



General Assembly

Distr.: General
19 November 2021

Original: English

Seventy-sixth session

Fifth Committee

Agenda items 138 and 80

Proposed programme budget for 2022

**Report of the United Nations Commission on International
Trade Law on the work of its fifty-fourth session**

Report of the United Nations Commission on International Trade Law on the work of its fifty-fourth session

Programme budget implications of draft resolution [A/C.6/76/L.10](#)

**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 29th meeting, on 18 November 2021, the Sixth Committee adopted draft resolution [A/C.6/76/L.10](#) without a vote. A statement of the programme budget implications of the draft resolution was before the Committee ([A/C.6/76/L.18](#)).

II. Mandate contained in the draft resolution

2. Under the terms of operative paragraph 15 of draft resolution [A/C.6/76/L.10](#), the General Assembly would decide to allocate one additional one-week session per year for a single period of four years from 2022 to 2025 and additional support to the Commission to allow its Working Group III to continue to implement its work with respect to investor-State dispute settlement reform, on the condition that the Commission would during its annual session re-evaluate and, if needed, revisit its decision concerning the need for allocating an additional one-week session to Working Group III and related support based on its annual report on the use of its resources.



III. Relationship between the mandate contained in the draft resolution and the proposed programme budget for 2022

3. The mandate contained in draft resolution [A/C.6/76/L.10](#) requires additional deliverables and activities under the following programme plans of the proposed programme budget for 2022:

- (a) Programme 1, General Assembly and Economic and Social Council affairs and conference management ([A/76/6 \(Sect. 2\)](#));
- (b) Programme 6, Legal affairs ([A/76/6 \(Sect. 8\)](#)).

IV. Deliverables and activities required to implement the mandate contained in the draft resolution

4. Pursuant to the mandate contained in operative paragraph 15 of the draft resolution, it is envisaged that Working Group III of the United Nations Commission on International Trade Law (UNCITRAL) will meet for one additional week per year (i.e. three weeks per year, instead of the usual two weeks) from 2022 to 2025 to implement the work related to investor-State dispute settlement reform. In addition to the three formal Working Group sessions to be held throughout the year, informal meetings of the Working Group will be held almost every month when the Working Group is not formally meeting. The multiple reform elements consist of approximately 20 components and include means of preventing disputes, use of mediation, provision of support to respondent States through the establishment of an advisory centre, preparation of a code of conduct for adjudicators, a number of reforms to procedural rules and more structural reforms (for example, the establishment of an appellate mechanism and a permanent multilateral investment court). States have also identified that reforms to address the calculation of damages, the role of domestic courts and the State's right to regulate should be developed as part of the reform package. The mechanism to implement the multiple reform elements will need to be developed in the form of an international instrument, such as a multilateral convention.

5. For the Department for General Assembly and Conference Management, the implementation of the mandate would require additional conferencing services annually from 2022 to 2025, comprising the following:

- (a) Interpretation in all six official languages for five working days (10 meetings) in Vienna;
- (b) Translation of seven pre-session documents with a total word count of 59,500 words, five in-session documents with a total word count of 10,700 words and one post-session document with a word count of 10,700 words, in all six official languages.

6. For the Office of Legal Affairs, the implementation of the mandate would require the provision of additional secretariat services to Working Group III of UNCITRAL from 2022 to 2025, for which resources would be required, as follows:

- (a) One temporary post of Legal Officer (P-3), with the following responsibilities:
 - (i) To conduct extensive legal research and analysis on the multiple reform elements on the basis of existing investment treaties, proposals submitted by Member States and academic material on the topics;

- (ii) To assist in the preparation of pre-session documents for each of the three Working Group sessions, including compilation and incorporation of comments by Member States, intergovernmental organizations and non-governmental organizations on initial drafts to facilitate deliberations in the Working Group;
 - (iii) With respect to informal consultations, which are held without translation or interpretation, to provide informal translation of documents being discussed and offer interpretation into other official languages of the United Nations during such consultations, to ensure inclusiveness and transparency in the informal meetings;
- (b) One temporary post of Associate Legal Officer (P-2), with the following responsibilities:
- (i) To assist in the servicing of the three Working Group sessions, as well as in the organization of informal meetings during the sessions to facilitate informal negotiations;
 - (ii) To assist in the organization of informal meetings both online and in person, such as intersessional meetings co-hosted with Member States and meetings of drafting groups, joint work with other organizations and webinars taking place throughout the year and in the preparation of draft materials;
 - (iii) To provide assistance to delegations in their participation in the formal Working Group sessions, as well as informal meetings, by informing them of the issues to be considered and the background to the negotiations, including through the regular substantive updating of the Working Group webpage;
- (c) One temporary post of Administrative Assistant (General Service (Other level)), with the following responsibilities:
- (i) To provide administrative support, including by sending invitations to formal and informal meetings to all Working Group delegates, maintaining and updating the contact details of over 500 delegates taking part in these meetings and registering delegates for both in-person and online participation, including through the provision of support with respect to travel and visa requirements for in-person meetings and the provision of technical support to join online meetings;
 - (ii) To maintain and upload documents to the Working Group webpage to support the deliberations;
 - (iii) To engage with online platform service providers for costing and other administrative matters and with external interpreters to provide interpretation for informal meetings;
 - (iv) To address queries by delegations on the current status of work and arrangements in place for the formal and informal meetings, including with respect to any travel and visa requirements;
- (d) Contractual services for standard information and communications technology services for the three temporary posts;
- (e) Non-recurrent resources for furniture and equipment, comprising office furniture and information and communications technology equipment for the three temporary posts;
- (f) Supplies and materials for stationery and office supplies for the three temporary posts.

