribunals. The result demonstrates progress made in 2018 towards the collective attainment of the objective.

- 8.44 A planned result for 2018, which is maximization of the protection of the legal interests of the Organization, as referred to in the proposed programme budget for the biennium 2018–2019, was achieved, as evidenced by the absence of instances in which, unless waived, the status and privileges and immunities of the Organization are not maintained. There were no final determinations by national courts undermining the Organization’s privileges and immunities. Moreover, in a significant case before the United Nations Appeals Tribunal, it was determined that staff could not challenge the Secretary-General’s decisions, as a matter of international law, to waive the immunities of the United Nations accorded to staff members.

4. Highlighted planned result for 2020

Reduction of actual legal liability of other claims

In addition to the cases before the United Nations Appeals Tribunal, in 2018, the United Nations faced in excess of 30 contractual or other commercial claims arising from operations in the field and at Headquarters, giving rise to claims amounting to over \$100.5 million against the Organization. The subprogramme reduced the actual legal liability of the Organization by year-end to \$4.9 million. In 2019 and 2020, the subprogramme will ensure that the Organization’s legal rights and interests are protected to the maximum extent possible and seek to ensure that the actual legal liability claimed against the Organization under contractual or other commercial claims will be significantly reduced in comparison to the amounts originally claimed.

Challenge and response

Noting the Secretary-General’s new management paradigm, while the Organization has model contracts in place for the procurement of substantial services, the challenge is the risk of additional claims related to *de minimis* purchases for which no model contracts exist. In response, starting in 2019 and for 2020, the subprogramme will develop a suite of model contracts to support the procurement of goods and services while reducing the risk of claims.

Result and evidence

The planned deliverable is expected to contribute to the result, which is managers having additional simplified contracting documents to contract with vendors effectively and efficiently, while at the same time protecting the legal interests of the Organization, thus supporting the shift to a decentralized management paradigm. Evidence of the result, if achieved, will include the use of the model contracts by managers and the feedback received.

The result, if achieved, will demonstrate progress made in 2020 towards the collective attainment of the objective.

Performance measures

2018	2019	2020
Absence of model contracts for <i>de minimis</i> requirements of goods and services	Development of model contracts for <i>de minimis</i> requirements of goods and services in consultation with managers	Model contracts for <i>de minimis</i> requirements of goods and services used by managers and feedback received

8.45 The following provisions of the Charter of the United Nations and General Assembly resolutions comprise the main mandates entrusted to the subprogramme: Articles 104 and 105 of the Charter and resolutions 13 (I), 22 (I) and 70/112. The subprogramme will continue to be guided by all mandates entrusted to it, which provide the legislative framework for its deliverables.

5. Deliverables for 2020

8.46 Table 8.2 lists all deliverables, by category and subcategory, planned for 2020 that are expected to contribute to the attainment of the objective stated above.

Table 8.2

Subprogramme 2: deliverables for 2020, by category and subcategory

Non-quantified deliverables

E. Enabling deliverables

Legal services

Legal advice



Subprogramme 3 Progressive development and codification of international law

1. Objective

8.47 The objective, to which this subprogramme contributes, is to progressively develop, codify and advance knowledge of international law.

2. Alignment with the Sustainable Development Goals

8.48 Given its broad scope, the objective is aligned with all of the Sustainable Development Goals.

3. Highlighted result in 2018

Making customary international law more accessible

Customary international law is an important source of States' international legal obligations. Unlike treaties, customary international law is unwritten, and accordingly more difficult for government officials, national judges and practitioners to identify. Examples of customary international law rules include the prohibition of targeting civilians in armed conflict and the prohibition of racial discrimination. Over a number of years, the subprogramme has provided technical expertise on international law to the International Law Commission (see photo) in the context of work on the identification of customary international law. Such technical expertise has also consisted of the preparation of several in-depth analytical studies, culminating in the publication of a major study in 2018 (A/CN.4/710). The study had been requested by the Commission as a practical tool to enable States to ascertain the content of customary international law reliably. A survey of sources of customary international law worldwide was conducted by the subprogramme, and several suggestions on how to make it more accessible were formulated.



Members of the International Law Commission and the Secretariat on the occasion of the Commission's seventieth anniversary (Geneva, 16 July 2018). Source: United Nations Photo/Antoine Tardy

Result and evidence

The deliverable contributed to the result, which is the improved accessibility of customary international law. Evidence of the result includes the adoption by the International Law Commission of the authoritative guidance on the identification of customary international law in 2018 and the Commission's recommendation that the General Assembly follow up on the Secretariat's suggestions.

The result demonstrates progress made in 2018 towards the collective attainment of the objective.

- 8.49 A planned result for 2018, which is wider appreciation and understanding of international law, as referred to in the proposed programme budget for the biennium 2018–2019, was achieved, as evidenced by 491,000 end users of legal publications, training materials, documents and information disseminated in hard copy and online in various languages, in accordance with current practice, which exceeded the expected target of 300,000 end users. The number includes the end users of the United Nations Audiovisual Library of International Law in developing countries.

4. Highlighted planned result for 2020

Reaching a wider audience interested in international law

The United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law was established to provide a better knowledge of international law as a means for strengthening international peace and security and promoting friendly relations and cooperation among States. The United Nations Audiovisual Library of International Law is one of the cornerstones of the Programme of Assistance.

In 2018, the Audiovisual Library continued to provide for the teaching and dissemination of international law through hundreds of lectures and technical materials on specialized topics of international law made available online.

Challenge and response

Feedback received indicates that the challenge is to make the Library more accessible and user-friendly, including for users with limited knowledge of international law.

In response, for 2020, lectures will be designed, recorded and arranged in several mini-series addressing core topics of international law, including sources of international law, international human rights law and international investment law. These mini-series will be provided as videos as well as podcasts, allowing them to be downloaded in regions with an unreliable high-speed Internet connection.

Result and evidence

The planned deliverable is expected to contribute to the result, which is increased accessibility to and knowledge of international law by a wider audience of beneficiaries. Evidence of the result, if achieved, will include the use of the mini-series by a wider audience.

The result, if achieved, will demonstrate progress made in 2020 towards the collective attainment of the objective.

Performance measures

2018	2019	2020
Absence on the website of the Audiovisual Library of easily accessible modules on introductory international law topics for users with limited knowledge	Development and production of mini-series of lectures addressing core topics of international law	Use of mini-series of lectures addressing core topics of international law in video and podcast format, contributing to increased accessibility and knowledge of international law by a wider audience

- 8.50 The following provision of the Charter of the United Nations and General Assembly resolutions comprise the main mandates entrusted to the subprogramme: Article 13 (1) (a) of the Charter, resolution 174 (II) on the establishment of an International Law Commission, resolution 2099 (XX)

on technical assistance to promote the teaching, study, dissemination and wider appreciation of international law, resolution 3349 (XXIX) on the need to consider suggestions regarding the review of the Charter of the United Nations, resolution 73/201 on the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law, resolution 73/206 on the report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization and resolution 73/265 on the report of the International Law Commission on the work of its seventieth session. The subprogramme will continue to be guided by all mandates entrusted to it, which provide the legislative framework for its deliverables.

5. Deliverables for the period 2018–2020

- 8.51 Table 8.3 lists all deliverables, by category and subcategory, for the period 2018–2020 that contributed and are expected to contribute to the attainment of the objective stated above.

Table 8.3

Subprogramme 3: deliverables for the period 2018–2020, by category and subcategory

	<i>2018 planned</i>	<i>2018 actual</i>	<i>2019 planned</i>	<i>2020 planned</i>
Quantified deliverables				
A. Facilitation of the intergovernmental process and expert bodies				
Parliamentary documentation (number of documents)	10	10	16	17
Substantive services for meetings (number of three-hour meetings)	147	141	139	138
B. Generation and transfer of knowledge				
Seminars, workshops and training events (number of days)	88	88	88	88
Publications (number of publications)	14	12	8	11
Technical materials (number of materials)	–	54	–	29
Non-quantified deliverables				
C. Substantive deliverables				
Consultation, advice and advocacy				
Databases and substantive digital materials				
D. Communication deliverables				
Outreach programmes, special events and information materials				
Digital platforms and multimedia content				
Library services				

6. Most significant relative variances in deliverables

Variances between the actual and planned figures in 2018

- 8.52 The variance in publications was driven mainly by work on one volume of the Repertory of Practice of United Nations Organs, which will continue in 2019, and work on one volume of the United Nations Reports of International Arbitral Awards, which approached finalization at the end of 2018 and will conclude in 2019.
- 8.53 The variance in technical materials was driven by an increase in entries in the United Nations Audiovisual Library of International Law and training and in the dissemination of materials on international law for use at training events, owing to the fact that technical materials for the training events were not included in the 2018 plan.

Variances between the planned figures for 2020 and 2019

- 8.54 The variance in parliamentary documentation is driven by the expectation that the total number of reports to be prepared in 2020 will be one more than in 2019, as a consequence of the difference in the number of agenda items being considered by the Sixth Committee in 2019.
- 8.55 The variance in publications is driven mainly by: (a) the expected issuance in 2019 of the publication on the commemoration of the seventieth anniversary of the International Law Commission, which will be a non-recurrent publication; (b) the United Nations Juridical Yearbook: special edition, which will not be published in 2020; and (c) the expected number of *Yearbooks of the International Law Commission*, which follow a two-year production cycle and in 2020 will be higher than in 2019 (and closer to the number in 2018).
- 8.56 The variance in technical materials is driven by an increase in training and in the dissemination of materials on international law for use at training events, owing to the fact that these materials were not included in the 2019 plan.



Subprogramme 4 Law of the sea and ocean affairs

1. Objective

8.57 The objective, to which this subprogramme contributes, is to strengthen the law of the sea for the peaceful use of the oceans and for their conservation and sustainable use, and as the basis for national, regional and global action and cooperation in the marine sector.

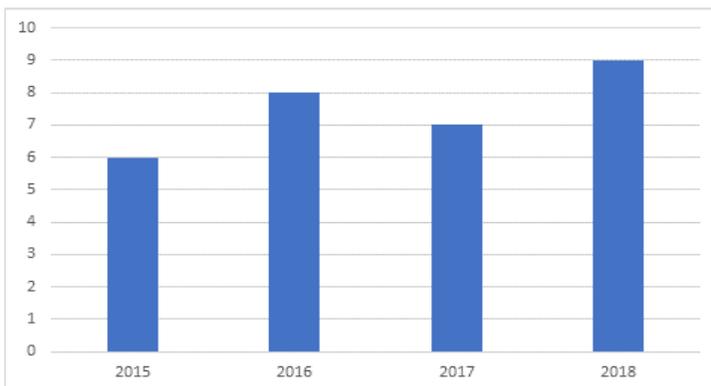
2. Alignment with the Sustainable Development Goals

8.58 Given its broad scope, the objective is aligned with all of the Sustainable Development Goals.

3. Highlighted result in 2018

Increased legal certainty with respect to national jurisdiction in the ocean

Not all coastal States have yet completed the delineation of the outer limits of their maritime zones, and many maritime boundaries remain to be agreed upon by States. However, the year 2018 marked steady progress towards the fulfilment of one of the objectives of the United Nations Convention on the Law of the Sea, which entered into force in 1994. The Convention provides for a mandatory deposit of information on such maritime limits with the Secretary-General in the interest of transparency and legal certainty with respect to sovereignty, sovereign rights and jurisdiction in the oceans and seas. This is to avoid potential conflicts and to allow for unimpeded economic development of maritime zones under national jurisdiction. These depositary functions performed by the subprogramme thus offer, among other things, an important reassurance to key players in both the public and private sectors (fisheries, oil and gas, marine scientific research, the submarine cable industry and navy operations) as to the extent of areas under national jurisdiction.



Number of deposits by coastal States under the United Nations Convention on the Law of the Sea received by the Secretary-General since 2015.

In 2018, the subprogramme continued to act as the designated depositary and played an active role in promoting the implementation of the Convention through capacity-building activities, ongoing advice and assistance to States, including with respect to the procedural and technical aspects of giving due publicity to maritime limits and boundaries. It also continued to highlight the benefits of such publicity. Through those efforts, important milestones were reached, namely that, by the end of 2018, a total of 141 deposits from 81 coastal States (approximately 60 per cent of all coastal States parties) had been received.

In addition, under the subprogramme, extensive technical and secretariat services were provided to the Commission on the Limits of the Continental Shelf, an expert body which meets annually for 21 weeks and provides recommendations to coastal States with respect to the delineation of the continental shelves extending beyond 200 nautical miles. As the limits of the continental shelf based on such recommendations are, when deposited, final and binding, progress in the work of the Commission, supported under the subprogramme, is of key importance to

submitting States. This is not only due to the significant investments by submitting States into the bathymetric and seismic data collection and analysis, frequently reaching or exceeding tens or hundreds of millions of United States dollars, when preparing their submissions to the Commission and interacting with that body, but also because it facilitates sustainable development of the continental shelves of coastal States.

Result and evidence

The deliverable contributed to the result, which is the establishment of outer limits of national jurisdiction and the attainment of legal certainty concerning the extent of national jurisdiction over resources and activities in maritime zones, especially in respect of the shelf beyond 200 nautical miles, which is a direct precondition for the coastal States to grant, for example, exploration and exploitation licences.

Evidence of the result includes nine deposits of charts and lists of coordinates received by the Secretary-General from States in 2018 under the Convention, including two deposits based on the recommendations of the Commission. The derived benefits from the oceans are to contribute to the achievement of Sustainable Development Goals, for all States, both coastal and landlocked, since the national limits of the continental shelf also define the extent of the international seabed area, which is the common heritage of humankind and in which the exploitation of resources is administered by the International Seabed Authority. Duly published and widely available information concerning maritime limits facilitates the operations of the users of the oceans and seas, reduces the potential for disputes concerning activities such as fishing and the exploitation of mineral resources, and thus contributes to the maintenance of international peace and security and the conservation and sustainable use of oceans, seas and marine resources.

The result demonstrates progress made in 2018 towards the collective attainment of the objective.

- 8.59 A planned result for 2018, which is increased participation of States in, and effective implementation and application of, the United Nations Convention on the Law of the Sea and the related implementing agreements, as referred to in the proposed programme budget for the biennium 2018–2019, was achieved, as evidenced by an increased number of deposits of charts and lists of coordinates under the United Nations Convention on the Law of the Sea, as well as an increased number of submissions to the Commission on the Limits of the Continental Shelf actively considered by that body. In 2018, there were 11 such deposits, bringing their total to 141, and 12 submissions were actively considered by the Commission.

4. Highlighted planned result for 2020

Strengthen the science-policy interface by developing the second world ocean assessment

In 2015, the First Global Integrated Marine Assessment (first World Ocean Assessment) was finalized and welcomed, and its summary was approved by the General Assembly and published under the subprogramme. It was the first truly comprehensive study of the state of the world's oceans. While the first World Ocean Assessment provided a baseline study of the state of the world's oceans, the second world ocean assessment will extend to evaluating trends and identifying gaps.

In 2018, to achieve the goal of a truly global and scientifically robust second world ocean assessment, the subprogramme concentrated its efforts towards organizing and servicing, within a six-month time frame, seven regional workshops aimed at informing the collection of regional-level information and data for the preparation of the second world ocean assessment and relevant capacity-building needs, the formation of the writing teams for the various chapters of the assessment and the interaction of their members.

Challenge and response

The challenge is to ensure equitable geographical representation and gender balance in the Pool of Experts who will be authoring the assessment, as well as to organize a sustained awareness-raising campaign. In addition, the challenge is to synthesize the findings of the panel in keeping with the agreed timeline.

In response, for 2020, the subprogramme will provide substantive and conference services support to the meetings of the Ad Hoc Working Group of the Whole on the Regular Process for Global Reporting and Assessment of the State of the Marine Environment, including Socioeconomic Aspects (the Regular Process), the Bureau, the Group of Experts of the Regular Process, the Pool of Experts and the writing teams, as well as secretariat support for reviewing, editing, translating, desktop publishing and printing the assessment. Substantive services will be provided towards a comprehensive scientific review of knowledge of the state of the world’s oceans and the ways in which humans benefit from and affect the oceans, produced through its Regular Process. The analysis will help to establish that the ocean is facing major pressures simultaneously, with such great impacts that the limits of its carrying capacity are being, or in some cases have been, reached and to identify areas in which urgent action needs to be taken.

Result and evidence

The planned deliverables are expected to contribute to the result, which is the availability of a comprehensive, global and integrated view of the continued challenges to the marine environment and their socioeconomic impacts, and the areas in which the most urgent action is needed. Evidence of the result, if achieved, will include a strengthened science-policy interface leading to more sustainable management of human activities in the oceans and seas, and the conclusion of the discussions by the Pool of Experts on oceans-related issues and their agreement on the overall report.

The result, if achieved, will demonstrate progress made in 2020 towards the collective attainment of the objective.

Performance measures

2018	2019	2020
Constitution of the Pool of Experts and writing teams, and organization of regional workshops	Preparation and peer review of the chapters of the second world ocean assessment	Publication of the second world ocean assessment and approval of its summary by the General Assembly, resulting in a strengthened science-policy interface leading to more sustainable management of human activities in the oceans and seas

8.60 The following United Nations instruments and General Assembly resolutions comprise the main mandates entrusted to the subprogramme: the United Nations Convention on the Law of the Sea of 10 December 1982 together with the Agreement relating to the Implementation of Part XI of the Convention; the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks; resolution [71/312](#), entitled “Our ocean, our future: call for action”; resolution [72/249](#) on 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; resolution [73/124](#) on oceans and the law of the sea; and resolution [73/125](#) on sustainable fisheries, including through the 1995 Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, and related instruments. The terms of reference for UN-Oceans are contained in the annex to Assembly resolution [68/70](#). The subprogramme will continue to be guided by all mandates entrusted to it, which provide the legislative framework for its deliverables.

5. Deliverables for the period 2018–2020

- 8.61 Table 8.4 lists all deliverables, by category and subcategory, for the period 2018–2020 that contributed and are expected to contribute to the attainment of the objective stated above.

Table 8.4

Subprogramme 4: deliverables for the period 2018–2020, by category and subcategory

	<i>2018 planned</i>	<i>2018 actual</i>	<i>2019 planned</i>	<i>2020 planned</i>
Quantified deliverables				
A. Facilitation of the intergovernmental process and expert bodies				
Parliamentary documentation (number of documents)	13	34	14	32
Substantive services for meetings (number of three-hour meetings)	656	655	656	671
Conference and secretariat services for meetings (number of three-hour meetings)	550	539	550	544
B. Generation and transfer of knowledge				
Field and technical cooperation projects (number of projects)	4	5	5	5
Seminars, workshops and training events (number of days)	15	20	6	5
Publications (number of publications)	4	5	4	4
Technical materials (number of materials)	1	–	1	1
Non-quantified deliverables				
C. Substantive deliverables				
Consultation, advice and advocacy				
Databases and substantive digital materials				
D. Communication deliverables				
Outreach programmes, special events and information materials				
Digital platforms and multimedia content				
Library services				
E. Enabling deliverables				
Information and communications technology				
Legal services				
Legal advice				

6. Most significant relative variances in deliverables

Variances between the actual and planned figures in 2018

- 8.62 The variance in parliamentary documentation was driven mainly by an increase in documents for the intergovernmental conference to elaborate the 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, owing to the fact that only reports for and outcome documents of intergovernmental meetings and the Commission on the Limits of the Continental Shelf (an expert body) were included in the programme budget for the biennium 2018–2019 during advance planning. However, additional documents were being produced during the biennium in respect of those meetings, in the context of and/or in response to the requests and needs of the bodies concerned.
- 8.63 The variance in seminars, workshops and training events was driven by an increase in regional workshops in support of the second cycle of the Regular Process for Global Reporting and

Assessment of the State of the Marine Environment, including Socioeconomic Aspects, owing to Member States formally offering to host additional workshops.

- 8.64 The variance in technical materials was driven by a decrease in brochures and promotional materials, owing to promotional activities for the Regular Process for 2018 being deferred until 2019 in view of greater attention being given to the organization and servicing of additional regional workshops.

Variations between the planned figures for 2020 and 2019

- 8.65 The variance in parliamentary documentation is driven mainly by an increase in documents for and outcome documents of intergovernmental meetings and meetings of the Commission on the Limits of the Continental Shelf. In addition, documentation has been added to reflect that in accordance with paragraphs 203 to 205 of General Assembly resolution [73/125](#), documentation will be required for a two-day workshop in 2020 in order to discuss implementation of paragraphs 113, 117 and 119 to 124 of Assembly resolution [64/72](#), paragraphs 121, 126, 129, 130 and 132 to 134 of Assembly resolution [66/68](#) and paragraphs 156, 171, 175, 177 to 188 and 219 of Assembly resolution [71/123](#), which relate to the impacts of bottom fishing on vulnerable marine ecosystems and the long-term sustainability of deep-sea fish stocks. Also included is the second world ocean assessment, which is scheduled to be finalized in 2020 according to the programme of work for the period 2017–2020 for the second cycle of the Regular Process.
- 8.66 The variance in seminars, workshops and training events is driven by other workshops, seminars and training events, owing to the progress made in the realization of the programme of work for the period 2017–2020 of the second cycle of the Regular Process and such an activity not being called for in 2020.



Subprogramme 5

Progressive harmonization, modernization and unification of the law of international trade

1. Objective

8.67 The objective, to which this subprogramme contributes, is to harmonize and modernize international trade law.

2. Alignment with the Sustainable Development Goals

8.68 The objective is aligned with Sustainable Development Goal 8, which is to promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all. Progress towards the attainment of the objective will help to promote development-oriented policies that support productive activities, decent job creation, entrepreneurship, creativity and innovation, and encourage the formalization and growth of micro-, small and medium-sized enterprises, including through access to financial services, and to strengthen the capacity of domestic financial institutions to encourage and expand access to banking, insurance and financial services for all.

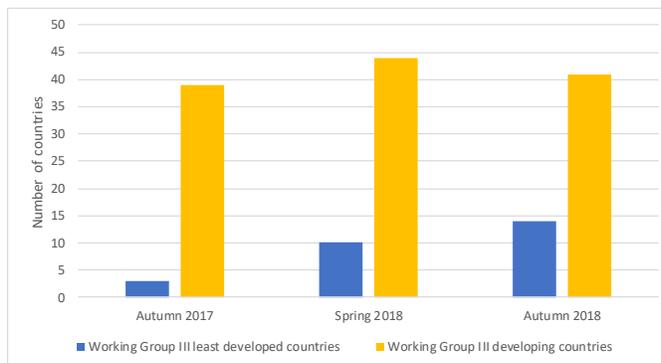
8.69 The objective is also aligned with Sustainable Development Goal 16, which is to promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels. Progress towards the attainment of the objective will help to promote the rule of law at the national and international levels and ensure equal access to justice for all, to substantially reduce corruption and bribery in all their forms, to develop effective, accountable and transparent institutions at all levels, to broaden and strengthen the participation of developing countries in the institutions of global governance, to ensure public access to information and protect fundamental freedoms, in accordance with national legislation and international agreements, and to promote and enforce non-discriminatory laws and policies for sustainable development.

8.70 Furthermore, the objective is aligned with Sustainable Development Goal 17, which is to strengthen the means of implementation and revitalize the Global Partnership for Sustainable Development. Progress towards the attainment of the objective will help to strengthen domestic resource mobilization, including through international support to developing countries, to improve domestic capacity for tax and other revenue collection, to mobilize additional financial resources for developing countries from multiple sources, to adopt and implement investment promotion regimes for least developed countries, to enhance international support for implementing effective and targeted capacity-building in developing countries to support national plans to implement all the Sustainable Development Goals, including through North-South, South-South and triangular cooperation, to enhance policy coherence for sustainable development, to enhance the Global Partnership for Sustainable Development, complemented by multi-stakeholder partnerships that mobilize and share knowledge, expertise, technology and financial resources, to support the achievement of the Sustainable Development Goals in all countries, in particular developing countries, and to encourage and promote effective public, public-private and civil society partnerships, building on the experience and resourcing strategies of partnerships.

