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Financing of the International Residual Mechanism for Criminal Tribunals

Report of the Fifth Committee

Rapporteur: Mr. Gert Auväärt (Estonia)

I. Introduction

1. At its 2nd plenary meeting, on 18 September 2015, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its seventieth session the item entitled “Financing of the International Residual Mechanism for Criminal Tribunals” and to allocate it to the Fifth Committee.

2. The Fifth Committee considered the item at its 20th, 21st and 23rd meetings, on 15, 16 and 23 December 2015. Statements and observations made in the course of the Committee’s consideration of the item are reflected in the relevant summary records.¹

3. For its consideration of the item, the Committee had before it the following documents:

(a) Report of the Secretary-General on the budget for the International Residual Mechanism for Criminal Tribunals for the biennium 2016-2017 ([A/70/378](#));

(b) Second performance report of the Secretary-General on the budget of the International Residual Mechanism for Criminal Tribunals for the biennium 2014-2015 ([A/70/558](#));

(c) Related report of the Advisory Committee on Administrative and Budgetary Questions ([A/70/600](#));

(d) Report of the Secretary-General on the revised estimates for the International Criminal Tribunal for Rwanda, the International Tribunal for the Former Yugoslavia and the International Residual Mechanism for Criminal Tribunals: effect of changes in rates of exchange and inflation ([A/70/606](#));

¹ [A/C.5/70/SR.20](#), [A/C.5/70/SR.21](#) and [A/C.5/70/SR.23](#).



(e) Related report of the Advisory Committee on Administrative and Budgetary Questions ([A/70/7/Add.35](#)).

II. Consideration of draft resolution A/C.5/70/L.13

4. At its 23rd meeting, on 23 December, the Committee had before it a draft resolution entitled “Financing of the International Residual Mechanism for Criminal Tribunals” ([A/C.5/70/L.13](#)), submitted by the Chair on the basis of informal consultations coordinated by the representative of Mexico.

5. At the same meeting, the Committee adopted draft resolution [A/C.5/70/L.13](#) without a vote (see para. 6).

III. Recommendation of the Fifth Committee

6. The Fifth Committee recommends to the General Assembly the adoption of the following draft resolution:

Financing of the International Residual Mechanism for Criminal Tribunals

The General Assembly,

I

Second performance report on the budget of the International Residual Mechanism for Criminal Tribunals for the biennium 2014-2015

Having considered the second performance report of the Secretary-General on the budget of the International Residual Mechanism for Criminal Tribunals for the biennium 2014-2015¹ and the related report of the Advisory Committee on Administrative and Budgetary Questions,²

Recalling its resolution 66/240 A of 24 December 2011 on the financing of the International Residual Mechanism for Criminal Tribunals and its subsequent resolutions thereon, the latest of which were resolutions 68/257 of 27 December 2013 and 68/267 of 4 April 2014, as well as its resolutions 69/256 of 29 December 2014 and 69/276 of 2 April 2015,

1. *Takes note* of the second performance report of the Secretary-General on the budget of the International Residual Mechanism for Criminal Tribunals for the biennium 2014-2015;¹

2. *Endorses* the conclusions and recommendations contained in section IV.A of the report of the Advisory Committee on Administrative and Budgetary Questions;²

3. *Resolves* that, for the biennium 2014-2015, the amount of 115,521,800 United States dollars gross (108,345,000 dollars net) approved in its resolution 69/256 for the financing of the Mechanism shall be adjusted by the amount of 43,932,900 dollars gross (41,730,700 dollars net) for a total amount of 71,588,900 dollars gross (66,614,300 dollars net);

II

Budget for the International Residual Mechanism for Criminal Tribunals for the biennium 2016-2017

Having considered the reports of the Secretary-General on the budget for the International Residual Mechanism for Criminal Tribunals for the biennium 2016-2017³ and on the revised estimates arising from changes in rates of exchange and inflation,⁴

¹ A/70/558.

² A/70/600.

³ A/70/378.

⁴ A/70/606.

