

**Seventieth session****Fifth Committee**

Agenda items 134 and 79 (a)

Proposed programme budget for the biennium 2016-2017**Oceans and the law of the sea****Oceans and the law of the sea****Programme budget implications of draft resolution [A/70/L.22](#)****Statement submitted by the Secretary-General in accordance with rule 153 of the rules of procedure of the General Assembly****I. Requests contained in the draft resolution**

1. Under the terms of operative paragraphs 84, 93, 273, 281-283, 285-287 and 322 of draft resolution [A/70/L.22](#), the General Assembly would:

(a) Request the Secretary-General to continue to take appropriate measures, within overall existing resource levels, to further strengthen the capacity of the Division for Ocean Affairs and the Law of the Sea of the Office of Legal Affairs of the Secretariat, serving as the secretariat of the Commission on the Limits of the Continental Shelf, in order to ensure enhanced support and assistance to the Commission and its subcommissions in their consideration of submissions, as required by paragraph 9 of annex III to the Rules of Procedure of the Commission, in particular its human resources, taking into account the need for simultaneous work on several submissions (para. 84);

(b) Note with concern the urgent challenges the current working conditions place on the Commission and, in this regard, while taking due account of the upcoming expiry of the lease of the current premises of the Division and long-term accommodation discussions noted in paragraph 92, request that the Secretary-General provide cost-effective, transportable, non-structural improvements to address some of the immediate working space needs of the Commission (para. 93);

(c) Request the secretariat of the Regular Process to make the assessment available on its website and on the website of the World Ocean Assessment, and to



undertake other activities with the view to raising awareness of the assessment (para. 273);

(d) Decide to launch the second cycle of the Regular Process (para. 281);

(e) Request the Bureau of the Ad Hoc Working Group of the Whole to continue the consideration of lessons learned from the first cycle of the Regular Process with a view to the implementation of the second cycle, including by inviting Member States, observers and other participants in the Working Group, through the Co-Chairs, to contribute by sending their views in writing to the Bureau and convening one or more informal open meetings with Member States, observers and other participants in the Working Group, and request the Bureau to inform the Working Group at its seventh meeting of the views received and to circulate that information in advance of the seventh meeting of the Working Group (para. 282);

(f) Request the Secretary-General to convene the seventh meeting of the Ad Hoc Working Group of the Whole from 3 to 9 August 2016 with a view to providing recommendations to the General Assembly on the follow-up to the assessment, the implementation of the second cycle of the Regular Process, including its budget and duration, and any adjustments that might be necessary in the light of lessons learned from the first cycle, including with regard to resource requirements, before the end of the seventieth session of the General Assembly, and taking into full consideration the discussions on lessons learned and the way forward (para. 283);

(g) Request the Secretary-General to review the resource requirements for the second cycle of the Regular Process and to report to Member States in advance of the seventh meeting of the Ad Hoc Working Group of the Whole (para. 285);

(h) Request the secretariat of the Regular Process to compile, subject to budgetary considerations, an inventory of available information on recent and ongoing assessments and other processes at the regional and global levels relevant to the Regular Process, and request the secretariat to submit it to the Bureau of the Ad Hoc Working Group of the Whole by the end of February 2016 (para. 286);

(i) Request the Secretary-General to invite the Chairs of the regional groups to constitute a group of experts, ensuring adequate expertise and geographical distribution, comprising a maximum of 25 experts, with no more than 5 experts per regional group, for the duration of the second cycle of the Regular Process, taking into account the desirability of some degree of continuity, and in accordance with the terms of reference of the Group of Experts (para. 287); and

(j) Recall the responsibilities and functions entrusted to the Secretary-General in the Convention and in the related resolutions of the General Assembly, including resolutions 49/28 and 52/26, note the increased number of requests to the Division for additional outputs and servicing of meetings in resolution 69/292 and in relation to the support to be provided by the Division as secretariat of the Regular Process during the second cycle of the Regular Process, and request the Secretary-General to make proposals in the context of the 2016-2017 budget in order to strengthen the capacity of the Division, including through the redeployment of existing resources, and to ensure that it can carry out the functions in resolution 69/292 and as the secretariat of the Regular Process, in an efficient manner (para. 322).