3. Highlighted result in 2018

Increased participation of developing countries in the work of the United Nations Commission on International Trade Law

Harmonized and modern commercial laws, which are the objective of the subprogramme, enhance legal certainty, offer a framework conducive to doing business, allow for wider and faster distribution of products and services and drive growth in trade that supports the creation of employment, poverty reduction and sustainable economic development. Harmonization of international commercial law is impossible without the participation of all countries in the law-making activities of the United Nations Commission on International Trade Law (UNCITRAL). Participants' sense of ownership of texts that they have helped to draft enhances adoption rates and the use of those texts. The widespread adoption and use of UNCITRAL texts are prerequisites for a harmonized framework of international commercial law.



Working Group III: State involvement

However, the participation of developing countries in the work of UNCITRAL, especially from Africa, had been uneven despite long-standing assistance for the travel of delegates from developing countries. Increased participation of developing countries in the legislative activities of UNCITRAL leads to more inclusive deliberations, resulting in more balanced texts that are suitable for use in all regions and at all levels of development. Developing country participation also allows national experts to develop the capacity necessary to put in place a regulatory and enabling environment that encourages the legal predictability needed for business, trade and investment.

In 2018, the UNCITRAL secretariat actively targeted an increase in the participation of developing countries, including least developed countries, in UNCITRAL law-making activities. The secretariat consulted widely to understand the constraints limiting participation, focusing on a new UNCITRAL project on investor-State dispute settlement reform because that area frequently requires consideration of public interest concerns, making the need for broad participation in such reform particularly acute. The secretariat targeted countries that had received investor-State dispute settlement claims but that had not to date taken an active part in the Commission's work. It identified relevant officials and held events in the relevant regions to explain UNCITRAL, its benefits and process, issues arising in investor-State dispute settlements and the support available to those officials.

Result and evidence

The deliverable contributed to the result, which is the commitment to ongoing participation in the work of UNCITRAL by government officials and experts from developing countries. Evidence of the result includes the increase in participation in the UNCITRAL working groups by developing and least developed countries of 20 per cent since autumn 2017, as illustrated in the chart. Developing and least developed countries have expressed their appreciation to the UNCITRAL secretariat for efforts made to facilitate their participation in the sessions. The result demonstrates progress made in 2018 towards the collective attainment of the objective.

- 8.71 A planned result for 2018, which is effective progress towards the modernization of trade law and practices and reduction of legal uncertainties and obstacles posed by inadequate and disparate laws or conflicting interpretation and application of laws, as referred to in the proposed programme budget for the biennium 2018–2019, was achieved, as evidenced by the increase in the number of legislative, judicial and arbitral decisions based on UNCITRAL texts. In 2018, there were six additional treaty actions by States of conventions emanating from the work of UNCITRAL, 25 additional enactments of UNCITRAL model laws and 76 additional abstracts of judicial decisions referring to UNCITRAL texts published in the system for the collection and dissemination of case law on UNCITRAL texts (CLOUT system).

4. Highlighted planned result for 2020

Enforcing commercial obligations across borders

Commercial obligations often need to be enforced through dispute settlement mechanisms. A prerequisite for an effective international dispute settlement mechanism is the ability to enforce an award or a settlement agreement reached through dispute settlement across borders in a cost-effective way. Otherwise, there is in practice no effective enforcement of commercial obligations, which disincentivizes cross-border commerce and may disproportionately affect developing and least developed countries.

The United Nations Commission on International Trade Law (UNCITRAL) has long-standing experience in enabling the settlement of cross-border commercial disputes through alternatives to litigation, notably arbitration. In recent years, there has been an increasing interest in non-adversarial settlement methods, particularly mediation, to complement arbitration because mediation can be swifter and less expensive than adversarial dispute settlement, benefiting commercial enterprises, promoting long-term and long-distance commercial transactions and offering States possible cost savings in the administration of justice. Member States turned to UNCITRAL to develop an international convention for enforcing settlement agreements arising from mediation, similar to the Convention on the Recognition and Enforcement of Foreign Arbitral Awards, under which foreign arbitral awards can be enforced in domestic courts.

The work on such a convention started in UNCITRAL in 2015. In 2018, UNCITRAL concluded the United Nations Convention on International Settlement Agreements Resulting from Mediation, which was adopted by the General Assembly in resolution 73/198. The Convention will be opened for signature on 7 August 2019. It is supported by an UNCITRAL model law for States to use as a template for national laws on international commercial mediation.

Challenge and response

The challenge is to overcome a lack of expertise, capacity and resources to implement these texts in the countries that need them most.

In response, for 2020, the UNCITRAL secretariat plans a number of technical assistance and capacity-building activities to assist those countries. Examples of the activities envisaged include online e-learning modules, a train-the-trainers programme, and seminars, workshops and training events to take place in the relevant regions, held in partnership with stakeholders from both the public and private sectors.

Result and evidence

The planned deliverables are expected to contribute to the result, which is an increase in the use of mediation. Evidence of the result, if achieved, will include growth of national mediation centres (which undertake mediation and build capacity) and political commitments of States to enable mediation and enforcement of mediated settlements; the signature and ratification of the Convention and national enactments of the model law could demonstrate such commitment.

The result, if achieved, will demonstrate progress made in 2020 towards the collective attainment of the objective.

Performance measures

2018	2019	2020
United Nations Convention on International Settlement Agreements Resulting from Mediation adopted	Initiation of dialogue between Member States on technical assistance and capacity-building, including on the establishment of national mediation centres	First ratifications of the Convention and establishment of national mediation centres

8.72 The following General Assembly resolutions comprise the main mandates entrusted to the subprogramme: resolution 2205 (XXI) on the establishment of the United Nations Commission on International Trade Law and subsequent resolutions on the work of the Commission, the most recent of which is resolution 73/197 on the report of the United Nations Commission on International Trade Law on the work of its fifty-first session. The subprogramme will continue to be guided by all mandates entrusted to it, which provide the legislative framework for its deliverables.

5. Deliverables for the period 2018–2020

8.73 Table 8.5 lists all deliverables, by category and subcategory, for the period 2018–2020 that contributed and are expected to contribute to the attainment of the objective stated above.

Table 8.5

Subprogramme 5: deliverables for the period 2018–2020, by category and subcategory

	<i>2018 planned</i>	<i>2018 actual</i>	<i>2019 planned</i>	<i>2020 planned</i>
Quantified deliverables				
A. Facilitation of the intergovernmental process and expert bodies				
Parliamentary documentation (number of documents)	158	197	158	195
Substantive services for meetings (number of three-hour meetings)	150	143	150	150
B. Generation and transfer of knowledge				
Field and technical cooperation projects (number of projects)	15	11	15	15
Seminars, workshops and training events (number of days)	80	65	80	80
Publications (number of publications)	10	2	11	9
Technical materials (number of materials)	11	12	10	12
Non-quantified deliverables				
C. Substantive deliverables				
Consultation, advice and advocacy				
Databases and substantive digital materials				
D. Communication deliverables				
Outreach programmes, special events and information materials				
External and media relations				
Digital platforms and multimedia content				
Library services				

6. Most significant relative variances in deliverables

Variances between the actual and planned figures in 2018

8.74 The variance in parliamentary documentation was driven mainly by new topics (particularly in Working Group III) and associated increased requests from working groups for notes by the Secretariat, and increased numbers of proposals submitted by States for consideration by the Commission and its subsidiary bodies, which translated into a higher number of notes issued by the Secretariat and conference room papers transmitting proposals to the relevant bodies.

8.75 The variance in field and technical cooperation projects was driven mainly by a decrease in country projects in the field of international trade law, owing to fewer requests received from Member States.

- 8.76 The variance in publications was driven mainly by a decrease in the number of online publications (instead of hard copies), owing to the time required to finalize the texts for publication in the six official languages.

Variances between the planned figures for 2020 and 2019

- 8.77 The variance in parliamentary documentation is driven mainly by new topics (particularly in Working Group III) and associated increased requests from working groups for notes by the Secretariat, and increased numbers of proposals submitted by States for consideration by the Commission and its subsidiary bodies, which translate into a higher number of notes to be issued by the Secretariat and conference room papers transmitting proposals to the relevant bodies.
- 8.78 The variance in publications is driven mainly by a decrease in the number of legal texts to be finalized for publication in the six official languages.
- 8.79 The variance in technical materials is driven by an increase in promotional and technical assistance materials owing to additional legal texts planned for publication.



Subprogramme 6 Custody, registration and publication of treaties

1. Objective

- 8.80 The objective, to which this subprogramme contributes, is to ensure transparency of the international treaty framework, wider knowledge of the law of treaties and broader participation in multilateral treaties concluded under the auspices of the United Nations and deposited with the Secretary-General.

2. Alignment with the Sustainable Development Goals

- 8.81 Given its broad scope, the objective is aligned with all of the Sustainable Development Goals.

3. Highlighted result in 2018

Protecting the rights of access to information, public participation and access to justice in environmental matters in Latin America and the Caribbean through a novel regional treaty

On 4 March 2018, the countries of Latin America and the Caribbean took a historic step towards environmental protection with the adoption of the Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean (the Escazú Agreement), the result of more than five years of negotiations to strengthen the application of principle 10 of the Rio Declaration on Environment and Development. Given the novel nature of the process, the Economic Commission for Latin America and the Caribbean called upon the expertise of the subprogramme at a very early stage of the negotiations to provide Governments with legal support on the law of treaties.

The subprogramme provided continued legal advice to negotiators throughout the process. It gave a specialized legal briefing to negotiating States at the fourth meeting of the negotiating committee, in 2014, as well as an intersessional briefing on final clauses in preparation for the final rounds of negotiations, in 2017. The subprogramme provided onsite legal advice to the negotiating committee at the seventh meeting, held in Buenos Aires in August 2017, and the ninth meeting, held in Escazú, Costa Rica, in March 2018. Legal advice included the review of the final clauses of the draft agreement from the perspective of the law of treaties. Final clauses of a treaty, such as those on participation, entry into force or amendment, must be drafted in accordance with applicable international treaty law and practice, as they are decisive for the ease of operation of the treaty and to prevent problems in its implementation. Following its adoption, the subprogramme prepared the original text of the Escazú Agreement and issued and circulated certified true copies for domestic ratification processes. It also reviewed instruments of full powers by which Member States, other than those represented at the highest levels, are allowed to sign the Agreement.



Original text of the Escazú Agreement. Source: Win Khine, Office of Legal Affairs

Result and evidence

The deliverable contributed to the result, which is the conclusion of an improved text of the Agreement, which will enable States parties to effectively implement the treaty and protect the rights of access to information, public participation and access to justice in environmental matters in Latin America and the Caribbean. The Agreement is the first of its kind in the region and will contribute to guaranteeing access to information, public participation and access to justice in environmental matters. It is also the first multilateral treaty worldwide to recognize and guarantee the rights of human rights defenders.

Evidence of the result includes the adoption of the Agreement at the Escazú meeting, which designates the Secretary-General as its depositary; the opening for signature of the Agreement at a high-level ceremony held on 27 September 2018, in the framework of the annual treaty event; and the signing of the Agreement by almost the majority of the States to which the Agreement is open (16 out of 33). This start opens the path towards the prompt ratification, entry into force and implementation of the Agreement, which will constitute a significant step towards guaranteeing the rights of access to information, public participation and access to justice in environmental matters in the region.

The result demonstrates progress made in 2018 towards the collective attainment of the objective.

- 8.82 A planned result for 2018, which is ongoing State participation in the international treaty framework, as referred to in the proposed programme budget for the biennium 2018–2019, was achieved, as evidenced by the processing by the subprogramme in 2018 of over 2,700 treaties and actions for deposit with the Secretary-General and for registration with the Secretariat. This confirms the pattern of growth in the past few years in the number of treaties and treaty actions submitted for deposit and registration.

4. Highlighted planned result for 2020

Bringing transparency in the international treaty framework into the twenty-first century

The obligation to register and publish treaties is enshrined in Article 102 of the Charter of the United Nations, and its purpose is to promote the transparency of the international legal order, of which treaties are the main foundation. The subprogramme discharges the registration and publication mandate pursuant to Article 102 and a regulatory framework (the regulations to give effect to Article 102) that the General Assembly adopted at its first session, in 1946. Until 2018, the regulations had only been amended three times, in 1949, 1950 and 1978.

Challenge and response

The challenge was that this regulatory framework did not reflect the developments during the past four decades in treaty-making by States and in the registration and publication practice of the Secretariat. It reflected neither the latest advances in information technology nor the growth in the number of treaties entered into and submitted for registration and publication.

In 2017, at the request of the General Assembly, the subprogramme prepared concrete proposals to review and modernize the regulations. In 2018, the Assembly included a new item entitled “Strengthening and promoting the international treaty framework” in the agenda of its seventy-third session to discuss the proposals. On 20 December 2018, following discussions within the Sixth Committee, the Assembly adopted resolution [73/210](#), to which the amended regulations were annexed. The new regulations, effective as from 1 February 2019, update the registration and publication procedures and incorporate the use of electronic resources. Member States noted with appreciation the role of the subprogramme in the implementation of Article 102 and its efforts in assisting Member States in this area, recognizing the growth over the past few years in the work it carried out.

Some Member States considered that there are still outstanding issues that need further consideration, such as balancing the call for multilingualism as a core value of the Organization with the backlog in publication caused by growing delays in the translation of treaties and the limited resources available for the publication process. Another outstanding issue is the further modernization of the registration and publication process and ensuring

wide accessibility to treaties, bearing in mind challenges that many developing countries face in accessing information and communications technology.

In resolution 73/210, the General Assembly requested the Secretary-General to provide, at its seventy-fifth session, a report, following broad consultations with Member States, with information on practice and possible options to further review the regulations, taking into account outstanding issues identified by Member States.

In response, for 2020, prior to preparing the mandated report, the subprogramme expects to organize several rounds of consultations with Member States to agree on the outstanding issues, brief Member States on the Secretariat’s practice in relation to those issues, request Member States’ views on the ways forward and propose possible solutions, taking into consideration the results of all the discussions. The active participation of Member States from across all regions confirmed the relevance of this issue and the recognition of the importance of the expeditious processing, registration and publication of treaties and treaty-related actions.

Result and evidence

The planned deliverable is expected to contribute to the result, which is strengthened transparency of the international legal order, driven by an improved, more efficient and timely registration and publication process and broad accessibility of treaties and treaty actions. Evidence of the result, if achieved, will include the adoption by Member States of a new regulatory framework that will improve and facilitate the performance by Member States of their obligation to register treaties and assist the Secretariat with its obligation to publish them.

The result, if achieved, will demonstrate progress made in 2020 towards the collective attainment of the objective.

Performance measures

2018	2019	2020
Absence of an updated regulatory framework for the registration and publication of treaties under Article 102 of the Charter, as noted in General Assembly resolution 73/210	Consultations between Member States on the various options to further review the regulations that give effect to Article 102	Adoption by Member States of a new regulatory framework that will improve and facilitate the performance by Member States of their obligation to register treaties

8.83 The following provisions of the Charter of the United Nations and General Assembly resolutions comprise the main mandates entrusted to the subprogramme: Articles 98 and 102 of the Charter; multilateral treaties concluded under the auspices of the United Nations that designate the Secretary-General as depositary, including the Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean; and resolution 73/210. The subprogramme will continue to be guided by all mandates entrusted to it, which provide the legislative framework for its deliverables.

5. Deliverables for the period 2018–2020

8.84 Table 8.6 lists all deliverables, by category and subcategory, for the period 2018–2020 that contributed and are expected to contribute to the attainment of the objective stated above.

Table 8.6
Subprogramme 6: deliverables for the period 2018–2020, by category and subcategory

	<i>2018 planned</i>	<i>2018 actual</i>	<i>2019 planned</i>	<i>2020 planned</i>
Quantified deliverables				
A. Facilitation of the intergovernmental process and expert bodies				
Substantive services for meetings (number of three-hour meetings)	–	9	–	9
B. Generation and transfer of knowledge				
Seminars, workshops and training events (number of days)	2	2	2	2
Publications (number of publications)	74	62	36	37
Non-quantified deliverables				
C. Substantive deliverables				
Consultation, advice and advocacy				
Databases and substantive digital materials				
D. Communication deliverables				
Outreach programmes, special events and information materials				
Digital platforms and multimedia content				
E. Enabling deliverables				
Legal services				
Legal advice				
Depositary functions				

6. Most significant relative variances in deliverables

Variances between the actual and planned figures in 2018

- 8.85 The variance in substantive services for meetings was driven by an increase in the meetings of the Sixth Committee of the General Assembly, owing to the particular request by Member States late in 2018 that the subprogramme provide substantive assistance owing to the discussions on the new agenda item entitled “Strengthening and promoting the international treaty framework”.
- 8.86 The variance in publications was driven mainly by a decrease in the publication of the United Nations *Treaty Series*, owing to the additional time needed to process the text of treaties currently being submitted by Member States. The content of treaties has increased in technical complexity, and treaties are also submitted in many non-official languages and may require external translation.

Variances between the planned figures for 2020 and 2019

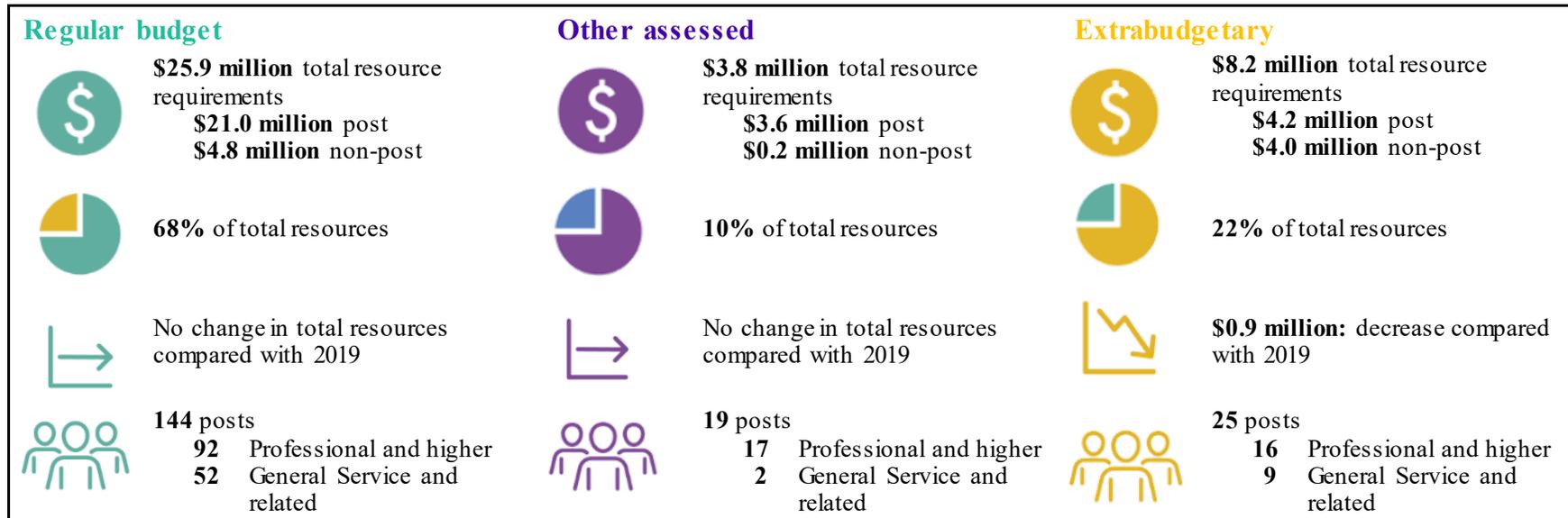
- 8.87 The variance in substantive services for meetings is driven by an increase in the meetings of the Sixth Committee, owing to the expected request by Member States in 2020 that the subprogramme provide substantive assistance during the meetings of the Committee on the agenda item entitled “Strengthening and promoting the international treaty framework” at the seventy-fifth session of the General Assembly. The number of meetings is only an estimate based on the meetings held in 2018.

B. Proposed post and non-post resource requirements for 2020

Overview

8.88 The total resource requirements for 2020, comprising the regular budget and projected other assessed and extrabudgetary resources, are reflected in figure 8.II and table 8.7.

Figure 8.II
2020 in numbers



Note: Estimates before recosting.

Table 8.7

Overview of financial and post resources by component, subprogramme and funding source

(Thousands of United States dollars/number of posts)

	<i>Regular budget</i>			<i>Other assessed</i>			<i>Extrabudgetary</i>			<i>Total</i>		
	<i>2019 appropriation</i>	<i>2020 estimate (before recosting)</i>	<i>Variance</i>	<i>2019 estimate</i>	<i>2020 estimate</i>	<i>Variance</i>	<i>2019 estimate</i>	<i>2020 estimate</i>	<i>Variance</i>	<i>2019 estimate</i>	<i>2020 estimate</i>	<i>Variance</i>
Financial resources												
Policymaking organs	1 777.9	1 778.8	0.9	–	–	–	–	–	–	1 777.9	1 778.8	0.9
Executive direction and management	1 087.0	1 086.8	(0.2)	136.6	137.3	0.7	–	–	–	1 223.6	1 224.1	0.5
Programme of work												
1. Provision of legal services to the United Nations system as a whole	1 850.3	1 850.3	–	2 594.6	2 608.6	14.0	874.9	1 113.0	238.1	5 319.8	5 571.9	252.1
2. General legal services provided to United Nations organs and programmes	3 608.1	3 608.1	–	1 080.5	1 086.3	5.8	2 030.6	2 201.2	170.6	6 719.2	6 895.6	176.4
3. Progressive development and codification of international law	4 320.9	4 321.7	0.8	–	–	–	318.3	200.7	(117.6)	4 585.2	4 468.4	(116.8)
4. Law of the sea and ocean affairs	6 050.3	5 846.9	(203.4)	–	–	–	4 762.7	3 674.9	(1 087.8)	10 813.0	9 521.8	(1 291.2)
5. Progressive harmonization, modernization and unification of the law of international trade	3 171.3	3 170.1	(1.2)	–	–	–	917.3	846.6	(70.7)	4 088.6	4 016.7	(71.9)
6. Custody, registration and publication of treaties	3 172.1	3 372.1	200.0	–	–	–	–	–	–	3 172.1	3 372.1	200.0
Subtotal, programme of work	22 173.0	22 169.2	(3.8)	3 675.1	3 694.9	19.8	8 903.8	8 036.4	(867.4)	34 697.9	33 846.5	(851.4)
Programme support	864.9	864.9	–	–	–	–	172.5	172.5	–	1 037.4	1 037.4	–
Total	25 902.8	25 899.7	(3.1)	3 811.7	3 832.2	20.5	9 076.3	8 208.9	(867.4)	38 736.8	37 886.8	(850.0)
Post resources												
Executive direction and management	7	7	–	–	–	–	–	–	–	7	7	–
Programme of work												
1. Provision of legal services to the United Nations system as a whole	11	11	–	6	6	–	5	5	–	22	22	–
2. General legal services provided to United Nations organs and programmes	22	22	–	13	13	–	11	11	–	46	46	–

	<i>Regular budget</i>			<i>Other assessed</i>			<i>Extrabudgetary</i>			<i>Total</i>		
	<i>2019 appropriation</i>	<i>2020 estimate (before recosting)</i>	<i>Variance</i>	<i>2019 estimate</i>	<i>2020 estimate</i>	<i>Variance</i>	<i>2019 estimate</i>	<i>2020 estimate</i>	<i>Variance</i>	<i>2019 estimate</i>	<i>2020 estimate</i>	<i>Variance</i>
3. Progressive development and codification of international law	21	21	–	–	–	–	–	–	–	21	21	–
4. Law of the sea and ocean affairs	34	34	–	–	–	–	4	4	–	38	38	–
5. Progressive harmonization, modernization and unification of the law of international trade	19	19	–	–	–	–	4	4	–	23	23	–
6. Custody, registration and publication of treaties	25	25	–	–	–	–	–	–	–	25	25	–
Subtotal, programme of work	132	132	–	19	19	–	24	24	–	175	175	–
Programme support	5	5	–	–	–	–	1	1	–	6	6	–
Total	144	144	–	19	19	–	25	25	–	188	188	–

Overview of resources for the regular budget

8.89 The proposed regular budget resources for 2020, including the breakdown of resource changes, as applicable, are reflected in tables 8.8 and 8.9. Further details are provided under the respective components. The proposed resource level provides for the full, efficient and effective implementation of mandates.

