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Draft report

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Addendum

Programme questions: proposed programme budget for 2025

(Item 3 (a))

Programme 6 Legal affairs

1. At its 5th meeting, on 15 May 2024, the Committee considered Programme 6, Legal affairs, of the proposed programme plan for 2025 and programme performance in 2023 (A/79/6 (Sect. 8)). The Committee also had before it a note by the Secretariat on the review of the proposed programme plan by sectoral, functional and regional bodies (E/AC.51/2024/6).

Discussion

2. Delegations expressed their appreciation for the essential and valuable work undertaken by the Office of Legal Affairs. Several delegations observed that the rule of law was the fundamental basis of the United Nations and its work, and expressed their appreciation and support for the crucial role played by the Office, which, as the central legal service of the United Nations, dealt with a broad range of legal issues related to the progressive development of international public and trade law and its codification, the registration and publication of treaties, oceans and the law of the sea, international trade, peacekeeping and special political missions, international tribunals, sanctions, and privileges and immunities. Several delegations welcomed the close coordination and consultations undertaken by the Office in supporting Member States.

3. Delegations noted that the Office of Legal Affairs and its staff operated with the highest standards of accountability, credibility, neutrality, transparency and efficiency, and professionalism. Delegations recognized the comprehensive



programme plan and expressed their support for the objectives, strategies and deliverables of the Office. A delegation noted that the range of activities, breadth of relationships and depth of expertise demonstrated the professionalism, efficiency and results-driven culture of the Office.

4. Delegations expressed their appreciation for the support provided by the Office to the Sixth Committee of the General Assembly and to the International Law Commission, and highlighted the fundamental role of the Office in the progressive development and codification of international law, which would ensure that all forms of intergovernmental activities were provided with an appropriate legal framework.

5. A delegation stated that it attached great importance to the work of the Office of Legal Affairs, and fully supported the Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law, and the advancement of the International Law Commission's deliberations on improving its working methods. The delegation expressed its appreciation to the Office of Legal Affairs for faithfully discharging its responsibilities and steadily carrying out its work and its strengthened focus on communication and cooperation with Member States. The delegation expressed its hope that the Office of Legal Affairs would continue to perform its duties faithfully, uphold an objective and impartial position, interpret the rules of international law, including the Charter of the United Nations, in a complete and accurate manner, so as to contribute to the codification and progressive development of international law, and maintain an international order based on international law.

6. Delegations noted with appreciation the support provided by the Office to Member States in the process of preparation for the adoption of the Agreement 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. Delegations underlined the important role of the Office of Legal Affairs in supporting every dimension of international cooperation by assisting United Nations bodies and Member States with the provision of legal expertise. A delegation congratulated the Office of Legal Affairs on the efforts and outcome of its work in 2023 with regard to the law of the sea, ocean affairs and biodiversity. The delegation expressed the view that an important achievement had been made on those issues and sought clarification on what the Office considered were the biggest challenges for its work in that field in 2025.

7. A delegation expressed its support for the Office's role in the implementation and promotion of the Sustainable Development Goals, in particular Goal 14, relating to oceans and the law of the sea. The delegation noted the increased participation of States in and the effective implementation and application of the United Nations Convention on the Law of the Sea (UNCLOS) and its implementing agreements. The work of the Office in providing secretariat functions to oceans-related processes of the General Assembly and the Commission on the Limits of the Continental Shelf was recognized.

8. A delegation highlighted the important work of the International Trade Law Division and its work as the secretariat of the United Nations Commission on International Trade Law (UNCITRAL). The delegation recognized the work of the Office in coordinating and encouraging the harmonization and development of international trade law, and noted its work on governance of international commercial transactions, strengthening technical cooperation and promoting the participation of developing countries in the law-making activities of UNCITRAL.

9. With reference to the introductory statement made by the representative of the Office of Legal Affairs, a delegation noted with interest the organization of a workshop for the benefit of francophone Member States in two regions in particular.

While the delegation expressed its support for the organization of such workshops, further information was requested on the criteria, in particular the geographic criteria, that led to the participation of Member States in those workshops. The delegation sought clarification on how such workshops could be organized in cooperation with the International Organization of la Francophonie.

10. With respect to the strategy and external factors for 2025 under the overall orientation for the Office of Legal Affairs, a delegation expressed the view that the word “continue to” should be included in paragraphs 8.3, 8.4, 8.5, 8.8. and 8.11, noting that the addition would express the continued engagement and underline the important efforts the Office had undertaken thus far, which were both highly appreciated.

11. With reference to paragraph 8.16, a delegation welcomed and considered the integration of a gender perspective into the operational activities, deliverables and results of the Office of utmost importance and noted with appreciation that the Office would continue to promote gender equality and the empowerment of women throughout all its subprogrammes, through its use of gender inclusive language in the context of the Office’s capacity-building programmes and other related aspects.

