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Agenda items 118 and 12

PROGRAMME BUDGET FOR THE BIENNIUM 1990-1991

REPORT OF THE ECONOMIC AND SOCIAL COUNCIL

Programme budget implications of draft decision A/C.3/45/L.62

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

A. Requests contained in the draft decision

1. At its 58th meeting, on 30 November 1990, the Third Committee adopted draft resolution A/C.3/45/L.77, the annex to which would contain the draft International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.
2. The Third Committee had before it a statement of programme budget implications in document A/C.3/45/L.97.
3. In the statement, the Secretary-General stated his understanding that in the light of paragraph 7 of article 72 of the draft Convention, which stated that the Secretary-General of the United Nations should provide the necessary staff and facilities for the effective performance of the functions of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families, the costs associated with its implementation should be met from the regular budget of the Organization. The programme budget implications statement contained an outline of the implications of the implementation of the Convention for the regular budget.

B. Activities required under the draft Convention

4. Should the draft Convention be adopted, various activities, as described below, would need to be undertaken upon the entry into force of the Convention.

1. Meetings of the States parties to the Convention

5. In accordance with article 72 of the draft Convention, a Committee on the Protection of the Rights of Migrant Workers and Members of Their Families would be established. It would consist of 14 experts elected at the meetings of States parties who would serve in their personal capacity. The election of the 14 members of the Committee would take place in two stages.

6. The first meeting of the States parties, at which 10 members of the Committee would be elected, would be convened for one day by the Secretary-General at United Nations Headquarters in 1992 or no later than six months after the date of the entry into force of the Convention.

7. The second meeting of States parties, at which the four additional members of the Committee would be elected, would be convened by the Secretary-General at United Nations Headquarters for one day in 1993 or no later than six months after the entry into force of the Convention for the forty-first State party. Subsequent meetings of States parties would be convened by the Secretary-General at biennial intervals.

2. Sessions of the Committee

8. Under article 75 of the draft Convention, the Committee would meet annually; the meetings of the Committee would normally be held at United Nations Headquarters. The Secretary-General, subject to the entry into force of the Convention and the election of the Committee members, intends to convene the first regular session of the Committee for a period of three weeks during the second half of 1992 at the United Nations Office at Geneva. It should be noted, however, that even though article 75 states that the meetings of the Committee shall normally be held at United Nations Headquarters, the Secretary-General believes that the principles embodied in General Assembly resolution 40/243 of 18 December 1985 should be observed and that, consequently, the Committee should meet at the headquarters of its substantive secretariat, i.e. Geneva, and this should be reflected in the calendar of conferences for future bienniums.

9. At its first regular session, the Committee would be expected, inter alia, to consider and adopt its rules of procedure in accordance with article 75 of the Convention, to consider and approve general guidelines for the submission of reports by States parties and to take decisions on matters relevant to the organization of its future work and the preparation of its annual report to the General Assembly. Travel and subsistence costs would be required to be paid to the 10 members of the Committee and subsequently to the four additional members.

3. Processing of reports submitted by States parties to the Convention

10. Under article 73 of the draft Convention, States parties would undertake to submit through the Secretary-General for consideration by the Committee reports on the legislative, judicial, administrative and other measures that they have taken to give effect to the provisions of the Convention within one year after the entry into force of the Convention for the State party concerned and thereafter every five years and whenever the Committee may so request. Under article 74, the Committee would also submit a report on its activities every year to the General Assembly on the implementation of the Convention, containing its own considerations and recommendations, based, in particular, on the examination of the reports and any observations presented by States parties.

4. Consideration by the Committee of inter-State disputes

11. In accordance with article 76 of the draft Convention, a State party to the Convention may at any time declare that it recognizes the competence of the Committee to receive and consider communications to the effect that a State party claims that another State party is not fulfilling its obligations under the Convention. Subject to the fulfilment of certain conditions and the lapse of the required time-limits, the Committee shall deal with the matter referred to it and submit its report thereon to the States parties concerned. The provisions of that article shall come into force when 10 States parties to the Convention have made a declaration under paragraph 1 of the article.

5. Handling communications from individuals

12. As provided for under article 77 of the draft Convention, a State party to the Convention may at any time declare that it recognizes the competence of the Committee to receive and consider communications from or on behalf of individuals subject to its jurisdiction who claim that their individual rights as established by the Convention have been violated by the State party concerned. The Committee shall consider communications received under this article in closed meetings and shall forward its views to the State party concerned and to the individual. The provisions of that article shall come into force when 10 States parties to the Convention have made the declaration under paragraph 1 of the article.

C. Resource requirements

13. The adequate provision to the States parties and to the Committee of the necessary reports and of substantive services for the respective meetings and sessions could not be ensured without additional staffing resources being made available to the Centre for Human Rights of the Secretariat. It is envisaged that in order to implement the supervisory procedures in respect of the Convention, three posts in the Professional category (one P-4, one P-3 and one P-2) and two posts in the General Service category would be necessary. The work involved in

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servicing the sessions of the Committee, including the processing and submission to the Committee of the reports submitted by States parties to the Convention, would require three posts (one P-4, one P-2 and one General Service). The other two posts (one P-3 and one General Service) would be involved in the handling of communications from individuals as well as servicing the Committee when it deals with this item.

