



General Assembly

Distr.: General
1 December 2008

Original: English

**Sixty-third session
Fifth Committee**

Agenda items 118 and 71

Programme budget for the biennium 2008-2009

**Request for an advisory opinion of the International
Court of Justice on whether the unilateral declaration
of independence of Kosovo is in accordance with
international law**

**Request for an advisory opinion of the International Court
of Justice on whether the unilateral declaration of
independence of Kosovo is in accordance with
international law**

**Programme budget implications of General Assembly
resolution 63/3**

**Statement submitted by the Secretary-General in accordance with
rule 153 of the rules of procedure of the General Assembly**

I. Introduction

1. At its 22nd meeting, on 8 October 2008, the General Assembly adopted resolution 63/3 by a recorded vote of 77 to 6, with 74 abstentions. Prior to the adoption of the draft resolution, a statement of programme budget implications was read to the Assembly, informing it that:

(a) Should the draft resolution be adopted, the International Court of Justice would proceed to establish the scope of the work arising from the request. Resources had been provided in the programme budget for the biennium 2008-2009 for the Court to provide advisory opinions as requested by organs of the United Nations and specialized agencies. It was anticipated, however, that, owing to the complexity of the question on which the Court was requested in the draft resolution to render an advisory opinion, adoption of the draft resolution was expected to give rise to additional resource requirements;



(b) On the basis of the determination by the Court of the scope of work, a detailed statement of programme budget implications would be submitted to the General Assembly for its consideration during its current session.

II. Request contained in the resolution

2. By resolution 63/3, the General Assembly decided, in accordance with Article 96 of the Charter of the United Nations, to request the International Court of Justice, pursuant to Article 65 of the Statute of the Court, to render an advisory opinion on the following question: "Is the unilateral declaration of independence by the Provisional Institutions of Self-Government of Kosovo in accordance with international law?"

III. Relationship of the request to the programme of work for the bienniums 2008-2009 and 2010-2011

3. The activities to be carried out relate to section 7, International Court of Justice, of the programme budget for the biennium 2008-2009 and the proposed programme budget for 2010-2011.

IV. Estimated resource requirements

4. On the basis of its experience in previous cases, the International Court of Justice estimates the total cost of the advisory opinion requested by the General Assembly in resolution 63/3 to be approximately \$435,000, comprising provisions for the following requirements:

(a) Translation, reproduction, communication and transmission of documents (\$243,000), including conference interpretation and translation, contractual/external translation of documents, printing and distribution of documents and statements. These costs have been assessed on the basis of the rates for similar services in other cases;

(b) Security (\$66,500), including security support during the proceedings in the Great Hall of Justice. In order to ensure cost-efficiency, the International Court of Justice has estimated these costs taking into account the assistance of the authorities of the Netherlands and the Carnegie Foundation and the eventual secondment of security personnel from the International Tribunal for the Former Yugoslavia for this activity;

(c) Media coverage (\$125,500). Costs include video streaming software, equipment set-up and live streaming and the engagement of an audio/video technician, as well as equipment rental for audio-visual support and the press centre.

5. Of this amount, \$130,000 would be required in 2009 to process initial documentation and to move forward with court proceedings. As indicated in paragraph 1 (a) above, while resources have been provided in the programme budget for the biennium 2008-2009 for the Court to provide advisory opinions as requested by organs of the United Nations, owing to the complexity of the case and the

considerable number of Member States likely to participate in the proceedings, additional resources may be required.

V. Potential for absorption

6. It will be recalled that, under the procedure established by the General Assembly in its resolution 41/213, a contingency fund is established each biennium to accommodate additional expenditures derived from the legislative mandates not provided for in the approved programme budget. Under the same procedure, if additional expenditures proposed exceed resources available from the contingency fund, these activities can be implemented only through the redeployment of resources available from low-priority areas or the modification of existing activities.

7. After having reviewed the provisions under section 7, International Court of Justice of the programme budget for the biennium 2008-2009, the Secretariat wishes to inform the General Assembly that efforts will be made to accommodate the estimated additional requirements of \$130,000 in 2009 within the existing appropriation under that section for the biennium 2008-2009. Actual expenditures will be reported in the context of the second performance report for the biennium.

8. Requirements for the biennium 2010-2011 (\$305,000) will be considered in the context of the proposed programme budget for that biennium.

VI. Conclusion

9. **The General Assembly may wish to note that the adoption of its resolution 63/3 will entail additional requirements amounting to some \$435,000 in respect of the International Court of Justice. Efforts will be made to accommodate the estimated additional requirements of \$130,000 in 2009 within the programme budget for the biennium 2008-2009, and actual expenditures will be reported in the context of the second performance report for the same biennium. Hence, no additional appropriation is sought at this time.**

10. **The requirements for the biennium 2010-2011 will be considered in the context of the proposed programme budget for that biennium.**