12. A delegation expressed strong support for Office’s continuous efforts in improving its monitoring and evaluation practices, including on cross-cutting issues, such as monitoring the development of artificial intelligence applications. With respect to a broader assessment on capacity-building activities, the delegation supported and called for the continuation of the leveraging of partnerships and responding to requests by Member States for provision of workshops on international law.

13. With respect to subprogramme 1, Provision of legal services to the United Nations system as a whole, a delegation observed that paragraphs 8.24 (b), 8.25 (d) and category E in table 8.6, made reference to the provision of support to the United Nations criminal tribunals and their oversight bodies as well as “other international accountability mechanisms”. The delegation sought clarification on what the mechanisms were. With respect to result 1, a data protection and privacy framework for the Secretariat, and the performance measures reflected for 2024 and 2025 in table 8.3, a delegation sought further clarification on the use of the term “additional actions” in 2025. The delegation inquired if the use of the term “additional actions” indicated a prioritization of actions to be taken. With respect to table 8.6 and category E of the deliverables, a delegation noted the use of the phrase “providing legal advice to 18 United Nations entities on the interpretation and implementation of the relationship agreement between the United Nations and the International Criminal Court”, and opined that it was not clear why the particular cooperation agreement was included in the programme plan, as not all Member States of the United Nations were members of the organization. The delegation sought clarification on the Secretary-General’s position with regard to the fact that the International Criminal Court and the United Nations were separate entities, and what the basis was for its inclusion, noting that some States Members of the United Nations were not parties to the Rome Statute.

14. A delegation noted with regret the absence of specific references to the Office’s work in assisting the Committee on Relations with the Host Country, in the programme plan. The delegation expressed the view that General Assembly resolution [78/116](#), on the report of the Committee, provided a mandate to the Secretary-General to launch an arbitration procedure under section 21 of the United Nations Headquarters Agreement, and that the Office of Legal Affairs played a primary role in that regard. The delegation further opined that the relevant section of the programme plan would need to be amended and supplemented with a list of specific steps aimed at resolving the problems faced by the Permanent Missions of a number

of States Members of the United Nations, including measures to prepare for arbitration. The delegation expressed its disappointment that, despite repeated instructions from the General Assembly, the programme plan had not included such information.

15. With respect to subprogramme 2, General legal services provided to the United Nations organs and programmes, and result 1, strengthened capacity for the United Nations to stay and deliver through COVID-19 vaccinations, a delegation requested clarification on which specific residual issues of a legal nature were referred to in the performance measures presented in table 8.8. The delegation requested information on what specific legal services had been provided, the projected time frame for the completion of the residual issues, and whether a further assessment was required to determine if the plan would need to be retained.

16. With respect to subprogramme 3, Progressive development and codification of international law, a delegation expressed support for the role of the Office in the progressive development and codification of international law, including serving as the secretariat of the Sixth Committee and by supporting the International Law Commission and other bodies, as reflected in tables 8.13 and 8.14. The delegation thanked the Office and the Codification Division for their guidance and support in organizing the Legal Advisers meeting in 2023.

17. With respect to result 3, applications from more States for the training and programmes in international law under the programme of assistance, a delegation noted with appreciation the in-person training programmes under the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law conducted annually on diverse topics of international law for developing countries and countries with emerging economies. The delegation highlighted the importance of the increased outreach activities, including through the use of social media and the United Nations Information Centres to encourage applications from countries with fewer participants. Another delegation observed the need for the prioritization of the Programme of Assistance. While matters relating to parts of the programme dealing with resources were not within the mandate of the Committee for Programme and Coordination, the delegation expressed the view that additional resources should be committed to the Programme of Assistance, as it would ensure accessibility to a wider audience, with due consideration to equitable geographical representation and the specific needs of developing countries, in particular in the Asia and Pacific region.

18. With respect to subprogramme 4, Law of the sea and ocean affairs, a delegation highlighted its appreciation and strong support for the proposed programme plan and the work carried out by the subprogramme which was of paramount importance for sustainable development. A delegation noted the substantive and administrative support provided by the Office to the process that led to the adoption on 19 June 2023 by the intergovernmental Conference convened by the General Assembly pursuant to its resolution [72/249](#) of the Agreement 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. The delegation expressed the view that the adoption of the agreement was likely to contribute to the achievement of the ocean related goals and targets of the 2030 Agenda for Sustainable Development and thanked the Office for the professional support provided to the conference and other ocean processes. A delegation expressed its appreciation for the support and legal advice provided by the Office, in particular in connection with the third United Nations Conference to Support the Implementation of Sustainable Development Goal 14: Conserve and sustainably use the oceans, seas and marine resources for sustainable development, co-organized by Costa Rica and France in June 2025.

