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PROVISIONAL SUMMARY RECORD OF THE 53rd MEETING

Held at the Palais des Nations, Geneva,  
on Wednesday, 26 July 1995, at 10 a.m.

President: Mr. TEJERA-PARIS (Venezuela)  
(Vice-President)

CONTENTS

PERMANENT SOVEREIGNTY OVER NATIONAL RESOURCES IN THE OCCUPIED PALESTINIAN AND  
OTHER ARAB TERRITORIES

SOCIAL, HUMANITARIAN AND HUMAN RIGHTS QUESTIONS: REPORTS OF SUBSIDIARY  
BODIES, CONFERENCES AND RELATED QUESTIONS (continued)

- (a) SPECIAL ECONOMIC, HUMANITARIAN AND DISASTER RELIEF ASSISTANCE  
(continued)
- (d) HUMAN RIGHTS QUESTIONS (continued)
- (g) CRIME PREVENTION AND CRIMINAL JUSTICE (continued)

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In the absence of Mr. Kamal (Pakistan), Mr. Tejera-París (Venezuela),  
Vice-President, took the Chair.

The meeting was called to order at 10.30 a.m.

PERMANENT SOVEREIGNTY OVER NATIONAL RESOURCES IN THE OCCUPIED PALESTINIAN  
AND OTHER ARAB TERRITORIES (agenda item 8) (E/1995/L.42)

Draft resolution on economic and social repercussions of the Israeli  
settlements on the Palestinian people in the Palestinian territory, including  
Jerusalem, occupied since 1967, and on the Arab population of the occupied  
Syrian Golan (E/1995/L.42)

Mrs. SHAHIN (Egypt), introducing the draft resolution on behalf of  
its sponsors, said it was of special importance in view of the significant  
developments in the Middle East peace process since the holding of the Madrid  
Conference in 1991 and the adoption of the Declaration of Principles in 1993.  
The sponsors hoped that the obstacles to the application of a number of the  
provisions of the Declaration of Principles would soon be removed, including  
those on the holding of elections in Palestinian territory and the exercise of  
effective sovereignty by the Palestinian people over natural resources in the  
West Bank and Gaza Strip. They also hoped for the early conclusion of  
Syrian-Israeli negotiations to bring about a lasting peace in the entire  
region and the implementation at an early date of Security Council  
resolution 425 (1978) on the situation in southern Lebanon.

The text of the draft resolution followed those of resolution 1994/45,  
adopted by the Council at its substantive session of 1994, and of  
General Assembly resolution 49/132, the only difference being the addition of  
a reference to the "occupied Syrian Golan". Having reaffirmed the principles  
of the permanent sovereignty of people under foreign occupation over their  
national resources and the inadmissibility of the acquisition of territory by  
force and having referred to the relevant Security Council resolutions, the  
draft resolution reaffirmed that Israeli settlements in the Palestinian  
territory and other Arab territories occupied since 1967 were illegal and an  
obstacle to economic and social development.

SOCIAL, HUMANITARIAN AND HUMAN RIGHTS QUESTIONS: REPORTS OF SUBSIDIARY BODIES, CONFERENCES AND RELATED QUESTIONS: (agenda item 5) (continued)

- (a) SPECIAL ECONOMIC, HUMANITARIAN AND DISASTER RELIEF ASSISTANCE (continued) (E/1995/L.48)
- (d) HUMAN RIGHTS QUESTIONS (continued) (E/1995/L.25)
- (g) CRIME PREVENTION AND CRIMINAL JUSTICE (continued) (E/1995/L.47)

Draft resolution on capital punishment (E/1995/L.47)

Mr. FERNANDEZ (Observer for Spain), introducing the draft resolution on behalf of the European Union, said that, since only 63 Governments had replied to the Secretary-General's questionnaire sent out as part of the preparation for his fifth quinquennial report on capital punishment, the draft resolution invited Member States to reply to the questionnaire to be sent in connection with the preparation of the sixth quinquennial report in the year 2000. It also requested the Commission on Crime Prevention and Criminal Justice to keep the question of capital punishment constantly under study and recommended that the sixth and subsequent quinquennial reports should continue to cover the implementation of the safeguards guaranteeing protection of the rights of those facing the death penalty.