Table 8.8

Evolution of financial resources by component and main category of expenditure

(Thousands of United States dollars)

	2018 expenditure	2019 appropriation	Changes				Total	Percentage	2020	
			Technical adjustments	New/ expanded mandates	Other	estimate (before recosting)			Recosting	2020 estimate (after recosting)
Component										
Polymaking organs	1 734.8	1 777.9	–	–	0.9	0.9	0.1	1 778.8	28.4	1 807.2
Executive direction and management	1 168.3	1 087.0	–	–	(0.2)	(0.2)	(0.0)	1 086.8	44.6	1 131.4
Programme of work	22 241.9	22 173.0	(219.0)	215.9	(0.7)	(3.8)	(0.0)	22 169.2	911.8	23 081.0
Programme support	926.7	864.9	–	–	–	–	–	864.9	29.8	894.7
Total	26 071.7	25 902.8	(219.0)	215.9	–	(3.1)	(0.0)	25 899.7	1 014.6	26 914.3
Main category of expenditure										
Post	21 688.5	21 082.8	–	–	–	–	–	21 082.8	941.0	22 023.8
Non-post	4 383.2	4 820.0	(219.0)	215.9	–	(3.1)	(0.1)	4 816.9	73.6	4 890.5
Total	26 071.7	25 902.8	(219.0)	215.9	–	(3.1)	(0.0)	25 899.7	1 014.6	26 914.3

Table 8.9

Evolution of established post resources by category

	2019 approved	Changes			2020 estimate	Variance
		Technical adjustments	New/expanded mandates	Other		
Professional and higher						
USG	1	–	–	–	1	–
ASG	1	–	–	–	1	–
D-2	4	–	–	–	4	–
D-1	7	–	–	–	7	–
P-5	19	–	–	–	19	–
P-4	22	–	–	–	22	–
P-3	24	–	–	–	24	–
P-2	14	–	–	–	14	–
Subtotal	92	–	–	–	92	–

Part III International justice and law

	<i>Changes</i>				<i>2020 estimate</i>	<i>Variance</i>
	<i>2019 approved</i>	<i>Technical adjustments</i>	<i>New/expanded mandates</i>	<i>Other</i>		
General Service						
Principal level	11	–	–	–	11	–
Other level	41	–	–	–	41	–
Subtotal	52	–	–	–	52	–
Total	144	–	–	–	144	–

Abbreviations: ASG, Assistant Secretary-General; USG, Under-Secretary-General.

Table 8.10
Evolution of temporary post resources by category

	<i>Changes</i>				<i>2020 estimate</i>	<i>Variance</i>
	<i>2019 approved</i>	<i>Technical adjustments</i>	<i>New/expanded mandates</i>	<i>Other</i>		
Professional and higher						
P-3	1	–	–	–	1	–
Subtotal	1	–	–	–	1	–
General Service						
Other level	1	–	–	–	1	–
Subtotal	1	–	–	–	1	–
Total	2	–	–	–	2	–

Policymaking organs

8.90 The resources proposed under this component would provide for requirements relating to standing intergovernmental organs and expert bodies. Tables 8.11 and 8.12 provide information on the standing intergovernmental organs and the related resource requirements under the regular budget.

Table 8.11
Policymaking organs

	<i>Mandate</i>	<i>Description</i>	<i>Membership</i>		<i>Resource requirements (thousands of United States dollars)</i>			
			<i>Governments</i>	<i>Experts</i>	<i>Number of sessions in 2020</i>	<i>2019 appropriation</i>	<i>2020 estimate (before recosting)</i>	
International Law Commission	Article 13 (1) (a) of the Charter of the United Nations	The General Assembly, by its resolution 174 (II), established the International Law Commission and approved its statute (see resolution 174 (II) (annex), as amended by resolutions 485 (V), 984 (X), 985 (X) and 36/39). The Commission has as its objective the promotion of the progressive development of international law and its codification. It consists of 34 members who are persons of recognized competence in international law. The Commission holds an annual session in Geneva of 10 to 12 weeks' duration and reports to the Assembly, which provides guidance to the Commission on its programme of work through annual resolutions on the reports of the Commission. Since 2000, as mandated by the Assembly, the Commission has held split annual sessions up to a total of 12 weeks. The length of a given session is recommended by the Commission at its previous session and approved by the Assembly. The Codification Division of the Office of Legal Affairs provides the substantive servicing of the Commission	–	34	1: Seventy-second session	1 631.4	1 632.2	
United Nations Commission on International Trade Law	General Assembly resolution 2205 (XXI)	Comprising 60 Member States, the United Nations Commission on International Trade Law is mandated, pursuant to General Assembly resolution 2205 (XXI), to further the progressive harmonization and unification of the law of international trade, which corresponds to subprogramme 5. The Commission carries out its tasks, with the assistance of the International Trade Law Division as its secretariat, at one annual meeting of up to four weeks' duration and six working group meetings on specialized topics of up to 12 weeks' duration per year	60	–	1: Fifty-third session	146.5	146.5	
Total							1 777.9	1 778.7

8.91 The proposed regular budget resources for 2020 amount to \$1,778,700 and reflect an increase of \$800 compared with the appropriation for 2019. Additional details are reflected in figures 8.III to 8.V and table 8.12.

Figure 8.III
Resources for policymaking organs as a percentage of the regular budget

(Millions of United States dollars)

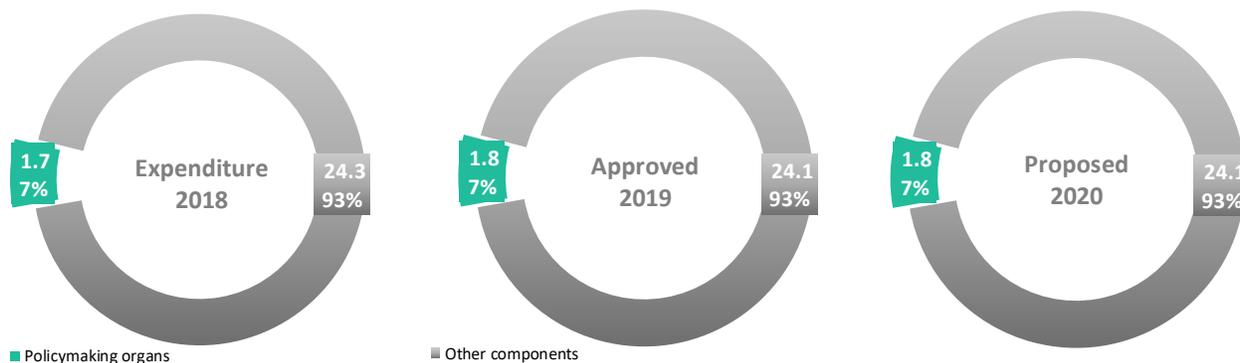


Table 8.12
Policymaking organs: evolution of financial resources

(Thousands of United States dollars)

	2018 expenditure	2019 appropriation	Changes				Total	Percentage	2020 estimate (before recosting)
			Technical adjustments	New/expanded mandates	Other				
Non-post	1 730.5	1 777.9	–	–	0.8	0.8	0.0	1 778.7	

Figure 8.IV
Policymaking organs: distribution of proposed resources for 2020 (before recosting)

(Thousands of United States dollars)

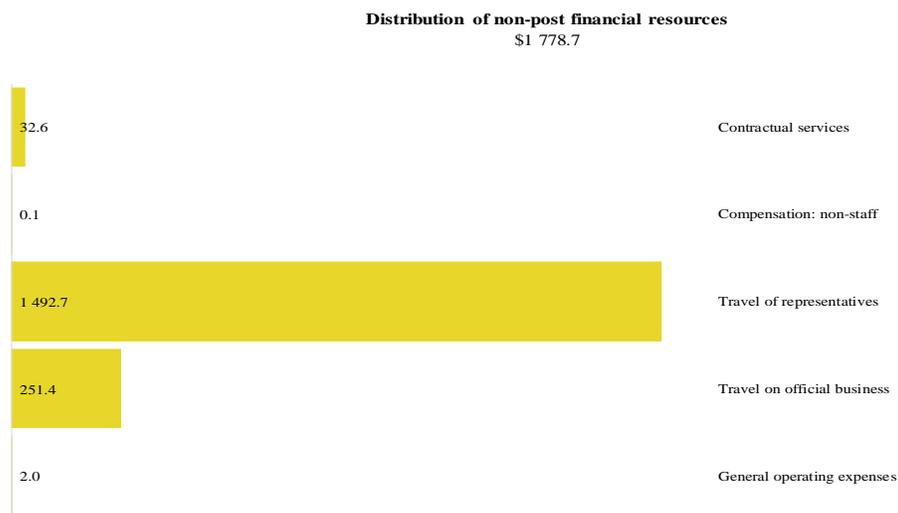
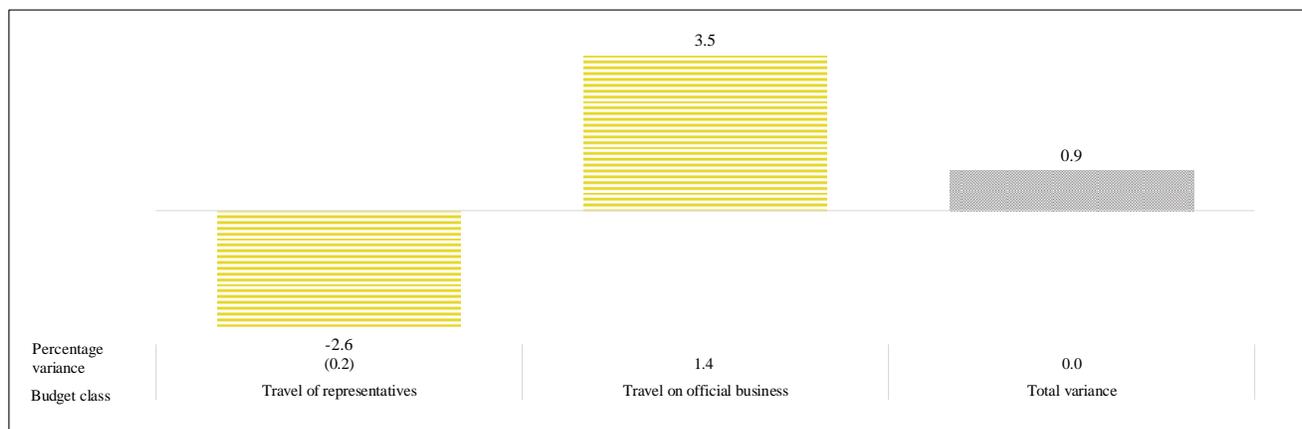


Figure 8.V
Policymaking organs: variance between proposed resources for 2020 and appropriation for 2019, by budget class

(Thousands of United States dollars)



8.92 The variance of \$800 reflects:

Other changes. The increase of \$3,500 under travel on official business is offset in part by the decrease of \$2,600 under the travel of representatives, with both reflecting the expenditure experience.

Executive direction and management

8.93 The Under-Secretary-General for Legal Affairs, the Legal Counsel, is responsible for the overall policy direction, supervision, administration and management of the Office of Legal Affairs. He represents the Secretary-General at meetings and conferences of a legal nature and in judicial and arbitral proceedings, certifies legal instruments issued on behalf of the United Nations, convenes meetings of the legal advisers of the United Nations system and represents the Organization at such meetings.

8.94 The Office of the Under-Secretary-General for Legal Affairs supports the Legal Counsel in the timely discharge of his responsibilities and in the management of the Office of Legal Affairs, which includes monitoring the resources of the Office to address changing organizational needs and workload and to improve the Office’s management systems. The Office of the Under-Secretary-General supports the Legal Counsel in formulating recommendations to the Secretary-General in interdepartmental and inter-agency bodies, in the coordination of the United Nations Legal Advisers Network and in the provision of legal advice to high-level inter-agency bodies. It monitors the implementation of the programme of work and acts as the focal point for information on all aspects of the work of the Office of Legal Affairs. It also coordinates interdepartmental activities and consults and negotiates with other departments, offices, subsidiary bodies and related agencies of the United Nations system on matters of mutual concern.

8.95 In accordance with the 2030 Agenda for Sustainable Development, in particular target 12.6 of the Sustainable Development Goals, in which organizations are encouraged to integrate sustainability information into their reporting cycles, and in compliance with the cross-cutting mandate set out in paragraph 19 of General Assembly resolution 72/219, the Office of Legal Affairs is integrating environmental management practices into its operations. In 2018, a highlight was the decrease in the acquisition of office supplies (6 per cent) and office equipment (16 per cent). In 2020, the Office will pursue every opportunity to continue to reduce its carbon footprint.

8.96 Information on compliance with regard to the timely submission of documentation and advance booking for air travel is reflected in table 8.13.

Table 8.13
Compliance rate
 (Percentage)

	Planned 2018	Actual 2018	Planned 2019	Planned 2020
Timely submission of documentation	100	97	100	100
Air tickets purchased at least 2 weeks before the commencement of travel	100	62	100	100

8.97 The proposed regular budget resources for 2020 amount to \$1,086,800 and reflect a net decrease of \$200 compared with the appropriation for 2019. Additional details are reflected in figures 8.VI and 8.VII and table 8.14.

Figure 8.VI
Resources for executive direction and management as a percentage of the regular budget
 (Millions of United States dollars)

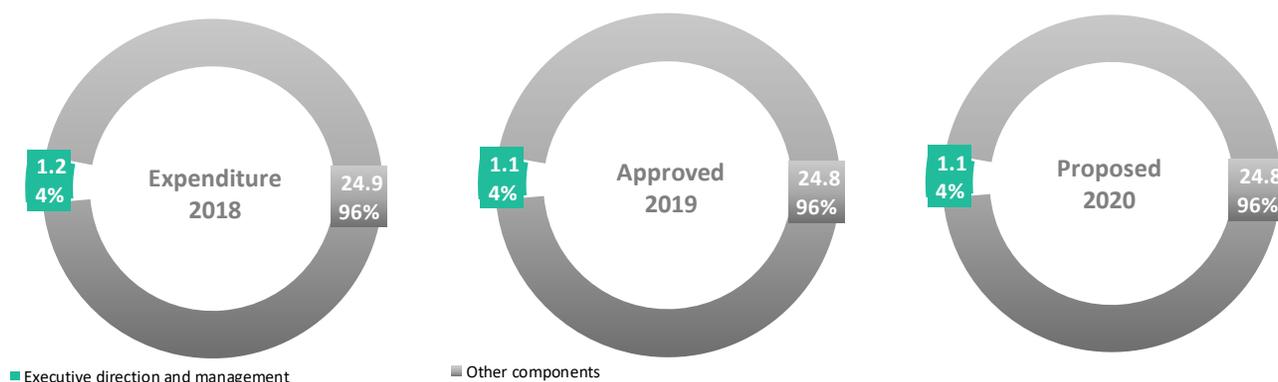
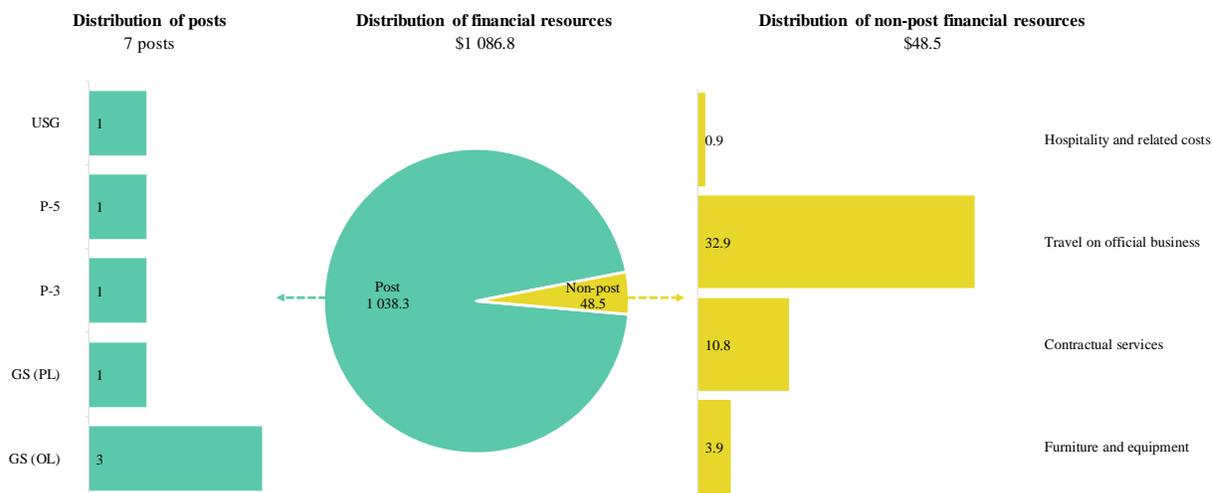


Table 8.14
Executive direction and management: evolution of financial and post resources
 (Thousands of United States dollars/number of posts)

	2018 expenditure	2019 appropriation	Changes				Total	Percentage	2020 estimate (before recosting)
			Technical adjustments	New/expanded mandates	Other	Total			
Financial resources by main category of expenditure									
Post	1 125.8	1 038.3	–	–	–	–	–	1 038.3	
Non-post	42.5	48.7	–	–	(0.2)	(0.2)	(0.6)	48.5	
Total	1 168.3	1 087.0	–	–	(0.2)	(0.2)	(0.0)	1 086.8	
Post resources by category									
Professional and higher		3	–	–	–	–	–	3	
General Service and related		4	–	–	–	–	–	4	
Total		7	–	–	–	–	–	7	

Figure 8.VII
Executive direction and management: distribution of proposed resources for 2020 (before recosting)

(Number of posts/thousands of United States dollars)



Abbreviations: GS (OL), General Service (Other level); GS (PL), General Service (Principal level); USG, Under-Secretary-General.

8.98 The variance of \$200 reflects:

Other changes. The net decrease of \$200 reflects the adjustment based on the planned travel for 2020.

8.99 The component is supported by other assessed resources, estimated at \$137,300, as reflected in table 8.7. The resources would support the Office in providing broad substantive guidance in response to requests from subsidiary organs of the United Nations, including offices and departments at Headquarters, predominantly the Department of Political and Peacebuilding Affairs and the Department of Operational Support. The increase of \$700 reflects the proposed level of resources in the context of the budget for the support account for peacekeeping operations for the period 2020/21.

Programme of work

8.100 The proposed regular budget resources for 2020 amount to \$22,169,200 and reflect a decrease of \$3,800 compared with the appropriation for 2019. Additional details are reflected in figures 8.VIII and 8.IX and table 8.15.

Figure 8.VIII
Resources for the programme of work as a percentage of the regular budget

(Millions of United States dollars)

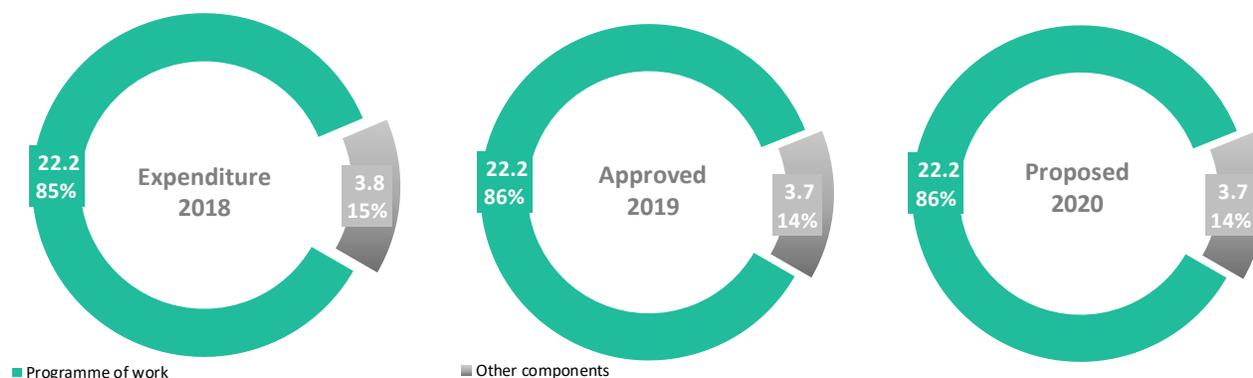


Table 8.15
Programme of work: evolution of financial and post resources

(Thousands of United States dollars/number of posts)

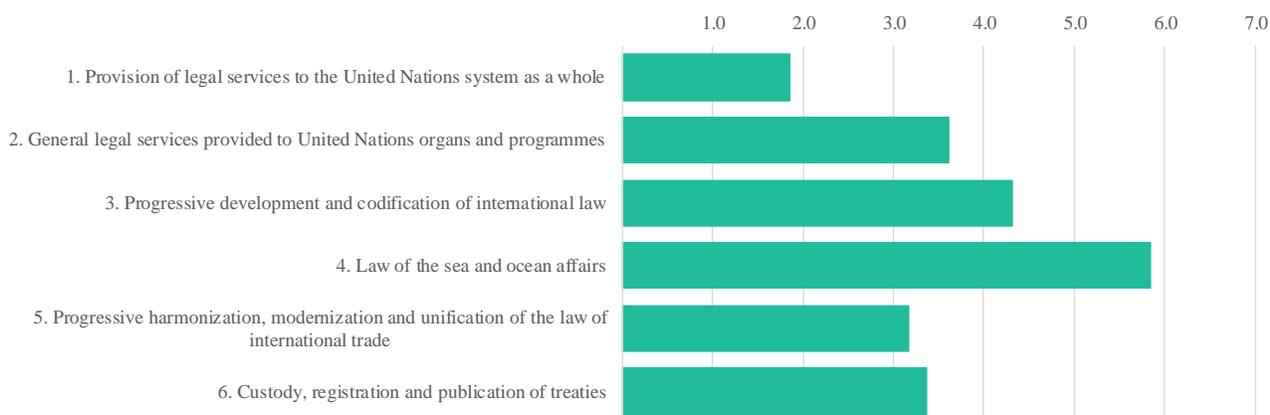
	2018 expenditure	2019 appropriation	Changes					2020 estimate (before recosting)
			Technical adjustments	New/ expanded mandates	Other	Total	Percentage	
Financial resources by subprogramme								
1. Provision of legal services to the United Nations system as a whole	1 880.8	1 850.3	–	–	–	–	–	1 850.3
2. General legal services provided to United Nations organs and programmes	3 487.0	3 608.1	–	–	–	–	–	3 608.1
3. Progressive development and codification of international law	4 367.5	4 320.9	–	–	0.8	0.8	0.0	4 321.7
4. Law of the sea and ocean affairs	6 097.5	6 050.3	(219.0)	15.9	(0.3)	(203.4)	(3.4)	5 846.9
5. Progressive harmonization, modernization and unification of the law of international trade	2 913.7	3 171.3	–	–	(1.2)	(1.2)	(0.0)	3 170.1
6. Custody, registration and publication of treaties	3 495.4	3 172.1	–	200.0	–	200.0	6.3	3 372.1
Total	22 241.9	22 173.0	(219.0)	215.9	(0.7)	(3.8)	(0.0)	22 169.2
Financial resources by main category of expenditure								
Post	19 787.8	19 400.1	–	–	–	–	–	19 400.1
Non-post	2 454.0	2 772.9	(219.0)	215.9	(0.7)	(3.8)	(0.0)	2 769.1
Total	22 241.8	22 173.0	(219.0)	215.9	(0.7)	(3.8)	(0.0)	22 169.2
Post resources by subprogramme								
1. Provision of legal services to the United Nations system as a whole		11	–	–	–	–	–	11
2. General legal services provided to United Nations organs and programmes		22	–	–	–	–	–	22

Section 8 Legal affairs

	2018 expenditure	2019 appropriation	Changes					2020 estimate (before recosting)
			Technical adjustments	New/ expanded mandates	Other	Total	Percentage	
3. Progressive development and codification of international law		21	–	–	–	–	–	21
4. Law of the sea and ocean affairs		34	–	–	–	–	–	34
5. Progressive harmonization, modernization and unification of the law of international trade		19	–	–	–	–	–	19
6. Custody, registration and publication of treaties		25	–	–	–	–	–	25
Total		132	–	–	–	–	–	132

Figure 8.IX
Distribution of proposed resources for 2020 by subprogramme

(Millions of United States dollars)



**Subprogramme 1
Provision of legal services to the United Nations system as a whole**

8.101 The proposed regular budget resources for 2020 amount to \$1,850,300 and reflect no resource change compared with the appropriation for 2019. Additional details are reflected in table 8.16 and figure 8.X.