II. Relationship of the requests to the biennial programme plan and priorities for the period 2016-2017 and to the proposed programme budget for the biennium 2016-2017

2. The requested activities referred to in the draft resolution relate to programme 6, Legal affairs, and programme 25, Management and support services, of the biennial programme plan and priorities for the period 2016-2017, and section 8, Legal affairs (A/70/6 (Sect. 8) and Corr.1), and section 29D, Office of Central Support Services (A/70/6 (Sect. 29D)), of the proposed programme budget for the biennium 2016-2017.

III. Activities by which the requests would be implemented

3. Pursuant to operative paragraph 84 of draft resolution [A/70/L.22](#), the Secretary-General would be requested to continue to take appropriate measures, within overall existing resource levels, to further strengthen the capacity of the Division, serving as the secretariat of the Commission, in order to ensure enhanced support and assistance to the Commission and its subcommissions in their consideration of submissions, as required by paragraph 9 of annex III to the Rules of Procedure of the Commission, in particular its human resources, taking into account the need for simultaneous work on several submissions. Following review of the workload of the Division, and taking into account the need for enhanced support to the Commission, the Secretariat considers that it would be possible to meet this request from within existing resources through a redistribution of workload, subject to the provision of additional resources to enable the Division to undertake the other activities requested in the draft resolution.

4. The United Nations Convention on the Law of the Sea of 10 December 1982 established the Commission on the Limits of the Continental Shelf, which consists of 21 experts in the field of geology, geophysics or hydrography. In accordance with article 2, paragraph 5, of annex II to the Convention, the secretariat of the Commission is provided by the Secretary-General of the United Nations. The Division for Ocean Affairs and the Law of the Sea, Office of Legal Affairs, is the organizational unit of the Secretariat entrusted with the provision of those services to the Commission. Under the arrangements set out by the Meeting of the States Parties to the United Nations Convention on the Law of the Sea in its decision [SPLOS/229](#), and the decision of the Commission to continue to extend the duration of its sessions for 2015 and until June 2017 to three sessions of seven weeks each, including plenary meetings, all 21 members of the current Commission meet in New York for 21 weeks a year, organized as three sessions of seven weeks each.

5. Regarding the working conditions of the Commission referenced in operative paragraph 93 of draft resolution [A/70/L.22](#), having worked under the aforementioned arrangements, the Commission concluded that its members needed better-adapted working space and facilities. The General Assembly, in its resolution 69/245 on oceans and the law of the sea, requested the Secretary-General to provide, in consultation with the Commission, written information on options for providing additional working space to the Division in order to ensure that the members of the Commission have sufficient working space during their work at the sessions of the Commission and its subcommissions. The Secretariat provided the requested written information based on a letter dated 19 March 2015 in which the Chair of the

Commission outlined the specific needs, including: (a) roomier individual working stations and workspace for members in the geographic information system (GIS) laboratories; (b) appropriately sized facilities in each GIS laboratory to enable the consultation of large-scale seismic charts; (c) offices for each Chair of the active subcommissions, which could be used by other members for individual work on an as-needed basis; (d) large-size lockers for each member of the Commission to store items securely during and between sessions; (e) a common space or lounge area with adequate amenities; and (f) better temperature or climate control in the GIS laboratories and in the conference room of the Division.

6. By operative paragraph 93 of draft resolution [A/70/L.22](#), the General Assembly would note with concern the urgent challenges that the current working conditions place on the Commission and, in this regard, while taking due account of the upcoming expiry of the lease of the current premises of the Division and long-term accommodation discussions, would request that the Secretary-General provide cost-effective, transportable, non-structural improvements to address some of the immediate working space needs of the Commission.