In view of the fact that the issue of capital punishment was significant for all States and that a better understanding of existing practices was fundamental to objective consideration of the issue, the sponsors hoped that the draft resolution could be adopted by consensus.

Draft resolution on assistance for the reconstruction of Madagascar following the natural disasters of 1994 (E/1995/L.48)

Mr. MBA ALLO (Gabon), introducing the draft resolution on behalf of its sponsors, said it followed resolution 1994/36, adopted by the Council in 1994, and was inspired by the report of the Secretary-General on measures taken following the cyclones and floods that had affected Madagascar in 1994 (A/50/292-E/1995/115).

The Secretary-General's report drew attention to the fact that, despite the efforts made by the Government and the international community, the resources mobilized were inadequate and Madagascar remained vulnerable to the immediate and long-term impact of natural disasters. The resolution thus called on the international community to intensify its participation in the

recovery and reconstruction programmes and invited international cooperation to take into account not only emergency relief needs but also the impact of natural disasters on Madagascar's long-term development.

The adoption of the draft resolution could result in the refocusing of the resources of the United Nations system on reconstruction and the reduction of Madagascar's vulnerability to natural disasters and a strengthening of extrabudgetary and voluntary contributions by donor countries.

Mr. BENITO (Programme Planning and Budget Section, Financial Resources Management Service, United Nations Office at Geneva) said that he wished to inform the Council of the programme budget implications of the recommendations contained in the report of the Commission on Human Rights (E/1995/23) and the report of the Committee on Economic, Social and Cultural Rights (E/1995/22) which it had adopted at its previous meeting.

At its fiftieth session, the Commission on Human Rights had adopted 10 resolutions or decisions for which no specific provision had been made in the 1994-1995 programme budget. Those resolutions related to new mandates or mandates that had been significantly expanded in scope. Before taking a decision on those resolutions or decisions, and in accordance with regulation 13.1 of the Financial Regulations and Rules of the United Nations and rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the Commission had been informed, through oral statements, of the preliminary additional resources required for their implementation. The Commission had also been informed that statements on administrative and programme budget implications would be finalized in time for the Council's consideration of the Commission's report; those draft statements had been submitted to the Office of Programme Planning, Budget and Accounts at United Nations Headquarters for review and clearance.

The Commission had also approved, at its fiftieth session, the termination of four existing mandates. It was anticipated that, after taking into account the savings that would result from the discontinuation of those mandates in 1995, the additional requirements entailed by eight of the 10 resolutions or decisions could be absorbed from within the provision made under section 21 of the 1994-1995 programme budget for Council-mandated activities.

The note by the Secretariat (E/1995/L.25) comprised statements of the administrative and programme budget implications of the two remaining resolutions, namely resolutions 1995/17 and 1995/91. The document also included statements related to the conference-servicing requirements of resolutions 1995/28 and 1995/32. As it indicated, those resolutions would give rise to additional requirements amounting to US\$ 596,300 under section 21 (Human rights) and US\$ 412,000 under section 25 E (Conference services) of the programme budget for the biennium 1994-1995.

Those requirements would be dealt with in accordance with the procedure for use and operation of the contingency fund established by the General Assembly in its resolution 42/211. The conference-servicing requirements were expected to be absorbed from within existing provisions under section 25 E.

Regarding the resolutions approved by the Commission and involving the extension of previous mandates, provision had been made for those mandates in the 1994-1995 programme budget and the related requirements would be absorbed in the programme budget.

In reply to a number of questions by the PRESIDENT, he confirmed that the savings to be made from the termination of four mandates in 1995 would entirely offset the costs related to eight of the 10 resolutions or decisions approved by the Commission. The four resolutions mentioned in the note by the Secretariat entailed certain requirements which would be reported to the General Assembly in the context of the revised estimates and of the procedure governing the contingency fund.

