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Held at Headquarters, New York, on Friday, 30 March 2007, at 3 p.m.

Chairman: Mr. Yousfi (Algeria)
Chairman of the Advisory Committee on Administrative and Budgetary Questions: Mr. Saha

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Note verbale dated 22 March 2007 from the Office of the President of the General Assembly addressed to the Chairman of the Fifth Committee
(*continued*)

The meeting was called to order at 3.20 p.m.

Agenda item 116: Review of the efficiency of the administrative and financial functioning of the United Nations (continued)

Audit and investigative reviews of the tsunami relief operations conducted by the United Nations Secretariat, funds and programmes and the specialized agencies (continued) (A/C.5/61/L.41)

Draft resolution A/C.5/61/L.41: Audit and investigative reviews of the tsunami relief operations conducted by the United Nations Secretariat, funds and programmes and the specialized agencies

1. *Draft resolution A/C.5/61/L.41 was adopted.*

Agenda item 151: Financing of the United Nations Integrated Mission in Timor-Leste (continued)
(A/C.5/61/L.37)

Draft resolution A/C.5/61/L.37: Financing of the United Nations Integrated Mission in Timor-Leste

2. *Draft resolution A/C.5/61/L.37 was adopted.*

Agenda item 144: Financing of the United Nations peacekeeping forces in the Middle East (continued)

(b) United Nations Interim Force in Lebanon
(continued) (A/C.5/61/L.39)

Draft resolution A/C.5/61/L.39: Financing of the United Nations Interim Force in Lebanon

3. **Ms. Eilon Shahar** (Israel), speaking in explanation of vote before the voting, reiterated Israel's support for the United Nations Interim Force in Lebanon (UNIFIL), which played an essential role in implementing Security Council resolution 1701 (2006) and bringing security and stability to the region. However, because the draft resolution singled out one Member State, her delegation was forced to break from consensus and call for a vote. UNIFIL must not be subject to political machinations.

4. There was no precedent whatsoever for one Member State to bear sole financial responsibility for damage sustained by United Nations peacekeeping forces. In every other situation, Member States acted in accordance with the principle of collective responsibility set out in Article 17 of the Charter, absorbing such costs within the general peacekeeping budget; UNIFIL should not be an exception. Yet each year, the Committee was forced to consider a text reflecting the transparent political motives of certain

Member States that assigned both blame and financial responsibility for the unfortunate Qana incident to Israel. Meanwhile, the Hizbullah terrorists and the dangerous circumstances that had led to the incident in the first place continued to threaten regional peace and security and went virtually unnoticed. Hizbullah's continued use of civilians and United Nations infrastructure to conceal its terrorist activity should be a cause of consternation for anyone genuinely concerned about the region.

5. The Committee had been forced to engage in lengthy negotiations on the politicized language introduced through the calculated and underhanded tactics of one Member State, whose sole aim was to undermine and prevent the implementation of resolution 1701 (2006) and protect its own parochial interests. Even though that Member State had hijacked and stalled the debate, it had ultimately been accommodated by the Committee.

6. Israel supported the objectives of peacekeeping, both financially and morally. As the number of peacekeeping operations increased, the role of peacekeeping and peacekeepers attained greater significance. For the sake of peacekeeping, Israel called on Member States to vote with their conscience and, in future, to remove all politicized language from the resolution.

7. *A single recorded vote was taken on the fourth preambular paragraph and paragraphs 4, 5 and 20 of the draft resolution.*

In favour:

Afghanistan, Algeria, Antigua and Barbuda, Argentina, Armenia, Bahamas, Bahrain, Bangladesh, Belarus, Belize, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Cambodia, China, Colombia, Comoros, Congo, Costa Rica, Cuba, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Gambia, Guatemala, Guyana, Haiti, Honduras, India, Indonesia, Iraq, Jamaica, Jordan, Kazakhstan, Kuwait, Lao People's Democratic Republic, Lebanon, Malaysia, Maldives, Mali, Mexico, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Norway, Oman, Pakistan, Paraguay, Peru, Philippines, Qatar, Russian Federation, Saudi Arabia, Senegal, Sierra Leone, Singapore, South Africa, Sri Lanka, Suriname, Swaziland, Syrian Arab Republic, Thailand, Tunisia, United Arab Emirates, United Republic of Tanzania, Uruguay,

Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Australia, Canada, Israel, Palau, United States of America.

Abstaining:

Albania, Andorra, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Finland, France, Germany, Ghana, Greece, Hungary, Iceland, Ireland, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Moldova, Monaco, Netherlands, New Zealand, Panama, Poland, Portugal, Republic of Korea, Romania, San Marino, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland.