19. A delegation sought clarification on how the tasks planned by the Office, as reflected in the strategy section in paragraph 8.63, would result in an increased number of States Parties to the 1982 United Nations Convention on the Law of the Sea and its implementing agreements, as reflected in paragraph 8.64. A delegation noted the references to the promotion of a better understanding of the Agreement 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, reflected in paragraph 8.63 (d) and item 26 in table 8.20, and expressed its view that such measures were premature, as the international treaty had not yet entered into force. The delegation further opined that assistance to developing countries in strengthening their capacity to participate in the Agreement should be undertaken only at the request of those States.

20. With reference to result 1, enhanced coordination and cooperation on ocean issues, in particular through UN-Oceans, a delegation noted the reference to the term “ocean-climate nexus”, and the increased awareness of it by Members States, as reflected in table 8.17. The delegation observed that the paragraph of the General Assembly resolution referred to the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea, which was simply a platform for the exchange of views on topical maritime issues and therefore did not provide a mandate for the Secretariat to carry out the proposed tasks. The delegation also sought clarification on what was meant by “rules and standards” reflected in table 8.17.

21. With respect to result 3, enhanced commitment of Member States to the conservation and sustainable use of oceans and their resources through the implementation of international law, further clarification was requested regarding the creation of multi-stakeholder partnerships referred to in paragraph 8.71, and the identification of gaps in the effective implementation of international law reflected in the 2023 (actual) performance measure in table 8.19. The delegation expressed the view that it was not aware of a mandate from Member States for the creation of such partnerships.

22. With respect to table 8.20, clarification was requested with respect to the counting methods of three-hour meetings for deliverables number 13, 15, and 19 under the subcategories substantive services for meetings and conference and secretariat services for meetings.

23. With respect to subprogramme 5, Progressive harmonization, modernization and unification of the law of international trade, a delegation expressed its support for the increased activities reported, particularly those related to technical assistance and capacity-building for Governments, on implementation guidance and interpretative materials, as well as training activities and advice on the enactment of UNCITRAL texts into national law.

24. With respect to subprogramme 6, Custody, registration and publication of treaties a delegation highlighted the important work of the subprogramme in undertaking the registration and publication of treaties and carrying out the depositary functions for multilateral treaties. The delegation emphasized the important role of the Office in the registration of treaties and the effectiveness of an international order based on international law. The delegation expressed the view that the Office had been performing the function with great professionalism, which it considered paramount to the transparency of the international treaty framework. A delegation welcomed the programme performance in 2023, as reflected in table 8.26, and emphasized the importance of increased transparency of the international treaty framework and the facilitation of the participation of States in multilateral treaties concluded under the auspices of the United Nations and deposited with the Secretary-General. Another delegation welcomed result 3, Member States advance discussion

on treaty practice, and noted that such initiatives would ultimately improve international treaty practice. The delegation referred to General Assembly resolution [78/236](#) which mandated the establishment of new initiatives to support the debate of the Sixth Committee.

25. Regarding the Independent Investigative Mechanism for Myanmar, several delegations reiterated their strong support for the work of the Mechanism, and reaffirmed that the mandate of the Mechanism was established by resolutions of the Human Rights Council, including Human Rights Council resolutions [39/2](#), [42/3](#) and [43/26](#), which were subsequently reaffirmed by the General Assembly in its resolution [73/264](#). Delegations expressed the view that the Secretary-General had been called upon to include the necessary funding for the Mechanisms in the regular budget, and therefore Member States had the responsibility to ensure that General Assembly decisions were fully respected and adequately executed and included in the proposed programme plan for Programme 6, Legal affairs.

26. A delegation noted the vital role played by the Mechanism in collecting, consolidating, preserving and analysing evidence of the most serious international crimes and violations of international law committed in Myanmar since 2011. The delegation observed that the prepared files could be shared with national, regional or international courts and tribunals to facilitate fair and independent criminal proceedings.

27. The view was expressed that preventing new atrocities and other abuses, addressing the needs of victims and survivors, and ensuring those responsible for atrocities and other abuses were held accountable were all essential to addressing the ongoing crisis in Myanmar and helping the country return to a path towards a democratic, peaceful and prosperous state. In that regard, the delegation expressed its appreciation for the Mechanism's efforts in addressing those challenging circumstances, and congratulated the Mechanism on its progress, flexibility and effectiveness.

28. Other delegations expressed concern and disappointment on the continued inclusion of the Mechanism under programme 6, Legal affairs. A delegation noted that there remained a wide divergence of views among Member States on the establishment and functions of the two Mechanisms included under programme 6, Legal affairs and requested clarification from the Secretariat on why the programmes of the two Mechanisms were included under said programme 6.