Having also considered the related reports of the Advisory Committee on Administrative and Budgetary Questions,⁵

1. *Takes note* of the reports of the Secretary-General on the budget for the International Residual Mechanism for Criminal Tribunals for the biennium 2016-2017,³ and on the revised estimates arising from the effects of changes in rates of exchange and inflation;⁴

2. *Endorses* the conclusions and recommendations contained in the related reports of the Advisory Committee on Administrative and Budgetary Questions,⁵ subject to the provisions of the present resolution;

3. *Stresses* the importance of using the videoconferencing facilities in the work of the Mechanism, and requests the Secretary-General to ensure that the Mechanism strictly abides by the provisions of its resolutions on the standard of accommodation for air travel;

4. *Takes note* of paragraph 36 of the report of the Advisory Committee,² and decides to establish one temporary P-3 post in the Office of Programme Planning, Budget and Accounts at Headquarters;

5. *Authorizes* the Secretary-General to establish a sub-account within the Mechanism to manage, on a pay-as-you-go basis, the accrued liabilities for the after-service health insurance benefits to former staff and the accrued liabilities for the pensions of retired judges, and their surviving spouses, of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994 and the International Residual Mechanism;

6. *Also authorizes* the Secretary-General, after the closure of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991, to extend the aforementioned sub-account to manage, on a pay-as-you-go basis, the accrued liabilities for the after-service health insurance benefits to former staff and the accrued liabilities for the pensions of retired judges, and their surviving spouses, of the International Tribunal for the Former Yugoslavia;

7. *Decides* to appropriate for the biennium 2016-2017 the additional amount of 2,639,000 dollars corresponding to the requirement for the pensions of retired judges, and their surviving spouses, of the International Criminal Tribunal for Rwanda, and the amount of 881,100 dollars, corresponding to the requirement for the after-service health insurance benefits to former staff of the International Criminal Tribunal for Rwanda;

8. *Requests* the Secretary-General, in the context of future budget submissions for the Mechanism, to include a provision to fund the liabilities due within the related biennium for the pensions of retired judges, and their surviving spouses, and for after-service health insurance benefits to former staff of the

⁵ A/70/600 and A/70/7/Add.35.

International Criminal Tribunal for Rwanda, the Mechanism and, as appropriate, the International Tribunal for the Former Yugoslavia;

9. *Also requests* the Secretary-General, in the context of the next budget submission for the Mechanism, to include, for the consideration of the General Assembly, alternative options for financing through the sub-account mentioned in paragraph 5 above the liabilities for the pensions of retired judges, and their surviving spouses, as well as for the after-service health insurance benefits to former staff, including through possible transfer of unspent balances following the liquidation of the Tribunals;

10. *Decides* to appropriate to the Special Account for the International Residual Mechanism for Criminal Tribunals a total amount of 137,404,200 dollars gross (126,945,300 dollars net) for the biennium 2016-2017, as detailed in the annex to the present resolution;

11. *Also decides* that the total assessment for 2016 under the Special Account amounting to 24,769,200 dollars shall consist of:

(a) 68,702,100 dollars, being half of the estimated appropriation approved for the biennium 2016-2017;

(b) Less 43,932,900 dollars, being the decrease in the final appropriation for the biennium 2014-2015, approved by the General Assembly in paragraph 3 of section I of the present resolution;

12. *Further decides* to apportion the amount of 12,384,600 dollars gross (10,870,975 dollars net) among Member States in accordance with the scale of assessments applicable to the regular budget of the United Nations for 2016;

13. *Decides* to apportion the amount of 12,384,600 dollars gross (10,870,975 dollars net) among Member States in accordance with the scale of assessments applicable to peacekeeping operations of the United Nations for 2016;

14. *Also decides* that, in accordance with the provisions of its resolution 973 (X) of 15 December 1955, there shall be set off against the apportionment among Member States, as provided for in paragraphs 12 and 13 above, their respective share in the Tax Equalization Fund of the estimated staff assessment income in the amount of 3,027,250 dollars approved for the Mechanism for 2016.

Annex

Financing for the biennium 2016-2017 of the International Residual Mechanism for Criminal Tribunals

	<i>Gross</i>	<i>Net of staff assessment</i>
	<i>(United States dollars)</i>	
Estimated appropriation for the biennium 2016-2017	150 688 500	139 829 400
Revised estimates: effects of changes in rates of exchange and inflation	(16 733 100)	(16 332 500)
Recommendations of the Advisory Committee on Administrative and Budgetary Questions	(433 100)	(399 300)
Recommendations of the Fifth Committee	3 881 900	3 847 700
Estimated initial appropriation for the biennium 2016-2017	137 404 200	126 945 300
Total assessment for 2016		
Requirements representing half of the estimated appropriation for the biennium 2016-2017	68 702 100	63 472 650
Requirements arising from the final appropriation for the biennium 2014-2015	(43 932 900)	(41 730 700)
Net contributions assessed on Member States for 2016	24 769 200	21 741 950
<i>Of which:</i>		
Contributions assessed on Member States in accordance with the scale of assessments applicable to the regular budget of the United Nations for 2016	12 384 600	10 870 975
Contributions assessed on Member States in accordance with the scale of assessments applicable to peacekeeping operations of the United Nations for 2016	12 384 600	10 870 975