14. However, in view of the fact that the Convention is not expected to enter into force until 1992, these additional posts would not be required in 1991 and would therefore be requested in the context of the proposed programme budget for the biennium 1992-1993. Should the Convention enter into force earlier, arrangements would be made for the provision of temporary assistance to the Centre and reported in the context of the final budget performance report for the biennium 1990-1991.

15. Under article 72, paragraph 8, the members of the Committee established under the Convention would receive emoluments from United Nations resources on such terms and conditions as the General Assembly may decide. In determining the level of such emoluments and the related terms and conditions, the Assembly may wish to be guided by its resolutions 35/218 of 17 December 1980 and 44/201 A of 21 December 1989, section VII. Under the terms of resolution 35/218, an amount of \$5,000 per year is provided to the Chairman and \$3,000 per year to each of the members of the Human Rights Committee, which would appear to have been entrusted with functions similar to those that would be entrusted to the Committee under this Convention. Members of the Committee on the Rights of the Child also receive, as decided by the Assembly in its resolution 44/201 A, similar emoluments. Subject to a decision by the Assembly, these amounts would be included in the proposed programme budget for the biennium 1992-1993.

16. The full cost of requirements to undertake the activities contained in section B above is estimated as follows:

	<u>1992</u>	<u>1993</u>
	\$	\$
(a) <u>Conference-servicing costs</u>		
(i) Meetings of States parties (including provision of summary records)	98 500	102 100
(ii) Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families (including provision of summary records)	662 500	908 900
Total (a)	<u>761 000</u>	<u>1 011 000</u>

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	<u>1992</u> \$	<u>1993</u> \$
(b) <u>Other costs</u>		
(i) Travel and subsistence of the members of the Committee for a session of 3 weeks (10 members in 1992 and 14 members in 1993;	73 000	102 000
(ii) Emoluments for the members (10 members in 1992 and 14 members in 1993)	32 000	44 000
(iii) Staffing requirements (1 P-4, 1 P-3, 1 P-2 and 2 General Service (Other levels))	<u>362 300</u>	<u>362 300</u>
Total (b)	<u>467 300</u>	<u>508 300</u>

D. Summary

17. The meetings of States parties and the sessions of the Committee will be included in the draft calendar of conferences for the biennium 1992-1993. The estimates of conference-servicing costs indicated in paragraph 16 above and detailed in annexes I and II, respectively, to the present document are based on the theoretical assumption that no part of the conference-servicing requirements would be met from within the permanent conference-servicing capacity under section 29 of the proposed programme budget for the biennium 1992-1993 and that additional resources would be required for temporary assistance for meetings. The extent to which the Organization's permanent capacity needs to be supplemented by temporary assistance resources can be determined only in the light of the proposed calendar of conferences for 1992-1993. It is intended to continue in 1992-1993 the practice of including in the proposed programme budget the level of resources for temporary assistance for meetings estimated on the basis of previous experience in order to accommodate not only meetings known at the time of the budget preparation but also meetings that would be authorized subsequently, provided that the number and distribution of meetings and conferences in the biennium 1992-1993 is consistent with the pattern of meetings in previous years.

18. In conclusion, therefore, should the draft Convention be adopted, additional provisions would be included in the proposed programme budget for 1992-1993 as indicated in paragraph 16 above.

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Annex IESTIMATED COSTS OF CONFERENCE SERVICING OF THE MEETINGS OF
STATES PARTIES TO THE CONVENTION ON THE PROTECTION OF THE
RIGHTS OF ALL MIGRANT WORKERS AND MEMBERS OF THEIR FAMILIES

	<u>1992</u> \$	<u>1993</u> \$
I. <u>Pre-session documentation</u>		
(50 pages, 5 documents: A,C,E,F,R,S)	49 900	51 300
II. <u>Meeting servicing</u>		
(Interpretation, 2 meetings: A,C,E,F,R,S)	9 400	9 900
III. <u>Post-session documentation</u>		
(10 pages, 1 document: A,C,E,F,R,S)	<u>9 500</u>	<u>9 700</u>
Total	68 800	70 900
<u>Summary records</u>		
(2 meetings: A,C,E,F,R,S)	<u>29 700</u>	<u>31 200</u>
Total	<u>98 500</u>	<u>102 100</u>

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Annex II

ESTIMATED COST OF CONFERENCE SERVICING OF THE COMMITTEE
ON THE PROTECTION OF THE RIGHTS OF ALL MIGRANT WORKERS
AND MEMBERS OF THEIR FAMILIES

	<u>1992</u>	<u>1993</u>
	\$	\$
I. <u>Pre-session documentation</u>		
1992: (60 pages, 6 documents: A,C,E,F,R,S)	56 500	
1993: (200 pages, 20 documents: A,C,E,F,R,S)		193 900
II. <u>Meeting servicing</u>		
(Interpretation, 30 meetings: A,C,E,F,R,S)	149 200	153 600
III. <u>In-session documentation</u>		
(1992: 50 pages, 5 documents: A,C,E,F,R,S)	46 000	
(1993: 100 pages, 10 documents: A,C,E,F,R,S)		94 900
IV. <u>Post-session documentation</u>		
(1992: 50 pages, 1 document: A,C,E,F,R,S)	44 800	
(1993: 100 pages, 1 document: A,C,E,F,R,S)	_____	<u>91 900</u>
Total	296 500	534 300
<u>Summary records</u>		
(30 meetings: A,C,E,F,R,S)	366 000	374 600
Total	<u>662 500</u>	<u>908 900</u>