V. Budgetary implications

A. Conference-servicing requirements

7. Details of the additional conference-servicing requirements are provided in table 1.

Table 1

Additional resource requirements for conference services

(United States dollars)

	Requirements 2022	Requirements 2023	Requirements 2024	Requirements 2025	Additional requirements 2022–2025
Section 2, General Assembly and Economic and Social Council affairs and conference management					
Other staff costs					
Interpretation services	83 000	83 000	83 000	83 000	332 000
Documentation services	273 800	273 800	273 800	273 800	1 095 200
Total	356 800	356 800	356 800	356 800	1 427 200

8. An additional amount of \$42,800 would be required in 2022, and \$42,800 would be required for each year from 2023 to 2025, under section 36, Staff assessment.

9. The requirements for 2023–2025 would be reflected under the following sections of the proposed programme budgets for the respective budget period:

- (a) Section 2, General Assembly and Economic and Social Council affairs and conference management;
- (b) Section 36, Staff assessment.

B. Non-conference-servicing requirements

10. Details of the additional non-conference-servicing requirements are provided in table 2.

Table 2

Additional resource requirements for non-conference services

(United States dollars)

	Requirements 2022	Requirements 2023	Requirements 2024	Requirements 2025	Additional requirements 2022–2025
Section 8, Legal affairs					
Posts (1 P-3, 1 P-2 and 1 GS (OL))	207 600	380 400	380 400	380 400	1 348 800
Contractual services	5 700	5 700	5 700	5 700	22 800
Supplies and materials	600	600	600	600	2 400
Furniture and equipment	12 500	–	–	–	12 500
Total	226 400	386 700	386 700	386 700	1 386 500

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

11. An additional amount of \$30,200 would be required in 2022, and \$56,200 would be required for each year from 2023 to 2025, under section 36, Staff assessment.

12. The requirements for 2023–2025, would be reflected under the following sections of the proposed programme budget for the respective budget period:

- (a) Section 8, Legal affairs;
- (b) Section 36, staff assessment.

VI. Summary of resource requirements

13. The budgetary implications for 2022 amount to \$656,200, as shown in table 3.

Table 3

Additional resource requirements (before recosting)

(United States dollars)

	<i>Requirements 2022</i>	<i>Requirements 2023</i>	<i>Requirements 2024</i>	<i>Requirements 2025</i>	<i>Additional requirements 2022–2025</i>
Section 2, General Assembly and Economic and Social Council affairs and conference management	356 800	356 800	356 800	356 800	1 427 200
Section 8, Legal affairs	226 400	386 700	386 700	386 700	1 386 500
Section 36, Staff assessment	73 000	99 000	99 000	99 000	370 000
Total, including staff assessment	656 200	842 500	842 500	842 500	3 183 700

VII. Potential for absorption during 2022

14. No provision has been made in the proposed programme budget for 2022 for the implementation of the mandate contained in the draft resolution. At this stage, it is not possible to identify activities within the relevant sections of the proposed programme budget for 2022 that could be terminated, deferred, curtailed or modified during 2022. It is therefore necessary that the additional resources be provided through an additional appropriation for 2022.

VIII. Conclusion and action requested of the General Assembly

15. Should the General Assembly adopt draft resolution [A/C.6/76/L.10](#), additional resource requirements in the amount of \$583,200 would arise under the following sections of the proposed programme budget for 2022:

- (a) Section 2, General Assembly and Economic and Social Council affairs and conference management (\$356,800);
- (b) Section 8, Legal affairs (\$226,400).

16. The General Assembly would also approve the establishment of three temporary posts for 2022 (1 Legal Officer (P-3), 1 Associate Legal Officer (P-2) and 1 Administrative Assistant (General Service (Other level)).

17. The total amount of \$583,200 would require an additional appropriation for 2022 to be approved by the General Assembly and, as such, would represent a charge against the contingency fund.

18. Additional resource requirements in the amount of \$73,000 would arise under section 36, Staff assessment, of the proposed programme budget for 2022 and would require an additional appropriation by the General Assembly, to be offset by an equivalent increase of \$73,000 under income section 1, Income from staff assessment.