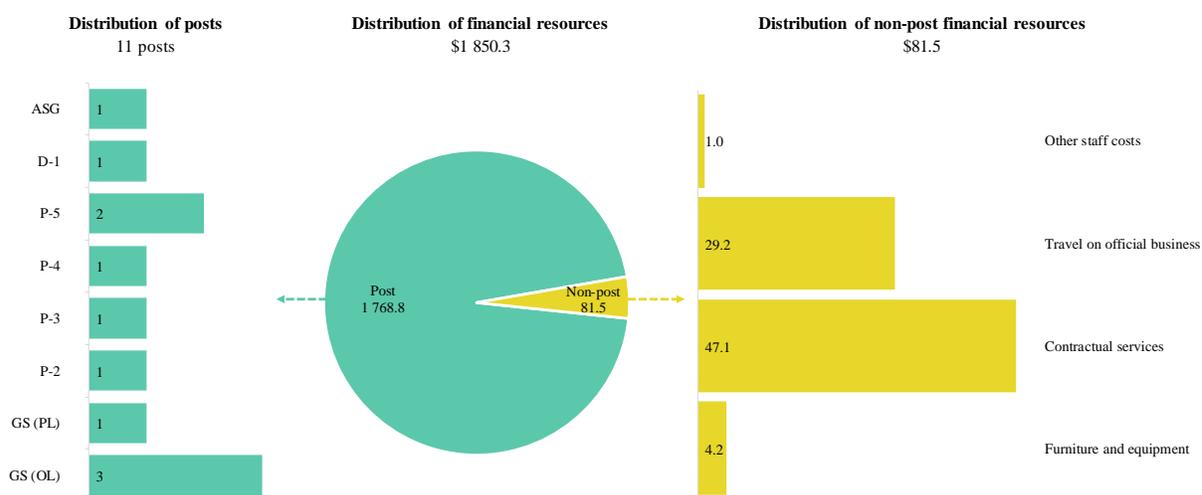
Table 8.16
Subprogramme 1: evolution of financial and post resources

(Thousands of United States dollars/number of posts)

	2018 expenditure	2019 appropriation	Changes					2020 estimate (before recosting)
			Technical adjustments	New/ expanded mandates	Other	Total	Percentage	
Financial resources by main category of expenditure								
Post	1 839.8	1 768.8	–	–	–	–	–	1 768.8
Non-post	41.0	81.5	–	–	–	–	–	81.5
Total	1 880.8	1 850.3	–	–	–	–	–	1 850.3

	2018 expenditure	2019 appropriation	Changes				2020 estimate (before recosting)
			Technical adjustments	New/expanded mandates	Other	Total Percentage	
Post resources by category							
Professional and higher		7	–	–	–	–	7
General Service and related		4	–	–	–	–	4
Total		11	–	–	–	–	11

Figure 8.X
Subprogramme 1: distribution of proposed resources for 2020 (before recosting)
 (Number of posts/thousands of United States dollars)



Abbreviations: ASG, Assistant Secretary-General; GS (OL), General Service (Other level); GS (PL), General Service (Principal level).

8.102 The subprogramme is supported by other assessed resources, estimated at \$2,608,600, that would provide for six posts and non-post resources, as reflected in table 8.7. In addition, the subprogramme is supported by extrabudgetary resources, estimated at \$1,113,000, that would provide for five posts and non-post resources, as reflected in table 8.7.

Subprogramme 2
General legal services provided to United Nations organs and programmes

8.103 The proposed regular budget resources for 2020 amount to \$3,608,100 and reflect no resource change compared with the appropriation for 2019. Additional details are reflected in table 8.17 and figure 8.XI.

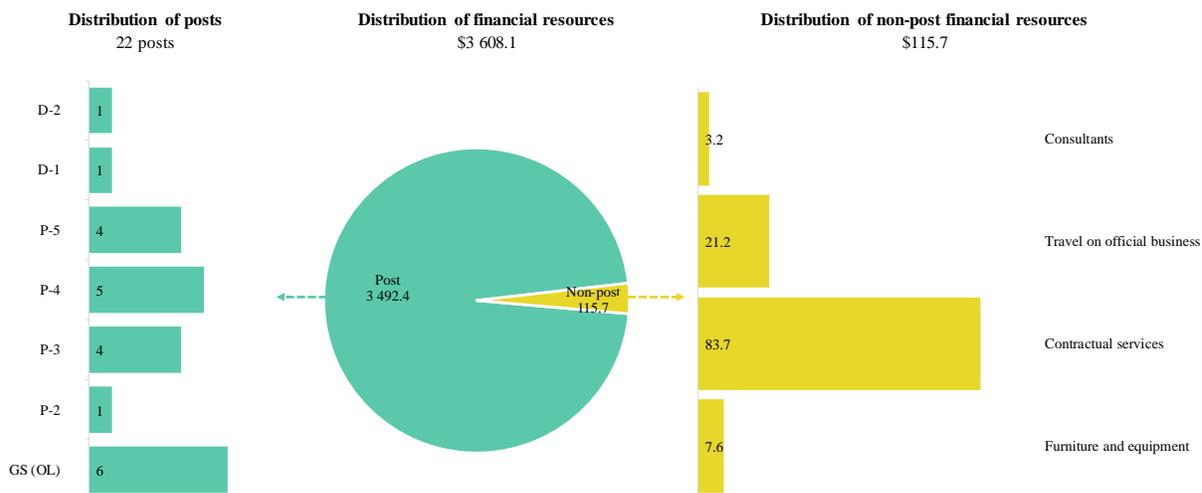
Table 8.17
Subprogramme 2: evolution of financial and post resources

(Thousands of United States dollars/number of posts)

	2018 expenditure	2019 appropriation	Changes					2020 estimate (before recosting)
			Technical adjustments	New/expanded mandates	Other	Total	Percentage	
Financial resources by main category of expenditure								
Post	3 428.7	3 492.4	—	—	—	—	—	3 492.4
Non-post	58.2	115.7	—	—	—	—	—	115.7
Total	3 487.0	3 608.1	—	—	—	—	—	3 608.1
Post resources by category								
Professional and higher		16	—	—	—	—	—	16
General Service and related		6	—	—	—	—	—	6
Total		22	—	—	—	—	—	22

Figure 8.XI
Subprogramme 2: distribution of proposed resources for 2020 (before recosting)

(Number of posts/thousands of United States dollars)



Abbreviation: GS (OL), General Service (Other level).

8.104 The subprogramme is supported by other assessed resources, estimated at \$1,086,300, that would provide for 13 posts and non-post resources, as shown in table 8.7. In addition, the subprogramme is supported by extrabudgetary resources, estimated at \$2,201,200, that would provide for 11 posts and non-post resources, as shown in table 8.7. The projected increase of \$176,400 compared with 2019 would provide for the legal support capacity of the Development Coordination Office.

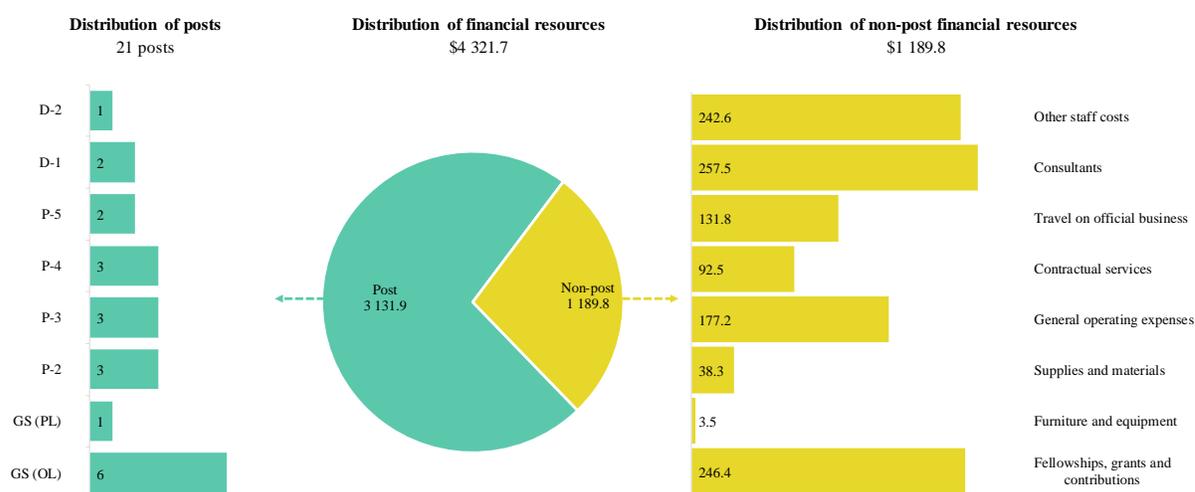
Subprogramme 3 Progressive development and codification of international law

8.105 The proposed regular budget resources for 2020 amount to \$4,321,700 and reflect an increase of \$800 compared with the appropriation for 2019. Additional details are reflected in table 8.18 and figures 8.XII and 8.XIII.

Table 8.18
Subprogramme 3: evolution of financial and post resources
(Thousands of United States dollars/number of posts)

	2018 expenditure	2019 appropriation	Changes				2020 estimate (before recosting)	
			Technical adjustments	New/ expanded mandates	Other	Total		
Financial resources by main category of expenditure								
Post	3 326.0	3 131.9	–	–	–	–	–	3 131.9
Non-post	1 041.5	1 189.0	–	–	0.8	0.8	0.0	1 189.8
Total	4 367.5	4 320.9	–	–	0.8	0.8	0.0	4 321.7
Post resources by category								
Professional and higher		14	–	–	–	–	–	14
General Service and related		7	–	–	–	–	–	7
Total		21	–	–	–	–	–	21

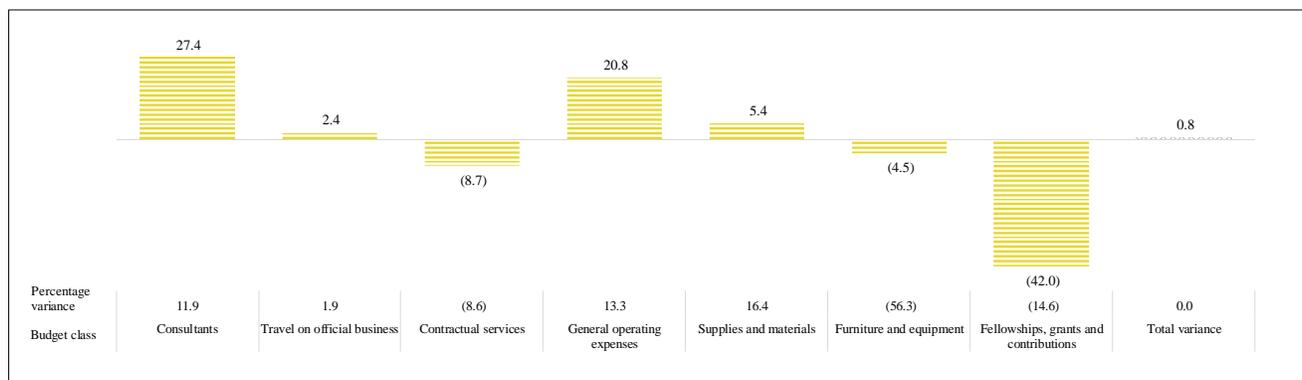
Figure 8.XII
Subprogramme 3: distribution of proposed resources for 2020 (before recosting)
(Number of posts/thousands of United States dollars)



Abbreviations: GS (OL), General Service (Other level); GS (PL), General Service (Principal level).

Figure 8.XIII
Subprogramme 3: variance between proposed resources for 2020 and appropriation for 2019, by budget class

(Thousands of United States dollars)



8.106 The variance of \$800 reflects:

Other changes. The net increase of \$800 relates mainly to: (a) an additional provision of \$27,400 under consultants for lectures for each of the training programmes to secure the representation of major legal systems from various geographical regions; and (b) a provision of \$20,800 under general operating expenses to rent facilities and cover local transportation for three training courses. Those increases are offset in part by decreased requirements under fellowships, grants and contributions (\$42,000) and under contractual services (\$8,700).

8.107 The subprogramme is supported by extrabudgetary resources, estimated at \$200,700, as reflected in table 8.7. The resources would be utilized to prepare the *Repertory of Practice of United Nations Organs*, address the backlog relating to the *Yearbook of the International Law Commission* and meet the significant demand for international law training and dissemination of materials under the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law, including off-site recordings and the publication of lectures for the United Nations Audiovisual Library of International Law in various regions to expand geographical representation and multilingualism in the lecture series, the provision of additional fellowships to participate in the training programmes, the update and dissemination of the *International Law Handbook: Collection of Instruments* and the *Recueil de droit international: Collection d'instruments*, and the modernization of the website of the Audiovisual Library.

Subprogramme 4 Law of the sea and ocean affairs

8.108 The proposed regular budget resources for 2020 amount to \$5,846,900 and reflect a decrease of \$203,400 compared with the appropriation for 2019. Additional details are reflected in table 8.19 and figures 8.XIV and 8.XV.

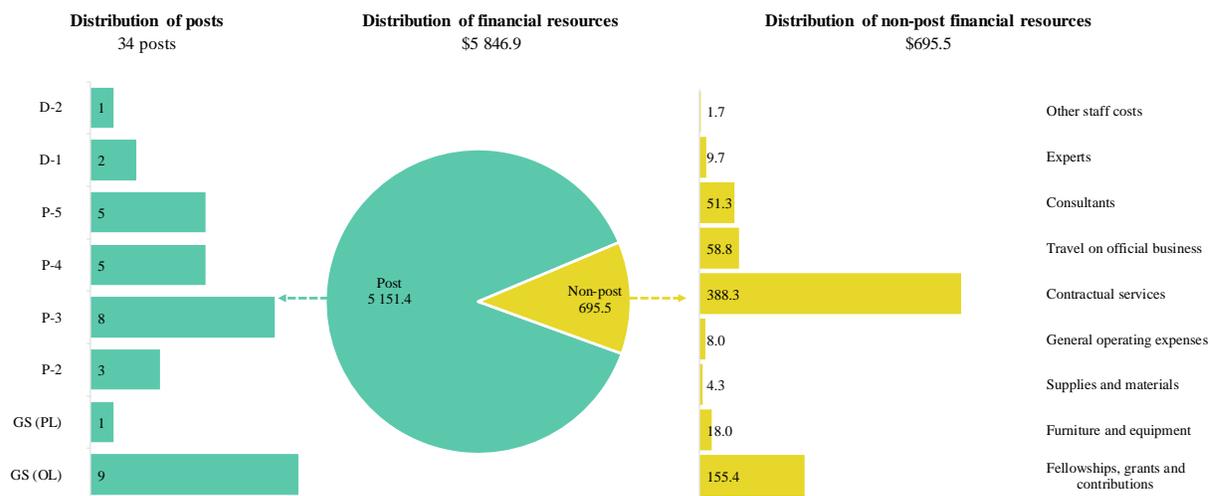
Table 8.19
Subprogramme 4: evolution of financial and post resources

(Thousands of United States dollars/number of posts)

	2018 expenditure	2019 appropriation	Changes				2020 estimate (before recosting)
			Technical adjustments	New/ expanded mandates	Other	Total	
Financial resources by main category of expenditure							
Post	5 244.8	5 151.4	–	–	–	–	5 151.4
Non-post	852.7	898.9	(219.0)	15.9	(0.3)	(203.4)	695.5
Total	6 097.5	6 050.3	(219.0)	15.9	(0.3)	(203.4)	5 846.9
Post resources by category							
Professional and higher		24	–	–	–	–	24
General Service and related		10	–	–	–	–	10
Total		34	–	–	–	–	34

Figure 8.XIV
Subprogramme 4: distribution of proposed resources for 2020 (before recosting)

(Number of posts/thousands of United States dollars)

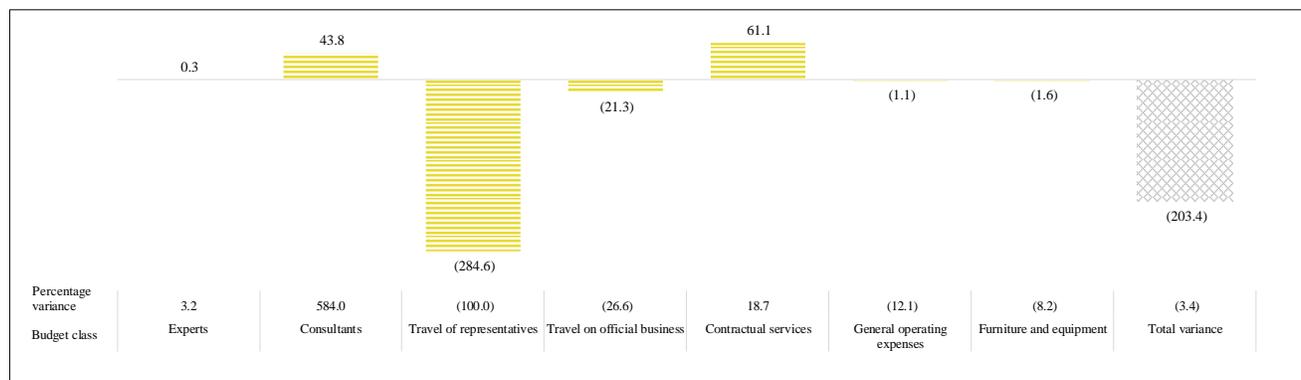


Abbreviations: GS (OL), General Service (Other level); GS (PL), General Service (Principal level).

Figure 8.XV

Subprogramme 4: variance between proposed resources for 2020 and appropriation for 2019, by budget class

(Thousands of United States dollars)



8.109 The variance of \$203,400 reflects:

- Technical adjustments.** The net decrease of \$219,000 reflects the removal of one-time costs relating to decreased requirements for the implementation in 2020 of the programme of work for the period 2017–2020 for the second cycle of the Regular Process for Global Reporting and Assessment of the State of the Marine Environment, including Socioeconomic Aspects (see [A/71/362](#)), as set out in the statement of programme budget implications of draft resolution [A/71/L.26 \(A/C.5/71/16\)](#);
- New/expanded mandates.** The net increase of \$15,900 will provide for consultancy services for the preparation of the technical and scientific aspects of the report of the Secretary-General on the impacts of bottom fishing on vulnerable marine ecosystems and the long-term sustainability of deep-sea fish stocks to be submitted pursuant to General Assembly resolution [73/125](#);
- Other changes.** The net decrease of \$300 relates mainly to: (i) a decrease of \$19,100 under travel of representatives, reflecting the reduced travel requirements in 2020 as envisaged in the programme of work for the period 2017–2020 for the second cycle of the Regular Process; and (ii) a decrease of \$3,300 in travel on official business owing to reduced travel requirements in 2020. Those decreases are offset in part by increased requirements of \$23,100 under contractual services relating to annual software maintenance and support related to geographic information management, including Adobe Acrobat, ESRI ArcGIS, ERDAS Imagine, Fledermaus, GeoCap and CARIS LOTS, to ensure appropriate maintenance and upgrades.

8.110 The subprogramme is supported by extrabudgetary resources, estimated at \$3,674,900, that would provide for four posts, as reflected in table 8.7. The resources would support the subprogramme to promote and strengthen the law of the sea for the peaceful use of the oceans and sustainable development. The decrease of \$1,087,800 reflects variances in forecasted extrabudgetary expenditures.

Subprogramme 5**Progressive harmonization, modernization and unification of the law of international trade**

8.111 The proposed regular budget resources for 2020 amount to \$3,170,100 and reflect a decrease of \$1,200 compared with the appropriation for 2019. Additional details are reflected in table 8.20 and figures 8.XVI and 8.XVII.

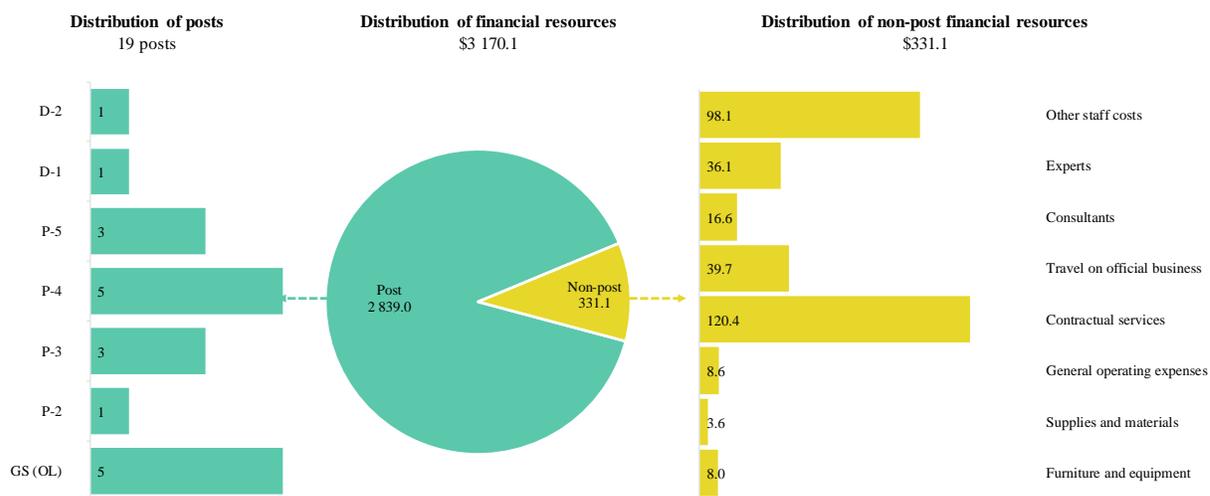
Table 8.20
Subprogramme 5: evolution of financial and post resources

(Thousands of United States dollars/number of posts)

	2018 expenditure	2019 appropriation	Changes				2020 estimate (before recosting)	
			Technical adjustments	New/expanded mandates	Other	Total Percentage		
Financial resources by main category of expenditure								
Post	2 615.2	2 839.0	–	–	–	–	–	2 839.0
Non-post	298.5	332.3	–	–	(1.2)	(1.2)	(0.4)	331.1
Total	2 913.7	3 171.3	–	–	(1.2)	(1.2)	(0.4)	3 170.1
Post resources by category								
Professional and higher		14	–	–	–	–	–	14
General Service and related		5	–	–	–	–	–	5
Total		19	–	–	–	–	–	19

Figure 8.XVI
Subprogramme 5: distribution of proposed resources for 2020 (before recosting)

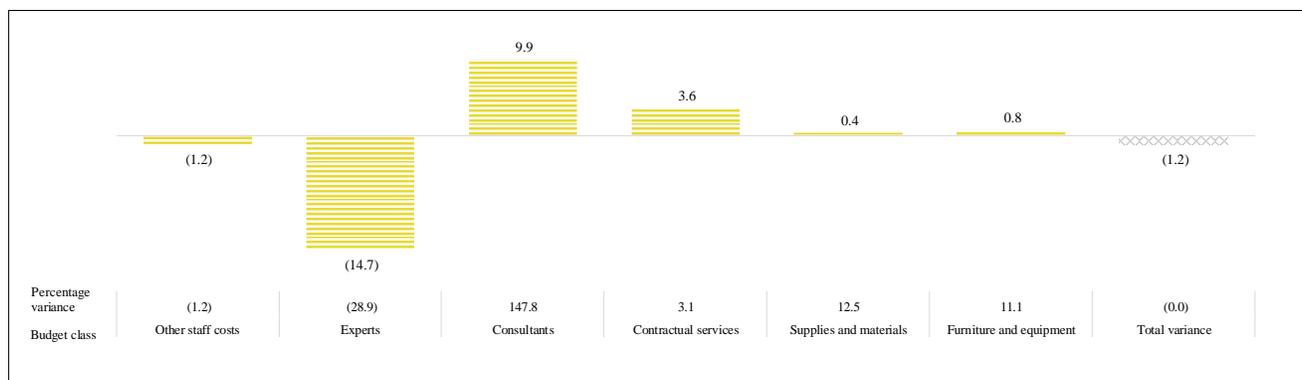
(Number of posts/thousands of United States dollars)



Abbreviation: GS (OL), General Service (Other level).