8. *The fourth preambular paragraph and paragraphs 4, 5 and 20 of draft resolution A/C.5/61/L.39 were adopted by 78 votes to 5, with 44 abstentions.**

9. *A recorded vote was taken on the draft resolution as a whole.*

In favour:

Afghanistan, Albania, Algeria, Andorra, Antigua and Barbuda, Argentina, Armenia, Austria, Bahamas, Bahrain, Bangladesh, Belarus, Belgium, Belize, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Cambodia, Canada, China, Colombia, Comoros, Congo, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Finland, France, Gabon, Gambia, Germany, Ghana, Greece, Guatemala, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iraq, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kuwait, Lao People's Democratic Republic, Latvia, Lebanon, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malaysia, Maldives, Mali, Mexico, Moldova, Monaco, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Norway, Oman,

Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Romania, Russian Federation, San Marino, Saudi Arabia, Senegal, Serbia, Sierra Leone, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Switzerland, Syrian Arab Republic, Thailand, the former Yugoslav Republic of Macedonia, Tunisia, Turkey, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Israel, Palau, United States of America.

Abstaining:

Australia.

10. *Draft resolution A/C.5/61/L.39 as a whole was adopted by 126 votes to 3, with 1 abstention.***

11. **Mr. Stone** (Australia) said that Australia had long been a firm supporter of UNIFIL and supported the expanded mandate set out in Security Council resolution 1701 (2006). Australia had abstained in the vote on draft resolution A/C.5/61/L.39 because the text did not appropriately focus on budgetary issues. Politicizing the resolution and singling out Israel were not helpful to the Middle East peace process or to the important work required of UNIFIL.

12. **Mr. Thomma** (Germany), speaking on behalf of the European Union, said that the States members of the European Union had abstained in the vote on the fourth preambular paragraph and paragraphs 4, 5 and 20 of the draft resolution because the text contained therein was inappropriate in the context of a resolution on the financing of UNIFIL. The broader political aspects of the incident at Qana had been debated by the General Assembly in April 1996, resulting in resolution 50/22 C of 25 April 1996. The European Union had stated its position on those political aspects at the meeting at which the Assembly had adopted that resolution. The European Union wished to underline, once again, that the Committee's consultations should have been confined to budgetary issues.

13. **Mr. Wallace** (United States of America) said that the United States strongly supported UNIFIL, but the use of a General Assembly resolution on funding to

* The delegations of Chile, Mauritania and the Sudan subsequently informed the Committee that they had intended to vote in favour of the fourth preambular paragraph and paragraphs 4, 5 and 20 of the draft resolution.

** The delegations of Chile and Mauritania subsequently informed the Committee that they had intended to vote in favour of the draft resolution as a whole.

pursue claims against a Member State was procedurally incorrect. His delegation opposed the current and previous resolutions, which had not been adopted by consensus and required Israel to pay costs stemming from the 1996 Qana incident. The correct procedure, which dated back almost to the Organization's inception, was for the Secretary-General to pursue settlement of the Organization's claims against a State or States. Using a resolution on financing to legislate such a settlement was inappropriate and politicized the work of the Committee. That practice should be avoided in future.

14. **Mr. Poulin** (Canada) said that a consensus resolution on the financing of UNIFIL had once again been prevented by the addition of inappropriate paragraphs on which a separate vote had been requested. Those paragraphs undermined a long-held understanding that political considerations had no place in resolutions of a technical nature. Resolutions on the financing of peacekeeping operations must be neutral, procedural texts. Because neutrality was a core aspect of peacekeeping, every attempt to politicize such operations should be vehemently opposed. Moreover, in the case in question it was inappropriate to target one party for criticism and non-compliance with United Nations resolutions. He urged the proponents of the language in question to withdraw it from future resolutions on UNIFIL. That said, Canada strongly supported the mandate of UNIFIL and the full implementation of Security Council resolution 1701 (2006).

15. **Mr. Ramadan** (Lebanon) said that Lebanon observed the principle that the financing of United Nations peacekeeping operations was the collective responsibility of all Member States, as reaffirmed in General Assembly resolution 55/235. However, the principle of collective responsibility did not contradict the general principle of State responsibility for internationally wrongful acts, including compensation for material damage resulting from such acts. That principle was enshrined in the Charter and was implied in paragraph 1 (e) of General Assembly resolution 55/235, which stated that, where circumstances warranted, the Assembly should give special consideration to the situation of any Member States which were victims of, and those which were otherwise involved in, the events or actions leading to a peacekeeping operation. It was on that basis that 13 previous General Assembly resolutions had requested the payment of compensation to the United Nations for the damage caused by the attack on the peacekeeping

post at Qana. That request was reiterated in the fourth preambular paragraph and in paragraphs 4, 5 and 20 of the draft resolution.