7. Accordingly, it is estimated that, for the biennium 2016-2017, the following upgrades would need to be installed in the areas utilized by the Commission for its work and would provide a cost-effective, transportable and non-structural solution for the Commission, should a relocation be required in the future:

- Computer desks and chairs for 26 Commission members (\$50,000)
- Conference-room tables for large meetings with maps (\$20,000)
- Standard television screens on portable stands for presentations (\$20,000)
- Stacked lockers to house the personal effects of 26 Commission members (\$10,000)
- Furnishings for a dry pantry and lounge area for the Commission and the Division (\$8,000)
- Minor wall modifications for a dry pantry, as noted above (estimated at \$10,000)
- Minor upgrades to carpeting in conference rooms (estimated at \$25,000)

8. With reference to the requests in operative paragraphs 273, 281-283 and 285-287, it should be noted that the Regular Process was established by the General Assembly in 2002. The first cycle of the Process covered the years 2010-2014 and its outcome is the first global integrated marine assessment. The Regular Process consists of an Ad Hoc Working Group of the Whole and its Bureau, a Group of Experts comprising 25 members and a Pool of Experts comprising more than 600 members. In General Assembly resolution 65/37 A, operative paragraph 210, the Secretary-General is requested to designate the Division to provide secretariat support to the Regular Process, including its established institutions.

9. At its sixth meeting, in September 2015, the Ad Hoc Working Group of the Whole on the Regular Process considered the lessons learned from the first cycle of the Regular Process, including those learned by the Group of Experts and the secretariat (see [A/70/418](#)). The Group of Experts noted that, since the tasks that the Division had to perform as the secretariat of the Regular Process had to be accommodated within the existing resources of the Division, there were limitations

on the support that it could provide (A/70/418, paras. 28-30). Consequently, the General Assembly would note in operative paragraph 279 of draft resolution A/70/L.22 the significant human and financial resource constraints under which the first cycle of the Regular Process was conducted.

10. By operative paragraph 281 of draft resolution A/70/L.22, the General Assembly would decide to launch the second cycle of the Regular Process. Some of the functions that the Division was performing during the first cycle will necessarily continue into the second cycle. In addition, on the basis of operative paragraphs 273 to 289 of the same draft resolution, there would be new or expanded activities that would need to be undertaken to implement the requests of the Assembly, as described below.

11. The Division would undertake activities with a view to raising awareness of the first global integrated marine assessment, including through bringing the assessment to the attention of Governments, intergovernmental organizations, the scientific community and the general public, through participation in meetings and through organizing briefings at United Nations Headquarters and seminars and workshops in cooperation with other organizations (paras. 273-275). The assessment would be prepared by the Division for publication (para. 273).

12. The Division would support the Bureau in its consideration of lessons learned in preparation for the second cycle, including by inviting the participants of the Working Group to send their views to the Bureau, by convening informal open meetings and by informing the Working Group at its seventh meeting of the views received through the circulation of information (para. 282). In addition, the Division would support the preparations for the seventh meeting of the Ad Hoc Working Group of the Whole, in August 2016, in relation to the follow-up to the assessment, the implementation of the second cycle of the Regular Process, including the preparation of a detailed programme and budget and any adjustments that might be necessary in the light of lessons learned from the first cycle, including with regard to resource requirements (paras. 283 and 285). Furthermore, the Division would compile an inventory of available information on recent and ongoing assessments and other processes at the regional and global levels relevant to the Regular Process, to be submitted to the Bureau by the end of February 2016 (para. 286), which will involve extensive desk reviews, research and outreach to relevant global and regional organizations and the scientific community to ensure its completeness.