Figure 8.XVII
Subprogramme 5: variance between proposed resources for 2020 and appropriation for 2019, by budget class

(Thousands of United States dollars)



8.112 The variance of \$1,200 reflects:

Other changes. The net decrease of \$1,200 relates mainly to a decrease of \$14,700 under experts, owing to reduced requirements for ad hoc expert groups of UNCITRAL resulting from increased utilization of videoconferencing, offset in part by: (a) an additional provision of \$9,900 under consultants for the development of online tools (tools relating to legal texts, technical assistance tools and other legal research tools); and (b) an increase of \$3,600 under contractual services owing to the higher cost of subscription services for legal periodicals for the UNCITRAL library to provide the UNCITRAL secretariat, government representatives, visiting officials and staff of the Vienna-based organizations with updates in the field of comparative law and different national legal systems.

8.113 The subprogramme is supported by extrabudgetary resources, estimated at \$846,600, that would provide for four posts and non-post resources, as reflected in table 8.7. The resources would support the Office in providing progressive improvement, harmonization, understanding, knowledge, interpretation and application of international trade law and coordination of the work of international organizations active in that field. The decrease of \$70,700 reflects mainly variances in forecasted extrabudgetary expenditures.

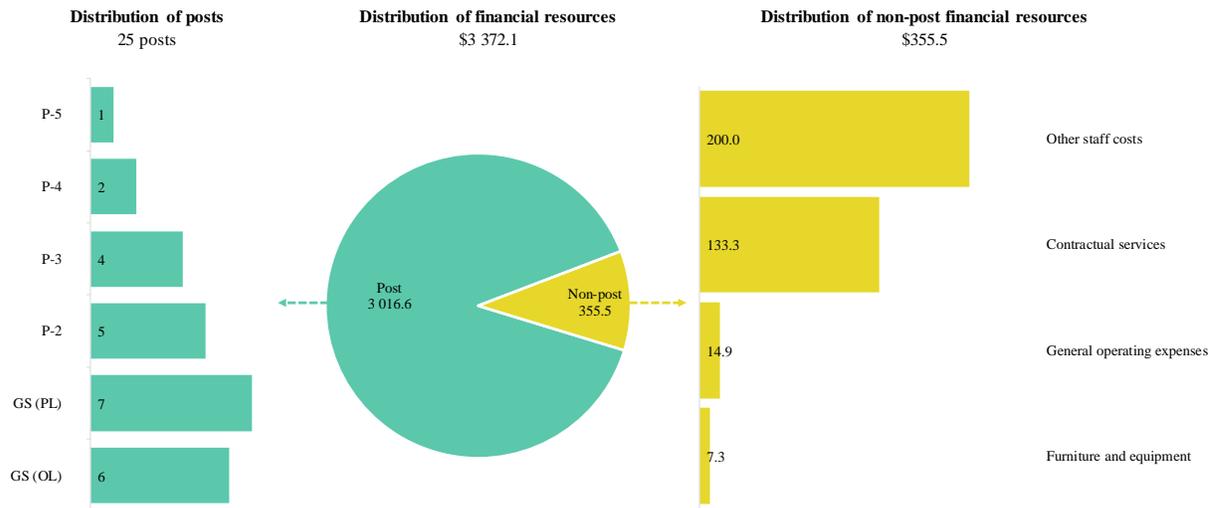
Subprogramme 6 Custody, registration and publication of treaties

8.114 The proposed regular budget resources for 2020 amount to \$3,372,100 and reflect an increase of \$200,000 compared with the appropriation for 2019. Additional details are reflected in table 8.21 and figures 8.XVIII and 8.XIX.

Table 8.21
Subprogramme 6: evolution of financial and post resources
 (Thousands of United States dollars/number of posts)

	2018 expenditure	2019 appropriation	Changes				2020 estimate (before recosting)	
			Technical adjustments	New/ expanded mandates	Other	Total		Percentage
Financial resources by main category of expenditure								
Post	3 333.3	3 016.6	–	–	–	–	–	3 016.6
Non-post	162.1	155.5	–	200.0	–	200.0	128.6	355.5
Total	3 495.4	3 172.1	–	200.0	–	200.0	6.3	3 372.1
Post resources by category								
Professional and higher		12	–	–	–	–	–	12
General Service and related		13	–	–	–	–	–	13
Total		25	–	–	–	–	–	25

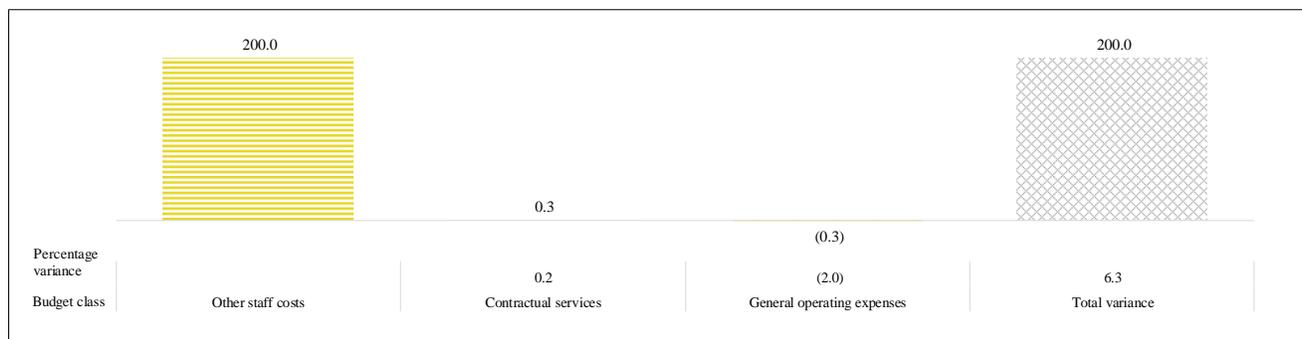
Figure 8.XVIII
Subprogramme 6: distribution of proposed resources for 2020 (before recosting)
 (Number of posts/thousands of United States dollars)



Abbreviations: GS (OL), General Service (Other level); GS (PL), General Service (Principal level).

Figure 8.XIX
Subprogramme 6: variance between proposed resources for 2020 and appropriation for 2019, by budget class

(Thousands of United States dollars)



8.115 The variance of \$200,000 reflects:

New/expanded mandates. The net increase of \$200,000 relates mainly to the provision under other staff costs for one general temporary assistance position necessary for the preparation of the substantive report on strengthening and promoting the international treaty framework to be submitted pursuant to General Assembly resolution [73/210](#).

Programme support

8.116 The Executive Office provides services to the Office of Legal Affairs in connection with personnel, budgetary and financial administration, resource planning and use of common services, together with administrative support for policymaking organs and other international meetings, as required.

8.117 The proposed regular budget resources for 2020 amount to \$864,900 and reflect no resource change compared with the appropriation for 2019. Additional details are reflected in figures 8.XX to 8.XXII and table 8.22.

Figure 8.XX
Resources for programme support as a percentage of the regular budget

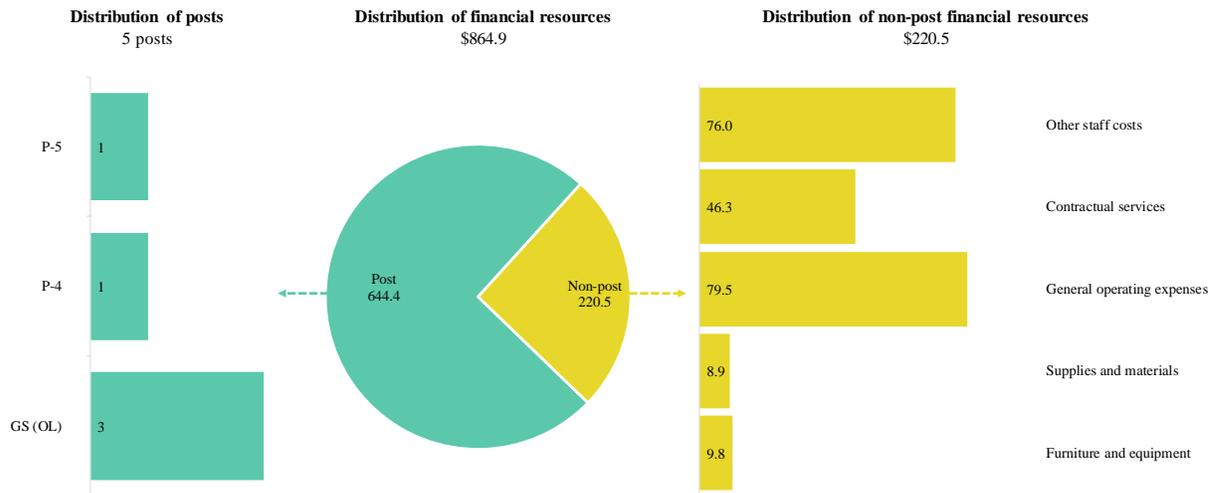
(Millions of United States dollars)



Table 8.22
Programme support: evolution of financial and post resources
 (Thousands of United States dollars/number of posts)

	2018 expenditure	2019 appropriation	Changes				2020 estimate (before recosting)
			Technical adjustments	New/ expanded mandates	Other	Total	
Financial resources by main category of expenditure							
Post	774.9	644.4	–	–	–	–	644.4
Non-post	151.8	220.5	–	–	–	–	220.5
Total	926.7	864.9	–	–	–	–	864.9
Post resources by category							
Professional and higher		2	–	–	–	–	2
General Service and related		3	–	–	–	–	3
Total		5	–	–	–	–	5

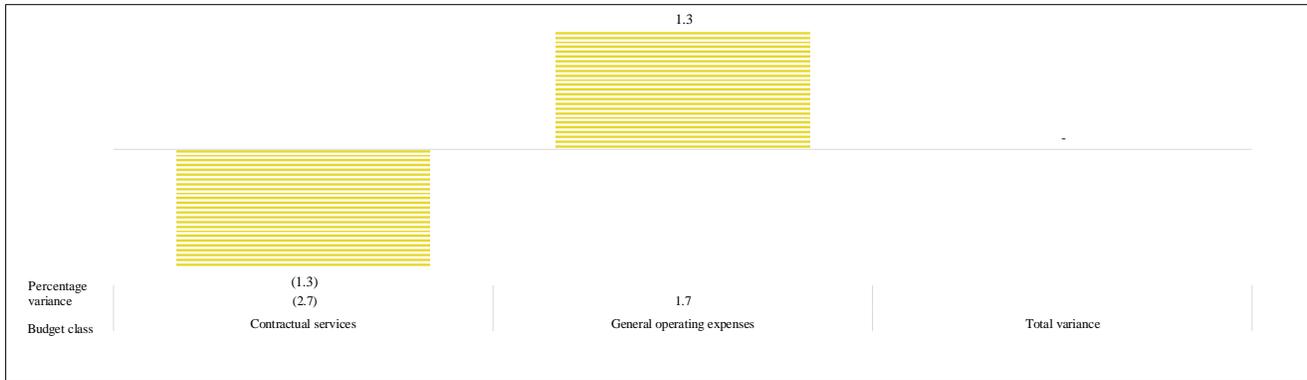
Figure 8.XXI
Programme support: distribution of proposed resources for 2020 (before recosting)
 (Number of posts/thousands of United States dollars)



Abbreviation: GS (OL), General Service (Other level).

Figure 8.XXII
Programme support: variance between proposed resources for 2020 and appropriation for 2019, by budget class

(Thousands of United States dollars)



8.118 The proposed changes reflect the redeployment of resources within the component on a cost-neutral basis to better support its operational requirements for 2020.

8.119 The programme support component is supported by extrabudgetary resources, estimated at \$172,500, as reflected in table 8.7. The resources would provide for one post and non-post resources to complement other resources for the provision of programme support.

II. Independent Investigative Mechanism for Myanmar

Overall orientation

Mandates and background

- 8.120 Pursuant to Human Rights Council resolution [39/2](#), by which the Independent Investigative Mechanism for Myanmar was established, the Mechanism is responsible for collecting, consolidating, preserving and analysing evidence of the most serious international crimes and violations of international law committed in Myanmar since 2011. The Mechanism is also mandated to prepare files in order to facilitate and expedite fair and independent criminal proceedings, in accordance with international law standards, in national, regional or international courts or tribunals that have or may in the future have jurisdiction over these crimes, in accordance with international law. The terms of reference for the Mechanism are set out in the annex to a letter dated 16 January 2019 from the Secretary-General addressed to the President of the General Assembly ([A/73/716](#)) and in a letter addressed to the President of the Human Rights Council.

Alignment with the Charter of the United Nations and the Sustainable Development Goals

- 8.121 The mandate of the Mechanism guides it in producing the respective deliverables, which contribute to the attainment of the objective. The objective is aligned with the Organization's purposes to maintain international peace and security, and to that end: to take effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace, and to bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace; and to achieve international cooperation in solving international problems of an economic, social, cultural or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language or religion, as stipulated in Article 1 of the Charter of the United Nations. In the context of the 2030 Agenda for Sustainable Development, the purposes stipulated in Article 1 of the Charter are embodied by the Sustainable Development Goals. The objective, and therefore the deliverables, is aligned with a number of Sustainable Development Goals, as reflected in paragraphs 8.134 and 8.135.
- 8.122 The objectives of the Mechanism are also aligned with a number of transformative agendas. The strengthening of accountability for international crimes reflects the goals of the Doha Declaration on Integrating Crime Prevention and Criminal Justice into the Wider United Nations Agenda to Address Social and Economic Challenges and to Promote the Rule of Law at the National and International Levels, and Public Participation, which seek to prevent the commission of further crime in the future. The Mechanism's emphasis on tackling sexual and gender-based violence, with respect for the dignity and rights of women and girl victims, as well as others, also gives further effect in this context to the Beijing Declaration and Platform for Action and the women and peace and security agenda, pursuant to Security Council resolution [1325 \(2000\)](#). The Mechanism's engagement with mass displacement and recognition of the dignity and rights of displaced persons in the accountability context is also fully aligned with the principles of the Global Compact for Safe, Orderly and Regular Migration.

Strategy and external factors for 2020

- 8.123 In its resolution [39/2](#), the Human Rights Council decided that, in addition to the collection, consolidation, preservation and analysis of evidence of the most serious international crimes and violations of international law committed in Myanmar since 2011, and the preparation of files in

order to facilitate and expedite fair and independent criminal proceedings, the Independent Investigative Mechanism shall:

- (a) Be able to make use of the information collected by the fact-finding mission and continue to collect evidence;
- (b) Have the capacity to document and verify relevant information and evidence, including through field engagement and by cooperating with other entities, as appropriate;
- (c) Report on its main activities on an annual basis to the Human Rights Council as of its forty-second session and to the General Assembly as of its seventy-fourth session.

8.124 In accordance with its terms of reference, the Mechanism shall develop strategies and determine a workplan. The Mechanism shall also adopt procedures and methods of work, in accordance with international criminal law standards, for collecting, consolidating, analysing, preserving and storing information, documentation and evidence, as well as for preparing files to facilitate and expedite fair and independent criminal proceedings.

8.125 Pursuant to the terms of reference, the above-mentioned procedures shall be based on the highest possible standards, consistent with the Charter of the United Nations, United Nations rules, regulations, policies and good practices, relevant international law and standards, including human rights law, notably the right to a fair trial and other due process provisions, as well as relevant jurisprudence, in order to ensure the broadest possible usability and admissibility of such evidence and material in national, regional or international courts or tribunals. In addition, the Mechanism shall ensure that its procedures are victim-centred and duly sensitive to considerations of sex, gender, age, religion and ethnicity.

8.126 In its resolution 39/2, the Human Rights Council called upon all States, including the Government of Myanmar and its independent commission of inquiry, and encouraged civil society, business enterprises and other stakeholders to cooperate fully with the Mechanism for it to effectively fulfil its mandate and, in particular, to provide it with any information and documentation they may possess or come to possess, as well as any other forms of assistance pertaining to their respective mandate. The Council requested the United Nations system as a whole to cooperate fully with the Mechanism and to respond promptly to any request made by the Mechanism, including access to all information and documentation.

8.127 In the light of the foregoing, the Mechanism will identify opportunities throughout 2020 to access significant amounts of relevant information and evidence held by other entities, including from within the United Nations system, other international organizations, States, non-governmental organizations and individuals.

8.128 The Mechanism will also identify opportunities to engage in a dynamic discussion with relevant entities, particularly at the national level, in order to ensure the broadest possible usability and admissibility of such evidence and material in national, regional or international courts or tribunals.

8.129 With regard to the external factors, the overall plan for 2020 is based on the following planning assumptions:

- (a) There will be entry points for engagement with Myanmar authorities for the Mechanism to be granted access to Myanmar. There will likewise be entry points for engagement with other Member States where relevant victims, witnesses and evidence may be found;
- (b) Relevant stakeholders, including Member States, the United Nations system, intergovernmental organizations and civil society, will cooperate with the Mechanism;
- (c) All parties from whom the Mechanism may seek information will cooperate with it. The Mechanism will also, as appropriate, draw on lessons learned and best practices of other comparable investigative mechanisms;
- (d) Appropriate victim and witness protection can be ensured for the taking of testimonies from victims and witnesses, as part of the mandate of the Mechanism to collect evidence.

- 8.130 The Mechanism integrates a gender perspective in its operational activities, deliverables and results, as appropriate. As set out in the terms of reference, the secretariat of the Mechanism shall include persons with expertise in the area of sexual and gender-based crimes and violence. The procedures adopted by the Mechanism shall also be victim-centred and duly sensitive to considerations of sex, gender, age, religion and ethnicity. In addition, the Mechanism shall take appropriate measures to respect and ensure respect for the privacy, interests and personal circumstances of victims, in the light of, inter alia, their sex, sexual orientation, gender and health and taking into account the nature of the crime, in particular where it involves sexual and gender-based violence. The Mechanism may undertake specific activities to strengthen the capacity of national authorities to address relevant sexual and gender-based violence and hold perpetrators to account. Finally, the Mechanism shall assist in referring vulnerable victims and witnesses who cooperate with it, in particular women and survivors of sexual and gender-based violence, to relevant bodies so that they are provided with appropriate medical and psychosocial support.
- 8.131 With regard to cooperation with other entities, the Mechanism will cooperate with relevant international and regional organizations, as well as non-governmental organizations, as appropriate and as necessary for the implementation of its mandate.
- 8.132 With regard to inter-agency coordination and liaison, pursuant to the terms of reference of the Mechanism, the United Nations and all of its programmes, funds and offices shall, within their respective mandates, fully cooperate with the Mechanism and promptly respond to its requests, including for access to information.

A. Proposed programme plan for 2020 and programme performance for 2018



1. Objective

- 8.133 The objective, to which the Mechanism contributes, is to ensure accountability for serious international crimes and violations of international law committed in Myanmar since 2011, and justice, which is one of the values enshrined in the Charter of the United Nations.

2. Alignment with the Sustainable Development Goals

- 8.134 The objective is aligned with Sustainable Development Goal 5, which is to achieve gender equality and empower all women and girls. Progress towards the attainment of the objective will help to end all forms of discrimination and eliminate all forms of violence against all women and girls everywhere, including trafficking and sexual and other types of exploitation.
- 8.135 The objective is also aligned with Sustainable Development Goal 16, which is to promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels. Progress towards the attainment of the objective will help to promote the rule of law at the national and international levels and ensure equal access to justice for all.

3. Highlighted planned result for 2020

Cooperative frameworks for the collection, preservation and storage of information, documentation and evidence

In 2018, the Human Rights Council adopted resolution [39/2](#) on the situation of human rights of Rohingya Muslims and other minorities in Myanmar.

Challenge and response

The challenge is to develop a procedural framework as a first step towards operationalizing the resolution and to structure engagement with parties for the ultimate collection, preservation and storage of information, documentation and evidence. In response, for 2020, pursuant to its terms of reference, the Mechanism will design its structure, its cooperative frameworks for the collection of evidence and its framework for managing information, documentation and evidence collected on the serious international crimes and violations of international law committed in Myanmar since 2011. Drawing on lessons learned from other accountability processes, the Mechanism will pursue access to relevant information and evidence that is available, putting in place cooperative frameworks with a significant number of diverse relevant stakeholders. The Mechanism will use template agreements developed in consultation with the Office of Legal Affairs as a foundation for future agreements and for the collection, consolidation, documentation and verification of substantive and diversified information, documentation and evidence and its analysis, organization, preservation and storage, in accordance with international law standards.

Result and evidence

The planned deliverables are expected to contribute to the result, which is the agreement of parties to engage with the Mechanism in a structured fashion with a view to collecting, organizing, preserving and storing the information, documentation and evidence.

Evidence of the result, if achieved, will include the number and nature of the cooperative frameworks to which parties agree. The result, if achieved, will demonstrate progress made in 2020 towards the collective attainment of the objective.

Performance measures

2018	2019	2020
Adoption of Human Rights Council resolution 39/2	Initiation of dialogue with parties	Agreement of parties to cooperative frameworks for the collection, preservation and storage of information, documentation and evidence

8.136 The Mechanism will continue to be guided by all mandates entrusted to it, which provide the legislative framework for its deliverables.

4. Deliverables for the period 2018–2020

8.137 Table 8.23 lists all deliverables, by category and subcategory, for the period 2018–2020 that contributed and are expected to contribute to the attainment of the objective stated above.

Table 8.23

Independent Investigative Mechanism for Myanmar: deliverables for the period 2018–2020, by category and subcategory

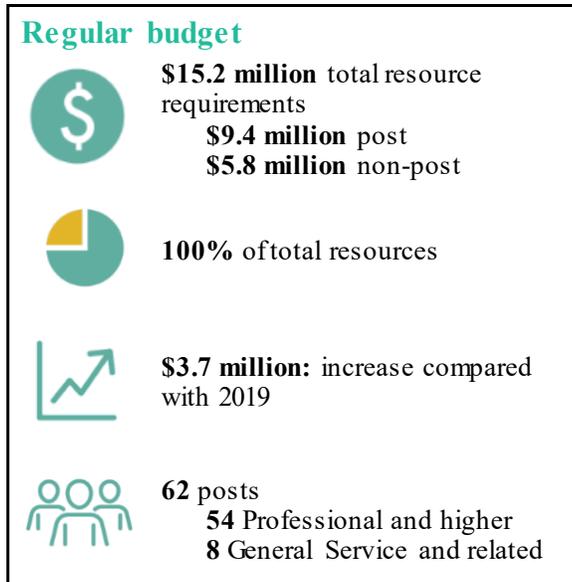
	2018 <i>planned</i>	2018 <i>actual</i>	2019 <i>planned</i>	2020 <i>planned</i>
Quantified deliverables				
A. Facilitation of the intergovernmental process and expert bodies				
Parliamentary documentation (number of documents)	–	–	2	2
Substantive services for meetings (number of three-hour meetings)	–	–	2	2
Non-quantified deliverables				
C. Substantive deliverables				
Consultation, advice and advocacy				
Fact-finding, monitoring and investigation missions				
Databases and substantive digital materials				
D. Communication deliverables				
Outreach programmes, special events and information materials				
External and media relations				

B. Proposed post and non-post resource requirements for 2020

Overview

- 8.138 The total resource requirements for 2020, comprising solely regular budget resources, are reflected in figure 8.XXIII.

Figure 8.XXIII
2020 in numbers



Note: Estimates before recosting.