16. His delegation had intended to focus on the financial and budgetary aspect of the resolution, but a certain delegation had raised allegations concerning Hizbullah. He recalled that Hizbullah had existed neither in 1978, when Israel had first invaded Lebanon, nor in 1982, when it had invaded for the second time. Hizbullah was a popular response to Israel's occupation of Lebanon. He also recalled that the United Kingdom had issued international arrest warrants for two of Israel's former prime ministers, one of them a founding father of the State of Israel.

17. He expressed his appreciation to the Group of 77 and China for having voted in favour of the paragraphs in question and for supporting UNIFIL. If Israel, like Lebanon, supported the implementation of Security Council resolution 1701 (2006), it should withdraw its forces from Lebanese territory and behave in a friendly manner, including in relation to UNIFIL forces. Only a few months earlier, Israeli jets had flown over the maritime component of UNIFIL, almost provoking a response. Israel should practise what it preached.

Agenda item 117: Programme budget for the biennium 2006-2007 (continued)

Conditions of service and compensation for officials other than Secretariat officials: members of the International Court of Justice and judges and ad litem judges of the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda (continued)
(A/C.5/61/L.40)

Draft resolution A/C.5/61/L.40: Conditions of service and compensation for officials other than Secretariat officials: members of the International Court of Justice and judges and ad litem judges of the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda

18. **Ms. Brzák-Metzler** (Chief, Conditions of Service Section) recalled that the Secretariat had been requested to clarify its understanding of paragraph 8 of draft resolution A/C.5/61/L.40. That paragraph would ensure the grandfathering of the current annual salary level, as approved in General Assembly resolution 59/282, for the members of the International Court of Justice and the judges and ad litem judges of the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda

currently serving their term of office at The Hague and currently being paid in local currency (euros) in accordance with the current level resulting from the application of the floor exchange rate mechanism. Any member or judge who was re-elected to serve a new term of office would be paid on the basis of the new salary system, consisting of an annual net base salary plus a post adjustment.

19. *Draft resolution A/C.5/61/L.40 was adopted.*

Strengthened and unified security management system (continued) (A/C.5/61/L.42)

Draft resolution A/C.5/61/L.42: Strengthened and unified security management system

20. **Mr. Van den Bossche** (Belgium), speaking on behalf of the European Union, said that, in paragraph 30 of the draft resolution, the phrase “will have an impact on previously approved projects” should read “will impact previously approved projects”.

21. *Draft resolution A/C.5/61/L.42 was adopted.*

Liabilities and proposed funding for after-service health insurance benefits (continued) (A/C.5/61/L.43)

Draft resolution A/C.5/61/L.43: Liabilities and proposed funding for after-service health insurance benefits

22. *Draft resolution A/C.5/61/L.43 was adopted.*

The meeting was suspended at 3.50 p.m. and resumed at 7.15 p.m.

Agenda item 128: Administration of justice at the United Nations (continued) (A/C.5/61/L.44)

Draft resolution A/C.5/61/L.44: Administration of justice at the United Nations

23. **Ms. Van Buerle** (Director, Programme Planning and Budget Division) said that the Secretariat wished to state its understanding of the draft resolution on the administration of justice at the United Nations. With regard to paragraphs 4, 12, 16 and 28, it believed that, as the system of administration of justice, the Office of the Ombudsman for the United Nations Secretariat, Funds and Programmes, the Mediation Division and the Office of the Administration of Justice were being established only in principle, the draft resolution in question had no financial implications. Details of resource requirements would be presented to the

General Assembly at its sixty-second session, in the context of the reports requested in paragraph 32 of the draft resolution. In connection with paragraph 13 of the draft resolution, the Secretary-General would endeavour to identify three posts for the Office of the Ombudsman in Geneva, Nairobi and Vienna, and would report to the General Assembly on the outcome of those efforts at the second part of its resumed sixty-first session, in line with the request contained in paragraph 34 of the draft resolution.

24. *Draft resolution A/C.5/61/L.44 was adopted.*

25. **Mr. Hussain** (Pakistan), speaking on behalf of the Group of 77 and China, said that the draft resolution marked the beginning of an important transition from the current system of administration of justice to a new, independent, transparent, professionalized, adequately resourced and decentralized system consistent with relevant international law, the principle of due process, respect for the rights and obligations of staff and the need to ensure that staff and management remained accountable. The Group trusted that the new system would be in place by January 2009.