13. The Division would invite the Chairs of the regional groups to constitute a new group of experts (para. 287), which would involve communicating with Member States and with the potential experts and ensuring the status of the latter as “experts on mission”. Once the group is established, the Division would be servicing it, organizing its travel under the voluntary trust fund for the Regular Process and organizing its meetings. Coordination activities would be carried out by the Division with relevant intergovernmental organizations regarding the provision of technical and scientific support to the Regular Process (para. 289), including through participating in and convening meetings and workshops which would require enhanced substantive capacity at a sufficient level to work with relevant interlocutors from other agencies and organizations. Gaps in knowledge, information and capacities identified in the first global integrated marine assessment would be compiled by the Division and actions would be taken to fill such gaps, in collaboration with the specialized agencies and programmes of the United Nations

system. The Division would need to update and publicize the initial inventory of capacity-building activities. Finally, following the seventh meeting of the Ad Hoc Working Group of the Whole, in August 2016, and subject to the approval of its recommendations before the end of the seventieth session of the General Assembly, it is expected that the Division would then focus its attention on the implementation of the mandates to be carried out during the second cycle of the Regular Process.

14. Pursuant to operative paragraph 322 of draft resolution [A/70/L.22](#), the Secretary-General would be requested to make proposals in the context of the 2016-2017 budget in order to strengthen the capacity of the Division, including through the redeployment of existing resources, and to ensure that it can carry out the functions in resolution 69/292 and as the secretariat of the Regular Process in an efficient manner.

15. By operative paragraph 322 of draft resolution [A/70/L.22](#), the General Assembly would note the increased number of requests to the Division for additional outputs and servicing of meetings in resolution 69/292. Specifically, the Assembly decided in that resolution to develop 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. To that end, and prior to the holding of an intergovernmental conference, the Assembly established a preparatory committee to make substantive recommendations to it on the elements of a draft text of such an instrument. The Assembly further decided that the preparatory committee would hold two sessions of 10 working days each in 2016 as well as in 2017. The Assembly requested the Division to provide the preparatory committee with the necessary assistance for the performance of its work, including secretariat services and the provision of essential background information and relevant documents (resolution 69/292, para. 6).

16. In undertaking these functions, the Division would administer and manage the special voluntary trust fund that the Secretary-General was requested to establish for the purpose of assisting developing countries, in particular the least developed countries, landlocked developing countries and small island developing States, in attending the meetings of the preparatory committee and the intergovernmental conference (resolution 69/292, para. 5).

17. Based on the outputs of subprogramme 4 of section 8, Legal affairs, in the proposed programme budget for the biennium 2016-2017, it is foreseen that there would be an increase in the number of meetings from 50 to 154, as follows: four sessions of the Preparatory Committee established in resolution 69/292 (80 meetings); meetings of the Ad Hoc Working Group of the Whole (20 meetings); four sessions of the Group of Experts (40 meetings); meetings of the Bureau (12 meetings); and informal consultation meetings, to be held in the first half of 2016 (2 meetings). In addition, in relation to the Regular Process, there would be a new activity for the promotion of legal instruments relating to the promotion of the first global integrated marine assessment and to the provision of essential background information and relevant documents to the Preparatory Committee for the performance of its work in the field of biodiversity. There would also be eight additional documents (four agendas and four programmes of work) for the Preparatory Committee.

18. In the light of the increase in activities stemming from the request contained in operative paragraph 84 of draft resolution [A/70/L.22](#) regarding support and assistance

to the Commission and from the tasks described above, a detailed analysis was undertaken by the Division. It is estimated that the aforementioned new and expanded activities would result in a significant increase in the workload of the Division, mainly in relation to: (a) managing, supervising and carrying out the activities of the secretariat of the Regular Process during the second cycle, including the servicing of its established institutions; and (b) assisting the preparatory committee established by the General Assembly in resolution 69/292, as well as administering and managing the voluntary Trust Fund established in that resolution.

