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Summary record of the 9th meeting

Held at Headquarters, New York, on Friday, 26 October 2018, at 10 a.m.

Chair: Ms. Bird (Australia)
*Vice-Chair of the Advisory Committee on Administrative
and Budgetary Questions:* Mr. Sene

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The meeting was called to order at 10.05 a.m.

Agenda item 136: Programme budget for the biennium 2018-2019 (continued)

Request for a subvention to the Extraordinary Chambers in the Courts of Cambodia (A/73/331 and A/73/448)

1. **Mr. Ramanathan** (Acting Controller), introducing the Secretary-General's report on the request for a subvention to the Extraordinary Chambers in the Courts of Cambodia (A/73/331), said that the report outlined the substantive progress made by the Chambers, presented information regarding the continuing financial challenges facing them, and provided the revised resource requirements for the national and international components for the biennium 2018-2019. By its resolution 72/262 A, the General Assembly had authorized the Secretary-General to enter into commitments in an amount not to exceed \$8 million to supplement the voluntary financial resources of the international component, which had been insufficient to cover the 2018 budget. The Chambers had avoided and deferred expenses so that they could perform their essential functions within the available resources.

2. To ensure that the Chambers could fulfil their mandate, the Secretary-General requested a subvention of \$9.7 million for 2019. That amount would address the estimated shortfall and allow personnel contracts to be extended in a timely manner so that judicial work could be completed in accordance with the proposed timelines. If full funding was not available in 2019, additional resources could be required to provide for end-of-service liabilities for judges, the co-prosecutor and staff expected to serve beyond 2019. The Secretary-General requested the General Assembly to allow the full drawdown of the subvention, starting in 2018, so that the unutilized portion of the voluntary contributions received could be retained to rebuild the operational reserve, which had been depleted in 2012 to meet staff costs. The Secretary-General intended to hold consultations on the development of a framework for the completion of the Chambers' work and the performance of any necessary residual functions. While aggressive outreach and fundraising efforts would continue, the Secretary-General sought the Assembly's approval for the proposals contained in the report.

3. **Mr. Sene** (Vice-Chair of the Advisory Committee on Administrative and Budgetary Questions), introducing the related report of the Advisory Committee on Administrative and Budgetary Questions (A/73/448), said that the Secretary-General's report contained his sixth consecutive request for a subvention

from the regular budget to support the international component of the Chambers owing to persistent funding challenges. To ensure that voluntary contributions were the major source of the Chambers' funding and avoid reliance on subventions, fundraising efforts must be intensified, particularly in view of the uncertainty over the timelines for the remaining cases and the likelihood that judicial activity would continue for several years. The completion of cases must be expedited, with full respect for the requirements of the judicial process.

4. Nonetheless, in view of the projected funding shortfall in the international component for 2019 and the need to ensure that the Chambers could continue to operate, the Advisory Committee recommended that the General Assembly authorize the Secretary-General to enter into commitments in an amount not to exceed \$7.5 million. As the subvention was merely a bridging mechanism intended to enable the Chambers to fulfil their mandate, the Advisory Committee recommended against the full drawdown of the subvention to meet end-of-service liabilities. Lastly, the Advisory Committee recommended that the practice of paying the international judges net remuneration equal to a gross salary be discontinued without further delay.

5. **Mr. Alsayed** (Egypt), speaking on behalf of the Group of 77 and China, said that the Group commended the judicial officials and staff of the Chambers on their dedication in fulfilling the Chambers' mandate under challenging circumstances. The Chambers should expedite the completion of cases through more effective planning, while fully respecting the requirements of the judicial process. The Group attached great importance to the efficient and effective operation of the Chambers. The General Assembly, by its resolution 72/262 A, had reaffirmed the high priority accorded to the work of the Chambers, whose adequate and sustainable financing would ensure the efficient administration of justice.

6. The Group commended the provision by Cambodia of most of the funding for the national component for the previous four years, and by Member States of extrabudgetary resources, but was concerned about the persistent financial challenges facing the Chambers. The Group welcomed the cost-saving measures taken by the Secretary-General to address the shortfall in confirmed and anticipated pledges and contributions; the Secretary-General should intensify his efforts to mobilize funds for the Chambers through voluntary contributions from Member States. The Group supported the Secretary-General's request for a subvention of \$9.7 million to supplement the extrabudgetary resources for 2019 and looked forward to receiving from the Secretary-General a framework for

the completion of the Chambers' work and the performance of any necessary residual functions.

7. **Mr. Ke** (Cambodia) said that the Government of Cambodia had been increasing its contributions in cash and in kind to the Chambers since 2013 and had consistently supported requests for subventions for the international component since 2014. Given the importance of the Chambers' work, his Government supported the Secretary-General's request for a subvention for 2019. As in previous years, the Government would meet the full operational costs of the national component and the first six months of national staff salaries. It looked forward to receiving support from the Organization for its efforts to raise funds to cover the remaining salary payments for 2019. He thanked the European Union, the principal donors group and the group of interested States for their support, and underscored his Government's commitment to ensuring that the Chambers completed their work according to plan.

8. **Mr. Dzae** (Iraq) said that, despite the progress made by the Chambers, the shortfall in their funding could delay their work or prevent them from fulfilling their mandate. The General Assembly, in its resolutions on the matter, had encouraged all Member States to provide voluntary support for both the international and national components, but the deficit remained and the Chambers continued to face financial challenges. As stated in the Secretary-General's report, the shortfall could impede the overall work of the Court. The challenges had resulted in the freezing of recruitment and in uncertainty among staff, which had distracted them from the discharge of their core functions.

9. His Government supported the fundraising efforts made in 2018 by the principal donors group in collaboration with the Special Expert on the United Nations Assistance to the Khmer Rouge Trials and with Secretariat officials, and by the Secretary-General in his activities with Member States. Although Iraq currently faced difficult circumstances related to the re-establishment of security and the age of some of its infrastructure, his Government, which believed that States should show solidarity and offer each other assistance when possible, had four days previously made a modest voluntary contribution to the Chambers in response to the Secretary-General's letter encouraging Member States to provide financial support rapidly, in order to reduce the deficit. His delegation was grateful to those Member States that had made contributions to that end.

The meeting rose at 10.25 a.m.