Under section 21 of the programme budget, provision was made for a lump sum to cover all requirements stemming from Council mandates serviced by the Centre for Human Rights. Since the lump-sum provision was global in nature, the savings from the four terminated mandates could be used to finance new ones. There was no technical problem involved in proceeding on that basis.

Mr. CURBELO (Cuba) said he found the information given by the representative of the Secretariat unsatisfactory and still wanted some clear answers about the financial implications of the resolutions adopted by the Commission. It was difficult to understand why the Secretariat had failed to provide a detailed report on the financial implications of those resolutions. If the problem stemmed from the Office of Programme Planning Budget and Accounts, at United Nations Headquarters, that should be stated clearly.

The note by the Secretariat passed over in silence the question of whether financial resources were available for a certain number of mandates. He would like the representative of the Secretariat to expand on his comment that, when mandates were extended, there were no financial implications.

His own delegation considered that any extension of a mandate must be accompanied by a new and specific decision to that effect, supported by new and specific reports on the financial implications of the measure.

He would like to have specific figures on the financial implications of Commission resolution 1995/66 on the situation of human rights in Cuba.

Mr. BENITO (Programme Planning and Budget Section, Financial Resources Management Service, United Nations Office at Geneva) said that, if a resolution on the extension of a mandate called for the mandate's expansion, that would, indeed, entail additional requirements. In the case of the resolution mentioned by the representative of Cuba, it had been estimated that, for 1995, its implementation would require roughly US\$ 46,800 to cover the travel and subsistence costs of the Special Rapporteur and of one substantive officer of the Centre for Human Rights.

The reason why the note by the Secretariat contained programme budget implications relating to only four Commission resolutions was that, after taking into account the savings accruing from terminated mandates, additional requirements would be warranted only in those four cases, and the document had been limited to those.

Mr. CURBELO (Cuba) said that his delegation could not accept the approach reflected in that reply, or the Secretariat's decision whether or not resolutions should be included in documents on financial implications. The Council should decide that, in future, the financial implication of all Commission decisions and resolutions should be shown in the relevant documentation.

Mr. KUEHL (United States) thanked the representative of the Programme Planning and Budget Section for the information he had provided. He asked whether the Council could assume, in the case of Commission resolutions 1995/35 (on missing persons in the territory of the former Yugoslavia), 1995/76 (on the situation of human rights in Iraq) and 1995/77 (on the situation of human rights in the Sudan), that the financial requirements relating to the field activities would be covered by means of the procedure mentioned.

As for the implementation of the resolutions listed in the note by the Secretariat, his delegation was particularly concerned about the position of United Nations personnel in Rwanda. He wondered whether the Centre for Human Rights expected the Secretary-General to recommend, to the Advisory Committee on Administrative and Budgetary Questions (ACABQ) and the Fifth Committee of the General Assembly, funding of the mandates as requested in that document.

Having participated in the work of the Committee for Programme and Coordination (CPC), he had been disappointed at the failure of many delegations to support the budget for the Centre and the Office of the United Nations High Commissioner for Human Rights. His delegation, which attached the greatest importance to human rights activities, appealed to all delegations to show the utmost support, in that regard, in the Fifth Committee at the fiftieth session of the General Assembly.

Mr. BENITO (Programme Planning and Budget Section, Financial Resources Management Service, United Nations Office at Geneva), referring to the financial implications of the first three resolutions mentioned by the previous speaker, said that no programme budget implications had been given because, in each case, it was a question of extending an existing mandate and no additional requirements were currently envisaged. Even if, in the case of Commission resolution 1995/77, there should be some shortfall in respect of field monitors, it would always be possible to request additional funding to cover it; but none was currently forecast.