19. While the Division could absorb some of those activities using existing staff, the additional workload stemming from other paragraphs of draft resolution [A/70/L.22](#), in particular operative paragraph 84, would not make it possible for it to reassign resources to carry out all of the activities. Furthermore, with regard to the activities required to implement the mandated programmes for 2016-2017 from across the Office of Legal Affairs, it would not be possible to redeploy staff resources from within the Office. In the light of the foregoing, even though there would be some absorption, there would be a need to strengthen the capacity of the Division by adding two new posts (1 P-4 and 1 P-3).

IV. Estimated resource requirements for the biennium 2016-2017

20. For the biennium 2016-2017, to ensure that the Office of Legal Affairs may carry out the activities pursuant to operative paragraphs 273, 282, 283 and 285-287 of draft resolution [A/70/L.22](#), two new posts would be required to strengthen the capacity of the Division: one Programme Officer (P-4) and one Legal Officer (P-3). The estimated costs for the biennium in connection with the staffing to strengthen the Division would amount to \$825,900. Under section 8, Legal affairs, an amount of \$678,900 would provide for 1 P-4 post (\$365,300), 1 P-3 post (\$302,000) and related operational costs (\$11,600). Under section 29D, Office of Central Support Services, an amount of \$147,000 would provide for the rental of premises for the two posts (\$63,600) and one-time costs for alterations to the premises (\$62,800) and for office furniture (\$20,600).

21. It is estimated that, for the biennium 2016-2017, in order to address the immediate working space needs of the Commission pursuant to operative paragraph 93 of draft resolution [A/70/L.22](#), the necessary upgrades described in paragraph 7 above would amount to \$143,000 under section 29D, Office of Central Support Services.

22. In summary, the estimated total cost pursuant to draft resolution [A/70/L.22](#) would amount to \$968,900, that is \$678,900 under section 8, Legal affairs, and \$290,000 under section 29D, Office of Central Support Services.

Additional resource requirements, by section of the programme budget

(United States dollars)

<i>Section</i>	<i>Additional requirements in 2016-2017</i>
Section 8, Legal affairs	678 900
Section 29D, Office of Central Support Services	290 000
Total	968 900

V. Potential for absorption during the biennium 2016-2017

23. No provisions have been made under the proposed programme budget for the biennium 2016-2017 for upgrading the working space of the Commission and strengthening the capacity of the Division to carry out the additional outputs and servicing of meetings, as well as for the support that the Division is requested to provide in draft resolution [A/70/L.22](#) as the secretariat of the Regular Process during its second cycle. As it is not possible to identify activities within the section of the proposed programme budget for the biennium 2016-2017 that could be terminated, deferred, curtailed or modified during the biennium at the current stage, it is necessary that additional resources be provided through an additional appropriation for the biennium 2016-2017.

VI. Contingency fund

24. It will be recalled that, under the procedure established by the General Assembly in resolutions 41/213 and 42/211, a contingency fund is established for each biennium to accommodate additional expenditures derived from legislative mandates not provided for in the programme budget. Under this procedure, if additional expenditures were proposed that exceeded the resources available from the contingency fund, the activities concerned would be implemented only through the redeployment of resources from low-priority areas or the modifications of existing activities. Otherwise, such additional activities would have to be deferred to a later biennium.

VII. Conclusion and action required of the General Assembly

25. Accordingly, should the General Assembly adopt draft resolution [A/70/L.22](#), additional resource requirements in the amount of \$968,900 would arise under section 8, Legal affairs (\$678,900), section 29D, Office of Central Support Services (\$290,000), and section 36, Staff assessment (\$69,800), to be offset by the same amount under income section 1, Income from staff assessment, of the proposed programme budget for the biennium 2016-2017. The amount of \$968,900 would require an additional appropriation for 2016-2017 to be approved by the Assembly and, as such, would represent a charge against the contingency fund.

26. The General Assembly is also requested to approve the establishment of two posts (1 P-4 and 1 P-3), under section 8, Legal affairs, effective 1 January 2016.