Meeting of States Parties

Advanced, unedited version

Thirty-third Meeting of States Parties
New York, 12–16 June 2023

Draft supplementary budget proposals of the International Tribunal for the Law of the Sea for the budget period 2023–2024

Presented by the Tribunal

I. Introduction

1. During its fifty-fifth session (20–31 March 2023), the International Tribunal for the Law of the Sea considered and approved supplementary budget proposals for the period 2023–2024 in accordance with the Financial Regulations and Rules of the Tribunal. The supplementary budget proposals have been prepared in euros and in a form consistent with the approved budget in accordance with regulation 3.6.

2. On 12 December 2022, the Tribunal received a request from the Commission of Small Island States on Climate Change and International Law ("the Commission") to render an advisory opinion.

3. The request has been entered in the List of cases of the Tribunal as case No. 31.

4. In June 2022, the thirty-second Meeting of States Parties approved the amount of €23,443,900 as the budget of the Tribunal for the period 2023–2024 (SPLOS/32/12).

5. In the approved 2023–2024 budget, the total estimates for the costs for part C (Case-related costs) amount to €2,390,100. This amount provides for part of the meetings to deal with case No. 28 (*Dispute concerning delimitation of the maritime boundary between Mauritius and Maldives in the Indian Ocean (Mauritius/Maldives)*, submitted to a Special Chamber of the Tribunal) and for two urgent cases (see SPLOS/32/5, paragraph 16). As case No. 31 was filed after the 2023–2024 budget had been approved, no provision for the costs for that case was included in part C of the 2023–2024 budget. As a consequence, and in accordance with regulation 103.4 (b) of the Financial Rules of the Tribunal, a supplementary budget is submitted to the Meeting of States Parties.

II. Draft supplementary proposals

6. All meetings relating to case No. 31 including the hearings are scheduled to take place during the 2023–2024 budget period and the advisory opinion is expected to be rendered in 2024. These supplementary budget proposals are therefore submitted to the thirty-third Meeting of States Parties in June 2023 (see rule 103.4 (a) of the Financial Rules of the Tribunal).

7. As for merits cases in previous budget proposals, the budget estimates for case No. 31 are based on the following judicial work programme:

(a) Initial deliberations: two days;

(b) Oral proceedings: nine days;

(c) Deliberations: 41 days;

(d) Meeting of the Drafting Committee: 28 days.

8. The estimated costs for case No. 31 amount to €2,484,900.

9. The supplementary budget relates to section 12 (Judges) in the amount of €1,890,900 and section 13 (Staff costs) in the amount of €594,000 of part C (Case-related costs) of the Tribunal's budget (see Annex).

Section 12 (Judges)

12.1 Special allowances

10. The amount of €1,694,600 is envisaged to cover special and subsistence allowances of judges of the Tribunal. This amount includes a special allowance for preparatory work, calculated on the basis of two thirds of the number of days planned for judicial meetings.

12.3 Travel to meetings

11. The amount of €196,300 is to finance the travel costs of judges for case No. 31. The trips envisaged during case No. 31 are as follows:

(a) Two round trips for the members of the Tribunal;

(b) Two round trips for the members of the Drafting Committee;

12. The Tribunal intends to organize the judicial deliberations in case No. 31, to the extent possible, in conjunction with its administrative sessions in 2023 and 2024 to reduce travel costs.

Section 13 (Staff costs)

13.1 Temporary assistance for meetings

13. A separate provision is made for temporary assistance for meetings to cover the expenses related to case No. 31. This provision covers emoluments and costs for the travel of interpreters, verbatim reporters, revisers, translators, audio equipment operators and additional secretarial staff recruited specifically for meetings, including hearings and judicial deliberations. The provision also covers the costs of other conference-related staff and personnel to service meetings. The amount proposed takes into account the fact that not all personnel, in particular translators, interpreters and verbatim reporters, are readily available at the seat of the Tribunal.

14. Estimates regarding translation expenses are based on the volume of work relating to case No. 31 that cannot be absorbed internally and an average number of pages that have to be sent out for translation, to which the Tribunal applies the contractual translation rates determined by the United Nations Office at Geneva.

15. Taking into account the current salary rates applied to translators, interpreters and verbatim reporters, a total amount of €571,500 is proposed for case No. 31.

13.2 Overtime

16. As the Tribunal has to deliver its decisions within short periods of time, it is unavoidable that many staff members are required to work beyond normal working hours. Overtime payments cannot always be replaced by compensatory time off, in particular given the small size of the Registry. The amount of €22,500 is proposed to cover overtime during case No. 31.

III. Financing

17. Part C (Case-related costs) of the 2023–2024 budget provides for two urgent cases in the amount of €1,667,400 and for the second part of the deliberations and other meetings of the Drafting Committee, up to the delivery of the judgment in case No. 28, in the amount of €722,700.

18. The dates for the remaining meetings in case No. 28 have been set and the judgment will be read at the end of April 2023. The number of these meetings is lower than initially anticipated when the budget was drafted. The savings from case No. 28 in the 2023–2024 budget are estimated at approximately €390,000, which could be used to finance a portion of the costs for case No. 31.

19. It is also proposed that the provision for one urgent case (€833,700) in the 2023–2024 budget be used to finance a portion of the costs for case No. 31. This approach would leave the further provision for a second urgent case in that budget until the end of the 2023–2024 budget period. Should two urgent cases be filed within the budget period ending in December 2024, the Working Capital Fund would be used to finance the second case.

20. For the remaining costs of case No. 31 in the amount of €1,261,200 (= €2,484,900 - €390,000 - €833,700), these draft supplementary budget proposals are submitted to the Meeting of States Parties. In this regard, it is proposed that this amount of €1,261,200 be financed from the 2021–2022 cash surplus, the sum of which will be determined on 31 December 2023, which is expected to provide sufficient funds. It may be noted that the provisional cash surplus, as determined on 31 December 2022, amounts to €3,405,652.

21. Any savings from the 2023-2024 supplementary budget would be surrendered to States Parties along with any 2023–2024 cash surplus.