26. His Group looked forward to receiving the reports requested in the draft resolution, and hoped that they would result in the rapid provision of financial support for the reforms. It would be fully engaged in the process of reforming the system and particularly welcomed the establishment of the Office of the Administration of Justice, which would play an important role in following up implementation of the proposed changes.

27. **Mr. Golovinov** (Russian Federation) said that the Russian Federation had joined the consensus regarding the draft resolution on the understanding that the Secretary-General, in accordance with paragraph 32, subparagraph (b), of the draft resolution, must present proposals on the nomination and selection process for Ombudsmen and judges.

28. **Mr. Stone** (Australia), speaking also on behalf of Canada and New Zealand, said that the three delegations supported the reform of the system of administration of justice, which the draft resolution before the Committee would promote, and looked forward to further progress at the sixty-second session of the General Assembly.

29. **Mr. Woeste** (Germany), speaking on behalf of the European Union, said that the efforts of the coordinator of the informal consultations, the members of the

Committee and the staff of the Secretariat had produced progress on an important issue. The European Union looked forward to further progress in establishing a new system of administration of justice.

Agenda item 117: Programme budget for the biennium 2006-2007 (*continued*)

Note verbale dated 22 March 2007 from the Office of the President of the General Assembly addressed to the Chairman of the Fifth Committee (continued) (A/C.5/61/20 and A/C.5/61/L.38)

30. **The Chairman** recalled that draft decision A/C.5/61/L.38 on future operations of the International Research and Training Institute for the Advancement of Women, introduced at the previous meeting of the Committee, had subsequently been the subject of extensive informal consultations.

31. **Ms. Van Buerle** (Director, Programme Planning and Budget Division), describing the current financial situation of the Institute, said that expenditure for the period from 1 January to 31 December 2006 had been \$1.3 million. Voluntary contributions of \$378,940 had been received during that time, and the General Assembly had approved a subvention for 2006 of \$1.04 million.

32. While the Institute had received pledges for 2007 amounting to \$325,011, no voluntary contributions for 2007 appeared in its accounts. It was not known whether further pledges would be made for the year. As at 31 March 2007, \$499,960 remained available for allocation to the Institute. In accordance with established Trust Fund practice, that sum excluded \$200,000 held in reserve.

33. On the basis of monthly expenditure in 2006, estimated expenditure for 2007 was \$100,000 to \$110,000 per month. Assuming that annual expenditure in 2007 was \$1.3 million, as it had been in 2006, the anticipated funding shortfall would be \$857,800. As reported in document INSTRAW/EB/2006/R.4/Rev.1 of 19 May 2006, the Executive Board of the Institute had approved a proposed programme plan and operational budget for 2007 of \$1.525 million, excluding programme support costs. If programme support costs were included, the figure would be \$1.59 million.

34. **Mr. Saha** (Chairman of the Advisory Committee on Administrative and Budgetary Questions) said that, having received no report from the Secretary-General

on the matter under discussion, the Advisory Committee had no comments to offer.

35. **Mr. Simancas** (Mexico) said that his delegation attached great importance to the principle of good faith, which was enshrined in the Organization's Charter. It had endeavoured to adhere to that principle throughout the discussion of the draft. As a sign of goodwill and of readiness to address the concerns expressed by a number of Committee members, his delegation, on behalf of the sponsors, proposed to withdraw draft decision A/C.5/61/L.38.

36. **Mr. Woeste** (Germany), speaking on behalf of the European Union, thanked the coordinator of the informal consultations and the representatives of the Secretariat for their contributions to the discussion of the matter in question. The European Union welcomed the withdrawal of the draft decision as a step marking a return to the tradition and practice of the Fifth Committee.

37. **Ms. Soni** (Canada), speaking also on behalf of Australia and New Zealand, said that she appreciated the step taken by the sponsors of the original draft decision, which she had understood to be a device intended to safeguard the opportunity to discuss the matter concerned. Withdrawal of the text would enable the Committee to reach a consensus in keeping with its normal working practices.

38. **Mr. Hussain** (Pakistan), speaking on behalf of the Group of 77 and China, expressed thanks to the Director of the Programme Planning and Budget Division for the information she had provided. It illustrated clearly the sponsors' reasons for proposing the draft decision: to address the impending financial crisis of the International Research and Training Institute for the Advancement of Women. The sponsors' subsequent gesture had been motivated by the intensive informal consultations ably facilitated by the coordinator and by a desire to address the concerns expressed by others. Having at no point had any intention to breach the trust of the Committee, they were pleased that the prospect of a consensus had returned and hoped that their own concerns would be addressed and their goodwill reciprocated.

The meeting rose at 7.35 p.m.