Overview of resources for the regular budget

- 8.139 The proposed regular budget resources for 2020, including the breakdown of resource changes, as applicable, are reflected in table 8.24. The proposed resource level provides for the full, efficient and effective implementation of mandates.
- 8.140 The Independent Investigative Mechanism for Myanmar was established pursuant to paragraphs 22 and 28 of Human Rights Council resolution 39/2, in which of the Council decided to establish an ongoing independent mechanism to collect, consolidate, preserve and analyse evidence of the most serious international crimes and violations of international law committed in Myanmar since 2011, and to prepare files in order to facilitate and expedite fair and independent criminal proceedings, in accordance with international law standards, in national, regional or international courts or tribunals that have or may in the future have jurisdiction over these crimes, in accordance with international law.

Table 8.24

Evolution of financial resources by component and main category of expenditure

(Thousands of United States dollars)

	2018 expenditure	2019 appropriation	Changes			Total	Percentage	2020 estimate (before recosting)	Recosting	2020 estimate (after recosting)
			Technical adjustments	New/ expanded mandates	Other					
Component										
Programme of work	–	11 455.2	2 688.3	1 044.7	–	3 733.0	32.6	15 188.2	103.9	15 292.1
Total	–	11 455.2	2 688.3	1 044.7	–	3 733.0	32.6	15 188.2	103.9	15 292.1
Main category of expenditure										
Post	–	–	–	292.2	9 060.9	9 353.1	–	9 353.1	16.0	9 369.1
Non-post	–	11 455.2	2 688.3	752.5	(9 060.9)	(5 620.1)	(49.1)	5 835.1	87.9	5 923.0
Total	–	11 455.2	2 688.3	1 044.7	–	3 733.0	32.6	15 188.2	103.9	15 292.1

Programme of work

8.141 The Mechanism, in accordance with Human Rights Council resolution 39/2, was established to collect, consolidate, preserve and analyse evidence of the most serious international crimes and violations of international law committed in Myanmar since 2011. To implement its mandate, the Mechanism proposes the following organizational structure:

- (a) **Office of the Head of the Mechanism.** The Office is responsible for overall strategic and managerial guidance; overall direction and supervision of the activities of the Mechanism, in particular to formulate, implement and evaluate policies, procedures, methods of work and activities for collecting, consolidating, preserving and analysing information and evidence of violations of international humanitarian law, international crimes and human rights violations and abuses; and preparing files to facilitate and expedite fair and independent criminal proceedings, in accordance with international law standards, in national, regional or international courts or tribunals that have or may in the future have jurisdiction over these crimes, in accordance with international law. In addition, the Office will develop and implement standard operating procedures to obtain information, documentation and evidence from victims and from data sources, including civil society organizations and other stakeholders. It will develop and implement an ongoing witness and victim support programme for the Mechanism, which will include the provision of practical support to witnesses and victims, follow-up and monitoring of the well-being of witnesses after interviews and the facilitation of aftercare by maintaining contact and liaising with relevant national bodies and non-governmental organizations (NGOs) that provide such services for witnesses and victims. The Office will review and negotiate contracts, memorandums of understanding and other relevant legal documents and prepare regular and periodic reports for submission to the Human Rights Council and other legislative bodies, as required. The Office will also seek to develop relationships with current or potential future prosecutorial and/or judicial authorities with relevant jurisdiction. The Office comprises the Head of the Mechanism (Assistant Secretary-General), 1 Deputy (Principal Legal Officer) (D-1), 1 Senior Legal Officer (P-5), 2 Legal Officers (P-3) and 2 Administrative Assistants (General Service (Other level));
- (b) **Collection, Analysis and Sharing Section.** The Section is responsible for providing in-depth legal expertise pertaining to the aforementioned legal themes; designing a system for the analysis and preservation of evidence; the collection, verification and determination of violations of or crimes under international law and the formulation of appropriate

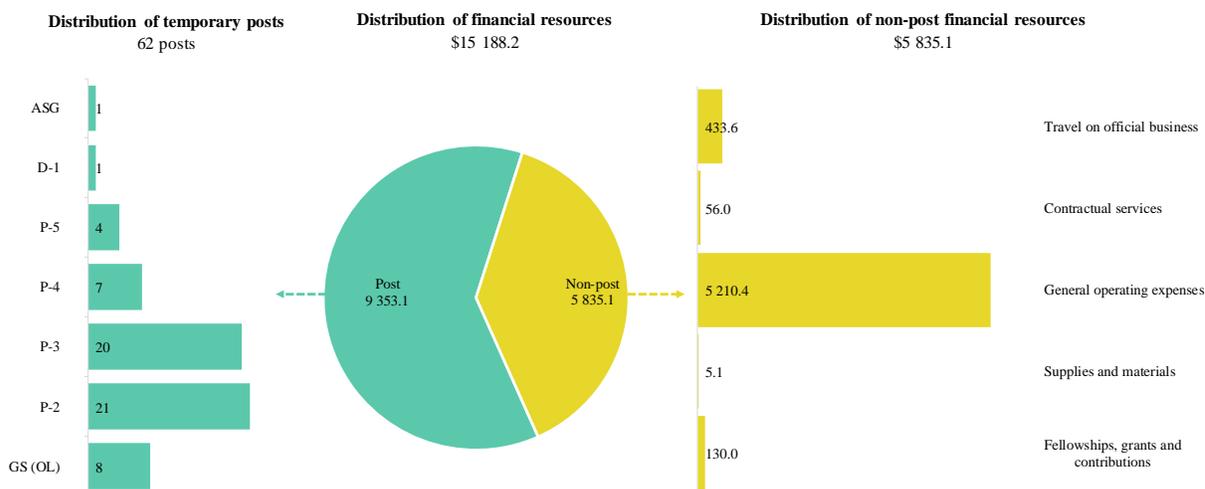
methodologies for information- and evidence-gathering for developing cases for future criminal accountability processes. Investigation officers will conduct close analysis of vetted data by using appropriate methods and with the assistance of tools and software, as well as by conducting field missions. In consultation with legal officers, investigators will undertake interviews with witnesses. Analysts will provide analysis of substantive and circumstantial evidence in relation to the specific cases and events under consideration by the Mechanism. The legal officers will determine whether information gathered proved elements of the crimes and whether the evidence is admissible for prosecution. In doing so, the Section will search for evidence that proved individual criminal responsibility of potential subjects, including through modes of responsibility linking them to relevant crimes. The legal officers will further determine the best way to preserve the information and evidence for future prosecution. The Section will also decide how and with which judicial and prosecutorial bodies to share the cases prepared for prosecution and would carry out outreach work accordingly with Member states and national and international judicial and prosecutorial bodies. The Section comprises 1 Senior Legal Officer (P-5), 4 Legal Officers (P-4), 9 Legal Officers (P-3), 2 Security Officers (P-3), 13 Associate Legal Officers (P-2/P-1) and 2 Administrative Assistants (General Service (Other level));

- (c) **Information Systems Management Section.** The Section is responsible for monitoring and collecting information related to allegations of crimes under international law and violations and abuses of human rights from victims and from data sources, including civil society organizations and other stakeholders. The vetting and processing work requires initial analysis, which would be undertaken by the way of deduplication, identification and rough tagging. This work will benefit from the assistance of tools and equipment that the Mechanism plans to purchase. Given the sheer number of reports issued by the Mechanism and the independent international fact-finding mission on Myanmar, the staff in the Section will tag, translate, highlight duplication, identify and trace locations, persons and perpetrators of alleged crimes under international law and violations and abuses of human rights. In addition to the information, documentation and evidence collected by the fact-finding mission, data about violations of human rights and international humanitarian law comes from the public's use of social media, including Facebook, WhatsApp and YouTube, which the Section will track, verify and store on the Mechanism's database. The Section will also develop rigorous methods to label the location, provider and date of receipt or publication, and otherwise determine the origin and metadata of electronic information, documentation and materials and enable their classification, storage, access and collation. The Section will also develop protocols for appropriate receipt and transferral of information, documentation and evidence with and from third parties, including relevant prosecutorial and judicial authorities. The Section comprises 1 Senior Information Systems Officer (P-5), 2 Information Systems Officers (P-4), 5 Information Systems Officers (P-3), 3 Associate Information Officers (P-2/P-1) and 1 Administrative Assistant (General Service (Other level));
- (d) **Language Support Services Section.** The Section is responsible for translating from various languages used in Myanmar to English and vice versa. Since Myanmar is a multilingual country and there are many spoken languages and dialects, the Mechanism proposes the establishment of language services and the capacity to hire language assistants on a short-term basis. The Section is comprised of 1 Editor/Reviser (P-4) and 5 Translators (P-2/P-1);
- (e) **Administrative Services Section.** The Section provides administrative support services to the Mechanism in the areas of financial management, including preparation of budgets and monitoring of expenditures; human resources management, including recruitment and administration of staff; and general services, including travel, procurement and property management. The Section is responsible for all Umoja-related functions. The Section comprises 1 Senior Administrative Officer (P-5), 1 Human Resources Officer (P-3), 1 Finance and Budget Officer (P-3) and 3 Administrative Assistants (General Service (Other level)).

8.142 The proposed regular budget resources for 2020 amount to \$15,188,200 and reflect a net increase of \$3,733,000 compared with the appropriation for 2019. Additional details are reflected in figures 8.XXIV and 8.XXV.

Figure 8.XXIV
Independent Investigative Mechanism for Myanmar: distribution of proposed resources for 2020 (before recosting)

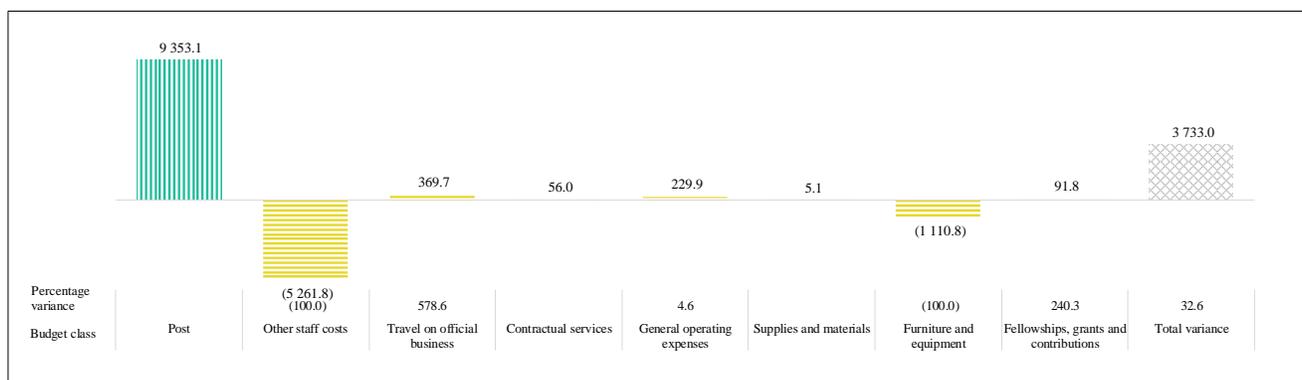
(Number of posts/thousands of United States dollars)



Abbreviations: ASG, Assistant Secretary-General; GS (OL), General Service (Other level).

Figure 8.XXV
Independent Investigative Mechanism for Myanmar: variance between proposed resources for 2020 and appropriation for 2019, by budget class

(Thousands of United States dollars)



8.143 The variance of \$3,733,000 reflects:

- (a) **Technical adjustments.** The net increase of \$2,688,300 relates to the full provision of 58 general temporary assistance positions (other staff costs) that were funded taking into account a phased deployment schedule (\$3,799,100). This is offset in part by the removal of non-recurrent provisions relating to the acquisition of office furniture and equipment (\$1,110,800);

- (b) **Other changes.** The proposed changes reflect the conversion of 58 general temporary assistance positions to temporary posts (1 Assistant Secretary-General, 1 D-1, 4 P-5, 7 P-4, 19 P-3, 18 P-2 and 8 General Service (Other level), taking into account the time frame of the Mechanism;
- (c) **New and expanded mandates.** The net increase of \$1,044,700 comprises (i) \$292,200 under post resources, which would provide for four temporary posts (1 Information Systems Officer (P-3), 2 Associate Information Officer (P-2/P-1) and 1 Associate Legal Officer (P-2/P-1)) for the implementation of the activities mandated in Human Rights Council resolution [39/2](#); and (ii) non-post resources for travel on official business (\$369,700), contractual services (\$56,000), general operating expenses (\$229,900), supplies and materials (\$5,100) and fellowships, grants and contributions for the travel of witnesses (\$91,800).

III. International, Impartial and Independent Mechanism to Assist in the Investigation and Prosecution of Persons Responsible for the Most Serious Crimes under International Law Committed in the Syrian Arab Republic since March 2011



Foreword

In December 2016 the General Assembly created the International, Impartial and Independent Mechanism to Assist in the Investigation and Prosecution of Persons Responsible for the Most Serious Crimes under International Law Committed in the Syrian Arab Republic since March 2011 to prepare for criminal trials relating to the conflicts in the country, pending the emergence of further jurisdictional pathways for prosecuting those crimes.

Since taking up my duties as Head of the Mechanism in August 2017, my focus has been for the Mechanism to promote cooperation among a range of relevant actors at the international, regional and national levels. The Mechanism has transformed from a theoretical concept, set out in the text of General Assembly resolution [71/248](#), into a living entity comprising a team of highly trained criminal justice experts from a diverse range of professional categories. The Mechanism's evidence collection is already facilitating investigations and prosecutions being conducted in national jurisdictions based on extraterritorial or universal jurisdiction. This evidence collection forms the foundation of the Mechanism's criminal case files, which in turn promote a comprehensive approach to accountability for crimes committed in the Syrian Arab Republic.

The Mechanism's mandate is unique in the degree of formal recognition given to the role of civil society in documenting international crimes. I have seen the tremendous value of the courageous, tireless and heartbreaking work done by non-governmental organizations (NGOs) over eight long years. I have also come to understand the multifaceted contributions they can make, including in fostering understanding of the broader context of the Syrian situation. Engaging with Syrian NGOs has been one of the highlights of my work. The success of the Mechanism depends on successful engagement with them, as well as with other actors, including Member States, other United Nations bodies, international organizations and NGOs. The conclusion of a cooperation protocol between the Mechanism and Syrian NGOs in Lausanne, Switzerland, in April 2018 provided an important foundation for moving forward and cause for optimism about what the Mechanism can achieve in the future.

(Signed) Catherine **Marchi-Uhel**
Head of the Mechanism

Overall orientation

Mandates and background

- 8.144 The Mechanism is responsible for assisting in the investigation and prosecution of persons responsible for the most serious international crimes committed in the Syrian Arab Republic since March 2011. The mandate derives from General Assembly resolution 71/248, as further elucidated in the Mechanism's terms of reference (see A/71/755, annex). The Mechanism has an immediate responsibility to support criminal accountability, and its work relates to both supporting ongoing investigations and prosecutions being conducted by other actors and building case files to be shared with courts or tribunals which currently, or may in the future, have jurisdiction over those crimes.

Alignment with the Charter of the United Nations and the Sustainable Development Goals

- 8.145 The mandate of the Mechanism guides it in producing the respective deliverables, which contribute to the attainment of the objective. The objective is aligned with the Organization's purpose to maintain international peace and security, and to that end: to take effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace, and to bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace, as stipulated in Article 1 of the Charter of the United Nations. In the context of the 2030 Agenda for Sustainable Development, the purposes stipulated in Article 1 of the Charter are embodied by the Sustainable Development Goals. The objective, and therefore the deliverables, is aligned with a number of Sustainable Development Goals, as reflected in paragraphs 8.159 and 8.160.

Recent developments

- 8.146 In 2018, allegations of core international crimes committed during the conflicts in the Syrian Arab Republic continued.

Strategy and external factors for 2020

- 8.147 The Mechanism will take a five-track approach:
- (a) Continue building a comprehensive evidence collection concerning crimes committed in the Syrian Arab Republic and to ensure that evidence is preserved;
 - (b) Advance the Mechanism's analysis of evidence to provide a principled and systematic foundation for building criminal files, as well as to maximize the potential for the Mechanism to expeditiously provide assistance to competent jurisdictions. The analysis will permit the identification of evidentiary gaps that must be filled in order to build files;
 - (c) Pursue lines of inquiry to build files and, at the same time, propel the analysis forward;
 - (d) Build criminal files, including by carrying out investigations required to fill evidentiary gaps;
 - (e) Share information, evidence, analytical work product, expertise and/or case files with national, regional or international courts and tribunals, or otherwise support their work, in accordance with the framework set out in its mandate.

- 8.148 In addition, the Mechanism will factor into its working methods two additional cross-cutting themes. First, the Mechanism is adopting a victim-centred approach, including proper attention to diverse gender and other perspectives, in its work. Second, and related, the Mechanism will seek to facilitate the achievement of broader transitional justice goals wherever possible.
- 8.149 The Mechanism will have access to significant amounts of relevant information and evidence held by other entities, including from within the United Nations system, by way of framework cooperation agreements with key information holders, in accordance with its mandate (see resolution 71/248, paras. 6 and 7). For example, the Mechanism has existing agreements with the Independent International Commission of Inquiry on the Syrian Arab Republic, the Organisation for the Prohibition of Chemical Weapons (OPCW) and a number of individual NGOs. The Mechanism has also concluded a protocol with a group of 28 NGOs representing Syrian civil society actors, which forms the basis of the Mechanism's cooperation with the NGOs. The protocol also provides a general framework for cooperation that can extend to other NGOs willing to collaborate with the Mechanism in the future. The Mechanism is negotiating further cooperation agreements with other relevant actors and will continue to do so in 2019 and 2020.
- 8.150 As the Mechanism's evidence collection continues to grow, it will increasingly share information and evidence and prepare files in order to facilitate and expedite fair and independent criminal proceedings, in accordance with international law standards, in national, regional or international courts or tribunals that have, or may in the future have, jurisdiction over these crimes, in accordance with international law. The effectiveness of the evidence collection will be maximized through the use of the Mechanism's state-of-the-art information and evidence management system. The Mechanism's capacity to assist a broad range of actors is being further enhanced through the development of high-quality standard operating procedures.
- 8.151 Consistent with its mandate, the Mechanism will continue to review the needs of competent jurisdictions, with a view to identifying the areas in which the Mechanism can add most value to their work. It will further assess, on an ongoing basis, the sufficiency of the material in its evidence collection, with a view to answering key factual questions forming part of the Mechanism's structural investigation, requests for assistance from competent jurisdictions and factual questions arising in the Mechanism's development of specific case files.
- 8.152 As noted above, the Mechanism is currently leveraging opportunities to access large volumes of material, in accordance with its mandate, by negotiating cooperation agreements with United Nations entities, other international organizations, States, NGOs and individuals, which will facilitate access to relevant information and evidence in their possession.
- 8.153 The Mechanism is committed to leveraging the potential for technology to enhance its collection¹⁵³ and analytical processes and to enable it to effectively process the volume of relevant material available concerning crimes committed in the Syrian Arab Republic.
- 8.154 With regard to the external factors, the overall plan for 2020 is based on the planning assumption that relevant materials on chemical weapons usage compiled by the OPCW-United Nations Joint Investigative Mechanism will be made available and that parties will provide information and evidence (including hard copies of documents, digital records, databases, images and videos) for inclusion in the evidence collection, necessitating storage capabilities and resources for the ongoing tagging of information and evidence.
- 8.155 The Mechanism integrates a gender perspective in its operational activities, deliverables and results, as appropriate. For example, the Mechanism is taking concrete steps to ensure that a gender perspective is incorporated in its evidentiary strategies, for example, to avoid bias against accurately recording harms experienced by females, to ensure due attention is given to sexual violence crimes against males and to diversify evidentiary sources to accurately account for the perspectives of both males and females.

- 8.156 With regard to cooperation with other entities, the Mechanism will continue to cooperate with competent jurisdictions, international organizations, civil society organizations (Syrian and international) and individuals, utilizing a variety of cooperation frameworks.
- 8.157 With regard to inter-agency coordination and liaison, the Mechanism will continue to work with other United Nations entities working on issues related to the Syrian Arab Republic, including the Independent International Commission of Inquiry on the Syrian Arab Republic, in accordance with its mandate.

A. Proposed programme plan for 2020 and programme performance for 2018



1. Objective

8.158 The objective, to which the Mechanism contributes, is to achieve accountability for the most serious international crimes committed in the Syrian Arab Republic since March 2011.

2. Alignment with the Sustainable Development Goals

8.159 The objective is aligned with Sustainable Development Goal 5, which is to achieve gender equality and empower all women and girls. Progress towards the attainment of the objective will help to end all forms of discrimination and eliminate all forms of violence against all women and girls everywhere.

8.160 The objective is also aligned with Sustainable Development Goal 16, which is to promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels. Progress towards the attainment of the objective will help to promote the rule of law at the national and international levels and ensure equal access to justice for all. It will also assist efforts to end abuse, exploitation, trafficking and all forms of violence against, and torture of, children.

3. Highlighted result in 2018

Comprehensive evidence collection to facilitate accountability for serious international crimes committed in the Syrian Arab Republic

In 2018, the Mechanism designed a framework for managing information and evidence, with a view to developing its evidence collection as a central repository of the information on and evidence of crimes committed in the Syrian Arab Republic since March 2011. The Mechanism built an evidence management system which has the capacity to ingest, preserve and analyse unprecedented amounts of data in a variety of formats.

The materials the Mechanism collects are mostly digital and consist of text in multiple languages, audio, images and videos in varying formats and degrees of quality. As at the end of 2018, the Mechanism had collected 4 terabytes of data, or 920,000 records, from multiple stakeholders.



Comprehensive repository of information and evidence. Source: United Nations Photo Library

The volume of information and evidence required to prove responsibility for the most serious crimes committed in the Syrian Arab Republic creates challenges for preserving, collating, processing and analysing it. To address these challenges, the Mechanism's evidence management system is designed to be easily searchable and to use technology to automate inefficient or repetitive tasks and provide insights and guidance to analysts, investigators and lawyers.

The Mechanism is using technology to develop methods for identifying duplicate material, automatically generating transcriptions and translations and enforcing confidentiality restrictions. It has also implemented a strategy that includes collaborating with partners to leverage their experiences and capacities, in addition to managing the receipt of information and evidence from individuals, States, civil society, the private sector and United Nations entities, in accordance with its mandate. The Mechanism is applying new technological approaches to assist its work on establishing individual criminal responsibility, using data analysis, machine learning and computer vision to make the review of evidence more efficient.

Result and evidence

The deliverable contributed to the result, which is evidence collected in accordance with international criminal law standards to be made available to appropriate jurisdictions promptly and swiftly, in formats that allow for immediate use, without extensive processing. Lessons learned from challenges in prior international justice processes have provided the Mechanism with the foundation to build a solid evidence management system.

Evidence of the result includes the collection of 4 terabytes of data and four competent jurisdictions requesting targeted information.

The result demonstrates progress made in 2018 towards the collective attainment of the objective.

4. Highlighted planned result for 2020

Domestic investigations and prosecutions supported by expansion and diversification of the evidence collection

In 2018, the Mechanism continued to develop the evidence collection as a comprehensive central repository of information and evidence of crimes committed in the Syrian Arab Republic. Without access to the Syrian Arab Republic, the Mechanism sought to negotiate frameworks permitting the collection of information and evidence from different stakeholders, including the Independent International Commission of Inquiry on the Syrian Arab Republic and other United Nations entities, the Organisation for the Prohibition of Chemical Weapons, States and non-governmental organizations, in accordance with its mandate.

Challenge and response

The challenge was that, in this context, certain privacy concerns were voiced, which created challenges concerning the transfer of personal data.