29. Regarding the International, Impartial, and Independent Mechanism to Assist in the Investigation and Prosecution of Persons Responsible for the Most Serious Crimes under International Law Committed in the Syrian Arab Republic since March 2011, several delegations reiterated their support for the Mechanism and acknowledged the essential role it played in ensuring accountability through gathering evidence on past crimes and documenting ongoing human rights violations against the Syrian people. Several delegations recognized the tangible progress made by the Mechanism in the implementation of its mandate since 2011. Several delegations expressed their strong support for the Mechanism's work, including the investigation and prosecution of the most serious crimes under international law and facilitation of inclusive justice by ensuring that crimes, victims and survivors received adequate attention. It was stressed that the Mechanism was a vital instrument that provided prosecutors and investigators with the information and evidence needed to ensure criminal accountability, thereby achieving a measure of justice for the many victims. A delegation expressed its strong support for such information being made available to assist in new prosecutions, where jurisdictions existed.

30. Several delegations reaffirmed the validity of the Mechanism's mandate in General Assembly resolution [71/248](#) and reiterated that Member States had the

responsibility to ensure that the mandate and subsequent General Assembly decisions were fully respected and adequately executed. Another delegation provided examples of United Nations mandates established by General Assembly resolutions adopted by vote, which included the United Nations Regional Centre for Preventive Diplomacy for Central Asia, (resolution 62/85); the United Nations Peacebuilding Commission (resolution 60/180); and the United Nations Mission for the Referendum in Western Sahara. In that regard, delegations further reaffirmed their support for the inclusion of the Mechanism's proposed programme plan under programme 6, Legal affairs.

31. A delegation expressed its strong support for the work of the Mechanism and noted that since the Mechanism was established, it had made great progress in implementing its critically important mandate to collect, consolidate, preserve and analyse evidence of violations of international humanitarian law and human rights violations and abuses committed in the Syrian Arab Republic over the past decade. While matters relating to parts of the programme dealing with resources were not within the mandate of the Committee for Programme and Coordination, a delegation observed that the work of documenting atrocities, collecting evidence and pursuing justice was resource-intensive and required sustained financial support, and called upon Member States to maintain full funding for the Mechanism's work, including through the United Nations regular budget.

32. A delegation expressed its strong view that global order required the rule of law where there was no shelter for the perpetrators of any crimes under international law. The delegation further stressed that there could not be sustainable peace without justice, and therefore expressed its continued support to the Mechanism and other complementary mechanisms contributing to the fight against impunity, such as Commissions of Inquiry and the Investigation and Identification Team of the Organisation for the Prohibition of Chemical Weapons.

33. It was noted with satisfaction that the Mechanism now served some 16 competent jurisdictions, and had expanded its reach and impact in supporting efforts to hold perpetrators accountable. The delegation further noted that the Mechanism was deepening and intensifying its trusted partnerships with Syrian civil society, Member States and international organizations, thereby fostering collaboration and solidarity in the pursuit of justice. A delegation welcomed the information contained in figure 8.XVI regarding the increasing number of investigations enhanced by the Mechanism's outputs.

34. The view was expressed that the Syrian people should be heard, and that every individual Syrian victim should have the opportunity to seek justice. A delegation emphasized that accountability and justice were essential to the international community's efforts to ensure that a lasting, United Nations facilitated political process in the Syrian Arab Republic could take hold. In that regard, it was observed that the Mechanism remained at the forefront of this brave work and was integral to ensuring accountability. The delegation stated that without such work, the stable, just, and enduring peace that the Syrian people deserved would remain elusive.

35. Other delegations expressed concern and disappointment that the Mechanism was still included in programme 6, Legal affairs. A delegation stressed that the two Mechanisms were political instruments that did not have consensus and were artificially linked to the programme. The same delegation recalled its proposal to consider the two Mechanisms under a separate programme.

36. A delegation emphasized that the Mechanism was established in violation of international law, in particular in the absence of consent by the Syrian Arab Republic or a resolution of the Security Council adopted pursuant to Chapter VII of the Charter of the United Nations. The delegation further emphasized that its establishment violated the principles of the sovereign equality of States and non-interference in their

internal affairs. The delegation opined that the adoption of the resolution by the General Assembly was a departure from the limits of its statutory powers.

37. While matters relating to parts of the programme dealing with resources were not within the mandate of the Committee for Programme and Coordination, a delegation expressed its strong regret that some countries continued to support the financing of both Mechanisms from the regular budget. The delegation reiterated its view that the Mechanism should not be financed from the United Nations budget and noted that there was limited reporting and a lack of accountability on the use of funds by the Mechanism.

Conclusions and recommendations

38. **The Committee recommended that the plenary or the relevant Main Committee or Main Committees of the General Assembly, in line with Assembly resolution 78/244, consider the programme plan for programme 6, Legal affairs, of the proposed programme budget for 2025 under the agenda item entitled “Programme planning” at the seventy-ninth session of the Assembly.**