He was not in a position to reply to the question on the situation in Rwanda, the subject of one of the resolutions dealt with in the note by the Secretariat, since it concerned the Centre for Human Rights. In general, however, in the case of the financing of new mandates, the additional requirements would be considered in the context of the procedure, outlined in paragraph 48 of that document, governing the use of the contingency fund: a report summarizing the financial implications of decisions and resolutions adopted by the Council would be transmitted to the General Assembly with a view to determining what funding, over and above current appropriations, would be required. It was possible that additional savings would be identified in the Centre's budget, but that could not be done until the end of the year.

Mr. IRUMBA (Uganda) said that his delegation was disappointed that the Programme Planning and Budget Section had found it impossible to release more programme budget implications and merely sought to assure the Council

that additional requirements would be covered by existing resources. Experience showed that existing resources were always already earmarked. He would thus like to know what activities would be curtailed in order to provide funding for the additional requirements.

His delegation expected the Programme Planning and Budget Section to provide the Council with all the programme and budget implications necessary to the taking of informed decisions. The failure to provide full details of potential costs was a disservice to the Council. In particular, any expected curtailment of activities needed to be quantified and it reserved the right to raise the matter in the Fifth Committee.

He shared the United States delegation's concern about the importance of human rights activities, but wished that it would show equal concern with regard to all their aspects, including that of development.

Mr. BENITO (Programme Planning and Budget Section, Financial Resources Management Service, United Nations Office at Geneva) said that no curtailment of activities was envisaged; it was expected that the accrued savings would offset any additional requirements arising from the eight resolutions not mentioned in the note by the Secretariat but involving new or expanded mandates. Savings arising from the four mandates to be terminated in 1995 were estimated at US\$ 240,000, excluding any temporary assistance funds - in other words, confining the estimate to travel costs.

Mr. RYSSEN (Netherlands) said he would like to be sure that adequate budgetary control existed so as to forestall overspending in one area and resultant curtailment elsewhere. In that regard, he wondered whether there was any order of priority for field offices of the sort in question, which might determine what tasks would be curtailed if funds ran out.

Mr. BENITO (Programme Planning and Budget Section, Financial Resources Management Service, United Nations Office at Geneva) said that the possibility of overspending or underspending was always present in areas governed by a lump-sum provision. Such situations depended, always and everywhere, on adequate financial control. He stressed, however, that the only additional requirements envisaged were those outlined in the note by the Secretariat. From the analyses carried out, there was no expectation of overspending in any areas and consequent shortfalls elsewhere. The resources made available in the past had always been sufficient to fund the various mandates and the work of the Centre for Human Rights.



The current budgetary trend was towards a specific account for each mandate; the work in Cambodia was an example. That trend might be seen as a way to improve financial control in the future.

Mr. SPLINTER (Canada) said that his delegation felt there was a need for greater transparency in the documenting of the programme budget implications for the Council to consider. In that connection, he noted that some 23 resolutions and decisions adopted by the Commission on Human Rights at its fifty-first session had involved programme budget implications, details of which were to be circulated as an annex to the Commission's report. He wondered when that annex would be available.

Mr. BENITO (Programme Planning and Budget Section, Financial Resources Management Service, United Nations Office at Geneva) said that the Commission on Human Rights had been informed orally of the financial implications relating to the new mandates, as well as the costs of a number of other resolutions. With regard to the 23 resolutions and decisions referred to by the representative of Canada, he thought that the information related to some draft programme or budget implications prepared by the Centre for Human Rights. Analysis had led to a narrowing down to 10 cases which involved significantly expanded mandates or new ones which called for financing under the United Nations regular budget; following further analysis, it had been decided that eight of the 10 could be financed from the savings mentioned.

Ms. STARR NEWELL (Deputy Secretary of the Council) said she hoped that the Council could be informed, at its next meeting, when annex III to the Commission's report would be available.

The PRESIDENT said that the Council had thus considered the programme budget implications of the recommendations it had adopted the previous day on the basis of the reports of the Commission on Human Rights and the Committee on Economic, Social and Cultural Rights.

The meeting rose at 11.40 a.m.