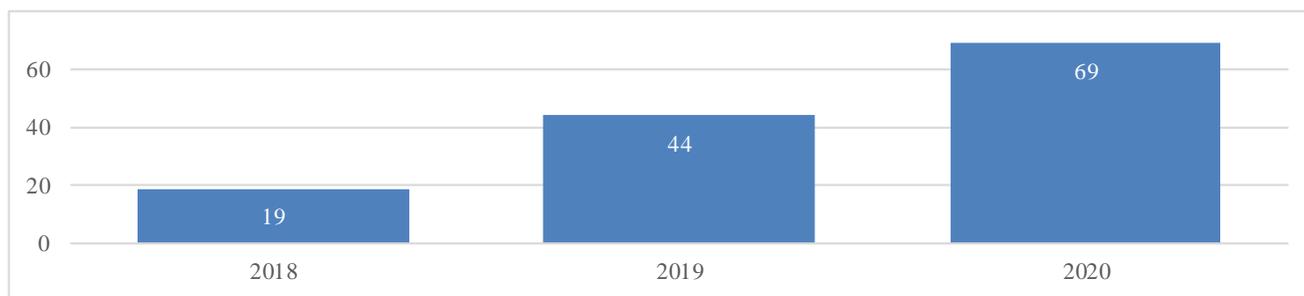
In response, for 2020, the Mechanism will refine strategies initiated in 2018 and 2019 to mitigate the impact of its inability to be physically present at crime scenes, including undertaking additional missions to access relevant information and evidence that is available outside of the Syrian Arab Republic and putting in place cooperative frameworks with an increased number of actors to diversify the available evidentiary sources. The Mechanism will also use template agreements developed in consultation with the Office of Legal Affairs as a foundation for future agreements. These templates contain provisions which meet the personal data concerns of information providers.

Result and evidence

The planned deliverable is expected to contribute to the result, which is increased diversification of available data sources for competent jurisdictions. Evidence of the result, if achieved, will include the increase in available data sources, as shown in the figure.

The result, if achieved, will demonstrate progress made in 2020 towards the collective attainment of the objective.

Performance measures: number of available data sources



8.161 The following General Assembly resolution comprises the main mandate entrusted to the Mechanism: resolution 71/248 on the International, Impartial and Independent Mechanism to Assist in the Investigation and Prosecution of Persons Responsible for the Most Serious Crimes under International Law Committed in the Syrian Arab Republic since March 2011. The Mechanism will continue to be guided by all mandates entrusted to it, which provide the legislative framework for its deliverables.

5. Deliverables for the period 2018–2020

8.162 Table 8.25 lists all deliverables, by category and subcategory, for the period 2018–2020 that contributed and are expected to contribute to the attainment of the objective stated above.

Table 8.25

International, Impartial and Independent Mechanism to Assist in the Investigation and Prosecution of Persons Responsible for the Most Serious Crimes under International Law Committed in the Syrian Arab Republic since March 2011: deliverables for the period 2018–2020, by category and subcategory

	2018 <i>planned</i>	2018 <i>actual</i>	2019 <i>planned</i>	2020 <i>planned</i>
Quantified deliverables				
A. Facilitation of the intergovernmental process and expert bodies				
Parliamentary documentation (number of documents)	–	2	2	2
B. Generation and transfer of knowledge				
Seminars, workshops and training events (number of days)	–	2	44	86
Technical materials (number of materials)	–	2	34	50
Non-quantified deliverables				
C. Substantive deliverables				
Consultation, advice and advocacy				
Fact-finding, monitoring and investigation missions				
Databases and substantive digital materials				
D. Communication deliverables				
Outreach programmes, special events and information materials				
External and media relations				
Digital platforms and multimedia content				

6. Most significant relative variances in deliverables

Variances between the planned figures for 2020 and 2019

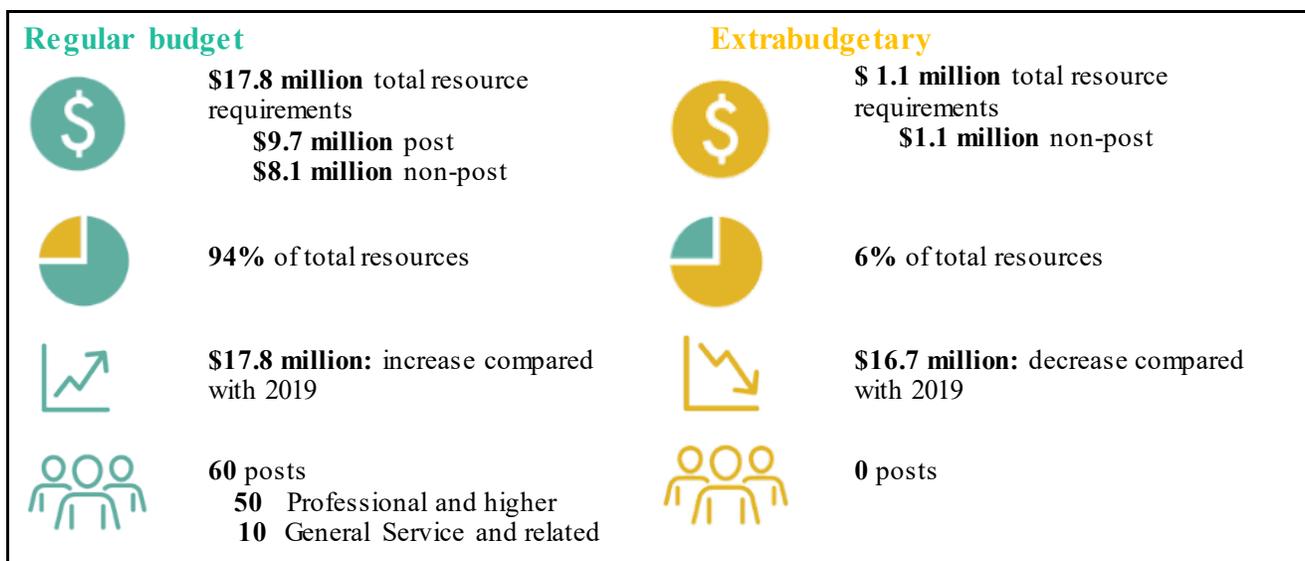
- 8.163 The variance in seminars, workshops and training events is driven by an increase in: (a) workshops to facilitate accountability for crimes committed in the Syrian Arab Republic; and (b) training for members of competent jurisdictions in the use of the Mechanism's evidence system to facilitate their identification and analysis of evidence of international crimes. These foreseen increases are due to an anticipated increase in requests for hosting liaison officers related to increased national prosecutions of cases relating to the Syrian Arab Republic, and to the Mechanism's own increased ability to respond to requests for workshops on accountability.
- 8.164 The variance in technical materials is driven by an increase in documents compiling evidence and analysis of international crimes, owing to an anticipated increase in the number of responses for such information caused by an increase in requests for assistance from competent jurisdictions.

B. Proposed post and non-post resource requirements for 2020

Overview

8.165 The total resource requirements for 2020, comprising the regular budget and projected extrabudgetary resources, are reflected in figure 8.XXVI and table 8.26.

Figure 8.XXVI
2020 in numbers



Note: Estimates before recosting.

Table 8.26
Overview of financial and post resources by funding source
(Thousands of United States dollars/number of posts)

	Regular budget			Extrabudgetary			Total		
	2019 appropriation	2020 estimate (before recosting)	Variance	2019 estimate	2020 estimate	Variance	2019 estimate	2020 estimate	Variance
Financial resources	–	17 806.2	17 806.2	17 812.0	1 141.6	(16 670.4)	17 812.0	18 947.8	1 135.8
Post resources	–	60	60	60	–	(60)	60	60	–

Overview of resources for the regular budget

8.166 The proposed regular budget resources for 2020 are reflected in tables 8.27 and 8.28. The proposed resource level provides for the full, efficient and effective implementation of the mandate.

8.167 In accordance with the 2030 Agenda for Sustainable Development, in particular target 12.6 of the Sustainable Development Goals, in which organizations are encouraged to integrate sustainability information into their reporting cycles, and in compliance with the cross-cutting mandate set out in paragraph 19 of General Assembly resolution 72/219, the Mechanism is integrating environmental management practices into its operations. In 2020, the Mechanism will reduce its carbon footprint by increasing its use of teleconferencing and videoconferencing to limit the travel of staff members. While this is already used to the extent possible, it is expected that, by 2020, more contacts with

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partner States, war crimes units and NGOs will have already been made and the Mechanism accordingly will be in an increasingly strong position to conduct day-to-day follow-up work with them via teleconferencing and videoconferencing. These facilities can be used to limit travel within Geneva, Switzerland and Europe and to facilitate transatlantic communications to reduce the carbon footprint of staff members.

Table 8.27
Evolution of financial resources by component and main category of expenditure

(Thousands of United States dollars)

Component	2018 expenditure	2019 appropriation	Changes				2020 estimate (before recosting)	Recosting	2020 estimate (after recosting)	
			Technical adjustments	New/expanded mandates	Other	Total				Percentage
Programme of work	–	–	–	–	17 806.2	17 806.2	–	17 806.2	143.1	17 949.3
Total	–	–	–	–	17 806.2	17 806.2	–	17 806.2	143.1	17 949.3
Main category of expenditure										
Post	–	–	–	–	9 703.4	9 703.4	–	9 703.4	20.5	9 723.9
Non-post	–	–	–	–	8 102.8	8 102.8	–	8 102.8	122.6	8 225.4
Total	–	–	–	–	17 806.2	17 806.2	–	17 806.2	143.1	17 949.3

Table 8.28
Evolution of temporary post resources by category

	2019 approved	Changes			2020 estimate	Variance
		Technical adjustments	New/expanded mandates	Other		
Professional and higher						
ASG	–	–	–	1	1	1
D-1	–	–	–	1	1	1
P-5	–	–	–	4	4	4
P-4	–	–	–	10	10	10
P-3	–	–	–	24	24	24
P-2/1	–	–	–	10	10	10
Subtotal	–	–	–	50	50	50
General Service						
Principal level	–	–	–	1	1	1
Other level	–	–	–	9	9	9
Subtotal	–	–	–	10	10	10
Total	–	–	–	60	60	60

Note: The breakdown of post changes by post level is provided in annex II.

Abbreviation: ASG, Assistant Secretary-General.

Programme of work

- 8.168 As reflected in the overall orientation, on 21 December 2016, the General Assembly adopted resolution [71/248](#), in which it decided: (a) in paragraph 4, to establish the International, Impartial and Independent Mechanism to Assist in the Investigation and Prosecution of Persons Responsible for the Most Serious Crimes under International Law Committed in the Syrian Arab Republic since March 2011; (b) in paragraph 5, that the Mechanism would initially be funded exclusively from voluntary contributions; and (c) in paragraph 8, to revisit the question of funding of the Mechanism as soon as possible.
- 8.169 On 23 January 2018, the General Assembly, in paragraph 35 of its resolution [72/191](#), called upon the Secretary-General to include the necessary funding for the Mechanism in his next budget proposal. Subsequently, in the report of the Mechanism transmitted to the Assembly through a note by the Secretary-General of 28 February 2018 (see [A/72/764](#)), the Mechanism identified the absence of regular budget funding as a key challenge in the planning and organization of its work, including the collection of evidence. The Mechanism also indicated, in paragraph 68 of its report, that securing regular budget funding for the Mechanism would be a significant step forward, and in paragraph 73 (b) sought support from the Assembly to approve regular budget funding for the 2020/21 budget cycle onwards.
- 8.170 Subsequently, in its report transmitted to the General Assembly through a note by the Secretary-General of 3 August 2018 (see [A/73/295](#)), the Mechanism indicated the progress in the transition to regular budget funding in response to the call by the Assembly in resolution [72/191](#), and sought support from the Assembly to approve the regular budget funding for the Mechanism from the 2020 budget cycle onwards (*ibid.*, paragraph 65 (a) (i)).
- 8.171 In paragraph 32 of its resolution [73/182](#) of 17 December 2018, the General Assembly noted the steps taken by the Secretary-General in response to the call to include the necessary funding for the Mechanism in his next budget proposal.
- 8.172 Prior to the adoption of resolution [73/182](#), the Third Committee was informed through an oral statement preceding the adoption of draft resolution [A/C.3/73/L.50](#) that the Secretary-General would include the funding necessary for the Mechanism in the regular budget for 2020.
- 8.173 The Mechanism proposes the following organizational structure:
- (a) **Office of the Head of the Mechanism.** The Office comprises the Head of the Mechanism (Assistant Secretary-General), 1 Deputy Head of the Mechanism (D-1), 1 External Relations Officer (P-4), 2 Legal Officers (P-3) and 2 Staff Assistants (General Service (Other level)). The Office provides overall strategic, leadership and management guidance to the Mechanism and evaluates, approves and implements its policies, procedures, methods of work and activities. These roles are undertaken in full compliance with the mandate of Mechanism to (i) collect, consolidate, preserve and analyse information and evidence of violations of international humanitarian law, international crimes and human rights violations and abuses; and (ii) prepare files to facilitate and expedite fair and independent criminal proceedings, in accordance with international law standards, in national, regional or international courts or tribunals that have or may in the future have jurisdiction over these crimes, in accordance with international law as well as with the Mechanism's terms of reference. Specifically, the Office oversees the management of and provides strategic guidance to the Administration and Finance Section and the Operational Support Section. It further provides overall direction and supervision to the two sections responsible for the substantive and technical implementation of the mandate, the Collection, Analysis and Sharing Section and the Information Systems Management Section. The Office further maintains relations with Governments, other United Nations agencies and entities, international organizations, regional and national institutions, NGOs, the private sector and academia. It also oversees the conclusion of agreements with Member States and other entities to ensure their cooperation with the Mechanism;

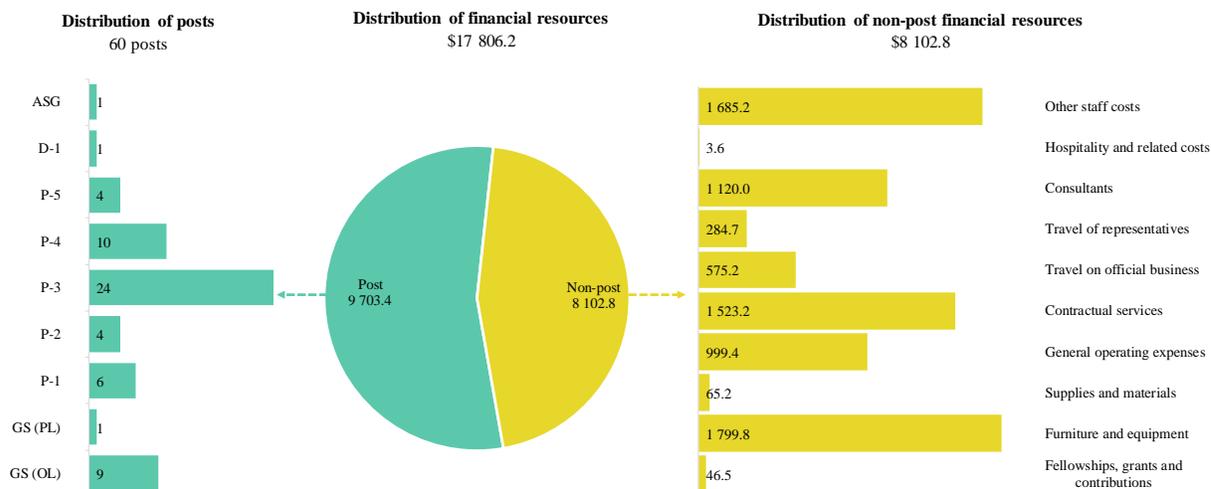
- (b) **Collection, Analysis and Sharing Section.** The Section is responsible for the collection and investigation activities necessary to create a comprehensive central repository of information and evidence concerning serious crimes committed in the Syrian Arab Republic, to ensure an effective approach to the Mechanism's lines of inquiry and case file building work, including in the areas of (i) crimes of sexual and gender-based violence; (ii) crimes against children; and (iii) broader transitional justice. In this context, the Section is responsible for searching, identifying, collecting, recording and preserving information and evidence and preparing investigation reports, briefs and files. Material is being collected from a broad range of geographical locations in the Middle East, Europe, Asia and the Pacific and North America, and from a broad range of providers, including individuals, international and Syrian civil society, other United Nations entities and States. The Section also collaborates with national prosecutors, police and law enforcement agencies with investigative and/or prosecutorial activities and ensures efficient and responsive assistance to around 10 national war crimes units and other relevant accountability actors. Additionally, the Section maintains protocols, procedures and practical tools to manage security risks that arise as part of the Mechanism's evidence-gathering activities. The Section comprises a multidisciplinary team of experts in international criminal law, including investigators, analysts and legal officers, namely 1 Senior Legal Officer (P-5), 7 Legal Officers (3 P-4 and 4 P-3), 4 Investigators (1 P-4 and 3 P-3), 4 Analysts (1 P-4 and 3 P-3), 2 Associate Trial Attorneys (P-2), 6 Assistant Investigators (P-1), 1 Investigations Assistant (General Service (Other level)), 1 Programme Assistant (General Service (Other level)) and 1 Administrative Assistant (General Service (Other level));
- (c) **Information Systems Management Section.** The Section is responsible for all stages in the evidence life cycle, from acquisition and collection to preservation, analysis and sharing of data and evidence. Roles include the structuring, operation and maintenance of: (i) an evidence storage and processing facility and (ii) information systems, including technical software, hardware and necessary contractual services. They also include the development of standards, including evidence-handling procedures; the automation of tasks using software; ensuring the cybersecurity and information integrity of the Mechanism; designing search and analysis strategies for evidence collection; technical and digital analytical tasks; and mission and operational support in the field, including the acquisition of evidence from mobile devices. The Section processes large quantities of video, image, audio and text data, in addition to other data sources, such as social media and Internet websites. The Section consists of a team of technical and legal specialists responsible for protecting and maintaining the integrity of the Mechanism's information and evidence holdings, which maintains multiple information systems containing over 14 terabytes of data and more than 1 million records. The Section comprises 1 Chief of Section/Information Systems Manager (P-5), 2 Cybersecurity Officers (1 P-4 and 1 P-3), 6 Information and Evidence Officers (1 P-4, 3 P-3 and 2 P-2), 1 Information Systems Officer (1 P-4), 2 Application Development Officers (2 P-3), 2 Video Analysts (2 P-3), 1 Programme Assistant (1 General Service (Other level)) and 1 Information Technology Assistant (1 General Service (Other level));
- (d) **Operational Support Section.** The Section is responsible for providing legal advice to the Head and Deputy Head of the Mechanism on strategic, managerial and substantive aspects of accountability for core international crimes and multidisciplinary, complex and sensitive legal matters involving issues related to international, criminal and administrative law. Additionally, the Section is responsible for providing advice on the negotiation, drafting and review of major contracts, memorandums of understanding and legal instruments related to witness protection and the sharing of information and evidence with States, intergovernmental organizations and NGOs. The Section is also responsible for the victim and witness protection regulatory framework, in line with the Mechanism's terms of reference, taking into account relevant national legislation and existing international frameworks. Lastly, the Section conducts staff briefings on security preparations and country situations prior to travel. The Section comprises 1 Senior Legal Officer (P-5), 1 Reviser (Arabic) (P-4), 1 Victim and Witness Support Officer (P-3) and 1 Security Coordination Officer (P-3);

- (e) **Administration and Finance Section.** The Section provides administrative support services to the Mechanism in the areas of finance, budget, human resources and general services, and is responsible for all Umoja-related functions. The Mechanism is recently established and has therefore faced substantial growth in its workload since inception and in particular since it became operational in May 2018. The Mechanism is committed to maintaining a lean administrative structure that represents the minimum level of resources required to provide efficient support to its substantive work. The Section comprises 1 Senior Administrative Officer (P-5), 1 Finance Officer (P-3), 1 Human Resources Officer (P-3), 2 Administrative Assistants (1 General Service (Principal level) and 1 General Service (Other level)) and 1 Finance and Budget Assistant (General Service (Other level)).

Figure 8.XXVII

International, Impartial and Independent Mechanism to Assist in the Investigation and Prosecution of Persons Responsible for the Most Serious Crimes under International Law Committed in the Syrian Arab Republic since March 2011: distribution of proposed resources for 2020 (before recosting)

(Number of posts/thousands of United States dollars)



Abbreviations: ASG, Assistant Secretary-General; GS (OL), General Service (Other level); GS (PL), General Service (Principal level).

8.174 The variance of \$17,806,200 reflects:

Other changes. The increase of \$17,806,200 is due mainly to:

- (a) *Posts (\$9,703,400).* The proposed conversion of 60 general temporary assistance positions to temporary posts (see annex II), previously financed from extrabudgetary resources, as reflected in table 8.26;
- (b) *Other staff costs (\$1,685,200).* The proposed resources would provide for: (i) general temporary assistance (\$1,677,700), including for peak workload periods, such as completing case file submissions within a strict time frame to support a national prosecution or adjudication, parental leave and extended sick leave; and (ii) overtime (\$7,500) to compensate for work performed beyond working hours;
- (c) *Hospitality and related costs (\$3,600).* The proposed resources would provide for hospitality to be extended by the Mechanism in 2020 to participants in the following official meetings: (i) the annual meeting of representatives of victims; and (ii) the annual meeting of civil society actors;
- (d) *Consultants and experts (\$1,120,000).* The proposed resources would provide for consultancy services in several technical areas for which expertise is not readily available in-house. For

example, expert consultants will be needed for analysis on a range of technical subjects for structural investigations and case file building. In 2020, it is anticipated that these subjects will cover military, forensic, chemical, gender, historical/cultural and medical expertise. This expertise will be directed towards explaining discrete factual issues with a bearing on the determination of whether crimes have been committed and the links between those crimes and individuals who may bear responsibility. Given that this analysis would be used to support courtroom proceedings, high-level expertise and qualifications in their respective fields is required to present credible expert opinions and findings;

- (e) *Travel of representatives (\$284,700)*. The proposed resources would provide for (i) civil society actors involved in accountability efforts (\$189,400); and (ii) representatives of victims (\$95,300), as follows:
- (i) *Civil society actors involved in accountability efforts*. The Mechanism plans to organize two workshops (two days each) at its premises for 20 representatives of civil society involved in accountability efforts to build their capacity. Separately, it will host four members of national jurisdictions for approximately 20 days each to train them in the use of the Mechanism's evidence system to facilitate their identification and analysis of evidence of international crimes. The estimate covers travel and daily subsistence allowance costs of all attendees;
 - (ii) *Representatives of victims*. Representatives of victims belong to NGOs with which the Mechanism needs to engage as part of its victim-centred approach. It is intended that an annual one-day meeting will be held at the premises of the Mechanism for 15 representatives of NGOs. The estimate covers travel and daily subsistence allowance costs of representatives of victims;
- (f) *Travel on official business (\$575,200)*. The proposed resources would provide for (i) the Head of the Mechanism and staff of her immediate office to travel on official business to participate in meetings with other United Nations officials (including in connection with the presentation of the biannual reports to the General Assembly), representatives of Member States, representatives of the judiciary, NGOs, victims' organizations, war crime units and other stakeholders (\$140,700); (ii) travel on official business in connection with the collection of information and investigations (\$294,100); and (iii) travel of staff in connection with technical training required to maintain certifications and to comply with professional, legal and regulatory standards (\$140,400);
- (g) *Contractual services (\$1,523,200)*. The proposed resources would provide mainly for: (i) data processing services (\$1,264,000) for secure data storage and a hosting platform, including the acquisition and analysis of satellite imagery and forensic services for the preservation of evidence, presentation services, including three-dimensional modelling of data to support courtroom visualization and an annual security assessment of platforms (in accordance with technical policies of the Office of Information and Communications Technology of the Secretariat); and (ii) technical and language training (\$140,200) to maintain certifications and to comply with professional, legal and regulatory standards. Additionally, the estimate covers technical training of staff of the Coordination, Analysis and Sharing Section who are required to keep abreast of new technologies related to evidence management systems and investigation tools. Training also covers participation in training courses on investigative interview skills and the investigation of conflict-related sexual and gender-based violence, as well as basic and intermediate courses on crime and intelligence analysis. These courses focus on skills (analytical and interviewing) and areas of knowledge (sexual and gender-based violence) that are critical to the fulfilment of the Mechanism's mandate;
- (h) *General operating expenses (\$999,400)*. The proposed resources would provide mainly for:
- (i) Rental and maintenance of data processing equipment (\$226,900) to provide for the leasing and maintenance of personal computers, email services and printers and to provide corporate network/Internet services for staff of the Mechanism. These services

are provided by the Regional Technology Centre-Europe and the Office of Information and Communications Technology. The provision also includes the costs of videoconferencing facilities and hosting of the Mechanism website;

- (ii) Central support, human resources, financial services and information and communication services to be extended by the United Nations Office at Geneva to the Mechanism (\$462,000);
- (iii) Rental of premises (\$48,100) to cover the rental of office space. The Mechanism is currently housed in two buildings located within the Palais des Nations premises in Geneva, namely the Villa La Fenêtre and a two-level container erected within the Villa site. In accordance with the lease agreement concluded between the United Nations Office at Geneva and the Mechanism, the Mechanism is invoiced lease costs in respect of 74.2 square metres at Villa La Fenêtre. The container is the property of the Mechanism and, as such, no rental costs are applicable;
- (iv) Maintenance of premises (\$162,500) to cover operating costs (energy, maintenance and cleaning) at the containers and a provision for the maintenance of the evidence room. The maintenance costs for Villa La Fenêtre are included under the rental charges;
- (i) *Supplies and materials (\$65,200)*. The proposed resources would provide mainly for:
 - (i) stationery and office supplies (\$16,600) for 60 staff, as well as the purchase of consumables related to the preservation of physical evidence and its storage, including evidence bags, marking tape, evidence labels and other consumables related to physical evidence; (ii) books and publications (\$10,000) significant for the Mechanism's collection activities, analytical work and case file building; and (iii) subscriptions and standing orders (\$30,900) for access to digital libraries and related subscriptions that are not available from the United Nations Library at Geneva and are required for research and validation;
- (j) *Furniture and equipment (\$1,799,800)*. The proposed resources would provide mainly for:
 - (i) The acquisition of software (\$1,142,000) required for the collection, processing, analysis and presentation of evidence;¹
 - (ii) The acquisition of office automation equipment (\$449,500), including mission kits, evidence processing, preservation and video processing workstations, hard copy scanning equipment, forensic information and communications technology equipment, network strengthening, digital camera forensic kits, a 60-inch meeting room presentation monitor and a barcode scanner and label printing system;
 - (iii) The acquisition of office equipment (\$44,800), including two high-capacity shredders and the installation of additional compact shelving to accommodate the expected volume of physical/digital evidence (280 metres of moveable shelving);
 - (iv) The acquisition of communications equipment (\$40,700), including smartphones used for multifactor authentication to the Mechanism's information systems;
 - (v) The acquisition of security and safety equipment (\$122,800), including helmets, bulletproof vests and security kits. While the Mechanism will seek to utilize resources that the Department of Safety and Security of the Secretariat can make available in the field where possible, it will need to maintain a basic store of security and safety equipment in-house so that teams are guaranteed access to what they need for each field mission;

¹ (a) Evidence review, processing and analysis software (\$465,000); (b) information and cybersecurity software (\$306,000); (c) open source social media analysis software (\$90,000) to build capacity to capture and analyse open source and social media content; (d) video processing and presentation software (\$139,000), including software for the analysis of video evidence and to design and present three-dimensional models and other visualization elements; (e) audio, forensic and analysis software (\$90,000), including forensic audio enhancement software; (f) satellite imagery processing software (\$20,000) to support the analysis of spatial imagery; and (g) other software (\$29,000), including contact management and optical character recognition software.

