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Proposed programme budget for the biennium 2016-2017

Report of the International Law Commission on the work of its sixty-seventh session

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Programme budget implications of draft resolution A/C.6/70/L.13

Thirty-seventh report of the Advisory Committee on Administrative and Budgetary Questions on the proposed programme budget for the biennium 2016-2017

I. Introduction

1. The Advisory Committee on Administrative and Budgetary Questions has considered the statement submitted by the Secretary-General in accordance with rule 153 of the rules of procedure of the General Assembly on the programme budget implications of draft resolution A/C.6/70/L.13 (A/C.5/70/13). During its consideration of the statement, the Committee met with representatives of the Secretary-General, who provided additional information and clarification, concluding with written responses received on 8 December 2015.

2. Under the terms of operative paragraph 17 of draft resolution A/C.6/70/L.13, the General Assembly would take note of paragraph 309 of the report of the International Law Commission, and decide that the next session of the Commission shall be held at the United Nations Office at Geneva from 2 May to 10 June and from 4 July to 12 August 2016.

II. Resource requirements

3. The Secretary-General indicates that the draft resolution would entail additional resource requirements in the amount of \$232,100, comprising travel of representatives for 14 additional days (\$210,000) and travel of staff for 14 additional days (\$22,100). It is stated that the requested resources would be in addition to the



amount of \$2,863,900 previously included in the proposed programme budget for 2016-2017 under section 8, Legal affairs, for the International Law Commission, which was based on a 10-week session, with an assumed average attendance at the annual session of 80 per cent (A/C.5/70/13, paras. 4 and 5).

4. With respect to the duration of the Commission's sessions, the Advisory Committee was informed upon enquiry that, under its statute, the members of the International Law Commission are elected at the same time to serve for five-year periods, and the Commission has operated on this quinquennial basis since 1956. The statute does not fix the duration of the Commission's annual sessions, and over the years, their length has varied from 9 to 12 weeks. The Committee was further informed that, since 2000, the Commission has typically recommended annual sessions shorter than 12 weeks, except in the final year of each of the respective quinquennia (2001, 2006 and 2011), when the Commission has usually decided that a 12-week session was required. The Committee was informed that for 2016, the final year of the present quinquennium, the Commission has again recommended a 12-week session.

5. Upon enquiry, the Advisory Committee was informed that the amount of \$210,000 for travel of representatives comprises daily subsistence allowance of \$552 per day at the Under-Secretary-General level based on the rates for Geneva as of November 2015, for 14 days at an 80 per cent attendance rate, for the 34 members of the Commission. The Committee was further informed that the amount of \$22,100 for travel of staff would provide for daily subsistence allowance of \$394 per day at the Geneva rate as of November 2015 for 14 days for four staff members.

6. The Committee was informed upon enquiry that there would be no additional meeting implications for the Department for General Assembly and Conference Management for the 12-week session, as a 12-week session in the final year of the quinquennium was expected, and therefore the related requirements had been incorporated into the proposed programme budget for the biennium 2016-2017 under section 2, General Assembly and Economic and Social Council affairs and conference management, as part of its programme of work.

7. The statement indicates that 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, and therefore it would be necessary that these requested resources be provided through an additional appropriation, representing a charge against the contingency fund (A/C.5/70/13, paras. 7 and 8).

III. Conclusion

8. **The Advisory Committee recalls that, in its first report on the proposed programme budget for the biennium 2014-2015, it considered that the International Law Commission should have the necessary means to implement its mandated programme of work, and recommended that the General Assembly approve the full amount of resources required for split annual sessions of up to a total of 12 weeks, within the overall proposed allocation for section 8, Legal affairs. The Committee also recommended that the General Assembly request the Secretary-General to ensure that resource proposals in**

future budget submissions are aligned with the programme of work of the Commission (A/68/7, para. III.25). The Committee reiterated these observations in its first report on the proposed programme budget for the biennium 2016-2017, which remain valid and under consideration by the General Assembly (A/70/7, para. III.29). The Committee affirms its previous recommendations in this regard, and therefore recommends that the General Assembly request the Secretary-General to absorb the additional requirements in the amount of \$232,100 under section 8, Legal affairs, of the proposed programme budget for the biennium 2016-2017.
