



Economic and Social Council

Distr.: Limited
27 June 2012

Original: English

Committee for Programme and Coordination

Fifty-second session

4-29 June 2012

Agenda item 7

Adoption of the report of the Committee on its fifty-second session

Draft report

Rapporteur: Ms. Imelda Smolcic (Uruguay)

Addendum

Proposed strategic framework for the period 2014-2015

(Item 3 (b))

Programme 6

Legal affairs

1. At its 14th meeting on 12 June 2012, the Committee for Programme and Coordination considered programme 6, Legal affairs, of the proposed strategic framework for the period 2014-2015 (A/67/6 (Prog. 6)).
2. The Under-Secretary-General for Legal Affairs, Legal Counsel, introduced the programme and responded to queries raised during the Committee's consideration of the programme.

Discussion

3. Views were expressed in support of the programme. The importance of the legal services provided to the United Nations system was emphasized. The importance of the work of the Office of Legal Affairs with regard to the timely and informed deliberative process of Member States was stressed. It was noted that the work of the Office of Legal Affairs was demand oriented.
4. The role of the Office of Legal Affairs in dealing with disputes between the Secretary-General and staff as part of the United Nations system of administration of justice was underscored. Emphasis was placed on the importance of preserving the legitimate rights and duties of staff members. The view was expressed that, with



the proper functioning of the system of administration of justice, there would be a less litigious atmosphere.

5. Referring to the programme performance for 2010-2011, it was noted that, owing to the successful work of the Office of Legal Affairs, loss to the Organization was reduced.

6. Support and satisfaction were expressed with the overall results and efforts of the Office of Legal Affairs, particularly in protecting the legal interests of the United Nations.

7. Clarification was sought on the change in workload for the Office of Legal Affairs resulting from the closing of the international criminal tribunals, special political missions and peacekeeping operations.

8. Appreciation was expressed for the actions undertaken under the programme to protect and preserve the institutional memory of the United Nations, and for the existing programmes that promote, teach and disseminate international law.

9. Support was expressed for the regional courses on international law provided in different locations around the world, the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law, the audiovisual library and the scholarship programmes.

10. Clarification was sought on the scope of services of the Office of Legal Affairs, particularly with regard to the support provided to developing countries, and on the procedure for digitalization of and access to international treaties.

11. The view was expressed that the framework for the programme should take into account the technological gap between countries and how that gap may impact the harmonization of international law.

12. It was observed that information available about UN-Oceans was limited.

13. It was indicated that the relationship between the Office of Legal Affairs and the International Court of Justice should be better reflected in the framework.

14. Concerns were expressed regarding the difficulties faced in obtaining entry visas necessary for delegations and participants to attend United Nations meetings in some countries. Views were expressed that countries hosting United Nations offices, conferences and meetings should facilitate the timely issuance of visas.

15. Concern was expressed with the absence of a United Nations Committee on Relations with the Host Country in Geneva, for dealing with the host country's legal obligations to Member States.

16. Concerns were expressed on the nature of some legal opinions provided by the Office of Legal Affairs that contradict some very sensitive United Nations resolutions, thus impacting negatively in the deliberation and decision-making processes of Member States. The view was expressed that this issue should be properly addressed by the General Assembly.

17. Questions were raised on the procedures in place by the Office of Legal Affairs aimed at guaranteeing that all Secretariat officials fully respect the mandates of the General Assembly, including while implementing initiatives. In this context, delegations emphasized the crucial importance for the Secretariat to fully respect the distinct roles of the principal United Nations bodies, in accordance with the Charter.

Conclusions and recommendations

18. The Committee recommended to the General Assembly to consider possible ways and means of implementing the functions envisaged in paragraph 6.11 of the programme on Legal Affairs at United Nations Headquarters to reinforce the implementation of the host country agreements, as appropriate, taking into account the opinions of concerned Member States.

19. The Committee emphasized the importance of the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law, and recommended that the General Assembly request the Secretary-General to promote the necessary efforts to ensure wider participation in the above-mentioned programme and to strengthen capacity-building training activities, in accordance with the technical and legal assistance provided to States under subprogramme 3.

20. The Committee also underlined the continuing usefulness of regional courses in international law, as well as the audiovisual library of international law for capacity-building, and recommended that the General Assembly request the Secretary-General to ensure support to these initiatives for training and dissemination for a wider appreciation of international law, taking into account the provisions of paragraph 7 of General Assembly resolution 66/97.

21. The Committee further recommended that discussions relating to the reduction of documentation by the Department of General Assembly and Conference Management should not affect the legal publications and training materials under the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law, which are essential for the dissemination of international law, taking into account the provisions of paragraph 8 of General Assembly resolution 66/97.

22. The Committee emphasized the importance of assisting States in the registration of treaties under Article 102 of the Charter and recommended that the activities for registration and dissemination of treaties, including in electronic format, be further supported.

23. The Committee recommended that the General Assembly approve the narrative of programme 6, Legal affairs, of the proposed strategic framework for the period 2014-2015, subject to the following modifications:

Subprogramme 1

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

Paragraph 6.11

Replace the paragraph with the following text:

“6.11 The Secretary-General, as the custodian of the Headquarters Agreement, shall reinforce the implementation of the Agreement, in particular its article IV, section 11 and section 13 (a), governing the host country’s legal obligation to grant entry visas to the officials of all Member States attending United Nations meetings, in accordance with paragraph 107 of the report of the Committee for Programme and Coordination, as endorsed by the General Assembly in its resolution 65/244.”

Subprogramme 4
Law of the sea and ocean affairs

Paragraph 6.24

At the end of the paragraph, delete “, in particular UN-Oceans”.