- (k) *Fellowships, grants and contributions (\$46,500)*. The proposed resources would provide mainly for the travel of meeting participants in connection with the collection of information and investigations in situations where, owing to security and/or practical issues, the Mechanism's sources will need to travel to meet with Mechanism personnel. The amount has been calculated on the basis of trips within the Middle East region, within Europe or from the Middle East to Europe.

IV. Extraordinary Chambers in the Courts of Cambodia and Residual Special Court for Sierra Leone

Proposed post and non-post resource requirements for 2020

Resource requirements (before recosting): zero

- 8.175 The distribution of resources for the Extraordinary Chambers in the Courts of Cambodia and the Residual Special Court for Sierra Leone is reflected in table 8.29.

Table 8.29

Resource requirements: Extraordinary Chambers in the Courts of Cambodia and Residual Special Court for Sierra Leone

(Thousands of United States dollars)

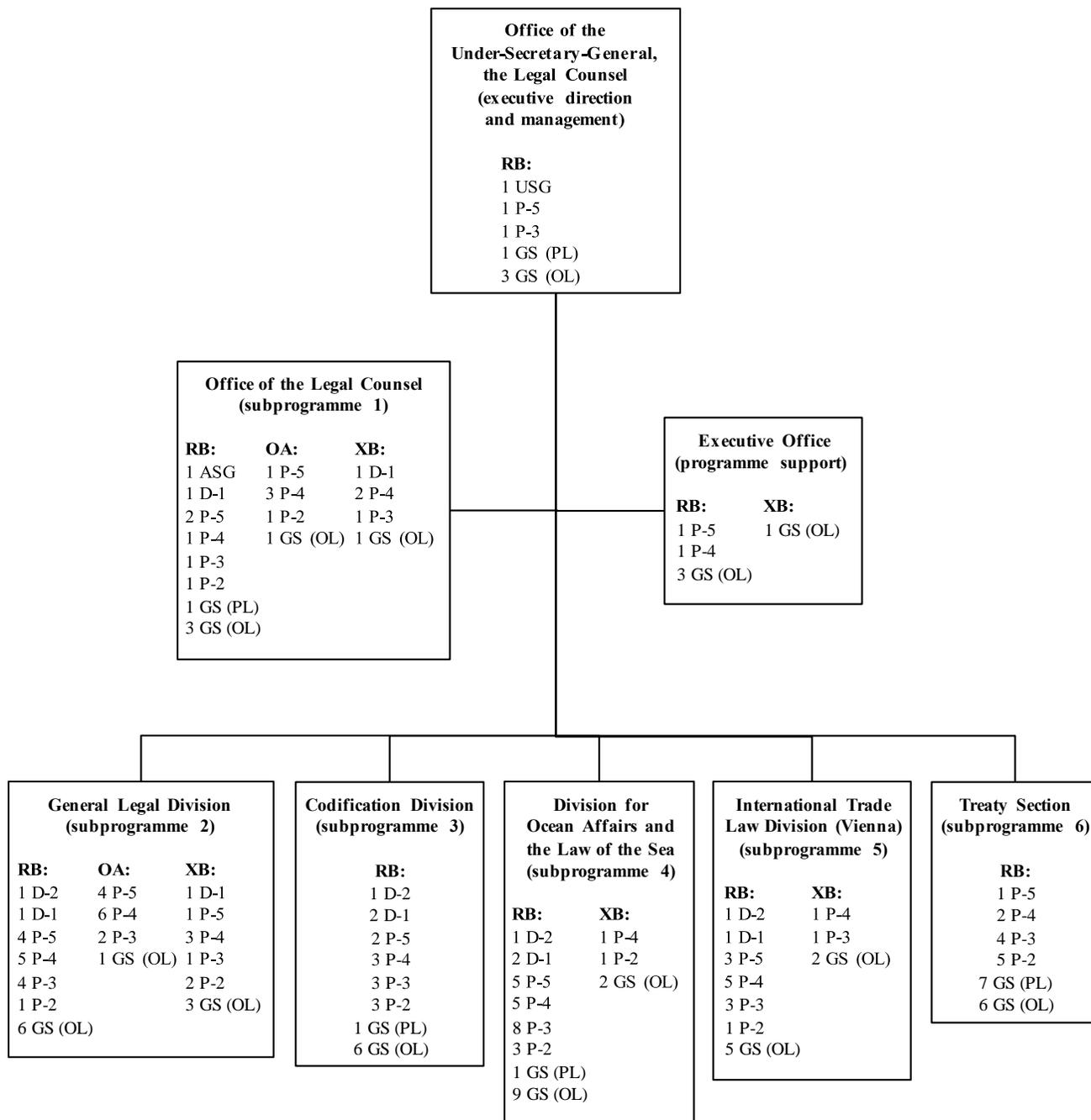
	2018 expenditure	2019 appropriation	Changes			Total	Percentage	2020 estimate (before recosting)
			Technical adjustments	New/ expanded mandates	Other			
Financial resources by main category of expenditure								
Post	–	–	–	–	–	–	–	–
Non-post	10 300.0	10 037.0	(10 037.0)	–	–	(10 037.0)	100	–
Total	10 300.0	10 037.0	(10 037.0)	–	–	(10 037.0)	100	–

- 8.176 No resources are proposed for the Extraordinary Chambers in the Courts of Cambodia and the Residual Special Court for Sierra Leone. The decrease of \$10,037,000 relates to a technical adjustment with respect to non-recurrent requirements that were appropriated for the two Courts.

Annexes to the proposed post and non-post resource requirements for 2020

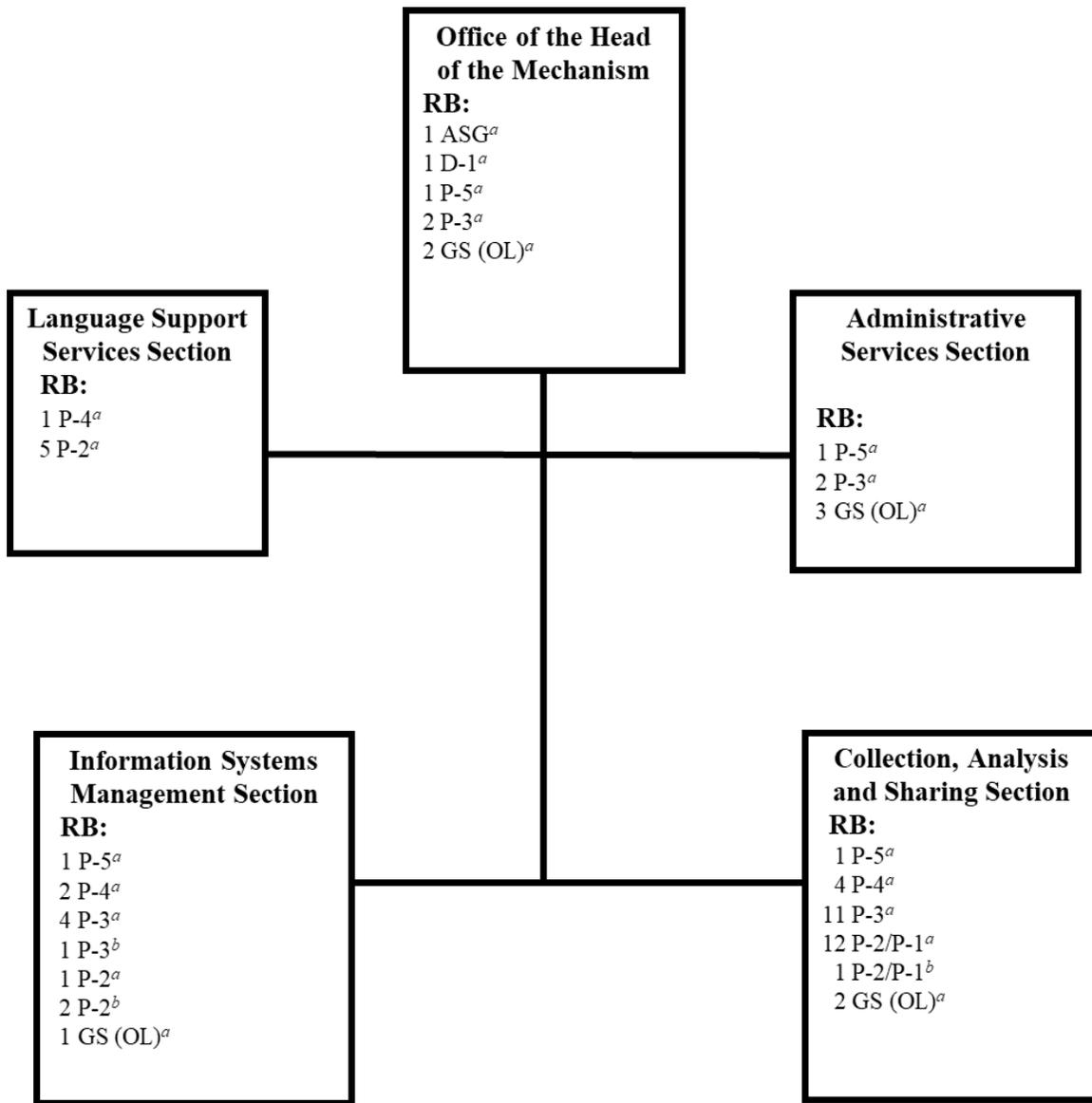
I. Organizational structure and post distribution for 2020

A. Office of Legal Affairs



Abbreviations: ASG, Assistant Secretary-General; GS (OL), General Service (Other level); GS (PL), General Service (Principal level); OA, other assessed; RB, regular budget; USG, Under-Secretary-General; XB, extrabudgetary.

B. Independent Investigative Mechanism for Myanmar

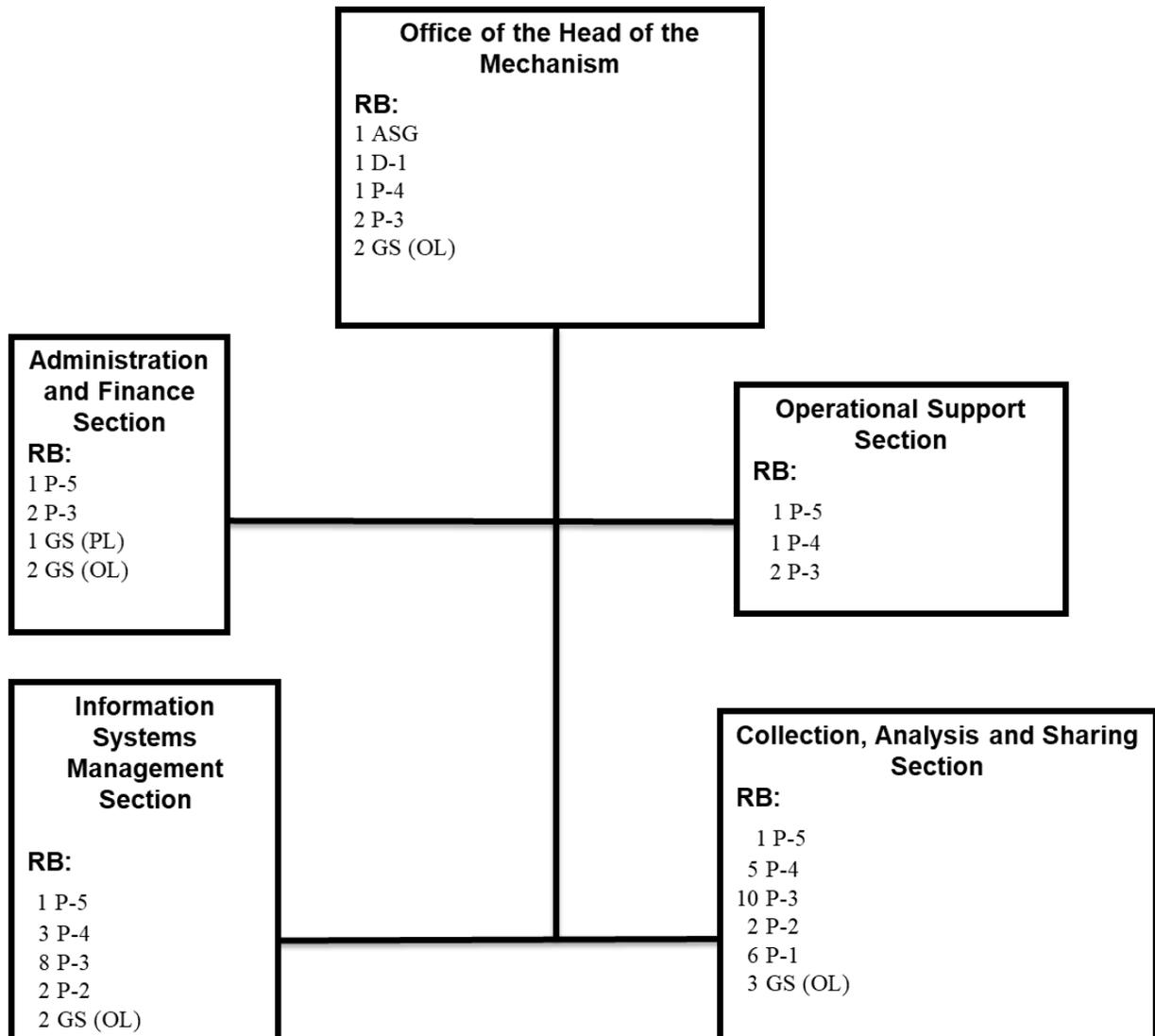


Abbreviations: ASG, Assistant Secretary-General; GS (OL), General Service (Other level); RB, regular budget.

^a Converted post.

^b New post.

C. International, Impartial and Independent Mechanism to Assist in the Investigation and Prosecution of Persons Responsible for the Most Serious Crimes under International Law Committed in the Syrian Arab Republic since March 2011



Abbreviations: ASG, Assistant Secretary-General; GS (OL), General Service (Other level); GS (PL), General Service (Principal level); RB, regular budget.

II. Summary of proposed changes in established and temporary posts, by entity

A. Independent Investigative Mechanism for Myanmar

	<i>Posts</i>	<i>Level</i>	<i>Description</i>	<i>Reason for post changes</i>	
Office of the Head of the Mechanism	1	ASG	Conversion of Head of Mechanism		
	1	D-1	Conversion of Deputy (Principal Legal Officer)	Based on the duration of the activities of the Mechanism, the conversion of GTA positions to temporary posts is proposed	
	1	P-5	Conversion of 1 Senior Legal Officer		
	2	P-3	Conversion of 2 Legal Officers		
	2	GS (OL)	Conversion of 2 Administrative Assistants		
1	P-5	Conversion of 1 Senior Legal Officer			
Collection, Analysis and Sharing Section	4	P-4	Conversion of 4 Legal Officers	Based on the duration of the activities of the Mechanism, the conversion of GTA positions to temporary posts is proposed	
	11	P-3	Conversion of 9 Legal Officers and 2 Security Officers		
	12	P-2/P-1	Conversion of 12 Associate Legal Officers		
	1	P-2/P-1	Establishment of 1 Associate Legal Officer	Completion of the phased deployment of staffing for the full requirements of the Mechanism	
	2	GS (OL)	Conversion of 2 Administrative Assistants	Based on the duration of the activities of the Mechanism, the conversion of GTA positions to temporary posts is proposed	
	Information Systems Management Section	1	P-5	Conversion of 1 Senior Information Systems Officer	Based on the duration of the activities of the Mechanism, the conversion of GTA positions to temporary posts is proposed
		2	P-4	Conversion of 2 Information Systems Officers	
4		P-3	Conversion of 4 Information Systems Officers		
1		P-3	Establishment of 1 Information Systems Officer	Completion of the phased deployment of staffing for the full requirements of the Mechanism	
1		P-2/P-1	Conversion of 1 Associate Information Systems Officer	Based on the duration of the activities of the Mechanism, the conversion of GTA positions to temporary posts is proposed	
2		P-2/P-1	Establishment of 2 Associate Information Officers	Completion of the phased deployment of staffing for the full requirements of the Mechanism	
1		GS (OL)	Conversion of 1 Administrative Assistant	Based on the duration of the activities of the Mechanism, the conversion of GTA positions to temporary posts is proposed	
Language Support Services Section	1	P-4	Conversion of 1 Editor/Reviser	Based on the duration of the activities of the Mechanism, the conversion of GTA positions to temporary posts is proposed	
	5	P-2/P-1	Conversion of 5 Translators		

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	<i>Posts</i>	<i>Level</i>	<i>Description</i>	<i>Reason for post changes</i>
Administrative Services Section	1	P-5	Conversion of 1 Senior Administrative Officer	Based on the duration of the activities of the Mechanism, the conversion of GTA positions to temporary posts is proposed
	2	P-3	Conversion of 1 Human Resources Officer and 1 Finance and Budget Officer	
	3	GS (OL)	Conversion of 3 Administrative Assistants	
Total	62			

Abbreviations: ASG, Assistant Secretary-General; GS (OL), General Service (Other level); GTA, general temporary assistance.

B. International, Impartial and Independent Mechanism to Assist in the Investigation and Prosecution of Persons Responsible for the Most Serious Crimes under International Law Committed in the Syrian Arab Republic since March 2011

<i>Posts</i>	<i>Level</i>	<i>Description</i>	<i>Reason for post changes</i>
1	ASG	Conversion of Head of the Mechanism	Conversion of the funding of the Mechanism from XB to RB
1	D-1	Conversion of Deputy Head of the Mechanism	Conversion of the funding of the Mechanism from XB to RB
4	P-5	Conversion of 1 Senior Administrative Officer, 1 Senior Legal Officer, 1 Senior Information Management Officer and 1 Senior Legal Officer	Conversion of the funding of the Mechanism from XB to RB
10	P-4	Conversion of 3 Legal Officers, 1 Reviser (Arabic), 1 Investigator, 2 Information Systems Officers, 1 Information Management Officer, 1 Information Analyst and 1 External Relations Officer	Conversion of the funding of the Mechanism from XB to RB
24	P-3	Conversion of 6 Legal Officers, 1 Finance and Budget Officer, 1 Human Resources Officer, 3 Information Analyst Officers, 7 Information Management Officers, 1 Information Systems Officer, 3 Investigators, 1 Security Coordination Officer and 1 Victim and Witness Support Officer	Conversion of the funding of the Mechanism from XB to RB
10	P-2/P-1	Conversion of 2 Information and Evidence Officers, 2 Associate Trial Attorneys and 6 (P-1) Assistant Investigators	Conversion of the funding of the Mechanism from XB to RB
1	GS (PL)	Conversion of 1 Senior Administrative Assistant	Conversion of the funding of the Mechanism from XB to RB
9	GS (OL)	Conversion of 2 Staff Assistants, 1 Administrative Assistant, 1 Finance and Budget Assistant, 1 Information Technology Assistant, 1 Programme Management Assistant, 1 Administrative Assistant, 1 Programme Management Assistant and 1 Investigations Assistant	Conversion of the funding of the Mechanism from XB to RB
60	Total		

Abbreviations: ASG, Assistant Secretary-General; GS (PL), General Service (Principal level); GS (OL), General Service (Other level); RB, regular budget; XB, extrabudgetary.

III. Overview of financial and post resources by entity and funding source

(Thousands of United States dollars/number of posts)

	<i>Regular budget</i>			<i>Other assessed</i>			<i>Extrabudgetary</i>			<i>Total</i>		
	<i>2019 appropriation</i>	<i>2020 estimate before recosting</i>	<i>Variance</i>	<i>2019 estimate</i>	<i>2020 estimate</i>	<i>Variance</i>	<i>2019 estimate</i>	<i>2020 estimate</i>	<i>Variance</i>	<i>2019 estimate</i>	<i>2020 estimate</i>	<i>Variance</i>
Financial resources												
Office of Legal Affairs	25 902.8	25 899.7	(3.1)	3 811.7	3 832.2	20.5	9 076.3	8 208.9	(867.4)	38 790.8	37 886.8	(850.0)
Independent Investigative Mechanism for Myanmar	11 455.2	15 188.2	3 733.0	–	–	–	–	–	–	11 455.2	15 188.2	3 733.0
International, Impartial and Independent Mechanism to Assist in the Investigation and Prosecution of Persons Responsible for the Most Serious Crimes under International Law Committed in the Syrian Arab Republic since March 2011	–	17 806.2	17 806.2	–	–	–	17 812.0	1 141.6	(16 670.4)	17 812.0	18 947.8	1 135.8
Extraordinary Chambers in the Courts of Cambodia and Residual Special Court for Sierra Leone	10 037.0	–	(10 037.0)	–	–	–	–	–	–	10 037.0	–	(10 037.0)
Total	47 395.0	58 894.1	11 499.1	3 811.7	3 832.2	20.5	26 888.3	9 350.5	(17 537.8)	78 041.0	72 022.8	(6 072.2)
Post resources												
Office of Legal Affairs	144	144	–	19	19	–	25	25	–	188	188	–
Independent Investigative Mechanism for Myanmar	58	62	4	–	–	–	–	–	–	58	62	4
International, Impartial and Independent Mechanism to Assist in the Investigation and Prosecution of Persons Responsible for the Most Serious Crimes under International Law Committed in the Syrian Arab Republic since March 2011	–	60	60	–	–	–	60	–	(60)	60	60	–
Total	202	266	64	19	19	–	85	25	(60)	306	310	4